I want everybody to understand that both Senators are working very hard at this.

PRIVILEGE OF THE FLOOR

Mr. President, I ask unanimous consent that privileges of the floor be granted to members of staff who will be listed hereinafter. They are members of the committee who will have to spend time, from time to time, on the floor. And I ask unanimous consent that their names be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The list of names is as follows:

Karen Billups, Colin Hayes, Lisa Epifani, Kelly Donnelly, John Peschke, Frank Macchiarola, Frank Gladics, Dick Bouts, Carole McGuire, Marnie Funk, Kathryn Clay, Josh Johnson, Clint Williamson, and Amy Millet.

Mr. REID. Mr. President, I ask unanimous consent that a list of fellows and interns of the Democratic staff of the Finance Committee be allowed on the Senate floor for the duration of the debate on the Energy Bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The list is as follows:

Brian Townsend, Cuong Huynh, Richard Litsey, Jorlie Cruz, Mary Baker, Stuart Sirkin, Andrea Porter, Ashley Sparano, Drew Blewett, Jake Kuipers, Rob Grayson, Katherine Bitz, Danny Shervin, Paul Turner, Heather O'Loughlin, Julie Golden, Julie Straus, and Adam Elkington.

Mr. DOMENICI. Mr. President, I yield to the distinguished Senator, Mr. DORGAN.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, my understanding is the Senate is about to go out for the caucus on our side. It is customarily held on Tuesdays. My thought is, perhaps when we come back—I believe at 2:15, by previous consent; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. DORGAN. I am wondering if it might be appropriate for me to be recognized at 2:15 for 15 minutes. Then, at that point, Senator DOMENICI and Senator BINGAMAN will proceed with whatever agreement they are going to have.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. There is no objection, as long as it is understood I have the floor when we return.

The PRESIDING OFFICER. The unanimous consent request would be that Senator DORGAN—

Mr. DOMENICI. The Senator from New Mexico would have the floor.

Mr. DORGAN. At 2:30.

Mr. DOMENICI. Yes.

Mr. DORGAN. I would start at 2:15. That is my request.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota.

Mr. DORGAN. Mr. President, I heard the statement by my colleague from Florida. He is aggressive and persuasive. I must say, in the committee we have already had some of these discussions by some who would want to open the Outer Continental Shelf and have more drilling and have a State election and so on. We already had some of that discussion, and I do not know whether anybody can agree in advance to prohibit amendments. You cannot agree to that, certainly, or agree to oppose amendments you do not know exist.

But I would say to the Senator from Florida, I do not think there is a ghost of a chance of us finishing this energy bill and having it carry some new mandate for Outer Continental Shelf production. That is just not going to happen, in my judgment. I think the reason it is not going to happen, at least in part, is for the reasons my colleague from Florida has described with his charts of what it would do to Florida. And it also relates to some concerns in other areas as well dealing with the Outer Continental Shelf and areas that have been set aside.

I just want to say, I understand the presentation. I did not mean to be here to interrupt it. I would like to make a general statement at 2:15 about the bill which, incidentally, I think is an excellent bill. It is the best energy bill we have brought to the Senate for several decades, in my judgment. I am going to support a couple of additions to it here and there. We have not done the energy independence approach, what is called the renewable portfolio standard. We will do that and some other things.

I am proud of this bill. This is a bipartisan effort, which is unusual in the Senate. I hope this starts a new habit. This legislation moves this country in the right direction in a significant way. Acknowledging the concern of my colleague from Florida, when the dust settles, I think he will understand that the battle he wages is one he will win because I don't believe the Senate is going to add the concerns he expresses about Outer Continental Shelf production.

I am pleased to come back at 2:15 and make a more general statement. I thank my colleagues from Florida and New Mexico.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate will stand in recess until 2:15. p.m.

Thereupon, at 12:30 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

ENERGY POLICY ACT OF 2005—Continued

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, it is my understanding that I will be recognized for the first 15 minutes and at 2:30, I believe, Senator DOMENICI will be recognized; is that correct?

The PRESIDING OFFICER. That is correct, yes.

Mr. DORGAN. Mr. President, I want to make a brief opening comment about the Energy bill on the floor of the Senate.

First, I think the product of the Energy Committee is a bill that advances this country's interests. I think the work done by Senator DOMENICI and Senator BINGAMAN is quite extraordinary. At a time when there is so much partisanship and division and so much difficulty in getting together, this bill was the product of two Senators—coincidentally, from the same State—who decided to write a bipartisan bill. So the result was a vote in the committee of 21 to 1 for this Energy bill.

I think the bill is progressive and strong and advances our country's interests. First, I wanted to say thanks to both of them. I think what we have is a good bill. I am going to vote for some amendments that I think will strengthen it. Such as one we did not include in committee that would move us toward energy independence by requiring 10 percent of the electricity to be produced from renewable sources of energy. We call that a renewable portfolio standard. That needs to be in the bill. I will vote for an amendment to deal with that. There are other issues as well that would advance us toward greater energy independence that I will support.

The question for us is how do we remove for America the addiction to foreign sources of oil? If I were to have a barrel of oil on the floor of the Senate—and we use over 20 million of them every single day—and that barrel of oil were transparent, you would find out the first 40 percent of that barrel was oil we produced in this country, and the next 60 percent is oil we get elsewhere. From where does it come? It comes from Saudi Arabia, Kuwait, Iraq, Venezuela—very troubled parts of the world. We are hopelessly and dangerously addicted to oil from troubled parts of the world. God forbid, tomorrow morning a terrorist would interrupt the supply of oil coming into this country. Our economy—the American economy—would be in deep trouble.

I remember listening and watching the Indianapolis 500 this year, as I have done ever since I was a young boy. This year was different because a woman was a race car driver, Danica Patrick, who drove her race car 220 miles an hour. I believe it was seven or eight or nine laps from the end of the race, and guess who was winning. The only woman who was racing in the Indianapolis 500; this young 23-year-old woman was leading the race. But they worried she was going to run out of fuel because she had not had a pit stop, and they worried she would not make it to the end. So she had to back off a little, worried about running out of gas. I think she took fourth place in the Indianapolis 500, and she captured the hearts of the country. We are going to hear a lot about her.

But her future in the Indianapolis 500 in the final laps had to do with whether she had enough gas to finish the race? It is an appropriate question for the country. Will we run out of gas? It is dangerous for our country to be this addicted to oil from off our shores. So we need now to find a way to change that. Every moment, from the time we wake up in the morning until we go to bed at night, we take energy for granted. Energy comes in the form of a light switch. It comes in the form of pressing on the accelerator of your car. It is the gas pump, the air conditioner, the furnace, the refrigerator. Energy is all around us, and we take it for granted. We use it every day, and we don't think about it.

But wonder for a moment what would happen if that energy were not available. We use a prodigious amount of energy. We live on Earth and we circle the Sun and there are 6 billion of us living on this planet—6 billion. And every single month, we add to this planet the equivalent of the population of a New York City. There is only one place on the planet that resembles the United States of America, and we are lucky to be living here and living now. But, we use an enormous amount of energy. We use a great deal of energy—more per capita, by far, than any other country on Earth.

Meanwhile the Chinese have 1.4 billion people. They now have 20 million cars and they are going to have 120 million cars by 2020, they say. They want more energy and will need more.

So the question for this country is: Can we, and will we, maintain the standard of living, maintain the kind of country we want to be, and produce the opportunity we want for our children, being as dependent as we are upon oil from sources outside our country? The answer clearly is no. Things have to change.

They must change. We put gasoline in cars now the same way we did 100 years ago. Nothing has changed. This piece of legislation begins moving us down the road toward change. This legislation has parts that include production. We incentivize additional production of fossil fuels and, yes, we are going to produce more coal, oil, and natural gas. Yes, we will use more fossil fuels. But, if that is all we do—if all we do is dig and drill, I call that ''yesterday forever.'' That is a strategy, ''yesterday forever,'' and every 25 years we will hang around this Chamber and wear our blue suits and slough around the halls and come to talk about an Energy bill that is ''yesterday forever''—dig and drill, dig and drill. It doesn't work.

We are digging and drilling, and we have 60 percent of the oil coming from off our shores. We must, and we do, incentivize additional fossil fuels production in this bill. We want to get, through clean coal technology, to zero emissions, coal-fired electric generating plants, and I think we can and will. So fossil fuels are important—oil, coal, and natural gas. This bill does much, much more than that.

This bill has a very robust conservation proposal. Saving a barrel of oil is the same as producing one, and we waste an enormous amount of energy. The bill has an efficiency title that is very important, with standards on everything we use every day, such as appliances and so on. It also has a renewables provision that is very important. We want to support and encourage renewable energy. Growing energy in our farm fields makes a lot more sense than requiring energy from under the sands of Saudi Arabia. There are biodiesel, ethanol, wind, geothermal, solar, and so many other forms of renewable energy.

Finally, there is a title that I played a significant role in helping to write, in addition to ethanol and others, and that is the hydrogen title. I believe we will ultimately have to pole-vault to a different kind of energy future. If our grandchildren are still running gasoline through carburetors, such as in the old cars or the fuel injectors that are on the new cars, then we have failed. If the automobiles on our roads are still consuming gasoline through the fuel injectors, then we have failed. That is why I believe the hydrogen and fuel cell future is our future. Hydrogen is everywhere. The fact is, with hydrogen and fuel cells, you get twice the efficiency of power to the wheel and water vapor off the tailpipe. We will get twice the efficiency of power to the wheel, and we can escape the addiction to gasoline for our vehicles. That is the futuristic approach to the title in this bill that deals with hydrogen and fuel cells.

Mr. President, we have done some awfully good work here, in my judgment. I will support an amendment that sets targets and timetables to be even more aggressive and to reduce dependence on foreign oil by 40 percent in 2020. We went to the Moon in 10 years, so we can certainly achieve this in almost 20 years. It is kind of a fixation with this ''black gold,'' as they call it, that we have had in this country, for a long, long time. We need it. We need it desperately to run our economy.

I remember when I was a small boy—and I grew up in a town of 300 people—they drilled an oil well 2 miles outside of town. In a town of 300 people, there is not a lot going on, except on a Saturday night when the bars are open and the barber gives haircuts until midnight and the café; stays open until midnight and the town is full of cars from farmers. There is not a lot going on in that town of 300 people, except for that Saturday night, when an oil well was drilled, and they put up the oil rig 2 miles from town. I remember that everybody from town would drive out there almost every day to look at the oil rig and all those lights. It was exciting. Nothing happened, nothing moved. It shined. It was the only thing around that shined. So you would drive out there and sit and watch that oil well. As they were digging with that big rig and all of the flashing lights, we thought this is going to change our life forever. It turns out it was a dry hole. I have never forgotten the excitement of the search for oil, the building of the rig, the lighting of the rig.

This country has been transfixed by that for well over a century and a half now. But the fact is, we are living on borrowed time for the kind of economy we have produced in this country, if we believe we can continue without change. That is why this bill is such an important piece of legislation.

I have mentioned a few of the areas in this legislation that are important. I don't want to go into great detail, but ethanol is a critically important alternative source of energy. As I said, growing energy in the fields is a wonderful way to extend America's energy supply. Biodiesel, exactly the same. Wind energy—taking energy from the wind in this country and turning it into electricity, using the electricity through the process of hydrolysis to take hydrogen from water and use it in hydrogen fuel cell vehicles—what a wonderful promise for this country's energy future.

That is exactly what we do in this legislation. We set targets and timetables in this legislation to try to convert America's vehicle fleet to hydrogen fuel cells. That is why this is so important. We have had now several years of stop and start and kind of stuttering around on energy. It is time for all of us, the President and the Congress and both political parties to understand the urgency of the need to get a workable energy bill. Not just any other energy bill, but one that looks to the future and relieves this dangerous addiction that we have for foreign oil. I would love, someday, to be able to tell the Saudis you can drink your oil, we don't need it; we are no longer dependent upon oil under the sands of the Middle East. I would love to have that opportunity. But we cannot now. If we are smart, and if we write an energy bill, including the one that now comes to the floor of the Senate and one we can improve, one that came out of the Energy Committee by a vote of 21 to 1—if we stick to this through conference and get a bill to the President, a good bill, I think this country will recognize good work, and this country will recognize that its future is far more secure because of what we have done.

I know the White House, today, issued a letter that said they are going to oppose what is called a renewable portfolio standard; that is, the move toward independence by requiring 10 percent of your electricity to be made from renewables. Look, we understand there are people who are going to oppose everything. That is the way it is. Mark Twain once said he would always be happy to debate as long as he could take the opposing side. He said it doesn't matter what the subject is, the opposing side will take no preparation.

We understand about all these people who oppose everything. The White House is opposing this standard that would require 10 percent of our electricity to come from renewables. That makes no sense. What are they thinking about?

Let us just write the best bill we can write. We have an awfully good start on that thanks to Senator DOMENICI and Senator BINGAMAN. When we are done, we will have done something very significant for this country's future.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 775

(Purpose: To provide a substitute for the bill)

Mr. DOMENICI. Mr. President, the committee substitute is at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] proposes an amendment numbered 775.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The PRESIDING OFFICER. Under the previous order, the substitute is agreed to and is considered as original text for amendment.

The amendment (No. 775) was agreed to.

Mr. DOMENICI. I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I am going to depart the floor and let the managers manage this bill, as they should. They are some of our most experienced Senators. The only thing I want to make sure is that the record is clear that following the offering of the amendment the Senator from New Mexico, or someone in his stead, is going to offer an ethanol amendment, and that the next amendment in order would be the Cantwell amendment.

Mr. DOMENICI. Reserving the right to object, does the Senator understand there may be some amendments to ethanol?

Mr. REID. Of course, I certainly understand that. I am only talking about first-degree amendments.

Mr. DOMENICI. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I am waiting now momentarily for the final text of the ethanol amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 779

Mr. DOMENICI. Mr. President, I send an amendment to the desk and ask for its immediate consideration. This amendment is the ethanol amendment. It is bipartisan in nature. I offer it in behalf of myself and Senators THUNE, HARKIN, LUGAR, DORGAN, FRIST, OBAMA, GRASSLEY, BAYH, BOND, NELSON of Nebraska, BROWNBACK, HAGEL, CONRAD, DEWINE, DAYTON, TALENT, STABENOW, COLEMAN, and SALAZAR.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for himself, Mr. THUNE, Mr. HARKIN, Mr. LUGAR, Mr. DORGAN, Mr. FRIST, Mr. OBAMA, Mr. GRASSLEY, Mr. BAYH, Mr. BOND, Mr. NELSON of Nebraska, Mr. BROWNBACK, Mr. JOHNSON, Mr. HAGEL, Mr. CONRAD, Mr. DEWINE, Mr. DAYTON, Mr. TALENT, Ms. STABENOW, Mr. COLEMAN, and Mr. SALAZAR, proposes an amendment numbered 779.

(The Amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. DOMENICI. Mr. President, I am sure this matter will take a little bit of time this afternoon, and from what we understand—I am not assured—there may be one, maybe two, perhaps even three amendments. But this is an amendment that has been worked on by Republican and Democrat members of the Environment and Public Works Committee and the Energy and Natural Resources Committee. Essentially, from the energy and natural resources bill it has the 8 billion gallons, but the rest of the language has been worked out with most of the jurisdiction going back to the Environment and Public Works Committee rather than the Energy Committee.

Let me say I am pleased with the agreement, the improvement that is included in it. For that I am grateful to Chairman INHOFE and his staff. They have helped immeasurably. Senators TALENT and JOHNSON and FEINSTEIN and CANTWELL have been very helpful during the Energy Committee considerations. Chairman INHOFE's assistance has been invaluable after we had done our work in our committee.

We now have before us what I think is a very important amendment, one that helps us make a significant step forward in the development of a domestic renewable resource.

This represents progress toward developing transport fuels made from domestic sources that can lessen dependence on foreign oil to meet our fuel needs. Congress has been working on the renewable fuel standard for nearly 6 years. I hope this will be the year that it passes. I fully support our raising the expectations that we have by including a goal of 8 billion gallons of ethanol in the national motor fuel mix by 2012. It is my firm belief that we must take every opportunity available in order that we help ourselves to produce more of the fuel that is part of our transportation activity in this great country.

In addition to making us less dependent on foreign sources for energy, increasing the production of domestic ethanol will help keep within our economy dollars that would otherwise be spent acquiring energy from overseas. And it will create jobs. One important analysis suggests that an 8 billion gallon renewable fuel standard will benefit the economy greatly. That analysis suggests it will reduce crude oil imports by 2 billion barrels; that, coupled with the 1 billion we have mandated in our bill, makes 3 billion, and it will reduce the outflow of dollars to foreign oil producers by $64 billion. It would create 234,000 jobs in all sectors of the economy, and clearly in many of the very large rural States of the West and Southwest.

It would add about $200 billion to the GDP between 2005 and 2012. It could create $6 billion in new investments. That is a significant infrastructure addition to our country. And it could increase—in fact, this study says it would increase—household incomes by about $43 billion.

The amendment also makes provision for increasing our output of biofuels from cellulosic biomass. Many in industry and the scientific community believe that this area holds enormous promise for vastly increasing domestic production of ethanol from this renewable resource.

The Energy Information Administration estimates that oil consumption and crude oil and finished petroleum product imports will continue to rise. Further, with gasoline prices hovering at record levels and domestic crude oil production declining, it strikes this Senator that we should be doing everything we can to maximize the production and use of clean, renewable, domestically produced energy such as ethanol and biodiesel.

Finally, I want to remind my colleagues that in our spirit of bipartisanship on the Energy Committee that amendments were included allowing a seasonal adjustment for California and increases in the use of biofuels sponsored by Senators FEINSTEIN and CANTWELL, respectively.

Now, we are prepared to begin consideration of any amendments our colleagues would like to offer to this amendment.

With that, I yield the floor and designate on our side that Senator LARRY CRAIG manage the bill.

I have checked this with the other side. There was a unanimous consent request that this amendment would be introduced now as the first amendment.

