learn over and over again. I have certainly made my share of verbal mistakes and missteps over the years.

So last night's statement from Senator DURBIN both honored our troops and recognized the sacrifices of those who lived and died under the grim systems of Nazi terror, of Soviet repression, and Cambodian genocide. That is right, fine, and worthy. Senator DURBIN took an honorable step yesterday afternoon. I look forward to working with our colleague from Illinois as we move forward in the days and weeks ahead.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

JOHN BOLTON NOMINATION

Mr. REID. Mr. President, yesterday at the White House it was reported that President Bush told Republican leaders to keep fighting to get Mr. Bolton, the President's nominee to be U.N. ambassador, an up-or-down vote. Keep fighting—that was the message delivered by the President.

I understand the need for an occasional pep rally to bolster discouraged members of his party, but the American people are tired of the fighting and the bickering. They want us to tackle the hard issues confronting this country and deal with the crisis in health care where 45 million people have no health insurance and millions of others are underinsured, to deal with education, the ability of parents to send their children to college and then the deteriorating nature of our public school system, part of which is directly related to the Leave No Child Behind Act. We are approaching 1,800 dead American soldiers in the war in Iraq. We are approaching 20,000 who have been wounded. We do not know the exact number of Iraqis who are dead, but it is well over 100,000.

Of course, we have the President's ongoing direction to privatize Social Security. He has not directed his attention at all, as we should, to retirement security. United Airlines basically defaulted on their pension obligations to their employees. Delta, Northwest, other airlines, and other companies are standing by. Unless they get help from the Congress, they too will default on their obligations to their employees' retirement programs.

They, the White House, want the John Bolton matter resolved. It can be resolved easily and quickly in two ways. First, the President can take the advice of the distinguished Republican, the Senator from Ohio, Mr. VOINOVICH, and offer a new nominee. Over the course of the Foreign Relations Committee hearings, it became quite clear that John Bolton is simply not the right man for this most important job. John Bolton has attempted to manipulate intelligence, intimidate intelligence analysts, and has shown outright disdain for the international system and the institution for which he was nominated to serve.

The administration would have everyone believe that Mr. Bolton is the only man capable of delivering the reform message to the United Nations. We all agree that the United Nations needs reform, but I would submit that there are dozens, scores of tough reform-minded conservatives who could be confirmed rapidly with broad bipartisan support.

We have quickly approved the White House's two previous selections to this post, Negroponte and Danforth, and we are prepared to do so again.

When Senator Danforth decided to step down as our Representative to the United Nations, the administration had a choice to make: Did it want to pick someone along the lines of its two previous nominees who could have been quickly confirmed and on the job fixing the U.N. or did it want a fight in the Senate? It appears a fight was more in line with what they felt was appropriate.

Unfortunately, the administration, as I have said, knowingly chose a fight. They were told prior to sending his name to the Senate that it was a problem. The White House's choice and subsequent actions demonstrate that reform in Washington is needed as much as it is at the United Nations.

If the administration does not want to withdraw Mr. Bolton's nomination, and that appears to be clear, there is another path. It can take the advice of former majority leader TRENT LOTT, who said yesterday on Fox News that the administration should provide the information that has been requested by the Senate. This is Senator LOTT saying this, not me, even though I have said it also. Speaking to Fox News, the Senator from Mississippi further said:

> My colleagues have a right to know that information. . . . I think the [Administration] ought to give the [Senate] the information.

The distinguished Senator from Mississippi, my friend, also went on to say what this fight is really all about:

> We are saying to the White House, we're a coequal branch of government here, other Senators have done this in the past, we're seeking this information which we have a right to . . .

That is also a view shared by the Republican Senator from Rhode Island who sits on the committee, LINCOLN CHAFEE, who, when asked whether the White House should turn over the information about Mr. Bolton, said, as he usually does, in very short, concise statements: ''I like full disclosure.''

Full disclosure is exactly what we need. We should shed light on whether this nominee tried to stretch the truth about Syria's weapons of mass destruction programs, and it should explain why Mr. Bolton needed to see what Americans—perhaps his own superiors at the State Department—were saying about him in these NSA intercepts.

I have said it before and I will say it again: This fight is not about Mr. Bolton. It is about whether this administration will recognize that the Constitution established that Congress is a coequal branch of Government with certain powers and responsibilities. If the President turns over the information, not part of it or a summary of it but turns over all of the information requested, the White House will get their up-or-down vote on Mr. Bolton.

Unlike the advice offered by the President yesterday, continued fighting will not advance his troubled nominee. Working with the Senate will. By taking the advice of my friends from Ohio, Senator VOINOVICH; Mississippi, TRENT LOTT; and LINCOLN CHAFEE, Rhode Island, all Republicans, the President and the Congress can put this matter behind them and move on to the critical issues facing the Nation and the United Nations.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

ENERGY POLICY ACT OF 2005

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 6, which the clerk will report.

The legislative clerk read as follows:

> A bill (H.R. 6) to ensure jobs for our future with secure, affordable and reliable energy.

Pending:

> Wyden/Dorgan amendment No. 792, to provide for the suspension of strategic petroleum reserve acquisitions.
>
> Schumer amendment No. 805, to express the sense of the Senate regarding management of the Strategic Petroleum Reserve to lower the burden of gasoline prices on the economy of the United States and circumvent the efforts of OPEC to reap windfall profits.
>
> McCain/Lieberman amendment No. 826, to provide for a program to accelerate the reduction of greenhouse gas emissions in the United States.
>
> Reid (for Lautenberg) amendment No. 839, to require any Federal agency that publishes a science-based climate change document that was significantly altered at White House request to make an unaltered final draft of the document publicly available for comparison.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from California, Mrs. FEINSTEIN, will be recognized to offer an amendment in relation to LNG.

The Senator from California.

AMENDMENT NO. 841

Mrs. FEINSTEIN. Mr. President, I call up amendment No. 841.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

> The Senator from California [Mrs. FEINSTEIN], for herself and Ms. SNOWE, Mr. REED, Mr. SESSIONS, Mr. KENNEDY, Ms. COLLINS,

Mr. DODD, Mrs. BOXER, Mrs. CLINTON, Mr. LIEBERMAN, Ms. CANTWELL, Mr. KERRY, Mr. SCHUMER, and Mrs. MURRAY, proposes an amendment numbered 841.

Mrs. FEINSTEIN. I ask unanimous consent the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the Commission from approving an application for the authorization of the siting, construction, expansion, or operation of facilities located onshore or in State waters for the import of natural gas from a foreign country or the export of natural gas to a foreign country without the approval of the Governor of the State in which the facility would be located)

On page 311, after line 24, add the following:

''(3)(A) The Commission shall not approve an application for the authorization under this section of the siting, construction, expansion, or operation of facilities located onshore or in State waters for the import of natural gas from a foreign country or the export of natural gas to a foreign country without the approval of the Governor of the State in which the facility would be located. Subject to subparagraph (B), if the Governor fails to submit to the Commission an approval or disapproval not later than 45 days after the issuance of the final environmental impact statement on the proposed project, the approval shall be conclusively presumed. If the Governor notifies the Commission that an application, which would otherwise be approved under this paragraph, is inconsistent with State programs relating to environmental protection, land and water use, public health and safety, and coastal zone management, the Commission shall condition the license granted so as to make the license consistent with the State programs.

''(B) In the case of a project not approved before June 22, 2005, and for which the final environmental impact statement was issued more than 15 days before the date of enactment of this subsection, this paragraph shall apply, except that the Governor of the State shall submit the approval or disapproval of the Governor not later than 30 days after the date of enactment of this subsection, or approval shall be conclusively presumed. If the Governor disapproves the project within that period, neither the Commission nor any other Federal agency shall take any further action to approve the project or the construction or operation of the project.''.

On page 312, line 1, strike ''(3)'' and insert ''(4)''.

On page 312, line 24, strike ''(4)'' and insert ''(5)''.

Mrs. FEINSTEIN. Mr. President, I rise on behalf of Senators SNOWE, REED, SESSIONS, KENNEDY, COLLINS, DODD, BOXER, CLINTON, LIEBERMAN, CANTWELL, KERRY, SCHUMER, and MURRAY, to offer this amendment to the Energy bill on the siting of liquefied natural gas import terminals. Let me clearly state that the problem is not whether to site these LNG terminals, but where. To give control to a remote Federal agency, when States are concerned about the safety of residents near a proposed site, we, the cosponsors of this amendment, believe is a mistake.

This Energy bill would give the Federal Energy Regulatory Commission, known as FERC, exclusive authority over siting onshore liquefied natural gas facilities. Our amendment would provide each State's Governor the same authority to veto, approve, or attach conditions to onshore liquefied natural gas facilities as they now have with respect to offshore liquefied natural gas facilities. This amendment is not concurrent siting. It does not require the applicant duplicate the application process, nor does it add additional time and money to the entire application process. It simply states Governors will have 45 days to approve, veto, or attach conditions to a project after FERC issues its final environmental impact statement.

This chart, I think, says it all. Increased demand for LNG means we need new natural gas supplies, and liquefied natural gas is one of the options available to us. Let me be clear. I do not oppose liquefied natural gas sites in California. Liquefied natural gas is clean energy and it is less costly than other forms.

What this chart shows is there are 34 potential sites for liquefied natural gas. Those are the blue circles, clustered around the gulf, off of Florida, off of the northeast coast, off of California, and one in the Pacific Northwest. It points out that eight sites in the United States have already been approved by FERC. It shows three are approved for Mexico, two are approved for Canada, and there are five existing sites at this time. Clearly this Nation is on its way to using liquefied natural gas.

The United States holds less than 4 percent of total world reserves, and California produces less than 15 percent of the natural gas it consumes, so if there is to be this form of clean energy, it must be imported. That is why Governor Schwarzenegger, the California Public Utilities Commission, the California Energy Commission, and the State Governors Association, all agree the State needs new natural gas supplies and that LNG terminals may help put downward pressure on increasing natural gas prices.

The chairman and ranking member of the Energy Committee believe FERC should have the final say over siting LNG terminals. On the other hand, we agree with the Governors of California, Massachusetts, Louisiana, Rhode Island, New Jersey, and Delaware, who stated in a letter dated May 25, that:

Without State jurisdiction, there is no guarantee a project will be consistent with the homeland security or environmental requirements for a particular locality, or whether the project adequately addresses the energy demands of the respective State or region. We support legislation that would provide for concurrent State and Federal jurisdiction over LNG and other energy facilities.

I ask unanimous consent to have the letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the Record, as follows:

MAY 25, 2005.

Hon. PETE DOMENICI,
Chairman Committee on Energy and Natural Resources, U.S. Senate.
Hon. LAMAR ALEXANDER,
Chairman, Subcommittee on Energy, U.S. Senate.
Hon. JEFF BINGAMAN,
Ranking Member, Committee on Energy and Natural Resources, U.S. Senate.
Hon. BYRON DORGAN,
Ranking Member Subcommittee on Energy, U.S. Senate.

DEAR SENATORS: As you consider the energy bill now before your committee, we urge your support for maintaining the right of coastal states and communities to participate meaningfully in the planning and permitting of significant energy projects on our shores and the outer continental shelf immediately adjacent to state waters.

As Governors, we recognize the need for a comprehensive energy policy that will lessen our dependence on foreign sources and modernize the nation's infrastructure, development, and distribution system. We see this need daily as we address the economic concerns of citizens and businesses within our states. However, provisions of the Energy Policy Act of 2005 (H.R. 6), as passed by the House of Representatives, unacceptably preempt state and local jurisdiction over siting of Liquefied Natural Gas (LNG) and other energy facilities.

Based on current and previous siting controversies, there is little reason to believe that the Federal Energy Regulatory Commission (FERC) is willing or able to address legitimate, long-standing state and local concerns with the siting of on and offshore projects. The provisions in H.R. 6 entrust FERC with ''sole authority'' for the permitting of LNG and other energy facilities, and relegate state and local agencies, which currently play a strong role in the process, to after-the-fact consideration and unreasonable timelines. Without state jurisdiction there is no guarantee a project will be consistent with the homeland security or environmental requirements for a particular locality, or whether the project adequately addresses the energy demands of the respective state or region. We support legislation that would provide for concurrent state and federal jurisdiction over LNG and other energy facilities.

We would welcome the opportunity to work together with Congress to develop a permitting process that balances the need for increased energy production with the maintenance of a robust role for states and local governments. In the meantime, we urge you to maintain the common sense measures that allow those most directly affected to have a voice in the siting of energy facilities.

Sincerely,

GOV. ARNOLD SCHWARZENEGGER,
California.
GOV. KATHLEEN BLANCO,
Louisiana.
GOV. DONALD CARCIERI,
Rhode Island.
GOV. MITT ROMNEY,
Massachusetts.
GOV. RUTH ANN MINNER,
Delaware.
GOV. RICHARD CODEY,
New Jersey.

Mrs. FEINSTEIN. Mr. President, this letter is buttressed by the letter just received from the National Governors Association, supporting this amendment, which will shortly be on everyone's desk. I ask unanimous consent that second letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL GOVERNORS ASSOCIATION,
Washington, DC, June 21, 2005.

Hon. PETE DOMENICI,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

Hon. JEFF BINGAMAN,
Ranking Member, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR CHAIRMAN DOMENICI AND RANKING MEMBER BINGAMAN: On behalf of the National Governors Association, I write to ask you to support the Feinstein/Snowe/Reed/Seesions amendment to the Energy Policy Act of 2005 on the sitting of liquefied natural gas (LNG) facilities. As stewards of state resources, governors must have the authority to determine what is in the best interest of their state. This modification recognizes the critical role governors play within their states, as well as within a natural energy policy, while avoiding an unnecessary preemption of state authority.

Governors recognize the importance of a comprehensive energy policy and support the promotion of a diverse and reliable portfolio of energy sources. However, any national energy policy must also recognize the authority of states in decision-making and not allow for the federal pre-emption of that authority. This policy extends to the siting of LNG facilities of state land or in state waters. Given the impact any proposed energy project can have on state and local resources, economy and infrastructure, governors must have the ability to review those impacts and approve or reject LNG projects that fall under state jurisdiction.

The bipartisan amendment offered by Senator Feinstein, Snowe, Reed, and Sessions would require gubernatorial approval of any application regarding the siting of LNG facilities located onshore or in state waters, thus providing concurrent jurisdiction over these projects. This is the same authority granted to governors under the Deepwater Ports Act of 1974 for offshore projects and it is reasonable to request the same authority for projects that could have an even greater impact on states. Therefore, the governors urge you to support the amendment in an effort to reach a fair compromise that retains state authority while promoting a diverse national energy policy.

Governors commend both of you for your leadership in the effort to enact a new national energy policy and look forward to working with you as the legislation continues to move through Congress.

Sincerely,

RAYMOND C. SCHEPPACH,
Executive Director.

Mrs. FEINSTEIN. States will be responsible for the safety of these facilities for a long time after they are sited. That is why it is so important to preserve the rights of the States to participate in the process to determine where these facilities should be located. For LNG facilities that are being sited offshore, the Governor has the right to approve or veto a project now, yet this bill gives the State less input for facilities that are located on shore, in our busy ports, and near closely packed communities. This is completely illogical to me. It simply does not make sense. To give the Governor the veto power over a deepwater port more than 3 miles from land, and yet refuse to give that Governor any veto power over a site that might be located in the heart of the densest metropolitan areas of our country is completely illogical.

In a conversation I had recently, last week, with Chairman Pat Wood of the Federal Energy Regulatory Commission, he said even if the Federal Government sited an LNG facility, it would not be built as long as a Governor opposed it. If that is in fact the case, then why not give the Governor of a State the necessary authority?

Let me explain how this works. Under the Deep Water Port Act, which was amended in 2002 to regulate the process for siting offshore LNG, an LNG terminal that is located in Federal waters beyond the 3 miles of the State's territorial waters must be approved by the Federal Government, the U.S. Coast Guard, the U.S. Maritime Administration, and the Governor of the adjacent coastal State.

Under the pending Energy bill, the Governor would have no veto authority for siting onshore LNG terminals. In other words, if the Governor of California or Massachusetts or anywhere else were to decide an LNG terminal posed too great a safety risk to the 400,000 people living close—let's say to the Port of Long Beach; that is the only proposed onshore project in California—then the Governor would have no authority, the State would have no authority to veto that project. But if that same project were located offshore, more than 3 miles away from the Port of Long Beach, the Governor would be able to veto it. That is nonsensical, in my view.

Some of my colleagues will argue that States already have a veto under the Coastal Zone Management Act. However, I have received a letter from Chairman Wood that says in fact the State does not have a veto authority under this law. In a letter to me dated June 15, Chairman Wood states that:

. . . [F]ollowing an adverse consistency determination by a State, the Secretary of Commerce can, on his own initiative or upon appeal by the applicant, find after providing a reasonable opportunity for detailed comments by the Federal energy agency involved, and from the State, that the activity is consistent with the objectives of the Coastal Zone Management Act or is otherwise necessary in the interests of national security.

What does this mean? That means if the State were to find that the onshore LNG terminal would negatively impact the State's coastline, the Secretary of Commerce could take it upon himself to overturn that decision. Clearly, this removes any State authority.

I ask unanimous consent to have a series of letters that I have exchanged with the Chairman of FERC printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUNE 14, 2005.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN: As a follow-up to our discussion on Friday, June 10, 2005, enclosed is a description of how states, under the Coastal Zone Management Act, the Clean Air Act and the Federal Water Pollution Control Act (Clean Water Act), can in effect ''veto'' proposed LNG projects that are onshore or in state waters. Also enclosed is the chart you requested identifying which coastal state agencies, in addition to those in California, have permitting authority under these three Acts.

I believe the existing legislative provision in section 381 of the Senate bill (June 8, 2005) maintains current state ''veto'' authority over proposed LNG projects. While the bill appropriately clarifies the Federal Energy Regulatory Commission's exclusive authority to site LNG facilities that are onshore or in state waters, section 381 also specifically reserves state authorities under the Coastal Zone Management Act, the Clean Air Act and the Clean Water Act. As we discussed, state implementation of these Acts gives states a means to in effect ''veto'' proposed LNG projects. With the single exception of the Texas Railroad Commission, which is elected, every coastal state agency that administers these Acts, including those agencies in California, are headed by gubernatorial appointees. As you are aware, the current chairs of the administering agencies in California were appointed by Governor Schwarzenegger.

If I may be of further assistance in this or any other matter, please don't hesitate to contact me.

Best regards,

PAT WOOD, III,
Chairman.

Enclosures.

STATES' ROLES IN ADMINISTERING FEDERAL LAWS

CLEAN WATER ACT

Pursuant to section 401 of the Clean Water Act, 33 U.S.C. 1341, an applicant for a federal license or permit to conduct any activity (including construction and operation) which may result in any discharge into navigable waters must provide the licensing or permitting agency a certification from the state in which the discharge originates or will originate. If the certification is denied, no license or permit can be granted. We are aware of no instance in which a proposed LNG project does not involve a discharge requiring certification.

In addition, section 404 of the Clean Water Act, 33 U.S.C. 1344, requires permits from the U.S. Army Corps of Engineers for the discharge of dredged or fill material. In considering such permit applications, the Corps requires applicants to obtain a section 401 permit, giving the state two opportunities under the Clean Water Act to block LNG projects. Again, we are aware of no LNG project that does not require a section 404 permit.

Thus, if a state denies Clean Water Act certification for an LNG project, the Commission and the Corps cannot authorize construction of the project.

COASTAL ZONE MANAGEMENT ACT

Section 307(c) of the Coastal Zone Management Act, 16 U.S.C. 1456(c), requires an applicant for a federal license or permit to conduct an activity affecting the coastal zone to provide to the licensing or permitting agency a certification that the proposed activity complies with the enforceable policies of the affected state's coastal zone management program. If the state does not concur with the certification, no federal license or permit may be issued. LNG import or export projects are located in the coastal zone. In consequence, if a state does not concur with a certification by an LNG project proponent,

the Commission cannot authorize construction of the project.

CLEAN AIR ACT

Section 502 of the Clean Air Act, 42 U.S.C. 7661(a), makes it unlawful for any person to operate a source of air pollution (as detailed in that Act) except in compliance with a permit issued by a permitting authority. States are authorized by the Administrator of the EPA to be permitting authorities. We believe it unlikely that an LNG project would not require a Clean Air Act permit. Based on the foregoing, as discussed with respect to the Clean Water Act, a state can deny a necessary Clean Air Act permit.

COASTAL STATE AGENCIES ADMINISTERING CLEAN WATER ACT, CLEAN AIR ACT, AND COASTAL ZONE MANAGEMENT ACT

State	Agency	Agency head	Elected/appointed	Clean Air Act
AL	Department of Environmental Management	Director Trey Glenn	Appointed (by the Commission)	X
CA	CA Coastal Commission	Chair Meg Caldwell	Appointed.	
CA	Environmental Protection Agency	Sec. Allan Lloyd	Appointed.	
CA	Air Resources Board	Chairman Barbara Riordan	Appointed	X
CT	Department of Environmental Protection	Commissioner Gina McCarthy	Appointed	X
DE	Department of Natural Resources and Environmental Control	Sec. John Hughes	Appointed	X
FL	FL Department of Environmental Protection	Sec. Colleen Castille	Appointed	X
LA	Department of Natural Resources	Sec. Scott Angelle	Appointed.	
LA	Department of Environmental Quality	Sec. Mike McDaniel	Appointed	X
MA	Executive Office of Environmental Affairs	Sec. Ellen Roy Herzfelder	Appointed.	
MA	Department of Environmental Protection	Comm. Robert W. Golledge	Appointed by Secretary of OEA	X
MD	Department of Natural Resources	Sec. Ronald Franks	Appointed.	
MD	Department of the Environment	Sec. Kendl Philbrick	Appointed	X
ME	State Planning Office	Martha Freeman	Appointed.	
ME	Department of Environmental Protection	Chairman Richard Wardwell	Appointed	X
MS	Department of Marine Resources	Chairman Vernon Asper	Appointed.	
MS	Department of Environmental Quality	Director Charles Chisolm	Appointed	X
NC	Department of Environmental and Natural Resources	Sec. William G. Ross	Appointed	X
NJ	NJ Department of Environmental Protection	Comm. Bradley Campbell	Appointed	X
NY	Department of State	Sec. Randy A. Daniels	Appointed.	
NY	Department of Environmental Conservation	Commissioner Denise Sheehan	Appointed	X
OR	Department of Land Conservation and Development	Director Lane Shatterly	Appointed.	
OR	Department of Environmental Quality	Director Stephanie Hallock	Appointed	X
PA	Department of Environmental Protection	Sec. Kathleen Ann McGinty	Appointed	X
RI	Coastal Resources Management Council	Chairman Michael E. Tikoian	Appointed.	
RI	Department of Environmental Management	Director W. Michael Sullivan	Appointed	X
SC	Department of Health and Environmental Control	Comm. C. Earl Hunter	Appointed	X
TX	Railroad Commission of Texas	Chairman Victor Carrillo	Elected (Term expires 1/10).	
TX	TX Commission on Environmental Quality	Chairman Kathleen Hartnett White	Appointed	X
VA	Department of Environmental Quality	Director Robert Burnley	Appointed	X
WA	Department of Ecology	Jay Manning	Appointed	X

U.S. SENATE,
Washington, DC, June 14, 2005.

Hon. PAT WOOD, III,
Chairman, Federal Energy Regulatory Commission, Washington, DC.

DEAR CHAIRMAN WOOD: Thank you for your letter detailing how the States can, in effect, ''veto'' an LNG project

Based on your letter and the attachment entitled ''States' Roles in Administering Federal Laws,'' I assume that the situation is as you describe:

If a state denies a Clean Water Act certification, the ''Commission and the Corps cannot authorize construction of the project.''

Under the Coastal Zone Management Act, ''if a state does not concur with a certification by an LNG project proponent, the Commission cannot authorize construction of the project.''

Under the Clean Air Act, ''a state can deny a necessary Clean Air Act permit.''

Therefore, I assume that this is absolute. You did not say ''dependent upon an appeal.'' You make no reference to an appeal, therefore I assume this is an absolute statement in view of the fact that your letter lacks any mention of appeal.

Please let me know if I am mistaken in my understanding of your letter.

Sincerely,

DIANNE FEINSTEIN,
U.S. Senator.

FEDERAL ENERGY
REGULATORY COMMISSION,
Washington, DC, June 15, 2005.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN: Thank you for your letter of June 14, responding to my letter of the same date regarding state authority under the Clean Water Act, the Coastal Zone Management Act, and the Clean Air Act to preclude proposed liquefied natural gas (LNG) projects that are onshore or in state waters. You asked about the possibility of appeals from the referenced state actions under these statutes.

As I wrote earlier, the denial by a state of a Clean Water Act certification, a Coastal Zone Management Act (CZMA) concurrence, or a Clean Air Act permit will prevent the Commission and other federal agencies from authorizing the construction of LNG facilities. But, Applicants aggrieved by state decisions may have a right to appeal.

Under section 307(c)(3)(A) of the CZMA, 16 U.S.C. §1456(c)(3)(A), following an adverse consistency determination by a state, the Secretary of Commerce can ''on his own initiative or upon appeal by the applicant find[ ], after providing a reasonable opportunity for detailed comments from the Federal agency involved and from the state, that the activity is consistent with the objectives of [the CZMA] or is otherwise necessary in the interest of national security.'' At least some states also provide for review of initial CZMA decisions in state court.

It is my understanding that under the Clean Water Act and the Clean Air Act, the various states have differing administrative and judicial review procedures; the Environmental Protection Agency, which oversees the implementation of these statutes, may have more detailed state-specific information regarding these procedures. And, as is true of all of the Commission's orders, any approval or denial of an LNG project under the Natural Gas Act is also subject to review in the United States Courts of Appeals.

It remains the case that unless and until a state decision barring an LNG project is overturned, the Commission cannot authorize the construction of that project.

If I may be of further assistance in this or any other matter, please don't hesitate to contact me.

Best regards,

PAT WOODS, III,
Chairman.

Mrs. FEINSTEIN. Mr. President, that is why my colleagues and I are offering this amendment today, to provide States with a real veto authority if a project were to violate the State's environmental protection, land and water use, public health and safety, and coastal zone management laws. In this post-9/11 world, I think we have to look a little differently at the siting of all facilities, and especially the specific risk that LNG terminals pose. A December 2004 report by Sandia National Laboratories concluded that LNG tankers could, in fact, be a potential terrorist target. If the worst case scenario were to occur, a tanker could in fact spill liquefied natural gas that, in about 30 seconds, could set off a fire that would cause second-degree burns on people nearly a mile away.

I admit this is a small probability. Nonetheless, it is such, and therefore it has to be considered. In siting these terminals, that factor is a factor of relevant consideration. That is why this amendment is so important. States must have a role in siting LNG facilities in order to protect the welfare of their citizens.

Out of the 40 proposed LNG terminals in this Nation, the FERC believes only a dozen will actually be built. Since Governors have the responsibility of ensuring the safety of their constituents, it makes sense to me to allow the States to have a significant role in the siting of these facilities. If there are other options besides putting these facilities in busy ports or near population centers, they should be sited where they pose the least danger to people, not just where they make the most economic sense. Therefore, we present this amendment to the bill.

Mr. President, I reserve the remainder of my time and I turn the floor over to Senator KENNEDY for as much time as he consumes.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 60 minutes for debate equally divided. That started with the presentation of the Senator from California.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield myself 7 minutes, if that is agreeable with the Senator from California.

Mrs. FEINSTEIN. It is.

SENATOR DURBIN

Mr. KENNEDY. Mr. President, first I want to pay tribute to a very good friend, and that is Senator DURBIN. I have had the good opportunity and great honor of representing Massachusetts in the Senate now for over 40 years. I believe Senator DURBIN is one of the most gifted, talented, able, and dedicated Members of the Senate with whom I have had the opportunity to serve. I believe he has a great love for this country, a great respect for the Senate, and a great love for his State of Illinois. I think every morning when he rises, he is looking out for the struggling middle class and the working families of this country. I have enormous respect for his dedication and his commitment to those who serve in the Armed Forces.

AMENDMENT NO. 841

Mr. President, I congratulate and thank my friend and colleague from California for offering this amendment. I rise in strong support of this amendment. She has made a very compelling case. I want to add some additional points to what I think is a very persuasive, commonsense approach to the whole issue of LNG.

I support the development of LNG. She has placed her finger on the most important aspects of it. We need it as a country. It ought to be embraced and expanded and supported. But at least the issues of safety and security ought to be able to be presented to the decision making bodies in this Government. Too often that has not received the consideration it deserves.

I want to add that at this moment, although I think this Energy bill moves us forward on many issues—from the new incentives for energy conservation to expanding our portfolio of renewable electricity—it has no clear plan for energy independence and it fails to provide needed relief from the high gas prices that are slowing our economy and that are being paid for by families all across this country. Millions of American households face a genuine energy crisis because of gas prices which are at their highest levels in years. The national level now is $2.13 a gallon, and in Massachusetts the price of regular gasoline is 24 percent higher than in 2001. We should explore all options for lowering gas prices immediately, including a more rigorous investigation of price gouging at the pump.

Our dependence on foreign oil is an albatross around our neck. The technology is there to rapidly reduce imports of foreign oil by making greater investments in solar and hydroelectric and other renewable energy sources. Success is within our reach if we set a clear target.

That is why I gave strong support to Senator CANTWELL, who offered the amendment to reduce our dependence on foreign oil by 40 percent in 20 years. I am disappointed it did not receive the full support of our colleagues on the other side of the aisle because reducing our dependence on foreign oil is an important part of a comprehensive national strategy.

As Senator FEINSTEIN mentioned, LNG is part of all of this energy debate and discussion. She has talked very compellingly about the safety issues. LNG, as has been pointed out, is a highly hazardous and explosive material, as its track record clearly shows. At 40 LNG facilities in the world, serious accidents have occurred at 13 of them since 1944. In 1944, an accident at a facility in the United States killed 128 people. An accident at an Algerian facility killed or injured over 100 people. A Sandia Lab report released in December confirms our worst fears: If an LNG tanker or facility catches fire, the lives of residents within a 1-mile radius would be endangered by the resulting explosion.

The United States has not built an LNG facility in an urban area in over 30 years. There are 32 proposals under consideration. One of these facilities is in Weaver's Cove at the mouth of the Taunton River in Fall River, MA, a city of 100,000. And your city could be next.

Let me point out what we are facing in Weaver's Cove in Fall River. If you can see this chart, these small areas are homes. This circle represents 1 mile; 9,000 individuals live within that radius. Here is Somerset School. One thousand children go to that school every single day. And the Wiley School, which 165 students attend; St. Michael's School, another 165 children go every single day.

To transport LNG to the proposed facility at Weaver's Cove, also raises serious safety issues. A 33-million-gallon tanker has to travel 31 miles of coastline, through narrow waterways, along some of our most pristine areas, including Narragansett Bay, one of the populous estuaries in the United States. To reach the facility, the explosive liquefied natural gas would have to travel under five bridges, which are also likely targets for a terrorist attack.

Based on these facts, there is overwhelming opposition to the new facility in Fall River. The mayor of Fall River opposes it, as does the city council. The people of Fall River strongly oppose it. They are not against LNG, but there are 9,000 people living in this area. We are talking about the fact of moving this tanker up a narrow sealane for 31 miles.

Despite their pleas, FERC is moving forward with the approval of the site. FERC has ignored repeated requests from the mayor, myself, and my colleague Senator KERRY to discuss the issue. The congressional delegation has appealed to Secretary Chertoff of the Homeland Security to visit this site and we hope he will soon.

This amendment, as the Senator has pointed out, gives the Governor of a State where the site is proposed a voice in the process. It creates a true Federal-State partnership. That is how we regulate the siting of other hazardous facilities. That is how we should decide the placement of LNG facilities.

We need a responsible approach that makes sense in this new era where security must be a high priority. I hope this amendment will be accepted.

I thank the Senator from California.

Mrs. FEINSTEIN. I thank the distinguished Senator from Massachusetts.

I yield 7 minutes to the Senator from Maine, Ms. SNOWE. Then I ask unanimous consent to yield 7 minutes to Senator REED from Rhode Island.

The PRESIDING OFFICER (Mr. VITTER). Without objection, it is so ordered.

Ms. SNOWE. I thank Senator FEINSTEIN for yielding me time on this amendment. I have cosponsored this amendment because it is critical to involve States in the decisionmaking process of liquified natural gas terminal siting.

Natural gas, like renewable energy, should and will have a major place in our 21st century energy policy. Similar to my colleagues in other rural states, I have had concerns about the high cost of fuel. And similar to my colleagues in northern states, I have heard the concerns of the outrageous cost of oil in relation to our winter heating costs. I recognize the importance of creating a national plan that ensures that both the supply of energy is increased and our demand for energy is curtailed.

It is critical, as the Feinstein-Snowe amendment presents, that we have a responsibility to make sure that at the dawn of the 21st century, we have the ability to select placement of liquified natural gas sites deliberately and with all the potential problems addressed. The only truly effective way of ensuring safe and effective placement of LNG sites is to involve local concerns in the process. States simply need to have a role in deciding where the best LNG sites exist.

The Feinstein-Snowe legislation gives concurrent Federal and State jurisdiction for the siting of LNG facilities so that State governments are not preempted from the decisionmaking process for the location of future LNG facilities.

Let's talk about the scale of these tankers. The placement of an LNG facility has profound effects in the local community environment, ecosystem, fishing industry, and residential commercial communities that are intrinsically linked to the ocean. The decision to fundamentally change the nature of a coastal community in the placing of an LNG site should only be made by including all people in and all actors affected by the siting. This amendment ensures the State governments can provide insight into the location process.

My State of Maine has a coastline that is more than 5,000 miles long,

which is why there is great interest in siting LNG facilities at different locations along its coast. Over this past year in Maine, the controversial siting of LNG facilities has found both support and opposition, finding some residents supporting a substantial source of economic development and revenues and others opposed because of concern about a potential terrorist target, interference with the lobster industry, navigation and spoiling the coastal vistas and land values. Each community has had the opportunity to have its say through referendums. Each resident was able to cast a vote, whether yes or no, as to what he or she thought was best for their community and for their State.

I have had great concerns about handing this very siting decision solely over to a Federal agency and feel very strongly there should be a process in place where the Governor, speaking for the people of Maine, must have an equal opportunity to democratically put a voice to what happens in their own back yard. What has occurred in the various communities is a perfect example as to why States should be given a say in the sitings of these facilities. States simply must have input into such a major decision. We are not talking about the siting of a neighborhood ball park or a new Wal-Mart but a processing facility that totally alters the coastal landscape and a facility that needs to be fed LNG from 13-story-high tankers coming into the port each and every day.

In its current form, the Energy bill before the Senate gives exclusive authority to the Federal Energy Regulatory Commission in selecting LNG sites. This would effectively eliminate any input from State governments into the selection of these locations. Moving total control to FERC transfers an enormous power to an unelected Federal agency which has no accountability to the local communities affected. Without the amendment, local sentiments will go unheard or be simply ignored. To foist upon a State and a local community and to exclude them from the process is clearly unwise.

Within our Union of States, unique State concerns must be recognized in Federal Government decisions. It is the States rights issue, plain and simple. The placement of an LNG facility in a given locality alters the landscape of that community. They are entitled to be involved in a decisionmaking process that allows the voices of the community to be heard.

Let us ensure that the safety, the environment, and local concerns are observed and that we include our State governments as coequals.

I ask my colleagues to join me in supporting the Feinstein-Snowe amendment. I thank the Senator from California for offering it. It is so critical, knowing the experience that has occurred in Maine. With many communities having voiced their opinions on a particular siting for an LNG facility, it is important they are able to participate in the process. I do not believe we should allow the Federal Government to supercede the ability of people to ultimately make a decision that transforms the landscape that clearly does have a direct effect and impact on those communities. That is a decision that should be determined by the people in a particular State. That is what has been happening in my State. It should be able to happen and occur in each and every State in the country. We should not allow Federal legislation to supercede or to prevent States from being able to voice their opinions, their decisions, and their own regulations with respect to siting these facilities.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I rise to join Senator FEINSTEIN as a cosponsor of this amendment, along with my colleagues, Senator SNOWE, Senator SESSIONS, Senator KENNEDY, and many other cosponsors.

The siting of liquefied natural gas import terminals is a critical issue of importance to me and my neighbors in Rhode Island as the Federal Energy Regulatory Commission is considering two proposals: the KeySpan Energy proposal in Providence, RI, and a Weaver's Cove Energy proposal in Fall River, MA. Both of these have a huge impact on the people of Rhode Island.

LNG ships will have to transit Narragansett Bay to get to both of these facilities. The route of transit would be this way, coming off of Block Island Sound. It will pass between Newport, RI, and Jamestown, RI. Newport is one of the most populated cities in our region. It is densely populated. We all know it as a place of tourism and recreation. The boats, literally, would be within hundreds of yards of critical installations—hotels, hospitals, et cetera. Then it would move up, if it is going to Weaver's Cove in Fall River, this way, and would move up under several bridges until it got to the city of Fall River.

The KeySpan proposal would require the transit of a ship going up this way and then moving up around and all the way into Providence, RI, the most densely populated part of the State of Rhode Island, with a huge concentration of people and, indeed, where all of these bay-side areas are being developed intensively.

This project poses serious risks to the State of Rhode Island and the State of Massachusetts. Therefore, it is incumbent we provide local authorities with the ability to effectively involve themselves in the decisionmaking process. We understand there are certain Federal laws that give authority to the State to participate in these decisions—the Clean Water Act, the Clean Air Act, Coastal Zone Management Act—but none of them give the kind of clear involvement and clear leverage that State leaders need to effectively involve themselves in this decisionmaking.

Our amendment ensures that States have an authentic voice in the siting of LNG terminals by giving Governors the same authority to approve or disapprove onshore terminals that they now have over offshore terminals under the Deepwater Port Act.

It seems incongruous that Governors would have the authority to essentially veto an offshore project but they have no meaningful involvement on onshore projects placed in the heart of urban areas.

Let me show you the impact this proposal will have on the city of Providence. The KeySpan proposal would be situated right here, as shown on this chart. Within a very short radius, we have our largest hospital in the State of Rhode Island, our major medical center. We have thousands of homes. We have the downtown business area. Anything that happened here would have catastrophic effects on the State of Rhode Island.

To say the Governor cannot take into consideration factors such as safety and security ignores the current situation we face as a nation. These are very attractive targets to those people who want to seriously harm us, both in a physical sense and a psychological sense. We have to provide, I believe, at the local level, a meaningful way for Governors to participate in the siting of these facilities.

Again, it is not just a situation where they do not want it in their particular area. We understand there is a need for liquefied natural gas. We understand it is becoming an increasingly more important component of our energy sector. But we have to have the ability to look at safety issues and security issues.

This is particularly important after the report from the Sandia National Laboratories that said a terror attack on a tanker delivering LNG to a U.S. terminal could set off a fire so hot it would burn skin and damage buildings nearly a mile away. A mile from this facility encompasses huge swathes of Providence, RI, Cranston, RI, East Providence, RI, major medical facilities. This would be a devastating blow.

Now, the odds of such an attack, we hope, are very low, but the low odds, together with the huge consequences, suggest we have to be careful about this. We have to, I believe, give our local leaders, our Governor particularly, the ability to participate in this approval process.

I am confident this amendment will do that. It will require FERC and other Federal agencies to work more closely with Governors and State environmental authorities and the first responder agencies that have firsthand knowledge of the geography and the population of these particular areas.

We want to bring more natural gas to our communities, but we do not want to jeopardize the safety and the security of our communities in a world

today, regrettably but actually, very dangerous and very capable of these types of attacks on these types of facilities.

So I urge all of my colleagues to support Senator FEINSTEIN. I thank her for her leadership. This is very typical of her very thoughtful review of this bill but particularly this aspect of LNG.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I thank the Senator from Maine, the Senator from Rhode Island, and the Senator from Massachusetts for their comments. I believe that consumes the time I have; is that correct?

The PRESIDING OFFICER. The Senator has 1 minute.

Mrs. FEINSTEIN. Mr. President, I reserve the remainder of my time.

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

Mr. DOMENICI. Mr. President, parliamentary inquiry: How much time do we have in opposition to the amendment?

The PRESIDING OFFICER. The Senator has 30 minutes.

Mr. DOMENICI. Thirty minutes. I yield to the distinguished junior Senator from Tennessee 7 minutes to start our debate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I thank the distinguished Senator from New Mexico and also the Senator from California for her contribution to the debate.

Let me begin by saying what we are talking about here. Sometimes we jump into subjects assuming everybody knows what we are talking about and it is not altogether clear.

We are talking about bringing natural gas from other countries into the United States to put in our pipelines, which then would be transported to be used in our industries, which use it to make chemicals and cars and other things, such as our industry which makes fertilizers for our farmers, and to use it in our homes so we can heat and cool them.

We have a terrific problem with natural gas. There is a lot of talk about gasoline, a lot of speeches being made about the prices at the pump. That is by far not the biggest problem we have in the United States right now in terms of energy. Our biggest challenge is the price of natural gas.

Now, why is that? For example, down in Tennessee—I have used this example many times, but it sticks out vividly in my mind—there is a company called Eastman Chemical. They employ 10,000 or 12,000 people—blue-collar workers, white-collar workers. They have for three generations. Forty percent of their cost is natural gas to make chemicals. There are 1 million blue-collar workers just like that across our country.

The price of natural gas in the United States is at a record level. It has gone from the lowest in the industrialized world to the highest in the industrialized world at $7 a unit. If it stays there, more and more of those jobs are going to be in Germany and other places where it is cheaper. So if we do not bring the gas in, the jobs are going out.

Now, how can we get a greater supply of gas? The Domenici-Bingaman bill has everything in it to help do that, but most of it is over the long term. New nuclear power would help, but it will be a few years. Coal gasification with carbon sequestration would help, but it will be a few years. Oil savings will help. It will take a little while, too.

The only thing that is going to help right now is new supplies—and it is pretty hard to get that in the United States—conservation—that is really where we ought to start—and the only thing left is liquefied natural gas.

The experts—the American Gas Foundation—say to us, if we bring in liquefied natural gas, the price of $7 a unit might go down. It might go down to $5 a unit. These jobs might stay here. These farmers might not have such a big pay cut, and the homeowners might get a break. But if we do not bring in natural gas, which is a very small part of our supply right now—2, 3, 4 percent—if we do not bring it in, the price of natural gas may be $13 a unit.

That will be a crisis for this country. It will not matter what the price of gasoline is in this country. If the price of natural gas is $13 a unit, we will not have anybody with enough money to buy gasoline because they won't have any money. They won't have a job. Their job will go overseas.

Why are we not bringing in more liquefied natural gas? Because we need terminals to store it in before we put it in our pipes. We only have four. We need a few more. We have 31 applications for those onshore and offshore. But we have a process that is broken. It is filled with uncertainty. It is in the courts. If we do not give it some certainty, the jobs will go overseas, the farmers will be taking a pay cut, and the homeowners are going to be paying bills they cannot afford to pay. So what the Domenici-Bingaman legislation does is give it some certainty.

Now, there is always the question of, What is the right balance of Federal authority—when you are dealing with foreign commerce and a national issue like this and security and safety—and local input? I find myself usually on the same side of the debates as the Senator from California. She was a mayor. I was a Governor. And I do not think we raise the principle of federalism high enough in our debates. But it does not always trump everything.

I happen to think the Domenici-Bingaman proposal is the right balance. First, what it does is it streamlines and makes more efficient the site process. In other words, if you want to file an application for a liquefied natural gas terminal, you go to one place. That would be the Federal Energy Regulatory Commission. It has the responsibility. Someone needs to have the sole responsibility for siting these plants.

Then, what do you do about State and local governments? Well, there were a lot of choices. One choice would have been to cut them out. That is not the proposal here. I would not have supported it if it were.

Here is what a Governor can do: A Governor has many rights under the Coastal Zone Management Act in terms of the location of an LNG terminal. If a Governor objects under the Coastal Zone Management Act, it is true the Secretary of Commerce might override them. But in a country that values federalism, if a Governor objects in a strong way, that is a very powerful decision.

But even if the Governor were overridden, the Governor has some other tools at his or her disposal, if the Governor objects. There is the clean water certificate, which the State issues. There is the clean air certificate, which the State issues. Nothing in this act changes that. The State still has to do it.

So there are three: the Coastal Zone Management Act, the Clean Air Act, and the Clean Water Act.

Now, in addition to that, nothing in this legislation speaks of eminent domain. We do not grant eminent domain. There is no explicit grant of eminent domain in this legislation, and there are local zoning and land use planning rules in almost every community that would have to be respected.

So I believe if I were the Governor of a State and I really did not want an LNG terminal, I would have plenty of tools in my arsenal to make my case.

We have 31 applications around the country. We only need a few more LNG terminals. It will be better for the regions of the country if they are located in the proper place. I do not know why the people in New York City would want to pay super-high natural gas prices. If they do not, they need a terminal up there so the gas does not have to be shipped up from New Orleans.

So all these factors have to be taken into account. But my points are these: I believe the Domenici-Bingaman legislation has achieved the right balance on crisis issues. If there is one thing this legislation does—this whole bill does—that is important, that will affect the largest number of Americans, it is it will lower the price of natural gas. This may be the most important provision in the bill for that purpose because it will permit the bringing in of an immediate supply of natural gas. When the supply comes in, the price should stop going up and, hopefully, begin to go down, especially if all the other provisions in here—for conservation, alternative energy, oil savings—are used.

So I commend the Senator for his proposal. It is the right balance. I believe it is the most crucial part of the legislation we are considering if what we want to do is bring down prices. It gives the Governor a good measure of authority and respects local zoning and land use issues sufficiently to permit us to go forward and find a few more places. My guess is there will not be a natural liquefied gas terminal unless there is some consensus within the community and the State that it should be there.

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

Mr. BINGAMAN. Mr. President, let me speak also in opposition to the Feinstein amendment. Federal jurisdiction over the siting of import and export terminals is constitutional, it is appropriate, it is a necessary part of this energy bill, in my view, and of any rational national energy policy.

Obviously, as the Senator from Tennessee was just pointing out, an adequate natural gas supply is extremely important to our Nation's economy. The regulation of foreign commerce, such as import and export terminals for LNG, is a Federal role under our Constitution.

The States have a legitimate interest, an interest in protecting their environment and the health and safety of their citizens. But the Feinstein amendment is not necessary because State participation authority in the LNG siting process is already very robust. For us to add another provision of law that says after the NEPA process is completed a Governor can come in and veto the siting of an LNG facility would be bad policy. In my view, the amendment being offered ignores the current State authority and turns the process on its head.

Today, for both offshore and onshore LNG proposals, State agencies with environmental expertise and related permitting authority are active participants in the NEPA process. Furthermore, an applicant must obtain all of the required State and local permits before that applicant can construct and operate an LNG terminal.

The bill which we have reported out of the committee does not take away any existing State authorities related to the LNG siting process. And the key Federal statutes that provide States permitting authority—those statutes are explicitly protected in our committee bill. It strikes a balance between Federal and State interests.

The Deepwater Port Act Gubernatorial veto, which has been referred to by the Senator from California, is not a good model for us to follow in this legislation. It was enacted in 1974 to provide a process for siting deepwater oil ports. The Governors' veto authority in the Deepwater Port Act has never been utilized. We are not certain why, but I would argue it is an artifact from a time when the environmental statutes that States currently can use were very new and were untested. The National Environmental Policy Act, NEPA, of 1969, was just in its infancy in 1974.

The NEPA process has evolved since the 1970s to require a thorough and wide-ranging public review of the environmental impacts of Federal actions and a consideration of alternatives to the proposed actions. Many other environmental statutes—the Coastal Zone Management Act mentioned by the Senator from Tennessee, the Federal Water Pollution Control Act, and the Clean Air Act—were also enacted in the early 1970s. These Federal statutes delegate significant permitting authority to the States.

The Feinstein amendment is not workable as it is currently drafted. It allows the Governor to veto a proposed terminal after the entire NEPA process has been completed and a final environmental impact statement has been issued. Yet the amendment does not require the Governor or the relevant State agencies to participate in that same NEPA process. This is a process that can take up to a year to complete. It is a process that is designed to involve all interested parties and to identify all of the significant environmental and safety issues that need to be resolved.

The amendment also allows the Governor to require the FERC to impose conditions on the LNG project to make it consistent with State environmental laws. But the veto and the consistency provisions in the Feinstein amendment duplicate authorities the States already have under other laws. The Coastal Zone Management Act requires that an applicant seeking a Federal permit to construct an LNG terminal in a coastal area prove to the State that the activity will be consistent with the State's coastal laws. If the State denies the consistency determination, the Federal permit cannot be issued. This effectively vetoes the project. There is a limited right of appeal to the Secretary of Commerce.

The Clean Water Act requires that an applicant obtain from the State a section 401 certification that the facility will comply with the act, including the State's water quality standards. Denial of this certification effectively vetoes the project as the only appeal that is provided for is to the State courts.

The committee bill does not take away any of these powers, nor does it affect the State and local laws that require project developers to obtain dozens of permits for LNG facilities.

I ask my colleagues: Why do we need to add this additional authority? It will discourage States from engaging in the NEPA process for a project that is in its early stages, when alternative sites can be identified and safety measures can be required. Indeed, the prospect of the Governor waiting to interject himself and the State at a later point in the project after the environmental impact statement is done will discourage industry from developing the LNG terminals that the country will need in the future.

Let me mention one other fact. I know the Senator from Rhode Island was talking about problems. He mentioned the KeySpan project in his State. FERC currently is actively engaged in assuring that these facilities are sited in safe locations. The Energy Daily, on May 23, had an article in it with the headline ''FERC Staff Flunks Rhode Island LNG Facility on Safety.''

In this article they point out that ''the Federal Energy Regulatory Commission staff, in a final environmental impact analysis, said Friday that a controversial liquefied natural gas terminal project in Rhode Island would flunk Federal safety standards with inadequate earthquake protection and an insufficient fire buffer.''

Then the article goes on to say:

> . . . it is highly unlikely that FERC would vote to approve the project over the findings of the final [environmental impact statement] which said rather bluntly: ''KeySpan's LNG's proposed LNG import terminal would not meet current LNG safety standards . . . [and] KeySpan LNG has not provided any data to show that the proposed import terminal can be brought into compliance with the current safety standards.''

I cite that to make the point that FERC is doing its job. They are not trying to put facilities or permit facilities at locations that are unsafe. They are taking into account the concerns of the local community and the concerns of the States. They are flunking applications where those concerns are valid.

We have tried to protect the rights of States and local communities in this legislation. I believe we have done that. I urge that we not adopt the Feinstein amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I hope that Senators and those advising Senators listened carefully to the two arguments that have already been made. In particular, I commend both Senators. But let me say, if you listen carefully to the argument that Senator BINGAMAN, my colleague from New Mexico, just made, it should be clear that there is no intention in our legislation that local authorities be usurped. There is no intention that the environmental law of the land—NEPA—not be complied with. As a matter of fact, it is required.

There is nothing in this law that will take a myriad of State and local requirements and do anything other than say they must be complied with.

I have behind me a chart which summarizes that permit and certification approval that must take place before we get to the final stages. And you go through a myriad of activities. We are talking about California: Fish and Wildlife, the Department of Transportation, regional water quality, California State Historic Preservation, storm water discharge associated with construction—we can go on and on, all of these things, including a full analysis as required by the National Environmental Policy Act, NEPA.

As we wrote this bill, we were trying to write national energy policy. Our country has been accustomed to a myriad of regulatory constraints and litigation before issues that are significant to our Nation's energy come to an end. We decided that there was protection with reference to the citizens, the location, and the States in the existing law of our land, and we didn't touch it. We merely said, in the final analysis, the last step will be decided by FERC, the Federal Energy Regulatory Commission.

This is a national energy issue. For anyone who thinks this is purely a simple issue of whether a Governor, when this process is all completed, ought to be able to say with a pen ''I veto this,'' that is not the case. Any Governor who wants to participate and have a meaningful decisionmaking involvement has ample opportunity to do so, and they will. They will be heard.

In the final analysis, this country cannot wait and sit around and say: We will wait until this matter is litigated. We will wait until we see how many Governors want to say no, until we find one that will say yes. When, as a matter of fact, out of a myriad of applications—one, two, three, or four—one will have been deemed by every single environmental, every single test, every zoning law to be safe and sound. The country is dependent upon natural gas and the price of it for our future well-being. That has been stated over and over. This is an issue about whether we have a fertilizer industry. This is an issue of whether we import what we need to grow our crops or whether we produce it here. This is an issue whether America produces the chemicals we need for our lifestyle.

Why is it that? Because natural gas is the primary ingredient to all those things and more. As the Senator from Tennessee said, we had the luxury of the lowest natural gas prices. Natural gas was not in abundance when it was the lowest. Sure, we have a lot more natural gas we are producing in America. But the Senator from Tennessee indicated that we are doing everything we can to maximize our production. I want to add to his litany of what we are doing, to assure those who produce natural gas in America, we are not forgetting about them in this legislation. We are trying to give them every opportunity to produce more. We have streamlined their permitting process. We want America to produce it. But the one chance we have to bring back that competition that comes, when you have enough so that demand does not totally set the price but supply has something to do with it, is to let it be imported.

I wish I wasn't here saying that. I wish I could say America is not going to have to import natural gas. I tried my best before I started this bill. The Senator from New Mexico looked at it. I found those who say we cannot survive the next 25 years without very large increases in the natural gas that we need to use. We have to add a huge amount to what we can produce to survive.

What happens if we have a bottleneck of significant proportions on getting that natural gas into the country? The $7 plus per unit will go to $8. It will to go $9. It will go to $10. One prediction is it will go to $13. On the way, America will be going out of business. As it goes up, we are going out. We are going to lose jobs everywhere. All we are suggesting is, don't add to it. I would imagine if you looked in the world and you looked inside and said analyze how safe can the siting of one of these ports in an inland location, how safe can you make the site, you probably would say we have done everything that you could imagine to make sure that happens.

The only thing we have said is, when it is all finished—months and months, maybe even years—you can't then say a Governor can come a long and say no.

Nobody should think this is a States rights issue. This is a reasonable approach to an American problem of significance. Any Governor who is worth his salt—and probably all of them are—you can rest assured will be involved in this process. They will be involved. They just are not going to be able to say: Well, I watched it all, I have looked at it all—or, as Senator BINGAMAN says, perhaps they will let it all go by—and when we are finished, I will make a decision. They could say that. But I don't think that is going to happen.

First of all, we are not going to let that happen. But nobody is going to do that. They are going to get involved in all of these things that are here. In California, on the local level, you have to go through the Port of Long Beach, a harbor development permit, a building permit, the Port of Long Beach Development, city of Long Beach Engineering and Public Works. All of these things have to be done. We are not going to roll anybody over.

But in the final analysis, the States should be involved in that. If a Governor is concerned about his people, he should be involved. And, frankly, there is no doubt in my mind that if some mistakes are being made, they are going to get caught. Senator BINGAMAN just cited one. They aren't even close to a permit in one application. What has FERC said? They sent their people out to look at it. They said: Forget about it. It flunks the test. They didn't only fail their test, they would fail anybody's test. It would fail the test of any one of these entities. So it wouldn't be built.

But let me suggest, we have gone through making mistake after mistake by piling regulatory authority upon regulatory authority, to the extent that we have ended up saying:

OK, give up. We are just not going to do that.

The best example is nuclear power. I don't mean to have a big debate on it. But we decided that we should take care of that by litigation. We said: We will purify the shortcomings by going to court. We found out, if you to go court enough times, you kill anything because you can't get the money invested. It is a business. It must be done on the basis of financial returns, probability and risk.

I also want to say that something has been said here today about the risks involved in LNG. I don't want to get into a debate of risks involving LNG ports.

I suggest the Sandia National Laboratory report that was alluded to earlier by the distinguished Senator from Massachusetts. But rather than pick one section from it and reading it, it concludes that the chances anything serious will happen are minuscule. Everything you do of significance has a risk. If you don't want to risk your legs wearing out, don't get out of bed in the morning. Lay in bed your whole life. You sure won't hurt your knees. You may not be able to do anything, but you sure won't hurt your knees. Don't worry about that risk. There is a risk in everything involved in energy, but a minor risk when it comes to LNG ports. That is throughout this Sandia report.

That is an aside, just to say nobody is trying to take a risk-laden act for the location of a site and escape scrutiny. Nobody is suggesting that in this bipartisan bill that passed the committee 22 to 1. Nobody is suggesting that. Nobody is suggesting we are enhancing the risk of doing something we must do. Not at all.

I will close by saying something I believe everybody should understand. It is consensus interpretation that right now, today, without this bipartisan bill, the Federal Government has a say-so about location. I can cite various commissions, various legal opinions. But understand that when such an issue is contentious, imagine how long it could take to get a decision made about something important to a country—how many years.

I note the presence on the floor of a distinguished lawyer, the Senator from Alabama. I don't know where he is on this issue. As a States rights Senator, he probably thinks this is a States right issue. I am a States rights Senator, too, but I don't think it is. He knows how many years of litigation it would take. Would it take one? It could take four or maybe more. It would go through district court, Federal court, an appeal, they would redo it, and then somebody files an injunction and they take another appeal—while FERC says, why don't we locate a port and bring this LNG in here.

I close by saying that we are dependent upon crude oil from overseas for our very survival. I wish I could tell you we are not going to become dependent upon natural gas from overseas, but that is not the case. We are going to be. You know, those countries are going to spend so much money making sure they develop the kinds of boats needed to bring it over here that

are safe. I heard from one country that they are going to invest billions of dollars for the safety of the hulls of those ships that are going to bring it over here because they, too, know they cannot have accidents. All of this means this is profitable to somebody who produces it. We hope we don't make it such that it is more profitable because the supply is limited because we cannot act.

So this is a provision in our bill which says: Act with extreme prudence. Act only after you go through every hoop you could go through. But don't, at the end of it all, say: Governor, after all, it is a national problem studied by everybody, with environmental impact statements completed, local zoning ordinances, and the Governor could get involved and argue and send his people, and when it is finished, he can take out his pen and say I veto it. I don't think that is the way to do it.

I have not made my argument with as much legal precision as my friend Senator BINGAMAN, but I do believe I have stated the case—not the case for California, but the case for America. Let me say there is no better advocate than Senator FEINSTEIN. But I must admit there is no State that makes more decisions against producing energy in their State for their people than California.

My time is expired. I yield the floor.

Mr. DODD. Mr. President, I am pleased to join my colleague from California, Senator FEINSTEIN, as a cosponsor of an amendment to ensure there is State authority in the siting of liquified natural gas (LNG) facilities.

I am troubled by section 381 of the underlying Senate energy bill that preempts State authority and gives exclusive authority to the Federal Energy Regulatory Commission (FERC) to approve or deny an application for the siting, construction, expansion, or operation of LNG facilities within state boundaries. Extreme care must be taken to ensure that no energy project undermines the economic and environmental well-being of a State. The provision in the energy bill undercuts the rights of States to determine how best to protect their natural resources, economy and residents. It erodes State authority under the Coastal Zone Management Act, the Clean Air Act, and the Federal Water Pollution Control Act, to name but a few landmark environmental pieces of legislation that have established and affirmed the critical role of States in setting energy policy.

Our amendment seeks to provide dual jurisdiction for States and the Federal Government, with respect to LNG facilities, similar to the provisions of the Deepwater Port Act of 1974 and as last amended in 2003. We are not inventing any new authority. Our straightforward amendment would require that FERC shall not approve an LNG license without the approval of a Governor. It defies common sense to have the voice of the States silenced by the Federal Government. The will of the people must be heard.

Frankly, I do not see the need to turn our siting authority on its head. It is my understanding that as many as six LNG facilities have recently been approved by FERC and two additional facilities have been approved by the Maritime Administration (MARAD). These new facilities would join the 4 currently operating LNG facilities—facilities that have been in existence for many years. In February, the current FERC Chairman stated that he expected at least eight new terminals for LNG to be built in the next 5 years. That many have already received FERC clearance, but there are another 16 proposals with FERC, 7 proposals with MARAD and another 10 potential sites identified by project sponsors.

I understand the need for increasing our supply of natural gas. But I am concerned that an over-reliance on LNG will simply shift this country from a reliance on foreign oil to a reliance on foreign sources of LNG. It is my understanding that Iran, Qatar and Russia hold more than half of the world's natural gas reserves. In April, Qatar, Iran, Egypt, Nigeria, Venezuela, and other natural gas producing nations met to discuss LNG pricing concerns, leading many to believe there is a will to some day form an OPEC-like structure.

One of those LNG proposals before FERC would be located in Long Island Sound. While this structure is not onshore, it is still within State boundaries. It would tentatively be positioned about 11 miles from Connecticut and 9 miles from New York. According to the company's own pre-filing with FERC, the floating storage and regasification unit (FSRU) would be about 1,200 feet long and 180 feet wide. That is longer than 3 football fields and a bit wider than one field. The structure would stand 100 feet above the surface of the water. That is about one-third the height of the Capitol from the base to the top of the Statue of Freedom. After warming the LNG to a gas, it would be transported in a NEW pipeline under Long Island Sound to an existing underwater pipeline. The structure would receive LNG shipments every 3 to 4 days and these tankers are projected to be nearly 1,000 feet long.

These are not benign actions. The construction of the LNG structure and a new pipeline, combined with the ongoing tanker activity would have an immediate and immense impact on Long Island Sound and the states of Connecticut and New York. Tanker activity alone could cause such an exclusion zone that normal commerce and recreation on Long Island Sound could be dramatically impaired. It is imperative that the governor have authority to determine whether this project is safe, economic and reliable.

Let us not forget, this proposed structure would be smack in the middle of Long Island Sound. Any attempt to move it away from Connecticut only moves it closer to New York and vice versa. Long Island Sound is an estuary of national significance, but it is only 21 miles at its widest. There is not a lot of wiggle room for this structure. More than 8 million people live and vacation on or around Long Island Sound. Connecticut and New York have already spent millions of dollars and dedicated millions more to restore the health of the Long Island Sound ecosystem. A healthy habitat ensures a prosperous recreational and commercial fishing industry, boating, swimming, and an overall thriving tourism industry. Long Island Sound provides an economic benefit of more than $5 billion to the regional economy.

So, as this process moves along, decisions regarding the siting of an LNG facility must take into account its safety and security, its environmental impact, its actual energy benefits and its general fit within Long Island Sound. LNG facilities must be sited smartly and our governors must have a final say. I ask my colleagues to support this amendment.

Mr. SHELBY. Mr. President, I rise today to speak in relation to the Feinstein amendment.

The issue of liquefied natural gas, or LNG, has become one of great concern In my home State of Alabama and to many others across the country. I believe it is important that LNG be part of our Nation's comprehensive energy plan. However, we must ensure that these facilities are safe and are sited in appropriate locations that have the support of the local communities and the State.

I recognize that the Federal Government should have the authority to site and permit these facilities—but not without the input of the State and the local community. I do not believe that the Federal Government should run rough-shod over State and local interests. It is imperative that they be protected throughout the siting process. To that end, I believe that a clear and direct line of communication between the Federal Energy Regulatory Commission and State and local governments be established—because I do not believe that the current process provides such an avenue.

However, I do not believe that the Feinstein amendment is the appropriate way to ensure this relationship. While I am firmly committed to States rights, I believe that giving a State ''veto'' power over the siting of an LNG terminal is contrary to the Constitution and in my opinion, not in the best interests of our Nation. The interstate commerce clause clearly places matters of interstate and foreign commerce in the hands of the Federal Government.

I believe that we can provide an avenue for State and local involvement while still preserving the constitutional role of the Federal Government in matters of interstate commerce. To that end, I have worked with Chairman

DOMENICI and Senator BINGAMAN to craft language that strikes that important balance. I believe that we have crafted a proposal that does just that and would encourage my colleagues to consider that language before we end debate on the issue of LNG.

The proposal that I reference will provide our State and local communities with a strong voice in the permitting and siting process of LNG facilities while maintaining the critical role of the Federal Government in interstate and foreign commerce. This language ensures that State and local authorities are represented by a single party or agency throughout the process and that their concerns regarding safety, security, coastal conservation and environmental protection are clearly articulated and acknowledged. In addition, the language also clearly lays out the process for developing a cost sharing plan between the industry and the State, local, and Federal agencies tasked with maintaining safety and security around the facility. This will ensure that these facilities do not tax the response systems to the detriment of the surrounding community.

I have been involved in the debate over LNG for the last several years and my goal and concern has been and always will be to protect the citizen's of Alabama while also providing an opportunity for the development of a critical asset. I thank Chairman DOMENICI for his willingness to work on this issue and find a common ground.

Mrs. BOXER. Mr. President, I am pleased to co-sponsor Senator FEINSTEIN's amendment to provide Governors with veto authority on the siting of onshore liquified natural gas, LNG, facilities. This is an extremely important issue in California, and I commend my colleague for her amendment.

The energy bill we are debating hands full authority for LNG siting decisions to a federal entity, the Federal Energy Regulatory Commission, FERC. It denies States a role in deciding whether and where LNG terminals may be located on our coastlines.

This is a misguided proposal.

Does FERC have a better understanding than a State's Governor of the potential environmental impact of an LNG facility located on or near the State's shore? Does FERC better understand the potential safety risk of facilities located near residential areas? Is FERC better qualified than a State to judge whether a proposed LNG facility would pose an unacceptable security risk to the area? Can FERC make a better judgment than the Governor of a State as to whether the benefits of an LNG facility will outweigh the drawbacks?

The answer to all of these questions is ''no.'' Only individual States can determine the best solution for their citizens when so much is at stake in terms of safety, security, and the sanctity of our environment.

We in California are all too aware that the Federal Energy Regulatory Commission's decisions may not be in our best interests. For too long during California's energy crisis in 2000–2001, FERC ignored the problem and took no action to help. Even today, four years later, we are still waiting for FERC to order refunds on the unjust and unreasonable rates charged by energy companies that were manipulating the market. We in California do not trust FERC to protect our interests.

I recognize that this country has a growing need for natural gas resources, and the construction of LNG facilities will help meet that need in the years to come. I am not arguing that no LNG terminals should be constructed on or close to our shores. I am simply arguing that FERC should not be the final arbiter in determining where those facilities are located. Each State deserves to decide for itself whether the benefits of such a facility outweigh the costs.

I urge my colleagues to vote for this amendment.

Ms. CANTWELL. Mr. President, I rise today in support of the amendment offered by Senator FEINSTEIN. This amendment is an important, commonsense tool that will provide States with the authority they need to protect their citizens' safety, security, and environment.

The underlying bill grants exclusive jurisdiction to the Federal Energy Regulatory Commission for the siting of LNG facilities. Unfortunately, this model minimizes the opportunity for important State interests regarding public safety, security, and environmental concerns to be adequately addressed within the LNG siting process.

The Feinstein amendment is simple—it allows the Governor of affected States to approve, veto, or condition the siting of onshore liquefied natural gas, LNG, terminals based on safety, security, environmental, and other concerns. In addition to providing Governors a clear role in bringing safety and security challenges to light, it also provides them with the tools to have those concerns adequately addressed.

Furthermore, the Feinstein amendment makes sense. Under the Deepwater Port Act of 1974, the Governors of adjacent coastal States already have the ability to veto, approve, or condition the siting of LNG terminals located outside of their jurisdiction in Federal waters. Affected States should have the same authority over LNG facilities on their land or bodies of water that they already have over facilities sited in Federal waters. The Feinstein amendment grants states this important role over LNG facilities proposed within their jurisdiction.

The Feinstein amendment is critical to assure that safety and homeland security concerns related to LNG facilities are addressed. Since 1944 there have been 13 serious accidents at onshore LNG facilities. A recent LNG accident in Algeria killed 27 workers, injured 74 others, and was reported to be the worst petrochemical fire in Algeria in more than 40 years.

Several reports have cited the potential homeland security challenges posed by LNG terminals, delivery tankers and their role in a potential terrorist attack. The potential impacts of a well-coordinated terrorist attack are immense. A December 2004 report by Sandia National Laboratories, reported that an intentional LNG spill and resulting fire could cause ''major'' injuries to people and ''significant'' damage to structures within approximately .3 miles of the spill site, more moderate injuries and structural damage up to 1 mile from the spill site, and lower impacts out to 1.5 miles.

