

“(i) promulgate standards of performance for a management practice under subparagraph (A) not later than 1 year after the date of a determination under paragraph (2) that the management practice is reasonable and practicable; and

“(ii) every 5 years thereafter—

“(I) review the standards; and

“(II) if necessary, revise the standards, in accordance with subparagraph (B) and based on any new information available to the Administrator.

“(4) REGULATIONS FOR THE USE OF MANAGEMENT PRACTICES.—

“(A) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall promulgate such regulations governing the design, construction, installation, and use of management practices for recreational vessels as are necessary to meet the standards of performance promulgated under paragraph (3).

“(B) REGULATIONS.—

“(i) IN GENERAL.—The Secretary shall promulgate the regulations under this paragraph as soon as practicable after the Administrator promulgates standards with respect to the practice under paragraph (3), but not later than 1 year after the date on which the Administrator promulgates the standards.

“(ii) EFFECTIVE DATE.—The regulations promulgated by the Secretary under this paragraph shall be effective upon promulgation unless another effective date is specified in the regulations.

“(iii) CONSIDERATION OF TIME.—In determining the effective date of a regulation promulgated under this paragraph, the Secretary shall consider the period of time necessary to communicate the existence of the regulation to persons affected by the regulation.

“(5) EFFECT OF OTHER LAWS.—This subsection shall not affect the application of section 311 to discharges incidental to the normal operation of a recreational vessel.

“(6) PROHIBITION RELATING TO RECREATIONAL VESSELS.—After the effective date of the regulations promulgated by the Secretary of the department in which the Coast Guard is operating under paragraph (4), the owner or operator of a recreational vessel shall neither operate in nor discharge any discharge incidental to the normal operation of the vessel into, the waters of the United States or the waters of the contiguous zone, if the owner or operator of the vessel is not using any applicable management practice meeting standards established under this subsection.”.

S. 3298

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) COVERED VESSEL.—The term “covered vessel” means a vessel that is—

(A) less than 79 feet in length; or

(B) a fishing vessel (as defined in section 2101 of title 46, United States Code), regardless of the length of the vessel.

(3) OTHER TERMS.—The terms “contiguous zone”, “discharge”, “ocean”, and “State” have the meanings given the terms in section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362).

#### SEC. 2. DISCHARGES INCIDENTAL TO NORMAL OPERATION OF VESSELS.

(a) NO PERMIT REQUIREMENT.—Except as provided in subsection (b), during the 2-year period beginning on the date of enactment of this Act, the Administrator, or a State in

the case of a permit program approved under section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342), shall not require a permit under that section for a covered vessel for—

(1) any discharge of effluent from properly functioning marine engines;

(2) any discharge of laundry, shower, and galley sink wastes; or

(3) any other discharge incidental to the normal operation of a covered vessel.

(b) EXCEPTIONS.—Subsection (a) shall not apply with respect to—

(1) rubbish, trash, garbage, or other such materials discharged overboard;

(2) other discharges when the vessel is operating in a capacity other than as a means of transportation, such as when—

(A) used as an energy or mining facility;

(B) used as a storage facility or a seafood processing facility;

(C) secured to a storage facility or a seafood processing facility; or

(D) secured to the bed of the ocean, the contiguous zone, or waters of the United States for the purpose of mineral or oil exploration or development;

(3) any discharge of ballast water; or

(4) any discharge in a case in which the Administrator or State, as appropriate, determines that the discharge—

(A) contributes to a violation of a water quality standard; or

(B) poses an unacceptable risk to human health or the environment.

#### SEC. 3. STUDY OF DISCHARGES INCIDENTAL TO NORMAL OPERATION OF VESSELS.

(a) IN GENERAL.—The Administrator, in consultation with the Secretary of the department in which the Coast Guard is operating and the heads of other interested Federal agencies, shall conduct a study to evaluate the impacts of—

(1) any discharge of effluent from properly functioning marine engines;

(2) any discharge of laundry, shower, and galley sink wastes; and

(3) any other discharge incidental to the normal operation of a vessel.

(b) SCOPE OF STUDY.—The study under subsection (a) shall include—

(1) characterizations of the nature, type, and composition of discharges for—

(A) representative single vessels; and

(B) each class of vessels;

(2) determinations of the volumes of those discharges, including average volumes, for—

(A) representative single vessels; and

(B) each class of vessels;

(3) a description of the locations, including the more common locations, of the discharges;

(4) analyses and findings as to the nature and extent of the potential effects of the discharges, including determinations of whether the discharges pose a risk to human health, welfare, or the environment, and the nature of those risks;

(5) determinations of the benefits to human health, welfare, and the environment from reducing, eliminating, controlling, or mitigating the discharges; and

(6) analyses of the extent to which the discharges are currently subject to regulation under Federal law or a binding international obligation of the United States.

