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Senate

The Senate met at 10 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God of our fathers and mothers, make our hearts temples for Your presence and reveal to us Your purposes for this day. Abide with the Members of our legislative branch, meeting their needs and directing their steps. Lord, allay the fever of fretfulness and lift them above corroding care. In these challenging times, keep their hearts untroubled and their minds focused on You. Prepare for them green pastures and still waters for the restoration of their strength. Lead them, great shepherd, in the paths of righteousness for Your Name's sake. May the urgency of the world's needs remind them that promises do not solve problems or alleviate suffering.

We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 23, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will resume consideration of the motion to proceed to S. 3268, the energy speculation legislation. The time until 11 o'clock will be equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the next half. Then the time from 11 until 4 p.m. will be controlled in 30-minute alternating blocks of time, with Republicans controlling the first 30 minutes and the majority controlling the next 30 minutes. At 11 a.m. today, in the Rotunda, there will be a congressional ceremony commemorating the 60th anniversary of the integration of the U.S. Armed Forces. There will be a classified briefing for Senators in S–407 from 4 until 5:30 p.m. today with National Security Advisor Stephen Hadley.

ORDER OF PROCEDURE

It is my understanding that there is an agreement—and if not, I ask unanimous consent that it be so—that time postcloture will continue to run during that time.

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

Mr. REID. Tomorrow, July 24, there will be a 10th anniversary commemoration of the murder of U.S. Capitol Police Officers Chestnut and Gibson. As I indicated yesterday, there will be a moment of silence throughout the Capitol at 3:40 p.m. in remembrance of the fallen officers. That was the time they were killed. Senators are encouraged to be at their desks in the Senate Chamber for that moment of silence.

MEASURE PLACED ON THE CALENDAR—S. 3297

Mr. REID. Mr. President, S. 3297 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the title of the bill for a second time.

The assistant legislative clerk read as follows:

A bill (S. 3297) to advance America's priorities.

Mr. REID. I object to any further proceedings with regard to this legislation.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

HOUSING

Mr. REID. Mr. President, the House is going to vote, probably sometime shortly after lunchtime today, on the comprehensive housing legislation. I have spoken during the last month or so to Secretary Paulson several times. Each call he places to me—I don't call him, even though I feel comfortable in calling him—is because he is very concerned about what is going on with the American economy. He recognizes that there are deep problems, but one of the problems is housing.

People understand more every day that it is more than just the person losing their home that is a concern to us with foreclosures. There are 8,500 new foreclosure notices every day. It is more than just that person or that family in that home. It affects the neighborhood. It affects the government entity where the home is located

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

because their taxes are no longer coming in. And, of course, it also has a dramatic effect on the servicer of these loans and the ultimate lender of these loans. It is a situation where, if there is a homebuilding turndown or cessation of homebuilding, it has a tremendous impact because so many different items go into a home—carpeting, appliances, brickwork, landscaping. It has a tremendous pyramid effect. Secretary Paulson recognizes that.

The package that has been put together by Senator DODD and the distinguished Senator from Alabama, Mr. SHELBY, working with their counterparts in the House, is a piece of legislation imperfect in nature but a very good piece of legislation. The package basically keeps the Senate-passed bill intact but includes a variation of the proposal made by the administration to shore up Fannie Mae and Freddie Mac.

I am happy to report to everyone that the Bush administration has reversed its veto threat on this legislation. That is really good news for the American people. But we still see, even in today's press, there are some Republican Senators threatening to delay and possibly try to derail this legislation. I have had conversations with Senator MCCONNELL, and I don't think it can be derailed. They can slow it down a little bit. We are going to do everything we can—I am confident that is the case—Senator MCCONNELL and I, to get this done just as quickly as we can. I hope we can finish it today. That would be great, if it could go to the President today, because now that President Bush has joined our call to pass this crucial legislation into law, I would hope those few stragglers who have said in the press they will do what they can to slow this down would understand that if we have to invoke cloture, because it takes a couple days, it would mean another 17,000 foreclosures. I hope that is not necessary. The Senate doesn't need and our country cannot afford another filibuster on this matter.

ADVANCING AMERICA'S PRIORITIES

Mr. REID. Let me briefly say on the package of bills we have put together because of the obstruction of mainly one Senator, I was disappointed to read in this morning's press that a Republican Senator held most of these up, saying: I am going to do everything I can to stall this legislation, to prevent it from passing. He may be successful. If we don't get enough support from our Republican colleagues, that, in fact, will be the case. But I hope everyone understands that this has some extremely important measures in it.

This package we have put together has the Christopher and Dana Reeve paralysis legislation. It is so important. From the time we started moving forward on this legislation until today, they are both dead. One experienced the paralysis; the other experienced taking care of Superman, the man who was Superman and was injured in that very terrible accident where he was thrown from a horse.

We are trying to establish with this legislation a registry for people who have Lou Gehrig's disease. This is a terribly difficult disease. From the time one is diagnosed with it until you die is an average of 18 months. We will never, ever get ahold of this disease unless we pass what we are trying to do in this bundled legislation. We are simply trying to establish a registry so that for someone in Baltimore, MD, who has this disease—there are about 6,000 people who get this disease, and then they die—someone in Las Vegas, someone in Louisville, someone in Chicago, there is a registry where physicians can put it all together, start computerizing it so that scientists trying to get ahold of this disease can look at the histories of these patients from around the country. That is the beginning of every successful scientific conclusion to these diseases, so that something can be done to alleviate the pain and suffering and hopefully arrive at a cure.

Those are just two examples. There are many others. There are 40-odd bills. There is the Emmett Till bill which directs the Federal Government to do something about these unsolved murders. There is legislation in here dealing with child pornography.

I would hope people don't look at this as taking away Senators' rights. This doesn't take away Senators' rights. I saw in this morning's press one Senator said: Well, I don't like to start taking away Senators' rights. In fact, it is just the opposite. When 98 Senators think something should happen, why should 1 or 2 Senators prevent for months and months our moving forward? We had to do it once before, bundling a bunch of bills from the Energy Committee that had already passed the House. These bills have all passed the House of Representatives. They have all been reported out of the committees overwhelmingly. I would hope that when we get to this, it can end very quickly.

ENERGY

Mr. REID. We have, as Democrats, made it clear that we will consider responsible solutions or a solution to energy policy that would help alleviate the price of gas. We would hope we can do something that would deal with energy supply, do something to reduce demand and ultimately lower prices for American families.

Earlier this week, we offered a comprehensive proposal to address the energy crisis. As a first step, though, we have offered a proposal to stem excessive speculation of Wall Street traders who buy and sell oil futures with the click of a mouse. They have only been able to do that for 8 years, but now they are doing it in huge numbers. What they do is they bid the price higher and higher and leave the American people to pay the money they are putting into their pockets.

I am somewhat disconcerted. We have had on this Senate floor 47 of 49 Republican Senators come to the floor and talk about speculation being a real problem with America, and gas prices. As part of their package of doing something about the energy crisis, they had in that speculation. So we have a measure on the floor now, and they don't want it. They don't want to do that. It is very hard to comprehend that.

We know speculation is not the problem, but we do know it is a problem. We know there are experts who have said that speculation has raised the price of oil from 20 to 50 percent. So it seems that it is something we should address and address very strongly, and that is what our legislation does.

Now, I said this is not the entire solution. Of course, not. It is a problem but not the only problem. We Democrats believe there should be more domestic production, and we have said that day after day after day. We are willing, as Senator BINGAMAN has so directed in public forums and privately—we have legislation we believe will increase significantly domestic production.

Right now, oil companies hold leases to 68 million acres of land on which they could be drilling but are doing nothing. It was less than 2 years ago that we worked with our Republican colleagues to increase the ability of oil companies to move into the Gulf of Mexico, which they said was the best place they wanted to go. We were generous; 8.3 million acres are now available off the coast that were not before, but in the 2 years the oil companies have done nothing.

Again, you do not have to take just what I say. Time magazine yesterday said if you go through all the steps for offshore drilling, it will take 13 to 15 years. Once you decide you are going to go out and take a look at it, it would take 13 to 15 years before a drop of oil would come out under the best of circumstances.

So the American people obviously cannot wait 13 years for solutions to high energy prices. We have heard day after day, now week after week, the Republicans saying the panacea, the silver bullet, is to allow Governors to decide where drilling should take place off the Outer Continental Shelf. So we have said: Fine, if you want to vote on that, let's have a vote on that. We would have Senator BINGAMAN's proposal as a so-called side by side. We would vote on both of them. I do not understand why now we hear from the Republican whip that the Republicans want to offer 28 amendments. I have heard the statements. I have heard the statements: On other bills, we have offered more than one amendment. We have spent days debating this.

We are where we are. We are here. We are going to be out of session, hopefully, by a week from Friday. So we do

not have 3 weeks to do on this Energy bill, and we cannot do everything that needs to be done with energy. But it would seem to me if we did something about speculation and solve the domestic production problem, as the Republicans have said they want to do—let's vote on their issue and let's vote on ours—it seems to me that is a pretty fair way to go. But Republicans will not take yes for an answer.

The oil companies run full-page ads saying: Please let us drill off the Outer Continental Shelf more than what we do now. Please let us do that. They pay for these full-page ads. For the Republicans, that is part of their playbook. They go along with what the oil companies want. We are saying: Go ahead. We will have a vote on that. You said for weeks now that is what needs to be done. In fact, they had a term that said: Talk less, drill more. So let's have a vote on their proposal.

But as of a short time ago, we had no one agreeing to do that. If they choose to reject a vote on their drilling amendment, it will be left to the American people to clearly decide—and I think it would be pretty easy—as to who is serious about addressing the energy problems we have.

UNANIMOUS-CONSENT REQUEST—S. 3268

Mr. REID. Mr. President, I ask unanimous consent that all postcloture time be yielded back and the Senate adopt the motion to proceed to S. 3268; that once the bill is reported, the only amendments in order be one amendment for each leader, or designee, on the subject of drilling and that these amendments be subject to an affirmative 60-vote threshold; that if the amendments do not achieve that threshold, then they be withdrawn; that debate on each amendment be limited to 2 hours each, to be debated concurrently, equally divided and controlled in the usual form; that upon the use or yielding back of time, the Senate proceed to vote in relation to the majority amendment first in the sequence; that upon disposition of both amendments, the bill be read a third time, and the Senate then proceed to Calendar No. 864, H.R. 6377, the House companion; that all after the enacting clause be stricken and the text of S. 3268, as amended, if amended, be inserted in lieu thereof, the bill be advanced to third reading, and the Senate then vote on passage of H.R. 6377, as amended, without further intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, reserving the right to object, we all agree—I know the majority leader agrees with me—and we all understand the price of gas at the pump is the biggest issue in America. The only thing that has rivaled this in recent years was terrorism right after 9/11.

The American people overwhelmingly are in favor of seeing us get at the business of solving this problem. With all due respect to my friend from Nevada, to deal with the biggest issue in the country with a couple amendments is not consistent with the traditions of the Senate, not even consistent with the traditions of this current Senate led by my good friend from Nevada.

On last year's Energy bill, we had 15 days on the floor. We had 16 rollcall votes. Forty-nine total amendments were agreed to. At the time we were dealing with our Energy bill last year, the price of gas was $3.06 a gallon—about a dollar per gallon lower than it is now. Even though it was a serious problem, it is even more serious now.

Back in 2005, when my party was in the majority, we had an energy bill on the floor. We spent 10 days on it. Gas at that time was $2.26 a gallon. We had 19 rollcall votes. Fifty-seven amendments were ultimately agreed to.

The American people expect us to approach this issue seriously, to grapple with it. I think sort of dealing with it in a dismissive fashion or trying to deal only with a small portion of it does not pass the threshold of credibility.

So, Mr. President, I would object to that consent request, and I would offer a counter consent request that would be more consistent—I do object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. MCCONNELL. That would be more consistent with the way we have operated on this hugely important issue, even in this Congress just a year go.

Mr. President, I ask unanimous consent that when the Senate proceeds to the bill, it be limited to energy-related amendments only; further, that the amendments be offered in an alternating fashion between the two sides; I further ask unanimous consent that the bill remain the pending business to the exclusion of all other business, other than privileged matters and other matters that the two leaders might agree upon.

Before the Chair rules, I would say to the other side that what this would do would be to allow us to have a debate on this issue consistent with the way we have dealt with this issue in the past, when it was not even the biggest issue in the country, as it is now, entirely consistent with the traditions of the Senate on matters of this magnitude.

I would say to my good friend from Nevada, what are we afraid of here? Why should we not be spending our time dealing with the most important issue in the country?

So, Mr. President, that is the consent request I proffer.

The ACTING PRESIDENT pro tempore. Is there objection?

The majority leader is recognized.

Mr. REID. Mr. President, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

The majority leader is recognized.

Mr. REID. Mr. President, for the American people here, let's check this out and understand the Republicans are not even now wanting to maintain the status quo. They want to go backward. They want yesterday forever. We are not back when we were debating other energy bills. We are debating today's energy crisis, and that energy crisis is pretty significant.

We have two issues before this body today that we should resolve. No. 1, all experts, with rare exceptions, say the runup in prices is caused by speculation—20 to 50 percent. The American people could stand a break at the pump. If we pass antispeculation legislation, let's say it is the lower number—we only lessen gas prices by 20 percent—that is pretty significant. Let's do simple math: $4—20 percent—that is 80 cents a gallon. It is then $3.20 a gallon rather than $4 a gallon. Pretty good. That is what we are being called upon to do here today. The Republicans do not want to do that.

In addition to that, get this picture: For weeks, the Republicans—weeks—the Republicans have been talking about they want to have Governors decide what should happen off their coasts. Let's have a vote on that. If they think that is the crucial thing to do rather than speculation—drilling is their deal—let's vote on their proposal, and anytime we will take that as a debate we would love. We will take theirs. We will have a counterproposal. We will debate those two issues. That is what we should do. But instead of that, the Republicans are running as they have done all year, dodging and feinting and saying: Well, not today. Later. Later. We are saying: It is time to do this now.

There is no question this energy thing is extremely important, and we should do something about it. We say: Let's do it. Let's get the domestic production thing done. Let's have a vote on that. We believe our proposal is extremely important, and it will certainly do a great deal to affect the price of oil, not the least of which in our proposal is telling President Bush to do something with the huge multimillion gallon reserve we have, the Strategic Petroleum Reserve, and start drawing some oil out of that. His dad did it, and it lowered prices some 10 or 15 percent. So we have speculation at 20 percent minimum. We will do that. We have another 10 percent. That is 30 percent. We are willing to do that debate. That is a pretty significant debate.

We have a lot of other things we have to do—maybe not as important as gas prices but pretty important. Housing we have to work in here sometime. We have to do something with old people, senior citizens, people who are infirm and disabled who benefit from LIHEAP. We want to do that legislation. That is important, and that is also energy related. But we are being prevented from doing that because the Republicans

want to live yesterday again. We want to look to the future. That is why we believe speculation is where we should be. We should also do something about domestic production.

Finally, there are other things. We are going to have a recess. The national conventions are coming. We have to come back in the fall and complete our work and that could take a significant period of time. But we also have to do something with renewable energy. That is one of the main things pending—renewable energy—and we have been prevented from doing that.

Why? Listen to this one. Because the Republicans do not want to pay for it. They want to continue, as we have done with the Iraq war, spending $5,000 every second in borrowed money. We have been told by the House of Representatives—and I have a letter with 218 signatures on it—saying: Send us the bill for renewables, and send it quickly, but you cannot have it not paid for. You have to pay for it. We have two pay-fors. We are going to tax the hedge fund companies, but they agree it should be done because they are manipulating the system by going offshore playing around with their taxes. Even the hedge fund operators say: That is right, we should not be able to do that. But the Republicans are holding that up.

In answer to the energy problems of this country, Sun, wind, geothermal, biomass, that is where the future of our country is, as indicated by a staunch lifetime Republican by the name of T. Boone Pickens. Eighty-one years old, and he has suddenly become bipartisan. I am happy about that. I have great admiration and respect for T. Boone Pickens. T. Boone Pickens has said: I have made my fortune in oil, and that is not where it is. His words were: I don't want to leave this Earth thinking all I was interested in was making money. I want to change this country. What he wants to do is have a few years—5, 6 years—where there would be a bridge using natural gas, and then it would all be done with renewable energy. That is T. Boone Pickens, and he is putting his personal fortune on the line to do that.

Al Gore has done a wonderful job presenting the problem. T. Boone Pickens has done a wonderful job of pointing out to the American people what the solution is. That is what we should be doing—not debating how many amendments will be offered. We want to do something on speculation. We want to do something on domestic production. That is a pretty good step forward for the American people.

RECOGNITION OF THE MINORITY LEADER

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

LOWERING THE COST OF ENERGY

Mr. MCCONNELL. Mr. President, I notice my good friend from Nevada did not mention T. Boone Pickens' views on whether speculation is a part of the problem. Republicans are perfectly happy to have a speculation component of the overall issue. But if we are in the business of quoting T. Boone Pickens, I had a chance to meet with him for an hour on Monday. He told me, without equivocation, he did not think speculation had anything to do with this particular runup. I do not know whether it does. I think most of my Members are in favor of transparency. We want to put more cops on the beat to make sure the markets are working properly. But if we are quoting Pickens, I am sure I will be safe in saying Pickens would not be voting for this bill that the majority leader thinks is the way we ought to go.

Right now in Lexington, KY, and Las Vegas, NV, and every other city and town across the country, Americans are hurting from high gas prices. Right now, there is a man watching his hard-earned paycheck go into his gas tank instead of his daughter's college fund. That man doesn't care about cloture motions or second-degree amendments; he wants Congress to do something. He wants us to act.

We have all heard the frustrations from constituents literally for months. They have made their feelings known. So we were surprised yesterday to learn about the intentions of our friends across the aisle when it comes to high gas prices. The majority leader told reporters that voting on more than one amendment per side—this is in some ways almost laughable—voting on more than one amendment per side on the No. 1 domestic issue facing our Nation is unreasonable.

Let me repeat that. Our friends on the other side are saying that having a real debate and considering good ideas from all sides is too much for the Senate to handle. They have apparently rejected the idea of finding a serious solution to high gas prices. Instead, they want us to take up a proposal that is designed to fail. They want us to try to fool our constituents into believing we are addressing this problem in a serious way, when everyone knows we are not.

It is no surprise that the Democratic leadership won't allow Americans' top priorities to be heard. It is the same reason they have been canceling hearings and markups all week. They don't want to choose between their Presidential nominee—whose position on bringing down gas prices is: No, we can't—and the demands of the guy at the gas pump who is watching his daughter's college fund shrink with every gallon he puts in the tank.

It is a sad commentary, given the propositions they made. Our friends across the aisle promised a year-and-a-half ago in their ''Six for 06'' pledge to lower gas prices and to free America from dependence on foreign oil, but things didn't turn out exactly as planned. The fact is, a gallon of gas is now $1.70 higher than it was when the new majority took over and promised to lower it. At a time when Americans are clamoring for them to make good on their pledge, they must muster the political will to do something about it. We should not be content to leave town after a couple of failed votes and a speculation proposal that no serious economist in America believes will have a significant impact by itself on the price of gas.

Let me reiterate. The Republicans believe we can strengthen the futures markets. Our bill would do just that—the Gas Price Reduction Act. If bad actors are out there, we would like to find them by putting more cops on the beat and by bringing greater transparency to the market, but we don't claim this provision alone will solve the problem. No serious person would claim that. The other side has made the astonishing claim that the speculation provision alone will lower the price of gas by 20 to 50 percent. Yet I have found no one—not the chairman of the Federal Reserve, not the 27-nation International Energy Agency, not even the most famous rich Democrat in America, Warren Buffett—to back up that claim.

Yesterday, our colleague, the junior Senator from Texas, asked here on the floor for any citation backing up such a claim. My good friend the majority leader came back to the floor to respond, but the only person he could name who had made this claim had been so thoroughly discredited here in the Senate that the Democratic chairman of the Senate's Permanent Subcommittee on Investigations issued a stinging 11-page rebuttal of his recent testimony. In testimony before the committee, the majority leader's source—a lawyer, not an economist—claimed that ''overnight,'' the speculation bill dealing with energy commodities would ''bring down the price of crude oil, I believe, by 25 percent.''

The committee's public response to this notion of an overnight reduction of 25 percent was blunt. Here is what the committee had to say:

> There is no credible evidence that simply amending the Commodities Exchange Act to regulate energy commodities as if they were agricultural commodities will lead to lower energy prices.

So in other words, the one source our friends across the aisle point to when they claim their bill will lower the cost of energy by 20 to 50 percent is the subject of an 11-page, bipartisan rebuke which says there is zero credible evidence to support his claim.

Mr. President, I commend to my colleagues the report from the Permanent Subcommittee on Investigations.

Let me say it again: We, as do our friends, support legislation that keeps bad actors from driving up gas prices. We have addressed this in our own bill, the gas price reduction bill, but serious people understand that if this activity

is occurring, it is a small portion of the overall problem.

This leads me to a broader point. The price of gas at the pump is a serious national problem that requires a serious legislative response. We cannot solve this problem with timid, halfhearted measures. We need to act boldly, and that means we need to consider good ideas from both sides, as we have typically done when dealing with the biggest issues in the country. Now is not the time to be timid or to play political games that are designed to benefit a single party. Our job, it seems to me, is to help the man or woman at the gas pump who is making hard choices in order to keep his gas tank full. That is why it is so irresponsible to shortchange this debate. Until we have acted boldly to cut gas prices and our reliance on Middle East oil, we will be ignoring the demands of the American people.

So it is time to be serious about this problem. No more unsupportable outlandish claims, no more relying on discredited testimony, no more canceling markups simply to avoid taking votes on a serious approach to lowering the price of gas at the pump.

We need to find more and we need to use less, and we need to start now. We need to consider good ideas from all sides, and we need to take seriously that energy is the No. 1 domestic issue facing our Nation. We simply can't go through a failed process, claim credit for trying, and then pack up and go home. Let's get serious. Let's open this debate to more than one good idea rather than bring it to a premature conclusion, and let's find a solution that incorporates increased domestic supply as well as conservation. We need to find more and use less, and the American people are simply demanding no less from us.

I see the Senator from New Hampshire is here.

Mr. GREGG. Mr. President, would the Republican leader yield for a question?

Mr. MCCONNELL. I am happy to yield to my friend from New Hampshire.

Mr. GREGG. As I understand the proposal from the Democratic leader, it would not allow an amendment, for example, on oil shale. As I understand it, the Democratic proposal suggests that we use the Strategic Petroleum Reserve. That would give us an estimated 3.5 days of oil. Were we to be able to extract oil shale, as I understand it, we would have the potential for 40,000 days of oil.

I guess my question to the Republican leader is if we are going to have a comprehensive energy policy, shouldn't we at least take up the issue of whether the restrictions which have been placed on the ability to use oil—which restrictions have been offered by the Democratic Party—shouldn't an amendment on that issue be allowed, as well as an amendment on drilling in the Outer Continental Shelf?

Mr. MCCONNELL. Mr. President, I say to my friend from New Hampshire, of course. That moratorium was installed by this new majority last year to shut down this promising new source that we have right here in our country, some have estimated as much oil as the entire reserves in Saudi Arabia times three.

Mr. GREGG. I appreciate the Republican leader's answer on that.

Mr. REID addressed the Chair.

Mr. MCCONNELL. I believe I have the floor, Mr. President.

Mr. REID. The Senator was not talking.

Mr. KYL. Mr. President, I also have a question for the minority leader.

Mr. MCCONNELL. I am happy to yield.

Mr. KYL. I am trying to understand basically the differences between the proposals that have been put forth by the majority leader and by the minority leader in terms of unanimous consent requests. As I understand it, they basically boil down to the following, and I wonder if the Senator could confirm this for me.

What the majority leader has said is there could be either one amendment—or possibly two, I am not clear—but that they would pit the two sides against each other; that is, a Democratic proposal and a Republican proposal.

What I believe the minority leader has suggested is that we engage in what Senators call the regular order, which is a process of debate and proposals for amendments which would try to build a bill with amendments that could actually be adopted by both sides—or by Members on either side, let me put it that way—rather than simply having two party positions, neither of which could win 60 votes, would fail, and therefore we would end up with nothing. What the minority leader is suggesting is a process by which both Democrats and Republicans could offer ideas—pieces of the puzzle, as it were—that could appeal to Members on both sides in such a way that a bill could eventually be built and passed to actually do something about this energy crisis and the high cost of oil; is that correct?

Mr. MCCONNELL. I think my friend from Arizona is correct. What I proposed to the majority leader and to the Senate—to which he objected, unfortunately—was that we proceed on this measure related to the subject that is most on the minds of the American people in a way entirely consistent with the way we have dealt with energy in the past when it wasn't the No. 1 issue in the country.

Last year when we were on an energy measure, the way we proceeded involved 15 days on the floor, it involved 16 rollcall votes and the adoption of 49 amendments. I say to my friend from Arizona, at that time gasoline was way too high, but it wasn't nearly as high as it is now. It was $3.06 a gallon; now it is about a dollar a gallon higher. That was in this Congress.

In 2005, when our party was in the majority, we passed an energy bill, and we spent 10 days on the floor. At that time gas was $2.26 a gallon. We had 19 rollcall votes, 57 amendments were adopted, and we passed the bill.

So if we were treating the subject of energy in a credible way consistent with Senate traditions in 2005 when it wasn't the No. 1 issue and in 2007 when it wasn't the No. 1 issue in the country, my thought is why in the world would we be trying to do something less than that—something that doesn't give all Senators, many of whom have good ideas to propose on both sides of the aisle, an opportunity to craft a proposal that gets at the No. 1 issue in the country. That is what my unanimous consent request would have allowed. I proffered it a while ago. It was objected to. It would have allowed us to have energy-related amendments only, I would say to my friend from Arizona, that we would rotate from side to side—a Republican amendment and then a Democratic amendment—and we wouldn't put a sort of arbitrary timeline on ending the discussion prematurely before we had dealt with the problem.

Mr. REID addressed the Chair.

Mr. MCCONNELL. Mr. President, I believe the Senator from New Hampshire——

The ACTING PRESIDENT pro tempore. The Republican leader has the floor under leadership time.

Mr. GREGG. I was wondering if the Republican leader would entertain another question.

Mr. MCCONNELL. I would be happy to yield to my friend from New Hampshire for a question.

Mr. GREGG. The Republican leader has made the point that we need to have a good piece of legislation, something that can be bipartisan in the area of drilling. Hopefully, we can also have an equally bipartisan effort in the area of oil shale.

Isn't it also likely we could probably have a bipartisan amendment on the issue of how we bring more nuclear power online, and shouldn't that be considered as part of any energy solution, because it addresses the environmental concerns which the Democratic leader spoke of so well relative to making sure we have clean energy? Shouldn't that also be part of any package such as this? Isn't it also totally reasonable that we could allow these types of amendments and do it in a fairly orderly way and in a quick way within this week, and certainly within next week, which is a small amount of time and certainly a reasonable amount of time, considering the fact that the American people continue to pay such extraordinary fees at the gas pump and expect us to act?

Mr. MCCONNELL. I say to my friend from New Hampshire that under the consent agreement I proffered, to which there was an objection lodged by the majority leader, such an amendment would have been entirely appropriate, and as he suggests, entirely

consistent with the subject that I know my good friend, the majority leader, cares deeply about.

He brought up in the Senate a climate change measure back in the first week of June—something he obviously felt was important. We spent a number of days on it. Many people feel nuclear power is one of the best solutions to the climate change issue, an entirely relevant subject to energy, and would have been permitted under the consent agreement that I offered earlier.

So I think the point is well made, that it is the kind of amendment you would normally expect in the Senate on the biggest issue in the country to be offering, debating, and voting on.

I see my friend from Texas.

Mrs. HUTCHISON. Would the distinguished minority leader yield for a question?

Mr. MCCONNELL. I am happy to yield for a question.

Mrs. HUTCHISON. I have been listening to the colloquy and the questions and the urging all of us have been making to have an open amendment process.

I wonder if the Republican leader, the Senator from Kentucky, is aware that we actually have a vehicle that would increase production, and the process could be done immediately, and that is through the appropriations bills that have been steadily marked up by the Appropriations Committee. But is the leader aware that the markup for Thursday was canceled?

It was canceled because the Interior appropriations bill, which has the moratorium against offshore drilling and shale production, is in that bill, and there was going to be an amendment offered by myself and Senators DOMENICI and BOND to take that moratorium off so that we could do something for the American people to bring the price down and start production and use our own resources. But that markup was canceled. I wanted to see if the leader was aware of that and what possible reasons could there be for not having the opportunity, again, to address this issue of production.

Mr. MCCONNELL. Mr. President, I might say to my friend from Texas that I was surprised to learn that not only was the meeting canceled, the rationale for canceling the meeting was announced by the chairman as being precisely what the Senator from Texas suggests, which was the avoidance of having to vote on the question of offshore drilling.

The last two surveys I looked at—one is a Fox survey and one a CNN survey—indicated that over 70 percent of the American people believe we ought to move in previously off-limits offshore areas to increase American production. I was surprised to see that the chairman of the committee doesn't want to allow a vote on that. It strikes me that there is a lot of dodging and weaving going on here to try to avoid voting on the things the American people are clearly asking us to do.

I thank the Senator from Texas for raising that issue. Does she have another question?

Mrs. HUTCHISON. Mr. President, I would just say that the Appropriations Committee and this Senate have had a tradition of bipartisan participation, and there is a great bipartisan bill for the Interior to be able to go forward, and we have the chance to address the issues of the congressional moratorium in a bipartisan way. There is no other bar to being able to let the States explore on the Outer Continental Shelf, and the States that have oil shale reserves, to be able to open those, and that bipartisan spirit has been in the Appropriations Committee.

So I just saw that we have this opportunity on the Senate floor right now to work all weekend, with amendments, deciding what the majority of the Senate wants to do. We have something that is an opportunity that I hope we will take, and that is to let the American people see the debate and let the American people decide if we have some proposals that would increase production, and would that in fact bring down the price of oil and gasoline at the pump right now.

Mr. MCCONNELL. The appropriations process has certainly been used in the past to achieve the opposite result. I believe the process was used last year to put a moratorium on going forward with the development of oil shale, much of which is found in Utah. I see our friend from Utah. So it is not at all inappropriate, it strikes me, for the appropriations process to consider the other side of the equation, which is to actually provide additional domestic production.

It is pretty clear what is going on here, I say to my friend from Texas. There is a great effort to avoid having the Senate go on record on the issues that are on the minds of the American people, that they believe—I think correctly—would take us in the direction of moving toward energy independence, which is something that clearly has not been accomplished.

Mr. President, this is an important debate which I and most of my Members think we ought to continue to be on for many days, and to try to achieve an accomplishment for the American people that would make a difference. I don't think we should be afraid of this issue. That is what the Senate is here to do—grapple with the big issues confronting the country. This is the biggest one. It is time that we dealt with it.

I yield the floor.

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

Mr. REID. Mr. President, what the American people are now watching is what has been taking place for 18 months. The Republicans said they wanted a vote on drilling. We offered them a vote on drilling. They cannot take yes for an answer.

We have had statement after statement by people who say drilling is important. But remember what Senator MCCAIN said. The Republican nominee for President, JOHN MCCAIN, said drilling wouldn't make any difference; it is only psychological. Think about that. They have been talking for weeks about drilling.

We say: OK, let's have a vote on drilling.

They say: No, we don't want a vote on drilling, we want the open amendment process.

That is a buzzword for: Folks, we are not going to do anything.

If they want a vote on shale, I thought that would be part of their amendment. If they want a vote on shale, we will give them a vote on shale. They want a vote on nuclear. We could limit the time on those three amendments. We are happy to do that if they want a vote on drilling, shale, and nuclear.

Of course, Mr. President, everybody knows, as Senator MCCAIN has said, these are only psychological things. We know that shale would take at least 15 years, even if we started doing something about it yesterday. We know that, regarding nuclear, there hasn't been a new nuclear plant built in 40 to 50 years, and there likely would not be in the near future.

These are only ploys by the Republicans to avoid voting on what they said is the best thing. They go through all this stuff about the appropriations process. The appropriations bills are going nowhere because of George Bush, the President. Remember, last year, he had us where he wanted us. We had to do everything he wanted because, otherwise, we would have to deal with him in January after a CR. Well, we will not have to deal with this guy anymore; after January 20, he is gone.

To suggest that in some way I have said we are only going to have one amendment—I didn't say that. We made a unanimous consent request asking them to do what they said they wanted. They said they wanted drilling. OK, drill. Vote on that. We believe our domestic production is much better than theirs.

Now, let's talk about a few other things, Mr. President. These are the words of my Republican counterpart: ''Timid, half-hearted, bobbing and weaving.'' Talk about bobbing and weaving—we give them what they want and they say no.

Now, on speculation, we have done this before, and we will do it again.

Economist Mark Zandi said speculation is driving up oil prices.

Gary Ramm of the Petroleum Marketers Association of America blamed speculation for driving up oil prices. He did that less than a month ago.

The Acting Chairman of the Commodity Futures Trading Commission said the oil markets are ''ripe for those wanting to illegally manipulate the market.''

The former Director of the Commodity Futures Trading Commission's Trade Division, Michael Greenberger—

now a professor at the University of Maryland Law School—said speculation is one of the big problems with the energy problem. He also said the price has gone up 20 to 50 percent because of speculation.

The Japanese Government said speculation added $30 to $40 to the cost of each barrel of oil last year.

Consumer advocate, Mark Cooper, testified that speculation on energy has cost the American people $500 billion in the last 2 years.

Now, let's take one of the pals of the Republicans. ExxonMobil Senior Vice President Stephen Simon testified that ''the price of oil should be about $55 a barrel.'' It is speculation, Mr. President.

So the Republicans are where they have been for 18 months. They still have their nose out of joint because we are in the majority. It is a slim majority. They have done everything to slow down, stop, or disguise their stalling.

We have said we think we should do something about speculation. Now they say it is no big deal. We are willing to vote on what they think—and they have been saying it for a month—is the most important thing to do: drill off the Outer Continental Shelf. We are saying: Good, draw up your amendment and let's vote on it.

Now they say oil shale, and now—it is remarkable—they are back-talking about nuclear. If you want to talk about the only thing that uses more water than coal, it is nuclear. There isn't enough water in Nevada to have a nuclear powerplant. It is in the West. That is why they are usually on oceans or rivers because they need huge amounts of water.

Mr. DURBIN. Will the majority leader yield for a question?

Mr. REID. Yes.

Mr. DURBIN. So the record is clear, I ask the Senator, we want to consider the impact of speculation on energy prices and whether it is raising the cost of a barrel of oil and the cost of a gallon of gasoline—we believe it is—and we want to put in more regulators to watch this industry, add more transparency, more computer capacity, make sure there is more disclosure from markets around the world.

We want to limit the trades to commercial trades that really have value to businesses rather than just speculators, as the leader said, clicking a mouse and moving around millions of dollars. And we want to offer this as an amendment.

I ask the majority leader, did we say to the Republican side: You can offer your own version of the speculation amendment, and you can try to strike ours, if you wish. Offer yours. But we are giving you the opportunity to offer your amendment, in your terms, with your substantive suggestions, and we will vote on each one of them. Is that the offer on the table to the Republicans?

Mr. REID. Mr. President, I say to my friend, they are not seriously trying to solve the problem. They are stalling, as they have done for 18 months. My friend, the Republican leader, said—to answer the question of the senior Senator from Illinois, the assistant leader—that no serious person has suggested that speculation has anything to do with the price runup.

Talk about a serious person. Glenn Tilton is running a company that we have all heard of, United Airlines. United Airlines is trying to hang on without going bankrupt. Is this just some corporate executive who has an idea that the price of oil is too high? He is also a former president of Texaco and formerly the vice chairman of Chevron, so he has a little background.

He said speculation is a big problem. My friend, the Democratic whip, attended a meeting where he desperately told us we needed to do something about speculation. Does he remember that meeting?

Mr. DURBIN. Yes. I ask the majority leader, if we believe that speculation on energy prices is part of the problem, and we have a measure to try to address it, and we say to the Republicans ''offer your version of it,'' are we stopping them from the substance of the amendment that they offer? Are they able, under our proposal, our suggestion, to put whatever they want into their version of the amendment?

Mr. REID. We have been saying that for weeks. Certainly, since our bill has been on the Senate floor, it has been clear—and I have said it on the floor many times—if they don't like our speculation bill, come up with a better one.

Mr. DURBIN. We have also offered to the Republicans to put together their Energy bill, to include in their Energy bill what they think is important. Day after day, in press conference after press conference, they say drill, drill, drill—which they could include in their Energy bill. We have heard talk about oil shale. We have not objected to them putting a provision for that in their bill.

Senator GREGG said, ''Let's bring in nuclear power.'' If we said to them, write your own bill, bring it to the floor, and we will debate it and have a vote, with the same number of votes on both sides, and let's see who prevails, have we restricted the Republicans in anything that they include in their Energy bill in the proposal we have given to them?

Mr. REID. I say to my friend that we have not stopped them from doing anything. We have oil shale as part of our proposal. Senator BINGAMAN put that in as part of his bill. So I relish the debate of our proposal and theirs. I suggested 2 hours. If they want more time, that would be fine. But they want to live yesterday. They want to live yesterday forever. The status quo isn't even good enough for them now.

Mr. DURBIN. The last question I ask the leader is——

Mr. REID. Mr. President, I ask unanimous consent that the Democratic whip—the Republican leader took a lot of time, and I have no problem with that. So I ask unanimous consent that the Democratic whip be allowed to finish his question.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. DURBIN. This will be my last question. I wanted to do a calculation. When we talked to the Republicans 2 days ago, they suggested that at that time they had 28 amendments they wanted to offer. We are hoping to wrap up this session without stopping for the weekend by going 10 straight days.

I heard from the Republican leader that in a previous debate over the span of 15 days of debate on the floor of the Senate, there were 19 rollcall votes. If I do the simple math here of 28 separate Republican amendments to start with 2 days ago, there is no way in 10 days we could finish this debate on the Energy bill before the August recess.

I ask the majority leader, does the math work in terms of opening this to as many amendments as people can dream up and actually finishing within 10 days?

Mr. REID. Mr. President, I say to my friend, that is what they want, and in the process housing is gone, it is a casualty; the Lou Gehrig registry is gone; the Reeve paralysis bill is gone; we don't do anything about LIHEAP to help the disabled and old people who are going to freeze this winter, and we don't do anything about renewables. But this would be in keeping with the 83 filibusters that have taken so much time, 83 Republican-led filibusters.

They are not serious about this. We have tried. We have told them: Here is what we will do. They cannot take yes for an answer.

RESERVATION OF LEADER TIME

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

STOP EXCESSIVE ENERGY SPECULATION ACT OF 2008—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 3268, which the clerk will report.

The bill clerk read as follows:

Motion to proceed to the bill (S. 3268) to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 4 p.m. will be equally divided, with the Republicans controlling the first 30 minutes and the majority controlling the next 30 minutes and alternating in that fashion thereafter.

The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I sat and listened to this exchange, and it is

amazing to me after 32 years in the Senate that they want to bring up a bill and allow their bill and one substitute amendment that they know will fail, where there are components of that substitute amendment that they know will pass and will help us to find some oil and alleviate some of the pressures we have in this country.

I wish to address the legislation under consideration in the Senate today, the speculator bill.

Here we are, the Congress of the greatest Nation in the world, facing a national energy crisis, a crisis that affects every single American, the American economy, and America's place in the world, and this is the best we can do, this speculator bill? This is our answer, another proposal that will not produce one drop of oil or hardly any energy? It will not produce any energy. Frankly, I am embarrassed for this body and for the people we represent.

At some point, I wonder when the leaders of the Democratic Party will wake up and realize that blaming and taxing the energy industry does not equate to an energy policy. It is an anti-energy policy. Finding someone to blame is no substitute for finding more oil. And the answer to getting America to use less oil is not always more taxes and more mandates.

We are a country of addicts in that sense. The seeds of our addiction to foreign oil have been sown here by an anti-oil Congress. If Members of Congress are hunting for some of the blame, they are in luck because the blame begins and ends right here under the Capitol dome.

It is very clear that the most extreme environmental groups have an anti-oil agenda, and it is just as clear that the Democrats have adopted that agenda as their energy platform. It is a recipe for disaster, and America is reaping the whirlwind as a result.

Some are arguing for more solar, wind, and geothermal as an answer to high gas prices. I sponsored the current tax incentives for renewable electricity, and I hope my actions speak to my support for renewables. That is law now in the 2005 act. I know enough about energy to recognize trains, planes, automobiles, and ships do not run on electricity. They run on oil right now.

This first chart is solar, wind, and geothermal. They are not transportation fuels. Biofuels is still only 3 percent of transportation fuels, and yet that is the only other major alternative to oil at the present time. We rely on oil for 97 percent of our transportation needs, and the other 3 percent is made up mostly of biofuels, especially corn ethanol. I have strongly opposed the current ethanol mandate, but I have long supported free-market incentives for ethanol. In fact, I sponsored the CLEAR Act, as I mentioned, which is the current law giving tax incentives for E85 fuel and E85 infrastructure. We need as much ethanol as we can make, and I am all for it. But I also recognize that ethanol has so many inherent limitations that it will not be able to break us free from our dependence on foreign oil.

The fact is that we will have to tap into our Nation's gigantic resources of oil shale or we will remain addicted to foreign energy traffickers for the long haul. They are afraid to have a separate amendment up on oil shale because we should win that amendment. Anybody with brains would vote for it. There are 3 trillion barrels of oil in Colorado, Wyoming, and Utah, in oil shale, about 2 trillion of which is estimated recoverable—more oil than all the rest of the world combined. If we don't tap into those resources, we are going to remain addicted to foreign energy traffickers for the long haul.

When the Republicans controlled Congress in 2005, we passed a very bipartisan energy bill which promoted each of these very necessary unconventional oil resources, along with alternatives, renewables, and conservation. When the Democrats took over Congress, they immediately began dismantling every effort to develop oil from oil shale, oil sands, and coal-to-liquids even though they knew full well that we have more oil in those resources than all the rest of the world combined.

Chart 2 says world oil reserves are 1.6 trillion barrels. Recoverable U.S. oil shale is between 1 and 2 trillion barrels of oil.

In most cases, an addiction brings about financial ruin. Democrats in Congress have made a lot of noise about the tens of billions of dollars we spend each year on the war on terror, but apparently it does not bother them as much that our citizens send more than $700 billion every year to foreign governments to feed our addiction, some of which are not even friends; in fact, some of which are enemies. Congress's lamebrained anti-oil actions have put our people at the mercy of foreign governments that are smart enough to produce their own energy—something we could do if they would open this bill to amendment. We are selling away our Nation's place in the world and funding the rise of our most aggressive competitors and even our enemies.

Of the major world oil shale resources, we hold 72 percent of the total. We can see Israel, Estonia, China, Australia, Morocco, Jordan, Brazil, United States, and the total world. Did you know, Mr. President, that China and Brazil have been smart enough to produce their own oil from oil shale for decades—China and Brazil—and that Estonia has produced oil from oil shale for over 90 years? We act as if we cannot do it. My gosh, of course, we can do it. Did you know the United States controls more than 70 percent of the world's known oil shale resources? Yet we are stopping its development because of their anti-oil agenda over there, and that is what is involved here, trying to cover it up with a so-called speculators bill that all of us will be glad to have in a final bill, but that does not produce one drop of oil to help our problems.

Is it because our industry cannot compete or is it unwilling to invest in oil shale production? They most definitely are willing, but the sad fact is that our own Government owns most of the oil shale in the United States and our own Government has said no because of these people over here.

The biggest argument I keep hearing against oil shale development is we cannot allow the Government to even establish rules for oil shale development because we just plain don't know enough about it yet. Think of Estonia: For 90 years, they have been producing oil from oil shale. Think of Brazil: For decades, they have been producing oil from oil shale. You think the greatest Nation in the world can't do it? We don't know how much water it will use; we don't know how much wildlife habitat it will use, they say; we don't know about the greenhouse gas footprint. Guess what. The Department of Energy has been studying oil shale for decades, and we have a pretty good idea about each of those questions.

Why do the Democrats say no to oil shale production? I hear some say they are concerned about water use. Let's take a look at water use compared to ethanol.

Mr. President, did you know oil shale uses less water than ethanol, no more than gasoline? Right now, corn does not rely on irrigation, for the most part. However, if we hope to increase ethanol's share of the fuel supply, we will have to move into drier areas that require irrigation.

Look at the water use. Ethanol takes 4 to 5 barrels of water and 1,000 barrels of water on irrigated lands. Oil shale, for the entire process—processing, upgrading, and land restoration—three barrels of water. A September 2007 article in Southwest Hydrology states that irrigated corn requires well over 700 barrels of water for each barrel of ethanol. A barrel of ethanol has about 30 percent less energy than a barrel of oil. In other words, to make just 1 oil-equivalent barrel of ethanol, it would take over 1,000 barrels of water. The Department of Energy reports that oil shale, for the entire process, including land restoration, would require just three barrels of water for every barrel of shale oil, about the same as gasoline.

Let's compare how much water it would take to make enough ethanol to produce 20 percent of our fuel with the amount of water it would take to produce the same amount of oil shale. Look at what it would take. Look at the red, ethanol. We can hardly see the red of the water required for oil shale. We would need about 64 cubic miles of water to produce that much ethanol and only .17 cubic miles of water to produce the same amount of oil shale.

It is time we stop confusing oil shale with Canadian oil sands. They require

completely different processes. Canadian oil sand production uses a lot of water and a lot of steam to produce oil from oil sands. With oil shale, you apply heat directly to the rock. The last thing you want in your process is water. They are very different, so let's stop pretending they are the same thing. And let's remember Estonia and Brazil. Isn't this country as good as them?

The other red herring often raised against oil shale is concern about land use and wildlife habitat. Mr. President, did you know that oil shale uses much less land than either ethanol or gasoline? One acre of corn produces 7 to 10 barrels of ethanol. One acre in the oil patch produces about 10,000 barrels of oil. One acre of oil shale produces between 100,000 and 1 million-plus barrels of shale oil. That is right, on average, 1 acre of oil shale will produce around 500,000 barrels of oil.

So those who are truly concerned about land use and wildlife habitat, let's look at how much land it would take to make enough ethanol for 20 percent of our fuel supply compared to the same amount of oil shale.

With regard to that green spot in the middle of this chart, it would take those five States to produce 20 percent of our energy needs from ethanol. Think about that. Producing 20 percent of our oil from oil shale would take the equivalent of the smallest county in Kansas being in production at one time, and as each oil shale acreage is used, it would be restored to nature, according to the very strict mining and gas laws already on the books. It is environmentally sound as well.

We are learning that land use is very important, and not just in terms of wildlife habitat and watershed protections. Scientists have determined that disturbing land for activities such as cultivating corn and switchgrass, or any other crop, releases a giant amount of CO_2 into the atmosphere.

Look at this chart. Oil shale without carbon capture, 7 percent more than gasoline, but switchgrass for ethanol, including land use, is 50 percent more than gasoline. Greenhouse gas emissions for corn ethanol, including land use, is 93 percent more than gasoline. Oil shale is much more environmentally sound from the get-go.

Even taking into account that burning ethanol is an improvement over gasoline, the researchers discovered that when land disturbance is calculated, corn ethanol emits 93 percent more greenhouse gases than gasoline. Thank goodness for switchgrass, our new hope for the future of biofuels. The problem is that the same study calculates that switchgrass, even when grown on existing corn land, produces 60 percent more carbon emissions than gasoline. The Department of Energy calculates that oil shale production emits only 7 percent more greenhouse gases than gasoline, and that is without any carbon capture technology, which many in the industry plan to use.

Whether your concern is carbon emissions, water use, or wildlife habitat, oil shale is a better answer than ethanol. And when it comes to transportation fuels, ethanol is the only alternative of any real significance today. The fact is that I am for it, but let's not get confused on which one is more efficient and better. I am certainly not here to bash ethanol. I still believe we should produce as much as possible, but ethanol is the only current significant alternative to transportation fuels available today. It is important that we start dealing in realities around here and not just political puffery, is what we are hearing from the other side.

To be honest, when it comes to energy policy, it is like never-never land on Capitol Hill. On the one hand, we pass a giant mandate on top of giant incentives to produce ethanol, with all its limitations. On the other hand, we ban oil shale production which would give our people access to almost unlimited amounts of cheap energy. The oil shale industry is not asking for any mandates, environmental loopholes, or subsidies. They simply ask to have access to the Federal Government's vast oil shale resources.

I have no problem with debating the impact of speculation on oil prices. It is something we ought to be discussing. I have no problem with that. But it is not going to produce one drop of oil. It is no substitute for providing our people with the transportation fuels they need, and we will never accomplish that goal until we find more and use less.

Our goal as Republicans is to amend this bill so we can find more oil and use less of it so that we can solve our problems as we go into the future, where we get into not only hybrids but plug-in hybrids, electric motors, fuel-cell motors, hydrogen cars and, of course, nuclear, wind, solar, thermal, and geothermal. We have to do all of that. But until we can really move down that line, we have to have oil to run our transportation needs.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWN). The senior Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, will you let me know when I have consumed 9 minutes, please?

The PRESIDING OFFICER. The Chair will notify the Senator from Tennessee.

Mr. ALEXANDER. Thank you very much.

Mr. President, I listened to the Democratic leader discuss the legislative calendar. With respect, I believe the Democratic leadership in the Senate is approaching the crisis of $4 gasoline with all the urgency of naming a post office. It seems their idea is to talk until there is one amendment over there and one amendment over here, both of which may fail, and then go on to the next thing.

I have just come back from 4 days in Tennessee. I believe that if I walked down the street in Nashville or Maryville or Knoxville or wherever and talked to 100 people and said: What do you think we ought to be doing in the Senate? I would get the same answer. It would be this: We would like for you to go do something serious about $4 gasoline prices and we would like you to work across party lines to get it done.

We are ready to do that, we on the Republican side, and I think many Democrats are as well. Yet what the Democratic leadership did was bring up a bill on Friday that addresses oil speculation and put us in a procedural situation where all we can do is talk and talk and talk. We could have started last Friday with amendments on finding more oil and using less oil. We have 25 or 30 on this side. I will bet there are that many on the other side—I will bet there are more than that. We could be on our fifth day of debating and voting on a substantial piece of legislation to increase the supply of American energy and reduce our use of oil, which is the way to lower gasoline prices. That is what we should do today. If we do not do it today, we should do it tomorrow. We should not stop until we get it done. That is why we are here. That is what the American people expect of us.

The majority leader has brought up a bill about speculation. There is nothing wrong with that. It is his right to do that. We recognize that, because in the Republican bill we offered, we suggested we would find more oil by drilling offshore and giving States the option to do that on their shores, and by lifting the moratorium from oil shale final regulations—that would increase American production of oil by a third. That is substantial. We are the third largest producer of oil in the world. That may help affect prices. On the other side, we want to use less oil, and we would do that by making plug-in cars and trucks commonplace, cars and trucks powered by electricity, which would reduce our use of oil. If we did those three things on the find more and use less side, we could cut our use of imported oil in half over time, which would stop sending about $250 or $300 billion a year overseas to other countries, some of which are paying terrorists who are trying to kill us.

But oil speculation has its limits. Oil speculation is a part of our bill. We believe we should put 100 cops on the block. We need more cops on the block who are commodities regulators. We need to find out more about these new financial instruments and the effect they might be having on the price of oil. But you cannot deal with oil speculation unless you deal with supply and demand.

The Interagency Task Force on Commodity Markets has been studying this question for 5 years. They said today—I heard it on National Public Radio because I drove in early—their interim report on crude oil studied fundamental supply and demand factors and

the roles of various market participants, and it found that ''the fundamental supply and demand factors provide the best explanation for the recent crude oil price increases.'' That is what the Government says.

Here is what a private sector individual, who has been pretty successful, says—Warren Buffett: ''It is not speculation, it is supply and demand.''

We can deal with oil speculation. We have proposed doing that in the Gas Price Reduction Act. But saying that by passing a bill on oil speculation we deal with $4 gas would be like saying we are passing a bill on thirst without dealing with water. We have to move on to supply and demand. That is why we say we should be finding more and using less.

In Tennessee yesterday, Nissan announced that it was entering into an agreement with the State of Tennessee and the Tennessee Valley Authority to make our State hospitable for a pure electric car that Nissan intends to have on the market for fleets by 2010 and for individuals by 2012. According in Nissan's plans, the car will go 100 miles without having to be recharged. Carlos Ghosn, the president of Nissan and Renault, wants a zero emissions or an emissions-free car on the market. He wants counties and mayors who want that to be able to have it in their fleets.

That is part of the Gas Price Reduction Act proposal. We understand we have to reduce demand as well as increase supply. But the other side is stuck on using only half of the law of supply and demand. They have forgotten economics 101. We say offshore drilling. They say no, we can't. We say oil shale. They say no, we can't. We say five or six new nuclear powerplants a year so we can have clean electricity for our plug-in cars and trucks. They say no, we can't.

We say bring up gas prices and put it on the Senate floor and let's stay here until we finish. I heard all this talk about the legislative calendar. The legislative calendar isn't more important than the family budget. The legislative calendar is not more important than the family budget, and what is breaking the family budget today is gasoline prices. Four-dollar gasoline is driving up the price for fueling our cars and trucks. It is driving up the cost of food because, as we know, energy is such an important part of agriculture.

People are hurting. Every week, I am on the floor reading e-mails from Tennesseans who are canceling their vacations, losing their jobs, unable to go get medical treatment because they cannot afford the price of gasoline. What are we doing? We are talking when the Democratic leader could instantly put us into a situation where we could spend a week or 10 days considering two or three dozen good amendments, vote them up or down, and see if we could work across party lines to come to a result.

Will we solve every problem in a week's debate in a bill we pass before August? No, of course not. We really should be on the path toward clean energy independence. I suggested in May that we need a new Manhattan Project, like the one we had in World War II for the atom bomb, where we have a crash program for 5 years on the things we don't know how to do, such as make solar power competitive with fossil fuels or reprocess nuclear waste so it can be stored more easily or make more new buildings green buildings or advanced research on biofuels—crops we don't eat.

But there are some things we know how to do today. Mr. President, 85 percent of the Outer Continental Shelf, where we have the opportunity to produce oil and gas, is, by congressional action, off limits today. It was off limits according to the President's action too, but he changed the Presidential order last week. What happened? The price of oil went down. I don't know exactly to what extent the President's action had an effect on the price of oil, but I do know this: If we were to take action today on supply and demand, the price of gasoline today would stabilize and begin to go down because today's price is based upon the expected supply and demand 3 to 5 years from now. If we demonstrate in our proposal, as our proposal says, that the United States of America, which consumes 25 percent of all the energy in the world, is prepared to increase our production of oil by a third and reduce our use of oil by a sixth, that together would reduce the supply of imported oil; it would cut it in half. If we did that today, it would affect the price of oil today.

Our solution is four words: Find more, use less.

The ACTING PRESIDENT pro tempore. The Senator has used 9 minutes.

Mr. ALEXANDER. Find more, use less. We believe in both parts of the supply and demand. The other side is dancing around. I think they have badly misjudged the American people and the urgency of this question. We need to do everything we can in the next week or so to fashion a bill that takes a substantial step toward increasing the supply and reducing demand for oil—not saying no, we can't; no, we can't; no, we can't. We can say yes, we can, to finding more and using less, and the American people expect us to do that. That is why we are here. We can start today.

The PRESIDING OFFICER. The senior Senator from Missouri is recognized.

Mr. BOND. Mr. President, I ask unanimous consent to be permitted to speak in morning business for up to 7 minutes.

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

Mr. BOND. Mr. President, America is suffering a gas price crisis. In response, our Democratic colleagues are blocking our attempts to get gas prices down for new oil supplies. Yesterday, Senate Democrats went so far as to cancel an Appropriations Committee markup over fears that an amendment to open offshore oil production would succeed.

Senator HUTCHISON of Texas and I had announced our intention to offer an amendment to rescind the continuing moratorium in appropriations bills that currently blocks new oil production off our Atlantic and Pacific shores. With the support of Senators DOMENICI, ALEXANDER, and all the committee Republicans, we would have given the Appropriations Committee a chance to reverse the annual law blocking America from new oil supplies. I suppose they were afraid we would win the vote, and that is why they canceled the meeting. How undemocratic can you get? You are afraid to lose a vote? Cancel the vote.

We have been struggling all year with Democrats blocking Republicans from offering amendments on the Senate floor. Democrats are saying currently that they will block Republicans from offering amendments to lower gas prices by increasing oil production. Afraid to vote on the floor? Block the vote. Cancel the vote. Block the vote.

What is next? Will Democrats try to disband the Senate or have the majority leader act as a Rules Committee so only what he says can be voted on on the floor? That is not the way this Senate acts.

Why is this so hard? Why are Democrats so desperate to deny the relief the American people need and are demanding? Maybe things are different in New Jersey, Illinois, Nevada, and California, but I can tell you Missouri families are struggling with record pain at the pump. Not just families, Missouri truckers and small businesses and charitable institutions and local governments are suffering from record-high prices. Diesel prices are driving truckers out of business. Missouri farmers are fed up with high energy costs. They do not need to hear, as our Presidential candidate from Illinois said, that the problem is not that gasoline prices have gone up; the problem is they went up too quickly. I can tell the Senator from Illinois that the people of Missouri are fed up with both the speed and the level of gas price increases. Four-dollar gasoline is as popular in Missouri as a Belgian company trying to buy out Budweiser.

Missourians know this is a fundamental problem. We all learned it in economics 101. Prices are high because there is not enough supply to meet demand. We need to find more and we need to use less. There is plenty out there to find, if only they will allow us to go and get it.

We have heard the numbers before, but let me repeat them again. At least 18 billion barrels of oil are waiting for us in the waters off our Atlantic and Pacific shores. That is 10 years of supplies we can give ourselves. Republicans plan to add 10 years of new supplies versus a Democratic plan to open the Strategic Petroleum Reserve, which would give us, by that rate, 3.5 days more oil supply.

Today's new Democratic half measure—it is not even a half measure, it is not a quarter measure, it is not an eighth measure—is to swap sweet crude for heavy crude in the Strategic Petroleum Reserve, again to get a little more gasoline when the oil is refined. It still takes refining capacity. It is still a Band-Aid that is not even well placed over the wound.

These Democratic ideas for ''new supplies'' keep getting smaller and smaller, weaker and weaker. They say: Well, drill where you have leases. It is called exploring. And when you explore, you did not find something, you do not drill, it goes back to the Government. That is already the law. Give us a break.

At prices as they are today, if there is oil out there, if they see an opportunity to get it, the oil companies are going to go after it, because that is how they make money. That is how they make the money they invest in developing more oil supplies.

We are not forgetting that the biggest thing we can do, the boldest thing we can do, the most aggressive thing we can do is to increase domestic oil supply. And that is exactly what we will need to end this gas price crisis.

Yes, there are other things—using less. I come from a battery State. We need a major American battery manufacturer, because right now most of the batteries coming in for hybrid and hybrid plug-in cars come from Asia. We need to put Americans to work in a large facility or facilities making batteries that will run electric cars.

These are the big ideas. American people do not deserve small Democratic ideas. They do not deserve modest Democratic ideas. They do not deserve timid Democratic ideas. The American people deserve bold action, the American people deserve aggressive action, the American people deserve real action. It is time we get real about gas prices.

We need to stop putting offshore oil off limits. Give us a vote to open more offshore oil production. That is what we propose. That is what we demand. That is what the American people deserve. We cannot fulfill our duty to the American people by walking away from half a loaf, a half a small loaf solution without giving the American people the right to see where their elected Senators are going to vote in terms of providing the big relief we need for a big problem. We need to have votes and we need to move on that oil bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington State is recognized.

Ms. CANTWELL. Mr. President, unless we change course, our Nation will soon be sending $1 trillion a year abroad to purchase foreign oil, and no amount of drilling is going to change that. That is why I am frustrated that we are wasting valuable time here on the Senate floor debating last century's policies instead of talking about tomorrow's solutions.

We know that today we are facing an oil crisis, but we also know that with less than 2 percent of the world's oil reserves, there is no way the United States is going to drill its way out of this quagmire. American families and businesses are depending on us to put aggressive new policies in place, not continue to dwell on the old policies that are not going to provide any relief at the pump.

Unfortunately, it seems as though there are some who only want to focus on big oil's top priority; that is, lifting the moratorium on Outer Continental Shelf drilling.

Pro-drilling advocates, and certainly the President of the United States, seem perfectly comfortable perpetuating what I think is a cruel hoax on the American people saying that drilling will lower oil prices. They are willing to imply, to insinuate, and to pretend that drilling off of our coastlines will somehow provide relief at the pump or somehow lessen our dangerous dependence on foreign oil.

The reality is even the biggest drilling advocates admit that opening our Nation's pristine coastlines will have no impact on pricing at the pump. That is right, no impact.

In fact, the President of the United States, on June 15, said:

> I readily concede that, you know, it is not going to produce a barrel of oil tomorrow, but it is going to change the psychology.

My colleague who is running for President seemed to say a similar thing:

> I do not see any immediate relief, but even though it will take some years, the fact that we are exploiting these reserves would have a psychological impact that I think is beneficial.

According to the Los Angeles Times, a senior adviser for Senator MCCAIN also acknowledged in a news conference in a call to reporters that:

> New offshore drilling would have no immediate impact on supplies or gas prices.

In fact, the White House went on to say the same thing:

> There's not a real good short-term answer to high oil prices, and we've been very explicit about that from the beginning.

So I think it is safe to say many people are confused about what is being discussed here on the floor.

Another White House spokesman said:

> Anyone out there saying that something can be done overnight or in a matter of months to deal with the high prices of gasoline is trying to fool people.

Now, this is from the same White House and Republicans that are now advocating that maybe there is a psychological advantage here that somehow supply that we will not see until 2030 could have an impact on gas prices today.

Well let me tell you what some energy experts told the Energy Committee's roundtable on oil prices Roundtable this past week. And for those of you who did not attend—we had many of our colleagues attend—we had two expert witnesses, Daniel Yergin, the chairman of Cambridge Energy Research Associates, an author of a very well-known book about oil, and Roger Diwan, an energy analyst at PFC Energy. They both firmly rejected the notion that the President's announcement he was breaking the Outer Continental withdrawal moratorium somehow caused a drop in oil prices. They were asked that question and basically laughed at the suggestion that lifting the moratorium could cause a drop in oil prices.

For those who want to pretend that opening up drilling could have any psychological effect, I think this chart illustrates what is going on. We see here on the left that prices are forcing Americans to basically consume less. Basically they are using 800,000 fewer barrels of oil than we did this time last year. But that certainly has not had a psychological impact on the price. We know that Saudi Arabia, here in the middle, announced that they were going to increase output by 500,000 more barrels a day. That announcement did not have any immediate impact. In fact, we saw oil prices surge to $140 a barrel.

So the lesson here is that even though these are significant reductions in demand and increases in supply happening it is not impacting world old price. So how can some of my colleagues argue that by producing 200,000 barrels a day, which is what the Outer Continental Shelf drilling would get you, that somehow that is going to have a psychological effect? How can they make that case when this amount of reduction of consumption cannot, and this amount of new supply did not; that somehow by producing 200,000 more barrels per day in 2030 is going to magically reduce prices today. I think what is clear is it does not matter how many oil fields we have, or how many holes we poke in the ground, it is not going to bring down the price. Only by ending our oil addiction and providing Americans with real energy solutions can we do that.

I am not the only one who believes that. The administration's own Energy Department has said similar things. In fact, in the Energy Information Administration's 2007 Annual Energy Outlook they have said:

> Access to the Pacific, Atlantic, and eastern Gulf regions would not have a significant impact on domestic crude oil and natural gas production or prices before 2030.

No impact before 2030. That is 22 years from now. In 22 years, we need to have a significant reduction in fossil fuels or our climate will be giving us a lot more things to worry about than the price of oil.

Scientists are now telling us there is a 75-percent chance within 5 years the entire North Polar icecap will completely disappear in the summer months.

According to Tufts University, doing nothing about global warming will cost the United States economy more than

3.6 percent of our gross domestic product or $3.8 trillion annually by 2100.

So why are we talking about taking on all of this risk of drilling in the Outer Continental Shelf? For what? We are talking about something that is a fraction of the demand of oil the United States is going to need in the future.

In fact, the Energy Information Administration says we will be using 22.6 million barrels a day in 2030. But the most we would get from the Outer Continental Shelf drilling would less than 1 percent of what the United States will need in the future. So some of my colleagues have staked America's energy future on a proposal that is going to give us less than 1 percent of what the United States needs today.

In fact, the Energy Information Administration continued on this discussion and said that drilling in the Outer Continental Shelf and lifting the moratorium, that these 200,000 barrels a day would have a minimal impact on what the United States needs.

This particular chart shows you how much additional supply we will need, 2 million barrels more a day than we are currently using today. And this is what the Outer Continental Shelf will give us, only 200,000 barrels per day. So it is not exactly as if this is going to help much if at all in the future.

In fact, the Energy Information Office continues to say:

> Because oil prices are determined on the international market, any impact on average wellhead prices is expected to be insignificant.

That is an analysis of drilling in all the offshore areas currently in moratorium. So the math is simple. Even if we drill in every last corner of our Nation, we would never be able to have an impact on world oil prices. The world price is always going to be set by others, leaving a critical aspect of our economy in the hands of OPEC.

As long as we use a quarter of the world's oil and have less than 2 percent of the world's oil reserves, facts that no amount of drilling can change, our country is vulnerable. It reminds me of the old adage: If you are in a hole, stop digging. But some want us to keep digging, digging toward a meager 200,000 barrels a day.

And that 200,000 barrels assumes that drilling off the coast of the Atlantic and Pacific is something people will want to do.

We have already heard from some States that think the risks are too great to their economies. For example we will not be able to drill the 10 billion barrels that are covered under the Federal ban off the coast of California, a State where bipartisan opposition exists to further drilling.

Here is what Governor Schwarzenegger said recently:

> California's coastline is an international treasure. I do not support lifting this moratorium on new drilling off of our coast.

The Governor added:

> We are in this situation because of our dependence on traditional petroleum-based oil. The direction our country needs to go in, and where California is already headed, is towards greater innovation in new technologies and new fuel choices for consumers. That is the way we will ultimately reduce fuel costs and also protect our environment.

I could not agree with the Governor more.

Governor Schwarzenegger is not alone in his straight talk because there are many citizens across the country from coastal States who also know the impact of what oil spills can have, that it can mean billions of dollars in economic loss. Ask the tens of thousands of people who lost their livelihood after the Exxon Valdez. I know some of my colleagues have made remarks that new technology somehow makes spills from offshore platforms impossible. I know the minority leader said recently there was not a single reported example of spillage in the gulf during the Katrina hurricane.

I respectfully—and I mean respectfully—ask the minority leader if he has seen the President's own report on lessons learned from the Federal response to Katrina. This is a copy of the cover of the report. It says:

> Hurricane Katrina caused at least ten oil spills, releasing the same quantity of oil as some of the worst oil spills in U.S. history.

There it is. A report that basically says it caused ''ten oil spills, releasing the same quantity of oil as some of the worst oil spills in U.S. history.''

The report goes on to say:

> All told, more than 7.4 million gallons of oil poured into the Gulf Coast region's waterways, over two thirds of the amount that spilled out during America's worst oil disaster, the rupturing of the Exxon Valdez tanker off the Alaskan coast in 1989.

This is a satellite image of the Gulf of Mexico on September 2, 2005, right after Hurricane Katrina hit. It shows the various areas of oil spills that did, in fact, happen.

Although there are oil risks, the fact is that most of our Nation's recoverable oil supplies and related infrastructure are, for better, or worse, in the Gulf of Mexico. That is not to say we can't have environmentally responsible oil and gas recovery. In fact, many of my Senate colleagues did support in 2006 opening more of the gulf waters after President Bush issued a Presidential directive stopping some of the drilling that was endorsed by the previous administration. But in hindsight, opening the gulf seemed to be another lesson in how we are not going to help impact the price. Back when we opened 6 million acres in lease 181, many oil companies promised it would have a dramatic effect on new production. It was going to be an incredible find. The price was at $57 a barrel.

But a year later the price was already $89 a barrel and we all know the price today. Obviously, access to more drilling didn't help us impact the price of oil then.

And with prices so high, why did the oil companies bid on only 200 million acres of the 500 million acres recently put out for bid in the Gulf of Mexico? Not utilizing existing leases seems to be a pattern with oil companies. In fact, many oil companies are not using 83 percent of the public offshore lands they have tied up in leases. That is an area larger than the States of New York or Alabama that is just sitting idle. This chart shows that 83 percent of the leases offshore are not producing energy, and the oil companies are choosing to only use this area in the green.

Why don't we hear more about why they aren't choosing to drill? It doesn't make sense, given what the price is. We know one of the reasons may be that every single available drill rig, drill ship is being used right now. You can't go and drill when you don't have the equipment. According to the House of Representatives, oil companies have access to over 100 billion barrels of conventional oil in areas not under moratorium. That is how much is already there in existence on land that can be leased. It is already there. It is already available. But clearly the oil companies can't, or it is in their financial interest not to, utilize this vast amount of public land they already have.

The fact is, depending on oil companies to get us out of this mess is exactly what has gotten us into this mess. It is not a viable solution. We need to break our addiction to oil.

The question is, What can we do today to help bring supply and demand into balance? Last week, Dr. Yergin told us at the gas prices forum:

> If Americans took a few precautionary steps when driving, including properly inflating their tires, demand for oil would decrease by 600,000 to 700,000 barrels per day.

That is something we can do now, not in 10 years, not 20 years. We can do it now. In fact, there are many things we can do now to reduce our dependence on oil. More efficient tires is one of them at 300,000 barrels per day; keeping your car tuned, 400,000 barrels a day; commuting with an extra passenger once a week, 200,000; keeping tires properly inflated, 200,000; and other ideas. These are things that can have an impact today, not like drilling which will only have an insignificant impact and only in 2030.

These are the things we should be working on aggressively. These are the low-hanging fruit we should be grabbing. Drivers are desperately seeking any measure that they can use to lower prices at the pump. That is why the Bush administration should speed up its rulemaking on a provision in the 2007 energy bill that established fuel efficiency tire labeling. We need a national campaign of public awareness to show consumers how to properly inflate their tires. I am for giving away air pressure gauges at the stations and making sure there is a national education program in place. We can start helping consumers today.

According to tests by the Consumers Union, choosing the right tires and maintaining them with the proper pressure can save consumers about $100

based on today's gas prices. It is critically important we take actions such as this that will help consumers, that will give them some relief.

To me, the debate over drilling highlights a generational change that we actually need in Congress. Americans know it instinctively. They know many of our institutions and safety nets are not working when it comes to this issue.

Think of what a different situation we would be in if we had spent the last 8 years acting more aggressively to build a clean energy future that our country desperately needs. For example, we could have been investing more in plug-in electric hybrid vehicles, which would have had a tremendous impact on oil addiction. The Pacific Northwest National Lab found that our current electricity infrastructure could support an estimated 70 percent of America's passenger vehicle fleet. Seventy percent of our Nation's cars could be supported by today's electricity grid, if we would have gotten plug-in hybrids into the marketplace. Fully utilizing the grid would displace 6.5 million barrels of oil a day, an amount equivalent to 50 percent of what we import, and cut our greenhouse gases by 20 percent. That is the type of policy we should have been pursuing.

Juxtaposed to drilling, the 6.5 million barrels of oil plug-ins could save is basically 32 times the savings of what the proposal for Outer Continental Shelf drilling would be. Obviously, that could have a significant impact.

The study also found that charging a plug-in electric vehicle at the current national electricity rate would cost the equivalent of just $1 a gallon. Instead of paying the fuel prices you are paying today at $4, you would be paying only $1 to plug in your car. A car that gets 100 plus miles per gallon. It would have such an unbelievable impact on the American consumer and the economy and opportunity.

There is a lot more we could have also done in the last 8 years. There is much more we could do now in making sure we extend expiring clean energy tax incentives that will save $20 billion in clean energy investments. I don't think it is too late to get the extender package and have 42,000 megawatts of planned renewable energy projects in 45 States go forward. That is the equivalent of 75 baseload electricity generation stations. I hope we can see progress on that bill.

Passing clean energy incentives will also provide renewable energy that will lessen demand for natural gas, lowering household electricity bills, to say nothing of what New England is facing with the high price of fuel for their homes.

Also under the Baucus extender bill, consumers can utilize $500 in tax incentives for measures that make their homes more efficient. This could lower their home heating bills by 20 percent or more. That is a huge opportunity for us moving forward, if we would only pass the legislation.

I don't know how much time I have remaining.

The PRESIDING OFFICER. There is 6½ minutes remaining on the majority side.

Ms. CANTWELL. I will take a minute or two more.

These solutions I talked about are solutions we can do now. They are near term. If you look at this chart of what options we have for the future, this is what drilling and the moratorium can save us in barrels of oil by 2030, less than a million barrels a day. Here is what efficiency in automobiles and trucks and the measures I described in the last few minutes can do in saving us on energy and oil consumption, over 6 million barrels per day.

We have to get off this 27-year debate and get on to an energy future that will help make America more secure. We must move faster, further past these old energy policies, past convoluted logic and on to an opportunity where the United States can become an energy leader. We know there are countries that are already doing it. Let's make sure we have learned the lessons from our global neighbors about changes they have made. Let's commit to a real energy strategy on renewables. It is something America deserves and something we need to pass as soon as possible.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WEBB. Mr. President, how much time remains?

The PRESIDING OFFICER. There is 5 minutes remaining to the Senator from Virginia for majority time.

Mr. WEBB. I will do my best. I wish to speak for a few minutes today about why I believe it is not only appropriate but important for us to be focusing on the issue of oil market speculation, separate from the larger issues that confront us in our energy policies, as a way to address the most serious problem and the most fixable problem as it relates to the high price of oil and the high price of gas. There are many on the other side who have commented that speculation is not the reason gas prices have gone up so dramatically, that this is simply the free market working. I am reminded that when this Congress voted in October of 2002 to go to war in Iraq, the price of oil was $24 a barrel. It has gone up all the way to $145 a barrel. That is six times the cost of oil when we went into Iraq.

I certainly wouldn't venture that demand has gone up six times in the last 6 years, even if we adjust for the devaluation of the dollar taking place for a lot of reasons, that demand has gone up in those kinds of multiples. I, similar to many on this side of the aisle, would like to see a comprehensive energy package, a comprehensive energy strategy that addresses all our assets and all the assets we can bring to this issue in the future.

This simply is not the right time. You cannot do this with a series of amendments, whether it is for another week or another 2 weeks. You can only do that with another serious consideration of a piece of legislation that addresses all these different areas. I am among those on this side of the aisle who are not opposed to the idea of offshore exploration for oil and natural gas and have joined the senior Senator from Virginia in a proposal to that effect.

I would like to see us go into a more serious development of nuclear power. We have not had a new nuclear power plant built in this country in 30 years. Nuclear power technology has improved. Carbon dioxide emissions from nuclear power plants is benign. It is good for the environment. It would have a dramatic increase in jobs. These are all positives.

I also would like us to explore, in a proper way, alternative energy proposals that have become increasingly popular and increasingly viable over the last 20 years. There has been a lot of attention on wind power over the past few days because of what Mr. T. Boone Pickens has proposed. Solar technology has dramatically increased in its capabilities over the past 10 to 15 years.

I come from a State that produces a lot of coal. I think the answer to coal—which is a national asset in this country in terms of the supply that is available—when it is used under the right circumstances can be environmentally neutral, when we develop the right technologies.

Those are all issues which should be on the table as we approach a full energy strategy in terms of reducing our dependence on foreign oil and becoming more energy independent. But they are simply not the only issues we should be addressing this week.

Why is speculation so important? Quite obviously, because as of the end of 2000, there are people other than users who have been buying oil futures. They have been buying them not for their use, but purely as if they were buying stocks. They are doing this in an environment where there are no regulations in the same sense as there are in other investment areas, the areas that apply to stocks.

As I said, this policy changed in late 2000, and this is when the speculation market began to have these aberrations in it. You can buy oil futures for 3 or 4 percent on margin. We have dramatically more investors than we have users, and there are plenty of estimates available as to how this has affected the market, totally absent from supply and demand.

A whole series of big oil executives have agreed that the oil market has been affected by as much as $60 a barrel because of this type of speculation.

Mr. President, I ask unanimous consent that four of those testimonies be printed in the RECORD at this time, rather than going through them, in the interest of time.

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

EVEN BIG OIL EXECUTIVES AGREE EXCESSIVE SPECULATION HAS DRIVEN UP OIL PRICES

CEO of Royal Dutch Shell Said Fundamentals of the Oil Market Are the Same as When Oil Sold for $60. Jeroen van der Veer, CEO of Royal Dutch Shell said, ''The [oil] fundamentals are no problem. They are the same as they were when oil was selling for $60 a barrel, which is in itself quite a unique phenomenon.'' [Washington Post, 4/11/08]

Marathon Oil CEO Said $100 Oil Isn't Justified By Physical Demand, Blamed High Oil Prices on Speculation in the Futures Market. In October 2007, Marathon Oil CEO Clarence Cazalot Jr. said, ''$100 oil isn't justified by the physical demand in the market. It has to be speculation on the futures market that is fueling this.'' [Detroit Free Press, 10/30/07]

Exxon Mobil Executive Testified Price of Oil Should Be $50-$55 Per Barrel. Exxon Mobil Senior Vice President Stephen Simon told the Senate Judiciary Committee, ''The price of oil should be about $50-$55 per barrel.'' [Senate Judiciary Committee, 4/1/08]

President of the Inland Oil Company Testified Speculation is the Fuel that Is Driving Up Oil Prices. In June, Gerry Ramm, President of the Inland Oil Company on behalf of the Petroleum Marketers Association of America, testified, ''Excessive speculation on energy trading facilities is the fuel that is driving this runaway train in crude oil prices.'' [Senate Commerce, Science and Transportation Committee Hearing, 6/3/08]

Mr. WEBB. The whole point of this is, we need, as a government, to gain control over this process for the benefit of all Americans.

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

Mr. WEBB. Mr. President, I ask unanimous consent for 1 additional minute.

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

Mr. WEBB. Mr. President, I appreciate that.

We need to gain control over this process for the benefit of all Americans, as a necessary, preliminary step before we begin addressing all these other areas I mentioned, as we move toward a more balanced and independent energy future.

This is an area where the potential for immediate impact on the price of oil is available, and it is not only appropriate we address the issue of speculation, in my view, it is absolutely necessary if we are going to bring down, in a reasonable time period, the price of oil and the price that our citizens are paying at the pump.

With that, I yield the floor.

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

The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I ask unanimous consent that speakers on the Republican side be limited to 10 minutes each.

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

Mr. BENNETT. Mr. President, the bill before us today has to do with speculation. Let's talk about speculation for a minute. What is it? It is investment on the basis of assumption or expectations.

There are those who are investing in oil futures because of the expectation that the price of oil will rise. If you want to get speculation under control, you have to change those expectations.

What are the expectations of investors right now with respect to oil? It is their expectation that the price of oil will go up. It is very rational. The only reason they are buying an oil futures contract is they expect the price to go up.

What can we do to change those expectations? Well, let us look at the oil market as a whole and look at it in a historical perspective. The first thing we must remember—and remember all the way through this debate—is this: The oil market is a world market. Oil prices are set by world supply and by world demand. It is not a market that is limited to the shores of the United States of America.

So what has been going on in the oil market? Over the last 10 years, available sources of supply—that is, reasonable sources that could be producing oil relatively quickly—have been growing but very slowly. I have tried to get absolutely authoritative figures.

I have been unable to come up with exact ones. But there is a consensus that available production capacity has been growing over the last 10 years at the rate of about 1 percent per year. What we do know is, over the last 10 years, worldwide demand has been growing at 2.5 percent per year. Oil demand now is roughly 25 percent greater than it was just 10 years ago.

It does not take a mathematical genius to put these two numbers together and recognize that if the available sources of supply are growing at only about 1 percent per year, and demand is growing at 2.5 percent per year, the time will come when the safety margin between available supply and worldwide demand will be very small.

We have reached that time now. We have reached the time where the safety margin between available supply and worldwide demand is so small that any one single incident anywhere in the world can immediately trigger expectations that the price of oil is going to go up. Whether it is domestic difficulty in Nigeria or political activity in Venezuela, the price of oil goes up when an event comes along that indicates there might be a hiccup in available oil supply. This is perfectly rational. It is not an act of manipulation on anybody's part. It is simply a logical expectation.

Now, at one time in our history America could determine what the world price of oil would be. The Texas Railroad Commission could determine what the available productive capacity would be simply by permitting a few additional wells in east Texas. Every time there was a concern that there would not be enough oil, the Texas Railroad Commission would permit more wells. People would look at the safety net between available production and demand and say that it is high enough for us to keep the price of oil close to the cost of producing. For years and years and years, the price of oil was around $7, $8, $9, $10 a barrel because that is what it cost to produce, and the safety margin between the available source of supply and demand was very large.

Sometime in the 1970s, that power left our shores. It went from America over to the Middle East, and the Saudi royal family replaced the Texas Railroad Commission as the agency that could determine the price of oil. They would either increase production or lower production, and they found they could control the world price of oil by what they did to the safety margin.

But as the safety margin has shrunk, now even the Saudi royal family cannot control the price of oil. There are Members of this body who have written President Bush asking him to go to the Saudis with a tin cup and beg them to increase that safety margin in the hope it will bring down gas prices. That is not the long-term solution to this problem.

What I want to do, what Republicans want to do, is get America back in the game and bring the pricing power back on American shores by finding more and using less oil. We can do this because we have, within our continental boundaries, the ability to increase that safety margin. The Gas Price Reduction Act talks about it in two obvious areas.

The first one is oil development in the Outer Continental Shelf. This could produce enough oil to increase the safety margin by a million barrels a day originally, and it could go up significantly from there. This would change the expectation, if you are focusing on speculators. Right now, 85 percent of our Outer Continental Shelf is off-limits by virtue of an executive branch moratorium that was placed on it over 25 years ago.

President Bush has lifted that moratorium and the markets reacted immediately and the price of oil fell dramatically—not because the oil was immediately available but because the expectation was changed. Now it is up to Congress to lift the congressional moratorium on the Outer Continental Shelf and make sure the expectation is fulfilled.

The second area where we can find more oil is in oil shale, an abundant resource located in my home State of Utah. There are people who say, ''Oh, the technology is expensive. The technology does not work.'' Oil shale is producing oil in other countries today. It is time we allowed oil shale to produce oil in the United States. And how much? There is three times as much oil in the oil shale in my State, Colorado, and Wyoming than there is in all of Saudi Arabia. We have not gotten to it because it is all on public lands, and we have been prevented from going on to that.

There is now a moratorium in the law that prevents the Department of the Interior from even writing the final

rules under which exploration for oil shale can take place and bids under which the oil shale for leases can go forward. The Department of the Interior has now issued a draft of what the rules will be if that moratorium is lifted. In the Gas Price Reduction Act, we call for that moratorium to be lifted.

As soon as the moratorium is lifted, what will happen to the speculators? Expectations will change, and they will understand that America is serious about getting back in the game and bringing the pricing power back onto American shores and away from the Saudi royal family.

Now, there has been discussion here about the other aspects of the Gas Price Reduction Act: hybrid cars, plug-in hybrids. I have been driving a hybrid car for 8 years. I know what it is like to drive a car that gets 55 miles to the gallon. I understand how important that is. That is why it is in the Gas Price Reduction Act.

I have already addressed the question of speculation. What we need to do—and it is in the Gas Price Reduction Act—is increase the number of accountants at the Commodity Futures Trading Commission so we can make sure, if there is real market manipulation going on, it can be discovered and dealt with. But only going after speculators is not the way to get the price of oil down. I agree with Warren Buffett, perhaps the Nation's richest Democrat, who says all this talk about speculation being the problem is nonsense. The problem is supply and demand.

The Gas Price Reduction Act is the logical way to deal with supply and demand, get America back in the game, change the expectations, and bring down the price of oil.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The junior Senator from Louisiana is recognized.

Mr. VITTER. Mr. President, I ask the Chair to indicate when I have used 8 minutes.

The PRESIDING OFFICER. The Senator will be notified.

Mr. VITTER. I thank you the Chair.

I am very glad we are finally taking significant time on the floor of the Senate to debate and hopefully to act on the single most important challenge facing American families, and that is gasoline prices and energy. I have been urging all of us in the Senate to do this for some time, and finally we are on that key topic.

Let me restate the obvious: This is the top challenge facing American families across our country, certainly including Louisiana. This is the core of everyone's uncertainty and concerns about our economic future. To get to the heart of the matter, this is what hits people in the pocketbooks every week because they gas up every week. They go to the gas station. They need gas to get to work. They want to be able to take family vacations during the summer. This hits everybody where it hurts: in the family pocketbook.

That is why it is crucial we attack this problem head on. That is why I am hopeful we are going to act in a meaningful, broad-based way here on the Senate floor. I urge all of my colleagues—Democrats and Republicans—to come together to bring every good idea they have related to gasoline prices and energy to this debate so we can act in a broad-based and meaningful way; not just talk and not just debate and certainly not just point fingers and be partisan but come together and act for the good of the American people. The American people are hurting. They are jolted by the dramatic rise in gasoline prices and they want us to act.

It is also in the best traditions of the Senate that we have open and full debate and an open and full amendment process. I urge all of us—again, Democrats and Republicans—to come together and demand and rally around the concept of the best tradition of the Senate being an open and full debate and amendment process. The American people want this because they not only understand this is the greatest challenge facing their families, they also understand there is no single answer. There is no silver bullet. There is no magic wand. We need to do a number of things, and we need to do them now. In fact, we needed to do them yesterday—last year, 10 years ago—but certainly at this point we need to act now. We need to act on a number of fronts.

The majority leader's bill on the floor is a narrowly drafted bill about speculation on oil and energy in the marketplace. I certainly support addressing that, among other issues, as we try to stabilize and bring down gasoline and energy prices. Again, the American people get it. They understand there is no easy or single answer. There is no magic wand or silver bullet. We need to do a number of things, both on the demand side and the supply side. We need to use less and we need to find more right here at home.

Today I am filing seven amendments for consideration and votes in this debate. We need to do a number of things that are significant to help stabilize the price of gasoline, to help develop a rational energy policy, and we need to act both on the demand side and the supply side. We need to use less and we need to find more right here at home.

Let me speak about exactly what those amendments are. My first amendment would increase domestic production of oil and gas offshore as well as develop alternative energy sources offshore. It is based on a free-standing bill I introduced several weeks ago, the ENOUGH Act—the Energy Needed Offshore Under Gas Hikes Act. It allows for increased domestic production of oil and gas in the Outer Continental Shelf when a particular State's Governor, with the concurrence of the State legislature, petitions the Federal Government for this activity. It would also provide an incentive for States to do that by offering revenue-sharing. Specifically, while 45 percent of the royalties on that production would still go to the Federal Treasury, 37.5 percent would go to the producing State involved, 12.5 percent would go to the Federal Land and Water Conservation fund, which I strongly support, and 5 percent would go to historically producing States which have produced for 50 years or more and never got revenuesharing for all of that commitment to meeting the Nation's energy needs.

This amendment is not only about producing more; it is also about alternatives. In addition, this amendment develops alternative energy offshore by establishing a grant program for offshore alternative energy production, by converting existing offshore energy infrastructure into alternative production facilities—for instance, turning old lease areas into new offshore wind farms—and for allowing revenuesharing in that alternative energy production offshore as well. I urge my colleagues to look favorably on this positive amendment.

My second of seven amendments would flat out repeal the present congressional moratorium on activity in the Outer Continental Shelf. Last week, President Bush took a very positive and necessary step forward. He lifted the existing Executive moratorium that had been in place for the Outer Continental Shelf. However, as we all know, there is a congressional moratorium at the same time, so his action wasn't good enough to allow us to develop those resources. My amendment, my second amendment No. 5090, would lift the existing congressional moratorium. It too includes developing alternative energy offshore—that package of proposals I enumerated—to develop new, clean, alternative energy sources offshore.

My third amendment is somewhat akin to the second amendment which lifts the congressional moratorium on the OCS. My third amendment would lift the present congressional moratorium on shale production in the West. As we all know, Congress placed a moratorium on final regulations for the development of oil shale in the western United States. That puts to a halt all of that positive productive activity that could lead to major energy finds in the western United States on land—oil coming out of that western shale.

The PRESIDING OFFICER. The Senator from Louisiana has consumed 8 minutes.

Mr. VITTER. I thank you the Chair.

It is very important that we lift that counterproductive congressional moratorium and move forward with regard to western shale. There are enormous energy resources there. We need to tap those. To do that, the first step we need to take is lifting that current congressional moratorium on all of that activity.

My fourth amendment is to develop alternative energy offshore—that package of proposals I mentioned a few minutes ago which is also part of the first three amendments.

My fifth amendment is to streamline the permitting process so we can expand refinery capacity. We would start with existing refineries which have the ability to expand. As we all know, we need to find more energy here at home, but we also have a refinery capacity issue and we need to address both sides of that coin. So it is crucial we streamline the permitting process for refineries right here at home. It is far too cumbersome and uncertain and complicated. My fifth amendment would allow us to expand refinery capacity here at home in a way we sorely need to do.

Finally, my final amendment would streamline the permitting for offshore leases. Excuse me. That is No. 6, to streamline the permitting process for offshore leases, which also is far too cumbersome and complicated and takes far too long, to allow producers and developers to get in the field and actually produce energy from those offshore leases.

My seventh and final amendment would change the seaward boundaries for the Gulf States of Louisiana, Mississippi, and Alabama.

Mr. President, I ask unanimous consent for 1 additional minute.

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

Mr. VITTER. I thank the Chair.

Under current law, Florida and Texas have State waters for 9 miles from their coastline, but in stark contrast to that, Louisiana, Mississippi, and Alabama's State waters are only the first 3 miles from their coasts. This is grossly unfair. In addition, expanding the State waters of Louisiana, Mississippi, and Alabama to match their neighbors to the west and the east—Texas and Florida—would help promote more production in the gulf because it is a far easier, less cumbersome process to produce, get permitting, and move forward on State waters than on Federal lands.

With that in mind, I certainly hope we can have the full, open debate and open amendment process to consider these and other good ideas.

In that vein, I ask unanimous consent that when the Senate proceeds to S. 3248, it be limited to energy-related amendments only; further, that the amendments be offered in an alternating fashion between the two sides. I further ask unanimous consent that the bill remain the pending business to the exclusion of all other business other than privileged matters and other matters that the two leaders might agree upon.

The PRESIDING OFFICER. In my capacity as a Senator from Ohio, I object.

The senior Senator from Wyoming is recognized.

Mr. ENZI. I thank the Chair.

I rise today to also discuss the No. 1 issue that is facing our Nation. That issue is the rising price of energy. Everyone out there whom this affects knows who they are: It is anyone who rides or drives or eats. While I am glad the Senate is finally considering energy legislation, I am disappointed by the scope of that legislation. I hear from my constituents each and every day that the Senate needs to do something about energy prices. I couldn't agree more. We need to put aside partisan politics in order to pass legislation that will address the energy situation we are facing.

Today, the Senate is considering S. 3268, the energy speculators bill. This bill is kind of like a hearty meal of meat, bread, and potatoes but without the meat—oh, and without the bread—and it doesn't really have potatoes in it either. This bill deals only with the issue of oil speculation. It does not deal with the issue of supply and demand. It does not deal with the need to encourage conservation. It does not deal with the extension of important tax credits to promote renewable energy.

Instead, the bill seeks to extend the long arm of the law to reach out and strike down those ''speculators'' who are supposedly driving the price of oil faster and higher than a rocket ship. I ask my colleagues now, why would we in the Senate want to strike down teachers, civil servants, and farmers? The bill does not recognize that that is who the so-called speculators are. Speculators are oftentimes pension fund investors who protect the retirement of teachers and civil servants. The ''evil'' speculators are American farmers who want to save money on their supplies and fertilizer and on airlines that want to cut fuel costs by locking in a price that will make the customer's plane tickets cheaper.

This legislation does not recognize that futures markets and the investors who trade in them are crucial to getting the best price for the product and attracting investment in the United States. Cities such as Dubai and countries such as India and China are the places that will benefit from this bill. They would benefit because many of the jobs that would be in New York or Chicago—jobs that are currently American—would no longer be.