Given these potential safety and homeland security concerns, Governors should have a clear role to play in the siting of LNG facilities within their jurisdiction. I urge my colleagues to support the Feinstein amendment that will support the rights of States to adequately protect their citizens' safety, security, and environment.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I understand I have a minute remaining.

The PRESIDING OFFICER. That is correct.

Mrs. FEINSTEIN. However, Senator SESSIONS has asked to speak for 3 minutes, and then I would like to have 1 minute to wrap up, if I might. I ask unanimous consent that the time be extended in that regard.

Mr. DOMENICI. Reserving the right to object, I have no objection if we add to that that we have the same amount of time added to our side.

The PRESIDING OFFICER. There would be 3 minutes additional to each side. Is there objection?

Mrs. FEINSTEIN. Three minutes for Senator SESSIONS, and 1 minute for Senator DOMENICI, and 1 for me?

The PRESIDING OFFICER. As the Chair understands the request, there would be 3 minutes for Senator SESSIONS, Senator FEINSTEIN's remaining 1 minute, and 3 minutes for Senator DOMENICI.

Mrs. FEINSTEIN. Three additional minutes?

Mr. DOMENICI. We are adding 3 minutes to the Senator's time, so we should get 3 minutes. The Senator's doesn't count because she has it anyway.

Mrs. FEINSTEIN. OK.

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

The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I express my admiration for the Senator from New Mexico and his leadership on this bill. In his heart, he is right and fundamentally correct that this country needs to produce more energy. The State of Alabama has been very aggressive in supporting our Nation's need for energy. We have wells drilled right off our coast, far off our coast, and we believe that is good for this country. As a matter of fact, off our coast, beyond a 3-mile or 9-mile limit it is Federal

waters and States don't have control over that. To bring an LNG terminal into a community can cause some real problems.

I appreciate the leadership of Senator DOMENICI and Senator BINGAMAN in offering an alternative solution to this approval process. But I frankly don't think it is sufficient. We have to have some ability for the local governments to have real, meaningful objections raised for the safety of the people in the community. So that is what I am concerned about.

At this time, the suggestions that are made in good faith, are not sufficient. There is no doubt that natural gas is important to our country. Higher demand is there every day. Our supplies will dwindle unless we bring on new sources. Liquefied natural gas can be brought into this country. It burns cleaner than most other fuels. If we can bring it in in large numbers, it will be good for America. But to say that a State or a Governor cannot participate fundamentally with some real power I think would be a dangerous step. That is why I must reluctantly oppose the current language and support Senator FEINSTEIN's language.

Also, our community of Mobile, my hometown, wrestled with an LNG terminal recently. They wanted to place it pretty close in and there was a great deal of concern expressed about safety. I frankly am not one capable of analyzing the scientific data that was raised in that regard. But I will say that serious concerns were raised and the Governor did participate. As a result, I think a new site and a new way of bringing that in would be established, if it is done at all.

So I say my concern is that we have to have a more meaningful participation by the Governors. I thank the Senator for his good-faith response, but I must support this amendment, as I think it is the right step. I agree fundamentally that interstate transportation of product is a Federal Government issue——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SESSIONS. But creating a terminal may not be. I thank you.

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

Mr. BINGAMAN. Mr. President, there is 3 minutes remaining in opposition to the amendment?

The PRESIDING OFFICER. That is correct.

Mr. BINGAMAN. Mr. President, let me speak briefly. I thank my colleague for yielding me some time to conclude my remarks here, and I compliment him on his statement. The Constitution is very clear. It says in article I of the Constitution—and Senator BYRD isn't on the floor, but he is usually reading this to us—that ''the Congress shall have the power''—then it lists a whole bunch of things—''to regulate commerce with foreign nations and among the several States and with the Indian tribes.''

This is a question of siting import and export terminals, so that we can conduct business with foreign nations. Clearly, there are major authorities that States and local governments have to participate in this process and to object. Anybody who has tried to site one of these terminals—and I have talked to several of them—will tell you there are a lot of people in the process who can say ''no'' and that ''no'' will stick.

The States clearly are in that position. The States, under the Coastal Zone Management Act, have the ability to say no, if they do not determine that the permitting or that the applicant who is seeking a permit is consistent with the State's coastal laws. Under the Clean Water Act, the State can say no and deny a certification under section 411 if they determine that the proposal has not complied with the State water quality standards. There are a variety of places where the State can say no and, of course, local communities as well.

What we have tried to do in the underlying bill is to be sure that once the need for process is completed, once the State has signed off on various permits and certifications, then there is not an additional problem that can be raised by the Governor of the State. Presumably, that government will have been involved in every stage of this process, and that State's appropriate agencies will have been involved in every stage of the process. But we need to have some finality to this, and we need to be able to be sure FERC can go ahead with the siting if they determine, after all this has been done, that in fact this is a safe project that makes sense and ought to be permitted. That is all we are trying to do in the bill.

The amendment of the Senator from California would have the effect of saying to Governors that you have the final word. Regardless of what FERC determines, regardless of what the process reveals, regardless of any of that, if you still don't like it, you can say no. That is not a good process. That will not give the confidence and assurance that is needed.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BINGAMAN. Mr. President, I urge defeat of the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent to add Senator CHAFEE as an original cosponsor.

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

Mrs. FEINSTEIN. In the first place, there is no Federal delegated authority for safety. Let me give you an example, a case in point of what that means. That case in point was presented by Senator KENNEDY on the Fall River placement of an LNG facility in the heart of river territory in Massachusetts. Three schools are in the area, with 9,000 people in the immediate area. It was opposed by the State government and every local city and town. But the FERC staff recommended the project go forward in the final environmental impact report.

FERC is no guardian of safety. This is a case in point to give Governors some authority. The Deepwater Port Act gives Governors authority offshore. They should have it on shore, too.

I yield the floor.

Mr. DOMENICI. Mr. President, I ask the Senator from California if she would be interested in having an additional minute. You know there is something in this question.

Mrs. FEINSTEIN. The Senator's generosity overcame me for a minute.

Mr. DOMENICI. The Senator from California will have one minute, and we will have one minute.

Mrs. FEINSTEIN. I appreciate that.

Mr. DOMENICI. It is the Senator's right.

The PRESIDING OFFICER. Is there objection to the unanimous consent request for 1 additional minute on each side? Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, the Deepwater Port Act gives Governors the right of veto over an LNG port 3 miles or more offshore, but this bill prevents them from having any authority if there is a proposal for an LNG terminal right on State land, right in the heart of a metropolitan area, right where it presents a danger to citizens, right where it could present an environmental disaster. This is an idiosyncracy which is wrong. All we have done is replicate the Deepwater Port Act's authority.

The other point I wish to make is there is in this bill the right of appeal. There is the right of the Commerce Department to step in and reverse anything a State does in this regard. There will be LNG terminals sited, let there be no doubt about it. The key is to site them smartly, to site them where they make the best sense.

I thank the Chair.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DOMENICI. Mr. President, I yield my minute to Senator CRAIG.

The PRESIDING OFFICER. The Senator is recognized.

Mr. CRAIG. Mr. President, I hope Senators today will oppose the Feinstein-Snowe amendment for a very clear reason. In 1974, when the Senator from California refers to this port act, we did not have a lot of the law in place that we now have today.

This is not a closed-door process. Using the Natural Gas Act allows FERC to do all it needs to do to protect the public—public hearings, public involvement. If we are going to let NIMBYism at the State level destroy the ability of this country to build the kind of natural gas infrastructure we need today, that we do not have today that is driving the chemical industries offshore, that are shooting our prices

up, then allow NIMBYism to exist within the law.

I am a State rights person.

Mrs. FEINSTEIN. Will the Senator yield for a question?

Mr. CRAIG. I will not yield. This is a closing statement. We have Senators who need to have the vote and get to their committees.

I am a State rights advocate, but I also recognize the Constitution and the interstate commerce clause and what we have to do to facilitate this. I ask Senators to vote to table the Feinstein amendment.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DOMENICI. Mr. President, I move to table the Feinstein amendment 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 South Dakota (Mr. THUNE).

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

The PRESIDING OFFICER (Mr. GRAHAM). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 45, as follows:

[Rollcall Vote No. 146 Leg.]

YEAS—52

Alexander	DeWine	Lugar
Allard	Dole	McCain
Baucus	Domenici	McConnell
Bennett	Dorgan	Murkowski
Bingaman	Ensign	Nelson (NE)
Bond	Enzi	Pryor
Brownback	Frist	Roberts
Bunning	Grassley	Rockefeller
Burns	Gregg	Santorum
Burr	Hagel	Shelby
Chambliss	Hatch	Specter
Coburn	Hutchison	Stevens
Cochran	Inhofe	Talent
Coleman	Isakson	Thomas
Cornyn	Kohl	Voinovich
Craig	Kyl	Warner
Crapo	Lincoln	
DeMint	Lott	

NAYS—45

Akaka	Feingold	Murray
Allen	Feinstein	Nelson (FL)
Bayh	Graham	Obama
Biden	Harkin	Reed
Boxer	Inouye	Reid
Byrd	Jeffords	Salazar
Cantwell	Kennedy	Sarbanes
Carper	Kerry	Schumer
Chafee	Landrieu	Sessions
Clinton	Lautenberg	Smith
Collins	Leahy	Snowe
Corzine	Levin	Stabenow
Dayton	Lieberman	Sununu
Dodd	Martinez	Vitter
Durbin	Mikulski	Wyden

NOT VOTING—3

Conrad	Johnson	Thune

The motion was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, obviously there is no time agreement, but I understand Senator BYRD is ready to go, to proceed with his amendment. I understand that is going to be accepted. We will have somebody take my place here to manage our side.

I yield the floor.

Ms. LANDRIEU. Mr. President, I understand Senator BYRD is preparing to offer his amendment. I ask for the Senator's consent to speak for 3 minutes on a different subject before he begins.

The PRESIDING OFFICER. Is there objection? Without objection, the Senator from Louisiana is recognized for 3 minutes.

Ms. LANDRIEU. Mr. President, we just had a very vigorous and I think enlightening discussion about liquefied natural gas plants and the situation our country is in, about the desperate—and that is not too strong a word—the desperate need we have for additional gas in the Nation. We had a very good debate about how we were going to provide this additional gas. The technology, which has just been established in the last few years, allows us to drill for gas in places all over the world, convert it to a liquid, transport it to our shores, turn it back into a gas, and turn on our lights, provide our energy, and help our economy move forward.

I thought the debate was excellent and in great detail. As usual, Senator FEINSTEIN presented her position beautifully. We received letters from the Governors. Of course, our leaders, the two Senators from New Mexico, also stated their positions very clearly and the vote has taken place. Regardless whether the Domenici position prevailed, which it did in this case, or if the Feinstein position had been agreed to, we still have the situation of having four liquefied natural gas plants in the Nation today, only four. The largest one is in Louisiana. We are getting ready to bring in what some estimate are as many as 40 or 50 of these new plants. They have to go somewhere.

I hope as this debate goes on, we can make the wisest decisions about the siting of these plants regarding their safety for our communities, their safety for the environment, and a revenue-sharing provision that would allow the communities that do host these liquefied natural gas plants to share some of the revenues because of the impacts that will occur. One way or another, there will either be security impacts or some environmental impacts—some impacts that the communities that do not bear this responsibility will now bear. This is particularly appropriate because this gas is not going to be used by the borough or the county or the parish in which it is sited; it is going to be used by the whole Nation.

I am going to have an amendment. It is going to be a sense-of-the-Senate amendment to get a study underway to see how these revenues could be shared appropriately with the 50 or 60 or 70 sites that are going to be determined in our country—whether they are in West Virginia, whether they are in Louisiana, whether they are in Massachusetts or California. Our communities deserve to have some funding to help with these impacts.

I thank the Senator from West Virginia for his graciousness in allowing me to speak, and I put the Senate on notice that this amendment will be coming later this afternoon.

The PRESIDING OFFICER. The Senator from West Virginia.

AMENDMENT NO. 869

Mr. BYRD. Mr. President, I will shortly offer an amendment to the Energy bill to provide relief for rural workers, some relief for rural workers from high gas prices. Before I do that, I thank Senators GRASSLEY and BAUCUS for their time and their efforts concerning my amendment. Always courteous, always candid, always gentlemen—each embodies the spirit and the harmonious character of a U.S. Senator. I am talking about Senator GRASSLEY and Senator BAUCUS.

I will shortly send to the desk a modified version of my amendment which I have discussed with the chairman and ranking member of the Finance Committee and their staffs.

I will also ask Senators LINCOLN, ROCKEFELLER, HARKIN, and PRYOR be added as cosponsors, but I am not asking that right at this moment.

We debate the Energy bill today in the context of skyrocketing life-altering gasoline prices. The people out there watching the Senate through those electronic lenses, many of them know what I am talking about. The American public is reminded, day after day after day—as they drive to work, as they drive their children to school, as they drive to the local market, they are reminded of the outrageous cost of gasoline and how it squeezes their pocketbooks—how it squeezes your pocketbooks. That fact alone is probably the single most important catalyst for this Energy bill. Yet Senators candidly acknowledge, as has the President, that no energy policy can immediately deliver lower prices at the fuel pump.

I don't say that to criticize the efforts of the managers of the bill. They rightly are looking to the future with the hope of weaning—weaning—America from its dependence on foreign oil. I have been talking about this for years.

They are setting admirable goals and I hope that we move quickly to meet them. But—that conjunction ''but''—in the meantime, while we wait for countless production incentives and numerous Federal programs to take effect, American workers—American workers—suffer, suffer daily at the fuel pump. The impact of high gas prices is burdensome in many cases and devastating in others.

I addressed the Senate recently about this issue, as I have addressed it many times, highlighting the impact that

high gas prices have had on rural areas in this country. You talk about rural areas; look at Maine. Look at West Virginia. Look at that map. I will talk about it in a moment. Residents of rural areas must drive longer distances to work and from work, inflicting burdensome costs on workers. Rural areas have less access to public transportation. This means subways and buses are not usually available to rural workers.

Look at my State, a mountain State. Senators ought to know what it is like to wind around those mountains, up and down; steep going up and going down sometimes is worse. In Appalachia—that is what we are talking about, what I am talking about right now is Appalachia. Rural roads—come on over, Senators, and try some of those rural roads. Your head will be dizzy and you will be holding on with your fingertips and your fingernails will be white. It is tough. In Appalachia, rural roads, twisting and winding and bending around the hills and mountains, exacerbate the financial pain.

When gas prices spike, rural workers often have no extra income to absorb the increase, forcing painful cuts in essential expenditures. High gas prices hurt local businesses as workers are forced to scale back leisure activities and everyday comforts. Economic activity slows, communities are impacted, and savings shrink. These communities are crying out for action. They have no alternative means of transportation available to them to avoid driving, no subways. Go over to the Alleghany Mountains, you will not find subways. Those mountains are beautiful. I tell you, there is nothing like them, the Alleghanys. Appalachia, no subways. No mass transit. They are unlikely to benefit much from the energy conservation incentives designed for their urban counterparts.

These rural workers—hear me, hear me—these rural workers seek immediate relief. They want some help. They grow increasingly frustrated with the hemming and the hawing of their representatives in Congress—not only in Congress but in the White House. They do not want equivocations about economic theories. They are all well and good, those theories. These workers do not want tutorials about tax policy. What do they want? They want relief. And today, I am going to submit an amendment that would be a partial answer. We have to start giving some attention to this problem and to these people.

This amendment would create a new transportation fringe benefit for eligible rural workers. Employers could offer these workers compensation for their costly gasoline purchases. Those expenditures for gasoline, up to $50 per month, by rural workers who can carpool, would be excluded from their taxable wages, providing immediate relief.

The amendment would cost $123 million over 5 years. It is my understanding, based on discussions with the Finance Committee, that an offset would be provided later in the day.

This amendment is the result of a compromise. Legislation is compromise. There are different opinions around here. Senators represent different areas with different problems. Sometimes we cannot have it all the way we would like. Not everything is the way we want. We have to compromise. Legislation means compromise. We have to have a bill. You do not go for the kill on every bill, but you do what you can. Sometimes you have to not do as much as you would like to do, but you do something, and later you do something more.

This amendment is the result of a compromise with the Finance Committee. I have been in Congress now 53 years. How about that—53 years in the House and Senate. I started out in the House. But you have to compromise. You have to do that in the House, compromise. You cannot have everything like you want it, but you get something for the people you represent. You help them a little here and a little there and then a little more here and a little more there. That is the way it is done.

This amendment is the result of a compromise with the Finance Committee. It represents an acknowledgment by the Senate that rural workers can be affected more directly and harshly by high gas prices and that the Senate is beginning to respond to that reality.

This amendment can help to provide immediate relief to rural workers. It cannot do everything, but we are doing something. It can help to provide relief to working mothers, to fathers, both of whom are searching for ways to stretch their paychecks just a little bit further. You can only stretch that paycheck so far. It will not stretch any further.

It will benefit residents from the northern most areas of Maine. We can see Maine looking at the chart, right up there at the top, way up there, way up there. It will benefit the northern most areas of Maine, down the east coast, down the east coast, into the Appalachia region—there is home sweet home to me, Appalachia—Kentucky, Tennessee, and into the Southern States of Mississippi and Alabama. It will benefit residents throughout the rural heartland of America.

The dark areas are being pointed out by this fine young man. These dark areas are what we are talking about. These are the rural areas. Look at them on this map. The urban areas are the yellow areas. Look how big the map is when it comes to the rural areas. That is where a lot of real people live. You talk about the grassroots of America. Go back to the rural areas. Those people in the rural areas have to drive to work. They do not have mass transit in most of these areas. We are talking about the heartland of America: Iowa, Nebraska, the Dakotas, westward. Turn westward young man, westward. West through Montana and Idaho, and along the west coast. Rural areas in California. California has rural areas, too. Oregon, Washington—rural areas along the west coast into Washington, Oregon, and California.

As the chart beside me shows, and I hope the camera is focusing on these rural areas, rural workers in every State—name the State—rural workers in that State would benefit from this amendment, workers who reside in the rural areas, the green areas. I will point out Appalachia again. If you have not been there, you ought to go and see what those people have to contend with. See what workers in Appalachia have to contend with. It is not just Appalachia; it is all over the country, throughout the country, every State. There are many in these rural—the green—areas who are forced to drive to work due to a lack of public transit. They do not have Metro. We have the Metro in the District of Columbia. They do not have it over there. They would be eligible to benefit from this amendment.

The Finance Committee has offered a tax package to this bill providing $18 billion in energy supply and efficiency incentives, many of which I support. The Finance Committee package will yield long-term benefits for the American people. As I have said, the chairman and the ranking member have been very gracious in considering my views regarding these matters. But the House of Representatives passed $8 billion of very different tax incentives, much of them going to big oil, which today is reaping an enormous windfall.

I say to the distinguished Senator from New York, there are a lot of people up there in rural areas in New York—CHUCK SCHUMER, yes. He and Senator CLINTON—man, they look out after their people. May the Lord bless them.

Much of the benefits are going to big oil, which today is reaping an enormous windfall from the high price of gasoline. Let me say that again: The House of Representatives passed $8 billion. How much is that? That is $8 for every minute since Jesus Christ was born. Now you can get an idea of what we are talking about. Eight billion, $8 for every minute since Jesus Christ was born. These different tax incentives, $8 billion of very different tax incentives, much of them going to big oil, which today is reaping an enormous windfall from the high price of gasoline. These tax breaks are in addition to the billions of dollars in taxpayer revenues dedicated annually to these companies.

This is an opportunity to vote for an amendment that will provide some relief—not enough but some. The Senate is, finally, about to recognize this problem. This is an opportunity to vote for an amendment that will provide relief directly and immediately. To whom? The little guy. The little guy. Man, you talk about me now, the little guy. The

Presiding Officer is for the little guy. That is what this amendment is about.

This is an opportunity to help working men and women today. Not enough, not enough, but it is a good start. We do not have to wait and hope gas prices will decrease. We can take some action now.

I urge adoption of this amendment which I now send to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself, Mrs. LINCOLN, Mr. ROCKEFELLER, Mr. HARKIN, and Mr. PRYOR, proposes an amendment numbered 869.

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

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

The amendment is as follows:

(Purpose: To amend the Internal Revenue code of 1986 to provide relief from high gas prices)

At the appropriate place insert the following:

SEC. ___. INCOME TAX EXCLUSION FOR CERTAIN FUEL COSTS OF RURAL CARPOOLS.

(a) IN GENERAL.—Section 132(f)(1) of the Internal Revenue Code of 1986 (defining qualified transportation fringe) is amended by adding at the end the following new subparagraph:

''(D) Fuel expenses for a highway vehicle of any employee who meets the rural carpool requirements of paragraph (8).''.

(b) LIMITATION ON EXCLUSION.—Section 132(f)(2) of such Code (relating to limitation on exclusion) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following new subparagraph:

''(C) $50 per month in the case of the benefit described in subparagraph (D).''.

(c) RURAL CARPOOL REQUIREMENTS.—Section 132(f) of such Code is amended by adding at the end the following new paragraph:

''(8) REQUIREMENTS FOR EMPLOYEES PARTICIPATING IN RURAL CARPOOLS.—

''(A) IN GENERAL.—The requirements of this paragraph are met if an employee—

''(i) is an employee of an employer described in subparagraph (B),

''(ii) certifies to such employer that—

''(I) such employee resides in a rural area (as defined by the Bureau of the Census),

''(II) such employee is not eligible to claim any qualified transportation fringe described in subparagraph (A) or (B) of paragraph (1) if provided by such employer,

''(III) such employee uses the employee's highway vehicle when traveling between the employee's residence and place of employment, and

''(IV) for at least 75 percent of the total mileage of such travel, the employee is accompanied by 1 or more employees of such employer, and

''(iii) agrees to notify such employer when any subclause of clause (ii) no longer applies.

''(B) EMPLOYER DESCRIBED.—An employer is described in this subparagraph if the business premises of such employer which serve as the place of employment of the employee are located in an area which is not accessible by a transit system designed primarily to provide daily work trips within a local commuting area.''.

(d) NO EXCLUSION FOR EMPLOYMENT TAXES.—Section 3121(a)(20) of such Code (defining wages) is amended by inserting ''(except by reason of subsection (f)(1)(D) thereof)'' after ''or 132''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to expenses incurred on and after the date of the enactment of this Act and before January 1, 2007.

Mr. BYRD. Mr. President, I have nothing further right now.

The PRESIDING OFFICER. Does the Senator still wish to have cosponsors added to the amendment?

Mr. BYRD. Yes. I thank the Chair for remembering that. The names of those cosponsors I send to the desk.

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

Mr. BYRD. Senators LINCOLN, ROCKEFELLER, HARKIN, and PRYOR—I ask unanimous consent that they be added as cosponsors.

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

Mr. BYRD. I thank the Chair and yield the floor. I am ready to vote.

The PRESIDING OFFICER (Ms. MURKOWSKI). Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 869) was agreed to.

Mr. BYRD. Madam President, I thank all Senators.

I move to reconsider the vote by which the amendment was adopted. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Madam President, I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

AMENDMENT NO. 805

Mr. SCHUMER. Madam President, I ask unanimous consent we return to consideration of amendment No. 805, a previously pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is now pending.

Mr. SCHUMER. Madam President, I will address this amendment. As I understand it, we might be able to call for a vote shortly because I will not speak for that long.

Madam President, I rise today offering an amendment that will express the sense of the Senate that the Federal Government should take long overdue action to curb the record-high gasoline prices that are plaguing America's consumers at the pump.

We know there are two aspects to the energy problem we face in America. If anything, the more important is the long-term problem, and there we need conservation and new energy sources and new exploration. In my judgment, at least, this bill does a tiny, little bit of that, not close to enough of what we need, particularly on the conservation side.

But we also have a short-term problem. That short-term problem is the record-high prices of gasoline. It is caused by a number of things: Obviously, increasing demand here in America and worldwide, China and India, in particular, but at the same time, it is also caused by the fact that we are up against a cartel, OPEC, and OPEC manipulates the production of oil.

If OPEC were in the United States, if those 11 countries were 11 companies, they would be brought up on antitrust laws. They play havoc with the gasoline markets. A few months ago, while demand was climbing, they cut back production by a million barrels. Realizing they had overdone it, even from their own point of view, they then asked their members to increase production by 500,000 barrels a day. But that was a paper reduction. It did not really come into the markets.

So the bottom line is this: We have a serious problem in terms of OPEC. Many think we are powerless to deal with it in the short term—for the long term, as I mentioned, there are ways to deal with it—but I do not believe that is the case because we have an ace in the hole; that is, the Strategic Petroleum Reserve. It is now full. It has not been full in a long time. There are 700 million barrels of oil, or close to that, sitting in the Louisiana and Texas oil flats.

If we were to strategically use that oil in a swap, which would not decrease the amount of oil in the Reserve but would be a tool to bring down prices, and then we would buy back the oil or have the oil replaced in this swap when the price comes down so we would actually put more oil into the Reserve than when we started, we could do a lot of good for drivers in this country.

The last time the Strategic Petroleum Reserve was used—and it can be used, by law, for this; President Clinton did it in October of 2000, after I spent a lot of time importuning him to do it—prices went down considerably. I have no doubt, if the sense of the Senate resolution is adopted and the President follows it, that prices would go down again.

Madam President, I see my good friend from New Mexico is here. I am told it would be his preference that we have a vote by 12:10. So I will only speak for another 3 or 4 minutes.

Madam President, I would like to offer another amendment, not speak about it, but just lay it down, and then give the remaining 4 or 5 minutes to my colleague from New Mexico, and then we would have a vote. If that is OK with the Senator from New Mexico, that is what I would propose we do.

Mr. DOMENICI. Madam President, I say to the Senator, could we try, in that arrangement, to give me 5 minutes, even if we go over a minute or 2 beyond 12:10?

Mr. SCHUMER. Great. I will try to keep my remarks brief because I have spoken about it before.

Mr. DOMENICI. The other amendment, have we seen it or know anything about it?

Mr. SCHUMER. Yes, it has been filed.

AMENDMENT NO. 811

Madam President, while we are talking about it, I ask unanimous consent

to temporarily lay aside the pending amendment so that I may offer amendment No. 811.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER], for himself, Ms. CANTWELL, and Mr. LAUTENBERG, proposes an amendment numbered 811.

Mr. SCHUMER. Madam 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 provide for a national tire fuel efficiency program)

On page 120, between lines 20 and 21, insert the following:

SEC. 142. MOTOR VEHICLE TIRES SUPPORTING MAXIMUM FUEL EFFICIENCY.

(a) STANDARDS FOR TIRES MANUFACTURED FOR INTERSTATE COMMERCE.—Section 30123 of title 49, United States Code, is amended—

(1) in subsection (b), by inserting after the first sentence the following: ''The grading system shall include standards for rating the fuel efficiency of tires designed for use on passenger cars and light trucks.''; and

(2) by adding at the end the following:

''(d) NATIONAL TIRE FUEL EFFICIENCY PROGRAM.—(1) The Secretary shall develop and carry out a national tire fuel efficiency program for tires designed for use on passenger cars and light trucks.

''(2) The program shall include the following:

''(A) Policies and procedures for testing and labeling tires for fuel economy to enable tire buyers to make informed purchasing decisions about the fuel economy of tires.

''(B) Policies and procedures to promote the purchase of energy-efficient replacement tires, including purchase incentives, website listings on the Internet, printed fuel economy guide booklets, and mandatory requirements for tire retailers to provide tire buyers with fuel-efficiency information on tires.

''(C) Minimum fuel economy standards for tires, promulgated by the Secretary.

''(3) The minimum fuel economy standards for tires shall—

''(A) ensure that the average fuel economy of replacement tires is equal to or better than the average fuel economy of tires sold as original equipment;

''(B) secure the maximum technically feasible and cost-effective fuel savings;

''(C) not adversely affect tire safety;

''(D) not adversely affect the average tire life of replacement tires;

''(E) incorporate the results from—

''(i) laboratory testing; and

''(ii) to the extent appropriate and available, on-road fleet testing programs conducted by the manufacturers; and

''(F) not adversely affect efforts to manage scrap tires.

''(4) The policies, procedures, and standards developed under paragraph (2) shall apply to all types and models of tires that are covered by the uniform tire quality grading standards under section 575.104 of title 49, Code of Federal Regulations (or any successor regulation).

''(5) Not less often than every three years, the Secretary shall review the minimum fuel economy standards in effect for tires under this subsection and revise the standards as necessary to ensure compliance with requirements under paragraph (3). The Secretary may not, however, reduce the average fuel economy standards applicable to replacement tires.

''(6) Nothing in this chapter shall be construed to preempt any provision of State law relating to higher fuel economy standards applicable to replacement tires designed for use on passenger cars and light trucks.

''(7) Nothing in this chapter shall apply to—

''(A) a tire or group of tires with the same SKU, plant, and year, for which the volume of tires produced or imported is less than 15,000 annually;

''(B) a deep tread, winter-type snow tire, space-saver tire, or temporary use spare tire;

''(C) a tire with a normal rim diameter of 12 inches or less;

''(D) a motorcycle tire; or

''(E) a tire manufactured specifically for use in an off-road motorized recreational vehicle.

''(8) In this subsection, the term 'fuel economy', with respect to tires, means the extent to which the tires contribute to the fuel economy of the motor vehicles on which the tires are mounted.

(b) CONFORMING AMENDMENT.—Section 30103(b) of title 49, United States Code, is amended in paragraph (1) by striking ''When'' and inserting ''Except as provided in section 30123(d) of this title, when''.

(c) TIME FOR IMPLEMENTATION.—The Secretary of Transportation shall ensure that the national tire fuel efficiency program required under subsection (d) of section 30123 of title 49, United States Code (as added by subsection (a)(2)), is administered so as to apply the policies, procedures, and standards developed under paragraph (2) of such subsection (d) beginning not later than March 31, 2008.

AMENDMENT NO. 805

Mr. SCHUMER. Madam President, I ask unanimous consent that the amendment be laid aside and we return to the pending business, which is amendment No. 805.

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

Mr. SCHUMER. Thank you, Madam President.

Now, so we have this ace in the hole, the Strategic Petroleum Reserve, which has been used before; it is not a long-term solution. But right now OPEC calls all the shots. They know that they can, more or less, set the price, particularly at a time of rising demand. If we were to strategically use, if you will, the Strategic Petroleum Reserve, we could break OPEC's resolve, break OPEC's will, and actually deal with the problem of high gasoline prices in the short term. It is virtually the only way to do it.

So I would say to my colleagues, we cannot order the President to do it, so this is simply a sense of the Senate that says we should do it. I believe drivers throughout America—whether they are driving trucks thousands of miles or driving kids to school or anything in between—are looking at us to see if we will do something. This amendment signals our desire and ability not to simply take it on the chin over and over again from OPEC but, rather, to use our strategic weapon, the Strategic Petroleum Reserve, as it has been used before, to both lower gas prices and let OPEC know we have good cards in our hand that we can lay on the table and use.

With that, Madam President, since the amendment has been discussed before, and this is an issue I have been involved with for years and years, I will, in the interest of time and getting a vote on this amendment quickly, yield the floor so my colleague from New Mexico might respond.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, first, might I say to my good friend from New York, I respect his continuous efforts in this regard. But I would say, do not misunderstand that to mean I think his amendment will do any good.

I think, first of all, the Senate should know the Strategic Petroleum Reserve is not a reserve to supply the United States with oil on a day-by-day basis. It is a reserve in the event we have a crisis.

We had a crisis that started this. That is why we started the Reserve. We had a crisis because Iran, years ago, decided to cut us off. They did not cut us off by a huge amount, but just enough to send a turmoil into the market. Our prices skyrocketed, and the United States said: Well, let's find a place to put some oil that we can retrieve if we have a crisis.

Now, everybody should know a crisis does not mean the price is too high or the price is too low. It means America has suffered an untoward shock, a war that all of a sudden happened, and we started drawing down, not an ongoing, everyday event that we just play and have to work in the marketplace.

Now, how much do we have? Years ago we thought we had a very big reserve. In 1985, we said: We want to have 118 days of supply; that is, if we needed it, and needed it every day, continually, to supplement what we had domestically, we had 118 days. Because of our growing dependence and other things, we now have 59 days. The Reserve is 59 days of import protection.

I ask the Senate, is 59 days too much? I wish we could tell the American people we had 259 days. But we have 59. It will soon be filled. So anybody worrying about amendments saying, Don't put in any more; it will soon reach its capacity, I say, Good. That is what it ought to be.

Now, the Senator says: Let's start taking it out now, a million barrels a day for 30 days, with another possibility of a million barrels a day for 30 more days. To what end? Do you think those who control the price by controlling production would sit by and say, ''The United States is going to use its reserve. We don't think they should. It is kind of dumb. But they are going to put it on the market''? In a minute, they could cut production, and any impact using up this important reserve would have on the market would go away. So we would be doing a unilateral act and endangering our security because we would be minimizing the security potential of SPR, and we would not get any good out of it. There

is no assurance doing what is suggested will have any significant impact on the price of oil.

I know the Senator has said it will bring the price down, but it just does not make sense. A million barrels a day, when we use 20 million barrels—just think of that—how could it have an impact, when the OPEC cartel is a player, and they could make their adjustments?

So what I see this as is no insurance at all of anything positive and an absolute assurance of something very, very bad for America—negative—because we will have increased our risk of not having oil when we need it from the Strategic Petroleum Reserve that we put in in order to take it out when we had an untoward, sort of an attack on the flow of oil by some activity outside our control.

Mr. President, while I compliment the Senator for wanting to say to Americans, We want to get the price of oil down, I want to say we worked hard in this Energy Committee. We did everything humanly possible. And if it was as easy as saying, Let's just sell the Strategic Petroleum Reserve, we would have done that, I say to the occupant of the chair, who was a very active participant.

Anybody could have made a motion: Let's start selling the petroleum reserve. Nobody did that because we understand it as an activity that is self-defeating. As a matter of fact, Madam President and fellow Senators, instead of doing some good—and I say this in all deference to my friend from New York—it would probably do us some harm. Whatever you take out for this purpose probably adds to the security risk of this great Nation.

Again I repeat, we have 59 days of supply. We wish we had 118, as we started out shooting for. And now we would start diminishing that—and I cannot tell you how much; a pretty good chunk—a million barrels a day for 30 days, plus 30 more million barrels.

So having said that, I do not think we should do this.

Madam President, the time has expired, as I understand it.

Mr. SCHUMER. Will my colleague yield?

Mr. DOMENICI. Indeed.

AMENDMENT NO. 805, AS MODIFIED

Mr. SCHUMER. Madam President, I have a technical modification to the amendment. There was a drafting problem. I would like to modify the amendment.

Mr. DOMENICI. I say to the Senator you have the right to modify your amendment. Go ahead.

Mr. SCHUMER. Madam President, I ask unanimous consent that line 22, title (c), be stricken and that on line 23 of page 4—OK. I will send the modification to the desk.

Mr. DOMENICI. You do not need consent.

Madam President, he has a right to modify it; is that not right?

The PRESIDING OFFICER. That is correct. The amendment is so modified.

The amendment (No. 805), as modified, is as follows:

On page 208, after line 24, add the following:

SEC. 303. SENSE OF THE SENATE REGARDING MANAGEMENT OF SPR.

(a) FINDINGS.—Congress finds that—

(1) the prices of gasoline and crude oil have a direct and substantial impact on the financial well-being of families of the United States, the potential for national economic recovery, and the economic security of the United States;

(2) on June 13, 2005, crude oil prices closed at the exceedingly high level of $55.62 per barrel, the price of crude oil has remained above $50 per barrel since May 25, 2005, and the price of crude oil has exceeded $50 per barrel for approximately ⅓ of calendar year 2005;

(3) on June 6, 2005, the Energy Information Administration announced that the national price of gasoline, at $2.12 per gallon, could reach even higher levels in the near future;

(4) despite the severely high, sustained price of crude oil—

(A) the Organization of Petroleum Exporting Countries (referred to in this section as ''OPEC'') has refused to adequately increase production to calm global oil markets and officially abandoned its $22–$28 price target; and

(B) officials of OPEC member nations have publicly indicated support for maintaining oil prices of $40–$50 per barrel;

(5) the Strategic Petroleum Reserve (referred to in this section as ''SPR'') was created to enhance the physical and economic security of the United States;

(6) the law allows the SPR to be used to provide relief when oil and gasoline supply shortages cause economic hardship;

(7) the proper management of the resources of the SPR could provide gasoline price relief to families of the United States and provide the United States with a tool to counterbalance OPEC supply management policies;

(8) the Administration's policy of filling the SPR despite the fact that the SPR is nearly full has exacerbated the rising price of crude oil and record high retail price of gasoline;

(9) in order to combat high gasoline prices during the summer and fall of 2000, President Clinton released 30,000,000 barrels of oil from the SPR, stabilizing the retail price of gasoline;

(10) increasing vertical integration has allowed—

(A) the 5 largest oil companies in the United States to control almost as much crude oil production as the Middle Eastern members of OPEC, over ½ of domestic refiner capacity, and over 60 percent of the retail gasoline market; and

(B) Exxon/Mobil, BP, Royal Dutch Shell Group, Conoco/Philips, and Chevron/Texaco to increase first quarter profits of 2005 over first quarter profits of 2004 by 36 percent, for total first quarter profits of over $25,000,000,000;

(11) the Administration has failed to manage the SPR in a manner that would provide gasoline price relief to working families; and

(12) the Administration has failed to adequately demand that OPEC immediately increase oil production in order to lower crude oil prices and safeguard the world economy.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President should—

(1) directly confront OPEC and challenge OPEC to immediately increase oil production; and

(2) direct the Federal Trade Commission and Attorney General to exercise vigorous oversight over the oil markets to protect the people of the United States from price gouging and unfair practices at the gasoline pump.

(3) For the period beginning on the date of enactment of this Act and ending on the date that is 30 days after the date of enactment of this Act, 1,000,000 barrels of oil per day should be released from the SPR.

(4) If necessary to lower the burden of gasoline prices on the economy of the United States and to circumvent the efforts of OPEC to reap windfall crude oil profits, 1,000,000 barrels of oil per day should be released from the Strategic Petroleum Reserve for an additional 30 days.

Mr. SCHUMER. I thank the chair. If I could make one brief point to my colleague.

Mr. DOMENICI. Sure.

Mr. SCHUMER. First, we are only calling for 60 million barrels, at max, to be used. There are 700 million barrels there. Second, this is a swap, which is what was done before. So within 6 months, with presumably the price lower, the amount of oil would be replaced and more so.

Those are two points I wanted to make. I am ready to have a vote.

Mr. DOMENICI. Madam President, I need no additional time. I move to table the Schumer amendment 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 the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from South Dakota (Mr. THUNE).

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD), the Senator from Hawaii (Mr. INOUYE), and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

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

The result was announced—yeas 57, nays 39, as follows:

[Rollcall Vote No. 147 Leg.]

YEAS—57

Alexander	Craig	Lott
Allard	Crapo	Lugar
Allen	DeMint	Martinez
Baucus	DeWine	McCain
Bayh	Dole	McConnell
Bennett	Domenici	Murkowski
Bingaman	Ensign	Murray
Bond	Enzi	Roberts
Brownback	Frist	Santorum
Bunning	Graham	Sessions
Burns	Grassley	Shelby
Burr	Gregg	Smith
Cantwell	Hagel	Stevens
Chafee	Hatch	Sununu
Chambliss	Hutchison	Talent
Coburn	Inhofe	Thomas
Cochran	Isakson	Vitter
Coleman	Kyl	Voinovich
Cornyn	Landrieu	Warner

NAYS—39

Akaka	Corzine	Harkin
Biden	Dayton	Jeffords
Boxer	Dodd	Kennedy
Byrd	Dorgan	Kerry
Carper	Durbin	Kohl
Clinton	Feingold	Lautenberg
Collins	Feinstein	Leahy

Levin	Obama	Sarbanes
Lieberman	Pryor	Schumer
Lincoln	Reed	Snowe
Mikulski	Reid	Specter
Nelson (FL)	Rockefeller	Stabenow
Nelson (NE)	Salazar	Wyden

NOT VOTING—4

Conrad	Johnson
Inouye	Thune

The motion was agreed to.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I believe under the previous order, the Senate returns now to the amendment offered by the Senator from Arizona and myself; am I correct?

The PRESIDING OFFICER. If the Senator calls for the regular order with respect to that amendment.

AMENDMENT NO. 826

Mr. LIEBERMAN. I call for the regular order.

The PRESIDING OFFICER. Regular order is called for. That amendment is now pending.

Who yields time?

Mr. McCAIN. Can the Presiding Officer tell us the parliamentary situation, the time remaining?

The PRESIDING OFFICER. The Senator from Arizona controls 90 minutes; the Senator from New Mexico, Mr. DOMENICI, has 30 minutes; and the Senator from Oklahoma has 60 minutes.

Mr. McCAIN. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. LIEBERMAN. Madam President, with the consent of my friend from Arizona, at this point I yield 5 minutes to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Madam President, I rise to support the McCain-Lieberman amendment. If anyone does not believe what 99.9 percent of the scientific community believes—that global warming is, in fact, a reality—if anyone does not believe that, then they are living in a cave and not recognizing what is happening to our planet.

Whenever I think of global warming, my mind's eye suddenly goes back to 1986, looking out the window of our spacecraft back at planet Earth. There on the rim of the Earth, we could see the thin little film which is the atmosphere which sustains all of life. With the naked eye from orbit, you can actually see how we are starting to mess up the planet.

Coming across South America, I could see with the color contrast on the face of the Earth below in the Amazon region the destruction of the rainforests. Then I could look to the east at the mouth of the Amazon River, and I could see the result of the destruction of those trees hundreds of miles upriver by the silt that has discolored the Atlantic Ocean for hundreds of miles. And so, too, in different parts of the Earth, we saw this wonderful creation, and it became apparent to me that I needed to be a better steward of what we have on planet Earth.

If we are creating a greenhouse effect, which 99.9 percent of the scientists say we are, and if it is trapping the heat on planet Earth—the heat that comes from the Sun that cannot radiate out into space—and if the Earth is heating up, as it is, what is going to be the natural consequence? The oceans are going to rise because ice is going to melt. The temperature of the Earth is going to increase.

What does that say for those of us who live on the eastern seaboard, particularly a land known as paradise which is a peninsula that sticks down into the middle of hurricane highway? That is my land. That is the State of Florida. What it says is the seas are going to rise and threaten most of Florida's population, indeed, most of the coastal population of the United States. What it also says is by heat rising, the storms are going to become more ferocious and more frequent. The plagues and pestilence are going to increase and, I say to my colleagues in the Senate, this is not a condition we want to have happen to this beautiful creation that is our home suspended in the middle of nothing and is called planet Earth. Yet that is what is happening.

We best get about the process of straightening it out. That is why I support the McCain-Lieberman amendment.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I thank my friend from Florida for his very powerful statement supporting this amendment. We all bring a unique perspective to the Senate, but nobody brings the same perspective as Senator NELSON. He was up in space, he was an astronaut before he came to the Senate, so he has that big picture.

He also has a very local understanding, as he said, because of the threat that the rising water levels will place on Florida. The occupant of the chair is a distinguished Senator from Alaska. We can already see evidence in Alaska of water rising.

One of the great reinsurance companies, from a pure business point of view, supports antiglobal warming legislation because they project that within 10 years, we are going to be spending $150 billion a year to compensate for climate-driven disasters.

There was a particularly notorious Emperor of Rome who is remembered for fiddling while Rome burned. I believe we here in Washington are fiddling while the planet warms and while the waters rise. I honestly do believe this amendment we offer today gives us a chance to turn that around. I thank my friend from Florida very much.

I now yield up to 10 minutes to the Senator from Vermont.

Mr. McCAIN. Madam President, will the Senator yield for 1 minute?

Mr. LIEBERMAN. I am glad to.

Mr. McCAIN. Madam President, as the Senator from Florida points out, this chart shows the areas in Florida subject to inundation with a 100-centimeter sea level rise. This is what we see happening. The red is the area of his State that would be inundated. I thank the Senator from Florida for his commitment and his keen understanding of this dire emergency.

I yield the floor.

Mr. NELSON of Florida. Madam President, if the Senator will yield and if I may comment, all of those red portions, save for the very southern tip of Florida, which is the Everglades, sit mainly along the coast. That is where the population of Florida mainly resides. Why can't the United States insurance industry understand this and get behind this, with the exception of the reinsurance company about which the Senator from Connecticut just spoke? Why can they not understand that it is in their economic interest because it is going to be their insureds who are going to be threatened?

Mr. LIEBERMAN. Madam President, I thank the Senator from Arizona for pointing out that point. And I thank—it must be Vanna White holding the chart.

I ask unanimous consent, on behalf of the Senator from Vermont, that he be allowed to remain seated—he just had recent knee surgery—as he delivers his remarks for up to 10 minutes.

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

The Senator from Vermont.

Mr. JEFFORDS. Madam President, in my many years of public service, I have always tried to push our national Government forward on a greener, more sustainable path. That is the path that Vermont has chosen, and that is the way that seems to be most sensible to me. I have worked hard to promote recycling, efficiency, renewable energy, alternative fuels, conservation, and in general the wise and sensible use of our energy resources.

I consider wasting energy a symptom of bad management and economic inefficiency. It also strikes me as an inconsiderate and irresponsible behavior that visits the sins of one generation upon the next. That is what this debate is about. What will we leave our future generations if our actions and vision are too shortsighted and wasteful? We, the United States, have wasted more energy than any other country or civilization on Earth, even as we have built the Nation into an economic and technological superpower.

America's incredible growth through energy has not been cost free. We are dangerously dependent on foreign sources of petroleum. Public health has suffered and still suffers from pollution from fossil fuel combustion. But perhaps the most costly in the long run to our economy, the public health, national security, and the quality of life for generations to come is our continuously growing greenhouse gas emissions. These carbon emissions are the product of our vast inefficiency in producing and consuming energy.

Right now, carbon concentrations in the atmosphere are still at an alltime

high. According to credible scientists, that level has not been higher at any time in the last 420,000 years. The United States can take the blame for approximately 40 percent of the total carbon loading now in the atmosphere, and we are adding more than our share every year.

We have a moral responsibility to remedy that. We have a chance in this Energy bill to begin making reductions in our emissions. Congress must lead on this issue because there is a tremendous vacuum in this administration. The President and the Vice President would prefer that we stick our heads in the sand and hope that it all will go away. Voluntary measures are useless against a problem of this scale. We must use taxes or a market-based program, such as a cap-and-trade program, that will motivate American ingenuity and innovation. We must be aggressive in funding domestic and international programs to decarbonize our energy supplies. We must use trade opportunities and negotiations to export energy-efficient American products and services. We have a choice in this bill. We can defer action, letting the problem get worse and more costly with each passing year, or we can act now to reduce our wasteful global warming emissions.

My colleagues should remember that generations to come will look back at the climate votes on this bill. If we do not act responsibly, they will know who to blame for the sea level rise that will threaten their communities, the extra intensity of hurricanes, the loss of glaciers, or more frequent heat waves and floods. They will know who wasted the chance to do the right thing for them in the future.

The Senate must adopt strong legislation that reduces our greenhouse gas emissions. No major energy policy bill will get my support without it.

I yield the floor.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, seeing none of my colleagues on the floor, I will proceed for a moment or two and then suggest the absence of a quorum.

Yesterday, Senator MCCAIN and I laid down the basic arguments for our amendment. The fact is that the planet is warming. It is warming as a result of human actions. This is no more just a matter of science, although most scientists agree with this. We can see it. We can see it in the kinds of satellite photos that Senator MCCAIN showed such as in the case of the State of Florida. The most graphic evidence is the satellite photos of the polar icecaps. The way in which they have diminished, shrunk, over the last 10, 15, 20 years is startling, with the obvious effect that the water is rising.

One could pick their favorite story of evidence. The one that we cite a lot is the Inuit people, the native people in northern Canada, saw robins a few years ago for the first time in their 10,000-year history. They did not have a word for ''robin.'' They had to create a word. That reality is something my friend from Vermont is aware of. Senator JEFFORDS has been a great crusader, in the best sense of the word, for environmental protection. He is from the green state, as he says. He has been a wonderfully green Senator in the best sense of that term, and I thank him for his support of this amendment.

This amendment is the only amendment that will come before the Senate that will do something about global warming. With all respect to the amendment offered by the Senator from Nebraska yesterday, it offers some technology support, it may request a report or two, but all of its goals are voluntary. We found out in the 1990s that voluntary goals do not work, that the planet has continued to warm. The result of that conclusion was the 1997 Kyoto Protocol. The Bush administration has now taken us out of that protocol. I wish to make very clear that the amendment Senator MCCAIN and I have introduced sets goals for a reduction of greenhouse gases by the United States much below what Kyoto requires. In fact, I think if one puts the Hagel amendment of yesterday on one side and the Kyoto Protocol on the other, Senator MCCAIN and I are right in the middle where we like to be. In this case, substantively, we are in the middle.

This amendment makes meaningful reductions, by 2010, to reduce American emissions of greenhouse gases to the 2000 level. It creates a meaningful market, and it is the only one that does that. It is not oldtime command and control. This is bringing in an enormous number and range of emissions reduction options for businesses and other sources of greenhouse gas emissions. The allowances are allocated at the point of emissions to electricity and industrial sectors. Agriculture can participate in this program on a voluntary basis. They are not covered mandatorily at all.

This is a tremendous opportunity for the agriculture sector of our economy to come in voluntary and say, I want to earn some credits by reducing some sources of greenhouse gas or, even more, I want to make some money by holding some of my land in uses that will absorb carbon dioxide and therefore achieve some credits that can be sold. In our amendment, this is a maximum opportunity for innovation and cost savings.

One of the foremost studies conducted by a group at the Massachusetts Institute of Technology concluded that per-household cost of the passage of this bill—we are going to hear a lot of numbers about this—is in the range of $15 to $20 per year more per household. I am sure if the average American householder were asked whether he or she would pay $15 to $20—frankly, a lot would be willing to pay a lot more—to deal with the problem of global warming so that we can preserve this planet and turn it over to our children as close as possible to the way we found it, they would say yes. That is not even taking into account the innovative, cost-saving technologies that this bill will support in research.

It is a comprehensive technology strategy that we offer. We have a new title this year that creates a technology program funded by the sale of allowances, not appropriations; would stimulate innovation at each of the three critical phases of innovation: engineering, full-time construction, and bringing it to market. The language in this amendment says that the funding would go to a series of possible uses, including but not limited to biofuels, solar, advanced clean coal, and nuclear. All of the technologies must meet environmental and economic criteria to gain support, and any technology beyond the ones we mentioned is eligible for funding. This is a real economic investment and economic growth section of this bill.

I know there are some who are concerned about the mere mention of nuclear. The fact is, today 20 percent of electric power generated in America comes from nuclear plants. They are functioning safely. Some of them are getting to a point where they are going to have to be replaced. This amendment simply opens the door to some research in the next generation of possible savings on nuclear powerplants. It is not an endorsement. It is not a win or a lose strategy. Anybody who has a good idea for proposing or doing some research in a technology or a system that could reduce greenhouse gases, that person can apply to this public corporation we are setting up for funding under this proposal. We do not want to close the door on any technology that will give us the power to run our society and help us deal with the greenhouse gas global warming problem, and that includes but is not limited to, as we say, nuclear.

We also have some very important funding for a separate program for the retooling of manufacturing facilities, particularly targeted to advanced technology automobiles—a major source of greenhouse gas emissions, a major consumer of oil.

Interesting fact that probably a lot of people do not appreciate: Only 2 percent of the source of electric power in this country today is oil-driven. That is pretty amazing. Most of it is coal, twenty percent is nuclear, and the rest is a mix of renewable sources. When it comes to the transportation sector, just about 95 percent is driven by oil products. That is a big source of greenhouse gas emissions and, of course, a big source of our vulnerability to the kind of crazy oil price shocks we are now experiencing that run through and eat up the budget of every family and every business in our country. So here we offer funding for the retooling of automobile manufacturing facilities.

This is the only climate amendment that really does something and does it

comprehensively. It passes the emissions test, it passes the market test, and it passes the technology test.

I know the Senator from Delaware, Mr. CARPER, is soon going to be on his way to speak on behalf of the bill. I know my colleague, Senator MCCAIN, will return to the Senate floor to join in this discussion.

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. LIEBERMAN. 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. LIEBERMAN. Assuming my friend from Colorado is here to speak on our amendment, I yield to him from the time allocated to Senator MCCAIN up to 10 minutes. Is that enough or would the Senator like more?

Mr. SALAZAR. I think 10 minutes will do it.

Mr. LIEBERMAN. I thank the Senator.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, the energy legislation that is currently being considered by this Senate is very good energy legislation. From my point of view, our vision is to get to energy independence for America. The cornerstones of our getting to energy independence in America are set forth in this legislation. They include efficiency and conservation, which is a very significant component of this bill; second, enough emphasis on renewable energy because we know that can help us get to energy independence with the right emphasis on renewables; third, technology because the technological revolution we are working on will allow us, for instance, to convert our massive resources of coal into zero emissions coal, and coal gasification has great promise; and fourth, the development, in a responsible way, of additional fuel resources.

I think those cornerstones will help us get a long way down the road toward the energy independence that we require in this country so we are not held hostage to the importation of foreign oil.

As important as this Energy bill is, I also strongly believe it is incomplete unless we address the challenge of global warming, which is the subject of the McCain-Lieberman amendment which is now before this body. I applaud both Senator HAGEL and Senator PRYOR for their efforts yesterday in the successful passage of the global warming amendment to the Energy bill. I believe it will put the spotlight on the reality of global warming before us.

I am also proud to be a very strong supporter of the legislation of Senators MCCAIN and LIEBERMAN because that will help us get down the road to real progress on the issue of global warming.

Climate change is a very real and very present problem. We are no longer at the stage where we ask whether the climate of our world is changing. In the words of the recent USA Today article, the headline read, ''The Debate's Over.''

Our climate, the climate that has nurtured life on this planet for millennia, is changing, and we—each and every one of us—are bringing that change about.

Climate change in our world poses a significant and real economic danger to our country. We know what is causing climate change. Greenhouse gases, such as carbon dioxide, are piling up in the atmosphere, where it stays for decades, for centuries—for a very long time, where it traps the heat on this Earth.

We know the amount of these greenhouse gases is rising and that it is higher now than at any time in the last 400,000 years. It is higher at this time than at any time in the last 400,000 years. We know these gases trap more of the Sun's energy on Earth than is being released back into outer space. If we do not start cutting global warming pollution, the pile-up of greenhouse gases will lock our planet into a future of such rapid climate change that the results could be devastating to our children and to future generations of Americans and future generations of the population of this world.

This understanding of the climate change challenge we face is international in scope. Last week, the heads of the National Academies of Science—these are not fly-by-night scientists or academies or institutions but the National Academies of Science of all the G8 countries—the UK, France, Russia, Germany, Japan, Italy, and Canada, plus those of Brazil, China and India—joined the head of the U.S. National Academy of Science in an unequivocal statement calling for ''action . . . now to reduce significantly the buildup of greenhouse gases in the atmosphere'' of our Earth. We must listen to the science.

Colorado, my State, has a lot at stake when it comes to global warming. We have a world-class tourist industry that has flourished because of our State's natural beauty, its mighty rivers, expansive forests, and majestic plains. Colorado has the best ski areas, I would venture, in the world, and some of the best big game hunting and fishing anywhere in the continental United States. Tourism employs almost 1 in 10 people in Colorado. In some parts of our State along the I–70 corridor, it employs almost 50 percent of the people who live there.

The likely outcomes of global warming are clear. Losses of forest and meadows in our mountains, reduced stream flows, and significantly reduced snowpack. Those realities pose unacceptable threats to my State, and the same can be said about every State in America.

Colorado's municipal and agricultural life is imperiled as well. Colorado is an arid State, similar to most of our States in the West. We have low annual precipitation rates. Our abundant agriculture and our booming cities are dependent on winter snowpacks and reliable spring runoff. Scientific studies predict less and less snowpack across the West, including in the Colorado Rockies. Studies also predict reduced runoff of the water upon which our water supply system depends. These warnings are dire. These warnings are frightening. They are not abstract concerns about the effects of a warming Earth. We know from recent experience the kinds of effects that prolonged drought can have on our major Colorado river systems. The droughts for the last several years that have left Lake Powell below a 50-percent level tell us this is a real issue across the West.

There are signs that this continuing change in climate across our world needs to be addressed. For me, in a very personal way, I saw the devastation to agriculture across the State of Colorado when we had the most severe drought that our State has had in over 400 years. I saw the pain in the eyes and in the hearts of farmers and ranchers who had to give up their lands and farms and cattle herds because the drought had caused such an economic devastation to the pastures and to the meadows that they relied on for their cattle operations.

We must do something about global warming. It is an imperative that we act now. We, in the Senate, have a responsibility so that we can be proud, 10 or 20 years from now, when our children look back and ask: What did this Senate do? Did they take a position of courage, to address the issue of global warming or did they simply walk away from an issue because they thought it was too tough to handle?

Next month, at the G8 summit in Gleneagles, Scotland, the United States will be the only nation among the G8 that has refused to embrace a mandatory program to cut greenhouse gas pollution. America's closest ally, Britain's Tony Blair, has put climate change at the top of the G8 summit agenda. The heads of Canada, Germany, France, Italy, Japan, and Russia have all signed their nations on to mandatory targets, and they have all joined a global market in which anyone who finds a better, cheaper or faster way to cut global warming pollution can profit by their ingenuity.

By contrast, denial and delay in addressing the problem means not only that the problem is getting worse every day but that American businesses, farmers, scientists, and bankers are being left out and cannot benefit from the kind of active carbon trading market that exists in the European Union today.

We need renewed leadership in America on this issue. Two years ago, Prime Minister Tony Blair came right here to this Capitol and stood with President Bush and addressed this body. In

speech after speech, Prime Minister Blair has said he is willing to stand by our Nation on the challenges of immediate security—the war on terrorism, and the campaign against weapons of mass destruction. But he also said America needs to stand with him in his fight against climate change. On the eve of the G8 meetings in Scotland, Mr. Blair has repeated that imperative.

The amendment before us today, called the McCain-Lieberman amendment, is an amendment that takes us in the right direction. I am proud to be a sponsor of that amendment. I urge my colleagues in the Senate to vote in support of that amendment.

Mr. President, I yield the floor.

Mr. LIEBERMAN. Mr. President, I want very briefly to thank my friend from Colorado for a very powerful and learned statement. I appreciate his support very much.

I am proud, as we think about how the debate has gone, the Senator from Arizona and I, the Senator from Connecticut, introduced it. Yesterday we had the Senator from California. Today we have Senators from Florida, Vermont, and Colorado.

This is a national problem which is being recognized across the Nation. The fact is, if you put this amendment to the American people for a vote, it would pass overwhelmingly. I hope that sentiment can express itself here before long on the floor of the Senate.

I note the presence on the floor of the Senator from Ohio, and I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I come to the floor today to talk about the amendment offered by Senator MCCAIN and Senator LIEBERMAN. Climate change is happening. There is simply no question about that. It is time the United States takes the lead in slowing its progress and in decreasing greenhouse gas emissions. The amendment before us now, while it certainly has a great deal of merit, is, I am afraid, drafted in a way that I cannot support at this time.

First, the amendment, if adopted as currently written, sets an unreasonable schedule. Simply put, the energy sector would be unable to adjust quickly enough to adopt new technologies and new operating procedures in the limited time mandated by the amendment. When you are talking about energy, you cannot just change and pivot on a dime. It takes time to build infrastructure and capacity. As of today, the technology for capturing carbon is simply not ready yet. In essence, we have designed an engine that is not quite able to run yet.

Second, the amendment uses the year 2000 as a baseline. This concerns me. It concerns me because the fact is that some companies' emissions were at an artificially low point in the year 2000, due to the recession and other economic fluctuations. A sound carbon control system has to be fair. If we provide no flexibility to that standard, some companies would bear a higher burden than other companies with emissions at a normal rate at that time.

Third, the amendment does not provide a big enough upfront Federal investment into scientific research and development. We have to invest substantially more Federal dollars into the development of the technologies we need to reduce the greenhouse gases causing global warming. For instance, we need to dramatically increase funding for the Clean Coal Power Initiative. In the year 2005, we only funded this program at 25 percent of its authorized level. That must change.

We must be bold. We need to be imaginative. We need to be visionary. This is truly a race, and we are not moving forward fast enough. Realistically, greater investments are not going to be made until we, as a Nation, pull our heads out of the sand and accept the reality that climate change is in fact occurring. In 1997, when the Senate debated the issue the last time, the science wasn't as good. Today, however, we know a lot more, and the science is unambiguously clear. Since 1997, we have had the 5 hottest years on record, and there is now a clear consensus that temperatures have risen globally at least 1 degree Fahrenheit over the last 100 years.

Since 1997, the National Academy of Sciences, the Nation's most prestigious, most credible and most vigorous voice for the scientific community has said that:

> Temperatures are in fact rising [and that] national policy decisions made now in the long term future will influence the extent of any damage suffered by vulnerable human populations and ecosystems.

Almost daily we hear reports from the field of natural indicators of climate change.

For example, glaciers are melting. Dr. Lonnie Thompson, distinguished professor of geological sciences at the Ohio State University, is an expert on the study of glaciers. All of his work points to one conclusion:

> Every glacier we have any data on is retreating . . . Our best evidence for the current loss of tropical glaciers is mainly due to rising temperatures, and those temperatures are higher in many areas than they have been for more than 5,000 years, with the major increase occurring in the past 50 years. Glaciers operate on thresholds and as such are extremely sensitive to global climate change.

Other national indicators strongly suggest the Earth is warming. The sea ice in the Arctic and Antarctic is declining. Coral reefs are disintegrating. Snow cover is decreasing. The oceans are getting warmer, and extreme weather events are occurring with increased frequency.

As the world's biggest emitter of greenhouse gases, the United States has an obligation to take the lead in efforts to control climate change. We have an obligation to be an engaged global player. We have an obligation to urge other nations to join efforts to lower emissions. It is time for our Nation to get into the driver's seat and take the lead in developing the technology and the alternate energy sources that will become an inevitable part of our economy.

Right now, we are falling behind. Japan and Europe are well on their way to developing the very technologies that will be necessary to retrofit our powerplants and make our cars environmentally friendly. We should be the ones developing that technology. We should be the ones designing and creating and inventing the tools we need to adapt and adjust to their future.

Let me repeat: Climate change is happening and a shift to a new global energy economy is also happening. We cannot avoid it. It is inevitable. Without question, we are going to have to change operations and clean up our powerplants and find alternatives to oil and gasoline. Do we want to be the buyers of the technology that gets us there or, rather, do we want to be the sellers?

This much is obvious: If we do not do something, in a few years we will be creating jobs, but they won't be in the United States. They will be in other countries. They will be in Europe; they will be in Japan; they will be other places. That is not the way to go. We will have ourselves to blame and no one else.

I am pleased to say my home State of Ohio is beginning to position itself to face the future and is already involved in efforts to successfully transition to the new energy economy. Ohio has the opportunity to deploy, and in some cases develop, the very technology our own State needs so we can continue to burn coal in our powerplants but with dramatically lower emissions of nitrogen oxide, sulfur dioxide, and mercury.

There is a process called integrated gasification combined cycle, IGCC, which will allow coal, including high-sulfur Ohio coal, to be burned more cleanly. The IGCC process immediately reduces the emission of nitrogen oxide. It also makes it possible, for the first time, to capture carbon before it is emitted into the atmosphere.

This is the kind of technology that can put Ohio at the top. As James Rogers, chief executive of the Cincinnati-based Cinergy Corporation, said:

> I'm making a bet on gasification. I don't see any other way forward.

Similarly, Jason Grumet, the executive director of the National Commission on Energy Policy, called the IGCC process ''as close to a silver bullet as we are ever going to see.''

Currently, there are only IGCC pilot plants operated in Florida and Indiana. However, American Electric Power, AEP, in Columbus and Cinergy Corporation are on track to build additional plants in Ohio and Indiana, respectively. AEP plans to build a $1.6 billion clean coal plant along the Ohio River in Meigs County.

Ohio also can lead the way in commercialization of fuel cell technology which produces electricity by combining hydrogen and oxygen. Cars are one of the biggest emitters, of course, of carbon. Fuel cells have the potential of providing a carbon-free fuel source for vehicles. Ohio is ideally suited to develop this technology and, at the same time, help begin again its leadership in automotive technology.

I applaud Ohio Governor Bob Taft for his new plan to invest significant funds in fuel cells. He has announced a 3-year extension of the Ohio fuel cell initiative which is a $103 million program aimed at making Ohio the leader in fuel cell technology. Over the last 3 years, already the State has awarded $36 million in grants to 24 future cell projects involving academic researchers and small companies. Indeed, Roger McKain, chairman of the Ohio Fuel Cell Coalition, was correct when he said:

If you want to be in fuel cells, you should be in Ohio.

Use of clean renewable sources of energy is another way to help slow climate change. As we all know, solar power is one of the most commonly recognized renewable sources. Ohio has several companies that are developing technologies to lead to widespread commercialization of renewables. For example, First Solar in Perrysburg, OH, is a leader in the development and manufacture of solar collection systems. And Parker Hannifin, headquartered in Cleveland, is developing a hydraulic drive system that can precisely position solar collectors used in a powerplant, thereby increasing their efficiency.

I encourage the State of Ohio to do all it can to become a leader in energy technology. We are on our way, but we need to do more. It could help decide the future, quite candidly, of our great State.

In closing, climate change is here. We have to face that fact. And we have to address it. We have to do it in a practical, workable, intelligent way. I look forward to working with my friends Senator MCCAIN and Senator LIEBERMAN in the months ahead to craft a bill that will, in fact, work; a bill that will work for Ohio, a bill that will work for the United States, and a bill that will put the United States out front as a leader on global climate change in dealing with this problem.

I am confident we can, in fact, draft a bill that will own up to our obligations to our children and our grandchildren and, at the same time, will have dates that are practical so the emerging technologies will be ready to meet the needs of the energy sector—technologies that will allow us, for example, to expand the use of Ohio coal, something we have in Ohio in abundance, and we have in this country in abundance. We can also craft a bill that will frontload more money in research and development and a bill that will use a baseline date that does not unfairly penalize certain regions of the country.

I am confident we can work together to produce such a bill. We can do these things. If we do, the United States will have done the right thing. We will begin to make demonstrable progress in slowing the rate of climate change and in protecting our environment. History is on our side. History is on the side of passing a bill similar to this bill. It is imperative we get it right. It is imperative we do it right.

I thank Senator MCCAIN and Senator LIEBERMAN for their courage, for their vision and their leadership in taking up once again this tough issue. We must finish the task. I look forward to working with them to do the right thing for Ohio, but, more importantly, to do the right thing for our country and for the world, for our children, and for our grandchildren.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my friend and colleague from Ohio. He has spoken with characteristic sincerity and thoughtfulness. We talked along the way. I am disappointed we cannot take care of the amendment today, but I am encouraged by the very strong statement he has made recognizing what has changed since we last took up this matter, seeing global warming is a real problem, and wanting to work together with Senator MCCAIN and me and others to find a solution that is good for the planet, good for the country, and good for Ohio. I thank him for that outreached hand. I accept it, extend myself to him, and look forward to working together in the months ahead to reach a good, balanced, progressive solution.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Sometimes we fall into the trap of thinking all wisdom is in Washington, DC. I noticed an op-ed piece in the Oklahoma Duncan Banner yesterday, written by Steve Fair, wherein he goes through all of his research on the outside, showing virtually all the science since 1999 or since 1998 when Michael Mann came through with his hockey stick, has demonstrated very clearly that the science is not there.

I ask unanimous consent this op-ed piece be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Duncan Banner]

IS IT HOT IN HERE?

(By Steve Fair)

On USA Today's Wednesday June 15th editorial page, Senator Jim Inhofe presented the opposing view on the issue of global warming. The paper's position was that there is scientific consensus that greenhouse gases are causing climate change and that failure to implement reductions in those gases will cause major problems for future generations. You've heard the theories—a cow's flatulence in Oklahoma is melting the glaciers in Alaska. It takes more faith to believe that than to believe a sovereign God created the earth in 6 days.