The unanimous consent request said then the Cantwell amendment would be introduced. I ask that be vitiated.

So we know what will happen, instead of that, the record reflects we will follow this tradition of the Senate, and after the ethanol amendment we

will go to the Democrat side, to the distinguished minority leader or his designee, for offering of an amendment of their choosing.

The PRESIDING OFFICER (Mr. COLEMAN). Is there an objection to vitiating the request?

Without objection, it is so ordered.

Mr. DOMENICI. I yield the floor.

Mr. CRAIG. Mr. President, I encourage all of our colleagues who wish to engage in the debate on this major national energy policy from the Committee on Energy and Natural Resources to come to the Senate.

We have the ethanol section that came out of committee with some identification now on the floor for debate and ultimately a vote that allows anyone who chooses to come to debate this or the whole legislation.

I will become involved with my colleagues over the course of the afternoon and tomorrow in debating not only the total substance of the bill, which is tremendously positive and puts this Nation on a path forward toward an abundance of energy sources, but it also recognizes all of the technologies are involved.

If I were to give this bill a title that the American public ought to refer to it as, I would call it ''America's Clean Energy Act'' because I think all we are about now and into the future as we adjust technologies, as we improve old forms of energy, as we bring old forms into the new economy, all of them by definition, we are going to ask on behalf of the American people for the cleaner source, and in many instances, very clean sources.

I yield the floor for any who wish to debate the issue.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Senator from Idaho for his leadership and work on this issue.

I note the Senator from Florida is here. I will make my remarks on the bill if he has time for me to do that. A lot of hard work has gone into it.

I like the title the Senator from Idaho suggested, ''American Clean Energy Act.'' I hope to explain why.

Let me step back a little bit and try to put what we are debating in some context. September 11 was a terrible surprise for this country. But we now know it shouldn't have been. During the 1980s and the 1990s terrorists attacked American interests around the world. If we had paid more attention then, we might not have been surprised on September 11, 2001.

The next big surprise to the United States will be to our pocketbooks, to our ability to keep our jobs, and our high standard of living in a more competitive world marketplace. We can avoid this surprise if we pay attention to the warning signs. Many of these warning signs have to do with energy. Suddenly, instead of the lowest natural gas prices in the industrialized world, we have in our country the highest natural gas prices in the industrialized world. Gasoline prices at the pump are at record levels. China and India are increasing their demand for energy and their purchases of oil reserves to supply it, which drives prices up. Because of high natural gas prices, manufacturing and chemical jobs are moving overseas, farmers are taking a pay cut, and consumers are paying too much to heat and cool their homes.

We can avoid this next big surprise, a surprise to our pocketbooks, by enacting, as the Senator from Idaho called it, an American Clean Energy Act that does the following things: First, lowers the price of natural gas to American consumers. The price of natural gas to American consumers is at about $7 a unit. Our economy was built on natural gas that cost $2 or $3 a unit. If you work at Eastman Chemical in eastern Tennessee, an area which has thousands of chemical jobs where blue-collar workers and white-collar workers have had good wages for a long time, this causes a massive problem because natural gas is the raw material producing chemicals. If natural gas can be purchased overseas at one-half, 60 percent, or 70 percent of the cost here, and if natural gas is 40 percent of the cost of producing the chemical, where do you suppose the 1 million blue-collar chemical industry jobs are going to be 10 years from now? Not in Kingsport, TN. Not around this country.

First we need to lower the price of natural gas for blue-collar workers. We need to lower it for farmers who are paying expensive amounts for fertilizer. We need to lower it for homeowners.

Second, we need to help to increase the supply of oil worldwide and reduce the growth of our dependence on oil. The Senator from North Dakota mentioned earlier we need to get over our addiction to foreign oil. It would be nice if we could just forget it, but we are not going to be able to forget it. What we need to do, realistically, is to increase the supply of oil worldwide because China and India and Brazil and Singapore and Malaysia all look over here and see we have 5 percent of the people, a third of the money, and we are consuming 25 percent of the energy. They want some of the action, too. So they are buying up oil reserves and keeping their smart people home and creating a demand that raises our prices. And for the foreseeable future we will have to depend upon some foreign oil. But we need to begin to reduce the growth of our dependence on oil. This bill does that.

Third, we need to move our country toward a more reliable supply of low cost, American-produced energy, especially nuclear power, which produces 70 percent of all of the carbon-free energy produced in the United States today. Let me repeat that: Nuclear power, a technology we invented in the United States, produces 20 percent of our electricity, but produces 70 percent of all of the carbon-free energy we have in the United States today.

Coal gasification and carbon sequestration are such long words that it took me a long time to figure out what we were talking about. We are talking about taking coal—which we have a 400-year supply of in this country—turning it into gas, and then making electricity out of the gas.

For States such as Ohio, where the Presiding Officer is from, or Tennessee, where I am from, and where we struggle with air pollution problems, it gets rid of the sulfur air pollution problems and gets rid of nitrogen and mercury and just leaves carbon. If we can advance our research and development for carbon sequestration—that is, capturing that carbon and putting it in the ground—then we will have for ourselves and for the world a transformed way of producing electricity that will provide a low-cost, reliable supply of American-produced clean energy in the amounts we need.

Finally, we need to produce energy in a way that as much as possible clears our air of sulfur, of nitrogen, of mercury, and of carbon. This should all add up to an American Clean Energy Act of 2005, legislation that puts our country on the path toward an adequate, low-cost supply of reliable, American-produced clean energy.

To accomplish this goal we must have aggressive changes in policy—and many of those are in this legislation as it is reported to this committee—aggressive energy efficiency and conservation, aggressively transforming the way we produce electricity, such as advanced nuclear or coal gasification and carbon sequestration, aggressively researching for new domestic supplies of energy, aggressively importing for the time being liquefied natural gas and aggressive research and development into new forms of energy.

I believe we were fortunate we could not pass an energy bill last year because circumstances have changed, and they have made this a better piece of legislation more likely to reach the broad goals I just mentioned. Specifically, high natural gas and oil prices this year make the situation more urgent.

Next, because of this urgency, perhaps we better understand the threat to our jobs from the growing demand for energy in India and China and other parts of the world. Next, because of the time we have spent in hearings and debates—and Senator CRAIG and I and Senator MARTINEZ and Democrat members, Senator DOMENICI, Senator BINGAMAN, we have had long hearings on coal, long hearings on nuclear, long hearings on gas—we have a better understanding of the new technology and what the emerging consensus is in this country, especially regarding nuclear and coal gasification and carbon sequestration.

I think, in our committee, we have a near consensus about the direction in which we ought to go on this very new way of going. That is an important development. We also see more clearly

the essential relationship between a clean Energy bill, which this is, and clean air legislation. So we come to the floor for debate not only with a better clean Energy bill, but, as Senator CANTWELL from Washington said at the end of our marking up of the committee bill, with a cleaner process.

Everyone on the committee has had his or her say. Now, not all of us got our way, but all of us had our say. And we had many votes. As Senator BINGAMAN said, they were almost never party-line votes. But they reflected the different opinions and different regions of the members of the committee. As a result, we come to this floor with only one dissenting vote in the committee of 22.

This bipartisanship, which has been mentioned many times, is the result of a lot of hard work and patience by the chairman and ranking member of our committee, Senator DOMENICI and Senator BINGAMAN. They have shown patience, they have shown tolerance, they have swallowed hard sometimes, and they deserve a lot of thanks for this legislation. They have led us down a very good path.

Now we have a chance to make the bill even stronger. The Finance Committee will recommend to us later this week tax incentives to further our goals. We will debate those. Then there are some important issues to be resolved about which we have some very different opinions, such as the Senator from North Dakota said we need to get rid of our addiction to foreign oil. Some people like CAFE standard increases. Some people like, as I do, incentives for hybrid cars, the efficient dispatch of natural gas; meaning encouraging States to send out of the most efficient natural gas plants, first, the gas we use. The committee did not adopt that, but I still think it is a good idea. We may hear from it again, maybe in an amended form.

A proposed renewable portfolio standard: The Senator from New Mexico, Senator BINGAMAN, may propose that or others may. He thinks it is a good idea. I think it is a bad idea. I think it is a tax on lots of people around our country who will not be building windmills and who do not need to pay higher taxes. They cannot afford it. I think it is an unnecessary Federal rule, when we have 17 States which, in their own ways, already have renewable portfolio standards. But we will have a chance to debate that and vote on it and come to a conclusion.

We will be talking about carbon and global warming. There are a great many ideas afloat within this Senate about that. I think it is fair to say there is a growing consensus about needing to produce carbon-free or low-carbon energy. There is not a consensus yet on what to mandate or what to order. There is a debate about the proper allocation of resources to encourage renewable energy. Renewable fuel is about 2 percent of all the fuel we use in the United States. Renewable energy, other than hydro dams—water over dams—is about 2 percent of all that we use. It is not going to be that much more. So we need to make sure that, within the renewable fuels, we equitably allocate the dollars that are spent as between geothermal and solar, for example, or solar and wind, for example, and that we make sure we are spending scarce dollars for programs and policies and incentives that will produce the largest amount of carbon-free or low-carbon energy.

So I am confident we can deal with these issues and create an even stronger bill as we go to conference with the House of Representatives.

It is fashionable and correct to say these days that to help us get a bill through our committee to meet our energy needs, we need every kind of energy. I suppose if somebody proposed subsidizing building bonfires in the front yard to heat our house, we would probably put it in just to get a consensus in trying to move it all the way through.

But it is also correct, and I believe more important, especially when we are challenged, as we are today, economically, to say we need priorities. So let me say, briefly, after participating in these 2 years of discussions and hearings, what this one Senator believes our priorities ought to be if we really want to have an adequate, reliable supply of American-produced clean energy so we can keep our jobs and our high standard of living and a more competitive world marketplace.

First, energy efficiency and conservation. Coming from the Republican side of the aisle, someone might say: That sounds a little odd. Maybe you don't really mean that. Maybe you are just saying that to make Democrats feel better. No. Energy efficiency and conservation is the best strategy for immediately moderating natural gas prices and stabilizing longer term markets. In other words, if we really want to lower the price of natural gas from $7, the place to start is conservation and energy efficiency. It will do it quicker and faster than anything else.

For example, the appliance efficiency standards in this legislation, which are twice as strong as last year's bill, should avoid the building of 45 natural gas powerplants of 500 megawatts each and will save consumers and businesses more than $57 billion through 2030, according to the American Council for an Energy-Efficient Economy. So 45 natural gas powerplants avoided.

The legislation also includes a 4-year national consumer education program that, when used in California, helped produce a 10-percent cut in peak demand, the equivalent of power produced by another 11 500-megawatt powerplants. If we were to strengthen the bill by adding a provision to encourage utilities to use first the electricity most efficiently produced from natural gas, we could save even more.

The oil savings amendment in this legislation will encourage the savings of 1 million barrels of oil per day—per day—by the year 2015, about the amount of energy produced by the projected drilling in ANWR. It is also about the same amount of oil produced in onshore drilling in the State of Texas. It is my hope that the tax incentive provisions recommended by the Finance Committee will include the proposal of the National Commission on Energy Policy, which Senator BINGAMAN has talked about, to encourage the purchase of hybrid and advanced low diesel vehicles with a $2,000 tax deduction, as well as tax incentives to encourage the retooling of plants in the United States to build those vehicles, which would add another 39,000 auto manufacturing jobs.

In other words, we do not want to create an incentive to build hybrid vehicles and have them all built in Japan. We would like to have those 39,000 manufacturing jobs in Minnesota and Tennessee and other States.

A second priority would be increased supply of domestic natural gas. The next section of this legislation that would have the most immediate impact on natural gas prices is the section streamlining the permitting of facilities for bringing liquefied natural gas, LNG, from overseas to the United States. It gives the Federal Energy Regulatory Commission, FERC, we call it, the authority for siting and regulating these liquefied natural gas terminals.

It preserves States' authorities under the Coastal Zone Management Act and other acts. This would make it easier to import, for the time being, LNG from overseas, which is then added to our pipelines. To do this, requires large terminals in which to temporarily store the gas. We only have four such terminals. There are nearly three dozen applications pending for more terminals—some onshore, some offshore—but the application process is laborious. This legislation accelerates the decisionmaking process, while preserving a proper amount of input from local governments about the location of these terminals.

In addition, I believe it is time to explore, where appropriate, more of the vast natural gas reserves that we have offshore. This can be done in ways that do not harm the coastlines or the landscapes. Drilling rigs can be put far offshore so they cannot be seen. States can be given the option of deciding whether they will permit such drilling and, in the process, collect some of the revenues.

I see the Senator from Florida waiting to speak. I saw his map a little earlier, and I know he is likely to talk about this subject. My feeling about this is that if Virginia or North Carolina or Florida agree that they would like to put oil and gas rigs so far offshore they cannot see them, and use some of those revenues to build up their universities or lower their property taxes, I think they should be able to. But if the State of North Carolina

or Florida does not want to see those things and does not want them at all, I think they should have that option as well. Those are a number of things that would increase the supply of natural gas.

After conservation, after increased supply of LNG and domestic gas, my third priority would be a new generation of nuclear power. This legislation needs to include $2 billion for research and development and loan guarantees to help start at least two new advanced technology nuclear powerplants. The Senator from Idaho is a leader in this work. So are both Senators from New Mexico. After conservation and increased supplies of natural gas, expanding and building new nuclear powerplants stands virtually alone as America's best option for an immediate, substantial, and reliable supply of American-produced clean energy.

Why is that? One hundred and three nuclear powerplants today produce 20 percent of America's energy, almost 70 percent of our carbon-free electricity. This is a technology we invented. Since the 1950s, the U.S. Navy has operated dozens of reactors—does so today—without ever a single incident, regularly docking at ports on our coasts. France is today 80 percent powered by nuclear power. Japan is adding a nuclear powerplant a year. Yet the Tennessee Valley Authority's Browns Ferry plant is the first substantial nuclear startup since the 1970s.

If we are talking about carbon-free electricity, nuclear power is already 70 percent of our carbon-free electricity. In an economy this big, after we get through with conservation, after we import more LNG, nuclear power stands alone as our best option to have large amounts of carbon-free electricity, and we need to get on with it.

Fourth, waiting in the wings is coal gasification and carbon sequestration. It is often said that America is the Saudi Arabia of coal. We have a 500-year supply. Some say 400; some say 500. We have a lot. We have the technology to turn the coal into the gas and then burn the gas to make electricity in a way that eliminates most of the nitrogen, sulfur, and mercury. That would put every county in Tennessee in compliance with Federal clean air standards. The Smoky Mountains would still be smoky, but they wouldn't be smoggy. It would clean the air.

We are on the edge of being able also to recapture the carbon produced in this process and store it underground. If we can add this clean coal process to nuclear power, one, we will lower natural gas prices for farmers, homeowners, and blue-collar workers because it will not be as necessary to use natural gas to make electricity; and, two, we will have an adequate supply of low-cost, carbon-free energy that is much less dependent on foreign sources.

If we want to do as the Senator from North Dakota indicated earlier—get rid of our addiction to foreign oil—we know the way to do it. A lot of the provisions are in this bill: First, conservation and efficiency; second, increased supplies of natural gas, which is clean; third, nuclear power; and fourth, coal gasification and sequestration. If we did that, we would transform the way we produce energy, and we would have a true American clean energy bill.

Coal gasification and carbon sequestration would clean the air of major pollutants and, importantly, show the rest of the world how to do it. A point I learned not long ago was that some of the major environmental groups support a coal strategy to clean the air. Because if the United States perfects coal gasification and sequestration, then China and India and Singapore and others will do it. If we do not, they will go ahead building conventional coal plants which are dirtier. If we are really interested in clean air, in carbon-free air around the world, this is the strategy we will follow.

It is my hope that the loan guarantees and tax incentives in this legislation will include $2 billion in tax incentives for the deployment of six coal gasification plants by 2013 and loan guarantees for industrial site commercial applications. For carbon capturing sequestration from coal plants, we need $1.5 billion in research to demonstrate commercial-scale carbon recapture and geologic sequestration at a variety of sites. Substantially, these provisions are in the legislation Senator JOHNSON of South Dakota and I offered which we called the Lower Natural Gas Prices Reduction Act of 2005, and many of the provisions are in this bill.

I have a couple of more priorities, and then I will be glad to yield the floor. I see others waiting.

Fifth, research and development—if we are to transform the way we make electricity, we have to accelerate research and development of these projects. Developing advanced nuclear reactors with a lower construction cost should be the first priority, if we really want carbon-free electricity. Next should come demonstration projects for large-scale carbon sequestration because if it succeeds, it could transform clean energy not just here but everywhere. Accelerated research into hydrogen production, as Senators DORGAN, AKAKA, and others have advocated, should come next, keeping in mind that it is several years down the road. It will require nuclear or coal or natural gas powerplants to produce the hydrogen. Then for the longer term should come fusion.

Finally, a word on renewable fuels and energy as a final priority. About 2 percent of fuel for our vehicles is renewable fuel, chiefly from corn-based ethanol. About 2 percent of our electricity is produced by nonhydro renewable energy, chiefly biomass, which we burn, wind, solar, and geothermal, hot air coming out of the ground. Our objective should be to encourage R&D and breakthroughs that help these small numbers become bigger so that renewables make greater contributions. This legislation includes authority for such research. For example, new advances in solar technology suggest that solar shingles on house tops and businesses may have significant potential.

It is important to make our financial subsidy for these renewable sources equitable among themselves. For example, the renewable production tax credit in the Federal Tax Code today has already committed billions over the next 5 years—I believe the accurate figure is about $2 billion for the next 5 years—almost all to wind power, almost nothing to solar. That is not right. We should have advances in solar. And to the extent we want to put money behind renewable energy, solar and geothermal, as well as wind, should have an opportunity to succeed. Hopefully, this legislation will correct that by creating a new investment tax credit for solar energy such as the one Senator JOHNSON and I introduced earlier this year which would make it available to homes and businesses and would cost $380 million over 5 years.