I am the ranking member of the Senate committee that handles pensions, so let's get back to the people who have pensions and how this bill impacts them. These people are the employees of most of our largest companies and include airline, trucking, automotive, manufacturing, education, and public civil servant employees. This bill would hurt them. I am alarmed the bill could declare portions of our financial markets off limits to institutional investors, including pension funds, endowments, and foundations.

Laws we have passed say that pension money should be vested in a prudent manner. We in Congress have long insisted pension plans diversify their assets so they don't have ''all their eggs in one basket.'' However, if we start down the slippery slope the majority leader has set before us in his bill, then we will limit the ability of pension plans and other institutional investors to diversify their investment strategies. This bill takes away baskets that they could put their eggs in. If the pension plans are prudently invested and well-managed, there is no reason they should be barred from any segment of the commodities, futures, or capital markets.

The majority contends that this legislation will bring down the price of gas. Let's see, this bill will not result in the production of any more gas, nor will it result in any less demand for gas.

I tend to agree that many of the Nation's brightest minds who suggest that ''speculators'' have little to do with the increase in energy prices are right.

Warren Buffett, the Nation's wealthiest Democrat, does not believe speculators are the cause. T. Boone Pickens, who has been in the news for his efforts to end our Nation's dependence on foreign oil and who addressed Democrats at their weekly caucus lunch, has said that speculators play a minimal role. Federal Reserve Chairman Ben Bernanke made his views clear at a hearing before the Senate Banking Committee on July 15 when he stated:

> If financial speculation were pushing oil prices above the levels consistent with the fundamentals of supply and demand, we would expect inventories of crude oil and petroleum products to increase as supply rose and demand fell. But in fact, available data on oil inventories show notable declines over the past year.

Bernanke continued:

> This is not to say that useful steps could not be taken to improve the transparency and functioning of futures markets, only that such steps are unlikely to substantially affect the prices of oil or other commodities in the longer term.

Chairman Bernanke's statement should provide us with a starting point for any legislation, and I am a cosponsor of legislation that begins the process of having a sensible energy policy. The Gas Price Reduction Act addresses the need for more transparency in our markets and more oversight by the Commodities Futures Trading Commission. However, that is not the focus of the legislation. While the transparency is important, the larger problem we face is a lack of supply and an increase in demand. The majority leader's bill is like the novel an unwise motorist reads while driving down the highway. The novel is the wrong focus and while you pay attention to that you could get sideswiped by something you should be paying attention to—in our case, no supply and a whole lot of demand.

We need to find more American oil from American soil at the same time that we use less, and we need to look at alternative fuels.

The Gas Price Reduction Act includes provisions to open coastal waters in States that want energy production. It ends the ban on the development of promising oil shale in Wyoming, Colorado, and Utah. At the same time, it encourages increases in supply. It promotes the development of better technology so that we use less energy, and it explores alternative sources. The supply and demands issues are not addressed in the majority leader's oil speculation bill.

The majority leader's bill also ignores the important role that coal can play in securing America's energy future. It ignores the need to streamline the process for permitting new refineries. It ignores the need to increase the use of nuclear as a clean energy source.

You will notice that a lot of these things are also not in the Republican bill that I mentioned. That bill is a compilation of items that everybody here ought to be able to support. The items that have been controversial have been left out. We can use my 80/20 rule. We can agree on 80 percent of the issues 80 percent of the time. If we stick to that and leave the rest to the pundits, it will work out well. Sometimes we try to do things that are too comprehensive because one amendment will pull off 3 votes and another one might pull off 10 votes and another might pull off 15 votes. Then you don't have a majority to pass a bill. I am not sure that is what the other side is hoping for.

I hope we can keep this simple and get something done—something besides just speculation. I hope we are able to have an open debate over the next 2 weeks. I hope we are allowed to offer energy amendments and have up-or-down votes. If we can have that real debate, I am confident the Senate can come up with a package that could be signed into law, and both sides will get credit. Believe it or not, I actually agree with the majority party on some steps that would help to make this country more energy independent. Wind tax credits are one example. But restricting Senators' participation, stopping them from representing those who put them in office, is not going to get us any further than an empty tank of gas. That is what this bill will do in its current form.

The PRESIDING OFFICER (Mr. MENENDEZ). The time of the Senator has expired.

Mr. ENZI. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. BROWN. Mr. President, today gas costs $4.09 in Bellefontaine, OH. In Conneaut, it is $4.05 a gallon. In Galion—not far from where I grew up in Mansfield—gas costs $4.04 a gallon. In southern Ohio, in New Boston, on the Ohio River, gas costs $4.06 a gallon.

Instead of helping the residents of those communities and in other States around the country, my Republican colleagues are asking for another handout for Exxon, Shell, BP, and Chevron. The last thing oil companies need is a handout. They don't need more drilling permits on top of the unused permits they already have. What big oil does need is to revisit their business strategy because if they think complaining about the need for more drilling permits and getting my friends on the other side of the aisle to do their bidding and having a President of the United States and a Vice President—two oilmen—siding with them time after time—if they think that will win over the hearts and minds of the American people, they have another thing coming. The people I report to don't like opportunists, they don't like snake oil salesmen, and they don't like unbridled greed.

Big oil has 68 million acres, directly or indirectly, of leased Federal lands they are not even drilling. That is 2.5 times the size of my State of Ohio. But somehow, to big oil, that isn't enough. Somehow, record profits aren't enough. Somehow, big oil executives making tens of millions of dollars every year isn't enough. Big oil wants the right to drill everywhere and anywhere so they can attract more shareholders and make more money. Perhaps that is understandable. What is not understandable is people who are elected to office doing bidding for them. Oil companies should use the lands that are already leased, and they should reinvest in refineries and alternative fuels—not lobby for another land grab.

Republicans back the oil companies up, parroting them on the need for more drilling. I suppose it is nice to have friends in the oil industry. But we are not in Congress to make friends with the oil industry. We are not in Congress to do the oil industry's bidding. We are in Congress because Americans put us here, and they deserve real answers, real solutions.

Talking about drilling is a lot easier than doing real work. It is easier than tracking down the most promising avenues in alternative energy and accelerating their development. It is easier than opening the stockpile of U.S. oil and demanding real accountability from oil companies. And it is easier than taking on the speculators—as the majority leader's bill does today—who are making handshake deals that push prices higher and higher.

Going after the speculators is what this bill we are debating today is about. It would go after unscrupulous, unregulated traders. It would crack down on underhanded price manipulation so we can pop the energy price balloon.

Instead of cuddling up to the energy industry and specialty oil companies, we should go after price gouging, price manipulation, and price speculation. The White House may report to big oil, but we don't. Some in the other party, in both the Senate and House, may do the bidding of big oil too, but we should not and cannot, and we won't.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SALAZAR. Mr. President, I come to the floor this afternoon to speak about the myth about oil shale and what some people have been talking about on the floor of the Senate and around the country is a quick fix to the oil challenges we face in America today, a quick fix to the high prices of gas and diesel we are paying across the country, and offering oil shale as the panacea that will cure that problem.

The fact is that is not the case. Those who are propounding that view of our future energy world, in my view, are false prophets because they are not telling the American people the truth about oil shale.

I am concerned and involved with this issue because of the fact that 80 percent of the oil shale reserves are located in my State of Colorado. We are not at a point in time where the technology has been developed for us to move forward in the development of oil shale. So anyone who says this is a panacea to the oil challenges we face in America today is simply wrong.

The oil companies themselves have said we are not ready to move forward with a commercial oil shale leasing program at this point in time. Chevron, one of the largest oil companies in the world, had the following to say:

> Chevron believes that a full-scale commercial leasing program should not proceed at this time without clear demonstration of commercial technologies.

That was March 20, 2008. That is what Chevron is saying. Yet notwithstanding what Chevron says about oil shale and development of oil shale technology, we have the Department of the Interior, the White House, and the Bureau of Land Management saying we have to move full speed ahead and rush forward with the issuing of these oil shale regulations which essentially will lock up close to 1 million acres of lands across the West, most of that in my State of Colorado, and doing it without knowing whether we have the technology to develop oil shale.

I suggest to my colleagues that as we engage in this debate concerning the high price of gas and our addiction to foreign oil that we come together in a bipartisan way and focus on solutions that ultimately will get rid of the addiction we have to foreign oil and that we embark on a Manhattan-type project that will actually get us to the point where we can finally claim we have set America free.

There is broad bipartisan agreement on real solutions that we know work. In fact, in the Energy Committee, on which the Presiding Officer has been

such a distinguished and effective member, we know we have come up with solutions that we need to continue to push and push further.

If we think back to what we did in 2005, 2006, and 2007 to increase supply, we have also done a lot to diminish the demand for oil in the United States of America. The CAFE standards alone, which we passed and which the President signed into law last December 2007, will save the United States about 1.2 million barrels of oil per day. We use about 20 million barrels of oil per day in America. The CAFE standards we have put in place will save us 1.2 million barrels per day. That was accomplished in a bipartisan spirit, Republicans and Democrats working together in this Congress.

With respect to biofuels, an agenda which also is neither a Democratic nor Republican agenda, we have a law now in place that will embrace a new energy frontier that includes biofuels. It is not only ethanol, it is cellulosic ethanol and other forms of biofuels we can use. We know when we do the estimates of how much oil we will save by use of biofuels, we will be able to save up to 1.6 million barrels a day that we will not have to import from the Middle East and other countries that have the world's oil reserves.

There are things we have done that we know, in fact, will work. This morning in the Energy Committee, we had a hearing on some of the things that can work. We had a memorandum prepared by the staff of the Energy Committee in which they reviewed some of what we have already done, starting with the 2005 act. They included the following:

Section 701, use of alternative fuels by dual-fueled flex vehicles. That is the Flex Fuel Program. Review of the fuel/hybrid vehicle commercialization initiative; advanced vehicles; fuel cell transit bus demonstration; clean schoolbus program; diesel truck retrofit and fleet modernization program; fuel cell schoolbuses; railroad efficiency; reduction of engine idling.

Each of those is a different section in the 2005 Energy Policy Act which passed under the leadership of Senator DOMENICI and Senator BINGAMAN, and with many of us on both sides of the aisle a part of crafting it.

It goes on. Ultra-efficient engine technology for aircraft; enforcement of the fuel economy standards; Federal procurement of stationary, portable, and micro fuel cells; diesel emissions reduction authorizations; renewable content of gasoline, and on and on.

There are major provisions enacted into law which are good policy which will help start getting us off this addiction we have to foreign oil.

We continued in that fashion in 2006 when, again, a bipartisan group of Senators came together and decided to open part of the gulf coast with lease sale 181. That opened about 8 million acres for exploration and production in the gulf coast, a place where we know we have some of the largest reserves that are under the control of the United States.

We have been pushing programs that embrace a new energy frontier, as well as trying to put more production online here for the United States of America.

It is very important to think about what happened not so long ago, at the end of last year with the Energy Independence and Security Act of 2007. We passed a series of programs that are intended to help us get to energy independence. Chief among them was CAFE standards which were so long in coming and which had been neglected for such a long time. Those CAFE standards, when implemented, will save, as I said earlier, over 1 million barrels of oil a day that we will not have to import from other countries.

Those are the kinds of efforts on which we can come together. We can find a new way for America that will deal with the inescapable forces of our time that call us to move forward in an imperative way toward energy independence. Those inescapable forces that are with us today are the national security of the United States of America, the environmental security of our globe, and the economic opportunity which we can create at home with a new energy agenda.

That is the kind of program we ought to be getting to today and this week as we try to move forward with energy legislation in the Senate.

But there are those who would say, again, it is all about oil shale, that what we ought to do is go ahead and open the OCS, including those areas where there are moratoria. They say we ought to go ahead and take the 1 trillion barrels or 800 billion barrels of oil that are locked up in the rock of the West. And they say we ought to do that to deal with the current problem we have.

I am one of those people who is pro-production, and we do have a lot of production that comes from my State. In fact, in the last 5 years, the production of oil and natural gas in my State has increased more than twofold, so we are adding significantly to the pipelines that produce energy for our Nation. But oil shale is not the answer. Chevron said they do not believe we are ready for commercial regulations for oil shale. They were joined by some of the major newspapers in both Colorado and Utah, Colorado being the place where most of the oil reserves are.

The Denver Post said:

> Developing oil shale has been a dream since the early 20th century. But careful planning is needed to make sure the dream doesn't turn into a nightmare.

In recent days, some politicians loudly demanded the immediate leasing of massive oil shale reserves in Colorado, Wyoming, and Utah as a way to swiftly lower gasoline prices.

The Denver Post says:

> The idea is ludicrous, and goes directly against the advice of the very energy companies that are actively researching how to tap the enormous but economically elusive oil shale reserves.

They were not alone. The Grand Junction Sentinel, which covers 20 counties, had the following to say:

> The notion that the one-year moratorium on commercial leasing approved by Congress last year is somehow a barrier to commercial development is nonsense. If anything, that moratorium should be extended.

One might say that is what the oil companies said and one might say that is what the editorial boards of Colorado said, where 80 percent of the oil shale reserves are located.

What do the Department of the Interior and the Bureau of Land Management have to say with respect to how we move forward with oil shale development? Yesterday, the Bureau of Land Management and the Secretary of the Department of the Interior said we are going to go ahead and issue regulations that will allow the full-scale commercialization and development of oil shale in the West.

What is included in the report that the Department of the Interior and the Bureau of Land Management issued? In their own words, this is what the BLM said yesterday in issuing the report on commercial regulations:

> Currently, there is no oil shale industry and the oil shale extractive technology is still in its rudimentary stages.

It ''is still in its rudimentary stages.'' It baffles my mind why it is that the Bush administration and the Department of the Interior would want to move forward as fast as they can to get this done before the election and a new administration. Why would they want to do that? Why would they want to do that given their own findings in the Department of the Interior?

That is not all they said. They continued in their own report concerning commercial oil shale regulations to say the following:

> The lack of a domestic oil shale industry makes it speculative to project the demand for oil shale leases, the technical capability to develop the resource, and the economics of producing shale oil.

So with that kind of a statement, how is it that the Department of Interior, Bureau of Land Management, can be in a place where they can issue finalized regulations for the leasing of oil shale for commercial production?

The BLM, again in its own words—this is not an editorial board, it is not even one of the oil companies, this is the Department of the Interior, Bureau of Land Management in its own findings saying:

> It is not presently known how much surface water will be needed to support future development of an oil shale industry. Depending on the need, there could be a noticeable reduction in local agricultural production and use.

I wish to make a comment about that. I spent good part of my life dealing with the water issues of the West—the water issues of Colorado, the interstate compacts that deal with the allocation of water in the West—and there

is no question that for those of us who come from the arid West, we recognize that water is the lifeblood of our communities. Without water, communities die. They dry up and they go away. We are a water-short State. We don't know how much water will be used in the development of the oil shale of western Colorado. The BLM says we don't know how much water will be used in the development of oil shale in western Colorado. So how, without knowing this very crucial fact, can the Department of the Interior and the Bureau of Land Management be ready to move forward with a full-scale commercial leasing program for oil shale? It makes no sense in the world.

That is not all they say. They continue with some other comments. Again, this is the Bureau of Land Management, July 22, 2008. That was yesterday, by the way, when the BLM went ahead and issued its proposed regulations. In the documents, July 22, 2008, the BLM says:

> We have no reasonable way to generate meaningful scenarios to quantify the potential impacts for an industry that does not exist or technologies that have not been deployed.

This is not the Denver Post or the Rocky Mountain News or the Grand Junction Sentinel or even the likes of the Salt Lake City Tribune. These are not the words of the Chevron Oil company. These are the words of the Department of the Interior, Bureau of Land Management. Yet notwithstanding these realities, we have a number of people who are telling us to rush headlong and develop the shale of the West.

If you look at that shale, what you will find is rock. It is solid rock. That is why, for nearly 100 years, people have been trying to figure out how they can extract the oil from that rock. It is a lot more difficult than it seems. That is why this sense that oil shale development is something that can help deal with the gasoline prices we are facing today is simply a falsehood.

I would hope, as we move forward with the debate over our energy future in this country, we can address real solutions—the problem with speculation, which experts tell us accounts for 20 to 50 percent of the price we are now paying for a barrel of oil. We can address the issue of speculation that is included in legislation the Republicans have offered in their amendment and the legislation Senator REID has on the floor, and there are other proposals we can also include in an energy package, including being much more aggressive in those issues we have included in the 2005 Energy Policy Act, as well as in the 2007 Energy Act we passed.

So I hope as we move forward, we will offer real solutions, not false solutions. I believe we have a bipartisan basis from which we can develop that way forward in the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, is this the beginning of the Republican time?

The PRESIDING OFFICER. There is 1½ minutes remaining on the Democratic side, but it does not appear it is presently being asked for, so the Senator is recognized.

Mrs. HUTCHISON. Mr. President, am I correct that the next 30 minutes is Republican time?

The PRESIDING OFFICER. The Senator is correct.

Mrs. HUTCHISON. Mr. President, I rise to speak because I think the Senate has a duty. We have a duty to the American people to take positive, logical, decisive action to deal with the energy crisis we are facing. Since control of Congress changed hands last year, the price of gasoline has soared from an average of $2.33 a gallon to $4.06 a gallon. That is a 75-percent increase.

In my State of Texas, my husband took our van to fill it this weekend and he came home with sticker shock, similar to every husband or wife in every family in this country. It is $100 to fill a tank in many places in our country. So the American people have a right to look to Congress for leadership, but what have they gotten in response? The bill that is before us today does not reduce a single drop of oil, not a cubic foot of natural gas, and not a single watt of electricity. There is nothing in this bill before us that will address the issue of producing more and using less.

What we have is addressing one very small portion of what might be a part of the problem, and that is speculators. We should be looking at speculators, I agree. We all support transparency in speculation. But we have an energy bill and an opportunity on the floor today. Why don't we open this bill so we actually are doing something about the price of energy? The long-term solution is the short-term solution. Bringing down the price of oil and gas at the pump is a long-term solution that will have short-term consequences that will help every American small business and every family in this country.

We could be looking at conservation. We have already done something in the last Energy bill we passed. We increased CAFE standards to 35 miles per gallon by the year 2020. That is conservation, and it will make a big difference. We have time to get to that point. We have included in the Gas Price Reduction Act that the Republicans put forward a provision that will help America's transportation sector transition into advanced hybrid and electric vehicle technology more quickly.

But what is missing? What have we not addressed that would make a difference? Increased production, that is what. By refusing to pass any bill that would produce more energy inside our country, we are left to wonder: Do our colleagues want to bring down cost? Do they understand the plight of the American people? Or is it an exercise to deal with something that is very much on the fringes and which is not going to make a consequential difference and certainly not a long-term solution.

Does anyone think Congress can take an action on a speculation bill and say: Oh good, we have done something for the American people? The Republicans do not believe that is the case. Here is what Republicans want to do: We want to apply common sense and expand access to drilling on the Outer Continental Shelf.

According to the Minerals Management Service, the OCS—the Outer Continental Shelf—could produce 14 billion barrels of oil and 55 trillion cubic feet of gas. Advances in technology have made it possible to conduct oil exploration in the Outer Continental Shelf that is out of sight of tourists, and it protects against oil spills. States should have the option of opening the OCS resources off their own shores, and the Federal Government should allow States to have a share in the leasing revenues.

State leaders in Virginia, North Carolina, South Carolina, and Georgia have expressed support for this concept. Why won't Congress give it to them? Because we are being blocked by the Democratic majority, I am sad to say. We can do this, and we can do it right now. There are four provisions that prevent us from using those resources. All we have to do is delete that moratorium that has been put in place by Congress. The President has asked Congress to do this, and we could move forward.

I was disappointed yesterday to learn that the Senate Appropriations Committee canceled the markup on the bill that was scheduled to be marked up tomorrow, the Interior Appropriations bill, and it appears the reason is that last week, Senator DOMENICI, Senator BOND, and myself announced we would have an amendment that would strike the congressional moratorium on Outer Continental Shelf options for States. The markup on an Appropriations bill for the Department of the Interior was canceled because they didn't want to vote on an amendment that would open the Outer Continental Shelf based on a State option.

The initiative also would tap the potential of oil shale. Now, I heard the Senator from Colorado say we shouldn't be acting because we don't know enough yet. The other Senator from Colorado says: Yes, we should act because we know there is shale in Colorado, Utah, and Wyoming that is controlled by the Federal Government, and the estimates by the experts are there is 800 billion barrels of recoverable oil, which would be three times the reserves of Saudi Arabia. Again, the President has called on Congress to lift the moratorium. If we don't take the first step, we will never know. We will never know how much is there, and we will not be able to start the process of increasing supply so the price will come down.

For those who say we can't drill our way out of the energy problem, I agree. We can't drill our way out of it. But drilling should be part of the solution. The oil and gas we have in places such as the OCS can be used as a bridge to cross into the next generation of energy technologies, including solar power, wind, and nuclear power. The American people see this. Thank goodness the American people have the common sense to see through the argument it will take too long to do it; that we shouldn't be looking at our own natural resources, that we should be ranting about other countries not using their natural resources for our benefit.

We should take control of our own resources and we should solve this problem the way Americans have always solved the problems of our country over the last 200 years and that is to look to ourselves—look to our natural resources, which are abundant, let's use technology, let's use our brains, let's use solar, wind, and the new energies we know can be found if we put our minds to it—and oil and natural gas are the first step. They are the transition. They are what we know now, and we know we can do this in an environmentally safe way.

Some question: Well, what about the environmental impact of drilling offshore? We had one of the worst hurricanes, with the worst damage aftermath in the history of our country—Katrina—in 2005, which was followed immediately by Hurricane Rita, and it struck the gulf coast hard. We have oil rigs in the gulf coast. Yet there was not one major spill. There was no damage to the environment. The technology has improved so much for offshore drilling, that we know we can do it and protect our environment and also help our people, our economy, and our national security by controlling our own energy supply and destiny.

Our country will spend hundreds of billions of dollars this year to import energy from foreign countries, many of which do not wish us well and could shut us off in a moment. Those dollars should be spent right here in America, giving jobs to Americans and giving an energy supply to American small businesses and families that will bring the price down. That is what the Republicans are offering.

It is time for Congress to act in a bipartisan way with a policy that is balanced, that will give us a transition into the next generation of energy. We have the chance. I implore the majority to give us that opportunity.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. WICKER. Mr. President, I ask unanimous consent that Senator COCHRAN and I be permitted to use 10 minutes to enter into a colloquy.

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

Mr. WICKER. Mr. President, in the next few days and weeks, the Senate has an opportunity to engage in real bipartisanship. We have a chance to adopt pragmatic solutions in the 25 or so remaining days we have in session this year. We can adopt concrete steps to address what many regard as the greatest energy crisis of our lifetime. I see an opportunity for Congress to act now to bring an end to the pain Americans are feeling each time they go to the pump.

As a Senator from Mississippi, I can tell you as I travel around my State, as I have town meetings and as I talk to people on the phone and engage them in any way a legislator does, that the No. 1 issue among my constituents is the ever increasing price of gasoline. We have some urban areas in Mississippi but not many. We have some suburbs, but we are mostly small towns and rural areas. We do not have the option of using public transportation. We know it is not possible for the farmers in Mississippi to park their farm equipment if they are going to try to stay in business.

Skyrocketing gas prices are hitting American families and communities and they are also hitting our government agencies. Police departments, fire departments, schools, and even our military are being squeezed by the high price of fuel. Yes, the price of fuel and our reliance on foreign sources even constitute a threat to our national security because of the effect they are having on our military. We are reaching closer and closer to a true emergency situation and it is past time for real legislative accomplishments. What the people of the United States need and what our Nation deserves is a comprehensive long-term plan for domestic exploration, conservation, and the introduction of renewable and alternative fuels into the energy marketplace. That is why I hope we can have an open amendment process on this legislation, to allow open debate in the Senate about this.

The average price of gas in my home State of Mississippi is currently between $3.80 and $3.90 per gallon. Only a year ago it was $1 less. Many people do not understand why these prices have risen so dramatically. There is a variety of viewpoints but it all comes back to our unwillingness to produce more energy here in the United States.

At this point I yield to my friend from Mississippi, the senior Senator.

The PRESIDING OFFICER. The senior Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, I thank my distinguished colleague for yielding. I am pleased to join him, to thank him for his remarks and his leadership on this pressing concern. The Department of Energy estimates that even with intensive conservation efforts in place and enforced, maintaining our economic growth through 2025 will require a 36-percent increase in energy supply. Unfortunately, over half of the oil we are now using is imported, imported from high-cost foreign sources. As demand rises and domestic supply is not increased to accommodate for our own needs, we will continue to be subject to the prices being set by foreign countries.

This is not only due to increases in demand from developed countries. The increased cost for petroleum is also affected by the demand in emerging economies such as India and China. There are new pressures and new reasons why the cost continues to go up. In fact, between 2008 and 2030 it is expected that in China and India, they will account for 70 percent of the increase in global consumption.

What we are urging is not just to take the shortsighted look, the easy answer the majority party has put before the Senate, but take a bold stance—come out for using more American energy, not from expensive foreign sources. We can develop our offshore resources in the Gulf of Mexico, for example, far from the coastline, and add to our energy supply. That will bring down costs.

We need to do real things. We need to conserve more. We need to look for alternative sources, and there are plans in place and programs to do that. What I am saying is we should not give up. That is what this bill that has been brought before the Senate does. It is a bill to surrender—surrender to the high cost of foreign oil and gas. We do not need to adopt it. There are better alternatives and we are urging that we embrace them.

I appreciate the Senator yielding.

Mr. WICKER. Mr. President, I have long supported the efforts to lift the moratorium on energy exploration in the United States and Alaska's Arctic National Wildlife Refuge, which we commonly refer to as ANWR, and also on the Outer Continental Shelf. A lot of us in Washington, DC use the term ANWR and we bandy it about. I am afraid some people out in grassroots America may not realize what ANWR is. ANWR is an Arctic reserve that is the size of the State of South Carolina. It is a vast frozen area in the very northernmost part of Alaska.

What we have proposed is drilling for oil there in a small area, about the size of the typical metropolitan airport in this vast reserve. Congress sent President Clinton a bill in 1995 to provide for energy exploration in ANWR. We are told that if President Clinton had not vetoed that bill in 1995, we would today be getting the same amount of crude oil from ANWR as we are currently having to import from Saudi Arabia. This would have been American jobs. This would have been American dollars spent here in the United States to make us less energy dependent on foreign and unstable sources.

Last week, President Bush took a major step in moving us toward energy independence when he lifted the Executive ban on offshore drilling. We still have the obstacle of a congressionally mandated ban on offshore drilling, which we ought to be discussing in this

legislation today. We ought to be voting on it in the next 25 legislative days that we have remaining.

The peak of pricing for a barrel of crude oil was $146 per barrel only a few short days ago. Yesterday it closed at $126.80 per barrel. There are experts who will tell you that the confidence injected into the markets by this simple step by President Bush caused a drop of some $19 per barrel in the price of crude oil.

If Congress would take the further step and actually pass the legislation to lift this ban or, more precisely, to allow the moratorium to expire at the end of the fiscal year, I think there would be even more confidence in the market, and the price of crude oil and gasoline would continue to drop.

We also need to eliminate the ban on oil shale. This has been discussed this morning. We have three times the amount of crude oil reserves in three Western States in the form of oil shale, three times the supply as we currently see in Saudi Arabia.

I think lifting the moratorium on offshore drilling, lifting the moratorium on ANWR, and lifting the moratorium on the exploration of oil shale in our own country, are steps we definitely need to take. Every moment we are idle we will be ever more dependent on foreign sources of oil. I think we need to act and act this year.

Again, I toss it back to my friend, the senior Senator from Mississippi.

The PRESIDING OFFICER. The senior Senator from Mississippi.

Mr. COCHRAN. Mr. President, I thank my colleague for yielding again to me. We do not have time to waste. This is the point. We have proposals to utilize more of our own energy. We can do it. We just need to make ourselves realize that is a better answer than pushing the dates farther along when we do nothing, do nothing, say we are doing something but not getting at the problem. Unless we produce more of what we need here at home, we are going to continue to be subject to the decisions being made overseas by those who have the oil, have greater resources than we do. But we have enormous resources in the Arctic National Wildlife Refuge. Technologies have developed to the point we can produce that energy and protect the environment at the same time. We need to gut it up and approve it, approve expanded exploration and production from our own resources.

The Gulf of Mexico has a huge reserve of untapped resources. We need to use that too.

Senate Republicans are not interested in structuring votes designed for failure and designed for political cover. This issue is too important to blame for our collective lack of accomplishment. We now need to address this vital issue. Energy and gas prices should not be politicized and we are not going to walk away and give up on this debate. We are here to stay and fight.

Mr. WICKER. Mr. President, this is an immediate problem and it deserves immediate and comprehensive attention. Last week I sent a letter to Senate leaders, the majority and minority leaders, to say we should not leave Washington for the annual August work period without passing energy legislation that will make a true difference for the American people. There is no more important action that this body should be taking than to address this issue with pragmatic solutions to the problem. This is a critical time and this is an important debate, the most important debate we could have as elected officials.

I am encouraged to hear that there are bipartisan discussions going on even as we speak to adopt solutions on which we can all agree. I know that a bill I would craft might not receive a majority vote in the Senate, but there are common solutions that I believe a majority of us can and must agree on. The time to act is now.

May I ask how much time remains in the 10 minutes that has been allotted?

The PRESIDING OFFICER. The Senator has consumed his 10 minutes.

Mr. WICKER. If I might continue to speak. I see we have no one who has asked to speak at this time. When another speaker arrives, I will be happy to yield at that point.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator may proceed.

Mr. WICKER. As I mentioned in my introductory remarks, this is an economic security issue. But it is also a national security issue.

Last week, the LA Times reported that the Pentagon will spend $16.4 billion on fuel this year—$16.4 billion as compared to $5.2 billion in 2003. The cost of fuel for our national security has gone up that much. This is a major concern for our military. They are having to budget for ongoing missions in Iraq and Afghanistan and all of the areas around the world in which we are engaged.

That same article in the LA Times mentioned another important point about the need to adopt alternative fuel sources, now more than ever. The Air Force, a branch where I served for some 4 years, and longer than that in the Reserve—the Air Force is already researching the use of coal to liquid for its fighter jets.

Their goal is to have half of the planes burning coal-based fuel by the year 2016, a substance which we have an abundance of in the United States of America.

At these record prices, commercial carriers are beginning to follow suit. The Federal Government should encourage and incentivize the ventures, doing research on coal-to-liquids.

Congress has an opportunity to be proactive. We could choose to boost our economy by producing more energy domestically, and I am proud to join my Republican colleagues in a clear message which I think also states an obvious truth: We need to find more resources and we need to use less.

That is the reason I have readily cosponsored the Gas Price Reduction Act. We offered it only a few weeks ago, and it gets to the very heart of our debate—increasing supply to keep up with increasing demand as well as using less through conservation and alternative fuel methods here in the United States.

Both Senator COCHRAN and I are cosponsors of this legislation. It is my hope that we can work together across partisan aisles to come up with a solution for America. We do not need political games. We do not need to have a limited structural legislative vehicle that allows our side only one vote on one proposal which probably cannot pass in its current form and allows one vote on the Democratic side for a legislative proposal that will also probably not ever see its way to the statute book. We need to do something about this problem. And this year, these few remaining days of this legislative session comprise the time to act.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Republican side has 2 minutes 40 seconds remaining.

Mr. DOMENICI. I was a bit late arriving. I ask unanimous consent for 10 minutes.

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

Mr. DOMENICI. Mr. President, fellow Senators, let me say to you that I rise to speak again on what may be one of the most important issues facing the American people.

Let me repeat, today we have before us a bill that addresses speculation in the energy business in the United States. I regret to tell you that the high cost of gasoline is straining our Nation's family budgets. The American people are looking to us to do something. Instead of providing some needed relief, the majority has brought a speculation-only bill before the Senate with limited debate and minimal, if any, opportunity for amendments. I am forced to say that in my 36 years in the Senate, I have never seen a problem so big met by a proposal or a solution that is so small.

The other side suggests that at this particular time in our history, there is no need to move beyond this, the one bill which the majority leader, using extraordinary rules, has brought before us under our rule called rule XIV. It has not been before committee, it has not been reported out by a committee; just put together in his office. And it is the Energy bill supposedly for the end of this year; it is all we are going to do, with the American people clamoring for us to do more since they are so burdened with the high price of gasoline. The American people, by an overwhelming majority, want action. They are getting nothing except excuses and evasion.

Yesterday, the majority continued to trot out a baseless proposal that they are calling ''use it or lose it'' in an attempt to convince Americans that despite all the evidence to the contrary, they are actually in favor of some domestic production. Make no mistake, if the Democrats wanted more production, they would have included in the underlying bill, the one I just described that the majority leader got before the Senate, if they wanted to address some real energy issues, then there is no question that all they had to do was add those issues to that bill, and those issues would be before the Senate.

If we needed any more evidence that most of my colleagues on the other side opposed new domestic energy production, it came in the form of a canceled Appropriations Committee markup.

In the news this morning, we read that the majority's spin on this decision is:

On the Interior Appropriations bill, the Republicans had threatened to strike the ban on offshore drilling that has been in effect for nearly 20 years, even though they have been offered a separate vote to strike this ban on the Senate floor. Their rejection of this offer makes it clear that they are more interested in playing political games to score cheap political points than to complete action on the bills that fund America's priorities.

Can you imagine? I beg to differ. Republicans are not trying to score cheap political points, we are trying to get something done—something done to deal with the supply and demand imbalance at the heart of this energy crisis. Our rejection of the so-called offer to bring up a single amendment tells you more about the majority's decision to avoid, at all costs, a solution that measures up to the scale of the energy problem than it does about the Republican's desire to get our work done here in the Senate.

This ban on production of our own energy resources can no longer stand in the face of a growing crisis. What we are talking about now, Senators, is that starting 20, 25 years ago, some 27 years ago, the Congress of the United States decided, 1 year at a time, in the appropriations bills, that they would put a ban on drilling off the shores of certain States, until we got to the point where 85 percent of all the coastal areas of America have a ban, a congressionally imposed ban. You cannot go into those areas using the lease proposals of the U.S. Government and give oil companies, large and small, leases to drill and find oil and gas for the American people.

Now, obviously this ban on production of our own energy can't stand with today's problems. Those bans started when we were worried about oil spills, and they started when we didn't worry about the price of oil. They started when oil was so cheap that we did not care about producing our own. We could, with reckless abandon, put bans and prohibitions on drilling anywhere we wanted and nobody would get hurt and the American people would not suffer.

Such is not the case now. That is why I beg to differ with Democrats who say we are here playing some kind of politics. If there is any politics being played, it is the politics that is trying to prevent Republicans from presenting here on the floor amendments that try to do the people's business, that try to use this oil and gas that is ours in such a way that it will reduce the price of gasoline at the pump.

They have called hearings on their own proposals; they have canceled them. They have called for markups on their own bills which would include these same issues; they have canceled those hearings. They can avoid hearing testimony on their own policy proposals. They can avoid production votes on their own appropriations measures. They can even avoid real production votes on the Senate floor. However, my colleagues will not be able to avoid their constituents during the August recess.

Thus far this week, instead of action, we have heard a great deal of talk from the other side. We have heard tales of how Republicans are ''blocking another bill.'' I mean, it is really hard for a Senator like this one, who has been here 36 years—this is my last year—I have been in charge of energy legislation, been in charge or ranking member only for the last 4 or 5 years. Prior to that, I did budget work and other work. But in terms of being chairman or ranking member, it is only a few years. We got a lot of things done in those few years.

We are here since the Democratic leader brought a bill to the floor. It was his choice to bring it here. He brought the bill here in an extraordinary manner. It is now here, it is pending, and it should be treated the same as any ordinary bill that is pending.

It is a bill which allows for any responsible provision to be added to it as an amendment and a responsible provision, as we see it, that will help with the crisis confronting America and we say any amendment that will produce more oil, more gas that will be added to what America can drill for and use. That is important. We are not blocking anything.

Can you imagine, they bring down a bill that does one little thing that has been said by most experts to not even be needed. If anything, it is a minor problem. And they want to vote on it and go home and tell the American people they have done something about the energy problem? We turn around and say: Yes, let's do something about it, and we are the ones ''blocking'' another bill.

The majority has said they want something done on energy. This would be believable if the leadership on the Democratic side had not clearly stated in December that they would pivot away from highlighting accomplishments in the coming year, abandoning any attempt at accomplishments, and a staged attempt to manufacture the appearance of obstruction is transparently political.

This strategy of campaigning from the Senate floor has weakened the institution and left the American people without much needed leadership during this energy crisis. Instead of impugning the name of the American President from the Senate floor, instead of reading poll numbers on the Senate floor, instead of providing daily opinions on the status of the Presidential campaigns—Mr. President, I ask unanimous consent for 2 additional minutes.

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

Mr. DOMENICI. Instead of providing daily opinions on the status of the Presidential campaign and special elections, the Senate could have been legislating.

We have been told that Republicans may be allowed to offer one amendment; I repeat that, just one amendment. And I repeat that in my 36 years, I have never seen a problem so big met by a proposal or a proposed solution that is so small. The offer of a single amendment was accompanied by a baseless assertion from the majority that they are willing to compromise and work together on energy legislation that both sides can live with.

We were told that one amendment from the majority and a competing proposal from the minority is how the legislative process is supposed to work. I disagree. The Senate passed bipartisan comprehensive energy legislation in 2005 and 2007. I was here every moment of it. The process for those bills, which passed both Chambers in the Congress and were signed by the President, was quite different.

Take the Energy Policy Act of 2005, for example. And now I will go through the history of that one and the two that followed it.

We devoted 10 days of the Senate's time to debating that measure. There were 19 rollcall votes held on amendments, 23 rollcall votes on the legislation itself, there were 235 amendments proposed, and 57 of them were agreed to. There is a similar story to be told of the Energy Independence and Security Act of 2007. Over 15 days, the Senate voted on 16 amendments, held 22 votes on the bill itself, saw 331 amendments filed and 49 of them agreed to.

We can look back further, of course, to a time when the Senate successfully moved legislation focused purely on environmental protection. During consideration of the 1990 Clean Air Act Amendments, the Senate devoted 5 weeks to a thorough and open debate. A total of 180 amendments were offered and 131 were ultimately acted upon by the full Senate.

And yet, we are told that one amendment from each side is how the legislative process is ''supposed to work.'' This approach is more accurately described as a lesson in how to steer the legislative process towards failure. The

American people want action, not excuses; they want real proposals, not political ploys; and they want genuine solutions, not small measures.

During the recent climate change debate, perhaps it was good that the majority undertook a process that was doomed to fail. The cap-and-trade bill would have increased gas prices by more than a dollar per gallon, and energy prices across the board would have increased as well. But now, as a growing majority of Americans from all political camps demand more energy production here at home, we have to get serious about doing the work that we have been elected to do. Advancing a bill that focuses on such a narrow part of the energy crisis we face, stifling the ability to offer amendments to that bill, cancelling markups, and abandoning hearings are not what the American people want from the Congress.

I am disappointed that we will not be offered the opportunity to act in a real way this week on the most important issue facing the American people. Despite the majority leader's assertions about the recent decline in the price of oil, talking will not solve what all experts say is a supply and demand imbalance. Solving this problem requires action and leadership. I hope we will see both before we depart for our home States in August.

It is pretty clear to me, and I think we are able to make it pretty clear to anybody who is interested, that now is the time to pass meaningful legislation that will help the American people through the crisis of the high prices of gasoline. While we are building a major plan and have come along with a minor plan, in a couple weeks we could knock out a very good bill. I am willing to sit down, bipartisan. If the majority side is willing and the chairman of the committee is willing to invite me, I will be there. Maybe we can do it. Thus far, it seems it was not possible. So we are trying the best we can to do the work for the American people. That means good amendments to a pending bill which we did not bring up, but it is there for us to use, pursuant to our rules.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

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

HOUSING CRISIS

Mr. CASEY. Mr. President, I rise to talk about the housing crisis which has gripped the United States for many months now, more than a year, but especially to talk about the bipartisan work done in the Senate and across the Capitol in the House. I commend the work of Chairman DODD and Ranking Member SHELBY from the Senate Banking Committee, as well as Chairman FRANK on the House side, for their efforts to put together a bipartisan piece of housing legislation which will have the effect of stemming the tide of foreclosures and bring some measure of relief to families. We know the data, the statistics, which bear repeating. Every weekday in America, only because courthouses are not open on Saturday and Sunday, some 8,500 families begin the foreclosure process or take some step in the process of being thrown into that nightmare. Every day that happens. No day does it not happen. We are thinking today about those families and their problems and their lives.

We think about the necessity of this legislation on a lot of days, but today the New York Times reported the average 30-year fixed mortgage rate went, from last week, from 6.44 percent to 6.71 percent, in a matter of days going up by that much. For a lot of those families, interest rates are going up. The misery and the nightmare of foreclosure is overwhelming them. It is incumbent upon the Senate and the House and the administration to do something about it, not just to keep talking about it but to do something about it. Fortunately, there are people who have done that.

One of the elements to this, of course, is dealing with the crisis which has gripped the two largest providers of mortgages, two entities in our system that provide as much as $5 trillion—it is hard to comprehend that number—of our mortgages, Fannie and Freddie, as we know them by their commonly known names, using that terminology.

In the first quarter of this year, 70 percent of all new mortgages were provided by Fannie and Freddie. These two government-sponsored enterprises, described as mortgage giants, have a tremendous impact on our mortgage market but also have a tremendous impact on our economy here at home and around the world. We cannot let them fail. Some people will talk about what Secretary Paulson has proposed and others about Fannie and Freddie, and they will say how much does it cost. That is an appropriate question. There are a series of questions I have asked that I will get to in a moment. The other question we need to ask is: What is the cost of letting them fail? That is why this bipartisan effort has been so important.

I commend Secretary Paulson for doing an extraordinarily difficult job under difficult circumstances. He has worked hard. He has tried to find common ground. I haven't always agreed with him. I am sure he has not always agreed with me and every Member of the Senate and the House, but I think he has worked hard with both parties to try to work something out.

It is very simple. If Fannie and Freddie are going to come to the Congress and say, we need your help, we need a line of credit, and we need to have the authority to purchase equity, then we say, last time we checked, we were elected by taxpayers. So if you are going to ask us for help, we are going to ask you questions and demand that you put on the table and we put into any agreement the kind of principles any taxpayer should have a right to expect. That is the exchange. They want help, and we will give them help. We think it is important to make sure they don't fail. But if they are going to get the help, they have to put some principles in place. So Fannie and Freddie, those major organizations—institutions—have to bring some measure of accountability to their own practices.

I looked at a chart yesterday. I am using round numbers here, but they are not off by very much, to generalize. If you look at the top people at Fannie and Freddie, about 13 people, when you add up bonuses and salaries and other incentives, it is about $76 million in 2007. So if 13 people are getting $76 million in 1 year, you better believe taxpayers have an interest in this. I think Fannie and Freddie have still a ways to go. Even if the House does their job today and passes this legislation, even if the Senate passes it, Fannie and Freddie have to prove to taxpayers, these two mortgage giants have to prove to taxpayers that they are going to be accountable, that it is not just symbolic. They have to put practices in place and measures in place.

I have asked for that. I have said both of them should pursue litigation, if it takes that, to recover excess bonuses. They should make sure that when they make any agreement on stock purchases or any other benefit to their executives, that they have to consider steps that will hold them accountable, in addition to all the other safeguards taxpayers have a right to expect, if taxpayers are going to help them. Again, I support making sure we don't let these two fail, but taxpayers have an interest here.

One of the other features of the bipartisan legislation is that in order for Fannie and Freddie to work well, to be effective in the mortgage market, we have to have a tough, independent regulator for both. That is what we worked out in the Banking Committee. The Presiding Officer knows of our work. We have worked that out as part of the legislation. It is critically important the American people know that part of the non-Fannie and Freddie part of this housing legislation is a provision that speaks to how we regulate their activities. In addition to working on any kind of help that we are going to give Fannie and Freddie, the Banking Committee and people in this Chamber have a real concern about making sure we have a strong, independent regulator in place.

Two more points, one of which is on community development block grants. Thank goodness that apparently Secretary Paulson and others, I and others have called upon the President to lift his veto threat and to stop using help for local communities as an impediment to signing housing legislation

which is needed to stop those 8,500 foreclosures every day of every week. Apparently, from what we hear today, the President has, in fact, lifted his veto threat. Thank goodness for the housing market. But also thank goodness for families across America, especially those who might be 1 of those 8,500 every day of every week in the near term, before families fall into that dark hole, that nightmare we hope this legislation will help.

Community development block grants are one way to help here. There is no reason why local communities, those local officials who are closest to the problems and closest to the people, there is no reason why they shouldn't get the help they need through this legislation. There are a lot of other provisions we could talk about in the legislation, but I wish to commend the work done by the committee, the Banking Committee, by Chairman DODD, Ranking Member SHELBY, and Chairman FRANK on the House side. This, in the end, is not about some esoteric Fannie Mae or Freddie Mac issue. It is not about some distant theoretical housing issue. This is about real lives and real families. Many of them are not just struggling with impending foreclosure and the devastation that can bring; this is about families also who are paying the highest gasoline prices we have ever seen in American history, paying higher health care costs, paying college tuition costs, paying the higher cost of food. This is one of many problems that has been heaped upon middle-class and low-income families.

This legislation will provide some relief. I am thankful the House is working on it today. I look forward to prompt passage in the Senate and having President Bush sign it into law.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I come to speak basically about the need for more energy production as well as more conservation. Before I do, I would like to follow up on the comments of my colleague from Pennsylvania. This housing bill we have all worked on for quite some time now is hopefully going to be passed by the House. The President has withdrawn his threatened veto. It looks like this major piece of reform will finally come to pass. I thank Chairman BAUCUS, Chairman GRASSLEY, and Chairman DODD for including in that bill, before it left the Senate, an extremely important provision for the State of Louisiana and Mississippi, the whole gulf coast, that will provide some significant tax relief to people who had received Road Home benefits based on the extent of their damage, whether they received a $20,000 grant or a $50,000 grant or a cap at 150, to try to make them somewhat whole.

This is not making people whole along the gulf coast. But if their insurance failed them or they were in a place that was not a flood plain and didn't have insurance because they weren't in a flood plain but lost everything anyway because of the magnitude of the storms, we allow them an opportunity for a grant to rebuild. It is working. It has been very slow. It has been painful. The programs were not established correctly initially, but both Mississippi and Louisiana are making great progress. The problem was, these grants would have been taxable, putting people in a tax bracket where they would have to write a check to the Federal Government for $5,000 or $15,000 or $20,000. It would be impossible for them to do that under these circumstances. So this bill has corrected that. They will still have to pay regular taxes but not on these Road Home grants. It is basically a billion-dollar direct relief to homeowners in the gulf coast. We could not be more grateful to the Members, to the Presiding Officer and others who voted to include that and particularly to the chairman. If any homeowners in America need help, not just the ones who were foreclosed on through no fault of their own but most certainly the 300,000 homeowners who lost their homes because these storms took everything they had, we are very grateful for that help in housing.

I wish to speak about energy. There have been a lot of charts and graphs put up because this is a dynamic and tense debate. There are legitimate issues on both sides. I wished to bring a new chart that can explain the situation at least much more clearly. The facts are that in the United States, along the Outer Continental Shelf which is off our shore, there is currently now a moratorium along the west coast, along the east coast from Maine to the top of Florida, and on the eastern side of the gulf. This goes out 200 miles from State waters, and it is now off-limits to exploration.

Meanwhile, Canada, our friendly neighbor, is drilling right here off their entire coast.

I do not know how much they are producing off this coast, but it is substantial resources. Right here in the gulf, off the coast of Louisiana, Mississippi, and Texas, as you all know, we have a long tradition of believing that natural resources actually belong to the public, and we should be exploring these resources for the benefit not just of our region but for the Nation.

Most of the oil and gas—basically a third of the oil and gas—of the Nation is coming off the shores of Texas, Louisiana, Mississippi, and, to some degree, Alabama, despite the no-drill zone or no-exploration zone off Florida.

Now, interestingly enough—which is what is partly driving a change in this debate—is this area right here, as shown on the map, which is off the coast of Cuba but very close to Florida. It is currently being leased for drilling by the Chinese, by European powers. So the fact is, while we sit and lock up our resources off our coasts, China and Europe are coming in and drilling closer to the land of the United States than we are allowing ourselves to drill, which does not make sense.

What we need to do to get prices down is to increase the supply of oil and gas domestically and—and—significantly reduce our usage of it by moving away from gasoline-only vehicles. It does not mean we all have to move from big cars to tiny cars. It does not mean our farmers have to give up their pickup trucks. It does not mean our truck drivers have to park their big vehicles and sit on the side of the road.

What it does mean is we can, through legislation, build new trucks, new cars, and new pickup trucks that get 50 miles a gallon or 60 miles a gallon and not just gallons of gasoline but gallons of ethanol produced from corn or from sugarcane or cellulosic matters or fiber or waste, municipal waste.

So we need to look and see where we can drill safely in these places. There is drilling allowed right now in Alaska but very limited. Although it is allowed, it is limited. We need to look at how we can accelerate this drilling. The great news is—even though I support drilling in ANWR; we do not have enough votes to do that—ANWR represents this tiny dot, a dot. We should not stop fighting about ANWR, but we should also think about other places in Alaska where we could drill safely and open exploration in limited places, providing a buffer zone for States and providing very strategic care.

One myth I wish to correct today—because it is a rampant myth—is that there is hardly any oil and gas off our coast. People will come to the floor and say: The Senator is correct. This is off-limits to exploration, but the reason it is is because there is no oil and gas there.

That is not true. I know people are not purposely misleading because they are citing statistics from old material. But I wish to give you some statistics that will prove my point.

The estimates come from Minerals Management through the Energy Department. In 1995, the Government was making estimates of what was in the Gulf of Mexico. They said, in 1995, there were only 5 billion barrels of oil in the gulf. But when they started drilling more and exploring more and using new technologies, we have now determined there are 20 billion barrels of oil.

So in 1995, the same group that is doing these estimates here, said in the gulf there was only 5 billion barrels. But after we did the right kind of exploration and testing, we actually found more than 20 billion. That was in 2000. So the idea is that today, if we would allow the inventory to take place right now, the estimates might be that there are only a few billion barrels. But based on the experience we have in the Gulf of Mexico, we know it is going to jump considerably.

We are the only country, to my knowledge, in the developed world that

has not even explored or taken an inventory of what the resources are. In those days, we did not have the kind of technology we have today. So we can use modern 3D seismic technology. I am going to suggest we do not have to wait until 2030. We do not have to wait until 2040. There is infrastructure in place now in this part of the Gulf of Mexico, and it could be established in some other places as well, to go after the oil and gas that is there that this country needs to increase our domestic supply.

Mr. President, I know I only have 1 more minute to close.

As you know, people from this Chamber send letters overseas.

Mr. President, I ask unanimous consent for 1 more minute.

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

The Senator is recognized for an additional minute.

Ms. LANDRIEU. We keep sending letters overseas asking everybody else to increase production so they can send us oil and gas. Yet off our own shore, we have great resources of oil and gas for which we must make a breakthrough and open for exploration.

So I know my time is wrapping up now. I wish to come back to the floor and talk about the safety and the new technology.

I am going to show one picture in the Chamber. This is what an offshore oil rig looks like. There is a platform on top of the water, which a lot of people have not seen. But you can see these off the coast of Texas and Louisiana. We like the way they look. It talks about money and independence. That is what it means to us. It can be done quite safely. This is as blue as the water looks, with lots of fish around those rigs. The pipelines are down on the ocean floor.

So I will come back and talk more about the new technologies that allow us to drill safely. But I hope the facts I have shared help us to come to terms with opening more resources in the United States.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Kansas is recognized.

Mr. ROBERTS. Mr. President, I rise with my colleagues to help explain the need—the crucial need—for comprehensive action on the Nation's most pressing domestic issue, as explained so eloquently by Senator DOMENICI. We all owe him a debt of gratitude for his leadership and his service in the Senate.

This is a national issue. But I wish to focus on an individual because this affects individual people and families as well as it being a national and domestic energy issue.

Never was the energy crisis made so clear to me than when I met with John Grau, a Kansan who runs a cattle operation—or did before a tornado—near Soldier, KS. I visited with John at what used to be his home, until a June 11 tornado reduced it to a basement, opened to the sky except for a fruit closet, of all things, with the fruit jars still there. What a miraculous thing. He and his wife had taken shelter and—also a miracle—they had survived, thank the Lord.

Despite everything he had been through and everything he would face as he would begin to recover from his losses—we were standing there, looking at what used to be his ranch and what used to be his home—he wanted to talk about gas prices. He said: I am going to be all right, after the storms. I can make it back. Look at the 200 friends here helping me. But Congress has to do something, he said, because the high cost of gas was a crucial hardship for his employees, his neighbors, his friends, and his future.

Now, I have been retelling this story because it is important for those engaged in the debate to understand how high prices are affecting real people and that we need real answers and we need them now.

Now, when I hear those on the other side of the aisle criticize our proposals on the basis that it will take several years for new oil and gas to hit the market, I am reminded that over the last two decades this body has held over 20 votes on energy production. That is 20-plus votes on deep sea, oil shale or Alaska production that have been blocked by my colleagues.

The only thing that has changed in this surreal argument is energy prices and gas prices have continued to increase to a crisis level proportion. Twenty years of policy that increased our reliance on foreign oil is enough. That is why the American public is calling for us to change course and to do it now.

They know we cannot tax or regulate our way out of high energy prices. We must enact a long-term, comprehensive strategy that steers the Nation in the right direction so we are not at the mercy of foreign interests.

This is also a matter of national security. We do not want to be dependent on people with names such as Ahmadinejad and Putin and Chavez. It is not only about John Grau. As I have said, it is a matter of national security. But John Grau is the individual who is being hurt, similar to so many millions of Americans today.

The answer is pretty simple: Adopt policies that lessen demand on energy and create more energy here at home, from sources we can depend on. We need action on this strategy, and we need it now.

The Gas Price Reduction Act takes these necessary steps. The bill would tap as much as 14 billion barrels of oil along the Atlantic and the Pacific. The legislation would also open three times the oil reserves of Saudi Arabia through Western State oil shale exploration.

Now, some of my colleagues want to paint this side of the aisle as advocating for drilling only. It is obvious they have not read our proposals. Yes, we—and the majority of Americans—support increased domestic production. But we also support reduced consumption and increased transparency, oversight and efforts by the CFTC regarding the futures markets.

Our policy position does not stop at ''find more.'' Our message—and the message from my constituents—is: Find more and use less.

Our bill encourages alternative sources of energy, including plug-in electric vehicles through the development of better batteries to maximize electricity range and use less gas.

Our bill is the latest in a number of actions we have taken to reduce demand on foreign oil and increase production of clean energy here at home. In 2005, we passed the Energy Policy Act that developed incentives for ethanol production. In 2007, we passed the Energy Independence and Security Act, which improved vehicle fuel economy by increasing CAFE standards and provided incentives to develop cellulosic ethanol, the next generation in ethanol production. I might add, in regards to the CAFE standards, it was also with the cooperation of the automobile industry, for the first time.

Limiting our efforts to only address concerns about speculation ignores the root cause of higher prices, and that is production. The President lifted the ban on offshore exploration. All that is left is for Congress to act.

Again, clearly, the next step is action on a long-term comprehensive energy solution for the Nation which would increase the supply of affordable, clean domestic energy. We can start by passing the Gas Price Reduction Act. However, the alternative on the floor—the bill we are debating—is the majority leader's speculation bill, and it has been proposed basically on the floor. It did not go through the committee process. The President's working group, working on the very same problems, has strong concerns with this bill.

The Interagency Task Force on Commodity Markets' preliminary report just came out and also shows that supply and demand is the driving factor in energy price increases. Another final report will hopefully be out in September.

Now, concern for the unintended consequences of this so-called speculation bill is precisely why we must engage in an open and fair debate where ideas and all pertinent proposals are discussed and should be voted upon. The American people deserve no less. However, that is not happening. That is not happening, and that is an egregious error.

Our constituents expect and deserve more from their Senators. They need solutions—real solutions, comprehensive solutions—and they need them now.

I harken back to my comments in regard to Kansas cattleman John Grau looking over his home and ranch, completely destroyed by a tornado. He said

it best: I can make it back, PAT, but Congress has to take real action. We should—we should and eventually we will—find more and use less. I completely agree with John Grau.

I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina is recognized.

Mrs. DOLE. Mr. President, it is imperative—imperative—that American leaders declare war on high gas policies and implement policies to achieve energy independence. We are almost 60 percent dependent on foreign sources of oil, from the likes of Iran's Ahmadinejad, Russia's Putin, and Venezuela's Chavez, all of whom harbor anti-American sentiments and get richer while American families are suffering and our businesses are hurting terribly.

To secure our energy future, America needs what I would call a ''kitchen sink'' policy. We need to throw everything and the kitchen sink at our energy crisis—conservation, alternative energy, exploration, and market fairness. We need policies that provide immediate relief as well as short- and long-term solutions.

I urged that we halt deposits to the Strategic Petroleum Reserve, and we successfully passed legislation to that effect. I support right now releasing one-third of the current reserves which would increase supply, drive down prices, and signal to speculators that the U.S. Government is dead serious about addressing high gas prices.

It is also important to protect consumers from illegal market manipulation and corporate corruption. I, along with some of my colleagues, am calling for an oil and gas market fraud task force to police oil speculators and ensure that energy markets are functioning properly.

As we know, the Senate is currently considering a bill to rein in energy market speculation, and I agree that additional enforcement and transparency can help better manage these commodities that are critical to our economic and national security. We should move forward with responsible actions, but cracking down on speculators alone will not solve our gas price woes.

We must also decrease demand and increase supply. Rising gas prices are driven primarily by supply and demand imbalance in global energy markets. Last year, global demand exceeded supply by nearly 1 billion barrels per day. The result: Over the past year, gas prices in North Carolina have increased by more than 30 percent.

To decrease demand, I strongly support conservation efforts and investments in alternative energy research. No question, America needs a crash course in conservation. I have cosponsored numerous bills to pursue these goals, including the Clean Energy Investment Act, the Climate Security Act, and the Clean Energy Tax Stimulus Act.

To increase supply, we also must utilize America's vast energy resources. Surely, bringing these energy resources on line will not happen overnight but, if anything, that means we should move more quickly to pursue them. For instance, if President Clinton had not vetoed legislation in 1995 to open 2,000 acres of the 19 million acres in remote areas of Alaska for exploration, our current energy deficit would already be reduced by roughly 1 million barrels of oil a day.

After careful consideration, I support lifting the moratorium on the Outer Continental Shelf—OCS—giving States the option of allowing exploration at least 50 miles offshore, where it is not visible from land. A portion of revenues generated from leases would go to the States and could be used for dredging and beach renourishment and other coastal priorities. Families struggling with high gas prices cannot afford for Congress to keep energy options off the table. They must all be on the table.

I am excited about lifting restrictions on oil shale exploration in the Rocky Mountain West. With the potential for oil shale to produce more than three times the proven reserves of Saudi Arabia, we can ill afford to further delay utilizing this American oil resource.

However, we should not explore for more petroleum at the expense of alternative energy. We must pursue all available resources, including nuclear, clean coal, natural gas, wind, solar, and biofuels.

Along those lines, let me add that not only are families being slammed with high energy costs, but they are also being hit hard with escalating food prices. I am very concerned that food-to-fuel mandates have resulted in a substantial volume of our corn crop and vegetable oils being diverted into ethanol and other fuel supplies, severely impacting food and feed prices. In fact, since February 2006, the price of corn has increased by more than 200 percent, and this has caused feed price increases that impact the cost of basic items such as milk, eggs, and meat.

During consideration of the 2007 Energy bill, Senator INHOFE and I tried to include a safeguard in the renewable fuel standard which would have helped prevent a situation such as we face today. The administration should waive the mandates, and we need to correct these unintended negative consequences where an excessive amount of corn and vegetable oils have gone to ethanol production. This is having an impact worldwide and emptying the shelves of our food banks and our food pantries. Alternative energy must absolutely be a part of our energy future, but there are obvious and painful lessons to be learned from the ripple effects of these mandates.

One day we will be free from the stranglehold of high gas prices and dependence on foreign oil. We will power our economy with alternative energy sources, and no longer will the petrotyrants in Iran, Venezuela, and Russia be able to hold the world economy hostage.

However, to get there, we are going to have to throw everything and the kitchen sink at our energy crisis. I call on President Bush to hold a national summit now for congressional and national leaders to come together and develop a comprehensive plan. The time is now for realistic, bipartisan solutions to provide families and businesses with immediate relief to meet our energy needs for the short term and to secure our energy independence for the future.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Republican whip is recognized.

Mr. KYL. Mr. President, I think Senator DOLE's idea of the kitchen sink approach is right on target. Maybe we will even find a way for the kitchen sink to somehow help us out here, but at least it is everything but the kitchen sink that Republicans are suggesting is the answer to our oil crisis.

There isn't just one answer. That is why we don't agree with the Democratic bill, which is simply to deal with speculators and speculation. I am going to talk about that in a moment. First, to reiterate what Senator DOLE said, Republicans support a broad-based, balanced approach to this problem that recognizes there isn't one silver bullet, but through a combination of things such as conservation, such as renewable energy, such as producing a lot more oil and gas which this country has. Also, if we will simply lift the moratoria that currently preclude us from exploring for more energy, deal with speculation to the extent it exists, as well as certainly nuclear power—all of these things together can help us work our way out of the crisis. Part of it is short term, part of it is medium term, part of it takes long term. We have to look at this as a long-term problem.

I shake my head at those who say: Well, that particular solution doesn't do anything for 3 to 7 years. My answer is, of course, I have never completed a journey I didn't start. If we had completed some of the things we started years ago, we wouldn't be in the crisis we are in right now. However, we are stuck right now with one bill on the floor. Unfortunately, it is not the Republican approach, which is a balanced, broad-based approach, and includes new production, but simply the limited approach of dealing with so-called speculators.

I wish to talk a little bit about why only focusing on speculation isn't going to produce one more drop of oil, it is not going to reduce the price at the pump, it is not going to solve the problem and, in the long term, could actually hurt, and I will try to explain why.

It is propitious that yesterday a report came out that supports what I am now saying. We didn't have anything to

do with the timing, but I say it is propitious because it helps to answer questions that people have been asking. For over 3 months now the regulatory body of our Government that looks at speculation, called the Commodity Futures Trading Commission, has been testifying, and despite enormous pressure from the other side to point the finger at speculators, they have consistently said they don't think it is speculators. We believe it is the law of supply and demand, the fact that there is much more demand for oil than we are producing that is creating a problem.

Well, an interagency task force led by the CFTC and composed of staff from the Departments of Agriculture, Energy, Treasury, the Federal Reserve, the Securities and Exchange Commission, and the Federal Trade Commission all reaffirmed yesterday that:

> Current oil prices and the increase in prices between January 2003 and June 2008 are largely due to fundamental supply and demand factors.

Furthermore, the report—and again I am quoting:

> suggests that changes in futures market participation by speculators have not systemically preceded price changes. On the contrary, most speculative traders typically alter their positions following price changes, suggesting that they are responding to new information—just as one would expect in an efficiently operating market.

The other side has ignored this CFTC analysis for a long time. I hope the new report will not be ignored, because what it illustrates is you are not going to solve this problem by trying to figure out a way to somehow regulate speculators. You have to deal with the law of supply and demand.

I tried to explain this to a younger person who was wondering what all of this debate was about, and this is the example I came up with—or the analogy: These are investors, these so-called speculators, and what they are trying to do is to predict into the future what the price of something is going to be. Now, if they guess right, they can make money. If they guess wrong, they may lose money. They are researchers and they are looking at the best evidence they can. One of the things they look at is will there be more supply or more demand. Obviously, if there is more demand, then the price is going to go up. It is a little bit like the weatherman predicting the weather. The weatherman is a professional too and he looks at all of the research and he concludes that by this weekend we are going to have some rain. Now, he may be right, he may be wrong, but that is his job, to try to predict, and more often than not, he can predict it fairly accurately. What if we don't want rain next weekend? What if we don't think rain is a good idea? Are we going to muzzle or fire the weatherman and say: We don't want you to report this because we don't want the rain? Is that going to do any good? It doesn't do any good at all. If it is going to rain, it rains. If not, it won't.

If the prices are going to go up because Iran is rattling its sabers in the Persian Gulf, the prices are going to go up. If they don't, and the prices don't go up, it is not the speculators who make the price go up or down. The speculators are reporters. They are people who are trying to figure out what the price is going to be. They don't make it what it is; they are trying to figure out what it is going to be.

That is why the CFTC said they typically alter their position following price changes, reacting to new information. Again, it would be like trying to shut the weatherman up because we don't like the weather he is predicting. That is the role these speculators have. They are trying to predict the future and they actually help the market by setting a price that is useful to those who are trading in the market.

I appreciate that there are colleagues on the other side who are skeptical about this, but let me explain why I think it is unlikely that commodity traders actually push up the price of oil. Here is the explanation. They can only do this and drive up prices if they actually took physical possession of the product and then hoarded that, withheld it from the market.

But between 2003 and May of 2008, only about 2 percent of oil futures contracts actually resulted in physical delivery. Those are the utilities, airlines—folks like that.

If commodity index fund investors were, in fact, hoarding actual physical inventories to raise prices, one estimate suggests that they would need to fill storage tanks with more than 40 times the amount of oil currently held in the inventory at the Cushing oil terminal in Oklahoma where the West Texas intermediate oil contract is valued. Since we have not seen all of this frenzied new construction of oil storage tanks and facilities equivalent to 40 Cushing oil terminals, it is very clear that there is no hoarding occurring.

What is actually happening to supply today? Total oil stocks in the developed countries have been static. In other words, we have not been increasing the supply. A year ago, including strategic reserves, they amounted to about 4.1 billion barrels and today are at about the same level. Global demand, on the other hand, was 86 million barrels a day in 2007, while supply totaled 85.5 million barrels, creating a deficit of half a million barrels a day. As one would expect, prices are rising to reflect the fact that there is not as much supply as there is demand for the product.

I also think it is interesting that when you talk about speculators, you know the price has been going down in the last few days. I haven't heard anybody complaining that the price of oil is going down. If they are to blame for the price going up, maybe we ought to pat the speculators on the back for driving the prices down. Of course, they don't have that effect; I am being facetious. But who are these nefarious investors?

If you have a relative who is retired or a friend or someone who has a pension, you probably know a speculator. That is who is primarily investing in these kinds of funds. All investors want to diversify their portfolios to protect themselves against risk. You do that by purchasing as many different kinds of assets as you can, by investing in commodities. Pension funds and other institutional investors can protect beneficiaries like retirees from market downturns. In the current market, commodities are one of the few investments that have been actually generating positive returns. Under the legislation before us, if you declare these people bad investors or illegitimate speculators, you are going to be hurting regular investors in the market. I don't think we want to do that.

Interestingly, one of the pieces of legislation the Republicans have sponsored—the legislation called the Gas Price Reduction Act—is very similar to a bill introduced by my colleague from Illinois, Senator DURBIN, who I think takes a thoughtful approach to speculation in the energy markets. Like our bill, his focuses primarily on increasing the resources available to the CFTC so it can continue to do its job and even do a better job of ensuring there is enough transparency in the system to enable it to continue to investigate and take action, if need be. With just a few modifications, I think the Durbin bill would be a good approach, as is the Gas Price Reduction Act, which Republicans have introduced, which strengthens the CFTC and makes sure it has the assets it needs to do the job we asked it to do.

In conclusion, I think everybody agrees that a stronger CFTC and additional transparency are good. I think we can all support that. It is part of that kitchen sink approach we heard talked about earlier, but it is only one small part of this. In no way are we going to see that approach drive down the price at the pump. As I said, it is little bit like the weatherman, these speculators. They find out what the price is and they, in effect, report it by their purchases or sales—either one. But you don't improve anything by killing the messenger—the speculator—any more than you improve the weather by shooting the weatherman.

As we proceed with the debate, I hope my colleagues will agree that while there may be a lot of good ideas—and one may be to strengthen the CFTC somewhat—that is not the answer to the crisis we face. It doesn't produce one more drop of oil or gas. At the end of the day, we are not going to be successful unless we find a consensus to enable us to produce more so that, along with using less, we can drive down the price of gas at the pump.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota is recognized.

Ms. KLOBUCHAR. Mr. President, it is now Wednesday, and we have been debating the issue of speculation for

several days. I believe it is time to stop talking and it is time to vote to end speculation in the oil marketplace.

There is an honest debate going on about our long-term energy policy—one I am glad we are having. We need to talk about the potential of expanding our domestic production and about new refineries. I live next door to North Dakota, and I see their potential with the oil shale. Certainly, as T. Boone Pickens has been doing over the last few weeks, we need to lead the way with wind, solar, and to put the focus on hybrid and electric cars, biofuels, as we have seen in Minnesota. We have seen a revival in our rural areas with wind. We are third in the Nation with wind. We have seen it with biodiesel, biofuels.

I have seen firsthand the potential for this next energy revolution. It is my belief that we should be investing in the farmers and workers of the Midwest and not the oil cartels of the Mideast. So I welcome this debate, and I hope we can get something done on that.

Let's look at the short-run. What are the American people facing now with $4-per-gallon gasoline? Right now, they don't have the time or the patience for us to tell them we are not going to get anything done on speculation even though almost every Senator in this Chamber has admitted there are problems with speculation and that it is part of the problem. We may differ on how much of a problem it is, but we know it is part of the problem.

I believe our Stop Excessive Energy Speculation Act will help to pop the oil speculation bubble. This bill has a number of provisions that will fight the kind of excessive speculation that drives up energy prices for hard-working American families.

This bill will close the so-called London loophole. It will stop traders from routing transactions through offshore markets to get around limits on speculation put in place by U.S. regulators. The Intercontinental Exchange, or ICE, allows trading on American oil futures, gasoline, and home heating oil with far less stringent reporting requirements than we have here at home. I can tell you that my constituents—it is not great to tell them: Don't worry, Dubai or London will be taking care of you. They don't buy that, and they don't buy it for a good reason. The way the world has worked now with the loopholes that have existed, like the Enron loophole—and I see Senator FEINSTEIN, who worked to close that loophole to the point where we can better regulate our energy future. We know there is more we can do, and that is what this bill contains.

This bill will make foreign trades in American oil and gasoline futures subject to the same reporting requirements as trades made here at home, so we can stop a glut of overseas trades from driving up our energy prices.

This bill would also require the CFTC to review the letters of ''no action'' that it issued to the ICE electronic exchange in Atlanta, and the Dubai electronic exchange, which operates in cooperation with NYMEX in New York. With these ''no action'' letters, the CFTC gave these exchanges permission to operate in this country and trade in American energy futures with no oversight from U.S. regulators. Personally, I don't believe it is good enough to say that the Dubai Financial Services Authority is looking out for people in my State. We need to let speculators know that if they want to trade in American energy futures, they are going to be subject to American regulation.

The bill would also convene an international working group of financial market regulators to develop uniform reporting and regulatory standards in the major trading centers in the world to put an end to the problem of speculators shopping around for the country with the weakest regulations. The world has changed. One of our jobs in the Senate is not to just put our heads in the sand and pretend the world hasn't changed. It has. The laws must change with it.

This bill would also require the CFTC to impose position limits on speculators who trade in energy futures but don't actually produce energy or receive physical deliveries of energy commodities. If you are an investor who buys and sells oil futures but you don't plan to ever take delivery of actual barrels of oil, this bill will limit how much you can buy and sell so that you won't be distorting prices for your own personal gain. We know some limits are in place right now in American laws, and this is to cover the situation we see going on in the world today.

Last, this bill is going to give the CFTC the funding authority to hire at least 100 full-time employees so the Commission can strengthen its regulations and improve its enforcement over the energy derivative market. As a former prosecutor, I know—I have seen it before—you can pass all the laws you want, but if you don't have the cops on the front line enforcing the law, you will not be able to get the job done. I heard the head of the CFTC testify before the Agriculture Committee. I was surprised. As a prosecutor, I said: Give me all the tools I need, because you want to have the tools. That is what this bill does.

We have heard from the other side of the aisle that speculation is not a major contributor to high oil prices. It is hard to imagine such a position, but our friends on the other side seem intent on finding some straw to hang on to that just doesn't work. They are literally living in an evidence-free zone. Look at what has happened. Oil prices are up 25 percent. Gasoline is up 25 percent in 6 months; it is around $4. We know demand hasn't gone up 25 percent. Have we seen some increase in worldwide demand? Yes, but demand in the United States is down. It is nowhere near 25 percent, though.

We know something is going on. It is our job to adjust our laws and give the agency that enforces these laws the funding it needs to do its job. We saw this happen with the Consumer Product Safety Commission. Exports went way up, millions of exports; at the same time, the agency became a shadow of its former self. It is no surprise that we suddenly had little foam toys, which were supposed to inflate in water, morph into date-rape drugs. We had a little boy in Minneapolis die because he swallowed something from a toy that was 99 percent lead.

You have the same thing going on here. It is this Congress which has to step in and say: Let's get the agency the resources it needs to do its job. When oil prices jump $16 in 2 days without any events to drive them up, we cannot say speculation isn't having an impact. When the 12th largest private company in the United States is filing for bankruptcy after losing billions in oil trading, we cannot say speculation isn't having an impact. Even Walter Lukken, the Acting Chairman of the CFTC, has stated that oil markets are ''ripe for those wanting to illegally manipulate the markets.'' We had an expert testify before Congress that speculation in the oil market is the biggest gambling hall in America. We had CEOs saying it should be trading at $55 or $60 a barrel. Do you know who is taking a hit? It is Americans across the country. They are taking a hit every time they go to fill up their gas tanks.

There is no excuse for this Congress not to act on speculation. We are listening to the people of this country, and we are hearing that this bill—Majority Leader REID's bill—makes common sense to everyday Americans.

Groups across the country that deal with high gas prices every day have come out in support of our efforts to stop the out-of-control speculation going on in the oil market. These groups include the National Farmers Union, the Teamsters, the Air Transportation Association, the Consumers for Competitive Choice, Northwest, and the American Feed Industry Association. And the airlines in Minnesota aren't exactly partisan organizations. They are businesses. They have seen their profits go down. They have seen their routes go down. The number of planes they can fly has gone down. They have unhappy customers. They have millions of airline customers who are writing in to do something on speculation. Speculation is where the rubber hits the runway for the airlines in this country. We must do something about it. Even the beer wholesalers want to do something about it. I talked to one of their members last night. They want to get something done. I can tell you that my friends across the aisle say speculation has little to do with this. I will use a good beer word: That is all foam and no beer.

It is time to get something done. It is time to act on speculation.

In conclusion, the cost of energy is hurting Americans from all walks of

life, in businesses and every sector of our economy. We need to work hard. I have pushed, in the last year and a half, for a long-term energy policy. We need a bold energy policy to carry our Nation forward. We also need to do something now—today, not tomorrow, not next week, not in September. Let's pass this speculation bill and help the people of this country.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent to speak for 12 minutes.

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

Mrs. FEINSTEIN. Mr. President, I wish I could come to the floor and say there is a quick fix for gasoline prices at the pump. This is needed as much as anywhere in California where gas prices are high and at times the very highest. I wish I could say there was this quick fix, but I cannot. I wish I could say if we could drill all of the Outer Continental Shelf, if we could drill on all of the public land in America, the price of gasoline at the pump would drop immediately, but I cannot.

In all good conscience, I do not believe opening the Outer Continental Shelf to new drilling would lower the prices at the pump anytime in the near future. In the first place, it takes 2 years for MMS, Minerals and Management Service, to do the contracts. Secondly, all drilling rigs are now leased. There need to be new rigs. Thirdly, there is no additional refining capacity. Fourth, drilling in the Outer Continental Shelf and on public lands in America over the last 8 years has increased by 361 percent and, at the same time, the price of oil has doubled. So there is no relationship between drilling on the Outer Continental Shelf, drilling on public lands in America, and the price of oil. I deeply believe this.

Some say it is simply a problem of supply and demand, but physical supplies of oil and natural gas have remained relatively stable over the past year. In fact, if you remember, executives from oil companies testified before Congress recently and asserted that the price should be about $60 a barrel if it were just a matter of supply and demand.

Some point to instability in the Middle East and Africa's production regions. Others have pointed to the falling dollar. These are certainly factors. But I cannot explain the sharp uptick in prices we have seen at the pump over the last few months.

So what is really going on? What is new in this picture? Consumption in America has dropped 3 percent this year over the same period last year. So what is new? There is only one thing that is different, there is only one thing that is new, and it is a massive influx of speculation in the marketplace. This is the 800-pound gorilla.

Increasingly, experts now say rampant speculation in energy markets accounts for anywhere from 25 to 40 percent of the energy price increase. Some will say even more. So I think we have to take a look at why this is the case and what we can do about it.

In May, Congress took a major step forward in the effort to bring more oversight to energy futures markets when we enacted legislation to close the notorious Enron loophole. The Senator from Minnesota just referred to it. I had worked on this for 6 years. I came to the floor when Phil Gramm argued against it. I lost. I got just 48 votes. We came back again. We finally got it in the farm bill this time, and the notorious Enron loophole today is closed.

What was that? This loophole was created in 2000 when a measure was inserted in the dark of night into a must-pass appropriations bill at the behest of Enron and others to essentially eliminate them from the Commodity Futures Modernization Act. Two commodities were left out: energy and metals.

During the western energy crisis in 1999 and 2000, we saw the costs in my State soar from roughly $8 billion in 1999 to $27 billion in 2000 and then to $27.5 billion in 2001. The reason for this was, in the main, manipulation, fraud, and reckless speculation of the worst sort, all because you could trade on electronic platforms with no transparency and there was no antifraud, antimanipulation oversight by the Commodity Futures Trading Commission.

When all was said and done, these energy traders left California taxpayers with an increased bill of about $40 billion. To date, 32 companies have pled guilty to market manipulation and settled $6 billion in claims.

In recent years, we also saw the $6 billion collapse of the Amaranth hedge fund because of unregulated speculation in natural gas futures on electronic exchanges. And the list goes on.

This has typified the energy marketplace. So it became clear that a legislative fix was needed. We finally got that done, as I said.

The bill, which is now law, ensures that all major trades of energy futures that could drive up prices or have what is called a price discovery impact are placed under the oversight of the Commodity Futures Trading Commission. The new law imposes limits on rampant speculation, prevents fraud and manipulation, requires traders for the first time to keep records, and provides an audit trail to the CFTC. This was a significant victory. It is signed into law.

But as we continue to learn more about what is really going on with energy futures markets, it is clear more work remains to be done. We are learning about additional loopholes that must be closed, and the legislation before us is critical to ensure that we can level the playing field in energy markets, that there is transparency there.

First, the problem of large institutional investors, such as pension funds; this is what is new in this market. From 2003 to 2008, institutional investments in commodity index funds rose from $13 billion to $317 billion. That is in 5 years, from $13 billion to $317 billion.

One might say, what does that have to do with it? Daniel Yergin, to a great extent, said what it has to do with it when he said:

> Oil has become the ''new gold''—a financial asset in which investors seek refuge as inflation rises and the dollar weakens.

''Investors seek refuge.'' So the implications are potentially devastating, and here is why. Unlike gold, energy and agricultural commodities meet essential needs in everyday lives of average people. They are limited. They are not potbellies. Energy is limited in the amount we have.

These institutional investors, the big pension funds, such as my own, the California Public Employee Retirement Fund, has invested over $1 billion in these markets. These institutional investors are trading long on energy futures prices. In other words, they are betting that the prices in these future markets continue to rise. They are not hedging against the risk of changing oil prices, as airlines and utilities frequently do. They never take delivery of a product. They participate in the oil markets only on paper. Yet these investors, the big ones, are currently exempt from CFTC regulation when they execute these trades through brokers or dealers. These trades are called swaps.

Currently, the CFTC limits speculation positions to a total of 20 million barrels of oil and 3 million barrels of oil in the last 3 days of a contract. However, these same investors avoid these limits by executing their trades as swaps. This is a mistake. Institutional investors have become speculators.

Last month, the CFTC announced that it will review trading practices for these investors, and this is a positive step. But legislation is still needed to level the playing field and close the loophole. The bill before us will limit the size and influence of institutional investor positions in energy markets.

To further increase transparency, this bill also requires the CFTC to begin distinguishing between the institutional investor index trader and the swaps dealers who broker their trades. This legislation closes the swaps loophole, bringing transparency and speculative position limits to contracts executed through swaps dealers, in that way preventing a price discovery function as much as possible to keep prices from continuing to escalate.

Specifically, the bill gives the CFTC the authority to begin collecting data on large over-the-counter traders so that it can determine whether price manipulation or excessive speculation is taking place. This would ensure that the CFTC has a clear picture of all

trading in over-the-counter commodity markets.

The London loophole, what is the London loophole? I think we also must prevent U.S. crude oil contracts from being traded on international exchanges without robust oversight.

I ask unanimous consent for 2 more minutes, please.

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

Mrs. FEINSTEIN. A recent CFTC report found the traders were using the London exchange to trade U.S. crude oil futures to avoid U.S. regulations—in other words, go around it. Trades exceeded U.S. speculation limits every single week since 2006.

Last month, CFTC announced that it would limit this offshore market speculation and require recordkeeping and an audit trail for these traders. That is a start. But legislation is still needed to codify the regulation. This legislation will require foreign exchanges with customers in the United States to adopt the same speculation trading limits and reporting requirements that apply to U.S. trades, ending the regulatory race to the bottom. This language is based on legislation that Senator LEVIN and I introduced previously.

I believe very strongly that we must ensure that American energy commodities are protected from manipulation and excessive speculation, regardless of where the commodities are traded.

Bottom line, this bill brings transparency, it brings accountability, it brings recordkeeping, it brings oversight to the energy markets. It would impose sound, proven economic principles to markets that are currently broken and where speculation has increased so dramatically that it is pushing up the price. It would close regulatory and legislative loopholes that prevent the CFTC from enforcing the Commodity Exchange Act in energy commodity markets.

I hope my colleagues will support the bill. I suspect it may not pass. I hope it does because there is no question in my mind that the 800-pound gorilla in the price of gasoline at the pump is excessive speculation on commodities futures markets dealing with energy.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, will you be kind enough to notify me when there is 30 seconds remaining so I can conclude without imposing on the other party's time?

Mr. President, today, Rhode Island drivers are paying more than $4 a gallon for gas, and they have been paying those prices for well over a month now. We all know that 8 years of two oilmen in the White House equals over $4-a-gallon gas, a nearly sixfold increase in oil prices.

These record oil prices have sent consumer prices skyrocketing, not only at the pump but at the supermarket and the department store. Food and household goods take energy to produce and transport and have become more and more expensive. While George Bush and DICK CHENEY's friends in the oil industry celebrate grotesque profits, ordinary Americans struggle to make ends meet. Families in Rhode Island and across the country are having to choose between filling their tank and feeding their families and between heating their home and buying needed medicine. They are frustrated, they are angry, and they are looking for solutions any way they can find them.

Unfortunately, rather than taking steps that will help consumers today, the Bush Republicans are now trying to harness Americans' anger and frustration and, of all things, use it to capture more inventory for big oil. The energy companies have already bought 68 million acres of public lands to drill, and they are sitting on it. They are spending more buying back stock than they are drilling these holdings. Now, rather than drill what they have, they want more.

The administration and its allies have said that opening more land to drilling is the one and only way to lower the price of gas in this country. That is flat wrong. The United States owns 3 percent of the world's oil reserves and consumes 25 percent of the world's oil. The measures endorsed by the administration and its allies would have zero effect on gas prices—zero effect for at least a decade. Even then, the Energy Information Administration projects these proposals aren't likely to make any significant dent in gas prices—cold comfort for Americans who have watched gas prices rise by about $3 a gallon while two oilmen occupied the White House.

We cannot drill our way out of this problem, now or ever. But that is not all. Even as the Bush Republicans say their only answer to our energy crisis is drill, drill, drill, they have repeatedly refused our good-faith offer to bring their proposal to a vote. If they are confident this is the right solution, then give each of us the chance to vote up or down, based on what we think is right for the people we represent.

Why not? Because as we have seen, time and time again, they are not interested in finding the right solution, in doing what is right by families who need help today. No, the Bush Republicans are much more interested in playing politics and pouring more money into the pockets of oil companies already reaping world record, history-of-the-universe profits. Their proposal would encourage our continued dependence on oil, harm our environment, and delay our badly needed transition to the vibrant green economy that beckons us. Make no mistake, if the Republicans would let us walk through this door, a vibrant green economy does beckon American workers and families.

We need real commonsense solutions that can make a difference now. One factor most economists believe has played a major role in driving up prices is rampant speculation in the commodities and futures markets, something we can address today. Speculators invest in oil futures with no intention of taking possession of the commodity itself. They have historically played a role in the marketplace, but under George Bush's watch, excessive and irresponsible speculation has exploded. Experts may disagree on whether speculators have run up the price of oil by 10, 30 or 50 percent, but there is broad and growing agreement that speculation is a serious problem and that fixing that problem can help bring gas prices down now.

Of course, the big oil companies, and those in Congress who support them, say the dynamics of supply and demand, not speculation, is the real cause of the massive price increases. There are two problems with that argument. First, we have heard testimony from experts who say there is no way that simple supply and demand for oil can explain the huge rise in energy costs that have plagued American families in the last several months. Second, energy speculation has its own supply and demand in the commodity market. According to data from the CFTC, speculators now control 71 percent of the oil market, up from 37 percent when President Bush took office.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator has 30 seconds remaining.

Mr. WHITEHOUSE. I thank the Chair.

With relatively constant supplies of futures and the dramatically expanding demand of speculators, prices have nowhere to go but up. So I am here to support legislation that our colleagues have offered to get to the bottom of the energy speculation boom. Senator MARIA CANTWELL, in particular, has been a leader, but I wish to commend Majority Leader REID for offering the Stop Excessive Energy Speculation Act of 2008, which would address the problem of excessive speculation.

In the time that remains, I will simply urge my colleagues to take a look at this problem. When there is $16 billion that used to chase these indexed futures funds and it is now over 300, clearly something is going on in these markets that we need to get a look at. We should regulate them the way we do other markets, such as grain.

These funds, which include university endowments and pension funds, may unknowingly be helping drive up prices by holding energy assets—commodities they don't intend to sell or consume—as part of broad investment strategies.

The amount of money in commodity-based index funds has exploded in recent years, rising from $13 billion in 2003 to $317 billion today, according to one estimate.

Leader REID's bill would bring to light the role of index traders in the energy market by requiring the CFTC to collect and publish data on their

participation. Greater transparency combined with the new investigatory resources that this bill provides will help lower energy prices.

Do we know for sure that speculation is driving oil prices? Not for sure. But we do know two things—one, we regulate speculation in this commodity, oil, less than we do other commodities such as grain, and two, there is more than enough evidence of excessive speculation to prompt a reasonable and prudent person to act.

I hope the Senate will act quickly to pass legislation strengthening the government's authority to crack down on rampant speculation in the energy markets and call on my Republican colleagues to take action that will help consumers in the near term, instead of resorting to political gimmickry.

I appreciate the courtesy of the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Would the Chair remind me of how much time I have.

The PRESIDING OFFICER. The Senator has up to 10 minutes.

Mr. CORKER. If you wouldn't mind letting me know when 60 seconds remain.

The PRESIDING OFFICER. I would be happy to notify the Senator when he has 60 seconds remaining.

Mr. CORKER. You are a most helpful Chair, and I thank you so much.

Madam President, I rise to talk about energy today. My good friend from Rhode Island mentioned how we would like to vote, and I agree with him. I think it is an amazing thing that the biggest issue in the country today is energy and here we are, in the greatest deliberative body in the world, for some reason, not allowed to vote to try to solve this particular issue.

I had a townhall meeting last night. On the telephone, we had about 1,200 callers at all times. I can assure you that while other subject matters arose, the issue constituents care most about today is gasoline prices.

I am part of a bipartisan group that is trying to craft some kind of legislation to pass, and we were all asked to put down on a piece of paper those things we think ought to be considered and those things that should not be considered—five Republicans and five Democrats. After we did that, there were many things we all agreed should at least be discussed as part of an energy bill. Yet it is fascinating to me that when we have an issue of supply and demand—and I think contrary to what my friend from Rhode Island said, most economists all agree there is a supply-and-demand issue—an issue where we have continuing demand throughout the world and in this country and we have lessening of supplies and, in fact, the price of oil continues to rise, it is interesting to me that when we have this phenomenon of supply and demand, we focus on speculation.

Now, this is one of those bills, unfortunately, Madam President—and I know you are from the great State of Missouri and use a lot of common sense in the things you have done there—that is a ready, aim, fire bill. This is not a bill to be taken seriously. It is a bill to sort of take the American people's minds off the issue of supply and demand.

Let me read a couple of sentences. On page 14, it says:

> Not later than 30 days after the date of enactment of this subsection, the Commission shall impose by rule or regulation speculative position limits on trading that is not legitimate hedge trading.

The bill is referring to the CFTC in that sentence. Then it goes further to say that they will, 30 days after enactment, put together an advisory group that, after 60 days, will make some recommendations. This is, of course, after the CFTC has already, per this ''shall'' language, imposed various requirements and stipulations on hedging in place. Then, after that, 270 days after that, this advisory commission will look back over what has occurred to see if it is right or wrong.

This bill is not on the floor to be taken seriously, and I think most of us who have talked with people throughout the industry realize that. Again, this is something to take the voters' minds off the real issue—the issue of supply and demand.

I wish to say to my colleagues on the other side of the aisle that I am willing to look at everything there is to look at in the equation of supply and demand. There is no question that in a country which has 3 percent of the oil reserves in the world, has 4 percent of the population, yet uses 25 percent of the world's oil production, conservation needs to be a big part of it. I would love to talk with my colleagues on the other side of the aisle about what we might do in the area of conservation. My guess is there would be a lot of people on both sides of the aisle who would reach agreement over what we ought to do as a country to lessen demand by focusing on conservation.

Yesterday, in the State of Tennessee, Nissan—a great automobile producer—announced their focus on producing an all-electric car by the year 2012. I welcome that day. I look forward to the day when I and my daughters and my wife Elizabeth drive a vehicle that we plug in at night, that is being charged with base load power at low prices and that we drive the next day and not use petroleum. Why don't we debate some amendments on this floor that have to do with that?

Much of the discussion has been about offshore drilling, about the Outer Continental Shelf. Again, as part of the equation, we ought to look at supplies. I am all for looking at additional offshore development. I think it only makes sense at a time when we have rising demand and lessening supplies. But I would like to talk about a lot of other things.

Again, it is an interesting thing to me that one person, the majority leader of the Senate, can decide that we have one so-called speculation bill on the floor that, again, majors in the minors. The issue is supply and demand. Yet in this body of ''100 great Senators,'' we don't have the ability to talk about an issue that is the biggest issue in front of the American people.

I think all of us know right now what I am doing, and this is something I am not accustomed to doing, but I am burning up time on the floor. The last speaker was burning up time on the floor. Basically, what we are doing is waiting to see if later this afternoon the majority leader of the Senate will allow 100 grownups—100 grownups elected by their respective States—we are basically waiting to see if the majority leader of the Senate will allow 100 grownups, who represent people all across this country, to actually offer amendments that might help solve the supply and demand issue we have in our country.

I think it is very obvious that we, as a country, need to produce more and use less. My daughters, 19 and 20, learned this when they were in middle school; that there is an issue of supply and demand.

Again, I wish to meet my colleagues in the middle. I agree that conservation, as I have stated before, needs to be a big part of this, but it is a diminishment of this body to know that basically all day long people are parading back and forth on this floor to make points on one side or the other about energy, the biggest issue before the American people, and what it is all about is killing time until we find out whether the majority leader will allow us—treating us like teenagers—allow us to offer amendments. It is an amazing thing.

It seems to me that if we were going to be serious about this, that we would have the gumption to stand here on the floor, offer real amendments, talk about those amendments, and hash them out. That is why I came to the Senate. I think that is why the Presiding Officer came to the Senate and has offered so much in the way of making this body function in an appropriate way. So I hope that very soon we will move away from these political games and things that might affect the fall elections and move to the serious issues the American people care about. That is what I came to do.

Madam President, how much time do I have remaining?

