

In Vermont this will mean if one of these bills passes—that satellite dish owners in Bennington and Windham Counties will be able to receive all Vermont network stations in addition to the out-of-State network stations they now receive.

The Senate bill was introduced on January 21, 2004, by Chairman HATCH and was cosponsored by myself and Senators DEWINE and KOHL. When the bill was reported out of committee on June 17, 2004, I noted that the bill does far more than just protect satellite dish owners from losing signals. I pointed out that the new satellite bill “protects subscribers in every state, expands viewing choices for most dish owners, promotes access to local programming, and increases direct, head-to-head, competition between cable and satellite providers.”

I continued by saying that, “easily, this bill will benefit 21 million satellite television dish owners throughout the Nation, and I am happy to note that over 85,000 of those subscribers are in Vermont.”

The Senate Judiciary Committee-reported bill, and the recently passed bill H.R. 4518, go far beyond protecting what current subscribers receive. As I mentioned in a September statement on the Senate floor, the bills allow additional programming via satellite through adoption of the so-call “significantly viewed” test now used for cable, but not satellite subscribers. That test means that, in general, if a person in a cable service area that historically received over-the-air TV reception from “nearby” stations outside that area, those cable operators could offer those station signals in that person’s cable service area. In other words, if you were in an area in which most families in the past had received TV signals using a regular rooftop antenna, then you could be offered that same signal TV via cable. By having similar rules, satellite carriers will be able to directly compete with cable providers who already operate under the significantly viewed test. This gives home dish owners more choices of programming.

In the past, Congress got the job done. Congress worked together in 1998 and 1999 when we developed a major satellite law that transformed the industry by allowing local television stations to be carried by satellite and beamed back down to the local communities served by those stations. This marked the first time that thousands of TV owners were able to get the full complement of local network stations. In 1997 we found a way to avoid cutoffs of satellite TV service to millions of homes and to protect the local affiliate broadcast system. The following year we forged an alliance behind a strong satellite bill to permit local stations to be offered by satellite, thus increasing competition between cable and satellite providers.

Because of those efforts, in Vermont and most other States, dish owners are

able to watch their local stations instead of getting signals from distant stations. Such a service allows television watchers to be more easily connected to their communities as well as providing access to necessary emergency signals, news and broadcasts.

Mr. President, I hope we are able to work together to finish this important satellite television bill in the few remaining days of this Congress.

#### AUTHORIZATION FOR LIHEAP

Mr. FEINGOLD. Mr. President, as the Nation faces crude oil prices of over \$53 per barrel, the Federal Government must commit to helping families fight high home heating oil costs. This week, the Milwaukee Journal Sentinel projected that home heating oil costs will increase by 18 percent this winter. Despite the higher energy costs consumers will face this winter, States are reducing benefit levels in order to try to serve an increased number of households. Congress must act now to help low-income families and the elderly pay for high home heating costs.

To combat these high prices, I urge my colleagues to support a bill introduced today by the Senator from Vermont, Mr. JEFFORDS, to extend and increase the authorization of the Low Income Home Energy Assistance Program, LIHEAP. LIHEAP provides a vital safety net for our Nation’s low-income households, who spend approximately 17 percent of their annual income on residential energy costs. Last winter, my home State of Wisconsin received more than \$40 million in Low Income Energy Assistance and the program served over 112,656 Wisconsin households. I strongly support extending the LIHEAP program and efforts to increase the authorization to \$3.4 billion each year to ensure that low-income families and the elderly have this crucial support to heat their homes. I urge my colleagues to support and pass this important legislation as soon as possible.

#### SUPPORT OF ENERGY SAVINGS PERFORMANCE CONTRACTS

Mr. DORGAN. Mr. President, I rise to thank members of the Defense Authorization Committee for addressing the Energy Savings Performance Contract, ESPC, program. Not only did the conference adopt the Senate position on the importance of this program, they went a step further and extended the program through 2006. Getting this reauthorization has been a long process and unfortunately one that will need to be revisited during the next Congress. We could have avoided this situation by simply providing a permanent authorization for the program, but since we didn’t, I believe we should focus on this issue at the beginning of the next Congress instead of waiting until the contracting authority runs out in 2006.

