

forward, particularly in this area. I am sure there will be many amendments in other areas as well which is proper, particularly since we didn't have committee involvement. We are really doing committee work now on the floor, and that will take some time and effort, but it is necessary in order for us to come out of here with a bill that can be accepted by the Senate, can go to a conference committee, can come out and be accepted by the President.

We have a real challenge before us. I look forward to it and hope we can stick with this issue until it is finished and not come back to campaign finance or something in the middle. We ought to stay with it and keep working, keep as open as we can to other people's ideas, recognizing that it is going to take a long time. But the way it has been brought to us, it has to take a long time.

The PRESIDING OFFICER (Mrs. CARNAHAN). The Senator from New Mexico.

Mr. BINGAMAN. Madam President, my understanding of the status of business is that we are still considering the amendment Senator DASCHLE offered earlier, of which I am a cosponsor, along with Senators REID and MURKOWSKI and others. That amendment is still pending and is being considered for possible second-degree amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. BINGAMAN. I have also been informed by the floor manager for the majority it is his intention that the Senate will go into recess at 1:30 to allow Senators to attend a briefing Secretary of Defense Rumsfeld is going to conduct for Senators from 1:30 to 2:30. Then we would be back at the same place we are now. That is for the information of Senators.

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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### RECESS

Mr. REID. Madam President, Secretary Rumsfeld will be here in less than 15 minutes. We believe all Senators should have the opportunity to attend that briefing. I checked with both leaders. They agree. Therefore, I ask unanimous consent the Senate stand in recess until 2:30 today.

There being no objection, the Senate, at 1:16 p.m., recessed until 2:30 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER.)

The PRESIDING OFFICER. The Senator from Nevada is recognized.

#### NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 2001—Continued

Mr. REID. Mr. President, Senator LIEBERMAN is here to give an opening statement on the bill. Following his statement, we understand that Senator NICKLES will be here to give a statement. We are working our way through the statements. This is such an important bill. There are a number of Senators who have strong feelings about it, and they wish to lay out their view of what the energy policy in this country should be.

While it may appear that we are not making a lot of headway, I personally think we are making great progress. There is an amendment now pending. Senator MURKOWSKI is contemplating a second-degree amendment to the underlying Daschle amendment. If, in fact, he does offer it, and it is about what I have learned, I think we will accept that and have a vote on the amendment—not because we are concerned about where the votes are, as the measure will receive virtually every vote but we want the first amendment to come out recognizing the importance of Alaska and the southern pipeline and know that when it goes to conference, we hope there is close to unanimous support of the Senate on this measure.

Senator MURKOWSKI has indicated he is ready with an amendment. We will be ready to work on that. We hope to complete all of the statements today and have a vote on the underlying Daschle amendment. If Senator MURKOWSKI wants a vote on the second degree, we would be happy to do that also and move to whatever Senator MURKOWSKI wants to offer.

I ask unanimous consent that following the statement of the Senator from Connecticut, Senator NICKLES be recognized to offer an opening statement regarding this bill.

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

The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, the Senate has begun a very important debate in the last few days on our national energy policy. This is a debate that will literally affect the lives and the quality of the lives of every single American, as well as affect our national security, our independence in carrying out our foreign and defense policies, and the quality of the environment and the natural resources from which we derive such pleasure as Americans. So this is a very important and timely debate.

It has been 10 years since we last passed major energy legislation. We are starting with a bill hundreds of pages long, and hundreds—or at least 100—amendments may find their way onto it. We are going to be debating some very big opportunities and some very big problems, as well as many other smaller issues associated with the bill.

I saw Senator BINGAMAN on the floor. I congratulate him and Senator DASCHLE for their superb leadership, along with that of the occupant of the chair, in developing the energy legislation that we are debating.

The bill before us out of the Energy Committee coordinates the work of many of the committees of the Senate, including the Senate Governmental Affairs Committee which I am privileged to chair, which has contributed a section of this bill. Senator BINGAMAN and Senator DASCHLE have brought before us a very well-balanced national energy policy, which does have some incentives for the development of remaining energy resources in the United States, but makes a turn and acknowledges and acts on the acknowledgment that our energy future is in new technologies being applied to create new sources of energy-efficient, environmentally protected sources of energy. Of course, that will include renewables as well.

Mr. President, this great country became an industrial power for many reasons, including, of course, the skills and ingenuity of our people. But the availability of inexpensive and abundant sources of energy also contributed to the remarkable growth and success of the American economy during the industrial age.

Prior to the mechanization of our society, we relied on wood, water, and horses for much of our energy need. "King Coal" powered the early part of our industrial development and still plays a critical role. Hopefully, it will continue, with the application of new technologies, to play a critical role in generating electricity for our homes, schools, offices, and our factories.

From the time oil was discovered in Pennsylvania in 1859, the petroleum industry has grown enormously—at first, displacing whale oil for lighting and, eventually, powering the world's transportation systems. Enormous deposits of oil spurred development of oil fields in many parts of our country, including Texas, Oklahoma, and California. The 1930s witnessed the enormous expansion of hydropower in various parts of our country, including, of course, the Tennessee Valley and the northwest section of America. In the middle part of the 20th century, we began to harness the atom and develop nuclear power, which was going to be, in the view of many at that time, "too cheap to meter." In other words, it would be so inexpensive you would not even be able to keep track of it to base costing on.

Nuclear power continues to be a significant part of our energy mix. In a State like mine, it is most significant. We have two plants up and operating that have been decommissioned. I hope we can find a way forward to build a next generation of safe nuclear powerplants.

The oil price shocks of the 1970s brought home to us our dependence on foreign markets for oil, on which so

much of our country and its economy have become dependent. With those shocks came an understanding of the ability of foreign countries to seriously disrupt our economy and our lives through higher prices, bringing higher inflation, and unemployment. We began to think and do more about reversing this trend by pursuing energy efficiency and developing alternative sources of energy, including renewable energy.

Yet we have remained largely dependent on—some would say addicted to—fossil fuels, which has exacerbated our dependence. We have also found out along the way that our energy has a cost beyond that of discovering, producing, and transporting product to market. It has health and environmental costs. The smokestacks of our powerplants, factories, and the tailpipes of our cars and trucks spew out millions of tons of pollutants in great quantity, including sulfur dioxide, nitrogen oxides, hydrocarbons, mercury, and carbon dioxide. Our citizens—especially our youngest and our oldest—are subject to a variety of diseases associated with their lungs, particularly, including fine particles and ozone.

There is quite a remarkable article in the press today about a study that has been completed—I believe it appeared in the *Journal of the American Medical Association*—which draws a powerful and unsettling link between certain pollutants and higher degrees of disease and, in fact, projected numbers of premature deaths. That is, people would have lived longer had they not been inhaling the emissions from power plants and some of the rest of our society.

Our lakes and streams have suffered under the assault of acid rain. Our bays are being choked by nitrogen loadings that come from cars and powerplants. People throughout the country cannot eat fish out of lakes nearby because of mercury contamination. The great vistas of our national parks are despoiled by haze created by motor vehicles, powerplants, and the fossil fuels they are burning creating emissions.

We are heating up the planet through greenhouse gases. We face potentially catastrophic consequences over time associated with sea level rise and increased threats from airborne diseases that migrate north toward our country or within our country as we heat up the planet's atmosphere as a result of the use of fossil fuels.