The PRESIDING OFFICER. There is 1 minute 15 seconds.

Mr. CORKER. So for 1 minute 15 seconds I will talk about supply and demand again, something that I think most of us understand.

I will say again to my colleagues on the other side of the aisle that I am willing to look at every possible amendment that has to do with conservation, that has to do with green technology, that has to do with additional production, so that over the next 10 years, we don't send $10 trillion overseas.

We talk a lot about the oil companies in this country, and I know there are some things that can be said pro and con, but the fact is they are public companies and they do operate in the light. It seems to me that when we argue about big oil—and we do that in a negative way sometimes—what we forget is that every year—this year $700 billion—and again over the next 10 years, under present trends, we will send $10 trillion overseas to countries that, in many cases, wish us ill.

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

Mr. CORKER. I thank the Chair for your courtesy, and I now yield the floor.

Mr. CORNYN. I thank the Senator from Tennessee for his good work and good words on this important issue. I agree with him that it is a serious problem and it calls for serious answers. We need a response by the Senate when it comes to energy, when it comes to our dependency on imported oil. As T. Boone Pickens has pointed out in his crusade to try to help people understand where we are on this, he said we send $700 billion of American money to foreign countries to pay for the oil we import. That is because we are not producing enough here at home, because we are not conserving, and we are not far enough down the road in terms of coming up with alternative sources of energy.

What is Congress's role in all this? We have done some things. I think we ought to give credit where credit is due. We have passed a corporate fuel efficiency standard for automobiles. We have passed tax benefits and subsidies for things such as solar power and wind energy. We have encouraged the production of biofuels such as ethanol, although we are finding sometimes that the unintended consequences of using food for fuel creates problems in and of itself. Suffice it to say, this is a serious problem and Congress has, in many respects, acted I think appropriately to address some parts of the problem. Unfortunately, like so much of politics these days, this sometimes degrades into a name-calling contest. I am going to try my best not to engage in that. But I do want to respond to the accusation that was made earlier that somehow this is attributable to the current administration's tenure in office.

As you can see from this chart, the price of gasoline back when President Bush was sworn into office in January 2001 was $1.49 a gallon. It has grown over time to when the Democrats took control of the Congress, in January of 2007, to $2.33 a gallon. Then of course it has spiked since that time to now on the order of $4.06 a gallon on average, more than $4 a gallon. It has gone from January 2001 to today to more than $4 a gallon. While our friends who are in charge of the agenda and the floor schedule of the Congress, the Democrats who were put in a majority status, have been here, we have seen it spike to the figures of today.

That is not to say it is directly attributable to them, but I would say it is unfair to suggest that because President Bush has been in office since January 2001, he is the only one responsible. The fact is, it is our responsibility too. It is the majority leader's responsibility, I submit, to give us an opportunity to come up with serious answers to a serious problem and not play the same old broken game of politics and ''gotcha'' that turns people off so much when it comes to the Congress. It is no secret why the approval rating of the Congress is at historic lows. There is no secret to that. It is because people look at what is happening here in Washington, DC, and they say: They are not listening or they may be listening, but they are playing political games rather than trying to solve real problems on a bipartisan basis.

I know there is plenty of fault to go around, but why can't we work together to try to solve the most pressing issue for working families in America today, and that is the high cost of gasoline and energy? We know there is a bill on the floor that deals with one part of the problem. This has to do with the so-called speculation. Last month, Warren Buffett, one of the richest men in America and perhaps one of the richest in the world, the CEO of Berkshire Hathaway, said: It is not speculation that is the problem, it is supply and demand.

T. Boone Pickens, whom I mentioned a moment ago—who is spending $50 million of his own money—met with Republicans today, met with Democrats yesterday, to explain why he is spending so much of his own money to elevate the profile of this issue so it will be something Congress cannot run away from and neither can the Presidential candidates but is something they will have to address and solve. He said focusing solely on speculation is a waste of time.

Why would Congress deal with a bill that only addresses speculation? I would say I am not sure. What I am willing to do is certainly consider and probably support a bill that would be supported on the Democratic side that would provide for greater transparency of the commodity futures markets and would provide more resources to make sure we have more cops on the beat, so to speak, to police the commodity futures trading that goes on and to make sure that is not the problem or, if it is part of the problem, as the majority leader said yesterday—he stood here on the floor of the Senate and said he thought it was 20 percent of the problem in terms of the price of oil. I don't know if T. Boone Pickens is right; I don't know if Warren Buffett is right; I don't know whether the majority leader is right. Let's say the majority leader is right and it is 20 percent of the problem. Why in the world would we leave the other 80 percent off the table? Why would we settle for a 20-percent solution when we could have a 100-percent solution, in trying to address this important domestic issue?

We have come up with a lot of ideas. We have said we need to explore and produce more American oil so we have to buy less from overseas. We have been told no, we cannot do that. We have been told no, we can't produce more nuclear power to help generate more electricity. No, we can't investigate the possibility that we could use the coal we have here for new technology that would allow us to use that coal to make aviation fuel—as the U.S. Air Force is currently testing, a synthetic fuel made with coal-to-liquid technology.

Again—I don't think this is unfair and I think this is exactly what we keep hearing—it seems that the answer from the other side of the aisle is: No new energy. They want to investigate. They want to litigate. They want to raise taxes. But when it comes to new energy sources, they say no.

The one law that Congress of course cannot repeal or suspend, even here in Washington, DC, is the law of supply and demand. We know from the experts that there is rising demand in countries such as China and India, with more than a billion people each. They are buying cars, they are consuming more energy. They have watched us and they have seen that America consumes about 25 percent of the oil in the world, even though we represent a small fraction of the population. They look at that and they say maybe that is the reason for their great prosperity.

I think there is something to that.

We are having more and more competition globally for this scarce commodity. What is our answer on this side of the aisle? We say we need to find more and we need to use less. Find more, use less.

I heard the Senator from Tennessee bemoan the fact that the majority leader has said he will not allow a full debate and amendments to this legislation. I think it is absolutely critical that we allow full debate and amendments that would be likely to actually solve the problem, rather than go through what is a patently political exercise so somebody or another can check off the box and say: OK, we have been there, done that. Now we can go home on August recess. I believe we ought to stay here. Rather than go on recess in August, I believe we ought to stay here until we actually come up with a commonsense solution to this problem.

Some have said OK, if we start drilling today in the Outer Continental Shelf, it is going to take years for that oil to come on line. I wish we had thought better about that 10 years ago, when President Clinton vetoed production from the Arctic National Wildlife Refuge, which Congress had authorized, which would have produced 1 million additional barrels of oil 10 years ago. That would be flowing today if President Clinton had not vetoed that bill.

The fact is, oil is a globally traded commodity. That is where we get back

to the speculation question. Actually, the market is a pretty rational process. For everybody selling a contract for future delivery of oil, there is somebody who is willing to buy it. That is how the market works, a willing seller and a willing buyer. If Congress were to do the rational thing, the sensible thing, the thing that would actually have a positive impact by pushing gas prices downward, we would say we are open to producing more American energy, perhaps as many as 3 million additional barrels of oil a day here in America, which is 3 million barrels less than we have to purchase from abroad. That would give us some time.

It would also send a message to the commodity futures markets that in the future there is going to be additional supply that is going to come on line. That would help bring down the price of oil because 70 percent of the price of gasoline is related to the price of oil. I think that would have a dramatic impact on the price of gasoline at the pump and would provide the American people some relief at a time when they need some financial relief.

It would give us some time so we could do the research and use good old-fashioned American ingenuity to come up with alternatives, things such as in 2010, when many of the big automobile companies are going to introduce plug-in hybrid automobiles that you can actually plug into the wall socket in your home and charge the battery you can use then to commute to work or, if you believe what Boone Pickens has suggested, he said if Government would mandate that all new Government cars and trucks run on natural gas, that would relieve a lot of the pressure on gasoline and oil prices and bring down the price of gasoline by 38 percent.

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

Mr. CORNYN. I will be happy to.

Mr. DURBIN. Senator CORNYN probably heard, as I did, when President Bush said America is addicted to oil. I took that to mean that we try to find a way to move to alternatives and renewable and sustainable energy. I hear the Senator's speech moving in that direction as well.

Could the Senator tell me why he believes 68 million Federal acres of land, which we have now given to the oil and gas companies, which they are not using for exploration and production, is an argument for giving them more acreage?

Mr. CORNYN. Madam President, I appreciate the question and the opportunity to try to answer that. Let me do the best I can. I think there is the illusion here in Washington that every acre of land that is available for exploration is going to produce oil. As a matter of fact, in Texas—I am not unfamiliar with the term ''dry hole.'' As a matter of fact, this is a very complex enterprise, where you do seismic testing to try to figure out where oil is likely to be. Sometimes you are wrong and it costs millions, even sometimes billions of dollars to invest to try to produce that oil.

What the oil companies try to do is figure out where their chances are best so they start there. But the more land—including the submerged lands in the Outer Continental Shelf—that is available to them that now Congress has put out of bounds, I think the better the chances are they will be able to find it.

As a matter of fact, there are experts—I am not an expert, but I read what the experts say—who believe there are vast quantities of oil and gas available in the Outer Continental Shelf that are not available now on the lands to which they have access.

Mr. DURBIN. Would the Senator yield for another question?

Mr. CORNYN. I would be happy to yield.

Mr. DURBIN. If you were given the opportunity to lease either a barrel of rainwater or a lake to go fishing, I assume you would lease the lake. And I assume these oil and gas companies, in leasing this land, believe it is likely to have oil and gas.

So I ask you, if they have paid their money to lease Federal lands, 68 million acres—half of it offshore, half of it onshore—and another 23 million acres in Alaska, where is this mother load of oil you are so certain we are holding back from these oil and gas companies that would bring us the oil instantaneously and bring down gas prices?

Mr. CORNYN. Well, I am delighted to try to answer that question, as well, because I think the Senator's question demonstrates—I am not complaining; I am not criticizing. You know we are not oil and gas experts, but I have had a little bit of exposure. Let me try to answer that.

There is not a big lake of oil under the surface of the land that is available to anybody who can punch a hole in the earth and then suck it out with a straw. So I do not think the analogy is apt.

These oil companies in America are owned by shareholders. They are not interested in drilling dry holes. They are interested in drilling where there is actually going to be some oil that can be produced. The more opportunity they have, the more lands available to them, the greater, they believe and I believe, they can maximize the likelihood that they will actually find oil.

This is not to help the oil companies, this is to help us quit sending 700 billion a year of American dollars to foreign countries for oil while we have more of it at home, if you believe the experts, about 3 million barrels a day.

Mr. DURBIN. Would the Senator yield for another question?

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

Mr. DURBIN. Madam President, who is in control of time now?

The PRESIDING OFFICER. The minority has 3.5 minutes remaining.

The Senator from South Carolina is recognized.

Mr. GRAHAM. Americans are probably wondering what the Congress is doing to solve the Nation's energy problems? Apparently, just asking each other questions.

What I would like to do is do something. I would like to have a comprehensive plan that would address the fact that most of you out there who are listening to me are hurting. You are having to fill up your car's gas tank with $4-plus gas. Food prices are going up, and we are fiddling while your budget is burning.

I cannot explain this; I do not know. But you are figuring this out. The Congress is at an all-time low in terms of approval rating. It seems to me this is something we could all agree on: how to address our energy needs.

Seventy percent of our oil comes from overseas, most of it from the Mideast. If you feel good about that, great. I do not. I think most Americans would like to get away from that. There is oil off the eastern coast.

I do not know why you would not want to add more supply. If there are leases that the oil companies have now they are not using, they expire in 6, 8, or 10 years, and they have to pay to renew them. I would imagine if there is oil out there, they would go get it.

But there is a lot of oil and gas, they tell me, off the east coast. But there is a moratorium on us being able to explore for it. Lift the moratorium, add it to our supply. Every barrel of oil America can extract from American-owned resources is one less barrel we need from the Mideast, and it makes us more independent. And, yes, get away from using oil. I am all for that. But that is not going to happen anytime soon.

Just by lifting the moratorium at the executive level, oil prices have come down about $20.

Nuclear power—everybody talks about it. The French, 80 percent of the French power comes from the nuclear industry. They recycle the waste too. They do not put it in the ground. They know what to do with the waste. Surely we can be as bold as the French.

Anyway, there is a lot we could do, but we are choosing to do nothing. We are choosing to blame each other.

There is a bill on the Senate floor that addresses one part of the problem, speculation. We should be dealing with speculators, we should be adding domestic inventory, we should be doing something about nuclear power to make sure we can expand our nuclear footprint. It would be good for the environment. It would make us less dependent on fossil fuels, and, yes, we should come up with new cars that run on batteries.

We should be doing it all. We should do it together. All boats rise if we could work together. This is one time when Democrats and Republicans, if we would lay down the partisanship and focus on America's interests, would

look better. But we have a bill that allows us to do one thing, and that is ridiculous. We should be doing a bunch of things together.

Ladies and gentlemen of the Senate, America is watching and they are not pleased.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Madam President, before my friend from South Carolina leaves the floor, as usual, but not always, I agree with him. I hope we can get to a point where we can deal with both of those issues, offshore drilling and the development of more nuclear powerplants.

I wanted to clarify for the RECORD, when you said we should be as bold as the French, you were speaking only of their use of nuclear power?

Mr. GRAHAM. Yes. I would like to refine my remarks. But I would like to add, if I may, the French, with all joking aside, the French have figured out how to use nuclear power in a safe manner. And we can learn from everyone, including the French.

I say to my good friend from Connecticut, he has the right attitude about his job. I wish we all would adopt it.

Mr. LIEBERMAN. I thank my friend from South Carolina.

Madam President, I rise to speak in favor of the Stop Excessive Energy Speculation Act.

I want to commend and thank Senate Majority Leader REID for considering and adopting a series of ideas on this subject, including particularly the Commodity Speculation Reform Act, which I was privileged to introduce along with Senator COLLINS of Maine and Senator CANTWELL of Washington State.

The commodity markets perform a crucial function in our economy as a place where producers and consumers of specific commodities can enter into what are called futures contracts that help hedge the risks of price fluctuations in their industries to give them this certainty that they can buy or sell the product that they are dealing with at some time in the future. And that gives them some stability for their businesses.

Those markets have existed for a long time, and they perform a critically important function. The real physical commodity market traders—the airlines, the refineries, the manufacturing firms, and the other users and producers of energy—are the people who actually intend to produce or take delivery of those commodities such as oil as part of doing their business.

That is why they go out to the futures markets. Historically, participation in those markets, quite naturally, has been dominated by those commodity traders. That is why they were created, why the markets were created.

Financial speculators, including pension funds, university endowments, and other large institutional investors, however, have in recent years poured billions and billions of dollars into commodity markets betting on rising prices.

Let's make it clear, these are bets. There is nothing illegal about what they are doing. But as I learned long ago, just because something is not illegal does not mean it is not wrong or it does not hurt people. And the underlying premise of this legislation is that excessive speculation in these commodity markets, futures markets for oil, particularly, is unnaturally raising the price of oil, which is to say immediately, the outrageous price of gasoline that people are paying all across our country today.

The difference between the physical traders, as we call them, the people who actually want the product physically or have it to sell, such as the producers of energy or airlines or refineries or manufacturers and the speculators, the speculators never intend to buy or sell the product.

They are moving paper around, and they are moving enormous amounts of paper around. The numbers speak for themselves. In the past 5 years, the amount these so-called institutional investors have put into commodity index funds has gone from $13 billion to $317 billion. That is with a ''b,'' billion.

And, of course, the price of commodities in these funds rose nearly 200 percent over the same period. That is what is shown in this chart: 1970 is here, 2008 there. You can see the black line shows the prices, and it shows the stock price commodity index over here, the amount of money put in.

It goes up and down, but it is basically staying here. Then, yes, look at that. The amount invested goes up and the prices go up dramatically.

One way to understand this is I think one of the witnesses before our committee said there had been an amazing increase in the demand for those futures contracts. So, in part, the price has gone up for that reason. But I will come back to that.

Moreover, the amount of money that pension funds have moved into the commodities thus far may be the tip of the iceberg. Estimates suggest that less than 1 percent of the $2 trillion—trillion this time with a ''t''—of private pension fund assets is currently allocated to commodities. Imagine if that percentage increases to 5 or 10 percent, what an impact that will have.

Through some mystery and magic that I never fully appreciated and certainly do not support, futures contract prices, even though they are for oil that will be delivered in the future, somehow get read right out at the gas pump pretty much the next day. Add that private pension money to increasing commodity investments from State and local governments, pension plans, hedge funds, insurance companies, and other institutional investors, and the result is clear: rising oil, gas, and food prices.

The stark reality is the speculators today threaten to overwhelm our commodity markets and substantially increase food and energy prices for years to come.

In a series of hearings that Senator COLLINS and I conducted in our Homeland Security and Government Affairs Committee, we heard testimony from one expert that this kind of excessive speculation in the commodity markets may be adding as much as $40 to $60 to the cost of a barrel of oil. Of course, that then gets pushed through the system and we pay at the pump or this winter in our home heating oil purchases.

There are some people who say that 40 to 60 number is much too high. But I would say most everybody we talked to said that speculation in the commodities market is certainly adding something to the retail price of fuel. I would say even a single dollar increase due to excessive speculation is a dollar too much because of the terrible effect it has on individual consumers who are struggling to spread their budget and use it for the necessities of life, but also because of the overall effect it is having now on the American economy.

Let me give you this example: One of the worst protected industries by the increase in fuel prices is the airline industry. Fuel prices are an important part of them doing business. And what we read periodically when they file their quarterly reports are the stunning losses that they are suffering; laying off people as a result, cutting flights as a result from their schedule.

So here is a number. According to the Air Transport Association, every $1 increase in the price of a barrel of crude oil adds $470 million a year in jet fuel costs, almost half a billion dollars more cost to the American airline industry. Of course, those costs are passed on to consumers in the form of higher ticket prices and other surcharges that are now keeping a lot of passengers on the ground and the airline industry reeling.

If speculators want to invest in energy, they can buy stock directly in energy companies and that would bring needed investment into a means of production; that would increase supply and eventually contribute to lower gasoline prices.

Unfortunately, the Commodity Futures Trading Commission, known as the CFTC, has ignored the urgent task of providing a frontline defense against this rampant speculation in the commodity markets. As we listened to the witnesses from this commission before our committee, it seemed they had not even been prepared to recognize and acknowledge that there is such a thing as excessive speculation and that it is contributing to rising commodity prices. Instead, the commission has delegated much of its regulatory authority to the for-profit commodity exchanges themselves. This is a very unusual circumstance. These are very professionally run exchanges, but what

has happened is that the regulator we created—and I will talk about that in a minute—in the 1930s has given the authority to the regulated exchanges to say how many speculation positions—in other words, how many futures contracts—any one investor in the market can hold at any one time.

The Commodity Futures Trading Commission was created in the 1930s because some of the physical traders, particularly in food-related products—grains, et cetera—felt that speculators were unfairly and unnecessarily driving up the price of food. So the Congress created the Commodity Futures Trading Commission and gave them the power to regulate and prevent manipulation and, we would say, excessive speculation. They seemed to say they only have the right to police manipulation, which is doing something out and out unethical, as opposed to putting billions of dollars into the market, moving paper around, and raising the price of commodities for consumers. In contradiction with Congress's original legislative intent, therefore, the commission seems to view its responsibility as confined to that single purpose—preventing market manipulation. On the contrary, the record will show that Congress fully intended the commission to regulate not only market manipulation but what we are seeing today that is hurting consumers all across the country badly, and that is excessive speculation.

I want to talk about what this bill before us does. First, I do want to say, in fairness and clarity, I am not saying—I don't think anybody supporting this bill is saying—that the only reason why gasoline, for instance, has gone over $4 a gallon is speculation on the commodity markets. There are other causes. One is clearly rising world demand. The other is a sense that there is a limited supply of oil under the ground. The third is a problem that we in both Houses of Congress and the President have created over a period of time, and I suppose others in our economy have contributed to it. That is the weakness of the American dollar. What is clear is that one of the reasons why this enormous amount of money is pouring into the commodity markets and speculative index funds over the last 5 years is that the dollar has gotten weaker. People who used to leave their money in the dollar as a secure place to be, as a kind of hedge against inflation, feel it is not working now. That is why they are going into these commodity index funds as a better, kind of a gold standard of the day. Until we do something about our national fiscal health and strengthen the dollar again, there still will be that incentive for people to put money into the index funds. So it is not only speculation in the commodity markets but, I am convinced this is one of the contributing causes, perhaps the one cause that we in the Federal Government, by wisely regulating, can actually do something through that will, in fact, put downward pressure on retail gasoline and oil prices.

Here is what the leadership bill does. It incorporates a bipartisan proposal that was developed with Senator COLLINS and Senator CANTWELL to create a seamless system of speculative position limits that apply to commodity positions held both off and on the regulated exchanges. To be brief, there is a whole world now that has been created over the years outside of the exchanges, New York, Chicago, where these futures are traded, so-called over-the-counter, unregulated, foreign exchanges. This bill has the aim of covering all those. Because if you are going to regulate speculation, you should regulate it wherever it is occurring. We in Congress have the power to adopt a law such as that.

Speculative position limits, the primary policy tool of the CFTC for preventing excessive speculation, authorized back in 1935, were used successfully for decades. Now it should be extended to where the action is occurring. Speculative position limits would put a cap on the size of any one investor's holdings in futures contracts of speculation with respect to a specific commodity, wherever those contracts were purchased. Current caps only apply to positions on the regulated exchanges, and we think that no longer does the job.

In addition, I am working with other Members on a substitute amendment that, similar to this bill, because it covers over-the-counter markets, I want to go on to cover investments on the foreign exchanges, incorporate foreign holdings. The outstanding value of over-the-counter commodity derivatives is estimated by the Bank of International Settlements to be $9 trillion. So no bill that wants to deal with the commodity trading business can do so without addressing over-the-counter trading. We want to go on to the foreign holdings as well so that the system will be complete. It won't have any holes in it. One of the witnesses before the committee said the current system of regulating sales and futures contracts, speculative contracts, is like Swiss cheese, a lot of holes in it. Senator COLLINS and I want to make it like good, strong New England cheddar cheese, no holes.

The bill includes another concept from the Lieberman-Collins-Cantwell bill that establishes a specific criteria that the CFTC must use when it sets the speculative position limits. It adopts and expands a rule from our bill by requiring the CFTC to consider the overall effect of speculative activity and to set the position limits at amounts no greater than necessary to ensure liquidity in the markets. We are not saying all speculation is bad. Some speculation makes the markets liquid. It makes them function. It makes them work for those farmers and fuel producers and home heating oil dealers and airlines that want to deal in the actual physical product. We think that provision is necessary.

Congress fully intended the regulators use the speculative position limits to counteract excessive speculation when it passed the original Commodity Exchange Act of 1935. I talked about this briefly, but you can see it here. Congress stated its purpose was ''to provide a measure of control over those forms of speculative activity which too often demoralize the markets to the injury of producers and consumers. . . .'' ''[T]he bill''—not this bill but the bill in 1935—''has another objective, the restoration of the primary function of the exchanges which is to furnish a market for the commodities themselves.''

That is from a House report of March 18, 1935. A lot of years have passed since then, but that states the problem we are dealing with now. It is worse now because of the hundreds of billions of dollars of speculative activity that is going on now.

Other provisions in this bill are drawn from legislation introduced by several of my colleagues, including a proposal from Senator LEVIN to authorize the CFTC to liquidate over-the-counter positions, if necessary, in response to major market disturbance. It also includes provisions pushed by Senator BINGAMAN of New Mexico that would enhance the tools available at present to the Federal Government to prevent market manipulation.

What I am saying is that rather than constituting a radical disruptive attempt to distort commodity markets, our legislation basically returns the regulation of commodity markets to where it was intended to be in 1935. It adjusts to the changing reality by embracing all the places where these speculation futures contracts are being sold and regulates them as the Congress of 1935 intended. I know some critics of the bill have said it would encourage investors to foreign exchanges. I don't believe so. The bill will actually discourage flight from the major American exchanges, because it puts all trading platforms under the same regulatory umbrella. It is an even playing field now because everybody is going to be covered. Speculators are subject to the same position limits as those who are investing from here, regardless of whether they invest in New York, London, Dubai, or over the counter.

There is another area of the bill I am working with my colleagues to address. I want to touch on it briefly. The bill I have introduced with Senators COLLINS and CANTWELL would extend the reforms to both energy and agricultural commodity markets. The bill before the Senate now only deals with the energy markets. I must say that in many respects the case for reforming agricultural markets is even greater than the case for energy markets, though the American consumer is feeling the increase in food prices less painfully than the increase in gas prices. But trust me, anybody who has been to the supermarket lately knows they are feeling the pinch from increasing food prices as well.

Here is the reason. The agricultural commodity markets are historically very small. As investor money flows into index funds—this is a kind of package of investments in commodities that the big institutional investors put money in—that include agricultural components, there is a significant risk that the speculative activity will actually overwhelm the agricultural commodity markets to the great detriment of farmers and American consumers as well. We put our proposed legislation on the Homeland Security Committee's Web site. We got wonderful responses from people, one very poignant one from actually an agricultural food broker in the Midwest—I believe Iowa—complaining about the unbelievable impact on farmers of this excessive speculation coming into the food commodity markets. As he said, even though the farmers I deal with are making more money because food prices are going up, they know this is going in a bad direction because prices are going up for no good reason. They are going up for speculation.

There are those who will object to the bill because they think that government should never interfere in free markets. The father of capitalism, Adam Smith, noted in ''The Wealth of Nations,'' the great classic text on capitalism, that even in a free market, there needs to be some limits. He wrote:

> Those exertions of the natural liberty of a few individuals which may endanger the security of the whole society are and ought to be restrained by the laws of all governments.

I forgot who said it, but somebody else said, probably a little less elegantly, that the world has never seen anything like a free market system to create wealth. It is a magnificent means of creating wealth. But inherently the free market system has no conscience, and there are simply occasions when, to maximize gain, people will be downright greedy without regard to the consequences on society as a whole.

We honor wealth creation in America. People are not against wealthy people in America. Everybody wants to be wealthy in America. But when there are no, essentially, policemen on the economic beat, then people who have a lot of money begin to take advantage of people who are on the other end.

That is why we have a whole system of regulation. I daresay it is part of the reason failure to regulate adequately, which has been noted by people in both parties—Secretary Paulson and others have talked about it—failure to regulate financial markets, to adequately create accountability in the extension of home mortgages—a banker gives a mortgage to somebody who is not able to pay it over the long term, but the banker has no accountability because the banker puts it in a package, sells it to somebody up the chain, and the next thing you know somebody is buying a bond based on those mortgages who lives in Norway, as somebody gave me a real-life example.

That is beginning to happen in a different way in speculation in commodity markets, which is why I think we have to extend the original law to cover the reality of our day, to protect the American consumer and, in fact, to protect the American economy.

So I know there is what has become a characteristic classic Senate moment where there is a potential gridlock over this bill because of disagreements on what amendments will be allowed. I surely hope we can overcome that because the American people need the relief this bill will offer. I hope we can figure out a way to come to a lot of the other ideas that colleagues want to put on as amendments because the American people need the relief those amendments will offer as well.

I know people comment on and joke about the fact that in recent polling, the people who have a favorable impression of Congress has dropped below 10 percent to 9 percent. My friend, the Senator from Arizona, Mr. MCCAIN, says when you get down to 9 percent favorability for Congress, you are down to family and staff. I want to thank my family and my staff, all of you who are here.

But it is not a laughing matter, and the public is not happy with us for good reason. We are not getting anything done to solve their problems that they worry about, that they face every day: the cost of energy, the cost of health care, the security of their jobs, et cetera, et cetera, et cetera, the price of energy.

This bill is one way to bring some help. So I hope we will figure out a way to get beyond the gridlock and get this done.

ORDER OF PROCEDURE

Mr. LIEBERMAN. Madam President, I ask unanimous consent that the Senate now recess until 5 p.m. today for the briefing from National Security Advisor Stephen Hadley; further, that the time in recess count postcloture, and following the recess, the time from 5 to 5:50 p.m. be equally divided between the two leaders or their designees.

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

Mr. LIEBERMAN. I thank the Chair.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 5 p.m.

Thereupon, the Senate, at 4:03 p.m., recessed until 5 p.m. and reassembled when called to order by the Presiding Officer (Mr. PRYOR).

STOP EXCESSIVE ENERGY SPECULATION ACT OF 2008—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, the Senate has engaged over the last day and a half or two in probably one of the most important debates and, I hope, series of votes and actions this Congress can take this year. For the future years ahead, it may be precedent setting as to whether this country will return to its ability to produce not only traditional forms of energy but will grow to expand into new and alternative sources of energy so we can become increasingly less dependent upon foreign sources.

Great nations—and ours is a great nation—do not depend, in a way that they become dangerously at risk, on other nations' resources for their strength and their vitality. The great strength of our country has always been we could feed our people during a time of war and emergency, that we could take care of our own because we had an abundance of resource. It was also true of energy—all forms from energy—from the day we discovered the use and the effective use of whale oil as a form to light our houses and illuminate our worlds, to a progression from there to petroleum products, coal and then kerosene and then diesel and now, of course, gas and diesel and a myriad of products that flow from the hydrocarbons our Nation so abundantly produced.

I came to this Congress in 1980. At that time, we were about 35 percent dependent for our hydrocarbon needs on foreign nations. The rest of it we produced ourselves. As a result of that, we had flexibility and we had little to no liability, and, therefore, little risk, that we could be held hostage or that our economy and, therefore, our people and their will could be shaped by a foreign power. That time has changed because, over the last two decades, we made a concerted decision—a political decision—to stop producing. We began to put vast known oil reserves off-limits in the name of the environment, and we began to increasingly buy from foreign production and foreign-producing powers. Today, we stand at a near 70-percent dependency, and for any great nation to be 70 percent dependent on someone else other than themselves, that great nation is a nation at risk.

Today, the United States of America is at risk because we don't control our energy destiny. We have to react to it. We send our President to foreign countries with hat in hand, asking them to produce because we have grown so rich and so arrogant we refuse to produce ourselves. That game plan or that scheme, while it wasn't working, at least was reasonably well accepted, until other consumers began to enter that world market of oil: China and India and other developing nations. They began to consume from that finite pool of resource from which we were the large takers. The price began to change.

I remember a few years ago I thought: Well, gee, at $2, that is a

break point. The American consumer will finally react. We went by $2 a gallon for gas as if it didn't exist. Well, at about $2.75, I began to get phone calls from some of my farmers and large consumers saying: Larry, it is getting pretty pricey out here. But the average consumer still wasn't reacting. Last year, we went by $3 a gallon as the world began to recognize we were consuming more and more and producing less and less of a very important product—crude oil. In the high dollar, the $3-and-some-odd-cents range, my phones began to ring. Idaho consumers, who are large consumers of energy—because we travel long distances in big, expansive, Western rural States such as Idaho—were saying: Larry, this is expensive stuff. We are having trouble. That was at $3.50 or $3.60. Then, all of a sudden, it hits four bucks and everybody's phones light up. America asked us—the politician, the public policy shaper—what happened? Why are we here? Why was this allowed? Why are you standing in the way of the ability of the marketplace to drill and produce? That is the debate we are having right now. It is a very important debate.

The majority leader, the Democratic leader, HARRY REID, has brought S. 3268 to the floor saying: It is speculation. Somebody out there in the marketplace is profiteering; therefore, this is the bill that will fix it. Well, I am saying: HARRY, that is fine. There might be some slight maneuvering in the market, so let's debate the bill, but we also know it is clearly a supply-and-demand situation and maybe we ought to figure out how markets work. A few of us know about that. Others try to deny it; that is: If you have more being consumed than you are producing, you create a new value to the commodity or the product being consumed.

So what I am saying and what other Republicans are saying is: We will debate S. 3268, but we want an opportunity to add to it a production concept. We want to be able to produce, to turn this great Nation on to production. Guess what they are saying over here. No, no, no, no. We have built our political base on nonproduction over the last 20 years. We have said let's be green. Let's don't produce anymore. Let's take it off-limits.

It didn't work, did it? No, it didn't. If you are paying four bucks today and you are angry about it, there is a clear answer why you are: This Nation quit producing. We didn't quit consuming. We began to consume what the rest of the world had, and the rest of the world wants it now as badly as we do. That is the reality of the problem we are in. This Senate ought to spend all the time it takes to produce a bill that deals with speculation, if it is there, and allows this Nation to produce once again.

We have done it. We did it in 2005. We were responsible. We brought a bill to the floor, we spent 2 weeks, we had many amendments, we debated them up or down, they passed by 50 percent plus 1 or more votes, and those that didn't failed. We produced one of the better energy bills our Nation has seen. When we started that debate, there wasn't a nuclear reactor on the drawing board for design. Today, there are 33—a direct result of a responsible action on the part of the Senate and the House in the Energy Policy Act of 2005.

Then, in 2007, last year, another energy bill—because the Senate was somewhat awakening and public policymakers were awakening to the reality of the need that had not hit us full force in 2008. We passed a bill that had a new renewable fuels standard that allowed increased production in biofuels. Today, the Department of Energy said if we didn't have ethanol in the market, the gas at the pump would be 25 to 40 cents more a gallon. So we have done some things there, and there are those who oppose it. There were some on the floor who opposed it, but we handled it in a responsible fashion. We brought the bill to the floor. We allowed it to be amended. We debated it. There was no filibuster. There is no filibuster today. It is simply a majority leader of a party that has based their politics on a nonproducing policy, and they can't allow the consumer to understand it or see it. So when we come to the floor and say: Let's amend it, let's add production to it, the answer is: Oh, no. Politically, we can't go there. There is an election out there. Let the American consumer and his pocketbook burn down.

Well, if that is the policy of the day, it is the wrong policy. It should not be allowed. I am one who will refuse to allow it to go forward. We are either going to debate energy in a full-blown, responsible fashion; we are going to allow amendments that are going to be up or down, we will win or we will lose, but America deserves to see a robust, proproduction, proconservation, proalternative, antispeculation debate and bill produced on the floor of the Senate. Anything less isn't acceptable. I hope the American people are listening today. Anything less than that isn't acceptable.

My time is nearly up, so let me conclude because others are on the floor to debate this important issue. Two years ago, I introduced this chart to the lexicon of the debate on American oil production. Then I called it the ''No Zone,'' and others are now using it, and I am mighty proud they are, because this red area was where American politics said you cannot drill. We called it the ''No Zone.'' Well, we know there is potentially billions of barrels of oil there, but oh, we dare not touch it, for whatever political reason, I am not sure. But guess what Americans are saying today and what is incorporated in the opportunity to debate and amend a bill here on the floor: That is to allow effective and responsible exploration in areas where oil is known.

So come on, HARRY REID. Give America a chance to save some money. Give America a chance to get back into production. It is quite that simple. I will conclude by saying: How simple? Use the bill you have. Allow it to be amended. Allow a full debate. Allow Senators to work their will, and we can produce something that in time will allow production to flow and the American consumer to be once again advantaged by a robust energy market.

I yield the floor.

Mr. SANDERS. Mr. President, I ask unanimous consent to speak for up to 4 minutes.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. SANDERS. Mr. President, let me begin by suggesting that a number of my Republican friends who come to the floor speak under the mantra: Drill, drill, drill; it is going to solve all our problems. Well, you know what. The American people, the people in Vermont are disgusted, angry, and frustrated that they are paying $4.10 for a gallon of gas. The people in my State—the Northern part of this country—are worried sick about how they are going to be able to heat their homes next winter when the price of home heating fuel may well be double what it was just a few years ago. Well, you know what. Drill, drill, drill is not going to solve the problem because President Bush's own Energy Department has told us very clearly that increased drilling offshore—what many of my Republican friends want—would have ''no significant impact'' on gas prices until the year 2030. Even then, its impact would be negligible.

So if you are outraged about paying $4.10 for a gallon of gas, it is of no help at all for our Republican friends to say: Well, gee, maybe in 20-some-odd years we may be able to lower the cost of gas by a few cents a gallon. We must do a lot better than that. We have some folks who think we should drill for oil in the Arctic National Wildlife Refuge. Well, President Bush's own Energy Department told us in 2005:

> Drilling in the Arctic National Wildlife Refuge would only reduce gasoline prices by a penny per gallon and only in 20 years when drilling is at or near peak production.

So if we are serious about addressing the energy crisis this country has, and we don't want to wait another 20 or 25 years to lower gas prices by a few cents a gallon, we have to start looking at some other options. The first option we have to look at is taking a hard look at the excessive speculation which is now taking place in the energy market.

We have heard experts, energy economists, come before one committee or another to tell us, in fact, that the price of a barrel of oil today may be 25 to 50 percent higher than it should be under normal processes—supply and demand and the cost of production—because of excessive speculation. So we have to move aggressively on the speculation issue.

Second, because I know ExxonMobil feels that the public doesn't trust them, it is nice to see so many of my

Republican friends who have such confidence in the oil industry, and who believe that if we allow the oil companies to drill offshore in areas where there has been a drilling moratorium, to ignore the fact that there are over 60 million acres of land they already have leases on, and people believe if a oil company is given more land to drill, then prices will go down. I am glad to see some people have confidence in the oil companies. I personally do not.

While oil prices have been soaring, it is important to point out that, year after year, oil companies have been making record-breaking profits. Year after year, they have been paying their CEOs huge and excessive compensation packages. Year after year, instead of investing in new machinery to, in fact, drill for more oil, they have been using their profits to buy back stock and raise the price of the stock.

Last year alone, ExxonMobil used $38 billion of their windfall profits to buy back their own stock in increased dividends to their shareholders. Mr. President, $38 billion is enough money to reduce gas prices at the pump by 27 cents a gallon for an entire year. But it is interesting to know that some of our Republican friends have so much confidence that if we gave our friends in the oil companies even more territory to drill on, in environmentally sensitive areas, they will absolutely do the right thing, that the oil companies are staying up nights—ExxonMobil and the others—worrying about the American consumer. If you believe that, I have a couple of bridges to sell you.

I think we have to take a hard look at the continued greed of the oil companies. It would be a nice thing if we had a President of the United States who wasn't, in fact, an oilman. It would be a good thing if we had a Vice President who wasn't part of the oil industry. It would be nice if we had a President of the United States who would bring the oil industry into the Oval Office and say, gentlemen—and they are gentlemen—stop ripping off the American people. You have to start lowering your prices.

Thirdly, when we deal with the myriad of problems we have in terms of energy, we have to be mindful not only of the greed of the oil companies, not only of Wall Street speculation, but we have to understand that right now—right now—this summer and this winter there are millions of Americans who need and will need immediate help to deal with the coming winter, as to whether they are going to be heating their homes, whether they are going to be going cold, and in fact we have to worry about people now in the southern States who are seeing temperatures of 110, 115 degrees, who cannot afford the rapidly increasing price of electricity, and are seeing their electricity turned off.

If you are old and you are sick and frail, do you know what. That 115 degree temperature is not particularly healthy for you. What we need to do—and I hope we can get the bill on the floor immediately—is substantially increase funding for LIHEAP. We have legislation that would double LIHEAP funding. I am proud to say this bill has tripartisan support. We already have 49 cosponsors, including 12 Republicans. I have little doubt that if we can get that bill on the floor, if the Republicans do not continue to object to Senator REID's effort to bring it up, we can get not only 60 votes but maybe a lot more. There is companion legislation in the House. We can move this quickly, while we continue the debate on energy policy, and we should come together. We have the votes to significantly expand LIHEAP funding and make sure that old people who are trying to exist in 115 degree temperatures in the Southwest do not get sick from heat exhaustion because they don't have electricity, which is a problem that LIHEAP could address.

Of course, as part of this overall debate, it is very clear to many of us that we must, finally, in a significant way, a dramatic way, in a way that Vice President Gore was talking about a few days ago, break our dependency on fossil fuel, on foreign oil, and move this country to sustainable energy and energy efficiency.

That is an outline of where we want to go. I think some of my Republican friends are talking about very insignificant lowering of prices in 20 years or 25 years. I think we have to pass the speculation bill that is on the floor right now.

It is interesting to me that we have had executives of major oil companies who have come here to Congress—and people are saying, ''Why is oil $125, $130, $140 a barrel?'' Do you know what they say? The CEO of Royal Dutch Shell testified before Congress:

> The oil fundamentals are no problem. They are the same as they were when oil was selling for $60 a barrel.

That was the CEO of Royal Dutch Shell. My friends say it is supply and demand. That is not what a number of executives from the oil industry, who presumably know something about the issue, are saying.

The CEO of Marathon Oil recently said:

> $100 [this is back when it was $100 oil] isn't justified by the physical demand in the market.

The senior vice president of ExxonMobil, Stephen Simon, told the House Energy and Commerce Committee:

> The price of oil should be at $50 to $55 per barrel.

So you have folks from the oil industry, who, I suspect, know something about oil fundamentals, who are telling us that the price of oil today is way, way, way higher than it should be. One of the reasons they point to is the role of speculation. By ''speculation,'' we mean that as a result of an action by Senator Gramm back in 2000, with the so-called Enron loophole, energy trading has been deregulated. We have seen the results in a number of areas. Some people say: You guys are talking about speculation; you are into conspiracy theories. You are pointing out the bad guys there, and you are trying to create demons.

Let's look at recent history. Is the idea of speculation in energy markets a new idea? Well, in 2000 and 2001, our friends at Enron successfully manipulated the electricity markets, and the results, of course, were that in the western part of our country, electric rates went off the wall. I remind you that during that discussion you may remember that what Enron was saying was: Don't blame us; this is supply and demand. Well, some of those people who were telling us that, I suspect, are in jail now, because as everybody knows, Enron manipulated prices big time until they were finally uncovered. Enron collapsed, and some of their executives, I believe, are now in jail. That was manipulation of the electricity markets in 2000 and 2001.

That is not all that has happened in the last decade. In 2004, energy price manipulators moved to the propane market. Many people use propane to heat their homes. That year, the CFTC, Commodity Futures Trading Commission, found that BP artificially increased propane prices by purchasing enormous quantities of propane and withholding the fuel to drive prices higher. In other words, they manipulated the propane market and prices went up. By the end of February of 2004, BP controlled almost 90 percent of all propane delivered on a pipeline that stretches from Texas to Pennsylvania and New York. BP's cornering of the propane market caused prices to increase by 40 percent during the month of February 2004, which eventually caused them, because of their illegal manipulation of the propane market, to pay a $303 million fine.

So, again, when we are talking about speculation, and people say you are into conspiracy theories, etc, etc, etc—we have, in 2000 and 2001, Enron manipulating the electric market; and, in 2004, we have BP manipulating the propane market.

But it goes on. In 2006, energy price manipulators moved to the natural gas market. When Federal regulators discovered that the Amaranth hedge fund was responsible for artificially driving up natural gas prices—natural gas. So we had electricity, propane, and now we are on natural gas. Amaranth cornered the natural gas market by controlling as much as 75 percent of all of the natural gas futures contracts in a single month. The skyrocketing cost of natural gas, because of Amaranth's control of the market, cost American consumers an estimated $9 billion. Shortly after Amaranth was suspected of manipulating natural gas prices, the hedge fund collapsed.

Today, there are many who believe that what happened in electricity, what happened in propane, and what happened in natural gas is now happening in oil. I think we should not be

shocked by that, given the recent history I have mentioned. I think we have to move very aggressively in dealing with speculation.

Let me take this opportunity to say a few words about the LIHEAP legislation. The bill we introduced would increase LIHEAP funding by going from $2.5 billion to over $5 billion. Basically, it is a doubling of funding. That, in fact, is the amount that has already been authorized. We should be very clear. In terms of the need to increase LIHEAP funding, we are literally dealing with a life-and-death situation. People will die. People will die of exposure to cold. People will die of heat exhaustion if we do not move, and if we do not move quickly.

It is important to understand, because CNN cameras do not go there—they do not go to an old person's house in Tucson, AZ, who is struggling with 110 and 115 degree temperatures without electricity. They don't go to a low or moderate income home in Vermont and Maine when people are trying to stay warm, when the temperature gets 20 below zero. The truth is that more people have died from the extreme heat and hypothermia since 1998 than all natural disasters in this country combined, including floods, fires, hurricanes and tornadoes. I know we all see and appreciate the pain people in the Midwest are experiencing today with the floods. We appreciate and want to respond to the crisis in California with the fires. But the fact is that more people die from exposure to cold and to heat than from these natural disasters, as terrible as they are.

To give you an example—this is hard to believe, and many people don't know this—over the past decade, more than 400 people have died of heat exposure in Arizona. That is one State. That is 400 people in the last decade, including 31 people in July of 2005. All of these deaths could have been prevented if these people had had air conditioning.

What I worry about is that electricity prices are going up because fuel prices are going up. Our economy is tanking, and we are seeing a record number of disconnects. So I ask people to be concerned about what happens when it gets 20 below zero in Vermont and in Maine. I also ask people to be concerned about what happens when people get disconnected from their electricity in Arizona, Nevada, Texas, and other States.

Let me simply conclude that, clearly, we are in the midst of a major energy crisis. There are a number of aspects to that crisis and they have to be addressed. I hope that, as a Congress, while we debate those issues, we come together, as I think we are, in saying that no one in this country this year should die of heat exposure, no one in this country should die through being frozen to death when the temperature gets very low in the northern part of our country.

I thank, again, the 49 cosponsors of this legislation. It is tripartisan. Both Independents are on it. We have 12 Republicans on it. The rest are Democrats. I thank them all. I thank Senator REID for trying his best to try to get that bill to the floor as soon as possible. The AARP and dozens of other national organizations know how important it is that we pass an increase in LIHEAP funding and do it as soon as possible.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I inquire, I believe the Republicans have 13 minutes?

The PRESIDING OFFICER. That is correct.

Mr. INHOFE. Mr. President, will you please let me know when 6½ minutes has expired.

Mr. President, it is somewhat humorous to listen to the class warfare that has been coming from the other side of the aisle talking about trying to explain to the American people that supply and demand does not work. It is interesting that the other day, there was an editorial in the Washington Post saying even Congress can't repeal the law of supply and demand. Supply and demand does work, and it is a tough job to try to explain to people and it is going to be very difficult to explain to people who are buying gas at the pumps why increasing supply is not going to bring down the price.

Let me clarify one point. It is always easier to find someone to blame for a quick fix. On this speculation bill, none of the people who are really well informed on this issue believe that would have anything to do—anything to do—with the price of gas at the pumps. Walter Williams, an economist at George Mason University, said:

> Congressional attacks on speculation do not alter the oil market's fundamental supply and demand conditions.

He goes on to say it wouldn't lower it at all.

We have the International Energy Agency saying:

> Blaming speculation is an easy solution which avoids taking the necessary steps to improve supply of oil and gas.

That is what it is all about, it is supply and demand. There is not a person in America who has a high school education who has not already studied the law of supply and demand, and they know, in fact, it does work.

I came down really to talk about something about which I am proud, and that is what T. Boone Pickens is doing right now. He is saying we have to continue to drill, drill, drill everywhere we can—offshore, ANWR, into the shales—do everything we can to produce and increase the supply. But in the meantime, let's try to do something that has a more immediate effect, and that has to do with compressed natural gas.

Let me state to you, Mr. President, that I have introduced a bill that will allow us to use compressed natural gas for automobile use. It simply does three things.

We now have a tax credit for alternative fuels, and we want to add biofuels to that. One of the problems we have currently, if you have a car that has been converted to natural gas, to compressed natural gas, it is not readily available all over. There is a machine you can get now which you hook up at nighttime which will compress it overnight and you can use it. A lot of people don't have that machine. There are some places you cannot buy it. So biofuels vehicles should have the same tax credit as the alternative-fuel vehicles have. If we can do that, then that is going to allow people to have an engine to run on regular gasoline or on compressed natural gas.

The second thing we need to do is to have the mandatory renewable fuels standard include natural gas. If it does that, that is going to be another great advantage.

The third thing is, I was talking to a man named Tom Sewell in Tulsa. He is the one who I believe invented the machine you can hook up to your gas line and compress the gas for use in automobiles. He said one of the major problems is, when you go to convert your car, you have EPA requirements that are the same—if you have one engine that would be in three different manufactured automobiles, such as General Motors, Chrysler, and Ford, and some others, they have to get the same certification for that engine from each source. Certification is around $80,000. If we can pass this legislation, this will knock down the additional cost of converting your car by about $2,000 for each one.

I think this is something that has to be in the mix. I agree with T. Boone Pickens when he says there are some things we can do that would be effective, but in the meantime we have to take the natural gas we are using for other sources and replace it with—he is saying wind energy. I don't care what you replace it with, but let's use that so we can have compressed natural gas or liquefied natural gas. All these buses around Washington, DC, say ''This bus is running on clean natural gas.'' That is liquefied natural gas. Those technologies are here. You don't have to wait.

To answer the previous speaker—he spent 30 minutes trying to explain to people that supply and demand does not work—just look at this and realize that if we were able to open the Outer Continental Shelf, 14 billion barrels; ANWR, 10 million barrels; Rocky Mountain oil shale, which is the big reserve out there, 2 trillion barrels—right now Democrats have a moratorium, so we cannot go to those areas. They are trying to do the same thing with the Canadian oil sands. They already put a prohibition on using that for defense purposes. There are 179 billion barrels out there. This is what we can use. If we should open this, the market would immediately respond. All the smart people say they know that would happen because they know that help would be on its way.

Some of this we don't have to wait 10 years or 15 years for, as the previous speaker wants you to believe, because it can happen in 2 years or 3 years. In the meantime, the market will respond. People who say it would have taken 10 years for ANWR, if you remember back when President Clinton vetoed the bill that would have allowed us to drill in ANWR as well as offshore—that was 1995—we would have all of that. The next speaker from Alaska will tell you that would be coming down through the pipeline today, more than what we are importing now, not just from Saudi Arabia but all the Middle Eastern countries and Venezuela combined.

Supply and demand still works. It is still out there, it is still alive and well, and Republicans want very much to increase the supply. There it is, right there. It is something we can do. All we need is to have 10 Democrats join us, and we will be able to increase the supply of oil and gas in America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, yesterday I had the opportunity to spend about half an hour on the floor talking about the leasing issues around the country and more particularly in Alaska. I had the opportunity to talk about ANWR and about the NPRA, the National Petroleum Reserve, and spent a fair amount of time on the facts. I was quite pleased this morning to come in and read e-mails from people around the country who said: Thank you for talking about some of the facts. We appreciate learning and understanding what ANWR really is, what the potential is in NPRA. Today, I would like to continue on that subject.

In Alaska, as we know, we have been blessed with incredible resources. There have been some suggestions in the debate on the floor that perhaps there isn't enough oil and gas in this country for us to really make a meaningful impact with new production. So I wish to speak just a little bit to the production side of the energy solution.

According to the latest estimates by the USGS and the Minerals Management Service, it is possible to produce nearly 24 billion barrels of oil and 100.6 trillion cubic feet of gas from onshore areas in northern Alaska—these are mean estimates—and up to another 41 billion barrels of oil and about another 290 trillion cubic feet of gas from offshore waters around Alaska. Just this afternoon, USGS came in with their new Arctic resource appraisal, and they forecast that the Beaufort and Chukchi Seas have a mean chance of containing 30 billion barrels of oil. From an oil perspective, Alaska's Arctic is being forecast to contain a third—a third—of all the undiscovered conventional oil in the Arctic region.

We recognize that when we operate up there, we must protect the environment while we develop that energy, and we will. But Alaska offers a lot of energy potential. When I hear some of the comments on the floor that we simply do not even have enough to start, I beg to differ. The potential production from Alaska is triple America's current proven reserves of oil and would be enough oil to meet the Nation's total oil needs for nearly a decade. The gas reserves are nearly double America's current proven reserves and enough to handle all of America's current natural gas consumption for 18 years. These are not trivial reserves, if we are ever allowed to develop them. Just look at what we have up in ANWR, looking at opening the 1.5 million acres of the 1002, the Arctic Coastal Plain.

As we talk about ANWR and its potential, what we are not really hearing is what ANWR's oil potential really means to the Nation at the current gas prices, recognizing we are right at $130 a barrel.

Earlier this year, the EIA released its latest estimates for ANWR production and what it would mean. At that time, it predicted that ANWR's opening would save the Nation from paying up to $327 billion—$327 billion—to buy oil from overseas over the life of the field. It predicted that it could reduce America's dependence on imported oil down to 48 percent compared to the more than 60 percent dependence we are at currently.

The EIA forecast on ANWR from this winter again actually has been used by some on the floor to argue against opening ANWR, saying ANWR doesn't help the Nation enough, it is going to take too long to have an impact, and therefore we shouldn't be doing it. There is a Chinese proverb out there that says the best time to plant a tree was 10 years ago; the second best time is today. I think that holds true with ANWR. Those who make these arguments saying there is not enough and it is too late do not recognize this EIA forecast is based on the most conservative assumptions possible. We believe the benefits are likely to be twice to three times the amount of the official forecast. The reason is this: The report pegs the price of oil in 2020 at $59.49 a barrel in 2006 dollars. They are looking out to 2020, and they are saying: We figure the price of oil is going to be $59.49. Given that oil is more than twice that today and that few economists predict it is going to drop to $70 or $80 a barrel in the future, ANWR production could help to drive down the price at the pump by a whole lot more than the Government officially forecasts.

The International Energy Agency just this week reported that it expects oil prices to rise even further. I know that is not something most Americans want to hear, but given that the era of cheap and easy-to-find gas is over, we should acknowledge that those predictions are reliable.

We all remember the Goldman Sachs comment earlier this year. They forecast that oil could reach $200 a barrel, particularly with the geopolitical tensions that are out there. So opening ANWR could help to lower our prices in this country.

The myth that ANWR production is not worth doing because there is not much oil there is yet, again, another myth. According to EIA's January forecast, ANWR oil development, assuming a 50–50 chance of finding 10.4 billion barrels of oil, is going to produce 780,000 barrels a day starting in 2018. We think that it can be brought on prior to 2018 and believe that is realistic.

We can do more in the State of Alaska. We are ready and standing by to do more, but we need the permission from the Congress to go into ANWR.

I know I just spoke strictly to production. I don't typically like to do that. I like to talk about other efforts, including conservation and renewables. Tonight, it is just the facts on ANWR.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I hope that what is happening on the floor today is visible to people across our country. They have to see what is happening on the Senate floor as they pay through the nose, to use the expression, for higher prices for gasoline. Our Republican colleagues are blocking our efforts to eliminate harmful oil speculation and to provide some relief at the gas pump for hard-working Americans everywhere. They are holding up our speculation bill with a reckless plan to let oil companies drill along our shores.

We do not have to look any further than what happened just this morning on the Mississippi River to understand why this planning is so reckless.

Two boats collided—one was a chemical tanker and the other an oil barge—dumping 400,000 gallons of oil into the Mississippi River. Now, these numbers, 400,000 gallons, may not really reach the senses of people because it is so far removed, but this collision covered more than 12 miles of the river with thick, tar-like fuel oil, and it closed down almost—closed down the Mississippi River for about 30 miles. This spill shut down water supplies to the area, and there is a frantic effort going on right now to try to contain the spill and the damage it is causing to nearby wetlands. This incident highlights the danger and the serious risks of transporting oil from rigs and refineries to other places.

Many of my colleagues have come down to the Senate floor over the last several days to urge more drilling off our coasts, more drilling across our country, but in particular we know the danger to coastlines. We see today that it is clearly not as safe as some would like us to believe.

It is a sad commentary, though, that regardless of the reality, there are those who are carelessly suggesting that drilling will solve our problems with the outrageous price of high gasoline, prices that are robbing our families of their ability to stay financially

afloat. For lots of people, these increases in gas prices destroy any reserve that families had because we are, by and large, a commuting nation, and people pay enormous prices for the ability to get to work or to places of necessity.

But there is something happening here. There is an advantage that accrues gigantically, I might add, to the big oil companies and speculators. Big oil has fared incredibly well during the last 7½ years. That is thanks to their friends and cohorts at the White House. There was a point in time when the energy policy was being written that heads of major oil companies were invited to a secret meeting with the Vice President of the United States to design a program.

Who do you think they were going to take care of? They weren't worried about the average working family, not at all. They were looking at the companies and their ability to price gouge.

In fact, hard to believe, these oil companies have earned—pocketed is a better expression—more than $600 billion in profits over the last 7½ years. For instance, ExxonMobil made over $10 billion in a single calendar quarter, and their profits have been coming out of our pockets and going into theirs.

President Bush's latest plan is to give the industry more public land on which to drill. But this is nothing more than a parting gift, his parting gift to the oil companies.

I want to make one thing clear. More drilling now cannot lower gas prices for American consumers. In the amount of time that it takes to get it to the gasoline pump, we could be witnessing a financial calamity in our country. More offshore drilling will not impact prices until, at the very earliest, the year 2030.

We all recognize the importance of reducing gas prices to stabilize this country's economy and to ease this terrible burden on America's families, but the plan for new drilling along our coasts could be a disaster. It will do nothing to solve our energy crisis, nothing to lower gas prices, nothing to fight inflation, and nothing to help America's families.

Here is another reason lifting the ban on offshore drilling is a bad idea. It will endanger our environment which for coastal communities is a huge source of revenue from tourism and recreation. Just imagine if one of these proposed drilling rigs or, as happened today, a boat had an accident and spread thick sludge along our beaches and coastlines. It would create a disaster culturally, financially, and recreationally. We would see the same kind of economic catastrophe that we had in New Jersey in 1988 after sewage and medical waste washed up on our beaches. The tourism industry, our biggest source of revenue, collapsed for 2 years.

It is clear the oil companies are hoping they can get as many leases as they can out of the Bush administration before this President's term comes to an end. But when it is giving the oil companies new leases, we have nothing to gain and everything to lose. We must not cater to the oil companies, but we can do something to lower gas prices quickly and start easing the burden on the American people, and my Democratic colleagues and I have offered a solution.

I hope my colleagues will step up to their responsibilities and permit us to act on this solution, the Stop Excessive Speculation Act, aimed at combating harmful oil speculation at the expense of the American people in every State in this country.

The price of oil has doubled in the last 12 months, and many point to speculation as the problem.

The top analyst at the Oppenheimer—when talking about speculation—said the commodities market was ''the world's largest gambling hall.'' And the CEOs of Continental, Delta, Jet Blue and other airlines, which are struggling to cope with crushing oil prices, have joined together to create the Web site Stop Oil Speculation Now Dot Com.

The fact is, you don't have to be an airline CEO or even a financial analyst to realize that we must ring out excess speculation from the market. And that is exactly what our bill does.

It fixes the Commodity Futures Trading Commission which oversees the oil futures markets but is currently both underfunded and broken.

It gives the commission more staff and power to police the market and stop speculators from grossly distorting the price of oil.

And it closes a major loophole that allows traders to conduct transactions on foreign exchanges and outside the watchful eyes of U.S. regulators.

For months, my colleagues and I have been working to solve this energy crisis. But the Republicans have blocked our efforts a half dozen times.

American families and American businesses are suffering because Republicans—working on behalf of the oil companies—continue to block our efforts. The Republican tactic of blocking good energy legislation must stop for the good of the economy, the good of businesses and the good of families across this country.

I plead with my Republican colleagues to stop focusing only on giving gifts to Big Oil in the form of a public land grab and to focus instead on ending excessive oil speculation.

Mr. President, I yield the floor.

STOP EXCESSIVE ENERGY SPECULATION ACT OF 2008

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the motion to proceed.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the bill.

The legislative clerk read as follows:

A bill (S. 3268) to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes.

The PRESIDING OFFICER. The majority leader.

AMENDMENT NO. 5098

Mr. REID. Mr. President, I have an amendment at the desk, and I ask for its consideration at this time.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 5098.

Mr. REID. Mr. President, I ask unanimous consent that further reading of the amendment be waived.

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

The amendment is as follows:

The provisions of this bill shall become effective 5 days after enactment.

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

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

AMENDMENT NO. 5099 TO AMENDMENT NO. 5098

Mr. REID. Mr. President, I have a second-degree amendment at the desk, and I ask that it be reported.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 5099 to amendment No. 5098.

Mr. REID. Mr. President, I ask unanimous consent that further reading of the amendment be waived.

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

The amendment is as follows:

In the amendment, strike ''5'' and insert ''4''.

Mr. REID. Mr. President, it seems that the Republicans have two tools in their obstruction and delay kit. It is a tool kit that has worked quite well for them. First, they prevent the Senate from getting to bills. The Republican leader uses this tool when he can convince enough of his caucus to kill legislation before the Senate debate even begins.

Second, when a bill is so popular that the Republican leader is unable to convince enough of his colleagues to kill it before debate can begin, he switches to his second tool—claiming the process is unfair. That is what we have before us today.

The Republican leader requests an unlimited or virtually unlimited number of amendments on which he is unable or unwilling to provide specifics. When these requests are not accepted in their entirety, as the Republican leader knows they cannot be, he then turns to his caucus and asks them to oppose any further action on the bill.

Regardless of which tool the minority leader uses, the result is the same. The Republicans refuse to let us address the most critical priorities of the American people.

This situation reminds me of a story I learned as a young lawyer that has now become somewhat legendary, which says: If you have the facts, you pound the facts. If you have the law, you pound the law. If you have neither, you pound the table.

That is exactly what is happening today and has happened on many other occasions. Unfortunately, it has happened, Mr. President, a record number of times this session—84 filibusters. That is obstruction at its zenith.

Republicans would love to muddy the issue by claiming that the Democratic majority won't let them be heard, but that is simply not the truth. Democrats have proposed a comprehensive plan to address our energy crisis, starting with speculation. The Republicans, if they do not like our speculation legislation, let them offer something to the contrary. The Republicans have been talking about their plan for weeks and weeks now. That plan is to drill, to drill, and to drill.

Now, both parties want more drilling. It is not something that simply the Republicans want. We Democrats believe that increasing domestic production is certainly a big part of the problem, and we should do something about it. But, Mr. President, realistically—and we all know this—realistically we have a situation where we have, counting ANWR and all the offshore oil, less than 3 percent of the oil in the world. We use more than 25 percent of the world's oil every day. So we can't produce our way out of the problem. We can certainly increase domestic production, and we should do that, and we have a comprehensive plan to do that.

Our approach is different from theirs on drilling. We believe our approach is more responsible because we basically force the oil companies to take a look at the land and do an inventory of it and tell us why they are not using certain pieces of land. That is 68 million acres in addition to about 25 million acres in Alaska that are available with the signing of the President's pen. That increases it up to, as you know, about 90 million acres.

We have offered our plan to the Republicans. They say they want to drill. They have talked about what their drilling plan is, and we have said: Let's have a vote on it. But they have said no. They can't take yes for an answer. So it is very clear. The only conclusion the American people can reach from this is that the Republicans would rather talk than act. They would rather score, in their own minds, some kind of political points with the oil companies than accomplish something for the American people.

The Republican leadership has refused our offer of votes on drilling, so I am going to now, Mr. President, file cloture on this piece of legislation before us—the speculation legislation. I think it is very important that we do that, and it is important for a number of reasons.

I should mention that one of the things they refuse to take yes for an answer on is their drilling proposal. But I am confident the American people are seeing what the Republicans are doing, and have been doing, for 18 months—talking and talking about drilling and then running for the exits when we give them a vote on what they have asked to do.

I am equally confident, when given a choice of who to send to Congress, the American people will choose to send people who want to get things done and not those who seek delay, obstruction, and the failed ways of the past.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

CLOTURE MOTION

Mr. REID. Mr. President, I apologize to everyone. I wanted to make sure I hadn't missed anything in my script.

I now send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the cloture motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 3268, the Stop Excessive Energy Speculation Act of 2008.

Harry Reid, Richard Durbin, Barbara A. Mikulski, Frank R. Lautenberg, Christopher J. Dodd, Byron L. Dorgan, Bernard Sanders, Patty Murray, Benjamin L. Cardin, Dianne Feinstein, Amy Klobuchar, Robert P. Casey, Jr., Ron Wyden, Ken Salazar, Bill Nelson, Debbie Stabenow, Daniel K. Inouye, Sherrod Brown.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

MOTION TO COMMIT

Mr. REID. Mr. President, I move to commit the bill to agricultural committee with instructions to report back forthwith, with an amendment.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to commit the bill (S. 3268) to the Committee on Agriculture, Nutrition and Forestry with instructions to report back forthwith, with an amendment numbered 5100.

The amendment is as follows:

At the end, insert the following:

This title shall become effective 3 days after enactment of the bill.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 5101

Mr. REID. I have an amendment to the instruction at the desk. I ask now for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 5101, to the instructions of the motion to commit.

Mr. REID. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

In the amendment, strike ''3'' and insert ''2''.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 5102 TO AMENDMENT NO. 5101

Mr. REID. I now have a seconddegree amendment at the desk. I ask the clerk to report the amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 5102 to amendment No. 5101.

Mr. REID. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

In the amendment, strike ''2'' and insert ''1''.

HOUSING AND ECONOMIC RECOVERY ACT OF 2008

Mr. REID. Mr. President, I ask the Chair to lay before the Senate a message from the House with respect to H.R. 3221, which is the housing legislation.

The PRESIDING OFFICER laid before the Senate the following message:

Resolved, That the House agree to the amendment of the Senate to the amendments of the House to the amendment of the Senate to the bill (H.R. 3221) entitled ''An Act moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation'', with an amendment.

Mr. REID. I move to concur with the amendment of the House to the Senate amendment to H.R. 3221, and I send a cloture motion to the desk.

CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to report the cloture motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to concur in the House amendment to the Senate amendment to the House amendments to the Senate amendment to H.R. 3221, the Foreclosure Prevention Act.

Harry Reid, Christopher J. Dodd, Debbie Stabenow, Maria Cantwell, Barbara A. Mikulski, Frank R. Lautenberg, Robert Menendez, Patty Murray, Bill Nelson, Daniel K. Akaka, Jeff Bingaman, Ron Wyden, Ken Salazar, Charles E. Schumer, Daniel K. Inouye, Jon Tester, Patrick J. Leahy.

Mr. REID. I ask the mandatory quorum call be waived.

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

MOTION TO CONCUR

Mr. REID. I now move to concur in the amendment of the House to the Senate amendment to H.R. 3221, with an amendment which is at the desk.

AMENDMENT NO. 5103

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to concur in the amendment of the House to the Senate amendment to H.R. 3221, with an amendment numbered 5103.

Mr. REID. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of the amendment add the following:

The provisions of this act shall become effective 2 days after enactment.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 5104 TO AMENDMENT NO. 5103

Mr. REID. I have a second-degree amendment at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 5104 to amendment No. 5103.

The amendment is as follows:

In the amendment, strike ''2'' and insert ''1''.

Mr. REID. I ask that no motion to refer be in order during the pendency of this message.

The PRESIDING OFFICER. Is there objection?

Mr. DEMINT. Reserving the right to object, if I might ask the leader a question, the filing of the cloture motion on the housing bill at this point means there will be a Saturday vote?

Mr. REID. I say to my friend, you are the one who pretty well determines when we vote on these things. It will probably be—it will be Friday.

Mr. DEMINT. Friday, if all the time is used. I would like to make the Senator aware that I believe we could arrange a unanimous consent to shorten the time, if you would allow one amendment that would prohibit Fannie May and Freddie Mack or organizations from lobbying during this time of taxpayer-secured funding. So we are prepared to shorten the time, if you are willing to allow that unanimous consent.

Mr. REID. I say to my friend, the Senator from South Carolina, that this bill is so important. We have filed—I kind of lost track, but because of your side we have had to have four cloture motions. This will be the fifth on this most important piece of legislation, a piece of legislation that has been promoted and the administration has prodded us to get this done weeks ago.

Of course, if your amendment is made part of what we are going to do here and this legislation is changed, it goes back to the House again. Then we have a process that seems never ending.

I have no problem with the intent of the Senator from South Carolina. I think there would be, perhaps, support on both sides of the aisle for your amendment.

That being the case, I think it would be a real travesty at this time. I don't know if there is a day that has gone by this week—it is only Wednesday, so probably not—a day that has gone by this week that I haven't received a call from someone in the White House, including on several occasions the Secretary of Treasury, saying please do not hold this up at all. This has to be done.

So I say to my friend again, in no way denigrating the intent of the offer because I think the intent is sincere, I hope you would not force us to do this.

Speaking on behalf of President Bush—and I don't do that very often—I don't think we should do this. I don't think we should send this back to the House. I think we should complete it here.

I will be happy to consider joining the Senator in a letter to the two entities regarding some way to make sure they are transparent in any lobbying they do. I would be happy to do something on this. But I feel constrained not to slow this very important legislation, which is well over a month overdue at this time. Every day that we do not do something—every day there are 8,500 people who get foreclosure notices; 8,500.

It may not seem like much, but if we send this back to the House, we would complete it sometime late next week. During that period of time, we would probably have about 45,000 people who would have entered foreclosure proceedings, when this legislation will allow, some say, up to 1 million people to be able to save their homes.

I hope the Senator would not press us on that. I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. CANTWELL). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. REID. I offered a unanimous consent request, the last one I offered, and my friend from South Carolina reserved the right to object, so I withdraw that.

WARM IN WINTER AND COOL IN SUMMER ACT—MOTION TO PROCEED

Mr. REID. Madam President, I now move to proceed to Calendar No. 835, S. 3186, a bill to provide for the Low-Income Home Energy Assistance Program, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The clerk will report the motion to proceed.

The legislative clerk read as follows:

Motion to proceed to the bill (S. 3186) to provide for the Low-Income Home Energy Assistance Program.

CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the clerk will report the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 835, S. 3186, a bill to provide for the Low-Income Home Energy Assistance Program.

Harry Reid, Bernard Sanders, Barbara A. Mikulski, Charles E. Schumer, Christopher J. Dodd, Debbie Stabenow, Maria Cantwell, Byron L. Dorgan, Richard Durbin, Patrick J. Leahy, Patty Murray, John F. Kerry, Kent Conrad, Benjamin L. Cardin, Jack Reed, Jon Tester, Thomas R. Carper, Joseph R. Biden, Jr.

Mr. REID. I ask unanimous consent that the mandatory quorum be waived.

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

The Republican leader is recognized.

Mr. MCCONNELL. I say to my Senate colleagues, to the American people, there is both good news and bad news. The good news is we are now on a subject that the American people are interested in. The bad news is, it only deals with a very tiny part of the overall problem we confront.

We know that over 80 percent of the American public believes we ought to expand domestic production of oil and gas, both onshore and offshore. We know a speculation-only bill, while interesting debate as to what part of the price of gas at the pump speculation involves, we know that alone is not going to deal with the core problem, which is we do not have enough supply of oil and gas.

As the most famous rich Democrat in America, Warren Buffett, said: We do not have a speculation problem, we have a supply and a demand problem.

As T. Boone Pickens, who has been liberally quoted on both sides of the aisle here, and has been in town this week, has repeatedly pointed out to us, his view is we ought to do everything we can to both expand domestic production and to conserve. But he too does not believe speculation alone has anything to do with the core problem.

The dilemma we have now is that we have a very narrowly crafted measure that the majority leader has made impossible to amend, that no experts in the country think would have a real impact on the core problem. Senate Republicans find that unacceptable.

The American people are pounding the table. They are angry as they gas up their cars every week and see the pricetag. They are saying: Do something and do something now that will make a difference. This is the biggest issue in the country since terrorism right after 9/11, and our response: A no-amendment approach. That is simply unacceptable and inconsistent with even the recent history of the Senate when preventing amendments by the minority has become all too common.

Look back to last fall or last year. We did an energy bill on the floor of the Senate, an important energy bill that, among other things, raised the corporate average fuel economy of automobiles. We spent 15 days on the floor. The price of gas at that point was $3.06 a gallon. It is a full dollar or so higher now. It was not the biggest issue in the country at that point. Although it was a big issue, it was not the biggest issue. We had 16 rollcall votes. We agreed to 49 amendments; in 15 days, 49 amendments when the price of gas was $3.06 a gallon.

In 2005, when this side of the aisle contained the majority, we had an energy bill, an important energy bill. The price of gas at that time was $2.26 a gallon, which we all felt was entirely too high then. We spent 10 days on the floor on that debate, we had 19 rollcall votes on amendments, and we adopted 57 amendments.

Both of those measures ended up becoming law. They were clearly not one of those check-the-box exercises where you put everybody on record and move on. I think the American people would be appalled and will be appalled as they learn that the plan here is to not do anything serious about the biggest issue in the country.

There is a lot of dodging and weaving going on. We know the Senate Appropriations Committee decided not to function out of fear that amendments would be offered relating to offshore drilling. The chairman of the Appropriations Committee, I gather, was rather candid about it: We are not going to meet because we might have votes on the No. 1 issue for the American people, which is to expand domestic supply.

Now, we have said repeatedly on this side that we do not think expanding supply is the key. We think you should both find more and use less—do both. As T. Boone Pickens repeatedly told us this week, both sides of the aisle: You need to do all of these things. You need to do all of them quickly. ''Get about it,'' he suggests.

I am sure he said to the Democrats, as he did to the Republicans, that he is 80 years old, he wants to see some results soon. He said he was running out of time. Well, the American people are running out of time too. So my suggestion is we proceed with this bill, the most important issue in the country, in a way that will get a result for the American people. A proven way to get a result, demonstrated last year when the Democrats were in the majority and in 2005 when the Republicans were in the majority, is to have a process that is fair to both sides, that allows all Members of the Senate to participate in writing a bill on an important subject.

UNANIMOUS-CONSENT REQUEST—S. 3268

Now, in that regard, I have indicated to my friend the majority leader that I was going to propound a unanimous consent agreement that I think would be reasonable, related to the subject, and begin to move us in the direction of having an accomplishment and not a check-the-box exercise.

Therefore, I ask unanimous consent that the Senate consider the pending measure in the following manner: that the bill be subject to energy-related amendments only; provided further, that amendments be considered in an alternating manner between the two sides of the aisle, first an amendment on one side, then on the other. I further ask unanimous consent that the bill remaining be the pending business to the exclusion of all other business other than privileged matters or items that are agreed to jointly by the two leaders. I ask unanimous consent that the first seven amendments to be offered on my side of the aisle by the Republicans, by either myself or my designee, be the following: an Outer Continental Shelf amendment, plus the conservation provision; an oil shale amendment, including a conservation provision; an Alaska energy production amendment, including a conservation provision; the Gas Price Reduction Act, which has 44 cosponsors; a clean nuclear energy amendment; a coal-to-liquid fuel amendment, plus conservation; and a LIHEAP amendment.

All this would do would be to indicate what the Republicans have in mind on those seven amendments related to the subject, and would give notice to the other side that were we permitted to do so, those would be the first seven we would offer.

Therefore, I ask unanimous consent that that be adopted.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, the matters the distinguished Republican leader has outlined are part of their proposal that they offered before, I think they call it the Gas Price Reduction Act. Everything he has talked about here is part of that legislation, and it is part of an alternative we have also. Senator BINGAMAN has worked for more than a week with the assistance of other Senators on this side of the aisle coming up with different amendments which, of course, have the Alaska energy production. That is part of ours. We have the oil shale amendment as part of ours. We have the LIHEAP, of course, which is now or shortly will be before this body.

It is very obvious that the Republicans, especially when they want this to be the exclusive matter we deal with, that is this energy bill, that they want this to go on, as a lot of things have this year, into oblivion. That is why they had 84 filibusters and we have had to file cloture 84 times.

These are the first seven amendments. I hope everyone heard that; the first seven amendments they want to offer. We know that the drilling amendment is a subterfuge. We know that JOHN MCCAIN, the Republican nominee for President of the United States, has said it will do nothing for short-term oil supply. He said it is psychological. That is what the Republican nominee for President has said.

We said what we wanted to do is have a vote on speculation, which is a very big deal. Now I know my friend keeps bringing up Warren Buffett's name, said he does not think speculation has anything to do with it. I have great respect for Warren Buffett. I consider Warren Buffett a friend. I have talked to him many times and have met with him on many occasions. By the way, he told me the best business he has ever had in his whole life is a furniture store in Las Vegas.

We read into the RECORD today numerous scientists, economists, regulators, who said that speculation is from 20 to 50 percent of the cost of a barrel of oil.

We believe that is an important issue. My friend said: It is only a tiny part. Only a tiny part? Twenty to fifty percent of the cost of a barrel of oil a tiny part? Remember, it is very interesting. It is interesting that their so-called Gas Price Reduction Act that they introduced with 42 cosponsors—part of that is a provision dealing with speculation. So speculation is not a tiny part.

This morning, the distinguished Senator from New Hampshire said he thought there should be a vote on oil shale. I said: Fine, we will have one. He said he thought it would be great to have a vote on nuclear power. I said: We have not built a plant in 40, 50 years. I am sure that is not much of a short-term solution to the energy problem facing people buying gasoline in Las Vegas or Reno. But we said we would do that.

So, Madam President, this is nothing more than what the Republicans have done from the very beginning. They are not concerned about speculation. Drilling, as their Presidential nominee has said, is only psychological. We want to

do something to certainly focus on speculation.

I would say, as LIHEAP is part of it, they are going to have that opportunity. We are going to take up LIHEAP. People have come to me and said they think this is an important issue. Well, join with Democrats because we also believe it is an important issue. They will not let us do anything on speculation. Maybe they will let us do something on LIHEAP.

I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCONNELL. Well, Madam President, the good news is we are on the subject the American people are interested in. Republicans believe it is important to talk about the biggest issue in the country. We have agreed that speculation is something we are willing to take a look at.

As the majority leader pointed out, it is part of the Gas Price Reduction Act. But we need to do a lot more than that, and we will be arguing during the pendency of this issue that we ought to open this bill, give all Senators on both the Democratic and Republican side an opportunity to turn this into a serious, comprehensive energy proposal, debated and amended, consistent with Senate tradition.

That, we know, will lead to an actual law. What happens when you go through these expurgated, slimmed-down, check-the-box exercises is, you do not get anything done. The American people are out of patience. Maybe this is one of the reasons this Congress has a 14-percent approval rating, which makes the President's approval rating look pretty good. They sent us here to do something, and I think I can safely speak on behalf of the Republican conference that we are ready to do something about the most important issue in the country.

We are pleased to be on the subject matter, and I see my good friend from Arizona on his feet.

Mr. KYL. Madam President, might I just ask the minority leader to yield for a question?

Mr. MCCONNELL. Madam President, I would be happy to.

Mr. KYL. Madam President, just to clarify one thing the majority leader said, your unanimous consent request dealt with seven specific subjects that you would like to address by amendment. The majority leader indicated that all seven of those were part of a bill that 44 Republicans had cosponsored.

I would ask the minority leader, is that correct? Specifically, did that bill that Republicans have cosponsored include LIHEAP, which is one of the amendments, a nuclear amendment, which is another amendment, or an amendment dealing with the production in Alaska, specifically ANWR?

Mr. MCCONNELL. Well, Madam President, I would say to my friend from Arizona, of course not. Members of our conference, as we know because we worked very hard on this, believe that the four provisions of the Gas Price Reduction Act—offshore drilling, oil shale moratorium—I see the Senator from Colorado here—battery-driven cars—I see the Senator from Tennessee here—and an important provision on speculation are a good place to start.

We would like to have that vote. But there are other members of our conference—I see the Senator from Alaska here who feels very strongly maybe this is a good time to debate and vote on ANWR or maybe a good time to discuss the proposal about which the other side has been talking about part of her State that is currently open that may or may not end up being productive.

The fundamental point, I say to my friend from Arizona, is, everybody in the Republican conference believes, since this is the most important issue in the country, we ought to spend some time on it and try to get it right. That is what we ought to be doing.

I see my friend from Tennessee on his feet. Does he have a question?

Mr. ALEXANDER. Madam President, I wonder if the Republican leader would answer a question.

Mr. MCCONNELL. Madam President, I am happy to yield.

Mr. ALEXANDER. Madam President, is it the intention of the Republican leader to cause the Senate to take up the issue of $4 gas prices and stay on it and debate it and amend it and come to a substantial result, including ways to increase supply and reduce demand, so we can say to the American people we have done our job?

Mr. MCCONNELL. Madam President, I would say to my friend from Tennessee that is precisely what we had hoped to do. And that is the reason I outlined the way the Senate dealt with the broad subject of energy last year under a Democratic majority and 3 years ago under a Republican majority.

If we want to make a law around here, the way you do it is you give both sides an opportunity to amend and debate. That is not for the purpose of not going forward with a bill. That is for the purpose of going forward with a bill and getting a result. I think clearly I can safely speak for every single member of the Republican conference: We would like to get a result to make a difference.

Mr. ALEXANDER. Madam President, if I may ask a second question of the Republican leader. Has the Republican leader not from the very beginning said that the solution to $4 gasoline is both supply and demand; that we want to find more and use less; that, yes, we want to drill offshore, but we also want to make it commonplace to have plug-in electric cars and trucks, as an example, and that the major difference between us is that we are willing to find more and use less and the other side is not?

Mr. MCCONNELL. Madam President, I say to my friend from Tennessee, I think I am hard pressed to think of a particular example of any conservation measure that virtually every Member of our conference is not in favor of. Every Member of our conference has said, as the Senator from Tennessee has indicated, that we would like to both find more and use less, and we are confident that we cannot have an accomplishment that actually makes a difference unless we do both.

So I think the Senator from Tennessee is entirely correct. Our goal here is to find more and to use less and to actually make a law and make a difference rather than trying to make an issue.

Mr. ALEXANDER. Madam President, if I may ask a last question of the Republican leader. The Republican leader and I and many other Senators probably took economics 101. When I took it, the law of supply and demand had both supply and demand, finding more and using less.

I wonder if the Republican leader knows of any movement in academic circles to repeal half of the law of supply and demand, and to say that the law of supply and demand does not anymore include supply?

Mr. MCCONNELL. The only time I heard that suggested was by some of our friends on the other side of the aisle who think maybe you can only do half of that. But I am unaware of any American people who believe that. The American people get this. The reason this issue has jumped way up the charts is because they understand the law of supply and demand. They understand we both need to find more and to use less.

And I do not understand the reluctance here. I really do not. In a Congress enjoying a 14-percent approval rating, I do not understand what my good friends on the other side are afraid of. What is the problem? Why don't we join hands and do something?

Every one of our amendments may not pass; we do not know whether they will. But what is the reluctance of the majority to tackle the No. 1 issue in the country? I am perplexed by the strategy. I do not know why we should be afraid. We are all familiar with these issues. We wrestled with many of them in 2007 when we passed an energy bill. We did it in 2005 when we passed an energy bill. Most people think both of those bills made a positive difference for the country. It obviously is not enough.

If not now, when? When? Now is the perfect time to get started. And it is never a good answer to say if we do this or we do that it will not make a difference tomorrow. Almost none of these things make a difference tomorrow, unless collectively we do something that is so applauded by the rest of the world and by the markets that they think, my goodness, maybe these Americans are serious about getting on top of this problem and doing something about it.

So that is our goal, I would say to my good friend, the majority leader. There

is nothing tricky about it. There are no gimmicks involved. This is a serious effort and an overwhelming interest on our side to make a law—a law that will make a difference, and to do it not tomorrow, not 3 weeks from now, not in November, but now. The way forward toward an accomplishment for our country is to get started. We have the opportunity to do that.

If my good friend on the other side would like to engage in further discussions off the floor about ways in which we can agree to sets of amendments that are fair to both sides and go forward, we are happy to do that. But we are relieved to be on the subject, and we think we ought to stay on this subject because the American people expect it of us.

Mr. GREGG. Madam President, will the Republican leader yield for a question?

Mr. MCCONNELL. Madam President, I will be happy to yield to the Senator from New Hampshire for a question.

Mr. GREGG. Madam President, it seems to me that the Republican leader has outlined the process for getting this bill completed. He has listed seven amendments which are reasonable and which are significant because they involve—well, in the area of oil shale, over $2 trillion of potential reserves, in the area of offshore oil, literally years of reserves, and on the issue of nuclear power, a chance to produce a clean energy that does not pollute the environment and addresses the issue of clean energy.

I presume the Republican leader—certainly, one of those amendments might be my amendment, and I would certainly be agreeable to a time limit. Would the Senator agree that we on our side would be willing to agree to reasonable time limits for debate on each of these amendments so there could be an orderly process which would have a time certain for completion of this bill sometime early next week?

Mr. MCCONNELL. Madam President, I say to my friend from New Hampshire, of course we would be happy to agree to time agreements on our amendments. We want to go forward. There is no effort to slow this down. We want to make progress. Frequently, as my friend from New Hampshire points out, the way you make progress when you offer an amendment around here is, you agree to a time agreement. There is a certain amount of risk involved because you do not know whether you are going to win or lose, but you move forward.

That, I assure my colleagues, is the way we handled the energy bill last year, it is the way we handled the energy bill in 2005, and it is the way to make a law and to make a difference for our country.

So I would say to my good friend, the majority leader, that is where we hope we will end up, in a position where both sides can have their fair say on this important issue and just maybe come together and do something important for the American people.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, my friend, the Republican leader, said this is a good place to start. That is the problem with the minority. They have a lot of good ideas to start but never finish anything. That is the way it has been. They have had 84 filibusters this year.

This is really kind of like the ''Twilight Zone.'' The Republicans are saying now that they want to drill in the Outer Continental Shelf. The Republican nominee for President, JOHN MCCAIN, says that is psychological and won't help. Now, today, to show they are not tracking very well with JOHN MCCAIN, they come and say they want to drill in ANWR. Now, JOHN MCCAIN is opposed to that. He stated so publicly. So they have two issues, one of which the Republican designee for President says is just psychological, but they want to have a vote on that. They also want to start drilling in ANWR—something their Republican nominee for President totally opposes.

My friend from Tennessee said: Don't we want to do something about the $4 gas prices? Please, Madam President, let's not laugh out loud. We have brought matters before this body in detail more than once to do something about gas prices long ago. The Presiding Officer played an essential part in one piece of legislation. It was called the Consumer First Energy Act. That matter was brought up in June of this year. It was a good piece of legislation. It said we should tax the windfall profits of these oil companies, which last year, by the way, made $250 billion. It repeals the section for major oil and gas companies that were using foreign tax credits on oil that they shouldn't have. It suspends the filling of the Strategic Petroleum Reserve. We had to force the President to do that. That part of it was ultimately adopted. It punished price gouging. The American people understand that.

So to say we haven't done anything on gas prices is not because we haven't tried. Again, our Republican colleagues have said: Well, that is a good place to start, but we are not going to do anything about that.

We also talked, even in that legislation, about excessive speculation in the oil markets. We also had another piece of legislation the American people identified with which was recommended as part of our Consumer First Energy Act by Senator KOHL of Wisconsin and Republican Senator SPECTER of Pennsylvania. Why not make OPEC—this huge organization which is in control of most of the oil in the world today—why not make them subject to the Sherman Antitrust Act. That is what a Democrat and Republican thought was important, and we put it in this bill. So no one needs to talk about us not trying to do something about gas prices. We have been trying for a long time.

We also believe the American people understand that global warming is here. We tried to move to that. The Republicans said: No, we are ready to start, but that is a little tiny thing. We want to have an open amendment process. Then, bang, a couple more cloture motions.

The goal of the Republicans is to stall, and that is what they are doing, and they are pretty good at it. I asked the Democratic whip to meet with his counterpart last week to see what we could do about having some amendments to move forward on this speculation bill. The distinguished Republican whip told the Democratic whip they had 28 amendments and they would probably have more.

This is not a serious effort to legislate; this is a serious effort to stop everything. They are willing to stop housing again. We are going to have to go through all of this process of housing, causing at least 45,000 or 50,000 people in the next few days to get foreclosure notices. That is part of what they are stalling on tonight. We know we are going to move to LIHEAP. LIHEAP is something important. We must do that, because there are senior citizens around this country, disabled people, who are having a difficult time in the summer, but winter makes it brutal. We want to move to that. They are stalling us on that. That is three more cloture motions we have had to file, so now I guess we will be up to, by the end of this week, 87 filibusters.

I know there are a lot of Senators here who wish to speak. I think it would be appropriate that we enter into some kind of order if people want to speak here so it is not a jump ball.

Mr. DURBIN. Madam President, would the majority leader yield for a question?

Mr. REID. I would be happy to yield to my friend.

Mr. DURBIN. Madam President, I wish to ask the majority leader if—I don't question the sincerity of the Republican side or the minority leader—but did we not say to the Republican side that if this is a critical, timely issue, can you gather together your Republican Senators—all 49—and come up with your package that could include all of the elements that are mentioned here, and did we not make the offer to the Republican side that that would be called to the floor for debate and for a vote in a timely fashion?

Mr. REID. I say to my friend, the answer is yes. But now they have a new deal. The new deal is they want to do some interesting things that haven't been brought up before. They want to drill in ANWR, even though it was resoundingly defeated in the Senate a couple of years ago. Even though MCCAIN is opposed to it, they are in favor of it. They want to do something that is psychological. Not only do they not want to move with their package that we thought was what they wanted

to do—they introduced it, whatever the name of it is—now they want to split that off piece by piece and have one piece, two pieces, three pieces, five pieces, whatever is in it, so they can stall some more.

So what I say to my friend is, yes, we were willing to have a vote on their package, and we would have our package. We are very proud of our package.

Mr. DURBIN. If the majority leader would yield through the Chair for another question, if this issue is so critical and time is of the essence, why do they have 28 amendments plus? Why do they come to us and say we will start with 7; there may be more?

It would seem to me if time is of the essence, they would want us to move in an orderly debate to two energy proposals—one on their side, one on our side—have a debate, take a vote, and make sure it is done so we can adjourn as scheduled a week from Friday.

Mr. REID. I say to my friend it is obvious that the situation is they think this is a tiny part of what we are doing. Speculation, which is 20 to 50 percent of the cost of a barrel of oil, is a tiny part, and they will skip that for now and go on to something else. Drilling? The McCain special, the psychological cure for the problems of this country, they decided maybe they don't want to have a vote on that. Maybe what they will do is add on 27 other things.

Mr. DURBIN. Madam President, if I could ask the majority leader through the Chair, as I understand it we have 9 days left—assuming that there is not much to be achieved later today—9 days left before we are supposed to adjourn. We are trying, before we adjourn for the August recess, to deal with several outstanding measures: the housing bill, which is now back over from the House of Representatives to try to deal with America's housing crisis; the LIHEAP bill, which the Senator has said will provide for the elderly and disabled, help with their air conditioning and heating bills; the tax extenders, an important part of our energy picture so that we have our Tax Code friendly to those who want to promote solar power and wind power and similar renewable and sustainable sources; and, of course, we can't overlook the item that keeps us in through the weekend, the so-called Coburn package—relating to the Senator from Oklahoma—some 40 bills dealing with issues as serious as child pornography and missing children; these elements too.

I ask the Senator from Nevada, the majority leader, how is it conceivable we could have an open amendment process with an endless number of amendments, according to the Republican side, and possibly deal with all of these important issues?

Mr. REID. I say to my friend through the Chair, you can't. I didn't mention—and I appreciate very much the distinguished Democratic whip mentioning this—also they have turned us down on alternative energy. They voted that down, the extenders, which included a 6-year tax credit for solar and all of those good things that Boone Pickens and others said we must move to.

In addition to turning us down on energy price relief, the Consumer First Energy Act—they turned us down on that—they turned us down on the extenders. They do not want to legislate. They obviously aren't concerned about the 85,000 people who are going to be given foreclosure notices in the next few days. They obviously are not concerned about moving forward on LIHEAP quickly. They obviously are not concerned about setting up a registry for Lou Gehrig's Disease so people can find out how to cure that disease. They are not concerned about the Christopher and Dana Reeve Paralysis Act. Those are all being stalled because of this subterfuge of what is going on here.

Madam President, as I said, there are a number of people on the floor. I know the Senator from New York has been waiting, and the Senator from Illinois has been staying here a while. I see now the Senator from Colorado. I am wondering if we can enter into some kind of a consent agreement. The suggestion has been made that Senator VOINOVICH be recognized for 10 minutes, followed by Senator CLINTON for 15 minutes, and then we will alternate back and forth. I think it would be appropriate if we did 10-minute timeframes, so I ask unanimous consent for that to be the case.

The PRESIDING OFFICER. Is there objection?

Mr. ALEXANDER. Reserving the right to object, Senator VOINOVICH wishes to have 20 minutes and Senator ALLARD wishes to have 15 minutes.

Mr. REID. OK. The Senator from Ohio needs 20 minutes? We were going to have 10-minute blocks, but do you think you could do it in 15?