The title of Senator Inhofe's response to the paper was Evidence is underwhelming. He pointed out that global alarmists, whose intents are questionable, are promoting mandatory caps on carbon dioxide emissions in the U.S. when the scientific consensus does not warrant such action. As chairman of the Senate's Environment and Public Works Committee, Inhofe has access to far more detailed scientific information on the global warming issue than the average person.

For years, the global warming issue has always been one that was trumpeted by the environmental wackos—the tree huggers. Their passion in saving the earth was only exceeded by their commitment to killing babies in the womb. It was the liberals that heralded the cause, but that has changed.

On the front page of the same issue of USA Today there was a story about the so-called Christian right. It seems a number of conservative groups which have traditionally been champions of moral issues have now expanded their borders to include taking positions on issues like the environment and human rights.

One of these groups is the National Association of Evangelicals, which represents 52 denominations with 45,000 churches and 30 million members across the country. The current head of the organization is Reverend Ted Haggard, a pastor from Colorado. The NAE takes traditionally conservative stands on abortion, same-sex marriage and prayer in schools, but recently took a turn to the left on their position on the environment.

Used to be a time that evangelicals warned about a different kind of warming. They preached about the fires of hell for the unrepentant, but under Haggard's leadership, this group has taken a position on the environment. The group passed a resolution that states that Christians should labor to protect God's creation. Not many would disagree with that statement, however when the group recently met in DC, the Reverend disinvited Oklahoma US Senator Jim Inhofe because he disagrees with him on environmental issues. Senator Inhofe said the NAE should heed the scripture says that we are to worship the Creator, not the creation.

I read about the snub in Roll Call several weeks back, so I contacted by phone and email the Reverend Haggard. I wanted to discuss his reasoning for blackballing a Senator as socially conservative as Inhofe.

Haggard, who is an Oral Roberts University grad, did not call me back, but did have an underling call me. The young man was nice, but I told him I would only discuss my thoughts with Haggard. I did ask if the reasons cited by Roll Call for Senator Inhofe not being invited to address the group were accurate. The young man confirmed they were. The pastor never called me and I don't expect to hear from him since he knows he cannot defend his position from scripture.

If Rev. Haggard wants to preach his tree hugging views at home or in his church, that's his business, but when he moves it to the public square and wraps it in the guise of the scripture, it becomes mine. The national media loves to paint all Christian conservatives with the same brush and when misinformed zealots like Haggard take their eye off the ball, it hurts the cause. If Haggard wants to start a political action committee called Christian Tree Lovers, then do it. He could invite all the liberal Senators that agree with his environmental views and perhaps they could discuss theology as well. But to move the NAE into the environmental debate when the thrust of that organization

has always been first and foremost moral issues is dishonest. If Haggard thinks it's getting hot, just wait until he encounters angry social conservatives.

Steve Fair is Chairman of the Stephens County Republican Party. He can be reached via email at okgop@aol.com or by phone at 580–252–6284.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I ask unanimous consent for 10 minutes from Senator DOMENICI's allocation.

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

Mr. BOND. Mr. President, we have had quite a bit of discussion on climate change and whether it is due to manmade carbon dioxide. We ask, who should we believe? Who should we trust?

On the one hand, we hear the world is ending, catastrophic climate change is upon us. The glaciers are melting, icebergs are breaking up, sea levels are rising, deserts are expanding, and somehow it is due to manmade carbon dioxide in the atmosphere.

On the other hand, when you look at history, we have natural variations: little ice ages and medieval warming periods. We have IPCC scientists on the one side who properly couch the lack of certainty in their knowledge, and we have policymakers coming up with certainty that they know the truth based on misreading of these scientists.

As the distinguished chairman of the EPW Committee said, we have hockey sticks. That turned out to be the biggest fraud in the so-called scientific literature. It did not matter what you put into it, the way he set it up, it would cause a hockey stick. Subsequent tests showed it means nothing.

We know Viking farmers used to farm in Greenland. Do you think it was warm then? Was that warming due to coalfired utilities and automobiles? I don't think so.

I came across an interesting article in Investors Business Daily: ''Trust Seal Pups' Assessment of Climate.'' Apparently, a seal pup's weight rises and falls with the temperature of the sea. When the sea temperatures are warmer, there are fewer fish. Seal pups' mothers must spend more time foraging for food and less time feeding their pups. The seal pups' weights decline. When waters are cooler, there are more fish and heavier seals.

A recent University of California–Santa Cruz study shows that seal pup weights are now increasing in the Pacific Ocean and have been for the last several years. That corresponds with reports of sardine, anchovy, and salmon populations across the Pacific rebounding and growing as the waters cool.

All of this information simply documents a natural 50-year cycle in the Pacific Ocean. It is called the Pacific decadal oscillation. Be sure and write that down because everyone will ask, what does PDO mean? Twenty-five years of cooling followed by 25 years of warming. We are now starting a cooling period.

What does this prove? At a minimum, that we have a lot of fat and happy seal pups. What we do not know and cannot know now is whether the current ocean cooling is natural or manmade by carbon dioxide emissions.

Scientists are attempting to explain the current warming and cooling trends through an understanding of the Earth's climate. However, the climate is composed of a myriad of complex variables.

Casual observers have picked out visible warming examples, such as melting glaciers and permafrost as signs of manmade global warming. However, overall climate data is conflicting and gap filled.

Ground-based temperature monitoring turned out to be skewed because it was located near newly urbanized areas and other heat-producing land-management activities.

Satellite readings, in addition to showing the flaws of ground-based temperature readings, also turned up unexplained differences between the different layers of the atmosphere. Other atmospheric conditions beyond our understanding include the role of aerosols or other fine particles and water vapor.

Apparently, our surface is brighter than it was a few decades ago. This may be related to airborne particles. This could be as variable as dust storms from China dimming sunlight and causing cooling and changed weather patterns.

Also, a potential huge effect on climate are water vapor and clouds. Everyone knows that a clear night is colder than a cloudy night when the surface heat is allowed to dissipate. We do not know whether warmer temperatures will mean more vapor and clouds or less, more moisture or less, even warmer temperatures are not.

Climate modeling is susceptible to mistakes and manipulation. We have the IPCC Summary for Policymakers not written by scientists who produced the 1,000-page report.

We have the famous hockey stick producing the same results no matter what data is entered into the model. We have economic assumptions necessary to produce even the lowest temperature rise wildly optimistic. Does anyone really believe that Third World economic output, like that in Botswana and Zimbabwe, will reach parity with the United States by 2100? Of course not, but climate models depend on just this type of wild assumption.

To be fair, modeling something like changes in the climate is extremely difficult. It is almost impossible. We are working hard to improve our understanding of climate, how it changes, and why it changes.

The Bush administration, properly, is leading the world in funding for research on climate change. We are searching for answers, but we do not have a firm understanding of our climate, so we cannot have firm answers.

Without this understanding of climate change, without the ability to blame climate change on human carbon dioxide emissions, we are now presented with major measures to find a solution to a problem we do not even know it will fix.

The Europeans will say privately that even if we cannot prove that carbon dioxide is causing global warming, we should be ''better safe than sorry.''

Unfortunately, if you believe in human-induced global warming, their solution—carbon mandates—will not make us ''safe.'' Kyoto would have had only a minimal effect on the total amount of carbon dioxide emissions in the atmosphere. McCain-Lieberman would only have a minuscule impact on total carbon dioxide emissions.

What does that leave us with, if we are not ''safe''? It leaves us ''sorry'' but not in ways that climate change proponents will admit.

We will all be sorry if we impose carbon caps because of the massive human and economic toll it would take—the unacceptable number of jobs we would kill, the unallowable number of U.S. manufacturers that would be driven overseas to countries not having these restrictions, the unimaginable amount of domestic energy resources we would give up, the unthinkable burdens we would place on the economically disadvantaged.

The sponsor of this amendment was quoted in the past as saying, ''My first priority is greenhouse gases.'' Well, my first priority is protecting our families and workers. McCain-Lieberman will hurt families, hurt our Nation's energy security, and drive jobs overseas. I do not want us to be imposing this pain on American families and workers when there is absolutely no assurance it will make any significant, if any, difference on climate change.

Tight family budgets and outsourcing jobs to China—what do they have to do with an environmental amendment? How will fighting so-called climate change with this amendment hurt our seniors and struggling families? The answer is all around us.

Every time we turn on a light it will cost us more. Every time we cool our homes to fight the blazing summer heat it will cost us more. Every time we turn up the furnace to fight the bitter winter cold, it will cost us more. Our fruits, vegetables, and grains, grown strong with fertilizer, will cost us more. Buying a product made of plastic will cost us more.

All of these necessities depend upon electricity or natural gas as a raw material. McCain-Lieberman will drastically force up the price of both. Experts estimate the price of residential electricity would rise an additional 20 percent by the year 2020. How will this drastic increase happen?

The amendment will force those who make electricity by burning coal, like we do in Missouri, to switch to high-priced natural gas, already in short supply, already causing burdens on

low-income people in my State, already forcing users of natural gas, petrochemical and plastic industries, to move out of the United States.

That is why natural gas is already expensive. Supplies are limited. Think what will happen when we demand even more scarce natural gas to protect electricity? Prices will go up. Farmers who use it for fertilizer for their crops will drastically be affected.

The average household would lose at least $600 each year by 2010 and up to $1,000 by 2020. But the hardest hit will be seniors and the poor. Higher power and cooling bills will hit those on fixed incomes the hardest. What will they cut? Food, lighting bills, drugs.

What will employers cut when they face higher energy costs, higher prices for natural gas? They will cut jobs or move them overseas. Experts predict up to 40,000 lost jobs in 2010, rising to 200,000 lost jobs in 2020. Is that what we want to do, kill 200,000 jobs a year?

So where does that leave us? I believe the solution is in new technologies to make clean energy without steep price increases, technologies that will protect our families and protect our workers, technologies that will make our environmental goals affordable, not job ending or poverty inducing.

We need investments in hydrogen and fuel cells. We need investments in clean coal. We need technologies that will let us harness domestic fuel supplies and provide clean energy.

And when we have these clean, affordable technologies developed, we need to deploy them on a commercial scale.

We have super-critical pulverized coal technologies that in the near future will be so efficient that they will reduce the amount of carbon dioxide produced by 25 to 30 percent. And we are working on the Future Gen program to produce electric power with only water released into the environment.

What we need now is to get serious about helping these technologies get to the market. They are more expensive than current plants, so they need some help. The appropriations process under Senator DOMENICI's leadership is putting more money into clean coal technology, and I thank him for that.

This Energy bill under his leadership has technology deployment provisions that will make clean coal technology affordable. Additionally, Senator HAGEL's amendment will authorize direct loans, loan guarantees, standby default coverage and standby interest coverage for technologies that reduce greenhouse gases. So I was happy to support that.

Mr. President, I ask unanimous consent that I be granted 2 more minutes.

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

Mr. BOND. We could have clean and affordable technologies. This bill is moving us in the right direction. That is the way we should go. We have technologies such as mentioned by the Senator from Ohio, the integrated gasification combined cycle that turns coal into gas, allows for the capture of pollution and carbon, and someday will allow us to sequester carbon.

This Energy bill is working to make more technology deployable. Senator HAGEL's amendment will authorize direct loans. But we could be moving right now to clean up pollution.

This spring in the Environment Committee, the Clear Skies legislation, proposed by the President would cut smog-producing nitrogen oxides by 70 percent, acid-rain-causing sulfur dioxides by 70 percent, and mercury by 70 percent.

These cuts would have come solely from electric power plants. Ninety percent of the local areas violating EPA air standards would come into compliance with this measure. However, our opponents have held this hostage saying that they do not want to clean up NO_x, SO_x, and mercury by 70 percent because they want to chase the ephemeral carbon cause of global warming.

Well, it is not proven. Manmade emissions are not proven. But we know we can make progress. I considered attaching the Clear Skies legislation to this bill but, unfortunately, opponents would just use that as another excuse to kill both this bill and Clear Skies. But at the end of the day, if we can reject this unwise, overreaching McCain-Lieberman proposal, we will be able to move forward with a measure that will work to increase our energy supply, reduce our dependence on foreign sources, and provide us cleaner energy.

I urge my colleagues to oppose the McCain-Lieberman amendment.

I ask unanimous consent that a copy of the article I mentioned be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TRUST SEAL PUPS' ASSESSMENT OF CLIMATE

(By Dennis Avery)

A new study of the weaning weights of California's elephant seal pups predicts that a 25-year trend of Pacific Ocean warming has ended.

That means that the second half of a 50-year cycle has begun to cool the northern Pacific. In addition, historical fish catch data indicate the ocean cooling trend is likely to last until about 2025.

Burney Le Boeuf and David Crocker of the University of California, Santa Cruz, monitored the weaning weights of central California seal pups for 29 years, from 1975 to 2004. The ocean's temperatures generally increased, and the pups' weaning weights declined 21 percent over 24 years from the study's beginning until 2000.

The seal pups' weight decline coincided with an increase in their mothers' foraging time of 36 percent. A decline in the mothers' own weights confirmed that fish were relatively scarce. After 1999, however, ocean temperatures began to decline, fish became more abundant and the pups' weaning weights abruptly began to rise. By 2004 the pups' weaning weights had recovered to 90 percent of their 1975 weaning size.

ANCHOVY WEATHER

Seal pup weight trends confirm a cycle also found in northern Pacific salmon catches. Columbia River salmon numbers declined sharply after 1977.

And Columbia River salmon catch data, which date back to 1900, clearly reveal 50-year cycles, with 25 years of salmon abundance interspersed with 25-year periods of salmon scarcity. Gulf of Alaska salmon catch data show a similar but opposite cycle in salmon numbers. When the count of Columbia salmon fishery is down, Alaskan salmon numbers are up.

Dr. Francisco Chavez of the Monterey Bay Aquarium led a 2003 study that found shifts in sardine and anchovy populations across the Pacific followed the same 50-year cycle, and did so in such widely disparate places as California, Peru and Japan, all with sharply different fishing pressures. Chavez's data show the most recent shift toward cooler temperatures, which favor anchovies over sardines, occurred in the late 1990s.

The previous shift toward warmer temperatures, which disadvantaged the California seal pups and anchovies, occurred in the mid-1970s. Researchers have begun to call the 50-year ocean cycle the Pacific decadal oscillation (PDO).

During the PDO, ocean temperatures rise and fall, fish species wax and wane, and fish are caught in different places, but total ocean productivity remains stable.

Do seals, salmon and sardines have some thing to tell us about man-made global warming? Yes.

Earth's temperatures have definitely increased since 1850—the end of the widely noted Little Ice Age—by 0.8 degrees Celsius. However, 0.6 degrees of the warming occurred before 1940, and therefore before much human-emitted CO2 was produced.

After 1940, the Earth's temperature declined moderately until the late 1970s, despite huge increases in human CO2 emissions and in defiance of the greenhouse theory. Is it just coincidence that during this period the PDO was cooling the Pacific?

The current surge of public concern about human-caused global warming occurred after the Earth's average temperatures began to rise again in the late 1970s—which coincided with the PDO's shift back to its ocean warming phase.

So does the recent shift in the PDO mean the Earth's average temperatures will start to cool again? Was the ''warmest decade'' of the 1990s an artifact of expanding urban heat islands and a 25-year Pacific Ocean warming phase?

UP AND DOWN

Ice cores and seabed sediments have already told us that the Earth has a long, moderate, natural 1,500-year cycle that raises temperatures in New York 2 degrees Celsius during its warming phase and drops them 2 degrees Celsius during little ice ages. The Little Ice Age, from 1300 to 1850, was the most recent of these cooling phases.

Now seal pups and sardines are instructing us that even temperature trends as long as 25 years can mislead us about cause and effect in the Earth's climate—which has been cycling constantly for at least the last million years.

We might want global climate modelers and the United Nation's Intergovernmental Panel on Climate Change to address evidence of the PDO before we agree to give up 85 percent of society's energy supply on behalf of man-made global warming.

Mr. MCCAIN. Mr. President, I yield 10 minutes to the Senator from Delaware off my time.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I thank the Senator from Arizona for yielding

me time. And even more, I express my thanks to him and Senator LIEBERMAN for the leadership they are providing on an enormously important issue for not just our country and our States but, really, I think for the world in which we live.

I want to start off today with something of an admission. I want to admit to all of you that I am really a Johnny-come-lately on the issue of global warming. Not that long ago, I believed we needed more science to be able to justify action; that we needed more research to justify action. Not that long ago, I feared that taking meaningful action could very likely mean that we do harm to our economy.

But with the passage of time, like a lot of our Republican friends and our Democrat friends, I have changed my mind. Over the past several years, I have become a believer. Global warming is real. We do need to do something about it. I have enough faith in American technology and our ingenuity and our know-how to believe we can do that without endangering economic growth.

Two of the key people who have helped to educate me on this issue are Dr. Lonnie Thompson and his wife Ellen Mosely-Thompson. Both are professors at Ohio State University. Just last month, Lonnie was elected to the National Academy of Sciences. As an undergraduate student and graduate of Ohio State University, I am proud to say I know them, although neither of them was a professor of mine when I was a student there a long time ago.

Doctors Thompson are not retired academics who sit in Columbus, OH, and pontificate about global warming. They get their hands dirty. They have led some 40 expeditions around the world—to the Himalayas, to Mount Kilimanjaro, and to the Andes in South America—in an attempt to figure out how global warming is changing the face of our most famous mountaintops.

According to Lonnie Thompson:

> In 1912, there was over 12 square kilometers of ice on Mount Kilimanjaro.

When the Thompsons went to that mountain in February of 2000, it was down to about 2 square kilometers of ice. Lonnie Thompson projects sometime around 2015—that is 10 years from now—the ice that sits atop Mount Kilimanjaro will disappear entirely.

From all their studies of glaciers and icecaps atop mountains in Africa and South America, Lonnie and Ellen Thompson have concluded that many of them will simply melt within the next 15 years because of global warming. And their fear is that little can be done to reverse that.

I would like to share with you today several enlarged photos. I will start with one of the icecaps the Thompsons have studied in the Southern Andes. This first one shows what it looked like in 1978—27 years ago and the second shows the same mountain in 2000. This area here may not look like a whole lot, but that is a 12-acre lake that exists today which did not exist in 1978. There is a lot less ice, a lot of melting, and now we have a lake where a glacier once stood.

Now, that may or may not sound like a lot, but consider this: The Thompsons have observed that the rate of retreat has been 32 times greater in the last 3 years than it was in the period between 1963 and 1978. Just think about that; 32 times greater that this glacier has retreated in the past 3 years than it did back in the 1960s and 1970s.

Now, that is the Andes. Let's look at something just a little bit closer to home. Glacier Bay is located along the coast of southeastern Alaska. It is a national park and preserve filled with snow- and ice-covered mountains. A lot of us have been there, visited, and seen them with our own eyes.

This next photo is of the Riggs Glacier in Glacier Bay. It was taken by the U.S. Geological Survey, I believe, in 1941, over 60 years ago.

Now, look at this next picture. It is also the same spot, taken in 2004. There is no ice. The weather warmed up enough that we actually have vegetation. This might be the upside of global warming, but there is a downside as well, and that is what I am going to be focusing on today.

These are just two examples, my friends, and there are plenty more we do not have time for today. Together I believe they spell out an ever more convincing case that our Earth is warming, and at an increasing rate, and what is more those of us who live on this planet are largely to blame.

I want us to consider some facts as we know them. If we could take a look at this next chart. First of all, 9 out of 10 of the hottest years on record have occurred in the last decade. Arctic sea ice has shrunk by some 250 million acres—an area the size of California, Maryland, and Texas combined. Since 1995, more than 5,400 square miles of ice have broken off of Antarctica and melted.

Skeptics will still try to claim that there is no official link between what we see happening across the globe and manmade greenhouse gases. But last month, scientists at NASA's Goddard Institute for Space Studies announced that they have found the ''smoking gun'' in the global warming debate. What they have done is they have used sophisticated computer models and ocean-based measurement equipment. NASA scientists found by doing so that for every square meter of surface area, our planet is absorbing almost 1 watt more of the Sun's energy than it is radiating back into space as heat—a historically large imbalance that these NASA scientists tell us can only be attributed to human actions. Their conclusion:

> There can no longer be substantial doubt that human-made gases are the cause of global warming.

Their words, not mine.

According to scientists, that imbalance will only get worse over the next century. Computer modeling shows that temperatures may well rise between 2 to as many as 10 degrees Fahrenheit by the end of the 21st century depending on how well carbon emissions are controlled by us here on this Earth. The effects of our doing nothing could be catastrophic. As the Earth's temperature increases, the extra heat energy in the atmosphere likely will trigger even greater extremes of heat and drought, of storms and wind and rain and even sometimes of more intense cold. The Environmental Protection Agency estimates that unless global warming is controlled, sea levels will rise by as much as 2 feet over the next 50 years. For our island nations and coastlines, that could mean literally entire communities and beaches wiped out.

I like to joke, but it is really gallows humor, that in Delaware our highest point of land is a beach. A sea level rise of that magnitude would mean that people wouldn't be looking for beachfront property at Rehoboth or Dewey Beach. They might be looking for it closer to the State capital in Dover, DE, than any place along the shores we visit.

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mr. CARPER. I thank the Chair.

I also want to quote a Republican friend of mine who recently pledged to cut California's carbon dioxide emissions by more than 80 percent over the next 50 years:

> I say, the debate is over. We know the science. We see the threat, and we know the time for action is now.

I want to ask, what does the chief executive of California know that the chief executive of our country may not yet know? Our country is the largest emitter of greenhouse gases. The Governator knows that. He knows we account for almost 20 percent of the world's manmade greenhouse emissions. He also knows we account for about one-quarter of the world's economic output. The bottom line is, the United States has a responsibility to lead on this issue.

The PRESIDING OFFICER. The Senator's time has expired. Does the Senator from Arizona wish to yield any additional time?

Mr. CARPER. I don't believe my time has expired. Someone just told me I had 5 more minutes a minute ago. I would ask for 2 more minutes.

Mr. MCCAIN. I yield the Senator 2 more minutes.

The PRESIDING OFFICER. Let me check the calculation of allotted time.

It is the understanding of the Chair that 10 minutes that had been yielded has been used.

Mr. MCCAIN. I yield 3 additional minutes to the Senator from Delaware.

The PRESIDING OFFICER. The Senator is recognized.

Mr. CARPER. The United States has a responsibility to lead on this issue. Unfortunately, we have not seen a whole lot of leadership coming from

the White House or Congress on global warming—at least not yet. The McCain-Lieberman proposal before us is not Kyoto. It calls for more realistic timeframes for CO_2 reductions and more flexibility for businesses to meet them. In my opinion, the time has come for action. That is not just my opinion, that is an opinion shared by a growing number of American businesses as well. They see the future. They are telling us to act now rather than later.

In the face of overwhelming scientific evidence, most naysayers have moved away from questioning whether climate change is real. They have now pinned their excuse for inaction on the adverse effects carbon constraints would have on the economy. However, some forward-thinking businesses are starting to realize that doing something proactive on global warming represents an opportunity to enhance their bottom line.

More American businesses are coming to realize that controls on carbon dioxide emissions are probably inevitable. They are saying it makes sense to take small steps now to avoid bigger problems later. A growing number of those companies have concluded that if we act to address climate change now, we can actually help them and their bottom line.

Let me give a couple examples. Companies realize they can make money by being green. Last month, for example, GE chief executive Jeffrey Immelt said his company is prepared to support mandatory limits on CO_2 while simultaneously moving forward to double revenues from environmentally friendly technologies and products to $20 billion within 5 years. Here is what Mr. Immelt said:

> We believe we can help improve the environment and make money doing it . . . we see that green is green.

In addition, more shareholders these days are demanding green portfolios. Evangelical and environmental groups as well as State pension fund officials, who together control more than $3 trillion in assets, get it. They are pushing resolutions at shareholder meetings that will compel companies to disclose their financial exposure to future global warming regulations. Their pressure has resulted in many companies developing global warming policies in order to decrease future liabilities and show a greener, more environmentally friendly portfolio.

There is also more pressure among corporate peers to prove their environmental stewardship. JPMorgan recently announced that it would ask clients that are large emitters of greenhouse gases to develop carbon reduction plans. Similar commitments were made earlier by Citigroup and Bank of America.

Other companies, such as DuPont, a major global manufacturer headquartered in Delaware, have already begun taking meaningful steps to reduce their carbon dioxide emissions. In the mid-1990s, DuPont began aggressively maximizing energy efficiency as part of a global climate change initiative. This strategy allowed DuPont to hold their energy use flat while increasing production. Their efforts have reduced their greenhouse gas emissions by more than 60 percent and saved this company $2 billion. Chad Holiday, CEO of the company, said:

> As a company, DuPont believes action is warranted, not further debate. We also believe that the best approach is for business to lead, not to wait for public outcry or government mandates.

I, too, believe the time has come to act. I also believe that given the right initiatives, even more American companies will rise to the challenge.

As businesses such as DuPont and GE have begun taking steps to address climate change, more and more States and cities are moving to do the same. Just this month, the U.S. Conference of Mayors unanimously passed a resolution calling on their 1,183 cities to try to meet or surpass emissions standards set by the Kyoto Protocol. Nineteen States have developed renewable portfolio standards in an effort to encourage more energy to be derived from cleaner and less carbon producing sources.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CARPER. I ask unanimous consent for 1 more minute.

The PRESIDING OFFICER. Without objection, an additional minute is yielded.

Mr. CARPER. There is good news and bad news in all this. On the one hand, you have all these cities and States taking their own course. While that is encouraging, on the other hand, for businesses that need some certainty and a national game plan, there is a problem with that. We don't need a patchwork quilt. What we need is the Federal Government to provide some leadership and certainty for our businesses.

On Social Security, the President says we are going to have a big problem 20, 30, 40 years down the road. And in order to avoid a big problem, a big train wreck, we need to take some small steps now. Frankly, the same argument applies to global warming. Thirty, 40, 50 years down the road, we are going to have a huge problem. It could be averted if we take some small, measured, reasonable steps today. The sooner we get started, the better off we will be and the less likely that a train wreck will occur 30 or 40 years later in this century.

I yield back my time, and I thank my colleagues for their leadership and for the extra time.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 826, AS MODIFIED

Mr. LIEBERMAN. Mr. President, I thank my friend from Delaware for a very compelling statement. If anybody wasn't listening to what he had to say, look at the pictures, understanding that he didn't start out being in favor of this, but the science brought him in this direction. When people look at it with an open mind, they will join us. I thank him for his support.

I ask unanimous consent to make a minor modification to the amendment Senator MCCAIN and I have offered and send a modification to the desk. On page 100 of our amendment, it would strike lines 16 through 20. I believe it has been cleared on both sides.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The modification is as follows:

> On page 100, strike lines 16 through 20.

The PRESIDING OFFICER (Mr. SUNUNU). Who yields time?

Mr. INHOFE. Mr. President, I yield 10 minutes to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, let me thank my colleagues, Senators MCCAIN and LIEBERMAN, for bringing this debate to the Senate floor. Let me say to my colleague from Delaware, he has made a very compelling statement for sustaining the status quo. America and America's industries have awakened to the marketplace, and they are recognizing and moving this country toward cleaner energy and cleaner industry faster than any command and control Federal regulation could bring us there. Last year, a 2.3-percent reduction in greenhouse gases; this year a projected 3 percent, and all within the economy and all within the initiative of boards of directors and city councils and urban areas. Why? Because there is a belief that it is necessary and important for us to drive down the emission of greenhouse gases without the Federal Government stepping in and taking away the very value of a free market and beginning to command and control a market and shape it in what could be, if not done well or on the wrong science, a distorted market false way.

What we passed yesterday was very clear—incentivize, bring in new technology. The Hagel-Pryor amendment that was agreed to by a bipartisan majority is consistent with where this administration and where our initiatives have been going now for well over a decade.

We are beginning to see the results. We haven't created a huge Federal bureaucracy. We haven't created a carbon czar. We haven't picked winners and losers. We have allowed the DuPonts and the other major companies of this country to recognize the value. We have even incentivized them to some extent. But more importantly, America recognizes that if we use our markets and our technology, we can be much cleaner than we are without commanding and controlling and creating a Federal bureaucracy that just might get it wrong.

Here is what happens when you blend politics and bureaucracy. Let me make this point because Senator LIEBERMAN

was on the floor yesterday making the point. I want to broaden what he said. It is important for us to understand the politics of the business we are in. The politics of the business is now the G8. We have the President going to the G8. The chairman of the G8 is Tony Blair. Tony Blair wants to get in favor with the political greens of Europe because he got out of favor with them in Iraq, and he is making climate change his initiative. But he is also over in Brussels bidding for more credit because he can't get his country there without shutting down the economy because the technology is not yet there to get Great Britain there. That is the politics across this issue and the politics across Europe.

My colleague, JOE LIEBERMAN, did something, and it is not a criticism at all. On the joint science academies' statement of a month ago, I noticed two very big polluters, India and China, are signatories of this national academy document. They are burning coal. They are going to burn a lot more and they don't plan to do anything about it. But they are concerned. Here is the lead paragraph:

> There will always be uncertainty in understanding a system as complex as the world's climate. However, there is now strong evidence that significant global warming is occurring.

And then they go on. I took issue with that and I called and wrote to the chairman of our academy because they were a signatory. I said: What is wrong here? Why are you changing your course and direction? Bruce Alberts wrote back to me.

I ask unanimous consent that these letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, June 8, 2005.

BRUCE ALBERTS, Ph.D.,
President, National Academies of Sciences, Washington DC.

DEAR DR. ALBERTS: I received a copy of the ''Joint Science Academies' Statement: Global Response to Climate Change'' yesterday and read it with great interest. I was pleased that the recommendations contained in that Statement mirror actions that our government has taken during the last five years to address the potential threat of climate change and reduce greenhouse gases.

As you know, the United States has committed billions of dollars to mobilize the science and technology community to enhance research and development efforts which will better inform climate change decisions. Indeed, the Administration has initiated a Climate Change Science Program Strategic Plan that the Academy reviewed and endorsed. Moreover, the United States is engaged in extensive international efforts on climate change, both through multilateral and bilateral activities. The United States is by far the largest funder of activities under the United Nations Framework Convention on Climate Change and the Intergovernmental Panel on Climate Change.

So, it was with dismay that I read the attached press release from the Royal Society, attempting to characterize the Joint Statement as a rebuke of U.S. policies on climate change. Statements such as: ''The current U.S. policy on climate change is misguided. The Bush Administration has consistently refused to accept the advice of the U.S. National Academy of Sciences (NAS)'' contained in the press release are offensive and inconsistent with my understanding of the facts. Moreover, the interpretation of the NAS 1992 report on climate change is also contrary to my understanding of that document. Indeed, it appears to me that the Joint Statement is being hijacked by the Royal Society for reasons that have nothing to do with the advancement of scientific understanding of this most complex and controversial subject.

I would appreciate a clarification of the meaning of the Joint Science Academies Statement. I am also interested in the origins of this Statement and am very curious about the timing of the release of this Statement.

Thank you for your prompt attention to this request.

Sincerely,

LARRY E. CRAIG,
U.S. Senator.

NATIONAL ACADEMY OF SCIENCES,
Washington, DC, June 9, 2005.

Hon. LARRY E. CRAIG,
U.S. Senator,
Washington, DC.

DEAR SENATOR CRAIG: Thank you for your letter of June 8 concerning the statement by eleven science academies on Global Response to Climate Change. I was very dismayed when I read the press release issued by the Royal Society, especially the quote by Dr. Robert May contained in your letter. Their press release does not represent the views of the U.S. National Academy of Sciences, and it was not seen by us in advance of public release. The press release is not an accurate characterization of the eleven academies statement, and it is not an accurate characterization of our 1992 report. I have enclosed a copy of the letter that I sent yesterday to Dr. May, President of the Royal Society, expressing my displeasure with their press release.

The eleven academies statement was carefully prepared, and in our view it is consistent with the findings and recommendations of previous reports issued by our academy that underwent rigorous review. These reports include the Policy Implications of Greenhouse Warming: Mitigation, Adaptation, and the Science Base (1992) and Climate Change Science: An Analysis of Some Key Questions (2001).

Our hope was that eleven academies statement would be useful to policy makers as they deal with this important issue. Regarding the timing of the statement, the goal of the academies was to have the statement released prior to the G8 summit in July. The participating academies planned for a release in May, but preparation of the statement and securing its approval took longer than anticipated. As soon as the statement was approved by all of the academies, it was released a few days later.

I would be glad to provide any additional information or to answer any remaining questions you may have.

Sincerely,

BRUCE ALBERTS,
President.

NATIONAL ACADEMY OF SCIENCES,
Washington, DC, June 8, 2005.

DR. ROBERT MAY,
President, The Royal Society,
London U.K.

DEAR BOB: I am writing with regard to the press release issued June 7, 2005 by the Royal Society entitled ''Clear science demands prompt action on climate change say G8 science academies''. There, I was dismayed to read the following quote from you: ''The current U.S. policy on climate change is misguided. The Bush Administration has consistently refused to accept the advice of the U.S. National Academy of Sciences (NAS). The NAS concluded in 1992 that, 'despite the great uncertainties, greenhouse warming is a potential threat sufficient to justify action now', by reducing emissions of greenhouse gases.''

Your statement is quite misleading. Here is what the report that you cite actually said: ''Despite the great uncertainties, greenhouse warming is a potential threat sufficient to justify action now . . . This panel recommends implementation of the options presented below through a concerted program to start mitigating further build-up of greenhouse gases and to initiate adaptation measures that are judicious and practical . . . The recommendations are generally based on low-cost, currently available technologies''. (Policy Implications of Greenhouse Warming: Mitigation, Adaptation, and the Science Base, p. 72; 1992).

By appending your own phrase, ''by reducing emissions of greenhouse gases'' to an actual quote from our report, you have considerably changed our report's meaning and intent. As you know, a statement resembling yours was present in the Royal Society's initial draft for a G8 statement. However, it was removed for carefully explained reasons from subsequent drafts. Thus, the relevant statement in the final G8 text is as follows: ''The scientific understanding of climate change is now sufficiently clear to justify nations taking prompt action. It is vital that all nations identify cost-effective steps that they can take now, to contribute to substantial and long-term reduction in net global greenhouse emissions''.

The actual text of the G8 statement that we signed is perfectly consistent with what we have been telling our own government in a variety of reports since 1992, whereas your interpretation of our 1992 report is not.

As you must appreciate, having your own misinterpretation U.S. Academy work widely quoted in our press has caused considerable confusion, both at my Academy and in our government. By advertising our work in this way, you have in fact vitiated much of the careful effort that went into preparing the actual G8 statement. As an unfortunate consequence, I fear that my successor, Ralph Cicerone, could find it difficult to work with the Royal Society on future efforts of this kind—both in this and other important areas for the future of the world.

Sincerely yours,

BRUCE ALBERTS,
President.

THE ROYAL SOCIETY,
London, U.K., June 9, 2005.

PROFESSOR BRUCE ALBERTS,
President, National Academy of Sciences,
Washington, DC.

DEAR BRUCE, Thank you for your letter of 8 June 2005. I am naturally concerned that our press release has caused so much difficulty for you in the Academy and with your Government.

I have read again the relevant part of your 1992 report, Your 1992 quote says, of course, ''despite the great uncertainties, greenhouse warming is a potential threat sufficient to justify action now.'' It then goes on to say ''This panel recommends implementation of the options presented below through a concerted programme to start mitigating further build up of greenhouse gases . . .'' Your report then immediately below (on the same page) in the section headed ''Reducing or Offsetting Emissions at Greenhouse Gases'' says

Energy policy recommendations include reducing emissions related to both consumption and production.'' The next three pages of recommendations go into detail about how to achieve these reductions.

Given the very clear recommendations that your 1992 report contains for reducing greenhouse gas emissions, I fail to see how you could make the accusation that our press release misrepresents its contents. And clearly your 1992 report remains a definitive statement because you have placed a prominent link to it from the information about the joint statement on the home page of your website. The joint statement and your 1992 report both appear to me to be perfectly consistent with the statement in the press release to which you have objected.

I can understand that the Academy may have receive criticism for re-stating its position so clearly and so appropriately now. It is clearly not a politically convenient message for the U.S. Government, particularly at a time when media reports have suggested that there have been attempts to doctor official documents relating to the science of climate change. But the U.S. media coverage of the Academies' joint statement that I have seen appears rather favourable, as has been the media coverage in the UK. Indeed, the Philadelphia Inquirer published a supportive editorial today.

Some of the coverage has suggested that the release of the statement showed ''uncharacteristic political timing''. This, of course, was by accident, rather than design. We had originally hoped to publish the statement on 24 May, but agreed to delay until 8 June at your request. We were completely unaware when we agreed to the change of date that this was so close to the Prime Minister's visit to Washington.

In the event, we only moved forward the release by a day when it became apparent that British journalists had discovered a neat-final draft of the statement on the website of the Brazilian academy. And we only issued the release after we had obtained explicit agreement from the Academy and even delayed contacting journalists until your officials had had the opportunity to brief the White House.

I am confident that we acted perfectly properly in this matter and am surprised by your comments. I am sure that our two academies will continue to work closely together as we have done in the past and as befits organisations with such similar objectives.

Yours,

ROBERT M. MAY,
President.

Mr. CRAIG. Mr. President, he said they had not changed their course and direction and they didn't agree with the Royal Academy's statement. They thought it was misleading. That is not what they said, not what they believe. It is not what they intended.

Then the head of the National Academy of Sciences wrote a letter to the Royal Academy. The Royal Academy basically said stuff it, it is our interpretation of what you said and we have a right for our own interpretation. No, the Royal Academy does not have a right to reinterpret the profound work of the National Academy of Sciences, the Hathaway study, the 1992 documentation that brought us to the scientific level we are today.

The reason we are having this gamesmanship in the National Academy of Sciences is because this is ripe politics. It is not substantive science. While there are those of us who believe there are strong indicators that this world is getting warmer, we are not so sure about the science yet. But we are sure—and that is why this legislation we are adding this amendment to, or attempting to add the McCain-Lieberman amendment to, is all about ''clean'' and all about new technology that is less emitting, has less greenhouse gas in it, and recognizes the importance that our country lead in this direction.

I spoke about that yesterday. I spoke about the intensity indicator as it relates to units of production instead of the false game of capping, because that is where you show how much carbon you are using to produce an element or an indices and a unit of economic growth. That is what this all ought to be about. The Hagel-Pryor amendment is about that. I am not going to slip into what some would call the false argument of the economy. But there is a profound argument to be made if you decide you are going to cap and control carbon in our country and distort the market and don't drive us toward new technologies of gasification and all of those things that reduce carbon in the atmosphere.

Let me tell you where it is. A few years ago, when we were debating against Kyoto and we said it would cause a recession here and cost nearly 3 million jobs, it was laughed at by some at that time. I am sorry, you were wrong and a few of us were right. Here are the facts to prove it. The chart speaks for itself. In the industrial sector of our economy, during the depth of the last recession we have just come out of, we lost about 2.5, 2.6, or 2.7 million jobs in that sector of our economy. It drove them down to 1990 levels of greenhouse gas emissions. In other words, we hit the targets of the Kyoto protocol by a recession that took away 2.9 million jobs.

Now, we have continued to grow some in transportation, residential, and commercial. But in the industrial sector, where the blue-collar American works, we drove them out of their jobs by the economy's inaction; whereas, if we had accepted the Kyoto protocol, accepted McCain-Lieberman in principle, we would have had to have the rules and regulations to accomplish 1990 levels, and that would have been the consequence.

Now there is a strong, legitimate, economic argument that has to be made. Unless you let the economy work its will, and you incentivize the economy to do exactly what it is doing, to do what the Senator from Delaware talked about, energy being used by industry in a way that is cleaner, every time you create a new job in this country, that job is a cleaner job. Why? Because it is employment from new technologies, and that economic unit of production is less carbon intensive, and those are the realities of where we are. We expressed that very clearly yesterday in the Hagel-Pryor amendment.

It is all about science, about new technologies, about creating partnerships with our foreign neighbors. It is not command and control and penalize. We want Third World nations to step up and to grow and to improve the economy and, therefore, the livelihood of their country for their own people. You don't do that by controlling them. That is why China would not step into this. That is why India would not step into it at the time of Kyoto and the protocol itself. Now they may be playing political games in this national academy joint statement of a month ago, but are they doing it substantively at home on the ground? China is going to burn a lot more coal in the future and, in large part, the way we can help them is to help ourselves by incentivizing the use of gasification and bringing that technology online, and doing so not with commanding and controlling but encouraging, incentivizing.

De Tocqueville was right, that regulations could kill the great American experiment. Regulations are the antithesis of freedom and freedom in the marketplace, so incentivizing is doing for us exactly what we want done on climate change today, changing the character of how we do it and the character of the energies we use and the cleanliness of it. It is beginning to recognize if you are for climate change, you have to be for nuclear electric generation and a combination of a lot of other things.

I hope our colleagues will oppose McCain-Lieberman. Command and control will not get us where we want to get without costing us jobs and building a big Federal bureaucracy to regulate the system.

I yield the floor.

Mr. MCCAIN. Mr. President, I yield myself 2 minutes. I hear a lot of conversation in private, and sometimes even on this floor, about being political and the reasons for action are political. The Senator from Idaho just did a great disservice to the Prime Minister of England, Tony Blair. I happen to know him. I have discussed this issue. To impugn his motives as the Senator just said—trying to get back with his buddies because of his support—that is character assassination. It is patently false and a great disservice to the leader of one of our great allies.

I would never question the motives of my opponents. To say the Prime Minister of England is motivated by political reasons for the strong and principled stand he has taken on climate change demanded my response, because I know he is an honorable man and not on this issue driven by political reasons.

I yield the floor.

Mr. CRAIG. Will the Senator yield for a moment? Mr. President, will the Senator from——

Mr. INHOFE. I yield one additional minute to the Senator from Idaho.

Mr. CRAIG. The Senator from Arizona suggested I am impugning the motives of Tony Blair. If I am, I apologize for that. I have submitted for the

record the statements of the Royal Academy of Science and the statements of the National Academy of Sciences, and I will let them speak for themselves. I know the politics in Europe probably as well as my colleague from Arizona. I know it is a very green politics, attempting to force this President and this Government to ratify Kyoto and the Kyoto protocol. We have said no to that. Tony Blair has put unmitigated pressure on this President. He has even lobbied us individually on it, suggesting we ought to get this President to change his mind.

The Senate spoke yesterday. The Senate has not changed its mind. We support our President. The timing, as the Senator from Arizona knows, of this was uniquely special in light of a July 8—I believe it is July 8—conference of the economic powers. So I would imply there is a lot of politics in this. I will take out of that conversation the personality of Tony Blair, although he personally lobbied me and other Senators.

Mr. MCCAIN. Mr. President, I am not going to continue this because I am afraid it may evoke further comments by the Senator from Idaho that may further diminish the reputation of a great European leader, who is obviously committed to addressing the issue of climate change. I will just say that in the joint academies' statement, it says in the global response to climate change, there will always be uncertainty in understanding a system as complex as the world's climate. However, there is now strong evidence that significant global warming is occurring.

The question is: Are we going to do something meaningful about it, or are we going to have a figleaf, such as we just passed with the Hagel amendment?

I yield 5 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. OBAMA. Mr. President, in every generation, there are several defining moments when we have the chance to take a new course that will leave our children a better world. Addressing the threat of global climate change is one such moment.

Climate change is not just about a particularly hot summer or cold winter. It is not just about a few species of plants and animals. And it is not some far-off threat we don't have to worry about for hundreds of years.

While there are some who still argue with the overwhelming scientific evidence that details the full magnitude of the problem, the evidence is now all around us. The problem is here. And the solution needs to come now.

Since 1980, the Earth has experienced 19 of its 20 hottest years on record, with the last three 5-year periods being the three warmest ever. This is the fastest rise in temperature for the whole hemisphere in a thousand years.

Here in America, we have seen global warming contribute to the worst drought in 40 years, the worst wildfire season in the Western States ever, and floods that have caused millions of dollars in damage in Texas, Montana, and North Dakota. Sea levels are already rising, and as they continue to do so, they will threaten coastal communities.

If we do nothing, these problems will already get more severe. Warmer winters may sound good to us, but they also mean longer freeze-free periods and shifts in rainfall that create more favorable conditions for pests and disease and less favorable conditions for crops such as corn and soybeans.

As more forests and farms are affected, millions of jobs and crops we depend on could be jeopardized.

There are also health consequences to climate change. Rising temperatures mean that insects carrying diseases like malaria are already spreading to more regions throughout the world. And the reduction in ozone layer protections means that more children are likely to develop skin cancer.

Even if we stopped harmful emissions today, we are headed for a one degree increase in temperature by the year 2010.

And since we won't stop emissions today, the temperature outside may increase up to 10 degrees by 2100.

To Illinoisans watching this debate, that means your grandchildren—when they become grandparents—may see Illinois summers as hot as those in Texas, if we don't act now. And those summers in Texas will be more unbearable.

So what can we do now to protect our planet and our people from the effects of global warming? The first step is to adopt the McCain-Lieberman amendment. This bipartisan approach to addressing climate change is not only good environmental policy, it is good economic policy.

This amendment allows the market to determine the best approaches to reducing greenhouse gas emissions and rewards those with the most cost-effective approach by enacting a cap-and-trade allowance system. The revenues generated from this program will go directly to training workers, helping the industries most affected by the reductions cap, and providing the necessary funds to ensure that the United States, not China or India, is the leader in energy innovations such as coal gasification, smaller and safer nuclear plants, and renewable technologies.

Since so many people in Illinois depend on coal for jobs and for energy, and since America is essentially the Saudi Arabia of coal, I am also pleased that this amendment will specifically fund clean coal technology and allow extra allowances for coal companies that use carbon sequestration methods.

The underlying bill will provide $200 million for clean coal technology, $500 million for coal pollution technologies, and $2.5 billion for clean coal based power generation technologies.

This two-track approach—a strong investment in clean coal, coupled with providing certainty to industry so they may prepare for investment in these technologies today—is the right approach to both strengthen our economy and lead us toward the 21st century energy policy.

The United States should be leading the world in investing in existing technologies that harness coal's power while reducing its pollutants.

We now have applications to construct 100 new coal plants. Plants all over the world will get built no matter what, but if we do not make sure each one is equipped with the right technology, future generations will be forced to live with the consequences—dirtier air and dangerous climate change.

We know this country's scientific minds already have the ideas to lead the United States into the future. In this increasingly competitive global marketplace, government needs to do its part to make sure these ideas are developed, demonstrated, and implemented here in the United States, and the McCain-Lieberman amendment can do just that.

Let me make two final points. This administration repeatedly says it will base its policies on sound science.

The PRESIDING OFFICER. The Senator has used 5 minutes.

Mr. OBAMA. Mr. President, I ask unanimous consent to proceed for 1 minute.

The PRESIDING OFFICER. The Senator is recognized for an additional minute.

Mr. OBAMA. I thank the Chair.

The science is overwhelming that climate change is occurring. There is no doubt this is taking place. The only question is what are we going to do about it.

The previous speaker, the fine Senator from Idaho, indicated that our economic growth might be hampered by dealing with this problem now. The fact is, when we look at similar strategies that were developed in passage of the Clean Air Act in the 1990s, it turned out that the costs were lower and the benefits higher than had been anticipated. Economic growth was not hampered; rather, innovation was encouraged and spurred in each of these industries.

The last point I wish to address is the point that was made that other countries may be polluting a lot more than we are. I think that is a legitimate concern, but it is impossible for us to encourage countries such as China and India to do the right thing if we, with a much higher standard of living and having already developed ourselves so we are the energy glutton of the world, are unwilling to make these modest steps to decrease the amount of emissions that affects the atmosphere overall.

If we the wealthy nations cannot do it, we cannot expect developing nations to do the same. That is why taking this important step with McCain-Feingold—is so important. That is why I

congratulate both Senator LIEBERMAN and Senator MCCAIN for taking this important step.

I urge all my colleagues to support this amendment. I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my friend. I don't mind him calling it McCain-Feingold.

Mr. OBAMA. That passed.

Mr. LIEBERMAN. We are going to stick with this as long as Senator MCCAIN and Senator FEINGOLD have, which is to say, until it passes.

I thank the Senator from Illinois for a very eloquent statement.

Mr. President, I am very happy to see the Senator from Hawaii, Mr. AKAKA, is here. He has asked for up to 10 minutes.

The PRESIDING OFFICER. The Senator from Hawaii is recognized for up to 10 minutes.

Mr. AKAKA. Mr. President, I thank Senator LIEBERMAN.

Climate change is a topic that is very important to Hawaii, Pacific islands, and coastal States in general. I have served on the Senate Committee on Energy and Natural Resources since I joined the Senate in 1990. The committee has held hearings on global change almost every year since then, regardless of which party held the majority. It has become clear that an omnibus energy bill must address the production of carbon dioxide and methane, the two most prominent greenhouse gases, because 98 percent of carbon dioxide emissions are energy related.

For more than 20 years, the National Research Council, the International Panel on Climate Change, and Federal agencies, including the National Science Foundation, the National Oceanic and Atmospheric Administration, and the Department of Energy, have been investigating climate change to broaden the scope of our understanding of the interactions of the oceans and the atmosphere, and the modeling of terrestrial and coastal impacts of climate change. Fifteen years ago, scientists were uncertain about the effects of global warming. Today, nearly 95 percent of scientists say that global warming is a certainty.

Most recently, the national academies of science of 11 nations joined together in a joint science academies statement on the need for a global response to climate change. Among the prestigious scientific bodies signing the statement was our Nation's National Academy of Sciences, the Chinese and Russian Academy of Sciences, and the Science Council of Japan. The signatories urged all Nations to take prompt action to reduce the causes of climate change and ensure that the issue is included in all relevant national and international strategies.

I believe that the relatively small cost of taking action now is a much wiser course of action than forcing States and counties to bear the costs of severe hurricanes and typhoons, and replacement of bridges, roads, seawalls and port and harbor infrastructure. In my part of the world climate change will result in a phenomenon that strikes fear in the hearts of many island communities. This phenomenon is sea level rise. Sea level rise, storm surge, shoreline degradation, saltwater intrusion into wells, and increasing flooding will impose very high costs on island and coastal communities, but these costs, which are real and are happening already, are not being addressed.

I would like to describe some disturbing recent information that relates to sea level rise. Scientists at the 2004 Climate Variability and Predictability program, also known as CLIVAR, under the auspices of the World Climate Research Programme, have offered evidence that global warming could result in a melting of the Greenland Ice Sheet much more rapidly than expected.

The World Climate Research Programme is an international group of renown scientists that focuses on describing and understanding variability and change of the physical climate system on time scales from months to centuries and beyond. The research has important implications for islands and low-lying areas and communities worldwide, from Native communities in Alaska along the shores of the Bering Sea, to the Pacific nations of low-lying atolls, to the bayous of Louisiana and the delta regions in Bangladesh.

Using the latest satellite and paleoclimate data from ice cores of the Greenland Ice Sheet, the world's largest ice sheet, studies indicate that the last time the ice sheet melted entirely was when the temperature was only three degrees Celsius higher than it is today. At first this puzzled scientists because it didn't seem that such a modest temperature rise could melt so much ice.

However, recent expeditions have revealed large pools of standing water which feed enormous cracks in the ice sheet, over a mile deep. Scientists believe the water falls down the cracks all the way to the bottom of the ice sheet and could easily enable the glacier to slide more rapidly into the sea. They believe the ice sheet could break up at a much lower temperature than previously thought. Current projections for warming due to greenhouse gases indicate that our temperature could rise three degrees Celsius in less than 100 years, almost guaranteeing the melting of the Greenland Ice Sheet.

Complete melting of the ice sheet would result in a 6 meter, or about 18-foot, sea level rise, inundating many coastal cities and causing small islands to disappear. The effects are expected to be felt in high latitude regions earlier than others. In 2004, the Senate had field hearings in Alaska where Native villages are experiencing the effects of sea level rise. Continental ice sheets, or their disappearance, are driving sea level change. It is time to connect the dots with respect to global warming.

I am particularly concerned for islands in the Pacific. There are changes in our islands that can only be explained by global phenomena such as the buildup of carbon dioxide. Globally, sea level has increased 6 to 14 inches in the last century and it is likely to rise another 17 to 25 inches by 2100. This would be a 1- to 2-foot rise. You can imagine what this might mean to port operators, shoreline property owners, tourists and residents who use Hawaii's beautiful beaches, and to island nations and territories in the Pacific whose highest elevation is between three and 100 meters above sea level. A typhoon or hurricane would be devastating to communities on these islands, not to mention the low-lying coastal wetlands of the continental United States.

I am alarmed by changes in Hawaii. The sandy beaches of Oahu and Maui are eroding. In addition, we have lost a small atoll in the Northwestern Hawaiian Islands. The Northwestern Hawaiian Islands is an archipelago of atolls, shoals, and coral reefs that are a 2-day boat trip or 4-hour plane flight from Honolulu. They are known to be one of the most pristine atoll and coral reef ecosystems left in the world and are currently in protected status as a marine reserve.

Whale-Skate Island at French Frigate Shoals was an island with vegetation and thousands of seabirds nesting on it. It was a nesting area for sea turtles, and many Hawaiian Monk seals pupped there, according to a wildlife biologist who wrote her thesis on French Frigate Shoals.

Today, it is all water except for one-tenth of an acre. The 17 acres of habitat for Monk seal pups, nesting birds and turtles that has been there since the turn of the century, is virtually gone. Although atolls and shoals can lose their land area from seasonal storms and erosion, this one is almost entirely gone and has been ''downgraded'' from an island to a ''part-time sand spit.'' Similar fates face communities located on low-lying Pacific islands.

The residents of the Pacific island nation of Tuvalu are considering relocation from their homes. Rising sea level has turned their wells salty and filled their crop-growing agricultural areas with sea water. The impacts of even a relatively small sea level rise on Pacific nations and atolls, some with maximum elevations which are less than ten feet above sea level, can be severe. In the Pacific, cultural activities are interwoven with the conservation of the environment. These traditions in the past allowed the survival of dense populations on small land areas. Today, the global issue of climate change extends beyond our borders and threatens the livelihoods of these nations. Climate change is an important challenge and high priority for immediate action in the Pacific.

We must take a first, cautious step to stabilize greenhouse gas emissions

in the United States. If we fail to address the issue of climate change now, the U.S. may have to face catastrophic and expensive consequences. A relatively small investment today is far wiser than spending vast amounts in the future to replace destroyed homes and infrastructure, restore altered ecosystems, and reinvest in collapsed agricultural and fisheries industries. Scientists at the Massachusetts Institute of Technology conducted a study that analyzed the proposed costs of the Lieberman-McCain amendment and estimated the cost to be less than $20 per household per year. The Energy Information Administration, part of the Department of Energy, estimates the loss in consumption to be around $40 to $50 per household per year in 2010. The analysis also shows that the impact on real gross domestic product to be minimal, that is, not changing it from the baseline reference. The European Union EU has adopted a mandatory cap and trade program with a carbon dioxide reduction target of eight percent by the year 2012. The compliance costs of the EU greenhouse gas reduction program are expected to total less than 0.1 percent of its Gross Domestic Product. The EU predicts a minimal effect on their economic growth even under a rigorous approach.

The United States has the technological capabilities and intellectual resources to lead the world in an effort to reduce future greenhouse gas emissions. I thank Senators LIEBERMAN and MCCAIN for recognizing the importance of climate change and taking the lead on legislation to stabilize greenhouse gas emissions in the 108th Congress and this Congress. I also greatly respect the amendment developed by the ranking member of the Energy Committee, Senator BINGAMAN, in cooperation with the National Commission on Energy Policy. Both of these amendments demonstrate to the Nation and the international community our serious commitment to move on carbon emissions.

It is clear that piecemeal, voluntary approaches have failed to reduce the total amount of greenhouse gas emissions in the United States. Now is the time to send a strong message that the U.S. is serious about the impacts of climate change. A policy of inaction on climate change is not acceptable and will cost the United States more than preventive policies. I firmly believe that we can have economic growth while protecting coastal communities in the Pacific, Gulf of Mexico, Alaska, Louisiana, and other low-lying, vulnerable, coastal areas.

It is time to reduce carbon emissions. For the last 5 years, we have debated how to do it using market mechanisms, through trading systems that capture the value of allowances, credits, or permits, and generate revenue through auctions. Many industries have already accepted this challenge and most, including utility giant American Electric Power Company, according to a 2004 Business Week article, have seen cost savings and business benefits. The Pew Foundation for Global Climate Change reports that most industries have been able to meet their self-imposed goals through efficiencies alone, without requiring heavy capital investment. This is an opportunity to unleash the talent of businesses, engineers, and the Nation's entrepreneurial spirit to create efficiencies in fuel processing and to develop carbon-limited fuels.

The time to act on carbon dioxide is now. The McCain-Lieberman amendment is a step forward and a symbol of the Nation's commitment to the world to reduce our carbon emissions. The amendment uses markets to determine how to manage specific emission reductions, a positive combination of bipartisan policy principles to establish a mechanism that will benefit the nations around the world. I urge my colleagues to support this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. INHOFE. Mr. President, 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. INHOFE. 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. INHOFE. Mr. President, in regard to the three times, first of all on McCain-Lieberman, how much time is remaining?

The PRESIDING OFFICER. The Senator from Oklahoma has approximately——

Mr. INHOFE. No, McCain-Lieberman.

The PRESIDING OFFICER. Senators MCCAIN and LIEBERMAN have approximately 21 minutes remaining. The Senator from Oklahoma has approximately 27½ minutes remaining, and the Senator from New Mexico has 18 minutes remaining.

Mr. INHOFE. Mr. President, on behalf of the Senator from New Mexico, I yield whatever time he may consume to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I thank my colleague from Oklahoma for yielding time off of Senator DOMENICI's allotted time.

I rise today to address the important topic of global climate change, the McCain-Lieberman amendment. I am a strong fan of both the sponsors of this bill. I believe them to be excellent legislators, wonderful individuals, outstanding Senators from both sides of the aisle. They represent this country in the greatest traditions of the democracy and this body. These are outstanding individuals.

I have wrestled a long time with the issue of global climate change. I call it a problem because I believe it to be so. I believe global climate change is occurring. Furthermore, I believe this occurrence can be traced, in some part at least, to man's increased emissions of carbon into our atmosphere.

Some believe carbon to be a pollutant. However, I do not believe this to be the case. Carbon is a naturally occurring element in our atmosphere. It is essential to our survival as human beings. Carbon is a greenhouse gas. Yet, the greenhouse effect is also critical in certain aspects for our survival as well. Without the warming effect provided by carbon and other greenhouse gases, the primary being water vapor, we would freeze. So it is important. We clearly need greenhouse gases in our atmosphere. Yet, on the question of carbon loading in our atmosphere, we must ask how much is too much.

With respect to global climate change, I think we must be persistent, temperate, and wise. We must pay close attention to what the science is telling us. Our actions, which will have real consequences with both the climate and our economy, must be based on data and not on rhetoric.

As I stated at the outset, I admire Senators MCCAIN and LIEBERMAN for their persistence in the pursuit of their legislative action on climate change, addressing a real issue in a serious manner. They both have done an outstanding job in shaping the climate change debate thus far. However, I do respectfully disagree with my colleagues that we are at the point in this debate at which we ought to be enacting cap-and-trade regulatory regimes offered in their amendment.

In fact, in taking a look at some of our friends around the world who have implemented a mandatory cap-and-trade system, I believe that the facts show that this approach has not worked in those countries. This regulatory restrictive approach has not worked. There is another method, another way, for us to approach this.

Canada, for instance, which has enacted the Kyoto treaty cap and trade, projects it will exceed its Kyoto commitments by well over 50 percent. Japan, the ''home of Kyoto,'' has projected it will exceed its Kyoto commitments by 34 percent. Our friends in the EU are projecting they will miss its collective Kyoto commitment by 7.4 percent. Many other projections coming from places other than Brussels have the EU doing even worse. In fact, only two European Union countries, the United Kingdom and Sweden, are on track to meet their 2010 targets.

Germany, despite its head start on shutting down some of the industrial base actually of East Germany after reunification, is not projected to meet its burden-sharing target. In Sweden, they have switched to nuclear production and away from traditional sources of power like coal. I believe nuclear power needs to play a greater role in our own power generation, and I think it will lead clearly to reductions in greenhouse gas emissions.

I respect Sweden for their adoption of nuclear power, and it is my hope the

United States will see fit to follow suit, as it fits, in this country.

The United Kingdom is meeting its target by three fundamental shifts in their economy, two of which I do not believe to be helpful. First, they are burning less coal and more natural gas due to large stockpiles of natural gas. This is actually as a result of Prime Minister Thatcher's desire to break some of the unions organized around coal in the 1980s. This accounts for about one-third of their reduction. I wish we had the natural gas base that they do. We have some. We have some in my State. It looks as if we will be able to bring in more liquefied natural gas. That will help. But that model does not particularly fit within the United States.

The second place in which the United Kingdom has reduced its carbon emissions is by losing manufacturing and industry jobs to developing countries such as China and India. That is not a model that we want to follow. The United Kingdom may get credit for reducing emissions, but it goes to developing countries like China and India that in many cases are using outdated technology, and therefore producing more total emissions than if these jobs had stayed in the United Kingdom. We want these jobs to stay in the United States, not move out of country. Plus, the countries of China and India are emitting more pollutants, such as sulfur and nitrogen, into the atmosphere as well.

It is clear that while the United Kingdom can claim reductions due to this shift, the atmosphere is in fact worse off with this kind of shift. This is obviously not a way the United States should seek to reduce our greenhouse gas emissions.

Finally, the United Kingdom has reduced their emissions through advanced technologies and is producing energy more efficiently. That is clearly a preferable way for us to move forward in reducing greenhouse gas emissions. That is why I supported the Hagel amendment. I believe it is a positive step in that direction. I want to commend my colleague from Nebraska for offering a voluntary approach, providing incentives for new greenhouse gas-reducing technologies and technology transfer that would help our friends in developing regions of the world such as China and India. This technology transfer would happen through demonstration projects in developing countries, export initiatives, also establishing a climate credit board. I think these sort of voluntary approaches of us working here and technology transfer around the world are a key way to actually get these greenhouse gas emissions down, not a heavy regulatory regime.

There are also things I think we should do that would have a positive effect on our net national carbon emissions, that I do believe are having an impact on the overall global climate change. I think we can do these net national carbon emission reductions that will have a positive environmental benefit and which can have also a positive effect on our economy, not a negative effect, as a regulatory regime. I am referring to projects like carbon sequestration and soil conservation practices. These are projects that not only extract carbon out of the atmosphere but have the more immediate and tangible benefits of improving water quality and preserving wildlife habitat. We have seen this taking place in my home State.

Carbon sequestration—or the process of transforming carbon dioxide in the atmosphere to carbon stored in trees and soils—is a largely untapped resource that can buy us one of the things we need most in the debate over global warming, and that is time and accomplishment at the same time.

The Department of Energy estimates that over the next 50 to 100 years, agricultural lands alone could have the potential to remove anywhere from 40 to 80 billion metric tons of carbon from the atmosphere. If we expand this to include forests, the number will be far greater, indicating there is a real difference that could be made by encouraging a carbon sink, a carbon sequestration, type of approach.

This alone cannot solve our climate change dilemma, but as we search for technological advancements that will allow us to create energy with less pollution, as we continue to research the cause and potential effects in climate change, it only makes sense that we enhance a natural process we already know has the benefit of reducing existing concentrations of greenhouse gases, particularly when this process also improves water quality, soil fertility, and wildlife habitat.

As I say, this is a ''no regrets'' policy, similar to taking out insurance on one's house or car. We should do no less to protect the planet.

Another way in which we can help reduce the amount of carbon emitted into our atmosphere, while helping our environment, is through the increased uses of renewable energy, namely biomass converted into electricity. I believe this could revolutionize the energy sector and greatly help a number of places around our country.

Energy can be created from biomass by using many agricultural waste products such as wheatstalk, wood chips or even livestock manure. It also harvests grassland that is currently in the Conservation Reserve Program or other conservation reserve programs for biomass production. Not only does this provide a clean source of energy, it also creates a new market for many of our agricultural producers.

Another renewable source of energy comes from wind development. I am a fan of wind development. I believe it to have great potential in producing clean energy that will help the United States with our energy independence. However, I also believe our environmentally sensitive areas and environmental treasures should be protected from wind development. That is why I am also pleased to support my colleagues, Senator ALEXANDER and Senator WARNER, on their environmentally responsible Wind Power Act of 2005. In my home State of Kansas, we are blessed to have a large portion of the last remaining tall grass prairie in the Nation. The Flint Hills of Kansas have virtually been untouched and unplowed by man. It would be a shame to wreck these treasures for future generations simply as a way of putting wind turbines on them.

I am in favor of wind development. However, we must be wise not to harm our environmentally sensitive areas or unique environmental treasures.

Because of my belief in the future potential of energy production from biomass and wind development, I supported Senator BINGAMAN's renewable portfolio standard amendment that passed the Senate last week. Not only will our Nation benefit from cleaner energy that is produced at home, but my home State will as well and will lead the way.

Finally, I believe we, as a Nation, need to invest more in nuclear energy. I commend both Chairman DOMENICI and Ranking Member BINGAMAN for their hard work on this bipartisan Energy bill that includes many strong provisions for expanding our Nation's nuclear power industry. I heard my distinguished colleague from Tennessee, Senator ALEXANDER, mention that nuclear power represents 20 percent of our total power, yet accounts for 70 percent of our carbon-free power.

Clearly, more needs to be done in diversifying our energy sources, and I believe this Energy bill is a step in the right direction. I do commend my colleagues, Senator MCCAIN and Senator LIEBERMAN, for adding a robust nuclear section in their climate change bill. This obviously may have upset some, but it is the right step. I believe we could go even so far as to say that this move may have had dangerous political consequences for their bill, but I believe it is the right step for us to move forward.

As I stated at the outset when I entered into this debate, I believe we are seeing global climate change. I do believe that consequences of man's actions are here. I believe, though, we have a series of options that are more likely to produce the results we need than a heavy regulatory approach. While I appreciate the McCain-Lieberman approach, I think this other route is a better way to go.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Oklahoma.

Mr. INHOFE. First, I thank the Senator from Kansas for his excellent remarks. I think the Senator from Tennessee had a response or a couple of minutes, that he wanted to respond to something that was said; is that correct?

Mr. ALEXANDER. That is correct. I thank the Senator from Oklahoma.

The PRESIDING OFFICER. Does the Senator from Oklahoma yield time?

Mr. INHOFE. I yield 2 minutes to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 2 minutes.

Mr. ALEXANDER. Mr. President, I applaud the remarks of the Senator from Kansas and his focus on the clean energy aspects of the Domenici-Bingaman bill, which is making significant progress in producing low-carbon and carbon-free energy, transforming the way we produce electricity.

I also appreciate his cosponsorship of the environmentally responsible wind power amendment. Kansas, of course, has a lot of wind. There may be many places where people want it to be, but there are some places in the United States where we do not need to put gigantic towers between us and our children and our grandchildren; for example, the Statue of Liberty, and the Great Smoky Mountain Park, and Yosemite Park.

This legislation is a very limited amendment that would deny Federal subsidies for that area, give communities 6 months' notice before they are to be built there but otherwise would not interfere with private property rights, prohibit the building of any wind project, affect any project now underway, and would not give the Federal Energy Regulatory Commission any new power.

I hope it is the kind of amendment all Senators can easily support. Whether they are strong supporters of wind power or have reservations about wind power, at least we do not want to see gigantic towers in the buffer zones between our national treasures, the highly scenic areas, and ourselves and our children and grandchildren.

I thank the Senator from Kansas for his support.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, it is my understanding that the Senator from New Mexico, Mr. DOMENICI, is on his way to use his remaining time. While he is doing that, I will comment that the statements that have been made are excellent. We have agreed we will use the remainder of our time. I will use about 10 minutes, whatever time I have, and they will have the last 10 minutes. However, they are not in the Senate right now. We should serve notice we want the concluding remarks as soon as the Senator from New Mexico completes his remarks.

There are a couple of things of interest. For one thing, it is interesting when we hear about the science. I will have a chance in a minute to talk about the science and how flawed the science is. Look at the Oregon petition. Over 17,000 scientists signed a petition. I will read one paragraph from that petition:

> There is no convincing scientific evidence that human release of carbon dioxide or methane or other greenhouse gasses is causing, or will, in the foreseeable future, cause catastrophic heating of the Earth's atmosphere and disruption of the Earth's climate. Moreover, there is considerable scientific evidence that increases in atmospheric carbon dioxide produce many beneficial effects upon the natural plant and animal environments of the Earth.