We cannot continue to use the atmosphere as a dumping ground for waste coming out of smokestacks and tailpipes on a business-as-usual basis. It is our responsibility as stewards of the Earth that we are blessed to inhabit as temporary residents, trustees for the generations and generations that will follow us over the centuries ahead, to establish a framework, a system for meeting our energy needs without harming public health or destroying the environment in the process.

We must consider both of those important policy factors as we go forward

with this energy legislation. Energy policy and environmental policy are, if you allow me to put it this way, like a gas pedal and a brake pedal. They only make sense when they are used together and used sensibly.

As we consider energy legislation, we have a clear choice between developing an innovative and independent new energy policy or continuing the same policy—a policy that will continue our energy dependence, deprive us of national independence and compromise the health of our people and the openness and condition of our environment.

We all know that America needs a lot of energy. It takes energy to move our cars and trucks, to cool our refrigerators, and power the terrific technological tools that drive our innovative economy. The challenge is—and it is a challenge—how do we get that energy in a way that does not do the kind of damage I have just described?

The biggest challenge is in transportation. Cars and trucks are responsible for two-thirds of all petroleum use in the United States. That overreliance not only harms public health and the environment, but also hastens global warming. The overreliance forces us on a course of foreign policy dependence because it entangles us in unstable regions and forces us to deal in a much less demanding way than we otherwise would with regimes that do not reflect our values, human rights, religious tolerance, openness, and democracy.

Some people think we can drill our way out of this imbalance, but we have to do the math, and the math is powerful. We have 3 percent of the oil reserves left within our control, yet we consume 25 percent of the world's oil. Two-thirds of the world's oil lies in countries in the Persian Gulf, even though we have developed other sources of energy and oil from Latin America, from Africa, and increasingly from central Asia.

We cannot just drill our way out of the problem. The more oil we use, the more dependent we will be on oil that other countries have and own. That is one of the lessons we have to learn from world events and consider as we go forward on this energy legislation.

America's strength is not in our oil reserves. That is the painful fact. America's strength is in our reserves of innovation and technical know-how. An energy strategy that is good for America will exploit those reserves of innovation and technical know-how to produce smart energy-saving technology and cleaner modern fuels.

Unfortunately, many would have us extend our dependence on oil, and because other countries overwhelmingly control the oil reserves, that means extending our dependence on foreign oil.

They have even, in addition, proposed the despoiling of some of our most precious places in the process. And for what? We will obviously will have a debate, as we have had before, on the question of whether to drill in that remaining 5 percent of the North Slope of

Alaska. If we opened up, God forbid, the Arctic Refuge to oil exploration, there would be, as we have said over and over, a blip of oil to meet the enormous need we would have. It just does not do it for us.

We should say no to oil development in the Arctic Refuge. We should protect a most unusual, unique, magnificent, inspiring piece of America, piece of God's creation, which is the Arctic National Wildlife Refuge. We have to go in a new direction. We need to spur aggressive development of both new and proven energy sources and technologies, which would include natural gas, the subject of the amendment before the Senate now.

We should encourage hybrid vehicles. Some of those are out and selling very well. There are waiting lists of people who want to buy them and cannot get them rapidly enough.

We must pave the way for renewables, fuel cells, and other barely imagined technologies. I am convinced we have the brain power and the economic power to develop them if we put our mind and will to it. Of course, we should develop our remaining oil deposits that can be developed without hurting the environment, and there are some remarkable new technologies that will help us do that.

Fuel cells are a particularly promising technology, and I hope we in Government will work with industry and others to develop a credible business plan, that is what I would call it, for fuel cell technology development, a business plan that would have clear goals and timetables by which we would develop and deploy fuel cells.

I support the progressive tax incentives for alternative fuels and clean and renewable energy that are part of the package that came out of the Finance Committee. I thank and commend Chairman BAUCUS and Senator GRASSLEY on crafting a responsible and forward-looking set of incentives to transform our energy mix and make us more independent and efficient.

The bill before us does open doors to innovation. It sets up a new framework for the kinds of innovative energy policy we need. That really should be the commitment of our generation, a single-minded, all-out drive to protect our security by developing a new framework for energy use in our country.

We have to start with energy efficiency standards. Over the last 20 years, we have made magnificent efficiency gains which lay a firm foundation for future progress. Increasing the fuel efficiency of cars and trucks by just 3 miles per gallon, well within our reach technologically, would save 6 billion gallons of gasoline per year. As I understand it, by the best estimates, that is about two times the oil that would come out of the Arctic Refuge if we drilled.

That 3-miles-per-gallon increase in fuel efficiency would also save Americans \$9 billion a year in annual spending. Imagine that, \$9 billion in savings.

The increase would also reduce carbon emissions by 15 million tons a year, that much less contributing to the pollution of our air and the warming of our planet.

We can clearly do, in my opinion, better than 3 miles per gallon. That obviously will be the topic of debate that will occur on the amendment on this bill regarding so-called CAFE standards. We were all shocked in the 1970s by the steep increase in the price of oil as a result of the Arab oil embargo in 1973 and 1974 and the Iranian revolution in 1979. Gas prices were approaching a dollar a gallon, and we thought the price would only continue to rise.

We made some real efficiency gains in our economy and in our transportation fleet, but the price of oil collapsed in 1986. Despite a few price spikes along the way, gasoline is now not that much over a dollar a gallon, making it cheaper, certainly when adjusted for inflation, than it was in 1980. New sales of vehicles are increasingly characterized by sport utility vehicles and light trucks—great vehicles, but our overall fuel efficiency has therefore and thereby declined.

We are caught in a policy bind. We have less expensive fuel, providing little incentive to conserve, and industry remains opposed to increased fuel efficiency standards. So gas prices remain low, our fuel efficiency averages are declining, and therefore we continue to increase our reliance on imports of oil. I hope this legislation before us will provide the opportunity to break that gridlock and that we will support increased fuel efficiency standards for our vehicles.

I believe people who oppose the increases in fuel efficiency may well underestimate the resourcefulness and ingenuity of our researchers and/or industry. For example, the Massachusetts Institute of Technology is developing a most promising new technology for economically reducing gasoline engine vehicle emissions and fuel consumption. It could reduce smog-producing nitrogen oxide emissions from gas engines by 90 percent, and it has the potential to increase engine efficiency by 25 percent and reduce carbon dioxide emissions by 20 percent.

We should take advantage of the many advances that have been made under the aegis of the Partnership For a New Generation of Vehicles, a private-public partnership between the Federal Government and the automobile industry to improve the fuel efficiency of our vehicles. The advances we have made in these hybrid technologies that have already come out of that partnership are dramatic. The administration has embraced fuel cells fueled by hydrogen, and I welcome that, but the results are still some time away. That is why we need to make advances in fuel economy sooner, as well as later.

We must also reform our energy system to give renewables and alternative energy fair access to the market, both

by ensuring they can make a physical connection to the grid and by enacting tax credits that will ensure the market is open and welcoming to them; in other words, to give consumers and businesses a tax credit for use of some of the renewable and alternative energy systems coming on board, including fuel cells.

We should also require electricity generators, I believe, to account for a portion of their output through renewable energy sources, and I support the inclusion of a renewable portfolio standard in this bill.

I understand many existing industries are resistant to change because change involves risk. Fortunately, many companies are ready to accept some risk because they know there is reward in that, that nothing ultimately ever stays the same. Many businesses have developed new technologies and are willing to do so even more if given a clear, lasting signal from our Government as to what we are going to ask and in which direction we are going. If Government leads by establishing clear goals, objectives, and incentives, as this bill does, progress will follow. Government can act as an innovation spur, not an innovation barrier.