We also need to make sure that these tax dollars are spent for renewables to help launch new technologies, not permanently subsidize them, and that the amount of money spent bears some relationship to our total energy. For example, extending the production tax credit for 3 more years, as it is written, would mean taxpayers would be spending a total of about $3 billion over the next 5 years building huge windmills that when the wind blows provide little more than 1 percent of our electricity needs.

By comparison to that $3 billion over 5 years, the Budget Committee has told us we can only spend $11 billion on the entire Energy bill. I would suggest we seriously consider instead of allocating $3 billion to windmills, we might spend $500 million to extend the $2,000 tax deduction for the purchase of a million new hybrid and advanced diesel vehicles, provide $750 million for retooling the plants in which to make the vehicles and make sure they are here in the United States. That is 39,000 new auto manufacturing jobs, according to the National Commission on Energy Policy. We might provide a half a billion dollars for carbon sequestration demonstrations, and we might have $1.25 billion left over to launch advanced nuclear reactors and a new generation of clean coal gasification plants.

There are many ways to add up these dollars. We need to make sure the numbers I am talking about are exactly right. But basically that is $3 billion for windmills. I am suggesting we might be able to spend it more effectively if we really want carbon-free electricity.

These are one Senator's priorities for producing an American Clean Energy Act of 2005. Only steps like these will produce adequate conservation and an adequate supply of reliable, low-cost,

American-produced clean energy. Only steps like these will lower natural gas prices, which we can and must do, reduce the growth of our dependence on oil, and save the United States from the next big surprise, the surprise to our pocketbooks if we fail to prepare for the oncoming energy crisis.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I thank my colleague, Senator ALEXANDER, for the tremendous level of involvement and importance he placed on this issue of energy, as a full participant in the committee, there to talk about, look at, research, and find answers for many of the proposals that are embodied in this critical piece of legislation. I thank him as a major contributor to this issue. He has well laid out this afternoon the importance of this legislation and getting this country back into the business of producing energy but also under that critical new caveat of clean energy that we see and believe to be so important to all of us.

I see the junior Senator from Florida on the floor, who, like the Senator from Tennessee, has been a major participant as a new member of our Energy and Natural Resources Committee. Already his important fingerprints are on this major piece of energy legislation.

I yield to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MARTINEZ. Mr. President, I thank the Senator for his comments. I appreciate the opportunity that the chairman, ranking member, and other members have given me to work on this important piece of legislation.

As the Senator alluded, I came late to the work of this committee on this bill, having joined the Senate just this year. Much of the work had previously been done. I am grateful for this opportunity and for the deference the chairman has shown and for the opportunity to work on these important issues.

I compliment the Senator from Tennessee for his comments. I thank him for doing a thorough review of the entire bill. I appreciate the comprehensive way in which he analyzed it. I have appreciated greatly his passion on certain aspects of this bill and his great understanding of all of the issues that it raises. I appreciate very much his review of the entire bill.

Today, as he forecasted, I rise to speak on an issue which is of great concern to the people of Florida. The people of my State are very concerned about development of offshore energy resources in what has been known as the Eastern Planning Zone of the Gulf of Mexico.

As my colleagues are aware, in this bill is an inventory amendment that I will work to strike from the bill. There are also efforts to attach additional language to the Energy bill that I believe would be a poison pill and counter to what this bill is all about; namely, this bill is about conservation, new technologies, and jobs.

I further thank the chairman of the committee, Senator DOMENICI, and the ranking member, Senator BINGAMAN, for the fine work they have done in crafting a bipartisan, comprehensive, and significant package that diversifies America's energy supply, increases conservation and production, and employs innovative technologies to meet America's energy needs. I thank the chairman and ranking member for allowing me to be part of this process and this legislation.

As the chairman himself has said, this bill will make a real difference in America's energy landscape. I am proud to have voted for this legislation in committee, and I look forward to voting for it on the floor—if we can address some areas that are critical to my State's future, environmentally, economically, and even militarily.

Mr. President, in the Energy bill that we are considering, there is a provision that requires an inventory of oil and natural gas resources on the Outer Continental Shelf. I opposed this amendment in committee because it contains something we in Florida don't want, it starts something that we in the United States do not need, and it opens the door to a number of problems—environmental problems, economic problems, and unnecessary challenges for our military. Why would we inventory an area where we are never going to drill?

The inventory language in the Energy bill is a huge problem for Florida. It tantalizes prodrilling interests. Allowing an inventory is like saying to prodrilling States, ''Come and get it.'' I have received assurances from my friends on the other side of this issue that States such as Florida—States that do not want drilling on their coast—will not have to take it. Fine. That is Florida's position. I can clearly state that we do not want drilling now, and I do not see a scenario anywhere on the horizon where we could change that position. So why, given our objection to drilling, would we spend the resources and damage the environment on the Eastern Planning Zone to do this inventory?

An inventory is not a benign thing. It involves detonating explosives, enough to shake the crust of the Earth, listen to what comes back, and, in the meantime, we may also destroy fragile sea life.

Just briefly, if you look at the cost of this inventory, people in the Minerals Management Service tell me that to use the most up-to-date technology to perform any inventory of this magnitude, the cost estimate would run between $75 million and $125 million for each frontier planning area. Nowhere in this legislation can I find a section that suggests how we recoup the cost of such an inventory.

So I look forward to working with Senator DOMENICI and my colleagues to find a solution to this question of the inventory—something that would preserve the inventory option for those States that want it and let States such as Florida remain unaffected.

But worse than the inventory is what are being called the ''coastal killer'' amendments. We don't know when these amendments will be offered or if they will be offered, but the language first came up in committee, eventually withdrawn, and the nature of these amendments could be so devastating to Florida that I believe they ought to be addressed today. I am pleased that my colleague, the senior Senator from Florida, addressed them today. These amendments should be explained, and I am here to argue that these amendments must be and ought to be rejected.

The amendments aim at three things: drawing brandnew, unprecedented boundaries for each State, allowing States to opt out of the moratorium, and creating huge incentives for States to opt out of the Federal moratorium. If these amendments were to become law, that buffer zone shrinks to just 21 miles—well below what it is today. Let me be clear: 21 miles is no buffer zone, and it is of no comfort to Floridians.

If we open additional drilling in the Eastern Planning Zone, it will damage the fragile ecosystem, Florida's economy, and it will pull the rug out from under the military that has made the commitment—an increased commitment—and made the investments and moved a majority of their training operations from Vieques and other places to the clear coastal waters of Florida.

Mr. President, to say that these coastal killer amendments are giving States the freedom to choose is ignoring the fact that Florida will be losing its choice. We will stay in the moratorium, but if Alabama opts out, you bring drilling to Florida's shores—whether we like it or not. It is this aggressive effort to wade into what has traditionally been Florida's buffer zone that has drawn opposition. The Eastern Planning Zone must not be opened.

For those who do not know the location of the Eastern Planning Zone in the Gulf of Mexico, let me show you this chart. The Eastern Planning Zone is in this area, which is clean and clear, as you can see. There are active leases in the gulf. Note that this portion of the gulf is literally tapped out. This is the area where drilling and leases are active at the current time—off Texas, Louisiana, and Mississippi, where it is literally covered up. When we think about this area, the Eastern Planning Zone, which is right here, we just don't care in Florida to see this kind of encroachment on our pristine coastline, our ecosystems, as it is over here. So for those of us who believe our boundary is here and that east of this we should exercise some control and some mandate, we simply do not care to see any change in the status quo.

Oil and gas companies are now looking at this portion of the map—Florida's coastal area—and thinking, Let's

open that area. To my colleagues, I say, as Senator NELSON said before me, the answer to that is simply no.

Last year, more than 74 million people visited Florida to enjoy its coastline and wonderful climate. Families return year after year to their favorite vacation spots to relax under our brilliant blue skies, at powdery white beaches, and our crystal-clear emerald waters.

The people of Florida share a love and appreciation of the Atlantic Ocean and the Gulf of Mexico, its coastal habitat and our wetlands, which make a very complex ecosystem, and also a very special place to live.

I share these facts for one reason: The people of Florida are concerned their coastal waters are coming under increased pressure to exploit possible oil and gas resources. The people of Florida do not want that to happen. Floridians are adamantly opposed to oil and gas exploration off our coastal waters. We have serious concerns that offshore drilling will increase the threat of potential oil spills, seriously damaging and threatening marine wildlife and their coastal habitat.

In addition, Floridians are extremely concerned that drilling operations would produce massive amounts of waste mud and drill cuttings that would be generated and then sent untreated into the surrounding waters.

Of the 74 million people who have visited the Sunshine State in 2004 to enjoy its beautiful beaches, exciting amusement parks, and wonderfully abundant wildlife and natural splendor, I daresay not a one of those people came to Florida without spending some of their hard-earned dollars.

Here is what tourism means to Florida: 840,000 people directly employed in the industry and an economic impact of $46 billion a year to our State's economy. If the unforeseeable happens, whether it is a hurricane, an industrial accident, an intentional or terrorist act, and our coastlines become soaked with oil, there is no amount of relief aid that can clean up the economic disaster that would be Florida's. Entire communities would be totally devastated.

At the end of the day, what I would like to see is for us to codify in law positions that are supported by me, the senior Senator from Florida, BILL NELSON, and Florida's citizens. Our view is that we must prevent any further encroachment into Florida's waters and coastline. This is necessary to protect our tourism industry and the pristine beaches and coastal areas that would be ruined if an unfortunate oil spill or disaster took place.

Perhaps one of the most compelling arguments entails what drilling in the area of the Eastern Planning Zone would mean to national security. We cannot ignore the fact that lifting Florida's protections will put our military at a training disadvantage. Let me repeat: Lifting Florida's protections will put our military at a training disadvantage.

Let me highlight just some of the military operations that use this platform-free zone for training. We have to allow our military to continue training for battle preparedness. Our young men and women deserve the best training we can afford. Vieques gave them that capability. Now that Vieques in Puerto Rico is closed, Florida's Panhandle plays an increasingly significant role. Oil and gas operations must not be allowed to impede on that training.

Keep in mind, drilling in Florida's part of the gulf is not a new argument. This is something that has been attempted for some time. Here is what MG Michael Kostelnik, the base commander of Eglin Air Force Base, said in May of 2000:

> We continue to place the most severe restrictions in the eastern portion of the proposed sale area where oil and gas operations would be incompatible with military training and testing operations.

If we allow drilling there now, the military will be set back in their training, their preparedness, and moved back to square one in trying to find an area suitable for this kind of massive military joint operation.

This is a question of national security, and it is why in this area of Florida, where there is great land mass available to the military, as well as this entire gulf area, for training operations, that in this BRAC process Florida did rather well, and in fact we saw increases of training commands coming to this area of Florida for the very reason of what we have to offer, the environment and the pristine and open areas for them to train.

I want to take a moment to discuss how we arrived at the position we find ourselves in today. The distinguished Senator from Louisiana, Ms. LANDRIEU, has stated publicly that she wants to be very respectful of States that do not want drilling off their coast—they do want drilling in Louisiana. I appreciate that sentiment and I feel the same respect for the rights and privileges of the various States. In fact, that is why we are here today.

The coastal killer amendments will weaken Florida's protections. Under these amendments, the will of the people of Florida, which is to keep drilling away from our shores, will be thwarted.

Senator LANDRIEU says she also wants to leave an option open for States that might want to drill off their shore. There is much work to do, but we must work to solve our Nation's energy problems without looking to Florida's coasts. They are not open for consideration.

As many of my colleagues know, Senator NELSON and I are working together to engage a coalition of Senators to help beat back any efforts to encroach upon our coastal waters. I am proud to say in doing so I follow in the footsteps of our predecessors, former Senators Connie Mack and Bob Graham, and a bipartisan Florida delegation, in our firm opposition to drilling off our coasts.

Let me again take a moment to praise Chairman DOMENICI and Ranking Member BINGAMAN for putting together a comprehensive, bipartisan, and significant energy policy that is forward looking, forward thinking, and a road map of where we as a nation need to go in order to address the challenges that confront us today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Will the Senator yield?

Mr. MARTINEZ. Yes, I will yield.

Mr. NELSON of Florida. Mr. President, I thank my colleague from Florida for an excellent and comprehensive statement where he has touched on the things that threaten Florida—not only the environment, not only the economy, particularly the pristine beaches, or our guests who come as tourists, the military, but he has given an overview that I think is excellent, and why in the process of debating this very important Energy bill we need to come to a resolution that the existing moratorium in the Outer Continental Shelf will not be lifted.

Senator MARTINEZ and I represent the State of Florida, but there are many other coastal Senators—I will name one whom I had breakfast with this morning, Senator LINDSEY GRAHAM of South Carolina, who also has an economy in part based on tourism, the Myrtle Beach area. It is well known. Does he want oil rigs off the coast of South Carolina? Of course he does not.

We will find on the Pacific coast, on the Atlantic, as well as us, concern about this eastern planning area, which includes this lease-sale 181, that there are a bunch of Senators who see this as a direct threat to us. Interestingly, the geology shows that there is not much oil and gas there. We have had innumerable dry holes in the attempts at drilling out in the gulf.

So I wanted to take the opportunity to thank Senator MARTINEZ for an excellent statement.

Mr. MARTINEZ. I thank the Senator. I appreciate the kind comments. I also would like to say that I know Senator BURR is greatly concerned. We sat side by side in the committee, and he shares the concerns for the State of North Carolina and its coastline. What we see is a number of Senators who choose to protect their own interests, their own economies, and I also know the distinguished Senator from Louisiana is looking out for their own economy. So what we have to do is find a way that we can live and let live, not encroach, and allow each of the States to make decisions based on their own perceived self-interests. For a long time, Florida has been keeping our coastline clear.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. CRAIG. Mr. President, will the Senator from South Dakota yield without losing his right to the floor?

Mr. JOHNSON. Certainly.

Mr. CRAIG. I ask my colleagues to consider that the ethanol title is now before us. I believe there are several amendments out there, and we would like to move this through in the next day or so. We would hope that some of our colleagues who have those amendments would come to the floor this late afternoon and evening and offer those amendments. So for those listening and for those staffs who are aware, we would ask them to bring those amendments forward so that we could consider them as we move, we hope, in a timely fashion through this legislation.

I thank my colleague from South Dakota.

Mr. JOHNSON. I thank my friend and colleague from Idaho.

Mr. President, during the last 4 months, the Senate Energy and Natural Resources Committee, on which I serve, has worked diligently toward completing a balanced and comprehensive Energy bill. Through the leadership of Chairman DOMENICI and Ranking Member BINGAMAN, the committee moved forward in a bipartisan fashion toward improving the reliability of our Nation's electricity grid, adopting provisions to encourage Indian tribes to develop clean energy projects and took steps toward addressing past manipulation of western electricity markets, all the while moving to improve the energy efficiency of our economy.

The committee also adopted an amendment I offered along with committee members—Senators TALENT, DORGAN, and SALAZAR—in a bipartisan fashion, once again, to increase the amount of renewable fuels used in the Nation's gasoline supply.

The amendment before the Senate today creates an 8-billion-gallon renewable fuel standard, RFS, that will lessen our dependence on foreign sources of energy while increasing the availability of a clean gasoline fuel extender. Implementing a renewable fuel standard is part and parcel of our goal in producing a balanced and forward-looking energy bill.

Why must we do more to promote and develop renewable fuels?

In 2003, net imports of crude oil accounted for 56 percent of our domestic petroleum consumption. Americans will spend over $120 billion in 2005 on foreign imports of oil. According to the Department of Energy's Energy Information Administration, petroleum imports are projected to reach 68 percent in 2025. This is simply untenable. We need to harness new supplies and conserve better if we are to break this dangerous dependence on foreign oil.

Renewable fuels—ethanol, biodiesel, and cellulosic biomass—are grown, produced, and refined here in the United States. Those on the right and the left of the political spectrum agree that we need to increase the production of renewable fuels as one important tool toward lessening our dependence on foreign oil.

In 2004, the United States produced almost 3.5 billion gallons of ethanol. That level of renewable fuel production directly replaces millions of barrels of foreign oil annually and reduces our trade deficit, all the while creating jobs at home in the United States.

As States look for solutions to reduce petroleum fuel use, renewable fuels keep appearing as a critical component to any strategy. Thus it is no surprise that a May 2005 staff report by the California Energy Commission determined that increasing to 10 percent the amount of ethanol blended into a gallon of gasoline in California would reduce by 28 percent the amount of petroleum used in that State by 2025.

In addition to displacing imported oil, renewable fuels also lower retail gasoline prices—lower gas prices for Americans. Contrary to some of the falsehoods that some have tried to peddle, if these clean-burning fuels disappeared from the marketplace tomorrow, your constituents would pay more at the pump for a gallon of gasoline. At the end of April, the average nationwide price for a gallon of gasoline was $2.25, and the spot market for a gallon of wholesale ethanol is at a price of $1.24 per gallon of ethanol—$2.25 per gallon for gasoline, $1.24 per gallon of ethanol. It doesn't take a genius to figure that the more ethanol blended in the gallon of gasoline, the lower the price overall to consumers.

Perhaps the better question to ask is not why gasoline prices are so high, but why isn't ethanol used more widely in the marketplace? Apparently, there are many starting to ask that question, and not just farmers and ethanol producers. On May 5, the California Independent Oil Marketers Association wrote to the California Air Resources Board seeking approval to use up to 10 percent ethanol blended gasoline in the California market. In the letter to the California Air Resources Board, the Independent Marketers state that using a 10-percent blend as opposed to California's current 5.7-percent blend would provide more stability to the State's fuel supply.

It is not just marketers seeking greater use of ethanol. The Consumer Federation of America, in a May 2005 analysis on the difference between gasoline and ethanol prices, concluded that because of the difference between the wholesale price of ethanol and the average wholesale price of gasoline, the consumers purchasing gasoline blended with 10 percent ethanol are saving as much as 8 cents a gallon versus fuels not blended with ethanol, lowering the price at the pump by 8 cents a gallon. Renewable fuels, therefore, extend supplies, reduce dependence on foreign oil, and lower prices at the pump for consumers.

