pay nothing. There is a long list—I can go on and on—of commodities and products where we are penalized and they are not.

Under this bill, we will level that playing field and allow farmers in Oklahoma to be on the same level as those other countries. The other reason—and I think this is very important—is the national security reason. I am ranking member on the Armed Services Committee. I can remember the days in Central America when President Reagan was our President, and then the first President Bush, when we gave freedoms and democracies to all those countries down in Central America.

We remember Daniel Ortega and the activities of the Sandinistas. Right now, we are in a position where we can either punish or reward our friends. These countries with whom we will be in an alliance are our friends. They are supporting us in Iraq and supporting us in everything we do. Those other countries are not supporting us. The Chavezes, the Ortegas, and the Castros are the ones starting to emerge again. Can you imagine, after what we went through with the Sandinistas in the 1980s, and we have Ortega running for President again? I am not about to reward him and give him what he wants, keeping us from having that trade.

If you want to know the kinds of people who are opposing CAFTA, I will read you a few: Earth Justice, Friends of the Earth, EnviroCitizen, Freedom Socialist Party, and the Social Welfare Action Alliance, and others like that.

The conservative groups supporting CAFTA are the American Conservative Union, Americans for Tax Reform, the Heritage Foundation, Competitive Enterprise Institute, Club for Growth, and it goes on and on.

This is an issue where we are on the right side not just for our farmers and for national security and our friends in Central America and South America, but also it is right for America.

I yield the floor.

The PRESIDING OFFICER. All time has expired but 25 seconds.

Mr. GRASSLEY. I yield that back.

The PRESIDING OFFICER. The question is on the third reading and passage of the bill.

The bill (H.R. 3045) was ordered to a third reading and was read the third time.

Mr. LOTT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill, having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 56, nays 44, as follows:

[Rollcall Vote No. 209 Leg.]

YEAS—56

Alexander	Dole	McCain
Allard	Domenici	McConnell
Allen	Ensign	Murkowski
Bennett	Feinstein	Murray
Bingaman	Frist	Nelson (FL)
Bond	Grassley	Nelson (NE)
Brownback	Gregg	Pryor
Bunning	Hagel	Roberts
Burr	Hatch	Santorum
Cantwell	Hutchison	Sessions
Carper	Inhofe	Smith
Chafee	Isakson	Specter
Chambliss	Jeffords	Stevens
Coburn	Kyl	Sununu
Cochran	Lieberman	Talent
Coleman	Lincoln	Voinovich
Cornyn	Lott	Warner
DeMint	Lugar	Wyden
DeWine	Martinez	

NAYS—44

Akaka	Dorgan	Mikulski
Baucus	Durbin	Obama
Bayh	Enzi	Reed
Biden	Feingold	Reid
Boxer	Graham	Rockefeller
Burns	Harkin	Salazar
Byrd	Inouye	Sarbanes
Clinton	Johnson	Schumer
Collins	Kennedy	Shelby
Conrad	Kerry	Snowe
Corzine	Kohl	Stabenow
Craig	Landrieu	Thomas
Crapo	Lautenberg	Thune
Dayton	Leahy	Vitter
Dodd	Levin	

The bill (H.R. 3045) was passed.

ENERGY POLICY ACT OF 2005—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the conference report on H.R. 6, which the clerk will please report.

The legislative clerk read as follows:

The Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate to bill (H.R. 6), to ensure jobs for our future with secure, affordable, and reliable energy, have met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The conference report is printed in the proceedings of the House in the RECORD of July 27, 2005.)

The PRESIDING OFFICER. There will now be 3 hours of debate equally divided.

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I yield myself 10 minutes.

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

Mr. DOMENICI. Mr. President, it is obvious that I am two things tonight. First, I am very happy and I am very tired. I do not know which one I am more of, but I am both. I am sure there are many who think differently than I. I hope in the Senate there is an overwhelming number who think as I do. There will be some who do not. But after 6 years of effort in the Senate, and for a time period going back about 15 years, we have not had an energy policy program of any significance for the United States of America. When I say 6 years, we have been struggling for 6 years to get a current one, and 4 of those years we have produced them and they have failed. I have not been part of all of that, but I left the Budget Committee, the Senate might recall, after many years, with 2 years remaining to be there. That would have made my 30th year on the Budget Committee, and I still would have been chairman. I left it because this would be a nice challenge, and I thought maybe during the 6 years, as chairman of this committee, I might be party to putting together a bill that might do something about America's energy future.

Everybody should know that the Senator from New Mexico knew that we would not do anything for tomorrow, nothing much. We would not have any answers for people who said, what are you going to do tomorrow morning or next week on the gasoline prices? But I did know that we had a chance of doing something that we could come to the floor and say within 5 to 10 years this bill will create jobs, job security, and clean energy.

Now, if that can be done in the complicated maze that we call the energy policy of the United States—and let me repeat, the reason that we can say to Americans that they have more jobs, they will have job security and have cleaner energy being produced, I almost asked, and I will, who could ask for anything more? I think that is a song or something, but who could ask for anything more?

So I start by saying I was very lucky today. I got a call from a reporter for the Albuquerque Tribune. I do not know him very well, but I speak to him occasionally, and I say to my friend from Tennessee, he asked me a neat question. He asked: Senator, people are talking about and maybe nitpicking this bill, and I want to ask you, what do you think things will look like in America with reference to energy 5 to 10 years from now?

That was a terrific question because it permitted me to open my remarks tonight the way I should have over the last couple of months. For once, the Congress is going to do something important from which we as a Nation will benefit, not tomorrow but in the next 5 to 10 years. Certainly, we will begin to feel it in a big way within the next 5 to 10 years. One might say therefore that we could have put most of it off, and we probably would have eked along and would have had some difficult times, but we could have said, it will work out. But what we have done is to make sure that where we have the power, we have done something to make it better.

I repeat, energy is the reason we have jobs. Energy is the reason we have warm homes, electricity, automobiles, everything we look at, humankind-made movement and activity, based on energy use.

That means it is pretty important that we do it somewhat right. Some

may say it will all work out. This is a great, powerful nation, everybody will wiggle and do this and do that and it will come out. Well, believe me, after a year and a half of learning, I think it would have been a real risk for America to say it will all work out.

What we have done is very complicated. It is a lot more than people speaking about gasoline prices tomorrow morning. It is a lot more than that.

So 5 to 10 years from now, we ought to look back and ask: Did this legislation make a real difference?

I am going to start by saying something nobody cares about when they lobby us, but I am going to say that we are going to use less energy per person, per adult, per unit of our economy, sometimes called GDP, because of the efficiency and conservation provisions here than we would have without it. That means simple things, believe it or not, in an energy bill, such as the appliances in our kitchens, the motors used in manufacturing plants, the buildings we live in, and the houses we live in will be far more efficient and use far less energy 5 to 10 years from now than today. For everything we use less of, we need to burn less coal or produce less energy or electricity or import oil less.

More of our electricity will come from renewable energy in 5 to 10 years, such as solar, biomass, wind, landfill gas, waste. All kinds of things that can produce energy in that manner will be coming on board or be on board.

We have streamlined the tax provisions. The licensing processes for clean technologies like geothermal have been streamlined so we will get whatever we have instead of letting it be tied up forever.

Then we are going to be making great strides toward reducing the carbon intensity of our economy. It is the carbon intensity of our economy that causes significant pollution, and for many it is a source of global warming.

My colleagues do not have to believe that to vote for this, but what I am saying is that for those who do—and I am one—this bill will move us forward so that 5 to 10 years from now we can be saying we may have technology that will go after that carbon. One will be new nuclear powerplants. I say to the Senator from Idaho, if a nuclear powerplant cannot be built in America after this bill is signed, then I think the Senator and I, who have been ardent, devoted fans, will say it cannot be done. I think the Senator will agree with that. Everything that can be done reasonably will be there. The uncertainties will be eliminated. That which frightens investors will be eliminated. The other things are all in place.

With reference to coal, we will have provided incentives and tax relief so that new technology will be developed to take carbon out of the coal that is burned and, yes, if we use the outside of my years, in 10 years we may, I say to the Senator from Tennessee, have found a way to sequester the carbon and indeed be on the way to being able to use our biggest resource, to wit, coal, without atmospheric damage, global damage, and with much cleaner effect. This bill might make that happen.

As I say, when people think of the Energy bill, they think of cars, automobiles, but the electricity grid of the country—how many people on our committee thought we were going to learn about the electricity grid, such as when eastern America went black, but we found out. We have a great electricity system.

When the blackout came, some people called this an ancient system. Some called it a one-horse system. No, it is the most refined. The problem is that the system was not tied together properly, and it did not have mandatory requirements for safety. So there were some good, some not so good. That transmission grid will be far more reliable because we have put on the grid owners mandatory standards for operating that grid. So I would say you will not have one of those after this bill gets implemented. That would have been good enough to pass a bill, but that is just a little part of the bill—one or two pages.

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

Mr. DOMENICI. I ask unanimous consent for 5 additional minutes. I ask Senator BINGAMAN, would that be all right?

Mr. BINGAMAN. That is fine. Go ahead.

Mr. DOMENICI. In addition, we will be building new transmission to move electricity around the Nation. When I say ''we,'' don't think the Government is going to do it. We are just going to make sure we give the incentive to get it done. Transmission to move electricity around the Nation, where it is needed the most—that is going to make our consumption more efficient.

This bill repeals an ancient law. Some people wonder why it even mentioned it because it has a funny name and they would say what in the world does it have to do with energy, but it is called P-U-H-C-A, PUHCA. It is from the times when we had our Great Depression. It made it at least more difficult to get money invested in electricity and utility companies than it was in other enterprises. We have repealed that. We have made some provisions that mergers will not be damaged. But this should bring much more capital investment into the utility companies that make up this powerful institution, this entity called the grid of the United States.

Most of us are aware of another thing, which the distinguished Senator, a new Member of the Senate and a new member of the committee, the Senator from Tennessee, LAMAR ALEXANDER, has put much in the public eye when he introduced a bill about natural gas. One of our biggest problems, and we surely ought to be as worried about it as we are about the price of gasoline tomorrow, is our dependence upon imported natural gas. It is such a terrific product, from the standpoint of our ambient air, and it used to be so cheap, as everybody here knows. But what happened is we used it for everything. Now, as we get in trouble with global warming, everybody who builds a plant uses natural gas. Not that it does not produce some carbon, but far less. And the price goes up.

So it looks as if America, which is paying the highest price of any industrial nation in the world for natural gas, is about to put itself out of business. We could lose the fertilizer business, the plastics business, many manufacturing companies. They are already going overseas. People will come up here and blame free-trade agreements, or low pay overseas. That is not so. We do not have enough natural gas to keep the price steady or bring it down. We must have liquefied natural gas from overseas. It is terrible to admit it. I wish I were here saying we don't. We do. In the next 25 years we will have a crisis if that doesn't occur.

We have modernized, streamlined, eliminated unnecessary delays in the ports we will be bringing to America that will be the source of distributing LNG. We have eliminated the unnecessary delays. That is terrifically important. Of the five most important things, one might say that would be one of them because we might hit 8, 10, 12, 15—one study says 23—new ports will be needed to use LNG in inland America. In other words, you locate them and then the gas can be put into pipelines and delivered to America's users. We permitted that to be done with more dispatch.

For the first time, and we know this, since Americans began a love affair with the car, we are going to put in place an ethanol program.

I ask for 5 additional minutes.

People used to laugh at it. Let me put it this way. It is not too shabby, to put America's agricultural industry to work making fuel for vehicles. Some used to say that was foolish. It might have been when crude oil was $5 a barrel, or $10. But it certainly is a good investment when crude oil is this expensive because all you are doing is trading the investment in ethanol—plants, cement, steel, thousands of jobs, agricultural revitalization—every dollar you put in that is a dollar you didn't give to the Saudi Arabians or you didn't give to those who are selling us oil. You spent it here. We have a major new program, 7.5 million gallons mandated out here in the future. So that should be very helpful, in terms of jobs and helping with our importation.

We also gave significant credits for hybrid automobiles. I think we all know we had that. We doubled it. We know people want them now. But we still put it in, the tax writers put it in, and we hope the manufacturers will see the demand and get more on board quickly. We think that was a contribution.

I think overall we are going to try to produce as much of our energy domestically as possible. To do that we have streamlined the permitting processes where we can. For instance, the Senator from Colorado is on the Senate floor, and the Senators from Utah have been interested—we have a fantastic oil shale research and development program and provide leasing to see if we, one of these days, could implement the abundant oil resources from oil shale. Nobody knows if we could ever work that economically. If we could, we would not need any imported oil. We have more oil locked up in oil shale than America would use over 200 years. We just have to find a way to convert it. We are close. We are going to push that.

We are deeply divided on global climate change. We have had a couple of votes. I will not go through them. But the legislation we are doing, while it does not address a global warming tax, will do more to develop and deploy a new generation of clean technology that will make our consumption cleaner and more environmentally friendly. If we ever do achieve a limit—say that, make the limit there—we may, indeed, have ready the technologies that could do it. Right now we are just saying, Do it. That is why Senator CRAIG gets up and says, How? Right? I am speaking for him—but how? Put everybody out of business?

No. New technology we are going to try to get developed will clean the coal—take the carbon out of it, I should say. These are the kinds of things that are in this 1,200-page document.

I want to close. I am a pretty experienced fellow around here. I want to say that I have never worked in the process on a difficult bill where there has been more openness and inclusiveness in my 32 years. Every step of this process this Senator has worked with the other Senator from New Mexico to ensure that we have a bipartisan bill.

That doesn't mean that Senator BINGAMAN likes every provision. It doesn't mean that I like every provision. But nobody can say that anything was done in one closed back room, shoved down anybody's throat, or done without staff, excellent staff, on both sides working on it. I am thankful. Because of that, Senator REID joined our leader and let us get this bill to the floor.

We took 2 weeks. Heretofore we took 6 weeks, and still had 200 amendments left. We didn't get a bill, a real bill.

Believe it or not, Representatives DINGELL and BARTON met. Ourselves, we spent 20-plus hours as a foursome. Then we had 3 days, 5 open days of conference meetings with amendments being offered. Every conferee could offer amendments. They were voted on, some won, some lost—honestly most lost, but that is the way it is. They voted.

The last of those conferences ended a couple of nights ago at 2:30 in the morning. I probably was more tired then than now, obviously. Maybe not as happy because I didn't know the product. But I think I know the product now. It is finished. It is a good product. It should pass overwhelmingly.

I urge Senators to consider that this bill, and the future that it envisions, far outstrips anyone's individual parochial concern. I hate to say that because nobody is going to say that is why they vote against it. Nobody is going to say I didn't get some project or some one theme. But I think if you are looking at what might be good down the line—which maybe we ought to do more of—you ought to vote for this.