It is important that we realize CO_2 is not a pollutant. CO_2 is, in fact, a fertilizer. CO_2 is needed. CO_2-enhanced earth grows crops better than it does in the absence of that.

The PRESIDING OFFICER (Mr. MARTINEZ). The Senator from New Mexico controls 6 minutes.

Mr. INHOFE. The Senator can have more.

Mr. DOMENICI. Mr. President, I hope I can say what I want to say in 6 minutes. If not, I will ask the Senator for a couple more minutes.

I note Senator BINGAMAN is in the Senate. About a week ago, 6 days ago, there was a comment that Senator BINGAMAN had a proposal that would move in the direction of mandatory cleanup for carbon. I was intrigued by the group that made the study and suggested a way to do it. They had testified before a committee hearing in the Energy and Natural Resources Committee. We were intrigued when they talked about their idea. Senator BINGAMAN had taken it upon himself to put those preliminaries into the format of a bill.

It was said, and I was quite surprised at how much notoriety ensued, that I might be joining my New Mexico partner in this proposal. And that was true, I was considering. And, in fact, we did consider it.

The Senate should know, at least from this Senator's standpoint, what I found out. I found out it is very easy to say we ought to have some mandatory reductions. It is very easy to say what percent reduction there should be. As a matter of fact, the proposal we were looking at sounded rather achievable. Certainly, when compared with the Kyoto accords and when compared with the McCain-Lieberman proposals, quantitatively in many areas—effect on growth, what it will do to the use of coal, how many jobs might it cause, what will it do from the standpoint of real reduction in carbon—compare the NCEP, which was the group that put this study together that Senator BINGAMAN brought to the surface that I just said I was considering, when compared with McCain and Kyoto, the effect on GDP loss used in the same consistent way, and using the same way the President has been talking about it, impact on units of growth, the effect was—get this—0.02. The effect of Kyoto was 0.36. That is a huge difference because one is two-tenths of a percent and the other is 3.6 percent. That was the impact.

That attracted my attention because it seemed to me if we were going to start this process, we ought to start at something achievable. We had pretty good evidence it would not have any great big effect on the economy.

All the others are similar, emphasizing that the very notorious Kyoto agreement was, on every single one, at the very extreme other end compared to the high end, compared to the NCEP. I regret to say, other than to report the facts I know, McCain-Lieberman was not in the middle of the two but very much toward the very high end Kyoto reductions.

I had come to the conclusion we ought to look at the NCEP. This is my first time to say in the Senate why I cannot do it. I hope those who are so excited about mandatory impositions will look carefully at what I found and what—although I do not want to speak for him—I think Senator BINGAMAN found.

To go from the generation that we will reduce in a mandatory manner the carbon emissions, the 2.4 percent—the McCain-Lieberman is much bigger—this was going to start 8 years from now. I said maybe we should start it 10 years from now. But the next thing was how to implement it. How do you allocate the winners and the losers? Under that approach someone has to ratchet down more, somebody has to ratchet down less, somebody has to ratchet down none, and somebody has to get credit because they are so good. And some have to pay penalties because they are not so good.

I don't think you can change that mix no matter what you call the bill. I think McCain-Lieberman finds an American environment with utility companies—some of which have to reduce a lot, some of which do not have to reduce any, some of which are so good they have to get compensated for being so good—so that when we add it up, you get reduction across the Nation.

There is another way, and that is to say you cut down an even amount across the board. I guarantee if we have an even cut across the board, everybody gets cut 2.4, or maybe under McCain-Lieberman you get cut 5 or 6, nobody can live with that because then there is no benefit from having very clean utility companies. What if you had all nuclear powerplants and there was no carbon; would you still have to reduce whatever the amount is?

The reason, I said to my friend, Senator BINGAMAN, there is not enough time to implement a plan under the NCEP proposal is because we do not know how to draft a set of rules that will carry out our process that would be fair and that would achieve the goal. When we looked at possibilities, it was in my way of thinking impossible in 3, 4, or 5 days to write such a proposal.

Senator BINGAMAN might have suggested—and he still may sometime if we cannot finish it out—that we do it differently. We assign somebody the job of doing that detail. That could have been an approach. But it was not what we were talking about. We were trying to write it in.

I submit to the Senate I do not see how there can be a mandatory reduction program that does not have a very

detailed approach to who gets allocated what—who wins, who loses, who reduces, and who gets compensated because they already reduced. And all of that across an American universe of production facilities that goes from all of the nuclear powerplants. Maybe all the nuclear powerplants are old, but they are very clean. Then we have very old powerplants, still in production, but they are very dirty in terms of carbon.

How we go about doing that in statute without causing extreme, hard unfairness, inequities, is beyond me.

Having said that, the Kyoto agreement still is being bantered around as if it is viable.

I will ask unanimous consent to have printed a chart showing how big the reductions would be compared with the Lieberman-McCain and how big they would be compared to the NCEP. People ought to look at that. Kyoto is unachievable. We still keep talking about it. It is a pipe dream.

When you look at the numbers and what has to be done, we can understand why the Senate voted 95 to 0 that we would never approve a treaty under Kyoto. They blamed the President, but we said that in this Senate. Nobody here voted to implement Kyoto. I will tell you why. When you look at what you have to do compared to any other program, including the McCain program, but including the one that Senator BINGAMAN and I were going to do which we could not find a way to allocate the winners and losers, you will understand this is a tough job. I don't think we should do that, whether we call it Kyoto, whether we call it McCain. We should not do anything that risky and that uncertain unless there is somebody magical that has a way of putting this formula together—who wins, who loses, who gets money, who cuts, et cetera.

I ask unanimous consent the chart be printed in the RECORD at the end of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Compared to the Kyoto Protocol, the NCEP emissions trading program has a fraction of the impact on the energy sector and economy based on EIA analyses of each policy.

Results in 2020

(NCEP values are averages of 2015 and 2025)

	NCEP	McCain-L.	Kyoto (+9%)
GHG emissions (% domestic reduction)	5.4	17.8	23.9
GHG emissions (tons CO_2 reduced)	452	1346	1690
Allowance price ($/ton CO_2)	7.5	35.0	43.3
Coal use (% change from forecast)	−5.7	−37.4	−72.1
Coal use (% change from 2003)	16.3	−23.2	−68.9
Natural gas use (% change from forecast)	0.8	4.6	10.3
Electricity price (% change from forecast)	3.5	19.4	44.6
Potential GDP (% loss)	0.02	0.13	0.36

Mr. LIEBERMAN. I wonder if the Senator would allow me a moment to respond to something Senator DOMENICI said?

Mr. MCCAIN. I yield.

Mr. LIEBERMAN. Senator DOMENICI raised a very important point and I want to engage on it. That is the question of how the allocations are set under the McCain-Lieberman proposal.

Let's say, first, we feel strongly unless you have a cap, unless you have some limit, goal, for how you will reduce your greenhouse gas emissions, it is a phony. It does not work. We tried that in the 1990s and it did not work. That is why we need a cap and we have a market-based system.

In our proposal it says you allocate emissions credits based on the amount of emissions in 2000 because that is the goal we want to get back to, and then you give the EPA Administrator the opportunity to make adjustments based on economic impact—maybe it is too hard for a particular industry or sector to do that.

I hope we can engage the Senator from New Mexico—he is a leader here—as we go forward. When it came to the acid rain provisions on which this is based, when it finally came to a bill, Members of the Senate and the Congress pretty much stated what the allocations were going to be. They did not leave much room for administrative judgment by the EPA Administrator.

To my friend from New Mexico, if this really matters to you, as I know it does, in the months ahead I will try to do exactly the same thing.

I thank my friend from Arizona and I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Could I have the time situation?

The PRESIDING OFFICER. The Senator has 19½ minutes.

Mr. MCCAIN. And the other side?

The PRESIDING OFFICER. The Senator from Oklahoma has 20 minutes.

Mr. MCCAIN. Mr. President, I will be very brief because we worked it out that we would end up, which is appropriate because I am with the sponsor of the amendment.

I say to the Senator from New Mexico, who has talked about winners and losers, I will tell you who will lose, and that is the next generation of Americans because every reliable scientific body in the world knows climate change is real.

It is happening. And it may not bother the Senator from New Mexico and me at our age, but I will tell you, it bothers the heck out of young Americans, and it bothers the heck out of people who are experts on this issue.

If the Senator from New Mexico is worried about winners and losers, and he and I are winners, the next generation of people all over the world are losers because the National Academy of Sciences' statement is very clear:

There will always be uncertainty in understanding a system as complex as the world's climate, however there is now strong evidence that significant global warming is occurring.

I will tell you another loser, and that is the truth—that is the truth. The truth is, I say to the Senator from New Mexico, the European countries are meeting Kyoto emissions targets. They are meeting them. The truth is, Tony Blair has no political agenda. Tony Blair, the Prime Minister of England, recognizes that global climate change is real. It is taking place, and we have to do something about it.

To say that by us not allocating winners and losers is a reason not to act on this compelling issue of the future of our globe, when the evidence is now compelling and overwhelming, with the exception of a group I will cite before I finish who are now funded by industry, then the Senator and those who have debunked this and continue to debunk it are going to have somebody to answer to in not too many years from now.

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

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask unanimous consent that I have 2 minutes to answer the Senator from Arizona.

Mr. MCCAIN. Only if it is out of the Senator's time.

Mr. DOMENICI. Well, I had 30 minutes a while ago. Did we use it all up?

Mr. INHOFE. Yes, it is my understanding the Senator did use up all of his time.

Mr. President, I ask the Senator if he could use 1 minute.

Mr. MCCAIN. I do not object to the Senator having an additional 2 minutes.

Mr. INHOFE. All right.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I do not mind the Senator from Arizona saying whatever he likes on the floor. I do not mind him getting red in the face and pointing at me and talking to me like I don't know what I am talking about. But he did not listen. I did not say global warming is not a problem. He might be talking about somebody else. I did say it was. Instead of saying what he said, he should have said: I am glad Senator DOMENICI is finally recognizing there is a problem.

To recognize there is a problem does not mean that his way of solving it is the only solution. In fact, I am telling the Senate what he is suggesting will not work. That is all I am saying. I have the right to do that, and it does not have to be said that I am going to hurt the young generation. I am not hurting the younger generation.

The reason this amendment cannot pass is because it cannot be implemented. It is that simple. Nobody knows how to do that because nobody knows the results. You could just as well introduce a bill and say: I want to do twice as much as Senator MCCAIN. And that would be wonderful. You could then say: I am really for the young people. I am doing twice as much.

The problem is, you do not know how to do it. You cannot do it. And everybody who has looked at it, except those

who want to set a goal, know that is not so. That is why it will lose.

I thank the Senator for yielding me 2 minutes.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, saying that it cannot be done, the Europeans are doing it with far less stringent measures to be taken than what we have.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, it is my understanding that I have 20 minutes and that the Senator from New Mexico and the Senator from Connecticut will close the debate.

Let me, first of all, say—well, this is a good chart. I was not going to use this one, but this shows what the Senator just observed. I do not believe it is totally accurate because the only reduction that has come in CO_2 from all of the member nations of the EU has come from Germany and the United Kingdom. If you look at all the rest of them, they all have exceeded the amount of their goals.

Then, more recently—this just came out 2 days ago—this is a release from the EU, greenhouse gas emissions up to 2003. It was just released. It says: Between 2002 and 2003, EU–25 emissions increased by 1.5 percent. That means that has taken up all the reductions from the previous year, 2002.

In the time I have, I am going to try to cover a lot of things. When debate is closed, they will get the last word. But I only ask the indulgence of my fellow Members to realize that there is a lot of hysteria out here. The hysteria out here is not well founded.

I am old enough to remember the hysteria back 20 years ago or so. This was on the cover of Time magazine, talking about another ice age coming. It said: However widely the weather varies from place to place and time to time, when meteorologists take an average of temperatures around the globe, they find that the atmosphere has been growing gradually cooler for the past three decades. The trend shows no indication of reversing.

So everyone was hysterical. The same people who are now talking about global warming were talking about another ice age coming.

Now, just one by one, let's, first of all, take the study that started this whole thing in 1998 that was by Michael Mann. It is very important that we look at this. This was the famous ''hockey stick.'' If you look at the blue line, that supposedly goes from the years 1000 to the 20th century. It is just a horizontal line. And then, all of a sudden, it starts shooting up; and that is the blade of the hockey stick.

Now, what he has failed to put on this chart is that if you will take the actual temperatures from 1400 to 2000—that is shown with the black line—they are relatively even.

But then, as shown by the next chart, which was in yesterday's Wall Street Journal, when you throw in the fact that we had the medieval warming period, it shows it was actually warmer in that period of time. The medieval warming period was about from 1000 A.D. to 1350 A.D.

Temperatures were warmer then than they have been in the 20th century. It just shows that theory has been refuted by many people in that it really is not accurate and should not be used.

Next, on climate models: Climate models are very difficult. People use them freely around here. Those who are listening and, hopefully, those who might be looking at the logic of this will not buy this idea.

The National Academy of Sciences said:

> Climate models are imperfect.

Peter Stone, the climate modeler from MIT, said:

> The major [climate prediction] uncertainties have not been reduced at all.

The uncertainties are large.

The George C. Marshall Institute:

> The inputs needed to project climate for the next 100 years, as is typically attempted, are unknowable.

Further, a professer from MIT: The way current models handle factors such as clouds and water vapor is disturbingly arbitrary. In many instances the underlying physics is simply not known.

I think we have to understand if all of this is predicated on climate charts, climate charts are not perfect.

The Oregon petition—I covered this many times. People say: Inhofe is going to come up with some scientists who might refute this. For someone to say that the science is settled, for someone to say there is a consensus in terms of the science, when you look at the Oregon petition, which had 17,800 scientists, they stated, as is on the chart behind me:

> There is no convincing scientific evidence that human release of carbon dioxide, methane, or other greenhouse gasses is causing, or will cause in the foreseeable future, catastrophic heating of the Earth's atmosphere and disruption of the Earth's climate. Moreover, there is substantial scientific evidence that increases in atmospheric carbon dioxide produce many beneficial effects upon the natural planet and animal environments of the Earth.

Recognizing, as we said before, that CO_2 is not a pollutant; CO_2 is a fertilizer.

I would, lastly, quote James Schlesinger, who was the Energy Secretary under President Carter. He said: There is an idea among the public that the science is settled. That remains far from the truth.

So it is not a matter of Republicans or Democrats. These are the experts saying that the science is not there. Now, we could go—and I will come back to this subject with the time we have—but I would like to start off with the assertion that Kilimanjaro—I happen to have flown over Kilimanjaro twice in the last week. I looked down and saw that there is a change that has taken place.

If you look at this picture from 1976, there was very little ice on there. In 1983 there was a lot more. In 1997, there was considerably less. But the Center for Science and Public Policy summarized the Kaiser study and said: The ice fields on Mount Kilimanjaro started melting in response to a climate shift that occurred near the end of the 19th century, well before any alteration in the Earth's greenhouse effect. That reduced the amount of moisture in the air in the vicinity of the mountain. Manmade global warming has nothing to do with it. I repeat, nothing to do with it. Yet we hear it over and over again. And I am sure we will hear it in the closing remarks.

In terms of glaciers and icecaps and research that has been done—this was in the Journal of Climate—research done by Holloway and Sou in 2002 revealed that claims of thinning arctic ice came from submarine measurements of only one part of the Arctic Ocean. Additionally, decadal changes and scaled wind patterns rearranged the ice, giving some regions thinner and others thicker amounts of ice.

Well, it is easy to find one area where the ice is thinner than it was, but, on the other hand, it is actually thicker.

It goes on to say in the Journal of Glaciology: For the mass balance of glacier measures, the gain and loss of ice, there are only 200 glaciers of the total 160,000 glaciers for which mass balance data exists over a single year.

So the data is not there on that argument.

They talk about hurricanes, the fact that hurricanes are coming, and somehow this has something to do with global warming.

Well, if you look at this chart, it talks about the hurricanes dating back to 1900, and each decade since then up to 2000. You can see, yes, it did peak out around 1940. And then it has been going down ever since, and considerably lower than that peak was.

According to Dr. Christopher Landsea, who is considered to be the foremost expert on hurricanes, he says: Hurricanes are going to continue to hit the United States in the Atlantic and gulf coast areas. And the damage will probably be more expansive than in the past. But this is due to natural climate cycles which cause hurricanes to be stronger and more frequent and the rising property prices of the coast, not because any effect CO_2 emissions have on weather patterns.

He says: Contrary to the beliefs of environmentalists, reducing CO_2 emissions will not lessen the impact of hurricanes.

So, in fact, it is just not true. You hear it over and over again, but it is just not true. You hear about the sea rising: The sea is rising. Things are disappearing. In fact, the famous island, Tuvalu Island, was supposedly going to be falling into the ocean and be covered up. According to John Daly—he is

considered to be an expert—well, let's use the 2004 Global Planetary Change: There is a total absence of any recent acceleration in sea level rises as often claimed by IPCC and related groups.

It is not rising, folks. It is just not happening. The other says: The historic record from 1978 to 1999 indicates a sea level rise of 0.07 millimeters per year, where the IPCC claim of 1 to 2.5 millimeters a year sea level rise as a whole indicated the IPCC claims it based on faulty modeling.

The National Title Facility, based in Adelaide, Australia, has dismissed the Tuvalu claims as unfounded. In other words, the sea level is not rising. You can say it is rising and stand down here and yell and scream about it, but it is not. The science shows clearly it is not rising. The Arctic Climate Impact Assessment report has been referred to several times. If you look at the temperatures between 1934 and the currently—this chart goes to 2003—you see they were considerably warmer back during 1934.

Let's now go to the economic impacts. This is probably one of the things that really should be considered more than anything else at this point because people think if there isn't going to be any great economic impact, why shouldn't we go ahead and do it. I am using here not S. 139, the bill we discussed in October of 2003, because this one is a little bit less than that. It is a little more modest. Enacting the McCain-Lieberman bill would cost, according to Charles River Associates, the U.S. economy $507 billion in 2020, $545 billion in 2025. Implementing Kyoto would cost the U.S. economy $305 billion in 2010, $243 billion in 2020. Under Kyoto, for the average family of four in America, it would cost them $2,700 a year. This bill will only cost them $2,000 a year. So maybe that isn't quite as bad as it would have been otherwise.

The bottom line: It is very expensive. And that is not just Senator INHOFE talking. We are quoting CRA, which is the recognized authority, like the Horton Econometric Survey that talked about how it will affect the rising cost of energy, electricity, gasoline, how much it costs a family of four. It would be very detrimental to our country.

In terms of jobs, enacting the McCain-Lieberman amendment would mean a loss of 800,040 jobs in 2010 and 1.306 million jobs in 2020. This is down a little bit from the full-blown Kyoto, but 1.3 million jobs is significant.

In terms of energy prices, McCain-Lieberman would increase energy prices in 2020 by 28 percent for gasoline, 20 percent for electricity, 47 percent for natural gas, and much more for coal.

Just a few minutes ago, the Senator from Arizona talked about the National Academy of Sciences. What he was referring to is a press statement. It was not a report. Their last report states as follows:

There is considerable uncertainty in current understanding of how the climate system varies naturally and reacts to emissions of greenhouse gases and aerosols. A casual linkage between the buildup of greenhouse gases and the observed climate change in the 20th century cannot be unequivocally established. The IPC Summary for Policymakers could give an impression that the science of global warming is settled, even though many uncertainties still remain.

So much for the National Academy of Sciences.

I think there are two charts that are very significant. First of all, let's just assume for a minute that everything they say about the necessity for carbon caps, everything they say about signing on to the Kyoto treaty, that all of that is true. If all that is true, this chart is probably the most significant chart we have. This chart shows that if it is true, if you look at the black line, that is what would happen with Kyoto. Without Kyoto, look at the blue line. It is so little difference that it is not measurable. In other words, by the year 2050, the change would be something like 0.06 degrees centigrade, which is a change in surface temperature too small to even be detected in global averaging.

This is back when the Bingaman amendment would have been here, so you can ignore that since apparently that is not coming up.

If nothing is done right now, if you project a temperature rise, it would be 1.71 degrees Fahrenheit, if there is no action taken at all. If you go McCain-Lieberman, it would be 1.61 Fahrenheit. Between those two, it is not even a noticeable difference.

I am hoping we will have an opportunity for people to see the truth and people to see what the real science is, see the real economic impact.

There are a couple things that are incontrovertible. First, we know the economic impact is great. They might argue a little bit that we have taken the economic impact in terms of the Horton Econometric Survey, according to CRA, and they are astronomic. I mentioned what they would be under the McCain-Lieberman bill. But if you say that there is certainly questionable science behind it, and yet there is a huge economic impact, then what would be the motivation?

Why is Europe so excited and so anxious for us to join their dilemma, in spite of the fact that they have increased their CO2 emissions since the time they signed on to the treaty? The answer is found in two individuals. One is Margot Wallstrom. Margot Wallstrom is the European Union Environmental Commissioner. I don't think they knew that these were being reported at the time. Now it is documented that these statements were made. Kyoto really isn't about climate change. Kyoto is about ''the economy, about leveling the playing field for big businesses worldwide.'' That is Margot Wallstrom, EU Environmental Commissioner.

Some Senators favor Frenchmen. Jacques Chirac said Kyoto represents ''the first component of an authentic global governance.'' Certainly there is a motivation overseas for us to be involved in this thing.

I would like to also mention that there is a lot of polling data. But the most recent polling data was 3 days ago. It was an ABC poll. In that, most people do believe that global warming is underway. They have been convinced of that because we have a very liberal media that wants people to believe that. We have people who want to think the world is falling apart.

However, in asking the question, Do you favor Government action, 38 percent said yes; 58 percent of the people said no. It seems to me that in spite of all the misinformation that is floating around, the truth is getting out.

Let me wind up by reminding everyone that we do have pollution problems. They are not with global warming. They are not with CO_2, methane gases, anthropogenic gases, but with SOx, NOx, and mercury. President Bush has caused us to introduce the greatest reduction in SOx, NOx, and mercury in the history of this country, more so than any of the preceding Presidents. It is a 70-percent mandated reduction, a reduction that would really do something about pollution. I believe we should be talking about really reducing pollution, not about trying to create science, to somehow fabricate science to make people believe that, No. 1, temperatures are rising; and, No. 2, it is due to manmade gases. The science does not support that.

I thank the Chair.

Mr. TALENT. Mr. President, I rise to voice my opposition to amendment No. 826, the McCain-Lieberman climate change amendment.

As we debate whether to adopt some form of carbon cap, I am reminded of the dire warnings regarding energy we see every day in the news:

Oil prices soared past $59 a barrel on Monday even as the president of OPEC said the group will consider raising its production target by half a million barrels as early as this week.

The Wall Street Journal reported on June 8 that high energy prices are the leading cause of a world-wide slowing in manufacturing growth. A survey of chief financial officers, conducted by Duke University and CFO Magazine, found that 87 percent of U.S. manufacturers said they were facing pricing pressures as a result of high energy and raw material costs.

Farmers have decried the high cost of oil and natural gas, fearing it may drive them out of business. Farmers use diesel to run their tractors and other equipment, natural gas to produce fertilizer, and gasoline to get their crops to market. And yet, the price of gasoline has doubled in the last 3 years, and natural gas by 66 percent over the same time period. An AP story of May 13 states that this means farmers will spend an additional $3 billion in energy costs, a 10-percent increase in overall costs.

Nationwide, farmers paid $6 billion more for energy in 2003 and 2004, in part

because higher natural gas costs have pushed the average retail cost of nitrogen fertilizer from $100 per ton to more than $350 per ton.

Consumption of natural gas is exceeding production at an increasing rate. Residential, commercial and industrial consumers have paid over $130 billion more for natural gas than they did 2 years ago, an 86 percent increase.

Despite oil prices of nearly $60 per barrel, continued growth in oil consumption could spur still-higher prices and further damp economic growth. Gasoline and diesel use continues to rise strongly in the U.S., the largest oil consumer by far, despite high prices and a slowing economy. China is now the world's No. 2 oil user, and it continues to burn more fossil fuel to power its domestic economy and meet rising demand for its goods. Economists say energy prices are reemerging as a prime constraint on the world's growth potential, and they have trimmed their projections of economic growth by a quarter point as a result.

China faces a coal shortage by 2010, according to a May 25 AP story. China will consume 2.2 billion tons of coal by 2010, 330 millions of tons per year less than they produce today. By 2020, China will consume 3.1 billion barrels of crude oil and 7 trillion cubic feet of natural gas a year, with half of the oil imported.

What does this mean? Greater demand for energy means higher prices, higher even than those we are facing and trying to reduce today. As I have already stated, high energy prices have a direct and negative impact on economic growth. As world demand for energy grows and prices rise, manufacturers face higher costs. They have a harder time meeting payroll, and people lose their jobs.

Senator MCCAIN states that his plan to eliminate greenhouse gas emissions is ''affordable and doable.'' However, McCain-Lieberman will undoubtedly drive up the cost of energy at a time when we are seeking for ways to increase energy supply and reduce energy costs. Direct costs of the program are estimated to be upwards of $27 billion annually. Studies by the Competitive Enterprise Institute show that McCain-Lieberman will lead to a cumulative loss to gross domestic product of $776 billion through 2025. In addition, studies by United for Jobs, a group sponsored by the National Black Chamber of Commerce and the Small Business and Entrepreneurship Council, cite studies that show the climate bill would cost the U.S. economy over 600,000 jobs. We can't afford this kind of hit to our GDP or the loss of jobs that could result from this proposal.

Jobs lost as a result of adopting an onerous climate change proposal will be exported oversees to countries that do not cap their emissions. So not only will the jobs be exported, but the emissions will be, too. This bill purports to address ''global'' warming. The bill's proponents are correct that the problem, to the extent there is one, is not regional or national but global. However, the fix we are debating would hamstring our economy by driving up energy costs while doing nothing to limit emissions in developing countries.

Already, high natural gas prices have cost America's chemical sector nearly 90,000 jobs and $50 billion in business to overseas operations. Of 120 chemical plants being built around the world with price tags of $1 billion or more, just 1 is in the U.S. while 50 are in China.

Interestingly, the May 5 AP article I referenced earlier notes that China's massive demand for coal is leading managers to ignore safety, causing 5,000 mining deaths per year. If China is not worried about mining safety, we can be pretty certain that they are not going to worry about greenhouse gas emissions.

Advocates for this amendment continue to point to the Kyoto Protocol. What did the Senate say to Kyoto? As you know, in 1997, the Senate voted 95 to 0 for a Byrd-Hagel resolution assailing Kyoto's provisions, leaving President Clinton unable to even bring the Kyoto Protocol up for a vote. By their own admission, McCain-Lieberman is Kyoto-lite. It will cost hundreds of billions of dollars, and to what end? It may not even solve the problem it purports to solve. Yes, there will be lower emissions under this amendment; however, those in favor of Kyoto say Kyoto only scratches the surface.

Environmental groups concede that it will have no impact on what they believe to be impending catastrophic global warming.

Greenpeace International agreed that the Kyoto Protocol should only be an entry point for controlling greenhouse gas emissions. Jessica Coven, a spokesperson for the environmental group, told CNSNews.com that ''Kyoto is our first start and we need increasing emissions cuts.''

''The Kyoto Protocol . . . doesn't even go near to what has to get done. It is not anywhere near to what we need in the Arctic,'' said Sheila Watt-Cloutier, chairwoman of Inuit Circumpolar Conference. ''Kyoto will not stop the dangerous sea level rise from creating these kinds of enormous challenges that we are about to face in the future. I know many of you here believe that we must go beyond [Kyoto],'' she said during a panel discussion.

Despite the fact that green groups at the U.N. climate summit in Buenos Aires called President George Bush ''immoral'' and ''illegitimate'' for not supporting the Kyoto Protocol, the groups themselves concede the Protocol will only have ''symbolic'' effect on climate because they believe it is too weak. Kyoto is an international treaty that seeks to limit greenhouse gases of the developed countries by 2012.

''I think that everybody agrees that Kyoto is really, really hopeless in terms of delivering what the planet needs,'' Peter Roderick of Friends of the Earth International told CNSNews.com. ''It's tiny, it's tiny, tiny, it's tiny,'' Roderick said. ''It is woefully inadequate, woefully. We need huge cuts to protect the planet from climate change.'' Roderick believes a global climate emergency can only be averted by a greenhouse gas limiting treaty of massive proportions. ''We are talking basically of huge, huge cuts,'' said Roderick.

I ask you, if Kyoto isn't enough to solve the purported problem, and McCain-Lieberman would reduce emissions by even less, why are we even thinking of doing it?

What we need is a comprehensive energy policy that recognizes our need for a secure and affordable supply of energy that drives economic growth and creates jobs in America. Our energy policy cannot be formed in a vacuum; it must recognize the global competition for energy that we face and why such competition exists.

The United States is a model for much of the world. Developing nations have seen the value of low cost energy as a means of lifting their citizens out of poverty and misery. We are seeing it today in China and India, and they are not doing it relying on government mandates and bureaucracy. They are improving the standard of living of their people through economic growth that provides good paying jobs for hard working citizens.

Does this mean we have to choose between a strong, growing economy and a clean environment? No, of course not. These two important goals work together. Economic growth is the means of environmental responsibility. Earlier on the Senate floor, Senator DOMENICI declared that the Energy bill ought to be called the ''Clean Energy Act'' due to the many incentives and requirements it contains for clean sources of energy—wind, solar, geothermal, nuclear, clean coal technologies, hydrogen, ethanol, and biodiesel—and the many requirements for improved energy efficiency which will reduce energy use and, therefore, emissions.

Numerous of my colleagues have delineated the efficiency measures, energy savings and incentives in the bill before us and how this package will slash emissions through reducing the need to burn fossil fuels and thus reducing emissions. Nuclear power, IGCC, renewables, and the encouragement of transmission investment to increase customer access to cheaper, more efficient sources of electricity, will reduce emissions by using less fuel to make electricity.

In addition, increased production of ethanol and biodiesel fuels and the incentives for hybrid cars will substantially reduce greenhouse gas emissions. Senator DOMENICI included in the RECORD a detailed statement of all of the provisions in the Energy bill that are aimed at new technologies that will

have no global warming emissions, and I won't repeat that list here.

Neverthless, let me offer a few important statistics on the impact of the current energy bill:

Passage of the bipartisan energy bill will save nearly 2 million jobs over the next decade, according to a study released today by the national association of manufacturers, the manufacturing institute and the american council for capitol formation.

The bill will reduce U.S. energy use by about 2.4 percent in 2020 compared to baseline forecasts by the U.S. energy information administration. The bill will also reduce natural gas use in 2020 by about 1.1 trillion cubic feet, equivalent to current annual consumption by New York State. And the bill will reduce peak electric demand in 2020 by about 50,000 MW, equivalent to the capacity of 170 powerplants, 300 MW each.

The energy efficiency standards in the bill will save so much energy in the coming years that by 2010, the electricity savings will total 12 GWh and will reduce peak electric demand by the output of 12 new 300–MW powerplants. By 2020, the savings will total 66 GWh and reduce peak demand by the output of 75 new 300–MW plants. By 2030, the savings will equal 96 GWh and reduce peak demand by the output of 108 new 300–MW plants.

The ethanol mandate in the Senate Energy bill will displace as much as 2 billion barrels of imported crude oil, lower the U.S. trade deficit by $67 billion, create $51 billion in new farm income and cut Government farm payments by an estimated $5.9 billion—all by 2012.

Using 100 percent biodiesel reduces carbon dioxide emissions by more than 75 percent over petroleum diesel, while using a 20 percent biodiesel blend reduces carbon dioxide emissions by 15 percent.

In 2003, U.S. nuclear powerplants avoided the emission of 679 million metric tons of carbon dioxide, from the fossil fuels that would have been burned to generate power in the absence of nuclear energy. Annual carbon dioxide emissions from the U.S. electric sector are approximately 2,215 million metric tons. Without nuclear energy, U.S. electric sector carbon emissions would have been approximately 30 percent higher.

As we conserve energy and promote new clean sources of energy production, we burn less fossil fuel, thereby reducing emissions in the most economically sound manner.

Even Senator MCCAIN recognizes the need to promote clean sources of energy, namely nuclear energy and clean coal. He said:

> The fact is, nuclear is clean, producing zero emissions, while the burning of fossil fuels to generate electricity produces approximately 33 percent of the greenhouse gases accumulating in the atmosphere, and is a major contributor to air pollution affecting our communities.

His proposal includes money and loan guarantees for new nuclear reactors, new ultra-clean coal power plants, plants to create ethanol from sources other than corn, and large-scale solar power sites. These projects are consistent with many of the incentives that are already included in the Energy bills.

This is important since, if nuclear energy is to continue providing 20 percent of the U.S.'s electrical supply, 50 new 1,000 megawatt power plants will have to be constructed by 2030.

The Hagel-Pryor amendment that we accepted on Tuesday provides additional incentives to develop workable technology to control emissions without exporting jobs and stifling our economy. I voted for this because it allows us to find the right technology and to further explore whether we really have a problem to solve. We are not even sure that a warmer earth is a bad thing.

I have spent significant time studying this issue. When I was chairman of the small business committee in the House of Representatives, I held extensive hearings on the Kyoto Protocol, which the current amendment is modeled after. I wanted to question both sides in depth on the scientific and economic sides of the issue. I reached the conclusion that the science of global warming is much less precise than either side would like to suggest. There is some evidence of ozone depletion but the evidence of resulting global warming is much more dubious. We are just not sure whether and to what extent the Earth is warming; it is not easy to take the Earth's temperature at any given time, and of course it is even more difficult to determine whether the Earth is warmer relative to past ages. Nothing that has been presented in the current debate has changed my mind.

Even the National Academy of Sciences and their brethren organizations can say no more than it is ''likely'' that most of the warming in recent decades can be attributed to human activities. ''Likely'' is not good enough to risk our jobs and our economy, especially since many other notable scientists aren't even that sure. Remember, it wasn't all that long ago when the scientists were telling us that an ice age was coming.

My colleagues have already discussed how the Kyoto Protocol is not really helping the environment since countries participating in Kyoto have been unable to meet their targets and some, in fact, are seeking to find a way out of it due to its devastating economic impact and minimal environmental benefit.

As you all know, the Kyoto Protocol would require industrialized nations to limit their greenhouse gas emissions to varying percentages below 1990 levels. However, all but 40 of the 192 countries in the world are exempted from Kyoto. This creates a two-tiered environmental obligation, forcing the entire burden of reducing greenhouse emissions on industrialized nations and turning the developing world into a pollution ''enterprise zone.'' This will not succeed in reversing ''global warming'' or eliminating greenhouse gases; it would simply change their point of production and push millions of jobs overseas.

America has been down this path before. In the 1987 Montreal Protocol on the production of ozone depleting chlorofluorocarbons, CFCs, the U.S. agreed to a framework eliminating the production of CFCs for industrialized nations only. Following the 1987 Protocol, the U.S. virtually eliminated production of CFCs in 10 years, but the developing world nearly doubled its production. The environmental consequences of the Kyoto treaty would be even worse. It is estimated that if the U.S. not only stabilizes emissions but also reduces greenhouse gas emissions by 50 percent and every other industrial country also reduces greenhouse gas emissions by 50 percent, yet developing nations continue on their current path, then worldwide greenhouse gas emissions will increase by 250 percent before 2030. The factories other countries would build would not be subject to any of our environmental laws and would be much less healthy.

I want to repeat that I have spent scores of hours studying this issue, and the conclusion is inescapable that, even if global warming is a problem, the Kyoto Protocol would have been a disaster for America, causing millions of people to lose their jobs. I cannot understand, therefore, why so many environmental groups keep pushing measures like it. We should all be able to agree that economic growth, while it poses real challenges for the environment, is necessary for the environment's health as well. Poor countries don't have strong environmental policies. So it is in everyone's interests to focus on real environmental concerns—and there are certainly enough of those—without dividing the political community and wasting time and effort on proposals that make no sense from any point of view.

A new bureaucratic program that creates economic incentives to solve a problem that may not exist is not a good addition to our pro-growth, pro-jobs, pro-environment Energy bill.

I urge my colleagues to vote against this amendment.

Mrs. BOXER. Mr. President, our Nation is faced with the threat of global climate change that could fundamentally alter all of our lives and the lives of our children. California has a great deal to lose if we do not take steps to halt and reverse climate change. My State enjoys tremendous ecological diversity ranging from our cool and wet redwood forests of the north coast, to the hot Mojave and Colorado deserts in the southeast, to the vast and fertile agricultural stretches in the central valley. Climate change is a very real threat to those natural ecosystems.

Scientific predictions indicate that human-induced global warming may

produce a 3- to 10-degree rise in temperature over the next 97 years. That may not initially sound dramatic. But it would be enough to change the timing and amount of precipitation in my State. This could, for instance, lead to decreased summer stream flows, which would intensify the already significant controversy over the allocation of water for urban, agricultural and environmental needs.

Scientists also predict that by the year 2050, California will face higher average temperatures every month of the year in every part of the State. The average temperature in June in the Sierra Nevada Mountains could increase by 11 degrees Fahrenheit. The snow pack in the Sierra, which is a vital source of water in the State, is expected to drop by 13 feet and to have melted entirely nearly 2 months earlier than it does now. This could reduce the amount of precious water on which we now rely for agriculture, drinking water and other purposes.

The solution to the climate change problem is to first reduce greenhouse gas emissions. In this regard, the McCain-Lieberman amendment would be a meaningful step in the right direction. It would create an innovative cap and trade system to reduce emissions. In 2010, the system would cap greenhouse gas emissions at the level that was released in the year 2000. It would then allow facilities to buy or sell credits that would allow for greenhouse gas emissions but within the overall cap. This could efficiently reduce overall levels of emissions while allowing flexibility for certain industries.

The second step in solving the climate change problem is to increase the use of renewable resources, such as wind and solar. Unfortunately, this is where the McCain-Lieberman amendment doesn't just fall short, but would be a step backwards. The amendment includes provisions to provide financial assistance to so-called ''clean'' technologies. On its face, it sounds good. But, the amendment makes nuclear power eligible for these subsidies.

Here we go again. The nuclear industry is once again knocking on Uncle Sam's door asking for Federal subsidies to pad their bottom line. We should oppose the nuclear industry's latest effort to raid the public purse. Nuclear power is not the solution to climate change, and it is not ''clean.'' The nuclear industry has not solved its waste and safety problems. By subsidizing the creation of new nuclear plants, we are condoning the creation of more waste and turning a blind eye to the hazards associated with nuclear power.

Proponents of these subsidies say that they are not limited to nuclear power, and that many types of zero or low-emission technologies could benefit. However, the amendment creates an unfair playing field for this assistance by side-stepping the costs of nuclear power's waste and safety problems. A candid analysis of energy choices must consider the full life-cycle costs associated with each technology. This amendment fails to contain such an analysis. Thus, the amendment unfairly and irresponsibly ignores nuclear power's biggest problem—the waste. This could easily tip the scales in favor of more subsidies for nuclear plants, and less for other truly renewable technologies.

The nuclear industry has already benefited from $145 billion in Federal subsidies over the last 50 years. Truly clean and renewable sources of energy, such as wind and solar, have received just $5 billion.

Moreover, these new subsidies could go to some of the world's biggest companies. The Top-10 nuclear energy producing corporations in the Nation are among the largest companies in the world. These companies include Duke Energy, Exelon and Dominion Resources, which are among the 200 largest companies in the world.

Do these large companies need Federal subsidies? No. These ten corporations earned more than $10 billion in profits in 2004 selling energy from a variety of sources.

Subsidies for new nuclear plants are not a sound investment. The Federal Energy Information Administration and a representative of the nuclear industry both acknowledge that nuclear plants are not a viable technology without new subsidies. The EIA has stated that between 2003 and 2025, ''new nuclear power plants are not expected to be economical.'' Thomas Capps, the Chief Executive Officer of Dominion Resources—which has more than $55 billion in assets—was asked about the economics of constructing new nuclear plants. He said, ''I am all for nuclear power—as long as Dominion doesn't have to take the risk . . .'' Instead of the nuclear industry taking the risk, the nuclear industry wants the public to shoulder the burden.

New subsidies for new nuclear plants are unnecessary. The Department of Energy has shown that we can drastically reduce our Nation's climate change pollution without increasing the number of nuclear plants. We can and should solve the problem of climate change without increasing the problems of nuclear waste and safety.

I wish that I could support the McCain-Lieberman amendment, as I did 2 years ago. But by making the nuclear industry eligible for yet more subsidies, as a matter of principle, I cannot vote for this year's version.

Mr. JEFFORDS. Mr. President, I have decided to support the McCain-Lieberman amendment to H.R. 6 as an important step forward on combating global warming. However, I do so with significant reservations about the new language in this amendment providing additional Federal subsidies to the nuclear power industry.

I am especially concerned about the potential amount of the loan guarantees provided, backed by the full faith and credit of the United States, and the possibility that any new nuclear facilities constructed could default on those loans. If, for any reason, the stream of revenue from auctioned credits is insufficient to cover the maintenance or clean-up costs of any facilities that default on such loans, then those costs and liabilities might end up in the Federal taxpayers lap. And we all know about the hundreds of billions of dollars in costs that taxpayers face because of the problems in the Departments of Energy and Defense nuclear weapons complex. That type of exposure seems unwise at best.

This language was not in S.342, the Climate Stewardship Act, which I cosponsored and support, and I advised the sponsors of the amendment not to include it in this amendment. But, unfortunately, it is here in front of the Senate and the only options are yes or no. Senators know that there is already very substantial Federal involvement in support of nuclear power, from the Price-Anderson insurance program to the civilian waste repository program. It makes very little sense to me to pile further Federal dollars on top of an already rich web of support. This is particularly true since the Finance title of this legislation provides additional subsidies for new nuclear power generation.

There is at least one other reason that nuclear power does not need additional support. There is no other source of electricity that will obtain a greater advantage in a carbon constrained world than nuclear power. This kind of legislation immediately levels the competitive playing field for nuclear power and investments as compared to conventional electricity generation that is more carbon intensive.

The fastest, quickest and most economically efficient way to encourage development of and investment in new zero-emission generation is to tax or cap greenhouse gas emissions. The Federal Government should be a strong partner in supporting such research and investment and directing it toward the goal in the United Nations Framework Convention on Climate Change. That goal is stablization of atmospheric concentrations of manmade greenhouse gases at levels that will prevent dangerous interference with the global climate system.

Without such an organizing goal, our Nation's climate research plan and energy subsidies and programs are simply a loose affiliation of ineffective and misdirected efforts. Unfortunately, that is the administration's preference. They prefer not to tackle this gravely important issue with a constructive and assertive international role or with a responsible domestic focus that will reduce greenhouse gases now or anytime within the time window necessary.

I applaud the Senators from Arizona and Connecticut for continuing their efforts to set and reach this goal. I encourage them to remember my comments about nuclear subsidies if and

when this issue comes before the Senate again. I would also like to commend Senator BINGAMAN for his efforts to work on an additional bipartisan proposal inspired by the National Commission on Energy Policy.

Ms. CANTWELL. Mr. President, I rise today to make comments regarding the McCain-Lieberman amendment addressing global climate change. I will vote in support of this amendment today, because I believe this country must get serious about putting in place a mandatory program to address the very real problem of greenhouse gas emissions. My vote today is based on the fact I believe the United States must make a strong, economy-wide commitment to addressing the threat of climate change. But at the same time, I would also like to note that I retain serious reservations about a number of specific provisions added to this legislation since the Senate last considered it, during the 108th Congress.

Specifically, I have strong concerns about the nuclear provisions that were added to the McCain-Lieberman amendment. Nuclear technology may be emissions free, but it is not without substantial environmental costs measured on a completely different scale. This is a fact we in Washington know all too well, since our State is home to the Hanford Nuclear Reservation—one of the biggest nuclear remediation projects in the world, including 53 million gallons of high-level nuclear waste stored in underground tanks located far too close to the Columbia River. Hanford's nuclear legacy is the result of production activities undertaken in the service of our national defense, from World War II through the Cold War. While there are obviously different challenges associated with defense and commercial wastes, Hanford nevertheless highlights for me the very significant distance we have yet to travel when it comes to grappling with the environmental costs of nuclear technology.

So while I wish my colleagues had not added certain provisions to their climate change proposal, I also understand—from the statements they have made on the floor today—that this amendment remains a work in progress. I believe the most important thing is to make sure we do not obscure what this amendment is really about. It is about the need for this country to step up, and to develop a real national strategy to address the issue of climate change.

I have spoken on this floor before about the scientific consensus that has emerged regarding the threat of global warming. I have addressed the issues of potential economic costs associated with climate change, particularly in the Pacific Northwest where nearly every sector of our economy relies in some way on the Columbia River. That river, in turn, is fed by mountain snowpack that many have projected may well be diminishing due to global warming. I have also spoken about this Nation's opportunity to take the lead in the global race for energy independence, to develop the next generation of energy technologies and create the jobs that will go along with them.

We are a problem-solving nation. When we are faced with a grave threat, we roll up our sleeves, put our heads together, and fix our problems; we don't push them off on our children and future generations. Climate change is too alarming a trend for us to ignore. For that reason, I will vote to support the McCain-Lieberman amendment.

Mr. LEVIN. Mr. President, I believe climate change is occurring; I believe we are causing it; I believe it is a threat to the planet; and I believe it is long past time for action. Nevertheless, I can't support the McCain-Lieberman amendment since its effect would be the loss of more American manufacturing jobs to countries that have few, if any, environmental standards. That won't help the environment and it will hurt our economy. Climate change is not something we can tackle by shifting industries and their emissions to other countries, or by shifting manufacturing jobs to China or other countries that have no limits on emissions of greenhouse gases. The bill before us reflects a unilateral approach to a problem that can only be solved globally.

Climate change cannot be addressed unilaterally. It must be addressed multilaterally. It doesn't help the global environment to push down greenhouse gas emissions in one country only to have them pop up in others. We need an international agreement that binds all countries. Otherwise, there is an incentive to move more and more jobs to countries with lower environmental standards. That does nothing to reduce greenhouse gas emissions and does damage to U.S. jobs.

We need to return to the negotiating table and become a party to an effective international treaty on climate change that binds all countries. In my view, the Kyoto Treaty is insufficient because it does not impose requirements on the developing economies of India and China as it does on the United States and others. Those requirements need not be the same size or implemented in the same time frame, but they need to be a part of a global treaty's obligations. China and India are growing so fast that leaving them out of binding commitments and financial contributions would be a travesty for the environment and an economic competitive windfall for those countries. And it would be further insult and injury to our workers, many of whose jobs have already gone overseas.

Another problem with Kyoto is that the specified caps are based on 1990 levels, and because of the subsequent economic downturn in Russia and other former Soviet countries, they can easily meet their targeted reductions and profit from the resulting emissions credits.

Instead, we need an international agreement in which all countries take steps to reduce global warming so that there is no incentive to move jobs and emissions from a country with high environmental standards to one with low environmental standards. The basis of that agreement must be for competing countries to adopt tough environmental standards and for all participants to refuse to purchase products from countries that won't adopt those standards.

I am confident that it is possible to craft an international treaty that controls global emissions in a way that is fair to developed and developing countries. One example of that was the Montreal Protocol that bans the use and manufacture of ozone depleting compounds. This treaty also had the side benefits of eliminating a whole class of greenhouse gases and created new market opportunities for U.S. technology developers.

Engaging with other countries and coming to the table as a partner in an effective international treaty is essential to a global solution. To achieve a global agreement will require our putting maximum pressure on all countries to join it, so that emissions of greenhouse gases can be reduced, not just shifted. Shifting manufacturing jobs and the production of greenhouse gases from here to other countries is not a solution to climate change—it would just be another economic blow to jobs in America.

Some firms who have deployed energy saving technologies and processes well in advance of the reference date may be discriminated against by this cap and trade proposal. For example, while this bill does have a provision for early banking of allowances, firms that implemented energy savings in the past 15 years may not have records of greenhouse gas emissions to allow credit for the action. Firms that installed energy saving measures prior to 1990 could also be unfairly disadvantaged because they would not be able to claim the savings in greenhouse gas emissions and further measures are likely to be more difficult than for firms that had delayed action. Legislation and treaties limiting greenhouse gas emissions should reward, rather than punish, this foresight.

We have already lost enough American jobs to countries with cheap labor, no safety standards, and no environmental standards. To add more incentives for companies to move overseas to countries with no limits on greenhouse gases, as this bill would promote, is not sound policy. Global climate change is just that: global and it needs to be dealt with globally, not unilaterally.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 17 minutes.

Mr. MCCAIN. And the other side?

The PRESIDING OFFICER. The time of the other side has expired.

Mr. MCCAIN. Mr. President, I thank Senator INHOFE for working together as we try to give both sides equal time. I yield myself 9 minutes. Senator LIEBERMAN will take the remaining time.

Mr. President, the amendment incorporates the provisions of S. 342, the Climate Stewardship Act of 2005, in its entirety, along with a new comprehensive title regarding the development and deployment of climate change reduction technologies. This new title, when combined with the ''cap and trade'' provisions of the previously introduced Climate Stewardship Act, will promote the commercialization of technologies that can significantly reduce greenhouse gas emissions, mitigate the impacts of climate change, and increase the Nation's energy independence. And, it will help to keep America at the cutting edge of innovation where the jobs and trade opportunities of the new economy are to be found.

In fact, the ''cap and trade'' provisions and the new technology title are complementary parts of a comprehensive program that will allow us to usher in a new energy era, an era of responsible and innovative energy production and use that will yield enormous environmental, economic, and diplomatic benefits. The cap and trade portion provides the economic driver for existing and new technologies capable of supplying reliable and clean energy and making the best use of America's available energy resources. Our comprehensive proposal offers multiple benefits for our environment and our economy. We simply need the political will to match the public's concern about climate change, the economic interests of business and consumers, and American technological ingenuity and expertise.

Our comprehensive amendment sets forth a sound course toward a productive, secure, and clean energy future. Its provisions are based on the important efforts undertaken by academia, government, and business over the past decade to determine the best ways and means towards this energy future. Most of these studies have shared two common findings. First, significant reductions in greenhouse gases—well beyond the modest goals of our amendment—are feasible over the next 10–20 years using technologies available today. Second, the most important technological deployment opportunities to reduce emissions over the next two decades lie with energy efficient technologies and renewable energy sources, including solar, wind, and biofuels. For example, in the electric power sector, which accounts for one-third of U.S. emissions, major pollution reductions can be achieved by improving the efficiency of existing fossil fuel plants, adding new reactors designs for nuclear power, expanding use of renewable power sources, and significantly reducing electricity demand with the use of energy-saving technologies currently available to residential and commercial consumers. These clean technologies need to be promoted and that is what our legislation is about.

Before describing the details of this amendment, I think it is important to talk about what has occurred since the Senate vote on this issue in October 2003.

I could go on and on about the impacts of climate change and the associated science, yet there is still an ongoing debate in this town about whether or not climate change is real. If you still have doubts, I'd refer you to the powerful joint statement issued just two weeks ago by the U.S. National Academy of Sciences and national academies from other G8 countries, along with those of Brazil, China, and India. Here are just a few quotes from the joint statement:

> There will always be uncertainty in understanding a system as complex as the world's climate. However there is now strong evidence that significant global warming is occurring.
>
> The scientific understanding of climate change is now sufficiently clear to justify nations taking prompt action. It is vital that all nations identify cost-effective steps that they can take now, to contribute to substantial and long-term reduction in net global greenhouse gas emissions.
>
> We urge all nations . . . to take prompt action to reduce the causes of climate change, adapt to its impact and ensure that the issue is included in all relevant national and international strategies.

These statements are powerful and compelling, and I would hope they would help to spur meaningful action in our country to address this grave problem.

The academies' statements are despite attempts by some public officials to ''muddy'' the science of global warming. In the June 8 New York Times, there was a very disturbing article on how many of the scientific reports on climate change have been ''edited'' by an official in the White House's Council on Environmental Quality. The article makes major implications for the future of not only climate change science, but also the future of science in general. The U.S. has always touted its superiority in science and technology. Reports such as these attack the credibility of the Nation's science and technology infrastructure at a time when many within government and industry say we are losing our competitive edge.

The article mentions that the changes to the documents can cause a clear shift in the meaning of the documents—a shift in science. This is outrageous and inexcusable behavior and the consequences of such actions could be severe. Historically, we have been able to exempt science as a political tool. But it now sounds like some have taken it upon themselves to turn climate change science into political science. That is unacceptable.

Perhaps this is why Prime Minister Blair has conceded that he has no chance persuading the President to change his position on climate change. I guess this is understandable now that we have learned that the two are operating under a different set of facts.

I also note a recent article in the Washington Post concerning the administration's efforts to weaken key aspects of a proposal for joint action on climate change by the G8 nations. We should all be able to agree that climate change policy should be based upon sound science. I hope that whatever policy comes from the G8 leaders it would reflect the urgency and the magnitude of the problem as indicated in the joint statement of the academies of science from the G8 countries, China, India and Brazil.

The fact is, the unaltered scientific evidence of human-induced climate change has grown even more abundant. Since February of this year, when I highlighted the results of the Arctic Climate Impact Assessment, even more startling evidence about the Arctic region has been revealed. In a recent Congressional briefing, Dr. Robert Corell, Chair of Arctic Climate Impact Assessment, presented data indicating that climate change in the Arctic is occurring more rapidly than previously thought. Annual average arctic temperatures have increased at twice the rate of global temperatures over the past several decades, with some regions increasing by five to ten times the global average.

The latest observations show Alaska's 2004 June-July-August mean temperature to be nearly 5 degrees Fahrenheit above the 1971–2000 historic mean, and permafrost temperature increasing enough to cause it to start melting. Dr. Corell said the Greenland ice sheet is melting more rapidly than thought even 5 years ago, and that the climate models indicate that warming over Greenland is likely to be up to three times the global average, with warming projected to be in the range of 5 to 11 degrees Fahrenheit, which will most certainly lead to sea-level rise. These are remarkable new scientific findings.

It isn't surprising that just last month, indigenous leaders from Arctic regions called on the European Union to do more to fight global warming and to consider giving aid to their peoples, saying their way of life is at risk. Global warming is said to be causing the arrival in the far north of mosquitoes bearing infectious diseases. And in Scandinavia, more frequent rains in the winter are causing sheets of ice to develop on top of snow, causing animals to die of hunger because they cannot reach the grass underneath.

> ''We are not asking for sympathy,'' said Larisa Abrutina of the Russian Association of Indigenous Peoples of the North. ''We are asking each country in the world to examine if it is truly doing its part to slow climate change.''

The efforts taking place globally to address climate change have gained even greater prominence. For example,

British Prime Minister Tony Blair has made climate change one of his top two issues during his Presidency of the G8. Mr. Blair's commitment to addressing climate change should be commended. He has chosen to take action and not to hide behind the uncertainties that the science community will soon resolve. The Prime Minister made it clear in a January speech at World Economic Forum in Davos as to his intentions when he said, ''. . . if America wants the rest of the world to be a part of the agenda it has set, it must be a part of their agenda too.''

The top two issues that Prime Minister Blair has chosen to deal with are climate change and poverty in Africa. It is interesting to note that another article in the New York Times highlighted recently the connection between the two issues. The article describes how a 50 year long drying trend is likely to continue and appears to be tightly linked to substantial warming of the Indian Ocean. According to Dr. James Hurrell, a scientist at the National Center for Atmospheric Research, ''. . . the Indian Ocean shows very clear and dramatic warming into the future, which means more and more drought for southern Africa. It is consistent with what we would expect from an increase in greenhouse gases.'' It appears that Mr. Blair's two priorities are quickly becoming one enormous challenge.

Mr. Blair enjoys strong support for efforts from industry. Recently, business leaders from 13 UK and international companies sent a letter to the Prime Minister stating there is a need for urgent action to be taken now to avoid the worst impacts of climate change, and to offer to work in partnership with the government toward strengthening domestic and international progress on reducing greenhouse gas emissions.

Furthermore, the heads of 23 global companies released a statement on June 9th, expressing strong support for action to mitigate climate change and the importance of market-based solutions. The statement was prepared by the G8 Climate Change Roundtable, which is comprised of companies headquartered in 10 nations throughout the world, including companies from a broad cross-section of industry sectors. The statement was in response to an invitation from the Prime Minister to provide business perspectives on climate change in advance of the G8 Summit that will take place in Gleneagles, Scotland, in early July.

The Roundtable's statement says ''We recognize that we have a responsibility to act on climate change.'' It further acknowledges there ''is a need for further, significant efforts to reduce greenhouse gas emissions'' . . . ''because of the cumulative nature and long residence time of greenhouse gases in the atmosphere, action must be taken now.'' It also calls upon governments to establish ''clear, transparent, and consistent price signals'' through the creation of a long-term policy framework that includes all major emitters of greenhouse gases. The statement highlights the need for technology incentive programs to accelerate commercialization of low carbon technologies. Finally, the statement calls for a ''new partnership'' between the G8 countries and China, India, Brazil, South Africa, and Mexico to facilitate private investment in low carbon infrastructure.

In addition to the international industries support, I think it is very important to mention that there are now a number of U.S. industry leaders that have begun voicing their concerns for the need to take action, including GE, Duke, Excelon, Shell, and JP Morgan Chase. We welcome these and other leaders' participation and insight in this debate of worldwide consequence.

In the September 2004 issue, The National Geographic devotes 74 pages laying out in great detail the necessity of tackling our planet's problem of global warming. In an introductory piece, Editor-in-Chief Bill Allen described just how important he thinks this particular series of articles is:

> Why would I publish articles that make people angry enough to stop subscribing? That's easy. These three stories cover subjects that are too important to ignore. From Antarctica to Alaska to Bangladesh, a global warming trend is altering habitats, with devastating ecological and economic effects. . . . This isn't science fiction or a Hollywood movie. We're not going to show you waves swamping the Statue of Liberty. But we are going to take you all over the world to show you the hard truth as scientists see it. I can live with some canceled memberships. I'd have a harder time looking at myself in the mirror if I didn't bring you the biggest story in geography today.

The articles highlight many interesting facts. Dr. Lonnie Thompson of Ohio State University collects ice cores from glaciers around the world, including the famed snows of Kilimanjaro, which could vanish in 15 years. According to Dr. Thompson, ''What glaciers are telling us, is that it's now warmer than it has been in the past 2,000 years over vast areas of the planet.'' Many of the ice cores he has in his freezer may soon contain the only remains of the glaciers from which they came from.

Highlighted quotes from the articles include:

> Things that normally happen in geologic time are happening during the span of a human lifetime; the future breakdown of the thermohaline circulation remains a disturbing possibility; more than a hundred million people worldwide live within three feet of mean sea level; at some point, as temperatures continue to rise, species will have no room to run; the natural cycles of interdependent creatures may fall out of sync; and we'll have a better idea of the actual changes in 30 years. But it's going to be a very different world.

Global warming demands urgent action on all fronts, and we have an obligation to promote the technologies that can help us meet the challenge. Our aim has never been simply to introduce climate stewardship legislation. Rather our purpose is to have legislation enacted to begin to address the urgent global warming crisis that is upon us. This effort cannot be about political expediency. It must be about practical realities and addressing the most pressing issue facing not only our Nation, but the world. We believe that our legislation offers practical and effective solutions and we urge each member's careful consideration and support.

I want to describe some of the amendment's major provisions designed to enhance innovation and commercialization in key areas. These include zero and low greenhouse gas emitting power generation, such as nuclear, coal gasification, solar and other renewables, geological carbon sequestration, and biofuels:

The amendment directs the Secretary of Commerce, through the former Technology Administration, which would be renamed the Innovation Administration, to develop and implement new policies that foster technological innovation to address global warming. These new directives include: Developing and implementing strategic plans to promote technological innovation; identifying and removing barriers to the research, development, and commercialization of key technologies; prioritizing and maximizing key federal R&D programs to aid innovation; establishing public/private partnerships to meet vital innovation goals; and promoting national infrastructure and educational initiatives that support innovation objectives.

It also authorizes the Secretary of Energy to establish public/private partnerships to promote the commercialization of climate change technologies by working with industry to advance the design and demonstration of zero and low emission technologies in the transportation and electric generation sectors. Specifically, the Secretary would be authorized to partner with industry to share the costs (50/50) of ''first-of-a-kind'' designs for advanced coal, nuclear energy, solar and biofuels. Moreover, each time that a utility builds a plant based on the ''first-of-a-kind engineering'' design authorized by this amendment, a ''royalty'' type payment will be paid by the utility to reimburse the original amount provided by the government.

After the detail design phase is complete, the Secretary would be able to provide loans or loan guarantees (up to 80 percent) for the construction of these new designs, including: Three nuclear plant designs certified by the NRC that would produce zero greenhouse gas emissions; three advanced coal gasification plants with carbon capture and storage that make use of our abundant coal resources while storing carbon emissions underground; three large scale solar energy plants to begin to tap the enormous potential of this completely clean energy source;

and three large scale facilities to produce the clean, efficient, and plentiful biofuel of the future—cellulosic ethanol.

The loan program will be administered by a Climate Technology Financing Board, whose membership will include the Secretary of Energy, a representative from the Climate Change Credit Corporation, as would be created in the amendment, and others with pertinent expertise. Once each plant is operational, the private partner will be obligated to pay back these loans from the government, as is the case with any construction loan.

I think it is important to be very clear about this ambitious, but necessary, technology title. We intend that much, if not all, of the costs of the demonstration initiatives, along with the loan program, will be financed by the early sale of emission allowances through the Climate Change Credit Corporation under the cap and trade program. While we would prefer to allow for the Corporation to expend these funds directly, our budgetary process doesn't readily lend itself to allow this—direct spending is not a popular proposition these days. Therefore, the amendment authorizes the revenues generated under the program to then be appropriated for these key technology programs. However, the industry and the market will actually be footing much of the bill, not the taxpayers. And, as I already mentioned, the amendment requires that any federal money used to build plants will be repaid by the utility when the plant becomes operational.

Finally, the amendment contains a mechanism requiring utilities to pay reimbursement ''royalties'' as they build plants based on zero and low emission designs created with federal assistance. Again, this approach is more fair and certain than requiring taxpayers to cover the entire costs of these programs. But there will be some costs. That is why it is important to weigh these expenditures against the staggering cost of inaction on global warming. I think we'll find more than a justified cost-benefit outcome.

In addition to promoting new or underutilized technologies, the amendment also includes a provision to aid in the deployment of available and efficient energy technologies. This would be accomplished through a ''reverse auction'' provision, which would establish a cost effective and proven mechanism for federal procurement and incentives. Providers' ''bids'' would be evaluated by the Secretary on their ability to reduce, eliminate, or sequester greenhouse gas emissions.

The ''reverse auction'' program also would be funded initially by the early sale of emission allowances. Eventually, the program would be funded by the proceeds from the annual auction of tradeable allowances conducted by the Climate Change Credit Corporation under the cap and trade program.

I want to clarify that this amendment doesn't propose to dictate to industry what is economically prudent for their particular operations. Rather, it provides a basis for the selection and implementation of their own market-based solutions, using a flexible emissions trading system model that has successfully reduced acid rain pollution under the Clean Air Act at a fraction of anticipated costs (less than 10 percent of the costs that some had predicted when the legislation was enacted). That successful model can and must be used to address this urgent and growing global warming crisis upon us.

The ''cap and trade'' approach to emission management is a method endorsed by Congress and free-market proponents for over 15 years after it was first applied to sulfur dioxide pollution. Applying the same model to carbon dioxide and other greenhouse gases is a matter of good policy and simple, common sense. It is an approach endorsed by industry leaders such as Jeffrey Immelt, CEO of General Electric, one of the largest companies in the U.S.

Moreover using the proven market principles that underlie cap and trade will harness American ingenuity and innovation and do more to spur the innovation and commercialization of advanced environmental technologies than any system of previous energy-bill style subsidies that Congress can devise.

Three decades of assorted energy bills prove that while subsidies to promote alternative energy technologies may sometimes help, alone they are not transformational. In the 1970's, Americans were waiting in line for limited supplies of high priced gasoline. We created a Department of Energy to help us find a better way. Yet today, 30 years later, we remain wedded to fossil fuels, economically beholden to the Middle East and we continue to alter the makeup of the upper atmosphere with the ever-increasing volume of greenhouse gas emissions. Our dividend is continued energy dependence and global warming that places our nation and the globe at enormous environmental and economic risk. Not a very good deal.

Cap and trade is the transformational mechanism for reducing carbon dioxide emissions, protecting the global environment, diversifying the nation's energy mix, advancing our economy, and spurring the development and deployment of new and improved technologies that can do the job. It is indispensable to the task before us.

The Climate Stewardship and Innovation Act does not prescribe the exact formula by which allowances will be allocated under a cap and trade system. This should be determined administratively through a process developed with great care to achieve the principles and purposes of the Act. This includes assuring that high emitting utilities have ample incentives to clean up and can make emission reductions economically and that low emitting utilities are treated justly and recognized for their efficiency. Getting this balance right will not be easy, but it can and must be done.

The fact remains that, if enacted, the bill's emission cap will not go into effect for another five years. In the interim there is much that the country can and should do to promote the most environmentally and economically promising technologies. This includes removing unnecessary barriers to commercialization of new technologies so that new plants, products, and processes can move more efficiently from design and development, to demonstration and, ultimately, to the market place. Again, without cap and trade, these efforts will pale, but the new technology title we propose will work hand in glove with the emission cap and trade system to meet our objectives.

As I already mentioned, the new title contains a host of measures to promote the commercialization of zero and low-emission electric generation technologies, including nuclear, clean coal, solar and other renewable energies, and biofuels.

NATIONAL COMMISSION ON ENERGY POLICY APPROACH WILL NOT ADDRESS THE PROBLEM

We have come a long, long way in recognizing the reality of this problem. Some former skeptics not only have acknowledged that global warming is real, but agree that we have to do something about it. The challenge now is to make sure that the medicine fits the ailment, rather than to engage in half-measures that might check a political box but do nothing to actually solve the problem. As Washington proves time and again, half-measures are worse than doing nothing because they give Congress a false sense of accomplishment and merely delay the necessary, and often more difficult, actions.

It is my understanding that some members have been preparing an alternative proposal to address climate change—one which would incorporate the recommendations of the National Commission on Energy Policy. The Commission has recommended an approach that seems to be intended to initially slow the projected growth in domestic greenhouse gas emissions, but not to reduce such emissions, as our proposal would provide. And there is some question as to the extent to which emissions would be allowed to increase in the near term under the Commission's approach. It also includes what is being termed a ''safety valve'' mechanism, which is more of an escape valve, which would allow for additional allowances to be purchased to emit additional emissions. ''Pay and pollute'' is hardly the way to reducing the factors contributing to climate change.

The problem with the Commission's recommendations is that there is no guarantee that any reductions in the emissions of greenhouse gases would result. It has been demonstrated that

we could meet the Commission's emission intensity targets while still increasing our actual emissions. The emissions intensity approach is the same as that proposed by the Administration. And, as we well know, that approach is not working nor does it allow for us to join with our friends in the international community in jointly addressing this worldwide problem.

Further, the Commission's safety valve proposal precludes any interface with the international trading market which would restrict the number of market opportunities for achieving low cost reductions. The U.S. simply would be trading with itself, which makes the cost of compliance even higher.

If we look at the science of the Earth's climate system, it does not react to emission intensity, but rather, to the level of greenhouse gases in the atmosphere. So, if we are truly committed to addressing climate change, we need to act in a manner that actually addresses the related problems and not those that may make for good sound bites but are otherwise ineffective.

As we evaluate different climate proposals, the fundamental question that should be asked is: ''What is the environmental benefit?''

Under the Commission's plan, the answer could be ''none'' since, as I mentioned, the safety valve essentially allows industry to buy its way out of the problem, which of course, results in no environmental benefit. As we well know, such costs would simply be passed on to consumers, but how would be consumers benefit? Would they get cleaner air? A better environment? Furthermore by having such an ''escape valve'', the powers of innovation and technology development to substantially reduce costs is strangled. Why invest in new technologies when you have the guaranteed option to just ''pay and pollute?''