Mr. VOINOVICH. I probably won't use it. I would like to not have it cut off. That has happened too many times here.

Mr. REID. I ask unanimous consent that Senator VOINOVICH be recognized for up to 20 minutes, followed by Senator CLINTON for up to 20 minutes, and following that, we go in 15 minute-blocks. Senator ALLARD would be next recognized and someone on our side would be next.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Ohio is recognized.

Mr. VOINOVICH. Madam President, I rise to speak today about one of the top issues facing our Nation: the skyrocketing price of gasoline, something both the majority and minority leader have been talking about.

Throughout our Nation's history, our strength and identity have been marked by moments that demanded great action in the face of grave threats. We saw this in 1776 when our Founding Fathers declared their independence from the oppressive hand of a mighty empire, and again in 1961 when President Kennedy responded to the growing strength of the Soviet Union and their successful launch of Sputnik by announcing the Apollo Project to put a man on the Moon in 10 years.

In 2008 we are faced with a grave threat. Today, across America, people are hurting. If you are looking for the root of their pain, you don't have to look any further than their home energy bill or their local gas station. It is not just our people who are in grave danger, it is our Nation as well.

While I know Americans are hurting from our addiction to oil, I am not sure they fully realize the extent our national security—and, indeed, our very way of life—is threatened by our reliance on foreign oil. Every year we send billions of dollars overseas for oil to pad the coffers of many nations that do not have our best interests at heart, and some such as Venezuela, whose leader has threatened to cut off the oil. In fact, in 2007, we spent more than $327 billion to import oil, and 60 percent of that—or nearly $200 billion—went to oil-exporting OPEC nations. In 2008, the amount we will spend to import oil is expected to double to more than $600 billion. Now, let's put that into perspective. In 2008 we are going to spend $693 billion on our defense, and now we are sending $600 billion overseas to some folks who don't like us.

There is no question that our dependence on foreign oil has serious national security implications, and we don't talk about it enough. In addition to funding our enemies, as I explained, we cannot ignore the fact that much of our oil comes from and travels through the most volatile regions of the world.

A couple of years ago I attended a series of war games hosted by the National Defense University. I saw firsthand how our country's economy could be brought to its knees if somebody wanted to cut off our oil. In 2006, Hilliard Huntington, executive director of Stanford University's Energy Modeling Forum, testified before the Senate Foreign Relations Committee that based on his model:

> The odds of a foreign oil disruption happening over the next 10 years are slightly higher than 80 percent.

Eighty percent.

He went on to testify that if global production were reduced by merely 2.1 percent due to some event, it would have a more serious effect on oil prices and the economy than Hurricanes Katrina and Rita.

Our dependence on foreign oil is made even more troubling when you consider our Nation's financial situation. Today, 51 percent of the privately owned national debt is held by foreign creditors—mostly foreign central banks. That is up from 6 years ago. Foreign creditors provided more than 70 percent of the funds that the United States has borrowed since 2001, according to the Department of the Treasury. Who are those creditors? The three largest are China, Japan, and the OPEC

nations. This is insane. It has to stop. We cannot afford to allow the countries that control our oil and our debt to control our future. Think about that. The same people who have us right where they want us in terms of oil now almost have us right where they want us in terms of our debt. If they want to put the two together, they can strike a lethal blow to our economy and to the American people.

I am going to be brutally honest with folks. The future of our country I think is in jeopardy. We cannot continue to transfer our wealth overseas to this degree without expecting serious consequences. Rather than addressing these national security concerns, we have been living the life of Riley and have allowed the environmental movement to run wild. They have gone and sued every which way to Sunday and all the while ignored our energy, economic, and national security interests.

We have let them get away with it. We have let them get away with it because oil was cheap and so Congress felt no urgency to act.

I have to tell you something. Oil is not cheap anymore. For 10 years, I have been a member of the Environment and Public Works Committee, and for 10 years I have tried to coax the committee into harmonizing our energy economy, environment, and security. The committee has refused to do it. Now, as I predicted, the chickens have come home to roost. Americans, today, demand action and that we come together in a bipartisan fashion to solve this crisis. I am glad we finally have come to an agreement to move forward and debate this issue on the floor. I hope we can continue to work together to address the wide range of amendments that I believe could improve this bill.

I have to say, I didn't follow all of what our leaders were talking about, in terms of how this is going to be handled. I wish to let people know I have been involved in the debate on energy since I have been in the Senate. First, in 2003, we were on the floor for 6 weeks and didn't get anything done. Then we came back in 2004 and spent a great deal of time, and nothing happened. Then we came back in 2005, with the Energy Policy Act, and spent 10 days on the floor and 19 rollcalls and 57 amendments.

I believe the American people want their Senators to debate this issue on the floor of the Senate, give us the right to make amendments, and let's vote up or down on them; let's go at it and have a robust debate. Hopefully, after it is over, some consensus will come back, as we did in 2005 and 2007, so people will feel we have, for the first time, stopped bickering and tried to address our attention to something that will make a difference in their lives.

As you know, oil is not easily found or substituted. It will remain an integral component to our economy in the shortrun. We must make investments today that will help us achieve our goals of tomorrow. I believe this is what we must do: Find more and use less. We must increase our supply, reduce our demand through alternative energies, and conserve what we have. We must carefully avoid the smokescreens that cloud our path to real solutions.

Some people are saying the speculation bill is a smokescreen. There is legitimate debate about that issue, but that is not the only issue we should be debating. Some smart people are saying that, including Robert Samuelson, who recently wrote:

> Speculator-bashing is another exercise in scapegoating and grandstanding.

Paul Krugman wrote in an op-ed:

> The hyperventilation over oil-market speculation is distracting us from the real issues.

That same issue also came up with Boone Pickens. I was at the hearing he attended in the committee. I think we can all agree this is a complicated issue, with many moving parts. That is why we have to look at the issue comprehensively and find solutions to combat this crisis from all angles. In the end, we must not forget the bottom line is about supply and demand.

Let's talk about supply. In order to stabilize our Nation's energy supply, we must enact policies to increase the development of domestic fuels.

While these resources will not physically come online for a number of years, moves to expand development will send a clear signal to the market that we are serious about meeting our future energy demands and immediately begin to drive down the cost of oil because investors will know that gas will not be worth as much in the future and will therefore sell it off today, lowering the cost immediately.

The fact of the matter is we have more energy resources than any other area of the world. I chaired a committee a couple weeks ago and it was amazing to me. They showed a chart. We have more oil reserves than any other place in the world. Most of that is in the shale oil out in the Western United States. Some say it is too expensive to get, over $100—we are not sure yet. Boone Pickens testified and said that in 10 years, if we don't do so, the cost of oil could be $300 a barrel. The fact is we have to understand that the majority of our oil resources are locked up. Eighty-five percent of our offshore acreage and 65 percent of our onshore acreage is off the table.

It is interesting. I have been saying that if the President goes over to see King Abdallah and says: Give me some more oil, the King should say: Why should I give you my oil? The supply is almost the same as the demand and demand is growing. Why don't you go home, Mr. President, and use the oil that you have in the United States of America? Why don't you drill in the Outer Continental Shelf and move east in the Gulf of Mexico? You have rigs down there right now. Yet with 4,000 of them during Katrina, there wasn't any oil spill during that period of time. I understand you have some shale oil out in the West—800 billion barrels of oil—that is available, and perhaps even 2 trillion, in terms of reserves. You have lots of coal, and you could use that to create oil. You have some friends in Canada who have 185 billion barrels of oil in the tar sands, and someone in your Congress has made it almost impossible to bring the tar sands down from Canada, who are friends, neighbors, and they share your values.

It is interesting; when we talked to Pickens about this, he said: When I was in Saudi Arabia and talked to these guys, you know what they said to me? Go after your own oil. You know, once your oil is gone, that is a great resource. Go after yours.

In a nutshell, I think that we need to go on and do the very best we can, in an environmentally sound way, to get at the oil we have available to us as a country.

I was thinking about this. If, in 10 years, we had this shale oil out in the West, and it proved to be what everybody says it can be, instead of us being at the bottom of the barrel, we would be at the top. We might not have to use it, but we would be able to look out around the world and say: You know what, folks, we have a lot of oil. What you did to us, we could do to you if we wanted to.

But that is not the real answer. The real answer is what I call the second declaration of independence. In the second declaration of independence, we would basically say we are going to be oil independent. Tell your kids and grandchildren that. We are going to do it like President Kennedy did. Remember when the Russians sent Sputnik up and we didn't like it? President Kennedy said to the American people that we are going to get this done in 10 years. By golly, we saw a man from Ohio land on the Moon.

I know this: We have wonderful, smart people in this country. One of the ideas I have, in terms of an amendment, would be that if we did exploration or we lifted the moratorium on the Outer Continental Shelf exploration, what we would do is take the lease money and put it into the research we are going to have to do on batteries, which I think, ultimately, are the ones, because you don't need an infrastructure with fuel cells, and even with Boone Pickens' oil or natural gas, you have to have a pump there. But with a plug-in vehicle, all you do is come home at night and stick it in the plug and you are all set. You don't have to worry about whether the gas station will have a pump to take care of it.

The fact is we need more money to do this. The Department of Energy has good programs, but they don't have the money to take care of it. We can say to the American people—on those leases, by the way, we have $9 billion this year, and that is a lot of money—we are going to let you go out and explore,

and you are going to pay us for these leases. By the way, we are going to take that money and use it so we can become oil independent in this country. That sounds, probably, idealistic. But the fact is we have to do something creative around here. We know we don't have a lot of money. The national debt is $9.4 trillion.

But somehow we have to come together and say we are going to do two things: go after what we have available to us, and we are going to do everything we can to be independent from relying upon foreign sources of oil. We recognize this is not just a problem of high gasoline costs; this is a problem about the national security of the United States of America. This is more than just, well, $4 a gallon.

Two years ago, I went over to that National Defense war games. I walked out of there, and I was concerned about what could happen to our country if somebody decided they are going to shut off our oil.

The problem today is, if you look at the demand for oil and the supply, it is about equal. Boone Pickens said that in his testimony. We have the supply about where the demand is and demand is going up and the supply isn't there. So one of the things we have to do as a country is let's do more with our own. Let's find more. We can tell the American people it will not happen overnight, but we are going to do this so that down the road we are not going to be at someone's beck and call or at their mercy. In addition, it is going to allow us to stop sending money overseas to countries that don't like us.

Can you imagine that we get 11 percent of our oil from Venezuela and Chavez down there, who is talking about cutting off the oil and trying to get the South American countries to all organize against the United States of America? This is a big deal.

It is finding more, using less. It is also doing everything we can do for conservation. These are simple things. I have a 2000 Ford station wagon. It has a little dial there that I can tell how many miles I get per gallon. I have to tell you, in the last 6 months, I have been paying a lot more attention to that. I have found that if I drive at about 57 miles per hour, I can get 2 to 3 more miles per gallon. I don't get there as fast, but I am saving on gas. My daughter Betsy—every time she needed something, she would jump in the car and go out and get it. Now she makes a list, and they only go out once. My son Peter now works 10 hours a day for 4 days a week instead of 5 days. That saves gas. There is a lot that we as Americans can do to cut back on the amount of oil we are now using.

I think it is time we all work together, in a bipartisan fashion, and harmonize our energy, our environmental needs, our economy, and national security. Can you imagine how the American people would rejoice if they saw Republicans and Democrats come together and say we are going to work this out on their behalf? Our numbers are pretty bad. I can tell you—and I am sure the Chair understands this—I am out in Ohio all the time. Do you know what I hear? Why can't you stop the bickering? Why are you so much more interested in partisan politics?

Some have heard me say this before. I was mayor of Cleveland, working with 21 Democrats. I had to work with the most powerful Democratic leader they ever had in the city. We decided to work together on a bipartisan basis. Then I went down to Columbus as Governor, with the most powerful speaker ever, Vernal Riffe, whom they built and named a building for. They put up a bust of him there that I had to genuflect to before I got to my office. We decided to work together and not talk about our differences. We decided to find the things that would bring us together.

Let's go to the environmental groups, let's go to the people interested in the economy, let's go to the people who are interested in energy, let's go to the people who are interested in our national security and say: You know what, we have a symbiotic relationship, you environmentalists, you people over here; let's work together, let's do something special, let's restore people's faith in our system in that we are capable, Republicans and Democrats, Americans, to come together and really do something significant for not only ourselves today but, more importantly, for my children, and more important than that, posterity—my seven grandchildren.

I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). The Senator from New York.

Mrs. CLINTON. Mr. President, there is obviously a lot of discussion and even frustration on the floor, certainly from our side of the aisle. It appears as though there is not going to be a meeting of the minds on this important legislation.

It is deeply disturbing because as we have been speaking today, in my State of New York, a lot of people finished work, started driving home, looked at their gas gauge, and realized they were going to have to stop and fill up either for tonight or for going to work tomorrow. They experienced what people are experiencing across America: the shock of the rising gas prices which in New York are now an average of $4.27 a gallon. That is more than $1 higher than a year ago. Every extra dollar per gallon costs the average family of four an extra $1,500 a year. That is $1,500 that can't be saved for college or retirement. That is $1,500 that can't be used to buy groceries, clothes, or school supplies. That is $1,500 that can't help pay for health care or house payments. That is $1,500 that the people I represent don't have. It not just lying around waiting to be used or spent on some luxury. It really goes to the heart of whether people are going to be able to meet their daily obligations.

Statewide in our State, every dollar that gas prices increase costs the New York economy $6 billion in added expenses for our drivers. That is $6 billion that can't be used to grow local economies, to support local businesses or stimulate new jobs.

Our farmers are hurting as higher energy costs shrink profit margins, even with higher market prices. Our commuters and our truckers are hurting. Tourism is hurting. I am hearing from New Yorkers every day who depend on tourism at local marinas, for example, where the money has dried up.

Meanwhile, we are sending $1.7 billion a day out of our country, more than $600 billion a year. We know where that money is going. It is going to places that are unstable, to governments that use our dollars against us, our allies, and our interests around the world.

Clearly, we need a short-term strategy and a long-term strategy. That should be self-evident. In the short term, we have to lower these prices and get relief to the farmers and the truckers, the small businesses, the hard-working families. In the long term, what is required is nothing short of an energy revolution. But there is no way for us to do that energy revolution unless we have the political will to begin acting now.

I believe this debate is too important to be sidetracked by slogans or proposals such as opening our coastal waters to drilling. So if the question is, as it should be, what can we do to help lower gas prices right now, drilling is the wrong answer. It will do nothing right now. It is literally a shell game or an ExxonMobil game. It is designed to serve the political interests of vulnerable Republicans and the financial interests of profit-rich oil companies. Average Americans will not see a dime. That is not just my opinion. The Bush administration's own study found that drilling would not have an impact for more than 20 years, and in 20 years, the impact on prices will be insignificant.

If the question is, as it should be, what can we do as a nation to end our dependence on foreign oil and begin to harness clean, renewable energy, drilling is the wrong answer again. Even if we drill for oil off our east and west coasts, the most oil we could generate, when the rigs come online in the year 2030, is 200,000 barrels a day. We import 12.4 million barrels a day; 200,000 barrels is barely a drop in that barrel.

I heard one of my colleagues, the Senator from Washington, Ms. CANTWELL, speaking on the floor earlier today, say that 200,000 barrels a day could be achieved right now by increasing the pressure in the tires of the cars and the trucks we drive.

So what are the answers? First, how do we help reduce gas prices right now? That is what my folks are asking me. They want relief now, not next year or in 30 years but now.

I believe we can lower gas prices in the very near term by taking smart,

practical, sensible steps to address rampant oil speculation. We have all heard recent testimony from financial experts, oil industry executives, the airline industry, consumer advocates—virtually everyone has said that speculation in oil futures is driving up prices beyond what supply and demand justifies. Some experts believe speculation accounts for as much as 50 percent of the current price of oil. Others argue it is less. But many experts still agree it is having a significant impact.

I recognize there are companies that use oil and need to use futures markets to hedge against price spikes. All of us in this Chamber believe in free and open markets. But when speculation is allowed to run roughshod over the economy, with little oversight and even less transparency, when backroom deals line the pockets of speculators while sending gas prices soaring, literally taking money out of the pockets of consumers, then we have to do something. We have to ensure that our markets are honest, open, fair, transparent, and accountable. That is why I support granting the Commodity Futures Trading Commission greater authority to regulate trading in these markets.

I urge my Republican colleagues to join in this effort. We could pass a bill tomorrow and have it on the President's desk before the recess that would immediately give agency watchdogs new tools to crack down on unfair, unbridled, unregulated speculation.

While we are relieving pressures on the markets as a whole, we need to target relief directly to people who are struggling. I am proud to support $2.5 billion in energy relief to low-income families in New York and across America. It is shameful that after all the hand-wringing about gas prices and energy prices, Republicans in the Senate blocked this bill last week. We need to move ahead with this legislation, and I hope we will do so before the August recess.

Second—and this question is tougher—how do we break the bonds of the fossil fuel economy? I believe America will and it must embrace this historic challenge because it is a historic opportunity. We can create at least 5 million new jobs, green jobs, we can tackle climate change, and we can end our dependence on foreign oil.

Last year, we passed landmark legislation to increase fuel economy standards for the first time in 30 years. That will save millions of barrels of oil a day. It is an important step forward, but what we need is a giant leap.

I have proposed a $50 billion strategic energy fund paid for by eliminating tax breaks for the oil companies and making sure they pay their fair share for drilling on public lands. The fund could be used to support the deployment of wind, solar, geothermal, biofuels, and other clean energy technologies available right now. The fund would invest in new ideas and new research to encourage our best and brightest to think outside the box and outside the tanks.

But that is just the beginning. Let's create the right tax incentives to promote renewable sources of electricity production. That is something on which Al Gore and T. Boone Pickens agree. If that is not consensus, I don't know what is.

Unfortunately, Republican opposition in the Senate prevented the passage of energy tax reform, and the American economy is paying the price. One study found that blocking these kinds of tax incentives will cost 116,000 U.S. jobs and nearly $19 billion in U.S. investment in 1 year alone, while we fall further and further behind in the race to lead the world in clean energy technologies.

Let's accelerate the development and deployment of plug-in hybrid vehicles by investing in research and consumer tax credits. Electricity is generated nearly 100 percent from domestic sources, and we have enormous untapped renewable resources we can use to create electricity without contributing to climate change. A recent study showed that a vehicle powered by electricity releases one-third less global warming pollution into the environment than a gas-powered vehicle even if the electricity comes from mostly coal-fired powerplants. This will save the American people money. According to one estimate, to travel as far as you would on $4-a-gallon gas, you only need $1 of electricity, and that is a bargain.

We don't need to create a whole new infrastructure the way we would for natural gas or hydrogen. A recent study by the Pacific Northwest National Laboratory found that 70 percent of the 220 million cars, light trucks, SUVs, and vans on the road today could be run on power drawn from existing powerplants and grids. This is an important point. Drilling may produce 200,000 barrels of oil each day at most in 2030, but if we used electricity to power our passenger cars by moving toward plug-in vehicles, we would save 6.5 million barrels of oil every single day, fully half of our oil imports. So let's move toward a stronger, smarter, more flexible electricity grid that increasingly relies on wind, solar, and other renewables, while employing smart-grid technology to reduce peak demand and conserve energy.

These are solutions that will work. They are solutions that embrace the challenge instead of ignoring it or postponing it, solutions that harness our creativity and talent that have the potential of creating 5 million new, good green-collar jobs. It is the calling of our time. It is, as one of my colleagues and friend on the other side said, the Moon shot. There isn't anything we can't do if we make our mind up to do it. That is who we are. We are Americans. We solve problems. So enough of the fatalism and the defeatism and more of that can-do spirit to tackle this problem.

We know President Bush and Vice President CHENEY have a different approach. The oil companies say drill, and the President and the Vice President say, how deep? I don't think that is the smartest, most effective answer, and I hope we will be able to work out a way forward between our two sides.

I know my colleagues on the other side have a very strong view, as we do, but the American people are depending on us to choose a different course.

So let's cut through all of the talk, let's cut to the chase, let's try to cut out the politics, and let's take those bold steps that will relieve pressure now on gas prices at the pump and oil prices in the open market, and let's lead our Nation to embrace the great next American endeavor—a national effort to change the way we produce and use energy. It will serve our economy, it will strengthen our security, and it will bring us together as a Nation. And we sorely need that.

I look forward to working with my friends on the other side to come up with solutions that will actually work now. Give us the opportunity to make it clear to the American people we can act, we can see results, and we can move forward together.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, when I first ran for the Senate in 1996, my position was that we needed to have a broad-based supply of energy for the State of Colorado and that Colorado had the resources and the technology which could help contribute to the energy needs of this country. I said that because we have lots of renewable energy and we have lots of natural resources.

NREL, a Federal research laboratory located in Golden, CO, does splendid work and it is their sole purpose to move the technology and the science of renewable energy to the marketplace. In addition, they did some basic research. We also have universities in the State of Colorado that have contributed a lot to helping develop the technology we use in renewable energy.

We look at the resource side in the State of Colorado. We have abundant sources of wind. There is a wind area that goes through the central part of the United States, down through Montana, Wyoming, Colorado, and hits parts of Nebraska and Oklahoma, then goes into Texas. We are known for that resource. Coloradans have been willing to utilize wind energy, and we see now wind generators developing and growing throughout the State of Colorado.

Our tourist boards brag about the fact that 97 percent of the days we have in the State of Colorado you can see the Sun. So we have lots of sun in the State of Colorado. We have it at a higher altitude. It means you can have some pretty efficient solar panels. I was one of the first ones to use the new technology. We have had passive solar, but now we have the more active solar, which is the solar panel.

In Colorado, we have opportunity for biofuels. Agriculture is a strong part of our economy in the State of Colorado.

We have geothermal. We have parts of the State of Colorado that provide an opportunity to use the ground to heat or to even cool your home or your business.

I know the environmental community doesn't like to recognize this renewable source, but we have hydroelectric dams in Colorado because of our altitude and the steep drop we get through our streams. It is a very practical source of energy within the State.

In addition to that, we have a rich source of natural resources that come out of the ground. Obviously, there is oil and gas in the solid and liquid form. We have an abundant source of natural gas along the western slope of Colorado—probably one of the largest reserves of natural gas in the world. And today we have many oil and gas companies that are very active in the western part of Colorado to provide this valuable resource.

We are a good source of uranium. So if we go to nuclear power, Colorado is going to play a role in that.

We have coal. But it is not just plain coal, it is clean coal. It is coal that frequently gets sold to communities in the East, which have soft coal, which tends to be more polluting. So they come to buy Colorado and Wyoming coal because it is hard and it will help them meet the clean air requirements the Congress has passed.

We have oil shale, and it is a developing resource we have in the State of Colorado. It shows lots of promise. In fact, oil shale at one time was in the State of Colorado but it was promoted purely by the Federal Government. Now, without taxpayer dollars going into it, the industry said: Look, there is enough opportunity in oil shale that we are going to put in our resources. So we have companies in Colorado that are putting in millions and millions of their own resources to develop this particular source of energy in the State of Colorado.

Of course, I have always felt that conservation was a viable solution that everybody should look at, and Colorado is particularly sensitive to the need to conserve energy. I was one of the cofounders of the Renewable Energy Caucus here in the Senate and have encouraged Members to join that and get their staffs involved so we can better understand how to develop renewable energy.

My position all along has been that we need to have a broad base of energy not only to meet the needs of my State but to meet the needs of this country. So when we get into this debate, I am flabbergasted that we have Members in the Senate who feel we can only come up with one solution to our energy problems. I think we need to come up with a multitude of solutions for our energy, and that means we shouldn't take anything off the table and that all those sources of energy I mentioned from the State of Colorado are viable resources. We need to be sure we make those resources available in order to meet the needs of this country in an environmentally sensitive way. And Coloradans, obviously, take a lot of pride in their environment, so these technologies have been developed in the State of Colorado in a way that has minimal impact on our environment.

I was very pleased when the minority leader stood up this evening and mentioned that oil shale should be an important part of our consideration when looking for solutions to the energy problems we have in this country, where we have $4 a gallon gas at the pump.

I was struck also by the argument that 20 to 50 percent of our problems with energy is speculation. That is contrary to testimony from experts I have heard in committee. Now, I don't know where those experts came from, but let me tell you about the experts I heard testifying in committee. There was a witness representing the Commodity Futures Trading Commission. They deal with futures markets. They regulate the futures markets and they monitor the futures markets for the very thing we are talking about here, which is manipulation of the markets, and manipulation of the market is a Federal crime. You can go to jail for that. So that is part of their mission.

We heard from the SEC—the Securities and Exchange Commission—experts from their organization talking about whether there was manipulation of the market. These are the experts we have who monitor what is going on.

We also heard from the Chairman of the Federal Reserve.

They all agreed on one thing: They did not see any indication in the figures and the facts they had which suggested there was a manipulation of the market. They said: Yes, there is speculation, because you have to have some degree of speculation for the futures markets to happen and for the stock markets, and the Senator from New York made that point in her comments a few minutes ago. But they also said we need to monitor the situation closely, because we don't feel as though we have gathered all the facts, and I would agree with that. I think we do need to be very concerned in today's market about the possibility of manipulation, but to say it is 20 to 50 percent of the problem? I don't believe that is going to hold water.

Our problem, in my view, is supply. We need to deal with issues where we think we can increase supply. I was pleased the minority leader mentioned looking at increasing our supplies from offshore, on the Outer Continental Shelf, and from oil shale, and from conservation issues, such as electric cars. Also, we need to be sensitive about speculation. These are issues we could bring together a consensus on the Republican side. We have some people who are pushing hard for nuclear power and pushing hard for drilling in ANWR, but they didn't develop a consensus.

I am proud to be helping, to be a part of the solution, and I fail to see how the package that has been produced by the Democratic side of the aisle addresses the supply problem. Raising taxes on companies has an adverse impact on the market. It doesn't increase supplies. Dealing with things such as the Strategic Petroleum Reserve has a minimal impact on the total market and the total world supply. It is minimal. After we had our votes here on the strategic petroleum supply and everything, guess what. Prices continued to climb. We weren't able to have any effect on that.

Price gouging? Obviously, we need to take a look at that. But one of the things I have noticed that has made a difference is when this President said: Look, we need to take the moratorium off drilling in the Outer Continental Shelf. That action alone by the executive branch was enough to make investors look out in the future and think that maybe the price of oil and gas is going to go down. So now what we have been seeing since that announcement is the price of oil and gas is going down.

I am here today to actually address some of the myths regarding oil shale regulation moratoriums. The very first myth is that oil shale is a myth. It is not. It is a reality. We have been spending years in the State of Colorado developing technologies to be able to, in an environmentally sensitive way, extract that valuable resource out of the ground. It has incredible potential to help the United States during a time of energy need. Oil shale in Colorado, Utah, and Wyoming could yield 800 billion barrels of oil for the global market. Some estimates have gone as high as 2 trillion, but we are looking at 8 to a little over 1 trillion that they think has a legitimate chance of being extracted out of the ground, and at a much lower price than we are getting at today's prices on a barrel of oil. That is more than the proven reserves of Saudi Arabia and would clearly help drive down prices in America.

Other countries are developing their oil shale. It can be done in Australia, China, Estonia, and Brazil. All these countries produce oil shale. The United States is behind these countries because we require cleaner, more efficient, and better regulated development. But we are prevented from even beginning to plan how we can utilize this resource by stopping the regulation process dead in its tracks.

Despite attempts to assign motives, proponents of oil shale do not see it as a quick fix. I fully understand we are at the beginning stages in the process of utilizing and benefiting from our oil shale reserves. But I must point out that we won't even be able to use our 800 billion barrels of oil potential as a slow fix if we don't get started, and we need to get started now.

Since December of last year, the Department of the Interior has been prevented by Congress from even issuing the proposed regulations under which

oil shale development could eventually move forward. Instigators of this prohibition want to continue the delay for another year at least.

We have heard claims that the Department is under a frenzied rush to organize a fire sale of development leases. I think it is ridiculous to consider the multiyear oil shale effort as frenzied. The recent efforts started in 2004, and included congressional debate and passage of the 2005 Energy Act, years of planning and years of studies, research and development, and a draft environmental impact statement issued last December. This has not been a frenzied rush and there hasn't been any attempt to organize a fire sale.

When attempting to sensationalize this process, opponents never make it clear we are simply trying to lay the groundwork on how to offer this resource for development. When those who are trying to stop oil shale say we are not ready to move forward with commercial oil shale leasing, and point out that Chevron believes a full-scale commercial leasing program should not proceed, I have to say: True, and completely irrelevant. In that vein, I heard my friend and colleague from Colorado earlier today read excerpts from the BLM draft oil shale regulation report. Quote after quote seemed to suggest that oil shale requires more work, but he did not mention that we aren't even trying to lease yet.

The Secretary of the Interior, a former Member of this body, said this week it would be 2015 before we have a full-scale production. Assistant Secretary Allred said this week that ''commercial development of oil shale will not begin until technologically viable.''

So the point is we need to have the rules and regulations to get started. Then we can phase in for the development phase. But right now we have stopped everything dead in its tracks. You can't even move forward because of the current policies of this Congress. The fact is the moratorium is, at this point, stopping the way forward whereby industry, local officials, affected communities, and the world market would assess and prepare for the upcoming development of this massive resource.

We are not proposing a full-scale leasing program for this year or this decade. We are not there yet, and the moratorium is not stopping a full-scale commercial leasing program. The reality is it has stopped an administrative process that will allow us to see how our energy resources can be best utilized.

Before I finish here, I feel I must point out how strange it is that developing regulations for oil shale, a technology we have been exploring for decades, can be labeled as unproven and harmful by many of the same people who supported the absurdly complicated, wholly bureaucratic scheme of cap and trade for greenhouse gas emissions. This straitjacket on the entire U.S. economy would cost billions and billions of dollars and had no workable examples, antecedents, or precedents. Yet allowing western land managers to move forward with the regulations for how to utilize oil shale is too dangerous?

Let me relate to my friends here on the floor an experience I had in the Interior Committee as the top Republican. I worked with the chairman of the Interior Subcommittee on Appropriations. We had a bill put forward and we worked out our differences. It was ready to go—it was yesterday. Then after our meeting, 4 or 5 hours later, maybe 3 hours later, I was notified that we were not going to have any more appropriations this year.

It was not Republicans who were stopping the process in the committee. It was not the Republicans on the House side who stopped the process over there when they tried to propose amendments in their Appropriations Committee to provide more supply.

This issue needs to come to the floor. We need to have open debate. We need to have an opportunity to produce amendments to support supply. It is not Republicans who are stopping the process. I can tell you from personal experience as an appropriator that it was not Republicans who stopped that process in committee. That was a directive that came down from higher up.

I have to say here that what I see happening on the floor today is nothing more than an attempt to confuse the issue, to confuse the listeners to this debate as to how important supply is to the welfare of this country. I think we need to drill more and we need to use less. That would have been reflected in the Republican package of amendments we talked about.

I encourage the Democratic leadership on the floor to rethink their current policies because I think the American people want to see us move forward. They want to see us put partisanship aside. They want to see something done about what they are paying at the gas pump. They are feeling the pain at $4 a gallon.

Mr. President, I thank you for granting me an opportunity to spout here on the floor, and I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRYOR. 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. PRYOR. Mr. President, I ask unanimous consent the Senate proceed to 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.

CYPRUS

Mr. DURBIN. Mr. President, on July 20, 1974, Turkish forces invaded Cyprus. The hostilities that followed led to great destruction of life and property. Today, 34 years later, we pause to mourn those who lost their lives.

Sadly, thousands of Turkish troops are still in Cyprus. The island remains divided, with significant distrust between the two sides.

Since 1974, U.N. peacekeeping forces have had to maintain a buffer zone between the Turkish Cypriots in the north and the Greek Cypriots in the south.

But today we have renewed hope for a solution to the Cyprus problem. The new peace process underway there offers the brightest opportunity we have had in many years to reunite the island.

The election of the Greek Cypriot leader Christofias in February helped usher in a new era of opportunity.

Along with his Turkish Cypriot counterpart, Talat, the two sides are making progress to help the United Nations-led negotiations on the future of Cyprus succeed.

I commend both leaders for showing the political will needed to set the stage for a resolution.

The leaders met for the first time on March 21 of this year. Soon after, in a demonstration of goodwill on both sides, they agreed to open a new crossing at Ledra Street in Nicosia.

The leaders are working together to develop a timeline for future negotiations, including another meeting this Friday, on July 25. I urge both parties to demonstrate their commitment to peace negotiations at that time.

I hope the United Nations will continue to play a constructive role in supporting the Greek and Turkish Cypriot leaders as they find a way forward.

Cyprus's goal is to reunify the island as a bicommunal, bizonal federation. Resolution of the Cyprus problem would untie so many other knots, with implications for Europe and beyond. I encourage both sides to use this moment of opportunity, and continue their important work with the United Nations, to achieve this goal.

FOURTH OF JULY

Mr. SPECTER. Mr. President, I ask unanimous consent that the article I wrote in response to a request by the Philadelphia Inquirer be printed in the RECORD.

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

[From the Philadelphia Inquirer, July 4, 2008]

SALUTING AMERICA, A WORK IN PROGRESS

(The Inquirer asked a group of prominent Philadelphians to share their thoughts about July Fourth and what it means. Here are their responses.)

The values and ideals embodied in the Declaration of Independence have made the United States the envy of the world. Thomas

Jefferson's historic call for ''decent respect,'' his assertion that ''all men are created equal,'' form the cornerstones of modern democracies. On this 232d anniversary, we should reflect that these goals are works in progress, and that much more needs to be done here and abroad to attain them.

While the Declaration speaks about all men being created equal, what about women, who didn't get the right to vote until 1919, or slaves who were owned by Washington and Jefferson? What of the phrase separate but equal, from the Supreme Court decision in Plessy v. Ferguson, which defined the rights of so many African Americans until 1954?

The United States is challenged today by world opinion that we do not accord ''decent respect'' to human rights by ''enhanced interrogation,'' denial of due process at Guantanamo, and failure to observe the Geneva Conventions. We make mistakes. We acknowledge them. We correct them.

The work in progress continues. Our judicial system invalidates executive excesses. Our First Amendment rights, due process of law, and separation of powers take time, but they remain the universal gold standard. Our current congressional agenda contains initiatives to expand civil-rights legislation; it is likely to be enacted soon to reverse the Supreme Court decision limiting women's rights to sue for equal employment opportunities.

The work started here in Philadelphia with the Declaration of Independence, leading to our magnificent Constitution.

U.S. SEN. ARLEN SPECTER, (R., Pa.)

HEALTH AND HUMAN SERVICES RULE

Ms. CANTWELL. Mr. President, In 1973, the U.S. Supreme Court carefully crafted the Roe v. Wade decision to serve as the balanced foundation on which the reproductive rights of women could rest. Now, in 2008, the Bush administration is making a late-stage power grab based on a foundation of flawed ideology.

A flawed ideology that has the potential to harm millions of American women.

Today, I join many of my colleagues in telling this administration that their ideology has no place in the health care system that American women depend upon.

Last week, it came to my attention that the Department of Health and Human Services is circulating a draft regulation that would jeopardize the reproductive health of women and their fundamental freedom of choice.

Studies show that the use of family planning reduces the probability of a woman having an abortion by 85 percent. But this rule could severely limit a woman's access to these family planning resources by adopting an alarmingly broad definition for the term ''abortion.''

This definition would allow health care professionals to classify contraceptives like birth control pills, intrauterine devices, IUDs, and emergency contraceptives as ''abortions.'' Based on this classification, health care professions could refuse access for women who need these resources.

As such, this proposal would greatly increase the chances of women encountering hospital and clinic staff who would prevent them from receiving the information they need to make thoughtful, personal decisions about their health, and may even refuse to write prescriptions for basic birth control.

Fundamentally, this Bush administration proposal undermines everything we have worked to achieve in the last 35 years.

It could endanger access to birth control and upend the federal title X family planning program. In 2006 alone, title X provided family planning services to approximately 5 million women and men through a network of more than 4,400 community-based clinics.

It could endanger State laws and regulations like the one in my State that require equitable coverage for contraceptives under insurance plans that cover other prescriptions.

And it could even endanger a sexual assault or rape victim's access to emergency contraception in a hospital emergency room. An unimaginable thought for the millions of American women every year who turn to emergency contraceptives following a traumatic event in their lives.

Seventy-six percent of voters strongly support doing everything we can to reduce the number of unintended pregnancies through commonsense measures.

This is an assault on a common goal of preventing unintended pregnancies and reducing the number of abortions in this country.

And it is unacceptable.

For the millions of women across this Nation, I strongly urge this administration to reconsider their stance and put reproductive health above partisan politics and ideology.

VETERAN VOTING SUPPORT ACT OF 2008

Mrs. FEINSTEIN. Mr. President, yesterday I introduced Senate bill S. 3308, the Veteran Voting Support Act of 2008, with Senator KERRY, and our cosponsors: Senators REID, OBAMA, SCHUMER, LEAHY, CLINTON, MURRAY and WYDEN.

This is a simple, straightforward bill that shows our veterans the respect that they deserve. They have supported our nation, some at great risk and sacrifice. If the government is providing services, veterans should receive every opportunity to voice their vote.

More than a year ago, I learned of a controversy that emerged in California—where the Department of Veterans Affairs had been fighting since 2004 to bar voter registration services at a VA facility. Over the last 16 months, we have tried to encourage the VA to establish a fair, nonpartisan, standard policy that provides the best available support to veterans served by VA facilities.

The answers I received from the VA have been conflicting. First, the VA stated that they considered the possibility of following the National Voter Registration Act—but then determined it would be too costly. Given the only resources needed is a photocopy of a voter registration form, I find that hard to believe.

Then this year, Senator KERRY and I had exchanged multiple letters on this issue with the VA. The response then changed. VA officials asserted that they believed that providing support or allowing groups would violate the Hatch Act.

The Hatch Act is a prohibition of partisan political activities conducted by Federal employees, on official time. It has not been interpreted to include nonpartisan voter registration by the Office of Special Counsel, which interprets the Hatch Act. Furthermore, the veterans served by VA facilities are generally not Federal employees.

The VA then argued that nonpartisan voter registration services would cause ''disruptions to facility operations.''

That claim is even more dubious. Unless ''Rock the Vote'' comes to VA facilities, voter registration drives are about as tame an activity as you can get.

The circumstances in this situation raise great concern. Our country faces issues of war and peace, challenges in foreign relations, and serious questions as to the treatment of our veteran population.

The most recent Census data we have—from a 2005 report—indicates that more than 20 percent of our veterans are not registered to vote. That means that almost 5 million veterans do not have an opportunity to cast their ballots.

The VA runs a massive program to assist our veterans to heal, as well as ensure that they thrive on their return from military service.

This is true whether the veteran is recently discharged for tours in Iraq, or served in World War II.

A recent report characterized the VA's services as including ''a 'safety net' for the many lower-income veterans who have come to depend on it.''

The question has emerged: Will this make the right kind of impact? Will this cause more veterans to be registered? The VA serves large numbers of veterans—in a variety of care facilities.

For example, the Veterans Health Administration operates 155 medical centers, 135 nursing homes, 717 ambulatory care and clinic facilities; 45 residential rehabilitation treatment programs, and 209 vet centers.

In total, there are 1,261 total facilities; where as many as 5 million veterans who are not registered to vote may use each year. That strikes me as a critical need unmet.

And it is a rational step for the government to make.

The National Voter Registration Act requires at least as much—if not more—from the States. Every State social service agency and motor vehicle agency is required to assist persons who use their agencies.

That is a mandate from the Federal Government to the States to register voters.

In the law, the Federal Government may choose to assist people to register to vote if the State requests NVRA designation and the agency accepts.

Immediately after the legislation was passed, then-President Clinton issued Executive Order 12926—which has not been rescinded by the current administration. That Executive order calls on all Federal agencies, ''to the greatest extent practicable'' to provide both voter registration information, and voter registration forms.

Some might claim that this legislation is premature—that under the scheme of the act, the State must request the Federal Government's involvement. Well, that has already occurred.

Several States, including my home State of California, under the leadership of Secretary Bowen, have asked that the VA designate the facilities within their States.

All three have been refused by this Department.

Ten secretaries of State—from both parties—have requested that the VA reverse its directive. Still no change.

In the case of Connecticut, secretary of State Susan Bysiewicz defied the VA's directive and attempted to gain entry to the West Haven VA facility.

There, she intended on providing nonpartisan voter registration services, as well as showing veterans how to use the new disabled-access voting systems.

Guess what. She was turned away at the door because of this new directive.

As she was standing outside the door to the VA facility, she met a 91-year-old gentleman, a veteran of World War II. Secretary Bysiewicz asked him if he would like to be registered to vote, and he said that he would.

After registering, he made the comment that ''I wanted to do this last year—but there was no-one there to help me.'' That is wholly unacceptable.

When we hear of why so many veterans express pride in their service and their sacrifice, we hear the phrase ''protecting the American way of life'' again and again.

At the cornerstone of our democracy is that every eligible citizen should be registered and receive their chance to cast their vote.

After many months of trying to work out a meaningful solution with the Department, I believe it is time the VA provides veterans the support they deserve to register, cast their vote, and have that vote counted.

This is why we are introduced the Veteran Voting Support Act of 2008. This legislation would: Require the VA to make voter registration services available at VA facilities in states that request it, in accordance with the National Voter Registration Act. These services include voter registration forms, answers to questions on registration issues and assistance with submitting voter registration forms. Those services are available to veterans using VA facilities.

Require the VA to assist veterans at facilities to receive and fill out absentee ballots if they choose to vote by absentee.

Allow nonpartisan groups and election officials to provide nonpartisan voter information and registration services to veterans.

Require an annual report to Congress from the Department of Veterans Affairs on progress related to this legislation.

I hope that my colleagues are willing to support this effort to reverse an overly bureaucratic and irrational burden at the VA.

Passage of this bill would recognize the long history in our country of nonpartisan and civil rights groups that have helped register those who have the greatest need for assistance.

And it respects election officials have long worked to register all eligible voters and provide them with the information and tools to cast a ballot.

I hope my colleagues join me in supporting S. 3308, the Veterans Voting Support Act of 2008.

VETERANS PRIVACY AND DATA SECURITY

Mr. AKAKA. Mr. President, technology continues to affect both the strengths and the vulnerabilities of Government. Advances over the past decades in computer technology have enabled us to generate and access unprecedented amounts of data, and make information easily accessible to citizens as well as Government employees seeking to assist them. Technology allows information to travel from one coast to the other in the blink of an eye, offering the possibility that as technology improves so will the efficiency of Government.

Unfortunately, the possibilities of the information age include an increased risk of data theft. According to the Identity Theft Resource Center, identity theft is the fastest growing crime in America. As we learned in 2006 with the theft of a Department of Veterans Affairs' laptop, which put into question the security of the personal information of 26.5 million veterans, neither Government Departments nor the people who rely on them are immune to these new and changing risks.

In response to the VA computer theft, I, along with a number of my colleagues in the Senate and the House, requested the Government Accountability Office to conduct a study to determine whether existing privacy laws and guidance were adequate to protect the Federal Government's collection and use of personal information. Last month, GAO reported back to Congress, and recommended we consider revising existing Federal privacy laws. Following a June 18, 2008, Senate Homeland Security and Governmental Affairs Committee hearing on this and other matters related to privacy security, I joined committee Chairman JOE LIEBERMAN and Ranking Member SUSAN COLLINS in calling for changes to modernize the Privacy Act.

The Privacy Act of 1974 is the foundation of the Federal Government's privacy protection law. While this act provides a worthwhile basis for the protection of privacy, it was written in a different time when the Government faced different challenges. Mr. President, 1974 does not seem that long ago, but it was well before the emergence of many computer technologies that have changed the demands of data security. At that time, Bill Gates and Steve Jobs were unknown, Apple and Microsoft were little more than ideas, and neither laptops nor the Internet were part of the common American experience. The technological changes that have occurred since 1974, while bringing new opportunities, have also brought new challenges to the security of our privacy and safety of the personal information that is kept by the Federal Government. As technology changes, we need to continue to adapt the framework of Federal data security laws, as we began to do in 2002 with the E-Government Act.

As chairman of the Senate Committee on Veterans' Affairs, I know the Department of Veterans Affairs still has a long way to go towards establishing and securing the personal information of veterans. VA and several other Departments received an ''F'' on this year's Federal Information Security Management Act—FISMA—report card. I do not doubt that VA recognizes this is a problem, and I am pleased by the Department's recent move to streamline its information technology management structure. Still, good intentions provide little comfort or security to a veteran whose identity is potentially placed at risk because VA failed to put adequate policies and procedures in place to protect personal information. I expect VA to rapidly take the steps necessary to achieve a passing FISMA grade, so that veterans can have confidence in the Department's ability to protect their personal information. Technology should serve its intended purpose of helping, not harming, those who rely on the efficiencies it provides. I also look forward to Congress taking action to create privacy laws which meet the demands of 21st century technology.

60TH ANNIVERSARY OF INTEGRATION OF THE ARMED FORCES

Mr. LEVIN. Mr. President, today we recognize the 60th anniversary of one of the momentous steps forward for equality of opportunity in our Nation's history. On July 26, 1948, President Harry Truman, signed Executive Order 9981. That order read, in part:

there shall be equality of treatment and opportunity for all persons in the armed services without regard to race, color, religion or national origin.

While equality, as a concept, is deeply rooted in our Nation's founding, equality in practice was exceedingly rare in our Nation's armed services before President Truman's action. His order reversed nearly 175 years of discrimination, segregation, and exclusion from the armed services based on race, dating back to the Continental Army during the Revolutionary War.

The order benefited the armed services as well as the countless men and women—of all races—who have subsequently served in integrated units. Further, the diversity of our servicemembers has contributed to its being the most capable, strongest military force that the world has ever known.

In an amici brief for the U.S. Supreme Court, former officers of the Army, Navy, Air Force, and Marine Corps as well as civilian leaders and former Secretaries of Defense agreed that integration of the military was the result of ''a principled recognition that segregation is unjust and incompatible with American values,'' and further that the military's ''efficient, effective deployment required integration.''

While we all appreciate President Truman's action today, appreciation was not always widespread. The integration order was met with criticism from many who were accustomed to segregation. And, as 1948 was an election year—Truman's first, after he succeeded President Roosevelt many felt that Truman was all but giving away the election by fracturing his party. The doubters and critics make Truman's steadfastness all the more noteworthy.

In the decades that followed 1948, the civil rights movement pushed the entire Nation to make enormous strides towards ending segregation and integrating everything from schools to neighborhoods.

From the Emancipation Proclamation, to the integration of the armed services, to Brown v. Board of Education, to the Civil Rights Acts, progress towards racial equality in America has marched forward unceasingly. The integration of the armed services was one of the enormous and critical steps in that march.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, In mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering over 1,000, are heartbreaking and touching. To respect their efforts, I am submitting every e-mail sent to me through energy_prices@crapo.senate.gov to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent that today's letters be printed in the RECORD.

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

Thank you for your excellent newsletter and for listening to your constituency. My story is as follows: We live in Horseshoe Bend and I commute to Boise every day (M–F) for work. We have a large family, and my wife constantly has a need to take our van in to Boise for various family needs—medical, sports, clothing, etc. My income has not kept up with the rising gas prices, and it has made things very difficult. I cannot get my work to let me telecommute; I have chosen to drive a practical car, as economical as possible (Toyota Corolla). My wife has tried to cut back her trips to town to one or two days a week. This has often resulted in no groceries in the house until she can make a run, or I can run after work and miss family time at night. My oldest son, who just turned 18, has started working in Boise the past few months and, since he cannot afford the gas back and forth, has been staying with friends as much as possible, which has been stressful to both my wife and I, but having a job is important to him. Even with all of our cutting back, our family has to cough up about $400/month just for fuel and the costs keep going up. We want Congress to quickly move to begin developing our own fuel sources within the U.S., as well as find ways to make alternative sources (like solar, etc.) much more affordable for households to implement into our lifestyles.

Thanks for listening!

JONATHAN, *Horseshoe Bend.*

We (my wife and I) are probably some of the fortunate few that had the ability, even though we will be paying for it for years) to convert from ''oil'' heat to natural gas with a heat pump. This cost came at a very large price. We had been helping our son, an honors student, with his college at Eastern Washington, and now cannot do that due to having the above mentioned bill to pay in addition to trying to stay above selling out our home due to ever increasing costs that a couple on retirement (I am a retired agent law enforcement, 25 year career) just cannot afford.

[We ask that Congress] get a grip on this problem. I, for one, do not believe that this was just an unfortunate set of circumstances, [as it seems that businesses with oil interests are benefitting tremendously from the profits these high prices have created.]

DENNIS and SANDY.

Thank you for your interest in the thoughts from Idaho citizens about the high fuel costs. I think that if a person is still breathing, they are being affected by these price increases. In our own family, we have made every effort to cut down on our driving and making sure we combine our activities to conserve. Maybe these are things we should have been doing all along and I hope we continue to do. This year we have decided to not take a family vacation because of the high costs associated with traveling with a large family and having to drive a large vehicle to accommodate all eight of us. We also love to waterski and were planning on buying a new boat; however, that, too, has been put on hold because it would be too expensive to use it enough to warrant the purchase price.

I see the biggest concern in our family with our two oldest children who are raised and on their own. One has graduated with a Master's degree in business and has chosen a teaching profession, but she can barely make ends meet as it is. Now, with the cost of fuel, she may lose her small, modest home or be forced to take on a roommate in order to make up the difference in the gas prices. Our other adult child is working full time and going to school part time because he needs the extra income to pay for fuel. This is affecting my husband and me; however, I see it affecting the next generation even more. The high cost of housing combined with the high fuel costs and grocery costs is making it impossible for many of them to just get by, let alone put any money away in savings.

I wish I had all the answers, but I do not. I am trusting in good people like you that I have voted for to help us as a nation get back on our feet. Thank you for all you do. Please keep listening to the citizens of Idaho. I know if we work together then we can make positive changes for all of our futures.

Sincerely,

JACKIE, *Rigby.*

I do not have a story to share. I just want to let you know that I think increased drilling and refining should be down the priority list. That is living in the past and pretending the future will be different. It will not. In order to protect the air that supports us, we should ride the horses of alternative energy, efficiency, conservation and nuclear energy.

Thank you,

ROGER, *Hailey.*

Higher fuel costs equate to higher food and material costs which translate to a smaller disposable income for everyone. It is like we all took a big cut in pay! I do not want our country to end up as a gilded ''third-world'' nation with meaningless currency. There is a person out there who made an important clip on YouTube that every American should see: YouTube—Joe, American Challenges the Presidential Candidates—as this individual makes some valid points and offers some course of solution to deal with our oil dependency on countries who do not really like us except for our money. Please watch it. Thanks.

HOWARD.

I personally am appalled at the prices and how steadily they have risen. I understand that there are some things such as inflation and supply and demand; yet, what the oil industry is doing falls under neither category. It, instead, is falling under the category of monopoly, which I feel the government has yet to do anything about. A few things I would like to see in honest:

(1) Either for the government to stop subsidizing crude oil and gasoline, and/or for a ceiling to be put upon profits brought in. They claim, noting again, that it is supply and demand, as well as problems in the Middle East. Only approximately 20%, in a recent study, of our oil usage comes from there, anyway. So why are the prices so high?

(2) Stop the push for attempts at subsidizing and pushing for nuclear energies as there is an overwhelming stance against them and you will never be able to pass anything soon enough to fix the problem at hand. Also, in this category, I feel that it is a pointless endeavor as there is no place to place the waste [other than on site, and the citizens of Idaho, and other states, will not stand for mere on-site storage]. Yucca Mountain has no chance of opening in any point in the near future [even if possible, it is already filled over capacity from open plants at the

moment]; therefore it would have to be on-site.

[Both of the aforementioned are a waste of taxpayer dollars to subsidize and make pushes for. Instead of spending billions of dollars on a failing industry and something that is not going to last much longer, and one where so much has to be spent between construction, security, and pro-nuclear advertisements, I propose the following.]

(3) Invest in ever-growing renewable energy sources. There are many other players in this field that we can look to for examples, as they have found and harnessed extraordinary means that can provide for their base load energy needs. The amount of money that the government has spent on renewable energy pales drastically in contrast to the amount that is spent needlessly in a failing industry. If that same amount of money were to be applied to another for even but a year, you could expect even greater leaps and bounds in production and energy output. As conservative as Idaho is I propose that WE as a state pursue this choice. Yes I understand that in doing so Congress fears that it will lose backing from INL and other proposed plants within the state, not to mention the taxes that are brought in by such industry. Yet at the same time with as much as we have to give them in tax breaks and subsidies just as incentives places it on par with those of renewable energies, as those would be eager to establish and maintain plants without such things [therefore receiving full taxes from those companies].

I appreciate your efforts to ask the opinions of the citizens of this great state, and I hope and pray that you, as well as the rest of Congress, heed them. Thank you for your time and service.

Sincerely,

CHRISTOPHER, *Boise*.

[I am very frustrated as it seems that Congress does not solve the problems that confront our country. We need new leadership.]

ROY.

The high gasoline prices have prodded me to change my driving habits and, by doing so, have saved on fuel costs. I have done one simple thing. I just slowed down 5 miles per hour. I drive a ¾-ton pickup truck, and that alone has increased my fuel mileage 8%–12%. I emailed you to suggest that you introduce a bill in the Senate to lower the speed limit on all interstate highways, just like what was done in the 70s. That alone would decrease gasoline usage substantially.

Thank you for your ear.

BOB.

I have had to dedicate 15% more of my budget to fuel costs [for my commute to McCall]. I try to carpool in the months where my schedule allows it. I work in fire dispatch on the Payette National Forest, and most days from April to October, I do not know when I am going home.

My deep belief is that digging for more oil is putting a ''band-aid on a crack in the dam.'' Digging for more oil, especially in the ANWR area, is horrific and not worth the long-term damage that will be done for such a short-term solution. I think the fuel cell technology is a very promising route to put into research and development. There are some stations in California that are wind and solar powered. As I understand it, the more people using it, the cheaper it gets. What would REALLY be ideal is to get a converter for gasoline cars to switch to the fuel cell technology.

Thanks for your time and caring about what I think!

CORAL, *New Meadows*.

I received your e-mail about the costs of energy going up and up. I see that conversation is now a priority. I remember when this administration laughed at the idea. Maybe you could tell us what percentage of the oil from Alaska goes overseas. Also, how much refined gas and diesel are shipped overseas where the cost and profit are much greater. In all your years in the Senate, what types of alternate energy other than ethanol have you supported? Everything I read leads me to believe than making corn-based ethanol uses about as much energy as is produced. There are other crops (such as sugar cane) and weeds that are much more energy-efficient to produce. [Why has Congress only focused on mandates for] corn-based ethanol?

Thank you for any response.

STEVE.

We own a small excavation business. We give our 22 employees paid vacation, medical insurance, and six paid holidays just to keep those good, trained employees, that we have been employing, most we have had for 12–27 years. Our industry in Boise right now is as close to the bottom of the barrel as we have seen in 30 years in business. We have had years where we struggled to keep those good employees and keep them working to support their families. But when fuel and heating costs are going out of control, skyrocketing as they are, we are second guessing whether we can stay doing what we love, and what we are good at. That would, in turn, take away the livelihoods of each and every employee we have and ourselves.

I am a woman-owned business, and in Idaho, they've even removed the requirement for large General Contractors to use a certain percentage of DBE or WBE's in their Federally-funded contracts. As of this year, there are no requirements to help the WBE or DBE and now most of the General Contractors are self-performing that work. So we small companies are being hit very hard from all directions. In order to recoup these costs we have had to raise our prices, which, in turn, hurts everyone else and does not help us in the bidding world, either. We have bid 60 projects in the past two months and got two very small jobs, and we have bid many with only a small percentage over our costs. Those receiving the bids are several hundreds and thousands under our costs. This cannot go on much longer before many of us are priced right out of the market and out of business. When you own dump trucks, excavators, backhoes, etc. that use diesel fuel, which happens to be the most expensive, it is staggering. Our fuel costs have tripled over two years.

On a personal level, we rethink how and where we go. Both my husband and I have no family here and must drive or fly to visit them. Those trips are cut to one a year and maybe not at all. I personally have always planned where I go to do grocery shopping and plan my trip so I do not backtrack, and use the best routes, utilizing the fuel to the best of my ability. Even though that helps, with prices as they are, it does not put a dent in it.

We definitely need help—getting these prices back to a livable level. Those individuals who are retired and on fixed incomes, which I am nearing in the next couple years, are even more critically hit. My parents are in their 80s and struggle all year, as they were born in the years where their Social Security payments are minimal and Congress decided would be too extensive to repair. My mother, who has worked since she graduated from college all those years ago and up until she was 75, receives $300/month in Social Security. [That amount is not enough to live on.] With medicines they absolutely need to survive at their age, they are left with little or no money for fuel in their small budget. It is not only fuel for vehicles, but it is the fuel for our homes and businesses as well. It is also the products we purchase. Pipe is a petroleum product and it is sky high right now. Like I said, it is hitting us from all levels and angles.

This is very brief, but I felt I must speak up. If we do not use our voices and sit back and do nothing, no one will hear or understand our plight.

Thanks for asking and I hope Congress will listen!

BETTY, *Boise*.

Forget the sob stories. Do something! If nothing takes place, [Congress should be prepared to hear from the grassroots throughout the country, those who need solutions, not more promises.]

LARRY and RITA.

I would like to see exploration into better public transport, and an emphasis on conservation before I'd like to see any of the other alternatives that you have proposed to deal with rising energy prices. I am fortunate to be one of those Idahoans (at least for now) who aren't feeling the pinch of rising energy prices. However, in a democracy, I believe that Americans deserve to have choices besides cars for their transportation needs. And, especially in a time of the increasing peril of climate change, I believe that having access to public transport and promoting conservation are critical in this conjuncture in time. I know that these ideas may not be popular, but if we are going to continue to survive as a species, we need to ask ourselves how much of a sacrifice we are willing to make. I have grown up in Idaho, and have left Idaho, but let me tell you (as I am sure you know), it is a special place, and we need to do all that we can to protect the beauty of this wonderful state.

Sincerely,

CARISSA, *McCall*.

I have a employee driving over 75 miles roundtrip from outside Caldwell, where housing is affordable, to Boise. She cares for a spouse in poor health. She asked about 4 ten-hour days. As a key employee in a small office, she needs to be here each day. Small business does not carry ''fungible positions'' where others can cover.

A second point in your letter did not reach the bottom line—Will you support drilling in ANWR and off the coast of Florida? I do, even if we merely ''prove up the reserves''.

TOM.

We need to develop as many resources in this country and build new refineries. Thanks,

MIKE.

Not only has the price of gas affected what I pay at the pump, but I also work in automotive repair when people have to pay the higher prices. They drive less, which means they do not come into my shop, and when they do, they cannot pay to fix what they need.

LEON.

Please do not take the careless and shortsighted ''solution'' that you propose to this problem. Please do not drill for more oil and further damage this planet to the point of no return. We need smaller cars, public transportation, and alternative energy development. And [many Americans would benefit by more exercise like walking.]

BARBARA JANE, *Boise*.

My wife and I are on fixed income. We are retired at ages 69 and 66. The fuel costs have affected the cost to fly to the point that we

will not fly. We, therefore, conserve spending. That is good for us, but not the economy. We strongly support the development of alternatives to oil. We strongly oppose the development of our own oil resources. We wish to consume as much foreign oil as feasible first. We have moved to improving our green choices. We strongly, strongly, strongly oppose taxing the gasoline companies. Rather, we would offer them large subsidies, tax breaks, etc. to become energy companies, developing alternatives to oil. We saw the Brazil story and their path to energy independence. We can do it also. We also saw that the U.S. car companies are ready for bio/electric fuel. Let us go. Assist industry and the people who work, give industry incentives.

Thank you,

RAY and RHEDA.

LONG-TERM CARE

Mr. WYDEN. Since my days of working with the Gray Panthers in Oregon, I have been aware of the special obligation that we have to both our younger and older citizens who are in need of long-term care services. The Omnibus Budget Reconciliation Act of 1987 was a watershed in efforts to make life safer and more dignified for individuals living in long-term care institutions.

Since 1987, the long-term care industry has continued to evolve in ways that require another look at the state of long-term care. In a constantly changing for-profit and nonprofit industry, Federal and State governments need better information about the organizations and staff who provide care to residents of long-term care. Individuals, families, and service providers also need good information about long-term care to make informed decisions about their options.

Chairman KOHL, I laud you and your colleagues who have thoughtfully identified current or emerging problems in long-term care. The Nursing Home Transparency and Improvement Act of 2008, S. 2641, makes important strides in helping us to get more substantive information about nursing home ownership and staffing. It strengthens the Nursing Home Compare Web site and provides additional information for the general public. I am therefore pleased to become a cosponsor of this legislation.

Mr. KOHL. Thank you, Senator WYDEN. Given your long commitment to aging and health issues, your support is especially important and meaningful.

Mr. WYDEN. While I am pleased to support the legislation, I do have some concerns about the bill as it is written and hope that we can work together to make some changes to the bill. It has been helpful for me to talk about the bill with the many fine people who operate nursing homes in Oregon and others. And these folks have identified what I think are legitimate concerns with the bill.

Mr. KOHL. I would appreciate hearing of those concerns, Senator.

Mr. WYDEN. There are two issues of particular concern where I hope we may be able to get agreement on modifications. First, the bill calls for increased civil monetary penalties and requires that they be placed in escrow in advance of adjudication of an alleged violation. This provision could be especially burdensome to smaller nursing homes that already operate close to the margin. I think it would be useful to review the size of the proposed fines but especially the escrow provision. Tying up thousands of dollars in escrow would be particularly difficult for small nursing homes and especially unfair for homes whose alleged violations were later found to be without merit. I also believe it raises due process concerns in terms of imposing penalties before a matter has been finally settled.

Mr. KOHL. We will certainly review those provisions in light of your concerns.

Mr. WYDEN. The other issue of concern in the legislation concerns the requirement that every nursing home that is part of a group of nursing homes with common ownership and annual revenues of $50 million or more be subject to annual audits. Many of the nursing homes in Oregon are family-run businesses. A few of our Oregon owners operate groups of nursing homes that would meet the criterion for annual audits of each of their nursing homes. I am concerned that the cost of annual audits would be financially burdensome for them and for small nursing home chain owners in other parts of the country.

Mr. KOHL. I appreciate the care with which you have reviewed the Nursing Home Transparency Act. I will take under serious consideration the issues that you have raised. Again, your cosponsorship of this legislation is important in view of the many efforts you have made and continue to make to improve the lives of America's older citizens.

ADDITIONAL STATEMENTS

RETIREMENT OF JAN REINICKE

● Mr. HARKIN. Mr. President, at the end of August, Jan Reinicke will retire after 10 years of distinguished service as executive director of the Iowa State Education Association. Jan began her career in the classroom, serving as a speech and English teacher in the Iowa towns of Cincinnati, Coon Rapids, and Fort Dodge, earning the love of her students. Nearly four decades later, she concludes her career as one of the most respected educator-leaders in my State of Iowa.

Jan previously served as a lobbyist on the ISEA staff from 1980 to 1994, and as associate executive director from 1995 to 1998. At every stage, the key to her success has been that her roots have remained firmly planted in the classroom, and her passion has been to enhance the professionalism and stature of the teaching profession.

I have always loved what Lee Iacocca said about teachers. ''In a completely rational society,'' he said, ''the best of us would be teachers, and the rest would have to settle for something less.'' Fortunately, in Iowa, so many of our best—individuals of intelligence and talent like Jan Reinicke—do go into teaching. But, unfortunately, these idealistic and dedicated professionals do not always receive the support and compensation that they deserve.

That is why Jan has dedicated herself to lifting up the teaching profession in my state. Thanks to her leadership and advocacy, the Iowa Legislature passed two major salary improvements for Iowa teachers.

In addition, Jan is a passionate believer that teachers and other educators should take charge of their own profession. To that end, she has devoted herself to strengthening the Iowa State Education Association both as a union and as a professional association, more effectively advocating for teachers and other educators. Her vision led to the creation of teacher quality committees, giving teachers a larger voice in professional development and in determining the course of their schools.

A wise person once said, ''Those who dare to teach must never cease to learn.'' Jan agrees wholeheartedly. This is why she led the charge to establish ISEA's Professional Development Academy, which provides relicensing courses for teachers, as well as the opportunity to earn graduate credit. Under Jan's leadership, the association also created the Faculty Quality Plan to ensure that every student has access to quality teachers and a rigorous curriculum.

As a teacher, as an education lobbyist, and as the top executive at ISEA, Jan Reinicke's bottom line has always been the same: ensuring a quality teacher in every classroom, and a quality public education for every child.

There is an old saying that we make a living by what we get, but we make a life by what we give. Jan Reinicke has always given generously to those around her as a teacher, mentor, and leader. She leaves a living legacy in terms of an enhanced teaching profession in Iowa and a strong, respected Iowa State Education Association.

I know that Jan Reinicke has many wonderful plans for retirement, and that she intends to give of herself generously as a volunteer. I join her colleagues and friends across Iowa in thanking her for a job superbly done, and in wishing her a long and happy retirement.●

HONORING GIFFORD'S ICE CREAM

● Ms. SNOWE. Mr. President, with summer in full swing, I wish to celebrate a small business from my home State of Maine that has been satisfying our sweet tooth with delicious ice cream for several decades. Gifford's Ice

Cream, a family-owned and operated firm with a long history of dairy farming in central and western Maine, provides its customers with creamy indulgences for all tastes.

A familiar sight in Maine, people come from all around to enjoy Gifford's dozens of scrumptious, mouth-watering flavors. Serving Maine for over 100 years in the dairy business, a span of five generations, Gifford's began focusing its operations on summer treats in 1980, having previously supplied milk, cream, and other dairy products. Presently, Gifford's utilizes original family recipes to create more than 100 tempting varieties of ice cream and frozen yogurts. Crafting its rich ice cream with premium ingredients, including fresh milk and cream from local dairy farmers, Gifford's consistently churns out top-quality ice cream for its customers.

While its main location is in Skowhegan, known as the heart of Maine's farm country, Gifford's has branched out to open ice cream stands in Auburn, Bangor, Farmington, and Waterville. Its ice cream is additionally available at supermarkets and other locations throughout the Northeast. Gifford's employs 25 people yearround, as well as an additional 75 during the busy summer months.

Gifford's offers a wide array of flavors to choose from, including seasonal delights and new selections each year. From the staple vanilla and chocolate, to the eclectic orange pineapple and smurf cotton candy, Gifford's covers all its bases. Furthermore, Gifford's has recently added a number of frozen yogurt flavors, such as fudge overboard and strawberry banana, as well as no fat/no sugar added options, sherbets, and sorbets. Best of all, Gifford's offers quintessential Maine-related flavors, such as Maine maple walnut, birch bark, black bear, wild blueberry, and even deer tracks and lobster tracks. And while most everyone enjoys a good ice cream on occasion, Gifford's hasn't forgotten our four-legged friends, offering them Dog Bone Sundaes, complete with a scoop of ice cream and a dog biscuit.

Throughout its illustrious history, Gifford's has garnered numerous awards, particularly for its ice cream. Among the recognitions are first place awards from the National Ice Cream Retailers Association for its strawberry and chocolate ice creams, as well as ''World's Best Vanilla'' at the World Dairy Expo in Madison, WI, in 2005 and ''World's Best Chocolate'' at last year's expo. The Skowhegan Area Chamber of Commerce also named Gifford's Ice Cream its Large Business of the Year earlier this year.

In 2002, Gifford's began Cones for Kids, a program that rewards children 14 and younger who excel in academics, advance in scouting, or make a difference in their community. From earning an A on a reading quiz to volunteering at the neighborhood 4–H club, students can receive a free ice cream cone by enriching their lives through a host of positive and engaging activities.

What has made Gifford's so successful both in the dairy business and at its ice cream stands is a passion for pleasing its customers. Setting out to create new flavors of ice cream every year, whether it be apple pie or peanut butter caramel cookie dough, Gifford's has transformed itself from a small dairy farm to Maine's largest statewide, independent, family-owned ice cream company. I congratulate president Roger Gifford, treasurer John Gifford, and everyone at Gifford's Ice Cream for their tremendous success, and wish them well this summer and beyond.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, a treaty and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE CONTINUATION OF EMERGENCY REGARDING EXPORT CONTROL REGULATIONS UNDER THE AUTHORITY OF EXECUTIVE ORDER 13222 DATED AUGUST 17, 2001—PM 59

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban, Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice, stating that the emergency caused by the lapse of the Export Administration Act of 1979, as amended, is to continue in effect for 1 year beyond August 17, 2008.

GEORGE W. BUSH.
THE WHITE HOUSE, *July 23, 2008*.

MESSAGES FROM THE HOUSE

At 1:04 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4049. An act to amend section 5318 of title 31, United States Code, to eliminate regulatory burdens imposed on insured depository institutions and money services businesses and enhance the availability of transaction accounts at depository institutions for such business, and for other purposes.

H.R. 5235. An act to establish the Ronald Reagan Centennial Commission.

H.R. 6226. An act to designate the facility of the United States Postal Service located at 300 East 3rd Street in Jamestown, New York, as the ''Stan Lundine Post Office Building''.

H.R. 6493. An act to amend title 49, United States Code, to enhance aviation safety.

H.R. 6531. An act to amend chapter 13 of title 17, United States Code (relating to the vessel hull design protection), to clarify the definitions of a hull and a deck.

The message also announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 93. Joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

The message further announced that the House has passed the following bills, without amendment:

S. 2565. An act to establish an awards mechanism to honor exceptional acts of bravery in the line of duty by Federal, State, and local law enforcement officers.

S. 2766. An act to amend the Federal Water Pollution Control Act to address certain discharges incidental to the normal operation of a recreational vessel.

S. 3298. An act to clarify the circumstances during which the Administrator of the Environmental Protection Agency and applicable States may require permits for discharges from certain vessels, and to require the Administrator to conduct a study of discharges incidental to the normal operation of vessels.

The message also announced that the House insists upon its amendment to the bill (S. 294) to reauthorize Amtrak, and for other purposes, and requests a conference with the Senate on the disagreeing votes of the two Houses thereon, and appoints the following Members to be managers of the conference on the part of the House:

From the Committee on Transportation and Infrastructure, for consideration of the Senate bill and the House amendment, and modifications committed to conference: Mr. OBERSTAR, Ms. CORRINE BROWN of Florida, Messrs. CUMMINGS, CAPUANO, BISHOP of New York, Mrs. NAPOLITANO, Messrs. LIPINKSI, BRALEY of Iowa, ARCURI, MICA, PETRI, LATOURETTE, BROWN of South Carolina, SHUSTER, MARIO DIAZ-BALART of Florida and WESTMORELAND.

From the Committee on Science and Technology, for consideration of sections 105 and 305 of the Senate bill, and modifications committed to conference: Messrs. GORDON of Tennessee, WU, and GINGREY.

At 5:45 p.m., a message from the House of Representatives, delivered by

Mrs. Cole, one of its reading clerks, announced that the House has agreed to the amendment of the Senate to the amendments of the House to the amendment of the Senate to the bill (H.R. 3221) moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation, with an amendment, in which it requests the concurrence of the Senate.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4049. An act to amend section 5318 of title 31, United States Code, to eliminate regulatory burdens imposed on insured depository institutions and money services businesses and enhance the availability of transaction accounts at depository institutions for such business, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 6226. An act to designate the facility of the United States Postal Service located at 300 East 3rd Street in Jamestown, New York, as the ''Stan Lundine Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6493. An act to amend title 49, United States Code, to enhance aviation safety; to the Committee on Commerce, Science, and Transportation.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 3297. A bill to advance America's priorities.

The following joint resolution was read the first and second times by unanimous consent, and placed on the calendar:

H.J. Res. 93. Joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–7232. A communication from the Secretary, Department of Agriculture, transmitting draft legislation to amend the United States Grain Standards Act to authorize the Secretary of Agriculture to recover through user fees the cost of standardization activities; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7233. A communication from the Secretary, Department of Agriculture, transmitting draft legislation to remove the prohibition against the rescission of certain unadvanced telecommunications loan balances; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7234. A communication from the Acting Director of Grants Management Division, Office of Acquisition Management, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Non-Procurement Debarment and Suspension (title 2 CFR)'' (RIN0605–AA23) received on July 18, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7235. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, a report relative to the Stratospheric Ozone Protection of the Clean Air Act Amendments of 1990; to the Committee on Environment and Public Works.

EC–7236. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Delaware; Reasonably Available Control Technology Under the 8-Hour Ozone National Ambient Air Quality Standard'' (FRL No. 8696–6) received on July 22, 2008; to the Committee on Environment and Public Works.

EC–7237. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Implementation Plans; Idaho'' (FRL No. 8697–1) received on July 22, 2008; to the Committee on Environment and Public Works.

EC–7238. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Fludioxonil; Pesticide Tolerance for Emergency Exemption'' (FRL No. 8369–5) received on July 22, 2008; to the Committee on Environment and Public Works.

EC–7239. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants for Semiconductor Manufacturing'' (FRL No. 8695–9) received on July 22, 2008; to the Committee on Environment and Public Works.

EC–7240. A communication from the Chief of Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''United States-Bahrain Free Trade Agreement'' (RIN1505–AB81) received on July 18, 2008; to the Committee on Finance.

EC–7241. A communication from the Assistant Secretary for Import Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Imports of Certain Cotton Shirting Fabric: Implementation of Tariff Rate Quota Established Under the Tax Relief and Health Care Act of 2006'' received on July 22, 2008; to the Committee on Finance.

EC–7242. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed technical assistance agreement for the export of technical data, defense services, and defense articles in the amount of $100,000,000 or more to the Government of Turkey; to the Committee on Foreign Relations.

EC–7243. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed technical assistance agreement for the export of technical data, defense services, and defense articles in the amount of $50,000,000 or more to the Governments of Australia, Bermuda, Indonesia, the Philippines, and Singapore; to the Committee on Foreign Relations.

EC–7244. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed technical assistance agreement for the export of technical data, defense services, and defense articles to support the development of the AN/APX–68 Transponder Set and Control Box to the Government of Japan; to the Committee on Foreign Relations.

EC–7245. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Inspector General received on July 22, 2008; to the Committee on Foreign Relations.

EC–7246. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for Diplomatic Security received on July 23, 2008; to the Committee on Foreign Relations.

EC–7247. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for Political-Military Affairs received on July 23, 2008; to the Committee on Foreign Relations.

EC–7248. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy and designation of an acting officer in the position of Inspector General received on July 23, 2008; to the Committee on Foreign Relations.

EC–7249. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Taiwan Relations Act, 22 U.S.C. 3311, as amended, the text of an agreement between the American Institute in Taiwan and the Taipei Economic and Cultural Representative Office; to the Committee on Foreign Relations.

EC–7250. A communication from the Chairman, Railroad Retirement Board, pursuant to law, an annual report for the year of 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–7251. A communication from the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the Office of the Inspector General's Semiannual Report for the period of October 1, 2007, through March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7252. A communication from the Deputy General Counsel and Designated Reporting Official, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, the report of a vacancy and nomination in the position of Deputy Director for State, Local, and Tribal Affairs; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–420. A concurrent resolution adopted by the House of Representatives of the State of Louisiana urging Congress to extend the Gulf Opportunity Zone Act of 2005 bonus depreciation benefit to all parishes in the Gulf Opportunity Zone; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 177

Whereas, on December 16, 2005, the United States Congress passed the Gulf Opportunity Zone Act of 2005, commonly referred to as the ''GO Zone Act'', which was signed by the president of the United States on December 21, 2005, and which establishes tax incentives and bond provisions to rebuild the local and regional economies devastated by Hurricanes Katrina and Rita; and

Whereas, the GO Zone Act permits businesses to claim an additional first-year depreciation deduction equal to fifty percent of the cost of qualified new property investments made in the GO Zone; this depreciation allowance applies to software, leasehold improvements, and certain equipment and real estate expenditures; all depreciation deductions are exempt from alternative minimum taxes, and this tax incentive applies to property placed in service through December 31, 2007, or December 31, 2008, in the case of real property; and

Whereas, in Louisiana, the Hurricane Katrina and Hurricane Rita GO Zones are made up of thirty-seven parishes, namely: Acadia, Allen, Ascension, Assumption, Beauregard, Calcasieu, Cameron, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Sabine, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Vermilion, Vernon, Washington, West Baton Rouge, and West Feliciana; and

Whereas, on December 9, 2006, the United States Congress passed the Tax Relief and Health Care Act of 2006, which was signed by the president of the United States on December 20, 2006, which extends for two years the deadlines for benefitting from the bonus depreciation under the GO Zone Act in order to give additional time for reconstruction and rehabilitation efforts; and

Whereas, the extension of the GO Zone bonus depreciation benefit only applies in certain highly damaged areas in Louisiana, namely the parishes of Calcasieu, Cameron, Orleans, Plaquemines, St. Bernard, St. Tammany, and Washington; and

Whereas, the devastation of Hurricanes Katrina and Rita is not limited to the ''highly damaged areas'' in Louisiana but is prevalent in all of the parishes in the Hurricanes Katrina and Rita GO Zones; and

Whereas, there is a critical need for more time to rebuild in all of the GO Zone areas, not just in the seven parishes deemed to be the ''highly damaged areas''. Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to extend the deadline for benefitting from the bonus depreciation until December 31, 2010, for all parishes in Louisiana which are included in the Katrina and Rita GO Zones. Be it further

Resolved, That a copy of this Resolution be transmitted to the clerk of the United States House of Representatives and the secretary of the United States Senate and to each member of the Louisiana congressional delegation to the United States Congress.

POM–421. A resolution adopted by the House of Representatives of the State of Michigan urging Congress to reauthorize the DNA backlog program; to the Committee on the Judiciary.

HOUSE RESOLUTION NO. 281

Whereas, the Debbie Smith DNA backlog grant program was part of the Justice for All Act of 2004, Public Law No. 108–405. This legislation assists in the reduction of DNA backlogs and improvement of the utilization of DNA in the criminal justice system in the state of Michigan and every state throughout the nation; and

Whereas, DNA technology is increasingly vital to ensuring accuracy and fairness in the criminal justice system. Thousands of law enforcement investigations have been aided nationwide because of DNA matches made through the FBI's Combined DNA Index System (CODIS), bringing justice to victims and removing criminals from the streets. Also, the Innocence Project has used DNA in over 200 cases to exonerate persons who were wrongfully convicted of crimes; and

Whereas, the state of Michigan and other states throughout the nation have significantly expanded their DNA programs to include a growing number of convicted or arrested felons to match against unsolved crimes; and

Whereas, the demand for DNA testing in both violent and nonviolent crimes has continued to increase as the reliability of this evidence is proven. Many laboratories still maintain DNA backlogs of six months or longer and are unable to meet the growing demand for DNA testing despite funding commitments from state and local governments; and

Whereas, the Debbie Smith DNA backlog grant program has permitted state and local governments an opportunity to begin to maximize the full potential of forensic DNA through backlog reduction, but much work remains to be done: Now, therefore, be it

Resolved by the House of Representatives, That we memorialize the United States Congress to reauthorize the DNA backlog program; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BAUCUS, from the Committee on Finance, without amendment:

S.J. Res. 41. A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003 .

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. KLOBUCHAR (for herself and Mr. COLEMAN):

S. 3309. A bill to designate the facility of the United States Postal Service located at 2523 7th Avenue East in North Saint Paul, Minnesota, as the Mayor William ''Bill'' Sandberg Post Office Building; to the Committee on Homeland Security and Governmental Affairs.

By Mr. WYDEN (for himself, Mr. GRASSLEY, and Ms. KLOBUCHAR):

S. 3310. A bill to provide benefits under the Post-Development/Mobilization Respite Absence program for certain periods before the implementation of the program; to the Committee on Armed Services.

By Mr. DURBIN:

S. 3311. A bill to amend the Public Health Service Act to improve mental and behavioral health services on college campuses; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for himself, Mr. BINGAMAN, and Mr. FEINGOLD):

S. 3312. A bill to amend the Public Health Service Act to ensure that victims of public health emergencies have meaningful and immediate access to medically necessary health care services; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID:

S. 3313. A bill to establish a Federal Polygamy Task Force, to authorize assistance for victims of polygamy, and for other purposes; to the Committee on the Judiciary.

By Mrs. BOXER (for herself, Mr. CARDIN, Mr. LEVIN, and Mr. WHITEHOUSE):

S. 3314. A bill to protect the oceans and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. WICKER:

S. 3315. A bill to prohibit the distribution or sale of video games that do not have age-based content rating labels, to prohibit the sale or rental of video games with adult content ratings to minors, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BROWN:

S. 3316. A bill to amend the Internal Revenue Code of 1986 to encourage the use of corrosion prevention and mitigation measures in the construction and maintenance of business property; to the Committee on Finance.

By Mrs. CLINTON:

S. 3317. A bill to designate the facility of the Untied States Postal Service located at 101 West Main Street in Waterville, New York, as the ''Corporal John P. Sigsbee Post Office''; to the Committee on Homeland Security and Governmental Affairs.

By Mr. GRASSLEY:

S. 3318. A bill to amend title XVIII of the Social Security Act to provide for recognition of equality of physician work in all geographic areas and revisions to the practice expense geographic adjustment under the Medicare physician fee schedule; to the Committee on Finance.

By Mr. BROWN:

S. 3319. A bill to amend title 23, United States Code, to require corrosion mitigation and prevention plans for bridges receiving Federal funding, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BIDEN, Mr. DOMENICI, Mr. BAUCUS, Mr. BINGAMAN, Mr. LIEBERMAN, Mr. KYL, Mr. JOHNSON, Mr. SMITH, Ms. CANTWELL, Mr. THUNE, and Mr. TESTER):

S. 3320. A bill to amend the Indian Law Enforcement Reform Act, the Indian Tribal Justice Act, the Indian Tribal Justice Technical and Legal Assistance Act of 2000, and the Omnibus Crime Control and Safe Streets Act of 1968 to improve the prosecution of, and response to, crimes in Indian country, and for other purposes; to the Committee on Indian Affairs.

By Mr. HARKIN (for himself, Mr. DODD, Mr. BINGAMAN, Mr. KENNEDY, and Ms. MIKULSKI):

S. 3321. A bill to amend the Public Health Service Act to provide coordinated leadership in Federal efforts to prevent and reduce overweight and obesity and to promote sound health and nutrition among Americans, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRASSLEY (for himself, Mr. HARKIN, Mr. ROBERTS, Mr. DURBIN, Mr. COLEMAN, Mr. BOND, Mr. BROWNBACK, Mr. BAYH, Mrs. MCCASKILL, Ms. KLOBUCHAR, Mr. OBAMA, and Mr. LUGAR):

S. 3322. A bill to provide tax relief for the victims of severe storms, tornados, and

flooding in the Midwest, and for other purposes; to the Committee on Finance.

By Mr. LEVIN (for himself, Mr. VOINOVICH, Mr. BAYH, Mr. BROWN, Mr. CASEY, Mrs. CLINTON, Mr. COLEMAN, Mr. DURBIN, Mr. FEINGOLD, Ms. KLOBUCHAR, Mr. KOHL, Mr. LUGAR, Mr. OBAMA, Ms. STABENOW, and Mr. SCHUMER):

S.J. Res. 45. A joint resolution expressing the consent and approval of Congress to an inter-state compact regarding water resources in the Great Lakes - St. Lawrence River Basin; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KOHL (for himself and Mr. HATCH):

S. Res. 620. A resolution designating the week of September 14–20, 2008, as National Polycystic Kidney Disease Awareness Week, to raise public awareness and understanding of polycystic kidney disease, and to foster understanding of the impact polycystic kidney disease has on patients and future generations of their families; to the Committee on the Judiciary.

By Mr. REID (for himself, Mr. MCCONNELL, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TESTER, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Res. 621. A resolution honoring and commemorating the selfless acts of heroism displayed by the late Detective John Michael Gibson and Private First Class Jacob Joseph Chestnut of the United States Capitol Police on July 24, 1998, and expressing the gratitude and appreciation of the Senate for the professionalism and dedication of the United States Capitol Police; considered and agreed to.

ADDITIONAL COSPONSORS

S. 450

At the request of Mr. ENSIGN, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 450, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 594

At the request of Mrs. FEINSTEIN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 594, a bill to limit the use, sale, and transfer of cluster munitions.

S. 648

At the request of Mr. CHAMBLISS, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 648, a bill to amend title 10, United States Code, to reduce the eligibility age for receipt of non-regular military service retired pay for members of the Ready Reserve in active federal status or on active duty for significant periods.

S. 718

At the request of Mr. DURBIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 718, a bill to optimize the delivery of critical care medicine and expand the critical care workforce.

S. 1050

At the request of Mr. HARKIN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 1050, a bill to amend the Rehabilitation Act of 1973 and the Public Health Service Act to set standards for medical diagnostic equipment and to establish a program for promoting good health, disease prevention, and wellness and for the prevention of secondary conditions for individuals with disabilities, and for other purposes.

S. 1232

At the request of Mr. DODD, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1232, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop a voluntary policy for managing the risk of food allergy and anaphylaxis in schools, to establish school-based food allergy management grants, and for other purposes.

S. 1276

At the request of Mr. DURBIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1276, a bill to establish a grant program to facilitate the creation of methamphetamine precursor electronic logbook systems, and for other purposes.

S. 1287

At the request of Mr. SMITH, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1287, a bill to amend the Internal Revenue Code of 1986 to allow an offset against income tax refunds to pay for State judicial debts that are past-due.

S. 1328

At the request of Mr. LEAHY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1328, a bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships.

S. 1376

At the request of Mr. BINGAMAN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1376, a bill to amend the Public Health Service Act to revise and expand the drug discount program under section 340B of such Act to improve the provision of discounts on drug purchases for certain safety net providers.

S. 1588

At the request of Ms. LANDRIEU, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1588, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease.

S. 1850

At the request of Mr. SMITH, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1850, a bill to amend the Internal Revenue Code of 1986 to provide for the treatment of Indian tribal governments as State governments for purposes of issuing tax-exempt governmental bonds, and for other purposes.

S. 1906

At the request of Mr. BAUCUS, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1906, a bill to understand and comprehensively address the oral health problems associated with methamphetamine use.

S. 1907

At the request of Mr. BAUCUS, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1907, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to understand and comprehensively address the inmate oral health problems associated with methamphetamine use, and for other purposes.

S. 2035

At the request of Mr. SPECTER, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 2035, a bill to maintain the free flow of information to the public by providing conditions

for the federally compelled disclosure of information by certain persons connected with the news media.

S. 2042

At the request of Ms. STABENOW, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 2042, a bill to authorize the Secretary of Health and Human Services to conduct activities to rapidly advance treatments for spinal muscular atrophy, neuromuscular disease, and other pediatric diseases, and for other purposes.

S. 2505

At the request of Ms. CANTWELL, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 2505, a bill to allow employees of a commercial passenger airline carrier who receive payments in a bankruptcy proceeding to roll over such payments into an individual retirement plan, and for other purposes.

S. 2510

At the request of Ms. LANDRIEU, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 2510, a bill to amend the Public Health Service Act to provide revised standards for quality assurance in screening and evaluation of gynecologic cytology preparations, and for other purposes.

S. 2785

At the request of Ms. STABENOW, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 2785, a bill to amend title XVIII of the Security Act to preserve access to physicians' services under the Medicare program.

S. 2799

At the request of Mrs. MURRAY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2799, a bill to amend title 38, United States Code, to expand and improve health care services available to women veterans, especially those serving in Operation Iraqi Freedom and Operation Enduring Freedom, from the Department of Veterans Affairs, and for other purposes.

S. 2836

At the request of Mr. CHAMBLISS, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2836, a bill to amend title 10, United States Code, to include service after September 11, 2001, as service qualifying for the determination of a reduced eligibility age for receipt of non-regular service retired pay.

S. 2908

At the request of Mr. BROWN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2908, a bill to amend title II of the Social Security Act to prohibit the display of Social Security account numbers on Medicare cards.

S. 3070

At the request of Mr. SESSIONS, the names of the Senator from New Hampshire (Mr. SUNUNU) and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. 3070, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the Boy Scouts of America, and for other proposes.

S. 3073

At the request of Mr. CORNYN, the names of the Senator from New Mexico (Mr. DOMENICI) and the Senator from New Hampshire (Mr. SUNUNU) were added as cosponsors of S. 3073, a bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to improve procedures for the collection and delivery of absentee ballots of absent overseas uniformed services voters, and for other purposes.

S. 3155

At the request of Mr. LEAHY, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 3155, a bill to reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

S. 3199

At the request of Mr. LAUTENBERG, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 3199, a bill to amend the Internal Revenue Code of 1986 to exempt certain shipping from the harbor maintenance tax.

S. 3237

At the request of Mr. CASEY, the names of the Senator from Michigan (Ms. STABENOW), the Senator from Michigan (Mr. LEVIN) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 3237, a bill to assist volunteer fire companies in coping with the precipitous rise in fuel prices.

S. 3277

At the request of Mr. MENENDEZ, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 3277, a bill to amend title 31 of the United States Code to require that Federal children's programs be separately displayed and analyzed in the President's budget.

S. 3302

At the request of Mr. BARRASSO, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 3302, a bill to authorize the Secretary of Agriculture and the Secretary of the Interior to enter into cooperative agreements with State foresters authorizing State foresters to provide certain forest, rangeland, and watershed restoration and protection services.

S.J. RES. 44

At the request of Mr. ROCKEFELLER, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S.J. Res. 44, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule set forth as requirements contained in the August 17, 2007, letter to State Health Officials from the Director of the Center for Medicaid and State Operations in the Centers for Medicare and Medicaid Services and the State Health Official Letter 08–003, dated May 7, 2008, from such Center.

S. CON. RES. 60

At the request of Mr. BAUCUS, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. Con. Res. 60, a concurrent resolution expressing the sense of Congress relating to negotiating a free trade agreement between the United States and Taiwan.

S. CON. RES. 80

At the request of Mr. HAGEL, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. Con. Res. 80, a concurrent resolution urging the President to designate a National Airborne Day in recognition of persons who are serving or have served in the airborne forces of the Armed Services.

S. RES. 300

At the request of Mr. MENENDEZ, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Res. 300, a resolution expressing the sense of the Senate that the Former Yugoslav Republic of Macedonia (FYROM) should stop the utilization of materials that violate provisions of the United Nations-brokered Interim Agreement between FYROM and Greece regarding ''hostile activities or propaganda'' and should work with the United Nations and Greece to achieve longstanding United States and United Nations policy goals of finding a mutually-acceptable official name for FYROM.

S. RES. 331

At the request of Mr. MENENDEZ, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. Res. 331, a resolution expressing the sense of the Senate that Turkey should end its military occupation of the Republic of Cyprus, particularly because Turkey's pretext has been refuted by over 13,000,000 crossings of the divide by Turkish-Cypriots and Greek Cypriots into each other's communities without incident.

S. RES. 580

At the request of Mr. BAYH, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. Res. 580, a resolution expressing the sense of the Senate on preventing Iran from acquiring a nuclear weapons capability.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN:

S. 3311. A bill to amend the Public Health Service Act to improve mental and behavioral health services on college campuses; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN: Mr. President, this February, on Valentine's Day, a young

man walked into a lecture hall at Northern Illinois University and opened fire. Five students were killed and 17 were wounded before the shooter took his own life. Northern Illinois University was not the first college to experience this kind of tragedy. We all remember the horrific events at Virginia Tech only months earlier—where 32 lives were taken by a gunman. The magnitude of heartbreak for friends and families and communities of those killed is hard to imagine. So, too, is the continuing trauma experienced by those who survived. These tragedies opened our eyes to a reality that needs attention.

Since February I have learned just how thin colleges and universities are stretched when it comes to providing counseling and other support services to students, and I think we need to help them. So today I am introducing the Mental Health on Campus Improvement Act, which would establish grant programs to help schools meet the rising need for mental health services on campus.

The ratio of counselors to students on campus is widening. Currently there is only one counselor for every 2,000 students on our college campuses. At some colleges, the situation is even more dismal. Studies show that 10 percent of college students have contemplated suicide. Mr. President, 45 percent have felt so depressed that it was difficult to function. Colleges are also encountering students who 10 or 20 years ago would not have been able to attend school due to mental illness, but who can today because of advances in treatment of mental illness.