One last comment. There will be a point of order made, and tonight I am going to say while everybody is around, or a few are: You heard a lot of numbers about what this bill costs. Please understand the point of order has to do with none of that. The point of order has to do with a simple thing. This committee was given $2 billion to spend, in direct spending, nonappropriated money. When all the work was done we estimated it was $2.2 billion—two billion two hundred million—not billion—$200 million. You know, the budget is hundreds of billions. This is $200 million. I don't even know why a point of order should be made.

I am going to cheat and tell you, sometimes when I was budget chairman we rounded numbers to 100. I am confessing that belatedly. Maybe we would have rounded this one to 200. Anyway, that is what we are going to vote on. I hope, even if you are against the bill, you will let us vote whether or not the country should have this.

With that, I thank the Senate, thank the Chair, and most important, thank the Senators here. For the Republican Senators, as soon as Senator BINGAMAN is through I will start allocating on our side 5, 7 minutes, whatever you each would like. Senator BINGAMAN will use what he wants and allocate the rest. He has one Senator. We will stay as long as you like.

Thank you all for listening.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, let me say how pleased I am that we are able to bring back to the Senate a conference report on energy policy that is truly a bipartisan consensus document. This bipartisan consensus had its beginnings earlier this year in our committee, the Senate Energy and Natural Resources Committee, where the chairman, Senator DOMENICI, my colleague from New Mexico, reached out to those of us on the Democratic side and pledged to work in good faith to bring to the Senate a comprehensive Energy bill.

We readily accepted that invitation and we had a very open and bipartisan committee process. The result of that process was a bill that was recommended to the Senate by the Committee on Energy and Natural Resources by a vote of 21 to 1. On the floor of the Senate when this bill was first being considered, we continued to work together in that open and bipartisan process. The result was that the Senate as a whole passed the Energy bill by a margin of 85 to 12.

In conference, my colleague from New Mexico, Senator DOMENICI, was adamant that we use an open and a bipartisan process there as well, and include House Democratic Members and staff who had not been included in the past in that same process.

I congratulate Senator DOMENICI on the passage of the resolution that we adopted earlier this evening to designate this the Domenici Energy Policy Act of 2005. He successfully persuaded the chairman of our conference, Congressman JOE BARTON, of the wisdom of proceeding in an open and bipartisan manner, and it proved to work very well. The bipartisan and bicameral conference committee staff was able, in short order, to resolve many of the technical issues that are so important to get right in this complex area of legislation. As they encountered issues that were unresolvable by the staff and needed guidance from members, Chairmen BARTON and DOMENICI and Ranking Member DINGELL and I were able to work together to forge compromises that we thought could be recommended to the entire conference. Those compromises, in fact, were embraced in almost all cases by our respective colleagues.

The result was a conference report that was signed by 13 of the 14 Senate conferees. That conference report is 1,724 pages in length. I do not think you can judge the quality of legislation by the size of it, but I do think the size of it indicates the comprehensiveness of this legislation and the complexity of it. The conference report was adopted earlier today in the House of Representatives with 75 House Democrats voting for the legislation, led by Congressman JOHN DINGELL.

Most of us came away from the conference with many provisions that we were happy to have in the final conference report and some provisions that we reluctantly had to give up on. I, for example, am very sorry that the bill before us does not contain the renewable portfolio standard which would require utilities to produce a percentage of their electricity from renewable sources. I know Chairman BARTON is disappointed that he was not able to get a number of his priorities agreed to in the conference. But the nature of a good conference is that it is a give and take and not everything ultimately can be agreed to. So compromise is the order of the day.

The result of this conference is a bill that has many more bright spots than flaws and a bill that deserves passage by the Senate and the signature of the President. I will mention a number of the bright spots, and then I will acknowledge some of the flaws and gaps

that are contained in the conference report.

The conference report has strong provisions for increasing energy supplies from a number of sources. As I have often said, increased domestic energy production is one of the four key elements of sound energy policy. We have good provisions for producing oil and gas in an environmentally responsible way, for unlocking the untapped energy potential on Indian lands, for relicensing of hydroelectric dams, for improving geothermal leasing on Federal lands, and for opening a path to renewable resources in offshore environments. We are making a major push in the area of energy from coal toward new technologies that have better environmental characteristics and that will be adaptable to a future in which we may want to capture and sequester carbon dioxide.

The conference report has strong provisions for increasing energy efficiency. Over a dozen new appliance efficiency standards are called for under this act. The Federal Government's own energy efficiency will be enhanced through the strengthening of the Federal Energy Management Program and through extension of authority to enter into energy-saving performance contracts.

The conference report expands authorizations both for the Low Income Home Energy Assistance Program and weatherization and State energy programs.

The conference report has perhaps some of the strongest provisions in the area of protection of energy consumers. Both the electricity and natural gas provisions of the conference report contain broad new provisions to ensure market transparency and to prohibit market manipulation. In the area of electric utility mergers, we have expanded the jurisdiction of the Federal Energy Regulatory Commission over mergers involving existing generation plants; that is, plants that are in existence at the time the merger takes place. We have also created new requirements in the Federal Power Act for special scrutiny for possible cross subsidization as a result of mergers. Before the Federal Energy Regulatory Commission can approve a merger, it must find that any possible cross subsidization is actually consistent with the public interest, which I think will prove to be both a flexible and a strong protection for ratepayers and for workers and for other persons who should be protected if we are being consistent with the public interest.

The conference report authorizes a broad range of research and development and demonstration and deployment activities for new energy technologies that will help us toward our energy future. It couples them with energy tax incentives and a comprehensive new approach to loan guarantees at the Department that will help these technologies over the final threshold into commercialization. This latter part of the bill is a particular accomplishment of Chairman DOMENICI that I think will pay off in this country for years to come.

The conference report also will result in major changes in our national slate of transportation fuels. It requires that we reach a target of 7.5 billion gallons of renewable fuels by 2012. It sets a path forward for the development and commercial introduction of ethanol made from cellulosic biomass which promises to have a profound impact on our ability to manufacture and use renewable fuels in the future. Our work on fuels and fuel additives in this conference report is not complicated by the issue of developing safe harbors for product liability claims for any fuel additive, whether ethanol or MTBE. Resolving this dispute involved including a provision that, when it first appeared in the publicly released base text of the conference report, caused some confusion. I know that some Members may want to address this issue in this debate. The best explanation, though, of the intent of this provision was given by Chairman BARTON himself in the course of the final public meeting of the Energy bill conference Monday night. He did it in the course of an exchange with Congressman BART STUPAK of Michigan, who was about to offer a clarifying amendment to this provision in the conference report. Based on the understanding conveyed in that exchange, Congressman STUPAK decided that he did not need to offer his intended amendment.

Since that exchange was crucial to how this provision was dealt with in conference, I ask unanimous consent that the transcript of that exchange be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. BINGAMAN. Mr. President, there is much more that I could say on behalf of the energy conference report that is before us, but I want to allow time for others to speak as well. It is worth acknowledging that in the process of conferencing with the House, we had to yield to their strong demands and desires in a few areas. Some of those provisions, in my view, were misguided. They include some weakening of environmental laws and some additional subsidies to energy industries that are probably unnecessary. I am sure that some of my colleagues will explore those problems in more detail. But these flaws, serious as they are, do not, in my opinion, lead to a conclusion that this bill should not be enacted. On balance, this is a good bill for the country and the best Energy bill this Congress is going to produce. We should enact it into law.

To the extent that there are gaps in the bill, that there are subjects that we should have covered and have not adequately covered, we need to look to the future. It has taken Congress over 4 years to craft this Energy bill. The Energy bill prior to that was the Energy Policy Act of 1992, passed 13 years ago. When we complete this bill, I don't believe we have the luxury of waiting another 13 years to pass the next Energy bill. The energy security needs of this country that are not addressed in this bill will not wait for another decade for attention. The threats posed by our dependence on oil imports or by global warming will continue to face us and will continue to grow as issues. This bill does maintain and increase our investment on a range of clean energy sources, but it does not contain a critical mechanism that was contained in the Senate Energy bill; that is, the renewable portfolio standard that I referred to earlier.

This bill has positive and helpful measures to increase domestic refining, but consumers will still face burdens at the gas pump. There is critical work to be done on these issues, but I believe the positive message coming out of this bill is that we have developed a truly bipartisan way to move forward on those issues in the Senate and the House of Representatives. I think that I speak both for myself and for my colleague who is chairman of the Committee on Energy and Natural Resources in saying that we intend to work together both in the short term and in the long term to address the issues that need additional attention in this general legislation. He has my pledge to continue to work in this Congress to advance the ball and to get to a finish line on proposals that we could not achieve closure on in the context of this bill.

Let me just mention three of those. First, flexible mandatory measures to address global warming. We had an excellent hearing which Chairman DOMENICI chaired in the Energy Committee. In fact, during the time that this bill was being considered in conference, time was taken out to have this hearing on the issue of global warming. I believe it was a very useful hearing. Chairman DOMENICI stated that it was the first of several that we may be able to have to better understand that issue and see if a consensus can be reached on a path forward in dealing with it.

Second, doing more to tap the potential of renewable energy. Again, I believe that more can be done there, and I hope we can revisit that issue before this Congress adjourns.

Third, we need to continue to focus on oil savings. The United States imports more than 65 percent of our oil, and the Energy bill will not reduce those imports significantly. Reducing oil consumption will make us less dependent on foreign oil and ultimately save Americans money at the gas pump. Although the oil savings approach that we took in the Senate bill did not win acceptance by the House of Representatives, that is a concept that continues to hold promise as a way of addressing the problem, and we need to

revisit that issue in legislation, in my view, as soon as we possibly can.

We worked hard to create the Energy bill compromise before us today. We should enact that compromise and move forward aggressively to ensure that it is implemented rapidly by the executive branch of our Government. If there are negative consequences to what we have enacted, then we can document those and work to correct those errors. If there are topics we need to address more effectively, then we certainly can do that.

Again, I congratulate my friend and colleague on his accomplishment. But securing our energy future in some sense is a job that is never done. I look forward after we have had time to rest and reflect on what has been done to again begin the effort to address policies that will increase our energy security, reduce our dependence on foreign oil, provide for more use of clean energy, lower gas prices, and deal with the emissions that are leading to global warming.

Again, I congratulate my colleague and all members of the conference and all Members of the Senate for the constructive approach they have taken to the development of this legislation.

At this point, I yield the floor.

EXHIBIT 1

Chairman BARTON. Are there other amendments from the House conferees to Title XV? Mr. Stupak.

Mr. STUPAK. Thank you, Mr. Chairman. I have an amendment at the desk, but if I may, before I offer it, I would like to ask you, as chairman, a couple questions on Section 1504, if I may?

Chairman BARTON. The gentleman is recognized.

Mr. STUPAK. Mr. Chairman, I would like to thank you for your willingness to come to a consensus on the MTBE. I know it has been a difficult couple days, and I am trying to get this thing resolved and I——

Chairman BARTON. Well, I am not consenting, I am just admitting that I don't have the votes in the Senate.

Mr. STUPAK. Well, your willingness to work with the conference committee.

Chairman BARTON. I know when to fold them and this is one time you got to fold them. So what was the question?

Mr. STUPAK. Well, in light of that, Mr. Chairman, I just want to be clear about one of the compromise provisions that's been inserted into the amendment and this is Section 1504, called Claims Filed After Enactment. Can the chairman clarify for us what this language means and is intended to do, this Section 1504?

Chairman BARTON. If you will suspend just briefly.

Mr. STUPAK. Yes, sir.

Chairman BARTON. The Section 1504 is a negotiated section between the House and the Senate, that in lieu of the base text language in the House bill on MTBE, we put in a section that is permissive, that for prospective claims, defendants may request that they be consolidated in a Federal court as opposed to a State court. It is a permissive, not mandatory, thing.

Mr. STUPAK. So in that case, then it can remain in the State courts. So this provision does not in any way give the Federal courts a new subject jurisdiction over MTBE cases?

Chairman BARTON. The base text that's before the conferees, on existing MTBE lawsuits, changes nothing on prospective MTBE lawsuits, that is, lawsuits that have not yet been filed.

Mr. STUPAK. Correct.

Chairman BARTON. It gives the defendant in the lawsuit, the prospective lawsuit, if it were to be filed, the right to request that the lawsuit be sent to a Federal court.

Mr. STUPAK. Or it could remain the State court if——

Chairman BARTON. Well, it just gives them right to request it. Now I am not an attorney, so I am not—but that's what the section does.

Mr. STUPAK. I just want to make sure that the Federal courts don't have an exclusive right to try these cases and it is my understanding they would not, based upon——

Chairman BARTON. Well, of the existing cases that have already been filed, they are in the hundreds, all but 12 are in Federal court.

Mr. STUPAK. Correct.

Chairman BARTON. They are 12 that are in State court.

Mr. STUPAK. So it is really——

Chairman BARTON. I don't think this section is unduly restrictive or adverse to the current situation.

Mr. STUPAK. So Section 1504, then, is it fair to say, gives those involved in future MTBE litigation or disputes, the discretionary ability to remove their case to Federal court?

Chairman BARTON. No, it gives them the right to request it.

Mr. STUPAK. Okay.

Chairman BARTON. That's all.

Mr. STUPAK. Discretionary. They don't have to. It is within their discretion to go to Federal court, if the defendants so choose.

Chairman BARTON. That's correct.

Mr. STUPAK. And then it is up to the judge whether or not the case is properly there or remanded back to State court?

Chairman BARTON. That's my understanding.

Mr. STUPAK. So we are not conferring a new substantive or subject matter jurisdiction over these cases?

Chairman BARTON. Not to my knowledge.

Mr. STUPAK. Thank you, Mr. Chairman. With that, I will not offer my amendment.

Chairman BARTON. We appreciate the gentleman.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I know Senator KERRY wants to speak, but I would like to ask that we may have time to arrange all of this right now. My next speaker is Senator CRAIG. I would like to yield 5 minutes to him and then we go to somebody on your side.

Mr. BINGAMAN. Senator KERRY will be the first Senator on this side, followed by Senator WYDEN. So why don't we go back and forth, if that is acceptable.

Mr. DOMENICI. I might ask the Democrat side, since we have two Senators with 5 minutes each, would it be fair to say we go back and forth with 5 minutes?

Mr. KERRY. Under the order, I have 30, and I intend to use it.

Mr. DOMENICI. You have 30.

Mr. WYDEN. I have 15 under the agreement.

Mr. KERRY. I don't want to be limited to 5 minutes.

Mr. DOMENICI. I am not going to limit you. You have an order. I am just talking about sequence.

Mr. KERRY. I thought you said limited to 5 minutes.

Mr. DOMENICI. I did. I am wrong, so I am telling you you have 30; you are going to get 30. It is just a question of when.

Mr. KERRY. I am happy to go back and forth. That is the way we have always done it.

The PRESIDING OFFICER. The Chair will advise under the previous order as the Chair recollects it, the Democratic side set up specific times for their members while on the Republican side 90 minutes was allocated but not allocated in any definitive way.