I know there are some who will argue the energy bill is not the place to address climate change. I disagree. I see climate change as probably the biggest long-term environmental challenge that we as Americans and everyone else on the planet face. Some would argue climate change is separate from energy, but I respectfully disagree; they are inextricably linked. The overwhelming majority of greenhouse emissions come from producing and consuming energy, whether in our powerplants, our factories, or our cars and trucks.

I particularly salute the pioneering bipartisan work done by Senators BYRD and STEVENS to promote research and development on climate change, to require an office in the White House which will have the responsibility of developing and overseeing the implementation of hopefully a national climate change policy.

I am proud to say the Governmental Affairs Committee unanimously passed the Byrd-Stevens legislation and it has become part of the energy bill we are debating. The provision does not create any mandatory programs to address climate change—that debate has been reserved for another day—but it puts a strategic planning and research and development foundation in place so we can understand the nature of our problem and begin to work aggressively on solutions.

In particular, the Byrd-Stevens legislation would create a comprehensive effort within the executive branch that would provide creative thought, the creative thought that global warming requires, including a new White House office to develop a peer reviewed strategy to stabilize the levels of green-

house gases in our atmosphere to safe levels. Now that is an objective on which I hope we can all agree. In fact, the Senate has already agreed on that goal because it is the stated objective of the 1992 Rio Treaty on Climate Change, which this body ratified.

Finally, I again compliment the comprehensive nature of the Byrd-Stevens provision. In crafting a climate change strategy, the White House office would be instructed to consider four key elements: Emissions mitigation, technology development, adaptation needs, and further scientific research. Very often in our debate on this issue all four of these topics do not make it into the discussion, but they must.

To quote Senator BYRD, his bill is meant to complement, not replace, other mitigation measures by creating a process by which we receive expert evaluation of the challenge we face. I hope this legislation will be the tree off which other critical climate change measures will branch.

This is a challenge of great import to us and to all who will follow us on the planet. As Senator STEVENS starkly reminded our Governmental Affairs Committee at a hearing last year, we can already see some deeply unsettling signs of climate change in the Arctic. Permafrost is melting, glaciers are disappearing, boreal forests are moving north, and the migrating habits of many species are being disrupted.

The provision these two leading Senators, Messrs. BYRD and STEVENS, authored is an important first step in examining and reacting to the climate change crisis. To me, it is one every Member of the Senate ought to be able to support, and I hope because it is part of this legislation before us that all will.

I am thankful for the opportunity to make this opening statement. I repeat what I said at the beginning: This is a bill whose importance to every single American and to our country in general cannot be overstated. I look forward to the debate. I hope we can find common ground to achieve what I believe is our commonly held goal, which is to make America more energy independent than it is today.

I yield the floor.

The PRESIDING OFFICER (Mr. CORZINE). Under the previous order, the assistant Republican leader is recognized.

Mr. NICKLES. Mr. President, thank you very much.

I wish to make a few remarks regarding the energy bill. Let me first compliment my colleague and the former chairman of the committee, Senator MURKOWSKI, for his leadership on this issue and for the statement he made both yesterday and today.

Let me also express my very strong displeasure with the process that leads us here today. I am glad we are debating energy. I am glad we are going to have an energy bill that will be amended and discussed. But I am very upset about the procedure and how we arrived here today.

I served 22 years on the Energy Committee. I worked with Democrats and Republicans to pass historic legislation, to deregulate the price of natural gas. I worked with Senator Bennett Johnson, Wendell Ford, Jim McClure, and other Senators. It was bipartisan, historic, important legislation. We passed other legislation.

My point is, we passed historic, meaningful legislation in a bipartisan manner through committee markups, some of which, as in the case of natural gas deregulation, took years. We worked on it, we amended it, and brought a bill to the floor. We did not do that in this case. I cannot recall in my Senate career a legislative proposal this significant where it bypassed the committee. The committee proposal we have before the Senate had no Republican input. I have not had one chance to offer one amendment to this bill. I am offended by that. I am offended by the process. I am offended by the fact that people think we do not want markup in the committee because we cannot control the committee. Since when do we say, we will not have markups if we cannot win?

That is exactly what happened. I have heard some say, that is not really what happened—we just rule 14 bills all the time. We do not, all the time, take significant legislative action and say we don't want the committee to mark it up; we do not want to have bipartisan input; we do not want to allow people to offer amendments; we do not want them to have an amendable vehicle.

The fact is we did not have a legislative markup in the Energy and Natural Resources Committee for months. I am offended by that. Why am I serving in the Senate? Why did I select the Energy and Natural Resources Committee? Why am I one of the senior members on that committee and not even have a chance to offer an amendment to express some positive or negative points about some provisions that affect every single American? I did not even have a chance to offer an amendment. I did not even have a chance to say this is good or bad. Now we have to do it on the floor.

There are a lot of items in this bill that a lot of people do not know about. I wonder if my colleagues are aware there is a \$10 billion loan guarantee in this bill. Most people do not know that is included. We never had a hearing on it. We did not have a hearing on it in the House or in the Senate and it is in the bill. I understand they will change it. That is interesting. That has not been discussed.

When Senator MURKOWSKI was chairman of the committee, we had a lot of hearings dealing with the issue, and we were going to mark up the bill. We started marking up the bill last year but we stopped. Why did we stop? The Washington Post says in an October 11 headline, "Daschle Stops Panel's Consideration of Energy Bill."

Then it goes on to say: "Majority leader, TOM DASCHLE, yesterday

abruptly halted further committee consideration of major energy legislation after Democrats concluded there were probably enough votes on the panel to approve the Bush administration's plan for drilling in Alaska's Arctic National Wildlife Refuge."

In the Washington Times, the headline, "Daschle Takes Control of the Energy Bill; Republicans decry bid to stall Alaskan drilling as 'partisan' maneuver."

Daschle yesterday took control of the energy bill in a move to strengthen his opposition to the administration's proposal to drill for oil in Alaska's Arctic National Wildlife Refuge, which President Bush says is critical to national security.

In an unusual legislative action . . .

It is more than "unusual." I don't remember it happening. I have been here 22 years, and maybe others who have been here longer can say it has happened, but I can't remember a majority leader saying: Stop, don't work, don't mark up, I will come up with something on my own.

That does not happen.

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

Mr. NICKLES. I am happy to yield.

Mr. BINGAMAN. I recall when we saw the budget resolution last year that contained the President's enormous tax cut, that came from the Budget Committee without markup. That was brought by Senator DOMENICI to the floor, at the request of the majority leader at the time, Senator LOTT. Am I not correct that was a major piece of legislation that came to the Senate floor without ever having a committee markup?

Mr. NICKLES. Let me answer the Senator's question. I thank the Senator for the point.

There is a difference between a budget resolution that is not even law—a budget resolution does not even go to the President for signature. Budget resolutions are entirely different matters. That is not the same. A budget resolution does not have the impact. A budget resolution authorizes committees to say: Here is how much you spend. But it is not a tax cut. You still have to pass a tax cut; you still have to pass the legislation.

This is legislation. This is a bill that will become law. This is a bill that has the potential of increasing the cost of vehicles for everybody in America by \$2,000 or \$3,000. Are people aware of that? Do I recall a hearing on that provision, the so-called CAFE standards? No. Did the Commerce Committee have a hearing on it? Did the Commerce Committee have a markup on it? Did it pass by bipartisan majority out of the Commerce Committee? The answer is no.