Of course, I welcome the growing level of interest and discussion by the Senate on what many have called ''the greatest environmental threat of out time.'' However, the proposal as recommended by the Commission doesn't go far enough to address that great threat. And it has the potential to generate huge costs to the taxpayers with no environmental benefit.

I want to take some time to address the amendment's nuclear provisions. Although these provisions are only part of the comprehensive technology package, I'm sure they will be the focus of much attention.

I know that some of our friends in the environmental community maintain strong objections to nuclear energy, even though it supplies nearly 20 percent of the electricity generated in the U.S. and much higher proportions in places such as France, Belgium, Sweden and Switzerland—countries that aren't exactly known for their environmental disregard. But the fact is, nuclear is, producing emissions, while the burning of fossil fuels to generate electricity produces approximately 33 percent of the greenhouse gases accumulating in the atmosphere, and is a major contributor to air pollution affecting our communities

The idea that nuclear power should play no role in our energy mix is an unsustainable position, particularly given the urgency and magnitude of the threat posed by global warming which most regard as the greatest environmental threat to the planet.

The International Energy Agency estimates that the world's energy consumption is expected to rise over 65 percent within the next fifteen years. If the demand for electricity is met using traditional coal-fired power plants, not only will we fail to reduce carbon emissions as necessary, the level of carbon in the atmosphere will skyrocket, intensifying the greenhouse effect and the global warming it produces.

As nuclear plants are decommissioned, the percentage of U.S. electricity produced by this zero-emission technology will actually decline. Therefore, at a minimum, we must make efforts to maintain nuclear energy's level of contribution, so that this capacity is not replaced with higher-emitting alternatives. I, for one, believe it can and should play an even greater role, not because I have some inordinate love affair with splitting the atom, but for the very simple reason that we must support sustainable, zero-emission alternatives such as nuclear if we are serious about addressing the problem of global warming.

In a recent editorial by Nicholas Kristof of the New York Times, Mr. Kristof made the following observation: ''It's increasingly clear that the biggest environmental threat we face is actually global warming and that leads to a corollary: nuclear energy is green.'' He goes on to quote James Lovelock, a British scientist who created the Gaia principle that holds the earth is a self-regulating organism. He quoted Mr. Lovelock as follows:

> I am a Green, and I entreat my friends in the movement to drop their wrongheaded objection to nuclear energy. Every year that we continue burning carbon makes it worse for our descendents Only one immediately available source does not cause global warming, and that is nuclear energy.

I have always been and will remain a committed supporter of solar and renewable energy. Renewables hold great promise, and, indeed, the technology title contains equally strong incentives in their favor. But today solar and renewables account for only about 3 percent of our energy mix. We have a long way to go, and that is one of the objectives of this legislation—to help promote these energy technologies.

I want to stress nothing in this title alters, in any way, the responsibilities and authorities of the Nuclear Regulatory Commission. Safety and security will remain, as they should, paramount in the citing, design, construction and operation of nuclear power plants. And the winnowing effect of the tree market, as it should, will still determine which technologies succeed or fail in the market place. But the idea that a zero-emission technology such as nuclear has little or no place in our energy mix is just as antiquated, out-of-step and counter-productive as our continued dependence on fossil fuels. Should it prevail, our climate stewardship and clean air goals will be virtually impossible to meet.

The environmental benefit of nuclear energy is exactly why during his tenure, my friend, Morris Udall, one of the greatest environmental champions the United States has ever known, sponsored legislation in the House, as I did in the Senate, to develop a standardized nuclear reactor that would maximize safety, security, and efficiency. The Department of Energy has done much of the work called for by that legislation. Now it's time for the logical next steps. The new title of this legislation promotes these steps by authorizing federal partnership to develop first of a kind engineering for the latest reactor designs, and then to construct three demonstration plants. Once the demonstration has been made, tree-market competition will take it from there. And the amendment provides similar partnership mechanisms for the other clean technologies, so we are in no way favoring one technology over another.

No doubt, some people will object to the idea of the federal government playing any role in helping demonstrate and commercialize new and beneficial nuclear designs. I have spent 20 years in this body fighting for the responsible use of taxpayer dollars and against pork-barrel spending and corporate welfare. I will continue to do so.

The fact remains that fossil fuels have been subsidized for many decades at levels that can scarcely be calculated. The enormous economic costs of damage caused by air pollution and 11 greenhouse gas emissions to the environment and human health are not factored into the price of power produced by fossil-fueled technologies. Yet it's a cost that we all bear, too often in terms of ill-health and diminished quality of life. That is simply a matter of fact.

It's also inescapable that the ability to ''externalize'' these costs places clean competitors at a great disadvantage. Based on that fact, and in light of the enormous environmental and economic risk posed by global warming, I believe that providing zero and low emission technologies such as nuclear a boost into the market place where they can compete, and either sink or swim, is responsible public policy, and a matter of simple public necessity, particularly, as we enact a cap on carbon emissions.

The Navy has operated nuclear powered submarine for more than 50 years and has an impressive safety and performance record. The Naval Reactors program has demonstrated that nuclear power can be done safely. One of

the underpinning of its safety record is the approach used in its reactor designs, which is to learn and built upon previous designs. Unfortunately for the commercial nuclear industry, they have not had the opportunity to use such an approach since the industry has not been able to build a reactor in over the past 25 years. This lapse in construction has led us to where we are today with the industry's aging infrastructure. As we have learned from other industries, this in itself represents a great risk to public safety.

I want to close my comments on the nuclear provisions with two thoughts. A recent article in Technology Review seems particularly pertinent to those with reservations about nuclear power. It stated, ''The best way for doubters to control a new technology is to embrace it, lest it remain in the hands of the enthusiasts.'' This is particularly sage advice because, frankly, the facts make it inescapably clear—those who are serious about the problem of global warming are serious about finding a solution. And the rule of nuclear energy which has no emissions has to be given due consideration.

Don't simply take my word regarding the magnitude of the global warming problem.

In 2001, President Bush wanted an assessment of climate change science. He further stated that climate change policy should be based upon sound science. He then turned to the National Academy of Sciences for an analysis of some key issues concerning climate change.

Shortly thereafter, the National Academy of Sciences reported that, ''Greenhouse gases are accumulating in the Earth's atmosphere as a result of human activities, causing surface air temperatures and subsurface ocean temperatures to rise. Temperatures are, in fact, rising. The changes observed over the last several decades are likely mostly due to human activities[.]''

As I mentioned earlier, the National Academy along with the national academies of 10 other countries are now calling for not only action, but prompt action for significant reductions in greenhouse gas emissions.

Let's also consider the warning on NASA's website which states: ''With the possible exception of another world war, a giant asteroid, or an incurable plague, global warming may be the single largest threat to our planet.''

Also consider the words of the EPA that: ''Rising global temperatures are expected to raise sea level, and change precipitation and other local climate conditions. Changing regional climate could alter forest, crop yields and water supplies[.]''

And let's consider the views of President Bush's Science Advisor, Dr. John Marburger, who says that, ''Global warming exists, and we have to do something about it, and what we have to do about it is reduce carbon dioxide.'' Again, the chief science advisor to the President of the United States says that global warming exists, and what we have to do about it is to reduce carbon dioxide!

The road ahead on climate change is a difficult and challenging one. However, with the appropriate investments in technology and the innovation process, we can and will prevail. Innovation and technology have helped us face many of our national challenges in the past, and can be equally important in this latest global challenge.

Advocates of the status quo seem to suggest that we do nothing, or next to nothing, about global warming because we don't know how bad the problem might become, and many of the worst effects of climate change are expected to occur in the future. This attitude reflects a selfish, live-for-today attitude unworthy of a great nation, and thankfully, not one practiced by preceding generations of Americans who devoted themselves to securing a bright and prosperous tomorrow for future generations, not just their own.

When looking back at Earth from space, the astronauts of *Apollo 11* could see features such as the Great Wall of China and forest fires dotting the globe. They were moved by how small, solitary and fragile the earth looked from space. Our small, solitary and fragile planet is the only one we have and the United States of America is privileged to lead in all areas bearing on the advance of mankind. And lead again, we must, Mr. President. It is our privilege and sacred obligation as Americans.

I thank Senator INHOFE. He and I obviously have fundamental disagreements, and this probably won't be the last time we discuss our fundamental disagreement.

I ask unanimous consent to print a letter from the chairman of the Environment Committee in the European Parliament in the RECORD.

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

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUNE 22, 2005.

Hon. PETE V. DOMENICI,
Chairman, Senate Energy & Natural Resources Committee, Dirksen Senate Office Building, U.S. Senate, Washington, DC.

Hon. JEFF BINGAMAN,
Ranking Member, Senate Energy & Natural Resources Committee, Dirksen Senate Office Building, U.S. Senate, Washington, DC.

DEAR SENATOR DOMENICI AND SENATOR BINGAMAN: I have reviewed a document, apparently prepared by the American Petroleum Institute (API), claiming that the United States has reduced its greenhouse gas emissions intensity more than most other European Union countries and more than the EU as a whole. Similar claims were apparently repealed on the floor of the U.S. Senate yesterday, including remarks made by Senator Michael B. Enzi of Wyoming. While we can not be absolutely sure that the EU will be able to meet its Kyoto target—and a lot of efforts still have to be done within members states to further curb emissions—this claim truly misrepresents the performance of the European Union and its member states compared to the United States. Data from the U.S. Energy Information Administration indicates the following.

From 1980 to 2002, the carbon dioxide ''intensity'' (i.e., absolute tons of carbon dioxide (CO_2) emitted per thousand dollars of gross domestic product (GDP) of the EU–15 has fallen by 34 percent, from 0.52 to 0.34, From 1980 to 2002 US carbon dioxide ''intensity' has fallen from 0.99 to 0.62, i.e., by 38 percent. Thus, U.S. carbon dioxide ''intensity'' has indeed fallen slightly faster than Europe's.

However, America's carbon dioxide ''intensity'' of 0.62 tons of carbon dioxide emissions per thousand dollars of GDP is still nearly double that of the European Union (0.34), meaning that the U.S. economy is only about half as efficient from the point of view of carbon content as that of Europe. To reduce carbon intensity in the U.S. thus is much easier—and costs much less—than what is the case in the EU.

Furthermore, what matters to the atmosphere and to the world in terms of climate change is not ''intensity, but total emissions of greenhouse gases. Over the period 1980 to 2002, U.S. total emissions of carbon dioxide increased 20.9 percent from 1980, while total carbon dioxide emissions in Europe rose by only 8.6 percent. If we look at the more recent period, namely developments from 1997 to 2002, U.S. total emissions of carbon dioxide from fossil fuel combustion increased from 5543.28 million metric tons (MMT) to 5749.41 MMT—this is by 206.13 MMT, or more than twice the total emissions of Greece. Total carbon dioxide emissions from fossil fuel combustion in Europe rose by only 145.06 million metric tons of carbon dioxide during that same period (from 3307.16 MMT in 1997 to 3452.22 MMT in 2002). And, U.S. total emissions of carbon dioxide are nearly two-thirds higher (66.5 percent) than Europe's, despite the fact that the EU has about 91 million more people than the United States.

Six months ago, the European Union launched the world's first-ever regional cap and trade market for cutting greenhouse gas emissions. While in its infancy, that market, together with other programs that the EU has instituted, is beginning to provide powerful incentives for EU companies to boost their economic growth while cutting their greenhouse gas emissions. Parallel to that a series of policy instruments have been introduced to encourage our citizens to use energy in a more efficient way. As already stated, we do experience problems in several member states when it comes to meeting the Kyoto target. Emissions in the transport sector cause particular concern and we are currently discussing ways and means both to encourage greater use of bio-fuels and to enhance fuel-efficiency for new cars. But in general terms I believe our climate action program has to be considered a model for how to go about emissions reductions in both a responsible and cost-effective way.

From the European Parliament point of view we very much welcome contacts and dialogue with the U.S. Congress on issues related to climate change. We strongly believe there is a need to improve cooperation between Europe and the U.S. on this issue. We welcome any opportunity for dialogue with members of the U.S. Congress. I should mention that some of us will participate in a one-day conference in London on July 3rd—on the invitation by Globe—where parliamentarians from all over the world will come together and discuss climate change. Regretful as it is, as of today we have no U.S. participants confirmed. Another opportunity for dialogue might be a conference in Washington, DC in September 20–21—the Trans-Atlantic Dialogue on Climate Change—organized by Environment Defense in close cooperation with the European Commission.

I understand that you are currently holding hearings on energy and climate-related subjects. I respectfully request that this letter can be made a part of the Record of your deliberations so as to avoid any misconceptions about climate policy in Europe. Looking very much forward to future contacts with you on these important issues!

HON. ANDERS WIJKMAN,
Member of European Parliament.

Mr. MCCAIN. This is a letter to Senator DOMENICI and Senator BINGAMAN from the chairman of the Environment Committee of the European Parliament. Basically, it says—astonishingly, I am shocked—I have reviewed a study prepared by the American Petroleum Institute, that unbiased bystander on this issue, ''claiming that the United States has reduced its greenhouse gas emissions intensity more than most other European Union countries and more than the EU as a whole. Similar claims were apparently repeated on the floor of the U.S. Senate yesterday, including remarks made by Senator Michael B. Enzi . . . While we can not be absolutely sure that the EU will be able to meet its Kyoto target . . . this claim truly misrepresents the performance of the European Union and its member states compared to the United States,'' which it does.

It should surprise no one that the American Petroleum Institute would put out less than an objective study.

Yesterday, Senator VOINOVICH and others referred to analysis by Charles River Associates concerning our climate change amendment, stating it would result in the loss of 24,000 to 47,000, blah, blah, blah. I think it is important to know that the Charles River Associates study was funded by an outfit called United for Jobs, Americans for Tax Reform, and various other industry-related entities, including petroleum-related organizations. It is based on totally false assumptions, including assuming a 70-year time line. I ask unanimous consent that a rebuttal to the Charles River Associates climate stewardship assumption article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHARLES RIVER ASSOCIATES AND CLIMATE STEWARDSHIP: ASSUMPTIONS DO MATTER

In recent months, a group of industry-funded nonprofits, United for Jobs 2004, has commissioned an economic analysis of the Climate Stewardship Act that was performed by Boston consulting group Charles River Associates (CRA).

Any economic model is, in essence, a machine; it receives an input, processes it, and produces a conclusion based on the input. In any economic model, the modeling assumptions are the key input—by telling the model what sort of economic conditions to model, they set the terms of economic analysis and determine to a very large extent the conclusions produced by the model. The chart below examines the assumptions that underpin the economic analysis commissioned by the United for Jobs campaign.

What is the assumption?	Why is this important?
A 70-year timeline: The study locks in today's market conditions to an economic analysis that spans 70 years.	In fact, economists rarely attempt to forecast economic impacts beyond a 10–20-year horizon because the national economy is such a complex system. Attempting to assign a 70–year cost horizon to the Climate Stewardship Act today is just as futile an effort as it would have been to assign a 70-year cost horizon to a telecommunications policy in 1934. Imagine it: using Charles Rivers Associates' method, those Depression-era regulators would have calcuated policy cost on the basis of primitive 1930s telephone technology over a timeline that would ultimately see the invention of computers, mobile phones, the internet, fax technology, e-mail, and even wireless access.
An innovation-free economy: The CRA analysis assumes that industry complies with the bill by using year 2004 technologies for the next 70 years.	Tomorrow's technologies aren't incorporated into the model because they don't yet exist and thus can't have a cost assigned to them. For example, the model incorporates a cutting-edge clean-coal technology available today, but assumes that it will continue to exist until 2070 at today's prices, which is $300/ton of carbon.
Catastrophic business decisions: The model assumes that businesses will respond to the new policy by making catastrophic business decisions such as retiring coal-fired power plants prematurely and mothballing other valuable capital.	Past experience with market-based policies gives no reason to assume irrational business behavior. Following the 1990 Clean Air Act Acid Rain Program, for example, energy companies have invested heavily in new technology while continuing to boost electric generation at a robust rate. Key success factors in ensuring a reasonable climate for business are policy certainly and lead time to accommodate the policy changes.
Personal income taxes increase to stabilize the government: In CRA's model, big personal tax increases prop up the federal government as the economy takes a nose dive.	By CRA's own account, this single assumption increases the consumption costs of the bill by 60 percent. No precedent exists for this response to climate policy cost. Moderate cost and lead time for industry to adapt to policy changes are, again, critical.
70 years of tight natural gas supply: The CRA model assumes that current natural gas market conditions remain in place for 70 years.	Proven world gas reserves are over 200 times U.S. annual consumption. Availability of gas is a function of production capacity, not the availability of the fuel itself. Presently, natural gas markets are responding to increased demand by increasing supply, both domestic and imported.
No international market for carbon reductions: The U.S. never joins the global market for carbon reductions.	As numerous studies have shown—and common sense dictates—international emissions trading drives down the cost of emlssions reductions dramatically by allowing companies to take advantage of cost-effective opportunities to reduce emissions, wherever in the world they may be found. It is inconceivable that American businesses will forever be denied these cost-reducing opportunities.
No new state or federal requirements to reduce air pollution: The model assumes that Congress and the states do not act to improve air quality for the next 70 years.	At this moment, both Congress and the Administration are deeply engaged in an effort to update—and increase—the limits on domestic air pollutants. These new pollution limits will have some carbon impacts. The current policy changes are not assumed in this analysis, nor are any other policy updates during the next 70 years.
No growth in renewable energy: The model assumes that the demand for and supply of renewable energy remains unchanged from today's levels, for the next 70 years.	The year 2004 saw a massive increase in the attention to and development of renewable energy. With the ratification of the Kyoto Protocol, Europe and the industrialized world are placing a premium on renewables, and the demand for these technologies is expected to grow dramatically in the future.
No new efficiency requirements: CRA's analysis assumes that no new efficiency requirements are enacted for the next 70 years.	State and federal policymakers are, in fact, continuing to update energy efficiency requirements. The state of Maine, for example, is at work on a bill to join other northeast states in adopting California's newest energy efficiency requirements for a host of consumer products. These exceed current federal requirements, which were also updated in recent years.
No state actions on global warming: The model assumes no state actions that contribute to reductions in greenhouse gas emissions.	States from Maine and Connecticut to Oregon and Idaho have enacted state-level policies and initiatives to reduce greenhouse gases. CRA's model assumes that none of these policies reduces emissions, even though the northeast states in particular are actively developing a multi-state emissions trading program to reduce greenhouse gases.
A misrepresentative ''high cost'' projection: The CRA study contains a ''high cost'' projection that is based on provisions not found in the Climate Stewardship Act.	The ''high cost'' projection assumes that greenhouse gas emissions will be 80 percent below 1990 levels in the year 2050. This is a level never contemplated in any bill introduced in Congress, and wildly off the mark with respect to the Climate Stewardship Act. The Climate Stewardship Act caps emissions at year 2000 levels,
No reductions in non-CO_2 gases: The CRA analysis does not recognize the possibility of reducing non-CO_2 gases under the bill.	Numerous studies have shown that allowing reductions in so-called ''non-CO_2 gases'' reduces overall costs of greenhouse gas reductions dramatically. The Climate Stewardship Act allows use of these low-cost reductions.

Mr. MCCAIN. The analysis is clearly flawed, and we all know that it is flawed. Of course, this is what we always hear whenever there is a proposal that would improve our environment and our lives and others. It is the apocalypse now.

I would like for my colleagues to take note from this well-known sensationalist rag on the supermarket shelves, the National Geographic, which published probably one of the more comprehensive and in-depth pieces ever done called ''Global Warming, Bulletins From a Warmer World.'' The National Geographic, as they usually do, does an incredibly in-depth job to describe what is already happening and what will be happening in the future.

It reads, in part:

The climate is changing at an unnerving pace. Glaciers are retreating. Ice shelves are fracturing. Sea level is rising. Permafrost is melting. What role will humans play?

I hope my colleagues, when they have a chance, will read that.

I would like Members to look at this picture. This is Lake Powell. It was down to its lowest level since it was built. We did get some rain this winter, and there has been some change. A heat-damaged reef in the Indian Ocean offers poor habitat for passing fish. In fact, as I mentioned earlier, the Great Barrier Reef is predicted to be dying. This once was a lake, Lake Chad in Africa. The pictures go on and on. But perhaps one of the most important, of course, is the Arctic icecap. We know that the Arctic and the Antarctic are the miner's canary of what is going on. This clearly shows in 1979 the polar icecap. And it shows in 2003 the rather dramatic reductions. Also things are happening in Greenland which are significant and alarming.

These are the CO_2 records from 2004. The debate about the hockey stick is becoming one that is irrelevant because, unfortunately, we are seeing this dramatic increase.

I would like to return for a minute to the joint science academies' statement, ''Global Response to Climate Change'':

There will always be uncertainty in understanding a system as complex as the world's climate. However, there is now strong evidence that significant global warming is occurring.

Mr. President, the Senator from Idaho mentioned that scientists from India and the Chinese also signed onto this, as if they were complicit. The fact is they are scientists first, and they are from China and India; they are as alarmed about this as anyone else should be.

Two weeks ago, the National Academy of Sciences, the national academies from the G8 countries—this was not 9 years ago but 2 weeks ago—said:

The scientific understanding of climate change is now sufficiently clear to justify nations taking prompt action. It is vital that all nations identify cost-effective steps that they can take now to contribute to substantial and long-term reduction in net global greenhouse gases.

That is why I appreciate the amendment of the Senator from Nebraska, which recognizes there is a problem. But we have to take prompt action now.

Mr. President, I have a fact sheet on myth versus fact that responds to some of the statements made on the floor. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Myth: Most EU–15 countries are way above emissions targets

Fact: The European Environmental Agency (EEA) recently concluded that the EU is on schedule to meet its Kyoto targets. This report analyzed existing and planned policies, including the Kyoto emissions trading measures.

When only previously implemented policies were evaluated, the EEA calculated that the EU would not reach its Kyoto targets—reaching 1%, rather than 8%, below 1990 levels. Planned policies such as domestic EU policies (accounting for greater than 7% reductions alone) and international emission reduction projects (for which funds have already been allocated), however, will enable the EU to exceed its 8% goal.

Myth: The U.S. beats the EU in reducing GHG emissions

Fact: While the U.S. emissions intensity decreased by 17.4 percent in the 1990s, U.S. global warming pollution grew by 14. At the same time, the EU decreased their global warming pollution by 4 percent. Greenhouse Gas intensity does not measure the quantity of global warming pollution reduced. GHG intensity is defined as the ratio of total global warming pollution to total gross domestic product.

Myth: U.S. CO_2 emissions don't come from industry

Fact: Forty percent of energy-related CO_2 comes from power plants. As a sector, industry accounted for 28.8 percent (1,666.2 million metric tons of CO_2) of total U.S. energy-related CO_2 emissions in 2003, reported the DOE's Energy Information Administration. In the same year, energy related carbon dioxide emissions did not change for the industrial sector because industrial output only grew by 0.2 percent in the year. While the largest growth in CO_2 emissions is not from industry, the sector nonetheless is responsible for a significant portion of U.S. CO_2 emissions.

Myth: Future global GHG emissions will come from developing countries

Fact: The United States is currently responsible for 25% of global warming pollution, while less than 5 percent of the global population resides here. U.S. per capita emissions are 5 tons of carbon per year, while Europe and Japan emit 2–5 tons of carbon per year per capita. By comparison, the developing world average per capita is about 0.6 tC/year. In order to stop global warming, the world will need to reach an average of 0.3 tC/year per capita for a population of ~ 10 billion people by the end of the century. [Kammen et al.]

In addition, in the last century, developed countries were responsible for 60 percent of the net carbon emissions that have caused global warming. The United States alone contributed 30 percent of the total from 1900–99. By comparison, China was accountable for only 7 percent and India for 2 percent.

Myth: Industry voluntary actions are sufficient.

Fact: The United States has tried a range of domestic and international voluntary efforts to reduce global warming pollution over the past decade, but U.S. emissions have continued to rise. The fact is voluntary programs alone will not stop the rise in emissions. Because the Hagel amendment relies exclusively on voluntary programs, it won't work either.

Myth: Global warming emission limits should not be part of the energy bill because it will undercut economic growth.

Fact: Climate policy is essential for a secure and strong U.S. economy, as well as a healthy environment. A carbon emissions cap would encourage U.S. corporations to innovate, develop new, competitive technologies for the global market and be world leaders in new energy technology. Technological innovation in energy efficiency and renewable energy will stimulate job growth, energy independence and investments in research and development.

Political incentives to develop new clean technology will provide the certainty that U.S. companies need in order to make rational investments in long-lived assets. As the energy infrastructure in the U.S. ages and we are ready to replace it, building low and no-carbon technologies now is economically essential. By planning ahead, we will prevent costing our companies a lot more in mitigation costs when they have to retrofit or shut down fossil fuel plants due to inevitable future global warming policy. Being a leader in technological development of low and no-carbon energy technology is in fact essential to U.S. economic growth.

Myth: Current energy policy is sufficient as is. Limiting fossil fuel use will undermine this policy.

Fact: Limiting carbon pollution will strengthen the new national energy policy, which, in its current form, is insufficient to increase U.S. energy security and to protect against the threat of global warming. American companies are currently losing out on billions of dollars in profits because current U.S. energy policy has failed to provide sufficient political incentives for cleantech innovation.

Wind power, solar photovoltaics and fuel cell and hydrogen infrastructure are high-growth markets, in which U.S. companies are not the technological leaders. Solar and wind power have each grown by more than 30% annually since 2000, growth rates that are more common in such high-tech markets as personal computers and the Internet. Yet, in the past 10 years, the United States went from owning 50% of the solar PV market to 10%. The U.S. economy will be more secure if we invest in technologies that reduce our dependence on fossil fuels and will be stronger if we compete with the European and Japanese companies in the profitable clean-energy market.

Myth: The United States should not implement global warming policy until developing nations commit to such policies as well.

Fact: More than one hundred and forty nations globally have agreed to collaborate and make real reductions in global warming pollution. Simply because the U.S. passes legislation different from the rest of the world's climate policy does not mean that we are going at it alone. In fact, all proposed climate amendments are far less stringent than the mandates in the Kyoto Protocol.

The United States is responsible for more than a quarter of world's carbon dioxide emissions—more than China, India and Japan combined. While developing countries' emissions are increasing, it will be impossible to stop global warming without the world's largest polluter taking action.

Domestic climate policy will create jobs in the U.S. and save American consumers billions of dollars, in addition to enabling U.S. companies to regain technological dominance in the renewable energy sector. The renewable energy sector ''generates more jobs per megawatt of power installed, per unit of energy produced, and per dollar of investment, than the fossil fuel-based energy sector [mining, refining, utilities],'' concludes Kammen et al from the University of California at Berkeley.

Myth: Creating CO_2 Limits would be Extremely Costly.

Fact: EIA's high cost estimates are based on an unrealistic scenario in which the U.S. does not increase renewable energy generation, fails to implement responsible energy policy and does not utilize carbon capture technology.

The Climate Stewardship Act provides a market-based solution to climate policy. The Tellus Institute analyzed the bipartisan Climate Stewardship Act using a modified version of the Energy Information Administration's (EIA) NEMS model. They calculated the net savings to consumers as a result of this Act will reach $30 billion annually from 2013 through 2020. A different study by MIT economists found that the cost to the economy will be a modest $15-$19 per household per year from 2010–2020. Measured in terms of the impact on household purchasing power (defined as welfare costs), this is only 0.02 percent of business-as-usual consumption levels from 2010 onward.

Global warming policy will help U.S. companies profit from the high-growth clean-energy market, currently estimated at $12.9 billion. It is projected that by 2013, the combined solar photovoltaics, wind power and fuel cells and hydrogen infrastructure market will represent a $92 billion market [Clean-edge]. Without the political incentive to invest in global warming technology, European and Asian technological innovation will out-compete American companies

Myth: The President's plan is sufficient.

Fact: President Bush's voluntary global warming plan does not attempt to address climate concerns. It is far from sensible, putting U.S. companies at a competitive disadvantage in the global high-growth clean energy market and allowing emissions of heat-trapping pollutants to continue growing indefinitely at exactly the same rate they have grown over the last 10 years. The president has used a misleading emissions ''intensity'' metric that disguises more pollution, not less.

The United States has tried a range of domestic and international voluntary efforts to reduce global warming pollution over the past decade, but U.S. emissions have continued to rise. The fact is voluntary programs alone will not stop the rise in emissions. Because the Bush global warming plan relies exclusively on voluntary programs, it won't work either.

Most of the president's proposed spending is only a continuation of past work on the science of climate change.

Bottom line: Under the Bush plan, emissions in 2012 will be 30 percent above 1990 levels and still rising.

Myth: Climate Mandates are Not Scientifically Justified.

Fact: As USA Today put it on their June 13 front page, ''The debate's over. Globe is warming''.

This headline reflects the mainstream scientific consensus that humankind has induced global warming. Scientists are virtually certain that CO_2 pollution from fossil fuel burning is the dominant influence on observed global warming during the last few decades. Last week, the National Academy of Sciences and science academies of 10 other nations, said there is ''significant global warming'' and called for ''an immediate response'' and ''prompt action'' to reduce global warming pollution. They warned, ''Failure to implement significant reductions in net greenhouse gas emissions now, will make the job much harder in the future''

The preponderance of scientific evidence concludes the following:

The warming in the late 20th century is unprecedented in the last 1000 years.

Seven of the ten warmest years in the past century were since 1990, and NOAA concluded that 1998 was the hottest year on observable record.

Simulations of climate using solely natural climate variability do not recreate or parallel actual climate changes which have occurred over the last 50 years.

Natural climate variability can not be the cause of the rapid increase and magnitude of change in Earth's temperature. The effect of natural phenomena, such as solar variability, is quite small in comparison to the effect of heat-trapping pollution added to the earth's atmosphere, concluded the Intergovernmental Panel on Climate Change (IPCC), a group comprised of the 2,500 of the world's most prominent climate scientists, economists and risk analysts. Additionally, the net effect of natural climate factors for the past two, and possible four, decades is negative—a cooling effect.

The mainstream global scientific consensus is that humankind has induced global warming. Sallie Baliunas and Willie Soon are the two ''climate contrarians'' at the Harvard-Smithsonian Astrophysical Center who challenged this accepted conclusion and declared that there was a Middle Age Warm Period. They received $53,000 for this study from the American Petroleum Institute, the oil and gas industry's primary trade organization. Their methodology is fundamentally flawed and their claims are inconsistent with the preponderance of scientific evidence.

Myth: Scientific Review has Discredited the Underlying Study (''hockey stick'' report) on Warming.

Fact: Scientists' conclusion that humans have induced climate change is based on many scientific reports, computer models and analyses. For example, a recent study by NASA, Columbia University and DOE scientists has been called the ''smoking gun'' of global warming. This report showed a clear energy imbalance—the planet is absorbing one watt more of the sun's energy, per square meter, than what is radiated back into space. This increase in energy will accumulate and warm the earth's atmosphere.

The review by ''climate contrarians'', McIntyre and McKitrick, who attempted to challenge mainstream scientific consensus and Michael Mann's analysis, wholly misrepresented the results of the model. McIntyre and McKitrick did not follow standard scientific protocol, and they omitted key data for the period 1400–1600. http://www.berlinwind.org/environment.html has more description of Mann's report.

Myth: Greenhouse Gas emissions are not Pollutants.

Fact: Carbon dioxide is without a doubt a pollutant in the quantities that humans are releasing it into our air. Generally, a pollutant is defined as an ''undesirable state of the natural environment being contaminated with harmful substances as a consequence of human activities''. Global warming pollution is also considered pollution under the Clean Air Act. The act says that an air pollutant is any ''physical, chemical, biological, [or] radioactive . . . substance or matter which is emitted into or otherwise enters the ambient air'' (CAA, sec. 302(g)). CO_2 is, therefore, a pollutant under the Clean Air Act, as well as in the real world.

Carbon dioxide is, and will continue to be, the cause of significant health impacts. According to the EPA, the prevalence and severity of particular diseases depends largely on the local climate. Extreme temperatures can be directly lethal (in the U.S., twice as many people die from the heat as from the cold). Indirectly, infectious diseases such as malaria and yellow fever, which once only appeared in warmer equatorial regions, will travel northward as mosquitoes follow the warmer temperatures to the north. Moreover, hotter temperatures can increase air and water pollution, which indisputably cause asthma attacks, lung disease and other serious health effects.

Large and rapid climatic changes are already causing extreme weather patterns, heat waves, rising ocean temperatures and acidity, coral reef destruction, early snow melts and noticeable ice-cap and mountain glacier thaws. Hotter temperatures will continue to lead to coastal and island submersion, disturbances to food production levels and unpredictable changes to ocean and atmospheric circulation.

While directly breathing CO_2 is not a concern for this pollutant, certainly the effects of the rapid buildup of the gas in the atmosphere because of human energy use is arguably the largest environmental threat to humankind in the history of civilization.

Myth: The ''Poison Pill'' Climate Amendment.

Fact: This is a circular argument, asking Members of Congress to oppose the climate amendment because Members of Congress oppose the climate amendment.

Without climate policy, the energy bill will not significantly reduce oil dependence or address global warming. A market-based solution such as the Climate Stewardship Act provides the economic opportunities and real emissions limits that must be included in a strong energy bill.

Myth: A ''methane-first'' strategy is more cost-effective than reducing carbon dioxide.

Fact: It is true that on a pound for pound basis, methane is a much more powerful greenhouse gas than carbon dioxide, and it should be controlled. However, carbon dioxide is the primary concern for global warming because of the massive quantities of it released from burning fossil fuels. Carbon dioxide's concentration in the atmosphere is now over 360 parts per million, higher than at any time during the last 400,000 years.

Myth: Greenhouse gas caps are bad for the strained supply of natural gas.

Fact: A key finding of the Tellus Institute analysis of the Climate Stewardship Act is that natural gas prices would decrease with a policy that limits global warming pollution in conjunction with targeted complementary policies. When the emissions cap is accompanied by energy efficiency measures and demand response policies, the EIA NEMS model shows a slight decrease in the price of natural gas relative to the base case. The complementary policies that contribute to cost-effective implementation of the Climate Stewardship Act include energy efficiency investments funded by allowance sales under the Act, renewable energy standards, and promotion of combined heat and power systems.

Mr. MCCAIN. Mr. President, I don't think it is likely that we will win this vote. I don't count votes, but I have been around here long enough that I can pretty well ''take the temperature of the body.'' It is rising. That is a bad metaphor that I can probably tell what is going to happen in our vote counts. All I can do is assure my colleagues that the first time Senator LIEBERMAN and I came to the floor, there was no document from any scientific group that was as definitive as was issued 2 weeks ago by the National Academy of Sciences.

The next time Senator LIEBERMAN and I are on the floor—and we will be back—there will be even more definitive statements by the world scientific community, more manifestations of this terrible calamity that is besetting this great world of ours, and over time we will win. I am very confident of that because we must act.

As far as Kyoto is concerned, Senator LIEBERMAN and I know India and China would have to join as a condition for the United States to be even part of it, and the treaty itself may have to be modified to some degree. The reason why I worry is not because of the fact that I am not confident we will win; I am worried about what happens in the meantime. The condition was far less serious the first time Senator LIEBERMAN and I took up this issue. The first time we had a hearing in the Commerce Committee 6 years ago, it was a problem. Now it is rapidly approaching a crisis of enormous proportions. So I worry that delay means further enormous challenges to make sure the environment of this Earth is not suffering permanent damage.

I urge my colleagues, after this vote, to get briefed, to get information, travel with us, do what you can to ascertain what is happening on the Earth. I think the next time we are on the floor, we will gain a majority.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I thank my friend and colleague and partner in this cause, Senator MCCAIN, for his persistent, principled leadership. It is an honor to fight alongside him on behalf of what we believe is right for future generations of Americans—our kids and grandkids.

As I have listened to the debate in the Senate—particularly, with all respect, listening to some of the opponents of this amendment—I keep thinking of a song by Bob Dylan, from a younger time in my life. I apologize to the great Dylan if I have the lyrics a little wrong, but it was generally along the lines of:

> Come Senators, Congressmen, please heed the call. Don't stand in the doorway, don't block up the hall.

The theme was that the times are rapidly changing. What is rapidly changing in our times is the temperature on this planet that God has given us. It is changing with observable, bad consequences, and it is changing as a result of what we humans are doing. The science is changing to be clearer

and clearer that global warming is a problem.

What is not changing is the failure of some of my colleagues to recognize that science. Senator MCCAIN is right. We fought hard again, but we are not going to win this vote. As he said earlier, the real losers here are our children and grandchildren. If we don't act soon, they are going to inherit a planet that is not going to be as hospitable as the one we were given by our parents and grandparents. The fact is, however, that I see something hopeful changing around this Senate, and it is an increasing recognition that global warming is a real problem. Some of our friends may go back to those old arguments. You can always find one scientist who disagrees with the great majority of them. But there is a prevailing, powerful consensus internationally that global warming is real. I see that consensus now being expressed in the Senate.

When Senator MCCAIN and I started on this effort to have America do something to reassert its moral leadership in the global battle to stop the planet from warming dangerously, some people said we were ''smoking something'' or that we were ''Chicken Littles.'' That has changed now. Now people are saying: Yes, we agree with you that there is a problem. But we think you are going at it the wrong way. You are trying to do too much too soon. I took heart from the statement by Senator DEWINE of Ohio, who came to the conclusion, based on thoughtful consideration, that the science tells him this planet is warming, and he doesn't want to look back at the end of his service and say he didn't do anything about it. He is not ready to support the bill. He has a couple of changes he wants to make. Senator DOMENICI basically said the same thing.

The science is compelling. Global warming is real. And colleague after colleague, including Senator FEINSTEIN of California, Senator AKAKA of Hawaii, Senator NELSON of Florida, has come to the floor and said that they see it in their statements. They see with their own eyes the impact that global warming is having. Senator CARPER brought pictures his friend had taken of glaciers melting over a period of years.

The question is, Are we going to change quickly enough to deal with this problem before it has catastrophic consequences? The science is real. Costs? Well, again, you could find economists—the old line is if you lined up end by end all the economists in the world, they would not reach a conclusion. An MIT study said if our amendment was adopted, it would add $20 a year per household to the cost of living. Isn't that worth it to save our children and grandchildren on this planet so they can enjoy it as we have?

Times are changing in the business community. Listen to Wayne Brunetti, CEO and chairman of Xcel Energy, Inc., who says:

> Give us a date. Tell us how much we need to cut. Give us the flexibility to meet the goals, and we will get it done.

Linn Draper, former chairman and CEO of American Electric Power, says:

> Climate change is a challenge facing both business and policymakers. Early action represents a commonsense approach that can begin the process of lowering emissions along a gradual, cost-effective glidepath.

Steve Percy, former chief executive of BP America, said:

> Some companies feel if we don't act soon in the United States, we may be missing out on opportunities to innovate and to develop the technologies that will address these problems in the future. On top of that, I think this is a recognition on the part of some of these leading companies that public opinion is slowly beginning to shift on these issues. They want to be able to say in the future that they were progressive on this issue.

Senator MCCAIN and I have worked a long time with a lot of people in the business and environment and scientific and political worlds to present this proposal. It is no more perfect than anything fashioned by human beings, but we think it is the only real opportunity the Senate will have in this session—on this bill certainly—to do something real about global warming. That is what this is about. Not only do you recognize that there is a problem—there is—are you willing to work to do something about it? If you are, you will vote for this amendment.

I quoted Jonas Salk yesterday when we began the debate, the discoverer of the polio vaccine. He said something to this effect: One of the most important things for anybody to do in life is to be a good ancestor. We must be good ancestors, which is to say that the generations who follow us will look back at us and ask: Were they good ancestors? Did they turn the world over to us in better condition than they received it. If we don't do anything about global warming, we are going to turn this world over to our children and grandchildren in a much worse condition than we received it. I end not with science, not with economics, not with politics because the times are changing, and eventually the Senate will change with those times and catch up with the reality and the American people. Finally, we are blessed to live on God's good Earth, and at the beginning in the Book of Genesis, God instructed Adam and Eve to not only work the garden but to guard it. We are working the garden but not guarding it as well as we should be.

This amendment will help us to do that.

I yield the floor.

The PRESIDING OFFICER. The minority leader.

Mr. REID. Mr. President, I will use my leader time.

Mr. President, global warming constitutes one of the greatest challenges of our time. I believe that. Greenhouse gas emissions from the burning of fossil fuels have threatened not only our environment but also our economy and public lands. Should we continue unabated our current rate of polluting, we threaten to disrupt the delicate ecological balance on which our livelihoods and our lives depend.

Addressing this growing environmental threat demands strong leadership. I am afraid such leadership has been sorely lacking by this administration. Instead, the White House has been doctoring information about global warming in reports by Government scientists. A White House senior official named Philip Cooney, removed or adjusted descriptions of climate change research that scientists had already approved. Mr. Cooney previously worked as a lobbyist for the American Petroleum Institute before joining the administration in 2001. A few days after resigning from the administration, Mr. Cooney had the audacity, and ExxonMobil had the misfortune and the inability to see how wrong they were, they hired him. ExxonMobil hired him—the same ExxonMobil that has opposed measures to reduce greenhouse gas emissions and has funded groups of global warming skeptics.

It is time for the administration to bypass the filtering by White House officials and hear directly from the scientists, the international community, corporations, and a growing number of Republicans who are calling for a Federal policy to reduce global warming pollution.

The President is increasingly isolated on this issue, as highlighted recently in a number of ways. First, in advance of the G8 summit next month, the National Academy of Sciences and the equivalent organizations from 10 other countries said last week:

> The scientific understanding of climate change is now sufficiently clear to justify nations taking prompt action. It is vital that all nations identify cost-effective steps that they can take now to contribute to substantial and long-term reduction in net global greenhouse gas emissions.

Even ''The Terminator,'' California Governor Arnold Schwarzenegger, recently said, ''The debate is over,'' and announced a goal of cutting the State's emissions by 80 percent by the year 2020.

A bipartisan group of mayors from 158 American cities issued a statement calling on the Federal Government to reduce global warming. The mayors, who represent 32 million people, acknowledged the clear public mandate to address this issue and opined that reducing greenhouse gas emissions will help ensure our energy security for this country.

Even industry is breaking ranks with the White House. General Electric, one of the largest companies in the Nation, if not the largest, recently joined a growing list of businesses calling on the Federal Government to provide stronger leadership on global warming. Fortune 500 companies, such as Alcoa, British Petroleum, DuPont, Eastman Kodak, IBM, Intel, Johnson & Johnson, and Nike, to name a few, have all made significant reductions in their greenhouse gas emissions.

The United States accounts for about 4 percent of the world's population. Yet it is responsible for more than 25 percent of the world's global warming pollution. U.S. leadership on global warming is critical to building international support for future global reductions, and America's industry needs to be part of the solution to drive the technology that will make technology solutions feasible to all nations. We must set the example.

The McCain-Lieberman amendment would cap greenhouse gas emissions in 2010 at 2000 levels and establish a mandatory economywide cap-and-trade program. The amendment would limit emissions of global warming pollutants by electric utilities, major industrial and commercial entities, and refiners of transportation fuels.

The amendment would allow businesses to devise and implement their own solutions using a flexible emissions trading system that has successfully reduced acid rain pollution under the Clear Air Act at a fraction of anticipated costs. By setting reasonable caps on emissions and permitting industry to trade in pollution allowances, this creates a new market for reducing greenhouse gases. We cannot afford to defer action to address global warming.

I commend and applaud these two great Senators for joining together to bring to the attention of the Senate a world problem that takes the United States, via example, to solve.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER (Mr. COBURN). Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 826, as modified. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD), and the Senator from North Dakota (Mr. DORGAN) are necessarily absent.

The result was announced—yeas 38, nays 60, as follows:

[Rollcall Vote No. 148 Leg.]

YEAS—38

Akaka	Gregg	Murray
Bayh	Inouye	Nelson (FL)
Biden	Jeffords	Obama
Bingaman	Johnson	Reed
Cantwell	Kennedy	Reid
Carper	Kerry	Rockefeller
Chafee	Kohl	Salazar
Clinton	Lautenberg	Sarbanes
Collins	Leahy	Schumer
Corzine	Lieberman	Snowe
Dodd	Lugar	Stabenow
Durbin	McCain	Wyden
Feinstein	Mikulski	

NAYS—60

Alexander	Burr	DeMint
Allard	Byrd	DeWine
Allen	Chambliss	Dole
Baucus	Coburn	Domenici
Bennett	Cochran	Ensign
Bond	Coleman	Enzi
Boxer	Cornyn	Feingold
Brownback	Craig	Frist
Bunning	Crapo	Graham
Burns	Dayton	Grassley
Hagel	Lott	Smith
Harkin	Martinez	Specter
Hatch	McConnell	Stevens
Hutchison	Murkowski	Sununu
Inhofe	Nelson (NE)	Talent
Isakson	Pryor	Thomas
Kyl	Roberts	Thune
Landrieu	Santorum	Vitter
Levin	Sessions	Voinovich
Lincoln	Shelby	Warner

NOT VOTING—2

Conrad	Dorgan

The amendment (No. 826), as modified, was rejected.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BINGAMAN. 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. BINGAMAN. Mr. President, I understand Senators SPECTER and ALLARD would like to speak. I ask unanimous consent they be recognized to speak for up to 10 minutes each and I then be recognized to call up my amendment, numbered 866.

Mr. INHOFE. Reserving the right to object, do we have a time agreement on your resolution?

Mr. BINGAMAN. Mr. President, there is no time agreement entered. I am glad to enter into an hour-long time agreement, equally divided, if that is acceptable.

Mr. INHOFE. How about 20 minutes, equally divided, and I yield back my time.

Mr. BINGAMAN. I believe myself, Senator DOMENICI, and perhaps Senator SPECTER wish to speak on my amendment. I hesitate to limit it to 10 minutes if that is what the Senator is suggesting.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BINGAMAN. 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. BINGAMAN. Mr. President, let me restate the request. Senators SPECTER and ALLARD would like to speak. I ask unanimous consent they be recognized to speak for up to 10 minutes each. Following that, the Senator from Oklahoma and I would have time equally divided on the modified Bingaman amendment, numbered 866, and a vote would occur in relation to that amendment at 5:30, with no amendments in order.

Mr. WARNER. Reserving the right to object, I would like to get into the queue. I am here to accept the manager's request. My amendment is filed. The Senator from Tennessee is my cosponsor. Could we follow the Senator?

Mr. BINGAMAN. This is not a queue. This is a queue of one. We are just trying to get in a position to act on this amendment.

Mr. WARNER. I want to help the managers keep this bill moving. We would not require more than 30 minutes, equally divided.

Mr. DOMENICI. Just a moment.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Senator BINGAMAN is trying his best to get something called up we have agreed on. He is not in a position to agree. I am trying to put it together, and he is agreeing I should do that.

Would the Senator from Tennessee and you have an amendment with reference to windmills?

Mr. WARNER. That is correct.

This is offshore drilling.

Mr. DOMENICI. I don't want to do that. I would rather wait a while.

Mr. WARNER. If the distinguished manager would interpret what ''wait a while'' means.

Mr. DOMENICI. There are 100 amendments. You want to go in the middle of the 100? Do you want to go first?

Mr. WARNER. I am here to accommodate.

Mr. DOMENICI. I will take one at a time, sit down and organize at the table with you.

Mr. WARNER. If the distinguished manager would indicate, we could go tonight. I would be willing to wait all night.

Mr. DOMENICI. We are willing to try hard. Our leaders told us to stay here tonight and try to agree to some amendments. We will put you right there.

The PRESIDING OFFICER. Is there objection to the request by the Senator from New Mexico on his unanimous consent?

Mr. LAUTENBERG. Mr. President, if we are going to open up an opportunity for additional amendments, I have an amendment that has been sitting here.

The PRESIDING OFFICER. The question before the Senate, is there objection to the unanimous consent request by the Senator from New Mexico?

Mr. INHOFE. Reserving the right to object.

Mr. DOMENICI. Let Senator BINGAMAN——

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. I ask you restate the unanimous consent at this time. It is my understanding we would have time equally divided, between now and 5:30, at which time there would be a vote. I state my intention would be to move to table the Bingaman resolution.

The PRESIDING OFFICER. The unanimous consent request is for 10 minutes for Senator SPECTER and Senator ALLARD and 20 minutes equally divided between the Senator from New Mexico and the Senator from Oklahoma, with a vote time certain at 5:30. Is there objection?

Mr. ALEXANDER. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Could I ask the Senator from New Mexico, how do I get in the queue?

Mr. LAUTENBERG. Mr. President, I object.

Mr. DOMENICI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BINGAMAN. 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. BINGAMAN. Mr. President, could we have the unanimous consent request put to the Senate again.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Mr. KERRY. Reserving the right to object.

Mr. INHOFE. Reserving the right to object.

Mr. BINGAMAN. Let me restate it for Senators who might not have heard it before: We recognize Senator SPECTER to speak for up to 10 minutes. We recognize Senator ALLARD to speak for up to 10 minutes. The remainder of the time, between now and 5:30, would be equally divided between the Senator from Oklahoma and myself in relation to the modified amendment that I have offered, amendment No. 866. There would be a vote at 5:30 on or in relation to amendment No. 866, as modified.

Mr. KERRY. Reserving the right to object; is there any proposal and/or agreement with respect to what happens after that?

The PRESIDING OFFICER. There is not.

Mr. BINGAMAN. Mr. President, I suggest the absence of a quorum once again.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BINGAMAN. 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. BINGAMAN. Mr. President, let me restate the request. I ask unanimous consent that Senator SPECTER be recognized to speak for up to 10 minutes; Senator ALLARD from Colorado be recognized to speak for up to 10 minutes; and following that, I be recognized to present my amendment No. 866 and a modification of that amendment; that the time between then and 5:40 be equally split between myself and the Senator from Oklahoma; and that we would then have a vote at 5:40.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Without objection, it is so ordered.

Mr. DOMENICI. A vote on or in relation to the amendment. He wants to table it.

Mr. INHOFE. I already indicated that.

Mr. DOMENICI. That is part of the consent request.

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

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank my colleagues for the time. I appreciate the 10 minutes. I will try to reduce that time because I see the congested calendar here today.

Mr. President, I have sought recognition to comment, first, about the very serious situation with oil prices—approximating $60 a barrel now—and the average cost of gasoline across the country at $2.13. This is a problem which has beset the United States and the world for decades now. I remember with clarity the long gas lines in about 1973.

I have believed for a long time that we ought to be moving against OPEC under the laws which prohibit conspiracies and restraint of trade. I set forth, in a fairly detailed letter to President Clinton, on April 11, 2000, my recommendations for litigation by the Federal Government against OPEC, and I repeated it in a letter to President Bush dated April 25, 2001. I ask unanimous consent that both of these letters be printed in the RECORD at the conclusion of my statement.

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

(See exhibit 1.)

Mr. SPECTER. I was then pleased to see my distinguished colleagues, Senator DEWINE and Senator KOHL, introduce what is now S. 555, the No Oil Producing and Exporting Cartels Act of 2005, which was accepted by voice vote yesterday. What this bill does essentially is to codify the ability of the Government to proceed against OPEC under the antitrust laws.

It is my legal opinion, as set forth in the detailed letters to both President Clinton and President Bush, that the United States has that authority now, that it is not governmental activity when OPEC gets together and conspires, it is commercial activity. They do business in the United States. They are subject to our antitrust laws. And we should have moved on them a very long time ago.

It is my hope the DeWine-Kohl bill, which I cosponsored, which has come out of the Judiciary Committee and the Antitrust Subcommittee, will be retained in conference. It is always a touchy matter to have a voice vote as opposed to a rollcall vote where if the numbers are very substantial it may be that the amendment will be taken more seriously in conference than if it is a voice vote. But I urge the managers to take the DeWine-Kohl amendment very seriously, which I have cosponsored. We ought to be moving against OPEC because of their cartel activity.

To that end, I voted earlier today for the Schumer Sense of the Senate amendment calling on the President to confront OPEC to increase oil production and vigorously oversee oil markets to protect the U.S. from price gouging. I supported the amendment even though I disagreed with another section calling for the release of oil from the Strategic Petroleum Reserve. While I recognize that the Sense of the Senate amendment is not binding, I believe the strong vote sends a signal to the Administration that there is support for action against OPEC.

I know the floor is going to be very crowded a little later, so I am going to take this opportunity to speak very briefly on the amendment which is offered by Senator BINGAMAN—cosponsored by Bingaman-Byrd-Specter. And I think Senator DOMENICI is going to join it as well.

I commend Senator BINGAMAN for his initiatives on the issue of our energy policy to try to cut down on emissions and to try to cut down on the problems of global warming. We have just had a vote on the amendment offered by Senator MCCAIN and Senator LIEBERMAN. We had a vote on it in the year 2003. It has always been a very attractive amendment.

I opposed it because I believe that it puts the United States at a very substantial economic disadvantage with other countries that are not compelled to comply. As a Senator from Pennsylvania, I have a duty to be specially concerned about what is happening in coal, what is happening in steel, but I think the thrust of it is something. The objectives need to be obtained.

The National Commission on Energy Policy published a report last year which deals with the problems of emissions reductions and the cap on emissions in trade so that one company may utilize the emission limit of another company. I have been in discussions with Senator BINGAMAN on that, and I am glad to see his amendment is moving forward at this time. I am pleased to be a cosponsor of his amendment. I believe this will take a significant step forward on the issue of global warming. It would always be desirable to move farther ahead in a more dramatic fashion, but I think this is a significant step forward.

I have been pleased to work with Senator DOMENICI. I compliment the chairman. And Senator BINGAMAN, the ranking member, I compliment him on a number of amendments which I think will strengthen the energy policy of the United States.

EXHIBIT 1

U.S. SENATE,
Washington, DC, April 11, 2000.

President WILLIAM JEFFERSON CLINTON,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: In light of the very serious problems caused by the recent increase in oil prices, we know you will share our view that we should explore every possible alternative to stop OPEC and other oil-

producing states from entering into agreements to restrict oil production in order to drive up the price of oil.

This conduct is nothing more than an old-fashioned conspiracy in restraint of trade which has long been condemned under U.S. law, and which should be condemned under international law.

After some considerable research, we suggest that serious consideration be given to two potential lawsuits against OPEC and the nations conspiring with it:

(1) A suit in Federal district court under U.S. antitrust law.

(2) A suit in the International Court of Justice at the Hague based, perhaps, upon an advisory opinion under ''the general principles of law recognized by civilized nations,'' which includes prohibiting oil cartels from conspiring to limit production and raise prices.

(1) A suit in Federal district court under U.S. antitrust law.

A case can be made that your Administration can sue OPEC in Federal district court under U.S. antitrust law. OPEC is clearly engaging in a ''conspiracy in restraint of trade'' in violation of the Sherman Act (15 U.S.C. Sec. 1). The Administration has the power to sue under 15 U.S.C. Sec. 4 for injunctive relief to prevent such collusion.

In addition, the Administration should consider suing OPEC for treble damages under the ''Clayton Act (15 U.S.C. Sec. 15a), since OPEC's behavior has caused an ''injury'' to U.S. ''property.'' After all, the U.S. government is a major consumer of petroleum products and must I now pay higher prices for these products. In *Reiter* v. *Sonotone Corp.*, 442 U.S. 30 (1979), the Supreme Court held that the consumers who were direct purchasers of certain hearing aides who alleged that collusion among manufacturers had led to an increase in prices had standing to sue those manufacturers under the Clayton Act since ''a consumer, deprived of money by reason of allegedly anticompetitive conduct is injured in 'property' within the meaning of [the Clayton Act].'' Indirect purchasers would appear to be precluded from suit, even in a class action, under *Illinois Brick* v. *Illinois* 431 U.S. 720 (1977), but this would not bar the United States Government, as a direct purchaser, from having the requisite standing.

One potential obstacle to such a suit is whether the Foreign Sovereign Immunities Act (''FSIA'') provides OPEC, a group of sovereign foreign nations, with immunity from suit in U.S. courts. To date, there has been a ruling on this issue in only on case. In *International Association of Machinists* v. *OPEC*, 477 F. Supp. 553 (1979), the District Court for the Central District of California held that the nations which comprise OPEC were immune from suit in the United States under the FSIA. We believe that this opinion was wrongly decided and that other district courts, including the D.C. District, can and should revisit the issue.

This decision in Int. Assoc. of Machinists turned on the technical issue of whether or not the nations which comprise OPEC are engaging in ''commercial activity'' or ''governmental activity'' when they cooperate to sell their oil. If they are engaging in ''governmental activity,'' then the FSIA shields them from suit in U.S. courts. If, however, these nations are engaging in ''commercial activity,'' then they are subject to suit in the U.S. The California District Court held that OPEC activity is ''governmental activity.'' We disagree. It is certainly a governmental activity for a nation to regulate the extraction of petroleum from its territory by ensuring compliance with zoning, environmental and 'other regulatory regimes. It is clearly a commercial activity, however, for these nations to sit together and collude to limit their oil production for the sole purpose of increasing prices.

The 9th Circuit affirmed the District Court's ruling in *Int. Assoc. of Machinists* in 1981 (649 F.2d 1354), but on the basis of an entirely different legal principle. The 9th Circuit held that the Court could not hear this case because of the ''act of state'' doctrine, which holds that a U.S. court will not adjudicate a politically sensitive dispute which would require the court to judge the legality of the sovereign act of a foreign state.

The 9th Circuit itself acknowledged in its Int. Assoc. of Machinists opinion that ''The [act of state] doctrine does not suggest a rigid rule of application,'' but rather application of the rule will depend on the circumstances of each case. The Court also noted that, ''A further consideration is the availability of internationally-accepted legal principles which would render the issues appropriate for judicial disposition.'' The Court then quotes from the Supreme Court's opinion in *Banco Nacional de Cuba* v. *Sabbatino*, 376 U.S. 398 (1964):

It should be apparent that the greater the degree of codification or consensus concerning a particular area of international law, the more appropriate it is for the judiciary to render decisions regarding it, since the courts can then focus on the application of an agreed principle to circumstances of fact rather than on the sensitive task of establishing a principle not inconsistent with the national interest or with international justice.

Since the 9th Circuit issued its opinion in 1981, there have been major developments in international law that impact directly on the subject matter at issue. As we discuss in greater detail below, the 1990's have witnessed a significant increase in efforts to seek compliance with basic international norms of behavior through international courts and tribunals. In addition, there is strong evidence of an emerging consensus in international law that price fixing by cartels violates such international norms. Accordingly, a court choosing to apply the act of state doctrine to a dispute with OPEC today may very well reach a different conclusion than the 9th Circuit reached almost twenty years ago.

You should also examine whether the anticompetitive conduct of the international oil cartel is being effectuated, by private companies who are subject to the enforcement of U.S. antitrust laws (for example, former state oil companies that have now been privatized) rather than sovereign foreign states. If such private oil companies are determined to in fact be participating in the anticompetitive conduct of the oil cartel, then we would urge that these companies be mulled as defendants in an antitrust lawsuit in addition to the OPEC members.

(2) A suit in the International Court of Justice at the Hague based upon ''the general principles of law recognized by civilized nations.'' which includes prohibiting oil cartels from conspiring to limit production and raise prices.

In addition to such domestic antitrust actions, we believe you should give serious consideration to bringing a case against OPEC before the International Court of Justice (the ''ICJ') at the Hague. You should consider both a direct suit against the conspiring nations as well as a request for an advisory opinion from the Court through the auspices of the U.N. Security Council. The actions of OPEC in restraint of trade violate ''the general principles of law recognized by civilized nations.'' Under Article 38 of the Statute of the ICJ, the Court is required to apply these ''general principles'' when deciding cases before it.

This would clearly be a cutting-edge lawsuit, making new law at the international level. But there have been exciting developments in recent years which suggest that the ICJ would be willing to move in this direction. In a number of contexts, we have seen a greater respect for and adherence to fundamental international principles and norms by the world community. For example, we have seen the establishment of the International Criminal Court in 1998, the International Criminal Tribunal for Rwanda in 1994, and the International Criminal Tribunal for the former Yugoslavia in 1993. Each of these bodies has been active, handing down numerous indictments and convictions against individuals who have violated fundamental principles of human rights. For example, as of December 1, 1999 the Yugoslavia tribunal alone had handed down 91 public indictments.

Today, adherence to international principles has spread from the tribunals in the Hague to individual nations around the world. Recently, the exiled former dictator of Chad, Hissene Habre, was indicted in Senegal on charges of torture and barbarity stemming from his reign, where he allegedly killed and tortured thousands. This case is similar to the case brought against former Chilean dictator Augusto Pinochet by Spain on the basis of his alleged atrocities in Chile. At the request of the Spanish government, Pinochet was detained in London for months until an English court determined that he was too ill to stand trial.

The emerging scope of international law was demonstrated in an advisory opinion sought by the U.N. General Assembly in 1996 to declare illegal the use or threat to use nuclear weapons. Such an issue would ordinarily be thought beyond the scope of a judicial determination given the doctrines of national sovereignty and the importance of nuclear weapons to the defense of many nations. The ICJ ultimately ruled eight to seven, however, that the use or threat to use nuclear weapons ''would generally be contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law.'' The fact that this issue was subject to a decision by the ICJ, shows the rapidly expanding horizons of international law.

While these emerging norms of international behavior have tended to focus more on human rights than on economic principles, there is one economic issue on which an international consensus has emerged in recent years—the illegitimacy of price fixing by cartels. For example, on April 27, 1998, the Organization for Economic Cooperation and Development issued an official ''Recommendation'' that all twenty-nine member nations ''ensure that their competition laws effectively halt and deter hard core cartels.'' The recommendation defines ''hard core cartels'' as those which, among other things, fix prices or establish output restriction quotas. The Recommendation further instructs member countries ''to cooperate with each other in enforcing their laws against such cartels.''

On October 9, 1998, eleven Western Hemisphere countries held the first ''Antitrust Summit of the Americas'' in Panama City, Panama. At the close of the summit, all eleven participants issued a joint communique in which they express their intention ''to affirm their commitment to effective enforcement of sound competition laws, particularly in combating illegal price-fixing, bid-rigging, and market allocation.'' The communique further expresses the intention of these countries to ''cooperate with one another . . . to maximize the efficacy and efficiency of the enforcement of each country's

competition laws.'' One of the countries participating in this communique, Venezuela, is a member of OPEC.

The behavior of OPEC and other oil-producing nations in restraint of trade violates U.S. antitrust law and basic international norms, and it is injuring the United States and its citizens in a very real way. Consideration of such legal action could provide an inducement to OPEC and other oil-producing countries to raise production to head off such litigation.

We hope that you will seriously consider judicial action to put an end to such behavior.

ARLEN SPECTER.
HERB KOHL.
CHARLES SCHUMER.
MIKE DEWINE.
STROM THURMOND.
JOE BIDEN.

UNITED STATES SENATE,
Washington, DC, April 25, 2001.

President GEORGE WALKER BUSH,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: In light of the energy crisis and the high prices of OPEC oil, we know you will share our view that we must explore every possible alternative to stop OPEC and other oil-producing states from entering into agreements to restrict oil production in order to drive up the price of oil.

This conduct is nothing more than an old-fashioned conspiracy in restraint of trade which has long been condemned under U.S. law, and which should be condemned under international law.

After some research, we suggest that serious consideration be given to two potential lawsuits against OPEC and the nations conspiring with it:

(1) A suit in Federal district court under U.S. antitrust law.

(2) A suit in the International Court of Justice at the Hague based upon ''the general principles of law recognized by civilized nations.''

(1) A suit in Federal district court under U.S. antitrust law.

A strong case can be made that your Administration can sue OPEC in Federal district court under U.S. antitrust law. OPEC is clearly engaging in a ''conspiracy in restraint of trade'' in violation of the Sherman Act (15 U.S.C. Sec. 1). The Administration has the power to sue under 15 U.S.C. Sec. 4 for injunctive relief to prevent such collusion.

In addition, the Administration has the power to sue OPEC for treble damages under the Clayton Act (15 U.S.C. Sec. 15a), since OPEC's behavior has caused an ''injury'' to U.S. ''property.'' After all, the U.S. government is a consumer of petroleum products and must now pay higher prices for these products. In *Reiter* v. *Sonotone Corp.* 442 U.S. 330 (1979), the Supreme Court held that the consumers of certain hearing aides who alleged that collusion among manufacturers had led to an increase in prices had standing to sue those manufacturers under the Clayton Act since ''a consumer deprived of money by reason of allegedly anticompetitive conduct is injured in 'property' within the meaning of [the Clayton Act].''

One issue that would be raised by such a suit is whether the Foreign Sovereign Immunities Act (''FSlA'') provides OPEC, a group of sovereign foreign nations, with immunity from suit in U.S. courts. To date, only one Federal court, the District Court for the Central District of California, has reviewed this issue. In *International Association of Machinists* v. *OPEC*, 477 F. Supp. 553 (1979), the Court held that the nations which comprise OPEC were immune from suit in the United States under the FSIA. We believe that this opinion was wrongly decided and that other district courts, including the D.C. District, can and should revisit the issue.

This decision in Int. Assoc. of Machinists turned on the technical issue of whether or not the nations which comprise OPEC are engaging in ''commercial activity'' or ''governmental activity'' when they cooperate to sell their oil. If they are engaging in ''governmental activity,'' then the FSIA shields them from suit in U.S. courts. If, however, these nations are engaging in ''commercial activity,'' then they are subject to suit in the U.S. The California District Court held that OPEC activity is ''governmental activity.'' We disagree. It is certainly a governmental activity for a nation to regulate the extraction of petroleum from its territory by ensuring compliance with zoning, environmental and other regulatory regimes. It is clearly a commercial activity, however, for these nations to sit together and collude to limit their oil production for the sole purpose of increasing prices.

The 9th Circuit affirmed the District Court's ruling in *Int. Assoc. of Machinists* in 1981 (649 F.2d 1354), but on the basis of an entirely different legal principle. The 9th Circuit held that the Court could not hear this case because of the ''act of state'' doctrine, which holds that a U.S. court will not adjudicate a politically sensitive dispute which would require the court to judge the legality of the sovereign act of a foreign state.

The 9th Circuit itself acknowledged in its Int. Assoc. of Machinists opinion that ''The [act of state] doctrine does not suggest a rigid rule of application,'' but rather application of the rule will depend on the circumstances of each case. The Court also noted that, ''A further consideration is the availability of internationally-accepted legal principles which would render the issues appropriate for judicial disposition.'' The Court then quotes from the Supreme Court's opinion in *Banco Nacional de Cuba* v. *Sabbatino*, 376 U.S. 398 (1964):

It should be apparent that the greater the degree of codification or consensus concerning a particular area of international law, the more appropriate it is for the judiciary to render decisions regarding it, since the courts can then focus on the application of an agreed principle to circumstances of fact rather than on the sensitive task of establishing a principle not inconsistent with the national interest or with international justice.

Since the 9th Circuit issued its opinion in 1981, there have been major developments in international law that impact directly on the subject matter at issue. As we discuss in greater detail below, the 1990's have witnessed a significant increase in efforts to seek compliance with basic international norms of behavior through international courts and tribunals. In addition, there is strong evidence of an emerging consensus in international law that price fixing by cartels violates such international norms. Accordingly, a court choosing to apply the act of state doctrine to a dispute with OPEC today may very well reach a different conclusion than the 9th Circuit reached almost twenty-years ago.

(2) A suit in the International Court of Justice at the Hague based upon ''the general principles of law recognized by civilized nations.''

In addition to such domestic antitrust actions, we believe you should give serious consideration to bringing a. case against OPEC before the International Court of Justice (the ''ICJ'') at the Hague. You should consider both a direct suit against the conspiring nations as well as a request for an advisory opinion from the Court through the auspices of the U.N. Security Council. The actions of OPEC in restraint of trade violate ''the general principles of law recognized by civilized nations.'' Under Article 38 of the Statute of the ICJ, the Court is required to apply these ''general principles'' when deciding cases before it.

This would clearly be a cutting-edge lawsuit, making new law at the international level. But there have been exciting developments in recent years which suggest that the ICJ would be willing to move in this direction. In a number of contexts, we have seen a greater respect for and adherence to fundamental international principles and norms by the world community. For example, we have seen the establishment of the International Criminal Court in 1998, the International Criminal Tribunal for Rwanda in 1994, and the International Criminal Tribunal for the former Yugoslavia in 1993. Each of these bodies has been active, handing down numerous indictments and convictions against individuals who have violated fundamental principles of human rights.