Taking care of mental health needs on our college campuses is somewhat unique. Many mental illnesses start to manifest in this period when young people leave the security of home and regular medical care. The responsibility for the students' well-being often shifts from parents to students, who aren't always completely prepared. The colleges try to fill in the gaps, but with so few services and counselors, we are beginning to recognize how many needs are overlooked. This is a very real problem, even for schools that have made mental health services a dedicated priority.

Take Southern Illinois University in Carbondale. SIUC has eight full-time counselors for 21,000 students. That is one counselor for every 2,500 students. And there is another problem. Like many rural communities, Carbondale only has one community mental health agency. That agency is overwhelmed by the mental health needs of the community and refuses to serve students from SIU. The campus counseling center is the only mental health option for students. The eight hard-working counselors at SIUC do their best under impossible conditions. They triage students who come in seeking help so that the ones who might be a threat to themselves or others are seen first. The waitlist of students seeking services has reached 45 students.

With so many students looking for help and so few counselors to see them, the counseling center has to cut back on outreach. Without outreach, the chances diminish of finding students who need help but don't ask for it. This is a serious problem. We know that the shooter at Virginia Tech exhibited many warning signs of a tortured mental state. But faculty and students did not know how or where to express their concerns. Outreach efforts by campus counseling centers can help educate the community about warning signs to look for as well as how to intervene. Of the students who committed suicide across the country in 2007, only 22 percent had received counseling on campus. That means that of the 1,000 college students who took their own lives, 800 may never have looked for help. How many of those young lives could have been saved if our college counseling centers had the resources they needed to identify those students and help them? Our students deserve better.

The Mental Health on Campus Improvement Act would create a grant program to provide funding for colleges and universities to improve their mental health services. Colleges could use the funding to hire personnel, increase outreach, and educate the campus community about mental health. The bill also would direct the Department of Health and Human Services to develop a public, nation-wide campaign to education campus communities about mental health.

Reflecting on the loss of his own son, the well known minister Rev. William Sloan Coffin once said, ''When parents die, they take with them a portion of the past. But when children die, they take away the future as well.'' I hope the bill I am introducing today will help prevent the unnecessary loss of more young lives and bright futures.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 3311

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Mental Health on Campus Improvement Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The 2007 National Survey of Counseling Center Directors found that the average ratio of counselors to students on campus is nearly 1 to 2,000 and is often far higher on large campuses. The International Association of Counseling Services accreditation standards recommend 1 counselor per 1,000 to 1,500 students.

(2) College counselors report that 8.5 percent of enrolled students sought counseling in the past year, totaling an estimated 1,600,000 students.

(3) Over 90 percent of counseling directors believe there is an increase in the number of students coming to campus with severe psychological problems. The majority of counseling directors report concern that the demand for services is growing without an increase in resources.

(4) A 2006 American College Health Association survey revealed that 44 percent of students at colleges and universities report having felt so depressed it was difficult to function, and one out of every 11 students seriously considered suicide within the past year.

(5) Research conducted from 1989 to 2002 found that students seen for anxiety disorders doubled, for depression tripled, and for serious suicidal intention tripled.

(6) Many students who need help never receive it. Counseling directors report that of the students who committed suicide on their campuses, only 22 percent were current or former counseling center clients. Directors did not know the previous psychiatric history of 60 percent of these students.

(7) A survey conducted by the University of Idaho Student Counseling Center (2000) found that 77 percent of students who responded reported that they were more likely to stay in school because of counseling and that their school performance would have declined without counseling.

(8) A 6-year longitudinal study of college students found that personal and emotional adjustment was an important factor in retention and predicted attrition as well as or better than academic adjustment (Gerdes & Mallinckrodt, 1994).

SEC. 3. IMPROVING MENTAL AND BEHAVIORAL HEALTH ON COLLEGE CAMPUSES.

Title V of the Public Health Service Act is amended by inserting after section 520E-2 (42 U.S.C. 290bb-36b) the following:

''SEC. 520E-3. GRANTS TO IMPROVE MENTAL AND BEHAVIORAL HEALTH ON COLLEGE CAMPUSES.

''(a) PURPOSE.—It is the purpose of this section, with respect to college and university settings, to—

''(1) increase access to mental and behavioral health services;

''(2) foster and improve the prevention of mental and behavioral health disorders, and the promotion of mental health;

''(3) improve the identification and treatment for students at risk;

''(4) improve collaboration and the development of appropriate level of mental and behavioral health care; and

''(5) improve the efficacy of outreach efforts.

''(b) GRANTS.—The Secretary, acting through the Administrator and in consultation with the Secretary of Education, shall award competitive grants to eligible entities to improve mental and behavioral health services and outreach on college and university campuses.

''(c) ELIGIBILITY.—To be eligible to receive a grant under subsection (b), an entity shall—

''(1) be an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)); and

''(2) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including the information required under subsection (d).

''(d) APPLICATION.—An application for a grant under this section shall include—

''(1) a description of the population to be targeted by the program carried out under the grant, the particular mental and behavioral health needs of the students involved, and the Federal, State, local, private, and institutional resources available for meeting the needs of such students at the time the application is submitted;

''(2) an outline of the objectives of the program carried out under the grant;

''(3) a description of activities, services, and training to be provided under the program, including planned outreach strategies to reach students not currently seeking services;

''(4) a plan to seek input from community mental health providers, when available, community groups, and other public and private entities in carrying out the program;

''(5) a plan, when applicable, to meet the specific mental and behavioral health needs of veterans attending institutions of higher education;

''(6) a description of the methods to be used to evaluate the outcomes and effectiveness of the program; and

''(7) an assurance that grant funds will be used to supplement, and not supplant, any other Federal, State, or local funds available to carry out activities of the type carried out under the grant.

''(e) SPECIAL CONSIDERATIONS.—In awarding grants under this section, the Secretary shall give special consideration to applications that describe programs to be carried out under the grant that—

''(1) demonstrate the greatest need for new or additional mental and behavioral health services, in part by providing information on current ratios of students to mental and behavioral health professionals;

''(2) propose effective approaches for initiating or expanding campus services and supports using evidence-based practices;

''(3) target traditionally underserved populations and populations most at risk;

''(4) where possible, demonstrate an awareness of and a willingness to coordinate with a community mental health center or other mental health resource in the community, to support screening and referral of students requiring intensive services;

''(5) identify how the college or university will address psychiatric emergencies, including how information will be communicated with families or other appropriate parties; and

''(6) demonstrate the greatest potential for replication and dissemination.

''(f) USE OF FUNDS.—Amounts received under a grant under this section shall be used to—

''(1) provide mental and behavioral health services to students, including prevention, promotion of mental health, screening, early intervention, assessment, treatment, management, and education services relating to the mental and behavioral health of students;

''(2) provide outreach services to notify students about the existence of mental and behavioral health services;

''(3) educate families, peers, faculty, staff, and communities to increase awareness of mental health issues;

''(4) employ appropriately trained staff;

''(5) expand mental health training through internship, post-doctorate, and residency programs;

''(6) develop and support evidence-based and emerging best practices; and

''(7) evaluate and disseminate best practices to other colleges and universities.

''(g) DURATION OF GRANTS.—A grant under this section shall be awarded for a period of not to exceed 3 years.

''(h) EVALUATION AND REPORTING.—

''(1) EVALUATION.—Not later than 18 months after the date on which a grant is received under this section, the eligible entity involved shall submit to the Secretary the results of an evaluation to be conducted by the entity concerning the effectiveness of the activities carried out under the grant and plans for the sustainability of such efforts.

''(2) REPORT.—Not later than 2 years after the date of enactment of this section, the Secretary shall submit to the appropriate committees of Congress a report concerning the results of—

''(A) the evaluations conducted under paragraph (1); and

''(B) an evaluation conducted by the Secretary to analyze the effectiveness and efficacy of the activities conducted with grants under this section.

''(i) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance to grantees in carrying out this section.

''(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, such sums as may be necessary to carry out this section.

''SEC. 520E-4. MENTAL AND BEHAVIORAL HEALTH OUTREACH AND EDUCATION ON COLLEGE CAMPUSES.

''(a) PURPOSE.—It is the purpose of this section to increase access to, and reduce the stigma associated with, mental health services so as to ensure that college students have the support necessary to successfully complete their studies.

''(b) NATIONAL PUBLIC EDUCATION CAMPAIGN.—The Secretary, acting through the Administrator and in collaboration with the Director of the Centers for Disease Control and Prevention, shall convene an interagency, public-private sector working group to plan, establish, and begin coordinating and evaluating a targeted public education campaign that is designed to focus on mental and behavioral health on college campuses. Such campaign shall be designed to—

''(1) improve the general understanding of mental health and mental health disorders;

''(2) encourage help-seeking behaviors relating to the promotion of mental health, prevention of mental health disorders, and treatment of such disorders;

''(3) make the connection between mental and behavioral health and academic success; and

''(4) assist the general public in identifying the early warning signs and reducing the stigma of mental illness.

''(c) COMPOSITION.—The working group under subsection (b) shall include—

''(1) mental health consumers and family members;

''(2) representatives of colleges and universities;

''(3) representatives of national mental and behavioral health and college associations;

''(4) representatives of mental health providers, including community mental health centers; and

''(5) representatives of private- and public-sector groups with experience in the development of effective public health education campaigns.

''(d) PLAN.—The working group under subsection (b) shall develop a plan that shall—

''(1) target promotional and educational efforts to the college age population and individuals who are employed in college and university settings, including the use of roundtables;

''(2) develop and propose the implementation of research-based public health messages and activities;

''(3) provide support for local efforts to reduce stigma by using the National Mental Health Information Center as a primary point of contact for information, publications, and service program referrals; and

''(4) develop and propose the implementation of a social marketing campaign that is targeted at the college population and individuals who are employed in college and university settings.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, such sums as may be necessary to carry out this section.''.

SEC. 4. INTERAGENCY WORKING GROUP ON COLLEGE MENTAL HEALTH.

(a) PURPOSE.—It is the purpose of this section, pursuant to Executive Order 13263 (and the recommendations issued under section 6(b) of such Order), to provide for the establishment of a College Campus Task Force under the Federal Executive Steering Committee on Mental Health, to discuss mental and behavioral health concerns on college and university campuses.

(b) ESTABLISHMENT.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary'') shall establish a College Campus Task Force (referred to in this section as the ''Task Force''), under the Federal Executive Steering Committee on Mental Health, to discuss mental and behavioral health concerns on college and university campuses.

(c) MEMBERSHIP.—The Task Force shall be composed of a representative from each Federal agency (as appointed by the head of the agency) that has jurisdiction over, or is affected by, mental health and education policies and projects, including—

(1) the Department of Education;

(2) the Department of Health and Human Services;

(3) the Department of Veterans Affairs; and

(4) such other Federal agencies as the Administrator of the Substance Abuse and Mental Health Services Administration and the Secretary jointly determine to be appropriate.

(d) DUTIES.—The Task Force shall—

(1) serve as a centralized mechanism to coordinate a national effort—

(A) to discuss and evaluate evidence and knowledge on mental and behavioral heath services available to and the prevalence of mental health illness among, the college age population of the United States;

(B) to determine the range of effective, feasible, and comprehensive actions to improve mental and behavioral health on college and university campuses;

(C) to examine and better address the needs of the college age population dealing with mental illness;

(D) to survey Federal agencies to determine which policies are effective in encouraging, and how best to facilitate outreach without duplicating, efforts relating to mental and behavioral health promotion;

(E) to establish specific goals within and across Federal agencies for mental health promotion, including determinations of accountability for reaching those goals;

(F) to develop a strategy for allocating responsibilities and ensuring participation in mental and behavioral health promotions, particularly in the case of competing agency priorities;

(G) to coordinate plans to communicate research results relating to mental and behavioral health amongst the college age population to enable reporting and outreach activities to produce more useful and timely information;

(H) to provide a description of evidence-based best practices, model programs, effective guidelines, and other strategies for promoting mental and behavioral health on college and university campuses;

(I) to make recommendations to improve Federal efforts relating to mental and behavioral health promotion on college campuses and to ensure Federal efforts are consistent with available standards and evidence and other programs in existence as of the date of enactment of this Act; and

(J) to monitor Federal progress in meeting specific mental and behavioral health promotion goals as they relate to college and university settings;

(2) consult with national organizations with expertise in mental and behavioral

health, especially those organizations working with the college age population; and

(3) consult with and seek input from mental heath professionals working on college and university campuses as appropriate.

(e) MEETINGS.—

(1) IN GENERAL.—The Task Force shall meet at least 3 times each year.

(2) ANNUAL CONFERENCE.—The Secretary shall sponsor an annual conference on mental and behavioral health in college and university settings to enhance coordination, build partnerships, and share best practices in mental and behavioral health promotion, data collection, analysis, and services.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, such sums as may be necessary to carry out this section.

By Mr. DURBIN (for himself, Mr. BINGAMAN, and Mr. FEINGOLD):

S. 3312. A bill amend the Public Health Service Act to ensure that victims of public health emergencies have meaningful and immediate access to medically necessary health care services; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Today I am introducing the Public Health Emergency Response Act. This bill authorizes a temporary health benefit during a public emergency for people in that area who don't have health insurance. The program makes it more likely that people who need healthcare services will get them and ensures that the doctors and nurses who treat them will be compensated.

Since 2000, the Secretary of Health and Human Services has had the authority to declare public health emergencies so that government can provide resources quickly to communities in need. That authority has been exercised very rarely—for 9–11; Hurricanes Wilma, Katrina, and Rita; and the recent flooding in the Midwest. These public health emergencies—both manmade and natural disasters—ruined neighborhoods, divided families, and weakened many spirits. But for every tragic emergency witnessed, we saw acts of remarkable selflessness and kindness.

One of the greatest examples of this generosity is in the efforts of local health care providers to meet the increased need for services. Whether it was the hurricanes that hit the Gulf Coast, the debris in downtown New York, or the waters in the Midwest, the need for medical services was immediate and in some cases dramatic. The demand for mental health services also rose in response to the psychological stress and trauma caused by the destruction of homes, the loss of jobs, the separation of families, and the death and devastation surrounding those in the areas hit by these tragic events.

Despite the trauma of a disaster or the pain from an injury incurred during a disaster, people who don't seek care not only leave themselves vulnerable to worsening health conditions, but they exacerbate the situation on the ground. For those uninsured people who do access medical care, the providers—typically those in areas immediately surrounding the disaster area—are often left without any compensation.

During Hurricane Katrina, the Harris County hospital district in Houston assumed responsibility for the health care of 23,000 evacuees living in the Reliant Astrodome. In Baton Rouge, hospitals struggled to meet the health care needs of a population that doubled in size after absorbing half a million evacuees. Health facilities and other public infrastructure were stretched beyond their capacity as they faced the multiple challenges of addressing the public health needs in the counties or parishes directly affected; delivering needed health care to the displaced; and ensuring the continued delivery of health care services to residents of the other areas.

Victims of public health emergencies should know that the government will assist them in their time of need. This is why I am introducing the Public Health Emergency Response Act.

The Public Health Emergency Response Act would make it easier for uninsured victims to seek treatment and would provide coverage to the health care professionals who are treating them. The bill would establish a temporary emergency health benefit for people who are uninsured. The benefit could be triggered only when the Secretary of Health and Human Services declared a public health emergency and chose to activate the benefit. The benefit would last for up to 90 days, and the Secretary could extend it once for another 90 days. Rather than put additional stress on our public health programs like Medicare, Medicaid or SCHIP, the funding mechanism for the benefit is the Public Health Emergency Fund, a no-year fund established in 1983. Funds for emergency victims' health coverage would be determined by Congressional appropriations. The bill will help save lives and ensure a functioning health care system for whatever lies ahead.

Most recently, we saw the entire Midwest reeling from weeks of flooding and tornadoes—from Minnesota to Kansas and everywhere in between—Wisconsin, Iowa, Missouri, and, of course, Illinois. The damage has been heartbreaking. We know from the great flood that devastated the Midwest in 1993 and from Hurricanes Katrina and Rita that the losses from this chain of weather-related disasters will be more than our states and citizens alone can bare. We also know that, in times of crisis, Americans have always come together to help those in need.

The Public Health Emergency Response Act carries on this tradition. The bill allows Federal government to prepare for the next emergency. We do not know what the next public health emergency will look like. It may be a bioterrorist attack, a hurricane, or pandemic flu. We should act now to create the framework for emergency health coverage and reimbursement.

Mr. President, I ask unanimous consent that the text of the bill and a letter of support be printed in the RECORD.

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

S. 3312

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Public Health Emergency Response Act of 2008''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Since 2000, the Secretary of Health and Human Services has declared that a public health emergency existed nationwide in response to the attacks of September 11th and in response to Hurricanes Katrina and Rita.

(2) In the event of a public health emergency, compliance with recommendations to seek immediate care may be critical to containing the spread of an infectious disease outbreak or responding to a bioterror attack.

(3) Nearly sixteen percent of Americans lack health insurance coverage.

(4) Fears of out-of-pocket expenses may cause individuals to delay seeking medical attention during a public health emergency.

(5) A public health emergency may disrupt health care assistance programs for individuals with chronic conditions, exacerbating the costs and risks to their health.

(6) The uninsured could place great financial strain on healthcare providers during a public health emergency.

(7) The Department of Health and Human Services Pandemic Influenza Plan projects that a pandemic influenza outbreak could result in 45 million additional outpatient visits, with 865,000 to 9,900,000 individuals requiring hospitalization, depending upon the severity of the pandemic.

(8) Hospitals in the United States could lose as much as $3.9 billion in uncompensated care and cash flow losses in the event of a severe pandemic.

(9) Under current statute, no dedicated mechanism exists to reimburse providers for uncompensated care during a public health emergency.

(b) PURPOSES.—The purposes of this Act are—

(1) to provide temporary emergency healthcare coverage for uninsured and certain otherwise qualified individuals in the event of a public health emergency declared by the Secretary of Health and Human Services;

(2) to ensure that healthcare providers remain fiscally solvent and are not overburdened by the cost of uncompensated care during a public health emergency;

(3) to eliminate a primary disincentive for uninsured and certain otherwise qualified individuals to promptly seek medical care during a public health emergency; and

(4) to minimize delays in the provision of emergency healthcare coverage by clarifying eligibility requirements and the scope of such coverage and identifying the funding mechanisms for emergency healthcare services.

SEC. 3. EMERGENCY HEALTHCARE COVERAGE.

(a) IN GENERAL.—Title III of the Public Health Service Act is amended by inserting after section 319K the following new section:

''SEC. 319K–1. EMERGENCY HEALTHCARE COVERAGE.

''(a) ACTIVATION AND TERMINATION OF EMERGENCY HEALTHCARE COVERAGE.—

''(1) BASED ON PUBLIC HEALTH EMERGENCY.—

''(A) IN GENERAL.—The Secretary may activate the coverage of emergency healthcare services under this section only if the Secretary determines that there is a public health emergency.

''(B) DETERMINATION OF PUBLIC HEALTH EMERGENCY.—For purposes of this section, there is a 'public health emergency' only if a public health emergency exists under section 319.

''(2) CONSIDERATIONS.—In making a determination under paragraph (1), the Secretary shall consider a range of factors including the following:

''(A) The degree to which the emergency is likely to overwhelm healthcare providers in the region.

''(B) The opportunity to minimize morbidity and mortality through intervention under this section.

''(C) The estimated number of direct casualties of the emergency.

''(D) The potential number of casualties in the absence of intervention under this section (such as in the case of infectious disease).

''(E) The potential adverse financial impacts on local healthcare providers in the absence of activation of this section.

''(F) The need for healthcare services is of sufficient severity and magnitude to warrant major assistance under this section above and beyond the emergency services otherwise available from the Federal Government.

''(G) Such other factors as the Secretary may deem appropriate.

''(3) TERMINATION AND EXTENSION.—

''(A) IN GENERAL.—Coverage of emergency healthcare services under this section shall terminate, subject to subsection (c)(2), upon the earlier of the following:

''(i) The Secretary's determination that a public health emergency no longer exists.

''(ii) Subject to subparagraph (B), 90 days after the initiation of coverage of emergency healthcare services.

''(B) EXTENSION AUTHORITY.—The Secretary may extend a public health emergency for a second 90-day period, but only if a report to Congress is made under paragraph (4) in conjunction with making such extension.

''(4) REPORT.—

''(A) IN GENERAL.—Prior to making an extension under paragraph (3)(B), the Secretary shall transmit a report to Congress that includes information on the nature of the public health emergency and the expected duration of the emergency. The Secretary shall include in such report recommendations, if deemed appropriate, regarding requesting Congress to provide a further extension of the public health emergency period beyond the second 90-day period.

''(B) REPORT CONTENTS.—A report under subparagraph (A) shall include a discussion of the healthcare needs of emergency victims and affected individuals including the likely need for follow-up care over a two-year period.

''(5) COORDINATION.—The Secretary shall ensure that the activation, implementation, and termination of emergency healthcare services under this section in response to a public health emergency is coordinated with all functions, personnel, and assets of the Federal, State, local, and tribal responses to the emergency.

''(6) MEDICAL MONITORING PROGRAM.—The Secretary shall establish a medical monitoring program for monitoring and reporting on healthcare needs of the affected population over time. At least annually during the 5-year period following the date of a public health emergency, the Secretary shall report to Congress on any continuing healthcare needs of the affected population related to the public health emergency. Such reports shall include recommendations on how to ensure that emergency victims and affected individuals have access to needed healthcare services.

''(b) ELIGIBILITY FOR COVERAGE OF EMERGENCY HEALTHCARE SERVICES.—

''(1) LIMITED ELIGIBILITY.—

''(A) IN GENERAL.—Eligibility for coverage of emergency healthcare services under this section for a public health emergency is limited to individuals who—

''(i) are emergency victims who are uninsured or otherwise qualified; or

''(ii) are affected individuals who are uninsured.

''(B) DEFINITIONS.—For purposes of this section with respect to a public health emergency:

''(i) INSURED.—An individual is 'insured' if the individual has group or individual health insurance coverage or publicly financed health insurance (as defined by the Secretary).

''(ii) OTHERWISE QUALIFIED.—An individual is ''otherwise qualified'' if the individual is insured but the Secretary determines that the individual's healthcare insurance coverage is not at least actuarially-equivalent to benchmark coverage. In establishing such benchmark coverage, the Secretary shall consider the standard Blue Cross/Blue Shield preferred provider option service benefit plan described in and offered under section 8903(1) of title 5, United States Code.

''(iii) UNINSURED.—An individual is 'uninsured' if the individual is not insured.

''(iv) EMERGENCY VICTIM.—An individual is an 'emergency victim' with respect to a public health emergency if the individual needs healthcare services due to injuries or disease resulting from the public health emergency.

''(v) AFFECTED INDIVIDUAL.—An individual is an 'affected individual' with respect to a public health emergency if—

''(I) the individual resides in an assistance area designated for the emergency (or whose residence was displaced by the emergency) or, in the case of such an emergency constituting a pandemic flu or other infectious disease outbreak, who resides in the area affected by the outbreak (or whose residence was displaced by the emergency); and

''(II) the individual's ability to access care or medicine is disrupted as a result of the emergency.

''(2) PROCESS.—The Secretary shall establish a streamlined process for determining eligibility for emergency healthcare services under this section. In establishing such process—

''(A) the Secretary shall recognize that in the context of a public health emergency, individuals may be unable to provide identification cards, healthcare insurance information, or other documentation; and

''(B) the primary method for determining eligibility for such services shall be an attestation provided to the healthcare provider by the recipient of the services that the recipient meets the eligibility criteria established under paragraph (1)(A), with a standard alternative for unattended minors and adults without the capacity to sign such an attestation form.

''(3) SERVICE DELIVERY.—Providers may commence provision of emergency healthcare services for an individual in the absence of any centralized enrollment process, if the provider has collected basic information, specified by the Secretary, including the individual's name, address, social security number, and existing health insurance coverage (if any), that establishes a prima facie basis for eligibility, except that such information shall not be required in cases where the individual is unable to provide the information due to disability or incapacitation.

''(c) EMERGENCY HEALTHCARE SERVICES.—

''(1) IN GENERAL.—For purposes of this section, the term 'emergency healthcare services'—

''(A) means items and services for which payment may be made under parts A and B of the Medicare program;

''(B) includes prescription drugs (not covered under such part B) specified by the Secretary under subsection (g), based on the formularies of the two or more prescription drug plans under part D of the Medicare program with the largest enrollment;

''(C) may include drugs, devices, biologics, and other healthcare products, if such products are authorized for use by the Food and Drug Administration pursuant to an alternate authority, including the emergency use authority under section 564 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb-3); and

''(D) for an affected individual, is limited to those items and services described under subparagraphs (A), (B) or (C) that a third-party payor, such as a government program or charitable organization, reimbursed or otherwise provided to an affected individual during the three months prior to the declaration of the public health emergency.

''(2) NOT MEDICARE, MEDICAID, OR SCHIP BENEFITS.—The emergency healthcare services provided under this section are not benefits under Medicare, Medicaid or SCHIP. Nothing in this section shall be interpreted as altering or otherwise conflicting with titles XVIII, XIX, or XXI of the Social Security Act.

''(3) COMPLETION OF TREATMENT FOR EMERGENCY VICTIMS.—Notwithstanding termination of the coverage of emergency healthcare services pursuant to subsection (a)(4), the Secretary may identify a subgroup of emergency victims on a case-by-case basis or otherwise to continue receiving coverage of emergency healthcare services for up to an additional 60 days. Such emergency healthcare services provided after the termination date shall be limited to services and items that are medically necessary to treat an injury or disease resulting directly from the public health emergency involved.

''(d) COVERED PROVIDERS.—

''(1) IN GENERAL.—Subject to paragraph (2), healthcare services are not covered under this section unless they are furnished by a healthcare provider that—

''(A) has a valid provider number under the Medicare program, the Medicaid program, or SCHIP;

''(B) is in good standing with such program; and

''(C) is not excluded from participation in a Federal health care program (as defined in section 1128B(f) of the Social Security Act, 42 U.S.C. 1320a–7b(f)).

''(2) WAIVER AUTHORITY.—

''(A) IN GENERAL.—The Secretary may by regulation waive certain requirements for provider enrollment that otherwise apply under the Medicare or Medicaid program or under SCHIP to ensure an adequate supply of healthcare providers (such as nurses and other health care providers who do not typically participate in the Medicare or Medicaid program or SCHIP) and services in the case of a public health emergency. Such requirements may include the requirement that a licensed physician or other health care professional holds a license in the State in which the professional provides services or is otherwise authorized under State law to provide the services involved.

''(B) REPORT ON EMERGENCY SYSTEM FOR ADVANCE REGISTRATION OF VOLUNTEER HEALTH PROFESSIONALS (ESAR–VHP).—Not later than 180 days after the date of the enactment of

this section, the Secretary shall submit to Congress a report on the number of volunteers, by profession and credential level, enrolled in the Emergency System for Advance Registration of Volunteer Health Professionals (ESAR–VHP) that will be available to each State in the event of a public health emergency. The Secretary shall determine if the number of such volunteers is adequate for interstate deployment in response to regional requests for volunteers and, if not, shall include in the report recommendations for actions to ensure an adequate surge capacity for public health emergencies in defined geographic areas.

''(3) MEDICARE AND MEDICAID PROGRAMS AND SCHIP DEFINED.—For purposes of this section:

''(A) The term 'Medicare program' means the program under parts A, B, and D of title XVIII of the Social Security.

''(B) The term 'Medicaid program' means the program of medical assistance under title XIX of such Act.

''(C) The term 'SCHIP' means the State children's health insurance program under title XXI of such Act.

''(e) PAYMENTS AND CLAIMS ADMINISTRATION.—

''(1) PAYMENT AMOUNT.—The amount of payment under this section to a provider for emergency healthcare services shall be equal to 100 percent of the payment rate for the corresponding service under part A or B of the Medicare program, or, in the case of prescription drugs and other items and services not covered under either such part, such amount as the Secretary may specify by rule. Such a provider shall not be permitted to impose any cost-sharing or to balance bill for services furnished under this section.

''(2) USE OF MEDICARE CONTRACTORS.—The Secretary shall enter into arrangements with Medicare administrative contractors under which they process claims for emergency healthcare services under this section using the claim forms, codes, and nomenclature in effect under the Medicare program.

''(3) APPLICATION OF SECONDARY PAYER RULES.—In the case of payment under this section for emergency healthcare services for otherwise qualified individuals who have some health insurance coverage with respect to such services, the administrative contractors under paragraph (2) shall submit a claim to the entity offering such coverage to recoup all or some of such payment, reflecting whatever amount the entity would normally reimburse for each covered service. The provisions of section 1862(b) of the Social Security Act (42 U.S.C. 1395y(b)) shall apply to benefits provided under this section in the same manner as they apply to benefits provided under the Medicare program.

''(4) PAYMENTS FOR EMERGENCY HEALTHCARE SERVICES AND RELATED COSTS.—Payments to provide, and costs to administer, emergency healthcare services under this section shall be made from the Public Health Emergency Fund, as provided under subsection (f)(1).

''(5) ATTESTATION REQUIREMENT.—No payment shall be made under this section to a provider for emergency healthcare services unless the provider has executed an attestation that—

''(A) the provider has notified the administrative contractor of any third-party payment received or claims pending for such services;

''(B) the recipient of the services has executed an attestation or otherwise satisfies the eligibility criteria established under subsection (b); and

''(C) the services were medically necessary.

''(f) PUBLIC HEALTH EMERGENCY FUND; FRAUD AND ABUSE PROVISIONS.—

''(1) THE PUBLIC HEALTH EMERGENCY FUND.—There is authorized to be appropriated to the Public Health Emergency Fund (established under section 319(b)) such sums as may be necessary under this section for payments to provide emergency healthcare services and costs to administer the services during a public health emergency.

''(2) NO USE OF MEDICARE FUNDS.—No funds under the Medicare program shall be available or used to make payments under this section.

''(3) FRAUD AND ABUSE PROVISIONS.—Providers and recipients of emergency healthcare services under this section shall be subject to the federal fraud and abuse protections that apply to Federal health care programs as defined in section 1128B(f) of the Social Security Act.

''(g) RULEMAKING.—The Secretary may issue regulations to carry out this section and shall use a negotiated rulemaking process to advise the Secretary on key issues regarding the implementation of this section.

''(h) PUBLIC HEALTH EMERGENCY PLANNING AND THE EDUCATION OF HEALTHCARE PROVIDERS AND THE GENERAL POPULATION.—

''(1) PLANNING FOR COVERAGE OF EMERGENCY HEALTHCARE SERVICES IN PUBLIC HEALTH EMERGENCIES.—The Secretary shall, within 90 days after the date of the enactment of this section, initiate planning to carry out this section, including planning relating to implementation of the subsection (e) in the event of activation of emergency healthcare coverage.

''(2) OUTREACH AND PUBLIC EDUCATION CAMPAIGN.—The Secretary shall conduct an outreach and public education campaign to inform healthcare providers and the general public about the availability of emergency healthcare coverage under this section during the period of the emergency. Such campaign shall include—

''(A) an explanation of the emergency healthcare coverage program under this section;

''(B) claim forms and instructions for healthcare providers to use when providing covered services during the emergency period; and

''(C) special outreach initiatives to vulnerable and hard-to-reach populations.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for each fiscal year (beginning with fiscal year 2009) $7,000,000 to carry out paragraphs (1) and (2) during the fiscal year.

''(i) APPLICATION OF POLICIES UNDER OTHER FEDERAL HEALTH CARE PROGRAMS.—As specified in subsections (c) through (e), the Secretary may adopt in whole or in part the coverage, reimbursement, provider enrollment, and other policies used under the Medicare program and other Federal health care programs in administering emergency healthcare services under this section to the extent consistent with this section.''.

(b) APPLICATION OF PUBLIC HEALTH EMERGENCY FUND.—Section 319(b)(1) of such Act (42 U.S.C. 247d(b)(1)) is amended—

(1) by inserting ''and section 319K–1'' after ''subsection (a)''; and

(2) by striking ''such subsection'' and inserting ''subsection (a)''.

WASHINGTON, DC,
July 22, 2008.

Hon. RICHARD DURBIN,
U.S. Senate,
Washington, DC.
Hon. LOIS CAPPS,
House of Representatives,
Washington, DC.

DEAR SENATOR DURBIN AND REPRESENTATIVE CAPPS: The undersigned organizations join in supporting your introduction of the Public Health Emergency Response Act (PHERA), legislation that would put a turnkey process into place which would ensure that victims of a public health emergency have immediate access to medically necessary healthcare services and help ensure that we have a functioning health care system.

A public health emergency, such as a natural disaster, biologic attack or infectious disease outbreak, could strike at any time. The September 11th attacks and Hurricanes Katrina and Rita have underscored the need for rapid access to healthcare services during and immediately following a public health emergency. Following Hurricane Katrina, Congress ultimately approved $2.1 billion for grants to certain states to cover the Medicaid and SCHIP matching requirements for individuals enrolled in these programs, and the cost of uncompensated care for the uninsured. However, it took six months for Congress to pass the Deficit Reduction Act, which provided for these funds. This unnecessary delay could have been prevented. PHERA would put into place ahead of time a framework for providing reimbursement for uncompensated care in the event of a major public health emergency.

The temporary benefit established through this bill would help remove a disincentive for uninsured individuals to promptly seek medical care. Any delay in seeking care could result in lives lost, particularly during an infectious disease outbreak when immediate identification and isolation are very important, and delay in seeking care could render treatment ineffective. At a time when our health care system could be overwhelmed with patients, it is vital that reimbursement issues not dissuade providers from offering care. A study by the Center for Biosecurity estimated that U.S. hospitals could lose as much as $3.9 billion in uncompensated care and cash flow losses in the event of a severe pandemic. By helping to reduce the burden of uncompensated care, PHERA would help ensure the solvency and continuity and our health care system during a catastrophic emergency.

Specifically, PHERA would provide a temporary emergency health benefit for uninsured individuals and individuals whose health insurance coverage is not actuarially equivalent to benchmark coverage, in the event that the Secretary of Health and Human Services (HHS) declares that a public health emergency exists and chooses to activate the benefit. It would clarify who is eligible for this benefit, including individuals displaced by a public health emergency, limit the amount of time for which the benefit would last, and stipulate what providers would be covered under this Act. It would not use Medicare, Medicaid or SCHIP funding. The funding mechanism would be the Public Health Emergency Fund, a no-year fund available to the Secretary. The bill authorizes funding for the administration of the fund, together with a public education campaign on the availability of the benefit, but further funding would not be necessary until Congress appropriated funds in the event of a declared public health emergency.

Past experiences have shown that Congress will step in to help defray the costs of uncompensated care resulting from a catastrophic emergency. Determining the scope of such coverage ahead of time will help ensure the solvency of our health care system and help eliminate a disincentive for individuals to promptly seek care. PHERA would help ensure that when tragedy strikes, time and lives are not lost as Congress debates a course of action. It would create the turnkey process ahead of time, thereby allowing for timely care to individuals affected by a crisis.

We appreciate your leadership in introducing this legislation and look forward to working with you on this and other public health initiatives in the future.

Sincerely,

American Red Cross.

Center for Biosecurity, University of Pittsburgh Medical Center.

Center for Infectious Disease Research and Policy.

Council of State and Territorial Epidemiologists.

Infectious Diseases Society of America.

National Association of Community Health Centers.

Society for Healthcare Epidemiology of America.

Trust for America's Health.

By Mr. REID:

S. 3313. A bill to establish a Federal Polygamy Task Force, to authorize assistance for victims of polygamy, and for other purposes; to the committee on the Judiciary.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 3313

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Victims of Polygamy Assistance Act of 2008''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Despite the fact that polygamy has been illegal in the United States for over 100 years, the practice of polygamy involving underage marriages is growing. Sizable polygamist communities exist in Arizona, Utah, and Nevada, and are expanding into other States.

(2) Polygamist communities are typically controlled by organizations that engage in widespread and systematic violations of State laws and the laws of the United States in order to enrich their leaders and maintain control over their members.

(3) The crimes perpetrated by these organizations include child abuse, domestic violence, welfare fraud, tax evasion, public corruption, witness tampering, and transporting victims across State lines.

(4) Due to the systematic and sophisticated nature of these crimes, State and local law enforcement agencies would benefit from the assistance of the Federal Government as they investigate and prosecute these organizations and their leaders for violations of State law. In addition, violations of Federal law associated with polygamy should be investigated and prosecuted directly by Federal authorities.

(5) The work of State and Federal law enforcement agencies to combat crimes by polygamist organizations would benefit from enhanced collaboration and information-sharing among such agencies.

(6) The establishment of a task force within the Department of Justice to coordinate Federal efforts and collaborate with State agencies would aid in the investigation and prosecution of criminal activities of polygamist organizations in both Federal and State courts.

(7) Polygamist organizations isolate, control, manipulate, and threaten victims with retribution should they ever abandon the organization. Individuals who choose to testify against polygamist organizations in Federal or State court have unique needs, including social services and witness protection support, that warrant Federal assistance.

SEC. 3. ESTABLISHMENT OF A FEDERAL POLYGAMY TASK FORCE.

(a) ESTABLISHMENT.—There is established within the Department of Justice a Federal Polygamy Task Force, which shall consist of the Deputy Attorney General, the United States attorneys from affected Federal judicial districts, representatives of the Federal Bureau of Investigation, the Internal Revenue Service, the Department of Labor, and the Department of Health and Human Services, and any officer of the Federal Government whom the Deputy Attorney General considers necessary to strengthen Federal law enforcement activities and provide State and local law enforcement officials the assistance they need to address the illegal activity of one or more polygamist organizations.

(b) PURPOSES.—The Federal Polygamy Task Force established under subsection (a) shall—

(1) formulate effective responses to the unique set of crimes committed by polygamist organizations;

(2) establish partnerships with State and local law enforcement agencies to share relevant information and strengthen State and Federal efforts to combat crimes perpetrated by polygamist organizations;

(3) assist States by providing strategies and support for the protection of witnesses;

(4) track the criminal behavior of polygamist organizations that cross State and international borders; and

(5) ensure that local officials charged with protecting the public are not corrupted because of financial, family, or membership ties to a polygamist organization.

SEC. 4. POLYGAMY VICTIM ASSISTANCE DISCRETIONARY GRANTS.

The Victims of Crime Act of 1984 (42 U.S.C. 10601 et seq.) is amended by inserting after section 1404E the following:

''SEC. 1404F. ASSISTANCE FOR VICTIMS OF POLYGAMY.

''(a) IN GENERAL.—The Director may make grants as provided in section 1404(c)(1)(A) to State, tribal, and local prosecutors' offices, law enforcement agencies, courts, jails, and correctional institutions, and to qualified public and private entities, to develop, establish, and maintain programs for the enforcement of rights and provision of social services (including witness protection, housing, education, vocational training, mental health services, child care, and medical treatment) for an individual who is exploited or otherwise victimized by practitioners of polygamy.

''(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds made available under section 1402(d), there are authorized to be appropriated to carry out this section—

''(1) $2,000,000 for fiscal year 2009; and

''(2) $2,500,000 for each of the fiscal years 2010, 2011, 2012, and 2013.

''(c) FALSE CLAIMS ACT.—Notwithstanding any other provision of law, amounts collected pursuant to sections 3729 through 3731 of title 31, United States Code (commonly known as the 'False Claims Act'), may be used for grants under this section, subject to appropriation.''.

SEC. 5. POLYGAMY INVESTIGATION AND PROSECUTION ASSISTANCE DISCRETIONARY GRANTS.

Section 506(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3756(a)) is amended—

(1) in paragraph (1), by striking ''and'' at the end;

(2) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(3) $2,000,000, to be granted by the Attorney General to States and units of local government to investigate and prosecute polygamist organizations that violate Federal, State, or local laws.''.

By Mrs. BOXER (for herself, Mr. CARDIN, Mr. LEVIN, and Mr. WHITEHOUSE):

S. 3314. A bill to protect the oceans and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. CANTWELL. Mr. President, I rise today in support of Senator BOXER's efforts to begin a real dialog on the need for an effective national oceans policy.

The protection of our oceans is a major priority for me. And we have a responsibility to start talking about policy solutions that will work to protect one of our most precious resources our oceans.

In addition to cultural, recreational, and aesthetic values, our oceans provide great economic value and a way of life for millions of people.

In Washington State alone, nearly 80 percent of our gross domestic product, GDP, is produced in our coastal areas. Nationwide, the oceans and coastal areas generate more than $800 billion of trade each year, tens of billions of dollars in recreational opportunities annually, and $30 billion from commercial fisheries. The histories and the economies of coastal communities have, and always will, ebb and flow with the tide.

As such, the conservation of marine and coastal ecosystems, and the majestic life they contain, should be a top priority for our Nation.

By introducing the National Ocean Protection Act today, Senator BOXER is taking an important step towards furthering the discussion on the management and protection of our oceans, coastal areas, and Great Lakes ecosystems. I commend my colleague on her efforts.

As chair of the Senate Subcommittee on Oceans, Atmosphere, Fisheries and Coast Guard, I am currently reviewing several ocean governance proposals, but I fully support bringing these important issues into the spotlight of consideration. It is the only way we will come closer to establishing a comprehensive solution that works.

This discussion is much needed and long overdue.

I look forward to continuing this dialog and encourage all of my colleagues to join in moving these matters forward and making a renewed commitment to the protection of our marine waters.

By Mr. GRASSLEY:

S. 3318. A bill to amend title XVIII of the Social Security Act to provide for recognition of equality of physician work in all geographic areas and revisions to the practice expense geographic adjustment under the Medicare physician fee schedule; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I am pleased today to introduce the Medicare Physician Payment Equity Act of 2008.

I stood before this body last December as we agreed to a short-term Medicare extension bill so that we would have the opportunity to address other

pressing priorities in a bipartisan Medicare package this year. One of the most significant issues I had hoped to address was the need to provide more equitable payment for physicians in Iowa and other rural states.

While the Medicare bill that Congress just enacted improves the situation for physicians in the near-term by averting the SGR payment cuts scheduled to occur during the next 18 months, it does little to remedy the unjustifiable geographic disparities in physician payment that exist. It is unfortunate that reforms to the geographic physician payment adjusters were not included in H.R. 6331. I have long supported more equitable treatment of physicians in rural areas, and I have pressed for reforms to the work and practice expense geographic adjustments in the Medicare physician fee schedule. However, much-needed reforms such as the establishment of a practice expense floor are not in the Medicare bill that Congress enacted last week.

The legislation I am introducing today is designed to remedy this problem by providing more equitable treatment for physicians in rural areas. The bill reduces inequitable disparities in physician payment resulting from the Geographic Practice Cost Indices or adjusters, known as GPCIs, by establishing a 1.0 floor for physician practice expense adjustments as of 2009 and by providing a national 1.0 geographic index for physician work expense after the expiration of the existing 1.0 floor in 2010.

Although geographic adjustments are intended to reflect actual cost differences in a given area compared to a national average of 1.0, the existing, inaccurate formulas create significant disparities in physician reimbursement that penalize, rather than equalize, physician payment in Iowa and other rural states. These geographic disparities lead to rural states experiencing significant difficulties in recruiting and retaining physicians and other health care professionals because of their significantly lower reimbursement rates. This in turn leads to reduced beneficiary access to rural health care providers.

Here is a simple example that demonstrates the inequity of the current GPCI formulas. Iowa is widely recognized as providing some of the highest quality health care in the country, yet Iowa physicians receive some of the lowest Medicare reimbursement of any physicians in the country because of inequitable geographic adjustments. Medicare physician payment is equal in all 89 Medicare payment localities until the geographic adjusters, or GPCIs, are applied. After the GPCI adjustments, however, Medicare reimbursement for some physician services in Iowa is at least 30 percent lower than payment for the same service in other parts of the country, and it is fundamentally unfair. Congress needs to reduce these unwarranted payment variations and realign Medicare incentives to reward physicians' quality instead of their geography.

Sadly, the inequitable geographic formulas which make these adjustments have merely exacerbated the problems of rural access to health care. Rural America today has far fewer physicians per capita than urban areas do. According to the National Rural Health Association, only about 10 percent of physicians practice in rural areas although nearly a quarter of the U.S. population lives there. Another grave concern is the lack of specialists in rural areas: only about 40 specialists exist per 100,000 in rural areas compared to more than three times as many—134 per 100,000—in urban areas. The evidence is clear that the existing geographic adjusters have been a dismal failure in promoting an adequate number of physicians in Iowa and other rural states. More severe physician shortages will occur in the future if we do not make essential changes to these formulas now.

The Medicare Physician Payment Equity Act revises the formulas used to determine geographic work and practice expense adjustments. The physician work formula currently used by the Centers for Medicare and Medicaid Services to estimate physician wages measures geographic differences in the earnings of six categories of professionals (lawyers, engineers, and others), rather than differences in physicians' earnings. In addition, the data that are used are based on outdated proxy data from the 2000 census. This bill recognizes that physician work for a service requires the same skill and training regardless of the geographic area, and should be similarly valued, and it establishes a national index of 1.0 for physician work beginning in 2010.

The practice expense formula used by CMS is inaccurate, outdated, and does not represent the actual office rent or employee wage costs for physicians in many areas. The office rent component uses Department of Housing and Urban Development residential apartment rental data from 2000 which does not accurately reflect physician office rent. The employee wage component comes from 2000 census data on clerical workers, nurses, and medical technicians which does not take into account any of the more highly compensated workers such as physician assistants, office administrators, and other specialists employed in physician practices today. The Medicare Physician Payment Equity Act provides for a more appropriate recognition of the geographic differences in employee wages and office rents by reducing the impact of this index to reflect more accurately the differences in physician practice costs, as of 2010. We must act now to help recruit and retain rural physicians to ensure that beneficiaries in Iowa and other rural areas will continue to have access to health care.

I urge my colleagues to support this legislation to address the growing problem of health care shortages in rural America by providing more equitable payment for physicians.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3318

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Medicare Physician Payment Equity Act of 2008''.

SEC. 2. RECOGNITION OF EQUALITY OF PHYSICIAN WORK IN ALL GEOGRAPHIC AREAS UNDER THE MEDICARE PHYSICIAN FEE SCHEDULE.

Section 1848(e)(1) of the Social Security Act (42 U.S.C. 1395w–4(e)(1)) is amended—

(1) in subparagraph (A), in the matter preceding clause (i), by striking ''subparagraphs (B)'' through ''the Secretary'' and inserting ''the succeeding provisions of this paragraph, the Secretary''; and

(2) by inserting after subparagraph (E) the following new subparagraph:

''(F) RECOGNITION OF EQUALITY OF PHYSICIAN WORK IN ALL GEOGRAPHIC AREAS.—In recognition of the fact that the physician work for a service is the same in all geographic areas, and should be similarly valued under this title, for services furnished on or after January 1, 2010, the geographic index for physician work under subparagraph (A)(iii) shall be 1.0 in all fee schedule areas.''.

SEC. 3. REVISIONS TO THE PRACTICE EXPENSE GEOGRAPHIC ADJUSTMENT UNDER THE MEDICARE PHYSICIAN FEE SCHEDULE.

(a) ESTABLISHMENT OF FLOOR.—Section 1848(e)(1) of the Social Security Act (42 U.S.C. 1395w–4(e)(1)) is amended by adding at the end the following new subparagraph:

''(H) FLOOR AT 1.0 ON PRACTICE EXPENSE GEOGRAPHIC INDEX.—After calculating the practice expense geographic index in subparagraph (A)(i), for purposes of payment for services furnished in 2009, the Secretary shall increase the practice expense geographic index to 1.0 for any locality for which such practice expense geographic index is less than 1.0.''.

(b) MORE APPROPRIATE RECOGNITION OF PRACTICE EXPENSE DIFFERENCES IN EMPLOYEE WAGES AND OFFICE RENTS AMONG GEOGRAPHIC AREAS.—Section 1848(e)(1) of the Social Security Act (42 U.S.C. 1395w–4(e)(1)), as amended by subsection (a), is amended by adding at the end the following new subparagraph:

''(I) MORE APPROPRIATE RECOGNITION OF DIFFERENCES IN EMPLOYEE WAGES AND OFFICE RENTS AMONG AREAS.—

''(i) IN GENERAL.—In recognition of the limitations on available data (as described in clause (ii)) for use as the employee wage and office rent proxies in the practice expense geographic index described in subparagraph (A)(i), and in order to more appropriately reflect differences among different fee schedule areas, for services furnished on or after January 1, 2010, such practice expense geographic index shall be an index which reflects ½ of the difference between the relative costs of employee wages and rents in each of the different fee schedule areas and the national average of such employee wages and rents.

''(ii) LIMITATIONS ON AVAILABLE DATA.—The limitations on available data described in this clause are the following:

''(I) The need to use proxy data to reflect differences in employee wages and rents among areas.

''(II) Wages for some categories of employees being determined in national markets.

''(III) Physicians having to compete for some employees in market areas that cross fee schedule areas.

''(IV) Physicians in rural areas frequently having to locate their offices close to urban areas and competing with urban rent markets.''.

By Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BIDEN, Mr. DOMENICI, Mr. BAUCUS, Mr. BINGAMAN, Mr. LIEBERMAN, Mr. KYL, Mr. JOHNSON, Mr. SMITH, Ms. CANTWELL, Mr. THUNE, and Mr. TESTER):

S. 3320. A bill to amend the Indian Law Enforcement Reform Act, the Indian Tribal Justice Act, the Indian Tribal Justice Technical and Legal Assistance Act of 2000, and the Omnibus Crime Control and Safe Streets Act of 1968 to improve the prosecution of, and response to, crimes in Indian country, and for other purposes; to the Committee on Indian Affairs.

Mr. DORGAN. Mr. President, as Chairman of the Committee on Indian Affairs, I have overseen five hearings this Congress that confirm a long-standing and life threatening public safety crisis on many of our Nation's American Indian reservations.

One of the primary causes for violent crime is the disjointed system of justice in Indian country that is broken at its core. The current system limits the authority of Tribes to fight crime, and requires tribal communities to rely completely on the United States to investigate and prosecute violent crimes occurring on reservations.

This is a system that the United States created. With this responsibility, comes a legal obligation to provide for the public safety on Indian lands. Unfortunately, we are not meeting our obligation.

Between 2004 and 2007, the United States has declined to pursue an average of 62 percent of reservation criminal cases referred for prosecution. This means that 75 percent of adult and child sex crimes and 50 percent of homicides on Indian lands went unpunished in those four years.

This is an inherent flaw in the system. The system vests the prosecution of reservation crimes in the federal courts which are often located hundreds of miles away from the crime scene, the evidence, and the witnesses needed to prosecute these difficult cases.

The results of this system include an epidemic of domestic and sexual violence against American Indian and Alaska Native women. The Department of Justice reports that 34 percent of Native women will be raped in their lifetimes. This past February, the Centers for Disease Control and Prevention reported that 39 percent of Native women will be subject to domestic violence. These rates are more than twice the national average.

This broken system of justice has also drawn the unwanted attention of criminals to Indian lands. In recent years, reservations have been targeted as safe havens for criminal activity. One Federal prosecutor said that Indian lands are being used as pipelines by drug organizations to funnel their poison to tribal and nearby communities. These drugs eventually reach larger metropolitan areas.

To address this crisis, I am pleased to announce the introduction of the Tribal Law and Order Act of 2008 with the support of my colleagues Committee Vice Chairwoman MURKOWSKI, and Senators BIDEN, DOMENICI, BAUCUS, BINGAMAN, LIEBERMAN, KYL, JOHNSON, SMITH, CANTWELL, THUNE, and TESTER.

This bill seeks to take initial steps at mending this broken system by arming tribal justice officials with tools to protect their communities.

The bill would expand on a program to enable tribal police to enforce violations of Federal laws on Indian lands.

The bill would also provide police greater access to vital criminal history information.

Further, the bill would enable tribal courts to sentence offenders up to 3 years in prison for violations of tribal law, an increase from the current limit of 1 year.

Title I of the bill would provide for greater consultation and coordination between federal law enforcement officials, tribal leaders, and community members. Increased communication and coordination at all levels of government responsible for crime on Indian lands is vital to combating this public safety emergency.

To increase coordination of prosecutions, the bill would require U.S. Attorneys to file declination reports and maintain data when refusing to pursue a case. Maintaining consistent data on declinations will enable Congress to direct funding where the additional resources are needed.

This bill was developed over the past 18 months in consultation with tribal leaders, tribal, federal and state law enforcement officials, and many others.

I want to again thank my colleagues for their support of this legislation, and urge the Senate to act to meet our public safety obligations to all tribal communities.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 3320

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Tribal Law and Order Act of 2008''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the United States has distinct legal, treaty, and trust obligations to provide for the public safety of tribal communities;

(2) several States have been delegated or have accepted responsibility to provide for the public safety of tribal communities within the borders of the States;

(3) Congress and the President have acknowledged that—

(A) tribal law enforcement officers are often the first responders to crimes on Indian reservations; and

(B) tribal justice systems are ultimately the most appropriate institutions for maintaining law and order in tribal communities;

(4) less than 3,000 tribal and Federal law enforcement officers patrol more than 56,000,000 acres of Indian country, which reflects less than ½ of the law enforcement presence in comparable rural communities nationwide;

(5) on many Indian reservations, law enforcement officers respond to distress or emergency calls without backup and travel to remote locations without adequate radio communication or access to national crime information database systems;

(6) the majority of tribal detention facilities were constructed decades before the date of enactment of this Act and must be or will soon need to be replaced, creating a multibillion-dollar backlog in facility needs;

(7) a number of Indian country offenders face no consequences for minor crimes, and many such offenders are released due to severe overcrowding in existing detention facilities;

(8) tribal courts—

(A) are the primary arbiters of criminal and civil justice for actions arising in Indian country; but

(B) have been historically underfunded;

(9) tribal courts have no criminal jurisdiction over non-Indian persons, and the sentencing authority of tribal courts is limited to sentences of not more than 1 year of imprisonment for Indian offenders, forcing tribal communities to rely solely on the Federal Government and certain State governments for the prosecution of—

(A) misdemeanors committed by non-Indian persons; and

(B) all felony crimes in Indian country;

(10) a significant percentage of cases referred to Federal agencies for prosecution of crimes allegedly occurring in tribal communities are declined to be prosecuted;

(11) the complicated jurisdictional scheme that exists in Indian country—

(A) has a significant negative impact on the ability to provide public safety to Indian communities; and

(B) has been increasingly exploited by criminals;

(12) the violent crime rate in Indian country is—

(A) nearly twice the national average; and

(B) more than 20 times the national average on some Indian reservations;

(13)(A) domestic and sexual violence against Indian and Alaska Native women has reached epidemic proportions;

(B) 34 percent of Indian and Alaska Native women will be raped in their lifetimes; and

(C) 39 percent of Indian and Alaska Native women will be subject to domestic violence;

(14) the lack of police presence and resources in Indian country has resulted in significant delays in responding to victims' calls for assistance, which adversely affects the collection of evidence needed to prosecute crimes, particularly crimes of domestic and sexual violence;

(15) alcohol and drug abuse plays a role in more than 80 percent of crimes committed in tribal communities;

(16) the rate of methamphetamine addiction in tribal communities is 3 times the national average;

(17) the Department of Justice has reported that drug organizations have increasingly targeted Indian country to produce and distribute methamphetamine, citing the limited law enforcement presence and jurisdictional confusion as reasons for the increased activity;

(18) tribal communities face significant increases in instances of domestic violence, burglary, assault, and child abuse as a direct result of increased methamphetamine use on Indian reservations;

(19)(A) criminal jurisdiction in Indian country is complex, and responsibility for Indian country law enforcement is shared among Federal, tribal, and State authorities; and

(B) that complexity requires a high degree of commitment and cooperation from Federal and State officials that can be difficult to establish;

(20) agreements for cooperation among certified tribal and State law enforcement officers have proven to improve law enforcement in tribal communities; and

(21) crime data is a fundamental tool of law enforcement, but for decades the Bureau of Indian Affairs and the Department of Justice have not been able to coordinate or consistently report crime and prosecution rates in tribal communities.

(b) PURPOSES.—The purposes of this Act are—

(1) to clarify the responsibilities of Federal, State, tribal, and local governments with respect to crimes committed in tribal communities;

(2) to increase coordination and communication among Federal, State, tribal, and local law enforcement agencies;

(3) to empower tribal governments with the authority, resources, and information necessary to safely and effectively provide for the safety of the public in tribal communities;

(4) to reduce the prevalence of violent crime in tribal communities and to combat violence against Indian and Alaska Native women;

(5) to address and prevent drug trafficking and reduce rates of alcohol and drug addiction in Indian country; and

(6) to increase and standardize the collection of criminal data and the sharing of criminal history information among Federal, State, and tribal officials responsible for responding to and investigating crimes in tribal communities.

SEC. 3. DEFINITIONS.

(a) IN GENERAL.—In this Act:

(1) INDIAN COUNTRY.—The term ''Indian country'' has the meaning given the term in section 1151 of title 18, United States Code.

(2) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(4) TRIBAL GOVERNMENT.—The term ''tribal government'' means the governing body of an Indian tribe.

(b) INDIAN LAW ENFORCEMENT REFORM ACT.—Section 2 of the Indian Law Enforcement Reform Act (25 U.S.C. 2801) is amended by adding at the end the following:

''(10) TRIBAL JUSTICE OFFICIAL.—The term 'tribal justice official' means—

''(A) a tribal prosecutor;

''(B) a tribal law enforcement officer; or

''(C) any other person responsible for investigating or prosecuting an alleged criminal offense in tribal court.''.

TITLE I—FEDERAL ACCOUNTABILITY AND COORDINATION

SEC. 101. OFFICE OF JUSTICE SERVICES RESPONSIBILITIES.

(a) ADDITIONAL RESPONSIBILITIES OF DIVISION.—Section 3 of the Indian Law Enforcement Reform Act (25 U.S.C. 2802) is amended—

(1) in subsection (c)—

(A) in paragraph (8), by striking ''and'' at the end;

(B) in paragraph (9), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(10) communicating with tribal leaders, tribal community advocates, tribal justice officials, and residents of Indian land on a regular basis regarding public safety and justice concerns facing tribal communities;

''(11) conducting meaningful and timely consultation with tribal leaders and tribal justice officials in the development of regulatory policies and other actions that affect public safety and justice in Indian country;

''(12) providing technical assistance and training to tribal law enforcement officials to gain access and input authority to utilize the National Criminal Information Center and other national crime information databases pursuant to section 534 of title 28, United States Code;

''(13) in coordination with the Attorney General pursuant to subsection (g) of section 302 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3732), collecting, analyzing, and reporting data regarding Indian country crimes on an annual basis;

''(14) submitting to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives, for each fiscal year, a detailed spending report regarding tribal public safety and justice programs that includes—

''(A) the number of employees and amounts spent by category, including a breakdown by position of direct Bureau and tribal government employees, for each of—

''(i) criminal investigators;

''(ii) uniform police;

''(iii) dispatchers;

''(iv) detention officers; and

''(v) executive personnel, including special agents in charge, and directors and deputies of various offices in the Office of Justice Services;

''(B) an itemized list of spending by the Secretary on law enforcement and corrections personnel, vehicles, related transportation costs, equipment, inmate transportation costs, inmate transfer costs, improvement and repair of facilities, personnel transfers, detailees and costs related to their details, emergency events, public safety and justice communications and technology costs, and other public safety and justice-related expenses;

''(C) a list of, and relevant details regarding, the unmet staffing needs of law enforcement and corrections personnel at tribal and Bureau of Indian Affairs police departments and corrections facilities, the backlog in corrections facilities, public safety and justice communications and technology needs, and other public safety and justice-related needs; and

''(D) the formula, priority list or other methodology used to determine the method of disbursement of funds for the public safety and justice programs of the Office of Justice Services;

''(15) submitting to Congress, for each fiscal year, a report summarizing the technical assistance, training, and other support provided to tribal law enforcement and corrections agencies that operate relevant programs pursuant to self-determination contracts or self-governance compacts with the Bureau of Indian Affairs; and

''(16) promulgating regulations to carry out this Act, and routinely reviewing and updating, as necessary, the regulations contained in subchapter B of title 25, Code of Federal Regulations (or successor regulations).''; and

(2) by adding at the end the following:

''(d) LONG-TERM PLAN FOR TRIBAL DETENTION PROGRAMS.—Not later than 1 year after the date of enactment of this subsection, the Secretary, acting through the Bureau, in coordination with the Department of Justice and in consultation with tribal leaders, tribal law enforcement officers, and tribal corrections officials, shall submit to Congress a long-term plan to address incarceration in Indian country, including a description of—

''(1) proposed activities for the construction of detention facilities (including regional facilities) on Indian land;

''(2) proposed activities for the construction of additional Federal detention facilities on Indian land;

''(3) proposed activities for contracting with State and local detention centers, upon approval of affected tribal governments;

''(4) proposed activities for alternatives to incarceration, developed in cooperation with tribal court systems; and

''(5) other such alternatives to incarceration as the Secretary, in coordination with the Bureau and in consultation with tribal representatives, determines to be necessary.''.

(b) LAW ENFORCEMENT AUTHORITY.—Section 4 of the Indian Law Enforcement Reform Act (25 U.S.C. 2803) is amended—

(1) in paragraph (2)(A), by striking ''), or'' and inserting ''or offenses committed on Federal property processed by the Central Violations Bureau); or''; and

(2) in paragraph (3), by striking subparagraphs (A) through (C) and inserting the following:

''(A) the offense is committed in the presence of the employee; or

''(B) the offense is a Federal crime and the employee has reasonable grounds to believe that the person to be arrested has committed, or is committing, the crime;''.

SEC. 102. DECLINATION REPORTS.

Section 10 of the Indian Law Enforcement Reform Act (25 U.S.C. 2809) is amended by striking subsections (a) through (d) and inserting the following:

''(a) REPORTS.—

''(1) LAW ENFORCEMENT OFFICIALS.—Subject to subsection (d), if a law enforcement officer or employee of any Federal department or agency declines to initiate an investigation of an alleged violation of Federal law in Indian country, or terminates such an investigation without referral for prosecution, the officer or employee shall—

''(A) submit to the appropriate tribal justice officials a report describing each reason why a case was not opened or an investigation was declined or terminated; and

''(B) submit to the Office of Indian Country Crime relevant information regarding all declinations of alleged violations of Federal law in Indian country, including—

''(i) the type of crime alleged;

''(ii) the status of the accused as an Indian or non-Indian;

''(iii) the status of the victim as an Indian; and

''(iv) the reason for declining to initiate, open, or terminate the investigation.

''(2) UNITED STATES ATTORNEYS.—Subject to subsection (d), if a United States Attorney declines to prosecute, or acts to terminate prosecution of, an alleged violation of Federal law in Indian country referred for prosecution by a law enforcement officer or employee of a Federal department or agency or other law enforcement officer authorized to enforce Federal law, the United States Attorney shall—

''(A) coordinate and communicate with the appropriate tribal justice official, sufficiently in advance of the tribal statute of limitations, reasonable details regarding the case to permit the tribal prosecutor to pursue the case in tribal court; and

''(B) submit to the Office of Indian Country Crime and the appropriate tribal justice official relevant information regarding all declinations of alleged violations of Federal law in Indian country, including—

''(i) the type of crime alleged;

''(ii) the status of the accused as an Indian or non-Indian;

''(iii) the status of the victim as an Indian; and

''(iv) the reason for the determination to decline or terminate the prosecution.

''(b) MAINTENANCE OF RECORDS.—

''(1) IN GENERAL.—The Director of the Office of Indian Country Crime shall establish and maintain a compilation of information received under paragraph (1) or (2) of subsection (a) relating to declinations.

''(2) AVAILABILITY TO CONGRESS.—Each compilation under paragraph (1) shall be made available to Congress on an annual basis.

''(c) INCLUSION OF CASE FILES.—A report submitted to the appropriate tribal justice officials under paragraph (1) or (2) of subsection (a) may include the case file, including evidence collected and statements taken that could support an investigation or prosecution by the appropriate tribal justice officials.

''(d) EFFECT OF SECTION.—

''(1) IN GENERAL.—Nothing in this section requires any Federal agency or official to transfer or disclose any confidential or privileged communication, information, or source to an official of any Indian tribe.

''(2) FEDERAL RULES OF CRIMINAL PROCEDURE.—Rule 6 of the Federal Rules of Criminal Procedure shall apply to this section.

''(3) REGULATIONS.—Each Federal agency required to submit a report pursuant to this section shall adopt, by regulation, standards for the protection of confidential or privileged communications, information, and sources under paragraph (1).''.

SEC. 103. PROSECUTION OF CRIMES IN INDIAN COUNTRY.

(a) APPOINTMENT OF SPECIAL PROSECUTORS.—Section 543(a) of title 28, United States Code, is amended by inserting before the period at the end the following: '', including the appointment of qualified tribal prosecutors and other qualified attorneys to assist in prosecuting Federal offenses committed in Indian country''.

(b) TRIBAL LIAISONS.—The Indian Law Enforcement Reform Act (25 U.S.C. 2801 et seq.) is amended by adding at the end the following:

''SEC. 11. ASSISTANT UNITED STATES ATTORNEY TRIBAL LIAISONS.

''(a) APPOINTMENT.—Each United States Attorney the district of which includes Indian country shall appoint not less than 1 assistant United States Attorney to serve as a tribal liaison for the district.

''(b) DUTIES.—A tribal liaison shall be responsible for the following activities in the district of the tribal liaison:

''(1) Coordinating the prosecution of Federal crimes that occur in Indian country.

''(2) Developing multidisciplinary teams to combat child abuse and domestic and sexual violence offenses against Indians.

''(3) Developing working relationships and maintaining communication with tribal leaders, tribal community advocates, and tribal justice officials to gather information from, and share appropriate information with, tribal justice officials.

''(4) Coordinating with tribal prosecutors in cases in which a tribal government has concurrent jurisdiction over an alleged crime, in advance of the expiration of any applicable statute of limitation.

''(5) Providing technical assistance and training regarding evidence gathering techniques to tribal justice officials and other individuals and entities that are instrumental to responding to Indian country crimes.

''(6) Conducting training sessions and seminars to certify special law enforcement commissions to tribal justice officials and other individuals and entities responsible for responding to Indian country crimes.

''(7) Coordinating with the Office of Indian Country Crime, as necessary.

''(8) Conducting such other activities to address and prevent violent crime in Indian country as the applicable United States Attorney determines to be appropriate.

''(c) SENSE OF CONGRESS REGARDING EVALUATIONS OF TRIBAL LIAISONS.—

''(1) FINDINGS.—Congress finds that—

''(A) many tribal communities rely solely on United States Attorneys offices to prosecute felony and misdemeanor crimes occurring on Indian land; and

''(B) tribal liaisons have dual obligations of—

''(i) coordinating prosecutions of Indian country crime; and

''(ii) developing relationships with tribal communities and serving as a link between tribal communities and the Federal justice process.

''(2) SENSE OF CONGRESS.—It is the sense of Congress that the Attorney General should—

''(A) take all appropriate actions to encourage the aggressive prosecution of all crimes committed in Indian country; and

''(B) when appropriate, take into consideration the dual responsibilities of tribal liaisons described in paragraph (1)(B) in evaluating the performance of the tribal liaisons.

''(d) ENHANCED PROSECUTION OF MINOR CRIMES.—Each United States Attorney serving a district that includes Indian country is authorized and encouraged—

''(1) to appoint Special Assistant United States Attorneys pursuant to section 543(a) of title 28, United States Code, to prosecute crimes in Indian country as necessary to improve the administration of justice, and particularly when—

''(A) the crime rate exceeds the national average crime rate; or

''(B) the rate at which criminal offenses are declined to be prosecuted exceeds the national average rate;

''(2) to coordinate with applicable United States magistrate and district courts—

''(A) to ensure the provision of docket time for prosecutions of Indian country crimes; and

''(B) to hold trials and other proceedings in Indian country, as appropriate;

''(3) to provide to appointed Special Assistant United States Attorneys appropriate training, supervision, and staff support; and

''(4) if an agreement is entered into with a Federal court pursuant to paragraph (2), to provide technical and other assistance to tribal governments and tribal court systems to ensure the success of the program under this subsection.''.

SEC. 104. ADMINISTRATION.

(a) OFFICE OF TRIBAL JUSTICE.—

(1) DEFINITIONS.—Section 4 of the Indian Tribal Justice Technical and Legal Assistance Act of 2000 (25 U.S.C. 3653) is amended—

(A) by redesignating paragraphs (2) through (7) as paragraphs (3) through (8), respectively; and

(B) by inserting after paragraph (1) the following:

''(2) DIRECTOR.—The term 'Director' means the Director of the Office of Tribal Justice.''.

(2) STATUS.—Title I of the Indian Tribal Justice Technical and Legal Assistance Act of 2000 is amended—

(A) by redesignating section 106 (25 U.S.C. 3666) as section 107; and

(B) by inserting after section 105 (25 U.S.C. 3665) the following:

''SEC. 106. OFFICE OF TRIBAL JUSTICE.

''(a) IN GENERAL.—Not later than 90 days after the date of enactment of the Tribal Law and Order Act of 2008, the Attorney General shall modify the status of the Office of Tribal Justice as the Attorney General determines to be necessary to establish the Office of Tribal Justice as a permanent division of the Department.

''(b) PERSONNEL AND FUNDING.—The Attorney General shall provide to the Office of Tribal Justice such personnel and funds as are necessary to establish the Office of Tribal Justice as a division of the Department under subsection (a).

''(c) ADDITIONAL DUTIES.—In addition to the duties of the Office of Tribal Justice in effect on the day before the date of enactment of the Tribal Law and Order Act of 2008, the Office of Tribal Justice shall—

''(1) serve as the program and legal policy advisor to the Attorney General with respect to the treaty and trust relationship between the United States and Indian tribes;

''(2) serve as the point of contact for federally recognized tribal governments and tribal organizations with respect to questions and comments regarding policies and programs of the Department and issues relating to public safety and justice in Indian country; and

''(3) coordinate with other bureaus, agencies, offices, and divisions within the Department of Justice to ensure that each component has an accountable process to ensure meaningful and timely consultation with tribal leaders in the development of regulatory policies and other actions with tribal implications.''.

(b) OFFICE OF INDIAN COUNTRY CRIME.—The Indian Law Enforcement Reform Act (25 U.S.C. 2801 et seq.) (as amended by section 103(b)) is amended by adding at the end the following:

''SEC. 12. OFFICE OF INDIAN COUNTRY CRIME.

''(a) ESTABLISHMENT.—There is established in the criminal division of the Department of Justice an office, to be known as the 'Office of Indian Country Crime'.

''(b) DUTIES.—The Office of Indian Country Crime shall—

''(1) develop, enforce, and administer the application of Federal criminal laws applicable in Indian country;

''(2) coordinate with the United States Attorneys that have authority to prosecute crimes in Indian country;

''(3) coordinate prosecutions of crimes of national significance in Indian country, as determined by the Attorney General;

''(4) develop and implement criminal enforcement policies for United States Attorneys and investigators of Federal crimes regarding cases arising in Indian country; and

''(5) submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives annual reports describing the prosecution and declination rates of cases involving alleged crimes in Indian country referred to United States Attorneys.

''(c) DEPUTY ASSISTANT ATTORNEY GENERAL.—

''(1) APPOINTMENT.—The Attorney General shall appoint a Deputy Assistant Attorney General for Indian Country Crime.

''(2) DUTIES.—The Deputy Assistant Attorney General for Indian Country Crime shall—

''(A) serve as the head of the Office of Indian Country Crime;

''(B) serve as a point of contact to United State Attorneys serving districts including Indian country, tribal liaisons, tribal governments, and other Federal, State, and local law enforcement agencies regarding issues affecting the prosecution of crime in Indian country; and

''(C) carry out such other duties as the Attorney General may prescribe.''.

TITLE II—STATE ACCOUNTABILITY AND COORDINATION

SEC. 201. STATE CRIMINAL JURISDICTION AND RESOURCES.

(a) CONCURRENT AUTHORITY OF UNITED STATES.—Section 401(a) of Public Law 90–284 (25 U.S.C. 1321(a)) is amended—

(1) by striking the section designation and heading and all that follows through ''The consent of the United States'' and inserting the following:

''SEC. 401. ASSUMPTION BY STATE OF CRIMINAL JURISDICTION.

''(a) CONSENT OF UNITED STATES.—

''(1) IN GENERAL.—The consent of the United States''; and

(2) by adding at the end the following:

''(2) CONCURRENT JURISDICTION.—At the request of an Indian tribe, and after consultation with the Attorney General, the United States shall maintain concurrent jurisdiction to prosecute violations of sections 1152 and 1153 of title 18, United States Code, within the Indian country of the Indian tribe.''.

(b) APPLICABLE LAW.—Section 1162 of title 18, United States Code, is amended by striking subsection (c) and inserting the following:

''(c) APPLICABLE LAW.—At the request of an Indian tribe, and after consultation with the Attorney General—

''(1) sections 1152 and 1153 of this title shall remain in effect in the areas of the Indian country of the Indian tribe; and

''(2) jurisdiction over those areas shall be concurrent among the Federal Government and State and tribal governments.''.

SEC. 202. INCENTIVES FOR STATE, TRIBAL, AND LOCAL LAW ENFORCEMENT COOPERATION.

(a) ESTABLISHMENT OF COOPERATIVE ASSISTANCE PROGRAM.—The Attorney General may provide grants, technical assistance, and other assistance to State, tribal, and local governments that enter into cooperative agreements, including agreements relating to mutual aid, hot pursuit of suspects, and cross-deputization for the purposes of—

(1) improving law enforcement effectiveness; and

(2) reducing crime in Indian country and nearby communities.

(b) PROGRAM PLANS.—

(1) IN GENERAL.—To be eligible to receive assistance under this section, a group composed of not less than 1 of each of a tribal government and a State or local government shall jointly develop and submit to the Attorney General a plan for a program to achieve the purpose described in subsection (a).

(2) PLAN REQUIREMENTS.—A joint program plan under paragraph (1) shall include a description of—

(A) the proposed cooperative tribal and State or local law enforcement program for which funding is sought, including information on the population and each geographic area to be served by the program;

(B) the need of the proposed program for funding under this section, the amount of funding requested, and the proposed use of funds, subject to the requirements listed in subsection (c);

(C) the unit of government that will administer any assistance received under this section, and the method by which the assistance will be distributed;

(D) the types of law enforcement services to be performed on each applicable Indian reservation and the individuals and entities that will perform those services;

(E) the individual or group of individuals who will exercise daily supervision and control over law enforcement officers participating in the program;

(F) the method by which local and tribal government input with respect to the planning and implementation of the program will be ensured;

(G) the policies of the program regarding mutual aid, hot pursuit of suspects, deputization, training, and insurance of applicable law enforcement officers;

(H) the recordkeeping procedures and types of data to be collected pursuant to the program; and

(I) other information that the Attorney General determines to be relevant.

(c) PERMISSIBLE USES OF FUNDS.—An eligible entity that receives a grant under this section may use the grant, in accordance with the program plan described in subsection (b)—

(1) to hire and train new career tribal, State, or local law enforcement officers, or to make overtime payments for current law enforcement officers, that are or will be dedicated to—

(A) policing tribal land and nearby lands; and

(B) investigating alleged crimes on those lands;

(2) procure equipment, technology, or support systems to be used to investigate crimes and share information between tribal, State, and local law enforcement agencies; or

(3) for any other uses that the Attorney General determines will meet the purposes described in subsection (a).

(d) FACTORS FOR CONSIDERATION.—In determining whether to approve a joint program plan submitted under subsection (b) and, on approval, the amount of assistance to provide to the program, the Attorney General shall take into consideration the following factors:

(1) The size and population of each Indian reservation and nearby community proposed to be served by the program.

(2) The complexity of the law enforcement problems proposed to be addressed by the program.

(3) The range of services proposed to be provided by the program.

(4) The proposed improvements the program will make regarding law enforcement cooperation beyond existing levels of cooperation.

(5) The crime rates of the tribal and nearby communities.

(6) The available resources of each entity applying for a grant under this section for dedication to public safety in the respective jurisdictions of the entities.

(e) ANNUAL REPORTS.—To be eligible to renew or extend a grant under this section, a group described in subsection (b)(1) shall submit to the Attorney General, together with the joint program plan under subsection (b), a report describing the law enforcement activities carried out pursuant to the program during the preceding fiscal year, including the success of the activities, including any increase in arrests or prosecutions.

(f) REPORTS BY ATTORNEY GENERAL.—Not later than January 15 of each applicable fiscal year, the Attorney General shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report describing the law enforcement programs carried out using assistance provided under this section during the preceding fiscal year, including the success of the programs.

(g) TECHNICAL ASSISTANCE.—On receipt of a request from a group composed of not less than 1 tribal government and 1 State or local government, the Attorney General shall provide technical assistance to the group to develop successful cooperative relationships that effectively combat crime in Indian country and nearby communities.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2009 through 2015.

TITLE III—EMPOWERING TRIBAL LAW ENFORCEMENT AGENCIES AND TRIBAL GOVERNMENTS

SEC. 301. TRIBAL POLICE OFFICERS.

(a) FLEXIBILITY IN TRAINING LAW ENFORCEMENT OFFICERS SERVING INDIAN COUNTRY.—Section 3(e) of the Indian Law Enforcement Reform Act (25 U.S.C. 2802(e)) is amended—

(1) in paragraph (1)—

(A) by striking ''(e)(1) The Secretary'' and inserting the following:

''(e) STANDARDS OF EDUCATION AND EXPERIENCE AND CLASSIFICATION OF POSITIONS.—

''(1) STANDARDS OF EDUCATION AND EXPERIENCE.—

''(A) IN GENERAL.—The Secretary''; and

(B) by adding at the end the following:

''(B) TRAINING.—The training standards established under subparagraph (A) shall permit law enforcement personnel of the Division of Law Enforcement Services or an Indian tribe to obtain training at a State or tribal police academy, a local or tribal community college, or another training academy

that meets the National Peace Officer Standards of Training.''; and

(2) in paragraph (3), by striking ''Agencies'' and inserting ''agencies''.

(b) SPECIAL LAW ENFORCEMENT COMMISSIONS.—Section 5 of the Indian Law Enforcement Reform Act (25 U.S.C. 2804) is amended by striking the section heading and all that follows through subsection (e) and inserting the following:

''SEC. 5. SPECIAL LAW ENFORCEMENT COMMISSIONS.

''(a) AGREEMENTS.—

''(1) ENCOURAGED IMPLEMENTATION OF AGREEMENTS.—The Secretary is authorized and encouraged to enter into agreements for the use (with or without reimbursement) of personnel and facilities of Federal, tribal, State, or other government agencies to assist in the enforcement or administration in Indian country of Federal law or the laws of an Indian tribe that authorizes the Secretary to enforce tribal law.

''(2) CERTAIN ACTIVITIES.—Pursuant to an agreement described in paragraph (1), the Secretary shall authorize the law enforcement officers of any applicable government agency to carry out any activity authorized under section 4.

''(3) REQUIREMENT.—An agreement under paragraph (1) shall be in accordance with any applicable agreement between the Secretary and the Attorney General.

''(b) PROGRAM ENHANCEMENT.—

''(1) TRAINING SESSIONS IN INDIAN COUNTRY.—

''(A) IN GENERAL.—The Secretary (or a designee) and the Attorney General (or a designee) shall develop a plan to enhance the certification and provision of special law enforcement commissions to tribal law enforcement officials, and, subject to subsection (d), State and local law enforcement officials, pursuant to this section.

''(B) INCLUSIONS.—The plan under subparagraph (A) shall include the hosting of regional training sessions in Indian country, not less frequently than biannually, to educate and certify candidates for the special commissions.

''(2) MEMORANDA OF AGREEMENT.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of the Tribal Law and Order Act of 2008, the Secretary, in consultation with Indian tribes and tribal law enforcement agencies, shall develop minimum requirements to be included in special law enforcement commission agreements pursuant to this section.

''(B) AGREEMENT.—Not later than 60 days after the date on which the Secretary determines that all applicable requirements under subparagraph (A) are met, the Secretary shall offer to enter into a special law enforcement commission agreement with the applicable Indian tribe.

''(c) LIMITATION ON USE OF CERTAIN PERSONNEL.—

''(1) CONSULTATION.—The Secretary shall consult with each affected Indian tribe before entering into any agreement under subsection (a) with a non-Federal agency that will provide personnel for use in any area under the jurisdiction of the Indian tribes.

''(2) PROHIBITION.—The Secretary shall not use the personnel of a non-Federal agency under this section in an area of Indian country if the Indian tribe with jurisdiction over that area has adopted a resolution objecting to the use of personnel of the non-Federal agency.

''(d) COORDINATION BY FEDERAL AGENCIES.—Notwithstanding section 1535 of title 31, United States Code, the head of a Federal agency with law enforcement personnel or facilities shall coordinate and, as needed, enter into agreements (with or without reimbursement) with the Secretary under subsection (a).

''(e) ENCOURAGEMENT OF OTHER FEDERAL AGENCY HEADS.—Congress encourages the head of each Federal agency with law enforcement personnel or facilities to enter into agreements (with or without reimbursement) with an Indian tribe relating to—

''(1) the law enforcement authority of the Indian tribe;

''(2) the administration of Federal or tribal criminal law; and

''(3) the conduct of investigations, the sharing of information and training techniques, and the provisions of other related technical assistance to prevent and prosecute violations of Federal or tribal criminal law in Indian country.''.

SEC. 302. DRUG ENFORCEMENT IN INDIAN COUNTRY.

(a) EDUCATION AND RESEARCH PROGRAMS.—Section 502 of the Controlled Substances Act (21 U.S.C. 872) is amended in subsections (a)(1) and (c), by inserting '' tribal,'' after ''State,'' each place it appears.

(b) PUBLIC-PRIVATE EDUCATION PROGRAM.—Section 503 of the Comprehensive Methamphetamine Control Act of 1996 (21 U.S.C. 872a) is amended—

(1) in subsection (a), by inserting ''tribal,'' after ''State,''; and

(2) in subsection (b)(2), by inserting '', tribal,'' after ''State''.

(c) COOPERATIVE ARRANGEMENTS.—Section 503 of the Controlled Substances Act (21 U.S.C. 873) is amended—

(1) in subsection (a)—

(A) by inserting ''tribal,'' after ''State,'' each place it appears; and

(B) in paragraphs (6) and (7), by inserting '', tribal,'' after ''State'' each place it appears; and

(2) in subsection (d)(1), by inserting '', tribal,'' after ''State''.

(d) POWERS OF ENFORCEMENT PERSONNEL.—Section 508(a) of the Controlled Substances Act (21 U.S.C. 878(a)) is amended in the matter preceding paragraph (1) by inserting '', tribal,'' after ''State''.

SEC. 303. ACCESS TO NATIONAL CRIMINAL INFORMATION DATABASES.

(a) ACCESS TO NATIONAL CRIMINAL INFORMATION DATABASES.—Section 534 of title 28, United States Code, is amended—

(1) in subsection (a)(4), by inserting ''Indian tribes,'' after ''the States,'';

(2) by striking subsection (d) and inserting the following:

''(d) INDIAN LAW ENFORCEMENT AGENCIES.—The Attorney General shall permit tribal and Bureau of Indian Affairs law enforcement agencies—

''(1) to directly access and enter information into Federal criminal information databases; and

''(2) to directly obtain information from the databases.''; and

(3) in subsection (f)(2), in the matter preceding subparagraph (A), by inserting '', tribal,'' after ''Federal''.

(b) REQUIREMENT.—

(1) IN GENERAL.—The Attorney General shall ensure that tribal law enforcement officials that meet applicable Federal or State requirements have access to national crime information databases.

(2) SANCTIONS.—For purpose of sanctions for noncompliance with requirements of, or misuse of, national crime information databases and information obtained from those databases, a tribal law enforcement agency or official shall be treated as Federal law enforcement agency or official.

SEC. 304. TRIBAL COURT SENTENCING AUTHORITY.

Section 202 of Public Law 90–284 (25 U.S.C. 1302) is amended—

(1) in the matter preceding paragraph (1), by striking ''No Indian tribe'' and inserting the following:

''(a) IN GENERAL.—No Indian tribe'';

(2) in paragraph (7) of subsection (a) (as designated by paragraph (1)), by striking ''and a fine'' and inserting ''or a fine''; and

(3) by adding at the end the following:

''(b) TRIBAL COURTS AND PRISONERS.—

''(1) IN GENERAL.—Notwithstanding paragraph (7) of subsection (a) and in addition to the limitations described in the other paragraphs of that subsection, no Indian tribe, in exercising any power of self-government involving a criminal trial that subjects a defendant to more than 1 year imprisonment for any single offense, may—

''(A) deny any person in such a criminal proceeding the assistance of defense counsel;

''(B) require excessive bail, impose an excessive fine, inflict a cruel or unusual punishment, or impose for conviction of a single offense any penalty or punishment greater than imprisonment for a term of 3 years or a fine of $15,000, or both; or

''(C) deny any person in such a criminal proceeding the due process of law.

''(2) AUTHORITY.—An Indian tribe exercising authority pursuant to this subsection shall require that each judge presiding over an applicable criminal case is licensed to practice law in any jurisdiction in the United States.

''(3) SENTENCES.—A tribal court acting pursuant to paragraph (1) may require a convicted offender—

''(A) to serve the sentence—

''(i) in a tribal correctional center that has been approved by the Bureau of Indian Affairs for long-term incarceration, in accordance with guidelines developed by the Bureau of Indian Affairs, in consultation with Indian tribes;

''(ii) in the nearest appropriate Federal facility, at the expense of the United States pursuant to a memorandum of agreement with Bureau of Prisons in accordance with paragraph (4);

''(iii) in a State or local government-approved detention or correctional center pursuant to an agreement between the Indian tribe and the State or local government; or

''(iv) subject to paragraph (1), in an alternative rehabilitation center of an Indian tribe; or

''(B) to serve another alternative form of punishment, as determined by the tribal court judge pursuant to tribal law.

''(4) MEMORANDA OF AGREEMENT.—A memorandum of agreement between an Indian tribe and the Bureau of Prisons under paragraph (2)(A)(ii)—

''(A) shall acknowledge that the United States will incur all costs involved, including the costs of transfer, housing, medical care, rehabilitation, and reentry of transferred prisoners;

''(B) shall limit the transfer of prisoners to prisoners convicted in tribal court of violent crimes, crimes involving sexual abuse, and serious drug offenses, as determined by the Bureau of Prisons, in consultation with tribal governments, by regulation;

''(C) shall not affect the jurisdiction, power of self-government, or any other authority of an Indian tribe over the territory or members of the Indian tribe;

''(D) shall contain such other requirements as the Bureau of Prisons, in consultation with the Bureau of Indian Affairs and tribal governments, may determine, by regulation; and

''(E) shall be executed and carried out not later than 180 days after the date on which the applicable Indian tribe first contacts the Bureau of Prisons to accept a transfer of a tribal court offender pursuant to this subsection.

''(c) EFFECT OF SECTION.—Nothing in this section affects the obligation of the United States, or any State government that has been delegated authority by the United States, to investigate and prosecute any criminal violation in Indian country.''.

SEC. 305. INDIAN LAW AND ORDER COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the Indian Law and Order Commission (referred to in this section as the ''Commission'').

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of 9 members, of whom—

(A) 3 shall be appointed by the President, in consultation with—

(i) the Attorney General; and

(ii) the Secretary of the Interior;

(B) 2 shall be appointed by the Majority Leader of the Senate, in consultation with the Chairperson of the Committee on Indian Affairs of the Senate;

(C) 1 shall be appointed by the Minority Leader of the Senate, in consultation with the Vice Chairperson of the Committee on Indian Affairs of the Senate;

(D) 2 shall be appointed by the Speaker of the House of Representatives, in consultation with the Chairperson of the Committee on Natural Resources of the House of Representatives; and

(E) 1 shall be appointed by the Minority Leader of the House of Representatives, in consultation with the Ranking Member of the Committee on Natural Resources of the House of Representatives.

(2) REQUIREMENTS FOR ELIGIBILITY.—Each member of the Commission shall have significant experience and expertise in—

(A) the Indian country criminal justice system; and

(B) matters to be studied by the Commission.

(3) CONSULTATION REQUIRED.—The President, the Speaker and Minority Leader of the House of Representatives, and the Majority Leader and Minority Leader of the Senate shall consult before the appointment of members of the Commission under paragraph (1) to achieve, to the maximum extent practicable, fair and equitable representation of various points of view with respect to the matters to be studied by the Commission.

(4) TERM.—Each member shall be appointed for the life of the Commission.

(5) TIME FOR INITIAL APPOINTMENTS.—The appointment of the members of the Commission shall be made not later than 60 days after the date of enactment of this Act.

(6) VACANCIES.—A vacancy in the Commission shall be filled—

(A) in the same manner in which the original appointment was made; and

(B) not later than 60 days after the date on which the vacancy occurred.

(c) OPERATION.—

(1) CHAIRPERSON.—Not later than 15 days after the date on which all members of the Commission have been appointed, the Commission shall select 1 member to serve as Chairperson of the Commission.

(2) MEETINGS.—

(A) IN GENERAL.—The Commission shall meet at the call of the Chairperson.

(B) INITIAL MEETING.—The initial meeting shall take place not later than 30 days after the date described in paragraph (1).

(3) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(4) RULES.—The Commission may establish, by majority vote, any rules for the conduct of Commission business, in accordance with this Act and other applicable law.

(d) COMPREHENSIVE STUDY OF CRIMINAL JUSTICE SYSTEM RELATING TO INDIAN COUNTRY.—The Commission shall conduct a comprehensive study of law enforcement and criminal justice in tribal communities, including—

(1) jurisdiction over crimes committed in Indian country and the impact of that jurisdiction on—

(A) the investigation and prosecution of Indian country crimes; and

(B) residents of Indian land;

(2) the tribal jail and Federal prisons systems and the effect of those systems with respect to—

(A) reducing Indian country crime; and

(B) rehabilitation of offenders;

(3) the impact of the Indian Civil Rights Act of 1968 (25 U.S.C. 1301 et seq.) on—

(A) the authority of Indian tribes; and

(B) the rights of defendants subject to tribal government authority; and

(4) a study of such other subjects as the Commission determines relevant to achieve the purposes of the Tribal Law and Order Act of 2008.

(e) RECOMMENDATIONS.—Taking into consideration the results of the study under paragraph (1), the Commission shall develop recommendations on necessary modifications and improvements to justice systems at the tribal, Federal, and State levels, including consideration of—

(1) simplifying jurisdiction in Indian country;

(2) enhancing the penal authority of tribal courts and exploring alternatives to incarceration;

(3) the establishment of satellite United States magistrate or district courts in Indian country;

(4) changes to the tribal jails and Federal prison systems; and

(5) other issues that, as determined by the Commission, would reduce violent crime in Indian country.

(f) REPORT.—Not later than 2 years after the date of enactment of this Act, the Commission shall submit to the President and Congress a report that contains—

(1) a detailed statement of the findings and conclusions of the Commission; and

(2) the recommendations of the Commission for such legislative and administrative actions as the Commission considers to be appropriate.

(g) POWERS.—

(1) HEARINGS.—

(A) IN GENERAL.—The Commission may hold such hearings, meet and act at such times and places, take such testimony, and receive such evidence as the Commission considers to be advisable to carry out the duties of the Commission under this section.

(B) PUBLIC REQUIREMENT.—The hearings of the Commission under this paragraph shall be open to the public.

(2) WITNESS EXPENSES.—

(A) IN GENERAL.—A witness requested to appear before the Commission shall be paid the same fees as are paid to witnesses under section 1821 of title 28, United States Code.

(B) PER DIEM AND MILEAGE.—The per diem and mileage allowance for a witness shall be paid from funds made available to the Commission.

(3) INFORMATION FROM FEDERAL, TRIBAL, AND STATE AGENCIES.—

(A) IN GENERAL.—The Commission may secure directly from a Federal agency such information as the Commission considers to be necessary to carry out this section.

(B) TRIBAL AND STATE AGENCIES.—The Commission may request the head of any tribal or State agency to provide to the Commission such information as the Commission considers to be necessary to carry out this section.

(4) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(5) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(h) COMMISSION PERSONNEL MATTERS.—

(1) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(2) DETAIL OF FEDERAL EMPLOYEES.—On the affirmative vote of ⅔ of the members of the Commission and the approval of the appropriate Federal agency head, an employee of the Federal Government may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status, benefits, or privileges.

(3) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—On request of the Commission, the Attorney General and Secretary shall provide to the Commission reasonable and appropriate office space, supplies, and administrative assistance.