Where is the committee report? One of the reasons we have markups in committees is to have everybody on the committee who has expertise on the issue to have input, to support it or oppose it—to issue a committee report so we can find out what is in it, so you

can read what is in it in English, not just the legislative language which is difficult to decipher. Our competent and capable staff prepare a committee report explaining in English, here is what this provision does, here is what this provision means.

On most legislative issues I can remember we have had a committee report. There is no committee report because the committee did not report on this bill.

This bill has enormous potential impact on American citizens, but no one knows what is in it. I didn't know what was in it and still don't, even today. I pride myself on doing a little homework on legislative issues. I kind of like to read bills. The bill introduced by Senator DASCHLE did not come through the committee. Maybe it is supported by Senator BINGAMAN, but it is not supported by this Senator. It was introduced February 15. It is 436 pages. I wanted to get the yeas and nays because I had an idea it might be changed. I was not successful and could not do that. But it was introduced and I thought at least I can now start reading it and do homework.

The more I read, the less I liked. It is a pretty crummy energy bill, in my opinion. I started to say you couldn't do much worse, but maybe you could, surely you could. It is not much to my liking, but I had no input on this bill whatsoever. And I think I happen to be No. 3 in seniority in the Energy and Natural Resources Committee—No. 3 or 4.

Then the bill was changed. That bill was introduced on February 15, and it was 436 pages. On February 26, the bill was introduced, just a week or so ago, and it was 539 pages. It grew by over 100 pages in a couple of weeks. I don't know what the differences are. I am trying to find out. I thought, now I have a printed copy. I had to ask consent to get this copy printed, so I did. So now it would not be just in loose-leaf form, and now we can get some work done. I can do my homework and take this home.

I started reading it. I didn't like this one either. And I didn't have any impact on this. I didn't get to vote on one single page of this bill—not one. I am offended by that process.

Then it was changed yesterday. We have version No. 3. This was dated March 5. It is 590 pages. That is only another 51 pages more than the bill that was on the floor a week or so ago. I have not analyzed that. I don't know what is in the 51 pages. I have not figured that out yet. But I do know I had no impact, no input, no amendment—nothing.

We have a terrible process where the majority leader shuts down the Energy and Natural Resources Committee and says: We do not care if you have 20 members who have experience on these issues. We don't care if you have had a lot of hearings in the past on these issues—issues such as electricity, CAFE standards drilling in Alaska. We

do not care if you have expertise because we do not want your input. The Democrats are going to put together a bill. We will decide what you will mark up.

Sure, there is a reason. They said: If you want to change it, go change it. We will give you some amendments. And we will have amendments. Yes, we will just fix it. That is almost the size of the Bible, and unlike the Bible, it contains no good news.

This is a problem. Now we have to fix it. We will fix it paragraph by paragraph. There are a lot of paragraphs in 590 pages. I keep reading things in here I don't like. What is my alternative? I didn't have a chance to offer an amendment. I do not like the loan guarantee. I don't like any loan guarantee. For the most part I opposed the steel loan guarantees. I lost on that one. Now there are loan guarantees for oil companies in here. I don't like loan guarantees for oil companies either. It is in here. Now I have to strike it, I have to replace it.

I don't like the CAFE standards. Some people think: Let's just increase CAFE standards; we'll go from 27.5 to 35. Wait a minute, in this other version it was 36. But we are going to increase CAFE standards.

Does that include SUVs and pickups? Do they have a different standard? Yes.

How much will that cost? Some people say it costs a couple of thousand dollars a vehicle. It may cost a lot more. It may cost thousands of lives.

Who had a hearing? Where is the committee report? Where is the scientific analysis? Where is the data we have from the Department of Transportation that this is a good change? It is not here.

Where is the committee report, where you can study the pros and cons, the supporting opinions and dissenting opinions that we usually have in the back of the report? It is not here. I don't recall a committee report.

We are going to consider legislation of monumental importance, probably the most important issue we will consider this year—maybe not. Maybe it is in the eyes of the beholder. Maybe some people think campaign reform is more important. I don't. This will impact every single American because energy security is national security. If you don't have energy security, you don't have national security. If you don't have energy security, you don't have economic security.

We have seen that happen in the past. We have found ourselves, in the past, when we have not prepared properly, to have made serious mistakes, to have been really vulnerable to curtailments. We had a curtailment, I might remind my colleagues. In 1973 we had a curtailment. It was called the Arab oil embargo. Some of my colleagues might remember it. I remember it. I was in the private sector back in those days. There were lines; there were shortages; we had brownouts; we had schools that were closed; we had people lined up for

blocks to buy gasoline. There was a real shortage. It was caused by an oil embargo because there was a real crisis in the Middle East.

At that particular point in time, we had gross crude oil imports of 26.1 percent. Today we are over 60 percent. In 1979 we had another shortage. It was during the Iranian hostage situation. There was an embargo. At that time we were importing 44.5 percent. Today we are importing 60 percent.

Today we have a real problem in the Middle East. It is flaring up every day in Israel. It could expand. I hope and pray it does not. But we are a lot more vulnerable today than we were back in 1973 and 1979. So now, finally, we have an administration that has put together a package after a lot of work, promoted that package, passed that package, by and large, in the House of Representatives.

Did the Senate have a hearing on the House-passed package and use that as a markup vehicle? We do that a lot, but we didn't in this case.

Did we hold the House-passed bill at the desk and use that as a markup vehicle? We do that a lot. No, we didn't do it in this case.

We started with an entirely different bill, one that has never seen the light of day, one that has never gone through a legislative markup, one that has never had a Republican amendment considered.

Basically, what you have is a couple of people who put this bill together, making a whole lot of special interest groups very happy in the process. There are lot of special interest groups that, because of this bill, are very happy. But it is a pathetic excuse for an energy bill, and it is a very poor excuse if we want to do something that will help solve some of our national energy problems. Even worse than that, it is a terrible legislative process.

If we are going to tell two major committees—the Energy Committee for the energy components of this bill and the Commerce Committee for the CAFE standards—don't mark up, then you have just disenfranchised 47 Senators: We don't want your input; one or two people will decide what we are going to do, and if you don't like it, amend it; and, incidentally, if you try to amend, we are going to filibuster your amendments so now you have to have 60 votes to change this bill.

What is the difference? If a committee markup was held you would have input from Democrats and Republicans. You would probably come a lot closer to having consensus, a bipartisan bill. You would have a committee report so people could understand it, they could read what it is, what people are trying to do, what they are doing in the legislative language. Then, if you disagreed with what the committee did, a group of 40 Senators—in this case, 20 from the Energy Committee and 20 from the Commerce Committee; maybe 42 or 43—you could offer amendments to try to change it.

Instead, we are acting as if we have some type of totalitarian government or some type of kingdom over here that says: Committees don't operate. I'll decide what is in your bills. Maybe one or two people, maybe three—I don't know how many; a few people, not Republicans—put together the bill. It is 590 pages. Oh, we will amend but if you offer a couple of amendments, we are going to filibuster those amendments. You need 60 votes. Good luck.

If you marked it up in the committee and put ANWR in the bill—which we would have—then somebody would have to strike it out of the bill. It is totally different. Then you are talking about a majority vote, you are not talking about 60 votes. There is a big difference. Or if somebody wants to set new CAFE standards, new CAFE standards that have bipartisan support that come out of the Commerce Committee, we didn't do that. It is a terrible legislative process. Shame on the Senate for this legislative process. Shame on the Senate.