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While these emerging norms of international behavior have tended to focus more on human rights than on economic principles, there is one economic issue on which an international consensus has emerged in recent years—the illegitimacy of price fixing by cartels. For example, on April 27, 1998, the Organization for Economic Cooperation and Development issued an official ''Recommendation'' that all twenty-nine member nations ''ensure that their competition laws effectively halt and deter hard core cartels.'' The recommendation defines ''hard core cartels'' as those which, among other things, fix prices or establish output restriction quotas. The Recommendation further instructs member countries ''to cooperate with each other in enforcing their laws against such cartels.''

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The behavior of OPEC and other oil-producing nations in restraint of trade violates U.S. antitrust law and basic international norms, and it is injuring the United States and its citizens in a very real way. We hope you will seriously consider judicial action to put an end to such behavior.

We hope you will seriously consider judicial action to put an end to such behavior.

ARLEN SPECTER.
CHARLES SCHUMER.
HERB KOHL.
STROM THURMOND.

MIKE DEWINE.

Mr. SPECTER. Mr. President, how much time of my 10 minutes remains?

The PRESIDING OFFICER. Four minutes 43 seconds.

Mr. SPECTER. I yield it back and ask for an appropriate credit. Thank you.

The PRESIDING OFFICER. So noted.

The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, I rise today to speak about the Energy bill which we are considering on the floor.

I am grateful to the majority leader and minority leader and to the leaders of the Energy Committee, for bringing this legislation to the floor. I want to especially commend Senator DOMENICI, chairman of the Energy Committee, for his leadership on this bill. He has worked tirelessly on this important legislation, and our Nation owes him a great deal of appreciation for his persistence.

Ongoing events, here in the United States as well as around the world, are daily reminders of how desperately our country needs a sound energy policy. One only has to pick up a newspaper or listen to the nightly news to know that our national security is one of the most important issues we are currently facing. And one only has to receive their monthly electric bill or drive past a gas station to know that our energy markets are in need of certainty and stability. This is the third Congress during which we have tried to pass an energy bill, and I say it is time to get it done.

I would like to first speak about oil shale, a promising fuel source found in abundance in the Rocky Mountain region. The oil shale in this region produces a very light crude, suitable to fill needs for jet fuel and other very pure fuels. During the last several years a handful of companies have worked to develop technologies that will allow for economically and environmentally feasible development of this resource.

Some of the oil shale resources lie under private lands, but much of it—certainly the richest deposit—is under Federal lands. This area, now under the purview of BLM, was formerly known as the Naval Oil Shale Reserve. I would remind my colleagues that, when my former colleague Senator Ben Nighthorse Campbell of Colorado, authored the legislation to transfer the Naval Oil Shale lands into the keeping of BLM, the legislation specified that the resource remain available for development. Congress recognized that BLM was in a better position to manage the publicly owned lands than was the Department of Energy, but we never intended to place the development of the resources in this area off limits.

The energy legislation we are considering here allows for small-scale demonstration projects. But I am also working with my colleagues, Senator HATCH and Senator BENNETT, on provisions that will help lead to commercialization after the demonstration projects have proven themselves.

It is a bad business practice to pour millions of dollars into research and development projects with no hint of assurance those projects will lead to commercialization. I believe it is important to give companies that are investing tens of millions of dollars into these research projects a proverbial light at the end of the tunnel.

As a founder and cochairman of the Renewable Energy and Energy Efficiency Caucus I am also supportive of incentives that are included in the legislation to continue moving the country's use of renewable resources forward. Technological advancements in solar, wind, geothermal, biomass, fuel cells, and hydro have made great strides. And increases in technology have led to decreases in price. Government has played an important role in the research that will help us reach our renewable technology goals, and we should continue to further those goals. The input and investments of the Federal Government have been vital in furthering industry and private sector involvement in the renewable field.

The National Renewable Energy Laboratory, often called NREL in Colorado, has made an incredible contribution, and has played a very important part in current technological advancements. The technologies being developed at NREL—whether providing alternative fuels and power, or making our homes and vehicles more energy efficient—are vital to our Nation's energy progress.

We must continue to provide incentives for the implementation of renewables use and for the infrastructure necessary to support these renewable sources. These technologies are a necessary step in balancing our domestic energy portfolio, increasing our Nation's energy security and advancing our country's technological excellence, and I believe this bill takes an important step in that direction.

It is my hope that Congress passes an energy bill this year. I think that we will be making a huge step in that direction when the Senate does pass this bill. In closing I extend my thanks and admiration to Senators DOMENICI and BINGAMAN, and their staffs, for the long hours and extreme dedication they have given to this matter. I must say that I believe that this is the best energy bill we have produced in a number of years, and I know there are many throughout the country, even on the other side of the Hill, who agree with me. The President is ready to sign an energy bill and I am hopeful that we are able to give him one in the very near future.

I yield the floor.

AMENDMENT NO. 866, AS MODIFIED

(Purpose: To express the sense of the Senate on climate change legislation.)

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, as I understand it, under our unanimous consent agreement, it is now appropriate for me to call up amendment No. 866, as modified.

The PRESIDING OFFICER. That is correct. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself, Mr. DOMENICI, Mr. SPECTER, Mr. ALEXANDER, Ms. CANTWELL, Mr. LIEBERMAN, Mr. LAUTENBERG, Mr. MCCAIN, Mr. JEFFORDS, Mr. KERRY, and Ms. SNOWE, proposes an amendment numbered 866, as modified:

At the end of title XVI, add the following:

SEC. 16___. SENSE OF THE SENATE ON CLIMATE CHANGE.

(a) FINDINGS.—Congress finds that—

(1) greenhouse gases accumulating in the atmosphere are causing average temperatures to rise at a rate outside the range of natural variability and are posing a substantial risk of rising sea-levels, altered patterns of atmospheric and oceanic circulation, and increased frequency and severity of floods and droughts;

(2) there is a growing scientific consensus that human activity is a substantial cause of greenhouse gas accumulation in the atmosphere; and

(3) mandatory steps will be required to slow or stop the growth of greenhouse gas emissions into the atmosphere.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress should enact a comprehensive and effective national program of mandatory, market-based limits and incentives on emissions of greenhouse gases that slow, stop, and reverse the growth of such emissions at a rate and in a manner that—

(1) will not significantly harm the United States economy; and

(2) will encourage comparable action by other nations that are major trading partners and key contributors to global emissions.

Mr. BINGAMAN. Mr. President, I went ahead and allowed the clerk to complete the reading of the amendment because it is short and because it is important that Members focus on what is contained in the amendment. We just had a significant debate on the Senate floor with regard to the proposal made by Senators MCCAIN and LIEBERMAN to cap greenhouse gas emissions. Some voted for it because they believed that this was an appropriate proposal. Others voted against it—some because they did not believe the issue is a valid one; some because they did not believe the effect on the economy was one they would favor; others because of the workability of it.

I have worked with Senator DOMENICI during recent weeks to see if we could come up with a proposal based on the National Commission on Energy Policy recommendations which would have done some of the same things but would have been a more modest beginning at containing and constraining carbon emissions going into the atmosphere.

We were not able, frankly, to get agreement among enough Senators that the proposal, as currently drafted, is workable in all respects. Therefore, Senator DOMENICI has indicated here on the Senate floor that he will try to have hearings and that we will be able

in the next several months going forward to consider this with great deliberation in our Energy and Natural Resources Committee. There are other committees with jurisdiction as well over this same set of issues. I am sure they will have the opportunity to work on it.

The resolution that is before the Senate right now and that we are scheduled to vote on in another half hour is an effort to see if we can get agreement on some basic propositions. In my opinion, it is important that we demonstrate agreement on basic propositions in order that we can move ahead and deal effectively with this important and complex issue.

The propositions were as read. Let me go over them once again for my colleagues so that everyone knows what is contained in the resolution. Before I go through that, let me indicate the cosponsors of this resolution are Senators DOMENICI, SPECTER, ALEXANDER, CANTWELL, LIEBERMAN, LAUTENBERG, MCCAIN, JEFFORDS, KERRY, and SNOWE. I ask unanimous consent that they all be listed as cosponsors of the amendment.

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

Mr. BINGAMAN. The amendment is a sense of the Senate. It reads:

> Findings. Congress finds that greenhouse gases accumulating in the atmosphere are causing average temperatures to rise at a rate outside the range of natural variability and are posing a substantial risk of rising sea levels, altered patterns of atmospheric and oceanic circulation, and increased frequency and severity of floods and droughts.

I know this is an issue that some in this Senate disagree strongly with, and I am sure my colleague from Oklahoma will take great exception to this. I believe the science is well established that this is the case, and the National Academy of Sciences has stood behind that basic statement.

This is the second statement in the resolution:

> There is growing scientific consensus that human activity is a substantial cause of greenhouse gas accumulation in the atmosphere.

Again, we may have Members here in the Senate who disagree with that conclusion. They are certainly free to do that. But I hope a majority of the Senate agrees with it.

The third finding set out in this amendment is that ''mandatory steps will be required to slow or stop the growth of greenhouse gas emissions into the atmosphere.''

There are some who have spoken in the Senate today who have said that mandatory steps are not required, that this problem will be solved by voluntary action, that the marketplace is solving this problem as we speak, and we do not need to be concerned about enacting any kind of mandatory provisions. I respectfully disagree with that perspective. I respectfully suggest that this is an issue that is going to require action of a mandatory nature by this Congress, and we need to acknowledge that.

The final part of the amendment is the sense-of-the-Senate provision. It says:

> It is the sense of the Senate that Congress should enact a comprehensive and effective national program of mandatory, market-based limits and incentives on emissions of greenhouse gases that slow, stop, and reverse the growth of such emissions at a rate and in a manner that, No. 1, will not significantly harm the U.S. economy and, No. 2, will encourage other action and key contributors to global emissions.

I will point to two charts that are an outgrowth of the work of this National Commission on Energy Policy in order to indicate to my colleagues why we have the language of this provision written as it is.

This first chart is the Commission climate proposal timeline. What they have proposed in their recommendations is a system which has been criticized by some in the environmental community for being too weak and too modest. I can understand those criticisms. But it is a proposal that would slow the rate of increase of emissions for the first 10 years. Then about 2020, you would be into a period where emissions would no longer be growing, and then you would go into a phase where emissions would begin to decline.

As I say, some who are on the environmental side say that is too modest, we can't do that little. But others, of course, say it is too onerous, and we can't do that much. What we have tried to do with this sense of the Senate is to say, OK, some think it is too onerous, some think it is too much. Can we at least get agreement that we have to put in place some type of system, some type of mandatory limits that will, in fact, begin to slow the rate of emissions, eventually stop the rate of emissions, and bring emissions down? That is what we are trying to do.

There is one other chart I wish to show. That relates to the harm to the economy. I know that much of the discussion on the McCain-Lieberman amendment was that if we were to enact that amendment, it would have a devastating effect on the U.S. economy. I disagree with that. But I am suggesting that there are ways—and the National Commission on Energy Policy concluded that as well—that we can responsibly act to contain emissions and to constrain the growth of emissions without significantly affecting our economy in an adverse way.

This chart shows that graphically. What it basically shows is that the economy is expected to grow very dramatically between 2005 and 2025. You can see that the growth of the economy will be $312.47 trillion. That is business as usual. We asked the Energy Information Agency, which is part of our own Department of Energy and the executive branch of our Government, to model this and determine what they thought the effect of the National Commission's recommendations on greenhouse gas would be to those figures. How much would it impact the economy? They concluded that under the NCEP proposal, you would see a very slight reduction in the amount of growth in the economy. So over that 20-year period, it would be $312.16 trillion instead of $312.47 trillion of economic growth in this country. You cannot have a more modest proposal than that as far as impact on the economy.

I am not here trying to persuade Members that this is the only way to proceed. I am saying this is evidence that we can, in fact, design a proposal for constraining the growth in greenhouse gases that will not adversely affect our economy, and that is exactly what we should be about, is trying to put that into place.

This resolution is nothing but a sense-of-the-Senate resolution. But it is important that we pass it. In my opinion, it is important that we pass it because the Senate is on record in 1997 as voting unanimously against going forward with the Kyoto treaty. I was one of those who voted not to proceed with signing on to the Kyoto treaty. That does not mean we should not take this step. This step would be the responsible thing to do. It would say this Senate is resolved to move ahead and try to enact legislation that will deal with this serious problem. And we recognize that doing so will require some mandatory limits on emissions.

I know that is something some Members in the Senate do not agree with. It is my hope that a majority of the Senate does agree with that, and it is my hope that a majority of the House of Representatives will agree with it, and that eventually we can persuade the administration to agree with this point of view as well. We need to move ahead with this issue—the sooner the better. This is a responsible way to do so.

I very much appreciate the good faith with which my colleague, Senator DOMENICI, worked with me to see if there was something that could be jointly proposed to deal with this issue as part of the Energy bill. It was his conclusion—which is certainly understandable—that there was too much complexity involved at this point and too many unanswered questions for us to proceed with an amendment to solve the problem as part of the Energy bill.

But I am very pleased that he is willing to cosponsor this sense-of-the-Senate resolution, indicating that even though we are not able to do it as an amendment to the Energy bill, we can in fact plan to go ahead.

Mr. President, with that, I will reserve the remainder of my time.

Mr. INHOFE. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. Senator BINGAMAN has 5 minutes 21 seconds, and Senator INHOFE has 17 minutes 22 seconds.

Mr. INHOFE. Mr. President, first of all, I know what a sense-of-the-Senate resolution is. Everybody here knows if you establish a position on a bill that is very meaningful, such as the bill

that was defeated—the McCain-Lieberman bill—you can turn around and vote for a sense of the Senate and play both sides. Essentially, I think that is what happened here.

Very clearly, a sense of the Senate doesn't do anything except offer cover. I would like to suggest that it would be difficult for me to imagine that anyone who voted in opposition to McCain-Lieberman a few minutes ago would turn around and support this because this is making four assertions that are not true. We have demonstrated very clearly that they are not true and nonscientifically based.

The first one is on the first page of the sense-of-the-Senate resolution. It says:

> Greenhouse gases accumulating in the atmosphere are causing average temperatures to rise at a rate outside the range of natural variability. . . .

We talked about this for 3 hours today. In fact, that is not true. If you are concerned about, for example, surface temperatures, we have climate research, published in 2004, that says overall averages of warming rates is overstated. This is due to significant contamination with land-based weather stations, which add up to a net warming bias at the global averaging level.

Then, on climate research of 2004, this study refutes common claims that nonclimatic signals in the weather station data have been identified and filtered out by the IPCC. That is the International Panel on Climate Control, which we talked about in the beginning of this. Again, we look at this, in terms of satellite data, as printed in the text of the central station publication in 2004:

> Substantial cooling has occurred in the lower stratospheric layer of the atmosphere over the past 25 years.

In other words, in the stratosphere, starting between 8 and 25 miles above the surface, it is not heating, it is actually reducing; the temperatures are reducing. This false conclusion that the stratosphere is warming should never have been published since the evidence was misinterpreted.

So we are saying something in this resolution that, quite frankly, is not true.

Second, it is ''posing a substantial risk of rising sea levels, altered patterns of atmospheric and oceanic circulation,'' hurricanes, and all that.

We have talked about this at some length today. First, if you talk about droughts, we have already talked about the surface temperatures and the fact that they are not increasing. The hurricanes in global warming, we spent time today talking about that. The foremost authority nationwide is a guy named Dr. Christopher Landsea. He says that hurricanes are going to continue to hit the United States on the Atlantic and Gulf coast, and the damage will probably be more expensive than in the past, but this is due to the natural climate cycles which cause hurricanes to be stronger and more frequent and rising property prices.

Obviously, it is going to cost more if you damage property that is increasing in value. He says that contrary to the belief of the environmentalists, reducing CO_2 emissions would not lessen the impact of hurricanes. The best way to reduce the toll hurricanes would take on coastal communities is through adaptation and preparation. I think we all understand that. Rising sea levels. We talked about this today, too. They always talk about this Tuvalu, the island supposedly that is going to sink into the ocean. John Daly, in the report that came out—I don't think anybody questions his credibility—says the historical record, from 1978 through 1999, indicated a sea level rise of 0.07 millimeters per year, where IPCC claims a 1 to 2.5 millimeter sea rise for the world as a whole, indicating the IPCC claim is based on faulty modeling. The national title facility based in Adelaide, Australia, dismissed the Tuvalu claims as unfounded. It goes on and on refuting that.

The next thing it says in this resolution is that the science is settled. I don't know how many times we have to say that, since 1999, the science that was assumed to be true, based on the 1998 revelation of Michael Mann on the very famous ''hockey stick'' theory, has been refuted over and over again. We have the energy and environment report that came out in 2003 that says the original Mann papers contain collation errors, unjustifiable truncations of extrapolation of source data, obsolete data, geographical location errors, incorrect calculations of the principal components, and other quality control defects. It goes on to say that while studying Mann's calculation methods, McIntyre and McKitrick found that Mann's component calculation used only one series in a certain part of the calculation said to be serious. They discovered that this unusual method nearly always produces a hockey stick shape, regardless of what information is put into it.

We had the charts out less than an hour ago. It is very clear that if you plot the temperature, as he did over the period of the last hundred years, it shows a fairly level line, until it comes to the 20th century, and it goes up. That is the blade on the hockey stick. That shows that temperatures start increasing after the turn of the century. What he failed to put on the chart was the medieval warming period, which was from about 1000 A.D. to 1350 A.D. During that time, nobody refutes the fact that temperatures were higher then than they are in this century.

The other thing, if all else fails, use logic. In the 1940s, when we had the dramatic escalation of CO_2 and methane and anthropogenic gases, this is what they are asserting causes global warming, but it precipitated a cooling period that started in the middle 1940s and went to the late 1970s. As we said an hour ago, the first page on the major publications around America, such as Time magazine, said we are now having an ice age coming. Everybody was hysterical. We are all going to die in an ice age. That is using the same logic that, if you are going to say it is due to anthropogenic gas, in the late 1940s, we had an 85-percent increase in that, and that precipitated not a warming period but a cooling period.

So you can take this and pick it apart. I kind of think it is going to pass because we had a lot of people who voted against the real thing which would have caused all of the economic damages. Now it is very safe to cover your vote by voting for something so you can answer your mail and say: Yes, that is all right. I voted for the sense of the Senate, saying we are going to do these things and accept the fact that, No. 1, the planet is heating; No. 2, it is due to anthropogenic gases, and therefore vote for me.

That is happening now. We understand that. It was also brought out by the Senator from New Mexico that the economic impacts are not all that great when dealing with global warming. I suggest to you they are very great. I cannot find a group that says they are not. Charles Rivers Associates. Sure, you can say the CRA is not a credible group. Nobody is going to say that because he is credible. They are saying if we had enacted the watered-down version of McCain-Lieberman, it would have cost the economy $507 billion in 2020, $525 billion in 2025. Implementing Kyoto would cost—and we are talking about this in the resolution—$305 billion in 2010; $243 billion in 2020. It would result in an annual loss per household of $2,780 by 2010. That means, for every household of four people, the average it is going to cost them. Don't let anyone tell you that the economic impact is anything but disastrous. When the CRA International studied the job loss, it stated that under the watered-down version, we would lose 840,000 U.S. jobs in 2010; 1.3 million jobs in 2020; and implementing the Kyoto would mean job loss in the economy of 2.4 million jobs in 2010 and 1.7 million jobs in 2020. Energy prices—this is the economy we are talking about—would increase. There would be a 28-percent increase for gasoline, a 28-percent increase for electricity, 47-percent increase for gas, and it would be astronomical in terms of the cost of coal. These are the things that we turned around and wisely voted down in a meaningful bill. And I don't question the sincerity of McCain-Lieberman. They really believe in this. Nonetheless, cooler heads did prevail, and now we have a cover vote and people will come forth and say I am voting for this in spite of the fact that I voted against you before. I will turn around and vote for this as a sense of the Senate. It means nothing in terms of legislation. We understand that.

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

The PRESIDING OFFICER. Who yields time?

Mr. INHOFE. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from Oklahoma has 5½ minutes.

Mr. INHOFE. I yield 3 minutes to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. TALENT. Mr. President, I want to begin my brief statement by congratulating the managers of the bill for their good work in explaining the bill to this point. This is not a resolution I can support, but I acknowledge its good faith.

I point out that the resolution states, in the effective clause where it says what the sense of the Senate is, that we should ''enact a comprehensive and effective national program of mandatory, market-based limits on emissions,'' provided that—and subsection (1) says that ''will not significantly harm the United States economy.'' I read it and caught that word ''significantly.'' Evidently it is OK, under the resolution, to harm the American economy provided that it is not significant. I just wonder what the word ''significant'' means. Not significant may be if somebody else loses their job as a result of it. If I do not lose my job, it is not significant. I am wondering how much of GDP, how much of a loss of manufacturing jobs is significant. The estimates of the McCain-Lieberman amendment would be $27 billion annually as a direct cost. I wonder if that is significant.

High energy prices, which legislation of the kind envisioned by the resolution would cause, hurt the American economy. I do not want to do that. I do not want to vote for a resolution that presupposes it is OK to hurt the American economy. That is not the way to solve this problem.

I want us to start thinking not in terms of economic prosperity or environmental quality, I want us to think in terms of economic prosperity and environmental quality. It is not a question of more jobs or doing something about climate change. It is a question of more jobs and doing something about climate change.

Without prosperity, without growth, without the wealth that creates for the American people in their private lives, and also for the governments in this country—Federal, State, and local—we cannot defeat these environmental problems.

Most of them come down to a question of money. That is certainly the case in the State of Missouri. We have significant water quality issues. We need funds to solve those problems. If we have funds, we have to have revenue; to have revenue, you have to have growth; and you are not going to have growth if you are passing resolutions saying it is OK to harm the American economy, providing it is not significant.

I know the sincerity of the Senator in offering this amendment and others who are going to vote for this, but I ask them to get out of this mindset: We can solve the global warming problem, but we will do it with prosperity, not without prosperity.

I thank the Senator from Oklahoma for yielding.

Mr. ALEXANDER. I want to voice my support for the sense of the Senate resolution on climate change offered by Senators DOMENICI, BINGAMAN, and myself. I believe that there is a problem with global warming. And I believe that there will be a mandatory national program to reduce carbon emissions sooner or later. I will be prepared to vote for controls on this when it is clear how they will be implemented. For now, I support the market-based incentives approach to reducing carbon emissions proposed by Senator HAGEL and passed by the Senate yesterday. I do not expect us to be able in this Congress to put together a mandatory carbon reduction program, but I do expect to be working in hearings as soon as next month on this important issue.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. There is 5 minutes 15 seconds remaining.

Mr. BINGAMAN. I yield that to my colleague from New Mexico, Senator DOMENICI.

The PRESIDING OFFICER. The Senator from New Mexico, the chairman of the committee is recognized.

Mr. DOMENICI. Mr. President, first I remind everybody that 2 years ago the President of the United States gave a speech on this subject. It was a very lengthy speech, but there are two provisions, which I do not have in front of me—so forgive me, I am not quoting, I am just stating to the best of my recollection.

In the second part of the speech, which I want to mention, the President said that we should proceed to reduce carbon greenhouse gases by 18 percent through 2012 on a voluntary basis, and thereafter we should use incentives and other ways to accomplish further reduction.

First, I think that means the President of the United States is saying we should reduce carbon greenhouse gases. In fact, he, in a sense, is saying that is a good thing. In fact, he said recently we are doing it. ''We are going to meet the goal,'' said the President.

When I was trying to put together a package, I was recognizing everything the President said, and I was recognizing that voluntary is the best way. Then I was saying: What if we do not get there when the voluntary time arrives?

So anybody who suggests there is nobody around who thinks this is a problem, why is the President saying we ought to reduce them if there is no problem? Are we just doing it because it is the flavor of the times? I don't think so. I think the President is saying we ought to get on with doing it. He thinks there is a way to do it, and he thinks voluntary is doing it, and I do not argue with him.

As a matter of fact, I think anybody who tries to start capping in any way one chooses to call capping early is mistaken because the United States of America is doing many things with many dollars on many fronts to reduce greenhouse gases.

The question is, Do we do anything if we are unsuccessful in achieving some goal? As I read what I have agreed to help Senator BINGAMAN with, it says there is a problem. It says we ought to do something to reduce the problem, and it is says precisely that ''it is the sense of the Senate that Congress''—it does not even say when—''that Congress,'' not next year, ''that Congress should enact a comprehensive and effective national program of mandatory, market-based limits.'' Then it says, ''and incentives on emissions of greenhouse gases,'' that do what? '' . . . that slow, stop, and reverse the growth of such emissions,'' and then it says—these are the goals, the concerns—that it will not significantly harm the economy.

One could say you should not put ''significantly'' in there because is some OK? What does ''significant'' mean? I say it means what we want it to mean. It just says something. Should we put in ''no more than one-half of 1 percent''? Then we would be prejudging what can be done. ''Significantly'' means to me something with which we can live and still have a very viable American growing economy but make some achievements in terms of diminution of carbon.

Then it says this will also encourage a comparable action by other nations that are trading partners of the United States. That is what we are trying to do.

Frankly, I know some will read more into this than is here, and I understand. I am not critical of anybody. Everybody has views on this issue.

I also hope those who understand what we voted on a little while ago—I spoke in opposition to it—I think I understand it as well as anybody. It received 38 votes. I did not vote for it.

Likewise, I am on this amendment because it is making a statement with reference to this issue. I, frankly, believe the time has come for some of us to make a statement regarding this issue, and I choose this one. Some others would say we want to be purely voluntary, and they could put in a sense of the Senate that we will remove as much carbon as we can, as soon as we can using all voluntary means, and that is a sense of a Senate. I would not be against that. I would say that is probably something good.

That is all I wanted to say. I thank the Senator for yielding me whatever time I have used. I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Oklahoma has 2 minutes 38 seconds.

Mr. INHOFE. How much time remains?

The PRESIDING OFFICER. There is 2 minutes 38 seconds remaining.

Mr. INHOFE. Mr. President, this has been a good debate. I would like to have the same debate of 3 hours, 4 hours as we talked on the McCain-Lieberman amendment on this amendment because it should be essentially the same thing. As I said before, it is not.

One point I neglected to mention, since they talk in the findings about what is happening in the Arctic, one of the reports we used specifically said that the temperature in the Arctic during the late thirties and early forties was greater than it is today.

In this brief time, I only repeat what the National Academy of Sciences stated in their written report—not in any kind of press release but their written report:

> . . . there is considerable uncertainty in current understanding of how the climate system varies naturally and reacts to emissions of greenhouse gases and aerosols. . . .
>
> . . . a casual linkage between the buildup of greenhouse gases and the observed climate changes in the 20th century cannot be unequivocally established.
>
> The IPCC Summary for Policymakers could give an impression that the science of global warming is settled, even though many uncertainties still remain.

That is the National Academy of Sciences.

Lastly, we are refuting not just if we adopt this resolution, which I think we will adopt because it is an easy vote for a lot of people and nobody is going to pay a lot of attention to a sense of the Senate, the fact is, we had 17,800 scientists in the Oregon petition who said:

> There is no convincing scientific evidence that human release of carbon dioxide, methane, or other greenhouse gasses is causing or will, in the foreseeable future, cause catastrophic heating of the Earth's atmosphere and disruption of the Earth's climate. Moreover, there is substantial scientific evidence that increases in atmospheric carbon dioxide produce many beneficial effects upon the natural plant and animal environment of the Earth.

If we adopt this amendment, we are saying that science that has been refuted is a reality.

The PRESIDING OFFICER. The Senator's time has expired. All time has expired.

Mr. INHOFE. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is 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 Minnesota (Mr. COLEMAN).

Further, if present and voting, the Senator from Minnesota (Mr. COLEMAN) would have voted ''nay.''

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD), and the Senator from North Dakota (Mr. DORGAN) are necessarily absent.

The result was announced—yeas 44, nays 53, as follows:

[Rollcall Vote No. 149 Leg.]

YEAS—44

Allard	DeMint	Murkowski
Allen	Dole	Nelson (NE)
Baucus	Ensign	Roberts
Bennett	Enzi	Santorum
Bond	Frist	Sessions
Brownback	Grassley	Shelby
Bunning	Hagel	Smith
Burns	Hatch	Stevens
Burr	Hutchison	Sununu
Chambliss	Inhofe	Talent
Coburn	Isakson	Thomas
Cochran	Kyl	Thune
Cornyn	Lott	Vitter
Craig	Martinez	Voinovich
Crapo	McConnell	

NAYS—53

Akaka	Feingold	McCain
Alexander	Feinstein	Mikulski
Bayh	Graham	Murray
Biden	Gregg	Nelson (FL)
Bingaman	Harkin	Obama
Boxer	Inouye	Pryor
Byrd	Jeffords	Reed
Cantwell	Johnson	Reid
Carper	Kennedy	Rockefeller
Chafee	Kerry	Salazar
Clinton	Kohl	Sarbanes
Collins	Landrieu	Schumer
Corzine	Lautenberg	Snowe
Dayton	Leahy	Specter
DeWine	Levin	Stabenow
Dodd	Lieberman	Warner
Domenici	Lincoln	Wyden
Durbin	Lugar	

NOT VOTING—3

Coleman	Conrad	Dorgan

The motion was rejected.

Mr. DOMENICI. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

CHANGE OF VOTE

Mr. BAUCUS. Mr. President, on rollcall No. 149 I voted ''nay'' but intended to vote ''yea.'' I ask unanimous consent that my vote be changed, as it will not affect the outcome.

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

(The foregoing tally has been changed to reflect the above order.)

The PRESIDING OFFICER. The question is on agreeing to amendment No. 866, as modified.

The amendment (No. 866), as modified, was agreed to.

Mr. DOMENICI. I move to reconsider the vote.

Mr. BINGAMAN. 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 Mexico.

Mr. DOMENICI. On behalf of the leader, I wish to read a unanimous consent request regarding the lineup that we will follow henceforth.

Mr. BINGAMAN. Mr. President, before my colleague reads that, I ask unanimous consent that Senator COLLINS be added as an original cosponsor of the amendment we just agreed to.

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

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of the following amendments: Senator ALEXANDER's amendment, which is at the desk and relates to wind, 30 minutes equally divided in the usual form; second, Senator KERRY's amendment, sense of the Senate on climate change, 30 minutes equally divided in the usual form.

I further ask unanimous consent that there be no second-degree amendments in order to the Alexander or Kerry amendments prior to the votes in relation to those amendments and that votes in relation to those amendments occur in a stacked fashion following the debate on both amendments.

Finally, I ask unanimous consent that following those votes, Senator WARNER be recognized in order to offer an amendment relating to OCS, with his part of the agreement subject to the approval of both leaders; further, there be 15 minutes for Senator LAUTENBERG and 15 minutes for Senator DOMENICI or his designee during the aforementioned debate.

Mr. REID. Reserving the right to object, I think this is fair. I would just note for the record, so there is no confusion, the reason we are concerned about the Warner amendment is we want to make sure that the Parliamentarian has a chance to look at the amendment prior to Senator FRIST and I making a decision on whether it should come up tonight.

Mr. WARNER. Reserving the right to object, I want to be totally cooperative with the leadership, and they have been open and candid with me regarding the very strong opposition to the Warner amendment. I would advise my colleagues, whether we could get that parliamentary ruling is still not clear. So I will consider the following as a substitute to the provisions relating to the Senator from Virginia; that is, that I be recognized to bring the amendment up, that at least one or two colleagues who are in opposition would then express their opposition and, following that, I will commit, as long as there are one or two who will speak in opposition, to state the case, then I will ask to withdraw the amendment.

Mr. NELSON of Florida. Reserving the right to object, I wish to make sure that the Senator from New Jersey and I are protected because I am not quite sure what the distinguished Senator from Virginia has requested. Originally, it was the unanimous consent request that the Democratic leader would have the right to object if a certain determination by the Parliamentarian occurs. That is the protection.

Mr. REID. If the Senator will yield, there is no one in this body—no one—I respect more than Senator WARNER, and I know he would never in any way do anything other than what he just said. What he said is, as long as someone comes and speaks in opposition to his amendment and if the Parliamentarian has ruled at that time, he will withdraw the amendment. For me, that is better than any unanimous consent agreement you could have.

Mr. NELSON of Florida. And further questioning of the Democratic leader, I think Senator WARNER said two people, two Senators could speak.

Mr. REID. Two, you and me or you and Senator CORZINE.

Mr. NELSON of Florida. All right.

Mr. REID. And it is regardless of the Parliamentarian making a decision as to what he said.

Mr. CORZINE. Reserving the right to object, I would like to hear the last statement by the distinguished Senator from Nevada. Did you say that regardless of the Parliamentarian's judgment, it will be withdrawn?

Mr. REID. He will withdraw the amendment.

Mr. CORZINE. Withdraw, precloture and postcloture?

Mr. REID. Senator WARNER does not play games.

The PRESIDING OFFICER. Is there objection? The Senator from Massachusetts.

Mr. KERRY. Is the vote up or down?

Mr. WARNER. Mr. President, would the Chair recite the request now as it relates to the section pertinent to the Senator from Virginia? I say to my colleagues, if you would be willing to each speak 5 minutes, I will take 5, 5 minutes each for the Senators from Florida and New Jersey in opposition, then I will move to strike the amendment.

Mr. DOMENICI. There is another Senator who wants to be recognized.

Mr. WARNER. All Senators will speak no more than 5 minutes on this matter.

Mr. MARTINEZ. If I may be recognized, I would like to speak for 5 minutes in opposition.

Mr. WARNER. All right. That is sufficient.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Mr. KERRY. Reserving the right to object, I asked a question. Is the vote up or down?

Mr. REID. Votes in relation to your amendment. It could be some other motion, but we will get a vote on or in relation to your amendment.

The PRESIDING OFFICER. Is there objection to the unanimous consent request as modified by Senator WARNER?

Mr. CORZINE. Mr. President, I wish to say that I have nothing but the highest respect for the Senator from Virginia, and I fully appreciate that he is acting absolutely in good faith. I would like to hear what the unanimous consent is we are agreeing to so that once and for all, it is clear.

Mr. WARNER. Mr. President, I would also like 5 minutes for the distinguished Senator from Tennessee in favor of the amendment.

The PRESIDING OFFICER. With respect to the Warner amendment, there will be 5 minutes for Senator WARNER, 5 minutes for Senator ALEXANDER, 5 minutes for Senator NELSON, 5 minutes for Senator CORZINE, and 5 minutes for Senator MARTINEZ, after which he will withdraw the amendment.

Is there objection to the unanimous consent request?

Without objection, it is so ordered.

Mr. DOMENICI. I thank the Chair and Senator WARNER and all others who participated.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, would you advise me when I have consumed 7 minutes?

The PRESIDING OFFICER. We will.

Mr. ALEXANDER. Do I understand I have 15 minutes?

The PRESIDING OFFICER. The Senator is correct. The Senator has 15 minutes.

AMENDMENT NO. 961

Mr. ALEXANDER. Mr. President, today I am offering an amendment to protect our most scenic areas from unintended impacts by oversized wind turbines or windmills. I offer an amendment that is sponsored also by a number of other Senators, including Senators WARNER, LANDRIEU, MCCAIN, ALLEN, VOINOVICH, BROWNBACK, BYRD, and BUNNING, and that is also supported by the National Parks Conservation Association.

Let me begin by saying exactly what the amendment does and what it does not do.

No. 1, what the amendment says is no Federal subsidies for wind projects within 20 miles of most national parks, national military parks, national seashores, national lakeshores, or certain other highly scenic sites. We are talking about the Redwood National Parks in California, the Sequoia National Park, Yosemite National Park. We are talking about Mesa Verde in Colorado, Rocky Mountain National Park, Biscayne National Park in Florida, Yellowstone in Idaho, Acadia in Maine, Cape Cod in Massachusetts, Yellowstone in Montana, and Glacier. These are our national treasures. What we are saying is the taxpayers will not subsidize the building of these giant windmills within the view of those parks.

Second, there will be an environmental impact statement for any wind project within 20 miles of those sites.

Third, any community will have six months' notice before a wind project can be permitted.

Here is what the amendment does not do. It does not prohibit the building of any wind project. It does not affect any wind project already receiving subsidies. It does not give the Federal Energy Regulatory Commission any new authority. And it does not interfere with any private property right.

Why is this a concern? Here is the reason in a nutshell. The Federal Government, over the next 5 years, will spend $2 billion and, if we follow the recommendations of the Finance Committee, $3.5 billion subsidizing the building of giant windmills. These are not your grandmother's windmills. They are very large. There is one picture of it. Here is another one. This is just off Denmark, stretches over 2 miles. Here is an example. These are people up here on this turbine housing. One way we think of them in Tennessee in describing them is that you can fit just one into the University of Tennessee football stadium. It is the third largest stadium in the country. It would rise more than twice as high as the skyboxes, and its rotor blades would go from the 10-yard line to the 10-yard line.

My concern is not that there should not be any of these. It is just that we are, through Federal policy, changing our landscape, and we need to think about it now while we still can. All of the estimates are that the billions of dollars in subsidies we are spending will increase the number of these gigantic wind turbines from 6,700 today to 40-, 50-, or 60,000 over the next 10 or 15 years.

Here is what the National Parks Conservation Association has to say: Wind power is an important alternative energy. It deserves to be encouraged and promoted in areas where appropriate. At the same time, the principle that some of America's most special places could be adversely impacted by associated development is important to acknowledge and address.

The Environmentally Responsible Wind Power Act of 2005 helps elevate the importance of this principle and ensures the protection of these places.

What subsidies are we talking about? I just mentioned the $2 billion, the $1.5 billion more that is coming. We passed a renewable portfolio standard in the Senate. That is an additional subsidy. This is a brand new matter for most local governments to consider. It is causing consternation in cities from Kansas to Wisconsin to Vermont to Virginia where rural areas, many of them without land use planning, many of them without any expectation of this, suddenly find that in the most scenic areas we have in America, up go these massive, gigantic towers, and they are hard to take down.

Twenty years ago, when I was Governor of Tennessee, I passed a scenic parkway program. We took 10,000 miles of scenic parkways and we banned new billboards, new junkyards. No one thought much about it then. Everybody is enormously grateful today because these things will never come down unless they blow down, and when they blow down, there are often not people to pick them up. So if we fail to do something now, to put some sort of disincentive to damage the viewscape of our most scenic areas, we will never be able to change that. In the State of Tennessee, we only have 29 of these now put up by the Tennessee Valley Authority, but they are there for 20 years, and you can see the red flashing lights from 20 miles away on a clear night.

At other times in our debate on energy, I will be talking about the relative value of wind power. I am a skeptic, I will admit. You could string a swath of these gigantic windmills from

Los Angeles to San Francisco, and you would produce about the same amount of power that one or two powerplants would, and you would still need the powerplant because most people like to have their electricity even when the wind is not blowing and you can't store the electricity. And the amount of money that we are spending—$2 billion, $3 billion—is an enormous amount, and I think most colleagues are not aware of what we are doing with it. Once you put these windmills up, you have to build transmission lines through neighborhoods and back yards to carry it to some distant place. That is a debate for another day.

The fact of the matter is that we are spending billions of new dollars for gigantic windmills. What I would like for us to do in the Senate is recognize our responsibility to the American landscape and say at least we are not going to subsidize putting these windmills in between us, our grandchildren, and children, and the view of the Grand Canyon, the Statue of Liberty or the Smoky Mountain National Park or Cape Cod. I would think windmill advocates would want to do that.

This is a big country, a place where people can find plenty of places to put up gigantic windmills other than between us and our magnificent views. I don't think I need to spend much time. I will take 1 more minute, and I will go to the Senator from Virginia for 3 minutes.

Teddy Roosevelt said:

> There can be nothing in this world more beautiful than the Yosemite National Park's groves of the sequoias and redwoods, the Canyon of the Colorado, the Canyon of the Yellowstone, and the Canyon of the Three Tetons.

We don't drive down to the Smokies, out to the Tetons or to see the Grand Canyon to see a view like that. Put them where they belong. Let's not subsidize putting them in between us and the most magnificent views we have. Egypt has its pyramids, Italy has its art, England has its history, and we have the great American outdoors. It is a distinctive part of our national character, and we ought to protect it while we can.

That is why we have introduced this legislation, along with several other Senators who care. I hope my colleagues, whether they support wind power or whether they are a skeptic of wind power, will agree that we should not put these gigantic steel towers in between us and our most scenic treasures.

I yield 3 minutes to the Senator from Virginia.

Mr. WARNER. Mr. President, how much time does the Senator from Tennessee have?

The PRESIDING OFFICER. The Senator has been yielded 3 minutes. The Senator has 7 minutes remaining.

Mr. WARNER. Mr. President, I commend my good friend. I have for a long time stated, indeed, before the Committee on the Environment and Public Works, my concern about the wind situation. I am not against it, nor is my distinguished colleague from Tennessee. But we are moving toward—and with a tremendous Federal subsidy—a program by which industry, looking at the subsidy, cannot turn down the opportunity to put these mills wherever they want. I am concerned mostly about my shoreline of Virginia. This amendment would protect certain segments of that shoreline—from windmills being put in the proximity of the historic areas, marine areas, and the like.

If you look at how carefully America has proceeded toward the erection of power-generating facilities, whether it is coal-fired plants, gas-fired plants, wind, whatever it is, there is a very well-laid-out regulatory process. That doesn't exist for the potential of putting windmills offshore. It doesn't exist. I have tried hard to encourage the Congress of the United States to pass a regime comparable to what is taking place for other power-generating facilities to protect our environment, protect the taxpayer, and to enable wind to go forward but only where there is a clear justification and a protection of the environment. Now, they can go offshore under the Rivers and Harbors Act of 1899. They never envisioned, in 1899, the types of installations described by my colleague from Tennessee. There is nothing in there by which the States can gain any revenue for that wind generation offshore, as is now the case with oil and gas.

Should not my State, having taken the risk of allowing these things to go offshore, get some revenue? I think they should. Right now, it is free and open and, should they generate a profit, all of it goes into the corporate structure; not a nickel goes into the State. Mr. President, I thank my colleague for allowing me to join with him on this amendment.

The PRESIDING OFFICER. The Senator from Tennessee has 3 minutes 40 seconds.

Mr. ALEXANDER. I yield 2 minutes to the Senator from Kansas.

Mr. BROWNBACK. Mr. President, we have had a big debate about this in Kansas. We embrace wind power, wind generation. We will be a major benefactor and producer of wind energy. In the middle of the State, we have a tallgrass prairie, which is also in Oklahoma. This is really a majority of the untouched, unplowed, tallgrass prairie that remains in the United States. Over 90 percent is in a swathe between Kansas and Oklahoma. What we are asking and are part of in this bill is that those areas that are protected within the Flint Hills Refuge, the Tallgrass Prairie Preserve, and the Konza Prairie be within the designation areas that don't get the tax credits for the wind energy and the 20-mile radius around. That is responsible.

These are very key areas, and the impact on the viewscape around it is significant and important. That is why I am pleased to be part of and I support this amendment that my colleague from Tennessee has put forward. This is a responsible way to do it. We need to embrace wind power and generation but not in environmentally sensitive areas. This is a responsible way to do it. I am glad to support this amendment.

I yield the floor.

Mr. ALEXANDER. Mr. President, I ask the Senator from New Mexico if I may reserve my remaining time for just before the vote, and he also has a minute at that time. I ask unanimous consent to do that.

Mr. BINGAMAN. As I understand the request, the Senator would like us to go ahead with the argument in opposition.

Mr. ALEXANDER. Yes, and before the vote we would each have a minute.

Mr. WARNER. Reserving the right to object. I think you would need 3 minutes for this.

The PRESIDING OFFICER. The Senator has the right to reserve that time.

Mr. WARNER. At least 3 minutes.

Mr. BINGAMAN. I am glad to agree to whatever unanimous consent the Senator from Tennessee believes is appropriate once we conclude our debate.

The PRESIDING OFFICER. Would all Senators suspend to give us an opportunity to report the amendment.

The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Tennessee [Mr. ALEXANDER], for himself, Mr. WARNER, Ms. LANDRIEU, Mr. MCCAIN, Mr. ALLEN, Mr. VOINOVICH, Mr. BROWNBACK, Mr. BURR, and Mr. BUNNING, proposes an amendment numbered 961.

The amendment is as follows:

(Purpose: To provide for local control for the siting of windmills)

On page 697, between lines 6 and 7, insert the following:

SEC. 1270A. LOCAL CONTROL FOR SITING OF WINDMILS.

(a) LOCAL NOTIFICATION.—Prior to the Federal Energy Regulatory Commission issuing to any wind turbine project its Exempt-Wholesale Generator Status, Market-Based Rate Authority, or Qualified Facility rate schedule, the wind project shall complete its Local Notification Process.

(b) LOCAL NOTIFICATION PROCESS.—

(1) In this section, the term ''Local Authorities'' means the governing body, and the senior executive of the body, at the lowest level of government that possesses authority under State law to carry out this Act.

(2) Applicant shall notify in writing the Local Authorities on the day of the filing of such Market-Based Rate application or Federal Energy Regulatory Commission Form number 556 (or a successor form) at the Federal Energy Regulatory Commission. Evidence of such notification shall be submitted to the Federal Energy Regulatory Commission.

(3) The Federal Energy Regulatory Commission shall notify in writing the Local Authorities within 10 days of the filing of such Market-Based Rate application or Federal Energy Regulatory Commission Form number 556 (or a successor form) at the Federal Energy Regulatory Commission.

(4) The Federal Energy Regulatory Commission shall not issue to the project Market-Based Rate Authority, Exempt Wholesaler Generator Status, or Qualified Facility rate schedule, until 180 days after the date on which the Federal Energy Regulatory Commission notifies the Local Authorities under paragraph (3).

(c) HIGHLY SCENIC AREA AND FEDERAL LAND.—

(1)(A) A Highly Scenic Area is—

(i) any area listed as an official United Nations Educational, Scientific, and Cultural Organization World Heritage Site, as supported by the Department of the Interior, the National Park Service, and the International Council on Monuments and Sites;

(ii) land designated as a National Park;

(iii) a National Lakeshore;

(iv) a National Seashore;

(v) a National Wildlife Refuge that is adjacent to an ocean;

(vi) a National Military Park;

(vii) the Flint Hills National Wildlife Reserve;

(viii) the Tallgrass Prairie National Preserve;

(ix) White Mountains National Forest; or

(x) the Flint Hills Tallgrass Prairie Preserve or the Konza Prairie in the State of Kansas.

(B) The term ''Highly Scenic Area'' does not include—

(i) the Pueblo de Taos World Heritage Area;

(ii) any coastal wildlife refuge located in the State of Louisiana; or

(iii) any area in the State of Alaska.

(2) A Qualified Wind Project is any wind-turbine project located—

(A)(i) in a Highly Scenic Area; or

(ii) within 20 miles of the boundaries of an area described in subparagraph (A), (B), (C), (D), or (F) of paragraph (1); or

(B) within 20 miles off the coast of a National Wildlife Refuge that is adjacent to an ocean.

(3) Prior to the Federal Energy Regulatory Commission issuing to a Qualified Wind Project its Exempt-Wholesale Generator Status, Market-Based Rate Authority, or Qualified Facility rate schedule, an environmental impact statement shall be conducted and completed by the lead agency in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). If no lead agency is designated, the lead agency shall be the Department of the Interior.

(4) The environmental impact statement determination shall be issued within 12 months of the date of application.

(5) Such environmental impact statement review shall include a cumulative impacts analysis addressing visual impacts and avian mortality analysis of a Qualified Wind Project.

(6) A Qualified Wind Project shall not be eligible for any Federal tax subsidy.

(d) EFFECTIVE DATE.—

(1) This section shall expire 10 years after the date of enactment of this Act.

(2) Nothing in this section shall prevent or discourage environmental review of any wind projects or any Qualified Wind Project on a State or local level.

(e) EFFECT OF SECTION.—Nothing in this section shall apply to a project that, as of the date of enactment of this Act—

(1) is generating energy; or

(2) has been issued a permit by the Federal Energy Regulatory Commission.

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

Mr. BINGAMAN. Mr. President, I reluctantly rise to speak against this amendment. I do so for some very basic and sound reasons. I will just mention a few of them.

No. 1, this amendment moves in the exact opposite direction of the legislation that is before us. I have been working with Senators DOMENICI and ALEXANDER and others on the committee to develop a piece of legislation that would provide for the energy future of the country, would encourage domestic development of energy from all sources, all available sources. We are encouraging development of clean coal, natural gas, nuclear power, oil resources, hydrogen technology, renewable fuels, electricity; and in each case, we have tried to simplify the process that a person or applicant has to go through in order to develop these resources and meet the needs of the country, as we see them.

We have also put incentives in this bill so as to further the development of these resources. This amendment, with regard to wind power, does just the opposite of that. It raises obstacles, and it says that we are going to make it more and more difficult for people to proceed with development of wind power projects. How does it do that? It goes through and it says we are going to, first of all, designate what we call highly scenic areas. Highly scenic areas are fairly broadly defined; they are any area listed as an official United Nations educational, scientific, cultural or World Heritage site, as supported by the Department of the Interior, National Park Service, and International Council of Monuments and Sites. Any lands designated as a national park, national lakeshore, national seashore, national wildlife refuge, national military park, Flint Hills—it goes on and on. It says if you are a highly scenic area, then a so-called qualified wind project, which is any wind turbine project located in a highly scenic area or within 20 miles of the boundary of various of these things I have listed here—then it says over here a qualified wind project shall not be eligible for any Federal tax subsidy.

That essentially says there are not going to be wind power projects constructed in any of these locations. I think if we have ever had a proposal that is a one-size-fits-all proposal, this is that. There are a great many of these sites. I point out, also, by way of just a historical note, I think this will be the first time, if this amendment is adopted, that the Congress has put in law a provision that essentially recognizes the significance of World Heritage sites designated by the United Nations. I remember debates on the floor in recent years where people objected to the whole notion that U.N. World Heritage sites were going to get some kind of special protection. In this amendment, we are saying they get special protection. We are not going to allow the construction of one of these wind projects within 20 miles of them.

To my mind, there are undoubtedly areas in this country where we don't want windmills. I agree. But I think that needs to be a decision that is made on the basis of the local circumstances, on the basis of the geography of the area, and I think what we are trying to do here is sort of pass a very broad prohibition against getting tax benefits. If you want to build a site that is within 20 miles of any of these things, then you are out of luck, as far as any Federal tax support. I think that is contrary to the whole thrust of the legislation. I think it is contrary to good sense. In my own State of New Mexico, we have several sites that are listed. I have a list that the Senator from Tennessee has been kind enough to give me called, ''Scenic Sites that are Protected by this Legislation.'' When you go down the list, in my State, you can see Carlsbad Caverns National Park. Well, I could conceive of the people in Carlsbad, NM, wanting a wind farm, a wind project within 20 miles of Carlsbad Caverns National Park. I can conceive of there being an area within that 20-mile radius that would be appropriate for a wind site. I don't know that that is the case, but I would hate to legislate a prohibition against it. The same with Chaco Culture National Historic Park and with Carlsbad Caverns National Park and the Pueblo de Taos, which has been exempted. I appreciate that.

The Senator from Tennessee—I mentioned to him there may be a desire on the part of people in the Taos area in my State to go ahead and have a wind project. I need to be legislating a prohibition against that—a prohibition on any Federal tax support in that circumstance. Each Senator can look at the list and see whether they want to do this to their home State. I think if people will look at this list carefully and get on the telephone and call back to their States, they may find this is not something they wholeheartedly embrace.

The Senator from Idaho, Senator CRAIG, has asked for 5 minutes. I yield him 5 minutes.

The PRESIDING OFFICER. There are 8 minutes 30 seconds remaining.

Mr. BINGAMAN. I will yield 5 minutes to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognized for 5 minutes.

Mr. CRAIG. Mr. President, I thank the Senator from New Mexico for yielding.

I do not stand up and speak against the Senator from Tennessee and the work he has done in this area lightly. I understand the process. I also understand that energy infrastructure is always sensitive. It is never quite near where you want it to be, and it is always where you do not want it to be.

The Senator from New Mexico has spoken very clearly on this issue. There will be no windmills built off Cape Cod. Why? Because it is being killed by the people of Massachusetts in the processes that are available now. There will be no windmills near Yellowstone or the Grand Canyon or in

scenic areas today. Why? Because the process recognizes it now. Whether it is local or whether it is national, try to get a windmill farm sited on Federal properties and you will find it nearly impossible anywhere because the moment one is suggested, the land either becomes precious because of antiquities or unique because it has some kind of holiness to a native group. That has gone on and on.

No one today in the wind farm business approaches siting windmills without caution. They already look for the very places where the wind is able to flow.

What we are suggesting with this amendment is not here, not there, not over here, and certainly not in my backyard, and if it gets close to my backyard, whoa, stop, back up, and let's look at it. That is what is being said by this legislation.

Yet this Nation, through the underlying bill, is rushing to get more energy of all kinds, except step back, take a deep breath and say: Not here, please, or not over there.

Caution is abounding. More wind farms are not being sited today by opposition of the public than are being sited. The Senator from Kansas talks about the tall grass prairie. There is a major battle going on in Kansas to stop it now, and it appears it will succeed.

I stood on the floor of the Senate the other day and spoke of public group after public group that is opposing siting, and they are using State law, as appropriate in this instance, to stop siting. So I do not believe this legislation is necessary.

Here we are encouraging the business of clean energy. Both the Senator from Tennessee and I are very interested in clean energy. I even agree with him that we may be overpromoting wind, but now we are standing up another tripwire and saying: No, there are going to have to be all kinds of new qualifications.

If you are a private property owner and you are within a 20-mile zone of this particular scenic area that is prescribed in this legislation, forget your private property rights—gone. And yet in most areas, that is the only place they are getting sited today.

Look at the wind troughs on the national maps and where they are on the Rocky Mountain front. Nearly every area is scenic, and if it is not scenic now, if this legislation passes, it will rapidly become scenic for the very simple reason that once they see these 320-foot, tip-to-tip windmills—they are awfully hard to site anyway—but we are creating and standing up a new Federal requirement and Federal restriction over a State process that appears at this moment to be quite thorough. That is why I oppose it. I think it is unnecessary.

We are in the business of advancing the cause of energy of all kinds—clean coal, wind, photovoltaic, nuclear. We are even improving the existence of current hydro. We are doing all of those things, and we are asking our States to be partners. But here the heavy hand of Government—the Federal Government—comes in. I think it is inappropriate. I do not think it is necessary. I think the process is working quite well now.

In a State such as mine where wind farms are being looked at now, our companies are approaching it very carefully and, in many instances—and it is nearly only Federal land on which you can get them sited—it is almost impossible to site on Federal land. Why? Because of the Environmental Policy Act, because of all the processes and safeguards we have already put in place. Therefore, I do believe this legislation is unnecessary. I think it is overkill.

I do not think we need to do it. We already have a very thorough, open, public process between our Federal Government as it relates to the National Environmental Policy Act, and State governments as it relates to their zoning requirements and/or the regulatory process they put siting through, through the utilities commission. I think that is adequate and necessary.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CRAIG. I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from New Mexico has 3 minutes.

Mr. BINGAMAN. Mr. President, let me speak for 30 seconds, and then I will yield to my good friend from Iowa, Senator HARKIN.

I do think, as the Senator from Idaho pointed out, that this does raise a very substantial obstacle to the construction of wind projects in a great many areas of the country about which we are somewhat uncertain. As I say, in my State I can conceive of areas near these scenic locations that would be appropriate for consideration as wind projects. I do think there is ample opportunity for local communities to object. There is ample opportunity for States to object.

My experience is the burden is on the applicant to persuade all of the local government and all of the State government entities that have some claim on this.

The PRESIDING OFFICER. The Senator has 1½ minutes remaining.

Mr. BINGAMAN. Mr. President, I yield the remainder of my time to the Senator from Iowa.

Mr. HARKIN. Mr. President, how much time is left?

The PRESIDING OFFICER. There is 1 minute 28 seconds remaining.

Mr. HARKIN. Mr. President, I rise in opposition to the Alexander-Warner amendment. Again, this amendment proposes to usurp local control. I find it hard to believe that those who argue States rights at the same time want to impose additional Federal regulations over local, county, and State jurisdictions.

This amendment is simply an assault on the continued development of wind energy. It singles out wind for additional scrutiny. If the sponsors are so concerned about protecting our scenic areas, shouldn't this amendment be applied to all technologies?

Some may say these turbines are unsightly. The Senator from Tennessee may believe they are unattractive. But many others believe them to be visually attractive as they drive down the highway.

I just recently drove through Oklahoma and saw all these wind turbines out on the prairies of Oklahoma, and they look beautiful spinning in the wind with no pollution, providing electricity for our homes, our schools, and our factories. Yet they are unattractive? Come on, give me a break.

This is a pathway to our energy independence. More wind energy—we can put them up in Iowa. If the Senator from Virginia does not want them in Virginia, we will put them in Iowa. We will put them in North Dakota, South Dakota, and we will be glad to ship the electricity we are making from the force of the wind.

I urge my colleagues to turn down this ill-advised amendment.

The PRESIDING OFFICER (Mr. THUNE). The Senator from Tennessee has 2 minutes remaining.

Mr. ALEXANDER. Mr. President, I reserve the remainder of my time until just before the vote.

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

Mr. BINGAMAN. Mr. President, can we make a unanimous consent request that the Senator will have his 2 minutes now, and in addition to that, we will have 2 minutes equally divided before the vote?

The PRESIDING OFFICER. Is there objection?

Mr. ALEXANDER. I have no objection, Mr. President.

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

Mr. ALEXANDER. Mr. President, this gives me a chance to clear up a couple of points.

I say to my friend from New Mexico, the United Nations isn't picking any of these sites. We picked 20 of these sites in the United States that we recommended to the world be designated as heritage sites.

Here is what we are talking about. We are taking billions of tax dollars—that is a debate for another amendment—billions of tax dollars, $200,000 per windmill. We should all resign the Senate and get in the windmill business. My friends on the other side say we are subsidizing the building of these windmills between us and the Grand Canyon, between us and Cape Cod, between us and the Smoky Mountains, between us and the Glacier National Park.

Ansel Adams and John Muir would be rolling over at the idea of our destroying the American landscape in this wholesale fashion. If we had a level playing field and we had no Federal Government involvement, that would

be another thing, but we are putting billions of dollars out there to do this. In the Eastern United States, they only fit in areas where there are scenic ridges. That is the Tennessee Gorge, the Shenandoah Valley, the foothills of the Great Smoky Mountains, and it is being said we should use taxpayer dollars to encourage that. This says no in the most highly treasured areas we have. It is sponsored by the National Parks Conservation Association. I would think every conservation group in America would be for this. I would think every wind developer would say, of course, we are not going to put wind there.

It prohibits nothing. It interferes with no private property right. It just says we are not going to spend taxpayer dollars putting gigantic steel towers between us and our view of the Statue of Liberty and the Grand Canyon. I would think that ought to be a vote of 100 to 0.

The PRESIDING OFFICER. The Senator's time has expired.

Under the previous order, the Senator from Massachusetts is recognized to call up an amendment where he is to be recognized for 30 minutes, equally divided, for 15 minutes each side.

AMENDMENT NO. 844

Mr. KERRY. Mr. President, I call up amendment No. 844.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KERRY], for himself, Mr. BIDEN, Mrs. FEINSTEIN, and Ms. SNOWE, proposes an amendment numbered 844.

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

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

The amendment is as follows:

(Purpose: To express the sense of the Senate regarding the need for the United States to address global climate change through comprehensive and cost-effective national measures and through the negotiation of fair and binding international commitments under the United Nations Framework Convention on Climate Change)

On page 768, after line 20, add the following:

TITLE XV—CLIMATE CHANGE

SEC. 1501. SENSE OF SENATE REGARDING THE NEED FOR THE UNITED STATES TO ADDRESS GLOBAL CLIMATE CHANGE.

(a) FINDINGS.—The Senate finds that—

(1) there is a scientific consensus, as established by the Intergovernmental Panel on Climate Change and confirmed by the National Academy of Sciences, that the continued buildup of anthropogenic greenhouse gases in the atmosphere threatens the stability of the global climate;

(2) there are significant long-term risks to the economy, the environment, and the security of the United States from the temperature increases and climatic disruptions that are projected to result from increased greenhouse gas concentrations;

(3) the United States, as the largest economy in the world, is currently the largest greenhouse gas emitter;

(4) the greenhouse gas emissions of the United States are projected to continue to rise;

(5) the greenhouse gas emissions of developing countries are rising more rapidly than the emissions of the United States and will soon surpass the greenhouse gas emissions of the United States and other developed countries;

(6) reducing greenhouse gas emissions to the levels necessary to avoid serious climatic disruption requires the introduction of new energy technologies and other practices, the use of which results in low or no emissions of greenhouse gases or in the capture and storage of greenhouse gases;

(7) the development and sale of such technologies in the United States and internationally presents significant economic opportunities for workers and businesses in the United States;

(8) such technologies can enhance energy security by reducing reliance on imported oil, diversifying energy sources, and reducing the vulnerability of energy delivery infrastructure;

(9) other industrialized countries are undertaking measures to reduce greenhouse gas emissions, which provide industries in those countries with a competitive advantage in the growing global market for such technologies;

(10) efforts to limit emissions growth in developing countries in a manner that is consistent with the development needs of the developing countries could establish significant markets for such technologies and contribute to international efforts to address climate change;

(11) the United States is a party to the United Nations Framework Convention on Climate Change adopted in May 1992, and entered into force in 1994 (referred to in this section as the ''Convention'');

(12) the Convention sets a long-term objective of stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system;

(13) the Convention establishes that parties bear common but differentiated responsibilities for efforts to achieve the objective of stabilization of greenhouse gas concentrations;

(14) the Kyoto Protocol was entered into force on February 16, 2005, but the United States is not, nor is likely to be, a party to the Protocol;

(15) the parties to the Kyoto Protocol will begin discussion in 2005 about possible future agreements;

(16) an effective global effort to address climate change must provide for commitments and action by all countries that are major emitters of greenhouse gases, whether developed or developing, and the widely varying circumstances among the developed and developing countries may require that such commitments and action vary; and

(17) the United States has the capability to lead the effort against global climate change.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the United States should act to reduce the health, environmental, and economic risks posed by global climate change and foster sustained economic growth through a new generation of technologies by—

(1) participating in international negotiations under the Convention with the objective of securing United States participation in fair and binding agreements that—

(A) advance and protect the economic interests of the United States;

(B) establish mitigation commitments by all countries that are major emitters of greenhouse gases, consistent with the principle of common but differentiated responsibilities;

(C) establish flexible international mechanisms to minimize the cost of efforts by participating countries; and

(D) achieve a significant long-term reduction in global greenhouse gas emissions;

(2) enacting and implementing effective and comprehensive national policies to achieve significant long-term reductions in greenhouse gas emissions in the United States; and

(3) establishing a bipartisan Senate observer group, the members of which shall be designated by the majority leader and minority leader of the Senate, to—

(A) monitor any international negotiations on climate change; and

(B) ensure that the advice and consent function of the Senate is exercised in a manner to facilitate timely consideration of any future applicable treaty submitted to the Senate.

Mr. KERRY. Mr. President, I ask unanimous consent that Senator SNOWE be added as a cosponsor.

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

Mr. KERRY. Mr. President, I yield myself 7 minutes.

I will explain very quickly what this amendment does. We just voted a few moments ago a sense of the Senate that we should take mandatory action with respect to global warming in the United States. We did not specify what the action was. Obviously, the McCain-Lieberman mandatory action failed earlier, but we at least went on record accepting—I think it was about 54 votes on the tabling motion—that we should do something with respect to domestic. What my amendment seeks to do is express the sense of the Senate specifically, and let me quote from it:

. . . that the United States should act to reduce the health, environmental and economic risks posed by global climate change and foster sustained economic growth through a new generation of technologies by (1) participating in international negotiations under the Convention with the objective of securing United States participation in fair and binding agreements that (A) advance and protect the economic interests of the United States; (B) establish mitigation commitments by all countries that are major emitters of greenhouse gases . . .) establish flexible international mechanisms to minimize the cost of efforts by participating countries; and (D) achieve a significant long-term reduction in global greenhouse gas emissions.

The whole purpose of this is to get the United States of America engaged in an international process that will get all nations simultaneously working toward the same goal. Let me remind my colleagues we have heard some questions about the science raised over the course of the last hours. Just yesterday the scientific evidence on climate change was addressed by the G8 scientific panels, all the panels of the G8, including our own National Academy of Sciences. All of these science academies of the G8 nations said that the evidence on climate change is now clear enough for the leaders of G8 to commit to take prompt action to reduce emissions of greenhouse gases.

I ask unanimous consent that this statement from the G8 science academics be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CLEAR SCIENCE DEMANDS PROMPT ACTION ON CLIMATE CHANGE SAY G8 SCIENCE ACADEMIES

The scientific evidence on climate change is now clear enough for the leaders of G8 to commit to take prompt action to reduce emissions of greenhouse gases, according to an unprecedented statement published today (Tuesday 7 June 2005) by the science academies of the G8 nations.

The statement is published by the Royal Society—the UK national academy of science—and the other G8 science academies of France, Russia, Germany, U.S. Japan, Italy and Canada, along with those of Brazil, China and India. It has been issued ahead of the G8 summit in Gleneagles, Scotland.

The statement calls on the G8 nations to: ''Identify cost-effective steps that can be taken now to contribute to substantial and long-term reductions in net global greenhouse gas emissions.'' And to, ''recognize that delayed action will increase the risk of adverse environmental effects and will likely incur a greater cost.''

Lord May of Oxford, President of the Royal Society said: ''It is clear that world leaders, including the G8, can no longer use uncertainty about aspects of climate change as an excuse for not taking urgent action to cut greenhouse gas emissions.

''Significantly, along with the science academies of the G8 nations, this statement's signatories include Brazil, China and India who are among the largest emitters of greenhouse gases in the developing world. It is clear that developed countries must lead the way in cutting emissions, but developing countries must also contribute to the global effort to achieve overall cuts in emissions. The scientific evidence forcefully points to a need for a truly international effort. Make no mistake we have to act now. And the longer we procrastinate, the more difficult the task of tackling climate change becomes.

Lord May continued: ''The current U.S. policy on climate change is misguided. The Bush administration has consistently refused to accept the advice of the U.S. National Academy of Sciences (NAS). The NAS concluded in 1992 that, 'Despite the great uncertainties, greenhouse warming is a potential threat sufficient to justify action now', by reducing emissions of greenhouse gases. Getting the U.S. onboard is critical because of the sheer amount of greenhouse gas emissions they are responsible for. For example, the Royal Society calculated that the 13 percent rise in greenhouse gas emissions from the U.S. between 1990 and 2002 is already bigger than the overall cut achieved if all the other parties to the Kyoto Protocol reach their targets. President Bush has an opportunity at Gleneagles to signal that his administration will no longer ignore the scientific evidence and act to cut emissions.

On the U.K.'s efforts on climate change, Lord May said: ''We welcome the fact that Tony Blair has made climate change a focus for its presidency of the G8 this year. But the U.K. government must do much more in terms of its own domestic policy if it is to turn its ambitions to be a world leader on climate change into a reality. While the U.K. has managed to reduce its emissions of carbon dioxide, most of the cuts have been almost accidental rather than the result of climate change policies. Indeed, its emissions actually increased by over 2 percent in 2002—2003. Clearly the U.K. must take some tough political decisions about how it manages our ever-growing demand for energy at a time when it's vital that we cut our emissions of greenhouse gases.

''The G8 summit is an unprecedented moment in human history. Our leaders face a stark choice—act now to tackle climate change or let future generations face the price of their inaction. Never before have we faced such a global threat. And if we do not begin effective action now it will be much harder to stop the runaway train as it continues to gather momentum.

The statement also warns that changes in climate are happening now, that further changes are unavoidable and that, ''nations must prepare for them.'' In particular it calls for the G8 countries to work with developing nations to enable them to develop their own innovative solutions to lessen and adapt to the adverse effects of climate change.

Lord May said: ''We, the industrialized nations, have an obligation to help developing nations to develop their own solutions to the threats they face from climate change.''