Mr. DOMENICI. So what we are saying is the Senator from New Mexico can speak for 90 minutes. I don't want to do that. I want to let my Senators speak, so I would like to change that. If we don't change it, I will speak for 90 minutes.

Mr. CRAIG. The Senator was to allocate 90.

Mr. DOMENICI. I know I was. I would like to allocate if I could. If Senator KERRY is going to speak 30 minutes, I would like to have Senator CRAIG and Senator THOMAS speak for 5 minutes each. That is 10 minutes. And then we go to Senator KERRY for his 30. Then we come back to Senator ALEXANDER for his 5, and then we go back to Senator WYDEN for as long as he would like.

Mr. WYDEN. That will be very adequate. I thank the Senator.

Mr. DOMENICI. Is that fair enough, Senators?

Mr. WYDEN. Yes.

Mr. DOMENICI. Fair enough. Thank you. I yield the floor.

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

The Senator from Idaho.

Mr. CRAIG. Mr. President, I think all of us stand here tonight happy that a work product is before us, and it would be remiss of me not to congratulate both of the Senators from New Mexico but clearly to recognize Senator DOMENICI for his chairing of the Energy Committee here in the Senate and the work he and Senator BINGAMAN have done to operate in a bipartisan way to bring us to where we are tonight.

You have heard from both of these Senators, and they have spoken clearly about the substance of the conference report that is before us. I will not go into the detail of that substance.

At the outset, let me thank at least two of my staff members, George O'Connor and Corey McDaniel. Both of them have worked on these issues. George O'Connor has been with me literally all of these years as we have worked and struggled through the process. I thank them and thank the staff of the full committee for the tremendous effort at hand that has produced this important conference report.

In the 5-year struggle that many Members have been engaged in developing a comprehensive energy policy for this country, at times we thought it was for naught. We would bring it to the Senate, we would spend weeks voting on it, we would work with the

House, but we could not produce a final conference report.

That work was not for naught. In that process of the last 5 years, not only did we learn there were issues we simply could not arrive at a solution on, but over that 5 years there was a learning process for all of us and for all Americans on a variety of issues.

Senator DOMENICI spoke tonight of a new, comprehensive national policy to deal with nuclear energy and to bring it online. Five years ago we could not have accomplished what we accomplished in the last several months. Why? The public was not with us in general nor was there a growing realization that obviously did occur that the way to build new base load, to turn on the lights of America 10 years out, was with an existing technology while we worked on future technologies. And we wanted it to be clean. That new technology was an existing technology: It was nuclear.

Once again I believe the world is increasingly excited that America has decided to take a leadership role in the area of nuclear instead of to hide behind the politics of the issue, as we have as we have lost that leadership role over the last two decades. In our action here, comprehensive work has been done of a bipartisan character.

Senator DOMENICI also reminds me, as he should, he wrote a book on the issue, a book that is selling pretty well, but also a book that was part of that educational process that caused us, along with the critics of the issue, to begin to understand if we want clean energy, and we do, and we want abundant energy, and we must have it, under current technologies there is only one place to go to get it.

Clearly, we have incentivized that. The Senator from New Mexico is right. If you cannot begin to design and ultimately build new nuclear production facilities in this country, new electrical productions in this country fueled by nuclear reactors, then we will not get it done. But we will, and not only will we go through a new generation, we will go into new technologies. That is laid out in this bill. It is critically important.

So while we are working on the new, we also do something else. We realized the old must be renewed, and that was hydro. For the Pacific Northwest, it was critical. In the Energy Policy Act of the mid-1980s, we created a problem. We included everybody except the producer and said, You have a right to shape the new facility when it is relicensed, no matter what the cost and no matter what the demand, as long as it fits the environmental desire of the stakeholders involved. We could not get licensing completed.

It went on for years and years and cost hundreds of thousands, if not millions of dollars, and nothing got done. When it did get done, the production plant usually produced less than it had before. That is unacceptable when we see so many of our hydro facilities needing to be relicensed in the next 20 years. I and many others worked and we have what we believe is a new and better way to relicense our facilities with that clear recognition.

There are many key components in this critical legislation that, as both the Senators from New Mexico have said, put us back into the business of producing energy, clean energy, appropriate for our national needs, meeting the demands, creating jobs, and saying to our young people, there is a variety of abundant energy future for our country.

I applaud my colleagues for working with us in accomplishing what I believe to be a very comprehensive piece of work.

I yield the floor.

The PRESIDING OFFICER (Mr. VITTER). The Senator from New Mexico.

Mr. DOMENICI. I will yield very soon to Senators.

I make one observation and ask one question and then I will yield to my friend from Wyoming.

First, fellow Senators, Senator BINGAMAN mentioned something about renewables. I failed to mention, while we did not accept the Bingaman amendment, the tax portion of this bill allocates the largest percentage, largest piece of the tax incentives to renewables, to wind. Some did not like that. Some think it is great. One of the Senators is here and smiling. He did not like that. But that means as much wind energy as you can throw for the next 3 years, as much as you can manufacture and use, will be manufactured and used. Hopefully during that period of time Senator BINGAMAN can return and speak more to the issue of longevity and continuity.

I thank two people: Alex Flint, my staff director, and Bob Simon, the staff director of Senator BINGAMAN. It is fair to say they have become friends, too, just as my friend Senator BINGAMAN and I have.

With that, we have the order for the next hour or so. I will leave for a while and leave it to one of my friends. Senator MURKOWSKI is the last one, although we have not provided for her.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 5 minutes.

Mr. THOMAS. Mr. President, I will be short. It is a real honor to be here this evening to talk about the introduction of this bill, a bill for which we have waited a very long time, and worked a very long time. I thank the chairman and the ranking member. We worked very hard on this bill to get it into conference and worked very hard through conference.

Since we started formulating policy, we have worked on a number of issues. There have been changes. Many things have remained the same because the policies need to be the same. The issues are the same. We have had to move forward.

We still need a comprehensive policy. That is an important issue because now, as we read in the paper, there are questions as to why we are not going to affect the gas prices tomorrow or the day after. We are talking about down the road. We are talking about where we will be over a period of time. This is a policy. It is very important to remember and to understand as we talk about the changes that will eventually take place in the kind of energy we will use, in terms of renewables, in terms of alternatives. We will be moving there, but we are not there. Alternative energy creates now about 3 percent of what we use. It will be much higher than that, but it won't be higher than that next year or next month.

We have to make sure what we are using now for energy can continue to be maintained and that we will find new ways of dealing with the energy. For instance, that we can take coal, our largest fossil fuel resource, and find ways to use it in a more environmentally sound way, find ways to change the way it is moved, for hydrogen or synthetic diesel, and do that over time.

It is important we understand that we have to do two things: We have to look to the future about alternatives. We have to find ways to use what is available now to keep up production in this country and to keep our economy strong. We ought not to forget that is what we need to do.

This is a bill that is very balanced. That is important. It has already been talked about. I will not go into the details. We have talked about renewables. We have talked about ways we can renew—whether it is gasoline, ethanol, or opportunities for electric generation, whether nuclear or whatever—areas we can move to. That is very important over time.

We ought to talk about coal. We do here. We spend a good deal of money. By the way, we divide this total expenditure in about six equal ways between renewables, conservation, doing something to make coal more usable. There are six distinct areas spread in fairly equal amounts.

I will talk a second on coal. It is our largest fossil fuel resource. We have more of it for the future than any other energy. We need to find better ways to use that. Much of it will be generating electricity. Sometimes we do not think about where electricity comes from; we just think it is automatically there. It is not. We have to continue to do that. Coal is in one place; the need for electricity is in another. We need transmission. We have to have new transmission ideas and do things that are more efficient than they have been in the past. We need to find a way to make sure it is safe and secure.

The same thing is true with oil. We use oil a great deal. About 60 percent of it now is imported. We will continue to do that. Certainly over time we will find ways to get better mileage in

automobiles. It is not going to happen right away.

Of course, there will be some arguments that we should put some defined times when you have to get CAFE standards. It is very difficult to do that. But it will happen. It will happen in the marketplace. It will happen as we can do it. And we can do it efficiently. We have to find better ways to get more oil out of the ground. We produce a lot of oil in Wyoming. The old oilfields are about exhausted, but below that is a great deal more oil if we find different ways of doing that, if we use renewed production or carbon sequestration. And much of that is in this bill.

We do have conservation and efficiency, as we should have. We have opportunities to make the use of energy more clean and better environmentally. We have ideas for producing more production of our resources available now. And we need to do all of these things as quickly as possible, but we cannot do them overnight.

I urge passage of this bill.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 30 minutes.

Mr. KERRY. Mr. President, I wish the senior Senator from New Mexico were in the Senate because I wanted to say a few words to him personally as well as about him, but in his absence I will certainly say them.

In the Senate, we all have an ability, thank Heaven, to be able to separate the policy from personality and from the personal. I know how hard Senator DOMENICI has worked through the years. I know how committed he is personally to developing an energy policy. That goes, also, for the junior Senator from New Mexico, my friend Senator BINGAMAN, who has worked closely and diligently under difficult circumstances to try to deal with these energy issues.

On a personal level, I am genuinely happy for the Senator from New Mexico because I know this is a moment of completion for him, and on a personal level he is happy and he has worked hard to get there. All Members are gratified when a colleague has that kind of success. Nevertheless, on a policy level, I have enormous disagreements with where this bill has finally put the Senate and our country.

Our Nation's energy crisis has reached historic levels. What we need today is not a policy that puts enough good stuff in it that enough Senators will grab onto it and say: OK, I can vote for that bill. What we need is an energy policy that is as bold and big as the challenge is significant to the country. That is not, under any analysis, what we are getting in this bill.

This is, frankly, largely a lobbyist-driven bill. What underscores that is when you measure what is happening in this bill—as you must in making any decent policy for our country—when you measure this bill against families who are struggling to balance their checkbooks, who cannot pay easily the additional cost of gasoline, when you measure this bill against small businesses, which have had an enormous rise in the cost of doing business—just the cost of getting to and from the business, let alone the cost of trucks delivering goods to that business. There has been something like a $25 billion to $30 billion energy gas tax increase on businesses over the course of the last couple years. They are paying those additional costs.

We passed, in the Senate, an energy provision to be able to provide loans—not grants, not giveaways, but loans—to those businesses so that they might be able to adjust for the cash flow problems they have because of the increased cost of energy. The Senate passed it. The Senate passed it 3 years ago. But it was taken out in the conference.

Gone from this bill is any kind of emergency lending assistance to the small businesses of our country that are hard-pressed because of energy costs. Why? What is the reason for that? When you see our children breathing air already that is dangerously polluted, and you know the levels of asthma among children are increasing, and the greatest cause for the hospitalization of children in the summertime in America is an asthma attack, which is air-induced, and the quality of our air is not being cleaned as much as it was, as rapidly as it could be, nevertheless, you see us going backward with respect to the new source performance standards in air quality, when you read about rival nations that are rapidly moving ahead of the United States of America with respect to alternative energy technologies—and they are creating high-paying jobs by moving in that direction—but the United States is only moving incrementally, without a genuine commitment—and I will come to that in a minute—when you recognize that our dependence on foreign oil sees us sending $25 billion a year just to the Gulf States alone—Mr. President, $200,000 a minute, $13 million an hour, we send to those countries; And how much of that money falls into the hands of Hamas, al-Qaida—when you see what the complication of oil dependency does to the foreign policy of the United States as well as the health, economy, and security of our Nation, you have to ask yourself why we are not moving more rapidly to deal with these issues.

Senator DOMENICI said a moment ago this is the largest portion that has gone to renewables. Well, let me show my colleagues this pie chart, which simply contradicts that. That is not accurate. It may be a larger amount of money than it has been in the past, but of the money that is being put out in this bill, only 16 percent goes to renewables. And 10 percent goes to efficiency. That is a total, between them, of 26 percent going to renewables and efficiency. Mr. President, 37 percent alone, eclipsing renewables and eclipsing efficiency combined, is going to nuclear—going to nuclear.

When you add the combination of oil and gas, you have an enormous proportion of this bill's tax benefits and funding that is going to the status quo—the status quo—''same old same old'' energy policy of the United States, not to the creation of the new high-paying jobs, to clean air and to renewables and the kind of technologies we need. There is no explanation for that.

Mr. President, I voted for the Senate bill. I joined with colleagues, 85 of us, in sending a bill to the conference that had about a 50–50 split. I was not pleased with a 50–50 split. I thought we could have done better than that. Guess what. We are going backward in this bill. Why? What is the rationale? What is the policy rationale for having taken a Senate bill that had a larger amount of money going to renewables and alternatives, that passed with 85 votes, and here we are with a bill on the floor of the Senate that has a paltry 26 percent, only 16 percent going to renewables? If you ask the American people, the American people would overwhelmingly vote to do otherwise. But the Senate will not.

The conference committee takes a huge step backward in other places—for instance, the requirement that U.S. utilities generate 10 percent of their electricity from renewable sources by 2020, 15 years from now. We are trying to set a goal that just 10 percent of America's electricity is going to be produced from alternatives and renewables. We could achieve it. Other nations are moving to a much higher level of alternatives and renewables. Not the United States of America. We are going to do the ''same old same old.'' We are going to do the nuclear and do the oil and gas.

Well, most of our electricity actually is not oil-fired. It is either coal-fired or natural gas-fired. But the fact is that instead of setting a standard, which we had in the Senate—in the Senate bill, we said 10 percent of the electricity by 2020 will be from renewable sources—that is gone, taken out of the bill. Why? Because special interests on the House side demanded that happen.

As to language that recognized global warming, I remember how many Senators came to the floor, and they all embraced the language of global warming in a nonbinding resolution. They just said: We are going to deal with it, and this is important. Guess what. Even the nonbinding language that acknowledged the problem of global warming has been taken out. There is nothing in this legislation to deal with one of the single greatest environmental challenges on the face of this planet—nothing.

And how do you explain this next one? The United States uses about 19 million barrels of oil a day. We had a requirement in the Senate bill that we reduce oil consumption in America by 1 million barrels a day. Imagine that: We

were going to try to get 1 million out of 19 million. We were going to require that the country set a goal of reducing that dependency on oil. Gone. It has been taken out. Why? Why would we not want, as a nation, to set a goal of trying to reduce our dependency?

I guarantee you, Mr. President, we are going to be back here in the Senate facing real energy crises as we deal with the realities of what is going to happen in the world, with a China that is going to move to something like 13 million barrels of consumption on a daily basis from about 5 today. You have India that is going to go from about 2 million barrels up to 5 million barrels a day.

You are going to have some trillions of dollars that are going to continue to be exported abroad, and you will see more efforts by China and other countries to take the fruits of their oil and buy American companies. Is America going to be stronger for that?