(i) CONTRACTS FOR RESEARCH.—

(1) RESEARCHERS AND EXPERTS.—

(A) IN GENERAL.—On an affirmative vote of ⅔ of the members of the Commission, the Commission may select nongovernmental researchers and experts to assist the Commission in carrying out the duties of the Commission under this section.

(B) NATIONAL INSTITUTE OF JUSTICE.—The National Institute of Justice may enter into a contract with the researchers and experts selected by the Commission under subparagraph (A) to provide funding in exchange for the services of the researchers and experts.

(2) OTHER ORGANIZATIONS.—Nothing in this subsection limits the ability of the Commission to enter into contracts with any other entity or organization to carry out research necessary to carry out the duties of the Commission under this section.

(j) TRIBAL ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—The Commission shall establish a committee, to be known as the ''Tribal Advisory Committee''.

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Tribal Advisory Committee shall consist of 2 representatives of Indian tribes from each region of the Bureau of Indian Affairs.

(B) QUALIFICATIONS.—Each member of the Tribal Advisory Committee shall have experience relating to—

(i) justice systems;

(ii) crime prevention; or

(iii) victim services.

(3) DUTIES.—The Tribal Advisory Committee shall—

(A) serve as an advisory body to the Commission; and

(B) provide to the Commission advice and recommendations, submit materials, documents, testimony, and such other information as the Commission determines to be necessary to carry out the duties of the Commission under this section.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section, to remain available until expended.

(l) TERMINATION OF COMMISSION.—The Commission shall terminate 90 days after the date on which the Commission submits the report of the Commission under subsection (c)(3).

(m) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

TITLE IV—TRIBAL JUSTICE SYSTEMS

SEC. 401. INDIAN ALCOHOL AND SUBSTANCE ABUSE.

(a) CORRECTION OF REFERENCES.—

(1) INTER-DEPARTMENTAL MEMORANDUM OF AGREEMENT.—Section 4205 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2411) is amended—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1)—

(I) by striking ''the date of enactment of this subtitle'' and inserting ''the date of enactment of the Tribal Law and Order Act of 2008''; and

(II) by inserting '', the Attorney General,'' after ''Secretary of the Interior'';

(ii) in paragraph (2)(A), by inserting '', Bureau of Justice Assistance, Substance Abuse and Mental Health Services Administration,'' after ''Bureau of Indian Affairs,'';

(iii) in paragraph (4), by inserting '', Department of Justice, Substance Abuse and Mental Health Services Administration,'' after ''Bureau of Indian Affairs'';

(iv) in paragraph (5), by inserting '', Department of Justice, Substance Abuse and Mental Health Services Administration,'' after ''Bureau of Indian Affairs'';

(v) in paragraph (7), by inserting '', the Attorney General,'' after ''Secretary of the Interior'';

(B) in subsection (c), by inserting '', the Attorney General,'' after ''Secretary of the Interior''; and

(C) in subsection (d), by striking ''the date of enactment of this subtitle'' and inserting ''the date of enactment of the Tribal Law and Order Act of 2008''.

(2) TRIBAL ACTION PLANS.—Section 4206 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2412) is amended—

(A) in subsection (b), in the first sentence, by inserting '', the Bureau of Justice Assistance, the Substance Abuse and Mental Health Services Administration,'' before ''and the Indian Health Service service unit'';

(B) in subsection (c)(1)(A)(i), by inserting '', the Bureau of Justice Assistance, the Substance Abuse and Mental Health Services Administration,'' before ''and the Indian Health Service service unit'';

(C) in subsection (d)(2), by striking ''fiscal year 1993 and such sums as are necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000'' and inserting ''the period of fiscal years 2009 through 2013'';

(D) in subsection (e), in the first sentence, by inserting '', the Attorney General,'' after ''the Secretary of the Interior''; and

(E) in subsection (f)(3), by striking ''fiscal year 1993 and such sums as are necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000'' and inserting ''the period of fiscal years 2009 through 2013''.

(3) DEPARTMENTAL RESPONSIBILITY.—Section 4207 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2413) is amended—

(A) in subsection (a), by inserting '', the Attorney General'' after ''Bureau of Indian Affairs'';

(B) in subsection (b)—

(i) by striking paragraph (1) and inserting the following:

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—To improve coordination among the Federal agencies and departments carrying out this subtitle, there is established within the Substance Abuse and Mental Health Services Administration an office, to be known as the 'Office of Indian Alcohol and Substance Abuse' (referred to in this section as the 'Office').

''(B) DIRECTOR.—The director of the Office shall be appointed by the Director of the Substance Abuse and Mental Health Services Administration—

''(i) on a permanent basis; and

''(ii) at a grade of not less than GS–15 of the General Schedule.'';

(ii) in paragraph (2)—

(I) by striking ''(2) In addition'' and inserting the following:

''(2) RESPONSIBILITIES OF OFFICE.—In addition'';

(II) by striking subparagraph (A) and inserting the following:

''(A) coordinating with other agencies to monitor the performance and compliance of the relevant Federal programs in achieving the goals and purposes of this subtitle and the Memorandum of Agreement entered into under section 4205;'';

(III) in subparagraph (B)—

(aa) by striking ''within the Bureau of Indian Affairs''; and

(bb) by striking the period at the end and inserting ''; and''; and

(IV) by adding at the end the following:

''(C) not later than 1 year after the date of enactment of the Tribal Law and Order Act of 2008, developing, in coordination and consultation with tribal governments, a framework for interagency and tribal coordination that—

''(i) establish the goals and other desired outcomes of this Act;

''(ii) prioritizes outcomes that are aligned with the purposes of affected agencies;

''(iii) provides guidelines for resource and information sharing;

''(iv) provides technical assistance to the affected agencies to establish effective and permanent interagency communication and coordination; and

''(v) determines whether collaboration is feasible, cost-effective, and within agency capability.''; and

(iii) by striking paragraph (3) and inserting the following:

''(3) APPOINTMENT OF EMPLOYEES.—The Director of the Substance Abuse and Mental Health Services Administration shall appoint such employees to work in the Office, and shall provide such funding, services, and equipment, as may be necessary to enable the Office to carry out the responsibilities under this subsection.''; and

(C) in subsection (c)—

(i) by striking ''of Alcohol and Substance Abuse'' each place it appears;

(ii) in paragraph (1), in the second sentence, by striking ''The Assistant Secretary of the Interior for Indian Affairs'' and inserting ''The Director of the Substance Abuse and Mental Health Services Administration''; and

(iii) in paragraph (3)—

(I) in the matter preceding subparagraph (A), by striking ''Youth'' and inserting ''youth''; and

(II) by striking ''programs of the Bureau of Indian Affairs'' and inserting ''the applicable Federal programs''.

(4) REVIEW OF PROGRAMS.—Section 4208a(a) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2414a(a)) is amended in the matter preceding paragraph (1) by inserting '', the Attorney General,'' after ''the Secretary of the Interior''.

(5) FEDERAL FACILITIES, PROPERTY, AND EQUIPMENT.—Section 4209 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2415) is amended—

(A) in subsection (a), by inserting '', the Attorney General,'' after ''the Secretary of the Interior'';

(B) in subsection (b)—

(i) in the first sentence, by inserting '', the Attorney General,'' after ''the Secretary of the Interior'';

(ii) in the second sentence, by inserting '', nor the Attorney General,'' after ''the Secretary of the Interior''; and

(iii) in the third sentence, by inserting '', the Department of Justice,'' after ''the Department of the Interior''; and

(C) in subsection (c)(1), by inserting '', the Attorney General,'' after ''the Secretary of the Interior''.

(6) NEWSLETTER.—Section 4210 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2416) is amended—

(A) in subsection (a), in the first sentence, by inserting '', the Attorney General,'' after ''the Secretary of the Interior''; and

(B) in subsection (b), by striking ''fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000'' and inserting ''the period of fiscal years 2009 through 2013''.

(7) REVIEW.—Section 4211(a) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2431(a)) is amended in the matter preceding paragraph (1) by inserting '', the Attorney General,'' after ''the Secretary of the Interior''.

(b) INDIAN EDUCATION PROGRAMS.—Section 4212 of the Indian Alcohol and Substance Abuse Prevention Act of 1986 (25 U.S.C. 2432) is amended by striking subsection (a) and inserting the following:

''(a) PILOT PROGRAMS.—

''(1) IN GENERAL.—The Assistant Secretary for Indian Affairs shall develop and implement pilot programs in selected schools funded by the Bureau of Indian Affairs (subject to the approval of the local school board or contract school board) to determine the effectiveness of summer youth programs in advancing the purposes and goals of this Act.

''(2) COSTS.—The Assistant Secretary shall defray all costs associated with the actual operation and support of the pilot program in a school from funds appropriated to carry out this subsection.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the pilot programs under this subsection such sums as are necessary for each of fiscal years 2009 through 2013.''.

(c) EMERGENCY SHELTERS.—Section 4213(e) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2433(e)) is amended—

(1) in paragraph (1), by striking ''as may be necessary'' and all that follows through the end of the paragraph and inserting ''as are necessary for each of fiscal years 2009 through 2013.'';

(2) in paragraph (2), by striking ''$7,000,000'' and all that follows through the end of the paragraph and inserting ''$10,000,000 for each of fiscal years 2009 through 2013.''; and

(3) by indenting paragraphs (4) and (5) appropriately.

(d) REVIEW OF PROGRAMS.—Section 4215(a) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2441(a)) is amended by inserting '', the Attorney General,'' after ''the Secretary of the Interior''.

(e) ILLEGAL NARCOTICS TRAFFICKING; SOURCE ERADICATION.—Section 4216 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2442) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking the comma at the end and inserting a semicolon;

(ii) in subparagraph (B), by striking '', and'' at the end and inserting a semicolon;

(iii) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following:

''(D) the Blackfeet Nation of Montana for the investigation and control of illegal narcotics traffic on the Blackfeet Indian Reservation along the border with Canada.'';

(B) in paragraph (2), by striking ''United States Custom Service'' and inserting ''United States Customs and Border Protection''; and

(C) by striking paragraph (3) and inserting the following:

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as are necessary for each of fiscal years 2009 through 2013.''; and

(2) in subsection (b)(2), by striking ''as may be necessary'' and all that follows through the end of the paragraph and inserting ''as are necessary for each of fiscal years 2009 through 2013.''.

(f) LAW ENFORCEMENT AND JUDICIAL TRAINING.—Section 4218 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2451) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) TRAINING PROGRAMS.—

''(1) IN GENERAL.—The Secretary of the Interior, in coordination with the Attorney General, the Administrator of the Drug Enforcement Administration, and the Director of the Federal Bureau of Investigation, shall ensure, through the establishment of a new training program or by supplementing existing training programs, that all Bureau of Indian Affairs and tribal law enforcement and judicial personnel have access to training regarding—

''(A) the investigation and prosecution of offenses relating to illegal narcotics; and

''(B) alcohol and substance abuse prevention and treatment.

''(2) YOUTH-RELATED TRAINING.—Any training provided to Bureau of Indian Affairs or tribal law enforcement or judicial personnel under paragraph (1) shall include training in issues relating to youth alcohol and substance abuse prevention and treatment.''; and

(2) in subsection (b), by striking ''as may be necessary'' and all that follows through the end of the subsection and inserting ''as are necessary for each of fiscal years 2009 through 2013.''.

(g) JUVENILE DETENTION CENTERS.—Section 4220(b) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2453(b)) is amended—

(1) by striking ''such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000'' each place it appears and inserting ''such sums as are necessary for each of fiscal years 2009 through 2013''; and

(2) by indenting paragraph (2) appropriately.

SEC. 402. INDIAN TRIBAL JUSTICE; TECHNICAL AND LEGAL ASSISTANCE.

(a) INDIAN TRIBAL JUSTICE.—Section 201 of the Indian Tribal Justice Act (25 U.S.C. 3621) is amended—

(1) in subsection (a)—

(A) by striking ''the provisions of sections 101 and 102 of this Act'' and inserting ''sections 101 and 102''; and

(B) by striking ''the fiscal years 2000 through 2007'' and inserting ''fiscal years 2009 through 2013'';

(2) in subsection (b)—

(A) by striking ''the provisions of section 103 of this Act'' and inserting ''section 103''; and

(B) by striking ''the fiscal years 2000 through 2007'' and inserting ''fiscal years 2009 through 2013'';

(3) in subsection (c), by striking ''the fiscal years 2000 through 2007'' and inserting ''fiscal years 2009 through 2013''; and

(4) in subsection (d), by striking ''the fiscal years 2000 through 2007'' and inserting ''fiscal years 2009 through 2013''.

(b) TECHNICAL AND LEGAL ASSISTANCE.—The Indian Tribal Justice Technical and Legal Assistance Act of 2000 is amended—

(1) in section 106 (25 U.S.C. 3666), by striking ''2000 through 2004'' and inserting ''2009 through 2013''; and

(2) in section 201(d) (25 U.S.C. 3681(d)), by striking ''2000 through 2004'' and inserting ''2009 through 2013''.

SEC. 403. TRIBAL RESOURCES GRANT PROGRAM.

Section 1701 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended—

(1) in subsection (b)—

(A) in each of paragraphs (1) through (4) and (6) through (17), by inserting ''to'' after the paragraph designation;

(B) in paragraph (1), by striking ''State and'' and inserting ''State, tribal, or'';

(C) in paragraphs (9) and (10), by inserting '', tribal,'' after ''State'' each place it appears;

(D) in paragraph (15)—

(i) by striking ''a State in'' and inserting ''a State or Indian tribe in'';

(ii) by striking ''the State which'' and inserting ''the State or tribal community that''; and

(iii) by striking ''a State or'' and inserting ''a State, tribal, or'';

(E) in paragraph (16), by striking ''and'' at the end

(F) in paragraph (17), by striking the period at the end and inserting ''; and'';

(G) by redesignating paragraphs (6) through (17) as paragraphs (5) through (16), respectively; and

(H) by adding at the end the following:

''(17) to permit tribal governments receiving direct law enforcement services from the Bureau of Indian Affairs to access the program under this section on behalf of the Bureau for use in accordance with paragraphs (1) through (16).''.

(2) in subsection (g)—

(A) by striking ''The portion'' and inserting the following:

''(1) IN GENERAL.—The portion'';

(B) in the second sentence, by striking ''In relation'' and inserting the following:

''(2) CERTAIN GRANTS.—In relation''; and

(C) by adding at the end the following:

''(3) WAIVER.—In acknowledgment of the Federal nexus and distinct Federal responsibility to address and prevent crime in Indian country, for purposes of providing grants to Indian tribes under this subsection, the Attorney General shall waive the matching funds requirement of this subsection if the Attorney General determines that there is a demonstrated financial hardship.

''(4) USE OF CERTAIN FUNDS.—In addition to providing a waiver under paragraph (3), the Attorney General shall allow the use of funds appropriated for any agency of an Indian tribal government or the Bureau of Indian Affairs to carry out law enforcement activities on Indian land to provide the non-Federal share of the cost of a program or project under this section.'';

(3) in subsection (i), by striking ''The authority'' and inserting ''Except as provided in subsection (j), the authority''; and

(4) by adding at the end the following:

''(j) EXTENSION OF PROGRAM FOR INDIAN TRIBES.—

''(1) IN GENERAL.—Notwithstanding subsection (i) and section 1703, and in acknowledgment of the Federal nexus and distinct Federal responsibility to address and prevent crime in Indian country, the Attorney General may provide grants under this section to Indian tribal governments, for fiscal year 2009 and any fiscal year thereafter, for such period as the Attorney General determines to be appropriate to assist the Indian tribal governments in carrying out the purposes described in subsection (b).

''(2) PRIORITY OF FUNDING.—In providing grants to Indian tribal governments under this subsection, the Attorney General shall take into consideration reservation crime rates and tribal law enforcement staffing needs of each Indian tribal government.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection for each of fiscal years 2009 through 2013.

''(k) REPORT.—Not later than 180 days after the date of enactment of this subsection, the Attorney General shall submit to Congress a report describing the extent and effectiveness of the Community Oriented Policing (COPS) initiative as applied in Indian country, including particular references to—

''(1) the problem of intermittent funding;

''(2) the integration of COPS personnel with existing law enforcement authorities; and

''(3) an explanation of how the practice of community policing and the broken windows theory can most effectively be applied in remote tribal locations.''.

SEC. 404. TRIBAL JAILS PROGRAM.

(a) IN GENERAL.—Section 20109 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13709) is amended by striking subsection (a) and inserting the following:

''(a) RESERVATION OF FUNDS.—Notwithstanding any other provision of this part, of amounts made available to the Attorney General to carry out programs relating to offender incarceration, the Attorney General shall reserve $35,000,000 for each of fiscal years 2009 through 2013 to carry out this section.''.

(b) REGIONAL DETENTION CENTERS.—

(1) IN GENERAL.—Section 20109 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13709) is amended by striking subsection (b) and inserting the following:

''(b) GRANTS TO INDIAN TRIBES.—

''(1) IN GENERAL.—From the amounts reserved under subsection (a), the Attorney General shall provide grants—

''(A) to Indian tribes for purposes of—

''(i) construction and maintenance of jails on Indian land for the incarceration of offenders subject to tribal jurisdiction;

''(ii) entering into contracts with private entities to increase the efficiency of the construction of tribal jails; and

''(iii) developing and implementing alternatives to incarceration in tribal jails; and

''(B) to consortia of Indian tribes for purposes of constructing and operating regional detention centers on Indian land for long-term incarceration of offenders subject to tribal jurisdiction, as the applicable consortium determines to be appropriate.

''(2) PRIORITY OF FUNDING.—in providing grants under this subsection, the Attorney General shall take into consideration applicable—

''(A) reservation crime rates;

''(B) annual tribal court convictions; and

''(C) bed space needs.''.

(2) CONFORMING AMENDMENT.—Section 20109(c) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13709(c)) is amended by inserting ''or consortium of Indian tribes, as applicable,'' after ''Indian tribe''.

(3) LONG-TERM PLAN.—Section 20109 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13709) is amended by adding at the end the following:

''(d) LONG-TERM PLAN.—Not later than 1 year after the date of enactment of this subsection, the Attorney General, in coordination with the Bureau of Indian Affairs and in consultation with tribal leaders, tribal law enforcement officers, and tribal corrections officials, shall submit to Congress a long-term plan to address incarceration in Indian country, including a description of—

''(1) proposed activities for construction of detention facilities (including regional facilities) on Indian land;

''(2) proposed activities for construction of additional Federal detention facilities on Indian land;

''(3) proposed activities for contracting with State and local detention centers, with tribal government approval;

''(4) proposed alternatives to incarceration, developed in cooperation with tribal court systems; and

''(5) such other alternatives as the Attorney General, in coordination with the Bureau of Indian Affairs and in consultation with Indian tribes, determines to be necessary.''.

SEC. 405. TRIBAL PROBATION OFFICE LIAISON PROGRAM.

Title II of the Indian Tribal Justice Technical and Legal Assistance Act of 2000 (25 U.S.C. 3681 et seq.) is amended by adding at the end the following:

''SEC. 203. ASSISTANT PAROLE AND PROBATION OFFICERS.

''To the maximum extent practicable, the Director of the Administrative Office of the United States Courts shall appoint individuals residing in Indian country to serve as assistant parole or probation officers for purposes of monitoring and providing service to Federal prisoners residing in Indian country.''.

SEC. 406. TRIBAL YOUTH PROGRAM.

(a) INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS.—

(1) IN GENERAL.—Section 504 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5783) is amended—

(A) in subsection (a), by inserting '', or to Indian tribes under subsection (d)'' after ''subsection (b)''; and

(B) by adding at the end the following:

''(d) GRANTS FOR TRIBAL DELINQUENCY PREVENTION PROGRAMS.—

''(1) IN GENERAL.—The Administrator shall make grants under this section, on a competitive basis, to eligible Indian tribes or consortia of Indian tribes, as described in paragraph (2)—

''(A) to support and enhance tribal juvenile justice systems; and

''(B) to encourage accountability of Indian tribal governments with respect to juvenile delinquency responses and prevention.

''(2) ELIGIBLE INDIAN TRIBES.—To be eligible to receive a grant under this subsection, an Indian tribe or consortium of Indian tribes shall submit to the Administrator an application in such form and containing such information as the Administrator may require.

''(3) PRIORITY OF FUNDING.—In providing grants under this subsection, the Administrator shall take into consideration, with respect to the reservation communities to be served—

''(A) juvenile crime rates;

''(B) dropout rates; and

''(C) percentages of at-risk youth.''.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 505 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5784) is amended by striking ''fiscal years 2004, 2005, 2006, 2007, and 2008'' and inserting ''each of fiscal years 2009 through 2013''.

(b) COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION.—Section 206(a)(2) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(a)(2)) is amended—

(1) in subparagraph (A), by striking ''Nine'' and inserting ''Ten''; and

(2) in subparagraph (B), by adding at the end the following:

''(iv) One member shall be appointed by the Chairman of the Committee on Indian Affairs of the Senate, in consultation with the Vice Chairman of that Committee.''.

TITLE V—INDIAN COUNTRY CRIME DATA

SEC. 501. TRACKING OF CRIMES COMMITTED IN INDIAN COUNTRY.

(a) GANG VIOLENCE.—Section 1107 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (28 U.S.C. 534 note; Public Law 109–162) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (8) through (12) as paragraphs (9) through (13), respectively;

(B) by inserting after paragraph (7) the following:

''(8) the Office of Justice Services of the Bureau of Indian Affairs;'';

(C) in paragraph (9) (as redesignated by subparagraph (A)), by striking ''State'' and inserting ''tribal, State,''; and

(D) in paragraphs (10) through (12) (as redesignated by subparagraph (A)), by inserting ''tribal,'' before ''State,'' each place it appears; and

(2) in subsection (b), by inserting ''tribal,'' before ''State,'' each place it appears.

(b) BUREAU OF JUSTICE STATISTICS.—Section 302 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3732) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by inserting '', Indian tribes,'' after ''contracts with'';

(B) in each of paragraphs (3) through (6), by inserting ''tribal,'' after ''State,'' each place it appears;

(C) in paragraph (7), by inserting ''and in Indian country'' after ''States'';

(D) in paragraph (9), by striking ''Federal and State Governments'' and inserting ''Federal Government and State and tribal governments'';

(E) in each of paragraphs (10) and (11), by inserting '', tribal,'' after ''State'' each place it appears;

(F) in paragraph (13), by inserting '', Indian tribes,'' after ''States'';

(G) in paragraph (17)—

(i) by striking ''State and local'' and inserting ''State, tribal, and local''; and

(ii) by striking ''State, and local'' and inserting ''State, tribal, and local'';

(H) in paragraph (18), by striking ''State and local'' and inserting ''State, tribal, and local'';

(I) in paragraph (19), by inserting ''and tribal'' after ''State'' each place it appears;

(J) in paragraph (20), by inserting '', tribal,'' after ''State''; and

(K) in paragraph (22), by inserting '', tribal,'' after ''Federal'';

(2) in subsection (d)—

(A) by redesignating paragraphs (1) through (6) as subparagraphs (A) through (F), respectively, and indenting the subparagraphs appropriately;

(B) by striking ''To insure'' and inserting the following:

''(1) IN GENERAL.—To ensure''; and

(C) by adding at the end the following:

''(2) CONSULTATION WITH INDIAN TRIBES.—The Director, acting jointly with the Assistant Secretary for Indian Affairs (acting through the Director of the Office of Law Enforcement Services) and the Director of the Federal Bureau of Investigation, shall work with Indian tribes and tribal law enforcement agencies to establish and implement such tribal data collection systems as the Director determines to be necessary to achieve the purposes of this section.'';

(3) in subsection (e), by striking ''subsection (d)(3)'' and inserting ''subsection (d)(1)(C)'';

(4) in subsection (f)—

(A) in the subsection heading, by inserting '', Tribal,'' after ''State''; and

(B) by inserting '', tribal,'' after ''State''; and

(5) by adding at the end the following:

''(g) REPORT TO CONGRESS ON CRIMES IN INDIAN COUNTRY.—Not later than 1 year after the date of enactment of this subsection, and annually thereafter, the Director shall submit to Congress a report describing the data collected and analyzed under this section relating to crimes in Indian country.''.

SEC. 502. GRANTS TO IMPROVE TRIBAL DATA COLLECTION SYSTEMS.

Section 3 of the Indian Law Enforcement Reform Act (25 U.S.C. 2802) is amended by adding at the end the following:

''(f) GRANTS TO IMPROVE TRIBAL DATA COLLECTION SYSTEMS.—

''(1) GRANT PROGRAM.—The Secretary, acting through the Director of the Office of Justice Services of the Bureau and in coordination with the Attorney General, shall establish a program under which the Secretary shall provide grants to Indian tribes for activities to ensure uniformity in the collection and analysis of data relating to crime in Indian country.

''(2) REGULATIONS.—The Secretary, acting through the Director of the Office of Justice Services of the Bureau, in consultation with tribal governments and tribal justice officials, shall promulgate such regulations as are necessary to carry out the grant program under this subsection.''.

SEC. 503. CRIMINAL HISTORY RECORD IMPROVEMENT PROGRAM.

Section 1301(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796h(a)) is amended by inserting '', tribal,'' after ''State''.

TITLE VI—DOMESTIC VIOLENCE AND SEXUAL ASSAULT PROSECUTION AND PREVENTION

SEC. 601. PRISONER RELEASE AND REENTRY.

Section 4042 of title 18, United States Code, is amended—

(1) in subsection (a)(4), by inserting '', tribal,'' after ''State'';

(2) in subsection (b)(1), in the first sentence, by striking ''officer of the State and of the local jurisdiction'' and inserting ''officers of each State, tribal, and local jurisdiction''; and

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''officer of the State and of the local jurisdiction'' and inserting ''officers of each State, tribal, and local jurisdiction''; and

(ii) in subparagraph (B), by inserting '', tribal,'' after ''State'' each place it appears; and

(B) in paragraph (2)—

(i) by striking ''(2) Notice'' and inserting the following:

''(2) REQUIREMENTS.—

''(A) IN GENERAL.—A notice'';

(ii) in the second sentence, by striking ''For a person who is released'' and inserting the following:

''(B) RELEASED PERSONS.—For a person who is released'';

(iii) in the third sentence, by striking ''For a person who is sentenced'' and inserting the following:

''(C) PERSONS ON PROBATION.—For a person who is sentenced'';

(iv) in the fourth sentence, by striking ''Notice concerning'' and inserting the following:

''(D) RELEASED PERSONS REQUIRED TO REGISTER.—

''(i) IN GENERAL.—A notice concerning''; and

(v) in subparagraph (D) (as designated by clause (iv)), by adding at the end the following:

''(ii) PERSONS RESIDING IN INDIAN COUNTRY.—For a person described in paragraph (3) the expected place of residence of whom is potentially located in Indian country, the Director of the Bureau of Prisons or the Director of the Administrative Office of the United States Courts, as appropriate, shall—

''(I) make all reasonable and necessary efforts to determine whether the residence of the person is located in Indian country; and

''(II) ensure that the person is registered with the law enforcement office of each appropriate jurisdiction before release from Federal custody.''.

SEC. 602. DOMESTIC AND SEXUAL VIOLENT OFFENSE TRAINING.

Section 3(c)(9) of the Indian Law Enforcement Reform Act (25 U.S.C. 2802(c)(9)) (as amended by section 101(a)(2)) is amended by inserting before the semicolon at the end the following: '', including training to properly interview victims of domestic and sexual violence and to collect, preserve, and present evidence to Federal and tribal prosecutors to increase the conviction rate for domestic and sexual violence offenses for purposes of addressing and preventing domestic and sexual violent offenses''.

SEC. 603. TESTIMONY BY FEDERAL EMPLOYEES IN CASES OF RAPE AND SEXUAL ASSAULT.

The Indian Law Enforcement Reform Act (25 U.S.C. 2801 et seq.) is amended by adding at the end the following:

''SEC. 11. TESTIMONY BY FEDERAL EMPLOYEES IN CASES OF RAPE AND SEXUAL ASSAULT.

''(a) APPROVAL OF EMPLOYEE TESTIMONY.—The Director of the Office of Justice Services or the Director of the Indian Health Service, as appropriate (referred to in this section as the 'Director concerned'), shall approve or disapprove, in writing, any request or subpoena for a law enforcement officer, sexual assault nurse examiner, or other employee under the supervision of the Director concerned to provide testimony in a deposition, trial, or other similar proceeding regarding information obtained in carrying out the official duties of the employee.

''(b) REQUIREMENT.—The Director concerned shall approve a request or subpoena under subsection (a) if the request or subpoena does not violate the policy of the Department of the Interior to maintain strict impartiality with respect to private causes of action.

''(c) TREATMENT.—If the Director concerned fails to approve or disapprove a request or subpoena by the date that is 30 days after the date of receipt of the request or subpoena, the request or subpoena shall be considered to be approved for purposes of this section.''.

SEC. 604. COORDINATION OF FEDERAL AGENCIES.

The Indian Law Enforcement Reform Act (25 U.S.C. 2801 et seq.) (as amended by section 603) is amended by adding at the end the following:

''SEC. 12. COORDINATION OF FEDERAL AGENCIES.

''(a) IN GENERAL.—The Secretary, in coordination with the Attorney General, Federal and tribal law enforcement agencies, the Indian Health Service, and domestic violence or sexual assault victim organizations, shall develop appropriate victim services and victim advocate training programs—

''(1) to improve domestic violence or sexual abuse responses;

''(2) to improve forensic examinations and collection;

''(3) to identify problems or obstacles in the prosecution of domestic violence or sexual abuse; and

''(4) to meet other needs or carry out other activities required to prevent, treat, and improve prosecutions of domestic violence and sexual abuse.

''(b) REPORT.—Not later than 2 years after the date of enactment of this section, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes, with respect to the matters described in subsection (a), the improvements made and needed, problems or obstacles identified, and costs necessary to address the problems or obstacles, and any other recommendations that the Secretary determines to be appropriate.''.

SEC. 605. SEXUAL ASSAULT PROTOCOL.

Title VIII of the Indian Health Care Improvement Act is amended by inserting after section 802 (25 U.S.C. 1672) the following:

''SEC. 803. POLICIES AND PROTOCOL.

''The Director of Service, in coordination with the Director of the Office on Violence Against Women of the Department of Justice, in consultation with Indian Tribes and Tribal Organizations, and in conference with Urban Indian Organizations, shall develop standardized sexual assault policies and protocol for the facilities of the Service, based on similar protocol that has been established by the Department of Justice.''.

By Mr. GRASSLEY (for himself, Mr. HARKIN, Mr. ROBERTS, Mr. DURBIN, Mr. COLEMAN, Mr. BOND, Mr. BROWNBACK, Mr. BAYH, Mrs. MCCASKILL, Ms. KLOBUCHAR, Mr. OBAMA, and Mr. LUGAR):

S. 3322. A bill to provide tax relief for the victims of severe storms, tornados, and flooding in the Midwest, and for other purposes; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3322

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Midwestern Disaster Tax Relief Act of 2008''.

SEC. 2. TEMPORARY TAX RELIEF FOR AREAS DAMAGED BY 2008 MIDWESTERN SEVERE STORMS, TORNADOS, AND FLOODING.

(a) IN GENERAL.—Subject to the modifications described in this section, the following provisions of or relating to the Internal Revenue Code of 1986 shall apply to any Midwestern disaster area in addition to the areas to which such provisions otherwise apply:

(1) GO ZONE BENEFITS.—

(A) Section 1400N (relating to tax benefits) other than subsections (b), (i), (j), (m), and (o) thereof.

(B) Section 1400O (relating to education tax benefits).

(C) Section 1400P (relating to housing tax benefits).

(D) Section 1400Q (relating to special rules for use of retirement funds).

(E) Section 1400R(a) (relating to employee retention credit for employers).

(F) Section 1400S (relating to additional tax relief) other than subsection (d) thereof.

(G) Section 1400T (relating to special rules for mortgage revenue bonds).

(2) OTHER BENEFITS INCLUDED IN KATRINA EMERGENCY TAX RELIEF ACT OF 2005.—Sections 302, 303, 304, 401, and 405 of the Katrina Emergency Tax Relief Act of 2005.

(b) USE OF AMENDED INCOME TAX RETURNS TO TAKE INTO ACCOUNT RECEIPT OF CERTAIN CASUALTY LOSS GRANTS BY DISALLOWING PREVIOUSLY TAKEN CASUALTY LOSS DEDUCTIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of the Internal Revenue Code of 1986, if a taxpayer claims a deduction for any taxable year with respect to a casualty loss to a principal residence (within the meaning of section 121 of such Code) resulting from the severe storms, tornados, or flooding giving rise to any Presidential declaration described in subsection (c)(1)(A) and in a subsequent taxable year receives a grant under any Federal or State program as reimbursement for such loss, such taxpayer may elect to file an amended income tax return for the taxable year in which such deduction was allowed (and for any taxable year to which such deduction is carried) and reduce (but not below zero) the amount of such deduction by the amount of such reimbursement.

(2) TIME OF FILING AMENDED RETURN.—Paragraph (1) shall apply with respect to any grant only if any amended income tax returns with respect to such grant are filed not later than the later of—

(A) the due date for filing the tax return for the taxable year in which the taxpayer receives such grant, or

(B) the date which is 1 year after the date of the enactment of this Act.

(3) WAIVER OF PENALTIES AND INTEREST.—Any underpayment of tax resulting from the reduction under paragraph (1) of the amount otherwise allowable as a deduction shall not be subject to any penalty or interest under such Code if such tax is paid not later than 1 year after the filing of the amended return to which such reduction relates.

(c) MIDWESTERN DISASTER AREA.—

(1) IN GENERAL.—For purposes of this section and for applying the substitutions described in subsections (e) and (f), the term ''Midwestern disaster area'' means an area—

(A) with respect to which a major disaster has been declared by the President on or after May 20, 2008, and before August 1, 2008, under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of severe storms, tornados, or flooding occurring in any of the States of Arkansas, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, and Wisconsin, and

(B) determined by the President to warrant individual or individual and public assistance from the Federal Government under such Act with respect to damages attributable to such severe storms, tornados, or flooding.

(2) CERTAIN BENEFITS AVAILABLE TO AREAS ELIGIBLE ONLY FOR PUBLIC ASSISTANCE.—For purposes of applying this section to benefits under the following provisions, paragraph (1) shall be applied without regard to subparagraph (B):

(A) Sections 1400Q, 1400S(b), and 1400S(d) of the Internal Revenue Code of 1986.

(B) Sections 302, 401, and 405 of the Katrina Emergency Tax Relief Act of 2005.

(d) REFERENCES.—

(1) AREA.—Any reference in such provisions to the Hurricane Katrina disaster area or the Gulf Opportunity Zone shall be treated as a reference to any Midwestern disaster area

and any reference to the Hurricane Katrina disaster area or the Gulf Opportunity Zone within a State shall be treated as a reference to all Midwestern disaster areas within the State.

(2) ITEMS ATTRIBUTABLE TO DISASTER.—Any reference in such provisions to any loss, damage, or other item attributable to Hurricane Katrina shall be treated as a reference to any loss, damage, or other item attributable to the severe storms, tornados, or flooding giving rise to any Presidential declaration described in subsection (c)(1)(A).

(3) APPLICABLE DISASTER DATE.—For purposes of applying the substitutions described in subsections (e) and (f), the term ''applicable disaster date'' means, with respect to any Midwestern disaster area, the date on which the severe storms, tornados, or flooding giving rise to the Presidential declaration described in subsection (c)(1)(A) occurred.

(e) MODIFICATIONS TO 1986 CODE.—The following provisions of the Internal Revenue Code of 1986 shall be applied with the following modifications:

(1) TAX-EXEMPT BOND FINANCING.—Section 1400N(a)—

(A) by substituting ''qualified Midwestern disaster area bond'' for ''qualified Gulf Opportunity Zone Bond'' each place it appears, except that in determining whether a bond is a qualified Midwestern disaster area bond—

(i) paragraph (2)(A)(i) shall be applied by only treating costs as qualified project costs if—

(I) in the case of a project involving a private business use (as defined in section 141(b)(6)), either the person using the property suffered a loss in a trade or business attributable to the severe storms, tornados, or flooding giving rise to any Presidential declaration described in subsection (c)(1)(A) or is a person designated for purposes of this section by the Governor of the State in which the project is located as a person carrying on a trade or business replacing a trade or business with respect to which another person suffered such a loss, and

(II) in the case of a project relating to public utility property, the project involves repair or reconstruction of public utility property damaged by such severe storms, tornados, or flooding, and

(ii) paragraph (2)(A)(ii) shall be applied by treating an issue as a qualified mortgage issue only if 95 percent or more of the net proceeds (as defined in section 150(a)(3)) of the issue are to be used to provide financing for mortgagors who suffered damages to their principal residences attributable to such severe storms, tornados, or flooding.

(B) by substituting ''any State in which a Midwestern disaster area is located'' for ''the State of Alabama, Louisiana, or Mississippi'' in paragraph (2)(B),

(C) by substituting ''designated for purposes of this section (on the basis of providing assistance to areas in the order in which such assistance is most needed)'' for ''designated for purposes of this section'' in paragraph (2)(C),

(D) by substituting ''January 1, 2013'' for ''January 1, 2011'' in paragraph (2)(D),

(E) in paragraph (3)(A)—

(i) by substituting ''$1,000'' for ''$2,500'', and

(ii) by substituting ''before the earliest applicable disaster date for Midwestern disaster areas within the State'' for ''before August 28, 2005'',

(F) by substituting ''qualified Midwestern disaster area repair or construction'' for ''qualified GO Zone repair or construction'' each place it appears, and

(G) by substituting ''after the date of the enactment of the Housing and Economic Recovery Act of 2008 and before January 1, 2013'' for ''after the date of the enactment of this paragraph and before January 1, 2011'' in paragraph (7)(C).

(2) LOW-INCOME HOUSING CREDIT.—Section 1400N(c)—

(A) only with respect to calendar years 2009, 2010, and 2011,

(B) by substituting ''Disaster Recovery Assistance housing amount'' for ''Gulf Opportunity housing amount'',

(C) in paragraph (1)(B)—

(i) by substituting ''$4.00'' for ''$18.00'', and

(ii) by substituting ''before the earliest applicable disaster date for Midwestern disaster areas within the State'' for ''before August 28, 2005'' , and

(D) determined without regard to paragraphs (2), (3), (4), (5), and (6) thereof.

(3) SPECIAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED ON OR AFTER THE APPLICABLE DISASTER DATE.—Section 1400N(d)—

(A) by substituting ''qualified Disaster Recovery Assistance property'' for ''qualified Gulf Opportunity Zone property'' each place it appears, except that a taxpayer shall be allowed additional bonus depreciation and expensing under such subsection or section 1400N(e) with respect to such property only if—

(i) the taxpayer suffered an economic loss attributable to the severe storms, tornados, or flooding giving rise to any Presidential declaration described in subsection (c)(1)(A), and

(ii) such property—

(I) rehabilitates property damaged, or replaces property destroyed or condemned, as a result of such severe storms, tornados, or flooding, except that, for purposes of this clause, property shall be treated as replacing property destroyed or condemned if, as part of an integrated plan, such property replaces property which is included in a continuous area which includes real property destroyed or condemned, and

(II) is similar in nature to, and located in the same county as, the property being rehabilitated or replaced,

(B) by substituting ''the applicable disaster date'' for ''August 28, 2005'' each place it appears,

(C) by substituting ''December 31, 2011'' for ''December 31, 2007'' in paragraph (2)(A)(v),

(D) by substituting ''December 31, 2012'' for ''December 31, 2008'' in paragraph (2)(A)(v),

(E) by substituting ''the day before the applicable disaster date'' for ''August 27, 2005'' in paragraph (3)(A),

(F) determined without regard to paragraph (6) thereof, and

(G) by not including as qualified Disaster Recovery Assistance property any property to which section 168(k) applies.

(4) INCREASE IN EXPENSING UNDER SECTION 179.—Section 1400N(e), by substituting ''qualified section 179 Disaster Recovery Assistance property'' for ''qualified section 179 Gulf Opportunity Zone property'' each place it appears.

(5) EXPENSING FOR CERTAIN DEMOLITION AND CLEAN-UP COSTS.—Section 1400N(f)—

(A) by substituting ''qualified Disaster Recovery Assistance clean-up cost'' for ''qualified Gulf Opportunity Zone clean-up cost'' each place it appears,

(B) by substituting ''beginning on the applicable disaster date and ending on December 31, 2010'' for ''beginning on August 28, 2005, and ending on December 31, 2007'' in paragraph (2), and

(C) by treating costs as qualified Disaster Recovery Assistance clean-up costs only if the removal of debris or demolition of any structure was necessary due to damage attributable to the severe storms, tornados, or flooding giving rise to any Presidential declaration described in subsection (c)(1)(A).

(6) EXTENSION OF EXPENSING FOR ENVIRONMENTAL REMEDIATION COSTS.—Section 1400N(g)—

(A) by substituting ''the applicable disaster date'' for ''August 28, 2005'' each place it appears,

(B) by substituting ''January 1, 2011'' for ''January 1, 2008'' in paragraph (1),

(C) by substituting ''December 31, 2010'' for ''December 31, 2007'' in paragraph (1), and

(D) by treating a site as a qualified contaminated site only if the release (or threat of release) or disposal of a hazardous substance at the site was attributable to the severe storms, tornados, or flooding giving rise to any Presidential declaration described in subsection (c)(1)(A).

(7) INCREASE IN REHABILITATION CREDIT.—Section 1400N(h)—

(A) by substituting ''the applicable disaster date'' for ''August 28, 2005'',

(B) by substituting ''January 1, 2011'' for ''January 1, 2008'' in paragraph (1), and

(C) by only applying such subsection to qualified rehabilitation expenditures with respect to any building or structure which was damaged or destroyed as a result of the severe storms, tornados, or flooding giving rise to any Presidential declaration described in subsection (c)(1)(A).

(8) TREATMENT OF NET OPERATING LOSSES ATTRIBUTABLE TO DISASTER LOSSES.—Section 1400N(k)—

(A) by substituting ''qualified Disaster Recovery Assistance loss'' for ''qualified Gulf Opportunity Zone loss'' each place it appears,

(B) by substituting ''after the day before the applicable disaster date, and before January 1, 2011'' for ''after August 27, 2005, and before January 1, 2008'' each place it appears,

(C) by substituting ''the applicable disaster date'' for ''August 28, 2005'' in paragraph (2)(B)(ii)(I),

(D) by substituting ''qualified Disaster Recovery Assistance property'' for ''qualified Gulf Opportunity Zone property'' in paragraph (2)(B)(iv), and

(E) by substituting ''qualified Disaster Recovery Assistance casualty loss'' for ''qualified Gulf Opportunity Zone casualty loss'' each place it appears.

(9) CREDIT TO HOLDERS OF TAX CREDIT BONDS.—Section 1400N(l)—

(A) by substituting ''Midwestern tax credit bond'' for ''Gulf tax credit bond'' each place it appears,

(B) by substituting ''any State in which a Midwestern disaster area is located'' for ''the State of Alabama, Louisiana, or Mississippi'' in paragraph (4)(A)(i),

(C) by substituting ''after December 31, 2008 and before January 1, 2010'' for ''after December 31, 2005, and before January 1, 2007'',

(D) by substituting ''shall not exceed $100,000,000 for any State with an aggregate population located in all Midwestern disaster areas within the State of at least 2,000,000, $50,000,000 for any State with an aggregate population located in all Midwestern disaster areas within the State of at least 1,000,000 but less than 2,000,000, and zero for any other State. The population of a State within any area shall be determined on the basis of the most recent census estimate of resident population released by the Bureau of Census before the earliest applicable disaster date for Midwestern disaster areas within the State.'' for ''shall not exceed'' and all that follows in paragraph (4)(C), and

(E) by substituting ''the earliest applicable disaster date for Midwestern disaster areas within the State'' for ''August 28, 2005'' in paragraph (5)(A).

(10) EDUCATION TAX BENEFITS.—Section 1400O, by substituting ''2008 or 2009'' for ''2005 or 2006''.

(11) HOUSING TAX BENEFITS.—Section 1400P, by substituting ''the applicable disaster date'' for ''August 28, 2005'' in subsection (c)(1).

(12) SPECIAL RULES FOR USE OF RETIREMENT FUNDS.—Section 1400Q—

(A) by substituting ''qualified Disaster Recovery Assistance distribution'' for ''qualified hurricane distribution'' each place it appears,

(B) by substituting ''on or after the applicable disaster date and before January 1, 2010'' for ''on or after August 25, 2005, and before January 1, 2007'' in subsection (a)(4)(A)(i),

(C) by substituting ''the applicable disaster date'' for ''August 28, 2005'' in subsections (a)(4)(A)(i) and (c)(3)(B),

(D) by disregarding clauses (ii) and (iii) of subsection (a)(4)(A) thereof,

(E) by substituting ''qualified storm damage distribution'' for ''qualified Katrina distribution'' each place it appears,

(F) by substituting ''after the date which is 6 months before the applicable disaster date and before the date which is the day after the applicable disaster date'' for ''after February 28, 2005, and before August 29, 2005'' in subsection (b)(2)(B)(ii),

(G) by substituting ''the Midwestern disaster area, but not so purchased or constructed on account of severe storms, tornados, or flooding giving rise to the designation of the area as a disaster area'' for ''the Hurricane Katrina disaster area, but not so purchased or constructed on account of Hurricane Katrina'' in subsection (b)(2)(B)(iii),

(H) by substituting ''beginning on the applicable disaster date and ending on the date which is 5 months after the date of the enactment of the Housing and Economic Recovery Act of 2008'' for ''beginning on August 25, 2005, and ending on February 28, 2006'' in subsection (b)(3)(A),

(I) by substituting ''qualified storm damage individual'' for ''qualified Hurricane Katrina individual'' each place it appears,

(J) by substituting ''December 31, 2009'' for ''December 31, 2006'' in subsection (c)(2)(A),

(K) by substituting ''beginning on the date of the enactment of the Housing and Economic Recovery Act of 2008 and ending on December 31, 2009'' for ''beginning on September 24, 2005, and ending on December 31, 2006'' in subsection (c)(4)(A)(i),

(L) by substituting ''the applicable disaster date'' for ''August 25, 2005'' in subsection (c)(4)(A)(ii), and

(M) by substituting ''January 1, 2010'' for ''January 1, 2007'' in subsection (d)(2)(A)(ii).

(13) EMPLOYEE RETENTION CREDIT FOR EMPLOYERS AFFECTED BY SEVERE STORMS, TORNADOS, AND FLOODING.—Section 1400R(a)—

(A) by substituting ''the applicable disaster date'' for ''August 28, 2005'' each place it appears,

(B) by substituting ''January 1, 2009'' for ''January 1, 2006'' both places it appears, and

(C) only with respect to eligible employers who employed an average of not more than 200 employees on business days during the taxable year before the applicable disaster date.

(14) TEMPORARY SUSPENSION OF LIMITATIONS ON CHARITABLE CONTRIBUTIONS.—Section 1400S(a), by substituting the following paragraph for paragraph (4) thereof:

''(4) QUALIFIED CONTRIBUTIONS.—

''(A) IN GENERAL.—For purposes of this subsection, the term 'qualified contribution' means any charitable contribution (as defined in section 170(c)) if—

''(i) such contribution—

''(I) is paid during the period beginning on the earliest applicable disaster date for all States and ending on December 31, 2008, in cash to an organization described in section 170(b)(1)(A), and

''(II) is made for relief efforts in 1 or more Midwestern disaster areas,

''(ii) the taxpayer obtains from such organization contemporaneous written acknowledgment (within the meaning of section 170(f)(8)) that such contribution was used (or is to be used) for relief efforts in 1 or more Midwestern disaster areas, and

''(iii) the taxpayer has elected the application of this subsection with respect to such contribution.

''(B) EXCEPTION.—Such term shall not include a contribution by a donor if the contribution is—

''(i) to an organization described in section 509(a)(3), or

''(ii) for establishment of a new, or maintenance of an existing, donor advised fund (as defined in section 4966(d)(2)).

''(C) APPLICATION OF ELECTION TO PARTNERSHIPS AND S CORPORATIONS.—In the case of a partnership or S corporation, the election under subparagraph (A)(iii) shall be made separately by each partner or shareholder.''.

(15) SUSPENSION OF CERTAIN LIMITATIONS ON PERSONAL CASUALTY LOSSES.—Section 1400S(b)(1), by substituting ''the applicable disaster date'' for ''August 25, 2005''.

(16) SPECIAL RULE FOR DETERMINING EARNED INCOME.—Section 1400S(d)—

(A) by treating an individual as a qualified individual if such individual's principal place of abode on the applicable disaster date was located in a Midwestern disaster area,

(B) by treating the applicable disaster date with respect to any such individual as the applicable date for purposes of such subsection, and

(C) by treating an area as described in paragraph (2)(B)(ii) thereof if the area is a Midwestern disaster area only by reason of subsection (b)(2) of this section (relating to areas eligible only for public assistance)

(17) ADJUSTMENTS REGARDING TAXPAYER AND DEPENDENCY STATUS.—Section 1400S(e), by substituting ''2008 or 2009'' for ''2005 or 2006''.

(f) MODIFICATIONS TO KATRINA EMERGENCY TAX RELIEF ACT OF 2005.—The following provisions of the Katrina Emergency Tax Relief Act of 2005 shall be applied with the following modifications:

(1) ADDITIONAL EXEMPTION FOR HOUSING DISPLACED INDIVIDUAL.—Section 302—

(A) by substituting ''2008 or 2009'' for ''2005 or 2006'' in subsection (a) thereof,

(B) by substituting ''Midwestern displaced individual'' for ''Hurricane Katrina displaced individual'' each place it appears, and

(C) by treating an area as a core disaster area for purposes of applying subsection (c) thereof if the area is a Midwestern disaster area without regard to subsection (b)(2) of this section (relating to areas eligible only for public assistance).

(2) INCREASE IN STANDARD MILEAGE RATE.—Section 303, by substituting ''beginning on the applicable disaster date and ending on December 31, 2008'' for ''beginning on August 25, 2005, and ending on December 31, 2006''.

(3) MILEAGE REIMBURSEMENTS FOR CHARITABLE VOLUNTEERS.—Section 304—

(A) by substituting ''beginning on the applicable disaster date and ending on December 31, 2008'' for ''beginning on August 25, 2005, and ending on December 31, 2006'' in subsection (a), and

(B) by substituting ''the applicable disaster date'' for ''August 25, 2005'' in subsection (a).

(4) EXCLUSION OF CERTAIN CANCELLATION OF INDEBTEDNESS INCOME.—Section 401—

(A) by treating an individual whose principal place of abode on the applicable disaster date was in a Midwestern disaster area (determined without regard to subsection (b)(2) of this section) as an individual described in subsection (b)(1) thereof, and by treating an individual whose principal place of abode on the applicable disaster date was in a Midwestern disaster area solely by reason of subsection (b)(2) of this section as an individual described in subsection (b)(2) thereof,

(B) by substituting ''the applicable disaster date'' for ''August 28, 2005'' both places it appears, and

(C) by substituting ''January 1, 2010'' for ''January 1, 2007'' in subsection (e).

(5) EXTENSION OF REPLACEMENT PERIOD FOR NONRECOGNITION OF GAIN.—Section 405, by substituting ''on or after the applicable disaster date'' for ''on or after August 25, 2005''.

SEC. 3. ENHANCED CHARITABLE DEDUCTIONS FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) INCREASED AMOUNT OF DEDUCTION.—

(1) IN GENERAL.—Clause (iv) of section 170(e)(3)(C) (relating to termination) of the Internal Revenue Code of 1986 is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to contributions made after December 31, 2007.

(b) TEMPORARY SUSPENSION OF LIMITATIONS ON CHARITABLE CONTRIBUTIONS.—

(1) IN GENERAL.—Section 170(b) of such Code is amended by adding at the end the following new paragraph:

''(3) TEMPORARY SUSPENSION OF LIMITATIONS ON CHARITABLE CONTRIBUTIONS.—In the case of a qualified farmer or rancher (as defined in paragraph (1)(E)(v)), any charitable contribution of food—

''(A) to which subsection (e)(3)(C) applies (without regard to clause (ii) thereof), and

''(B) which is made during the period beginning on the date of the enactment of this paragraph and before January 1, 2009,

shall be treated for purposes of paragraph (1)(E) or (2)(B), whichever is applicable, as if it were a qualified conservation contribution which is made by a qualified farmer or rancher and which otherwise meets the requirements of such paragraph.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 4. EXTENSION OF ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF BOOK INVENTORY.

(a) EXTENSION.—Clause (iv) of section 170(e)(3)(D) of the Internal Revenue Code of 1986 (relating to termination) of the Internal Revenue Code of 1986 is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) CLERICAL AMENDMENT.—Clause (iii) of section 170(e)(3)(D) of such Code (relating to certification by donee) is amended by inserting ''of books'' after ''to any contribution''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made after December 31, 2007.

SEC. 5. REPORTING REQUIREMENTS RELATING TO DISASTER RELIEF CONTRIBUTIONS.

(a) IN GENERAL.—Section 6033(b) of the Internal Revenue Code of 1986 (relating to returns of certain organizations described in section 501(c)(3)) is amended by striking ''and'' at the end of paragraph (13), by redesignating paragraph (14) as paragraph (15), and by adding after paragraph (13) the following new paragraph:

''(14) such information as the Secretary may require with respect to disaster relief activities, including the amount and use of qualified contributions to which section 1400S(a) applies, and''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to returns the due date for which (determined without regard to any extension) occurs after December 31, 2008.

By Mr. LEVIN (for himself, Mr. VOINOVICH, Mr. BAYH, Mr. BROWN, Mr. CASEY, MRS. CLINTON, Mr. COLEMAN, Mr. DURBIN, Mr. FEINGOLD, Ms. KLOBUCHAR, Mr. KOHL, Mr. LUGAR, Mr. OBAMA, Ms. STABENOW, and Mr. SCHUMER):

S.J. Res. 45. A joint resolution expressing the consent and approval of Congress to an inter-state compact regarding water resources in the Great Lakes—St. Lawrence River Basin; to the Committee on the Judiciary.

Mr. LEVIN. Mr. President, in 1831, the great chronicler of early America, Alexis de Tocqueville, explored the Great Lakes. As he passed through Lake Huron, he observed of the empty, undeveloped expanse: ''This lake without sails, this shore which does not yet show any trace of the passage of man, this eternal forest which borders it; all that, I assure you, is not grand in poetry only; it's the most extraordinary spectacle that I have seen in my life.''

Nearly 2 centuries later, the Great Lakes remain one of the most extraordinary spectacles in the world. The sheer size of the Great Lakes is impressed upon anyone who has stood on their shores, or who has seen the outline of the Michigan mitten, which the Great Lakes make one of the most distinctive shapes and recognizable shapes on maps or satellite photographs of the earth. Beyond their awe-inspiring appearance and enormity, the Great Lakes help fuel an economic engine that stretches from Minnesota to New York, producing some of our nations most celebrated and relied-upon goods and agricultural products.

This morning, my colleagues and I are introducing a joint resolution to ratify an historic agreement to manage Great Lakes water, the Great Lakes Water Resources Compact. While the existing Water Resources Development Act law provides sufficient protection and authority to prevent diversions, the Great Lakes Compact will provide an effective means for Great Lakes states jointly to safeguard water for future generations. The compact will ban new diversions from the Basin with certain limited exceptions, and those exceptions would be regulated. Further, the compact keeps the authority to govern our water in the hands of the Great Lake States.

The compact states that ''the protection of the integrity of the Great Lakes Ecosystem shall be the overarching principle for reviewing proposals.'' For the first time, water conservation goals will be developed to deal with any water diversion proposals.

Beyond that, the compact would specifically address withdrawals and diversions of both ground and surface water. This would represent an improvement over existing law because there are differing opinions on whether the current law addresses ground water diversions.

Additionally, because the compact would provide a scientific method for determining whether to allow a proposal to divert water from the Great Lakes, it makes our efforts to protect the lakes more clearly compliant with international trade agreements.

This agreement has been in the making for close to decade, following the mistaken issuance of a permit for bulk water diversion by the Province of Ontario. In the 2000 WRDA, Congress directed the governors to negotiate a water management policy, and in 2005, the eight Great Lakes Governors and two Canadian Premiers came to an agreement.

I have heard that some people believe that there is a water bottle ''loophole.'' The compact prohibits water in a container larger than 5.7 gallons to be diverted outside the Great Lakes basin. Though the compact would not prohibit water withdrawals in containers less than 5.7 gallons, individual states would retain their authority to regulate bottled water in any size container.

I believe that the Great Lakes Compact is beneficial and will provide greater protections for the Great Lakes than the status quo. However, as is explicitly stated in this joint resolution, the Great Lakes Water Compact does not imply that it is necessary for Congress to pass the compact in order for the Lakes to be protected from diversions. WRDA gives each Great Lakes governor veto power over certain types of diversions by any Great Lakes state. While this authority is clear, additional safeguards and standards will be helpful in the years ahead.

Tocqueville further observed during his journey in Lake Huron, ''Nature has done everything here. A fertile soil, and outlets like to which there are no others in the world.'' Nature has, indeed, given us so much in the Great Lakes. We need to take this important step to pass the Great Lakes Water Compact so as to make sure that we conserve this precious resource as best we can, ensuring sensible use now so that future generations can benefit from the Great Lakes as we do. I support passage, and I urge my colleagues to support it as well.

Mr. President, I ask unanimous consent that text of the Joint resolution be printed in the RECORD.

There being no objection, the text of the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 45

Whereas the interstate compact regarding water resources in the Great Lakes—St. Lawrence River Basin reads as follows:

''AGREEMENT

''Section 1. The states of Illinois, Indiana, Michigan, Minnesota, New York, Ohio and Wisconsin and the Commonwealth of Pennsylvania hereby solemnly covenant and agree with each other, upon enactment of concurrent legislation by the respective state legislatures and consent by the Congress of the United States as follows:

''GREAT LAKES—ST. LAWRENCE RIVER BASIN WATER RESOURCES COMPACT

''ARTICLE 1

''SHORT TITLE, DEFINITIONS, PURPOSES AND DURATION

''Section 1.1. Short Title. This act shall be known and may be cited as the ''Great Lakes—St. Lawrence River Basin Water Resources Compact.''

''Section 1.2. Definitions. For the purposes of this Compact, and of any supplemental or concurring legislation enacted pursuant thereto, except as may be otherwise required by the context:

''Adaptive Management means a Water resources management system that provides a systematic process for evaluation, monitoring and learning from the outcomes of operational programs and adjustment of policies, plans and programs based on experience and the evolution of scientific knowledge concerning Water resources and Water Dependent Natural Resources.

''Agreement means the Great Lakes—St. Lawrence River Basin Sustainable Water Resources Agreement.

''Applicant means a Person who is required to submit a Proposal that is subject to management and regulation under this Compact.**Application** has a corresponding meaning.

''Basin or **Great Lakes—St. Lawrence River Basin** means the watershed of the Great Lakes and the St. Lawrence River upstream from Trois-Rivières, Québec within the jurisdiction of the Parties.

''Basin Ecosystem or **Great Lakes—St. Lawrence River Basin Ecosystem** means the interacting components of air, land, Water and living organisms, including humankind, within the Basin.

''Community within a Straddling County means any incorporated city, town or the equivalent thereof, that is located outside the Basin but wholly within a County that lies partly within the Basin and that is not a Straddling Community.

''Compact means this Compact.

''Consumptive Use means that portion of the Water Withdrawn or withheld from the Basin that is lost or otherwise not returned to the Basin due to evaporation, incorporation into Products, or other processes.

''Council means the Great Lakes—St. Lawrence River Basin Water Resources Council, created by this Compact.

''Council Review means the collective review by the Council members as described in Article 4 of this Compact.

''County means the largest territorial division for local government in a State. The County boundaries shall be defined as those boundaries that exist as of December 13, 2005.

''Cumulative Impacts mean the impact on the Basin Ecosystem that results from incremental effects of all aspects of a Withdrawal, Diversion or Consumptive Use in addition to other past, present, and reasonably foreseeable future Withdrawals, Diversions and Consumptive Uses regardless of who undertakes the other Withdrawals, Diversions and Consumptive Uses. Cumulative Impacts can result from individually minor but collectively significant Withdrawals, Diversions and Consumptive Uses taking place over a period of time.

''Decision-Making Standard means the decision-making standard established by Section 4.11 for Proposals subject to management and regulation in Section 4.10.

''Diversion means a transfer of Water from the Basin into another watershed, or from the watershed of one of the Great Lakes into that of another by any means of transfer, including but not limited to a pipeline, canal, tunnel, aqueduct, channel, modification of the direction of a water course, a tanker

ship, tanker truck or rail tanker but does not apply to Water that is used in the Basin or a Great Lake watershed to manufacture or produce a Product that is then transferred out of the Basin or watershed. **Divert** has a corresponding meaning.

"Environmentally Sound and Economically Feasible Water Conservation Measures mean those measures, methods, technologies or practices for efficient water use and for reduction of water loss and waste or for reducing a Withdrawal, Consumptive Use or Diversion that i) are environmentally sound, ii) reflect best practices applicable to the water use sector, iii) are technically feasible and available, iv) are economically feasible and cost effective based on an analysis that considers direct and avoided economic and environmental costs and v) consider the particular facilities and processes involved, taking into account the environmental impact, age of equipment and facilities involved, the processes employed, energy impacts and other appropriate factors.

"Exception means a transfer of Water that is excepted under Section 4.9 from the prohibition against Diversions in Section 4.8.

"Exception Standard means the standard for Exceptions established in Section 4.9.4.

"Intra-Basin Transfer means the transfer of Water from the watershed of one of the Great Lakes into the watershed of another Great Lake.

"Measures means any legislation, law, regulation, directive, requirement, guideline, program, policy, administrative practice or other procedure.

"New or Increased Diversion means a new Diversion, an increase in an existing Diversion, or the alteration of an existing Withdrawal so that it becomes a Diversion.

"New or Increased Withdrawal or Consumptive Use means a new Withdrawal or Consumptive Use or an increase in an existing Withdrawal or Consumptive Use.

"Originating Party means the Party within whose jurisdiction an Application or registration is made or required.

"Party means a State party to this Compact.

"Person means a human being or a legal person, including a government or a non-governmental organization, including any scientific, professional, business, non-profit, or public interest organization or association that is neither affiliated with, nor under the direction of a government.

"Product means something produced in the Basin by human or mechanical effort or through agricultural processes and used in manufacturing, commercial or other processes or intended for intermediate or end use consumers. (i) Water used as part of the packaging of a Product shall be considered to be part of the Product. (ii) Other than Water used as part of the packaging of a Product, Water that is used primarily to transport materials in or out of the Basin is not a Product or part of a Product. (iii) Except as provided in (i) above, Water which is transferred as part of a public or private supply is not a Product or part of a Product. (iv) Water in its natural state such as in lakes, rivers, reservoirs, aquifers, or water basins is not a Product.

"Proposal means a Withdrawal, Diversion or Consumptive Use of Water that is subject to this Compact.

"Province means Ontario or Québec.

"Public Water Supply Purposes means water distributed to the public through a physically connected system of treatment, storage and distribution facilities serving a group of largely residential customers that may also serve industrial, commercial, and other institutional operators. Water Withdrawn directly from the Basin and not through such a system shall not be considered to be used for Public Water Supply Purposes.

"Regional Body means the members of the Council and the Premiers of Ontario and Québec or their designee as established by the Agreement.

"Regional Review means the collective review by the Regional Body as described in Article 4 of this Compact.

"Source Watershed means the watershed from which a Withdrawal originates. If Water is Withdrawn directly from a Great Lake or from the St. Lawrence River, then the Source Watershed shall be considered to be the watershed of that Great Lake or the watershed of the St. Lawrence River, respectively. If Water is Withdrawn from the watershed of a stream that is a direct tributary to a Great Lake or a direct tributary to the St. Lawrence River, then the Source Watershed shall be considered to be the watershed of that Great Lake or the watershed of the St. Lawrence River, respectively, with a preference to the direct tributary stream watershed from which it was Withdrawn.

"Standard of Review and Decision means the Exception Standard, Decision-Making Standard and reviews as outlined in Article 4 of this Compact.

"State means one of the states of Illinois, Indiana, Michigan, Minnesota, New York, Ohio or Wisconsin or the Commonwealth of Pennsylvania.

"Straddling Community means any incorporated city, town or the equivalent thereof, wholly within any County that lies partly or completely within the Basin, whose corporate boundary existing as of the effective date of this Compact, is partly within the Basin or partly within two Great Lakes watersheds.

"Technical Review means a detailed review conducted to determine whether or not a Proposal that requires Regional Review under this Compact meets the Standard of Review and Decision following procedures and guidelines as set out in this Compact.

"Water means ground or surface water contained within the Basin.

"Water Dependent Natural Resources means the interacting components of land, Water and living organisms affected by the Waters of the Basin.

"Waters of the Basin or Basin Water means the Great Lakes and all streams, rivers, lakes, connecting channels and other bodies of water, including tributary groundwater, within the Basin.

"Withdrawal means the taking of water from surface water or groundwater. **Withdraw** has a corresponding meaning.

"Section 1.3. Findings and Purposes.

''The legislative bodies of the respective Parties hereby find and declare:

''1. Findings:

''a. The Waters of the Basin are precious public natural resources shared and held in trust by the States;

''b. The Waters of the Basin are interconnected and part of a single hydrologic system;

''c. The Waters of the Basin can concurrently serve multiple uses. Such multiple uses include municipal, public, industrial, commercial, agriculture, mining, navigation, energy development and production, recreation, the subsistence, economic and cultural activities of native peoples, Water quality maintenance, and the maintenance of fish and wildlife habitat and a balanced ecosystem. And, other purposes are encouraged, recognizing that such uses are interdependent and must be balanced;

''d. Future Diversions and Consumptive Uses of Basin Water resources have the potential to significantly impact the environment, economy and welfare of the Great Lakes—St. Lawrence River region;

''e. Continued sustainable, accessible and adequate Water supplies for the people and economy of the Basin are of vital importance; and,

''f. The Parties have a shared duty to protect, conserve, restore, improve and manage the renewable but finite Waters of the Basin for the use, benefit and enjoyment of all their citizens, including generations yet to come. The most effective means of protecting, conserving, restoring, improving and managing the Basin Waters is through the joint pursuit of unified and cooperative principles, policies and programs mutually-agreed upon, enacted and adhered to by all Parties.

''2. Purposes:

''a. To act together to protect, conserve, restore, improve and effectively manage the Waters and Water Dependent Natural Resources of the Basin under appropriate arrangements for intergovernmental cooperation and consultation because current lack of full scientific certainty should not be used as a reason for postponing measures to protect the Basin Ecosystem;

''b. To remove causes of present and future controversies;

''c. To provide for cooperative planning and action by the Parties with respect to such Water resources;

''d. To facilitate consistent approaches to Water management across the Basin while retaining State management authority over Water management decisions within the Basin;

''e. To facilitate the exchange of data, strengthen the scientific information base upon which decisions are made and engage in consultation on the potential effects of proposed Withdrawals and losses on the Waters and Water Dependent Natural Resources of the Basin;

''f. To prevent significant adverse impacts of Withdrawals and losses on the Basin's ecosystems and watersheds;

''g. To promote interstate and State-Provincial comity; and,

''h. To promote an Adaptive Management approach to the conservation and management of Basin Water resources, which recognizes, considers and provides adjustments for the uncertainties in, and evolution of, scientific knowledge concerning the Basin's Waters and Water Dependent Natural Resources.

"Section 1.4. Science.

''1. The Parties commit to provide leadership for the development of a collaborative strategy with other regional partners to strengthen the scientific basis for sound Water management decision making under this Compact.

''2. The strategy shall guide the collection and application of scientific information to support:

''a. An improved understanding of the individual and Cumulative Impacts of Withdrawals from various locations and Water sources on the Basin Ecosystem and to develop a mechanism by which impacts of Withdrawals may be assessed;

''b. The periodic assessment of Cumulative Impacts of Withdrawals, Diversions and Consumptive Uses on a Great Lake and St. Lawrence River watershed basis;

''c. Improved scientific understanding of the Waters of the Basin;

''d. Improved understanding of the role of groundwater in Basin Water resources management; and,

''e. The development, transfer and application of science and research related to Water conservation and Water use efficiency.

"ARTICLE 2

"ORGANIZATION

"Section 2.1. Council Created.

''The Great Lakes—St. Lawrence River Basin Water Resources Council is hereby created as a body politic and corporate, with succession for the duration of this Compact, as an agency and instrumentality of the governments of the respective Parties.

''Section 2.2. Council Membership.

''The Council shall consist of the Governors of the Parties, ex officio.

''Section 2.3. Alternates.

''Each member of the Council shall appoint at least one alternate who may act in his or her place and stead, with authority to attend all meetings of the Council and with power to vote in the absence of the member. Unless otherwise provided by law of the Party for which he or she is appointed, each alternate shall serve during the term of the member appointing him or her, subject to removal at the pleasure of the member. In the event of a vacancy in the office of alternate, it shall be filled in the same manner as an original appointment for the unexpired term only.

''Section 2.4. Voting.

''1. Each member is entitled to one vote on all matters that may come before the Council.

''2. Unless otherwise stated, the rule of decision shall be by a simple majority.

''3. The Council shall annually adopt a budget for each fiscal year and the amount required to balance the budget shall be apportioned equitably among the Parties by unanimous vote of the Council. The appropriation of such amounts shall be subject to such review and approval as may be required by the budgetary processes of the respective Parties.

''4. The participation of Council members from a majority of the Parties shall constitute a quorum for the transaction of business at any meeting of the Council.

''Section 2.5. Organization and Procedure.

''The Council shall provide for its own organization and procedure, and may adopt rules and regulations governing its meetings and transactions, as well as the procedures and timeline for submission, review and consideration of Proposals that come before the Council for its review and action. The Council shall organize, annually, by the election of a Chair and Vice Chair from among its members. Each member may appoint an advisor, who may attend all meetings of the Council and its committees, but shall not have voting power. The Council may employ or appoint professional and administrative personnel, including an Executive Director, as it may deem advisable, to carry out the purposes of this Compact.

''Section 2.6. Use of Existing Offices and Agencies.

''It is the policy of the Parties to preserve and utilize the functions, powers and duties of existing offices and agencies of government to the extent consistent with this Compact. Further, the Council shall promote and aid the coordination of the activities and programs of the Parties concerned with Water resources management in the Basin. To this end, but without limitation, the Council may:

''1. Advise, consult, contract, assist or otherwise cooperate with any and all such agencies;

''2. Employ any other agency or instrumentality of any of the Parties for any purpose; and,

''3. Develop and adopt plans consistent with the Water resources plans of the Parties.

''Section 2.7. Jurisdiction.

''The Council shall have, exercise and discharge its functions, powers and duties within the limits of the Basin. Outside the Basin, it may act in its discretion, but only to the extent such action may be necessary or convenient to effectuate or implement its powers or responsibilities within the Basin and subject to the consent of the jurisdiction wherein it proposes to act.

''Section 2.8. Status, Immunities and Privileges.

''1. The Council, its members and personnel in their official capacity and when engaged directly in the affairs of the Council, its property and its assets, wherever located and by whomsoever held, shall enjoy the same immunity from suit and every form of judicial process as is enjoyed by the Parties, except to the extent that the Council may expressly waive its immunity for the purposes of any proceedings or by the terms of any contract.

''2. The property and assets of the Council, wherever located and by whomsoever held, shall be considered public property and shall be immune from search, requisition, confiscation, expropriation or any other form of taking or foreclosure by executive or legislative action.

''3. The Council, its property and its assets, income and the operations it carries out pursuant to this Compact shall be immune from all taxation by or under the authority of any of the Parties or any political subdivision thereof; provided, however, that in lieu of property taxes the Council may make reasonable payments to local taxing districts in annual amounts which shall approximate the taxes lawfully assessed upon similar property.

''Section 2.9. Advisory Committees.

''The Council may constitute and empower advisory committees, which may be comprised of representatives of the public and of federal, State, tribal, county and local governments, water resources agencies, water-using industries and sectors, water-interest groups and academic experts in related fields.

''ARTICLE 3
''GENERAL POWERS AND DUTIES

''Section 3.1. General.

''The Waters and Water Dependent Natural Resources of the Basin are subject to the sovereign right and responsibilities of the Parties, and it is the purpose of this Compact to provide for joint exercise of such powers of sovereignty by the Council in the common interests of the people of the region, in the manner and to the extent provided in this Compact. The Council and the Parties shall use the Standard of Review and Decision and procedures contained in or adopted pursuant to this Compact as the means to exercise their authority under this Compact.

The Council may revise the Standard of Review and Decision, after consultation with the Provinces and upon unanimous vote of all Council members, by regulation duly adopted in accordance with Section 3.3 of this Compact and in accordance with each Party's respective statutory authorities and applicable procedures.

The Council shall identify priorities and develop plans and policies relating to Basin Water resources. It shall adopt and promote uniform and coordinated policies for Water resources conservation and management in the Basin.

''Section 3.2. Council Powers.

''The Council may: plan; conduct research and collect, compile, analyze, interpret, report and disseminate data on Water resources and uses; forecast Water levels; conduct investigations; institute court actions; design, acquire, construct, reconstruct, own, operate, maintain, control, sell and convey real and personal property and any interest therein as it may deem necessary, useful or convenient to carry out the purposes of this Compact; make contracts; receive and accept such payments, appropriations, grants, gifts, loans, advances and other funds, properties and services as may be transferred or made available to it by any Party or by any other public or private agency, corporation or individual; and, exercise such other and different powers as may be delegated to it by this Compact or otherwise pursuant to law, and have and exercise all powers necessary or convenient to carry out its express powers or which may be reasonably implied therefrom.

''Section 3.3. Rules and Regulations.

''1. The Council may promulgate and enforce such rules and regulations as may be necessary for the implementation and enforcement of this Compact. The Council may adopt by regulation, after public notice and public hearing, reasonable Application fees with respect to those Proposals for Exceptions that are subject to Council review under Section 4.9. Any rule or regulation of the Council, other than one which deals solely with the internal management of the Council or its property, shall be adopted only after public notice and hearing.

''2. Each Party, in accordance with its respective statutory authorities and applicable procedures, may adopt and enforce rules and regulations to implement and enforce this Compact and the programs adopted by such Party to carry out the management programs contemplated by this Compact.

''Section 3.4. Program Review and Findings.

''1. Each Party shall submit a report to the Council and the Regional Body detailing its Water management and conservation and efficiency programs that implement this Compact. The report shall set out the manner in which Water Withdrawals are managed by sector, Water source, quantity or any other means, and how the provisions of the Standard of Review and Decision and conservation and efficiency programs are implemented. The first report shall be provided by each Party one year from the effective date of this Compact and thereafter every 5 years.

''2. The Council, in cooperation with the Provinces, shall review its Water management and conservation and efficiency programs and those of the Parties that are established in this Compact and make findings on whether the Water management program provisions in this Compact are being met, and if not, recommend options to assist the Parties in meeting the provisions of this Compact. Such review shall take place:

''a. 30 days after the first report is submitted by all Parties; and,

''b. Every five years after the effective date of this Compact; and,

''c. At any other time at the request of one of the Parties.

''3. As one of its duties and responsibilities, the Council may recommend a range of approaches to the Parties with respect to the development, enhancement and application of Water management and conservation and efficiency programs to implement the Standard of Review and Decision reflecting improved scientific understanding of the Waters of the Basin, including groundwater, and the impacts of Withdrawals on the Basin Ecosystem.

''ARTICLE 4
''WATER MANAGEMENT AND REGULATION

''Section 4.1. Water Resources Inventory, Registration and Reporting.

''1. Within five years of the effective date of this Compact, each Party shall develop and maintain a Water resources inventory for the collection, interpretation, storage, retrieval exchange, and dissemination of information concerning the Water resources of the Party, including, but not limited to, information on the location, type, quantity, and use of those resources and the location, type, and quantity of Withdrawals, Diversions and Consumptive Uses. To the extent

feasible, the Water resources inventory shall be developed in cooperation with local, State, federal, tribal and other private agencies and entities, as well as the Council. Each Party's agencies shall cooperate with that Party in the development and maintenance of the inventory.

''2. The Council shall assist each Party to develop a common base of data regarding the management of the Water Resources of the Basin and to establish systematic arrangements for the exchange of those data with other States and Provinces.

''3. To develop and maintain a compatible base of Water use information, within five years of the effective date of this Compact any Person who Withdraws Water in an amount of 100,000 gallons per day or greater average in any 30-day period (including Consumptive Uses) from all sources, or Diverts Water of any amount, shall register the Withdrawal or Diversion by a date set by the Council unless the Person has previously registered in accordance with an existing State program. The Person shall register the Withdrawal or Diversion with the Originating Party using a form prescribed by the Originating Party that shall include, at a minimum and without limitation: the name and address of the registrant and date of registration; the locations and sources of the Withdrawal or Diversion; the capacity of the Withdrawal or Diversion per day and the amount Withdrawn or Diverted from each source; the uses made of the Water; places of use and places of discharge; and, such other information as the Originating Party may require. All registrations shall include an estimate of the volume of the Withdrawal or Diversion in terms of gallons per day average in any 30-day period.

''4. All registrants shall annually report the monthly volumes of the Withdrawal, Consumptive Use and Diversion in gallons to the Originating Party and any other information requested by the Originating Party.

''5. Each Party shall annually report the information gathered pursuant to this Section to a Great Lakes—St. Lawrence River Water use data base repository and aggregated information shall be made publicly available, consistent with the confidentiality requirements in Section 8.3.

''6. Information gathered by the Parties pursuant to this Section shall be used to improve the sources and applications of scientific information regarding the Waters of the Basin and the impacts of the Withdrawals and Diversions from various locations and Water sources on the Basin Ecosystem, and to better understand the role of groundwater in the Basin. The Council and the Parties shall coordinate the collection and application of scientific information to further develop a mechanism by which individual and Cumulative Impacts of Withdrawals, Consumptive Uses and Diversions shall be assessed.

''Section 4.2. Water Conservation and Efficiency Programs.

''1. The Council commits to identify, in cooperation with the Provinces, Basin-wide Water conservation and efficiency objectives to assist the Parties in developing their Water conservation and efficiency program. These objectives are based on the goals of:

''a. Ensuring improvement of the Waters and Water Dependent Natural Resources;

''b. Protecting and restoring the hydrologic and ecosystem integrity of the Basin;

''c. Retaining the quantity of surface water and groundwater in the Basin;

''d. Ensuring sustainable use of Waters of the Basin; and,

''e. Promoting the efficiency of use and reducing losses and waste of Water.

''2. Within two years of the effective date of this Compact, each Party shall develop its own Water conservation and efficiency goals and objectives consistent with the Basin-wide goals and objectives, and shall develop and implement a Water conservation and efficiency program, either voluntary or mandatory, within its jurisdiction based on the Party's goals and objectives. Each Party shall annually assess its programs in meeting the Party's goals and objectives, report to the Council and the Regional Body and make this annual assessment available to the public.

''3. Beginning five years after the effective date of this Compact, and every five years thereafter, the Council, in cooperation with the Provinces, shall review and modify as appropriate the Basin-wide objectives, and the Parties shall have regard for any such modifications in implementing their programs. This assessment will be based on examining new technologies, new patterns of Water use, new resource demands and threats, and Cumulative Impact assessment under Section 4.15.

''4. Within two years of the effective date of this Compact, the Parties commit to promote Environmentally Sound and Economically Feasible Water Conservation Measures such as:

''a. Measures that promote efficient use of Water;

''b. Identification and sharing of best management practices and state of the art conservation and efficiency technologies;

''c. Application of sound planning principles;

''d. Demand-side and supply-side Measures or incentives; and,

''e. Development, transfer and application of science and research.

''5. Each Party shall implement in accordance with paragraph 2 above a voluntary or mandatory Water conservation program for all, including existing, Basin Water users. Conservation programs need to adjust to new demands and the potential impacts of cumulative effects and climate.

''Section 4.3. Party Powers and Duties.

''1. Each Party, within its jurisdiction, shall manage and regulate New or Increased Withdrawals, Consumptive Uses and Diversions, including Exceptions, in accordance with this Compact.

''2. Each Party shall require an Applicant to submit an Application in such manner and with such accompanying information as the Party shall prescribe.

''3. No Party may approve a Proposal if the Party determines that the Proposal is inconsistent with this Compact or the Standard of Review and Decision or any implementing rules or regulations promulgated thereunder. The Party may approve, approve with modifications or disapprove any Proposal depending on the Proposal's consistency with this Compact and the Standard of Review and Decision.

''4. Each Party shall monitor the implementation of any approved Proposal to ensure consistency with the approval and may take all necessary enforcement actions.

''5. No Party shall approve a Proposal subject to Council or Regional Review, or both, pursuant to this Compact unless it shall have been first submitted to and reviewed by either the Council or Regional Body, or both, and approved by the Council, as applicable. Sufficient opportunity shall be provided for comment on the Proposal's consistency with this Compact and the Standard of Review and Decision. All such comments shall become part of the Party's formal record of decision, and the Party shall take into consideration any such comments received.

''Section 4.4. Requirement for Originating Party Approval.

''No Proposal subject to management and regulation under this Compact shall hereafter be undertaken by any Person unless it shall have been approved by the Originating Party.

''Section 4.5. Regional Review.

''1. General.

''a. It is the intention of the Parties to participate in Regional Review of Proposals with the Provinces, as described in this Compact and the Agreement.

''b. Unless the Applicant or the Originating Party otherwise requests, it shall be the goal of the Regional Body to conclude its review no later than 90 days after notice under Section 4.5.2 of such Proposal is received from the Originating Party.

''c. Proposals for Exceptions subject to Regional Review shall be submitted by the Originating Party to the Regional Body for Regional Review, and where applicable, to the Council for concurrent review.

''d. The Parties agree that the protection of the integrity of the Great Lakes – St. Lawrence River Basin Ecosystem shall be the overarching principle for reviewing Proposals subject to Regional Review, recognizing uncertainties with respect to demands that may be placed on Basin Water, including groundwater, levels and flows of the Great Lakes and the St. Lawrence River, future changes in environmental conditions, the reliability of existing data and the extent to which Diversions may harm the integrity of the Basin Ecosystem.

''e. The Originating Party shall have lead responsibility for coordinating information for resolution of issues related to evaluation of a Proposal, and shall consult with the Applicant throughout the Regional Review Process.

''f. A majority of the members of the Regional Body may request Regional Review of a regionally significant or potentially precedent setting Proposal. Such Regional Review must be conducted, to the extent possible, within the time frames set forth in this Section. Any such Regional Review shall be undertaken only after consulting the Applicant.

''2. Notice from Originating Party to the Regional Body.

''a. The Originating Party shall determine if a Proposal is subject to Regional Review. If so, the Originating Party shall provide timely notice to the Regional Body and the public.

''b. Such notice shall not be given unless and until all information, documents and the Originating Party's Technical Review needed to evaluate whether the Proposal meets the Standard of Review and Decision have been provided.

''c. An Originating Party may:

''i. Provide notice to the Regional Body of an Application, even if notification is not required; or,

''ii. Request Regional Review of an application, even if Regional Review is not required. Any such Regional Review shall be undertaken only after consulting the Applicant.

''d. An Originating Party may provide preliminary notice of a potential Proposal.

''3. Public Participation.

''a. To ensure adequate public participation, the Regional Body shall adopt procedures for the review of Proposals that are subject to Regional Review in accordance with this Article.

''b. The Regional Body shall provide notice to the public of a Proposal undergoing Regional Review. Such notice shall indicate that the public has an opportunity to comment in writing to the Regional Body on whether the Proposal meets the Standard of Review and Decision.

''c. The Regional Body shall hold a public meeting in the State or Province of the Originating Party in order to receive public comment on the issue of whether the Proposal

under consideration meets the Standard of Review and Decision.

''d. The Regional Body shall consider the comments received before issuing a Declaration of Finding.

''e. The Regional Body shall forward the comments it receives to the Originating Party.

''4. Technical Review.

''a. The Originating Party shall provide the Regional Body with its Technical Review of the Proposal under consideration.

''b. The Originating Party's Technical Review shall thoroughly analyze the Proposal and provide an evaluation of the Proposal sufficient for a determination of whether the Proposal meets the Standard of Review and Decision.

''c. Any member of the Regional Body may conduct their own Technical Review of any Proposal subject to Regional Review.

''d. At the request of the majority of its members, the Regional Body shall make such arrangements as it considers appropriate for an independent Technical Review of a Proposal.

''e. All Parties shall exercise their best efforts to ensure that a Technical Review undertaken under Sections 4.5.4.c and 4.5.4.d does not unnecessarily delay the decision by the Originating Party on the Application. Unless the Applicant or the Originating Party otherwise requests, all Technical Reviews shall be completed no later than 60 days after the date the notice of the Proposal was given to the Regional Body.

''5. Declaration of Finding.

''a. The Regional Body shall meet to consider a Proposal. The Applicant shall be provided with an opportunity to present the Proposal to the Regional Body at such time.

''b. The Regional Body, having considered the notice, the Originating Party's Technical Review, any other independent Technical Review that is made, any comments or objections including the analysis of comments made by the public, First Nations and federally recognized Tribes, and any other information that is provided under this Compact shall issue a Declaration of Finding that the Proposal under consideration:

''i. Meets the Standard of Review and Decision;

''ii. Does not meet the Standard of Review and Decision; or,

''iii. Would meet the Standard of Review and Decision if certain conditions were met.

''c. An Originating Party may decline to participate in a Declaration of Finding made by the Regional Body.

''d. The Parties recognize and affirm that it is preferable for all members of the Regional Body to agree whether the Proposal meets the Standard of Review and Decision.

''e. If the members of the Regional Body who participate in the Declaration of Finding all agree, they shall issue a written Declaration of Finding with consensus.

''f. In the event that the members cannot agree, the Regional Body shall make every reasonable effort to achieve consensus within 25 days.

''g. Should consensus not be achieved, the Regional Body may issue a Declaration of Finding that presents different points of view and indicates each Party's conclusions.

''h. The Regional Body shall release the Declarations of Finding to the public.

''i. The Originating Party and the Council shall consider the Declaration of Finding before making a decision on the Proposal.

"Section 4.6. Proposals Subject to Prior Notice.

''1. Beginning no later than five years of the effective date of this Compact, the Originating Party shall provide all Parties and the Provinces with detailed and timely notice and an opportunity to comment within 90 days on any Proposal for a New or Increased Consumptive Use of 5 million gallons per day or greater average in any 90-day period. Comments shall address whether or not the Proposal is consistent with the Standard of Review and Decision. The Originating Party shall provide a response to any such comment received from another Party.

''2. A Party may provide notice, an opportunity to comment and a response to comments even if this is not required under paragraph 1 of this Section. Any provision of such notice and opportunity to comment shall be undertaken only after consulting the Applicant.

"Section 4.7. Council Actions.

''1. Proposals for Exceptions subject to Council Review shall be submitted by the Originating Party to the Council for Council Review, and where applicable, to the Regional Body for concurrent review.

''2. The Council shall review and take action on Proposals in accordance with this Compact and the Standard of Review and Decision. The Council shall not take action on a Proposal subject to Regional Review pursuant to this Compact unless the Proposal shall have been first submitted to and reviewed by the Regional Body. The Council shall consider any findings resulting from such review.

"Section 4.8. Prohibition of New or Increased Diversions.

''All New or Increased Diversions are prohibited, except as provided for in this Article.

"Section 4.9. Exceptions to the Prohibition of Diversions.

''1. Straddling Communities. A Proposal to transfer Water to an area within a Straddling Community but outside the Basin or outside the source Great Lake Watershed shall be excepted from the prohibition against Diversions and be managed and regulated by the Originating Party provided that, regardless of the volume of Water transferred, all the Water so transferred shall be used solely for Public Water Supply Purposes within the Straddling Community, and:

''a. All Water Withdrawn from the Basin shall be returned, either naturally or after use, to the Source Watershed less an allowance for Consumptive Use. No surface water or groundwater from outside the Basin may be used to satisfy any portion of this criterion except if it:

''i. Is part of a water supply or wastewater treatment system that combines water from inside and outside of the Basin;

''ii. Is treated to meet applicable water quality discharge standards and to prevent the introduction of invasive species into the Basin;

''iii. Maximizes the portion of water returned to the Source Watershed as Basin Water and minimizes the surface water or groundwater from outside the Basin;

''b. If the Proposal results from a New or Increased Withdrawal of 100,000 gallons per day or greater average over any 90-day period, the Proposal shall also meet the Exception Standard; and,

''c. If the Proposal results in a New or Increased Consumptive Use of 5 million gallons per day or greater average over any 90-day period, the Proposal shall also undergo Regional Review.

''2. Intra-Basin Transfer. A Proposal for an Intra-Basin Transfer that would be considered a Diversion under this Compact, and not already excepted pursuant to paragraph 1 of this Section, shall be excepted from the prohibition against Diversions, provided that:

''a. If the Proposal results from a New or Increased Withdrawal less than 100,000 gallons per day average over any 90-day period, the Proposal shall be subject to management and regulation at the discretion of the Originating Party.

''b. If the Proposal results from a New or Increased Withdrawal 100,000 gallons per day or greater average over any 90-day period and if the Consumptive Use resulting from the Withdrawal is less than 5 million gallons per day average over any 90-day period:

''i. The Proposal shall meet the Exception Standard and be subject to management and regulation by the Originating Party, except that the Water may be returned to another Great Lake watershed rather than the Source Watershed;

''ii. The Applicant shall demonstrate that there is no feasible, cost effective, and environmentally sound water supply alternative within the Great Lake watershed to which the Water will be transferred, including conservation of existing water supplies; and,

''iii. The Originating Party shall provide notice to the other Parties prior to making any decision with respect to the Proposal.

''c. If the Proposal results in a New or Increased Consumptive Use of 5 million gallons per day or greater average over any 90-day period:

''i. The Proposal shall be subject to management and regulation by the Originating Party and shall meet the Exception Standard, ensuring that Water Withdrawn shall be returned to the Source Watershed;

''ii. The Applicant shall demonstrate that there is no feasible, cost effective, and environmentally sound water supply alternative within the Great Lake watershed to which the Water will be transferred, including conservation of existing water supplies;

''iii. The Proposal undergoes Regional Review; and,

''iv. The Proposal is approved by the Council. Council approval shall be given unless one or more Council Members vote to disapprove.

''3. Straddling Counties. A Proposal to transfer Water to a Community within a Straddling County that would be considered a Diversion under this Compact shall be excepted from the prohibition against Diversions, provided that it satisfies all of the following conditions:

''a. The Water shall be used solely for the Public Water Supply Purposes of the Community within a Straddling County that is without adequate supplies of potable water;

''b. The Proposal meets the Exception Standard, maximizing the portion of water returned to the Source Watershed as Basin Water and minimizing the surface water or groundwater from outside the Basin;

''c. The Proposal shall be subject to management and regulation by the Originating Party, regardless of its size;

''d. There is no reasonable water supply alternative within the basin in which the community is located, including conservation of existing water supplies;

''e. Caution shall be used in determining whether or not the Proposal meets the conditions for this Exception. This Exception should not be authorized unless it can be shown that it will not endanger the integrity of the Basin Ecosystem;

''f. The Proposal undergoes Regional Review; and,

''g. The Proposal is approved by the Council. Council approval shall be given unless one or more Council Members vote to disapprove.

A Proposal must satisfy all of the conditions listed above. Further, substantive consideration will also be given to whether or not the Proposal can provide sufficient scientifically based evidence that the existing water supply is derived from groundwater that is hydrologically interconnected to Waters of the Basin.