Mr. KERRY. I emphasize to my colleagues, this sense of the Senate is not about Kyoto. It is not asking us to get involved in Kyoto. In fact, the diplomatic issue is no longer Kyoto yes or no. The world understands that we need to move beyond Kyoto. Kyoto is limited in time and in participation. Many of us, myself included, objected to that flaw in Kyoto because it left out many nations. We need to see that Kyoto, however, as a foundation for global cooperation with the principles of binding targets and emissions trading can serve as a blueprint for how to reduce those emissions. Other nations are ready to start a dialogue about the future.

Prime Minister Blair is capitalizing on his chairmanship of the G8 to press for broad cooperative action, but the United States alone stands silent and apart from this process. That has to stop. We cannot wait for Kyoto to expire in order to consider the next steps. We need to evaluate options now. We need to signal to the world that we are prepared to shoulder our fair share of the burden of dealing with this problem, and we need to put action behind our words, accepting the principle of binding pollution reduction as a critical way of engaging the developing world.

A number of proposals have been put on the table, from a G8 program to promote renewable energy, to technology funding, to development, to the framework convention. We do not suffer from a lack of ideas as to what to do. What we need is leadership, and the Senate has an opportunity to make a statement about that.

No climate change program is going to work without all of the nations of the world being involved, and no climate plan can pass Congress, obviously, that does not have their participation. Their emissions may be a fraction of what the developed world does now, but without action they are going to skyrocket and they would soon exceed the largest nation's emissions, and we cannot suffer that.

I had the privilege of going to Rio 13 years ago—I guess it was to the Earth Summit in 1992—which was the world's first effort to try to craft a global response to the threat of climate change. It was at those talks that the American delegation ultimately embraced the U.N. Framework Convention on climate change. As we know, in that agreement more than 100 nations, 13 years ago, accepted the scientific evidence that pollution is altering the composition of the atmosphere, and they set a voluntary goal to prevent dangerous anthropogenetic interference with the climate system. In other words, 13 years ago we as a country recognized, under President George Herbert Walker Bush, that climate change is a global problem in need of a global solution. We defined a global goal. We set a path for future negotiations. It was a small step, but it was a first step and it was progress.

Regrettably, after that, going to the year 2000 when President Bush took office, he had any number of options in front of him. He could have used the bully pulpit to push for greater participation from the largest emitters in the world. He could have focused on targets beyond 2012. He could have reached out to less developed countries and offered technical assistance and technology. He might have pushed for a more robust trading program or greater technology transfer, but he took a decidedly different tack contrary to the science. He flatly rejected the active approach of the prior administration and in many ways he even rejected the incremental approach, voluntary approach, of his own father. Instead, in the months after taking office, the President questioned the underlying science. He broke a campaign promise to cap carbon emissions from powerplants. He rebuked his EPA chief for positive comments about Kyoto. He proposed an energy plan that would increase pollution, and he withdrew from the protocol and the international process altogether.

If the Senate is prepared, as we just were, to embrace domestic efforts, at least in principle, we need to embrace the larger effort to reach out to the world and create a global approach so that all of us can avoid the potential downside of what scientists tell us is coming our way.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from New Mexico.

Mr. DOMENICI. I yield such time as he may consume to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I will not take a great deal of time, but I want to visit this issue in the context that it has just been presented by our colleague from Massachusetts. First, I think it is awfully important to understand a couple of things that just have transpired that the Senator referenced as it relates to these National Academies of Science. On the surface, when

one reads that and sees that the G8 academies are all standing together, including ours, one would say, wow, that is a powerful statement. What I am terribly afraid has happened is that good academicians and scientists have in some way been co-opted and in this case possibly politicized.

Let me explain what I am talking about. It is terribly frustrating for me—and I trust it is for the Senator from Massachusetts—to see a group of scientists say one thing at one time and something else a little later.

After that statement came out, I asked Bruce Alberts, the president of our National Academy of Sciences, what was meant by this statement. In his reply to me, here is what he said:

> The press release is not an accurate characterization of the eleven academies' statement, and it is not an accurate characterization of our 1992 report. I have enclosed a copy of the letter that I sent yesterday to Dr. May, President of the Royal Society [who is pushing this initiative right now because, obviously, Prime Minister Blair is the chairman of the G8,] expressing my displeasure with their press release.

Here is what President May said in return to our own president of our own National Academy of Sciences:

> We've read what you said and we've read what you've written and we've chosen to interpret it differently.

Stop and think about that. Are scientists at the National Academy of Sciences, who we rely on, who we think have done credible work and are advancing the issue and building the science on climate change from the 1992 report to the path forward and beyond, recognizing there is an increase in temperature and saying there may be a direct relationship between that temperature rise and greenhouse gases? No, the collective academies jump to a different conclusion. And then the Royal Academy suggests that, well, we just do not interpret it the way you interpret your own work. It is one scientist saying: We know better what you have said than what you have said.

Here is exactly what Dr. Robert May, head of the Royal Academy, said:

> Given the very clear recommendations that your 1992 report contains for reducing greenhouse gas emissions, I fail to see how you could make the accusation that our press release misrepresents its contents.

Already there is a fight within the academies. Why? Because it was such a unique time to advance the political cause of climate change.

But what is the reality? Getting back to 1990 levels. Great Britain isn't there and can't get there now, and they are having to ask for greater credits. Italy, in Buenos Aires this winter, told me that because they had shut down a nuclear reactor, they were no longer 3 percent toward compliance, they were 12 percent away. Japan, at the time they ratified Kyoto, I believe was like 5 percent or 6 percent away from meeting 1990 standards. Now they are 13 or 14 percent away. If you are growing the economy under current technology, you can't get where you want to get.

It has been suggested that our President does nothing. Our President has done more to advance the cause of international cooperation than any President to date. We have just seen the Global Earth Observation System first in 1993 and another advancing in the United States generating international support to link thousands of individual technologies and assets together. There is a comprehensive global system coming together. That is nothing? Our Nation is spending $5 billion on new technology, more than all of the rest of the world combined on climate change, and we are sharing that technology with the world. That is nothing?

No, no, no, the record is quite different. And the record is accurate. There is a great deal going on out there. There is about $11 billion tied to this bill that is all about clean. All of this clean technology we are about to advance and cause to happen is transparent and transferrable and available for the world to have.

What is lacking in all of this? Why so much ado today about climate change? It is the politics that drive, not the science, and not the technology.

When we were in Buenos Aires, I actually had nations who have ratified come up to us and say: We know we cannot meet the standards. We know we cannot get to 1990. But if you could just be with us politically, it is so important.

I said: Why should we be for something that cannot get to? Why not join us in these cooperative efforts? Why not work with us in the new technology? Why do we have to have an international political statement to do something when we are already doing it?

That is what it is all about. I am not going to work at disputing any of the science. It is advancing, and we are getting to know a great deal more. The bill now attempting to be amended with a sense-of-the-Senate resolution is a bill that is the cleanest thing we have ever done for climate change. We advance more technology, we bring about more science than ever before. And we share it with the rest of the world.

What has happened is quite simple: The great groundswell of politics that grew out of the original Buenos Aires that took us to Kyoto, that tried to divide the world, failed. The environmental movement that first drove this failed. Why did they fail? Because they first said: World, turn your lights out. Third World, stay where you are. And the world collectively, nation by nation, has said: Can't go there. Just can't go there. We cannot deny our people a livelihood, opportunity, clean water, and pollution control. We cannot deny them management of their waste.

We need energy. How do we get there? Got to be clean. And it is getting clearer and cleaner and cleaner. Last year, we reduced our greenhouse gases by 2.3 percent. This year, it may be 3 or greater. We don't know yet. We are saying to the rest of the world: Come with us. We will share with you our technology. We will do all the right things. We are developing bilaterals.

This administration has moved very rapidly, working hand and glove with other nations of the world to take to them our technology, to share with them the cooperative nature and spirit that we enter into these kind of relationships. What is missing is the politics. We have not politically committed this country the way some would like, as the rest of the world went, as Russia finally was the final ratifier; and now they all turn and say: Well, we said it politically, but we cannot get there. What do we do now?

That is what the G8 is all about. That is what the debate is about. Let's get on with the business of advancing clean air technologies. Let's get on with the business of doing what we are doing. In this case, the political statements have little value compared to the great work that is in this marvelous piece of energy legislation called this comprehensive act.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. I yield myself 2 minutes.

Let me answer quickly that there is nothing at all in what the Senator just said that rebukes the process set forward in the sense-of-the-Senate effort. I cannot imagine the Senator is against us trying to find a fair and binding agreement. We are not talking about something unfair and unnecessary. I cannot imagine he would not want to advance and protect the economic interests of the United States, establish mediation agreements for those countries that are major emitters. With principles of common but differentiated responsibilities, this makes sense.

With respect to what he said about the National Academy of Sciences, I respectfully just plain flat disagree. They took a comment made by one group and sent it to the chairman whom he cited, who wrote back about that outside comment. That is not the comment made by the G8 themselves. Go to the Web site of the National Academy of Sciences tonight, and you will see the following statement on the Web site:

> The United States National Academy of Sciences join ten other national science academies today in calling on world leaders, particularly those at the G8 countries meeting next month in Scotland, to acknowledge that the threat of climate change is clear and increasing, to address its causes, and to prepare for its consequences.

That is the unequivocal clear finding of the National Academy of Sciences.

The fact is, the consensus hasn't failed on environment. The countries that signed on to Kyoto have ratified it and are implementing it. Are they going to meet the goals? I admit they are not going to meet the goals—we all

understand that—which is a good reason to go back to the table and begin to negotiate to arrive at an exchange of technologies, at an exchange of science, at a multinational global cooperative effort to try to avoid catastrophe if it presents itself.

Why the opponents want to keep turning their backs on the effort to find the best science and the best solutions is beyond comprehension. When you have scientists from all over the world, I think they would be insulted by the Senator's insult to their independent scientific inquiry.

They are doing what they are doing based on their life career efforts. I think we ought to respect the consensus of all those scientists on a global basis.

Mr. President, I yield myself an additional minute.

Finance ministers, environmental ministers, prime ministers, foreign ministers—all of them together in all these other countries have not put their political careers on the line and asked their countries to engage in something because it is a fool's errand. They have not suggested, as their scientists in all of those 100 nations plus, that this is scientifically a consensus for the sake of politics. It has risks, especially if it is found to be false.

I think we ought to listen carefully to what they have engaged in. I think most of our colleagues, indeed, are doing that.

Mr. President, I yield 4 minutes to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I say to my friend from Idaho, let me, as we lawyers say, argue in the alternative. He may be accurate, but it is irrelevant. He is making an argument that was appropriate when we were debating Kyoto. We are not debating that. All my friends and I and Senator LAUTENBERG and others—and Senator KERRY has been the leader on this issue—are saying is that there are some basic facts about global warming. It is real simple. The science is real. The effects are profound. Inaction is not an option.

We just finished passing, as my friend from Massachusetts said, a resolution, a sense of the Senate, saying domestically we have to take a look at this. That is a little bit like saying we can set up a firewall here where the impact on our health, the impact on our economy, the impact on our future is going to be able to be controlled somehow just by what we do here—the idea we are not going to reach out, particularly in the context of the inability of nations to meet the standards they signed on to Kyoto. This gives us another chance to do what we should have done in the first place: try to negotiate instead of walking away, try to negotiate something that is real.

The resolution's findings declare principles on which we can reach a broad, if not unanimous, agreement. There is no need to revisit the decision that was made at Kyoto. Whatever you make of that decision, it should have been the first step toward a new phase of international negotiations, not a repudiation of the notion of negotiations.

Let me conclude by saying one thing we know for sure: no agreement is going to work that does not include the United States. No agreement is going to work that does not include the United States, the largest current source; and the developing countries, such as China and India, Korea, Mexico, and Brazil, these countries will soon take over that dubious distinction.

Here is our chance to get back on the right side of history and to put the Senate, with its constitutional power to ratify treaties, on record as favoring a serious effort under which the Framework Convention on Climate Change, signed by President Bush, can be negotiated.

This resolution does not prejudge the outcome of those negotiations. We have to be creative, we have to recognize the many different ways we can begin to make real progress, to actually reduce greenhouse gas emissions, with the goal of stabilizing the still-growing human impact on our climate.

Rather than try to attack every aspect of this huge issue at once, we might consider approaches that looked at the transportation, or the power sector, as areas where regional or other multilateral agreements could put a real dent in business as usual.

We are going to have to accelerate the discovery and deployment of new technologies, ramping up public investments in education and research, harnessing the creativity of private markets to bring new products on line.

I ask my colleagues, what side of history will we be on? Should we cling to carbon until the last drop of fossil fuels is burned? Do we want our country to be the last one still dependent economically on 19th century combustion technologies, or the first one to dominate the energy technologies of the future?

The most innovative American companies, the ones that operate in a competitive international environment, are pleading with us to move our country into the future, to give them the certainty they need to make investments for the long term in technologies and products that reduce our dependence on fossil fuels.

The DuPont Company, from my own State of Delaware, is one of the best examples. By aggressively reducing their own greenhouse gas emission—by over 70 percent from 1990 levels—they have saved $2 billion in energy costs, added to shareholder value, and shown the way for other companies.

But they still wait for our Government to provide the predictable international system in which their early actions can get credit, in which market mechanisms such as emissions trading can have the best effect, in which they will not be undercut by less responsible competitors.

DuPont, and General Electric, and many other major corporations, are putting themselves on the right side of history. We need to back them up, for the simple reason that we need American firms, and the jobs and products they provide, to succeed in an increasingly competitive world.

Which side will we be on? Will we fear the future, or will we take charge of it?

This resolution puts us on the right side. It puts this Senate on record in favor of a constructive, responsible, fair, and effective approach to climate change in our international negotiations.

It is time for us to wake up to the realities of climate change to both the threat and the opportunity it presents. It is time for us return the United States to a leadership role in the international search for a solution to this international problem.

Our children are watching.

Mr. KERRY. Mr. President, I thank the Senator from Delaware and reserve the remainder of our time.

The PRESIDING OFFICER. Who yields time?

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, how much time remains on each side?

The PRESIDING OFFICER. The Senator from New Mexico has 6 minutes 9 seconds; the Senator from Massachusetts has 1 minute 55 seconds.

Mr. DOMENICI. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. DOMENICI. Mr. President, I have read through the 6-page document that the distinguished Senator from Massachusetts has submitted as his proposal before the Senate.

I was wondering, as I read through—if you skip the first few paragraphs, you begin seeing the word ''Convention'' with a capital letter. I went back to see what that is. That is the Kyoto Convention.

Mr. KERRY. No, sir. The U.N. framework.

Mr. DOMENICI. Senator, would you like to address the Chair, please? Would you like to ask a question?

Mr. KERRY. Mr. President, I thought the Senator was asking a question. I apologize.

Mr. DOMENICI. I was not. I was looking here. I said: What is he asking us to do? I finally got down to where the Senator's amendment says: It is the sense of the Senate that we shall do these things, work first by participating in intergovernmental negotiations under the convention with the objective of securing United States participation, et cetera, et cetera.

I said: What is the convention? It is the U.N. Framework Convention. It says here. It produced Kyoto. That is what it says here. So I just want to remind the Senate, the Senator is suggesting that we ought to go back and join that convention and do something with the world so we can achieve something positive in global warming, the control of global warming gases.

Frankly, everybody here should know, if they did not, the Senator from New Mexico voted for the Bingaman amendment, which many on my side did not, because I believe we have a problem. I said that. I thought that at sometime the Congress should address it. But I surely do not support this resolution which, in a sense, says now the Senate ought to be talking about going back into negotiations with the world under an architecture that has failed us. As a matter of fact, it yielded a very big, powerful what I would call pompous ceremonial proposal called Kyoto, which nobody is going to follow that has any industrial capacity.

Now, maybe I should not say ''nobody,'' but very few nations. Most are trying to say: We would like to do it.

This Senate has said, 99 to 0, do not send us the treaty, Mr. President, because we are not going to do it. So I think the Senator—this is a good idea. It is a very excellent speech. His remarks are very admirable. But I do not believe we should today ask, through a sense of the Senate, that we go back to a convention architecture and enter into international agreements under its architecture, which yielded Kyoto, which I do not believe was very successful.

I do not think I want to debate it particularly. I have just seen charts as to what it would require of the United States, and we could never do it. How much the other proposals do that is far less, and we can hardly do those. But that is another case. Is Kyoto achievable? No. Did that convention architecture achieve anything significant? I do not think so. We had a great debate, talked a lot about some good things. Maybe some great scientists attended. But I do not think we really want to say it is the sense of the Senate that we should go back to that format. I hope we do not. As far as I am concerned, I will not vote for it.

I compliment the Senator again for the ideas expressed and the goals. But I do not think we should do this as a sense of the Senate.

I yield the floor and reserve whatever time I have.

The PRESIDING OFFICER. Who yields time?

Mr. KERRY. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 1 minute 55 seconds.

Mr. KERRY. Mr. President, I yield myself 55 seconds.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, let me say, quickly, this resolution, I say to the Senator from New Mexico, is similar to language unanimously accepted—unanimously accepted—by the Senate Foreign Relations Committee in the 107th and 108th Congresses and language accepted by the full Senate, which the Senate included on April 23, 2002. It was first offered by Senator BIDEN and myself as an amendment during the Foreign Relations Committee markup of the Foreign Relations Authorization Act. The fact is, it then was modified and included in the Senate-passed Energy bill with a bipartisan initiative with Senators HOLLINGS, HAGEL, STEVENS, BYRD, LIEBERMAN, MURKOWSKI, BINGAMAN, SNOWE, and THOMPSON on April 23.

Now, I can say to the Senator, there is no way possible to deal realistically with the issue of global warming on an international basis unless we deal with other countries. You can go find a different forum, but if you did not have this forum, you would have to invent it. I think it is the best way to proceed.

I reserve the remainder of the time.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The Senator from New Mexico has 2 minutes 41 seconds. The Senator from Massachusetts has 53 seconds remaining.

Mr. DOMENICI. I say to the Senator, would you yield back your time if I yield back mine?

Mr. KERRY. I would like to take the 53 seconds.

Mr. DOMENICI. Mr. President, I will reserve 53 seconds.

The PRESIDING OFFICER. The Senator form Massachusetts.

Mr. KERRY. Mr. President, this is not about Kyoto. I voted against the Senate proceeding on the Kyoto agreement, as did other Members here, in a near unanimous agreement, as a matter of fact, because we thought it was flawed because it did not have other countries involved.

This is an effort to put the Senate on record that we believe the science—yes, we have to believe it and move forward internationally. We even create a Senate bipartisan observer group appointed by the leaders of both sides so that they can report to the Senate on the effectiveness and propriety of what is happening.

This is a bona fide effort to try to deal realistically with the problem. The Senate has used the language before. I hope my colleagues will embrace it.

I yield back whatever time I have.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, let me say to my fellow Senators, you have already as an institution, whether you voted for it or not, the Bingaman sense of the Senate. It said the Senate recognizes greenhouse gases are a problem. There is a scientific consensus that it is a problem, that we ought to do something about it through incentives and/or mandatory caps. So we are on record on that. This is not just an amendment saying we should have a bipartisan congressional group to observe international participation in some agreements. It is much broader than that. It talks about joining in a convention architecture with the world. I don't know what else it could be other than the architecture that was established under Kyoto because that is what it refers to. I don't think we need to do that.

I yield back time I might have. I guess we want the yeas and nays.

Mr. KERRY. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous order, there are 30 minutes evenly divided between the Senator from New Mexico and the Senator from New Jersey. Who yields time?

The Senator from New Jersey.

AMENDMENT NO. 839

Mr. LAUTENBERG. Mr. President, I call up amendment No. 839. I offer this amendment to this bill to protect the integrity of government science and research on global climate change. The amendment is cosponsored by Senators REID of Nevada, LIEBERMAN, JEFFORDS, and CORZINE.

We hear a lot of rhetoric these days by those who challenge climate change and the science that they supposedly use to back up their arguments. But the problem is that much of what they present is not science but, rather, fiction. And what we want to talk about tonight, as has been said many times, is the facts, just the facts, please.

When I see what is being presented to us, I want to show this placard. It is called ''the Cooney Triangle.'' It is an alliance between the American Petroleum Institute, the White House, and ExxonMobil. Cooney used to be a lobbyist for the American Petroleum Institute. Put simply, his job at the White House was to cast doubt on the scientific evidence that our climate is changing.

In 2001, Mr. Cooney went to work at the White House's Council on Environmental Quality. His mission at CEQ included editing reports by government scientists on global warming. And he tried to muddy the waters by interjecting uncertainty where, in fact, there is consensus.

About 2 weeks ago, Mr. Cooney left the White House to go to work for ExxonMobil, the most outspoken of all the oil companies in its rejection of the scientific evidence that global warming is occurring. I call this unholy alliance between API, the White House, and ExxonMobil the Cooney triangle.

What happens in the Cooney triangle is threatening our country. Bouncing from industry to government, back into industry—that is not new in Washington. We have had a revolving door policy for a long time. What is unprecedented is that industry lobbyists, such as Mr. Cooney, are no longer asked just to try to influence policy. Now they are given free rein to tamper with and distort the findings of professional scientists, including the National Academy of Sciences.

How it works is displayed in an article in the New York Times printed on June 8, 2005. It provides a graphic example of strikeouts and changes in the

wording of a report. While working at the White House, Mr. Cooney, who is not a scientist, edited out entire sections of U.S. reports on climate change. He didn't just alter the words, he altered the meaning of what government scientists had written. An example is included, obviously, in these revisions.

Mr. Cooney deleted an entire paragraph, taking out a description of global warming impacts widely accepted by scientists, calling it ''speculative findings,'' ''amusing,'' to use his quotes.

In the next example, he adds a made-up sentence about the need for research to reduce the significant remaining uncertainties associated with human-induced climate change.

Contrast that heavy-handed editing with what scientists are saying about global warming. In January, Oxford University led a number of world-renowned universities in the largest climate change experiment ever conducted. The researchers found that the threat of global warming appears to be worse than previously thought and that the Earth is warming at twice the rate previously understood.

There is a statement here from the National Academy of Sciences issued just 2 weeks ago. They say:

> The U.S. National Academy of Sciences joined 10 other national science academies today in calling on world leaders, particularly those of the G8 countries meeting the next month in Scotland, to acknowledge that the threat of climate change is clear and increasing, to address its causes, and to prepare for its consequences.

The date is June 7, 2005, not a month ago, put out by the National Academy of Sciences, a fairly respected group.

When taxpayers pay for objective scientific studies, they don't want the findings altered. We expect scientists to go where the facts lead them, not to follow predetermined ideologies. Yet the administration has an alarming tendency to disregard or even distort scientific research. We have seen it in these reports. Nowhere is this more evident than when it comes to global warming.

The front-page headline in USA Today last week said it all: ''The Debate is Over. The Globe is Warming.''

Our planet is warming up. It is being documented by scientists. But instead of addressing the real problem, the administration wants to edit the problem away by tinkering with scientific reports.

My amendment would help protect government reports on global warming and climate change from being altered for any reason, political reasons in particular.

Under my amendment, if a government report about climate change is altered by the White House, then a draft of the preedited version has to be made available at the same time that the final report is released. This way people can determine for themselves whether the scientific evidence about global warming is being ignored or disregarded by the administration. The amendment also extends whistleblower protection for government scientists. It is too bad they have to have that, but we want to be sure that they are free to speak up. It is time to make sure everybody knows about this war on science, especially when it comes to global warming.

The bottom line is that the oil industry lobbyists should not be rewriting scientific conclusions. My amendment will discourage such tampering in the future.

In a national survey last year, two-thirds of the Americans surveyed said government science should be insulated from politics. Nobel laureates, former Federal agency directors, and university presidents have all called for legislative action to restore scientific integrity to Federal policy-making. It is time to smash the Cooney triangle. It is time to demand greater transparency, a hallmark of democracy, on all scientific reports on our planet's climate.

As Russell Train, who served as EPA Administrator under Presidents Nixon and Ford, put it, the ''interest of the American people lies in having full disclosure of the facts.''

Under my amendment, if the administration wants to fly in the face of peer-reviewed science, it can still do it. But when the administration publishes a bogus report on global warming, my amendment will make it easier for the American people to separate science from fiction.

Mr. President, it is fairly obvious, by all kinds of physical evidence, that there is a warming taking place. If we see what happens in Antarctica or in the Arctic, and we see places changing their character, going from glacially covered ice mountains into pools and areas bare of any evidence of winter—the facts are there. They cannot be refuted. Yes, they can be altered. But we just want to know when the facts are changed. When the information is distorted in any way, we say, OK, you want to change them, but let the public know what the change is you are making.

I yield the floor, and I ask, how much time is left?

The PRESIDING OFFICER. The Senator from New Jersey has 5 minutes 9 seconds remaining.

Mr. LAUTENBERG. I thank the Chair.

The PRESIDING OFFICER. Who yields time? The Senator from New Mexico.

Mr. DOMENICI. As I understand it—did the Senator use all his time?

The PRESIDING OFFICER. The Senator has 5 minutes 9 seconds remaining.

Mr. DOMENICI. I ask the Senator from New Jersey, would he be disposed to yielding back his time if this Senator would yield all of my time now?

Mr. LAUTENBERG. If the Senator from New Mexico would want to yield time, I am happy to yield the remaining time that I have.

Mr. DOMENICI. I yield back whatever time we have on our side. I ask the question so I understand carefully. The Senator did not ask for any consent that we take any action. He just delivered a speech. I didn't miss anything by way of a request, did I?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. I yield back my time.

Mr. LAUTENBERG. We yield back our time.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. 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. 961

Mr. HARKIN. Mr. President, I understand there is a parliamentary situation that I have 1 minute, and I guess Senator ALEXANDER has 1 minute on the Alexander-Warner amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. HARKIN. Mr. President, I just ask one question. Why single out wind power? I ask my friends from Tennessee and Virginia, why not apply it to coal, coal-fired plants? Why not apply it to oil or gas? Maybe some people don't like seeing a smokestack out there on the horizon. Maybe people don't like to see the cooling towers of nuclear plants. Why not apply it to everything?

It seems to me some people are ready to drill in a wildlife area but not put a windmill within 20 miles. Why not apply it to transmission lines? We see big power transmission lines going across scenic areas, marring the views or vistas. Why not apply it to transmission lines?

Clearly, this amendment is aimed at wind power. I don't know why, but it is. I just say to restrict the development of the largest nonhydro renewable resource takes us in the wrong direction. So I ask my colleagues to please oppose the Alexander-Warner amendment and get on with building the windmills in Iowa, South Dakota, North Dakota, Minnesota, and all of the places that will give us clean renewable energy.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Tennessee is recognized.

Mr. ALEXANDER. The answer to the Senator is the reason we are doing this is that he is advocating a national windmill policy instead of a national energy policy, which has spent billions on windmills. We ought not subsidize the destruction of our national treasures, such as the Grand Canyon, the Great Smokies, and we ought to tell people first.

This bill doesn't prohibit the building of any wind project, affect anything already going on, or give FERC any new

authority. The reason Senators ALEXANDER, WARNER, LANDRIEU, MCCAIN, ALLEN, VOINOVICH, BROWNBACK, BURR, and BUNNING all support it is because it says and the National Parks Conservation Association says no subsidies to destroy our views of our national treasures and more local controls.

Please vote yes.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

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

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Minnesota (Mr. COLEMAN).

Further, if present and voting, the Senator from Minnesota (Mr. COLEMAN) would have voted ''nay.''

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD), the Senator from Minnesota (Mr. DAYTON), the Senator from North Dakota (Mr. DORGAN), and the Senator from Vermont (Mr. JEFFORDS) are necessarily absent.

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

The result was announced—yeas 32, nays 63, as follows:

[Rollcall Vote No. 150 Leg.]

YEAS—32

Alexander	Ensign	Murkowski
Allen	Frist	Santorum
Brownback	Graham	Sessions
Bunning	Gregg	Specter
Burns	Kyl	Stevens
Burr	Landrieu	Sununu
Cochran	Lott	Talent
Cornyn	Lugar	Vitter
DeMint	Martinez	Voinovich
DeWine	McCain	Warner
Domenici	McConnell	

NAYS—63

Akaka	Dole	Lincoln
Allard	Durbin	Mikulski
Baucus	Enzi	Murray
Bayh	Feingold	Nelson (FL)
Bennett	Feinstein	Nelson (NE)
Biden	Grassley	Obama
Bingaman	Hagel	Pryor
Bond	Harkin	Reed
Boxer	Hatch	Reid
Byrd	Hutchison	Roberts
Cantwell	Inhofe	Rockefeller
Carper	Inouye	Salazar
Chafee	Isakson	Sarbanes
Chambliss	Johnson	Schumer
Clinton	Kennedy	Shelby
Coburn	Kerry	Smith
Collins	Kohl	Snowe
Corzine	Lautenberg	Stabenow
Craig	Leahy	Thomas
Crapo	Levin	Thune
Dodd	Lieberman	Wyden

NOT VOTING—5

Coleman	Dayton	Jeffords
Conrad	Dorgan	

The amendment (No. 961) was rejected.

Mr. CRAIG. I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 844

The PRESIDING OFFICER. The question is on the amendment by the Senator from Massachusetts, Mr. KERRY.

The Senator from New Mexico.

Mr. DOMENICI. I yield to the majority leader.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, for the information of our colleagues, the next vote will be the last vote of tonight. In fact, the next vote will be the last vote before the cloture vote tomorrow morning. The Democratic leader and I have not talked specifically about times, but we probably will come back in at 9 o'clock tomorrow morning and have the cloture vote at 10 o'clock.

As all of you know, the postcloture amendments will be germane amendments. Right now, the Parliamentarian is going through about 170 amendments to see what is germane and what is not. We make a request to our colleagues to talk to the managers tonight or very early on tomorrow about which amendments you feel strongly about offering.

People have asked about the schedule. We have really all day tomorrow. We could go into Friday on the bill, but if people really focus on it tonight and in the morning, we have a good shot at completing this bill tomorrow afternoon or tomorrow evening. Again, it is going to take everybody coming together and sorting through the amendments.

But this will be the last vote tonight, and the next vote will be the cloture vote at 10 o'clock tomorrow morning.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Minnesota, (Mr. COLEMAN).

Further, if present and voting, the Senator from Minnesota (Mr. COLEMAN) would have voted ''nay''.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD), the Senator from Minnesota (Mr. DAYTON), the Senator from North Dakota (Mr. DORGAN), and the Senator from Vermont (Mr. JEFFORDS) are necessarily absent.

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

The result was announced—yeas 46, nays 49, as follows:

[Rollcall Vote No. 151 Leg.]

YEAS—46

Akaka	Durbin	Lincoln
Baucus	Feingold	Lugar
Bayh	Feinstein	McCain
Biden	Gregg	Mikulski
Bingaman	Harkin	Murray
Boxer	Inouye	Nelson (FL)
Byrd	Johnson	Nelson (NE)
Cantwell	Kennedy	Obama
Carper	Kerry	Reed
Chafee	Kohl	Reid
Clinton	Lautenberg	Rockefeller
Collins	Leahy	Salazar
Corzine	Levin	Sarbanes
Dodd	Lieberman	Schumer
	Smith	Stabenow
	Snowe	Wyden

NAYS—49

Alexander	Dole	Murkowski
Allard	Domenici	Pryor
Allen	Ensign	Roberts
Bennett	Enzi	Santorum
Bond	Frist	Sessions
Brownback	Graham	Shelby
Bunning	Grassley	Specter
Burns	Hagel	Stevens
Burr	Hatch	Sununu
Chambliss	Hutchison	Talent
Coburn	Inhofe	Thomas
Cochran	Isakson	Thune
Cornyn	Kyl	Vitter
Craig	Landrieu	Voinovich
Crapo	Lott	Warner
DeMint	Martinez	
DeWine	McConnell	

NOT VOTING—5

Coleman	Dayton	Jeffords
Conrad	Dorgan	

The amendment (No. 844) was rejected.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. MCCONNELL. 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 Virginia is recognized.

Mr. WARNER. I ask the Chair to advise the Chamber as to the pending business.

The PRESIDING OFFICER. The pending amendment is amendment No. 811, offered by the Senator from New York, Mr. SCHUMER.

Mr. WARNER. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Virginia will state it.

Mr. WARNER. Mr. President, it is my understanding that there was a unanimous consent put into order that following the votes, the Senator from Virginia would be recognized for a period of time, together with the Senator from Tennessee, the Senator from Florida, and the Senator from New Jersey, for the purpose of an amendment, which I understood was in order.

The PRESIDING OFFICER. The Senator has the right to proceed at this time.

Mr. WARNER. Is that under the unanimous consent, or is it that I just got the floor?

The PRESIDING OFFICER. Under the agreement.

Mr. WARNER. It is my understanding that the Presiding Officer stated incorrectly with regard to the Senator from New York; is that correct?

The PRESIDING OFFICER. The amendment of the Senator from New York is the pending business. But there is a unanimous consent order to allow the Senator from Virginia to go forth at this point.

Mr. WARNER. All right. I further inquire, is it appropriate for the Senator from Virginia to ask unanimous consent that the pending amendment be set aside so that I can proceed.

The PRESIDING OFFICER. The Chair notes that is not necessary at this point.

AMENDMENT NO. 972,

Mr. WARNER. I thank the Chair. This is somewhat unusual. We will proceed as directed by the Chair.

Mr. President, I first ask that the amendment at the desk be modified.

The PRESIDING OFFICER. Is there objection?

Mr. NELSON of Florida. Reserving the right to object, if the distinguished Senator from Virginia would please inform the Senate what is the modification.

Mr. WARNER. Mr. President, I modified it in such a way as to comport with the UC, whereby after I present the amendment, it can be withdrawn. That is the essence of it.

Mr. NELSON of Florida. I thank the Senator.

(The amendment No. 972 is printed in today's RECORD under ''Text of amendments.'')

Mr. WARNER. As I understand it, the Senator from Virginia has 5 minutes, the Senator from Tennessee has 5 minutes, and my colleagues in opposition have 5 minutes each.

First, I thank my colleagues for allowing me to proceed. There is a very strong opposition on both sides of the aisle to this amendment. I say to my colleagues that this amendment is important to have as part of the legislative history of this Energy bill—a bill that America has been waiting for for a very long period of time. Had I pressed on with certain parliamentary maneuvers, it could well have resulted in a filibuster. I have been here 27 years, and I think I have some understanding as to how to count votes and what is in the best interest of this Chamber. I did not want to precipitate that kind of parliamentary situation, particularly after the hard work of Senators DOMENICI and BINGAMAN and the leadership on both sides. But it is important.

It is important that this amendment reflect that there is a need in America to recognize that the potential for the offshore energy, be it gas or oil, is enormous, and that we as a nation must conscientiously put politics to one side and look at this, in the event that the energy crisis gets any worse for this country. We have no other recourse of any significant energy other than to go offshore. The distinguished Senator from Louisiana, in the course of this bill, will put on an amendment which recognizes, I think quite properly, that the States which have permitted offshore drilling and which are now producing essential energy for the U.S. be given a share of the revenue. It has my strongest support.

This amendment provides for the future, if other States so desire, to permit offshore drilling. They also can participate in the distribution of the proceeds from the oil and gas. It is entirely discretionary with the States. This amendment is designed to force no burden on any other State. If a State wishes to take those risks associated with drilling and the citizens accept that, and the legislatures accept it, then they should be entitled to the proceeds, or a portion of them.

In my State—and I am proud of it—the general assembly, this year, passed legislation urging that our State, through its Governor, begin to explore the possibility of acquiring the offshore drilling rights and revenues. The Governor, for reasons that he explained—and I do not say this by way of criticism—vetoed that. But I felt it important for the Senator from Virginia to stand and advise the Senate of the necessity to put in legislation to allow those States the option of deciding for themselves to do offshore drilling.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. I yield 5 minutes to my distinguished colleague from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Senator from Virginia. I am glad we have had this opportunity to discuss this issue tonight. I believe, if we had an opportunity to come to a vote, we would likely have a majority vote, more than 50 votes for the idea of giving more individual States the right to drill for natural gas offshore, the same right that four States already have.

Why would we do that? It is because the single most important thing that this Energy bill, which is a superb bill as it has been developed, can do for the American people is to lower the price of natural gas.

We talk a lot about gasoline at the pump, but by far the bigger problem for millions of American blue-collar workers, for millions of American farmers, and for millions of American homeowners is the high price of natural gas. To lower the price of natural gas, we have a number of provisions in our legislation.

One is conservation. We have very strong conservation. One is make electricity in new and different ways. We would like to encourage nuclear power, but new reactors are a few years away. We would like to encourage coal gasification and carbon sequestration, but that is a few more years away. We would like to bring in more natural gas from overseas, but that leads us down the same road on natural gas as on oil.

Part of our solution is to increase our supply at home, and we have a lot of it. But here is the price. If we think American jobs are going to stay in the United States when the price is $7 and headed up, when the price in Canada is $5.50, in the United Kingdom it is $5.15, and in Turkey it is $2.65, we are kidding ourselves. We are saying let's don't look for natural gas at home.

The Senators from Florida do not want natural gas from Florida, and neither do I, if they don't. And the Senators from North Carolina do not want it off the coast of North Carolina, and neither do I, if the Senators and the people of North Carolina don't. But what we have suggested in the amendments I have proposed, with Senator TIM JOHNSON in the national gas price reduction bill, and it would be before this legislation, and what the Senator from Virginia has said, is let them do it.

That would mean the Governor of Virginia could put a gas rig more than 20 miles out to sea. One gas rig would equal 46 square miles of these windmills that everybody seems to love. One gas rig, that you could not see, out to sea would bring you enough revenue to create in Virginia a terrific reserve fund for the university system and to lower the taxes, and it would bring to us in the United States a supply of gas to lower the price of natural gas so the workers at Tennessee Eastman can work in Kingsport, instead of flying to Germany to go to work, which is what they will have to do, and the farmers will not have to be taking a pay cut, and the homeowners can afford to pay their bills.

So we need to have, as part of our solution, an increased supply of natural gas. I believe there are 51 votes in this Chamber for that. We cannot get to a vote tonight, but I think we have made great progress. A year ago, we could not even get this body to agree to take an inventory of the natural gas we have offshore, and we have lots of it. This year we passed that inventory. A year ago, nobody would even speak about the idea of giving a State, such as Virginia or South Carolina or North Carolina, the option of deciding for itself that out on the water, where it cannot be seen, it bring in this resource and use it instead of raising taxes. I think that is an option a lot of Governors and legislatures are going to want.

We are contributing to the debate and moving in the right direction. Florida may want to not do it, but I predict there will be a day in Florida, 5 or 10 years from now, when somebody is going to say: We are going to have to have a State income tax. And somebody else will say: Well, maybe we can go 50 miles offshore, where nobody can see gas rigs, and drill for gas and avoid a State income tax and also contribute to the supply of natural gas in a way that would keep jobs in America, lower the cost for farmers, lower the cost for the auto companies, and lower the cost for homeowners.

Lowering the price of natural gas is the single most important thing this energy legislation can do right now for the American blue-collar worker, American homeowner, and American farmer. Having some new supplies of natural gas is a part of the solution, and giving States the option would be a good way to do it, in my opinion.

Mr. President, I ask unanimous consent to print in the RECORD a listing of companies and associations supporting expanded offshore development.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMPANIES & ASSOCIATIONS SUPPORTING EXPANDED OFFSHORE DEVELOPMENT

Abitibi-Consolidated, Inc.; AFG Industries; Air Liquide; Air Products & Chemical Inc.; Albemarle; Alliance for the Responsible Use of Chlorine Chemistry (ARCC); American Chemistry Council (ACC); American Council for an Energy Efficient Economy (ACEEE); American Farm Bureau (AFB); American Fiber Manufacturers Association (AFMA); American Forest and Paper Association (AF&PA); American Gas Association (AGA); American Petroleum Institute (API); American Public Gas Association (APGA); Arkema, Inc.; Ashland Inc.; Associated Builders & Contractors (ABC); Association of American Railroads (AAR); BASF Corp.; Bayer Corporation; C. Brewer Co.; Cal-Mold, Inc.; Carpet & Rug Institute (CRI); Celanese; CF Industries; Chemical Council of New Jersey; Chemical Industry Committee, Tennessee Chamber of Commerce & Industry; Chemical Industry Council of Illinois; Chlorine Chemistry Council (CCC); Ciba Specialty Chemicals; Cinergy; Consumers Alliance for Affordable Natural Gas (CAANG); Council of Industrial Boiler Operators (CIBO); Crompton Corp.; Degussa; Delta Pacific Products, Inc.; DJNypro; Domestic Petroleum Council; Dow Chemical; Dow Corning Corp.; DuPont.

Dynisco; Eastman Chemical Company; The Energy Council; FMC Corporation; Forest Products Industry National Labor Management Committee; Georgia-Pacific Corporation; Guardian Industries Corporation; Hercules Incorporated; High Sierra Plastics; IGCC Coalition; Illinois Tool Works; INCOE Corporation; Independent Petroleum Association of America (IPAA); Industrial Energy Consumers of America (IECA); International Paper Company; Itech; Jatco, Inc.; Key Packaging; Longview Fibre Company; Louisiana-Pacific Corporation; Lyondell; Massachusetts Chemistry & Technology Alliance; MeadWestvaco Corporation; Merisol USA; Mid South Extrusion; Milacron Inc.; Mill Hall Clay Products, Inc.; National Association of Manufacturers (NAM); National Association of Regulatory Utility Commissioners (NARUC); National Corn Growers Association (NCGA); National Council of Farmer Cooperatives (NCFC); National Lieutenant Governors Association (NLGA); National Petrochemical & Refiners Association (NPRA); Natural Gas Council; New Mexico Oil & Gas Association; NOVA Chemicals, Inc.; Ohio Chemistry Technology Council.

Old Virginia Brick, Inc.; Pelican Products, Inc.; Pennsylvania Chemical Industry Council; PPG Industries; Praxair; Precise Technology; Pro Systems, LLC; Rayonier, Inc.; Rohm and Haas Company; 60 Plus Association; Setco, Inc.; Smurfit Stone Container Corporation; Society of the Plastics Industry; Solar Energy Industries Association (SEIA); Solutia; Southern Legislative Conference (SLC); Southern States Energy Board (SSEB); Spartech Corporation; Stora Enso North America; Styrotek Inc.; Temple-Inland Inc; Texas Chemical Council; Ticona; Tomah Products, Inc.; Trex Company; Tyco; United Southern; United States Combined Heat & Power Association (USCHPA); United States Conference of Mayors (USCM); Universal Dynamics; Versatech Inc.; Virginia Chemistry Council; Waverly Plastics; Wexco Corporation; Weyerhaeuser Company; and Xaloy Incorporated.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I would like to respond to the two distinguished Senators, for whom not only do I have a great deal of personal respect but personal affection, especially as my chairman of the Senate Armed Services Committee knows of my personal feelings about him.

I just want to point out where there is a flaw in the reasoning here for the States that have concerns that do not want the drilling off of their coast.

I can give again the arguments I have made ad infinitum on the floor of the Senate of why Florida does not want to do this. In the first place, the geology shows there is not very much oil and gas off Florida. They have had all kinds of dry holes over the last half century. But in everything in life, there are questions of tradeoffs, and is it worth the tradeoff that we would despoil a $50-billion-a-year tourism industry that depends on pristine beaches, not even to speak of the delicate coastline of the environment, such as the Ten Thousand Islands, with the mangroves, the Big Bend area of Florida. I could go on and on.

Clearly, as the chairman of the Senate Armed Services Committee knows, we have a unique national resource off our coast called ''restricted airspace,'' where we train our military pilots and where a lot of the training, with the shutdown of Vieques in Puerto Rico, is integrated with surface ships, and at the same time there would be oil rigs down there. That is not what I want to speak to. I want to speak to what the two Senators have said.

It seems, with all of this area in yellow that is under moratorium, it would be harmless off a State until you get to the specific language of the amendment which talks about the establishment of seaward lateral boundaries for coastal States to be set by the Department of Interior according to a guideline set by a Law of the Sea Treaty which was never ratified by the United States.

I want to give an example of what that line would be off the gulf coast of Florida. Here is Texas, Louisiana, Mississippi, Alabama, and here is the Alabama-Florida line on a latitude. But under that Law of the Sea Treaty that was never ratified by the U.S. Government, where would that line go for the State of Louisiana? It would come out here off the coast of Florida. That is what we are trying to protect against.

That is a major flaw of this amendment. This is what we have in Florida. I have not been able to get an updated photograph, but that is a photograph from Alaska.

There is a similar photograph that has not been processed in the photography room of what has just happened off the coast of Louisiana. That could happen right there to what is so precious in our State of Florida.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MARTINEZ. Mr. President, I rise to speak in opposition as well. I again join with my colleague from Florida. I wish to speak again to a position that seems to continue to come up in this bill. Let me say, first, that I do respect the wishes of the Senator from Virginia about what they might do in the State of Virginia. I wish there were a simple way that we could simply say: Fine, drill in Virginia if you will, but do not do so in Florida. There just has not been a mechanism that has been devised, as my senior colleague, the Senator from Florida, has just pointed out, that would allow us to draw these seaward boundary lines in a way that would also protect the State of Florida. Particularly, I am talking about the area in the northwest part of our State around the area of Pensacola.

There is no question that the drilling that we discussed as such a benign event in fact is not because in this particular bill, part of the effort is going to be to allow the State of Louisiana and other coastal States, about five of them that are currently drilling, to benefit more fully in the royalties from the product that is being drawn from their coast. The fact is that they need that money to correct the environmental damage to their coastline. That is the slippery slope down which we in Florida do not want to go.

If this were totally benign, the people of Louisiana would not today be clamoring for assistance to rebuild their coast from all the damage and the trafficking and all of the things that go on with coastal offshore production.

In addition to that, I know the Senator from Tennessee speaks passionately about this issue, and I also give great deference to his judgment as someone who has served in many distinguished roles, particularly as Governor of his own State, and I understand that he did a terrific thing, which is bring in industry to that State that today may be threatened by the high price of natural gas. But let me also say that we know Florida. The senior Senator from Florida and I know Florida just as well as the Senator from Tennessee knows Tennessee. I do not think there will be a time when the State of Florida is going to be willing to accept an income tax or the State of Florida is going to be in the need of drilling off its coast in order to supplement the income of our universities. Always there is more money available. There are more ways to spend it.

The fact is, this is not an economic calculus that the State of Florida can make because we are too dependent on tourism. We are so dependent on our visitors. We are so dependent and so proud of the military presence on our coastline that desperately needs this area to conduct their training missions. This is one of the few areas in the world where the U.S. Armed Forces can train in joint operations on sea, land, and air all at the same time. That is because of the great expanse they have, this reserved airspace and the land adjacent to it.

So if there were an easy way that we could accommodate and allow for coastal drilling in the State of Virginia

while at the same time in no way tampering with Florida, that would be just fine. The language in this bill simply does not do that. What it does is open a door for the northwest coast of Florida to be threatened with coastal drilling.

I see the Senator from New Jersey is about to speak. I thank him for his participation with us in our endeavors to keep our coastlines clear of drilling. I know the Senator shares many of the same sentiments where so many of the people of his State are committed to keeping those coastlines free of drilling so that tourists can continue to come and enjoy the beaches of New Jersey as they do the beaches of Florida.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. CORZINE. Mr. President, I rise to speak against this amendment and the direction this amendment would take. I will try to give my reasons, but I very much respect and admire the courtesy the distinguished Senator from Virginia and others have provided so that we could have this debate. I believe it is truly one of those fundamental debates that we need to have with regard to both energy independence and how we look holistically at our economies and how our people will be able to continue to maintain their way of life, their quality of life, in its broadest context. This really gets at the heart of that matter as it relates to the people of New Jersey.

I actually believe, for folks up and down our coastlines and a lot of different areas, I could go through the 127 miles of coastline, the $31 billion of GNP we have in the State, the 800,000 jobs in the tourism industry. That is very focused in the State of New Jersey. But the reality is that we have made other choices with regard to energy independence that I think and many think could attack that need that the distinguished Senator from Virginia so ably talked about, that we need to protect America's role and its ability to have that independence.

We have said we do not think changing mileage standards, we do not think developing even stronger efficiency standards, is the way we are going to go because we have cost-benefit tradeoffs. Now, I do not agree with those cost-benefit tradeoffs, but they were implied in the decisions we have taken in writing this bill.

Those of us who are so dependent, as I tried to outline and my distinguished colleagues from Florida talked about in their economy, many of us are very dependent in our own economy on the kinds of things that could be threatened with regard to the kind of action we take. We had to make some tradeoffs. We made judgments and some choices about whether it was better to put at risk something that is incredibly important not only for the economy but the environment and the quality of life of the people who live in these communities, or do we say that we will protect those and take other choices that will produce the energy independence that we have? From our perspective in New Jersey, I believe this is a bad cost-benefit analysis. I can understand how someone can make that argument, but to those 836,000 folks dependent on the tourism industry, I cannot make that argument.

There is another argument being made about States rights. That is probably too simple a way, but leave it to the legislature of one State or another. I look at these planning areas—and I do not know much about oceanography and how the tides move and the sea moves, but there is a reason that we have planning areas, the mid-Atlantic, the South Atlantic, and we did not do it by States because water does not know borders.

The fisheries that are involved in those planning areas—it is not just Virginia or New Jersey that is impacted by a decision that is taken. If there is an oilspill or if some of the fisheries are destroyed because of the seismic explosions that test the capacity for oil and gas in these areas, it has impact beyond simple borders. This is something that needs to be considered not just from a State point of view, but we need to do this in a cooperative fashion. So I think there is a cost-benefit problem. How do we define borders and boundaries and oceans?

Finally, it strikes me that we are not focused on some of the things that would allow us to deal with our energy independence, which is absolutely essential. I do not understand why we think this is the trade we need to make versus other trades when there is so much at stake for so many with regard to these coastal economies.

I thank the Senator from Virginia for bringing this debate to the Senate floor. It is a healthy one, and I look forward to working with him in the future, hopefully in a positive way, on our energy dependence.

Mr. WARNER. How much time remains on my side?

The PRESIDING OFFICER. The Senator from Virginia has 1 minute 37 seconds.

Mr. WARNER. The opposition?

The PRESIDING OFFICER. Senator NELSON has 25 seconds, and Senator MARTINEZ, 1 minute 14 seconds.

Mr. WARNER. Mr. President, I wind up the presentation by saying—and I regret to predict this—I see nothing but danger signs with regard to the worldwide energy consumption and the predicament the United States of America faces, particularly with the growing consumption of energy by China and India and other nations. It will impact here at home.

To my colleagues in Florida, show us how to fix our bill to protect your State fully. It can be done. That is what we do all the time, craft legislation. How do you explain how four States have already been doing this for many years—Mississippi, Louisiana, and those four States offshore—without any great disaster.

I predict the Halls of this Chamber will reverberate with the debate—maybe next year or the year after—and this subject will be brought back again when a solid realization will come to this Senate we have no place to go as a nation to protect ourselves and our energy needs but offshore.

I am delighted tonight I forced the opportunity, together with my colleagues, to show in this bill there are those in this Senate who are seriously concerned about the future and believe we must start now to do the planning for offshore. If this crisis hits, we cannot go 6 months or a year and suddenly tap those sources. We have to go through a legislative process in our States and the Federal Government. It will take 4 to 5 to 6 years before we could begin to draw the first bit of energy offshore.

I thank my colleague for the opportunity for this very limited right of a Senator to make his case. Unfortunately, we will not have a vote to determine how many other colleagues feel as we do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, could I ask the Senator from Virginia to yield a moment of his time?

Mr. WARNER. I regret to say to my colleagues I don't think we have a second. If the Senator would ask unanimous consent, I would strongly support it.

Ms. LANDRIEU. I ask unanimous consent for a moment.

Mr. WARNER. Mr. President, I ask unanimous consent 2 minutes be given to our distinguished colleague from Louisiana.

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

Ms. LANDRIEU. I thank my colleague from Virginia. This has been a very good debate. I understand the feelings of the Senators from Florida and New Jersey. They have very strong feelings they have expressed, and some ideas have been laid out to consider.

I understand this amendment will probably not be voted on, but I compliment the Senator from Virginia for his foresight and understanding that we have to increase the supply of gas, particularly oil and gas in this Nation.

All of the conservation measures are in this bill and all those we could add when it goes to conference are not going to add up to enough conservation to get us out of the bind we are in.

While we want to be sensitive to the individual States, we also have an obligation to the Nation. The Senator from Virginia has raised that issue.

He is correct. We will be back sometime next year or the following year debating this issue and trying to come up with some way we can open up opportunities where we can, and maybe perhaps keep them closed in other places. Pretending this will go away, pretending the prices will come down, is jeopardizing the economic vitality of

our Nation. Regardless of the position of Mississippi or Louisiana, the national issue demands we come up with solutions.

I thank the Senator from Virginia for his foresight and his comments in this regard.

Mr. WARNER. I thank the distinguished Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, in the remaining time I have, I respond to my dear personal friend and my chairman, the senior Senator from Virginia, to say in approaching your question, how do you perfect this for the future? You eliminate the part of your bill regarding the establishment of seaward lateral boundaries for coastal States.

In all of this area in yellow off the gulf coast of Florida that is under moratorium, that seaward lateral boundary would cause that line to come off the coast of Florida. That is what the Senator from New Jersey is concerned about. That, then, establishes drilling off of one State that clearly starts to impinge on the rights of another State for which we have tried to articulate the reasons why that is so important to us and to our people and the States we represent.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MARTINEZ. I simply echo Senator NELSON's comments. It is terribly important, and I think the Senator from Virginia makes a good point. We should work at this. I am happy to sit down and start to work at it.

The Senator from Louisiana and I and the committee sat down with the chairman under his guidance and attempted to draw lines. We made a lot of progress. We could not come up with a formula that seemed to work, but one has got to work. Even if it is a combination of continuing moratoria as well as boundary lines that are drawn, we should be able to do that to accommodate all that is sought to be done here.

Also, the point needs to be made that, as dire as the circumstances of energy are, and I recognize China and India are tremendous consumers of energy that will surpass our own demands for energy in the years to come, it is incumbent upon us to put the great genius of America at work so we can develop alternative sources of fuel, that our dependence on fossil fuels has to be changed.

I commend the chairman for moving in that direction in this bill, which is why I am so excited about this Energy bill. In addition to conservation measures, it also moves us into alternative fuels. It does a great deal to encourage the production and purchase of hybrid vehicles, and in combination with tax incentives that will come from the Finance Committee it makes a very strong energy policy for our Nation. While not perfect, it is a great step in the right direction.

I appreciate all of the courtesies and the fact that we will not be voting on this tonight since we have not worked out those boundary lines in a way that affects the people of Florida. I thank the Senator from Virginia for his courtesy and invite the opportunity to work with the Senator to see if it is feasible to see if we can draw the lines to satisfy the needs of Virginia and Florida.

AMENDMENT NO. 972

Mr. WARNER. I believe under the unanimous consent it is in order for the Senator from Virginia to seek unanimous consent to have this amendment withdrawn. I will do that momentarily.

I simply say to my colleagues, there is a way to fix this legislation and there is a way, also, to fix it in such a manner that we could restrict such offshore exploration to gas alone. Right now the permit process requires oil and gas, but Congress can fix that.

Gas alone would wipe out most of your arguments with regard to the environment. That should be taken into consideration because you have shared with me the risk to our national security, much less our economy, from this impending energy crisis.

I ask unanimous consent this amendment be withdrawn.

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

RING FENCING

Mr. FEINGOLD. Mr. President, The Senator from Kansas and I would like to engage in a colloquy with Chairman DOMENICI and Ranking Member BINGAMAN about an issue that we're concerned could adversely affect electricity consumers and small businesses.

Mr. DOMENICI. I understand the Senators from Wisconsin and from Kansas have concerns about the potential for regulated utilities to cross-subsidize the business ventures of some of their affiliate companies.

Mr. BROWNBACK. Yes. Several small business groups have brought to our attention concerns they have about their ability to compete with energy service companies that are separate from, but affiliated with, regulated utilities. These small business groups are concerned about utility ratepayers subsidizing these competitive businesses. Because of these concerns, I have cosponsored an amendment with Senator FEINGOLD to give the Federal Energy Regulatory Commission authority to require greater structural and financial separation of utility companies and their affiliates and to prevent anticompetitive abuses which are especially harmful to America's small businesses.

Mr. FEINGOLD. In addition to consumers and small businesses, we have heard from a diverse array of financial companies and credit agencies that are deeply concerned about this issue. From 2001–2003, financial ratings agencies issued over 180 bond downgrades—overwhelmingly as a result of poor performance by nonutility investments. All too often, utilities have succumbed to temptation and have relied on the more stable, regulated utilities within the company to shore up balance sheets and offset risky nonutility investments, while customers, ratepayers and investors pay the bill. We all agree that we cannot let Enron-style abuses we keep hearing about from consumers, small businesses, and financial companies continue.

The Feingold-Brownback amendment adds a new section to the Federal Power Act to give FERC new power to regulate transactions between public utility companies and their affiliate and associate companies. The amendment also requires FERC to issue regulations that require affiliate, associate, and subsidiary companies to be independent, separate, and distinct entities from public utilities; maintain separate books and records; structure their governance in a manner that would prevent creditors from having recourse against the assets of public utilities; and prohibit cross-subsidizing, or shifting costs from affiliate, associate, or subsidiary companies to the public utilities.

Mr. BINGAMAN. As the Senator from Wisconsin knows, I see ring fencing as an important issue and think that we should push FERC to protect small businesses and consumers from these abusive practices. The underlying bill, however, contains strong new authority for the Federal Energy Regulatory Commission to oversee mergers of public utilities. Congress directs FERC to use this new authority to assure that mergers are conducted appropriately and that consumers are protected from Enron-style abuses. We also direct FERC to use its existing authority to ensure Enron-style abuses do not happen again. The antimarket manipulation language also works toward this goal.

Mr. FEINGOLD. I am pleased that language in the underlying amendment includes more merger oversight authority for FERC, it includes anti-market manipulation language, and it allows FERC to look at the books. My concern is that if there are not standards about keeping the entities separate, FERC's authority will not be enough to prevent abuses. I am also concerned that State commissions, public service commissions, and others are not able to take care of these kinds of problems because they often do not have the authority to regulate these multi-State entities. That's why small businesses and consumers need increased Federal protection, especially given that this bill repeals the Public Utility Holding Company Act.

Mr. DOMENICI. Let me assure the Senators from Wisconsin and Kansas that I appreciate their concerns, and I agree that utility customers should not be forced to unfairly bear the costs of business ventures by unregulated companies affiliated with their local utility. Neither should competition be undermined by unfair competition caused

by shifting costs from an unregulated utility-owned business to the public utility. We can agree to disagree on whether FERC needs new authority or simply needs to exercise its existing authority. I anticipate that FERC will use its existing and new authority to address the problems described by small businesses and financial groups, but I agree that if there are problem areas, we should take a look at them.

Mr. BROWNBACK. The amendment is simply intended to ensure a level playing field between small businesses and utility affiliates, to protect ratepayers, and the financial integrity of utilities, and to preserve fair competition.

Mr. DOMENICI. I commit to the Senators from Wisconsin and Kansas that I will work with them through conference to ensure that the final version of this bill does not undermine consumer protections or the financial integrity of utilities, or harm America's small businesses by undermining competition. I will also work with them to hold a hearing in the committee about transactions by holding companies and affiliate businesses of public utility companies. Finally, I suggest a General Accounting Office report on affiliate transactions by holding companies and affiliate businesses of public utility companies, as such a report could be a useful resource for us in the future.

Mr. BINGAMAN. I commit to the Senators from Wisconsin and Kansas that I will work on this important issue in conference and ensure that the Energy Committee holds a hearing on this important consumer protection, fair competition, and financial integrity issue. In addition, I agree to request, jointly with the Senators from Wisconsin and Kansas, a GAO investigation into the potential for abusive affiliate transactions by holding companies and affiliate businesses of public utility companies.

Mr. BROWNBACK. I appreciate the chairman and ranking member's commitment and look forward to working with them.

Mr. FEINGOLD. Yes, we thank you and look forward to working with the committee on this common-sense proposal.

Mr. SPECTER. Mr. President, I have sought recognition to address the issue of climate change and the various proposals that have been debated this week on the energy bill including the McCain-Lieberman amendment, the Hagel amendment, and the Bingaman-Specter amendment. Climate change is a matter of great international importance and I believe any successful plan to address it must balance environmental protection with the need for economic development and jobs.

I have voted many times for environmental protection for renewable energy and conservation measures. Most recently, on this Energy bill I voted for the Bingaman amendment to mandate that 10 percent of U.S. electricity production be from renewable sources by 2020. I also supported the Cantwell amendment to reduce U.S. oil consumption by over 7 million barrels per day by 2025, in addition to the 1 million barrel per day reduction by 2015 already incorporated into the Energy bill which I have advanced since 2002.

On climate change specifically, the most recent vote of significance prior to the current debate was on October 30, 2003, when the Senate voted on the McCain-Lieberman bill, S. 139, the Climate Stewardship Act, which failed by a vote of 43 to 55. The Senate again today rejected a similar amendment to the Energy bill by a vote of 38 to 60. I voted against this amendment and the previous bill because it is very difficult to meet the strict emissions limit of the year 2000 by the year 2010 in times of unpredictable national and State economies. Additionally, it is very difficult to limit industry in the United States when we do not have a plan for the rest of the world in curbing greenhouse gas emissions. I have urged the President to work through international means to address global climate change and support his efforts and those of individual companies to voluntarily curb domestic emissions, but stronger action will have to be taken in the future on a multilateral basis.

I have been encouraged by the recent efforts of Senator BINGAMAN, the ranking Democrat on the Senate Energy and Natural Resources Committee, to bring to the Senate a proposal based on the recommendations of the National Commission on Energy Policy, NCEP, which issued its report in December 2004. The Commission's recommended approach on climate change would be to implement a mandatory, economy-wide, tradable-permits system designed to curb growth in U.S. greenhouse gas emissions by 2.4 percent in 2010, while capping initial costs at $7 per metric ton of carbon dioxide equivalent. This would start the U.S. on a path toward reducing greenhouse gas emissions compared to business as usual, while calling for Government reviews at 5 year intervals of global action on climate change. This new approach addressed two of the basic questions that have led, in my opinion, to the failure of the McCain-Lieberman legislation concerns about cost and U.S. action in the context of international efforts.

Senator BINGAMAN decided to offer a sense-of-the Senate amendment in place of this more complicated technical amendment to further this discussion on the important issue of climate change. I cosponsored this Bingaman-Specter-Domenici amendment calling on Congress to enact a comprehensive and effective national program of mandatory, market-based limits on emissions of greenhouse gases that slow, stop, and reverse the growth of such emissions. It calls for this to be done in a manner that will not significantly harm the U.S. economy and will encourage comparable action by other nations that are major trading partners and key contributors to global emissions. This amendment received a very substantial vote of 54–43 against tabling, or setting it aside, and was subsequently accepted by voice vote.

I am also pleased to see the action taken by the Senate to include the Hagel amendment to the Energy bill, which would promote the adoption of technologies that reduce greenhouse gas intensity—emissions per dollar of GDP by providing loan guarantees for up to 25 percent of the total cost of eligible projects that employ advanced climate technologies or systems. This amendment also promotes the adoption of such technologies in developing countries by allowing U.S. companies that invest in such technologies overseas to fully deduct the cost of investment. I supported this amendment because I believe it is a step in the right direction, however, I believe further action is necessary to address global climate change.

While I was unable to support the McCain-Lieberman amendment, I believe the actions on the Hagel and Bingaman-Specter amendments will give impetus to further action to deal with global climate change. I look forward to working with my colleagues in the Senate on this important issue in the hopes of finding common ground and a sensible balance between the goals of environmental protection and economic development.

Mrs. DOLE. Mr. President, the longstanding moratorium in place on oil and gas exploration in the Outer Continental Shelf has protected our vital coastal areas from drilling. This moratorium has worked. Over the last quarter century, North Carolina's coast has become an increasingly popular destination. North Carolina's Outer Banks are world-famous for their beauty. The influx of tourists have brought much needed dollars and jobs and lifted up what previously were some of the poorest counties in the state.

Today, however, our coastal communities and economies face a great threat—the provision that would allow individual states to ''opt out'' of the moratorium, and not just for exploration but for actual drilling off the coast.

A State's decision to opt out of the moratorium and drill for oil would obviously affect its neighboring States. Water borders are not like land borders. Water actually knows no borders. It is fluid, continuously flowing and moving. An environmental hazard caused by drilling off the coast of one State would not be problematic for just that State. An oil spill would just keep spilling across these supposed ''borders,'' polluting the waters and beaches of neighbor States. This is just common sense. It would negatively impact water quality, fisheries, wildlife, tourism and local economies.

As I stated Tuesday during another offshore drilling debate, drilling off our coast would endanger North Carolina's booming tourism industry, a true economic engine of my state.

And exploration or drilling off neighboring coasts most certainly would disrupt the waters off North Carolina. We do not need to recite again the dangers of environmental damage that offshore drilling can cause—especially in an area known as the Graveyard of the Atlantic.

Proponents of lifting the moratorium inadvertently make the point for me of how dangerous this is for our coastal environment. In the amendment we are considering right now, there is revenue sharing with the coastal communities in the states where drilling is allowed. And what is this revenue to be used for? I quote: ''(A) Projects and activities for the conservation, protection, or restoration of coastal areas, including wetland. (B) Mitigation of damage to fish, wildlife or natural resources.'' Restoring wetlands? Mitigation of damage to fish? Mr. President, North Carolinians want to spend time enjoying their beaches, not restoring them.

Mr. REED. Mr. President, I would like to discuss briefly my vote today in favor of the McCain-Lieberman climate change amendment. I supported this amendment because I believe our nation needs to take real action to reduce greenhouse gas emissions, something the Bush administration has so far refused to do. Global warming is a serious problem that has alarming repercussions for our future food production, water supplies, national security, and the survival of many species of wildlife. The vast majority of mainstream scientists now accept that global warming is real and that it is caused in large part by human activities.

The McCain-Lieberman amendment would hold total U.S. greenhouse gas emissions at year 2000 levels starting in 2010. Most importantly, once that cap is set in place, emissions would not be allowed to increase. The amendment would establish a cap and trade regime for greenhouse gases based on the successful acid rain program that has harnessed the incentives of the free market to reduce sulfur dioxide emissions.

I recognize the concerns that have been expressed about this amendment because its innovation title would provide funding for the demonstration of a list of technologies that includes new nuclear reactors. I share this concern, and I agree that many questions remain unanswered about the safe and secure disposal of nuclear waste.

On the other hand, nuclear power is only one of many technologies that are eligible to compete for demonstration funding in the McCain-Lieberman amendment, including, but not limited to, solar, biofuels, and coal gasification with carbon capture. In addition, these funds would come not from taxpayer dollars but from the sale of emissions allowances under the new cap and trade program. While I would prefer not to see nuclear power in this mix, the McCain-Lieberman amendment would have provided substantial mandatory reductions in greenhouse gases that are essential for our future. It is my sincere hope that the Congress and the Bush administration will finally recognize the reality of climate change and take action to reduce our Nation's greenhouse gas emissions.

Mr. KERRY. Mr. President, I would like the record to show that on June 21, 2005, I missed a series of votes as I was out of the office for personal reasons. Had I been present, I would have voted yes for the Nelson amendment No. 783 to strike the section providing for a comprehensive inventory of Outer Continental Shelf oil and natural gas resources. I would have voted no for the Hagel amendment No. 817 to provide for the conduct of activities that promote the adoption of technologies that reduce greenhouse gas intensity in the United States and in developing countries. I would have voted yes for the Voinovich amendment No. 799 to reduce emissions from diesel engines.

Mr. JOHNSON. Mr. President, I was necessarily absent from the Senate on June 20, June 21, and for a portion of today's session in order to attend a hearing of the Base Realignment and Closure Commission in Rapid City, SD. I missed six votes, and I would like to state for the RECORD how I would have voted in each instance.

I would have voted no on rollcall vote No. 142, the motion to invoke cloture on the nomination of John R. Bolton, of Maryland, to be Representative of the United States to the United Nations.

I would have voted no on rollcall vote No. 143, Senate amendment No. 783, a Nelson of Florida amendment to H.R. 6 to strike the section providing for a comprehensive inventory of Outer Continental Shelf oil and natural gas resources.