The amendment before the Senate would phase in, over 7 years, a nationwide renewable fuels standard of 8 billion gallons. Let me put that in some perspective. In 2004, the United States consumed about 160 billion gallons of gasoline, and the U.S. domestic ethanol production topped out at about 3.5 billion gallons—160 billion gallons of gasoline, 3.5 billion gallons of ethanol.

With nearly a billion gallons of production under construction, the previous effort to implement a 5-billion RFS by 2012 is woefully inadequate to meet growing production. Phasing in an 8-billion-gallon renewable fuel standard over 7 years can be accomplished. Increasing production will meet the requirement, all the while creating 234,000 jobs and adding $20 billion in gross domestic production between 2005 and 2012.

This amendment will also create opportunities for cellulosic ethanol and sugar cane ethanol and spurs biodiesel production in the South and Western United States. The amendment includes language championed by my colleague and friend, Senator CANTWELL of Washington, which will further incentivize cellulosic ethanol.

With record-high gasoline prices, with an ever-growing dependence on foreign sources of energy, our Nation must do more to promote and utilize renewable fuels. Creating a strong renewable fuel program that captures biodiesel, ethanol, and other renewable energy sources must be a cornerstone to the comprehensive energy bill.

Mr. President, it is with great satisfaction that I have this opportunity to speak to the 8-billion RFS provision that was added to the Energy Committee's bill which was voted out on a 22-to-1 passage of the total bill and with great support of the ethanol provision in that bill. I am confident that this body will maintain that 8-billion RFS requirement.

All the more so, it is important because the House Energy bill contains only a 5-billion-gallon RFS, a level that is simply inadequate, that the ethanol industry is on the verge of outstripping already even without an RFS. If we are going to be serious about displacing billions of gallons of foreign petroleum, if we are going to be serious about reducing the dependence on foreign petroleum, of reducing our trade imbalance—which is imbalanced, in large measure, because of the massive importation of petroleum—if we are going to have a foreign policy and a military policy that is not impacted by the need to protect and defend the oil lanes around the world in unstable Third World areas, if we are going to create more jobs—not just in a handful of communities but in rural communities across this country—if we are going to drive up the prices that farmers get for their product while at the same time giving them an opportunity to benefit from the dividends of the stock they own in these ethanol plants, then it ought to be obvious, whether you come from farm areas or urban areas, that this RFS makes all the sense in the world, for the sake of our economy, for the sake of clean air, for the sake of our foreign policy, for the sake of trade policy, for the sake of jobs.

I am pleased this particular legislation with its broad-based bipartisan 22-

to-1 vote out of the Senate Natural Resources Committee is on this floor and within the coming week or so we will be able to pass this bill, go to conference, and, I am confident, work out the differences with our colleagues on the House side and get this bill to the President's desk. Finally, after years of turmoil and effort, we will have a comprehensive energy bill that will benefit the entire Nation.

I am pleased we have reached this point. I am pleased with the great success of the 8-billion RFS amendment. I look forward to its passage and urge my colleagues to be supportive of this RFS requirement contained in the bill coming to us from the Energy and Natural Resources Committee.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, I congratulate the leadership of the Energy Committee, the leadership of the Environment and Public Works Committee, coming to an agreement on this particular amendment we have under consideration here today. This, as my colleague from South Dakota noted, is an issue of great importance to the energy security of our Nation and to our economy.

We have an opportunity here today to put together a bill and meld on the floor of the Senate a couple of different provisions that have come out of different committees of the Senate. The Energy Committee and the Environment and Public Works Committee, on which I serve, dealt with the renewable fuel and ethanol provisions that we reported out this year. What this does is enable us to reconcile, here on the floor, the conflicting or competing, if you will, jurisdictions between those committees. It puts into place an 8-billion-gallon renewable fuel standard.

We are at this point, we are here, and it is long overdue. This Energy bill has been kicking around for several years. Back when President Bush was first elected, the task force was composed, they met, came up with recommendations submitted to the Congress. The Congress subsequently acted in the last session of Congress, only to have the wheels fall off toward the end of the Congress in an environment that probably was more highly politically charged than anything else.

However, the reality is we are here today in the Senate—after the House having passed an Energy bill—with an opportunity to pass an Energy bill in the Senate, to get it into conference, and to come out with a conference report that we can send to the President to be signed into law.

This is an important piece of legislation for a lot of reasons, one of which is the JOBS bill. This is about creating economic opportunity for people in this country. We passed a comprehensive Energy bill which is long overdue. We will have the opportunity to create a lot of jobs for Americans across the country with the various provisions in the bill by adding to the supply of existing energy sources we have, creating new energy sources and diversifying our energy supply in areas I am very interested in, such as renewable fuels. The conservation incentives in this bill are good for America, both for people who purchase cars and for manufacturers who produce cars. There are a lot of things about this bill that are necessary, if we are going to get our country back on track toward the path of energy independence.

Having grown up 30 years ago now, I remember going through an energy crisis, with everyone wringing their hands about how dependent we are on foreign sources of energy. At that time, we were over 50-percent reliant on foreign sources of energy, saying we have to do something about it. Here we are, 30 years later, at 55-percent dependent upon foreign sources of energy.

We still have to get much of our energy supply from other places around the world, places that are very unstable, which create tremendous pressures on us not only in terms of our economy but also our military commitments that are necessary in order to protect those areas of the world that are primary conduits of energy for our country.

It is about the economy. It is about energy security. It is about jobs and about reducing the cost of energy for Americans. Look where gas prices are today. That is why we are where we are. This is a time we have the impetus for getting an Energy bill passed because people are frustrated and are looking to the Congress to act. They go to the pump, and pay over $2 a gallon—in some places well over $2 a gallon—for gasoline. They are looking for Congress to take action that will help address the long-term supply problems we face as a Nation, which are creating this demand today for energy that continues to push prices higher and higher.

This comprehensive Energy bill is an approach which I believe addresses many of the components. Parts of this bill address many of the needs out there, one of which, of course, is additional supply. Not too long ago I had the opportunity to join with a number of my colleagues in the Senate and travel to the North Slope of Alaska. Earlier this year, during debate of the budget, we authorized exploration for energy in Alaska. In my view, when we have a million barrels a day of additional production we could bring online with ease, which will reduce the pressure we have on oil supplies in this country and continue to lessen our dependence upon foreign sources of energy, it is an important part of this debate. So additional supply is part of this discussion.

More particularly, what this amendment deals with, is the comprehensive need for diversifying our energy supply in this country and moving more toward renewable sources of energy. In my State of South Dakota, in the State of Minnesota, in the State of Iowa, and all across the Midwest, we have rows and rows and rows of corn and rows and rows and rows of soybeans. I look at that as a food source, and it is. We feed it to cattle. We use it in a lot of different ways. However, it can also be converted to energy. A bushel of corn can be converted to 2.5 gallons of ethanol. That puts energy in the pipeline for this country that will lessen our dependence upon foreign sources of energy.

What this amendment does is create a market. It says we are going to have, phased in over a 7-year period, an 8-billion-gallon market opportunity for ethanol producers in this country. That is good for the farmers of the Midwest, the farmers of South Dakota. It puts more money in their pocket. They can take their corn down to an ethanol plant and receive 10 or 15 cents a bushel more for it than they would if they put it on a rail car headed to some terminal elevator somewhere. That is good for the economy and for the farmers of this country. It is good for the consumers of this country, the people who have to buy energy.

Ours is a State with long distances. We are very reliant upon tourism and reliant upon the farm, ranch, and agricultural economy. We are very reliant upon our small businesses who have to get to their destinations. We are a State which is very energy dependent and energy intensive. Our State, similar to many others in the Midwest, spends a lot of money on energy. When gas skyrockets to well over $2 a gallon, it has a profound impact on the ability of our State to attract economic development, to bring the tourists to our State, and to support the economy there. So this is an important issue not only for those who are producing the crops that can be converted into energy but also for those people across this country, those families, those small business people, those farmers, and those ranchers who are faced with higher and higher energy costs. This is an issue that is about our economy.

I would also say that when an ethanol plant is created, it brings a whole new vitality to rural areas. There are a lot of rural areas of our country and many in my State of South Dakota. We have a number of ethanol plants in my State. Each time another comes online, and every time we build another ethanol plant that produces 40 million, 50 million, or 80 million gallons of ethanol a year, it creates 40, 50, or 60 new direct jobs. It also creates a lot of ripple-effect jobs throughout the economy, indirect jobs that help restore and revitalize rural areas of this country, which are struggling for their very survival every day.

This is about the economy of rural areas. It is about the economic impact that passage of this legislation could have on consumers in this country. It is about the jobs that are going to be created in America. That is why, from so many different perspectives, this is

good policy. This is something we, as a Congress, ought to be doing. We ought to be looking at those rows and rows and rows of soybeans and those rows and rows and rows of corn and the renewable things we grow every year.

We have a finite petroleum-based product—hydrocarbons and fossil fuels—that compose our energy supply today, but every year we can grow, because of the good work of the farmers in this country. We can continue to grow these products, these commodities, that can be converted into energy sources that will make America more secure going into the future.

An 8-billion renewable fuel standard—and as my colleague from South Dakota mentioned earlier, the House is at 5 billion gallons in their bill—it is important. I would like to see a 12-billion or 15-billion gallon threshold, maybe to the chagrin of some of my colleagues in the Senate who maybe are not as favorably disposed to renewable energy. However, the reality is this is good, clean energy. This is energy that lessens our dependence upon foreign sources of energy that makes our country more energy independent. That is good for the economy of the Midwest.

With all the jobs involved with this, with all the impacts I have mentioned—I also add that it is good for the environment in this country—this is good policy in creating a permanent 8-billion-gallon renewable fuel standard market for ethanol in this country that will put us on a path toward energy independence. It is something we ought to have a lot more of in this country.

I hope, as this legislation moves forward in this process, the 8-billion-gallon renewable fuel standard will be adopted by the Senate and will be part of the bill we send into conference with the House. And when we get to the negotiations with the House, I hope we will be able to retain that level of renewable fuel standards because it is important to America's future.

I urge my colleagues, not only on this amendment but as the bill moves forward, to support this amendment and to resist other amendments that could lessen, in any way, the commitment we are going to make to 8 billion gallons of ethanol for America's future.

It is about jobs. It is about the economy. It is about more dollars in rural areas that will help our farmers and ranchers survive. It is about keeping our small communities going. It is about energy independence for America's future. It is about a stronger, cleaner, and better environment. For all those reasons, I support this amendment.

I am happy to be a part of bringing this to the floor and working with our leadership on the two committees—on the Energy Committee and on the Environment and Public Works Committee—with Senator INHOFE, Senator JEFFORDS, Senator DOMENICI, and Senator BINGAMAN, and with our leadership in the Senate to get to where we are today.

I hope we can push this bill forward, get a bill through the conference, on the President's desk, and signed into law so that the American people will have what they have needed for some time and what this Congress has failed to deliver—and it is high time we did deliver—and that is a comprehensive energy policy for America's future.

Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER (Mr. MARTINEZ). The Senator from Missouri.

Mr. TALENT. Mr. President, I rise briefly to continue the conversation my friend from South Dakota started about the importance of renewable fuels. I thank him for his work on the amendment that is going to be offered that I hope will not only be a bipartisan amendment—I know it is going to be that—I hope it becomes virtually a consensus amendment. It ought to be that for the reasons my friend from South Dakota said. I am going to discuss them for a few minutes myself.

I also join him in congratulating the chairman of the Energy Committee in bringing out a very strong Energy bill, a bill that is designed, in its entirety, to be a pro-energy bill, a proproduction bill, but also a proconservation bill and a pro-environment bill. I believe very strongly that it is not a question of ''energy or conservation or the environment,'' but a question of ''energy and conservation and the environment.'' The American people want all three, and they can have all three. I believe the bill is a long step toward giving them all three.

The renewable fuels standard which is part of the bill, and will be part of an amendment that is offered by the Senator from New Mexico, is an important part of the bill.

We all know that America has been importing more and more oil from foreign countries. In 1999, America was importing over 55 percent of its oil and petroleum products. Just 2 years later, our dependency had increased to over 59 percent. And by the year 2025, the Energy Information Administration estimates that the United States will import nearly 70 percent of its petroleum, unless something is done. And something needs to be done.

We cannot continue in a world where we are fighting a war against terror, in a world where there are many countries that, from time to time, express their dislike for us, to rely on foreigners for our energy. We do not rely on them for our food, and we should not rely on them for basics such as energy.

The good news is that the same people who are producing our food for us, and have given us the safest, highest quality, and most abundant and least-expensive food supply in the world, are well on the way to doing the same thing with regard to energy.

I am pleased to report that renewable fuels are not just the future—although I think they are part of the future—but they are the present. They are now. They are a ''here and now.'' This year, we will use 3.8 billion gallons of ethanol in the Nation's fuel supply. That is about 3 percent of the Nation's fuel supply which is being produced in scores and scores and scores of ethanol plants around this country, many of which are owned and operated by the same farmers who are producing the corn which we then turn into ethanol.

Renewable fuels are here, and we need to make certain they are here 5 years from now and 10 years from now, and in greater and greater supplies so we can protect our national security. That is what the renewable fuels standard is about.

An amendment is going to be offered by the Senator from New Mexico. It is going to be a thoroughly bipartisan amendment. We have worked it out. I thank the Senator from Oklahoma, the chairman of the Environment and Public Works Committee, for working out an arrangement with the Senator from New Mexico to have a consensus amendment as between the two of them. I appreciate the hard work of the Senator from South Dakota. That amendment will reflect the basics of the renewable fuels standard that we put on in committee with very strong bipartisan support.

It will increase, from 4 billion gallons in 2006 to 8 billion gallons in 2012, the amount of biofuels or renewable fuels that are in the Nation's energy supply. That is not just ethanol. It is important to make that clear. It is partly ethanol, and probably will be mostly ethanol, but it will also be biodiesel, which we make from soybeans, and it will be biomass. There are provisions to develop the technology so we can turn sugar into energy. And I would expect, at 8 billion gallons, all those various kinds of renewable fuels will be present in substantial supply in the Nation's fuel supply by the year 2012.

Now, I said it was good for energy independence. I think that is pretty clear. Which one of us would not rather be dependent upon our farmers for their energy than upon, let's say, Saudi oil producers? It seems to me to be pretty self-evident that we can rely more on our own agricultural producers than we can on foreigners. I come from a farm family. I know a lot of farmers. They can get stubborn now and then, but they are not going to embargo us from energy.

The Senator from South Dakota mentioned the oil embargo in the early 1970s. I am glad he is old enough to remember that. I am barely old enough to remember that oil embargo. I do not want my kids and grandkids to go through what I went through as a stripling. And they will not have to, to the extent we are relying on renewables.

It is also a tremendous hedge against rising oil prices. At the current price for oil, $55, $56 a barrel, you can buy a gallon of ethanol for less than you can

buy a gallon of gasoline. So this is exerting now a downward pressure on the price of fuel, and will do so in the future. It is a hedge against increased costs of oil, obviously, because it is an alternative source—you increase the supply and you decrease the price over time. It is important for that reason as well.

It is also important because it is good for the environment. Again, common sense tells us, if we are burning in our engines what we are growing from the ground, that is going to be better for air than burning petrochemicals. And it is. The use of ethanol-blended fuels—and this is the same for biodiesel—reduces greenhouse gas emissions by 12 to 19 percent compared with conventional gasoline. The American Lung Association of Metropolitan Chicago credits ethanol-blended reformulated gasoline with reducing smog-forming emissions by 25 percent since 1990. So again, this is an example not of ''energy or the environment'' but ''energy and the environment.''

It certainly is good for jobs in the United States. I already mentioned there are scores and scores of ethanol plants. We are building biodiesel plants, as well, and building a new biodiesel plant in Missouri. These plants are located, by and large, in the more rural areas. They are good jobs for those communities. The plants are often owned by people who live in the communities.

It is a tremendous hedge against lower farm prices. So people who are concerned about the cost of the farm bill need to understand that this amendment that is going to be offered on the floor of the Senate will save us $1 billion over the next few years from the price of the farm bill because this is an additional market for our commodities and, therefore, it tends to sustain the price of corn and soybeans and the other products that we use to make this kind of energy.

People who want us to use more solar energy, I ask them: Where do you think we get the ethanol and the biodiesel? What is the energy that we use to produce that? It is solar energy. The farmers grow the corn and they grow the sugar and they grow the soybeans and they grow the other biomass. They grow that using solar energy. You grow food by combining sunlight and water, along with pretty good soil. We have a lot of good soil in Missouri. So it is a way of getting solar energy into the energy mix for the country as well.

I could go on and on about the advantages of this kind of fuel. I think it is pretty self-evident. We can have it and have it without any kind of significant market distortions. I believe this renewable fuels standard that we are offering today is something that the market would probably reach on its own. But what it does is offer an assured market for this kind of product so that the investment in these plants and the investment in the distribution network that we need to get this energy out to people will continue. And it is going to continue.

I started off by saying that renewable fuels are the future. But they are also the present. And that is true. There are hundreds and hundreds of stations around the country that are already pumping an ethanol blend. Those within the sound of my voice may be using ethanol now almost without knowing it because you can use a blend of up to about 50 percent ethanol in gasoline without even changing the existing engines. And there are millions of cars that have been purchased that can use up to 85 percent ethanol. We just do not have enough stations pumping that now, but that is coming as well for the future.

It is here and now. It is good for the environment, it is good for creating jobs, it will hold down the price of oil and gasoline, and it will help protect us and our national security and our energy supply against foreign oil embargoes.

I congratulate everybody involved with this amendment. I am glad we were able to save the 8-billion-gallon standard that we put on in committee. I appreciate very much the work of the chairman and ranking members of both committees. People look at what we do here and they often see the conflict or the partisanship or sometimes the personalities. We have all those things. But there is a whole lot that goes on on the Senate floor that involves people working together. Disagreements that may exist are honest disagreements. They are honestly debated, and then we vote on them.