I have only been here 22 years, but we have not done this. It is not the same thing as the budget resolution. It is not the same thing as a sense-of-the-Senate resolution. This is very comprehensive, significant legislation. It is similar to legislation with which we wrestled in the last Congress dealing with the Patients' Bill of Rights. It is a tough bill.

I was in charge of a lot of it. I disagreed with a lot of the ideas that were floating around. But we had a markup in the Labor Committee. We had a markup in the Labor Committee that lasted days. We had 30, 40 votes on amendments; more amendments, that many votes.

The committee passed, with Senator GREGG's leadership, with Senator COLLINS' and others, a Patients' Bill of Rights. Senator JEFFORDS was on the committee at that time. They passed a pretty decent Patients' Bill of Rights, and we considered it on the floor and amended it on the floor, and we passed it.

I didn't agree with everything that was in it, but I agreed with the final package. It was a decent package. It brought a lot of people together. Some people said it was not enough. But anyway, it went through the legislative process. It wasn't easy. We could have said: We are in the majority, the heck with the committee; we will come up with what we have deemed is the right package and run with it.

I think that is a violation of Senate protocol, spirit—basically telling the minority they don't matter. It doesn't make any difference if there are 49 Members on the Republican side, you don't matter; you have no input.

I just very strongly disagree with that. It means a lot to people who have not looked at this legislation. Usually a lot of Senators haven't looked at it but they rely on the committee, the authorizing committee, for their expertise and for their homework, and they can rely on them for their judgments.

It is kind of hard for us, many of us on this side of the aisle, because we have not looked at this. I keep finding things in there at which I am kind of shocked: Where did this come from? Well, some lobbyist or somebody had some idea, so he stuck it in the bill. We have all kinds of mandates and subsidies and loan guarantees.

Now there is an amendment that says that we, in our infinite wisdom, are going to choose which pipeline route to go for a natural gas pipeline in Alaska. The underlying bill says there is a \$10 billion loan guarantee. I question that. But I also question why we are trying to choose which pipeline route should be involved in building the Alaska natural gas pipeline.

Let me see. Let me count the number of days we have had hearings on this. This is about a \$20 billion project—a pretty good size project, over which we should have held several hearings on at the least.

Did they have a hearing in the House of Representatives? No.

This language or similar language is in the House bill. I am not going to fault the House. I think they did a pretty good job.

I question the wisdom of putting this in without hearings. Should we dictate which pipeline route? I hate to say this, but what about the marketplace deciding which route? Why don't we use the route that would be most economical? Why don't we use the route that makes most economic sense? Why don't we use the most feasible route?

Is that language in here? No. The language that Senator DASCHLE is proposing now—in addition to the \$10 billion loan guarantee that came from somewhere, just appeared in this bill—it says: Oh, we are going to take the southern route. The southern route—if you look at the chart; that is the one shown in orange—swings through Fairbanks and through Alaska. It is several hundred miles longer than the other route. The other route looks a lot cleaner, a lot shorter, a lot straighter, and it is also in plains, maybe marsh. It is parallel to the Mackenzie River. The other one goes through about 900 miles of mountains.

I used to work for a pipeline company. I helped lay pipe in some of my private sector days. I know a little bit about it. I know it is expensive. Man, it is a lot more expensive to do it in the mountains than it is on the plains. There may be pluses and minuses on both. I do not know all the pluses and minuses.

I know one thing: I probably do not know enough yet to say this is the right route or this other one is. I have not studied it enough. I don't recall a hearing. I have not met with all sides. I have met with a couple people. I have constituents who have an involvement. I have constituents who have some minerals or gas in the project, and they would like to get it to market. I would like to get it to market. It would be good for the economy to get it to market.

But why are we going to mandate which way to go? Why are we going to mandate which way to go under Senator DASCHLE's amendment without even a hearing? Whose special interest group is this?

I just question the wisdom of acting this way, of having this bill up in this manner. We have not had a hearing on this bill. No one knows what is in it except for a few people. And now here is an amendment that says: Oh, in our infinite wisdom, we are going to dictate you go this route. Let's go the longer route, the route that looks a lot more expensive because it is several hundred miles longer than the other route. We are going to dictate that?

I don't think we should. Maybe I am in the minority on that. I want to defer to my friend from Alaska, Senator MURKOWSKI. I have great respect for him. But I really question the wisdom of Congress trying to dictate this, and it just goes with the whole process of this bill.

I am more offended by the process and the way this has come to the floor than anything procedurally in the Senate in my career, and certainly out of this committee. I have not been on other committees. Maybe other committees have tried a little end run like this in the past, but I can't remember. But I know they have not in the Energy Committee because I have been on the committee. I would have been very outspoken. If our side tried to do it, I would say: No, that is not right. We have to run it through committee. You have to have input from Democrats and Republicans.

You may have party-line votes once or twice, but most of the time on the Energy Committee we didn't vote on party lines. We tried to vote for what was right and in the best interests of the country.

This is 590 pages of all kinds of little subsidies for alternative fuels, mandates. Oh, we already have a big mandate for ethanol, about 53 cents a gallon for ethanol. Now we are going to mandate not only the subsidy, but we are going to mandate that they have to produce so many gallons; I think it is something like 5 billion gallons in another 10 years or something. Wow. How much are we going to do? Then on and on and on.

The more I see—oh, we have subsidies for wind energy, you name it. There are all kinds of things that are in this bill, some of which are very questionable economically, some of which are going to greatly increase consumer prices.

Then let me just touch on the other side of it, and that is the issue of CAFE. The Federal Government is going to mandate that we raise the fuel average economy standards from 27.5 miles per gallon to 35 miles per gallon, and do that over the next 13 years. In a previous bill it was over 11 years. Now that has been adjusted.

My wife happens to drive a Pathfinder, an SUV. We should send out sig-

nals to SUV moms all across the country: Hey, the Senate Democrats, under this bill, are going to raise the price of your vehicle by at least a couple thousand, if not \$3,000 or \$4,000. Notice to soccer moms, notice to SUV vehicles: It is in here. It is going to increase the price of your vehicle.

Maybe I should have an amendment that says Senate cars should meet these standards, because they do not. But we are going to make every soccer mom in America pay for this because it is in this bill.

Oh, soccer moms: One of reasons you like these SUVs is that they are kind of big, kind of safe. My son has two kids, and he has one. He has the baby seats in it, and he likes it because it is safe. It is not going to be nearly as safe if this bill passes because this bill is going to mandate—well, the vehicle is going to have to have a much smaller engine, it is going to have to be a lot lighter, it is going to resemble something more like a Volkswagen than it is an SUV, and we are sorry about that.

Will the fatalities go up if we pass this bill? The answer is yes, by the thousands. How many? What scientific studies do we have? We don't know. We have not had a hearing. We were not able to ask the safety experts. We were not able to ask the experts who build this: Can this be done? Can it be done safely? And how much will it cost?

I would love to ask the automobile manufacturer: How much is this going to cost? Can we comply with these standards? How much more will SUVs cost in 8 years if they meet this standard?

I will tell you, it is going to be in the thousands. We do not know because we have not had the hearing. We have not asked those questions. We have not gone the legislative route. There is no committee report. There was no homework done. This is put together and changed almost on a daily basis.