I would have voted yes on rollcall vote No. 144, Senate amendment No. 817, a Hagel amendment to H.R. 6 to provide for the conduct of activities that promote the adoption of technologies that reduce greenhouse gas intensity in the United States and in developing countries and to provide credit-based financial assistance and investment protection for projects that employ advanced climate technologies or systems in the United States.

I would have voted yes on rollcall vote No. 145, Senate amendment No. 799, a Voinovich amendment to H.R. 6 to make grants and loans to States and other organizations to strengthen the economy, public health, and environment of the United States by reducing emissions from diesel engines.

I would have voted no on rollcall vote No. 146, the motion to table the Feinstein amendment No. 841 to H.R. 6 to prohibit the Commission from approving an application for the authorization of the siting, construction, expansion, or operation of facilities located onshore or in State waters for the import of natural gas from a foreign country or the export of natural gas to a foreign country without the approval of the Governor of the State in which the facility would be located.

I would have voted no on rollcall vote No. 147, the motion to table the Schumer amendment No. 805 to H.R. 6 to express the sense of the Senate regarding management of the Strategic Petroleum Reserve to lower the burden of gasoline prices on the economy of the United States and circumvent the efforts of OPEC to reap windfall profits.

Mrs. MURRAY. Mr. President, today I cast a vote for the McCain-Lieberman climate stewardship and innovation amendment to H.R. 6.

My vote is a statement on the need for the United States to take action to address global climate change in a real and proactive manner.

The authors of the amendment have recently added provisions related to nuclear power. I don't agree that these two policy issues should be linked, but it was my colleagues' option.

The real message and point of this amendment remains that the United States needs to acknowledge and rapidly begin addressing global climate change.

Voluntary measures are constructive but not good enough. We cannot afford to sit back and indulge those who choose against making reductions in harmful emissions at the expense of those who do. Scientific evidence shows that global warming poses a real threat to the Pacific Northwest environment, way of life, and economy.

As the world's largest emitter of greenhouse gases, we should lead by example and innovation. We should not wait for other countries to lead on this important priority. We should seek and promote technologies that promote energy efficiency and make significant cuts in greenhouse gas emissions, as the climate stewardship and innovation amendment would have us do.

Mr. President, I support this amendment because it commits the United States to a mandatory program that makes real cuts in greenhouse gas emissions. This amendment will make our country, and the entire globe, a safer, cleaner place.

Mr. LOTT. Mr. President, as we debate America's energy future, it is critical that we focus on the growing challenge to America's energy security and ultimately to our way of life—posed by an overseas threat currently underway to acquire the world's limited energy resources. China's need for energy is growing rapidly, as China is now the second largest consumer of energy in the world. For all of 2005, it is forecasted that China will consume 7.2 million barrels of oil per day, and its demand could double by 2020 as its economy grows.

At the same time, China produces very little of the energy it uses, and thus is forced to import almost all energy. In its quest for oil, China has become aggressive in brokering deals in every part of the world through its national oil companies. These companies are Government controlled, and unlike private companies are willing to accept lower rates of return with no concerns

about a balance sheet. In short, our country's energy companies may soon find it difficult to compete against these Government owned energy companies in the global energy arena. These companies have access to abundant capital in national treasuries and none of the constraints of regulation faced by U.S. companies nor concerns about rates of return.

Unfortunately, we have a very recent example of this. The China National Offshore Oil Company, CNOOC, has now made public the fact that it is seriously considering making a bid for a U.S. based company, Unocal. This is after Chevron, also a U.S. based California company, has just received FTC preliminary approval for acquisition. This would pave the way for lower energy prices for American consumers. Now, here in the eleventh hour, this Chinese national energy company may offer a counterproposal which would raise troubling policy concerns regarding our National and energy security. Certainly, there would have to be serious review of this situation by numerous Federal agencies including the FTC, SEC, Department of Commerce, Department of Defense, Department of State, and many others. China in the past year has brokered deals for oil reserves in Africa, Iran, South America and Canada. Now they have their sights set on a U.S. company and its assets. We are not operating with a level playing field, and it is hard to imagine how America energy companies can continue to compete under these circumstances.

We must do something about this. If we do not act now, we will see fuel prices for consumers increase, and it will be too late to do anything about it. We must begin working today to find a way to work cooperatively with our global trading partners, including addressing conservation, energy efficiency and technology issues, rather than finding ourselves on a collision course in a quest to seek energy resources.

Mr. FRIST. Mr. President, I rise today in opposition to the cruelest and most unfair tax our Government imposes, the death tax. The death tax destroys small businesses, it damages families, and it prevents job creation. The death tax forbids hardworking people from passing on their assets to spouses, children, friends, and loved ones. It damages farms, newspapers, shops, and factories. Let me make my principles clear: Americans spend their lives paying taxes; death should not be a taxable event. A typical family spends between $30,000 and $150,000 simply planning to avoid this tax—$150,000, enough to start a business and create dozens of jobs—all of it wasted simply trying to avoid this unjust tax. The death tax is immoral.

It needs to go.

We have already begun to cut the death tax and current law will complete its phase-out in 2010. But, on January 1, 2011, the death tax will spring back to life. And, it will rise to confiscatory levels. That's why I have filed an amendment today that will abolish the death tax, immediately and forever, effective January 1, 2006. If we do not act, the death tax will come back to haunt our children's futures. I urge all of my colleagues to join me in ending the sway of this terrible tax once and for all.

Mr. DOMENICI. 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.

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

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

Ms. MURKOWSKI. Mr. President, we have had some great discussion here on the floor of the Senate as we debate the merits of the Energy bill, and we have talked about conservation and about new production. We have talked a lot about renewables and alternatives.

One of those areas that we have not heard a lot of discussion on, in terms of the renewables, is the area of ocean energy. When we look at our globe and at all those colors, we recognize that we have a heck of a lot of ocean to deal with, and there is great potential there.

The Energy bill currently provides production incentives and Federal purchase requirement assistance to many forms of renewable energy: wind, solar, geothermal, and closed-loop biomass, but oddly enough, it doesn't provide such aid to this type of power that I am talking about—power that can benefit all 25 coastal States, and that is the area of ocean energy. This is a relatively new type of renewable power. It comes from harnessing the endless power of the ocean either by building the wave energy converters that transfer the power of waves into current; or the tidal and current systems that use tidal or current flows to spin underwater turbines; or the newest type, which is ocean thermal energy technology, and this generates electricity from the temperature differential of surface and deeper waters.

Ocean electric projects are relatively new in this country, but not necessarily overseas. Currently, there are operating projects in plants off the coast of Scotland, the Azores, Australia, and Portugal.

In America, we have some projects proposed off Hawaii, in Makah Bay in Washington State, in the East River off of New York City, and also for installation at Port Judith in Rhode Island.

The amendment that the Senate will be considering is one I am proposing that will simply try to level the playing field to see if the technology can be improved to bring down the cost of ocean power so it can be competitive with other forms of renewable energy. When wind energy first started, when we started getting into this technology in 1978, it was costing about 25 cents a kilowatt hour. Ocean energy is already starting at about half that cost, even before economies of scale, and years of technology testing and improvement have had a chance to reduce those costs.

In my State, we certainly care a lot about developing different sources of renewable energy.

Now, in Alaska, we have about 5.6 million megawatts of power that Alaskans use a year; 1.36 million megawatts come from lake taps or small hydropower. That is about 24 percent of Alaska's electricity, which is currently coming from hydro.

We also produce 3,600 megawatts of power from wind turbines, which are working great. They are out in the Kotzebue area and St. Paul Island in the Pribilofs and in other southwestern Alaskan communities. Alaska gains 6,000 to nearly 10,000 megawatts of power from burning fish oil. I have had people say: Wait a minute, did I hear you right, that you burn fish oil to generate power? That is correct. Given the health of Alaska's seafood industry, this is a renewable energy source that has great potential. There are new wind and landfill renewable projects proposed for near Bethel, at Fire Island near Anchorage, and a number of other projects proposed in rural communities. Alaska, in the efforts that we are making currently, might gain 286,000 megawatts of power or 5 percent of our needs.

I mention this to simply indicate that while we are committed to using renewables whenever possible, we have to acknowledge how far we can get with the technologies that we have and what is available to us. When you consider that in the State of Alaska we have about 125 villages and towns either on our coastline or near the mouths of coastal rivers and bays that could benefit from ocean current generation, it becomes very easy to see why we want to encourage ocean energy resources.

But ocean energy could also help hundreds of towns around Hawaii and all along our coastal communities in the lower 48. We have 23 lower 48 ocean States. If we provide enough assistance to help with this technology, to look through the research, this can become an economic venture.

Ocean current is environmentally friendly, completely clean. Already the plants in operation are able to be installed for $500 to $1,000 per kilowatt hour—costs that are very competitive to the roughly $1,200-per-kilowatt capital cost of nuclear power.

The Alaska delegation is also seeking an amendment to the tax title to extend ocean energy so that it qualifies for the existing energy production tax credit—currently 1.9 cents per kilowatt hour for wind. The additional cost of these two provisions is insignificant. But they could greatly diversify the Nation's energy portfolio in future decades. We recognize that the ocean is an

energy source that is truly renewable. I am looking, through my amendment, to help aid Americans to harness that energy from our 12,000 miles of coastline. It is something that we need to look to as a positive reality and give the encouragement where necessary.

I want to change focus a little bit and talk for a moment this evening about an energy policy—an energy policy that belongs to a nation whose demand and consumption of oil far outstrips domestic, a nation that accounted for 40 percent of the growth in oil demands over the last 4 years, and a nation whose demand for oil is one of the leading factors driving oil prices to record-high levels.

I am not talking about the United States tonight. I am talking about China. Why the difference with China? They have an energy policy, and we don't. A couple weeks ago, I chaired a hearing in the Foreign Relations Committee on China's growth and what that means for the United States. One of the witnesses at that hearing, Mr. Mikkal Herberg, with the National Bureau of Asian Research, provided a very informative and eye-opening look at China's increasing role in the international energy market. To sum it up in one sentence: China is quickly becoming a major player in the geopolitics of global energy.

China's demand for energy is a reflection of its two-decade-long economic growth. China surpassed Japan in 2003 as the world's second largest consumer of oil. It is the world's third largest importer and now imports more than 40 percent of its total oil needs.

The International Energy Agency forecasts that China's imports will rise more than fivefold by 2030. This is from the current level of about 2 million barrels per day to nearly 11 million barrels per day, when imports will account for 80 percent of China's energy needs.

The East-West Center predicts that by 2015, 70 percent of China's oil imports will come from the Middle East. China is very much aware of the vulnerable maritime choke points that this oil must pass through in order to reach its shores. Fifty percent of Asia's current daily oil supplies must transit through the Straits of Malacca near Singapore.

Mr. President, the United States currently imports around 58 percent of the oil consumed in this country. What would happen to us in the United States if we were 80-percent dependent on other nations for our economic growth? For our transportation and our security needs? For our home heating needs?

We might very well do what China is doing today—not just investing heavily in other countries but seeking to control all aspects of the oil production. For example, in Sudan, a Chinese State-owned oil company owns 40 percent of a conglomerate that produces 300,000 barrels of oil per day. The same company has a major stake in the oil pipeline to the coast, they built and own a share of an oil refinery, and they helped build oil-loading port facilities on the coast.

While we in the United States naturally gravitate toward an economic model of supply and demand for energy resources where oil is fungible on the worldwide market, China does not abide by this market-based system.

As Mr. Herberg noted at the hearing, China is unilaterally trying to secure its future oil and gas needs by direct state intervention. They are taking equity stakes in oil and gas fields and promoting the global expansion of their three national oil companies.

I note that one of them, China National Offshore Oil Corporation, is looking to submit a counterbid to Chevron's offer to purchase Unocal Corporation. China is promoting state-to-state deals of new oil and gas pipelines to channel supplies directly to China and developing broader financial, diplomatic, and military ties with key exporter nations. In the past 5 years, the Chinese Government has signed strategic energy alliances with eight countries.

Their push to develop a Shanghai Cooperation Organization to focus on combating terrorism in the region can also be attributed to their desire to forge stronger energy ties and more secure energy supplies. China has major oil investment in Kazakhstan and is currently building a large oil pipeline from Kazakhstan to western China.

Many of my colleagues may be aware that China is investing heavily in Alberta, Canada's oil sands, the same fields that moved Canada up into the No. 2 slot in the world for proven oil reserves. China is also looking to construct a pipeline to Canada's west coast to export that oil to China.

China has signed at least 116 major energy investments in 37 countries since 1990, with another 25 proposals still pending. They have significant holdings in Sudan, Iran, and Venezuela. In Angola, the bidding process for the large offshore Greater Plutonio oilfield was additionally won by Indian's national oil company, but the Angolan Government mandated that the deal instead go to the Chinese, and this, of course, came on the heels of a $2 billion aid offer from China.

China's energy security strategy is making waves throughout Asia. When you think of the large economies of Japan and South Korea, each nation is highly dependent on oil imports for their energy needs. The idea of China locking up future sources of oil cannot be comforting to them, leading to their own efforts to lock in stable sources of energy.

As China and other Asian nations raise their level of diplomatic and political involvement in the Middle East, their influence will increase as well. Already, nearly two-thirds of the Persian Gulf's oil exports go to Asia, and this share will only increase. The United States will find its position as the traditionally dominant outside power in the Middle East significantly challenged in the future.

My point tonight is not to criticize or to demonize China for their moves to secure an energy supply. In fact, China's growing energy demands also point to opportunities for American companies to promote greater energy efficiency and higher oil recovery rates for China's domestic production.

My point is simply this: As a developing nation, China looked to the future and determined that it needed secure and more sources of energy. They developed a long-range plan. They have been implementing that plan and, as a result, will have continued access to energy resources in the future.

China's foreign policy reflects their long-term strategy of gaining access to, and to some degree, control over energy sources for their needs. Our energy policy, on the other hand, has not nearly been as focused. It has sometimes been referred to as a ''tin cup'' policy where we go begging for oil from exporting countries when there is a shortage or high prices.

Yet as other nations look to the Middle East to secure their own sources of energy, our influence in the region may diminish. Our cries for OPEC to increase production and output will be weighed against the interest of China and other developing nations.

Congress could have—or should have—passed comprehensive energy legislation years ago, but that is the past. We have another opportunity in front of us to prepare this country for the future to look at our long-term energy needs and determine the best way to address them.

I thank Chairman DOMENICI and Senators GRASSLEY, BINGAMAN, and BAUCUS for their work in crafting this legislation. I think we all would agree it is long past time for Congress to enact a much needed energy bill. It is time for this country to have an energy policy of its own.

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

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

AMENDMENTS NOS. 786, 787, 798, 818, 822, 835, 850, 861, 864, 870, 927, 933, AS MODIFIED, 978 THROUGH 989

Mr. FRIST. I have a package of manager amendments that have been cleared on both sides of the aisle. I would now send them to the desk, and I ask unanimous consent that the amendments be considered and agreed to with the motion to reconsider laid upon the table.

The PRESIDING OFFICER (Ms. MURKOWSKI). Without objection, it is so ordered.

The amendments were agreed to as follows:

AMENDMENT NO. 786

(Purpose: To make energy generated by oceans eligible for renewable energy production incentives and to modify the definition of the term ''renewable energy'' to include energy generated by oceans for purposes of the Federal purchase requirement)

On page 130, line 24, insert ''ocean (tidal, wave, current, and thermal),'' after ''wind,''.

On page 134, line 3, insert ''ocean (tidal, wave, current, and thermal),'' after ''biomass,''.

AMENDMENT NO. 787

(Purpose: To make Alaska Native Corporations eligible for renewable energy production incentives)

On page 131, lines 18 and 19, strike ''or an Indian tribal government or subdivision thereof,'' and insert ''an Indian tribal government or subdivision thereof, or a Native Corporation (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)),''.

AMENDMENT NO. 798

(Purpose: To require the submission of reports on the potential for biodiesel and hythane to be used as major, sustainable, alternative fuels)

On page 755, after line 25, add the following:

SEC. 13___. ALTERNATIVE FUELS REPORTS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress reports on the potential for each of biodiesel and hythane to become major, sustainable, alternative fuels.

(b) BIODIESEL REPORT.—The report relating to biodiesel submitted under subsection (a) shall—

(1) provide a detailed assessment of—

(A) potential biodiesel markets and manufacturing capacity; and

(B) environmental and energy security benefits with respect to the use of biodiesel;

(2) identify any impediments, especially in infrastructure needed for production, distribution, and storage, to biodiesel becoming a substantial source of fuel for conventional diesel and heating oil applications;

(3) identify strategies to enhance the commercial deployment of biodiesel; and

(4) include an examination and recommendations, as appropriate, of the ways in which biodiesel may be modified to be a cleaner-burning fuel.

(c) HYTHANE REPORT.—The report relating to hythane submitted under subsection (a) shall—

(1) provide a detailed assessment of potential hythane markets and the research and development activities that are necessary to facilitate the commercialization of hythane as a competitive, environmentally-friendly transportation fuel;

(2) address—

(A) the infrastructure necessary to produce, blend, distribute, and store hythane for widespread commercial purposes; and

(B) other potential market barriers to the commercialization of hythane;

(3) examine the viability of producing hydrogen using energy-efficient, environmentally friendly methods so that the hydrogen can be blended with natural gas to produce hythane; and

(4) include an assessment of the modifications that would be required to convert compressed natural gas vehicle engines to engines that use hythane as fuel.

(d) GRANTS FOR REPORT COMPLETION.—The Secretary may use such sums as are available to the Secretary to provide, to 1 or more colleges or universities selected by the Secretary, grants for use in carrying out research to assist the Secretary in preparing the reports required to be submitted under subsection (a).

AMENDMENT NO. 818

(Purpose: To commission a study for the roof of the Dirksen Senate Office Building in a manner that facilitates the incorporation of energy efficient technology and amends the Master Plan for the Capitol complex)

On page 15, strike lines 3 through 20.

On page 719, strike lines 11 through 20 and insert the following:

as part of the process of updating the Master Plan Study for the Capitol complex, shall—

(A) carry out a study to evaluate the energy infrastructure of the Capitol complex to determine how to augment the infrastructure to become more energy efficient—

(i) by using unconventional and renewable energy resources;

(ii) by—

(I) incorporating new technologies to implement effective green building solutions;

(II) adopting computer-based building management systems; and

(III) recommending strategies based on end-user behavioral changes to implement low-cost environmental gains; and

(iii) in a manner that would enable the Capitol complex to have reliable utility service in the event of power fluctuations, shortages, or outages;

(B) carry out a study to explore the feasibility of installing energy and water conservation measures on the rooftop of the Dirksen Senate Office Building, including the area directly above the food service facilities in the center of the building, including the installation of—

(i) a vegetative covering area, using native species to the maximum extent practicable, to—

(I) insulate and increase the energy efficiency of the building;

(II) reduce precipitation runoff and conserve water for landscaping or other uses;

(III) increase, and provide more efficient use of, available outdoor space through management of the rooftop of the center of the building as a park or garden area for occupants of the building; and

(IV) improve the aesthetics of the building; and

(ii) onsite renewable energy and other state-of-the-art technologies to—

(I) improve the energy efficiency and energy security of the building or the Capitol complex by providing additional or backup sources of power in the event of a power shortage or other emergency;

(II) reduce the use of resources by the building; or

(III) enhance worker productivity; and

(C) not later than 180 days after the date of enactment of this Act, submit to Congress a report describing the findings and recommendations of the study under subparagraph (B).

AMENDMENT NO. 822

(Purpose: To promote fuel efficient engine technology for aircraft)

On page 120, between lines 20 and 21, insert the following:

SEC. 14___. FUEL EFFICIENT ENGINE TECHNOLOGY FOR AIRCRAFT.

(a) IN GENERAL.—The Secretary and the Administrator of the National Aeronautics and Space Administration shall enter into a cooperative agreement to carry out a multi-year engine development program to advance technologies to enable more fuel efficient, turbine-based propulsion and power systems for aeronautical and industrial applications.

(b) PERFORMANCE OBJECTIVE.—The fuel efficiency performance objective for the program shall be to achieve a fuel efficiency improvement of more than 10 percent by exploring—

(1) advanced concepts, alternate propulsion, and power configurations, including hybrid fuel cell powered systems; and

(2) the use of alternate fuel in conventional or nonconventional turbine-based systems.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $60,000,000 for each of fiscal years 2006 through 2010.

AMENDMENT NO. 835

(Purpose: To establish a National Priority Project Designation)

On page 159, after line 23, add the following:

SEC. 2___. NATIONAL PRIORITY PROJECT DESIGNATION.

(a) DESIGNATION OF NATIONAL PRIORITY PROJECTS.—

(1) IN GENERAL.—There is established the National Priority Project Designation (referred to in this section as the ''Designation''), which shall be evidenced by a medal bearing the inscription ''National Priority Project''.

(2) DESIGN AND MATERIALS.—The medal shall be of such design and materials and bear such additional inscriptions as the President may prescribe.

(b) MAKING AND PRESENTATION OF DESIGNATION.—

(1) IN GENERAL.—The President, on the basis of recommendations made by the Secretary, shall annually designate organizations that have—

(A) advanced the field of renewable energy technology and contributed to North American energy independence; and

(B) been certified by the Secretary under subsection (e).

(2) PRESENTATION.—The President shall designate projects with such ceremonies as the President may prescribe.

(3) USE OF DESIGNATION.—An organization that receives a Designation under this section may publicize the Designation of the organization as a National Priority Project in advertising.

(4) CATEGORIES IN WHICH THE DESIGNATION MAY BE GIVEN.—Separate Designations shall be made to qualifying projects in each of the following categories:

(A) Wind and biomass energy generation projects.

(B) Photovoltaic and fuel cell energy generation projects.

(C) Energy efficient building and renewable energy projects.

(D) First-in-Class projects.

(c) SELECTION CRITERIA.—

(1) IN GENERAL.—Certification and selection of the projects to receive the Designation shall be based on criteria established under this subsection.

(2) WIND, BIOMASS, AND BUILDING PROJECTS.—In the case of a wind, biomass, or building project, the project shall demonstrate that the project will install not less than 30 megawatts of renewable energy generation capacity.

(3) SOLAR PHOTOVOLTAIC AND FUEL CELL PROJECTS.—In the case of a solar photovoltaic or fuel cell project, the project shall demonstrate that the project will install not less than 3 megawatts of renewable energy generation capacity.

(4) ENERGY EFFICIENT BUILDING AND RENEWABLE ENERGY PROJECTS.—In the case of an energy efficient building or renewable energy project, in addition to meeting the criteria established under paragraph (2), each building project shall demonstrate that the project will—

(A) comply with third-party certification standards for high-performance, sustainable buildings;

(B) use whole-building integration of energy efficiency and environmental performance design and technology, including advanced building controls;

(C) use renewable energy for at least 50 percent of the energy consumption of the project;

(D) comply with applicable Energy Star standards; and

(E) include at least 5,000,000 square feet of enclosed space.

(5) FIRST-IN-CLASS USE.—Notwithstanding paragraphs (2) through (4), a new building project may qualify under this section if the Secretary determines that the project—

(A) represents a First-In-Class use of renewable energy; or

(B) otherwise establishes a new paradigm of building integrated renewable energy use or energy efficiency.

(d) APPLICATION.—

(1) INITIAL APPLICATIONS.—No later than 120 days after the date of enactment of this Act, and annually thereafter, the Secretary shall publish in the Federal Register an invitation and guidelines for submitting applications, consistent with this section.

(2) CONTENTS.—The application shall describe the project, or planned project, and the plans to meet the criteria established under subsection (c).

(e) CERTIFICATION.—

(1) IN GENERAL.—Not later than 60 days after the application period described in subsection (d), and annually thereafter, the Secretary shall certify projects that are reasonably expected to meet the criteria established under subsection (c).

(2) CERTIFIED PROJECTS.—The Secretary shall designate personnel of the Department to work with persons carrying out each certified project and ensure that the personnel—

(A) provide each certified project with guidance in meeting the criteria established under subsection (c);

(B) identify programs of the Department, including National Laboratories and Technology Centers, that will assist each project in meeting the criteria established under subsection (c); and

(C) ensure that knowledge and transfer of the most current technology between the applicable resources of the Federal Government (including the National Laboratories and Technology Centers, the Department, and the Environmental Protection Agency) and the certified projects is being facilitated to accelerate commercialization of work developed through those resources.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2006 through 2010.

AMENDMENT NO. 850

(Purpose: To modify the section relating to the establishment of a National Power Plant Operations Technology and Education Center)

Beginning on page 602, strike line 5 and all that follows through page 603, line 7, and insert the following:

SEC. 1107. NATIONAL POWER PLANT OPERATIONS TECHNOLOGY AND EDUCATIONAL CENTER.

(a) ESTABLISHMENT.—The Secretary shall support the establishment of a National Power Plant Operations Technology and Education Center (referred to in this section as the ''Center''), to address the need for training and educating certified operators and technicians for the electric power industry.

(b) LOCATION OF CENTER.—The Secretary shall support the establishment of the Center at an institution of higher education that has—

(1) expertise in providing degree programs in electric power generation, transmission, and distribution technologies;

(2) expertise in providing onsite and Internet-based training; and

(3) demonstrated responsiveness to workforce and training requirements in the electric power industry.

(c) TRAINING AND CONTINUING EDUCATION.—

(1) IN GENERAL.—The Center shall provide training and continuing education in electric power generation, transmission, and distribution technologies and operations.

(2) LOCATION.—The Center shall carry out training and education activities under paragraph (1)—

(A) at the Center; and

(B) through Internet-based information technologies that allow for learning at remote sites.

AMENDMENT NO. 861

(Purpose: To require the Secretary to enter into a contract with the National Academy of Sciences to determine the effect of electrical contaminants on the reliability of energy production systems)

On page 755, after line 25, add the following:

SEC. 13___. EFFECT OF ELECTRICAL CONTAMINANTS ON RELIABILITY OF ENERGY PRODUCTION SYSTEMS.

Not later than 180 days after the date of enactment of this Act, the Secretary shall enter into a contract with the National Academy of Sciences under which the National Academy of Sciences shall determine the effect that electrical contaminants (such as tin whiskers) may have on the reliability of energy production systems, including nuclear energy.

AMENDMENT NO. 864

(Purpose: To ensure that cost-effective procedures are used to fill the Strategic Petroleum Reserve)

On page 208, line 12, strike ''The Secretary shall'' and insert the following:

(1) IN GENERAL.—The Secretary shall

On page 208, between lines 20 and 21, insert the following:

(2) PROCEDURES.—

(A) IN GENERAL.—The Secretary shall develop, with an opportunity for public comment, procedures to obtain oil for the Reserve with the intent of maximizing the overall domestic supply of crude oil (including quantities stored in private sector inventories) and minimizing the costs to the Department of the Interior and the Department of Energy of acquiring such oil (including foregone revenues to the Treasury when oil for the Reserve is obtained through the royalty-in-kind program), consistent with national security.

(B) CONSIDERATIONS.—The procedures shall provide that, for purposes of determining whether to acquire oil for the Reserve or defer deliveries of oil, the Secretary shall take into account—

(i) current and future prices, supplies, and inventories of oil;

(ii) national security; and

(iii) other factors that the Secretary determines to be appropriate.

(C) REVIEW OF REQUESTS FOR DEFERRALS OF SCHEDULED DELIVERIES.—The procedures shall include procedures and criteria for the review of requests for the deferrals of scheduled deliveries.

(D) DEADLINES.—The Secretary shall—

(i) propose the procedures required under this paragraph not later than 120 days after the date of enactment of this Act;

(ii) promulgate the procedures not later than 180 days after the date of enactment of this Act; and

(iii) comply with the procedures in acquiring oil for Reserve effective beginning on the date that is 180 days after the date of enactment of this Act.

AMENDMENT 870

(Purpose: To require the Federal Energy Regulatory Commission to complete its investigation and order refunds on the unjust and unreasonable rates charged to California during the 2000–2001 electricity crisis)

At the appropriate place, insert the following:

Amendment to be proposed by Mrs. Boxer.

SEC. . FINAL ACTION ON REFUNDS FOR EXCESSIVE CHARGES.

(a) FINDINGS.—Congress finds that—

(1) The state of California experienced an energy crisis;

(2) FERC issued an order requiring a refund of the portion of charges on the sale of electric energy that was unjust or unreasonable during that crisis;

(3) As of the date of enactment of this act, none of the refunds ordered to date have been received by the state of California; and

(4) the Commission has ruled that the state of California is entitled to approximately $3 billion in refunds; the state of California maintains that that $8.9 billion in refunds is owed.

(b) FERC SHALL—

(1) seek to conclude its investigation into the unjust or unreasonable charges incurred by California during the 2000–2001 electricity crisis as soon as possible;

(2) seek to ensure that refunds the Commission determines are owned to the State of California are paid to the state of California; and

(3) submit to congress a report by December 31, 2005 describing the actions taken by the Commission to date under this section and timetables for further actions.

AMENDMENT NO. 927

(Purpose: To provide a budget roadmap for the transition from petroleum to hydrogen in vehicles by 2020)

On page 755, after line 25, add the following:

SEC. 13___. FUEL CELL AND HYDROGEN TECHNOLOGY STUDY.

(a) FINDINGS.—Congress finds that—

(1) according to the National Academy of Sciences, ''Greenhouse gases are accumulating in Earth's atmosphere as a result of human activities, causing surface air temperatures and subsurface ocean temperatures to rise . . . Human-induced warming and associated sea level rises are expected to continue through the 21st century.'';

(2) in 2001, the Intergovernmental Panel on Climate Change (IPCC) concluded that the average temperature of the Earth can be expected to rise between 2.5 and 10.4 degrees Fahrenheit in this century and ''there is new and stronger evidence that most of the warming observed over the last 50 years is attributable to human activities'';

(3) the National Academy of Sciences has stated that ''the IPCC's conclusion that most of the observed warming of the last 50 years is likely to have been due to the increase of greenhouse gas concentrations accurately reflects the current thinking of the scientific community on this issue'' and that ''there is general agreement that the observed warming is real and particularly strong within the past twenty years'';

(4) a significant Federal investment toward the development of fuel cell technologies and the transition from petroleum to hydrogen in vehicles could significantly contribute to the reduction of carbon dioxide emissions by reducing fuel consumption;

(5) a massive infusion of resources and leadership from the Federal Government

would be needed to create the necessary fuel cell technologies that provide alternatives to petroleum and the more efficient use of energy; and

(6) the Federal Government would need to commit to developing, in conjunction with private industry and academia, advanced vehicle technologies and the necessary hydrogen infrastructure to provide alternatives to petroleum.

(b) STUDY.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall enter into a contract with the National Academy of Sciences and the National Research Council to carry out a study of fuel cell technologies that provides a budget roadmap for the development of fuel cell technologies and the transition from petroleum to hydrogen in a significant percentage of the vehicles sold by 2020.

(2) REQUIREMENTS.—In carrying out the study, the National Academy of Sciences and the National Research Council shall—

(A) establish as a goal the maximum percentage practicable of vehicles that the National Academy of Sciences and the National Research Council determines can be fueled by hydrogen by 2020;

(B) determine the amount of Federal and private funding required to meet the goal established under subparagraph (A);

(C) determine what actions are required to meet the goal established under subparagraph (A);

(D) examine the need for expanded and enhanced Federal research and development programs, changes in regulations, grant programs, partnerships between the Federal Government and industry, private sector investments, infrastructure investments by the Federal Government and industry, educational and public information initiatives, and Federal and State tax incentives to meet the goal established under subparagraph (A);

(E) consider whether other technologies would be less expensive or could be more quickly implemented than fuel cell technologies to achieve significant reductions in carbon dioxide emissions;

(F) take into account any reports relating to fuel cell technologies and hydrogen-fueled vehicles, including—

(i) the report prepared by the National Academy of Engineering and the National Research Council in 2004 entitled ''Hydrogen Economy: Opportunities, Costs, Barriers, and R&D Needs''; and

(ii) the report prepared by the U.S. Fuel Cell Council in 2003 entitled ''Fuel Cells and Hydrogen: The Path Forward'';

(G) consider the challenges, difficulties, and potential barriers to meeting the goal established under subparagraph (A); and

(H) with respect to the budget roadmap—

(i) specify the amount of funding required on an annual basis from the Federal Government and industry to carry out the budget roadmap; and

(ii) specify the advantages and disadvantages to moving toward the transition to hydrogen in vehicles in accordance with the timeline established by the budget roadmap.

AMENDMENT NO. 933, AS MODIFIED

(Purpose: To provide a manager's amendment)

On page 1, strike lines 4 and 5 and insert the following:

SEC. 1500. SHORT TITLE; AMENDMENT OF 1986 CODE.

Beginning on page 2, strike line 5 and all that follows through page 3, line 2, and insert the following:

Subtitle A—Electricity Infrastructure

On page 7, lines 6 and 7, strike ''low-head hydroelectric facility or''.

On page 8, lines 10 and 11, strike ''LOW-HEAD HYDROELECTRIC FACILITY OR NONHYDROELECTRIC DAM'' and insert ''NONHYDROELECTRIC DAM''.

On page 8, strike lines 18 through 20 and insert the following:

''(ii) the facility was placed in service before the date of the enactment of this paragraph and did not produce hydroelectric power on the date of the enactment of this paragraph, and

Beginning on page 8, line 24, strike ''the installation'' and all that follows through page 9, line 1 and insert ''there is not any enlargement of the diversion structure, or construction or enlargement of a bypass channel,''.

On page 9, strike lines 5 through 9.

On page 26, strike lines 14 and 15 and insert the following:

(2) Section 1397E(c)(2) is amended by inserting '', and subpart H thereof'' after ''refundable credits''.

On page 68, lines 8 and 9, strike ''the date of the enactment of this Act'' and insert ''December 31, 2004''.

On page 73, line 1, strike ''**PATRONS**'' and insert ''**OWNERS**''.

On page 90, strike lines 4 through 7.

On page 90, line 21, strike ''and, in the case'' and all that follows through line 23.

On page 107, line 17, insert ''a home inspector certified by the Secretary of Energy as trained to perform an energy inspection for purposes of this section,'' after ''(IPIA),''.

On page 110, line 22, strike ''(2)'' and insert ''(3)''.

On page 143, strike lines 1 through 6, and insert the following:

''(1) MAXIMUM CREDIT.—The credit allowed under subsection (a) for any taxable year shall not exceed—

''(A) $2,000 with respect to any qualified solar water heating property expenditures,

''(B) $2,000 with respect to any qualified photovoltaic property expenditures, and

''(C) $500 with respect to each half kilowatt of capacity of qualified fuel cell property (as defined in section 48(d)(1)) for which qualified fuel cell property expenditures are made,

On page 149, between lines 6 and 7, insert the following:

(1) Section 23(c) is amended by striking ''this section and section 1400C'' and inserting ''this section, section 25D, and section 1400C''.

(2) Section 25(e)(1)(C) is amended by striking ''this section and sections 23 and 1400C'' and inserting ''other than this section, section 23, section 25D, and section 1400C''.

(3) Section 1400C(d) is amended by striking ''this section'' and inserting ''this section and section 25D''.

On page 149, line 7, strike ''(1)'' and insert ''(4)''.

On page 149, line 15, strike ''(2)'' and insert ''(5)''.

On page 149, lined 19 and 20, strike ''Except as provided by paragraph (2), the'' and insert ''The''.

On page 155, lines 2 and 3, strike ''for use in a structure''.

On page 155, line 12, insert ''periods'' before ''before''.

On page 210, between lines 19 and 20, insert the following:

(b) WRITTEN NOTICE OF ELECTION TO ALLOCATE CREDIT TO PATRONS.—Section 40(g)(6)(A)(ii) (relating to form and effect of election) is amended by adding at the end the following new sentence: ''Such election shall not take effect unless the organization designates the apportionment as such in a written notice mailed to its patrons during the payment period described in section 1382(d).''.

On page 210, line 20, strike ''(b)'' and insert ''(c)''.

Beginning on page 228, line 19, strike all through page 229, line 2, and insert the following:

''(B) within 2 years after the date of such first retail sale, such article is resold by the purchaser or such purchaser makes a substantial nonexempt use of such article,

then such sale or use of such article by such purchaser shall be treated as the first retail sale of such article for a price equal to its fair market value at the time of such sale or use.

On page 232, line 21, strike ''and''.

On page 232, between lines 21 and 22, insert the following:

(i) by adding at the end the following new sentence: ''For purposes of this subsection, any removal described in section 4081(a)(3)(A) shall be treated as a removal from a terminal but only if such terminal is located within a secured area of an airport.''.

AMENDMENT NO. 978

(Purpose: To clarify the definition of coal to liquid fuel technology)

On page 767, strike lines 6 through 15, and insert the following:

(D) facilities that—

(i) generate 1 or more hydrogen-rich and carbon monoxide-rich product streams from the gasification of coal or coal waste; and

(ii) use those streams to facilitate the production of ultra clean premium fuels through the Fischer-Tropsch process.

AMENDMENT 979

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

AMENDMENT NO. 980

(Purpose: To require an investigation of gasoline prices)

At the appropriate place, insert the following:

SEC. ___. INVESTIGATION OF GASOLINE PRICES.

(a) INVESTIGATION.—Not later than 90 days after the date of enactment of this Act, the Federal Trade Commission shall conduct an investigation to determine if the price of gasoline is being artificially manipulated by reducing refinery capacity or by any other form of market manipulation or price gouging practices.

(b) EVALUATION AND ANALYSIS.—The Secretary shall direct the National Petroleum Council to conduct an evaluation and analysis to determine whether, and to what extent, environmental and other regulations affect new domestic refinery construction and significant expansion of existing refinery capacity.

(c) REPORTS TO CONGRESS.—

(1) INVESTIGATION.—On completion of the investigation under subsection (a), the Federal Trade Commission shall submit to Congress a report that describes—

(A) the results of the investigation; and

(B) any recommendations of the Federal Trade Commission.

(2) EVALUATION AND ANALYSIS.—On completion of the evaluation and analysis under subsection (b), the Secretary shall submit to Congress a report that describes—

(A) the results of the evaluation and analysis; and

(B) any recommendations of the National Petroleum Council.

AMENDMENT NO. 981

(Purpose: To require the Secretary and the Administrator for Small Business to coordinate assistance with the Secretary of Commerce for manufacturing related efforts)

On page 53, strike lines 4 through 8 and insert the following:

Small Business Administration shall make program information available directly to

small businesses and through other Federal agencies, including the Federal Emergency Management Agency and the Department of Agriculture, and coordinate assistance with the Secretary of Commerce for manufacturing-related efforts, including the Manufacturing Extension Partnership Program.''.

AMENDMENT NO. 982

(Purpose: To require the Secretary to conduct a study of best management practices for energy research and development programs)

On page 755, after line 25, add the following:

SEC. 13___. STUDY OF BEST MANAGEMENT PRACTICES FOR ENERGY RESEARCH AND DEVELOPMENT PROGRAMS.

(a) IN GENERAL.—The Secretary shall enter into an arrangement with the National Academy of Public Administration under which the Academy shall conduct a study to assess management practices for research, development, and demonstration programs at the Department.

(b) SCOPE OF THE STUDY.—The study shall consider—

(1) management practices that act as barriers between the Office of Science and offices conducting mission-oriented research;

(2) recommendations for management practices that would improve coordination and bridge the innovation gap between the Office of Science and offices conducting mission-oriented research;

(3) the applicability of the management practices used by the Department of Defense Advanced Research Programs Agency to research programs at the Department;

(4) the advisability of creating an agency within the Department modeled after the Department of Defense Advanced Research Projects Agency;

(5) recommendations for management practices that could best encourage innovative research and efficiency at the Department; and

(6) any other relevant considerations.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to Congress a report on the study conducted under this section.

AMENDMENT NO. 983

(Purpose: To expand the types of qualified renewable energy facilities that are eligible for a renewable energy production incentive)

On page 131, line 20, insert ''livestock methane,'' after ''landfill gas,''.

AMENDMENT NO. 984

(Purpose: To require the Secretary to establish a program of research, development, demonstration, and commercial application to maximize the productive capacity of marginal wells and reservoirs)

On page 517, after line 22, insert the following:

SEC. 9___. LOW-VOLUME GAS RESERVOIR RESEARCH PROGRAM.

(a) DEFINITIONS OF GIS.—In this section, the term ''GIS'' means geographic information systems technology that facilitates the organization and management of data with a geographic component.

(b) PROGRAM.—The Secretary shall establish a program of research, development, demonstration, and commercial application to maximize the productive capacity of marginal wells and reservoirs.

(c) DATA COLLECTION.—Under the program, the Secretary shall collect data on—

(1) the status and location of marginal wells and gas reservoirs;

(2) the production capacity of marginal wells and gas reservoirs;

(3) the location of low-pressure gathering facilities and pipelines; and

(4) the quantity of natural gas vented or flared in association with crude oil production.

(d) ANALYSIS.—Under the program, the Secretary shall—

(1) estimate the remaining producible reserves based on variable pipeline pressures; and

(2) recommend measures that will enable the continued production of those resources.

(e) STUDY.—

(1) IN GENERAL.—The Secretary may award a grant to an organization of States that contain significant numbers of marginal oil and natural gas wells to conduct an annual study of low-volume natural gas reservoirs.

(2) ORGANIZATION WITH NO GIS CAPABILITIES.—If an organization receiving a grant under paragraph (1) does not have GIS capabilities, the organization shall contract with an institution of higher education with GIS capabilities.

(3) STATE GEOLOGISTS.—The organization receiving a grant under paragraph (1) shall collaborate with the State geologist of each State being studied.

(f) PUBLIC INFORMATION.—The Secretary may use the data collected and analyzed under this section to produce maps and literature to disseminate to States to promote conservation of natural gas reserves.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section—

(1) $1,500,000 for fiscal year 2006; and

(2) $450,000 for each of fiscal years 2007 and 2008.

AMENDMENT NO. 985

(Purpose: To make petroleum coke gasification projects eligible for certain loan guarantees)

On page 767, between lines 21 and 22, insert the following:

(3) PETROLEUM COKE GASIFICATION PROJECTS.—The Secretary is encouraged to make loan guarantees under this title available for petroleum coke gasification projects.

AMENDMENT NO. 986

(Purpose: To authorize the Secretary of Energy to make grants to increase energy efficiency, promote siting or upgrading of transmission and distribution lines, and providing or modernizing electric facilities in rural areas)

On page 159, after line 23, add the following:

SEC. _____. RURAL AND REMOTE COMMUNITY ELECTRIFICATION GRANTS.

The Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.) is amended in title VI by adding at the end the following:

''SEC. 609. RURAL AND REMOTE COMMUNITIES ELECTRIFICATION GRANTS.

''(a) DEFINITIONS.—In this section:

''(1) The term 'eligible grantee' means a local government or municipality, peoples' utility district, irrigation district, and cooperative, nonprofit, or limited-dividend association in a rural area.

''(2) The term 'incremental hydropower' means additional generation achieved from increased efficiency after January 1, 2005, at a hydroelectric dam that was placed in service before January 1, 2005.

''(3) The term 'renewable energy' means electricity generated from—

''(A) a renewable energy source; or

''(B) hydrogen, other than hydrogen produced from a fossil fuel, that is produced from a renewable energy source.

''(4) The term 'renewable energy source' means—

''(A) wind;

''(B) ocean waves;

''(C) biomass;

''(D) solar

''(E) landfill gas;

''(F) incremental hydropower;

''(G) livestock methane; or

''(H) geothermal energy.

''(5) The term 'rural area' means a city, town, or unincorporated area that has a population of not more than 10,000 inhabitants.

''(b) GRANTS.—The Secretary, in consultation with the Secretary of Agriculture and the Secretary of the Interior, may provide grants under this section to eligible grantees for the purpose of—

''(1) increasing energy efficiency, siting or upgrading transmission and distribution lines serving rural areas,; or

''(2) providing or modernizing electric generation facilities that serve rural areas.

''(c) GRANT ADMINISTRATION.—(1) The Secretary shall make grants under this section based on a determination of cost-effectiveness and the most effective use of the funds to achieve the purposes described in subsection (b).

''(2) For each fiscal year, the Secretary shall allocate grant funds under this section equally between the purposes described in paragraphs (1) and (2) of subsection (b).

''(3) In making grants for the purposes described in subsection (b)(2), the Secretary shall give preference to renewable energy facilities.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $20,000,000 for each of fiscal years 2006 through 2012.''.

AMENDMENT NO. 987

(Purpose: To require the Secretary to conduct a study on passive solar technologies)

On page 755, after line 25, add the following:

SEC. 13___. PASSIVE SOLAR TECHNOLOGIES.

(a) DEFINITION OF PASSIVE SOLAR TECHNOLOGY.—In this section, the term ''passive solar technology'' means a passive solar technology, including daylighting, that—

(1) is used exclusively to avoid electricity use; and

(2) can be metered to determine energy savings.

(b) STUDY.—The Secretary shall conduct a study to determine—

(1) the range of levelized costs of avoided electricity for passive solar technologies;

(2) the quantity of electricity displaced using passive solar technologies in the United States as of the date of enactment of this Act; and

(3) the projected energy savings from passive solar technologies in 5, 10, 15, 20, and 25 years after the date of enactment of this Act if—

(A) incentives comparable to the incentives provided for electricity generation technologies were provided for passive solar technologies; and

(B) no new incentives for passive solar technologies were provided.

(c) REPORT.—Not later than 120 days after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the results of the study under subsection (b).

AMENDMENT NO. 988

(Purpose: To require the Secretary to conduct a 3-year program of research, development, and demonstration on the use of ethanol and other low-cost transportable renewable feedstocks as intermediate fuels for the safe, energy efficient, and cost-effective transportation of hydrogen)

On page 489, between lines 20 and 21, insert the following:

SEC. 9___. HYDROGEN INTERMEDIATE FUELS RESEARCH PROGRAM.

(a) IN GENERAL.—The Secretary, in coordination with the Secretary of Agriculture,

shall carry out a 3-year program of research, development, and demonstration on the use of ethanol and other low-cost transportable renewable feedstocks as intermediate fuels for the safe, energy efficient, and cost-effective transportation of hydrogen.

(b) GOALS.—The goals of the program shall include—

(1) demonstrating the cost-effective conversion of ethanol or other low-cost transportable renewable feedstocks to pure hydrogen suitable for eventual use in fuel cells;

(2) using existing commercial reforming technology or modest modifications of existing technology to reform ethanol or other low-cost transportable renewable feedstocks into hydrogen;

(3) converting at least 1 commercially available internal combustion engine hybrid electric passenger vehicle to operate on hydrogen;

(4) not later than 1 year after the date on which the program begins, installing and operating an ethanol reformer, or reformer for another low-cost transportable renewable feedstock (including onsite hydrogen compression, storage, and dispensing), at the facilities of a fleet operator;

(5) operating the 1 or more vehicles described in paragraph (3) for a period of at least 2 years; and

(6) collecting emissions and fuel economy data on the 1 or more vehicles described in paragraph (3) in various operating and environmental conditions.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000.

AMENDMENT NO. 989

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

AMENDMENT NO. 864

Mr. LEVIN. Mr. President, I am pleased to offer, along with Senator COLLINS, an amendment to ensure that the Department of Energy, DOE, carries out the direction in this bill to fill the Strategic Petroleum Reserve, SPR, in a cost-effective manner.

I would like to thank the managers of the bill, Senators DOMENICI and BINGAMAN, and Senators WYDEN and SCHUMER for working with Senator COLLINS and myself so that this amendment can be accepted.

The Energy Bill being considered by the Senate today directs the Secretary of Energy to ''as expeditiously as practicable, without incurring excessive cost or appreciably affecting the price of gasoline or heating oil to consumers, acquire petroleum in quantities sufficient to fill the Strategic Petroleum Reserve to [1 billion barrels].''

This amendment will help the DOE ensure that it will acquire oil for the SPR without incurring excessive cost or appreciably affecting gasoline or heating oil prices. The amendment is simple. It directs DOE to consider the price of oil and other market factors when buying oil for the SPR. It also directs DOE to minimize the program's cost to the taxpayer while maximizing our energy security. At the same time, it does not restrict the Secretary of Energy's discretion to determine how quickly to fill the SPR, or when to put more oil into the SPR.

A nearly identical amendment that I offered with Senator COLLINS was adopted by the Senate by voice vote on the Interior Appropriation Bill for fiscal year 2004. Unfortunately, it was not retained in conference.

Under the amendment, DOE would have the discretion to determine when to buy oil for the SPR, and under which procedures, but DOE would be directed to use that discretion in a way to minimize costs while maximizing national energy security.

The amendment also requires DOE to seek public comment on the procedures to be used to acquire oil. The Department would be wise to especially seek comment from energy industry experts and economists as to the effect that filling the SPR can have—and has had—on oil prices. I believe the Department can learn from our experience over the past few years as to the significant effect the SPR fill can have on oil prices.

Since late 2001, the DOE has been steadily adding oil to the SPR. In late 2001, the Reserve held about 560 million barrels of oil; today it holds nearly 695 million barrels. DOE expects to complete its current program to fill the SPR to 700 million barrels in August of this year.

Since early 2002, DOE has been acquiring oil for the SPR without regard to the price or supply of oil. Prior to that time, DOE bought more oil when the price of oil was low and inventories were full, and less oil when the price of oil was high and inventories low. In early 2002, DOE abandoned this market-based approach. Instead, it adopted the current approach, which does not consider cost or any other market factors when buying oil. During this period the price of oil has been very high—often over $30 per barrel—and the oil markets have been tight. This cost-blind approach has increased the costs of the program to the taxpayer and put further pressure on tight oil markets, boosting oil and gasoline prices to American consumers and businesses.

Any successful businessman knows the saying, ''Buy low, sell high.'' This is true for oil as well as for pork bellies; for the U.S. Government as well as for oil companies.

In 2002, the DOE's staff recommended against buying more oil for the SPR in tight markets. As prices were rising and inventories falling, the DOE's SPR staff warned:

> Commercial inventories are low, retail prices are high and economic growth is slow. The Government should avoid acquiring oil for the Reserve under these circumstances.

The administration disregarded these warnings. SPR deliveries proceeded. As the DOE staff predicted, oil supplies tightened, and prices climbed. American consumers paid the price.

In 2003, the Permanent Subcommittee on Investigations published a report on how this change in DOE policy hurt consumers without providing any additional energy security. The investigation found:

> Filling the SPR in tight market increased U.S. oil prices and hurt U.S. consumers.
>
> Filling the SPR regardless of oil prices increased taxpayer costs.
>
> Despite its high cost, filling the SPR [in 2002] did not increase overall U.S. oil supplies.

The March report also warned that the deliveries that were then scheduled for later in 2003 would drive oil prices higher because prices were high and inventories were low. This prediction turned out to be accurate.

Many experts have said that filling the SPR during the tight oil markets over the past several years increased oil prices.

In January 2004, Goldman Sachs, the largest crude oil trader in the world, reported ''government storage builds will provide persistent support to the markets''—meaning that filling the SPR pushes up prices—and that ''government storage builds have lowered commercially available petroleum supplies.''

Bill Greehey, chief executive of Valero Energy, the largest independent refiner in the U.S., criticized the administration for filling the SPR in tight markets. Back when oil was just under $30 per barrel, Mr. Greehey complained that the SPR program was diverting oil from the marketplace:

> If that was going into inventory, instead of the reserve, you would not be having $29 oil, you'd be having $25 oil. So, I think they've completely mismanaged the strategic reserve.

The airline industry has been one of the industries hardest hit by high oil prices. Last year, Richard Anderson, the chief executive officer of Northwest Airlines, stated:

> U.S. taxpayers and the economy would realize greater economic potential with a more prudent management of this national asset by not further filling the SPR under the current market structure. The DOE should wait for more favorable prices before filling the reserve both today and in the future.

Larry Kellner, president and chief operating officer, Continental Airlines, also criticized the DOE's current SPR policy:

> The average price per barrel for 2003 was the highest in 20 years and to date, the price for 2004 is even higher. All the while, our government continues to depress inventory stocks by buying oil at these historic highs and then pouring it back into the ground to fill the strategic petroleum reserve.

The trucking industry also has suffered under high oil prices. Last year, the American Trucking Association urged the DOE to postpone filling the SPR when supplies were tight and prices high:

> When the government becomes a major purchaser of oil, it only bids up the price exactly when we need relief. I know that you recently testified to Congress that the SPR fill has a negligible impact on the price of crude oil, but we politely disagree.

Many energy industry economists and analysts have stated that filling the SPR in a tight market increases prices.

Energy Economist Philip Verleger estimated that in 2003 the SPR program added $8 to $10 to the price of a barrel of oil.

Economist Larry Kudlow said:

Normally, in Wall Street parlance, you're supposed to buy low and sell high, but in Strategic Petroleum Reserve actions, we're buying higher and higher and that has really helped keep oil prices high.

In a May 2004 analysis, PFC Energy, a leading oil industry consulting firm, concluded:

The Bush Administration has actually been helping OPEC to keep spot prices high and avoid commercial stock increases by taking crude out of the market and injecting significant volumes into the SPR.

Last March, in an article explaining why oil prices are so high, The Economist commented:

Despite the high prices, American officials continue to buy oil on the open market to fill their country's strategic petroleum reserves. Why buy, you might ask, when prices are high, and thereby keep them up? The Senate has asked that question as well. It passed a non-binding resolution this month calling on the Bush administration to stop SPR purchases; but [the energy secretary] has refused.

I ask unanimous consent to have printed in the RECORD additional comments as to how filling the SPR during the tight markets over the past several years has boosted oil prices.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMENTS ON THE SPR PROGRAM

''Commercial petroleum inventories are low, retail product prices are high and economic growth is slow. The Government should avoid acquiring oil for the Reserve under these circumstances.'' * * * ''Essentially, if the SPR inventory grows, and OPEC does not accommodate that growth by exporting more oil, the increase comes at the expense of commercial inventories. Most analysts agree that oil prices are directly correlated with inventories, and a drop of 20 million barrels over a 6–month period can substantially increase prices.'' John Shages, Director, Office of Finance and Policy, Strategic Petroleum Reserves, U.S. Department of Energy, Spring 2002.

''As a US Senate committee pointed out Wednesday, the US government was filling the Strategic Petroleum Reserve last year as prices were rising. And by my estimate, had the US government not filled the Strategic Petroleum Reserve or returned the 20 million barrels they'd put in back to the market, prices right now would be around $28 a barrel instead of $38 a barrel and gasoline prices might be 25 to 35 cents lower.'' Philip Verleger, NPR Morning Edition, March 7, 2003.

''We believe the administration has been making a mistake by refilling the reserve to the tine of about 11 million barrels since the start of May. . . . Washington should back off until oil prices fall somewhat. Doing otherwise is costing the Treasury unnecessarily and is punishing motorists during summer vacation driving time.'' Omaha World Herald, August 14, 2003.

''They've continued filling the reserve—which is crazy, putting the oil under ground when its needed in refineries.'' Dr. Leo Drollas, Chief Economist, Centre for Global Energy Studies, The Observer, August 24, 2003.

''If that was going into inventory, instead of the reserve, you would not be having $29 oil, you'd be having $25 oil. So, I think they've completely mismanaged the strategic reserve.'' Bill Greehey, CEO of Valero Energy, largest independent refiner in the U.S., Octane Week, September 29, 2003.

''Over the last year, the [DOE] has added its name to this rogues list of traders by continuing to acquire oil for the nation's Strategic Petroleum Reserve (SPR). In doing so, it has (1) wasted taxpayer money, (2) done its part to raise crude oil prices, (3) made oil prices more volatile, and (4) caused financial hardship for refiners and oil consumers. Philip K. Verleger, Jr., The Petroleum Economics Monthly, December 2003.

''U.S. taxpayers and the economy would realize greater economic potential with a more prudent management of this national asset by not further filling the SPR under the current market structure. The DOE should wait for more favorable prices before filling the reserve both today and in the future.'' Richard Anderson, CEO, Northwest Airlines, NWA WorldTraveler, January, 2004.

''The government is out buying fuel, it appears, without much regard for the impact that it is having on prices.'' James May, Chief Executive, Air Transport Association, quoted in U.S. Airlines Blame Bush for Cost of Oil, Associated Press, January 8, 2004.

''Government storage builds have lowered commercially available petroleum supplies'' and ''will provide persistent support to the markets.'' ''Changes in global government storage injections will have [a] big impact on crude oil prices.'' Goldman Sachs, Energy Commodities Weekly, January 16, 2004.

''The average price per barrel for 2003 was the highest in 20 years and to date, the price for 2004 is even higher. All the while, our government continues to depress inventory stocks by buying oil at these historic highs and then pouring it back into the ground to fill the strategic petroleum reserve.'' Larry Kellner, President and Chief Operating Officer, Continental Airlines, Continental Airlines Earnings Conference Call, January 20, 2004.

''The act of building up strategic stocks diverts crude supplies that would otherwise have entered the open market. The natural time to do this is when supplies are ample, commercial stocks are adequate and prices low. Yet the Bush Administration, contrary to this logic, is forging ahead with plans to add [more oil to] the stockpile.'' Petroleum Argus, January 26, 2004.

''[Bill O'Grady, Director of Futures Research at A.G. Edwards, Inc.] also notes the Bush administration has been on an oil-buying binge to stock the nation's strategic petroleum reserves. He guesses that artificial demand boost is adding as much as 15 cents to the cost of a gallon of gas.'' Las Vegas Review-Journal, February 29, 2004. [West Coast gasoline about $2/gallon at the time].

''When the government becomes a major purchaser of oil, it only bids up the price exactly when we need relief. I know that you recently testified to Congress that the SPR fill has a negligible impact on the price of crude oil, but we politely disagree.'' Letter from American Trucking Association to Secretary of Energy Spencer Abraham, March 9, 2004.

''Normally, in Wall Street parlance, you're supposed to buy low and sell high, but in Strategic Petroleum Reserve actions, we're buying higher and higher and that has really helped keep oil prices high.'' Larry Kudlow, Kudlow & Cramer, CNBC, March 22, 2004.

''Filling the SPR, without regard to crude oil prices and the availability of supplies, drives oil prices higher and ultimately hurts consumers.'' Letter from 53 Members of the House of Representatives (39 Republicans, 14 Democrats) to President Bush, March 22, 2004.

''Despite the high prices, American officials continue to buy oil on the open market to fill their country's strategic petroleum reserves. Why buy, you might ask, when prices are high, and thereby keep them up? The Senate has asked that question as well. It passed a non-binding resolution this month calling on the Bush administration to stop SPR purchases; but Spencer Abraham, the energy secretary, has refused.'' The Economist, March 27, 2004.

''[T]he Energy Department plans to buy another 202,000 barrels a day in April. It can't resist a bad bargain.'' Alan Reynolds, Senior Fellow, CATO Institute, Investor's Business Daily, April 2, 2004.

''In my opinion, we have grossly mismanaged the SPR in the last 12 months. When Venezuela went on strike and we had the war in Iraq we probably should have drawn down some of the Reserve in order to build up supplies in the Gulf Coast of the U.S. We didn't do that. When the war was over we started adding to the Reserve, so we were actually taking oil out of the Market. We took something like 40–45 million barrels that would have gone into our inventories—we put in the strategic reserves. . . . We should have stopped filling the Reserves 6 months ago.'' Sarah Emerson, Managing Director, Energy Security Analysis, Inc., Interview, New England Cable News, April 4, 2004, 8:59 pm.

''The administration continues to have its hands tied on the Strategic Petroleum Reserve, particularly with candidate Kerry's 'high ground' proposal to suspend purchases putting Bush in a 'me too' position.'' Deutsche Bank, Global Energy Wire, ''Election-Year Oil: Bush Painted into a Corner,'' April 6, 2004.

''At a time when supplies are tight and prospects for improvement are grim, Bush continues to authorize the purchase of oil on the open market for the country's Strategic Petroleum Reserve. Bush is buying serious quantities of oil in a high-price market, helping to keep it that way.'' Thomas Oliphant, Blatant Bush Tilt Toward Big Oil, Boston Globe, April 6, 2004.

''He pointed out that Senator Carl Levin, D–Mich. had a good idea earlier this month in proposing earlier this month cutting back the contribution level to the Strategic Petroleum Reserve, which Kerr said is 93 percent full. 'By reducing the input, it could provide a great deal more supply to help rein in prices a bit.''' CBS MarketWatch, Gasoline, crude prices pull back, April 23, 2004, referring to the views of and quoting Kevin Kerr, editor of Kwest Market Edge.

''The Bush Administration has actually been helping OPEC to keep spot prices high and avoid commercial stock increases by taking crude out of the market and injecting significant volumes into the SPR.'' Crude Or Gasoline? Who Is To Blame For High Oil Prices: OPEC Or The US? Market Fundamentals & Structural Problems, PFC Energy, May 6, 2004.

''Kilduff said the Bush administration could have stopped filling the SPR, saying 'it's not the best move to start filling the SPR when commercial inventories were at 30-year lows.''' John Kilduff, senior analyst, Fimat, in Perception vs. reality, CBS MarketWatch, May 17, 2004.

''Oppenheimer's [Fadel] Gheit said Bush's decision to fill the nation's Strategic Petroleum Reserve in the wake of the Sept. 11 attacks caused a crisis of confidence around the world that led to the perception of short supply and drove up prices. 'The administration has not tried hard to dispel notions and rumors and perceptions and concern over supply disruption,' [said Gheit]. 'Gasoline prices are at record levels because of mismanagement on a grand scale by the administration.'' Fadel Gheit, oil and gas analyst at Oppenheimer & Co., in Perception vs. reality, Camps debate Bush influence on Big Oil, CBS MarketWatch, May 17, 2004.

''With oil and more than $40 a barrel and the federal government running a huge deficit, it should take a timeout on filling the stockpile until crude prices come down from record levels. That would relieve pressure on the petroleum market and ameliorate gasoline prices.'' Houston Chronicle, Keep the oil in it, but take a timeout on filling it, May 18, 2004.

''They tell Saudi Arabia to produce more oil. Then they put it into the Strategic Petroleum Reserve. It just doesn't make any sense at all.'' Bill Greehey, CEO of Valero Energy, Washington Post, May 18, 2004.

''The Bush administration contributed to the oil price squeeze in several ways, according to industry experts. First, it failed to address the fact that demand for gasoline in the United States was increasing sharply, thanks to ever more gas guzzlers on the road and longer commutes. The administration also continued pumping 120,000 barrels a day of crude into the Strategic Petroleum Reserve, making a tight market even tighter.'' David Ignatius, Homemade Oil Crisis, Washington Post, May 25, 2004.

''How can the administration rectify its mistakes? It could calm the market by moving away from its emergency-only stance. It could also stop buying oil to add to the strategic reserve. The government has done a good job making sure that the reserve is at its 700–million barrel capacity. But now that we are close to that goal there is no reason to keep buying oil at exorbitant prices.'' Edward L. Morse and Nawaf Obaid, The $40–a-Barrel Mistake, New York Times, May 25, 2004.

''President Bush's decision to fill the reserve after the terror attacks of September 2001 has been one of the factors driving up oil prices in recent months, along with reports that China, which recently surpassed Japan as the second-largest importer of oil, is going ahead with plans to build its own petroleum reserve.'' Simon Romero, If Oil Supplies Were Disrupted, Then. . . New York Times, May 28, 2004.

''The oil price run-up and scarcity of private inventories can be laid squarely at the White House's door. Since Nov. 13, 2001 private companies have been forced to compete for inventories with the government.'' Steve Hanke, Oil and Politics, Forbes, August 16, 2004.

Mr. LEVIN. In summary, this amendment directs DOE to use some common sense when buying oil for the SPR. It urges DOE to buy more oil when prices are relatively low and supplies are ample, and less oil when prices are high and supplies are scarce. This approach supports our energy and national security interests and at the same time protects American consumers and businesses. It also protects the taxpayer from excessive costs due to high oil prices.

I again thank the managers and Senators COLLINS and WYDEN for their efforts so that this amendment can be accepted.

MORNING BUSINESS

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

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

REMEMBERING JUNETEENTH

Mr. FRIST. Mr. President, this June 19th marked the 140th anniversary of Juneteenth, the day our Nation finally ended the immoral and heinous institution of slavery.

On June 19th, 1865, three years after President Lincoln issued his Emancipation Proclamation, a quarter million slaves living in Texas learned that they were free from Union General Gordon Granger.

He told the people of Texas:

[T]hat in accordance with a Proclamation from the Executive of the United States, all slaves are free. This involves an absolute equality of rights and rights of property between former masters and slaves, the connection heretofore existing between them becomes that between employer and free laborer.

Juneteenth, also known as Freedom Day, marked an end to a sad chapter in our Nation's history but it did not mark the end of racial prejudice in the United States.

The horrors of Jim Crowe, lynching, and rampant discrimination still awaited those freed on Juneteenth. It would take 100 years almost to the day until Congress would finally put an end to political discrimination against African-Americans by passing the historic 1965 Voting Rights Act and completing the legislative program of the civil rights movement.

Juneteenth marked the end of the struggle against slavery and the beginning of the long struggle for civil rights.

For all Americans Juneteenth is a time to celebrate freedom: to reflect on it with picnics, concerts, festivals, seminars, and celebrations. It is a time of joy and a time to remember the achievements of African-Americans around our Nation.

Juneteenth should also be a time to celebrate and remember the men and women who brought us freedom and equality: The brave Union soldiers who fought ''to make men free;'' the civil rights pioneers who began a struggle they would not see to its end; and the great, historic generation of civil rights leaders who helped America ''live out the true meaning of its creed'' and brought legal equality to all Americans.

In commemoration of Juneteenth, I urge my colleagues to reflect on our freedom, acknowledge the legacy of slavery, and celebrate the achievements of the civil rights movement.

Mr. PRYOR. Mr. President, on Saturday, June 18, 2005, Americans honored the 140th anniversary of Juneteenth, the oldest known celebration commemorating the abolition of slavery in the United States. This day celebrates African American freedom and gives us a chance to reflect upon our Nation's history, our present, and our hope for the future.

On June 19, 1865, MG Gordon Granger arrived in Texas to proclaim emancipation to Texas slaves. Though President Lincoln had delivered his Emancipation Proclamation more than 2 years earlier, this date marks the first time slaves in Texas and other surrounding States learned of their liberation. General Granger stated, ''The people of Texas are informed that in accordance with a Proclamation from the Executive of the United States, all slaves are free. This involves an absolute equality of rights and rights of property between former masters and slaves, and the connection heretofore existing between them becomes that between employer and free laborer.'' The term ''Juneteenth'' is derived from a combination of the words ''June'' and ''nineteenth'', referring to the official date of the Texas announcement, although the holiday is now celebrated on the third Saturday of June.

Following their emancipation, African Americans continued to confront immense hardships in the face of economic, social, and political disfranchisement imposed by a brutally repressive social system. In States such as Arkansas, the Jim Crow order relied on institutionalized racism to maintain the social dominance of Whites and stifle the opportunity that Blacks desired and deserved. We recently revisited the horrors of mob violence, another tool in the repression of Blacks, as the Senate officially apologized for never taking Federal action against lynching over the decades of its practice.

Due to the prolonged struggle for freedom and equality for Black Americans, we recognize Juneteenth as both a victory over slavery and as a starting point in the ongoing fight for justice in America. Thanks to the courage and dedication of the participants in the civil rights movement, our Nation has progressed by leaps and bounds from the days of sharecropping, segregated classrooms, Ku Klux Klan violence, and lynchings. However, we must remain vigilant as we strive to ensure that every American is provided an equal opportunity to succeed now and in the future.

These were the ideas that people in Arkansas and all across our country reflected upon as they celebrated Juneteenth on Saturday. I am humbled as I reflect upon Juneteenth and pay tribute to the countless contributions and advancements African Americans have made in our country throughout history. Furthermore, I encourage all Americans to join me in remembering the struggles for dignity and racial equality in America and to recommit to fighting for equality in our schools, workplaces and in our communities. And in doing so, let us strive for the strength of will and courage that were exemplified by Dr. Martin Luther King, Jr., as he shared this simple truth with the world: ''Injustice anywhere is a threat to justice everywhere.''

TRIBUTE TO PATRICK HENRY HUGHES

Mr. MCCONNELL. Mr. President, today I honor a young and accomplished musician from my home State of Kentucky. Patrick Henry Hughes, a