The renewable fuels standard is an outstanding example of that. It was offered 2 years ago at a lower level in an amendment offered by the majority leader and the Democratic leader jointly. I can't think of anything else we did in the last Congress like that. It got almost two-thirds of the vote. I believe this amendment will get a similar vote in the Senate today. I am pleased to have been a part of it. Now we need to pass the amendment, then go into conference, and hold this renewable fuels standard for the future.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I congratulate Senator TALENT for his excellent work in the Committee on Energy and Natural Resources. He was the leader of a group that put together the new 8 billion barrels that we are going to have as our new American goal for ethanol. That was not easy to put together. It got a very large vote in committee. That momentum brought it here. I think he is to be congratulated for his effort.

I appreciate Senator CRAIG's managing the bill for me. I would like to say to the Senate, there are two or three amendments that people want to offer to this bill. I wish they would bring them to the floor. We are prepared now, from what I understand, to debate amendments. I understand Senator BOXER has one. Maybe Senator FEINSTEIN has one. There may be one other. If we could get them up, we are going to be here for a while tonight. Even though we are leaving early, we could get those debated and voted on, and then the next thing that we would do would be to take up the amendment the distinguished minority leader chooses to bring up. We hope that can come up tomorrow morning before Senators leave for the Exon funeral, which means we might get the amendment for Senator CANTWELL offered that the minority leader wants to have brought up, get that up tomorrow before we leave. That would get two very major issues behind us, plus the amendments on this bill.

Again, if Senators have amendments on the ethanol provision, bring them down so we can debate them. I ask the minority leader in short order if he would help me try to get that accomplished.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, let me speak to the underlying bill and the provision in the amendment that is before us now before yielding the floor. The senior Senator from Florida is here to discuss the issue of offshore drilling and a very important part of our overall energy considerations.

First and foremost, the chairman has called our colleagues forward to the floor on ethanol amendments. That is the provision that is on the floor now. I thank the junior Senator from South Dakota for his thoughts and laying out a comprehensive explanation as to the importance of renewable fuels to our country as we strive toward a greater sense of self-reliance. Self-reliance is security. Self-reliance is national security. The ability to determine for ourselves our own energy destiny is critically important, whether it is today or tomorrow or for our children's future. To know that there is going to be an abundance of energy of all types, both for transportation purposes, electrical generating purposes—all of that is critical. Finally, that is why we are here on the floor of the Senate with this critical legislation.

Whatever we call this legislation—a few moments ago I called it America's Clean Energy Act—the reality is that it has taken us decades to begin to understand that the supply we had is not what we now have; that as our country grew and we failed to meet those growth levels with additional energy sources, we became increasingly reliant on other nations for our energy, and energy prices began to go up.

We as a country, in the last decade, have had to make some critical choices about our future and our job markets based on a supply of energy. Could we afford to produce it in this country, creating jobs here, or were those who invested in those kinds of jobs going to look somewhere else in the world to

create that new production plant for the purposes of supplying our consumer needs? All of those became a necessary and important part of a decision-making process in America's business because America's Government was increasingly standing in the way of our ability to produce.

And Congress—and I was a part of it—for the last decade consistently looked at these issues but failed to come to the necessary agreements to produce a comprehensive policy that put us back into the business of exploring for hydrocarbons on public lands, enhanced our ability to produce renewable sources, caused us to look at nuclear as an important part of our overall electrical blend, and allowed those plants to be built, and so on and so forth.

Finally, as a result of extremely high gas prices, as a result of blackouts, as a result of catastrophic meltdowns in energy markets, and a lot of finger-pointing—and some of it justified—we find ourselves on the floor of the Senate today debating what most can call a strongly provided-for bipartisan national energy policy. It begins this country's effort to march again toward self-reliance. It causes us to look at a variety of options, of alternatives, to recognize that it isn't just one source of energy that will fuel the future, it is multiple sources; that it is a balanced portfolio that is going to be critically necessary to assure, whether it is transportation needs and it is hydrocarbons or it is hydrogen or a combination of all of those, and electrical power certainly for our base loads—and those are electrical loads that don't just for a moment light your house but for a long period fuel your production facilities and plants—that we are going to have to have those kinds of generating capacities that ultimately produce that type of energy.

Natural gas is a critical hydrocarbon fuel, a cleaner hydrocarbon fuel than any available today. It was once thought to be the ideal fuel for drying and space heat, but under the Clean Air Act we didn't have clean coal technologies, and we wouldn't build nuclear. So we began to say: Gee, we can run this through turbines and provide electrical power. And we began to do so, at a time when we weren't bringing new gas to the market.

Over the decade of the 1990s, as electrical companies were trying to meet the demand of their consumer rate-paying base, they built gas turbine electrical generators. Gas went from $2 a gallon until early this spring to over $7 a gallon—excuse me, $7 per thousand cubic feet. We are not talking gas at the pump; we are talking gas in the pipe, and we are talking thousands of cubic feet. Now it is, as of today, $6.66. And those marvelous gas turbines we built have been turned off because their cost of operation, feeding power into the national power grid, is simply too expensive. We should not have gone there in the first place, but the absence of good, well-thought-out national energy policy for this country caused, in large part, that to happen.

Now we are scrambling as a country to find new gas sources. We have just recognized and facilitated the building of a national gas pipeline out of Alaska to feed the lower 48. We are trying to look at how we bring gas ashore in the form of liquefied types, and all of that in blend, but recognizing that we desperately need it. We now recognize it and are moving in that direction.

Coal powers over 50 percent of our generation today. And we have, as many have stated, hundreds of years of supply. But it is not as clean as we would like it. This particular piece of legislation incentivizes cleaner coal technology and the gasification of coal in the generation of power. All of it is moving in the right direction.

You just heard a robust discussion about renewables. It is not just ethanol that renews. I believe hydropower renews—that little flow of water through the pin stock that turns the turbine, that turns the lights on in the Pacific Northwest. Nearly 75 percent of all of the lights in the Pacific Northwest are generated by hydropower. Yet over the last good number of years, we have been very frustrated because almost all of these dams on rivers that produce hydropower are federally licensed. In 1986, we created legislation that began to bog down the licensing process, or make it so complicated that in a few instances, as the licenses were attempted to be renewed, they simply were not. We have had a few dams torn down, which were no longer viable under certain scenarios. We have said we are going to change that and create a better process, and we are. It is in this legislation and it is important because, over the course of the next good number of years in the States of California, Washington, Oregon, Idaho, and Montana, over 92 hydro facilities need to be relicensed. We want them to be efficient and environmentally sound, but they are an important part of the overall electrical base load of this country.

Well, there are a good many issues that I will talk about over the course of the next several days as we debate this critical piece of legislation. I am going to spend some time with alternative sources and a good deal of time with nuclear. Why? Because the world has awakened to the fact. As the Senator from Tennessee so clearly said, in this country nearly 70 percent of our electrical base that is carbon free, non-emitting, is generated by nuclear power. It is the only true clean source today of energy, outside of hydro, and we all recognize we are probably not going to be damming up a lot more rivers in our country to produce hydropower to meet that base load.

Every major utility in this country that has a responsibility to the consuming public to turn on the lights in the home and fuel the production plants of the facilities of our country is looking forward for 10 years now and saying: How do we build a base for 10 years out? It takes that long in the construction process. All of them recognize there is largely only one source with which you do that, and that is nuclear. We recognize it in this bill. I do believe our Nation and the world are in what some could call, and what I hope is a nuclear renaissance, a recognition of this very clean and very safe source of energy. This legislation recognizes it and begins to facilitate it in ways that we have not done in the past. There seems to be a growing general acceptance to the recognition of the importance of nuclear in our national energy base and the role it plays.

A good deal more can be said about a very bipartisan piece of legislation. I thank Senator PETE DOMENICI and Senator BINGAMAN. Both have worked as chairman and ranking member of the Energy Committee, on which I am a senior member, to craft and create balance in this legislation. There are going to be a good many amendments. Some will fail, some will not. But they are a general expression of a concern, I do believe, and a recognition of the very important nature of this piece of legislation that can become public policy and put this country back into the business of producing energy. We are no longer able to afford the selectivity that some have argued for some time—a little bit of this but none of that; some of this but never go there—in the general debate about energy.

Largely, the American consuming public today is saying: Congress, get your act together. Five years of debate is long enough. Get this country back into the business of producing energy—all forms, all types, an abundant market basketful of it. Keep it clean, explore new technologies, provide for conservation. But in the end, Congress, get it together and get it to the President's desk.

I believe this bill embodies that philosophy. It was clearly recognized in the Energy and Natural Resources Committee, on which I serve. I hope that over the course of the next several weeks, as we work ourselves through the amendment process, we will have a bill, that we can work out our differences with the House in conference, and see it on the President's desk and be able to very proudly and responsibly say to the American consumer: We have heard you. We recognize the needs of this country, and we are creating public policy to put this country back into the business of self-reliance for national security purposes, for future economic purposes, but most importantly, a clear recognition that we must, as a country, stand on our own two feet in the business of producing energy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, we have been discussing this Energy bill. At 10 o'clock this morning, I

had discussions with the chairman of the committee and the ranking member. They were trying to work out some language to solve the problem with regard to drilling off the coast of Florida, and it is 6½ hours later, and I still don't see any of that language. So I was going to go on and continue to explain the background on this amendment, unless the chairman of the committee had something he wanted to share. I will yield to him without giving up my right to the floor.

Mr. DOMENICI. Mr. President, I appreciate the Senator's attitude and his willingness to cooperate. I remind the Senator, in all graciousness, that we are going to be on this bill for about 2 weeks. So nothing is going to happen. We have our own initiative, and we have prepared something. There is a Senator who wants to see it from my standpoint before we submit it. It is en route to her now—Senator LANDRIEU. She has been working in our committee. She is looking at what I suggest. It is what I have in mind. We should be ready soon.

I thank the Senator for inquiring, and I hope he will let us take up an amendment on ethanol. It will not take very long, and we will be back to the Senator very soon.

Mr. NELSON of Florida. Mr. President, I am glad the Senator clarified that. I think it is curious why, since this Senator made the initial request and did so last Thursday when I told the chairman of the committee I would not object to the motion to proceed, and did so yesterday in my conversation with the Senator on the telephone, and I did so in a personal conversation with Senator BINGAMAN. Again, at 10 o'clock this morning, I renewed both of those requests. I think it is curious that language is being shared with other Senators and not with this Senator. It is 6½ hours after we had these conversations on the floor.

So one starts to wonder, is someone traipsing around trying to avoid showing this Senator from Florida the language which was going to be agreed to by all of us? So it is my intention—if we are not going to have the sharing of this information with this Senator, then this Senator clearly wants to continue explaining the emergency nature for the 18 million people of Florida.

So I would just continue to do that. I wish to show again what—

Mr. DOMENICI. Senator, could I say to you, please let us proceed. The reason I am showing it to a Senator is to try to make sure you get something quicker rather than later. It is not an effort to avoid you. We are not just discussing Florida. We greatly respect you, but some other Senator would like to look at this, which would make it easier for you.

I can make a deal with you, Senator, and I have to show it to some other Senator. I am trying to show it to one who I know wants to see it. Now, we cannot just drop everything. I very much am sorry about that. I am going to do my best, but if you would like to talk tonight, we will all leave and you can talk tonight. If you would like us to get a little bit of work done, please relax. We know you are going to win. Nothing is going to happen to Florida. How many more times do you want us to say it? We are hiding nothing from you. We have some other work to do. You are terrific. You are a great advocate. You are going to win for Florida. You have got the most terrific Senator. Please understand you are going to win.

Senator MARTINEZ, you are going to win. You do not have to come down here every minute. You are going to succeed. Floridians, do not worry. This bill will be here 2 more weeks. It cannot pass without you two. So would you give us a little leeway? I just beg you.

Now having said that, I ask the Senator from California to offer an amendment that is relevant.

Mr. NELSON of Florida. Mr. President, I believe the Senator from Florida has the floor.

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. The Senator from New Mexico has the floor. I did not ask him to give me the floor. I got the floor.

Mr. NELSON of Florida. The Senator from Florida has the floor.

The PRESIDING OFFICER. The Senator from Florida obtained consent that he might yield while retaining his right to the floor.

Mr. DOMENICI. I do not care if I have the floor or not. You can have the floor.

Mr. NELSON of Florida. I thank the Senator, and I thank the distinguished chairman.

I take the distinguished chairman at his word, but this Senator cannot evaluate any language unless he sees it. For some reason, it is being shared with everyone in the Senate except this Senator from Florida. So the Senator from Florida is going to proceed with the explanation of why this is so critical to 18 million Floridians.

Mr. DOMENICI. Senator, I want to tell you one more time, I cannot share—Mr. President, I ask if he would yield for a moment without losing his right to the floor.

The PRESIDING OFFICER. Will the Senator yield?

Mr. NELSON of Florida. Without losing the floor, yes, I yield.

Mr. DOMENICI. There are 100 Senators. I am not trying to do anything but get the Senator a proposal as soon as humanly possible. Now, if you choose to delay us further, we are going to get nothing done tonight. I want you to know that accomplishes nothing. If you think it accomplishes something, just go right ahead. I would say you can have the floor back—I will ask consent that you can have it—as soon as the Boxer amendment is disposed of. Would you let us take it up, and then you can have the floor back? In the meantime, we are trying to get your language—not your language, the language so we can share with those Senators who have the concern that you have. If you let us do that, we will proceed in that manner. We have done everything bipartisan on this bill. There is no intention otherwise. I ask you one more time if you would do that, Senator. I would appreciate it.

Mr. NELSON of Florida. The Senator from Florida will yield the floor when I see a good-faith effort of sharing the language. The Senator from Florida has been waiting for 6½ hours. I have made innumerable requests to the Senator's staff, both majority and minority. It has not been provided to me. The Senator from Florida is going to continue to talk until it is.

Mr. DOMENICI. Senator, would you yield?

Mr. NELSON of Florida. I would yield without losing the floor.

Mr. DOMENICI. Senator, you can talk all night. There will be no language for you tonight.

I yield the floor.

Mr. NELSON of Florida. Mr. President, this is what we have in Florida, and it is one of the things we are trying to protect.

This is one of the things that could result.

There is a $50 billion-a-year tourism industry. This, we cannot withstand.

This is what we want to protect—some of the most pristine waters, some of the most pristine beaches.

That is what can happen to our tourism industry. That is not what we want.

As has been stated before by the Senator who is the Presiding Officer and this Senator, we also have a military conflict. Drilling for oil in the eastern gulf is incompatible with weapons testing and combat training.

We have a statement that has been made by the Secretary of Defense. Secretary of Defense Rumsfeld stated to the Senate Armed Services Committee:

> Encroachment is a problem that is real, it is serious. The United States needs bases, it needs ranges, it needs test ranges. And it cannot provide the training and testing that people need before they go into battle unless those kinds of facilities are available.

To further quote:

> Each year that goes by, there are greater and greater pressures on them.

This was testimony by the Secretary of Defense to the Senate Armed Services Committee. It is, in fact, the case. This is where major military training occurs. It is in the Gulf of Mexico off the eastern seaboard, just with regard to our State. There are other places in the country. One can see all of this eastern area of the Gulf of Mexico is, in fact, restricted airspace for military aircraft training. This has taken on an increased importance since the Navy Atlantic Fleet training that used to occur down in the little island of Vieques off of the big island of Puerto Rico—at the request of the Puerto Rican Government, the Navy shut that

down, and a lot of that training has come here. A lot of that training is occurring out of these military bases. Plus, the aircraft carriers come into the Atlantic region for training as well as they come into the gulf and do training with other surface warfare ships, coordinated with U.S. aircraft.

It is this Senator's contention, and has been stated likewise by my colleague from Florida, Senator MARTINEZ, that it is an incompatible activity to have oil and gas rigs on the surface of the Gulf of Mexico underneath where all of this military training is occurring. That has been recognized all the more in plans by the Department of Defense.

Whereas, the student pilot training is now being concentrated at Pensacola Naval Air Station and at Whiting Field, northeast of Pensacola, north of Milton, the training for the Joint Strike Fighter, which will be used by all branches of the military, that F–35, they will train those pilots at Eglin Air Force Base, near Fort Walton Beach. The new stealth fighter, the F–22, will have its pilots being trained out of Tyndall Air Force Base, near Panama City.

Why are those three major training commands—one Air Force, one a joint military fighter, and then student pilots, where they train not only Navy but Coast Guard, as well as Air Force—why is that in that location?

It is because of this national asset that we have, which is called restricted airspace, which has become so much more important now that the Navy is denied training down in the Caribbean and that training, in large part, is being done right there.

So is it any wonder, then, that drilling for oil in the eastern Gulf of Mexico is incompatible with weapon testing and combat training? It is.

I would not have to underscore, very much, the delicacy of Florida's environment to tell you about the extraordinary sensitivity of the mangroves, the sensitivity of the estuaries, the bays where the rivers flow. Here in the State of Florida, down in this portion, Ten Thousand Islands—they are all mangrove islands. They border the Everglades.

Up in this section of Florida, the Big Bend—again, no sand beaches because it is a part of our ecology that is so delicately balanced, where all of the water life comes in and reproduces in those shallow waters. It is a place where one of Florida's major rivers, the Suwannee River, dumps into the Gulf of Mexico.

Likewise, up here near Apalachicola, a place where the major river of Florida, the Apalachicola River, comes in and dumps into Apalachicola Bay, is a place where it produces extraordinary, world-famous Apalachicolan oysters because of the unique environment and brackish water that allows these delicacies of oysters to be able to grow and then be harvested.

In fact, there is a reason why this part of the gulf you see does not have any drilling in it, when, in fact, an imaginary line, directly down from the Florida-Alabama line, everything to the west of there is where you see the drilling. One of the first reasons for that is that, in fact, that is where the oil and the gas is. That is where the mother load of oil has been and is being drilled. You can see the color here on this map. Less so off of Texas; very much so off of Louisiana; likewise off of Mississippi; and likewise off of Alabama. It was this 1.5 billion acres, in what was a part of Lease Sale 181, that was agreed to by the Governor of Florida, back in 2001, that it would not cross the longitude line that separates the border of Alabama and Florida.