It is a crummy way to legislate. And this first amendment is a crummy way to legislate, a very poor way. Shame on the Senate if, oh, we are just going to decide this is the way we are going to build this pipeline, we are going to dictate you have to take this route.

That is not the way it should be done, not when you are talking about \$20 billion, not when you are talking about Federal loan guarantees that should not be in the bill in the first place. Oh, now we are going to have loan guarantees and we are going to dictate which route to go. We never had a hearing. We do not know which way is the best as far as protecting the environment is concerned. We do not know which is best as far as the economy is concerned. One might cost twice as much.

I would think to build a mile of pipeline through the mountains would probably be several times as expensive as building one on the plains. Yet we have an amendment offered by Senator DASCHLE, the first amendment up: Here is what we are going to do. Maybe

there are political considerations behind his amendment. I don't know. But I am just astounded by this process.

I am very disappointed in this process. This process should not be repeated. It should not be repeated by Democrats or Republicans. We have committees for a purpose. We have committees for a purpose: So we can have bipartisan input, so we can have the legislative process work, so we can have hearings on legislation so people can know what they are voting on, to where they can try to improve it, to where any member of the committee has an opportunity to read the bill and to amend it, to change it—win or lose, at least they have the opportunity to try.

No one has had an opportunity to amend this bill—no one. A few people might have been able to get their special interest provisions in, thanks to the majority leader and to the chairman of the committee. But no one, no Member of the Senate, has offered an amendment to this bill because it has not had a markup.

Right at about half the Senate has been disenfranchised because we did not have a markup on the CAFE standard and did not have a markup on the energy package. So now we are presented with an energy bill: Here it is. Go get it. Have at it. See if you can improve it. Oh, yes, if you have an amendment we don't like, get 60 votes. That is not the way the Senate is supposed to work.

The Senate is a great institution. People are violating the thrust of the Senate. Totally ignoring the committee process should not be done lightly. So I am critical of it.

I want my colleagues to know of the problem of how we are situated. So we have a bad bill. Some of us are going to try to make it better. It may take a while. We may have to ask a lot of stupid questions: What is this in here for? How much is it going to cost? I would like the proponents to know I am going to be asking those questions because I did not have a chance to ask them yet. I did not have that chance to ask them in committee, so I am going to ask them on the floor. So this markup may take a little while.

This amendment may take a little while. I do not want to filibuster this amendment, but I want to know how much it is going to cost. I want to know why this route is preferred over the other route. I want to know why there is a \$10 billion loan guarantee in the bill. Why? Who benefits from that? What is the purpose? Is that the best way to do it? Should it be done? Is it necessary for it to be done? Could we build the other route even without a loan guarantee? Without price supports? Is that possible? Does it need to be? Or does the marketplace dictate we have to go this way?

Aren't those decent questions? Shouldn't those questions be asked? They have not been asked before. Yet we are getting ready to commit to a \$20

billion project? This is a crummy way to legislate. The Senate leadership should know this is not the way to operate.

We should not disenfranchise 40 some Senators from the committee process. I hope we won't do it in the future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I wonder if I could respond to some questions that the Senator from Oklahoma, the minority whip, brought up because I certainly agree with his contention that these matters have not been addressed in a committee process. They are being addressed on the floor.

As I indicated earlier in my opening statement, we have quite a responsibility before us to educate Members. I think the questions my friend from Oklahoma posed deserve consideration. I wonder if I could perhaps offer an explanation as to why the proposed route that has been supported by the State of Alaska is the preferred route.

As my colleague knows, the concentration of capital necessary to build either route is going to be substantial, somewhere in the area of \$15 to \$20 billion. Clearly, the companies that are going to build this pipeline are interested in a return on their investment. I don't think my colleague is aware of the particulars associated with the northern route.

It would require roughly 400 miles of pipeline at sea. If I can refer to the map, I think it is important to recognize that this is an area that is extraordinary because it runs roughly from Prudhoe Bay, where the gas has been discovered about 400 miles off the Arctic coast. This is an area that is only ice free about 40 days of the year. We are well above the Arctic Circle here. As a consequence, the technology is obviously achievable, but there is still a question of at what price.

As the Senator from Oklahoma is well aware, we have been trying for decades to get permits and the authority to open up ANWR, which is on land, for oil and gas exploration. The consideration has been whether we could do it safely. The problem we have in laying this pipeline in this particular body of water is access because much of the year it is covered with very heavy ice.

Theoretically, most pipelines are laid with a trench being dug on the ocean floor and then covered up, and so forth. We are talking probably about this pipeline being 3 to 4 miles offshore where you would get the adequate depth. The unique problem you have with the engineering is this scouring of the bottom when the ice moves because, as you know, about seven-tenths of the ice is underwater. So these present some engineering problems.

They also present some problems associated with the concern over the Native people, the Eskimo people of Alaska and their concern over the migratory bullhead whale which they are dependent on from the standpoint of sub-

sistence. They support drilling on land and support activity on land, but they are reluctant to see activity offshore that may change the route of the migratory whale movement of the bullhead whale. So they are opposed.

I can cite for the record comments I received in opposition to anything out at sea that might affect them.

I ask unanimous consent to print the comments in the RECORD.

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

COMMENTS ON PROPOSALS FOR A NATURAL GAS PIPELINE FROM THE NORTH SLOPE OF ALASKA BY GEORGE N. AHMAOGAK, SR. MAYOR, NORTH SLOPE BOROUGH, BARROW, ALASKA

(Submitted to the United States Senate, Committee on Energy and Natural Resources, October 2, 2001)

I want to thank Chairman Bingaman and the Committee for inviting comments on North Slope natural gas development from residents of the regions, because we will be most affected by the impacts of development. As Mayor of the North Slope Borough, I represent the people who live in eight communities scattered across the top of Alaska. The majority of our residents are Inupiat Eskimos, whose ancestry is traced back thousands of years along this stretch of the Arctic Ocean coastline.

For more than a quarter of a century, the people of the North Slope have played an active role in Alaska's oil and gas development. After our initial fears about the environmental safety of oil and gas operations were calmed by experience, we struck a stance on development that has not wavered. We have supported onshore projects when they contain adequate environmental safeguards for the land and animal populations and when they do not jeopardize our traditional subsistence hunting and fishing activities, which are so crucial to the continuation of our Native culture.

We have pursued these goals in our interactions with the oil industry largely through our local powers of planning and zoning within the oil fields. We have also sponsored extensive biological research and worked with state and federal agencies to gauge the continuing health of wildlife species in the region.

Twenty-five years later, we remain committed to the stewardship of our homeland as we work in partnership with state and federal agencies and the industry to extract the oil and gas resources our nation so clearly needs. Our commitment to a culturally sensitive development approach leads us to a very firm position on natural gas development. We recognize the need to export the North Slope's vast natural gas supplies, and we believe there is only one environmentally sensible transportation path—along the route of the existing Trans-Alaska oil pipeline. Most of the issues associated with pipeline routing have already been identified and successfully resolved through years of experience with the TAPS oil pipeline. Using the existing corridor is more environmentally efficient than any alternative and is unlikely to result in significant surprise impacts related to land or wildlife. It is clearly the safest and most acceptable transportation plan in our opinion.

For these reasons, we support the State of Alaska's insistence on a southerly (Alaska Highway) route. We also are adamant in our opposition to any project that would involve an offshore pipeline to the McKenzie Delta on the Canadian side of the border. We believe this "over-the-top" scenario is technologically arrogant and offers substantially

greater risk of environmental and cultural damage.