I want to take a moment of the Senate’s time to explain to my colleagues

the importance of energy savings performance contracts. Energy Savings Performance Contracts allow Federal agencies to enter into unique contracts through which private companies provide energy-efficiency improvements in Federal buildings. What makes these contracts unique is that the private companies are reimbursed for these improvements only through the resulting stream of savings on that Federal agency’s energy bill. Simply put, if there are no savings, then there are no payments. The Federal Government owns the energy efficiency improvements, but pays for these improvements through actual energy savings achieved. The Government retains the monetary value equivalent of any savings that exceed the payments to the private company during the duration of the contract and then retains all energy savings once the contract is complete. Importantly, the Federal agency pays no upfront capital costs for the upgrade.

The authority to enter into these contracts expired last year. To ensure continuation of the program, several of us in the Senate worked to include renewal authority in the comprehensive energy bill. Unfortunately, that extension authority was removed from the modified version of the energy legislation introduced by the majority leader. One of the main reasons for this deletion was because the CBO has assigned a significant revenue impact to continuation of the program. This scoring occurred even though the private sector energy efficiency providers are required by law to guarantee the energy savings and thus provide no net cost to the Treasury. Let me say this again, unless there are savings, the Government owes nothing. CBO’s interpretation of how to score these contracts may be in line with the literal meaning of the Budget Act, but it certainly is not in line with the spirit of the act. By allowing these private sector companies to work with the Federal Government on installing energy efficiency measures, an enormous service is being provided. We are saving energy; the Government is not required to pay up front costs; and at the end of the day, the Government and the American taxpayer gets the benefit of lower energy bills.

With passage of this short-term extension, the Senate must now turn its attention to passing a permanent extension. The start-stop program we have now is not conducive to getting these efficiency measures installed. During debate on the fiscal year 2005 budget resolution over 40 companies and associations signed a letter in support of the ESPC program. The signatures ranged from USPIRG to the Chamber of Commerce. There are not many instances when you have those two associations agreeing on a measure, so I believe the benefits of the program speak for itself.

In closing, I want to again thank members of the conference committee

for their work and support for this program.

#### COLONEL ROBERT MORGAN

Mrs. DOLE. Mr. President, I would like to reflect for a moment and explain why we should take a moment to honor Colonel Robert Morgan, a man of distinguished valor. Not only was he part of our Greatest Generation, he was a true hero, aptly defined as one who inspires through manners and actions, who leads through personal example and accomplishments requiring bravery, skill, and determination. As commander of the famed Memphis Belle during World War II, and at a time when German anti-aircraft fire brought down 8 in 10 bombers, Colonel Morgan repeatedly risked everything for his country. In this extremely dangerous environment he piloted the first heavy bomber to complete 25 combat missions in the European Theater, an unprecedented achievement and the magic number to be sent home. Colonel Morgan's exceptional courage did not end in the European Theater. He continued his valiant service to his country in the Pacific Theater and again made history when his B-29 named "Dauntless Dotty" was chosen to lead the first B-29 raid on Tokyo. A native of Asheville, North Carolina, Colonel Morgan represented the American Spirit—courage in the face of seemingly insurmountable odds.

#### BUSH IRAQ POLICY

Mr. LEAHY. Mr. President, I have seen the television reports and the newspaper articles, and I have spoken with people who recently returned from Iraq. I have seen the escalating violence and the chaos that has engulfed parts of that country.

And like all Americans I have watched the death toll of our young men and women in uniform pass 1000. It is now more than 1050, with many thousands more who have been grievously wounded.

Yet to hear the President and Vice President talk, one would think that everything is going well. The President uses words like "freedom is winning" and "we're making steady progress."

There is no question that all of us here wish that were true, but unfortunately the rosy picture that the President paints on the campaign trail is misleading and wildly off base.

Even worse, the President's statements are contradicted by knowledgeable officials in his Administration, by leading Republicans in the Senate, and by a growing number of national security experts within his own administration.

Here are a few examples: Secretary of State Powell said that the situation in Iraq is "getting worse." General Abizaid, the top U.S. military commander in Iraq, said "[w]e're going to have to fight our way all the way through elections," he said, "and

there'll be a lot of violence between now and then." Senator Hagel said "The fact is, we're in trouble. We're in deep trouble in Iraq." And, according to a recent article in the Washington Post, a lengthening list of career military, intelligence and State Department officials believe that Iraq is a mess and things are getting even worse, raising the specter of civil war.