Mr. REID. Will the Senator yield for a question?

Mr. NELSON of Florida. The Senator will be glad to yield to my leader, without losing my right to the floor.

Mr. REID. I ask the Senator to yield so the Senator from California can offer an amendment. She will speak for up to 20 minutes. In the meantime, Senator DOMENICI has a piece of paper you are probably interested in, and that would probably move this thing along rather quickly.

Mr. NELSON of Florida. Is it my understanding you are saying there is some language at which the Senator would be able to look?

Mr. DOMENICI. Yes, there is some language I have to give you to look at.

Mr. REID. I ask unanimous consent Senator BOXER be allowed to offer her second-degree amendment to the legislation.

The PRESIDING OFFICER. There is objection?

Mr. NELSON of Florida. Without losing my right to the floor. I thank the leader. It is merely what I had asked. I have been waiting for 6 hours and 45 minutes from when this request was initially made and was not provided any language. I thank the distinguished Senator from Nevada.

Mr. REID. Let me say, through the Chair to my friend from Florida, the Senator from New Mexico has worked very hard on this bill. Both Senators from New Mexico worked very hard. This is an issue that is difficult for reasons it probably should not be, but it is a difficult issue. I know the Senator from New Mexico has done everything he can.

I appreciate everyone's cooperation. This is an important bill to Republicans and to Democrats. One reason I feel some anxiety is there is an event downtown tonight that is going to cause us to have a short night. Unfortunately, when people die, it is always at a bad time. Senator Exon's funeral is tomorrow. It will make us have an afternoon without any votes. And we have a longstanding Senate retreat this Friday. So we need to get as much done as we can.

I appreciate everyone's cooperation, especially the two managers of the bill and Senators MARTINEZ and NELSON and LANDRIEU, for helping us work through this.

I ask my unanimous consent request be adopted.

The PRESIDING OFFICER. Is there objection?

Mr. NELSON of Florida. Since the Senator from Florida still has the floor, I thank Senator REID for working this out. I acknowledge that the chairman of the committee has had enormous pressure. But as the Senate Rules provide, each Senator has an opportunity to stand up and fight for the interests of his or her State. That is what this Senator, as well as my colleague, intend to do.

I agree to the Senator's request, and I yield the floor.

Mr. DORGAN. Reserving the right to object, Mr. President, in order that we might reach a conclusion, my understanding is that Senator BOXER will offer the amendment, speak for 10 or 15 minutes or whatever she speaks. I ask unanimous consent to speak for 4 minutes in opposition to her amendment following that. Then, my guess is, it will be disposed of.

Mr. DOMENICI. Senator INHOFE will desire to speak. Let's put it all together, and then we can finish.

Mr. INHOFE. If the Senator will allow me to speak for 4 or 5 minutes after he speaks?

Mr. DOMENICI. And then we will vote on or in relation to it.

Mrs. BOXER. I want to make sure, since it is my amendment—I don't want to lose total control of this. I would like to get to close after I have heard the opposition. I would love to have 2 minutes to rebut. If I could have 15 minutes to speak in favor of the amendment, have my colleagues lay out the argument against it, and if I could have 4 minutes to wind up, that will be good for me.

Mr. DOMENICI. Do we understand the unanimous consent request? After all of that has happened, the Senator from New Mexico would be recognized.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOMENICI. Before the Senator proceeds—but you have the floor—could you yield to me for 1 minute?

Mrs. BOXER. Yes.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I want to say the distinguished Senator from Florida, who has been speaking, submitted a proposal quite a few hours ago, an idea, a thought piece. I want everybody to know that was not acceptable not only to the Senator from New Mexico, it was not acceptable to Democratic Senators on his side of the aisle. So we have not tried to hide anything.

I regret the Senator has even implied that we tried to do that. It is not right. We have been working as hard as we can. It is not much to take 4 or 5 hours. Sometimes around here you have to take a dictionary when you are working on something because people do not understand words. That is how hard it has been in the past.

Having said that, I yield the floor, and I will give the Senator this statement. I hope he understands—the senior Senator and the junior Senator—I would like both of you to read it. I don't think it is anything fabulous, but I hope the Senators will feast their eyes on it.

Mr. REID. Do we have consent on the vote?

The PRESIDING OFFICER. Consent has been granted for the Senator to offer her amendment, and a series of Senators will be recognized for a set amount of time in the said order. Then the Senator from New Mexico will be recognized.

Mr. REID. It is my understanding there will be a vote after that on or in relation to the amendment.

Mr. DOMENICI. The Senator is correct.

The PRESIDING OFFICER. Is that part of the request?

Mr. REID. That was Senator DOMENICI's request.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California is recognized.

Mrs. BOXER. My understanding, after that, I have 15 minutes at this point; is that correct?

The PRESIDING OFFICER. Once the amendment has been sent up, yes.

AMENDMENT NO. 781 TO AMENDMENT NO. 779

Mrs. BOXER. Mr. President, I send an amendment to the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 781 to amendment No. 779.

(Purpose: To ensure that ethanol is treated like all other motor vehicle fuels and that taxpayers and local governments do not have to pay for environmental damage caused by ethanol)

Beginning on page 20, strike line 25 and all that follows through page 22 line 3.

Mrs. BOXER. As you can tell from the clerk's reading, it is a very straightforward amendment. What I am offering in this amendment is to recommend to my colleagues we strike out the liability waiver granted to the makers of ethanol.

The purpose is stated very clearly in the beginning. It says: To ensure that ethanol is treated like all other motor vehicle fuels and that taxpayers and local governments do not have to pay for environmental damage caused by ethanol.

The amendment before the Senate, to which I have authored this second-degree amendment, brings, once again, to the Senate an ethanol mandate. Some think mandates of ethanol are a good idea. Others think it is a bad idea. I hope we all agree taxpayers and local communities should not have to pay to clean up any mess caused by ethanol.

The point of the bill is to force States—whether they want to or not, frankly—to utilize more and more ethanol, not as a crowning blow to the States that did not want to do this, by virtue of the fact there is a safe harbor for ethanol, meaning that no liability can be found for the makers of ethanol, but we are saying to cities, States, and communities, even if you do not want to use it, A, you are forced to use it; and, B, if there is a problem, we, the ethanol makers, will not be there to help you. It will fall to the local communities to pick up the tab.

A lot of people say ethanol is totally safe. I ask a commonsense question to the people of the United States of America who are going to have to make sure they are pumping their cars with ethanol in greater and greater proportion: If it is so safe, why are the companies seeking a liability exemption?

I have been around enough years to know if somebody says, Step right up, step right up, try this product; this product is completely safe; it can bring no harm to you; it is perfect, never a problem; but, by the way, before you ingest it or use it, sign a form that says you won't hold us responsible if you choke or you get cancer or you die. If somebody does that to you, I will say as the daughter of a lawyer, the wife of a lawyer, and the mom of a lawyer, do not sign away your rights. Do not sign away your rights. A light bulb should go on: What is wrong with this picture? If this product is so safe, why should I sign this liability waiver?

That is what is happening in this bill. We have had a vote on this before, and we have gotten anywhere from between 38 and 42 votes. It is important to go on the record again.

Why do I say that? We have had a terrible problem with MTBE where, thank goodness, there was no safe harbor. Communities such as Santa Monica and Lake Tahoe, communities in New Hampshire, and all across this country have been able to go back and hold the companies accountable for MTBE. The courts have said yes, communities, you have a right to hold these companies accountable for the damage done by MTBE.

Now we have a new mandate—ethanol. My colleagues who love ethanol, who want ethanol, who dream of ethanol morning, noon, and night—and this is not a partisan issue; it cuts across party lines—are giving the makers of ethanol a pass. This is a special interest loophole.

The exemption language starts off with this: ''Notwithstanding any other provision of Federal or State law''—and then they talk about the waiver. When you see that in the bill, put up your antenna. It raises red flags. You know then the public is losing rights.

''Notwithstanding any other provision of Federal or State law''—and then they do harm and put the waiver in there. It goes on to say that renewable fuels—that is ethanol—cannot be found to be defectively designed or manufactured.

This is the Senate of the United States of America. I did not know we were expert scientists and doctors who deal with environmental damage. We are saying renewable fuels—ethanol—cannot be found to be defectively designed or manufactured. Compliance with laws and regulations is not necessary to getting the liability waiver except for limited compliance requirements under the Clean Air Act.

My colleagues are going to say—I am sure the Senators from North Dakota, from Oklahoma—Senator BOXER is wrong. This is a narrow waiver.

Not true. The special interests and the people who represent ethanol will say the waiver is not really broad. It only protects these makers of ethanol from one type of lawsuit.

But let me state the type of lawsuit they are protected against. It is the only lawsuit that has standing in the courts of the United States of America. How do we know this? Look at MTBE. Lake Tahoe won their MTBE suit. Why? Because they were able to use the defective product liability claim. The judge, as a matter of fact, threw out the negligence claim, the nuisance claim.

So when my colleagues get up here and say, Senator BOXER is exaggerating, we are not throwing out the ability of people to sue—yes, we are because the only pathway for the public, for our cities, for our counties, for our States to hold people accountable for a defective product is the defective product cause of action. Losing that right to bring defective product liability lets the polluters off the hook entirely.

Again, I will talk about a San Francisco jury in a landmark case decided in April of 2002. The jury found that based on the theory that MTBE is a defective product, several major oil companies are legally responsible for the environmental harm to Lake Tahoe's groundwater. The jury also found many of these major oil companies acted with malice because they were aware of the dangers but withheld information. We did not have this safe harbor provision when MTBE was, essentially, mandated. Therefore, my communities in California and communities across the country are able to recover the damages.

Not so with ethanol. The makers of ethanol have made sure they are going to be covered and protected. It is an embarrassment we would do this. This is the place we are supposed to protect the public interest. This is the place we are supposed to protect our people from defective products, not put in language that waives all the ability of people to sue on a defective product claim.

It is a scary thought if this were in place for MTBE—by the way, there is still a move to do that on MTBE, which is another issue for another day. It is a scary thought if we had done this for MTBE. My people in Lake Tahoe, the good people there, could be left holding the bag, and your towns and cities could be left holding the bag. If ethanol

harms public health or the environment, the loophole in the Energy bill risks leaving our communities with a mess. Polluters, not taxpayers or victims of pollution, should pay for harm to public health and the environment.

When gasoline leaks today, there is no loophole. The polluter pays. Why should the oil companies and the ethanol producers get off the hook if they cause harm? They should not.

So again, you are going to hear a lot of doubletalk when people stand up. They are going to first say ethanol is safe, there is no problem. And I say you say to them: If ethanol is so safe and you feel so comfortable with it, why do you need a liability waiver for the makers of ethanol? And then they are going to say: Oh, don't worry, we are only saying you can't sue because of a defective product. That is all. You can still sue for nuisance, negligence, all the other things, when, in fact, we know from legal history that the only claim that has standing here is a defective product lawsuit.

Now, to talk about ethanol's safety—Mr. President, I ask, how many minutes do I have of my 15, please?

The PRESIDING OFFICER. There is 4 minutes 45 seconds remaining.

Mrs. BOXER. Thank you, Mr. President.

According to EPA's Blue Ribbon Panel on Oxygenates in gasoline, which include ethanol and MTBE, ethanol is extremely soluble in water and should spread if leaked into the environment at the same rate as MTBE. It may spread plumes of benzene, toluene, ethyl benzene, and xylene because ethanol may inhibit the breakdown of these toxic materials. Although ethanol contributes some clean air benefits, it also increases the formation of nitrogen oxides, which lead to increases in smog.

So I think if you listen to the experts and you forget the special interests, you will support my amendment. We need to ask ourselves, are we in the business of letting people off the hook, people who have a responsibility for what they are putting into our gasoline, into our air, into the ground?

We mandated airbags, and we did not say to those manufacturers that they should not be liable. If there is a defective product problem with an airbag, people can hold the companies responsible if it does not work or it harms them. Why would we give a free pass to ethanol? There is only one answer: special interests, powerful, powerful special interests. There is no other answer that you can come up with.

If we do not learn from our mistakes, we are doomed to repeat the mistakes of the past.

My amendment will eliminate the special interest liability exemption for ethanol in this amendment. It means that ethanol will not be treated any better or any worse than other fuels. It will mean ethanol will be treated the same way as any other fuel. We should not shift the burden of cleaning up any problems caused by ethanol to our communities. The polluters should pay. The safe harbor liability exemption for ethanol should be taken out of this amendment.

I have to say to my friends, I know how anxious you are to have ethanol. I know it means a lot to the corn producers, and, frankly, it means a lot to my agricultural people. I have some good language in this bill dealing with ethanol made from other materials. But I still believe that my people who will produce this ethanol should not be left off the hook if there is a serious problem to the health of the people of the United States of America.

So the amendment is simple. I hope we can have a good vote, a solid vote on this amendment.

I yield the floor with the understanding that I will close the debate. Thank you very much, Mr. President.

The PRESIDING OFFICER (Mr. CORNYN). The Senator from North Dakota.

Mr. DORGAN. Mr. President, I rise to oppose the amendment by my colleague from California. I regret that we are on different sides on this issue, but this amendment is unnecessary. It addresses a problem that does not exist, in my judgment. And my guess is, the Senate will, as it has in the past, vote to oppose this amendment. But I do wish to make a couple of comments about the issue of ethanol more generally.

I was listening to my colleague, and I was thinking about energy and thinking about that old country western song that was titled ''When Gas Was 30 Cents a Gallon, Love Was 60 Cents Away.'' We are a long way from 30-cent-a-gallon gas, and I don't expect we will ever see 30-cent-a-gallon gas any longer.

Sixty percent of the oil we use in this country comes from off our shores, much of it from very troubled parts of the world—Saudi Arabia, Kuwait, Iraq, Venezuela, and more. It is estimated that it is going to grow to 69 percent in a relatively short period of time. We are hopelessly addicted to foreign oil, much to the detriment of this country.

The use of ethanol is not going to solve that, but it moves us in the right direction in addressing it. Ethanol is a simple proposition—it is being able to grow our energy in our farm fields. Think of it: Take a kernel of corn, extract a drop of alcohol from the kernel of corn, and still have the protein feedstock left to feed the cows.

This is about growing our energy. It is about making us less dependent on the Saudis and the Kuwaitis and the Iraqis. I have indicated we have this huge addiction to foreign sources of oil.

Now, I did not know too much about ethanol before I came to the Senate. I have learned a lot about it since and have been involved in trying to make certain that we support ethanol production. But I learned enough about it from a full-page ad that I read by a major oil company one day in a daily newspaper. This major oil company had spent enough money to take out a big old advertisement saying how bad ethanol was for America. I looked at that and I thought: Well, now, if this big oil company thinks it is bad, maybe I ought to take a good, hard look at it because I figure it is probably good for this country.

You see, they do not want competition. They have been trashing ethanol for a long time. But the fact is, we are not only addicted to foreign oil, we have this enormous growth in the size of energy companies through mergers and acquisitions, and so now there are just a few companies left. And between OPEC and the few larger energy companies these days, I do not have any great confidence that there is not market manipulation going on. However, I don't know, but I saw what happened in California with electricity because they could, because that kind of market power allowed them to do that.

So I am very interested in trying to see if we can diversify the production of fuel. This capability, through ethanol, gives farmers a new market, allows us to grow fuel in our farm fields and rely on less of it from under the sands of Saudi Arabia and Kuwait and Iraq, for example. It is a winner all the way around, in my judgment.

This 8-billion-gallon requirement that we have in this bill is carefully constructed. It moves this country in a very important direction. It will reduce crude oil imports by 2 billion barrels. Think of that—a 2-billion-barrel reduction in crude oil imports. It will reduce the outflow of dollars largely to foreign oil producers by $64 billion. It will create about 240,000 new jobs, it has been estimated. It will increase U.S. household income by $43 billion.

The fact is, this makes sense for everybody. And so I stand here to support ethanol, as I have on many occasions in the past. I was able to be here earlier today to give an opening speech on energy and touched on it. But my hope is we will turn back the Boxer amendment and strongly support the ethanol provisions in this bill.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, first of all, let me say that I agree with my friend from North Dakota, although I do not agree with him on the whole idea of the mandated ethanol. We have talked about that. We had that debate. That is already behind us now, and this is where we are.

I would suggest that many years ago, when I was in the State legislature, my first trip to Washington was to protest Ladybird Johnson's Highway Beautification Act of 1965. So I do not like mandates to start with, but what I don't like more than the mandates is the fact that you mandate something and then open them up to exposure and expose them to lawsuits. We drafted in my committee this very narrow safe harbor provision which is included in

the underlying amendment. It was a product of very careful deliberation. It was a compromise. It was a piece of the overall package.

The amendment requires the use of a set and increasing amount of renewable fuels. Because the Government requires the use of a particular additive, the Government should not allow compliance with that requirement to be the basis of a lawsuit. That is just common sense.

I have a great deal of respect for my colleague from California, but when she talks about the powerful interests we are protecting, is a farmer from Gage, OK, or from Woodward, OK, a powerful special interest group? No, he is not. He is someone who has a law. There is a law out there. He is complying with the law. He says: I guess I will have to go ahead and supply the corn for ethanol. Then he finds out, down the road, he is being named in a lawsuit. We know this happens. It may not be the intent of the law, but it is the effect of the law. That is what happens.

On April 22, trial lawyers in the City of Merced v. Chevron have already filed an MTBE-style case attacking ethanol. The plaintiff's drafting in their lawsuit is purposely different and includes the term ''other oxygenates and ethers.'' This careful inclusion necessarily includes ethanol because the only other ''oxygenate'' per se is ethanol.

Any of those trying to use the argument that if you do this, this somehow affects MTBE and would reduce their responsibility, it does not affect them. The renewable fuels safe harbor does not relate to MTBE. The text of the renewables liability provision is clear. Only renewable fuels, as defined elsewhere in the amendment, can qualify for the safe harbor. MTBE is not within the renewables definition.