I would like to know why, instead, billions of American tax dollars are not going to go to renewables and alternatives, but they are going to go into oil and gas. Let me make it clear. I support clean coal technology. I think it is important. It is one of the most vast resources of the United States, one of our biggest reserves. And it is absolutely technologically feasible for us to be able to burn coal more cleanly. We need to do that. I support our efforts to move in that direction.

But why, at the last minute, is there a $1.5 billion deal that goes to Halliburton? Halliburton, which is making billions of dollars off of Iraq, Halliburton, which is a hugely profitable company, is going to get $1.5 billion out of this instead of some of these other nascent technologies that are screaming for assistance.

Why is it that children are going to get weaker environmental protections, dirtier air and water? Is there any person in the Senate who has received mail from their constituents saying: Give me dirtier air for my kids. Give us dirtier water to drink. That is what you are getting. That is what this bill gives you.

Americans get no relief at the pump. And we are left more dependent on foreign oil than we are today. Imagine that. Here is an energy policy that people are going to come and celebrate. I can see the President's signing ceremony now. And he will go out and tell America how terrific it is going to be. But this does nothing to reduce American dependency on oil.

Let me make it clear. Don't take my word for it. The President's own economists say that oil imports will increase 85 percent by 2025 under this proposal. The President's own economists found—and I quote them—

> [C]hanges to production, consumption, imports, and prices are negligible [in this bill].

In other words, the very things we want to affect—prices, consumption, imports, production—are going to be negligibly affected by this bill.

You do not have to be an expert, you can be a kid in any classroom in America, in middle school or elementary, and know that if the United States of America only has 3 percent of the world's oil reserves—that is all we have in all of Alaska, underneath all of our national monuments, in all of our waters that are accessible to the United States. We have 3 percent of the world's oil reserves. Saudi Arabia alone has 65 percent of it. As I have said many times, and as this bill ignores, there is no possible way for the United States of America to build its security in the long term by drilling our way out of this crisis. We have to invent our way out of it. This bill barely scratches the surface of the kind of invention America is capable of and the kinds of opportunities we know of.

I heard the Senator a moment ago say we do not have the ability now to be able to do better in our automobiles. That is just not true. For a $200 expenditure, anybody could go out now and get their car converted to be able to go use ethanol fuel, biomass fuel. It is just that we do not do enough of it. Imagine what we could do for farmers across our Nation. Imagine what we could do with respect to the possibility of new jobs and new production facilities and delivery facilities and infrastructure. None of that is being adequately tapped with respect to this legislation.

All you have to do is look at what this bill does for the environment. There is in this bill an amendment to the Safe Drinking Water Act. Do you know what it does? It allows unregulated underground injection of chemicals during oil and gas development so that we threaten clean water. Did anybody in America say, I think it is a good idea for us to have chemicals put into the underground water supply in order to bring out oil and gas? Why would we exempt it from the standards we have applied to our Nation over the course of the last 30 years? The oil and gas industry is getting an exemption for their construction activities from compliance with the Clean Water Act. Why would you exempt construction activities from compliance with the Clean Water Act?

The Energy bill also requires an inventory of offshore oil and natural gas resources. That is supposed to pave the way for offshore drilling along America's coastlines, including areas off Florida's coastline, which is banned.

This Energy bill should have been a net plus for the environment. Instead, it goes backward.

Are there some positive provisions in this bill? Of course there are. I could stand up here and talk about the importance of clean coal technology. There are other things. I am encouraged by the strong, new standards and consumer protections in electricity. I am encouraged we finally authorized Energy Star. But the bottom line is, we did better in the Senate bill that went to the conference committee. We did better. And there is no policy rationale, no common sense in going backward from the standards that were set in that Senate bill.

The fact is, if we end our energy dependence on foreign oil, we strengthen our national security. If we lead the world in inventing new technologies, we create thousands of high-paying technology jobs. If we learn to tap clean energy sources, we preserve a clean environment for our families and for future generations. If we remove the burden of high gas prices, American consumers can spend elsewhere and give our economy the boost it needs.

This Energy bill does not take anywhere near the advantage that we had in the Senate bill or that we could have had even beyond the Senate bill.

I understand it is hard to get an Energy bill passed. We all understand the powers and the force of money in American politics and the lobbying that takes place. But we have a powerful opportunity to make a renewable electricity the standard in the United States. This bill ought to be increasing our electricity supply from renewables up to 20 percent of electricity from wind and solar and geothermal and biomass facilities by 2020. Instead there is nothing.

The renewable portfolio standard is a simple mechanism to diversify energy sources, to stabilize electricity prices, to reduce air pollution and other harmful environmental impacts of electricity generation. The fact is, this administration has even let the big old powerplants off the hook by reneging on the new source performance standards so that they don't have to live up to the higher standards as they put new technologies in place. The result is, Americans will have dirtier air than they would have had otherwise.

Second, we need to take serious steps to help the domestic auto manufacturers build the cars, trucks, and SUVs of the future. The market for hybrids is set to take off. Over the next 3 years, the number of hybrid models is going to increase to almost 20. By 2012, there could be possibly more than 50 models. These are representative of real potential volume and unbelievable value. If we don't build them, someone else is going to do it. The fact is, others are doing it more effectively and rapidly than we have. The global market for hybrids, by one estimate, could be as much as 4.5 million units by 2013, perhaps $65 billion alone in the United States. I believe we ought to put American ingenuity back into our vehicles. We ought to be encouraging, to a greater degree, the ability to transform that marketplace. That is why any Energy bill that we consider ought to have both manufacturer and consumer incentives that are adequate to help accelerate that transition. This bill doesn't.

Third, Congress can't responsibly continue to ignore the global climate change issue. Higher temperatures

threaten serious consequences. I met the other day with our top experts from NASA. How many Senators realize that it is now not a question of whether; it is a certainty. Nothing we do today is going to stop this. To show you how far behind the curve we are, it is a certainty that the Arctic ice sheet is going to melt. If the Arctic ice sheet melts completely, that exposes the Greenland sheet. Nobody can tell you with certainty what is going to happen to Greenland. But any policymaker ought to stop and shiver at the prospect that it is a certainty the Arctic ice sheet will melt. The Greenland ice sheet will be exposed. And if it were to melt, with catastrophic consequences, say goodbye to Florida, goodbye to the port of Boston, and New York, and a bunch of other places. That would be a catastrophic event. There is nothing in this bill that tries adequately to deal with that reality.

What is going to happen with respect to drought, disease, floods, lost ecosystems? And from sweltering heat to rising seas, global warming effects have already begun. Sit down with the top scientists. Sit down with Nobel Prize winners and listen to them tell you about the certainty of what is already happening, not a matter of scientific speculation. The seas are rising. It is getting warmer. They will tell you what is happening. This bill doesn't deal with it.

We tried, on this bill, to pass an economywide cap-and-trade bill, a bill that uses the marketplace to be able to work effectively. Didn't get enough votes. The compromise was, they passed the language that didn't require anything, and they even took out of this bill the language that didn't require anything. This is the most obtuse, head-in-the-sand ostrich policy I have ever seen in my life. A bunch of responsible people in the Senate and House of Representatives, ignoring scientists all across the globe, turning their backs on foreign ministers, trade ministers, environmental ministers, prime ministers, presidents of countries, all of whom have embraced, at political risk, the reality of that science, and only the United States of America stands apart and alone, ignoring that reality. Where is the leadership?

Fourth, to ensure that technologies capable of providing clean, secure, and affordable energy become available in the timeframe and on a scale needed, we need to dramatically increase our commitment to research and development. I am in favor of advancing the research on nuclear waste and on third-generation, fourth-generation nuclear capacity. A lot of people in my party are not, a lot of environmentalists aren't. I think it is responsible to do that. But it is not responsible to go rushing headlong with the greatest proportion of technology alternative here, without having dealt with those issues and dealt with the American public in a responsible way with respect to that.

I think the bill ought to include provisions to dramatically increase Federal Government funding for new energy research and development, increased incentives for private sector energy research and development, and expanded investment in cooperative international R&D initiatives. It does not.

Maybe most important of all, we need to attack our energy crisis with the same intensity that we showed under the leadership of Franklin Roosevelt and Harry Truman when we undertook the Manhattan Project or, subsequently, when we did the space program and the Apollo program. Our competitors are showing that kind of urgency. Prime Minister Blair has been fighting hard to get the G8 to come together. He had to back off because of American pressure. We pushed backward, not forward. Great Britain wants to do almost 100 percent of its electricity from wind power over the course of the next years. Other countries are moving to 80 or 90 percent goals of biomass for fuels. Not the United States of America, despite so many farmers who are desperately waiting for that marketplace to exist.

In Germany, where heating is a huge drain on energy, a new law sets the standard of a house designed to use just 7 liters of oil to heat 1 square meter for a year. A new national campaign in Japan urges replacement of older appliances with new hybrid products as part of their nationwide effort to save energy and fight global warming. In Singapore, air-conditioning is a big drain on energy. So new codes encourage the use of heated blocking window films and hookups to neighborhood cooling systems which chill water overnight. Other countries are way ahead of the United States of America in exploring these possibilities.

In Hong Kong, an intelligent elevator system uses computers to minimize unnecessary stops and minimize, therefore, unnecessary use of energy. If these nations can reduce their dependence on foreign oil and invest in advanced energy technology, surely the United States of America can do better than this paltry 16 percent renewables and 10 percent efficiency.

Their urgency is more than justified because, frankly, this goes way beyond our economy. Energy is a legitimate and central global security issue. The era when the United States and Japan comprised the bulk of the world's demand for oil is over. Oil consumption from developing Asian nations will more than double in the next 25 years, from 15 million to 32 million barrels a day. We only have 3 percent, as I said earlier. There is no way the United States is going to be part of that bargain. The way the United States can be part of that future is by creating those alternative sources and gaining our independence.

Chinese consumption is going to grow from 5 million to nearly 13 million barrels a day. India is going from 2 to 5 million barrels per day. This global race for oil is potentially a devastating, destabilizing force, certainly a challenge to the security of our country.

We are going to be back here on the floor of the Senate in a short period of time lamenting that we didn't do more now. Increased American energy dependence further entangles also our Nation in these areas of the world. You look at our troops now. This is not good for our troops. In recent years, U.S. forces had to help protect a pipeline in Colombia. Our military had to train indigenous forces to protect a pipeline in Georgia. We plan to spend $100 million on a special network of police officers and special forces to guard oil facilities around the Caspian Sea and continue to search for bases in Africa so we can protect oil facilities there. Our Navy patrolled tanker routes in the Indian Ocean, South China Sea, and the western Pacific. The reality is that we have to protect oil at risk to our troops and at cost to Americans to protect our way of life because we are not working the way we could to provide an alternative to that.

This is a serious issue with real consequences. In the spring of 2004, insurgents attacked an Iraqi oil platform. There was violence against oil workers in Nigeria. The result was depressed global oil output and record high gasoline prices. The United States is now on a course where we are opening a target to terrorists. The more you rely on oil, the more disruptive it becomes to your economy, the more it becomes a target to terror, rather than growing it here at home.

If anyone needs an example of how energy dependence can shortchange national security, you can look at the war on terror. Let's assume that oil were to miraculously drop to $30 a barrel over the next 25 years. The United States will send over $3 trillion out of the country, much of it to regimes that don't share our values. Today, America spends these enormous amounts. About $25 billion a year goes to Persian Gulf imports alone. It is bad enough to think that those dollars aren't going to stay here and help grow our economy. But it is worse to consider that they empower, in many cases, some of the most extreme elements in the world to be able to take advantage of that richness. The fact is the madrassas in many of these countries and the deals that have been cut in regimes like Saudi Arabia between those extremists are part of what has provided the recruitment and destabilization with respect to the violent extremists of the world today.

We know that al-Qaida has relied on prominent Saudi Arabians for financing. The fact is that the bottom line of this policy is, it works for Saudi Arabia. It works for oil and gas companies. But in the long run, this is not going to be what the American people need or want.

Americans deserve better, and they also deserve the truth. We had a debate

on the floor of the Senate on an Energy bill, during which we were debating efficiencies. This administration delayed an EPA report that slammed fuel economy. It didn't allow the report to come out until after the bill had passed.

Washington failed the American people with respect to an opportunity to provide both the economic, health and security and energy policy that this Nation so desperately needs. My hope is that as much as there are some good things in this bill, the Senate at some point will come back and get the real job done.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 5 minutes.

Mr. ALEXANDER. Mr. President, the legislation that the Senator from Massachusetts described bears very little resemblance to the legislation I have been working on for the last couple of years with Senators DOMENICI and BINGAMAN and that 13 out of the 14 Senate conferees of both parties just approved.

Let me say what I believe we did and then spend a minute, at the end of my 5 minutes, correcting a couple of things the Senator from Massachusetts said.

Energy is not usually what we talk about at the dinner table, but it is today. For example, in Tennessee, if you are working at International Paper in Memphis or at Eastman Chemical in east Tennessee, you know that if the price of natural gas stays as high as it is today, the highest in the world, those jobs are going to move overseas. And those are thousands of jobs in Tennessee and millions of blue-collar jobs in America. If you are a farmer and you know that the natural gas price stays as high as it is today, you know you are going to have a big pay cut because of the cost of fertilizer. And if you are a homeowner, you know the bills are up.

The first thing this legislation does is to take significant steps to stabilize the price of natural gas and hopefully bring it down. That is worth talking about at the dinner table.

The second thing it does is to change the way we produce electricity so that it is by low-carbon and no-carbon means. That is worth talking about at the dinner table because it helps deal with global warming, and it helps deal with clean air. The third thing it does is begin a long-term switch from a dependence on oil, especially foreign oil. That is worth talking about because of our national security. Does it really do that? I would submit that it does. To begin with, the conservation and efficiency provisions in this bill will save the building of 50 major powerplants over the next 20 years. That is the first and most important thing we should do.

The second thing it does is to focus on accelerated investment and research for the next generation of nuclear power.

If you really care about global warming, you want to support nuclear power because 70 percent of our carbon-free electricity in America today comes from electricity generated by nuclear powerplants.

The third thing it does is to adopt a strategy that the Natural Resources Defense Council and many others have urged on us, which is to explore seriously making gas from coal and turning that into electricity and taking the carbon out and putting it into the ground.

The fourth thing it does is to create new supplies of natural gas to begin to lower the price of gas and further produce clean air.

Mr. President, that is really the way to address global warming. That is really the way to reduce the price of natural gas. That is a serious policy to change the way we produce electricity so it is low carbon/no carbon—conservation and efficiency, nuclear power, coal gasification, carbon sequestration, and new supplies of natural gas. And then, for the long term, a focus on hydrogen fuel cell economy, but that is several years away.

The Senator from Massachusetts talked passionately about renewable energy. We all hope we can expand renewable energy. I fought very hard and I am glad to see in this legislation, for the first time, a carve-out for solar power, which was getting nothing from our renewable tax credit. But how much are we going to spend on energy that produces 2 percent of the electricity we use?