''4. Exception Standard. Proposals subject to management and regulation in this Section shall be declared to meet this Exception Standard and may be approved as appropriate only when the following criteria are met:

''a. The need for all or part of the proposed Exception cannot be reasonably avoided through the efficient use and conservation of existing water supplies;

''b. The Exception will be limited to quantities that are considered reasonable for the purposes for which it is proposed;

''c. All Water Withdrawn shall be returned, either naturally or after use, to the Source Watershed less an allowance for Consumptive Use. No surface water or groundwater from the outside the Basin may be used to satisfy any portion of this criterion except if it:

''i. Is part of a water supply or wastewater treatment system that combines water from inside and outside of the Basin;

''ii. Is treated to meet applicable water quality discharge standards and to prevent the introduction of invasive species into the Basin;

''d. The Exception will be implemented so as to ensure that it will result in no significant individual or cumulative adverse impacts to the quantity or quality of the Waters and Water Dependent Natural Resources of the Basin with consideration given to the potential Cumulative Impacts of any precedent-setting consequences associated with the Proposal;

''e. The Exception will be implemented so as to incorporate Environmentally Sound and Economically Feasible Water Conservation Measures to minimize Water Withdrawals or Consumptive Use;

''f. The Exception will be implemented so as to ensure that it is in compliance with all applicable municipal, State and federal laws as well as regional interstate and international agreements, including the Boundary Waters Treaty of 1909; and,

''g. All other applicable criteria in Section 4.9 have also been met.

''Section 4.10. Management and Regulation of New or Increased Withdrawals and Consumptive Uses.

''1. Within five years of the effective date of this Compact, each Party shall create a program for the management and regulation of New or Increased Withdrawals and Consumptive Uses by adopting and implementing Measures consistent with the Decision-Making Standard. Each Party, through a considered process, shall set and may modify threshold levels for the regulation of New or Increased Withdrawals in order to assure an effective and efficient Water management program that will ensure that uses overall are reasonable, that Withdrawals overall will not result in significant impacts to the Waters and Water Dependent Natural Resources of the Basin, determined on the basis of significant impacts to the physical, chemical, and biological integrity of Source Watersheds, and that all other objectives of the Compact are achieved. Each Party may determine the scope and thresholds of its program, including which New or Increased Withdrawals and Consumptive Uses will be subject to the program.

''2. Any Party that fails to set threshold levels that comply with Section 4.10.1 any time before 10 years after the effective date of this Compact shall apply a threshold level for management and regulation of all New or Increased Withdrawals of 100,000 gallons per day or greater average in any 90-day period.

''3. The Parties intend programs for New or Increased Withdrawals and Consumptive Uses to evolve as may be necessary to protect Basin Waters. Pursuant to Section 3.4, the Council, in cooperation with the Provinces, shall periodically assess the Water management programs of the Parties. Such assessments may produce recommendations for the strengthening of the programs, including without limitation, establishing lower thresholds for management and regulation in accordance with the Decision-Making Standard.

''Section 4.11. Decision-Making Standard.

''Proposals subject to management and regulation in Section 4.10 shall be declared to meet this Decision-Making Standard and may be approved as appropriate only when the following criteria are met:

''1. All Water Withdrawn shall be returned, either naturally or after use, to the Source Watershed less an allowance for Consumptive Use;

''2. The Withdrawal or Consumptive Use will be implemented so as to ensure that the Proposal will result in no significant individual or cumulative adverse impacts to the quantity or quality of the Waters and Water Dependent Natural Resources and the applicable Source Watershed;

''3. The Withdrawal or Consumptive Use will be implemented so as to incorporate Environmentally Sound and Economically Feasible Water Conservation Measures;

''4. The Withdrawal or Consumptive Use will be implemented so as to ensure that it is in compliance with all applicable municipal, State and federal laws as well as regional interstate and international agreements, including the Boundary Waters Treaty of 1909;

''5. The proposed use is reasonable, based upon a consideration of the following factors:

''a. Whether the proposed Withdrawal or Consumptive Use is planned in a fashion that provides for efficient use of the water, and will avoid or minimize the waste of Water;

''b. If the Proposal is for an increased Withdrawal or Consumptive use, whether efficient use is made of existing water supplies;

''c. The balance between economic development, social development and environmental protection of the proposed Withdrawal and use and other existing or planned withdrawals and water uses sharing the water source;

''d. The supply potential of the water source, considering quantity, quality, and reliability and safe yield of hydrologically interconnected water sources;

''e. The probable degree and duration of any adverse impacts caused or expected to be caused by the proposed Withdrawal and use under foreseeable conditions, to other lawful consumptive or non-consumptive uses of water or to the quantity or quality of the Waters and Water Dependent Natural Resources of the Basin, and the proposed plans and arrangements for avoidance or mitigation of such impacts; and,

''f. If a Proposal includes restoration of hydrologic conditions and functions of the Source Watershed, the Party may consider that.

''Section 4.12. Applicability.

''1. Minimum Standard. This Standard of Review and Decision shall be used as a minimum standard. Parties may impose a more restrictive decision-making standard for Withdrawals under their authority. It is also acknowledged that although a Proposal meets the Standard of Review and Decision it may not be approved under the laws of the Originating Party that has implemented more restrictive Measures.

''2. Baseline.

''a. To establish a baseline for determining a New or Increased Diversion, Consumptive Use or Withdrawal, each Party shall develop either or both of the following lists for their jurisdiction:

''i. A list of existing Withdrawal approvals as of the effective date of the Compact;

''ii. A list of the capacity of existing systems as of the effective date of this Compact. The capacity of the existing systems should be presented in terms of Withdrawal capacity, treatment capacity, distribution capacity, or other capacity limiting factors. The capacity of the existing systems must represent the state of the systems. Existing capacity determinations shall be based upon approval limits or the most restrictive capacity information.

''b. For all purposes of this Compact, volumes of Diversions, Consumptive Uses, or Withdrawals of Water set forth in the list(s) prepared by each Party in accordance with this Section, shall constitute the baseline volume.

''c. The list(s) shall be furnished to the Regional Body and the Council within one year of the effective date of this Compact.

''3. Timing of Additional Applications. Applications for New or Increased Withdrawals, Consumptive Uses or Exceptions shall be considered cumulatively within ten years of any application.

''4. Change of Ownership. Unless a new owner proposes a project that shall result in a Proposal for a New or Increased Diversion or Consumptive Use subject to Regional Review or Council approval, the change of ownership in and of itself shall not require Regional Review or Council approval.

''5. Groundwater. The Basin surface water divide shall be used for the purpose of managing and regulating New or Increased Diversions, Consumptive Uses or Withdrawals of surface water and groundwater.

''6. Withdrawal Systems. The total volume of surface water and groundwater resources that supply a common distribution system shall determine the volume of a Withdrawal, Consumptive Use or Diversion.

''7. Connecting Channels. The watershed of each Great Lake shall include its upstream and downstream connecting channels.

''8. Transmission in Water Lines. Transmission of Water within a line that extends outside the Basin as it conveys Water from one point to another within the Basin shall not be considered a Diversion if none of the Water is used outside the Basin.

''9. Hydrologic Units. The Lake Michigan and Lake Huron watersheds shall be considered to be a single hydrologic unit and watershed.

''10. Bulk Water Transfer. A Proposal to Withdraw Water and to remove it from the Basin in any container greater than 5.7 gallons shall be treated under this Compact in the same manner as a Proposal for a Diversion. Each Party shall have the discretion, within its jurisdiction, to determine the treatment of Proposals to Withdraw Water and to remove it from the Basin in any container of 5.7 gallons or less.

''Section 4.13. Exemptions.

''Withdrawals from the Basin for the following purposes are exempt from the requirements of Article 4.

''1. To supply vehicles, including vessels and aircraft, whether for the needs of the persons or animals being transported or for ballast or other needs related to the operation of the vehicles.

''2. To use in a non-commercial project on a short-term basis for firefighting, humanitarian, or emergency response purposes.

''Section 4.14. U.S. Supreme Court Decree: Wisconsin et al. v. Illinois et al.

''1. Notwithstanding any terms of this Compact to the contrary, with the exception of Paragraph 5 of this Section, current, New or Increased Withdrawals, Consumptive Uses and Diversions of Basin Water by the State of Illinois shall be governed by the terms of the United States Supreme Court decree in

Wisconsin et al. v. Illinois et al. and shall not be subject to the terms of this Compact nor any rules or regulations promulgated pursuant to this Compact. This means that, with the exception of Paragraph 5 of this Section, for purposes of this Compact, current, New or Increased Withdrawals, Consumptive Uses and Diversions of Basin Water within the State of Illinois shall be allowed unless prohibited by the terms of the United States Supreme Court decree in Wisconsin et al. v. Illinois et al.

''2. The Parties acknowledge that the United States Supreme Court decree in Wisconsin et al. v. Illinois et al. shall continue in full force and effect, that this Compact shall not modify any terms thereof, and that this Compact shall grant the parties no additional rights, obligations, remedies or defenses thereto. The Parties specifically acknowledge that this Compact shall not prohibit or limit the State of Illinois in any manner from seeking additional Basin Water as allowed under the terms of the United States Supreme Court decree in Wisconsin et al. v. Illinois et al., any other party from objecting to any request by the State of Illinois for additional Basin Water under the terms of said decree, or any party from seeking any other type of modification to said decree. If an application is made by any party to the Supreme Court of the United States to modify said decree, the Parties to this Compact who are also parties to the decree shall seek formal input from the Canadian Provinces of Ontario and Québec, with respect to the proposed modification, use best efforts to facilitate the appropriate participation of said Provinces in the proceedings to modify the decree, and shall not unreasonably impede or restrict such participation.

''3. With the exception of Paragraph 5 of this Section, because current, New or Increased Withdrawals, Consumptive Uses and Diversions of Basin Water by the State of Illinois are not subject to the terms of this Compact, the State of Illinois is prohibited from using any term of this Compact, including Section 4.9, to seek New or Increased Withdrawals, Consumptive Uses or Diversions of Basin Water.

''4. With the exception of Paragraph 5 of this Section, because Sections 4.3, 4.4, 4.5, 4.6, 4.7, 4.8, 4.9, 4.10, 4.11, 4.12 (Paragraphs 1, 2, 3, 4, 6 and 10 only), and 4.13 of this Compact all relate to current, New or Increased Withdrawals, Consumptive Uses and Diversions of Basin Waters, said provisions do not apply to the State of Illinois. All other provisions of this Compact not listed in the preceding sentence shall apply to the State of Illinois, including the Water Conservation Programs provision of Section 4.2.

''5. In the event of a Proposal for a Diversion of Basin Water for use outside the territorial boundaries of the Parties to this Compact, decisions by the State of Illinois regarding such a Proposal would be subject to all terms of this Compact, except Paragraphs 1, 3 and 4 of this Section.

''6. For purposes of the State of Illinois' participation in this Compact, the entirety of this Section 4.14 is necessary for the continued implementation of this Compact and, if severed, this Compact shall no longer be binding on or enforceable by or against the State of Illinois.

''Section 4.15. Assessment of Cumulative Impacts.

''1. The Parties in cooperation with the Provinces shall collectively conduct within the Basin, on a Lake watershed and St. Lawrence River Basin basis, a periodic assessment of the Cumulative Impacts of Withdrawals, Diversions and Consumptive Uses from the Waters of the Basin, every 5 years or each time the incremental Basin Water losses reach 50 million gallons per day average in any 90-day period in excess of the quantity at the time of the most recent assessment, whichever comes first, or at the request of one or more of the Parties. The assessment shall form the basis for a review of the Standard of Review and Decision, Council and Party regulations and their application. This assessment shall:

''a. Utilize the most current and appropriate guidelines for such a review, which may include but not be limited to Council on Environmental Quality and Environment Canada guidelines;

''b. Give substantive consideration to climate change or other significant threats to Basin Waters and take into account the current state of scientific knowledge, or uncertainty, and appropriate Measures to exercise caution in cases of uncertainty if serious damage may result;

''c. Consider adaptive management principles and approaches, recognizing, considering and providing adjustments for the uncertainties in, and evolution of science concerning the Basin's water resources, watersheds and ecosystems, including potential changes to Basin-wide processes, such as lake level cycles and climate.

''2. The Parties have the responsibility of conducting this Cumulative Impact assessment. Applicants are not required to participate in this assessment.

''3. Unless required by other statutes, Applicants are not required to conduct a separate cumulative impact assessment in connection with an Application but shall submit information about the potential impacts of a Proposal to the quantity or quality of the Waters and Water Dependent Natural Resources of the applicable Source Watershed. An Applicant may, however, provide an analysis of how their Proposal meets the no significant adverse Cumulative Impact provision of the Standard of Review and Decision.

''ARTICLE 5

''TRIBAL CONSULTATION

''Section 5.1. Consultation with Tribes.

''1. In addition to all other opportunities to comment pursuant to Section 6.2, appropriate consultations shall occur with federally recognized Tribes in the Originating Party for all Proposals subject to Council or Regional Review pursuant to this Compact. Such consultations shall be organized in the manner suitable to the individual Proposal and the laws and policies of the Originating Party.

''2. All federally recognized Tribes within the Basin shall receive reasonable notice indicating that they have an opportunity to comment in writing to the Council or the Regional Body, or both, and other relevant organizations on whether the Proposal meets the requirements of the Standard of Review and Decision when a Proposal is subject to Regional Review or Council approval. Any notice from the Council shall inform the Tribes of any meeting or hearing that is to be held under Section 6.2 and invite them to attend. The Parties and the Council shall consider the comments received under this Section before approving, approving with modifications or disapproving any Proposal subject to Council or Regional Review.

''3. In addition to the specific consultation mechanisms described above, the Council shall seek to establish mutually-agreed upon mechanisms or processes to facilitate dialogue with, and input from federally recognized Tribes on matters to be dealt with by the Council; and, the Council shall seek to establish mechanisms and processes with federally recognized Tribes designed to facilitate on-going scientific and technical interaction and data exchange regarding matters falling within the scope of this Compact. This may include participation of tribal representatives on advisory committees established under this Compact or such other processes that are mutually-agreed upon with federally recognized Tribes individually or through duly-authorized intertribal agencies or bodies.

''ARTICLE 6

''PUBLIC PARTICIPATION

''Section 6.1. Meetings, Public Hearings and Records.

''1. The Parties recognize the importance and necessity of public participation in promoting management of the Water Resources of the Basin. Consequently, all meetings of the Council shall be open to the public, except with respect to issues of personnel.

''2. The minutes of the Council shall be a public record open to inspection at its offices during regular business hours.

''Section 6.2. Public Participation.

''It is the intent of the Council to conduct public participation processes concurrently and jointly with processes undertaken by the Parties and through Regional Review. To ensure adequate public participation, each Party or the Council shall ensure procedures for the review of Proposals subject to the Standard of Review and Decision consistent with the following requirements:

''1. Provide public notification of receipt of all Applications and a reasonable opportunity for the public to submit comments before Applications are acted upon.

''2. Assure public accessibility to all documents relevant to an Application, including public comment received.

''3. Provide guidance on standards for determining whether to conduct a public meeting or hearing for an Application, time and place of such a meeting(s) or hearing(s), and procedures for conducting of the same.

''4. Provide the record of decision for public inspection including comments, objections, responses and approvals, approvals with conditions and disapprovals.

''ARTICLE 7

''DISPUTE RESOLUTION AND ENFORCEMENT

''Section 7.1. Good Faith Implementation.

''Each of the Parties pledges to support implementation of all provisions of this Compact, and covenants that its officers and agencies shall not hinder, impair, or prevent any other Party carrying out any provision of this Compact.

''Section 7.2. Alternative Dispute Resolution.

''1. Desiring that this Compact be carried out in full, the Parties agree that disputes between the Parties regarding interpretation, application and implementation of this Compact shall be settled by alternative dispute resolution.

''2. The Council, in consultation with the Provinces, shall provide by rule procedures for the resolution of disputes pursuant to this section.

''Section 7.3. Enforcement.

''1. Any Person aggrieved by any action taken by the Council pursuant to the authorities contained in this Compact shall be entitled to a hearing before the Council. Any Person aggrieved by a Party action shall be entitled to a hearing pursuant to the relevant Party's administrative procedures and laws. After exhaustion of such administrative remedies, (i) any aggrieved Person shall have the right to judicial review of a Council action in the United States District Courts for the District of Columbia or the District Court in which the Council maintains offices, provided such action is commenced within 90 days; and, (ii) any aggrieved Person shall have the right to judicial review of a Party's action in the relevant Party's court

of competent jurisdiction, provided that an action or proceeding for such review is commenced within the time frames provided for by the Party's law. For the purposes of this paragraph, a State or Province is deemed to be an aggrieved Person with respect to any Party action pursuant to this Compact.

''2. a. Any Party or the Council may initiate actions to compel compliance with the provisions of this Compact, and the rules and regulations promulgated hereunder by the Council. Jurisdiction over such actions is granted to the court of the relevant Party, as well as the United States District Courts for the District of Columbia and the District Court in which the Council maintains offices. The remedies available to any such court shall include, but not be limited to, equitable relief and civil penalties.

''b. Each Party may issue orders within its respective jurisdiction and may initiate actions to compel compliance with the provisions of its respective statutes and regulations adopted to implement the authorities contemplated by this Compact in accordance with the provisions of the laws adopted in each Party's jurisdiction.

''3. Any aggrieved Person, Party or the Council may commence a civil action in the relevant Party's courts and administrative systems to compel any Person to comply with this Compact should any such Person, without approval having been given, undertake a New or Increased Withdrawal, Consumptive Use or Diversion that is prohibited or subject to approval pursuant to this Compact.

''a. No action under this subsection may be commenced if:

''i. The Originating Party or Council approval for the New or Increased Withdrawal, Consumptive Use or Diversion has been granted; or,

''ii. The Originating Party or Council has found that the New or Increased Withdrawal, Consumptive Use or Diversion is not subject to approval pursuant to this Compact.

''b. No action under this subsection may be commenced unless:

''i. A Person commencing such action has first given 60 days prior notice to the Originating Party, the Council and Person alleged to be in noncompliance; and,

''ii. Neither the Originating Party nor the Council has commenced and is diligently prosecuting appropriate enforcement actions to compel compliance with this Compact.

The available remedies shall include equitable relief, and the prevailing or substantially prevailing party may recover the costs of litigation, including reasonable attorney and expert witness fees, whenever the court determines that such an award is appropriate.

''4. Each of the Parties may adopt provisions providing additional enforcement mechanisms and remedies including equitable relief and civil penalties applicable within its jurisdiction to assist in the implementation of this Compact.

''ARTICLE 8

''ADDITIONAL PROVISIONS

''Section 8.1. Effect on Existing Rights.

''1. Nothing in this Compact shall be construed to affect, limit, diminish or impair any rights validly established and existing as of the effective date of this Compact under State or federal law governing the Withdrawal of Waters of the Basin.

''2. Nothing contained in this Compact shall be construed as affecting or intending to affect or in any way to interfere with the law of the respective Parties relating to common law Water rights.

''3. Nothing in this Compact is intended to abrogate or derogate from treaty rights or rights held by any Tribe recognized by the federal government of the United States based upon its status as a Tribe recognized by the federal government of the United States.

''4. An approval by a Party or the Council under this Compact does not give any property rights, nor any exclusive privileges, nor shall it be construed to grant or confer any right, title, easement, or interest in, to or over any land belonging to or held in trust by a Party; neither does it authorize any injury to private property or invasion of private rights, nor infringement of federal, State or local laws or regulations; nor does it obviate the necessity of obtaining federal assent when necessary.

''Section 8.2. Relationship to Agreements Concluded by the United States of America.

''1. Nothing in this Compact is intended to provide nor shall be construed to provide, directly or indirectly, to any Person any right, claim or remedy under any treaty or international agreement nor is it intended to derogate any right, claim, or remedy that already exists under any treaty or international agreement.

''2. Nothing in this Compact is intended to infringe nor shall be construed to infringe upon the treaty power of the United States of America, nor shall any term hereof be construed to alter or amend any treaty or term thereof that has been or may hereafter be executed by the United States of America.

''3. Nothing in this Compact is intended to affect nor shall be construed to affect the application of the Boundary Waters Treaty of 1909 whose requirements continue to apply in addition to the requirements of this Compact.

''Section 8.3. Confidentiality.

''1. Nothing in this Compact requires a Party to breach confidentiality obligations or requirements prohibiting disclosure, or to compromise security of commercially sensitive or proprietary information.

''2. A Party may take measures, including but not limited to deletion and redaction, deemed necessary to protect any confidential, proprietary or commercially sensitive information when distributing information to other Parties. The Party shall summarize or paraphrase any such information in a manner sufficient for the Council to exercise its authorities contained in this Compact.

''Section 8.4. Additional Laws.

''Nothing in this Compact shall be construed to repeal, modify or qualify the authority of any Party to enact any legislation or enforce any additional conditions and restrictions regarding the management and regulation of Waters within its jurisdiction.

''Section 8.5. Amendments and Supplements.

''The provisions of this Compact shall remain in full force and effect until amended by action of the governing bodies of the Parties and consented to and approved by any other necessary authority in the same manner as this Compact is required to be ratified to become effective.

''Section 8.6. Severability.

''Should a court of competent jurisdiction hold any part of this Compact to be void or unenforceable, it shall be considered severable from those portions of the Compact capable of continued implementation in the absence of the voided provisions. All other provisions capable of continued implementation shall continue in full force and effect.

''Section 8.7. Duration of Compact and Termination.

''Once effective, the Compact shall continue in force and remain binding upon each and every Party unless terminated. This Compact may be terminated at any time by a majority vote of the Parties. In the event of such termination, all rights established under it shall continue unimpaired.

''ARTICLE 9

''EFFECTUATION

''Section 9.1. Repealer.

''All acts and parts of acts inconsistent with this act are to the extent of such inconsistency hereby repealed.

''Section 9.2. Effectuation by Chief Executive.

''The Governor is authorized to take such action as may be necessary and proper in his or her discretion to effectuate the Compact and the initial organization and operation thereunder.

''Section 9.3. Entire Agreement.

''The Parties consider this Compact to be complete and an integral whole. Each provision of this Compact is considered material to the entire Compact, and failure to implement or adhere to any provision may be considered a material breach. Unless otherwise noted in this Compact, any change or amendment made to the Compact by any Party in its implementing legislation or by the U.S. Congress when giving its consent to this Compact is not considered effective unless concurred in by all Parties.

''Section 9.4. Effective Date and Execution.

''This Compact shall become binding and effective when ratified through concurring legislation by the states of Illinois, Indiana, Michigan, Minnesota, New York, Ohio and Wisconsin and the Commonwealth of Pennsylvania and consented to by the Congress of the United States. This Compact shall be signed and sealed in nine identical original copies by the respective chief executives of the signatory Parties. One such copy shall be filed with the Secretary of State of each of the signatory Parties or in accordance with the laws of the state in which the filing is made, and one copy shall be filed and retained in the archives of the Council upon its organization. The signatures shall be affixed and attested under the following form:

''In Witness Whereof, and in evidence of the adoption and enactment into law of this Compact by the legislatures of the signatory parties and consent by the Congress of the United States, the respective Governors do hereby, in accordance with the authority conferred by law, sign this Compact in nine duplicate original copies, attested by the respective Secretaries of State, and have caused the seals of the respective states to be hereunto affixed this _____ day of (month), (year).'': Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) Congress consents to and approves the interstate compact regarding water resources in the Great Lakes—St. Lawrence River Basin described in the preamble; and

(2) until a Great Lakes Water Compact is ratified and enforceable, laws in effect as of the date of enactment of this resolution provide protection sufficient to prevent Great Lakes water diversions.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 620—DESIGNATING THE WEEK OF SEPTEMBER 14–20, 2008, AS NATIONAL POLYCYSTIC KIDNEY DISEASE AWARENESS WEEK, TO RAISE PUBLIC AWARENESS AND UNDERSTANDING OF POLYCYSTIC KIDNEY DISEASE, AND TO FOSTER UNDERSTANDING OF THE IMPACT POLYCYSTIC KIDNEY DISEASE HAS ON PATIENTS AND FUTURE GENERATIONS OF THEIR FAMILIES

Mr. KOHL (for himself and Mr. HATCH) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 620

Whereas polycystic kidney disease (known as ''PKD''), one of the most prevalent life-threatening genetic diseases in the United States, is a severe, dominantly inherited disease that has a devastating impact, in both human and economic terms, on people of all ages, and affects equally people of all races, sexes, nationalities, geographic locations, and income levels;

Whereas this devastating disease comes in 2 hereditary forms, with autosomal dominant polycystic kidney disease (ADPKD) affecting 1 in 500 worldwide, including 600,000 PKD patients in the United States, according to prevalence estimates by the National Institutes of Health;

Whereas families in which 1 or both parents have ADPKD have a 50 percent chance of passing the disease on to each of their children;

Whereas autosomal recessive polycystic kidney disease (ARPKD), a rarer form of PKD, affects 1 in 20,000 live births and too often leads to death early in life;

Whereas parents who carry the gene for ARPKD pass on the disease to 25 percent of the children the parents conceive;

Whereas, in addition to patients directly affected by PKD, countless friends, loved ones, family members, colleagues, and caregivers must shoulder the physical, emotional, and financial burdens that polycystic kidney disease causes;

Whereas polycystic kidney disease, for which there is no treatment or cure, is the leading genetic cause of kidney failure in the United States and the fourth leading cause overall;

Whereas the vast majority of polycystic kidney disease patients reach kidney failure at an average age of 53, causing a severe strain on dialysis and kidney transplantation resources and on the delivery of health care in the United States, as the largest segment of the population of the United States, the ''baby boomers'', continues to age;

Whereas end stage renal disease is one of the fastest growing components of the Medicare budget, and polycystic kidney disease contributes to that cost by an estimated $2,000,000,000 annually for dialysis, kidney transplantation, and related therapies;

Whereas polycystic kidney disease is a systemic disease that causes damage to the kidney and the cardiovascular, endocrine, hepatic, and gastrointestinal organ systems and instills in patients a fear of an unknown future with a life-threatening genetic disease and apprehension over possible genetic discrimination;

Whereas the severity of the symptoms of polycystic kidney disease and the limited public awareness of the disease cause many patients to live in denial and forego regular visits to their physicians or to avoid following good health management which would help avoid more severe complications when kidney failure occurs;

Whereas people who have chronic, life-threatening diseases like polycystic kidney disease have a predisposition to depression and the resulting consequences of depression due to their anxiety over pain, suffering, and premature death;

Whereas the Senate and taxpayers of the United States desire to see treatments and cures for disease and would like to see results from investments in research conducted by the National Institutes of Health (NIH) and from such initiatives as the NIH Roadmap to the Future;

Whereas polycystic kidney disease is a verifiable example of how collaboration, technological innovation, scientific momentum, and public-private partnerships can generate therapeutic interventions that directly benefit polycystic kidney disease sufferers, save billions of Federal dollars under Medicare, Medicaid, and other programs for dialysis, kidney transplants, immunosuppressant drugs, and related therapies, and make available several thousand openings on the kidney transplant waiting list;

Whereas improvements in diagnostic technology and the expansion of scientific knowledge about polycystic kidney disease have led to the discovery of the 3 primary genes that cause polycystic kidney disease and the 3 primary protein products of the genes and to the understanding of cell structures and signaling pathways that cause cyst growth that has produced multiple polycystic kidney disease clinical drug trials;

Whereas there are thousands of volunteers nationwide who are dedicated to expanding essential research, fostering public awareness and understanding of polycystic kidney disease, educating polycystic kidney disease patients and their families about the disease to improve their treatment and care, providing appropriate moral support, and encouraging people to become organ donors; and

Whereas these volunteers engage in an annual national awareness event held during the third week of September, and such a week would be an appropriate time to recognize National Polycystic Kidney Disease Awareness Week: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of September 14-20, 2008, as ''National Polycystic Kidney Disease Awareness Week'';

(2) supports the goals and ideals of a national week to raise public awareness and understanding of polycystic kidney disease;

(3) recognizes the need for additional research into a cure for polycystic kidney disease; and

(4) encourages the people of the United States and interested groups to support National Polycystic Kidney Disease Awareness Week through appropriate ceremonies and activities, to promote public awareness of polycystic kidney disease, and to foster understanding of the impact of the disease on patients and their families.

Mr. KOHL. Mr. President, I rise today along with Senator HATCH to introduce a resolution to increase awareness of Polycystic Kidney Disease, PKD, a common and life threatening genetic illness.

Over 600,000 people have been diagnosed with PKD nationwide. There is no treatment or cure for this devastating disease. Families and friends struggle to fight PKD and provide unwavering support to their suffering loved ones.

But there is hope. The PKD Foundation has led the fight for increased research and patient education. Recent studies have led to the discovery of the genes that cause PKD as well as promising clinical drug trials for treatment. More needs to be done, however, and the government wants to help.

In order to increase public awareness of this fatal disease, I propose that September 14th through the 20th be designated as National Polycystic Kidney Disease Awareness Week. This week coincides with the annual walk for PKD which takes place every September. In Wisconsin, where over 10,000 patients are living with the disease, residents gather across the state to take part in this very special walk.

Increasing awareness will help all those affected by Polycystic Kidney Disease, and I hope my colleagues will support this important resolution.

Mr. HATCH. Mr. President, I rise today to join my colleague from Wisconsin, Senator HERB KOHL, in introducing a resolution to designate September 14–20, 2008, as National Polycystic Kidney Disease Awareness Week. Approximately 600,000 Americans and more than 12 million people worldwide suffer from polycystic kidney disease or PKD. Through this resolution, we hope to raise awareness of this disease that is relatively unknown but affects so many people.

PKD is one of the most common life-threatening genetic diseases impacting America today. According to the PKD Foundation, the disease afflicts more people than Down syndrome, cystic fibrosis, muscular dystrophy and sickle cell anemia combined.

The two major forms of PKD are autosomal dominant PKD—also called ''adult PKD'' because it customarily causes symptoms in adulthood—and autosomal recessive PKD, a rare form that usually causes symptoms in infancy and early childhood. Babies born with this latter type of PKD often do not live longer than the first month of life. About half of autosomal dominant PKD patients eventually develop kidney failure and require dialysis or a kidney transplant. PKD is the fourth leading cause of kidney failure, and it is the leading genetic cause of kidney failure.

PKD is characterized by the growth of fluid-filled cysts on the nephrons of the kidneys. A polycystic kidney can have thousands of these cysts growing on it. In time, the cysts separate from the nephrons and continue to enlarge—and the kidneys enlarge along with the cysts. A normal, healthy kidney is about the size of a fist; but, in fully developed cases of autosomal dominant PKD, a cyst-filled kidney can grow to the size of a football or larger and weigh as much as 20 to 30 pounds. This leads to decreased kidney function and kidney failure.

PKD also can cause cysts in the liver and problems in other organs, such as blood vessels in the brain and heart. High blood pressure is common and develops in most patients by age 20 or 30, and brain aneurysm is a common cause of death in PKD patients.

There is no cure for PKD, only minimal treatments such as medicine to control high blood pressure, or medicine and surgery to reduce pain, and antibiotics for infections. More severe cases of PKD require more intense treatment options such as dialysis for failing kidneys or a kidney transplant.

There may be no cure, but there is hope. According to the National Institute of Diabetes and Digestive and Kidney Diseases at the National Institutes of Health, scientists have begun to identify what triggers formation of PKD cysts. And advances in genetics have expanded understanding of the abnormal genes responsible for both

forms of PKD. Recent clinical studies of autosomal dominant PKD are exploring new imaging methods for tracking progression of cystic kidney disease. Today, magnetic resonance imaging, MRI, is helping scientists design better clinical trials for new treatments of adult PKD.

There is also hope in awareness and education, which offer patients opportunities to discuss and learn about their disease, provide more resources for research and treatment options for PKD, and lead to more events to heighten visibility and aid in fundraising. As I said earlier, not many people know about the disease, even in my home State of Utah where PKD rates are three times the national average.

To promote greater understanding of this destructive genetic disease, Senator KOHL and I have introduced this resolution to designate a National Polycystic Kidney Disease Awareness Week.

I urge my colleagues to support it.

SENATE RESOLUTION 621—HONORING AND COMMEMORATING THE SELFLESS ACTS OF HEROISM DISPLAYED BY THE LATE DETECTIVE JOHN MICHAEL GIBSON AND PRIVATE FIRST CLASS JACOB JOSEPH CHESTNUT OF THE UNITED STATES CAPITOL POLICE ON JULY 24, 1998, AND EXPRESSING THE GRATITUDE AND APPRECIATION OF THE SENATE FOR THE PROFESSIONALISM AND DEDICATION OF THE UNITED STATES CAPITOL POLICE

Mr. REID (for himself, Mr. MCCONNELL, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TESTER, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 621

Whereas Detective Gibson, born March 29, 1956, was killed in the line of duty while protecting the office complex of the House Majority Whip;

Whereas Private First Class Chestnut, born April 28, 1940, was killed in the line of duty while guarding the Document Room Door entrance of the Capitol;

Whereas Detective Gibson and Private First Class Chestnut were the first police officers to lie in honor in the rotunda of the Capitol;

Whereas Private First Class Chestnut was the first African-American to lie in honor in the rotunda of the Capitol;

Whereas Detective Gibson was married to Evelyn and was the father of 3 children;

Whereas Private First Class Chestnut was married to Wen Ling and was the father of 5 children;

Whereas the United States Capitol Police force consists of over 1,600 officers who are dedicated to the protection and security of the Capitol Complex and its employees and visitors;

Whereas the United States Capitol Police continually sacrifice to provide safety and security to the Members, staff, and millions of visitors each year to the Capitol Complex;

Whereas the men and women of the United States Capitol Police join with their colleagues in local law enforcement from urban to rural areas coast to coast to perform their duties with honor and courage;

Whereas while the United States Capitol Police endure physical and verbal assaults in some extreme cases, the officers continue to provide courteous, responsible, and diligent services in an unbiased and nonpartisan manner;

Whereas the United States Capitol Police face many threats to their safety and must remain constantly alert for suspicious actions or for failure to respond to requests and instructions;

Whereas the United States Capitol Police, as the first line of the defense of the Capitol, has shared in the ultimate sacrifice in law enforcement;

Whereas the United States Capitol Police are on the front lines of the War on Terrorism and remain on constant alert against unauthorized access to Capitol buildings, terrorism, and other threats to the Capitol Complex;

Whereas Capitol Police officers stationed throughout the Capitol Complex act in a professional manner and treat Members, staff, and visitors with dignity and respect;

Whereas the United States Capitol Police consistently apply security and safety measures to all, including Members of Congress;

Whereas 10 years have passed since Detective Gibson and Private First Class Chestnut sacrificed their lives to protect the lives of hundreds of tourists, staff, and Members of Congress on July 24, 1998; and

Whereas the United States Capitol Police is one of the best trained, most highly respected law enforcement agencies in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) honors and commemorates the selfless acts of heroism displayed by the late Private First Class Jacob Joseph Chestnut and Detective John Michael Gibson of the United States Capitol Police on July 24, 1998;

(2) expresses its condolences to the wives, children, and other family members of Private First Class Chestnut and Detective Gibson on the 10 year anniversary of their passing;

(3) expresses its gratitude and appreciation for the professional manner in which the United States Capitol Police carry out their diverse missions;

(4) expresses appreciation for the dedication United States Capitol Police officers have for protecting the Capitol Complex; and

(5) commends the United States Capitol Police for their continued courage and professionalism in protecting the Capitol Complex and its employees and visitors.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5089. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3268, to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes; which was ordered to lie on the table.

SA 5090. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3268, supra; which was ordered to lie on the table.

SA 5091. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3268, supra; which was ordered to lie on the table.

SA 5092. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3268, supra; which was ordered to lie on the table.

SA 5093. Mr. FEINGOLD (for himself, Mr. DODD, Mr. MENENDEZ, and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 3268, supra; which was ordered to lie on the table.

SA 5094. Mr. DODD (for himself, Mr. FEINGOLD, Mr. MENENDEZ, and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 3268, supra; which was ordered to lie on the table.

SA 5095. Mr. DODD (for himself, Mr. FEINGOLD, Mr. MENENDEZ, and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 3268, supra; which was ordered to lie on the table.

SA 5096. Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill S. 3268, supra; which was ordered to lie on the table.

SA 5097. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 3268, supra; which was ordered to lie on the table.

SA 5098. Mr. REID proposed an amendment to the bill S. 3268, supra.

SA 5099. Mr. REID proposed an amendment to amendment SA 5098 proposed by Mr. REID to the bill S. 3268, supra.

SA 5100. Mr. REID proposed an amendment to the bill S. 3268, supra.

SA 5101. Mr. REID proposed an amendment to the bill S. 3268, supra.

SA 5102. Mr. REID proposed an amendment to amendment SA 5101 proposed by Mr. REID to the bill S. 3268, supra.

SA 5103. Mr. REID proposed an amendment to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

SA 5104. Mr. REID proposed an amendment to amendment SA 5103 proposed by Mr. REID to the bill H.R. 3221, supra.

SA 5105. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 3268, to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes; which was ordered to lie on the table.

SA 5106. Ms. SNOWE (for herself and Mr. KERRY) submitted an amendment intended to be proposed by her to the bill S. 3268, supra; which was ordered to lie on the table.

SA 5107. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 3268, supra; which was ordered to lie on the table.

SA 5108. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 3268, supra; which was ordered to lie on the table.

SA 5109. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3268, supra; which was ordered to lie on the table.

SA 5110. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3268, supra; which was ordered to lie on the table.

SA 5111. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3268, supra; which was ordered to lie on the table.

SA 5112. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3268, supra; which was ordered to lie on the table.

SA 5113. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3268, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 5089. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3268, to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. REMOVAL OF PROHIBITION ON FINAL REGULATIONS FOR COMMERCIAL LEASING PROGRAM FOR OIL SHALE RESOURCES ON PUBLIC LAND.

Section 433 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2152) is repealed.

SA 5090. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3268, to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. REPEAL OF MORATORIA ON OFFSHORE OIL AND GAS LEASING.

(a) IN GENERAL.—Sections 104 and 105 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2118), are repealed.

(b) CERTAIN AREAS OF GULF OF MEXICO.—Section 104 of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; 120 Stat. 3003) is amended—

(1) by striking subsection (a); and

(2) in subsection (b), by striking the subsection designation and heading and all that follows through ''subsection (a), the'' and inserting ''The''.

SA 5091. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3268, to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. SEAWARD BOUNDARY EXTENSION.

(a) IN GENERAL.—Title II of the Submerged Lands Act (43 U.S.C. 1311 et seq.) is amended—

(1) by redesignating section 11 as section 12; and

(2) by inserting after section 10 the following:

''SEC. 11. EXTENSION OF SEAWARD BOUNDARIES OF THE STATES OF LOUISIANA, MISSISSIPPI, AND ALABAMA.

''(a) DEFINITIONS.—In this section:

''(1) EXISTING INTEREST.—The term 'existing interest' means any lease, easement, right-of-use, or right-of-way on, or for any natural resource or minerals underlying, the expanded submerged land that is in existence on the date of the conveyance of the expanded submerged land to the State under subsection (b)(1).

''(2) EXPANDED SEAWARD BOUNDARY.—The term 'expanded seaward boundary' means the seaward boundary of the State that is 3 marine leagues seaward of the coast line of the State as of the day before the date of enactment of this section.

''(3) EXPANDED SUBMERGED LAND.—The term 'expanded submerged land' means the area of the outer Continental Shelf that is located between 3 geographical miles and 3 marine leagues seaward of the coast line of the State as of the day before the date of enactment of this section.

''(4) INTEREST OWNER.—The term 'interest owner' means any person that owns or holds an existing interest in the expanded submerged land or portion of an existing interest in the expanded submerged land.

''(5) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.

''(6) STATE.—The term 'State' means each of the States of Louisiana, Mississippi, and Alabama.

''(b) CONVEYANCE OF EXPANDED SUBMERGED LAND.—

''(1) IN GENERAL.—If a State demonstrates to the satisfaction of the Secretary that the conditions described in paragraph (2) will be met, the Secretary shall, subject to valid existing rights and subsection (c), convey to the State the interest of the United States in the expanded submerged land of the State.

''(2) CONDITIONS.—A conveyance under paragraph (1) shall be subject to the condition that—

''(A) on conveyance of the interest of the United States in the expanded submerged land to the State under paragraph (1)—

''(i) the Governor of the State (or a delegate of the Governor) shall exercise the powers and duties of the Secretary under the terms of any existing interest, subject to the requirement that the State and the officers of the State may not exercise the powers to impose any burden or requirement on any interest owner that is more onerous or strict than the burdens or requirements imposed under applicable Federal law (including regulations) on owners or holders of the same type of lease, easement, right-of-use, or right-of-way on the outer Continental Shelf seaward of the expanded submerged land; and

''(ii) the State shall not impose any administrative or judicial penalty or sanction on any interest owner that is more severe than the penalty or sanction under Federal law (including regulations) applicable to owners or holders of leases, easements, rights-of-use, or rights-of-way on the outer Continental Shelf seaward of the expanded submerged lands for the same act, omission, or violation;

''(B) not later than 5 years after the date of enactment of this section—

''(i) the State shall enact laws or promulgate regulations with respect to the environmental protection, safety, and operations of any platform pipeline in existence on the date of conveyance to the State under paragraph (1) that is affixed to or above the expanded submerged land that impose the same requirements as Federal law (including regulations) applicable to a platform pipeline on the outer Continental Shelf seaward of the expanded submerged land; and

''(ii) the State shall enact laws or promulgate regulations for determining the value of oil, gas, or other mineral production from existing interests for royalty purposes that establish the same requirements as the requirements under Federal law (including regulations) applicable to Federal leases for the same minerals on the outer Continental Shelf seaward of the expanded submerged land; and

''(C) the State laws and regulations enacted or promulgated under subparagraph (B) shall provide that if Federal law (including regulations) applicable to leases, easements, rights-of-use, or rights-of-way on the outer Continental Shelf seaward of the expanded submerged land are modified after the date on

SA 5092. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3268, to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PRODUCTION OF OIL AND NATURAL GAS IN NEW PRODUCING AREAS.

The Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) is amended by adding at the end the following:

''SEC. 32. PRODUCTION OF OIL AND NATURAL GAS IN NEW PRODUCING AREAS.

''(a) DEFINITIONS.—In this section:

''(1) COASTAL POLITICAL SUBDIVISION.—The term 'coastal political subdivision' means a political subdivision of a new producing State any part of which political subdivision is—

''(A) within the coastal zone (as defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453)) of the new producing State as of the date of enactment of this section; and

''(B) not more than 200 nautical miles from the geographic center of any leased tract.

''(2) MORATORIUM AREA.—

''(A) IN GENERAL.—The term 'moratorium area' means an area covered by sections 104 through 105 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2118) (as in effect on the day before the date of enactment of this section).

''(B) EXCLUSION.—The term 'moratorium area' does not include an area located in the Gulf of Mexico.

''(3) NEW PRODUCING AREA.—The term 'new producing area' means any moratorium area within the offshore administrative boundaries beyond the submerged land of a State that is located greater than 50 miles from the coastline of the State.

''(4) NEW PRODUCING STATE.—The term 'new producing State' means a State that has,

within the offshore administrative boundaries beyond the submerged land of the State, a new producing area available for oil and gas leasing under subsection (b).

''(5) OFFSHORE ADMINISTRATIVE BOUNDARIES.—The term 'offshore administrative boundaries' means the administrative boundaries established by the Secretary beyond State submerged land for planning, coordination, and administrative purposes of the Department of the Interior and published in the Federal Register on January 3, 2006 (71 Fed. Reg. 127).

''(6) QUALIFIED OUTER CONTINENTAL SHELF REVENUES.—

''(A) IN GENERAL.—The term 'qualified outer Continental Shelf revenues' means all rentals, royalties, bonus bids, and other sums due and payable to the United States from leases entered into on or after the date of enactment of this section for new producing areas.

''(B) EXCLUSIONS.—The term 'qualified outer Continental Shelf revenues' does not include—

''(i) revenues from a bond or other surety forfeited for obligations other than the collection of royalties;

''(ii) revenues from civil penalties;

''(iii) royalties taken by the Secretary in-kind and not sold;

''(iv) revenues generated from leases subject to section 8(g); or

''(v) any revenues considered qualified outer Continental Shelf revenues under section 102 of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432).

''(b) PETITION FOR LEASING NEW PRODUCING AREAS.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, the Governor of a State, with the concurrence of the legislature of the State, with a new producing area within the offshore administrative boundaries beyond the submerged land of the State may submit to the Secretary a petition requesting that the Secretary make the new producing area available for oil and gas leasing.

''(2) ACTION BY SECRETARY.—Notwithstanding section 18, as soon as practicable after receipt of a petition under paragraph (1), the Secretary shall approve the petition if the Secretary determines that leasing the new producing area would not create an unreasonable risk of harm to the marine, human, or coastal environment.

''(c) DISPOSITION OF QUALIFIED OUTER CONTINENTAL SHELF REVENUES FROM NEW PRODUCING AREAS.—

''(1) IN GENERAL.—Notwithstanding section 9 and subject to the other provisions of this subsection, for each applicable fiscal year, the Secretary of the Treasury shall—

''(A) deposit 45 percent of qualified outer Continental Shelf revenues in the general fund of the Treasury;

''(B) deposit 50 percent of qualified outer Continental Shelf revenues in a special account in the Treasury from which the Secretary shall disburse—

''(i) 75 percent to new producing States in accordance with paragraph (2); and

''(ii) 25 percent to provide financial assistance to States in accordance with section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l* –8), which shall be considered income to the Land and Water Conservation Fund for purposes of section 2 of that Act (16 U.S.C. 460*l*–5); and

''(C) distribute 5 percent of qualified outer Continental Shelf revenues to States for historic offshore production distribution.

''(2) ALLOCATION TO NEW PRODUCING STATES AND COASTAL POLITICAL SUBDIVISIONS.—

''(A) ALLOCATION TO NEW PRODUCING STATES.—Effective for fiscal year 2008 and each fiscal year thereafter, the amount made available under paragraph (1)(B)(i) shall be allocated to each new producing State in amounts (based on a formula established by the Secretary by regulation) proportional to the amount of qualified outer Continental Shelf revenues generated in the new producing area offshore each State.

''(B) PAYMENTS TO COASTAL POLITICAL SUBDIVISIONS.—

''(i) IN GENERAL.—The Secretary shall pay 20 percent of the allocable share of each new producing State, as determined under subparagraph (A), to the coastal political subdivisions of the new producing State.

''(ii) ALLOCATION.—The amount paid by the Secretary to coastal political subdivisions shall be allocated to each coastal political subdivision in accordance with the regulations promulgated under subparagraph (A).

''(3) MINIMUM ALLOCATION.—The amount allocated to a new producing State for each fiscal year under paragraph (2) shall be at least 5 percent of the amounts available for the fiscal year under paragraph (1)(B)(i).

''(4) TIMING.—The amounts required to be deposited under subparagraph (B) of paragraph (1) for the applicable fiscal year shall be made available in accordance with that subparagraph during the fiscal year immediately following the applicable fiscal year.

''(5) AUTHORIZED USES.—

''(A) IN GENERAL.—Subject to subparagraph (B), each new producing State and coastal political subdivision shall use all amounts received under paragraph (2) in accordance with all applicable Federal and State laws, only for 1 or more of the following purposes:

''(i) Projects and activities for the purposes of coastal protection, including conservation, coastal restoration, hurricane protection, and infrastructure directly affected by coastal wetland losses.

''(ii) Mitigation of damage to fish, wildlife, or natural resources.

''(iii) Implementation of a federally approved marine, coastal, or comprehensive conservation management plan.

''(iv) Funding of onshore infrastructure projects.

''(v) Planning assistance and the administrative costs of complying with this section.

''(B) LIMITATION.—Not more than 3 percent of amounts received by a new producing State or coastal political subdivision under paragraph (2) may be used for the purposes described in subparagraph (A)(v).

''(6) ADMINISTRATION.—Amounts made available under paragraph (1)(B) shall—

''(A) be made available, without further appropriation, in accordance with this subsection;

''(B) remain available until expended; and

''(C) be in addition to any amounts appropriated under—

''(i) other provisions of this Act;

''(ii) the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–4 et seq.); or

''(iii) any other provision of law.

''(d) DISPOSITION OF QUALIFIED OUTER CONTINENTAL SHELF REVENUES FROM OTHER AREAS.—Notwithstanding section 9, for each applicable fiscal year, the terms and conditions of subsection (c) shall apply to the disposition of qualified outer Continental Shelf revenues that—

''(1) are derived from oil or gas leasing in an area that is not included in the current 5-year plan of the Secretary for oil or gas leasing; and

''(2) are not assumed in the budget of the United States Government submitted by the President under section 1105 of title 31, United States Code.''.

SA 5093. Mr. FEINGOLD (for himself, Mr. DODD, Mr. MENENDEZ, and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 3268, to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. 17. ISSUANCE OF NEW LEASES.

(a) DEFINITIONS.—In this section:

(1) LESSEE.—The term ''lessee'' includes any person or other entity that controls, is controlled by, or is in or under common control with, a lessee.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) LEASES.—Effective beginning on the date of promulgation of regulations under subsection (c), the Secretary shall not issue any new lease that authorizes the exploration for or production of oil or natural gas under section 17 of the Mineral Leasing Act (33 U.S.C. 226), the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351 et seq.), or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) to a person unless the person—

(1) certifies for each existing lease under those Acts for the production of oil or gas with respect to which the person is a lessee, that the person has diligently developed the Federal land that is subject to the lease in order to produce oil or natural gas or is producing oil or natural gas from the land; or

(2) has relinquished all Federal oil and gas leases under which oil and gas is not being diligently developed.

(c) DILIGENT DEVELOPMENT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall promulgate regulations that define ''diligently developed'' for purposes of this section.

(2) REGULATIONS.—The regulations shall—

(A) include benchmarks for oil and gas development that will ensure that leaseholders produce oil and gas from each lease within the original term of the lease; and

(B) require each leaseholder to submit to the Secretary a diligent development plan demonstrating how the lessee will meet the benchmarks.

(d) FAILURE TO COMPLY WITH REQUIREMENTS.—Any person that fails to comply with this section (including any regulation or order issued under this section) shall be liable for a civil penalty under the terms and conditions of section 109 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1719).

SA 5094. Mr. DODD (for himself, Mr. FEINGOLD, Mr. MENENDEZ, and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 3268, to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. PRODUCTION INCENTIVE FEES; ENERGY EFFICIENCY AND RENEWABLE ENERGY FUND.

(a) PRODUCTION INCENTIVE FEE; ISSUANCE OF NEW LEASES.—

(1) DEFINITIONS.—In this subsection:

(A) COVERED LEASE.—The term ''covered lease'' means a lease for the production of oil or natural gas under which production is not occurring.

(B) FEE.—The term ''fee'' means the production incentive fee established under paragraph (2).

(C) LESSEE.—The term ''lessee'' includes any person or other entity that controls, is

controlled by, or is in or under common control with, a lessee.

(D) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) PRODUCTION INCENTIVE FEE.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall promulgate regulations to establish an annual production incentive fee with respect to Federal onshore and offshore land that is subject to a covered lease.

(B) APPLICABILITY.—The fee shall apply to land that is subject to any covered lease that is in effect on, or issued after, the date on which final regulations are promulgated under subparagraph (A).

(C) AMOUNT.—For each acre of land subject to a covered lease from which oil or natural gas is produced for fewer than 90 days in a calendar year, the fee shall be equal to—

(i) $5 per acre for the first 3 years of the covered lease after the date of enactment of this Act;

(ii) $25 per acre for the fourth year of the covered lease after the date of enactment of this Act; and

(iii) $50 per acre for the fifth year of the covered lease and each year thereafter for which the covered lease is in effect after the date of enactment of this Act.

(D) ASSESSMENT AND COLLECTION.—The Secretary shall assess and collect the fee.

(E) REGULATIONS.—The Secretary may promulgate regulations to carry out this paragraph, including regulations to prevent nonpayment of the fee.

(3) ISSUANCE OF NEW LEASES.—

(A) LEASES.—Effective beginning on the date of promulgation of regulations under subparagraph (B), the Secretary shall not issue any new lease that authorizes the exploration for or production of oil or natural gas under section 17 of the Mineral Leasing Act (33 U.S.C. 226), the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351 et seq.), or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) to a person unless the person—

(i) certifies for each existing lease under those Acts for the production of oil or gas with respect to which the person is a lessee, that the person has diligently developed the Federal land that is subject to the lease in order to produce oil or natural gas or is producing oil or natural gas from the land; or

(ii) has relinquished all Federal oil and gas leases under which oil and gas is not being diligently developed.

(B) DILIGENT DEVELOPMENT.—

(i) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall promulgate regulations that define ''diligently developed'' for purposes of this paragraph.

(ii) REGULATIONS.—The regulations shall—

(I) include benchmarks for oil and gas development that will ensure that leaseholders produce oil and gas from each lease within the original term of the lease; and

(II) require each leaseholder to submit to the Secretary a diligent development plan demonstrating how the lessee will meet the benchmarks.

(iii) FAILURE TO COMPLY WITH REQUIREMENTS.—Any person that fails to comply with this paragraph (including any regulation promulgated or order issued under this paragraph) shall be liable for a civil penalty under the terms and conditions of section 109 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1719).

(b) ENERGY EFFICIENCY AND RENEWABLE ENERGY FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a separate account, which shall be known as the ''Energy Efficiency and Renewable Energy Fund'', consisting of such amounts as are appropriated to the Fund under paragraph (2).

(2) TRANSFERS TO FUND.—There are appropriated to the Fund, out of funds of the Treasury not otherwise appropriated, amounts equivalent to amounts collected as fees and received in the Treasury under subsection (a)(2).

(3) USE.—Subject to appropriations, of the amounts in the Fund for each fiscal year—

(A) $100,000,000 shall be made available for necessary expenses for a program to accelerate the research, development, demonstration, and deployment of solar energy technologies and any public education and outreach materials under the program, as authorized under section 931(a)(2)(A) of the Energy Policy Act of 2005 (42 U.S.C. 16231(a)(2)(A));

(B) $65,000,000 shall be made available for necessary expenses for a program to support the development of next-generation wind turbines, including turbines capable of operating in areas with low wind speeds, as authorized under section 931(a)(2)(B) of the Energy Policy Act of 2005 (42 U.S.C. 16231(a)(2)(B));

(C) $200,000,000 shall be transferred to the ''Weatherization Assistance Program'' account, for a program to weatherize low-income housing, as authorized under section 411 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 121 Stat. 1600) (and the amendments made by that section);

(D) $70,000,000 shall be made available for necessary expenses for a program to accelerate the research, development, demonstration, and deployment of new technologies to improve the energy efficiency of and reduce greenhouse gas emissions from buildings, as authorized under—

(i) section 321(g) of the Energy Independence and Security Act of 2007 (42 U.S.C. 6295 note; Public Law 110–140);

(ii) section 422 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17082); and

(iii) section 912 of the Energy Policy Act of 2005 (42 U.S.C. 16192);

(E) $30,000,000 shall be made available for necessary expenses for a program to accelerate basic research on energy storage systems to support electric drive vehicles, stationary applications, and electricity transmission and distribution, as authorized under section 641(f) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17231(f));

(F) $30,000,000 shall be made available for a program to accelerate applied research on energy storage systems to support electric drive vehicles, stationary applications, and electricity transmission and distribution as authorized under section 641(g) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17231(g));

(G) $20,000,000 shall be made available for energy storage systems demonstrations as authorized under section 641(i) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17231(i));

(H) $20,000,000 shall be made available for vehicle energy storage systems demonstrations as authorized under section 641(j) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17231(j));

(I) $40,000,000 shall be made available for necessary expenses for research, development, and demonstration on advanced, cost-effective technologies to improve the energy efficiency and environmental performance of vehicles, as authorized under section 911(a)(2)(A) of the Energy Policy Act of 2005 (42 U.S.C. 16191(a)(2)(A));

(J) $50,000,000 shall be made available for audits, investigations, and environmental mitigation for oil and gas production by the Department of Interior; and

(K) the remainder shall be made available for use for the low-income home energy assistance program established under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.).

SA 5095. Mr. DODD (for himself, Mr. FEINGOLD, Mr. MENENDEZ, and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 3268, to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. PRODUCTION INCENTIVE FEES; ENERGY EFFICIENCY AND RENEWABLE ENERGY FUND.

(a) DEFINITIONS.—In this section:

(1) COVERED LEASE.—The term ''covered lease'' means a lease for the production of oil or natural gas under which production is not occurring.

(2) FEE.—The term ''fee'' means the production incentive fee established under subsection (b)(1).

(3) FUND.—The term ''Fund'' means the Energy Efficiency and Renewable Energy Fund established by subsection (c)(1).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) PRODUCTION INCENTIVE FEE.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall promulgate regulations to establish an annual production incentive fee with respect to Federal onshore and offshore land that is subject to a covered lease.

(2) APPLICABILITY.—The fee shall apply to land that is subject to any covered lease that is in effect on, or issued after, the date on which final regulations are promulgated under paragraph (1).

(3) AMOUNT.—For each acre of land subject to a covered lease from which oil or natural gas is produced for less than 90 days in a calendar year, the fee shall be equal to—

(A) $5 per acre for the first 3 years of the covered lease after the date of enactment of this Act;

(B) $25 per acre for the fourth year of the covered lease after the date of enactment of this Act; and

(C) $50 per acre for the fifth year of the covered lease and each year thereafter for which the covered lease is in effect after the date of enactment of this Act.

(4) ASSESSMENT AND COLLECTION.—The Secretary shall assess and collect the fee.

(5) REGULATIONS.—The Secretary may promulgate regulations to carry out this subsection, including prevention of evasion of the fee.

(c) ENERGY EFFICIENCY AND RENEWABLE ENERGY FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a separate account, which shall be known as the ''Energy Efficiency and Renewable Energy Fund'', consisting of such amounts as are appropriated to the Fund under paragraph (2).

(2) TRANSFERS TO FUND.—There are appropriated to the Fund, out of funds of the Treasury not otherwise appropriated, amounts equivalent to amounts collected as fees and received in the Treasury under subsection (b).

(3) USE.—Subject to appropriations, of the amounts in the Fund for each fiscal year—

(A) $100,000,000 shall be made available for necessary expenses for a program to accelerate the research, development, demonstration, and deployment of solar energy technologies and any public education and outreach materials under the program, as authorized under section 931(a)(2)(A) of the Energy Policy Act of 2005 (42 U.S.C. 16231(a)(2)(A));

(B) $65,000,000 shall be made available for necessary expenses for a program to support the development of next-generation wind turbines, including turbines capable of operating in areas with low wind speeds, as authorized under section 931(a)(2)(B) of the Energy Policy Act of 2005 (42 U.S.C. 16231(a)(2)(B));

(C) $200,000,000 shall be transferred to the ''Weatherization Assistance Program'' account, for a program to weatherize low-income housing, as authorized under section 411 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 121 Stat. 1600) (and the amendments made by that section);

(D) $70,000,000 shall be made available for necessary expenses for a program to accelerate the research, development, demonstration, and deployment of new technologies to improve the energy efficiency of, and reduce greenhouse gas emissions from, buildings, as authorized under—

(i) section 321(g) of the Energy Independence and Security Act of 2007 (42 U.S.C. 6295 note; Public Law 110–140);

(ii) section 422 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17082); and

(iii) section 912 of the Energy Policy Act of 2005 (42 U.S.C. 16192);

(E) $30,000,000 shall be made available for necessary expenses for a program to accelerate basic research on energy storage systems to support electric drive vehicles, stationary applications, and electricity transmission and distribution, as authorized under section 641(f) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17231(f));

(F) $30,000,000 shall be made available for a program to accelerate applied research on energy storage systems to support electric drive vehicles, stationary applications, and electricity transmission and distribution as authorized under section 641(g) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17231(g));

(G) $20,000,000 shall be made available for energy storage systems demonstrations as authorized under section 641(i) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17231(i));

(H) $20,000,000 shall be made available for vehicle energy storage systems demonstrations as authorized under section 641(j) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17231(j));

(I) $40,000,000 shall be made available for necessary expenses for research, development, and demonstration on advanced, cost-effective technologies to improve the energy efficiency and environmental performance of vehicles, as authorized under section 911(a)(2)(A) of the Energy Policy Act of 2005 (42 U.S.C. 16191(a)(2)(A));

(J) $50,000,000 shall be made available for audits, investigations, and environmental mitigation for oil and gas production by the Department of Interior; and

(K) the remainder shall be made available for use for the low-income home energy assistance program established under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.).

SA 5096. Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill S. 3268, to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—NUCLEAR ENERGY

Subtitle A—Financial Incentives

SEC. ___01. INVESTMENT TAX CREDIT FOR NUCLEAR POWER FACILITIES.

(a) NEW CREDIT FOR NUCLEAR POWER FACILITIES.—Section 46 of the Internal Revenue Code of 1986 is amended—

(1) by striking ''and'' at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting ''; and''; and

(3) by inserting after paragraph (4) the following new paragraph:

''(5) the nuclear power facility construction credit.''.

(b) NUCLEAR POWER FACILITY CONSTRUCTION CREDIT.—Subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 48B the following new section:

''SEC. 48C. NUCLEAR POWER FACILITY CONSTRUCTION CREDIT.

''(a) IN GENERAL.—For purposes of section 46, the nuclear power facility construction credit for any taxable year is 10 percent of the qualified nuclear power facility expenditures with respect to a qualified nuclear power facility.

''(b) WHEN EXPENDITURES TAKEN INTO ACCOUNT.—

''(1) IN GENERAL.—Qualified nuclear power facility expenditures shall be taken into account for the taxable year in which the qualified nuclear power facility is placed in service.

''(2) COORDINATION WITH SUBSECTION (c).—The amount which would (but for this paragraph) be taken into account under paragraph (1) with respect to any qualified nuclear power facility shall be reduced (but not below zero) by any amount of qualified nuclear power facility expenditures taken into account under subsection (c) by the taxpayer or a predecessor of the taxpayer, to the extent any amount so taken into account under subsection (c) has not been required to be recaptured under section 50(a).

''(c) PROGRESS EXPENDITURES.—

''(1) IN GENERAL.—A taxpayer may elect to take into account qualified nuclear power facility expenditures—

''(A) SELF-CONSTRUCTED PROPERTY.—In the case of a qualified nuclear power facility which is a self-constructed facility, no earlier than the taxable year for which such expenditures are properly chargeable to capital account with respect to such facility, and

''(B) ACQUIRED FACILITY.—In the case of a qualified nuclear facility which is not self-constructed property, no earlier than the taxable year in which such expenditures are paid.

''(2) SPECIAL RULES FOR APPLYING PARAGRAPH (1).—For purposes of paragraph (1)—

''(A) COMPONENT PARTS, ETC.—Notwithstanding that a qualified nuclear power facility is a self-constructed facility, property described in paragraph (3)(B) shall be taken into account in accordance with paragraph (1)(B), and such amounts shall not be included in determining qualified nuclear power facility expenditures under paragraph (1)(A).

''(B) CERTAIN BORROWING DISREGARDED.—Any amount borrowed directly or indirectly by the taxpayer on a nonrecourse basis from the person constructing the facility for the taxpayer shall not be treated as an amount expended for such facility.

''(C) LIMITATION FOR FACILITIES OR COMPONENTS WHICH ARE NOT SELF-CONSTRUCTED.—

''(i) IN GENERAL.—In the case of a facility or a component of a facility which is not self-constructed, the amount taken into account under paragraph (1)(B) for any taxable year shall not exceed the excess of—

''(I) the product of the overall cost to the taxpayer of the facility or component of a facility, multiplied by the percentage of completion of the facility or component of a facility, less

''(II) the amount taken into account under paragraph (1)(B) for all prior taxable years as to such facility or component of a facility.

''(ii) CARRYOVER OF CERTAIN AMOUNTS.—In the case of a facility or component of a facility which is not self-constructed, if for the taxable year the amount which (but for clause (i)) would have been taken into account under paragraph (1)(B) exceeds the amount allowed by clause (i), then the amount of such excess shall increase the amount taken into account under paragraph (1)(B) for the succeeding taxable year without regard to this paragraph.

''(D) DETERMINATION OF PERCENTAGE OF COMPLETION.—The determination under subparagraph (C) of the portion of the overall cost to the taxpayer of the construction which is properly attributable to construction completed during any taxable year shall be made on the basis of engineering or architectural estimates or on the basis of cost accounting records, using information available at the close of the taxable year in which the credit is being claimed.

''(E) DETERMINATION OF OVERALL COST.—The determination under subparagraph (C) of the overall cost to the taxpayer of the construction of a facility shall be made on the basis of engineering or architectural estimates or on the basis of cost accounting records, using information available at the close of the taxable year in which the credit is being claimed.

''(F) NO PROGRESS EXPENDITURES FOR PROPERTY FOR YEAR PLACED IN SERVICE, ETC.—In the case of any qualified nuclear facility, no qualified nuclear facility expenditures shall be taken into account under this subsection for the earlier of—

''(i) the taxable year in which the facility is placed in service, or

''(ii) the first taxable year for which recapture is required under section 50(a)(2) with respect to such facility or for any taxable year thereafter.

''(3) SELF-CONSTRUCTED.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'self-constructed facility' means any facility if, at the close of the first taxable year to which the election in this subsection applies, it is reasonable to believe that more than 80 percent of the qualified nuclear facility expenditures for such facility will be made directly by the taxpayer.

''(B) TREATMENT OF COMPONENTS.—A component of a facility shall be treated as not self-constructed if, at the close of the first taxable year in which expenditures for the component are paid, it is reasonable to believe that the cost of the component is at least 5 percent of the expected cost of the facility.

''(4) ELECTION.—An election shall be made under this subsection for a qualified nuclear power facility by claiming the nuclear power facility construction credit for expenditures described in paragraph (1) on the taxpayer's return of the tax imposed by this chapter for the taxable year. Such an election shall apply to the taxable year for which made and all subsequent taxable years. Such an election, once made, may be revoked only with the consent of the Secretary.

''(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) QUALIFIED NUCLEAR POWER FACILITY.—The term 'qualified nuclear power facility' means an advanced nuclear facility (as defined in section 45J(d)(2))—

''(A) which, when placed in service, will use nuclear power to produce electricity,

''(B) the construction of which is approved by the Nuclear Regulatory Commission on or before December 31, 2013, and

''(C) which is placed in service before January 1, 2021.

Such term shall not include any property which is part of a facility the production from which is allowed as a credit under section 45 for the taxable year or any prior taxable year.

''(2) QUALIFIED NUCLEAR POWER FACILITY EXPENDITURES.—

''(A) IN GENERAL.—The term 'qualified nuclear power facility expenditures' means any amount paid, accrued, or properly chargeable to capital account—

''(i) with respect to a qualified nuclear power facility,

''(ii) for which depreciation will be allowable under section 168 once the facility is placed in service, and

''(iii) which is incurred before the qualified nuclear power facility is placed in service or in connection with the placement of such facility in service.

''(B) PRE-EFFECTIVE DATE EXPENDITURES.—Qualified nuclear power facility expenditures do not include any expenditures incurred by the taxpayer before January 1, 2008, to the extent that, at the close of the first taxable year to which the election in subsection (c) applies, it is reasonable to believe that such expenditures will constitute more than 20 percent of the total qualified nuclear power facility expenditures.

''(3) DELAYS AND SUSPENSION OF CONSTRUCTION.—

''(A) IN GENERAL.—Except for sales or dispositions between entities which meet the ownership test in section 1504(a), for purposes of applying this section and section 50, a nuclear power facility that is under construction shall cease, with respect to the taxpayer, to be a qualified nuclear power facility as of the date on which the taxpayer sells, disposes of, or cancels, abandons, or otherwise terminates the construction of, the facility.

''(B) RESUMPTION OF CONSTRUCTION.—If a nuclear power facility that is under construction ceases, with respect to the taxpayer, to be a qualified nuclear power facility by reason of subparagraph (A) and work is subsequently resumed on the construction of such facility the qualified nuclear power facility expenditures shall be determined without regard to any delay or temporary termination of construction of the facility.

''(e) APPLICATION OF OTHER RULES.—Rules similar to the rules of subsections (c)(4) and (d) of section 46 (as in effect on the day before the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this section to the extent not inconsistent herewith.''.

(c) PROVISIONS RELATING TO CREDIT RECAPTURE.—

(1) PROGRESS EXPENDITURE RECAPTURE RULES.—

(A) BASIC RULES.—Subparagraph (A) of section 50(a)(2) of the Internal Revenue Code of 1986 is amended to read as follows:

''(A) IN GENERAL.—If during any taxable year any building to which section 47(d) applied or any facility to which section 48C(c) applied ceases (by reason of sale or other disposition, cancellation or abandonment of contract, or otherwise) to be, with respect to the taxpayer, property which, when placed in service, will be a qualified rehabilitated building or a qualified nuclear power facility, then the tax under this chapter for such taxable year shall be increased by an amount equal to the aggregate decrease in the credits allowed under section 38 for all prior taxable years which would have resulted solely from reducing to zero the credit determined under this subpart with respect to such building or facility.''.

(B) AMENDMENT TO EXCESS CREDIT RECAPTURE RULE.—Subparagraph (B) of section 50(a)(2) of such Code is amended by—

(i) inserting ''or paragraph (2) of section 48C(b)'' after ''paragraph (2) of section 47(b)'';

(ii) inserting ''or section 48C(b)(1)'' after ''section 47(b)(1)''; and

(iii) inserting ''or facility'' after ''building''.

(d) APPLICATION OF SECTION 49.—Subparagraph (C) of section 49(a)(1) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''and'' at the end of clause (iii);

(2) by striking the period at the end of clause (iv) and inserting '', and''; and

(3) by inserting after clause (iv) the following new clause:

''(v) the basis of any property which is part of a qualified nuclear power facility under section 48C.''.

(e) DENIAL OF DOUBLE BENEFIT.—Subsection (c) of section 45J of the Internal Revenue Code of 1986 (relating to other limitations) is amended by adding at the end the following new paragraph:

''(3) CREDIT REDUCED FOR GRANTS, TAX-EXEMPT BONDS, SUBSIDIZED ENERGY FINANCING, AND OTHER CREDITS.—The amount of the credit determined under subsection (a) with respect to any facility for any taxable year (determined after the application of paragraphs (1) and (2)) shall be reduced by the amount which is the product of the amount so determined for such year and the lesser of ½ or a fraction—

''(A) the numerator of which is the sum, for the taxable year and all prior taxable years, of—

''(i) grants provided by the United States, a State, or a political subdivision of a State for use in connection with the project,

''(ii) proceeds of an issue of State or local government obligations used to provide financing for the project the interest on which is exempt from tax under section 103,

''(iii) the aggregate amount of subsidized energy financing provided (directly or indirectly) under a Federal, State, or local program provided in connection with the project, and

''(iv) the amount of any other credit allowable with respect to any property which is part of the facility, and

''(B) the denominator of which is the aggregate amount of additions to the capital account for the project for the taxable year and all prior taxable years.

The amounts under the preceding sentence for any taxable year shall be determined as of the close of the taxable year.''.

(f) CLERICAL AMENDMENT.—The table of sections for subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 48B the following new item:

''Sec. 48C. Nuclear power facility construction credit.''.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures incurred and property placed in service in taxable years beginning after the date of enactment of this Act.

SEC. ___02. 5-YEAR ACCELERATED DEPRECIATION FOR NEW NUCLEAR POWER FACILITIES.

(a) IN GENERAL.—Subparagraph (B) of section 168(e)(3) of the Internal Revenue Code of 1986 (relating to 5-year property) is amended—

(1) by striking ''and'' at the end of clause (v);

(2) by striking the period at the end of clause (vi) and inserting '', and''; and

(3) by adding at the end the following new clause:

''(vii) any qualified nuclear power facility described in paragraph (1) of section 48C(d) (without regard to the last sentence thereof) the original use of which commences with the taxpayer.''.

(b) CONFORMING AMENDMENT.—Section 168(e)(3)(E)(vii) of the Internal Revenue Code of 1986 is amended by inserting ''and not described in subparagraph (B)(vii) of this paragraph'' after ''section 1245(a)(3)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service in taxable years beginning after the date of enactment of this Act.

SEC. ___03. CREDIT FOR QUALIFYING NUCLEAR POWER MANUFACTURING.

(a) IN GENERAL.—Subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986, as amended by this Act, is amended by inserting after section 48C the following new section:

''SEC. 48D. QUALIFYING NUCLEAR POWER MANUFACTURING CREDIT.

''(a) ALLOWANCE OF CREDIT.—For purposes of section 46, the qualifying nuclear power manufacturing credit for any taxable year is an amount equal to 20 percent of the qualified investment for such taxable year.

''(b) QUALIFIED INVESTMENT.—

''(1) IN GENERAL.—For purposes of subsection (a), the qualified investment for any taxable year is the basis of property placed in service by the taxpayer during such taxable year which is certified under subsection (c) and—

''(A) which is either part of a qualifying nuclear power manufacturing project or is qualifying nuclear power manufacturing equipment,

''(B)(i) the construction, reconstruction, or erection of which is completed by the taxpayer, or

''(ii) which is acquired by the taxpayer if the original use of such property commences with the taxpayer,

''(C) with respect to which depreciation (or amortization in lieu of depreciation) is allowable, and

''(D) which is placed in service on or before December 31, 2015.

''(2) SPECIAL RULE FOR CERTAIN SUBSIDIZED PROPERTY.—Rules similar to the rules of section 48(a)(4) shall apply for purposes of this section.

''(3) CERTAIN QUALIFIED PROGRESS EXPENDITURES RULES MADE APPLICABLE.—Rules similar to the rules of subsections (c)(4) and (d) of section 46 (as in effect on the day before the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this section.

''(c) QUALIFYING NUCLEAR POWER MANUFACTURING PROJECT AND QUALIFYING NUCLEAR POWER MANUFACTURING EQUIPMENT CERTIFICATION.—Not later than 180 days after the date of the enactment of this section, the Secretary, in consultation with the Secretary of Energy, shall establish a program to consider and award certifications for property eligible for credits under this section as part of either a qualifying nuclear power manufacturing project or as qualifying nuclear power manufacturing equipment. The total amounts of credit that may be allocated under the program shall not exceed $100,000,000.

''(d) DEFINITIONS.—For purposes of this section—

''(1) QUALIFYING NUCLEAR POWER MANUFACTURING PROJECT.—The term 'qualifying nuclear power manufacturing project' means

any project which is designed primarily to enable the taxpayer to produce or test equipment necessary for the construction or operation of a nuclear power plant.

''(2) QUALIFYING NUCLEAR POWER MANUFACTURING EQUIPMENT.—The term 'qualifying nuclear power manufacturing equipment' means machine tools and other similar equipment, including computers and other peripheral equipment, acquired or constructed primarily to enable the taxpayer to produce or test equipment necessary for the construction or operation of a nuclear power plant.

''(3) PROJECT.—The term 'project' includes any building constructed to house qualifying nuclear power manufacturing equipment.''.

(b) CONFORMING AMENDMENTS.—

(1) ADDITIONAL INVESTMENT CREDIT.—Section 46 of the Internal Revenue Code of 1986, as amended by this Act, is amended—

(A) by striking ''and'' at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting '', and''; and

(C) by inserting after paragraph (5) the following new paragraph:

''(6) the qualifying nuclear power manufacturing credit.''.

(2) APPLICATION OF SECTION 49.—Subparagraph (C) of section 49(a)(1) of such Code, as amended by this Act, is amended—

(A) by striking ''and'' at the end of clause (iv);

(B) by striking the period at the end of clause (v) and inserting '', and''; and

(C) by inserting after clause (v) the following new clause:

''(vi) the basis of any property which is part of a qualifying nuclear power manufacturing project or qualifying nuclear power manufacturing equipment under section 48D.''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart E of part IV of subchapter A of chapter 1 of such Code, as amended by this Act, is amended by inserting after the item relating to section 48C the following new item:

''Sec. 48D. Qualifying nuclear power manufacturing credit.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property—

(1) the construction, reconstruction, or erection of which begins after the date of enactment of this Act; or

(2) which is acquired by the taxpayer on or after such date and not pursuant to a binding contract which was in effect on the day prior to such date.

SEC. ____04. STANDBY SUPPORT FOR CERTAIN NUCLEAR PLANT DELAYS.

(a) DEFINITIONS.—Section 638(a) of the Energy Policy Act of 2005 (42 U.S.C. 16014(a)) is amended—

(1) by redesignating paragraph (4) as paragraph (7); and

(2) by inserting after paragraph (3) the following:

''(4) FULL POWER OPERATION.—The term 'full power operation', with respect to a facility, means the earlier of—

''(A) the commercial operation date (or the equivalent under the terms of the financing documents for the facility); and

''(B) the date on which the facility achieves operation at an average nameplate capacity of 50 percent or more during any consecutive 30-day period after the completion of startup testing for the facility.

''(5) INCREASED PROJECT COSTS.—The term 'increased project costs' means the increased cost of constructing, commissioning, testing, operating, or maintaining a reactor prior to full-power operation incurred as a result of a delay covered by the contract, including costs of demobilization and remobilization, increased costs of equipment, materials and labor due to delay (including idle time), increased general and administrative costs, and escalation costs for completing construction.

''(6) LITIGATION.—The term 'litigation' means any—

''(A) adjudication in Federal, State, local, or tribal court; and

''(B) any administrative proceeding or hearing before a Federal, State, local, or tribal agency or administrative entity.''.

(b) CONTRACT AUTHORITY.—Section 638(b) of the Energy Policy Act of 2005 (42 U.S.C. 16014(b)) is amended by striking paragraph (1) and inserting the following:

''(1) CONTRACTS.—

''(A) IN GENERAL.—The Secretary may enter into contracts under this section with sponsors of an advanced nuclear facility that cover at any 1 time a total of not more than 12 reactors, which shall consist of not less than 2 nor more than 4 different reactor designs, in accordance with paragraph (2).

''(B) REPLACEMENT CONTRACTS.—If any contract entered into under this section terminates or expires without a claim being paid by the Secretary under the contract, the Secretary may enter into a new contract under this section in replacement of the contract.''.

(c) COVERED COSTS.—Section 638(d) of the Energy Policy Act of 2005 (42. U.S.C. 16014(d)) is amended by striking paragraphs (2) and (3) and inserting the following:

''(2) COVERAGE.—In the case of reactors that receive combined licenses and on which construction is commenced, the Secretary shall pay—

''(A) 100 percent of the covered costs of delay that occur after the initial 30-day period of covered delay; but

''(B) not more than $500,000,000 per contract.

''(3) COVERED DEBT OBLIGATIONS.—Debt obligations covered under subparagraph (A) of paragraph (5) shall include debt obligations incurred to pay increased project costs.''.

(d) DISPUTE RESOLUTION.—Section 638 of the Energy Policy Act of 2005 (42 U.S.C. 16014) is amended—

(1) by redesignating subsections (f) through (h) as subsections (g) through (i), respectively; and

(2) by inserting after subsection (e) the following:

''(f) DISPUTE RESOLUTION.—

''(1) IN GENERAL.—Any controversy or claim arising out of or relating to any contract entered into under this section shall be determined by arbitration in Washington, DC, in accordance with the applicable Commercial Arbitration Rules of the American Arbitration Association.

''(2) TREATMENT OF DECISION.—A decision by an arbitrator shall be final and binding, and the United district court for Washington, DC, or the district in which the project is located shall have jurisdiction to enter judgment on the decision.''.

SEC. ____05. INCENTIVES FOR INNOVATIVE TECHNOLOGIES.

(a) DEFINITION OF PROJECT COST.—Section 1701(1) of the Energy Policy Act of 2005 (42 U.S.C. 16511(1)) is amended by adding at the end the following:

''(6) PROJECT COST.—The term 'project cost' means all costs associated with the development, planning, design, engineering, permitting and licensing, construction, commissioning, startup, shakedown, and financing of a facility, including reasonable escalation and contingencies, the cost of and fees for the guarantee, reasonably required reserve funds, initial working capital, and interest during construction.''.

(b) TERMS AND CONDITIONS.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by striking subsections (b) and (c) and inserting the following:

''(b) SPECIFIC APPROPRIATION OR CONTRIBUTION.—

''(1) IN GENERAL.—No guarantee shall be made unless—

''(A) sufficient amounts have been appropriated to cover the cost of the guarantee;

''(B) the Secretary has—

''(i) received from the borrower payment in full for the cost of the obligation; and

''(ii) deposited the payment into the Treasury; or

''(C) any combination of subparagraphs (A) and (B) that is sufficient to cover the cost of the obligation.

''(2) RELATION TO OTHER LAWS.—Section 504(b) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c (b)) shall not apply to a loan guarantee made in accordance with paragraph (1).

''(c) AMOUNT.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall guarantee—

''(A) 100 percent of the obligation for a facility that is the subject of a guarantee; or

''(B) a lesser amount, if requested by the borrower.

''(2) LIMITATION.—The total amount of loans guaranteed for a facility by the Secretary shall not exceed 80 percent of the total cost of the facility, as estimated at the time at which the guarantee is issued.''.

(c) FEES.—Section 1702(h) of the Energy Policy Act of 2005 (42 U.S.C. 16512(h)) is amended by striking paragraph (2) and inserting the following:

''(2) AVAILABILITY.—Fees collected under this subsection shall—

''(A) be deposited by the Secretary into a special fund in the Treasury to be known as the 'Incentives For Innovative Technologies Fund'; and

''(B) remain available to the Secretary for expenditure, without further appropriation or fiscal year limitation, for administrative expenses incurred in carrying out this title.''.

Subtitle B—Other Programs

SEC. ____11. NUCLEAR POWER 2010 PROGRAM.

Section 952(c) of the Energy Policy Act of 2005 (42 U.S.C. 16272(c)) is amended by adding at the end the following:

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out the Nuclear Power 2010 Program—

''(A) $159,600,000 for fiscal year 2009;

''(B) $135,600,000 for fiscal year 2010;

''(C) $46,900,000 for fiscal year 2011; and

''(D) $2,200,000 for fiscal year 2012.''.

SEC. ____12. NEXT GENERATION NUCLEAR PLANT PROJECT MODIFICATIONS.

(a) PROJECT ESTABLISHMENT.—Section 641 of the Energy Policy Act of 2005 (42 U.S.C. 16021) is amended—

(1) in subsection (a)—

(A) by striking the subsection designation and heading and all that follows through ''The Secretary'' and inserting the following:

''(a) ESTABLISHMENT AND OBJECTIVE.—

''(1) ESTABLISHMENT.—The Secretary''; and

(B) by adding at the end the following:

''(2) OBJECTIVE.—

''(A) DEFINITION OF HIGH-TEMPERATURE, GAS-COOLED NUCLEAR ENERGY TECHNOLOGY.—In this paragraph, the term 'high-temperature, gas-cooled nuclear energy technology' means any nongreenhouse gas-emitting nuclear energy technology that provides—

''(i) an alternative to the burning of fossil fuels for industrial applications; and

''(ii) process heat to generate, for example, electricity, steam, hydrogen, and oxygen for activities such as—

''(I) petroleum refining;

''(II) petrochemical processes;

''(III) converting coal to synfuels and other hydrocarbon feedstocks; and

''(IV) desalination.

''(B) DESCRIPTION OF OBJECTIVE.—The objective of the Project shall be to carry out demonstration projects for the development, licensing, and operation of high-temperature, gas-cooled nuclear energy technologies to support commercialization of those technologies.

''(C) REQUIREMENTS.—The functional, operational, and performance requirements for high-temperature, gas-cooled nuclear energy technologies shall be determined by the needs of marketplace industrial end-users (such as owners and operators of nuclear energy facilities, petrochemical entities, and petroleum entities), as projected for the 40-year period beginning on the date of enactment of this paragraph.''; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by inserting ''licensing,'' after ''design,'';

(B) in paragraph (1), by striking ''942(d)'' and inserting ''952(d)''; and

(C) by striking paragraph (2) and inserting the following:

''(2) demonstrates the capability of the nuclear energy system to provide high-temperature process heat to produce—

''(A) electricity, steam, and other heat transport fluids; and

''(B) hydrogen and oxygen, separately or in combination.''.

(b) PROJECT MANAGEMENT.—Section 642 of the Energy Policy Act of 2005 (42 U.S.C. 16022) is amended to read as follows:

''SEC. 642. PROJECT MANAGEMENT.

''(a) DEPARTMENTAL MANAGEMENT.—

''(1) IN GENERAL.—The Project shall be managed in the Department by the Office of Nuclear Energy.

''(2) GENERATION IV NUCLEAR ENERGY SYSTEMS INITIATIVE.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Project may be carried out in coordination with the Generation IV Nuclear Energy Systems Initiative.

''(B) REQUIREMENT.—Regardless of whether the Project is carried out in coordination with the Generation IV Nuclear Energy Systems Initiative under subparagraph (A), the Secretary shall establish a separate budget line-item for the Project.

''(3) INTERACTION WITH INDUSTRY.—Any activity to support the Project by an individual or entity in the private industry shall be carried out pursuant to a competitive cooperative agreement or other assistance agreement (such as a technology investment agreement) between the Department and the industry group established under subsection (c).

''(b) LABORATORY MANAGEMENT.—

''(1) IN GENERAL.—The Idaho National Laboratory shall be the lead National Laboratory for the Project.

''(2) COLLABORATION.—The Idaho National Laboratory shall collaborate regarding research and development activities with other National Laboratories, institutions of higher education, research institutes, representatives of industry, international organizations, and Federal agencies to support the Project.

''(c) INDUSTRY GROUP.—

''(1) ESTABLISHMENT.—The Secretary shall establish a group of appropriate industrial partners in the private sector to carry out cost-shared activities with the Department to support the Project.

''(2) COOPERATIVE AGREEMENT.—

''(A) IN GENERAL.—The Secretary shall offer to enter into a cooperative agreement or other assistance agreement with the industry group established under paragraph (1) to manage and support the development, licensing, construction, and initial operation of the Project.

''(B) REQUIREMENT.—The agreement under subparagraph (A) shall contain a provision under which the industry group may enter into contracts with entities in the public sector for the provision of services and products to that sector that reflect typical commercial practices regarding terms and conditions for risk, accountability, performance, and quality.

''(C) PROJECT MANAGEMENT.—

''(i) IN GENERAL.—The industry group shall use commercial practices and project management processes and tools in carrying out activities to support the Project.

''(ii) INTERFACE REQUIREMENTS.—The requirements for interface between the project management requirements of the Department (including the requirements contained in the document of the Department numbered DOE O 413.3A and entitled 'Program and Project Management for the Acquisition of Capital Assets') and the commercial practices and project management processes and tools described in clause (i) shall be defined in the agreement under subparagraph (A).

''(3) COST SHARING.—Activities of industrial partners funded by the Project shall be cost-shared in accordance with section 988.

''(4) PREFERENCE.—Preference in determining the final structure of industrial partnerships under this part shall be given to a structure (including designating as a lead industrial partner an entity incorporated in the United States) that retains United States technological leadership in the Project while maximizing cost sharing opportunities and minimizing Federal funding responsibilities.

''(d) PROTOTYPE PLANT SITING.—The prototype nuclear reactor and associated plant shall be sited at the Idaho National Laboratory in Idaho.

''(e) REACTOR TEST CAPABILITIES.—The Project shall use, if appropriate, reactor test capabilities at the Idaho National Laboratory.

''(f) OTHER LABORATORY CAPABILITIES.—The Project may use, if appropriate, facilities at other National Laboratories.''.

(c) PROJECT ORGANIZATION.—Section 643 of the Energy Policy Act of 2005 (42 U.S.C. 16023) is amended—

(1) in subsection (a)(2), by inserting ''transport and'' before ''conversion'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking subparagraph (C); and

(ii) by redesignating subparagraphs (A), (B), and (D) as clauses (i), (ii), and (iii), respectively, and indenting the clauses appropriately;

(B) in paragraph (2)—

(i) in subparagraph (B), by striking '', through a competitive process,'';

(ii) in subparagraph (C), by striking ''reactor'' and inserting ''energy system'';

(iii) in subparagraph (D), by striking ''hydrogen or electricity'' and inserting ''energy transportation, conversion, and''; and

(iv) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively, and indenting the clauses appropriately;

(C) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting the subparagraphs appropriately;

(D) by striking ''The Project shall be'' and inserting the following:

''(1) IN GENERAL.—The Project shall be''; and

(E) by adding at the end the following:

''(2) OVERLAPPING PHASES.—The phases described in paragraph (1) may overlap for the Project or any portion of the Project, as necessary.''; and

(3) in subsection (c)—

(A) in paragraph (1)(A), by striking ''powerplant'' and inserting ''power plant'';

(B) in paragraph (2), by adding at the end the following:

''(E) INDUSTRY GROUP.—The industry group established under section 642(c) may enter into any necessary contracts for services, support, or equipment in carrying out an agreement with the Department.''; and

(C) in paragraph (3)—

(i) in the paragraph heading, by striking ''RESEARCH'';

(ii) in the matter preceding subparagraph (A), by striking ''Research'';

(iii) by striking ''NERAC'' each place it appears and inserting ''NEAC'';

(iv) in subparagraph (A), by striking clause (i) and inserting the following:

''(i) review program plans for the Project prepared by the Office of Nuclear Energy and all progress under the Project on an ongoing basis; and'';

(v) in subparagraph (B), by striking ''or appoint'' and inserting ''by appointing''; and

(vi) in subparagraph (D)—

(I) by striking ''On a determination'' and inserting the following:

''(i) IN GENERAL.—On a determination'';

(II) in clause (i) (as designated by subclause (I))—

(aa) by striking ''subsection (b)(1)'' and inserting ''subsection (b)(1)(A)''; and

(bb) by striking ''subsection (b)(2)'' and inserting ''subsection (b)(1)(B)''; and

(III) by adding at the end the following:

''(ii) SCOPE.—The scope of the review conducted under clause (i) shall be in accordance with an applicable cooperative agreement or other assistance agreement (such as a technology investment agreement) between the Secretary and the industry group established under section 642(c).''.

(d) NUCLEAR REGULATORY COMMISSION.—Section 644 of the Energy Policy Act of 2005 (42 U.S.C. 16024) is amended—

(1) in subsection (b)—

(A) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively, and indenting the subparagraphs appropriately;

(B) by striking ''Not later than'' and inserting the following:

''(1) IN GENERAL.—Not later than''; and

(C) by adding at the end the following:

''(2) REQUIREMENT.—To the maximum extent practicable, in carrying out subparagraphs (B) and (C) of paragraph (1), the Nuclear Regulatory Commission shall independently review and, as appropriate, use the results of analyses conducted for or by the license applicant.''; and

(2) by striking subsection (c) and inserting the following:

''(c) ONGOING INTERACTION.—The Nuclear Regulatory Commission shall establish a separate program office for advanced reactors—

''(1) to develop and implement regulatory requirements consistent with the safety bases of the type of nuclear reactor developed by the Project, with the specific objective that the requirements shall be applied to follow-on commercialized high-temperature, gas-cooled nuclear reactors;

''(2) to avoid conflicts in the availability of resources with licensing activities for light water reactors;

''(3) to focus and develop resources of the Nuclear Regulatory Commission for the review of advanced reactors;

''(4) to support the effective and timely review of preapplication activities and review of applications to support applicant needs; and

''(5) to provide for the timely development of regulatory requirements, including through the preapplication process, and review of applications for advanced technologies, such as high-temperature, gas-cooled nuclear technology systems.''.

(e) PROJECT TIMELINES AND AUTHORIZATION OF APPROPRIATIONS.—Section 645 of the Energy Policy Act of 2005 (42 U.S.C. 16025) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

''(a) SUMMARY OF AGREEMENT.—Not later than December 31, 2009, the Secretary shall submit to Congress a report that contains a summary of each cooperative agreement or other assistance agreement (such as a technology investment agreement) entered into between the Secretary and the industry group under section 642(a)(3), including a description of the means by which the agreement will provide for successful completion of the development, design, licensing, construction, and initial operation and demonstration period of the prototype facility of the Project.

''(b) OVERALL PROJECT PLAN.—

''(1) IN GENERAL.—Not later than December 31, 2009, the Secretary shall submit to Congress an overall plan for the Project, to be prepared jointly by the Secretary and the industry group established under section 642(c), pursuant to a cooperative agreement or other assistance agreement (such as a technology investment agreement).

''(2) INCLUSIONS.—The plan under paragraph (1) shall include—

''(A) a summary of the schedule for the design, licensing, construction, and initial operation and demonstration period for the nuclear energy system prototype facility and hydrogen production prototype facility of the Project;

''(B) the process by which a specific design for the prototype nuclear energy system facility and hydrogen production facility will be selected;

''(C) the specific licensing strategy for the Project, including—

''(i) resource requirements of the Nuclear Regulatory Commission; and

''(ii) the schedule for the submission of a preapplication, the submission of an application, and application review for the prototype nuclear energy system facility of the Project;

''(D) a summary of the schedule for each major event relating to the Project; and

''(E) a time-based cost and cost-sharing profile to support planning for appropriations.''; and

(2) in subsection (d), in the matter preceding paragraph (1), by striking ''research and construction activities'' and inserting ''research and development, design, licensing, construction, and initial operation and demonstration activities''.