I would hope, as people cast their vote, they would keep in mind there is one great issue, and that is a fairness. For Government to come along and mandate something is bad enough. But for Government to come along and mandate something and then say there is no protection for complying with the law, that is not right. It is a fairness issue. I believe we should defeat the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. INHOFE. Reserving the right to object——

Mrs. BOXER. I am not asking unanimous consent. I am asking for the yeas and nays.

The PRESIDING OFFICER. The request is not subject to an objection.

Is there a sufficient second?

At this time, there is not.

The Senator from California is recognized.

Mrs. BOXER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered.

Does the Senator withhold the quorum call request?

Mr. INHOFE. I ask unanimous consent that the order for the quorum call be rescinded.

Mr. NELSON of Florida. I object.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. NELSON of Florida. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue the call of the roll.

The assistant legislative clerk continued with the call of the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Parliamentary inquiry: What is the status of the bill now?

The PRESIDING OFFICER. There are 2 minutes remaining to the Senator from California on her amendment.

Mr. DOMENICI. I thank the Chair.

Mrs. BOXER. Mr. President, I won't take the 4 minutes, but I had asked for 4 in the unanimous consent request.

The PRESIDING OFFICER. The time of the quorum call was charged against the Senator.

Mrs. BOXER. Mr. President, I am glad we are going to vote on my amendment. I understand that Senator DOMENICI will move to table. That is fine with me, as long as we have a vote.

Again, this is a very interesting issue in terms of what our responsibility is. As Members of the Senate, we have a responsibility to protect the health and safety of the people of our country. Why on Earth would we give a waiver of liability to the makers of ethanol when, in fact, we are not sure what is going to happen with heavy use of ethanol? We are not sure whether it is going to cause a problem for our people and who is going to have to pay to clean up the mess.

We know what happened with MTBE. We know it was in communities such as Lake Tahoe, Santa Monica, and communities in the Northeast and all across the country. I remember I had a map that showed where MTBE was a problem. It is practically in every State in the Union. The courts have made it clear that the people who made the MTBE have to come into these communities and clean it up. Now we are saying with ethanol, on the one hand, it is safe. Well, if it is so safe, why do we have to give it a special safe harbor and people give up their right to recover in their community in Tennessee or communities in California?

The fact is, they will say the waiver of liability is very narrow but, in fact, what they have waived is the only course of action a community can pursue.

Then you will hear: This is different because we are mandating ethanol. Therefore, we should protect the people who make it. We mandated airbags, and we didn't give a liability waiver to the people who make airbags. We mandate pollution control devices, but we don't give a liability waiver to the people who make it. So this is about the sheer power of special interests.

Let's not put our communities at risk. We could debate whether we ought to have this ethanol mandate. As we will see how it comes out, some people favor it, some don't. We should agree to protect our people.

I hope my colleagues will vote against the motion to table the Boxer amendment. I thank the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I move to table amendment No. 781 and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Ohio (Mr. DEWINE).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) and the Senator from California (Mrs. FEINSTEIN) are necessarily absent.

I further announce that, if present and voting, the Senator from California (Mrs. FEINSTEIN) would vote ''nay.''

The PRESIDING OFFICER. Are they any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 38, as follows:

[Rollcall Vote No. 137 Leg.]

YEAS—59

Alexander	Dole	Martinez
Allard	Domenici	McConnell
Allen	Dorgan	Murkowski
Baucus	Enzi	Nelson (NE)
Bayh	Frist	Pryor
Bennett	Graham	Roberts
Bond	Grassley	Rockefeller
Brownback	Hagel	Salazar
Bunning	Harkin	Santorum
Burns	Hatch	Sessions
Burr	Hutchison	Shelby
Chambliss	Inhofe	Smith
Coburn	Isakson	Stabenow
Cochran	Johnson	Stevens
Coleman	Kohl	Talent
Conrad	Kyl	Thomas
Cornyn	Landrieu	Thune
Craig	Lincoln	Vitter
Crapo	Lott	Voinovich
DeMint	Lugar	

NAYS—38

Akaka	Dayton	Lautenberg
Biden	Dodd	Leahy
Bingaman	Durbin	Levin
Boxer	Ensign	Lieberman
Byrd	Feingold	McCain
Cantwell	Gregg	Mikulski
Carper	Inouye	Murray
Chafee	Jeffords	Nelson (FL)
Clinton	Kennedy	Obama
Collins	Kerry	Reed

Reid	Snowe	Warner
Sarbanes	Specter	Wyden
Schumer	Sununu	

NOT VOTING—3

Corzine	DeWine	Feinstein

The motion was agreed to.

Mr. DOMENICI. I move to reconsider the vote.

Mr. NELSON of Nebraska. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New York.

AMENDMENT NO. 782 TO AMENDMENT NO. 779

Mr. SCHUMER. Mr. President, I rise to offer an amendment which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 782 to amendment No. 779.

Mr. SCHUMER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strike the reliable fuels subtitle of the amendment)

Strike subtitle B of the amendment.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I rise today in opposition to the amendment that has been put before the Senate by my good friend and colleague from New Mexico and offer a second-degree amendment to it. Now, I do so not only out of the sincere belief that the provision will hurt consumers in New York, but that it will hurt consumers throughout the country, and that it is anticompetitive and not the way a free market ought to go.

The amendment of my good friend from New Mexico is one of those amendments that, while well-intentioned, could come back to haunt every one of us. I have been in Congress for 23 years, and every so often there is an amendment that people vote for, confident on the surface that it seems like the right thing to do, and a few years later it turns out to be a big disaster. Then our constituents turn to us and say: What the heck have you done? How could you have done this?

This is one of those amendments, like a catastrophic illness. My colleagues, beware. If there was ever an amendment quietly put in a bill that should really have a skull and crossbones label on it, at least to those of us from States without a large amount of ethanol, this amendment is it.

So today I rise to join my colleague from New York, my colleagues from California and elsewhere, mainly on the coasts, but not exclusively so, to debate an unprecedented new ethanol gas tax that would be levied on the American people by the amendment we are now considering.

So many are against any kind of gas tax. I understand that. I have opposed many gas taxes, too. But why, when the gas tax comes in the form of an ethanol mandate but has the same effect—causes the price of gasoline to those under its yoke to rise—do we not oppose it?

The amendment offered by Senator DOMENICI does accomplish two goals that I consider very worthy and which my amendment would let stand. One is restricting the use of MTBEs, which has resulted in groundwater pollution all over the country. The second is scrapping the oxygenate mandate that led so many States to make such heavy use of MTBE in the first place.

The proposal in the amendment also provides an antibacksliding provision to require continued efforts on clean air. That is another goal that I support. The number of people who are living longer and living better because our air is cleaner is enormous. We all benefit from that. So the antibacksliding proposal is a good measure, and I applaud it.

I believe that eliminating the oxygenate requirement and letting each region meet clean air standards in the way that suits it best is smart energy policy. If that is all my friend from New Mexico did, I would be on the floor supporting his amendment and cheering it on.

But as they say, Mr. President, there is always a catch. This amendment adds an astonishing new anticonsumer, anti-free-market requirement that every refiner in the country, regardless of where they are located, and regardless of whether the State mandates it and whether the State chooses a different path to get to clean air, must use an ever-increasing volume of ethanol.

If they do not use the ethanol—and this is the most amazing part of the bill—they still have to pay for ethanol credits. If your State does not want to use ethanol because it is so expensive to transport it—there are no pipelines—on the barges and on the boats and in the trucks—so let's say it is too expensive to do that—you still have to pay for it.

If there were ever an onerous, anticompetitive, anti-free-market provision, this is it. Where else do we mandate that people pay for something when they do not use it? Why are we saying to the car drivers of America, the motorists of America, You have to pay for this stuff even though you do not use it? It is nothing less than an ethanol gas tax levied on every driver—the employee driving to work, the mom who is driving kids to school, a truck driver earning a living. Every gasoline user in this country will pay.

Now, in 2003, the United States consumed only 2.8 billion gallons of ethanol. Starting in 2006—a mere year away—they would be required to use 4 billion gallons of ethanol. Where are my friends from the free market when we need them? We hear about the free market. Is this a free market? Are we letting everyone decide how to meet a worthy clean air standard? Absolutely not. So 2.8 billion last year; in 2006, you have to use 4 billion; and by 2012, you have to use 8 billion gallons of ethanol and increase it every year by a percentage equivalent to the proportion of ethanol in the entire U.S. gas supply after 2012 in perpetuity.

If production does not happen, if we do not have enough ethanol—I don't know how the sponsors came up with 4 billion or 5 billion or 8 billion—guess what happens. We get a big price spike. At a time when gasoline is expensive enough, do you want to be accused of passing legislation that will raise the price more? I know there are corn growers in some States, and I know that Archer Daniels Midland and all these other ethanol producers are pretty powerful. But what about all the drivers and motorists throughout the country? What about them? There are many more of them than the rest, and every one of them will be at risk. Even in the Middle West where there is plenty of ethanol, if there is not enough to meet the mandate, there is going to be a price spike for everybody.

Now, there are a lot of estimates out there that try to predict what the new mandate is going to cost motorists at the pump. In some of the more conservative estimates, it is a few pennies a gallon. But others have pegged the cost significantly higher. Even though the size of the increase may be open to discussion, it is generally agreed that this mandate is going to cause an increase in the price of gasoline.

Last year when we had a bill, gasoline was about $1.60 or $1.70 a gallon. Now it is $2.25 a gallon. Do we still want to do this? Aren't gas prices high enough? The fact that we do not know how severe the increase is going to be should give us pause. As we have seen time and time again, there is not much more of an effective way to stifle an economy or place burdens on families across America than by causing a price spike, a hike in gasoline prices.

I know the supporters of this ethanol gas tax are going to argue that the claims I am making are not accurate, and the cost of forcing the entire country to use 8 billion gallons of ethanol is a mere pittance. Remember, ethanol is very hard to transport. It cannot be carried through our existing pipeline infrastructure. It must be put on a truck, a barge, sent down the Mississippi, then sent by boat all around the country, then loaded back into a truck, taken to a local refinery, and put into the gasoline. That will be the added expense passed on to the driver. That is why this is a regional proposal more than it is a party proposal.

To forecast how much a 6-year, 8-billion-gallon ethanol mandate is going to cost consumers across the country, you first have to look at the interplay of a host of complex factors—the growth in auto travel, gasoline prices, corn prices, ethanol prices, how many ethanol plants will come on line—and all of these are inextricably linked to how high the price of ethanol is going to go.

If ethanol prices are high and manufacturing ethanol profitable, the private sector will build ethanol plants. If ethanol prices are low, they will not. So I think the numbers my opponents are using make an unrealistic set of assumptions, basically that ethanol prices will be unusually low for the next 10 years, and yet at the same time the private sector will be building new plants all over the country. You can't have it both ways. If the price is high, yes, there will be more ethanol plants. If the price is low, there are not likely to be any, and the price is going to go up either way. But in truth, whether it costs a penny a gallon or a dollar a gallon, consumers should not be forced to pay an ethanol gas tax at all.

There is no sound public policy reason for mandating the use of ethanol, other than political might of the ethanol lobby. The new ethanol tax will contribute to market volatility and price spikes, especially because the ethanol industry is highly concentrated within a few large firms located in the Middle West. In fact, ADM alone controls almost 30 percent of the market, according to CRS.

My opponents also argue that the ethanol gas tax is needed to help family farms. I take these arguments seriously. I know how many of my colleagues from the Middle West want to help family farmers who are struggling. I want to help those farmers, too. I have stood by my Senate colleagues and voted for billions of dollars in agricultural subsidies to help the farmers in the South and West, even though those commodity subsidies don't help my farmers in New York. But as I have said, the ethanol gas tax money will not be going mostly into the pockets of family farmers, it will go into the pockets of ADM and the other big ethanol companies. All of a sudden, are the farmers going to get the big benefit? They don't get it for milk. They don't it for corn. They don't get it for meat. Is the beneficent rule of ADM going to give our corn growers the benefits of this or do you think ADM and the other big companies will take the benefit for themselves?

If you want to help our family farmers, take the money you are using that will cost this and give it to them, and you will spend a lot less money and help the family farmer a lot more without all the middlemen who don't need the help.

The final argument my opponents will make—and this is a cynical one—is that if New York and California and other States want to clean up their water by banning MTBEs and maintaining clean air, they should have to pay the price of an ethanol gas tax, and it is political naivete to think otherwise. My State has already banned MTBE. So have others, such as California, Colorado, Connecticut, Indiana, Illinois, Iowa, Kansas, Kentucky, Maine, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Washington. Every one of these States has enacted its own MTBE bans or taken steps to restrict its use. A number of other States are in the process of taking action as well. Because what we have learned is that MTBEs pollute the ground water.

Every one of those States that has banned MTBE is going to find itself in an impossible dilemma. Their citizens are demanding they ban MTBE, but with the oxygenate requirement in place, they can't do so. Recently, the EPA denied the application of New York and California for a waiver from the oxygenate requirement, putting States with MTBE bans between a rock and a hard place. Our citizens' health and the environment are being held hostage to the desire of the ethanol lobby to make ever larger profits. Why didn't the EPA grant the waiver? It didn't affect clean air or clean water. Raw politics, trying to suck money out of one region and put it in another. That is not fair. That is not right.

Our citizens' health and environment are being held hostage to the desire of the ethanol lobby to make ever larger profits. The administration has already gone along. Will this Senate?

It is an outrage. For Congress to tell Americans across the country that we refuse to clean up the air and water unless they pay off ADM is unconscionable. There is no public policy reason on Earth not to allow States to ban MTBEs and remove the oxygenate requirement and keep clean air standards in place without requiring them to buy ethanol.

In New York, we have been forced to for over a year and a half. Our gasoline prices are too high already, and the unnecessary ethanol requirement we face is not helping.

In conclusion, I ask my colleagues to support my amendment to strike the ethanol mandate. If you believe that Congress has the obligation to protect the health of our citizens and the environment, support banning MTBE, getting rid of the oxygenate requirement, and maintaining clean air standards. Don't support forcing American consumers to pay for ethanol in exchange. If you believe the Congress has an obligation to protect consumers and keep our free market running as efficiently as possible, then, again, I ask Members, please, do not support forcing American consumers to raise their gas prices and to pay for ethanol.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. HARKIN. Will my friend yield for a question?

Mr. SCHUMER. I am happy to yield for a brief question to my good friend from Iowa.

Mr. HARKIN. Since my friend mentioned——

Mr. DOMENICI. I believe I have the floor. I am pleased to yield.

Mr. HARKIN. I thought he still had the floor.

Mr. SCHUMER. I didn't think I had yet yielded the floor.

The PRESIDING OFFICER. The Senator from New York still has the floor.

Mr. SCHUMER. I was about to, but I am finished with my statement.

Mr. HARKIN. I just wanted to respond to my friend from New York. Is my friend from New York aware of the fact that right now, the price of gasoline is around $2.03, or $2.05 a gallon? Ethanol right now is about $1.60 a gallon. My question to my friend from New York is, if the free market is at work, why aren't the oil companies blending more ethanol since they would make more money?

Mr. SCHUMER. Well, let me answer my friend. The cost of ethanol varies greatly depending on what region of the country the ethanol is produced in. What makes it so expensive for New Yorkers is not the cost of actually making it in Iowa or Illinois or Kansas. What makes it so expensive is there is no cheap way to get it from the cornfields of Iowa to the gas stations of New York and, as a result, the cost of transporting the ethanol. Sure, it can be made out there. We don't have many ethanol plants in New York. They have to put on it barges. They have to ship it slowly down the Mississippi. They have to unload it onto boats. The boats have to go round the gulf coast, go around Key West, up the east coast. They have to dock in New York City. It then has to be loaded onto trucks and sent to gas stations—a lengthy and expensive process.

Let me say in all seriousness to my good friend from Iowa, I have talked to some of the major refiners in the Northeast. They are able to meet the clean air standard more cheaply and better without ethanol than with it. And by our requiring them to put the ethanol in the gasoline is the only reason they do it. If we didn't require them but kept the clean air standard, we would have gasoline that is just as clean but a lot cheaper for constituents.

I want to help your corn farmers, but I don't want the housewife who drives the kids to school or the salesman who has to go door to door to be subsidizing your corn farmers. Let the whole government do it.

Mr. HARKIN. Will the Senator yield for another question?

Mr. SCHUMER. I am happy to yield for another question.

Mr. HARKIN. My friend talked about the transporting of ethanol going down the Mississippi and then on barge around this and that. Has my friend ever considered how you get the oil from the Mideast over here? You have to go over there with a big tanker. You have to load it up. Then that tanker has to go across the oceans, and it has to come into New York or wherever the port is and unload it. Then it has to be shipped to a refinery to refine it.

Then, in order to protect that oil pipeline from the Mideast, we have to send 130,000 troops, our military. We have to protect our sea lanes—the billions of dollars that it costs to protect

shipping that oil from the Mideast and all that. I can assure my friend from New York that they will never have to send our young men and women to Iowa to fight.

Mr. SCHUMER. We would like to send them to Iowa on vacation to help pick the corn, but, certainly, we hope that this ethanol fight, as fractious as it is—I can state that the citizens of New York will not declare war on the citizens of Iowa.

Mr. HARKIN. You will never have to worry about that.

Mr. SCHUMER. Although the bill declares economic war on the citizens of New York, Connecticut, California, and other places which don't have the ethanol.

By the way, I say to my good friend from Iowa, I would not make the analogy that what the ethanol producers are doing is the same as what OPEC is doing with the oil, both causing the price to go way up. I don't like the big oil companies in terms of what they do, but I don't think Archer Daniels Midland is much better.

Mr. HARKIN. We have 16 ethanol sites in Iowa; 11 are predominantly owned by farmers. There is one that Cargill owns, and ADM owns one. Almost all of the new ethanol plants being built in the United States are owned and operated by farmer-owned enterprises. It so happens that ADM was there in the beginning.