(c) EXCLUSION.—In carrying out the study under subsection (a), the Administrator shall exclude—

(1) discharges from a vessel of the Armed Forces (as defined in section 312(a) of the Federal Water Pollution Control Act (33 U.S.C. 1322(a)));

(2) discharges of sewage (as defined in section 312(a) of the Federal Water Pollution Control Act (33 U.S.C. 1322(a))) from a vessel, other than the discharge of graywater from a vessel operating on the Great Lakes; and

(3) discharges of ballast water.

(d) PUBLIC COMMENT; REPORT.—The Administrator shall—

(1) publish in the Federal Register for public comment a draft of the study required under subsection (a);

(2) after taking into account any comments received during the public comment period, develop a final report with respect to the study; and

(3) not later than 15 months after the date of enactment of this Act, submit the final report to—

(A) the Committee on Transportation and Infrastructure of the House of Representatives; and

(B) the Committees on Environment and Public Works and Commerce, Science, and Transportation of the Senate.

#### RECOGNITION OF THE MINORITY LEADER

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

#### UNANIMOUS-CONSENT AGREEMENT—S. 3268

Mr. McCONNELL. Mr. President, in connection with debate on the motion to proceed, I ask unanimous consent that the time allocated to my side before the vote be equally divided between Senator DOMENICI and Senator CORNYN.

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

#### A SERIOUS SOLUTION

Mr. McCONNELL. Mr. President, today the Senate will continue debate on the No. 1 domestic issue facing the Nation, but it now seems clear that the majority is not interested in a full and open debate, is not interested in good ideas from all sides, and is designing floor debate that is designed to fail. That is simply unacceptable. I was disturbed to read this morning that our friends on the other side are considering only a brief and limited consideration of this bill. It is troubling that at a time of \$4.06-a-gallon gas, the Senate would treat the issue as if it is some technical corrections bill. Let me assure my friends it is not.

Let's be absolutely clear, Republicans will not accept a perfunctory approach to the problem. We are not content with a check-the-box exercise. More important, the American people will not accept a timid approach to such a major problem. This is the biggest issue in the country by far. The only thing I can recall in recent years that rivals it was terrorism right after 9/11. The Republican conference is interested in a solution. We are not interested in holding a pair of votes so that we can go home with political cover to blame the other side for our collective lack of accomplishment.

Let's be clear, speculation-only legislation is a very little piece to a massive problem. Americans are facing

that problem every day at the pump. The American people are speaking very clearly about what needs to be done, and the Senate has the ability to answer their call. Americans are going to continue to demand a serious solution that gets at both supply and demand. Nothing less can be seen as a solution. Nobody can say with a straight face that simply addressing speculation, a very narrow part of the problem, is a serious approach.

The majority seems less concerned with passing a bill which can bring down the price of gas and more concerned with just passing some bill. But it wasn't too long ago that the majority party, regardless of which party was in control, welcomed an open debate on energy legislation.

Let's look back to last year. Last year, when the Senate considered the Energy Independence and Security Act and when gas was \$3.06 a gallon, 49 amendments were agreed to out of the 331 which were filed. Of those amendments, 16 received rollcall votes. In 2005, when the price of gas was \$2.26 a gallon, a Republican majority allowed 19 rollcall votes on amendments during debate on the Energy Policy Act of 2005. A total of 57 amendments were agreed to out of 235 proposed. Neither of these bills was rushed through in less than a week. We spent 15 days on the floor debating last year's Energy bill and 10 days in 2005 because we wanted to make sure we got it right, that ideas from both sides were considered, that the legislation would have the needed impact.

We need to do that again. The current cost of gas is a serious problem that requires a very serious approach. The Senate insults the American people if it treats this problem with anything less than the seriousness such a big problem requires. We need to find more and use less. We need to consider good ideas from all sides, and we need to take seriously that energy is the No. 1 issue facing our country and act on it now. We simply can't go through a failed process, claim credit for trying, and then go home. Americans know better, and Americans expect more.

I yield the floor.

#### RECOGNITION OF THE MAJORITY LEADER

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

#### BLOCKING SOLUTIONS

Mr. REID. Mr. President, the code word is that all Democrats want to do something "perfunctory." That is code for blocking another bill. We are up to 83. They have blocked those. Obviously, they are now going to block this oil legislation.