If you look at the figures in terms of the tax incentives in the bill, the Senator from Massachusetts didn't multiply very well because we spend 20 percent of the money on renewable. That is for 2 percent of the electricity. We spend 18.6 percent on energy efficiency and conservation. Most of us wish that were more. We spend 18 percent of the money on oil and gas production. That is 40 percent of our energy. Of the amount we spend on electric reliability, we spend $400 million of that for clean energy renewable bonds. That is renewable. We spend 20 percent on clean coal.

Mr. President, if anything, I think we are overspending on renewable. We have committed of taxpayers' money $3 billion over the next 5 years building giant windmills with flashing red lights. The Senator from Massachusetts may want a national windmill policy. That is for a desert island. For the United States, we need a serious clean energy policy, and that is this bill. So I congratulate Senator DOMENICI and Senator BINGAMAN. I am proud of this bill and I hope we adopt it.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, sometimes the test of legislation in the Senate is did we do less harm than good. Some might say, by that test, this Energy bill is worth voting for. I will tell you that test is not good enough when America is at war and our dependence upon foreign oil is putting our citizens at risk each and every day.

The test in the Senate that, well, maybe this legislation has some good is unacceptable when there is a rare opportunity and a rare obligation to avoid the terrifying human costs of future wars. In those rare instances, the test in the Senate should be did Congress meet its obligations. I have concluded that in this energy bill we have not.

Our dependence on foreign oil will not be reduced as a result of this legislation. As a result, we have not reduced the prospect of going to war once again in the Persian Gulf in the next decade. I do not understand how we will explain to every man and woman who fights so courageously in Iraq and Afghanistan, or how to explain to every veteran who fought in the Persian Gulf in the last decade, how we failed to meet our obligation to avoid future wars.

For this reason, I want to express a deep regret to those soldiers and veterans because your children are now no less likely to be asked to fight a very similar war. I want to express a deep regret to the families of those soldiers and veterans because their children may someday face the very same burdens. I want to express a deep regret to the American public, which is spending hundreds of billions of dollars to prosecute the war in Iraq and may someday be asked to spend far more on the next war because the Senate is about to pass a pre-9/11 energy policy. After 9/11, it became clear that energy policy was a national security issue and that reducing our dependence on foreign oil had to be a national security priority. That hasn't been done.

So today Americans continue to pay what I call a terror tax—the price we pay in insecurity for our dependence on foreign oil. I call it a terror tax because when each of us pulls up to the corner gasoline station and pays $2.40 a gallon, or so, for gasoline, a portion of that money goes to foreign governments that in turn send it out the back door to Islamist extremists who use the money to perpetuate hate and terrorist acts. But in this bill Congress has squandered a golden opportunity to dam that river of terrorist funding.

It is not good enough to accept business as usual when our citizens pay record prices at the gas pump, only to see foreign governments wink and nod while terrorists make off with substantial amounts of the money and use the funds to target America. The recent bombings we have seen have been a sober reminder of just how vulnerable America, our allies, and our strategic partners remain to terrorism. In my view, there is an indisputable link, not only between the American dependence on foreign oil and the price our citizens pay at the pump but between our oil addiction and our vulnerability to attack here at home.

What I have come to learn as a member of the Energy Committee, and as the one member of the conference who was unwilling to sign the report, is

that any energy policy proposed in the future should have to contain a statement of how that bill will reduce the terror attacks. There ought to be a statement in the future with respect to energy legislation on how that legislation would actually reduce our dependence on foreign oil in the short term and in the long term.

If that had been required for this legislation, there is no way this bill would get a passing grade. This legislation does virtually nothing to reduce our dependence on foreign oil. You look at what was said in 2003, not by partisans on one side or the other but by the Bush administration's Energy Information Agency. They said that bill would have increased our imports of foreign oil by 2025 by about 85 percent. This legislation, with respect to oil imports, would produce virtually the same result.

Now, to give the country a sense of just what we were up against—those of us who wanted to break our dependence on foreign oil—I would like to discuss an amendment I tried to offer in the conference. In the conference, I proposed that the automobile industry be required to increase auto efficiency by 1 mile per gallon for each of the next 5 years. The reason I did that is a basic fact of energy policy. You cannot transform this country's energy sector if you give the automobile industry a free pass. So when I made that proposal, I said to myself, what a modest step, just 1 mile per gallon for just 5 years. Yet it would have had a huge impact in terms of reducing our dependence on foreign oil. Unlike this legislation, which doesn't reduce our dependence on foreign oil, that would have made a difference.

In the 2001 report, the national academy found that the technology exists today to raise the average fuel economy nearly 40 miles per gallon by 2012 without sacrificing safety. My proposal was much more modest than what the leading scientific experts in this country found was both technologically feasible and affordable to consumers. Yet the conference rejected even this modest proposal out of hand.

I particularly thank Senator BINGAMAN, who supported it and said we ought to at least, at the very minimum, not go to the American people and say, gosh, 5 miles a gallon over 5 years is too much. But even that modest advance could not make it into this legislation. So, as a result, Americans will get no relief from this terror tax brought about by our addiction to foreign oil. And at the same time, their hard-earned dollars will flow out the back door straight to the entrenched energy interests.

Now, even the President has said that when oil is trading at upwards of $55 a barrel, the oil companies are not in need of any more incentives. When the President says the oil companies don't need a deal from the Government, that ought to tell you something—you are going too far. But even so—even with the remarks of the President, who was dead right—this bill is now stuffed with a smorgasbord of subsidies for a whole host of energy special interests. The buffet of subsidies is so generously larded that, in many cases, it will allow second and even third helpings from the energy subsidy buffet table. Loan guarantees are letting these special interests double dip and even triple dip on some energy projects. Projects that would already be subsidized in other provisions of the Energy bill will also receive loan guarantees under the incentives title.

They are also going to get tax credits in the finance title. That is dip 1. Then they are going to get loans under the incentives title. That is dip 2. Then there will be loan guarantees on top of that. That is dip 3. These guarantees are some of the largest subsidies in the Senate Energy bill, and they are risky ones.

Mr. President, the subsidy title of this legislation, in my view, is a blank check for boondoggles that simply doesn't decrease our foreign oil dependence.

In closing, the most patriotic thing this Congress could have done in the summer of 2005 was to write an energy bill that did three specific things: reduce our dependence on foreign oil, lower gasoline prices for working families and businesses, and end the energy subsidy smorgasbord that has offered these heaping helpings of taxpayer dollars to the energy industry for decades.

I am sad to say, as one who was involved in this from the outset as a member of the committee and the conference committee, that the final product does not accomplish any of those three things. It doesn't reduce our dependence on foreign oil. Nobody has to take my word for it. That has been on the front pages of the papers all this week. It doesn't lower gasoline prices. And, again, you don't have to take my word for it. The President has already stated that. It doesn't end the subsidy buffet for the big energy interests, and you won't have to take my word for that either. You are going to hear those special interests breaking out the champagne bottles all over town in the next few days.

My constituents have been hit especially hard by high energy costs, and they and millions of Americans had hoped that the Congress would step up and take bold action, truly bold action, to shake us free of our dependence on foreign oil and these other concerns that I have addressed tonight.

What I hope is that, as the country sees how little is actually accomplished here, there will be an opportunity—and an opportunity soon—to come back and address some of the shortcomings that have been discussed on the floor of the Senate tonight.

I hope there will be a transformational policy put in place with respect to the automobile sector. That is the ball game in terms of energy conservation and reducing oil consumption. This legislation took a pass on it.

With respect to reducing carbons, again, there was a marketplace approach—a bipartisan marketplace approach—that the Congress could have moved ahead on.

The bottom line, the Congress could have done much better. I think our colleagues in the Senate know this bill is literally a series of missed opportunities. It is right to vote no on this legislation.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. ENSIGN). The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I have waited my time in the queue this evening because I wanted to take a few minutes to speak not only about the importance of this Energy bill we are poised to vote on tomorrow, but to acknowledge those who did I think yeoman's work in getting us to where we are.

As my friend from Oregon has pointed out, this is not a perfect piece of legislation. He and I would disagree on certain areas of it. But I think when we look at the work product of what we do in the Senate, the day that we come to complete agreement—complete agreement—on all aspects of legislation we move forward, I think we will have all lost our collective senses. We will always find room to improve our legislation. We will always find room to make something better. We need to look at where we are at this point in time with the Energy bill we have before us.

As was pointed out earlier this evening, we have not had an energy policy updated or presented or worked through this Congress for 13 years. Thirteen years is a long time to be floating without a specific policy, a specific policy direction, particularly in an area that is as important as energy.

I had the opportunity yesterday to address a group of a couple hundred young people in a junior statesman-type forum. It was an opportunity for me to speak on the subject of my choosing. Since we have been so focused on energy these past couple weeks and we have been moving this bill through the conference process, I spent my time to talk about what we had been doing and the significance of energy to us as a nation, as a people, and particularly to these young people.

As Senator ALEXANDER, the Senator from Tennessee, mentioned earlier, energy is not typically something we talk about at the dinner table. We need to understand as a country how important energy is to our daily world.

I have often described the way Americans think about energy—we have this kind of immaculate conception notion of energy: It just happens. You flip the switch and the lights go on; you adjust the thermostat and you are cooler or warmer, and it just happens. There is no connection between how we respond to the energy we have, whether it powers us, heats us, cools us, it moves us. We do not think about it. We do not connect the dots between what we are consuming and where from it comes.

As I explained to this group of young people, we get most of our energy from the ground. It comes from underneath, whether it is oil or whether it is natural gas that is extracted off our shores, say, in Louisiana, or whether it is from our coal resources that we mine. Sometimes that is not a particularly visually appealing thought, to think that we have to dig it out, we have to drill it out, we have to extract. But the fact of the matter is, we are energy consumers. We are a nation that is dependent on our energy for what we do, for who we are, for the strength of this Nation. If we couldn't move, if we couldn't communicate the way we do, we would not be the Nation we are.

So it is important for us as Americans to realize, to appreciate, to connect those dots and say, this is important to us. It is important to us to have an energy policy that is comprehensive, that is sound, that is balanced, that not only looks to the production from the traditional sources, such as oil, gas, and coal, but looks to the production from the sources for the future in the renewables, in the alternative sources of energy. That also has as a component of our energy policy the conservation aspects, the efficiencies. This must be part of the plan.

That is what this Energy bill we have before us is and does. It is comprehensive in those ways.

The point has been made tonight that we have done nothing in this Energy bill that is going to bring down the price of gasoline at the pump tomorrow. I am not going to stand before you tonight and say that if we pass this legislation tomorrow and if the President signs off on this in the next couple of weeks the American consumer is all of a sudden going to see the price of gasoline drop at the pump. I cannot make that promise, and I would be foolish to do so. We know that is not going to happen just because we enact this bill.

Here is the point: If we had done this 8 years, 10 years ago, 5 years ago when we had been working on energy policies over this period of time, perhaps we would not be at this point where we are paying $2.40 at the pump, as we are paying in my hometown of Anchorage right now. Perhaps we would not be at this point if we had enacted an energy policy some years prior to this. But we did not, and we are here now.

Now we have an opportunity to do something, to move forward with a policy that does make some sense. So we have to start somewhere. We have to put in place the procedures and the mechanisms that will work. We have to understand that we cannot expect an immediate fix. We did not get to $2.40 a gallon gasoline overnight. We are not going to remedy it overnight. So our expectations need to be realistic.

As the Senator from Tennessee said when he was talking about natural gas, one of the things we will see through what we are putting in place with this legislation is a stabilizing effect, hopefully, with our natural gas prices as we are able to provide for those incentives and encourage more LNG facilities around our coasts so we can get more of the natural gas into this country. Those things have to all start somewhere, but the recognition is let's be realistic in terms of when we are going to see the results.

People want to know, What does it mean to me today? We need to appreciate the fact that we have to look to what it is going to mean to us tomorrow. With the provisions we have put in place, hopefully we will not see the blackout we had a couple years back. We have enhanced the reliability standards of our electricity grids so that we are not going to see that.

Points have been made on the floor tonight that what will come out of this Energy bill is not a cleaner America. I challenge that absolutely. The provisions that have been put in place, the incentives that have been put in place, whether it is the clean coal gasification that will work to reduce those emissions, to reduce the carbon, to make our air more clean, our waters more clean—these are things we are putting in place through the incentives. My colleague called them subsidies. The fact is, when you are changing technology, when you are making things different to make them better, to make them cleaner, to make them more efficient, it is going to cost some money. Should we not help to make it cleaner, to make it more efficient? That is what the incentives are for. So let's work to make those happen.

Think about these processes. We have provisions in place for enhanced oil recovery, and in my State of Alaska, we have some aging oilfields out in the Cook Inlet. They have been producing and doing a darn fine job for a couple decades, but these fields are declining. With the technology and the processes now available, we can, through enhanced oil recovery, through injection of the carbon dioxide, inject into these aging wells, enhance the oil so that we get more oil from these aging wells while we are sequestering the carbon. We have a win-win situation. It is an environmentally more sophisticated and more helpful process, and we are getting more of the energy source we are seeking. It is through these types of technologies that we benefit, that we proceed to win in so many different ways.

Again, I want to reinforce that what we will have an opportunity to accept tomorrow is a comprehensive policy, a policy that has balance to it, that is not totally loaded to the production side.

I come from a State where, quite honestly, we want to see additional production coming out of the State of Alaska because we have the resource there and we want to be able to help meet the Nation's energy needs. But we know—I know—that is not necessarily the energy for the long-term future of this country; that the direction we take is in the area of renewables and the alternatives. We have to start. We are making a start with this legislation.

It is not just a focus on production, it is the renewables, the biomass, the geothermal, the solar, the wind, ocean currents; we have ocean energy for the first time. Think about the possibility of harnessing the currents in our oceans, the temperature differentials in the ocean waters. There is so much potential out there.

Again, when we are talking about new technology and new processes, it takes a little bit of money, it takes a little bit of help, and this is where we can step in to provide that.

Senator BINGAMAN made a comment at the conclusion of his initial remarks that we do not want to wait another 13 years to take up an energy policy again. It is probably premature to be talking about the next energy policy when we have not even concluded this one, but I think we need to recognize that what is happening in this country now and as we collaborate with other nations in clean energy research, the technology changes so quickly—or we hope we can encourage the technology to change so quickly—that we have to keep on top of this. We have to have an energy policy that is current, that does look toward tomorrow. So we want to make sure this is not the end of the conversation, that once we conclude with the Energy bill, we close the books and don't start looking at it for another 10 years. I am not willing to do that, and I think most of my colleagues would be joining me in saying we need to be constantly on top of and involved with this.

I want to comment before I conclude that there have been several of my colleagues on the other side who have mentioned there is absolutely nothing in this Energy bill that reduces our reliance on foreign sources of oil, that, in fact, we become more dependent on foreign oil. I do have to tell my colleagues, as one of the Senators from Alaska who has been very focused on ANWR and opening ANWR, I am sitting back in my chair here listening to this, scratching my head—scratching my head—because they are saying to me we are not doing anything to reduce our reliance on foreign sources of oil, we must do more domestically.