Our elders and our subsistence whalers are the true experts on the seasonal movements of sea ice along the arctic coast. They have spent decades studying the forces of pack ice as it piles upon itself to create huge pressure ridges the size of tall buildings. They have witnessed the results of current-driven ice scouring the ocean floor. They have heard stories about these forces, stories that represent the oral preservation of empirical science handed down from generation to generation.

At the same time, the industry has repeatedly tried and failed to show its ability to clean up an oil spill in broken ice conditions. Demonstration of such ability should be an absolute requirement before any offshore oil development is allowed to occur.

Our opposition to an over-the-top route is not conceived lightly. We have proven ourselves to be both willing partners and environmental stewards. When we stand up against a proposal, our objection cannot be dismissed as environmental dogmatism. Nor can our support for a project be written off as pro-development fanaticism. Ours is a more complex position, stemming from a cultural perspective that acknowledges the advantages of development, clings to an inherent environmental ethic, and has as its highest goal the continued health of the original culture attached to this part of the world. The southerly route offers the best solution in light of this trio of concerns.

While we support the southern route, we do not believe that a natural gas pipeline should be supported at any and all cost. A successful project must have the inherent fiscal strength to preserve existing arrangements for local property taxation of energy infrastructure. We have heard rumors of tax concessions associated with a gas pipeline project, but we have not been asked for our opinion on such a scheme. We do not support tax concessions at the local level.

Additionally, we are concerned about the cumulative impacts of oil and gas development. Federal project permits are based in part on an analysis of potential environmental impacts on land, wildlife and human inhabitants of the area. However, this analysis is project specific, and while it has been discussed for years, no provision has ever been made for alleviating the cumulative effects of industrial activity on local communities.

We see the effects in a constant level of stress in our villages. Health problems, family dysfunction, alcohol abuse and other symptoms require intervention. We need help in assessing and addressing these impacts, and we look to the government for impact aid or some other form of assistance aimed at combating these social stresses.

Discussion of a natural gas pipeline necessarily exists in the larger context of North Slope resource development. With that in mind, I would like to reiterate our support for careful exploration in a small portion of the Arctic National Wildlife Refuge (ANWR). This is in keeping with our belief that activity in onshore areas of strong potential is more responsible than offshore exploration and development. Directional drilling and other technical improvements make low-impact activity on the edge of ANWR feasible. Accommodations for seasonal caribou migration can be achieved in ANWR as they have been elsewhere in the region.

Again, I appreciate the committee's interest in the perspective of people who live on the North Slope. I hope my comments assist you in your deliberations. Ours is certainly not the only perspective, but it is a view that springs from the landscape whose future you are considering. I honor the difficulty of

your task, and I hope that faith, determination and the good of the people guide you.

Mr. MURKOWSKI. As the Senator from Oklahoma has expressed, we have not had any hearings. We don't know what the scientific answer is. But there is the fear of the people and therefore an objection to any offshore activity.

Then there is the question of trying to get permits to do something for which we don't know what the impact will be. We have never been able to get permits even on land, let alone the difficulty of offshore.

There is also a considerable discussion that has taken place in the engineering community about the prospects of having to loop the line at sea because if you had a break or a fracture and the tremendous amount of volume of somewhere in the area of 4 to 6 billion cubic feet a day flowing through that into a market in the Midwest, perhaps in Chicago, if there was a fracture, you would have a devastating supply situation. And your ability to get at it in the winter with the heavy ice, which is 4 and 5 and 6 and 9 feet thick, would mandate a duplicate route. These are all theoretical, but nevertheless they are concerns expressed.

I will highlight the concern associated with this route. It is certainly a route that is less from the standpoint of distance. There are a couple other aspects we should point out. This is not necessarily a mountainous route. This is a route that parallels the highway and also is a route proposed in 1941 for a railroad to Alaska. The Senator from Oklahoma knows we don't have a connection with the transcontinental railroads of the United States or Canada. But this route is a relatively low elevation. There is one pass in here where the pipeline goes. But as the Senator knows, you increase pressure, and it is not nearly as bad at picking up friction as an oil pipeline.

There are a couple other points I do want to make that are relevant to our consideration. That is the realization that since this is Alaska gas, not found on Federal land but Alaska State land, we obviously want access to the gas for petrochemical and development within our own State, as opposed to the northern route which would simply move the gas offshore with very little secondary industry opportunities for Alaska petrochemical employment, and so forth.

Furthermore, we have been exporting gas out of Kenai to Tokyo, to Tokyo Gas and Electric since about 1966. That gas has come from Cook Inlet. The reserves are running lower now, and we are concerned in Anchorage about only two year-round manufacturing plants for urea and ammonia, and an LNG plant having access to gas. If it goes this way, the majority population centers will not be afforded the opportunity of this gas.

I don't disagree with the Senator from Oklahoma. I think he knows me well enough to recognize, as businessmen, the market dictates. But Alaska

is a little different than Oklahoma. We are isolated from the United States by Canada. If we don't put our foot forward in the area of development, we are simply going to be a State where our resources are exported. We have no residential capital base of any kind so capital comes in, exploits the resources, takes them out, and leaves nothing. Our oil companies are good citizens that come to Alaska. They support our efforts. But they are not domiciled in Alaska.

The Senator from Oklahoma is fortunate in having oil companies domiciled in his State even though I guess some of them are moving to a little bigger State—not the biggest State. I would like to see them move to Alaska rather than Texas. He has a lot of independent oil companies, oil and gas. We don't have that in Alaska because we have never been able to accumulate residential wealth nor the availability of private land.

This is a public lands State. As you know, the wealth that is accumulated in our State is public wealth. It is not private. So we don't have domiciled capital ventures that develop our State. We are dependent on outsiders coming in with a lot of money. When they take the resource out, they don't leave much more for it.

This has been the constant history of Alaska. It has been exploitation. First, it was the copper at Kennicott near Cordova. They took the copper out for years and left nothing, absolutely nothing except an abandoned railroad. The canned salmon industry exploited the fishing in southern Alaska. It was all controlled out of Seattle. They left, and there is nothing left in Alaska. We have had the oil industry, and we see our oil going down to Valdez and shipped out of the State. It benefits Washington and Oregon and California.

We are at the point of saying: Wait a minute. We have a resource in our State. We want to make sure we are involved in utilizing this resource to employ our people. We had 30,000 of our young people, ages roughly 19 to 35, leave our State in the last 10 years because we are not able to offer good paying jobs in blue-collar resource development. Yet we are the State with the largest resource base: Oil, gas, timber, the fish, the minerals. But as the Senator from Oklahoma notes, in our effort to open up ANWR, we are taking on the whole public posture of America's environmental community. It is a different set of circumstances.

I trust that my friend from Oklahoma will get a little better understanding.

This isn't just a simple matter of a shorter pipeline. It is a matter of jobs in Alaska, resident opportunities in Alaska because, as this route goes, the jobs and activity are virtually all in Canada. You have the Yukon Territory, Northwest Territory, Alberta, British Columbia, and so forth.

I don't dispute the reality that economics dictate how things happen. But

remember one thing, and this has been overlooked in this debate: This gas belongs to the State. It doesn't belong to Exxon; it doesn't belong to BP; it doesn't belong to Phillips. They hold the leases. When this gas is developed, one-eighth of the gas can be taken by the State in kind. We should have something to say about where our gas goes and how it benefits our State.