Look at this picture. The Republicans introduced their bill on what to do about the energy problems. Part of that bill deals with speculation. We,

the Democrats, think speculation is part of what is driving up these oil prices. But we didn't just dream this up. Academics, economists say that the cost of oil is 20 to 50 percent speculation. My friend the Republican leader said it is a little issue, speculation. If the price is 20 to 50 percent speculation, according to which economist or academic one talks to, that is a pretty big deal. If you lower the price of oil by 20 percent, that lowers gasoline well below \$4 a gallon; 50 percent knocks it to \$2 a gallon. That sounds like a pretty big issue to me.

I don't think it is just by chance that once we introduced this bill, oil prices started to drop, because much of the speculation takes place by people who have no inkling they will ever use the oil. Prior to 2006, it was against the law, but the Republican-dominated Congress passed a law saying you don't have to take possession of the oil; you can just go ahead and buy it. That is what has happened. That is why speculation is an important piece of legislation.

Let's assume that is all we did, nothing but speculation. Remember, it is part of their bill, and we think it is a big part of what is the problem in America today. Let's assume we only did that. That would seem to be a pretty big step in the right direction, if we were able, with a piece of legislation, to lower the price of oil even by the small amount of 20 percent and maybe by the 50 percent some say. But they obviously do not want us to do that.

Let's go to the next step.

We see ads being paid for all over the country by whom? Oil companies. Oil companies are saying: Join with our Republican colleagues in the Senate and drill more, drill more, drill more. You get the picture? Oil companies, Republicans in the Senate? Republicans are looking at these ads paid for by the big oil companies, full-page ads.

They can afford them. They made \$250 billion last year.

We Democrats are not opposed to drilling. Right now, there is 68 million acres available onshore and offshore. In addition, there is a lot of oil in other places. All the Interior Department has to do is lease the land. They have the authority to do that. There is no moratorium on any of that. In Alaska alone, there is 25 million additional acres which oil people say is a gold mine for oil. They can go drill there now. What the Republicans want—and we see what they are doing here—is to protect the oil companies. Just as Bush and CHENEY have done for 8 years, the most oil-friendly administration in our history is now being supported by their friends, as they have for 8 years, Republicans in the Senate.

Republicans in the Senate, the oil companies, they want yesterday forever. We want to change. That is why someone like T. Boone Pickens has joined with Al Gore. Get that picture again. T. Boone Pickens and Al Gore? They have joined together saying: Oil

is not where it is. We have to get away from our addiction to oil. We have to get rid of our addiction to oil. Al Gore says that. He lays out the problem very well. Here comes T. Boone Pickens with a solution. He says we should have a little bridge, after a few years of using natural gas, and then it should be all renewable energy.

We have tried now for months to get a renewable energy tax credit. Senator DURBIN asked me to meet with one of his constituents yesterday. I was so impressed with this man. He is an immigrant to the United States from the Ukraine. He has made a couple fortunes. He is now a big player in windmills.

He has 2,000 megawatts of electricity being produced from windmills. That is a lot of electricity—a lot of electricity. It is much larger than the coal-fired generating plant which was one of the largest in the country in Mojave in Nevada which just closed because it was so dirty. It is bigger than that. It is huge what he is doing. But he came to us and said: I am about to lose everything—everything—because the banks are going to withdraw my loans because the tax credit is not here next year.

So here is the picture—again, talking about a picture for the third time. The Republicans have obviously told us they are going to block legislation dealing with oil. We have said: Let's do speculation. They have talked now for weeks about drilling. They have talked about what the oil companies are advertising they want to do with full-page ads. They want to drill. They want to leave the decision to be made by the Governors.

We have said now for more than a week: Let's vote on that. No, that is not what we want to do. The Republican whip yesterday told the Democratic whip they have 28 amendments. That is not a serious effort to move forward on this legislation. They have been saying and following the lead of the oil companies saying: We want to use less, drill more. And we are saying: Let's vote on your proposal. They are saying, no, no way, because we are filibustering another piece of legislation—83.

So the American people understand we have people over there on that side of the aisle who have joined with big oil. They are very happy they are running the ads. They are saying: No, we are not going to do anything about speculation, and even though we have talked about this great panacea to all the problems America faces, we will drive down prices immediately with our amendment on drilling. We are saying: Fine, let's vote on your amendment. They say: No, thanks.

Mr. CORNYN. Mr. President, will the distinguished majority leader yield for one question?

Mr. REID. Mr. President, I will be happy to yield.

Mr. CORNYN. Mr. President, I would ask the distinguished majority leader,