We have been saying we have a portion of the answer. Opening ANWR is not going to make us not rely on foreign sources of oil. We know that. But it can help us. Should we not be doing all that we can domestically to help us?

I know the critics and that we are going to go into this argument in September all over again so I do not need to take the body's time tonight to dwell on these facts, but for those who say there is not enough there to make a difference, the mean estimate coming out of ANWR will be what we have been getting from the State of Texas

for the past 75 years. The mean estimate coming out of ANWR is what we have received from Saudi Arabia for 25 years. That is not insignificant amounts of oil. This can help us.

ANWR is not contained in this Energy bill, much to my dismay. The House included it on their side. We know that in the Senate ANWR, when it was tried to be placed in the Energy bill, was subject to a filibuster. It was subject to a filibuster by some of the same individuals who tonight have stood and said this Energy bill does not provide for any lessening of foreign dependence on oil. Well, I would like to suggest that this energy policy that we are about to vote on tomorrow is one piece of what we need to look to as a Nation. The piece tomorrow will be the piece that includes the focus on conservation, the focus on renewables, alternatives, the focus on efficiencies.

Last year we were successful in moving forward the Natural Gas Act that provided incentives for construction of the natural gas pipeline coming out of Alaska, where we hope we will be able to provide to this Nation a good source of domestic natural gas. That is a huge piece for us. I would also like to think that before the end of the year we would also be able to put into place the rest of the comprehensive energy policy that would include oil coming out of a tiny sliver of the Coastal Plain of Alaska's North Slope.

I publicly thank Chairman DOMENICI and the ranking member, Senator BINGAMAN, of the Energy Committee. Both Senators did an incredible task shepherding this legislation through the floor. Their staffs were excellent. There was a great deal of hard work. It was a pleasure to sit in my first conference and see the manner in which it was conducted. It was a very open, very respectful deliberation of some very difficult issues conducted by the Members on our side as well as Chairman BARTON from the House side. It was a pleasure to be a part of it. I am proud of the product that has come out of this body, and I urge the Members' support.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I rise in opposition to this Energy bill. Even though I am opposed to the bill, I first want to pay my compliments to both Senators from New Mexico, Mr. DOMINICI and Mr. BINGAMAN, for the work that they have done. While I am opposed to the Energy bill for a variety of reasons, which I will elucidate in a minute, it was Senator BINGAMAN and Senator DOMENICI who worked very hard to make the bill better.

The bill that left the Senate was considerably better. I thought the House bill could not have been much worse. The bill that comes back to us obviously is somewhere in between. Without the efforts of the two Senators from New Mexico, it would have been considerably worse.

I want to say one other thing. It was of monumental strength that the odious MTBE provisions that the House had clung so steadfastly to, that brought the bill down last time it came around, are not in the bill. That is because the Senate, on the Democratic and Republican sides, hung tough. The MTBE provisions were a disaster. To reward polluters and stick taxpayers who had lost their supplies of drinking water with a bill for what had happened would have been a disgrace. To pay the MTBE companies over $2 billion because they could no longer sell as much of their product as before was doing what we do for very few businesspeople who produce far more worthy products.

So I want to compliment my two colleagues for knocking out that provision. It is the reason we are sitting here with a conference report.

Let me talk about one provision in the bill that bothers me greatly but then talk about what bothers me more than that because what bothers me most is not what is in the bill but what is not in the bill. What is in the bill is an ethanol provision that will force people on the coasts, States that do not grow much corn, to buy ethanol whether they need it or not. I understand the need to help agriculture. I have voted for many of those types of provisions myself. I know the dairy farmers, apple growers and cherry growers in New York State, and they do need some help. I am not adverse at all to the Government helping. But this ''Gyro Gearloose'' way of helping the corn growers of the Middle West by foisting the costs upon drivers, particularly on the east and west coasts, at a time when gasoline is already $2.30, $2.40 or $2.50, makes no sense.

We want to keep the air clean, and we need to make sure that gasoline burns, but there are many ways to do it, not only with ethanol or MTBEs. To require the refiners throughout the country to use MTBE or at least pay for MTBE, even when they are not going to use it, is a disgraceful subsidy. We already subsidize ethanol heavily, and it is very unfair to do it.

If one wants to encourage ethanol, I have no problem with encouraging the creation of ethanol plants in places such as New York or maybe Nevada, where there is not much ethanol now. The real cost of ethanol is not in making it but in transporting it. While it is dubious, recent studies have shown that the energy cost into making ethanol exceeds the energy benefit into using it as a substitute for gasoline. Nonetheless, growing it near the source of use would make it far more efficient. I am very regretful that it is in here.

New York drivers will pay 5, 6, 7 cents a gallon more than they have to because of this ethanol provision. It is unfair to make the salesperson in Rochester who drives 500 or 600 miles a day and has enough trouble earning a living pay a direct subsidy to a corn grower in Iowa, however much that corn grower needs help. It is not a way to do business, and yet that is what we have done here.

So the ethanol provision is rotten. The ethanol provision is a boondoggle. The ethanol provision occurs only because of the political power of the ethanol makers and the growers of corn in the Middle West and some other parts of the country, not because it is right. It is indefensible on the merits. It should not be in the bill.

Having said that, what bothers me even more is what is not in the bill. I love this country, and I try to think what could make this country decline, what has made other great powers decline, whether it is the Roman Empire or Great Britain in the 19th century. When one reads history, it is that they became so preoccupied with enjoying things day to day that they were unable to look beyond the horizon a little bit and try to solve problems that might be upon them 5 or 10 years down the road. That is exactly what we are doing with energy.

Our dependence on foreign oil, our lack of being able to solve our growing energy needs is a crisis in the making. It is not a crisis today, but it is going to be a crisis 5 and 10 years from now. Even now, energy costs are akin to a slit on the wrist. We slowly bleed and it weakens our economy.

Yet, in this bill, we do some things but not close to enough, and nothing major and nothing of vision to reduce our dependence on fossil fuels in general and imported fossil fuels, in particular. Conservation—we know that we should do both things. I do not disagree with the far left or the far right. The far left, conserve only, get rid of fossil fuels; far right, produce more oil, forget about conservation. We should be doing both. I am not adverse to better utilizing fossil fuels, to figuring out coal gasification, even to looking at oil and gas reserves off our coasts, if it is done in a careful and pro-environmental way, as it was done when we sold some tract in the east Gulf several years ago.

Conservation has to be part of any plan to reduce our energy dependence. CAFE standards, not in the bill; major incentives for conservation, not in the bill, even mild provisions, such as the Senator from Oregon offered to raise CAFE standards a mile per gallon a year were rejected. That is because of the cloud of the big three auto companies in America and, frankly, I regret to say, the unions that serve them. They have been arguing for the status quo for years. For that reason now, I hate to say it but foreign automakers are again overtaking them.

We have to look to the future. I am happy to help our auto industry with new incentives to figure out ways to burn less fossil fuel and have alternative sources, but we are not doing it. It is no good for the auto companies, it is no good for the autoworkers, and it is no good for America.

So conservation is not in the bill, nor is a dramatic program to reduce our

energy independence. There are some subsidies here and there for wind power, solar power and biomass. There are subsidies for coal, gas and oil. But the emergency that we face to really engage in crash programs, to use hydrogen better, to use fuel cells better, to find other alternatives, is virtually a necessity or will be a necessity 5 years or 8 years from now, lest our economic vitality continue to be sapped.

It is amazing to me that China, a country not regarded for its fealty to the environment, has stronger CAFE standards, stronger incentives for alternatives to gas and oil than we do. That is a sign that this great American experiment, this noble experiment, as the Founding Fathers called it, may be at least in this area losing its bearings. If we are more interested in providing immediate subsidies to the powerful few in the energy industry who are around us than figuring out a grand plan to reduce our dependence on foreign oil and on fossil fuels in general, we are not serving the people of America.

The amazing thing is I think the people of America are ready for a vision, if we look at all the surveys, finding a way to be independent of imported oil.

I ask unanimous consent for an additional 5 minutes.

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

Mr. SCHUMER. Dependence on foreign oil gets our foreign policy twisted in a knot, which, of course, saps our country of wealth every minute, every second, 365 days a year, and the American people want some change. They are willing to make some sacrifice and tighten their belts. As China is ahead of America in this area, the American people are ahead of this Congress. Again, we seem more concerned with feeding particular special interests, some good, some bad, than we do with coming up with a vision as to how we are going to reduce our energy independence.

So is this bill an evil, horrible bill? No. The ethanol provision is odious, but the bill on balance may take a small, few steps forward, but not close to what is needed. I cannot think of an area, in a large policy way, where the needs and the political possibilities are not far ahead of what we have done tonight.

I regret to say I am going to vote against this bill, not only because of the ethanol provisions in it, but because at a time demanding vision, at a time demanding foresight, at a time demanding an effort to solve problems that are only problems today but could become crises 5 years from now, we have done mostly the prosaic, the mundane, the expected. That is not what a great power does. That is not what true leaders do. That is what this bill does.

So despite my respect for the leaders of the bill and the wonderful, harmonious way in which they worked, I have to say, to me, this bill is a serious disappointment and I have no choice but to vote against it tomorrow.

I yield the floor.

Mr. CORZINE. Mr. President, I rise to express my opposition to the energy conference report. I thank the managers of the bill, the two Senators from New Mexico, for their diligent effort in putting together an energy bill. While I cannot support the final product, I respect that they have made every effort to make this a bipartisan process and I thank them for their leadership.

I voted against the Senate energy bill last month because it inadequately addresses several major priorities that should be included in a sound energy policy—reducing U.S. dependence on foreign oil, implementing CAFE standards, decreasing greenhouse gas emissions that cause global warming, and protecting the coastline from offshore energy drilling.

Unfortunately, the bill has only become worse in conference and amounts to a missed opportunity to create an effective comprehensive energy policy. This bill does not do enough to lead this Nation toward energy independence and energy security.

The bill also does not address an issue that faces Americans daily—soaring gas prices. A a time when gas prices are skyrocketing and our dependency on oil is steadily increasing, we are voting on a bill that the President himself has said will do nothing to address those prices. The people of New Jersey, and in fact this Nation, deserve a bill that tackles this problem. I'm sure all Americans will be disappointed to know that instead of helping them at the gas pump, the bill provides giveaways to the Nation's fossil fuel industries.

To truly make a dent in our energy independence, we need at least a savings of three to five million barrels of oil per day, yet this bill does not include any oil savings provision. Furthermore, this bill misses an opportunity to effectively reduce this Nation's oil use by increasing the fuel economy of passenger vehicles. Indeed, improving fuel efficiency, or CAFE, standards is not only a cost effective way to improve our energy security, but it would be instrumental in reducing soaring greenhouse gas emissions. During the debate on the Senate energy bill, Senator DURBIN proposed an amendment that would have raised CAFE standards and closed the SUV loophole, both of which would save this country over 101 billion gallons of oil by the year 2016.

In addition, the bill does not do enough to encourage the use of renewable energy sources. One of the few good provisions of the Senate energy bill was the ten percent renewable portfolio standard. My home State of New Jersey has been a leader in the area of renewable portfolio standards as it already has a 20 percent RPS. It is about time that the rest of the Nation follow suit. A Federal RPS is a crucial step in weaning this country from its dependence on foreign oil sources and I am disappointed that this conference report excludes this provision.

The bill also includes a seven and a half billion gallon ethanol mandate. Those in favor of an ethanol mandate claim that it will enhance U.S. energy security. In fact, increasing the renewable fuel standard would not significantly reduce U.S. oil imports because each gallon of gasoline blended with ethanol to make gasohol has less energy in it than regular gasoline. Therefore, we need increased petroleum product imports to make up that energy loss. In addition, producing ethanol requires a significant amount of fossil fuel. Worst of all, the ethanol mandate amounts to a new gas tax for my constituents. With the cost of living in New Jersey being one of the highest in the Nation and gas prices at an all-time high, an ethanol mandate is not acceptable for New Jerseyans.

I am also extremely disappointed that energy conferees voted down an amendment in conference that would have stricken the seismic inventory of the Outer Continental Shelf. This seismic inventory is paramount to opening the door to drilling off the coast of New Jersey. This is a crucial issue for the state of New Jersey.

My State is the East Coast hub for oil refining and with three nuclear power plants, many traditional power plants, and hopefully an LNG terminal in the near future. We have made these contributions to energy production and we have made them without offshore drilling.

A seismic inventory threatens New Jersey's way of life. It is a slippery slope toward drilling that threatens not only New Jersey's environment, but also its economy. Drilling endangers New Jersey's pristine beaches as well as jeopardizes the tourist industry, which generates $5.5 billion in revenue for my State and supports 800,000 jobs. Furthermore, the seismic explosions put our marine life and fisheries at risk. I made my opposition to undermining the moratoria on drilling in the Outer Continental Shelf when I spent hours on the floor during the Senate energy debate to defend against amendments that would weaken the moratoria in any way. That effort was successful, but this inventory that remains in the bill will weaken the current moratoria on drilling, and I am very concerned about the potential consequences.

Another major issue that the energy conference report fails to address is climate change—one of the most pressing issues facing our planet today. The science makes it increasingly clear that that greenhouse gas emissions caused by human activity are changing the earth's climate. The rest of the industrialized world understands the danger of this problem and the United States must catch up.

I have long been a proponent of legislation that would counter this problem and encourage reductions of greenhouse gas emissions. My advocacy on behalf of climate change legislation is not limited to the current Congress.

Senator BROWNBACK and I led the way to passing a greenhouse gas registry and reporting amendment to the Energy Bills in the 107th and 108th Congresses. The current voluntary programs encourage reductions from only a small group of industry leaders, and have little to no effect on most of the economy. Despite these well-intended programs, greenhouse gas emissions have risen on average one percent per year for the last several years. Our Nation can do better.

The potential effects of global warming are dire for my State. If we do not control climate change, New Jersey could face a receding coastline along the shore, loss of habitat in our beautiful beach towns like Cape May, and more extreme weather events such as storms and flooding. Similar to the effects of the seismic inventory, this devastation would directly affect New Jersey's economy. If our beaches are threatened, and our coastline damaged, New Jersey will see an economic impact of catastrophic proportions. Our second largest industry, tourism, will be devastated.

This is an issue for New Jersey and the rest of the United States, but it is also an issue for the world. Unless Congress acts, the effects of global warming may be devastating to the worldwide economy and environment.

Finally, while the bill does not include the MTBE liability provision that has stalled past energy bills, it does include a provision that moves MTBE claims from State court to Federal court when the claims are based on State tort law, nuisance law, or consumer law. This provision amounts to backdoor immunity for MTBE producers by unfairly depriving injured parties and their representatives of their right to have their claims heard in their State forum. This language could even derail many legal claims entirely, effectively shielding those companies responsible for MTBE contamination from their full financial liability for the damages they have caused. This is unacceptable.