But what is happening now—and especially with this legislation—is you are going to see more and more farmer-owned plants. That is what is happening. My friend is talking about the past. We are talking about the future.

The way to break the OPEC cartel is to get a lot of farmers around the country, using new technologies, making ethanol out of corn and cornstalks, and a variety of other feedstocks—and we will soon be making ethanol in the State of New York, as well as in New England. That is what this is about. It breaks the back of the OPEC cartel.

Mr. SCHUMER. I say to my friend, I would like nothing better than to break the cartel. Some say one of the ways to break the cartel is to put a tax on gasoline. The higher you tax the gasoline, the less you will need OPEC. That is true. But the reason we reject that high tax on gasoline is the burden it puts on average people. Well, if that burden is placed on the average driver in New York to pay a lot more to the ethanol producers rather than OPEC, what have we gained? Fifty cents out of your pocket? If faced with a choice, I would rather have it go to an American company—although there is ExxonMobil and others—I would rather it go to an American producer in the cornfields in Iowa than to the oilfields in Saudi Arabia. But neither is a very good choice. Both of them cause huge hardship on the consumer by raising the price.

So all I say to my friend from Iowa, who I know has the interests of the average worker at heart—all I say to him is, if ethanol is better than gasoline and cheaper for people in Iowa or Illinois, God bless you, use it.

Let me ask my friend a question. Is it fair—because we won't use the ethanol in a lot of instances—to say to us, as this amendment does, you have to pay for it whether you use it or not?

Mr. HARKIN. I respond that that is not the case. I will say more about that in my remarks following my friend. That is not the case at all. I wanted to correct something. I made a mistake. In all good faith, and in making sure that I speak correctly, I said earlier that a gallon of gasoline was $2.03 and ethanol was $1.60. What is it in New York?

Mr. SCHUMER. It is $2.25.

Mr. HARKIN. I was wrong about ethanol. A gallon of ethanol is only about $1.22. I point out that it would be great if more people used it. It is only $1.22 and $2.25 for gasoline.

Mr. SCHUMER. If my colleague can get the price of whatever it takes to drive a car down to $1.22 in New York and have the same efficiency—it is almost as efficient, not quite, at 90 percent—and the same level of cleanliness in the air, I would be all for it. But everyone knows, again, whether it is $1.20 or $1.60, the basic cost for us is the transportation cost.

My colleague from New Mexico has been waiting very patiently. I appreciate the spirit of my good friend from Iowa in this dialog, which we have disagreed on over the years. I don't know if we will ever agree on it.

I am happy to yield the floor so my colleague from New Mexico can make his comments.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I say to my friend from New York, maybe on this one we disagree, but we have another big issue that we agree on. We are going to do something about the art community in your State and collectible items.

Mr. SCHUMER. Maybe under the chairman's leadership—if the chairman will yield—we should add that wonderful amendment to this bill and pass it right now.

Mr. DOMENICI. I don't know what would happen if we went to the House with it. Maybe we could hurry it up that way. In any event, a number of Senators want to speak. I will not address the issue that was spoken to because many others are going to—except I remind everybody that something was said here about a monopoly, lack of competition. The Senator from New York made the case for lack of competition. When we use gasoline, let's not forget we have been subjected to the most monopolistic control mechanism for the price of almost anything this country has ever seen. The cartel is strangling us.

As we drive down the road, we are driving on gasoline that is indeed noncompetitive. It is competitive for a few cents because the filling stations might be competitive, but the basic price is the monopolistic issue.

Mr. REID. Mr. President, I rise to discuss the energy bill that we will consider over the next 2 weeks. Senators DOMENICI and BINGAMAN should be commended for their bipartisan work in the Energy and Natural Resources Committee to bring us to this point today.

The events over the last 4 years have highlighted what Americans have known since the 1970s—our national security and our economic security depend on our energy security. Americans need and deserve an energy bill that truly moves us toward energy independence.

Seriously addressing our national security means kicking our dependence on foreign oil.

Today, we import 58 percent of our oil.

Our dependence on imported oil poses a risk to our national security and our economic well-being.

We will consider a number of additional proposals that can help make greater energy security a reality for future generations of Americans.

There will be amendments offered to the bill regarding energy security, renewable energy, biofuels, climate change, and fuel economy.

We must reduce our dependence on foreign oil and make a commitment to clean, renewable energy.

If we choose to invest in energy efficient technologies and renewable energy, we will create thousands of new jobs . . . we will protect our environment . . . and we will bolster our national security.

That is the vision our Nation needs. That is the leadership we must provide.

Mr. CORZINE. Mr. President, I first thank Chairman DOMENICI and the ranking member, Senator BINGAMAN, as well as both of their staffs on the Energy Committee for all of their hard work in preparing an energy bill. Their leadership has allowed the Senate to come together today and discuss an issue that is paramount to our Nation's quality of life and our homeland and economic security.

As this body considers omnibus energy legislation, it is crucial that we formulate an energy bill that meets several criteria. The legislation must reduce the United States' unhealthy dependence on foreign oil; address the United States' skyrocketing gas prices; invest in environmentally friendly technology and research; protect the moratorium on drilling in the Outer Continental Shelf; address global warming; and promote energy efficiency.

The Department of Energy currently projects that coal and natural gas will be used to meet most of our Nation's increasing electricity energy demand over the next 20 years. It is my firm belief, however, that as we increase generation, the United States must ensure that its energy portfolio is well diversified. New Jersey, which is already suffering from the effects of poor air quality—one-third of which is traced to

out-of-State sources—would not be well suited by increasing our reliance on coal. In addition, considering the spiking price of natural gas, this source is not the cure-all that it was envisioned to be a few years ago. We must, therefore, consider all forms of electricity generation to meet our demand, including other clean and domestic forms of energy.

I am proud to note that New Jersey currently generates 75 percent of its electricity from low-polluting sources. Nuclear energy contributes almost 53 percent of the electricity on New Jersey's power grid. However, the need to protect diverse electricity generation is particularly profound in New Jersey. In addition to rapidly increasing electricity demand, seven generation facilities are scheduled for retirement and the license of one nuclear facility expires within the next 5 years—leaving a huge void, since this facility currently meets 10 percent of New Jersey's peak demand.

Promoting renewable energy will help the United States increase its energy security by reducing our dependence on foreign energy sources. Expanding our renewable energy resources will also allow us to rely on cleaner, more diverse sources of energy. It will also allow us to decrease our reliance on fossil fuels, which in turn could protect energy prices from the volatility of fossil fuel markets. Finally, we can reduce greenhouse gas emissions and other pollution and encourage economic development around renewable energy industries. It is truly a win-win for our country.

New Jersey has been a national leader in renewable energy. My State already has its own 20 percent renewable portfolio standard. New Jersey is not only the first mid-Atlantic State to adopt renewable energy requirements for all retail energy suppliers, but it also has one of the most aggressive funding mechanisms in the Nation for promoting renewable energy.

Protecting our coastlines is another priority of mine when considering our energy future. Jersey shore tourism, the second largest industry in my home State, generates $31 billion in spending. This spending directly and indirectly supports more than 836,000 jobs—more than 20 percent of total State employment—generates more than $16.6 billion in wages, and brings in more than $5.5 billion in tax revenues to the State. I am, therefore, deeply concerned about a provision added in committee that would allow an inventory of the offshore oil and gas resources. While on the surface, an inventory sounds harmless, the explosive impulses associated with seismic exploration of sensitive coastal waters threatens marine life and can be detrimental to fisheries. Even more concerning is the fact that the inventory is sure to be just a first step on a slippery slope toward offshore drilling. With so much of my State's economy dependent on the cleanliness of our beaches, it is imperative that we stop all efforts to weaken the moratorium on OCS drilling. I am prepared to fight any amendment that would threaten it, including those allowing States to opt out or opening up designated areas off our coast. Senator MARTINEZ, Senator NELSON, and I plan to offer an amendment that would remove the inventory provision, and I urge my colleagues to vote in favor of our amendment so that we can protect our Nation's coastlines as well as our States' economies.

It is also my hope that we create an energy policy that adequately promotes a clean and healthy environment. It is time that our Nation confronts the serious problem of global warming. Increasing CAFE standards for automobiles and reducing power-plant emissions can go a long way in reducing harmful greenhouse gas emissions. I was a leader on this issue during the 107th Congress when the Senate included in the Energy bill the greenhouse gas registry amendment that Senator BROWNBACK and I offered. The registry was also a part of the Senate Energy bill that was agreed to by the Senate in the 108th Congress.

I was, however, disappointed that an amendment offered by my friend from California, Senator FEINSTEIN, to close the SUV loophole and improve the fuel economy of passenger vehicles failed in committee. I believe this amendment would have been effective in reducing our dependence on foreign oil, cutting global warming emissions, and saving consumers thousands of dollars annually at the gas pump.

Another way we can start reducing greenhouse gas emissions is by promoting energy efficiency standards for homes and appliances. I am proud to say that this bill includes language that I successfully added to the 107th Congress Energy bill encouraging the Department of Housing and Urban Development and the public housing authorities—PHAs—it oversees to increase energy efficiency in public housing projects. HUD and the PHAs currently oversee approximately 1.3 million units of residential low-income public housing across the country. The Federal Government spends approximately $1.4 billion total for utility usage in these units. HUD has conservatively estimated that improved energy management processes throughout all of its public housing programs could save between $100 and $200 million annually.

In addition the Department of Energy has estimated that if energy management was improved in all public and assisted housing programs the Federal Government could save between $300 million and $1 billion annually.

My provisions address the absence of resources at HUD to help PHAs manage their utility expenditures and the lack of incentives for implementing energy efficient systems and technologies both contribute significantly to high energy expenditures. I again thank the chairman and ranking member of the Energy Committee for working with me to include these important energy efficiency provisions in the bill.

While there are many issues we need to address in this bill, I also want to make clear my opposition to several amendments that have come up in the past in this body. I am adamantly opposed to any special favors for oil and gas producers that would be harmful to many of my constituents. I am especially concerned, therefore, about a provision that was included in the House bill that would shield from accountability the manufacturers of MTBE.

Finally, when it comes to the renewable fuel standard—RFS—I am very concerned about the 8-billion-gallon RFS included in the Senate bill. With the cost of living in New Jersey being one of the highest in the Nation, an increase in the mandate would essentially be a gas tax for my constituents.

I look forward to the debate on this important bill. It is time that we passed an energy bill that will take the vision of future U.S. energy policy in the right direction—toward energy independence, innovation and conservation.

MORATORIA FOR OIL AND GAS DRILLING

Mr. NELSON of Florida. Mr. President, under the chairman and ranking member's leadership, the Energy and Natural Resources Committee produced an energy bill that passed out of the committee by a vote of 21 to 1. It is a bill that has a lot going for it. I continue to have concerns about it, including a major concern about a provision that requires an inventory of oil and gas reserves in the Outer Continental Shelf, which my colleague from Florida and I will attempt to remove. And I am aware of other important amendments that will be offered by my colleagues to improve the bill. But I want to indicate to the distinguished chairman that I think he has gotten his bill off to a good start.

However, the progress of this bill would be jeopardized if we begin to debate amendments that would change the status quo with respect to the sale of leases for oil and gas drilling in the Outer Continental Shelf. Vast areas of the Outer Continental Shelf are under moratoria for oil and gas drilling, and other extremely sensitive areas, such as Lease Sale 181 in the Eastern Gulf of Mexico off of Florida, have been made unavailable for leasing by the Department of the Interior.

I am aware that there are differences of view among my colleagues on how we should proceed with respect to the Outer Continental Shelf. My good friend and colleague from Louisiana, Senator LANDRIEU, and I have debated our different views on this at length, and have agreed to work together on a plan to increase the flow of revenue to States that currently allow drilling off their coasts, without opening up new areas for drilling. I can tell my colleagues that in Florida, this is a consensus issue. Florida's pristine beaches

and clean coastal environment are so important to our State's tourism-based economy that there is no support—zero—for drilling in the waters off Florida in the Eastern Gulf of Mexico. For that reason, I am compelled to ask the chairman and ranking member for their commitment that they will oppose, and work to defeat, any amendments to this bill that would change the status quo in the Eastern Planning Area. That commitment would apply to amendments proposing any change in the areas now under moratoria, any additional leasing activity in Lease Sale 181, beyond what was agreed to in 2001, and includes opposing the drawing of lateral seaward boundaries into the Eastern Planning Area.

Mr. MARTINEZ. Mr. President, I thank the chairman and ranking member for their leadership and for engaging us in this colloquy. For Floridians, there is simply no margin for error when it comes to offshore oil and gas drilling. Our $50 billion tourism industry is the lifeblood of our economy, and our tourism is based on people coming to enjoy the clean water, sugar-white sands, and excellent fishing that can be found up and down our coasts. The risk of even one offshore drilling accident to this economic engine is simply too great for us to take.

I will seek to strike the section that permits an inventory of oil and gas reserves in the Outer Continental Shelf. We are very concerned in Florida that an inventory is simply the first step down a slippery slope toward expanded drilling. But I will also join my colleague in seeking the commitment of the distinguished chairman and ranking member to oppose any amendments that would change the status quo in the Eastern Planning Area.

Mr. DOMENICI. Mr. President, it is my position that it is unfair to prejudge any hypothetical amendment, ruling it in or out without knowing the substance of the provision. Furthermore, I do not want to be in a position to preclude any of my colleagues from offering what they think are improvements to this legislation.

That having been said, I assure my colleagues, Senator NELSON and Senator MARTINEZ, that I will not support any amendment that alters current OCS moratoria with respect to submerged lands off of Florida's coast or that affects lands in Lease Sale 181, not so much because of the substance of any amendment of the sort, but because it would bog down this bill.

I want it to be clear that restricting development of our natural resources is not a policy view that I share, particularly in these times of severe shortages and high prices. I am on record supporting the principle that individual States should have greater input in petitioning the Federal Government to allow oil and natural gas production on the OCS. I am also on record stating that I believe that the time has come for the executive branch to draw boundaries and publish these boundaries as previously required under the Outer Continental Shelf Lands Act. I also believe that it is imperative that we increase our production on the OCS in order to decrease our dependence on foreign sources of oil. Finally, I think that it is important that we work toward recognizing, in real financial terms, the sacrifice that certain coastal States make toward helping our Nation meet its energy needs.

Having said all of this, I understand the importance of this issue to my colleagues from Florida. Although we do not agree, I respect their difference of opinion. I respect their passion on this issue and I make this concession because I understand the necessity of moving forward with this energy bill. This bill in its totality is more important than any one part. And, to that end, I extend this offer to my colleagues.

It should be noted, however, that this position does not apply in any way to any provision currently contained in this bill as reported out of the Energy Committee, including the comprehensive OCS inventory. While I will assist Members in working toward what I think are improvements to the inventory section, I will strongly oppose any attempt to strike the section. Furthermore, I will oppose any amendment that I think weakens any of the OCS provisions already contained in this bill. I thank my colleagues for their attention to this issue and look forward to working with them on this in the future.

As I said at the outset, I will not support any amendment that alters current OCS moratoria with respect to submerged lands off of Florida's coast or that affects lands in Lease Sale 181.

Mr. BINGAMAN. Mr. President, I join the chairman in his reluctance to prejudge amendments that we have not yet seen here in the Senate. We are trying very hard on this bill to consider and work out issues on their merits, which is how I think energy legislation should be considered in the Senate.

I can assure my colleagues, Senator NELSON and Senator MARTINEZ, that in order to move forward expeditiously with this legislation, I will likewise not support an amendment that alters current OCS moratoria with respect to submerged lands off of Florida's coast or that affects lands in Lease Sale 181, and that I will work very closely with them on any amendment that they believe affects Florida's interests with respect to the Outer Continental Shelf. Senator NELSON has been a strong leader and advocate for preventing oil and gas development off of Florida's coasts. He is a passionate defender of the pristine beaches, estuaries, and native mangrove ecosystems of Florida. I am keenly aware that he and his colleague, Senator MARTINEZ, have considerable rights under the Senate rules to impede the progress of this bill if amendments threatening these important Florida resources were in fact offered. But, I think it is unlikely that any Senator will offer an amendment to lift OCS moratoria off of Florida, or open areas otherwise unavailable for leasing, during our consideration of this bill.

I have somewhat different policy views than those of Chairman DOMENICI with respect to the role of States and the OCS. I certainly agree with his desire to see additional environmentally responsible energy development on the Outer Continental Shelf. Any policy differences regarding how that is to be accomplished are probably best left to another occasion. I also have a very different policy view on Lease Sale 181 from the Senators from Florida. I have supported drilling in the Lease Sale 181 area in the past and am likely to do so in the future.

I do believe that oil and gas production on the OCS can and will play an important role in meeting our Nation's energy needs, and that we need to craft appropriate national policies in that regard. For that reason, like the chairman, I support the inventory proposal contained in the bill now, and would support attempts to improve it. But I do not think that such provisions necessarily would operate to the detriment of Floridians. I appreciate the diligence being shown by our colleagues on these topics, given the importance that Floridians place on maintaining a pristine coastal environment. I look forward to continuing to work with them on these issues as this bill progresses.

MORNING BUSINESS

Mr. DOMENICI. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

J. JAMES EXON, NEBRASKA GOVERNOR AND SENATOR

Mr. NELSON of Nebraska. Mr. President, I am here today to pay tribute to a great American and a great Nebraskan. J. James Exon served with distinction in the United States Senate from 1979 to 1996 an as Governor of Nebraska from 1970 to 1978. Senator Exon passed away in his hometown of Lincoln, NE last Friday at the age of 83. His funeral services are tomorrow in Lincoln.

Jim Exon understood Nebraskans like no one else which explains his popularity with the people of his State. He loved them and they loved him back.

He was a Democrat in a highly Republican State, yet he never lost an election in 2 campaigns for Governor and 3 for United States Senate. He understood that Nebraska is a populist state more than it is a partisan state. Most Nebraskans judged him on what he said and what he did, not on his political registration.