SEC. ___13. NUCLEAR ENERGY WORKFORCE.

Section 1101 of the Energy Policy Act of 2005 (42 U.S.C. 16411) is amended—

(1) in subsection (b)(1)—

(A) in subparagraph (A), by striking ''and'' at the end;

(B) in subparagraph (B), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(C) nuclear utility and nuclear energy product and service industries.'';

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following:

''(d) WORKFORCE TRAINING.—

''(1) IN GENERAL.—The Secretary of Labor, in cooperation with the Secretary, shall promulgate regulations to implement a program to provide grants to enhance workforce training for any occupation in the workforce of the nuclear utility and nuclear energy products and services industries for which a shortage is identified or predicted in the report under subsection (b)(2).

''(2) CONSULTATION.—In carrying out this subsection, the Secretary of Labor shall consult with representatives of the nuclear utility and nuclear energy products and services industries, including organized labor organizations and multiemployer associations that jointly sponsor apprenticeship programs that provide training for skills needed in those industries.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Labor, working in coordination with the Secretary and the Secretary of Education, $20,000,000 for each of fiscal years 2008 through 2015 to carry out this subsection.''.

SEC. ___14. INTERAGENCY WORKING GROUP TO PROMOTE DOMESTIC MANUFACTURING BASE FOR NUCLEAR COMPONENTS AND EQUIPMENT.

(a) PURPOSES.—The purposes of this section are—

(1) to increase the competitiveness of the United States nuclear energy products and services industries;

(2) to identify the stimulus or incentives necessary to cause United States manufacturers of nuclear energy products to expand manufacturing capacity;

(3) to facilitate the export of United States nuclear energy products and services;

(4) to reduce the trade deficit of the United States through the export of United States nuclear energy products and services;

(5) to retain and create nuclear energy manufacturing and related service jobs in the United States;

(6) to integrate the objectives described in paragraphs (1) through (5), in a manner consistent with the interests of the United States, into the foreign policy of the United States; and

(7) to authorize funds for increasing United States capacity to manufacture nuclear energy products and supply nuclear energy services.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—There is established an interagency working group (referred to in this section as the ''Working Group'') that, in consultation with representative industry organizations and manufacturers of nuclear energy products, shall make recommendations to coordinate the actions and programs of the Federal Government in order to promote increasing domestic manufacturing capacity and export of domestic nuclear energy products and services.

(2) COMPOSITION.—The Working Group shall be composed of—

(A) the Secretary of Energy (or a designee), who shall serve as Chairperson of the Working Group; and

(B) representatives of—

(i) the Department of Energy;

(ii) the Department of Commerce;

(iii) the Department of Defense;

(iv) the Department of Treasury;

(v) the Department of State;

(vi) the Environmental Protection Agency;

(vii) the United States Agency for International Development;

(viii) the Export-Import Bank of the United States;

(ix) the Trade and Development Agency;

(x) the Small Business Administration;

(xi) the Office of the United States Trade Representative; and

(xii) other Federal agencies, as determined by the President.

(c) DUTIES OF WORKING GROUP.—The Working Group shall—

(1) not later than 180 days after the date of enactment of this Act, identify the actions necessary to promote the safe development and application in foreign countries of nuclear energy products and services—

(A) to increase electricity generation from nuclear energy sources through development of new generation facilities;

(B) to improve the efficiency, safety, and reliability of existing nuclear generating facilities through modifications; and

(C) enhance the safe treatment, handling, storage, and disposal of used nuclear fuel;

(2) not later than 180 days after the date of enactment of this Act, identify—

(A) mechanisms (including tax stimuli for investment, loans and loan guarantees, and grants) necessary for United States companies to increase—

(i) the capacity of the companies to produce or provide nuclear energy products and services; and

(ii) exports of nuclear energy products and services; and

(B) administrative or legislative initiatives that are necessary —

(i) to encourage United States companies to increase the manufacturing capacity of the companies for nuclear energy products;

(ii) to provide technical and financial assistance and support to small and mid-sized businesses to establish quality assurance programs in accordance with domestic and international nuclear quality assurance code requirements;

(iii) to encourage, through financial incentives, private sector capital investment to expand manufacturing capacity; and

(iv) to provide technical assistance and financial incentives to small and mid-sized businesses to develop the workforce necessary to increase manufacturing capacity and meet domestic and international nuclear quality assurance code requirements;

(3) not later than 270 days after the date of enactment of this Act, submit to Congress a report that describes the findings of the Working Group under paragraphs (1) and (2), including recommendations for new legislative authority, as necessary; and

(4) encourage the agencies represented by membership in the Working Group—

(A) to provide technical training and education for international development personnel and local users in other countries;

(B) to provide financial and technical assistance to nonprofit institutions that support the marketing and export efforts of domestic companies that provide nuclear energy products and services;

(C) to develop nuclear energy projects in foreign countries;

(D) to provide technical assistance and training materials to loan officers of the World Bank, international lending institutions, commercial and energy attaches at embassies of the United States, and other appropriate personnel in order to provide information about nuclear energy products and services to foreign governments or other potential project sponsors;

(E) to support, through financial incentives, private sector efforts to commercialize and export nuclear energy products and services in accordance with the subsidy codes of the World Trade Organization; and

(F) to augment budgets for trade and development programs in order to support prefeasibility or feasibility studies for projects that use nuclear energy products and services.

(d) PERSONNEL AND SERVICE MATTERS.—The Secretary of Energy and the heads of agencies represented by membership in the Working Group shall detail such personnel and furnish such services to the Working Group,

with or without reimbursement, as are necessary to carry out the functions of the Working Group.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Energy to carry out this section $20,000,000 for each of fiscal years 2009 through 2012.

SEC. ___15. NUCLEAR POWER TECHNOLOGY FUND.

There is established in the Treasury of the United States a fund to be known as the ''Nuclear Power Technology Fund'' of which funds shall be made available to carry out the purposes of section ___16 (relating to spent fuel recycling).

SEC. ___16. SPENT FUEL RECYCLING PROGRAM.

(a) PURPOSE.—It is the policy of the United States to recycle spent nuclear fuel to advance energy independence by maximizing the energy potential of nuclear fuel in a proliferation-resistant manner that reduces the quantity of waste dedicated to a permanent Federal repository.

(b) SPENT FUEL RECYCLING RESEARCH AND DEVELOPMENT FACILITY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall begin construction of a spent fuel recycling research and development facility.

(2) PURPOSE.—The facility described in paragraph (1) shall serve as the lead site for continuing research and development of advanced nuclear fuel cycles and separation technologies.

(3) SITE SELECTION.—In selecting a site for the facility, the Secretary shall give preference to a site that has—

(A) the most technically sound bid;

(B) a demonstrated technical expertise in spent fuel recycling; and

(C) community support.

(c) CONTRACTS.—The Secretary shall use amounts in the Nuclear Power Technology Fund, and such other amounts as are appropriated to carry out this section, to enter into long-term contracts with private sector entities for the recycling of spent nuclear fuel.

(d) COMPETITIVE SELECTION.—Contracts awarded under subsection (c) shall be awarded on the basis of a competitive bidding process that—

(1) maximizes the competitive efficiency of the projects funded;

(2) best serves the goal of reducing the amount of waste requiring disposal under this Act; and

(3) ensures adequate protection against the proliferation of nuclear materials that could be used in the manufacture of nuclear weapons.

(e) REGULATORY AUTHORITY.—Not later than 1 year after the date of enactment of this Act, the Nuclear Regulatory Commission, in collaboration with the Secretary of Energy, shall promulgate regulations for the licensing of facilities for recovery and use of spent nuclear fuel that provide reasonable assurance that licenses issued for that purpose will not be counter to the defense, security, and national interests of the United States.

SA 5097. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 3268, to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following

SEC. 17. REVOCATION OF WITHDRAWAL OF CERTAIN AREAS OF THE OUTER CONTINENTAL SHELF.

The ''Memorandum on Withdrawal of Certain Areas of the United States Outer Continental Shelf from Leasing Disposition'', 34 Weekly Comp. Pres. Doc. 1111, dated June 12, 1998, is revoked and no longer in effect regarding any area on the outer Continental Shelf covered by sections 104 and 105 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2118).

SEC. 18. STATE AUTHORITY TO PROTECT CERTAIN COASTAL AREAS.

Section 19 of the Outer Continental Shelf Lands Act (43 U.S.C. 1345) is amended by adding at the end the following:

''(f) APPROVAL BY CERTAIN AFFECTED STATES.—

''(1) DEFINITION OF AFFECTED STATE.—In this subsection, the term 'affected State' means a State that the Secretary, in consultation with the Administrator of the Environmental Protection Agency, determines could be affected negatively by the potential environmental or economic impacts of a proposed lease sale or proposed development and production plan for a new producing area under section 32.

''(2) NOTICE TO AFFECTED STATES.—Not later than 30 days before the date of a proposed lease sale or the publication of a proposed development and production plan for a new producing area under section 32, the Secretary shall submit to the Governor of each affected State notice of the proposed sale or plan.

''(3) DUTIES OF AFFECTED STATES.—Not later than 60 days after the date on which the Secretary provides notice under paragraph (2), the Governor of the affected State shall submit to the Secretary a written response to the proposed sale or plan that—

''(A) specifies whether the Governor—

''(i) accepts the sale or plan as proposed;

''(ii) accepts the sale or plan with modification; or

''(iii) vetoes the proposed sale or plan; and

''(B) in the case of subparagraph (A)(ii), includes a counterproposal that describes—

''(i) any proposed modifications to—

''(I) the proposed plan; or

''(II) the size, time, or location of the proposed sale; and

''(ii) any areas off the coast of the State that the Governor recommends for long-term protection in the form of a moratorium on leasing for a period of not more than 20 years based on—

''(I) any information in existence on the date of the counterproposal concerning the geographical, geological, and ecological characteristics of the areas proposed for protection;

''(II) an equitable sharing of developmental benefits and environmental risks among the areas;

''(III) the location of the areas with respect to—

''(aa) other uses of the sea and seabed in the areas, including fisheries, navigation, existing or proposed sealanes, potential sites of deepwater ports; and

''(bb) other anticipated uses of the resources and space of other areas of the outer Continental Shelf;

''(IV) any relevant laws, goals, and policies of the State; and

''(V) the relative environmental sensitivity and marine productivity of other areas of the outer Continental Shelf.

''(4) SECRETARIAL RESPONSE.—

''(A) IN GENERAL.—As soon as practicable after the Secretary receives a counterproposal under paragraph (3)(B), the Secretary, in consultation with the Secretary of Defense, shall—

''(i) approve the counterproposal without modification;

''(ii) attempt to enter into an agreement with the Governor to modify the counterproposal; or

''(iii) deny the counterproposal.

''(B) APPROVAL OF AGREEMENT.—To be valid, an agreement entered into under subparagraph (A)(ii) requires the approval of the Governor, the Secretary, and the Secretary of the Defense.''.

SEC. 19. PRODUCTION OF OIL AND NATURAL GAS IN NEW PRODUCING AREAS.

The Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) is amended by adding at the end the following:

''SEC. 32. PRODUCTION OF OIL AND NATURAL GAS IN NEW PRODUCING AREAS.

''(a) DEFINITIONS.—In this section:

''(1) COASTAL POLITICAL SUBDIVISION.—The term 'coastal political subdivision' means a political subdivision of a new producing State any part of which political subdivision is—

''(A) within the coastal zone (as defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453)) of the new producing State as of the date of enactment of this section; and

''(B) not more than 200 nautical miles from the geographic center of any leased tract.

''(2) MORATORIUM AREA.—

''(A) IN GENERAL.—The term 'moratorium area' means an area covered by sections 104 through 105 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2118).

''(B) EXCLUSION.—The term 'moratorium area' does not include an area located in the Gulf of Mexico.

''(3) NEW PRODUCING AREA.—The term 'new producing area' means any moratorium area beyond the submerged land of a new producing State.

''(4) NEW PRODUCING STATE.—The term 'new producing State' means a State that has received notice of a proposed lease sale for a new producing area under section 19(f)(2).

''(5) QUALIFIED OUTER CONTINENTAL SHELF REVENUES.—

''(A) IN GENERAL.—The term 'qualified outer Continental Shelf revenues' means all rentals, royalties, bonus bids, and other sums due and payable to the United States from leases entered into on or after the date of enactment of this section for new producing areas.

''(B) EXCLUSIONS.—The term 'qualified outer Continental Shelf revenues' does not include—

''(i) revenues from a bond or other surety forfeited for obligations other than the collection of royalties;

''(ii) revenues from civil penalties;

''(iii) royalties taken by the Secretary in-kind and not sold;

''(iv) revenues generated from leases subject to section 8(g); or

''(v) any revenues considered qualified outer Continental Shelf revenues under section 102 of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432).

''(b) AVAILABILITY FOR LEASING.—On approval by the new producing State of a proposed lease sale for a new producing area under section 19(f), the Secretary shall conduct the proposed lease sale for the new producing area.

''(c) DISPOSITION OF QUALIFIED OUTER CONTINENTAL SHELF REVENUES FROM NEW PRODUCING AREAS.—

''(1) IN GENERAL.—Notwithstanding section 9 and subject to the other provisions of this subsection, for each applicable fiscal year, the Secretary of the Treasury shall deposit—

''(A) 50 percent of qualified outer Continental Shelf revenues—

''(i) in the fund established by section 20 of the Stop Excessive Energy Speculation Act of 2008; or

''(ii) if the Secretary of the Treasury determines that the fund described in clause (i) is fully funded, in the general fund of the Treasury; and

''(B) 50 percent of qualified outer Continental Shelf revenues in a special account in the Treasury from which the Secretary shall disburse—

''(i) 75 percent to new producing States in accordance with paragraph (2); and

''(ii) 25 percent to provide financial assistance to States in accordance with section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–8), which shall be considered income to the Land and Water Conservation Fund for purposes of section 2 of that Act (16 U.S.C. 4601–5).

''(2) ALLOCATION TO NEW PRODUCING STATES AND COASTAL POLITICAL SUBDIVISIONS.—

''(A) ALLOCATION TO NEW PRODUCING STATES.—Effective for fiscal year 2008 and each fiscal year thereafter, the amount made available under paragraph (1)(B)(i) shall be allocated to each new producing State in amounts (based on a formula established by the Secretary by regulation) proportional to the amount of qualified outer Continental Shelf revenues generated in the new producing area offshore each State.

''(B) PAYMENTS TO COASTAL POLITICAL SUBDIVISIONS.—

''(i) IN GENERAL.—The Secretary shall pay 20 percent of the allocable share of each new producing State, as determined under subparagraph (A), to the coastal political subdivisions of the new producing State.

''(ii) ALLOCATION.—The amount paid by the Secretary to coastal political subdivisions shall be allocated to each coastal political subdivision in accordance with subparagraphs (B) and (C) of section 31(b)(4).

''(3) MINIMUM ALLOCATION.—The amount allocated to a new producing State for each fiscal year under paragraph (2) shall be at least 5 percent of the amounts available under for the fiscal year under paragraph (1)(B)(i).

''(4) TIMING.—The amounts required to be deposited under subparagraph (B) of paragraph (1) for the applicable fiscal year shall be made available in accordance with that subparagraph during the fiscal year immediately following the applicable fiscal year.

''(5) AUTHORIZED USES.—

''(A) IN GENERAL.—Subject to subparagraph (B), each new producing State and coastal political subdivision shall use all amounts received under paragraph (2) in accordance with all applicable Federal and State laws, only for 1 or more of the following purposes:

''(i) Projects and activities for the purposes of coastal protection, including conservation, coastal restoration, and hurricane protection.

''(ii) Mitigation of damage to fish, wildlife, or natural resources.

''(iii) Implementation of a federally-approved marine, coastal, or comprehensive conservation management plan.

''(iv) Mitigation of the impact of outer Continental Shelf activities through the funding of onshore projects.

''(v) Planning assistance and the administrative costs of complying with this section.

''(B) LIMITATION.—Not more than 3 percent of amounts received by a new producing State or coastal political subdivision under paragraph (2) may be used for the purposes described in subparagraph (A)(v).

''(6) ADMINISTRATION.—Amounts made available under paragraph (1)(B) shall—

''(A) be made available, without further appropriation, in accordance with this subsection;

''(B) remain available until expended; and

''(C) be in addition to any amounts appropriated under—

''(i) other provisions of this Act;

''(ii) the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–4 et seq.); or

''(iii) any other provision of law.

''(d) DISPOSITION OF QUALIFIED OUTER CONTINENTAL SHELF REVENUES FROM OTHER AREAS.—Notwithstanding section 9, for each applicable fiscal year, the terms and conditions of subsection (c) shall apply to the disposition of qualified outer Continental Shelf revenues that—

''(1) are derived from oil or gas leasing in an area that is not included in the current 5-year plan of the Secretary for oil or gas leasing; and

''(2) are not assumed in the budget of the United States Government submitted by the President under section 1105 of title 31, United States Code.''.

SEC. 20. ENERGY INDEPENDENCE TRUST FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a revolving fund, to be known as the ''Energy Independence Trust Fund'' (referred to in this section as the ''Fund''), consisting of such amounts as are deposited in the Fund under section 32(c)(1)(A)(i) of the Outer Continental Shelf Lands Act (as added by section 19).

(b) EXPENDITURES FROM FUND.—

(1) IN GENERAL.—Subject to paragraph (2), on request by the Secretary, the Secretary of the Treasury shall transfer from the Fund to the Secretary such amounts as the Secretary determines are necessary to carry out the following:

(A) Section 609 of the Public Utility Regulatory Policies Act of 1978 (7 U.S.C. 918c).

(B) Title V of the Toxic Substances Control Act (15 U.S.C. 2695 et seq.).

(C) Sections 211(r), 212, and 329 of the Clean Air Act (42 U.S.C. 7545(r), 7546, 7628).

(D) The following provisions of the Energy Policy and Conservation Act:

(i) Section 324A (42 U.S.C. 6294a).

(ii) Section 337(c) (42 U.S.C. 6307(c)).

(iii) Section 365(f) (42 U.S.C. 6325(f)).

(iv) Part E of title III (42 U.S.C. 6341 et seq.).

(v) Section 399A (42 U.S.C. 6371h–1).

(E) The following provisions of the Energy Policy Act of 2005:

(i) Section 107 (42 U.S.C. 15812).

(ii) The amendments made by section 123 (119 Stat. 616).

(iii) Sections 124 through 127 (42 U.S.C. 15821 through 15824).

(iv) The amendments made by section 128 (119 Stat. 619).

(v) Sections 133 and 134 (42 U.S.C. 15831, 15832).

(vi) Section 140 (42 U.S.C. 15833).

(vii) Section 201 (42 U.S.C. 15851).

(viii) The amendments made by section 202 (119 Stat. 651).

(ix) The amendments made by section 206 (119 Stat. 654).

(x) Section 207 (119 Stat. 656).

(xi) Sections 208 and 210 (42 U.S.C. 15854, 15855).

(xii) Sections 242 and 243 (42 U.S.C. 15881, 15882).

(xiii) The amendments made by section 251 (119 Stat. 679).

(xiv) Section 252 (42 U.S.C. 15891).

(xv) Sections 706, 712, 721, and 731 (42 U.S.C. 16051, 16062, 16071, 16081).

(xvi) Subtitle C of title VII (42 U.S.C. 16091 et seq.).

(xvii) Sections 751 and 755 through 758 (42 U.S.C. 16101, 16103 through 16106).

(xviii) Section 771 (119 Stat. 834).

(xix) Sections 782 and 783 (42 U.S.C. 16122, 16123).

(xx) Sections 805, 808, 809, and 812 (42 U.S.C. 16154, 16157, 16158, 16161).

(xxi) Sections 911, 917, 921, and 931 (42 U.S.C. 16191, 16197, 16211, 16231).

(xxii) The amendments made by section 941 (119 Stat. 873).

(xxiii) Sections 942, 944 through 947, and 963 (42 U.S.C. 16251, 16253 through 16256, 16293).

(xxiv) Sections 1510, 1514, and 1516 (42 U.S.C. 16501, 16502, 16503).

(F) The following provisions of the Energy Independence and Security Act of 2007:

(i) Sections 131 and 135 (42 U.S.C. 17011, 17012).

(ii) Sections 207, 223, 229, 230, 234, 244, and 246 (42 U.S.C. 17022, 17032, 17033, 17034, 17035, 17052, 17053).

(iii) Section 243 (121 Stat. 1540).

(iv) Section 411 (42 U.S.C. 6872 note; Public Law 110–140).

(v) Sections 422, 440, 452, 491, and 495 (42 U.S.C. 17082, 17096, 17111, 17121, 17124).

(vi) Section 501 (121 Stat. 1655).

(vii) Section 502 (2 U.S.C. 2169).

(viii) The amendments made by section 505 (121 Stat. 1656).

(ix) Section 517 (42 U.S.C. 17131).

(x) Subtitle E of title V (42 U.S.C. 17151 et seq.).

(xi) Section 602 (42 U.S.C. 17171).

(xii) Sections 604 through 607 (42 U.S.C. 17172 through 17175).

(xiii) Subtitles B through E of title VI (42 U.S.C. 17191 et seq.) (other than section 653).

(xiv) Sections 703, 705, 707, 708, 711, and 712 (42 U.S.C. 17251, 17253, 17255, 17256, 17271, 17272).

(xv) Sections 805 and 807 (42 U.S.C. 17284, 17286).

(xvi) Sections 912, 913, 916, 917, 925, and 927 (42 U.S.C. 17332, 17333, 17336, 17337, 17355, 17357).

(G) Section 21.

(2) ADMINISTRATIVE EXPENSES.—An amount not exceeding 5 percent of the amounts in the Fund shall be available for each fiscal year to pay the administrative expenses necessary to carry out this section.

(c) TRANSFERS OF AMOUNTS.—

(1) IN GENERAL.—The amounts required to be transferred to the Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(2) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

SEC. 21. LOAN GUARANTEES FOR RENEWABLE FUEL PIPELINES.

(a) DEFINITIONS.—In this section:

(1) COST.—The term ''cost'' has the meaning given the term ''cost of a loan guarantee'' in section 502(5)(C) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)(C)).

(2) ELIGIBLE PROJECT.—The term eligible project means a project described in subsection (b)(1).

(3) GUARANTEE.—

(A) IN GENERAL.—The term ''guarantee'' has the meaning given the term ''loan guarantee'' in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

(B) INCLUSION.—The term ''guarantee'' includes a loan guarantee commitment (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)).

(4) RENEWABLE FUEL.—The term ''renewable fuel'' has the meaning given the term in section 211(o)(1) of the Clean Air Act (42 U.S.C. 7545(o)(1)) (as in effect on January 1, 2009).

(5) RENEWABLE FUEL PIPELINE.—The term ''renewable fuel pipeline'' means a common carrier pipeline for transporting renewable fuel.

(b) LOAN GUARANTEES.—

(1) IN GENERAL.—The Secretary shall make guarantees under this section for projects that provide for the construction of new renewable fuel pipelines.

(2) ELIGIBILITY.—In determining the eligibility of a project for a guarantee under this section, the Secretary shall consider—

(A) the volume of renewable fuel to be moved by the renewable fuel pipeline;

(B) the size of the markets to be served by the renewable fuel pipeline;

(C) the existence of sufficient storage to facilitate access to the markets served by the renewable fuel pipeline;

(D) the proximity of the renewable fuel pipeline to ethanol production facilities;

(E) the investment of the entity carrying out the proposed project in terminal infrastructure;

(F) the experience of the entity carrying out the proposed project in working with renewable fuels;

(G) the ability of the entity carrying out the proposed project to maintain the quality of the renewable fuel through—

(i) the terminal system of the entity; and

(ii) the dedicated pipeline system;

(H) the ability of the entity carrying out the proposed project to complete the project in a timely manner; and

(I) the ability of the entity carrying out the proposed project to secure property rights-of-way in order to move the proposed project forward in a timely manner.

(3) AMOUNT.—Unless otherwise provided by law, a guarantee by the Secretary under this section shall not exceed an amount equal to 90 percent of the eligible project cost of the renewable fuel pipeline that is the subject of the guarantee, as estimated at the time at which the guarantee is issued or subsequently modified while the eligible project is under construction.

(4) TERMS AND CONDITIONS.—Guarantees under this section shall be provided in accordance with section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512), except that subsections (b) and (c) of that section shall not apply to guarantees under this section.

(5) EXISTING FUNDING AUTHORITY.—The Secretary shall make a guarantee under this section under an existing funding authority.

(6) FINAL RULE.—Not later than 90 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register a final rule directing the Director of the Department of Energy Loan Guarantee Program Office to initiate the loan guarantee program under this section in accordance with this section.

(c) FUNDING.—

(1) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to provide $4,000,000,000 in guarantees under this section.

(2) USE OF OTHER APPROPRIATED FUNDS.—To the extent that the amounts made available under title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.) have not been disbursed to programs under that title, the Secretary may use the amounts to carry out this section.

SA 5098. Mr. REID proposed an amendment to the bill S. 3268, to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes; as follows:

The provisions of this bill shall become effective 5 days after enactment.

SA 5099. Mr. REID proposed an amendment to amendment SA 5098 proposed by Mr. REID to the bill S. 3268, to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes; as follows:

In the amendment, strike ''5'' and insert ''4''.

SA 5100. Mr. REID proposed an amendment to the bill S. 3268, to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes; as follows:

At the end, insert the following:

This title shall become effective 3 days after enactment of the bill.

SA 5101. Mr. REID proposed an amendment to the bill S. 3268, to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes; as follows:

In the amendment, strike ''3'' and insert ''2''.

SA 5102. Mr. REID proposed an amendment to amendment SA 5101 proposed by Mr. REID to the bill S. 3268, to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes; as follows:

In the amendment, strike ''2'' and insert ''1.''

SA 5103. Mr. REID proposed an amendment to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; as follows:

At the end of the amendment add the following:

The provisions of this act shall become effective 2 days after enactment.

SA 5104. Mr. REID proposed an amendment to amendment SA 5103 proposed by Mr. REID to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; as follows:

In the amendment, strike ''2'' and insert ''1''.

SA 5105. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 3268, to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REGULATIONS TO IMPLEMENT PROHIBITION ON MARKET MANIPULATION.

Not later than December 31, 2008, the Federal Trade Commission shall promulgate a final rule to implement section 811 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17301).

SA 5106. Ms. SNOWE (for herself and Mr. KERRY) submitted an amendment intended to be proposed by her to the bill S. 3268, to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. RELEASE OF PRODUCTS FROM NORTHEAST HOME HEATING OIL RESERVE ACCOUNT.

Section 183 of the Energy Policy and Conservation Act (42 U.S.C. 6250b) is amended by striking subsection (a) and inserting the following:

''(a) FINDINGS.—

''(1) OPTIONAL RELEASES.—

''(A) IN GENERAL.—Subject to paragraph (2), the Secretary may sell products from the Reserve only on a finding by the President that—

''(i) there is a severe energy supply interruption; or

''(ii) the price of home heating oil threatens the health and safety of residents of the Northeast.

''(B) REQUIREMENT.—The President may make a finding under subparagraph (A) only if the President determines that—

''(i) a dislocation in the heating oil market has resulted from an interruption described in subparagraph (A)(i);

''(ii) the price of home heating oil has increased by such an extent that the Northeast is experiencing, or will experience, an emergency situation that threatens the safety and health of residents of the Northeast; or

''(iii)(I) a circumstance (other than a circumstance described in clause (i) or (ii)) exists that constitutes a regional supply shortage of significant scope and duration; and

''(II) action taken under this section would assist directly and significantly in reducing the adverse impact of the shortage.

''(2) MANDATORY RELEASES.—

''(A) IN GENERAL.—For each fiscal year, the Secretary shall sell—

''(i) 20 percent of the quantity of products in the Reserve as of November 1 of that fiscal year, on a finding by the President that the average retail price of No. 2 heating oil in the Northeast (as reported in the retail price data of the Energy Information Administration for the Northeast) is equal to or more than $4.00 per gallon on November 1 of that fiscal year;

''(ii) 20 percent of the quantity of products in the Reserve as of November 1 of that fiscal year, on a finding by the President that the average retail price of No. 2 heating oil in the Northeast (as so reported) is equal to or more than $4.00 per gallon on December 1 of that fiscal year;

''(iii) 20 percent of the quantity of products in the Reserve as of November 1 of that fiscal year, on a finding by the President that the average retail price of No. 2 heating oil in

the Northeast (as so reported) is equal to or more than $4.00 per gallon on January 1 of that fiscal year;

''(iv) 20 percent of the quantity of products in the Reserve as of November 1 of that fiscal year, on a finding by the President that the average retail price of No. 2 heating oil in the Northeast (as so reported) is equal to or more than $4.00 per gallon on February 1 of that fiscal year; and

''(v) 20 percent of the quantity of products in the Reserve as of November 1 of that fiscal year, on a finding by the President that the average retail price of No. 2 heating oil in the Northeast (as so reported) is equal to or more than $4.00 per gallon on March 1 of that fiscal year.

''(B) USE OF REVENUE.—The Secretary shall use any revenue derived from the sale of products in the Reserve under subparagraph (A) to provide assistance to low-income consumers of heating oil under the Weatherization Assistance Program for Low-Income Persons established under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.).''.

SA 5107. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 3268, to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. GRANTS TO STATES FOR RESPONSE PLANS FOR RISING ENERGY COSTS.

Subtitle B of title I of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 616) is amended by adding at the end the following:

''SEC. 129. GRANTS TO STATES FOR RESPONSE PLANS FOR RISING ENERGY COSTS.

''(a) IN GENERAL.—The Secretary shall make grants to States to pay the Federal share of the cost of establishing and implementing response plans to address rising heating oil, natural gas, diesel, and other energy costs.

''(b) USE.—A grant under this section may be used by a State—

''(1) to provide heating shelters for communities;

''(2) to provide energy assistance and information to elderly individuals, consumers, and small business concerns;

''(3) to provide information to individuals and small business concerns concerning State resources for individuals struggling with rising energy costs; and

''(4) to otherwise address rising heating oil, natural gas, diesel, and other energy costs, as determined by the State and approved by the Secretary.

''(c) ALLOCATION.—The Secretary shall allocate grants to States under this section using a formula established by the Secretary that is based on State population and per capita expenditures for energy.

''(d) FEDERAL SHARE.—The Federal share of the cost of establishing a response plan under this section shall be not more than 50 percent.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000,000 for each of fiscal years 2009 through 2013.''.

SA 5108. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 3268, to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Gas Price Reduction Act of 2008''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

TITLE I—DEEP SEA EXPLORATION

SEC. 101. PUBLICATION OF PROJECTED STATE LINES ON OUTER CONTINENTAL SHELF.

Section 4(a)(2)(A) of the Outer Continental Shelf Lands Act (43 U.S.C. 1333(a)(2)(A)) is amended—

(1) by designating the first, second, and third sentences as clause (i), (iii), and (iv), respectively;

(2) in clause (i) (as so designated), by inserting before the period at the end the following: ''not later than 90 days after the date of enactment of the Gas Price Reduction Act of 2008''; and

(3) by inserting after clause (i) (as so designated) the following:

''(ii)(I) The projected lines shall also be used for the purpose of preleasing and leasing activities conducted in new producing areas under section 32.

''(II) This clause shall not affect any property right or title to Federal submerged land on the outer Continental Shelf.

''(III) In carrying out this clause, the President shall consider the offshore administrative boundaries beyond State submerged lands for planning, coordination, and administrative purposes of the Department of the Interior, but may establish different boundaries.''.

SEC. 102. PRODUCTION OF OIL AND NATURAL GAS IN NEW PRODUCING AREAS.

The Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) is amended by adding at the end the following:

''SEC. 32. PRODUCTION OF OIL AND NATURAL GAS IN NEW PRODUCING AREAS.

''(a) DEFINITIONS.—In this section:

''(1) COASTAL POLITICAL SUBDIVISION.—The term 'coastal political subdivision' means a political subdivision of a new producing State any part of which political subdivision is—

''(A) within the coastal zone (as defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453)) of the new producing State as of the date of enactment of this section; and

''(B) not more than 200 nautical miles from the geographic center of any leased tract.

''(2) MORATORIUM AREA.—

''(A) IN GENERAL.—The term 'moratorium area' means an area covered by sections 104 through 105 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2118) (as in effect on the day before the date of enactment of this section).

''(B) EXCLUSION.—The term 'moratorium area' does not include an area located in the Gulf of Mexico.

''(3) NEW PRODUCING AREA.—The term 'new producing area' means any moratorium area within the offshore administrative boundaries beyond the submerged land of a State that is located greater than 50 miles from the coastline of the State.

''(4) NEW PRODUCING STATE.—The term 'new producing State' means a State that has, within the offshore administrative boundaries beyond the submerged land of the State, a new producing area available for oil and gas leasing under subsection (b).

''(5) OFFSHORE ADMINISTRATIVE BOUNDARIES.—The term 'offshore administrative boundaries' means the administrative boundaries established by the Secretary beyond State submerged land for planning, coordination, and administrative purposes of the Department of the Interior and published in the Federal Register on January 3, 2006 (71 Fed. Reg. 127).

''(6) QUALIFIED OUTER CONTINENTAL SHELF REVENUES.—

''(A) IN GENERAL.—The term 'qualified outer Continental Shelf revenues' means all rentals, royalties, bonus bids, and other sums due and payable to the United States from leases entered into on or after the date of enactment of this section for new producing areas.

''(B) EXCLUSIONS.—The term 'qualified outer Continental Shelf revenues' does not include—

''(i) revenues from a bond or other surety forfeited for obligations other than the collection of royalties;

''(ii) revenues from civil penalties;

''(iii) royalties taken by the Secretary in-kind and not sold;

''(iv) revenues generated from leases subject to section 8(g); or

''(v) any revenues considered qualified outer Continental Shelf revenues under section 102 of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432).

''(b) PETITION FOR LEASING NEW PRODUCING AREAS.—

''(1) IN GENERAL.—Beginning on the date on which the President delineates projected State lines under section 4(a)(2)(A)(ii), the Governor of a State, with the concurrence of the legislature of the State, with a new producing area within the offshore administrative boundaries beyond the submerged land of the State may submit to the Secretary a petition requesting that the Secretary make the new producing area available for oil and gas leasing.

''(2) ACTION BY SECRETARY.—Notwithstanding section 18, as soon as practicable after receipt of a petition under paragraph (1), the Secretary shall approve the petition if the Secretary determines that leasing the new producing area would not create an unreasonable risk of harm to the marine, human, or coastal environment.

''(c) DISPOSITION OF QUALIFIED OUTER CONTINENTAL SHELF REVENUES FROM NEW PRODUCING AREAS.—

''(1) IN GENERAL.—Notwithstanding section 9 and subject to the other provisions of this subsection, for each applicable fiscal year, the Secretary of the Treasury shall deposit—

''(A) 50 percent of qualified outer Continental Shelf revenues in the general fund of the Treasury; and

''(B) 50 percent of qualified outer Continental Shelf revenues in a special account in the Treasury from which the Secretary shall disburse—

''(i) 75 percent to new producing States in accordance with paragraph (2); and

''(ii) 25 percent to provide financial assistance to States in accordance with section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l* –8), which shall be considered income to the Land and Water Conservation Fund for purposes of section 2 of that Act (16 U.S.C. 460*l*–5).

''(2) ALLOCATION TO NEW PRODUCING STATES AND COASTAL POLITICAL SUBDIVISIONS.—

''(A) ALLOCATION TO NEW PRODUCING STATES.—Effective for fiscal year 2008 and each fiscal year thereafter, the amount made available under paragraph (1)(B)(i) shall be allocated to each new producing State in amounts (based on a formula established by the Secretary by regulation) proportional to the amount of qualified outer Continental Shelf revenues generated in the new producing area offshore each State.

''(B) PAYMENTS TO COASTAL POLITICAL SUBDIVISIONS.—

''(i) IN GENERAL.—The Secretary shall pay 20 percent of the allocable share of each new producing State, as determined under subparagraph (A), to the coastal political subdivisions of the new producing State.

''(ii) ALLOCATION.—The amount paid by the Secretary to coastal political subdivisions shall be allocated to each coastal political subdivision in accordance with the regulations promulgated under subparagraph (A).

''(3) MINIMUM ALLOCATION.—The amount allocated to a new producing State for each fiscal year under paragraph (2) shall be at least 5 percent of the amounts available for the fiscal year under paragraph (1)(B)(i).

''(4) TIMING.—The amounts required to be deposited under subparagraph (B) of paragraph (1) for the applicable fiscal year shall be made available in accordance with that subparagraph during the fiscal year immediately following the applicable fiscal year.

''(5) AUTHORIZED USES.—

''(A) IN GENERAL.—Subject to subparagraph (B), each new producing State and coastal political subdivision shall use all amounts received under paragraph (2) in accordance with all applicable Federal and State laws, only for 1 or more of the following purposes:

''(i) Projects and activities for the purposes of coastal protection, including conservation, coastal restoration, hurricane protection, and infrastructure directly affected by coastal wetland losses.

''(ii) Mitigation of damage to fish, wildlife, or natural resources.

''(iii) Implementation of a federally approved marine, coastal, or comprehensive conservation management plan.

''(iv) Funding of onshore infrastructure projects.

''(v) Planning assistance and the administrative costs of complying with this section.

''(B) LIMITATION.—Not more than 3 percent of amounts received by a new producing State or coastal political subdivision under paragraph (2) may be used for the purposes described in subparagraph (A)(v).

''(6) ADMINISTRATION.—Amounts made available under paragraph (1)(B) shall—

''(A) be made available, without further appropriation, in accordance with this subsection;

''(B) remain available until expended; and

''(C) be in addition to any amounts appropriated under—

''(i) other provisions of this Act;

''(ii) the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–4 et seq.); or

''(iii) any other provision of law.

''(d) DISPOSITION OF QUALIFIED OUTER CONTINENTAL SHELF REVENUES FROM OTHER AREAS.—Notwithstanding section 9, for each applicable fiscal year, the terms and conditions of subsection (c) shall apply to the disposition of qualified outer Continental Shelf revenues that—

''(1) are derived from oil or gas leasing in an area that is not included in the current 5-year plan of the Secretary for oil or gas leasing; and

''(2) are not assumed in the budget of the United States Government submitted by the President under section 1105 of title 31, United States Code.''.

SEC. 103. CONFORMING AMENDMENTS.

Sections 104 and 105 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2118) are amended by striking ''No funds'' each place it appears and inserting ''Except as provided in section 32 of the Outer Continental Shelf Lands Act, no funds''.

TITLE II—WESTERN STATE OIL SHALE EXPLORATION

SEC. 201. REMOVAL OF PROHIBITION ON FINAL REGULATIONS FOR COMMERCIAL LEASING PROGRAM FOR OIL SHALE RESOURCES ON PUBLIC LAND.

Section 433 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2152) is repealed.

TITLE III—PLUG-IN ELECTRIC CARS AND TRUCKS

SEC. 301. ADVANCED BATTERIES FOR ELECTRIC DRIVE VEHICLES.

(a) DEFINITIONS.—In this section:

(1) ADVANCED BATTERY.—The term ''advanced battery'' means an electrical storage device that is suitable for a vehicle application.

(2) ENGINEERING INTEGRATION COSTS.—The term ''engineering integration costs'' includes the cost of engineering tasks relating to—

(A) the incorporation of qualifying components into the design of an advanced battery; and

(B) the design of tooling and equipment and the development of manufacturing processes and material for suppliers of production facilities that produce qualifying components or advanced batteries.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(b) ADVANCED BATTERY RESEARCH AND DEVELOPMENT.—

(1) IN GENERAL.—The Secretary shall—

(A) expand and accelerate research and development efforts for advanced batteries; and

(B) emphasize lower cost means of producing abuse-tolerant advanced batteries with the appropriate balance of power and energy capacity to meet market requirements.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $100,000,000 for each of fiscal years 2010 through 2014.

(c) DIRECT LOAN PROGRAM.—

(1) IN GENERAL.—Subject to the availability of appropriated funds, not later than 1 year after the date of enactment of this Act, the Secretary shall carry out a program to provide a total of not more than $250,000,000 in loans to eligible individuals and entities for not more than 30 percent of the costs of 1 or more of—

(A) reequipping a manufacturing facility in the United States to produce advanced batteries;

(B) expanding a manufacturing facility in the United States to produce advanced batteries; or

(C) establishing a manufacturing facility in the United States to produce advanced batteries.

(2) ELIGIBILITY.—

(A) IN GENERAL.—To be eligible to obtain a loan under this subsection, an individual or entity shall—

(i) be financially viable without the receipt of additional Federal funding associated with a proposed project under this subsection;

(ii) provide sufficient information to the Secretary for the Secretary to ensure that the qualified investment is expended efficiently and effectively; and

(iii) meet such other criteria as may be established and published by the Secretary.

(B) CONSIDERATION.—In selecting eligible individuals or entities for loans under this subsection, the Secretary may consider whether the proposed project of an eligible individual or entity under this subsection would—

(i) reduce manufacturing time;

(ii) reduce manufacturing energy intensity;

(iii) reduce negative environmental impacts or byproducts; or

(iv) increase spent battery or component recycling

(3) RATES, TERMS, AND REPAYMENT OF LOANS.—A loan provided under this subsection—

(A) shall have an interest rate that, as of the date on which the loan is made, is equal to the cost of funds to the Department of the Treasury for obligations of comparable maturity;

(B) shall have a term that is equal to the lesser of—

(i) the projected life, in years, of the eligible project to be carried out using funds from the loan, as determined by the Secretary; or

(ii) 25 years; and

(C) may be subject to a deferral in repayment for not more than 5 years after the date on which the eligible project carried out using funds from the loan first begins operations, as determined by the Secretary.

(4) PERIOD OF AVAILABILITY.—A loan under this subsection shall be available for—

(A) facilities and equipment placed in service before December 30, 2020; and

(B) engineering integration costs incurred during the period beginning on the date of enactment of this Act and ending on December 30, 2020.

(5) FEES.—The cost of administering a loan made under this subsection shall not exceed $100,000.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection for each of fiscal years 2009 through 2013.

(d) SENSE OF THE SENATE ON PURCHASE OF PLUG-IN ELECTRIC DRIVE VEHICLES.—It is the sense of the Senate that, to the maximum extent practicable, the Federal Government should implement policies to increase the purchase of plug-in electric drive vehicles by the Federal Government.

TITLE IV—ENERGY COMMODITY MARKETS

SEC. 401. STUDY OF INTERNATIONAL REGULATION OF ENERGY COMMODITY MARKETS.

(a) IN GENERAL.—The Secretary of the Treasury, the Chairman of the Board of Governors of the Federal Reserve System, the Chairman of the Securities and Exchange Commission, and the Chairman of the Commodity Futures Trading Commission shall jointly conduct a study of the international regime for regulating the trading of energy commodity futures and derivatives.

(b) ANALYSIS.—The study shall include an analysis of, at a minimum—

(1) key common features and differences among countries in the regulation of energy commodity trading, including with respect to market oversight and enforcement;

(2) agreements and practices for sharing market and trading data;

(3) the use of position limits or thresholds to detect and prevent price manipulation, excessive speculation as described in section 4a(a) of the Commodity Exchange Act (7 U.S.C. 6a(a)) or other unfair trading practices;

(4) practices regarding the identification of commercial and noncommercial trading and the extent of market speculation; and

(5) agreements and practices for facilitating international cooperation on market oversight, compliance, and enforcement.

(c) REPORT.—Not later than 120 days after the date of enactment of this Act, the heads of the Federal agencies described in subsection (a) shall jointly submit to the appropriate committees of Congress a report that—

(1) describes the results of the study; and

(2) provides recommendations to improve openness, transparency, and other necessary elements of a properly functioning market.

SEC. 402. FOREIGN BOARDS OF TRADE.

Section 4 of the Commodity Exchange Act (7 U.S.C. 6) is amended by adding at the end the following:

''(e) FOREIGN BOARDS OF TRADE.—

''(1) IN GENERAL.—The Commission shall not permit a foreign board of trade's members or other participants located in the United States to enter trades directly into the foreign board of trade's trade matching system with respect to an agreement, contract, or transaction in an energy commodity (as defined by the Commission) that settles against any price, including the daily or final settlement price, of a contract or contracts listed for trading on a registered entity, unless—

''(A) the foreign board of trade makes public daily information on settlement prices, volume, open interest, and opening and closing ranges for the agreement, contract, or transaction that is comparable to the daily trade information published by the registered entity for the contract or contracts against which it settles;

''(B) the foreign board of trade or a foreign futures authority adopts position limitations (including related hedge exemption provisions) or position accountability for speculators for the agreement, contract, or transaction that are comparable to the position limitations (including related hedge exemption provisions) or position accountability adopted by the registered entity for the contract or contracts against which it settles; and

''(C) the foreign board of trade or a foreign futures authority provides such information to the Commission regarding the extent of speculative and non-speculative trading in the agreement, contract, or transaction that is comparable to the information the Commission determines is necessary to publish its weekly report of traders (commonly known as the Commitments of Traders report) for the contract or contracts against which it settles.

''(2) EXISTING FOREIGN BOARDS OF TRADE.—Paragraph (1) shall become effective 1 year after the date of enactment of this subsection with respect to any agreement, contract, or transaction in an energy commodity (as defined by the Commission) conducted on a foreign board of trade for which the Commission's staff had granted relief from the requirements of this Act prior to the date of enactment of this subsection.''.

SEC. 403. INDEX TRADERS AND SWAP DEALERS; DISAGGREGATION OF INDEX FUNDS.

Section 4 of the Commodity Exchange Act (7 U.S.C. 6) (as amended by section 3) is amended by adding at the end the following:

''(f) INDEX TRADERS AND SWAP DEALERS.—

''(1) REPORTING.—The Commission shall—

''(A) issue a proposed rule regarding routine reporting requirements for index traders and swap dealers (as those terms are defined by the Commission) in energy and agricultural transactions (as those terms are defined by the Commission) within the jurisdiction of the Commission not later than 180 days after the date of enactment of this subsection, and issue a final rule regarding such reporting requirements not later than 270 days after the date of enactment of this subsection; and

''(B) subject to the provisions of section 8, disaggregate and make public monthly information on the positions and value of index funds and other passive, long-only positions in the energy and agricultural futures markets.

''(2) REPORT.—Not later than 90 days after the date of enactment of this subsection, the Commission shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report regarding—

''(A) the scope of commodity index trading in the futures markets;

''(B) whether classification of index traders and swap dealers in the futures markets can be improved for regulatory and reporting purposes; and

''(C) whether, based on a review of the trading practices for index traders in the futures markets—

''(i) index trading activity is adversely impacting the price discovery process in the futures markets; and

''(ii) different practices and controls should be required.''.

SEC. 404. IMPROVED OVERSIGHT AND ENFORCEMENT.

(a) FINDINGS.—The Senate finds that—

(1) crude oil prices are at record levels and consumers in the United States are paying record prices for gasoline;

(2) funding for the Commodity Futures Trading Commission has been insufficient to cover the significant growth of the futures markets;

(3) since the establishment of the Commodity Futures Trading Commission, the volume of trading on futures exchanges has grown 8,000 percent while staffing numbers have decreased 12 percent; and

(4) in today's dynamic market environment, it is essential that the Commodity Futures Trading Commission receive the funding necessary to enforce existing authority to ensure that all commodity markets, including energy markets, are properly monitored for market manipulation.

(b) ADDITIONAL EMPLOYEES.—As soon as practicable after the date of enactment of this Act, the Commodity Futures Trading Commission shall hire at least 100 additional full-time employees—

(1) to increase the public transparency of operations in energy futures markets;

(2) to improve the enforcement in those markets; and

(3) to carry out such other duties as are prescribed by the Commission.

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other funds made available to carry out the Commodity Exchange Act (7 U.S.C. 1 et seq.), there are authorized to be appropriated such sums as are necessary to carry out this section for fiscal year 2009.

SA 5109. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3268, to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. REPEAL OF MORATORIA ON OFFSHORE OIL AND GAS LEASING.

(a) IN GENERAL.—Sections 104 and 105 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2118), are repealed.

(b) CERTAIN AREAS OF GULF OF MEXICO.—Section 104 of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; 120 Stat. 3003) is amended—

(1) by striking subsection (a); and

(2) in subsection (b), by striking the subsection designation and heading and all that follows through ''subsection (a), the'' and inserting ''The''.

SEC. ___. USE OF OFFSHORE OIL AND GAS PLATFORMS AND OTHER FACILITIES FOR ALTERNATIVE ENERGY PRODUCTION.

(a) DEFINITIONS.—In this section:

(1) ALTERNATIVE ENERGY.—The term ''alternative energy'' means energy from a source other than oil or gas.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) GRANT PROGRAM.—

(1) ESTABLISHMENT.—The Secretary shall establish a grant program under which the Secretary shall provide grants to pay the Federal share of the cost of—

(A) converting offshore oil and gas platforms or other facilities that are decommissioned from service for oil and gas purposes to alternative energy production facilities; or

(B) using offshore oil and gas platforms or other facilities that are being used for oil and gas purposes to also produce alternative energy.

(2) FEDERAL SHARE.—The Federal share of the cost of carrying out activities under paragraph (1) shall be not more than 50 percent.

(3) APPLICABLE LAW.—The Outer Continental Shelf Land Act (43 U.S.C. 1301 et seq.) shall apply to any activities carried out under this section.

(4) DISPOSITION OF REVENUES.—Notwithstanding section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338), of the revenues to the United States from the production of alternative energy under this section for each fiscal year, the Secretary shall deposit—

(A) 50 percent in the general fund of the Treasury; and

(B) 50 percent in a special account in the Treasury from which the Secretary shall disburse—

(i) 75 percent to States based on a formula established by the Secretary by regulation; and

(ii) 25 percent to provide financial assistance to States in accordance with section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460 l–8), which shall be considered income to the Land and Water Conservation Fund for purposes of section 2 of that Act (16 U.S.C. 460*l*–5).

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

(6) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide grants under this section terminates on the date that is 10 years after the date of enactment of this Act.

SA 5110. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3268, to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. _____. PRODUCTION OF OIL AND NATURAL GAS IN NEW PRODUCING AREAS.

The Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) is amended by adding at the end the following:

''SEC. 32. PRODUCTION OF OIL AND NATURAL GAS IN NEW PRODUCING AREAS.

''(a) DEFINITIONS.—In this section:

''(1) COASTAL POLITICAL SUBDIVISION.—The term 'coastal political subdivision' means a political subdivision of a new producing State any part of which political subdivision is—

''(A) within the coastal zone (as defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453)) of the new producing State as of the date of enactment of this section; and

''(B) not more than 200 nautical miles from the geographic center of any leased tract.

''(2) MORATORIUM AREA.—

''(A) IN GENERAL.—The term 'moratorium area' means an area covered by sections 104 through 105 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2118) (as in effect on the day before the date of enactment of this section).

''(B) EXCLUSION.—The term 'moratorium area' does not include an area located in the Gulf of Mexico.

''(3) NEW PRODUCING AREA.—The term 'new producing area' means any moratorium area within the offshore administrative boundaries beyond the submerged land of a State that is located greater than 50 miles from the coastline of the State.

''(4) NEW PRODUCING STATE.—The term 'new producing State' means a State that has, within the offshore administrative boundaries beyond the submerged land of the State, a new producing area available for oil and gas leasing under subsection (b).

''(5) OFFSHORE ADMINISTRATIVE BOUNDARIES.—The term 'offshore administrative boundaries' means the administrative boundaries established by the Secretary beyond State submerged land for planning, coordination, and administrative purposes of the Department of the Interior and published in the Federal Register on January 3, 2006 (71 Fed. Reg. 127).

''(6) QUALIFIED OUTER CONTINENTAL SHELF REVENUES.—

''(A) IN GENERAL.—The term 'qualified outer Continental Shelf revenues' means all rentals, royalties, bonus bids, and other sums due and payable to the United States from leases entered into on or after the date of enactment of this section for new producing areas.

''(B) EXCLUSIONS.—The term 'qualified outer Continental Shelf revenues' does not include—

''(i) revenues from a bond or other surety forfeited for obligations other than the collection of royalties;

''(ii) revenues from civil penalties;

''(iii) royalties taken by the Secretary in-kind and not sold;

''(iv) revenues generated from leases subject to section 8(g); or

''(v) any revenues considered qualified outer Continental Shelf revenues under section 102 of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432).

''(b) PETITION FOR LEASING NEW PRODUCING AREAS.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, the Governor of a State, with the concurrence of the legislature of the State, with a new producing area within the offshore administrative boundaries beyond the submerged land of the State may submit to the Secretary a petition requesting that the Secretary make the new producing area available for oil and gas leasing.

''(2) ACTION BY SECRETARY.—Notwithstanding section 18, as soon as practicable after receipt of a petition under paragraph (1), the Secretary shall approve the petition if the Secretary determines that leasing the new producing area would not create an unreasonable risk of harm to the marine, human, or coastal environment.

''(c) DISPOSITION OF QUALIFIED OUTER CONTINENTAL SHELF REVENUES FROM NEW PRODUCING AREAS.—

''(1) IN GENERAL.—Notwithstanding section 9 and subject to the other provisions of this subsection, for each applicable fiscal year, the Secretary of the Treasury shall—

''(A) deposit 45 percent of qualified outer Continental Shelf revenues in the general fund of the Treasury;

''(B) deposit 50 percent of qualified outer Continental Shelf revenues in a special account in the Treasury from which the Secretary shall disburse—

''(i) 75 percent to new producing States in accordance with paragraph (2); and

''(ii) 25 percent to provide financial assistance to States in accordance with section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l* –8), which shall be considered income to the Land and Water Conservation Fund for purposes of section 2 of that Act (16 U.S.C. 460*l*–5); and

''(C) distribute 5 percent of qualified outer Continental Shelf revenues to States for historic offshore production distribution.

''(2) ALLOCATION TO NEW PRODUCING STATES AND COASTAL POLITICAL SUBDIVISIONS.—

''(A) ALLOCATION TO NEW PRODUCING STATES.—Effective for fiscal year 2008 and each fiscal year thereafter, the amount made available under paragraph (1)(B)(i) shall be allocated to each new producing State in amounts (based on a formula established by the Secretary by regulation) proportional to the amount of qualified outer Continental Shelf revenues generated in the new producing area offshore each State.

''(B) PAYMENTS TO COASTAL POLITICAL SUBDIVISIONS.—

''(i) IN GENERAL.—The Secretary shall pay 20 percent of the allocable share of each new producing State, as determined under subparagraph (A), to the coastal political subdivisions of the new producing State.

''(ii) ALLOCATION.—The amount paid by the Secretary to coastal political subdivisions shall be allocated to each coastal political subdivision in accordance with the regulations promulgated under subparagraph (A).

''(3) MINIMUM ALLOCATION.—The amount allocated to a new producing State for each fiscal year under paragraph (2) shall be at least 5 percent of the amounts available for the fiscal year under paragraph (1)(B)(i).

''(4) TIMING.—The amounts required to be deposited under subparagraph (B) of paragraph (1) for the applicable fiscal year shall be made available in accordance with that subparagraph during the fiscal year immediately following the applicable fiscal year.

''(5) AUTHORIZED USES.—

''(A) IN GENERAL.—Subject to subparagraph (B), each new producing State and coastal political subdivision shall use all amounts received under paragraph (2) in accordance with all applicable Federal and State laws, only for 1 or more of the following purposes:

''(i) Projects and activities for the purposes of coastal protection, including conservation, coastal restoration, hurricane protection, and infrastructure directly affected by coastal wetland losses.

''(ii) Mitigation of damage to fish, wildlife, or natural resources.

''(iii) Implementation of a federally approved marine, coastal, or comprehensive conservation management plan.

''(iv) Funding of onshore infrastructure projects.

''(v) Planning assistance and the administrative costs of complying with this section.

''(B) LIMITATION.—Not more than 3 percent of amounts received by a new producing State or coastal political subdivision under paragraph (2) may be used for the purposes described in subparagraph (A)(v).

''(6) ADMINISTRATION.—Amounts made available under paragraph (1)(B) shall—

''(A) be made available, without further appropriation, in accordance with this subsection;

''(B) remain available until expended; and

''(C) be in addition to any amounts appropriated under—

''(i) other provisions of this Act;

''(ii) the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–4 et seq.); or

''(iii) any other provision of law.

''(d) DISPOSITION OF QUALIFIED OUTER CONTINENTAL SHELF REVENUES FROM OTHER AREAS.—Notwithstanding section 9, for each applicable fiscal year, the terms and conditions of subsection (c) shall apply to the disposition of qualified outer Continental Shelf revenues that—

''(1) are derived from oil or gas leasing in an area that is not included in the current 5-year plan of the Secretary for oil or gas leasing; and

''(2) are not assumed in the budget of the United States Government submitted by the President under section 1105 of title 31, United States Code.''.

SEC. _____. USE OF OFFSHORE OIL AND GAS PLATFORMS AND OTHER FACILITIES FOR ALTERNATIVE ENERGY PRODUCTION.

(a) DEFINITIONS.—In this section:

(1) ALTERNATIVE ENERGY.—The term ''alternative energy'' means energy from a source other than oil or gas.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) GRANT PROGRAM.—

(1) ESTABLISHMENT.—The Secretary shall establish a grant program under which the Secretary shall provide grants to pay the Federal share of the cost of—

(A) converting offshore oil and gas platforms or other facilities that are decommissioned from service for oil and gas purposes to alternative energy production facilities; or

(B) using offshore oil and gas platforms or other facilities that are being used for oil and gas purposes to also produce alternative energy.

(2) FEDERAL SHARE.—The Federal share of the cost of carrying out activities under paragraph (1) shall be not more than 50 percent.

(3) APPLICABLE LAW.—The Outer Continental Shelf Land Act (43 U.S.C. 1301 et seq.) shall apply to any activities carried out under this section.

(4) DISPOSITION OF REVENUES.—Notwithstanding section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338), of the revenues to the United States from the production of alternative energy under this section for each fiscal year, the Secretary shall deposit—

(A) 50 percent in the general fund of the Treasury; and

(B) 50 percent in a special account in the Treasury from which the Secretary shall disburse—

(i) 75 percent to States based on a formula established by the Secretary by regulation; and

(ii) 25 percent to provide financial assistance to States in accordance with section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460 l –8), which shall be considered income to the Land and Water Conservation Fund for purposes of section 2 of that Act (16 U.S.C. 460*l*–5).

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

(6) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide grants under this section terminates on the date that is 10 years after the date of enactment of this Act.

SA 5111. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3268, to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. REMOVAL OF PROHIBITION ON FINAL REGULATIONS FOR COMMERCIAL LEASING PROGRAM FOR OIL SHALE RESOURCES ON PUBLIC LAND.

Section 433 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2152) is repealed.

SEC. _____. USE OF OFFSHORE OIL AND GAS PLATFORMS AND OTHER FACILITIES FOR ALTERNATIVE ENERGY PRODUCTION.

(a) DEFINITIONS.—In this section:

(1) ALTERNATIVE ENERGY.—The term ''alternative energy'' means energy from a source other than oil or gas.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) GRANT PROGRAM.—

(1) ESTABLISHMENT.—The Secretary shall establish a grant program under which the Secretary shall provide grants to pay the Federal share of the cost of—

(A) converting offshore oil and gas platforms or other facilities that are decommissioned from service for oil and gas purposes to alternative energy production facilities; or

(B) using offshore oil and gas platforms or other facilities that are being used for oil and gas purposes to also produce alternative energy.

(2) FEDERAL SHARE.—The Federal share of the cost of carrying out activities under paragraph (1) shall be not more than 50 percent.

(3) APPLICABLE LAW.—The Outer Continental Shelf Land Act (43 U.S.C. 1301 et seq.) shall apply to any activities carried out under this section.

(4) DISPOSITION OF REVENUES.—Notwithstanding section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338), of the revenues to the United States from the production of alternative energy under this section for each fiscal year, the Secretary shall deposit—

(A) 50 percent in the general fund of the Treasury; and

(B) 50 percent in a special account in the Treasury from which the Secretary shall disburse—

(i) 75 percent to States based on a formula established by the Secretary by regulation; and

(ii) 25 percent to provide financial assistance to States in accordance with section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460 l –8), which shall be considered income to the Land and Water Conservation Fund for purposes of section 2 of that Act (16 U.S.C. 460*l*–5).

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

(6) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide grants under this section terminates on the date that is 10 years after the date of enactment of this Act.

SA 5112. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3268, to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. _____. USE OF OFFSHORE OIL AND GAS PLATFORMS AND OTHER FACILITIES FOR ALTERNATIVE ENERGY PRODUCTION.

(a) DEFINITIONS.—In this section:

(1) ALTERNATIVE ENERGY.—The term ''alternative energy'' means energy from a source other than oil or gas.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) GRANT PROGRAM.—

(1) ESTABLISHMENT.—The Secretary shall establish a grant program under which the Secretary shall provide grants to pay the Federal share of the cost of—

(A) converting offshore oil and gas platforms or other facilities that are decommissioned from service for oil and gas purposes to alternative energy production facilities; or

(B) using offshore oil and gas platforms or other facilities that are being used for oil and gas purposes to also produce alternative energy.

(2) FEDERAL SHARE.—The Federal share of the cost of carrying out activities under paragraph (1) shall be not more than 50 percent.

(3) APPLICABLE LAW.—The Outer Continental Shelf Land Act (43 U.S.C. 1301 et seq.) shall apply to any activities carried out under this section.

(4) DISPOSITION OF REVENUES.—Notwithstanding section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338), of the revenues to the United States from the production of alternative energy under this section for each fiscal year, the Secretary shall deposit—

(A) 50 percent in the general fund of the Treasury; and

(B) 50 percent in a special account in the Treasury from which the Secretary shall disburse—

(i) 75 percent to States based on a formula established by the Secretary by regulation; and

(ii) 25 percent to provide financial assistance to States in accordance with section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460 l –8), which shall be considered income to the Land and Water Conservation Fund for purposes of section 2 of that Act (16 U.S.C. 460*l*–5).

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

(6) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide grants under this section terminates on the date that is 10 years after the date of enactment of this Act.

SA 5113. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3268, to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. SEAWARD BOUNDARY EXTENSION.

(a) IN GENERAL.—Title II of the Submerged Lands Act (43 U.S.C. 1311 et seq.) is amended—

(1) by redesignating section 11 as section 12; and

(2) by inserting after section 10 the following:

''SEC. 11. EXTENSION OF SEAWARD BOUNDARIES OF THE STATES OF LOUISIANA, MISSISSIPPI, AND ALABAMA.

''(a) DEFINITIONS.—In this section:

''(1) EXISTING INTEREST.—The term 'existing interest' means any lease, easement, right-of-use, or right-of-way on, or for any natural resource or minerals underlying, the expanded submerged land that is in existence on the date of the conveyance of the expanded submerged land to the State under subsection (b)(1).

''(2) EXPANDED SEAWARD BOUNDARY.—The term 'expanded seaward boundary' means the seaward boundary of the State that is 3 marine leagues seaward of the coast line of the State as of the day before the date of enactment of this section.

''(3) EXPANDED SUBMERGED LAND.—The term 'expanded submerged land' means the area of the outer Continental Shelf that is located between 3 geographical miles and 3 marine leagues seaward of the coast line of the State as of the day before the date of enactment of this section.

''(4) INTEREST OWNER.—The term 'interest owner' means any person that owns or holds an existing interest in the expanded submerged land or portion of an existing interest in the expanded submerged land.

''(5) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.

''(6) STATE.—The term 'State' means each of the States of Louisiana, Mississippi, and Alabama.

''(b) CONVEYANCE OF EXPANDED SUBMERGED LAND.—

''(1) IN GENERAL.—If a State demonstrates to the satisfaction of the Secretary that the conditions described in paragraph (2) will be met, the Secretary shall, subject to valid existing rights and subsection (c), convey to the State the interest of the United States in the expanded submerged land of the State.

''(2) CONDITIONS.—A conveyance under paragraph (1) shall be subject to the condition that—

''(A) on conveyance of the interest of the United States in the expanded submerged land to the State under paragraph (1)—

''(i) the Governor of the State (or a delegate of the Governor) shall exercise the powers and duties of the Secretary under the terms of any existing interest, subject to the requirement that the State and the officers of the State may not exercise the powers to impose any burden or requirement on any interest owner that is more onerous or strict than the burdens or requirements imposed under applicable Federal law (including regulations) on owners or holders of the same type of lease, easement, right-of-use, or right-of-way on the outer Continental Shelf seaward of the expanded submerged land; and

''(ii) the State shall not impose any administrative or judicial penalty or sanction on

any interest owner that is more severe than the penalty or sanction under Federal law (including regulations) applicable to owners or holders of leases, easements, rights-of-use, or rights-of-way on the outer Continental Shelf seaward of the expanded submerged lands for the same act, omission, or violation;

''(B) not later than 5 years after the date of enactment of this section—

''(i) the State shall enact laws or promulgate regulations with respect to the environmental protection, safety, and operations of any platform pipeline in existence on the date of conveyance to the State under paragraph (1) that is affixed to or above the expanded submerged land that impose the same requirements as Federal law (including regulations) applicable to a platform pipeline on the outer Continental Shelf seaward of the expanded submerged land; and

''(ii) the State shall enact laws or promulgate regulations for determining the value of oil, gas, or other mineral production from existing interests for royalty purposes that establish the same requirements as the requirements under Federal law (including regulations) applicable to Federal leases for the same minerals on the outer Continental Shelf seaward of the expanded submerged land; and

''(C) the State laws and regulations enacted or promulgated under subparagraph (B) shall provide that if Federal law (including regulations) applicable to leases, easements, rights-of-use, or rights-of-way on the outer Continental Shelf seaward of the expanded submerged land are modified after the date on which the State laws and regulations are enacted or promulgated, the State laws and regulations applicable to existing interests will be modified to reflect the change in Federal laws (including regulations).

''(c) EXCEPTIONS.—

''(1) MINERAL LEASE OR UNIT DIVIDED.—

''(A) IN GENERAL.—If any existing Federal oil and gas or other mineral lease or unit would be divided by the expanded seaward boundary of a State, the interest of the United States in the leased minerals underlying the portion of the lease or unit that lies within the expanded submerged boundary shall not be considered to be conveyed to the State until the date on which the lease or unit expires or is relinquished by the United States.

''(B) APPLICABILITY FOR OTHER PURPOSES.—Notwithstanding subparagraph (A), the expanded seaward boundary of a State shall be the seaward boundary of the State for all other purposes, including the distribution of revenues under section 8(g)(2) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(g)(2)).

''(2) LAWS AND REGULATIONS NOT SUFFICIENT.—If the Secretary determines that any law or regulation enacted or promulgated by a State under subparagraph (B) of subsection (b)(2) does not meet the requirements of that subparagraph, the Secretary shall not convey the expanded submerged land to the State.

''(d) INTEREST ISSUED OR GRANTED BY THE STATE.—This section does not apply to any interest in the expanded submerged land that a State issues or grants after the date of conveyance of the expanded submerged land to the State under subsection (b)(1).

''(e) LIABILITY.—

''(1) IN GENERAL.—By accepting conveyance of the expanded submerged land, the State agrees to indemnify the United States for any liability to any interest owner for the taking of any property interest or breach of contract from—

''(A) the conveyance of the expanded submerged land to the State; or

''(B) the State's administration of any existing interest under subsection (b)(2)(A)(i).

''(2) DEDUCTION FROM OIL AND GAS LEASING REVENUES.—The Secretary may deduct from the amounts otherwise payable to the State under section 8(g)(2) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(g)(2)) the amount of any final nonappealable judgment for a taking or breach of contract described in paragraph (1).''.

(b) CONFORMING AMENDMENT.—Section 2(b) of the Submerged Lands Act (43 U.S.C. 1301(b)) is amended by striking ''section 4 hereof'' and inserting ''section 4 or 11''.

SEC. _____. USE OF OFFSHORE OIL AND GAS PLATFORMS AND OTHER FACILITIES FOR ALTERNATIVE ENERGY PRODUCTION.

(a) DEFINITIONS.—In this section:

(1) ALTERNATIVE ENERGY.—The term ''alternative energy'' means energy from a source other than oil or gas.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) GRANT PROGRAM.—

(1) ESTABLISHMENT.—The Secretary shall establish a grant program under which the Secretary shall provide grants to pay the Federal share of the cost of—

(A) converting offshore oil and gas platforms or other facilities that are decommissioned from service for oil and gas purposes to alternative energy production facilities; or

(B) using offshore oil and gas platforms or other facilities that are being used for oil and gas purposes to also produce alternative energy.

(2) FEDERAL SHARE.—The Federal share of the cost of carrying out activities under paragraph (1) shall be not more than 50 percent.

(3) APPLICABLE LAW.—The Outer Continental Shelf Land Act (43 U.S.C. 1301 et seq.) shall apply to any activities carried out under this section.

(4) DISPOSITION OF REVENUES.—Notwithstanding section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338), of the revenues to the United States from the production of alternative energy under this section for each fiscal year, the Secretary shall deposit—

(A) 50 percent in the general fund of the Treasury; and

(B) 50 percent in a special account in the Treasury from which the Secretary shall disburse—

(i) 75 percent to States based on a formula established by the Secretary by regulation; and

(ii) 25 percent to provide financial assistance to States in accordance with section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460 l –8), which shall be considered income to the Land and Water Conservation Fund for purposes of section 2 of that Act (16 U.S.C. 460*l*–5).

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

(6) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide grants under this section terminates on the date that is 10 years after the date of enactment of this Act.

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, July 24, at 9:30 a.m., in room 562 of the Dirksen Senate Office Building to conduct a hearing on Tribal Courts and the Administration of Justice in Indian Country.

Those wishing additional information may contact the Indian Affairs Committee at 202–224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on July 23, 2008, at 9:45 a.m., in room SD–366 of the Dirksen Senate Office Building.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, July 23, 2008 at 9:30 a.m., in room 406 of the Dirksen Senate Office Building to hold a hearing entitled, ''The Midwest Floods: What Happened and What Might Be Improved for Managing Risk and Responses in the Future.''

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

COMMITTEE ON FINANCE

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, July 23, 2008, at 10 a.m., in room 215 of the Dirksen Senate Office Building.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 23, 2008, at 10 a.m.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 23, 2008, at 1:30 p.m.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 23, 2008, at 3 p.m.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor,

and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled ''Childhood Obesity: The Declining Health of America's Next Generation—Part II'' on Wednesday, July 23, 2008. The hearing will commence at 2:30 p.m. in room 430 of the Dirksen Senate Office Building.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. BROWN. Mr. President, I ask unanimous consent that Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, July 23, 2008, at 10 a.m. to conduct a hearing entitled ''Information Sharing: Connecting the Dots at the Federal, State, and Local Levels.''

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. BROWN. Mr. President, I ask unanimous consent that Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, July 23, 2008, at 2:30 p.m. to consider pending nominations.

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

COMMITTEE ON THE JUDICIARY

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing entitled ''Courting Big Business: The Supreme Court's Recent Decisions on Corporate Misconduct and Laws Regulating Corporations'' on Wednesday, July 23, 2008, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building.

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

COMMITTEE ON THE JUDICIARY

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing on executive nominations, on Wednesday, July 23, 2008, at 2 p.m., in room SD–226 of the Dirksen Senate Office Building.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. BROWN. Mr. President, I ask unanimous consent for the Committee on Veterans' Affairs to be authorized to meet during the session of the Senate on Wednesday, July 23, 2008, to conduct a hearing in room 418 of the Russell Senate Office Building, at 9:30 a.m.

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

SPECIAL COMMITTEE ON AGING

Mr. BROWN. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on Wednesday, July 23, 2008, from 11 a.m. to 12:30 p.m. in Dirksen 562 for the purpose of conducting a hearing.

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

PRIVILEGES OF THE FLOOR

Mr. BENNETT. Mr. President, I ask unanimous consent that the following individuals from my staff have floor privileges during the period of my speech today: Dustin Bradshaw, Nathan Gambill, Summer Price, and Stephen Young.

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

Mrs. CLINTON. Mr. President, I ask unanimous consent that Dayna Gibbons, a fellow in my office, be granted the privilege of the floor for the remainder of the debate on the energy legislation.

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

HONORING THE LATE DETECTIVE JOHN MICHAEL GIBSON AND PRIVATE FIRST CLASS JACOB JOSEPH CHESTNUT AND THE UNITED STATES CAPITOL POLICE

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of a resolution submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 621) honoring and commemorating the selfless acts of heroism displayed by the late Detective John Michael Gibson and Private First Class Jacob Joseph Chestnut of the United States Capitol Police on July 24, 1998, and expressing the gratitude and appreciation of the Senate for the professionalism and dedication of the United States Capitol Police.

There being no objection, the Senate proceeded to consider the resolution.

Mr. PRYOR. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table en bloc, and that any statements be printed in the RECORD.

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

The resolution (S. Res. 621) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 621

Whereas Detective Gibson, born March 29, 1956, was killed in the line of duty while protecting the office complex of the House Majority Whip;

Whereas Private First Class Chestnut, born April 28, 1940, was killed in the line of duty while guarding the Document Room Door entrance of the Capitol;

Whereas Detective Gibson and Private First Class Chestnut were the first police officers to lie in honor in the rotunda of the Capitol;

Whereas Private First Class Chestnut was the first African-American to lie in honor in the rotunda of the Capitol;

Whereas Detective Gibson was married to Evelyn and was the father of 3 children;

Whereas Private First Class Chestnut was married to Wen Ling and was the father of 5 children;

Whereas the United States Capitol Police force consists of over 1,600 officers who are dedicated to the protection and security of the Capitol Complex and its employees and visitors;

Whereas the United States Capitol Police continually sacrifice to provide safety and security to the Members, staff, and millions of visitors each year to the Capitol Complex;

Whereas the men and women of the United States Capitol Police join with their colleagues in local law enforcement from urban to rural areas coast to coast to perform their duties with honor and courage;

Whereas while the United States Capitol Police endure physical and verbal assaults in some extreme cases, the officers continue to provide courteous, responsible, and diligent services in an unbiased and nonpartisan manner;

Whereas the United States Capitol Police face many threats to their safety and must remain constantly alert for suspicious actions or for failure to respond to requests and instructions;

Whereas the United States Capitol Police, as the first line of the defense of the Capitol, has shared in the ultimate sacrifice in law enforcement;

Whereas the United States Capitol Police are on the front lines of the War on Terrorism and remain on constant alert against unauthorized access to Capitol buildings, terrorism, and other threats to the Capitol Complex;

Whereas Capitol Police officers stationed throughout the Capitol Complex act in a professional manner and treat Members, staff, and visitors with dignity and respect;

Whereas the United States Capitol Police consistently apply security and safety measures to all, including Members of Congress;

Whereas 10 years have passed since Detective Gibson and Private First Class Chestnut sacrificed their lives to protect the lives of hundreds of tourists, staff, and Members of Congress on July 24, 1998; and

Whereas the United States Capitol Police is one of the best trained, most highly respected law enforcement agencies in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) honors and commemorates the selfless acts of heroism displayed by the late Private First Class Jacob Joseph Chestnut and Detective John Michael Gibson of the United States Capitol Police on July 24, 1998;

(2) expresses its condolences to the wives, children, and other family members of Private First Class Chestnut and Detective Gibson on the 10 year anniversary of their passing;

(3) expresses its gratitude and appreciation for the professional manner in which the United States Capitol Police carry out their diverse missions;

(4) expresses appreciation for the dedication United States Capitol Police officers have for protecting the Capitol Complex; and

(5) commends the United States Capitol Police for their continued courage and professionalism in protecting the Capitol Complex and its employees and visitors.

SOBOBA BAND OF LUISENO INDIANS SETTLEMENT ACT

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4841, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4841) to approve, ratify, and confirm the settlement agreement entered into to resolve claims by the Soboba Band of Luiseno Indians relating to alleged interferences with the water resources of the Tribe, to authorize and direct the Secretary of the Interior to execute and perform the Settlement Agreement and related waivers, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. PRYOR. I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

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

The bill (H.R. 4841) was ordered to a third reading, was read the third time, and passed.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 110–20

Mr. PRYOR. As in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on July 23, 2008, by the President of the United States:

Protocols to the North Atlantic Treaty of 1949 on accession of Albania and Croatia (Treaty Document 110–20).

I further ask that the treaty be considered as having been read the first time; that it be transferred with accompanying papers to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith, for Senate advice and consent to ratification, Protocols to the North Atlantic Treaty of 1949 on the Accession of the Republic of Albania and the Republic of Croatia. These Protocols were adopted at Brussels on July 9, 2008, and signed that day on behalf of the United States and the other Parties to the North Atlantic Treaty. Also transmitted for the information of the Senate is the report of the Department of State, which includes an overview of the Protocols.

NATO enlargement remains an historic success in advancing freedom, stability, and democracy in the Euro-Atlantic area. Albania and Croatia serve as two more examples of countries motivated by the prospect of NATO membership to advance significant and difficult political, economic, and military reforms. Their efforts and success demonstrate to other countries in the Balkans and beyond that NATO's door remains open to nations willing to shoulder the responsibilities of membership. I am pleased that, with the advice and consent of the Senate, these new democracies can soon join us as members of this great Alliance.

I ask the Senate to join me in advancing the cause of freedom and strengthening NATO by providing its prompt advice and consent to ratification of these Protocols of Accession. My Administration stands ready to assist you in any way we can in your deliberations.

GEORGE W. BUSH.

THE WHITE HOUSE, *July 23, 2008*.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. PRYOR. I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 683 to and including 686, 696 to and including 716, all nominations on the Secretary's desk in the Air Force, Army, Marine Corps; that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table en bloc; that upon confirmation of the nominations, the President be immediately notified of the Senate's action, with no further motions in order, the Senate then resume legislative session and that any statements relating to the nominations be printed in the RECORD.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF DEFENSE

Nelson M. Ford, of Virginia, to be Under Secretary of the Army.

Joseph A. Benkert, of Virginia, to be an Assistant Secretary of Defense.

Sean Joseph Stackley, of Virginia, to be an Assistant Secretary of the Navy.

Frederick S. Celec, of Virginia, to be Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs.

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Jeffrey A. Remington

The following named officer for appointment to the grade indicated under title 10, U.S.C., section 8037:

To be lieutenant general

Maj. Gen. Jack L. Rives

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Donald J. Hoffman

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

To be major general

Brig. Gen. Kelly K. McKeague

IN THE ARMY

The following named officer for appointment to the grade indicated under title 10, U.S.C., sections 3064 and 3084:

To be brigadier general

Col. Timothy K. Adams

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Ann E. Dunwoody

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. David M. Rodriguez

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Edgar E. Stanton, III

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., sections 12203 and 12211:

To be major general

Brig. Gen. Matthew L. Kambic

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Martin E. Dempsey

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Carter F. Ham

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Richard P. Zahner

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Robert E. Durbin

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Ronald L. Burgess, Jr.

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. John F. Kimmons

IN THE MARINE CORPS

The following named officer for appointment as the Commander, Marine Force Reserve and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601 and 5144:

To be lieutenant general

Maj. Gen. Douglas M. Stone

The following named officer for appointment to the grade of lieutenant general in the United States Marine Corps while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. George J. Flynn

The following named officers for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Colonel Juan G. Ayala
Colonel Ronald F. Baczkowski
Colonel William B Crowe
Colonel Michael G. Dana
Colonel William M. Faulkner
Colonel Walter L. Miller, Jr.
Colonel Joseph L. Osterman
Colonel Christopher S. Owens
Colonel Gregg A. Sturdevant
Colonel Glenn M. Walters

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Cynthia A. Covell

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Elizabeth S. Niemyer

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. (lh) Robert S. Harward, Jr.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN1795 AIR FORCE nomination of Frank J. Hale, which was received by the Senate and appeared in the Congressional Record of June 19, 2008.

PN1796 AIR FORCE nomination of Douglas K. Dunbar, which was received by the Senate and appeared in the Congressional Record of June 19, 2008.

PN1832 AIR FORCE nomination of Tamera A. Herzog, which was received by the Senate and appeared in the Congressional Record of June 26, 2008.

PN1833 AIR FORCE nominations (12) beginning KERI L. AZUAR, and ending PAMELA P. WARDDEMO, which nominations were received by the Senate and appeared in the Congressional Record of June 26, 2008.

IN THE ARMY

PN1797 ARMY nominations (2) beginning KENNETH L. BEALE JR., and ending THOMAS H. BROUILLARD, which nominations were received by the Senate and appeared in the Congressional Record of June 19, 2008.

PN1798 ARMY nominations (2) beginning LENARD M. KERR, and ending MASAKI G. KUWANA JR., which nominations were received by the Senate and appeared in the Congressional Record of June 19, 2008.

PN1799 ARMY nominations (15) beginning RALF C. BEILHARDT, and ending RICHARD L. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of June 19, 2008.

PN1800 ARMY nominations (147) beginning MICHAEL P. ABEL, and ending JOHNNIE WRIGHT JR., which nominations were received by the Senate and appeared in the Congressional Record of June 19, 2008.

PN1823 ARMY nomination of John D. Muther, which was received by the Senate and appeared in the Congressional Record of June 25, 2008.

PN1869 ARMY nominations (352) beginning STEPHEN L. AKI, and ending D060701, which nominations were received by the Senate and appeared in the Congressional Record of July 14, 2008.

PN1870 ARMY nominations (371) beginning EARL E. ABONADI, and ending X0007, which nominations were received by the Senate and appeared in the Congressional Record of July 14, 2008.

PN1871 ARMY nominations (644) beginning JEFFREY W. ABBOTT, and ending D060688, which nominations were received by the Senate and appeared in the Congressional Record of July 14, 2008.

IN THE MARINE CORPS

PN1834 MARINE CORPS nomination of Bryan K. Wood, which was received by the Senate and appeared in the Congressional Record of June 26, 2008.

IN THE NAVY

PN1801 NAVY nominations (16) beginning DAVID R. BROWN, and ending TIMOTHY R. WHITE, which nominations were received by the Senate and appeared in the Congressional Record of June 19, 2008.

PN1802 NAVY nominations (23) beginning BRADLEY A. APPLEMAN, and ending FLORENCIO J. YUZON, which nominations were received by the Senate and appeared in the Congressional Record of June 19, 2008.

PN1803 NAVY nominations (29) beginning SUE A. ADAMSON, and ending JULIE L. WORKING, which nominations were received by the Senate and appeared in the Congressional Record of June 19, 2008.

PN1804 NAVY nominations (31) beginning MARK R. BOONE, and ending JOHN C. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of June 19, 2008.

PN1805 NAVY nominations (32) beginning CHRISTOPHER G. ADAMS, and ending NICOLAS D. I. YAMODIS, which nominations were received by the Senate and appeared in the Congressional Record of June 19, 2008.

PN1806 NAVY nominations (56) beginning ALAN L. ADAMS, and ending GEORGES E. YOUNES, which nominations were received by the Senate and appeared in the Congressional Record of June 19, 2008.

PN1807 NAVY nominations (57) beginning CRAIG L. ABRAHAM, and ending CHRISTOPHER M. WISE, which nominations were received by the Senate and appeared in the Congressional Record of June 19, 2008.

PN1808 NAVY nominations (156) beginning CALLIOPE E. ALLEN, and ending PATRICK E. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of June 19, 2008.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

ORDERS FOR THURSDAY, JULY 24, 2008

Mr. PRYOR. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m. tomorrow, Thursday, July 24; that following the prayer and pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the motion to proceed to S. 3186, the Low-Income Home Energy Assistance Program legislation. I further ask consent that following leader time, the time until 10:30 a.m. be equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the second half, and that the time from 10:30 until 5:30 p.m. be equally divided and controlled by the two leaders or their designees, with the time controlled in 30-minute alternating blocks of time, with the majority controlling the first 30 minutes and the Republicans controlling the next 30 minutes.

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

Mr. PRYOR. Mr. President, I ask unanimous consent that at 3:40 p.m. tomorrow, the Senate have a moment of silence for the fallen Officers Gibson and Chestnut.

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

PROGRAM

Mr. PRYOR. Mr. President, as a reminder to all Senators, there will be a moment of silence at 3:40 p.m. in remembrance of Officers Gibson and Chestnut, and all Senators are encouraged to be on the floor for this moment of silence.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. PRYOR. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand in recess under the previous order.

There being no objection, the Senate, at 8:05 p.m., recessed until Thursday, July 24, 2008, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

NATIONAL SECURITY EDUCATION BOARD

MARK J. GERENCSER, OF NEW JERSEY, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF FOUR YEARS, VICE ROBERT N. SHAMANSKY, TERM EXPIRED.

DAVID H. MCINTYRE, OF TEXAS, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF FOUR YEARS, VICE MARK FALCOFF, TERM EXPIRING.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

AMBROSE L. SCHWALLIE, OF SOUTH CAROLINA, TO BE A MEMBER OF THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD FOR A TERM EXPIRING OCTOBER 18, 2013, VICE A. J. EGGENBERGER, TERM EXPIRING.

OVERSEAS PRIVATE INVESTMENT CORPORATION

MARIA CINO, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2010, VICE COLLISTER JOHNSON, JR., TERM EXPIRED.

THE JUDICIARY

ERIC F. MELGREN, OF KANSAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF KANSAS, VICE MONTI L. BELOT, RETIRED.

MARCO A. HERNANDEZ, OF OREGON, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF OREGON, VICE GARR M. KING, RETIRING.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be major general

BRIGADIER GENERAL WILLIAM S. BUSBY III
BRIGADIER GENERAL STANLEY E. CLARKE III
BRIGADIER GENERAL JOHN B. ELLINGTON, JR.
BRIGADIER GENERAL MARIA A. FALCA-DODSON
BRIGADIER GENERAL TONY A. HART
BRIGADIER GENERAL JAMES E. HEARON
BRIGADIER GENERAL MARK F. SEARS

To be brigadier general

COLONEL THERESA Z. BLUMBERG
COLONEL PAUL D. BROWN, JR.
COLONEL STEVEN D. FRIEDRICKS
COLONEL STEVEN D. GREGG
COLONEL JOHN O. GRIFFIN
COLONEL JOSEPH L. LENGYEL
COLONEL BRADLEY A. LIVINGSTON
COLONEL MICHAEL A. MEYER
COLONEL STANLEY J. OSSERMAN, JR.
COLONEL STEPHAN A. PAPPAS
COLONEL BRUCE W. PRUNK
COLONEL CHARLES L. SMITH
COLONEL JAMES R. SUMMERS
COLONEL BRUCE N. THOMPSON
COLONEL DELILAH R. WORKS

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be lieutenant colonel

TIMOTHY M. FRENCH
MICHAEL L. THERRIEN

To be major

SHELLEY M. EVERSOLE
STEPHEN GABORIAULTWHITCOMB
SVETLANA R. KEYSER
PATRICK D. LYNCH
RACHELLE M. NOWLIN

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS DIRECTOR OF ADMISSIONS AT THE UNITED STATES MILITARY ACADEMY IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 4333(C) AND 4336(B):

To be colonel

DEBORAH J. MCDONALD

CONFIRMATIONS

Executive nominations confirmed by the Senate Wednesday, July 23, 2008:

DEPARTMENT OF DEFENSE

NELSON M. FORD, OF VIRGINIA, TO BE UNDER SECRETARY OF THE ARMY.

JOSEPH A. BENKERT, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

SEAN JOSEPH STACKLEY, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE NAVY.

FREDERICK S. CELEC, OF VIRGINIA, TO BE ASSISTANT TO THE SECRETARY OF DEFENSE FOR NUCLEAR AND CHEMICAL AND BIOLOGICAL DEFENSE PROGRAMS.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JEFFREY A. REMINGTON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 8037:

To be lieutenant general

MAJ. GEN. JACK L. RIVES

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. DONALD J. HOFFMAN

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be major general

BRIG. GEN. KELLY K. MCKEAGUE

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 3064 AND 3084:

To be brigadier general

COL. TIMOTHY K. ADAMS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. ANN E. DUNWOODY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DAVID M. RODRIGUEZ

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. EDGAR E. STANTON III

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIG. GEN. MATTHEW L. KAMBIC

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. MARTIN E. DEMPSEY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. CARTER F. HAM

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. RICHARD P. ZAHNER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. ROBERT E. DURBIN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. RONALD L. BURGESS, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JOHN F. KIMMONS

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE COMMANDER, MARINE FORCE RESERVE AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601 AND 5144:

To be lieutenant general

MAJ. GEN. DOUGLAS M. STONE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. GEORGE J. FLYNN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COLONEL JUAN G. AYALA
COLONEL RONALD F. BACZKOWSKI
COLONEL WILLIAM B. CROWE
COLONEL MICHAEL G. DANA
COLONEL WILLIAM M. FAULKNER
COLONEL WALTER L. MILLER, JR.
COLONEL JOSEPH L. OSTERMAN
COLONEL CHRISTOPHER S. OWENS
COLONEL GREGG A. STURDEVANT
COLONEL GLENN M. WALTERS

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. CYNTHIA A. COVELL

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. ELIZABETH S. NIEMYER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. (LH) ROBERT S. HARWARD, JR.

IN THE AIR FORCE

AIR FORCE NOMINATION OF FRANK J. HALE, TO BE COLONEL.

AIR FORCE NOMINATION OF DOUGLAS K. DUNBAR, TO BE COLONEL.

AIR FORCE NOMINATION OF TAMERA A. HERZOG, TO BE LIEUTENANT COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH KERI L. AZUAR AND ENDING WITH PAMELA P. WARDDEMO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 26, 2008.

IN THE ARMY

ARMY NOMINATIONS BEGINNING WITH KENNETH L. BEALE, JR. AND ENDING WITH THOMAS H. BROUILLARD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 19, 2008.

ARMY NOMINATIONS BEGINNING WITH LENARD M. KERR AND ENDING WITH MASAKI G. KUWANA, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 19, 2008.

ARMY NOMINATIONS BEGINNING WITH RALF C. BEILHARDT AND ENDING WITH RICHARD L. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 19, 2008.

ARMY NOMINATIONS BEGINNING WITH MICHAEL P. ABEL AND ENDING WITH JOHNNIE WRIGHT, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 19, 2008.

ARMY NOMINATION OF JOHN D. MUTHER, TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH STEPHEN L. AKI AND ENDING WITH D060701, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 14, 2008.

ARMY NOMINATIONS BEGINNING WITH EARL E. ABONADI AND ENDING WITH X0007, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 14, 2008.

ARMY NOMINATIONS BEGINNING WITH JEFFREY W. ABBOTT AND ENDING WITH D060688, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 14, 2008.

IN THE MARINE CORPS

MARINE CORPS NOMINATION OF BRYAN K. WOOD, TO BE LIEUTENANT COLONEL.

IN THE NAVY

NAVY NOMINATIONS BEGINNING WITH DAVID R. BROWN AND ENDING WITH TIMOTHY R. WHITE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 19, 2008.

NAVY NOMINATIONS BEGINNING WITH BRADLEY A. APPLEMAN AND ENDING WITH FLORENCIO J. YUZON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 19, 2008.

NAVY NOMINATIONS BEGINNING WITH SUE A. ADAMSON AND ENDING WITH JULIE L. WORKING, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 19, 2008.

NAVY NOMINATIONS BEGINNING WITH MARK R. BOONE AND ENDING WITH JOHN C. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 19, 2008.

NAVY NOMINATIONS BEGINNING WITH CHRISTOPHER G. ADAMS AND ENDING WITH NICOLAS D. I. YAMODIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE

AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 19, 2008.

NAVY NOMINATIONS BEGINNING WITH ALAN L. ADAMS AND ENDING WITH GEORGES E. YOUNES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 19, 2008.

NAVY NOMINATIONS BEGINNING WITH CRAIG L. ABRAHAM AND ENDING WITH CHRISTOPHER M. WISE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 19, 2008.

NAVY NOMINATIONS BEGINNING WITH CALLIOPE E. ALLEN AND ENDING WITH PATRICK E. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 19, 2008.

WITHDRAWAL

Executive message transmitted by the President to the Senate on July 23, 2008 withdrawing from further Senate consideration the following nomination:

CAROL DILLON KISSAL, OF MARYLAND, TO BE INSPECTOR GENERAL, SMALL BUSINESS ADMINISTRATION, VICE ERIC M. THORSON, WHICH WAS SENT TO THE SENATE ON FEBRUARY 25, 2008.