I voted against this bill when it was in the Senate with the hope that it would have been improved in conference. Unfortunately, the bill has only been made worse. A sound energy bill must move this country toward energy security and independence. This bill does not come close. I must, therefore, vote against this conference report and urge my colleagues to do the same.

Mr. SALAZAR. Mr. President, I rose earlier to discuss my general thoughts regarding the Energy bill conference report. I now want to take an additional moment to provide my thoughts regarding a specific provision in this conference report.

I am pleased the conference report includes provisions that will help some of our most vulnerable citizens, low-income energy consumers. While we need to protect against energy price volatility to protect our economy, industries and households, nobody is harder hit by high-energy prices than low-income energy consumers.

The conference report increases the authorization for the Low-Income Home Energy Assistance Program, LIHEAP, from $2.0 billion to $5.1 billion to reflect the increased demand for energy assistance due to high energy prices. At current funding levels, LIHEAP serves less than 15 percent of the eligible population. The increased funding authorization is much needed. I hope we can also increase appropriations to meet this increased demand for energy assistance.

The conference report also contains a provision originating in the House bill that authorizes the Secretary of Interior to begin a new program to assist low-income energy consumers. Section 342 of the report authorizes the Secretary to grant a ''preference'' to low-income energy consumers when disposing of royalty in kind gas.

This provision originated from a constituent of mine, John Harpole, who is the president of a natural gas production company and also an advocate for low-income energy consumers. Pursuant to this authorization the Secretary of Interior may begin a demonstration program that would provide royalty in kind natural gas to low-income energy consumers at below market cost. In order to do so, the Secretary could enter into agreements with natural gas distribution companies to provide them natural gas at below market value as long as they guarantee such gas will be delivered to low-income energy consumers. In practice, the transfer would occur through accounting mechanisms, not the actual exchange of natural gas molecules.

The specific details of the demonstration project will be worked out through a public and transparent process that will include the public and all interested parties. The benefits provided under this section are intended to supplement and not supplant funds otherwise provided under the Low-Income Home Energy Assistance Program. Finally, the Secretary would be required to issue a report to Congress on the effectiveness of the program, with specific recommendations for modification. I look forward to working with you and the Department of Interior to implement this program.

Mr. President, America has an energy problem. We waste tremendous amounts of energy, and that keeps prices high. We continue to consume more energy than we produce, and that means our oil imports keep going up. And the more we are held hostage to foreign oil, the more our national security is impacted.

I recognize that the energy conference report represents a compromise between competing House and Senate approaches to addressing our Nation's energy needs. As with all compromises, the report is not perfect. Much remains to be done to promote energy independence and increase our national security. But even so, this Energy bill is an important first step forward, and I support its final passage.

I am very pleased with many aspects of the Energy bill. The bill retained incentives for new, cleaner coal technologies, and incentives for energy efficiency and conservation. It improves electric reliability standards and provides much needed regulatory reform. It contains incentives for the production of wind and other renewable energy, and it contains a strong renewable fuels standard to promote the production and use of American-grown renewable energy sources such as ethanol and biodiesel.

By beginning to address our Nation's need to develop additional sources of energy and to reduce our consumption of fossil fuels, the Senate's bipartisan work on the Energy bill was more comprehensive and more forward-thinking than the final version agreed to in conference. I am disappointed, for example, that the House and Senate conferees did not retain the Senate's national renewable energy standard, and that other strategies for reducing our dependence on foreign oil are not included in the final bill. Conferees also decided to take a more aggressive stance on oil shale development than I and my Senate colleagues had advocated, and they rolled back certain environmental protections. These changes could significantly impact Colorado's Western Slope, and I will monitor the implementation of both provisions closely.

Because there is so much more that we must do in this country to ensure greater independence from foreign oil, I am going right back to work. I believe strongly that we must reduce America's dependence on foreign sources of energy, particularly our dependence on foreign oil, and that we must do more to protect the environment. Greater energy independence is vital to protect our national security. Energy independence is also good for Colorado's economy—we are home to the National Renewable Energy Laboratory, NREL, and to countless companies and entrepreneurs working on developing alternative fuels, including wind, biofuels, solar, and many, many other clean energy technologies. In the Senate, I will continue to work hard to establish a viable national renewable energy standard, to promote oil savings, to adopt a responsible climate change policy, and for increased production of renewable fuels. I will also continue to work on cost-effective measures that will help us achieve greater energy efficiency and conservation. I look forward to working with my colleagues in the Senate on these and other priorities for Colorado.

Mr. CORNYN. Mr. President, I rise to commend the conferees who have been meeting over the last few weeks to complete this comprehensive energy legislation. In particular, I want to thank the chairmen and ranking members of the House and Senate committees for their leadership in guiding this

highly complex and important legislation through the process. Congress has tried several times to approve a comprehensive energy bill. Under their wise guidance and counsel, I believe that we will be successful this time. It is critical that we provide the country with the resources and tools to meet our growing energy needs and this bill will go a long way in accomplishing that goal.

There are many good and worthy provisions in this legislation. In broad terms, having a national energy policy will enable the country to more effectively utilize our resources to reduce our dependency on imported oil. It will enable us to diversify our sources of energy with renewable fuels, develop resources like nuclear power in the future and conduct research into hydrogen fuel cells. The bill recognizes that we need to develop ways to utilize one of our country's largest resources, centuries worth of coal deposits, and develop ways through research to burn it cleanly so it doesn't contribute to pollution and harm our environment.

However, I must express my disappointment that many of the provisions dealing with MTBE were not ultimately included in the final bill. As a lawyer and a former judge, the issue of liability is an issue that is near and dear to my heart. That we are denying liability protection to MTBE producers is disturbing to me. When Congress set out to encourage clean air by passing the 1990 Clean Air Act Amendments and passed a particular fuel standard, Congress knew that MTBE would be widely used to satisfy the standard. As a result, manufacturers produced and marketed MTBE to satisfy the Congressional standard. Now, manufacturers face significant lawsuits solely because they produced a product that Congress encouraged them to produce.

Manufacturers did not make mistakes in production, they did not cut comers in an attempt to increase profits, and they did not try to trick consumers. All they did was exactly what Congress wanted them to do. It is only fair that any fuel producer who responds to a congressional mandate should be protected against legal action based upon the use of that mandated product. No one should be penalized for obeying the law. I am disappointed that there was a failure to address this issue.

Texas is proud of its heritage as an energy producing State. Texas will continue to play a vital role in providing for the Nation's energy needs. Even in light of my disappointments with the bill, I believe that this legislation provides strong leadership and guidance to address the critical energy needs of our country.

Mr. HARKIN. Mr. President, we have before us today an opportunity to chart a new course for the Nation's energy future.

The energy bill includes vitally important measures to boost renewable energy and energy efficiency, to improve our electricity grid, and to protect consumers from bad corporate actors like Enron.

I am very pleased that it includes the lion's share of the renewable fuels standard bill I introduced earlier this year with DICK LUGAR and many of my colleagues. This is an accomplishment of historic proportions. Oil refiners will be required to blend 7.5 billion gallons of ethanol and biodiesel annually by the year 2012—more than twice the current rate. This RFS is 2.5 billion gallons higher than what was in the House bill. Obviously, this is great news for farmers, biofuels producers, and the rural economy in Iowa and throughout the country. It is the single most important provision in the bill, certainly in the near term, to displace ever increasing amounts of foreign oil that we import into this country. The RFS is a big step in the right direction and I am very proud to have helped get it done.

I am also excited that the ''bioeconomy'' amendment I authored with Senators LUGAR, OBAMA, COLEMAN, and BAYH was included in the bill. It gives a real boost to biomass R&D to expand the production and use of biobased fuels, chemicals and power. It provides grants to small biobased businesses to get their products into the marketplace. It will increase purchases of biobased products by the Federal Government by extending the farm bill's biobased purchasing preference to Federal contractors and the Capitol complex. In short, with appropriate funding, it will make it possible to convert much more biomass—corn, soybeans, wheat, and other crops—into petroleum substitutes for everyday use in our homes, businesses and vehicles. And we will do it without negatively impacting our abundant food supply.

The RFS, complemented by these biobased initiatives, will be a heck of a one-two punch for our farmers, small businesses and rural communities.

I am also very pleased that the final bill extends the wind production tax credit, and that it includes my amendment to allow farmer-owned co-ops to pass on this tax credit to individual members of the co-op. The biodiesel tax credit extension is also a valuable asset in the bill. So is the tax credit for the installation of new E–85 pumps. I have pushed for all of these provisions for some time. The tax incentives for renewable energy and conservation, while less than needed, still represent a major boost for clean energy.

The energy bill we will soon vote on is by no means perfect. It drops several of the Senate's best bipartisan provisions to reduce our dependence on fossil fuels and foreign oil—the Renewable Portfolio Standard, and the oil savings amendment, in particular. These were common sense provisions that should have been included. It is a terrible mistake not to have done so.

The bill also does too little to improve fuel economy and address climate change. It lavishes tax breaks to oil companies reaping record profits from $2+ a gallon gas, and spends more reviving a nuclear industry that has never proven cost-effective and has not solved the problem of nuclear waste. It also includes some very questionable environmental provisions to aid oil and gas companies.

Like I said, not a perfect bill, but it is a start, and we can thank the bipartisan process that was taken in the Senate for that. The challenge now will be to take the next steps toward a truly sustainable energy future—one that our farmers, who are increasingly at the forefront of the country's clean energy strategy, can help lead. I will continue to work to make this a reality.

When we draw our energy from the corn and soybean fields of rural America rather than the oil fields of the Persian Gulf, we do four things: We increase America's energy security; we boost our rural economy; we create a cleaner environment; and we put downward pressure on prices at the pump. That's why I intend to vote for this bill, and I hope many of my colleagues will follow.

Mr. REID. Mr. President, I rise today to congratulate Senators BINGAMAN and DOMENICI for their hard work to develop a bipartisan energy bill over the last several months.

When the energy bill came to the Senate floor, Democrats had one goal in mind: enhance our national security by moving America toward energy independence.

Together, we were able to achieve some our goals: a renewable electricity standard, the 3-year tax credit for renewables, oil savings, global warming, and a Federal ban on MTBE. That's why I voted for the Senate energy bill.

Unfortunately, despite our best efforts of our Senate negotiators, the conference rejected all these provisions. I sincerely hoped to have been able to vote for the energy bill conference report. I cannot support the bill.

I truly believe we have missed an incredible opportunity to establish a renewable electricity standard, provide help to consumers facing record prices at the gas pump and, most importantly, to reduce our dependence on foreign oil.

For these reasons, I will vote against the energy bill conference report.

Mr. BINGAMAN. Mr. President, I would like to comment on two specific provisions of the conference report. I am pleased that the provisions contained in the conference report on hydroelectric relicensing, section 241—Alternative Conditions and Fishways, have been improved over the provisions contained in both the House and Senate bills. I continue to have concerns that the new process for alternative mandatory conditions and fishway prescriptions will add complexity and delay to the process. The requirement that the resource agencies afford all parties an opportunity for an on the record trial-type hearing on material

issues of fact could prolong these proceedings. However, I understand that the intent behind the provision is that these not be lengthy hearings. Rather they are to afford an opportunity for a review of narrow issues of fact, and not a review of the application of the facts or the decisions based upon them.

I am pleased that the provisions allow all parties to the proceedings, including States, tribes and third parties, to participate equally. I understand the conference language ensures that the heads of the resource agencies retain discretion to employ scientific data and other information submitted by any of the parties to licensing or relicensing proceedings in determining what conditions will provide for adequate protection and use of tribal lands and what fishways are needed for the protection of fishery resources for which the United States has a legal or trust responsibility to preserve and protect on behalf of Indian tribes. I also am satisfied that the conference language preserves the principle that Indian lands and fishery resources held in trust by the United States, or for which the United States has legal responsibility, will continue to be protected and preserved in a manner consistent with the provisions of the Federal Power Act of 1920 and subsequent rulings of the Federal courts that reaffirm these protections for tribal lands and fishery resources.

Finally, I understand the motivation behind these provisions to be an effort to improve the cost-effectiveness and efficiency of conditions and fishways—and not to be an opportunity to undermine the conditions and fishways that resource agencies determine are necessary for the adequate protection of federal reservations and fish resources. I expect that the resource agencies will carry out these provisions with this intent in mind.

Mr. President, section 354, Enhanced Oil and Natural Gas Production Through Carbon Dioxide Injection grants the Secretary authority to provide royalty relief in order to achieve the dual purposes of the section, which are both to promote the capturing, transporting, and injection of produced carbon dioxide, natural carbon dioxide and ''other appropriate gases or other matter'' for sequestration, and to promote oil and gas production by providing incentives to undertake enhanced recovery techniques using injection of these substances. It is my understanding that the provision is intended to encourage the sequestration of greenhouse gases, and the ''other gases or matter'' referred to are gases and matter that fall within that definition. I understand the intent to be that any royalty relief under this section be made available only where doing so achieves the dual purposes of benefitting the environment through sequestration of greenhouse gases while also bringing about enhanced recovery.

BLM COST RECOVERY

Mr. THOMAS. Mr. President, I would like to commend Senator DOMENICI, chairman of the Committee on Energy and Natural Resources, and Senator BINGAMAN, the ranking Democrat, and all the Senate conferees for their excellent work on a number of areas in the conference report agreement on H.R. 6, especially those relating to processing of energy permits. I would like to point out one particular provision that will provide a basis for future work to ensure more energy supplies from Federal lands.

Section 365 of the H.R. 6 conference agreement outlines a multistate pilot program to improve coordination of energy permit processing in a number of Western States. That section includes a provision to allow a share of the money from Federal oil and gas lease rentals to be used by the Department of the Interior's Bureau of Land Management, BLM, and other agencies to ensure adequate resources for processing and considering applications for permits necessary for natural gas and oil drilling and other operations.

As the conference on H.R. 6 was getting underway, the BLM released a proposal that, if implemented, would begin charging fees for permit processing. Called a ''cost sharing'' proposal, it was really a ''cost shifting'' one. And it came at a time when Federal revenues from leasing and production of Federal oil and gas as a result of such permits being issued total approximately $1.8 billion each year.

In one Wyoming office alone the proposed fee which could be as high as $4,000 for a single application would generate $11 million, far in excess of the office's total oil and gas program budget. I would prefer that producers put this money back into the communities where they are doing business and expand their investment to produce more energy.

In the strong belief that the Federal Government has a responsibility to budget and pay for advance environmental work and consideration of the permits necessary to explore and produce on its leased acreage, Senator HATCH and I filed an amendment to prevent the BLM from instituting fees during the period of the permitting pilot program. I was pleased that the House conferees joined my Senate colleagues in approving that amendment.

Now that the Energy bill conference agreement is before us, I hope that my colleagues will agree that in the future we need to provide adequate Federal funding for energy permitting, and that we should continue to prohibit attempts to shift Government costs to the private sector as was attempted by the BLM.