Faced with mounting evidence that things are going from bad to worse in Iraq, what does the President do?

First, he attacks the messenger of the bad news by calling the National Intelligence Estimate "just guessing." Next, he ignores the problem by repeating the same old platitudes and wildly optimistic rhetoric. Then he and his political allies accuse those who dare to disagree of giving aid and comfort to the terrorists. When all else fails, the President engages in a time-honored tradition here in Washington: He changes the subject and deflects attention.

This President and Vice-President are masters at changing the subject. They have attacked John Kerry's distinguished military record, even though neither of them saw combat and many others in the administration used family connections or deferments to avoid military service altogether. In fact, when asked about serving in Vietnam Vice President CHENEY said that he "had other priorities in the military service."

Imagine what the President's campaign would be saying if JOHN KERRY had said that.

Why do the President and Vice-President constantly change the subject when asked to explain why things are going so badly in Iraq? The answer is simple. They have been consistently wrong about Iraq, and the results speak for themselves.

The President was wrong about weapons of mass destruction, which cut short the U.N. weapons inspections and got us into Iraq in the first place. The Duelfer report found that Iraq got rid of its weapons of mass destruction more than a decade ago, that Saddam Hussein did not have the means to develop a nuclear weapon, and that the U.N. inspections were working. Yet the White House insists that this devastating report by its own expert somehow supports the President's decision to go to war.

The Vice President was wrong about our being greeted as liberators. Think about that statement, and compare it to the daily—actually, hourly—attacks against our troops in Iraq today.

The President was wrong about "mission accomplished." More than 900 Americans have died since that famous photo op on the aircraft carrier.

The President was not only wrong, but it is hard to imagine what he was thinking, when he told the insurgents in Iraq to "bring it on."

The President was wrong about Iraqi oil revenues paying for the reconstruction. It is American taxpayers who are paying most of the costs.

And the President acts as if everything is on track for Iraqi elections in January even as the insurgency grows steadily worse and Secretary Rumsfeld is talking about holding elections in only parts of the country.

Despite being consistently wrong, the President's strategy stays the same—put the best face on it, insist that everything is going according to plan even though there is no plan, and attack the patriotism of anyone who dares to question or to criticize.

They have tried to keep the media from publishing photographs of the plane-loads of flag-draped coffins of Americans who have died in Iraq.

They rarely even mention the casualties—American or Iraqi—since that, of course, would mean having to acknowledge the terrible price that is being paid day after day.

They treated the Abu Ghraib prison scandal as an aberration—the work of a few rogue recruits.

They have done their best to hide the policies to subvert the law that were approved at the highest levels of government, and the fact that Abu Ghraib was only one of several locations where foreign prisoners were humiliated, tortured, denied the most basic human rights, and even murdered.

They shut down distribution of a key security report, issued daily by a U.S. contractor—which U.S. personnel in Iraq have relied on for their own safety—because the news of escalating violence in these reports did not square with the spin being put out by the Pentagon and the White House.

Just as the President ignored those who predicted the widening anti-American insurgency, he has sugar-coated the rebuilding of Iraq.

A year ago, he asked the Congress to appropriate \$19 billion immediately, in fact so immediately that he resisted every amendment designed to ensure the aid dollars would be well spent.

The President opposed my amendment to put Secretary Powell in charge of the reconstruction in Iraq, causing the Department of Defense to run the biggest nation-building venture since the Marshall Plan. And they bungled it miserably.

The President opposed an amendment that would have at least required that the aid be paid for out of the President's tax cuts for the wealthiest Americans—not left for our children and grandchildren.

The President opposed an amendment that would have created tough criminal penalties for war profiteering in Iraq.

The President refused to consider any alternative approaches. His attitude was "my way or the highway." And look at what a mess it has gotten us into. It has been nearly a year since the Iraq supplemental was signed into law, and only \$1 billion of the \$19 billion has been spent.

Of those funds, it is estimated that only 27 cents of every dollar has gone to benefit the Iraqi people. The rest has