Mr. HATCH. If the Senator will yield, I would like to associate myself with his remarks and make an additional point. As a sponsor of the Energy bill amendment, I want to make clear that even though we were able to stop the specific proposal on fees for processing of applications for permits to drill during the pilot program relating to such permitting, the BLM should understand that our concern is with the broader issue of cost shifting. We would be as concerned if BLM proposed to shift the permitting burden for any fluid or solid mineral leasing or permitting to those who are already required to pay for their Federal mineral rights through bonuses, rents and royalties. I do not want to see additional attempts to shift costs in this manner.

Mr. CRAIG. Will the Senator yield? In listening to this discussion and the points being made by my colleagues, I agree that we should not be shifting costs as BLM apparently proposed. Nor should other charges and fees for other energy and mineral permitting be put forward. We want our companies to put that money in the ground, not in the Federal Treasury with no guarantee that any of it will be spent on better energy permitting.

Surely out of the $1.8 billion already being received from industry's exploration and development of Federal oil and gas resources alone we can fund the planning, environmental, permit processing and other responsibilities of the Federal Government.

I am pleased that my colleagues were successful in amending the energy conference agreement to stop the cost sharing proposal and commend them for doing so.

I would also like to point out that as chairman of the Energy and Natural Resources Subcommittee on Public Lands and Forests, I plan to hold hearings this Congress on Federal lands energy and mineral access. As part of that hearing, I intend to find out more about the ability of our Federal agencies to process leasing, drilling and other applications in a timely manner. Delaying permits is the same as delaying energy and mineral supplies to those who need them.

In addition, shifting costs to those who need the permits for any of these activities is also a way of discouraging what needs to be done to find and produce the supplies we need. As a result, I will be glad to consider including this subject in our hearings.

SEAWATER COOLING SYSTEMS

Mr. AKAKA. Mr. President, I would like to engage my friend from Iowa, the chairman of the Finance Committee, as well as my friend, Senator BAUCUS, the ranking member of the committee in a brief colloquy.

There is an important project under consideration in Hawaii that would use deep seawater to cool buildings in downtown Honolulu. This project may be funded, in part, by private activity bonds. I would like to ask whether piping used to bring cold water from the ocean to the distributional facility would be considered part of the local system consisting of a pipeline or network, which may be connected to a cooling source, providing chilled water to two or more users for residential, commercial or industrial cooling as provided in section 142(g) of the Internal Revenue Code.

Mr. GRASSLEY. It is my understanding that if a traditional plant

were constructed several miles from its customers, the network to deliver cooling would qualify. It seems to me that piping used to draw cold water from the ocean is analogous to piping used with respect to a traditional cooling system and also should qualify.

Mr. BAUCUS. I concur with the chairman. The piping in this case is integral to the delivery of cold water from the ocean to be used in the chilling of residential, commercial and other buildings and therefore should qualify for tax-exempt financing.

ENERGY EFFICIENT APPLIANCES

Mr. SMITH. Mr. President, with respect to the credit for energy efficient appliances, section 1334 of the Energy Policy Act, I understand that the dishwasher credit amount is based on a comparison of changes to the Department of Energy's Energy Star specification for its 2007 qualifying level as compared to the existing Energy Star qualifying level for this product. In particular, the amount of the credit for these products to be provided is determined, in that section, by calculating the percentage increase in efficiency—measured as an ''Energy Factor'' or ''EF''—from the 2005 Energy Star level to the 2007 Energy Star level. The current Energy Star specification for dishwashers is measured by EF. There is the possibility that the Energy Star Program might change the metric for measuring efficiencies of these products from EF to another measurement and this might create confusion in the calculation and implementation of the credit. I would like to ask the bill's manager if it is his understanding that the IRS has the authority, in consultation with DOE, to establish an equivalent level of efficiency for dishwashers in case the Energy Star Program establishes an efficiency metric for these products that is different than the current EF metric.

Mr. GRASSLEY. I agree with the Senator's understanding of the IRS's authority to consult with DOE in this regard, and to establish an equivalent level of efficiency for dishwashers for determining the amount of the credit.

SECTION 1503

Mr. SCHUMER. Mr. President, I rise today to engage my friend, the Senator from New Mexico, who serves as the ranking member of the Energy and Natural Resources Committee and who acted as the ranking Senate conferee, in a colloquy regarding the conference report on the Energy Policy Act of 2005. I thank my friend for his service in this body and hard work on this bill, and particularly his efforts in resolving the contentious issues surrounding MTBE remediation litigation. It is my understanding that the language contained in section 1503 of the conference report addresses this issue in a matter consistent with current law on three vital fronts. First, it would in no way preclude or abrogate the right of citizens and local governments to pursue all available State and Federal remedies where there is environmental harm and other injury that results from contamination of MTBE into groundwater and public water supplies. Second, nothing in the language will alter the substantive law that courts currently apply in these cases and that they will apply to future claims. And finally, it is not intended to provide Federal courts with exclusive or subject matter jurisdiction or grant Federal courts jurisdiction over nonproduct liability cases, such as environmental cleanup and cost recovery cases involving general petroleum spills initiated by State governments and private citizens. Rather, it is intended that under section 1503, cases involving general spills will remain in State court, where many of these cases are currently handled. Does the Senator from New Mexico share my understanding of this language and its intent?

Mr. BINGAMAN. Mr. President, I share the understanding of the language expressed by my friend from New York.

Mr. SCHUMER. I thank the Senator from New Mexico for sharing his understanding of section 1503.

Mr. BINGAMAN. Mr. President, the joint explanatory statement accompanying the conference report on the energy bill is noteworthy for its brevity, but somewhat short on explanations. The managers simply did not have time to say more than we did if we were to file the conference report in time for both the House and Senate to act on it before the August recess.

As a result, the statement of managers omits explanations of several important provisions that many of us believe are key to understanding the agreements we reached on these issues and the meaning of these provisions. In some cases, specific text had already been negotiated and agreed upon for inclusion in the managers' statement, and the assurance that the agreed upon text would be included in the managers' statement was a critical component of the compromise reached on the legislative text.

Would the senior Senator from New Mexico, as the chairman of the Senate conferees, be willing to put these explanations on the record for the information of all Senators?

Mr. DOMENICI. Mr. President, I would be happy to. Senator BINGAMAN is correct. We had agreed upon text for insertion into the managers' statement on a number of provisions, but it was left out in order to file the conference report in time for us to complete our work this week. I agree that those explanations should be placed on the record for the information of all Senators.

Mr. BINGAMAN. The first of these explanations relates to section 210, which establishes two grant programs to improve the use of forest biomass for energy production. Section 210 was included in response to Federal land managers and other experts that have recommended removing some of the slash, brush, pre-commercial thinnings, and other non-merchantable wood and plant material from many of our forests to improve forest health and reduce the threat of uncharacteristic wildfire.

One hurdle that must be overcome is that in many regions of the country there currently are few economically viable enterprises using this type of biomass. If a viable market for these materials existed, the ultimate cost of forest restoration treatments would decrease as landowners who currently pay to have this biomass removed could sell it at a profit.

During the conference, we deliberated about the potential for the grants authorized by these programs to adversely affect current and future markets for using such material for other value-added products that are not provided grants through these programs. Along with biomass energy, alternative markets are a critical element of the effort to make forest health treatments cost-effective. This was a significant concern, was it not?

Mr. DOMENICI. Senator BINGAMAN is correct. Section 210 was specifically drafted to address the concern he identified by focusing on nonmerchantable biomass that would not otherwise be used. It was our intent that the Secretaries implement the grant programs with sensitivity to alternative uses—both current and future—for the byproducts of preventive treatments, to the affects of other grants or support for encouraging the use of forest biomass that are provided pursuant to any other authority, and to the potential for alternative uses to provide a greater return to the taxpayer in the long run.

Mr. BINGAMAN. Mr. President, the second of these issues relates to oil and gas leasing in the National Petroleum Reserve in Alaska. The Naval Petroleum Reserves Production Act of 1976 established the National Petroleum Reserve in Alaska. Four years later, the Department of the Interior Appropriations Act for Fiscal Year 1981, Public Law 96–514, directed the Secretary of the Interior to open the Reserve to competitive oil and gas leasing, subject to specific terms and conditions.

Both the House bill and the Senate amendment transferred the competitive leasing program in the appropriations act into the Naval Petroleum Reserves Production Act. The Senate amendment went further, however, by requiring the Secretary of the Interior to prevent, to the maximum extent practicable, and to mitigate, adverse effects from leasing and development activities. The conference report omits this additional Senate language.

It is my understanding, however, that the Senate language was omitted because the Department of the Interior is already interpreting the standard in existing law in the manner set forth in the Senate language. For that reason, the conferees decided that the language was unnecessary. Is that the case?

Mr. DOMENICI. The Senator is correct. It is my understanding that the transfer of the matter under section 347(a)(2) does not affect or otherwise modify the standard for activities undertaken pursuant to Public Law 96–514. The Senate included language in section 107(b) of the Senate bill relating to mitigation of adverse effects that the managers have not adopted as unnecessary. It is the understanding of the managers that the Department of the Interior is interpreting the current standard in the manner set forth in the Senate language.

Mr. BINGAMAN. Finally, the conference report contains an entire title designed to help Native Americans promote the development of tribal energy resources, including an innovative program of tribal energy resource agreements. Would the distinguished chairman of the Senate conferees comment on this title?

Mr. DOMENICI. I would be happy to, Mr. President. The managers recognized the large supply of energy resources existing on Indian lands, as well as the desire of many Tribes to increase access to those resources. The Indian Energy title is designed to provide economic development opportunities to Indian tribes by assisting and empowering them to develop and utilize tribal energy resources in a manner that meets the needs of Indian country and the Nation as a whole.

The title will also continue and strengthen efforts to improve access to electricity for native people who are ten times more likely to be without such access than their counterparts residing outside of Indian reservations. Of particular note, is the creation of a new Office of Indian Energy Policy and Programs within the Department of Energy that is dedicated to working with Indian tribes on energy development matters.

The Title also creates a new program in section 503 related to energy leases, agreements, and rights-of-way on tribal lands that continues a policy of promoting tribal self-determination while preserving the trust relationship between Tribes and the Federal Government. The leases, agreements, and rights-of-way section preserves the full application of Federal environmental laws while authorizing eligible Tribes to approve individual energy projects without duplicative Federal approvals.

The title contains several other provisions, all of which the managers believe will provide significant benefits to Indian country.

Mr. BINGAMAN. I thank Senator DOMENICI for placing these explanations in the RECORD.

Mr. President, before I yield back the remaining time, since I see there are no additional Senators waiting to speak, unless there are some who appear, I want to take a few minutes to thank committee staff for the excellent work that went into the development of this bill. We have had superb staff work here in the Senate on the Democratic side and the Republican side. I particularly want to single out the staff members on the Democratic side who have worked so hard, over many weeks, months, and even years in the development of this legislation. To the extent this work product is a step forward, it is a result of their hard work and their commitment, and clearly this is an accomplishment which could not have been achieved without that excellent work.

Bob Simon is the staff director on the Democratic side. He has done a superb job. Sam Fowler is the chief counsel and also has done yeoman work. Vicky Thorne; Bill Wicker; Patty Beneke; Deborah Estes; Mike Connor; Jennifer Michael; Leon Lowery; Jonathan Black; Al Stayman; Scott Miller; David Brooks; Michael Carr; Sreela Nandi, who is an AAAS fellow sponsored by the American Chemical Society who works with our committee staff; Tara Billingsley, who is a Department of Energy detailee who worked with the committee in May and June of this year; Amanda Goldman; Mark Wilson; Jonathan Epstein, who is a fellow in my personal office who also worked hard on various aspects of this legislation; and James Dennis in my office, who worked on the tax provisions of the bill.

In addition, I want to acknowledge the extremely capable staff on the Republican side, in particular Alex Flint, who was mentioned by Senator DOMENICI earlier, the staff director; Judy Pensabene, who is the chief counsel on the Republican side; and the other many staff members who I am sure will be recognized by Senator DOMENICI before action on this legislation is complete.

Let me also acknowledge key House staff who worked so hard during this conference committee that we concluded: Mark Menezes, who is counsel for Chairman JOE BARTON; Sue Sheridan and Bruce Harris, who are counsels for the ranking member on the House side, Congressman JOHN DINGELL.

All of these individuals whom I named made a tremendous contribution to this legislation and all of them deserve our great thanks. No constructive work is done here in the Congress without this kind of excellent staff work and we are very fortunate in the case of this legislation.

I am informed there are no other Senators wishing to speak at this point. I am also informed we will have additional time tomorrow for statements before any actual votes occur on or in relation to the conference report.

I yield the floor at this time. 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. FRIST. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

MORNING BUSINESS

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

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

IN MEMORY OF BRETT KARLIN

Mr. DURBIN. Mr. President, I rise today to remember a young man from Illinois whose future was full of promise and hope. Last summer, 18-year-old Brett Karlin of Buffalo Grove, IL, was anticipating a summer of youthful fun. Just weeks after his graduation from Adlai E. Stevenson High School, on July 30, 2004, Brett and his best friend Andy set out on a fateful drive through the outskirts of a neighboring suburban town. Neither Andy nor Brett was under the influence of drugs or alcohol, and Brett's seatbelt was fastened, but it was little help as they raced over the posted 30-mile-per-hour speed limit. As they pushed the speedometer of the Honda Accord they were driving to 112 miles per hour, the car skidded out of control and collided with a tree. The crash left twisted metal, protruding shards of shattered glass, and a head trauma that cost Brett his life 6 days later. A reckless pastime gone awry had cut a promising life short and left a grieving family in its wake.

Unfortunately, tragedies like Brett's occur each day. According to a 2003 report by the Centers for Disease Control and Prevention, more than 4,700 U.S. teenagers between the ages of 16 and 19 died of injuries caused by motor vehicle crashes in 2001. In my home State, teenagers make up only 6 percent of all Illinois drivers, but they account for 16 percent of all crash fatalities. We must work to prevent these tragic losses, and one of the ways we can do that is by encouraging legislators, teachers, and parents to educate America's teenage drivers about driver safety.

To memorialize Brett's life, Brett's father, Michael Karlin, founded the Brakes for Brett nonprofit organization. Through peer presentations to high schools and religious and community groups, and by maintaining an informational Web site, Mr. Karlin, Andy, and other friends of Brett educate young adults about the dangers associated with reckless driving. I commend Mr. Karlin and those who collaborate with the Brakes for Brett organization for their work to save the lives of young drivers.

Together, we can work to alert teens to the hazards associated with speeding and joyriding, including its social, emotional, psychological, and financial effects.

In 2003, the National Highway Traffic Safety Administration estimated that the economic costs of both fatal and nonfatal police-reported crashes involving drivers age 15 to 20 were approximately $40.8 billion. Our Nation