So that is the action that was taken in the House of Representatives and they designated the route that would be most beneficial to the State of Alaska. That is why I have cosponsored the amendment offered by the majority leader this morning.

But I totally agree with my friend from Oklahoma about the manner in which the majority leader circumvented the committee process and, as a consequence, we are here now educating one another on the merits of this bill.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. NICKLES. Will the Senator yield for 1 minute?

Mr. REID. Yes.

Mr. NICKLES. I thank my friend and colleague, Senator MURKOWSKI. I understand his situation. We are dealing with \$20 billion projects, \$10 billion worth of loan guarantees, and we haven't had nearly the number of hearings necessary to consider proponents of both sides and environmentalists. In addition, we should have people who are going to be granting permits, and so on, to give us some input and some estimates on how much it will cost and what the time delays would be, and so on. I haven't seen that being done.

The chairman of the Energy Committee is not here, but I want to have this hearing—and I may not get this hearing before this bill is taken care of, but I want to have a hearing on this before we get a conference report. So he is not here, but I will insist on it. We are not going to have a conference report until we get to have some hearings. I think if we get to the conference, I might have something to do with what is going to be in the conference report. To have this kind of issue and ask Senators to vote on it when we haven't properly reviewed its substance in committee, that is a real procedural mistake. We need to have more significant input from many more experts before making these decisions. I think it is a mistake for us to dictate which pipeline we should be building, without more information.

With that comment, I yield the floor and thank my colleague from Nevada.

Mr. MURKOWSKI. Mr. President, if I may make one clarification.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, before my two dear friends leave—and perhaps they are not leaving—I would like to have the opportunity to clear the record on a few things. First, my friend from Oklahoma, for whom I have the greatest respect, talked about a num-

ber of bills. We know that last time we talked about the energy bill. It got to the floor the same way this bill got here. We know that on the budget resolution the same thing happened, and also on the Patients' Bill of Rights. They got to the floor the same way.

Mr. NICKLES. Will the Senator yield?

Mr. REID. I will in a minute. I want the record to reflect the fact that after Senator BINGAMAN took charge of the committee, a number of hearings were held: June 26 of last year, July 12, July 13, July 17, July 19, July 24, July 25, July 26, August 1, August 2. On August 1 and 2, there was a markup of provisions of this bill.

I also say to my friend from Oklahoma, there have been hearings on this. We have had extensive hearings on this.

Mr. NICKLES. Will the Senator yield?

Mr. REID. I will in a second. I am trying to lay out something on the record, and we can elaborate on it later.

In fact, we had just one hearing where we had 15 witnesses, including the Governor of Alaska, the State Senators from Alaska. We had people from Exxon and BP. Senator MURKOWSKI told us how important this is to them. We have had 15 people talk about this. We had 4 different panels.

Senator BINGAMAN is doing something now and is out of the Chamber momentarily, but I want everybody to understand that Senator BINGAMAN has done an outstanding job of holding hearings. My friend from Oklahoma should not in any way feel that people have not had knowledge of what goes on.

Mr. NICKLES. I think there are factual inaccuracies here.

Mr. REID. I will be happy to talk about that in a second.

H.R. 4, which they say is a great bill, has the same stuff in it that we are talking about today. I don't understand why they are upset when we are following the example that the Republicans used when they were in control of the Senate. If the Republicans are wrong and we are wrong in doing that, the bill is here and it is open for amendment. People can talk as much as they want.

As I said, I will bet Oklahoma wished they were in the quandary that Alaska is in today. Alaska has a chance of getting the southern route pipeline that would create 400,000 jobs. That is a pretty good deal for a small State like Alaska, or even a big State like New York. It would be a great deal for Nevada.

This is an economic development program for Alaska that I support. I think it is great. But I want everybody to know that I think Senator BINGAMAN has done an outstanding job. I think he is an exemplary chairman and we should not complain about how we got here; we are here.

Mr. NICKLES. Mr. President, the Senator mentioned that we had hear-

ings. Can he give me the dates? Have we had a hearing on the two alternatives for pipelines for Alaska?

Mr. REID. We had a hearing to receive testimony on the status of proposals for the transportation of natural gas from Alaska to markets in the lower 48 States, and on legislation that may be required to expedite the construction of a pipeline from Alaska, Tuesday, October 2, 2001, 10 a.m.

Mr. NICKLES. I am surprised. I don't recall that. I don't recall considering the two alternatives. I asked staff did we have a hearing and they said no. I asked if there was a House hearing; they said no. On something this controversial, I am just not so sure we did. Maybe my memory is short, but for a \$20 billion project, I kind of think I would know about it. Maybe that is not the case. Maybe I am wrong, but I doubt that hearing was set up in a way that said let's consider these two alternatives.

I will do a little more homework to find out what happened on October 2. I want to find out if we were in session. This doesn't ring a bell.

The Senator said the Republicans brought up Patients' Bill of Rights under this procedure. That is wrong. We had a committee markup on Patients' Bill of Rights. It was marked up, amended, voted on. It was tough, difficult, and it was a very challenging thing, but we marked up the Patients' Bill of Rights. We passed it in committee and on the floor.

The Senator mentioned a budget resolution. That is not a law; that is a guideline for the Congress. Maybe my colleague is right. Maybe we should not have done that. But, at least in my 22 years in the Senate, we have never had substantive, major, significant legislation out of the Energy Committee where we had a day or two of markup and the majority leader said "no more" and we have no more input or consideration of amendments. That has not been done, I am absolutely certain, in my 22 years in the Senate.

Mr. MURKOWSKI. I wonder—

Mr. REID. Mr. President, I had the floor.

Mr. MURKOWSKI. May I ask my friend a question?

Mr. REID. In a minute. I want to explain that we have here from the CONGRESSIONAL RECORD the fact that the hearing was held on the Alaska natural gas pipeline. The committee concluded hearings to examine the status of proposals for the transportation of natural gas from Alaska to markets in the lower 48 States, and on legislation that may be required to expedite the construction of a pipeline from Alaska. After receiving testimony from—and it lists well over a dozen people, including the Governor of Alaska, whose testimony I read into the RECORD today.

So this was shortly after September 11. We all had a lot of things on our minds, and I know how heavily involved the Senator from Oklahoma was on matters that leadership was involved in. Maybe he missed this, but

this was an extensive hearing that took a long time.

Mr. NICKLES. I may well stand corrected, and October 2 is pretty close to September 11. Maybe I missed it. My guess is that hearing did not consider the two alternatives. It may have been promoting one alternative. It may have been promoting the alternative that the Governor wanted, but other people—I don't know.

I happen to think there is a lot of interest in two alternatives, and I do not know which is right. I will readily admit that I do not have the answer to which is the best, which is the most economical, which is feasible. My colleague from Alaska was saying we may have to go offshore and build that pipeline; it is a challenge. I do not know that we have to go offshore. These are things that need to be discussed and need to be explored. We did not do that.

My point is, though, we began markup on this bill and that markup was stopped. Again, I will go back to my little 22 years; I cannot remember a substantive legislative item, certainly in the Energy Committee, where we started a markup and then were stopped and were told: No more committee markup; i.e., we do not want input from other people; we are just going to come up with a bill on the floor.

That has not been done, and the process is terrible. I am going to maintain my criticism of it. I look at the 590 pages, and it has grown 100 pages—actually it has grown 154 pages in the last 3 weeks—and I do not know what is in it because we did not have it in committee. There is no committee report. I am fumbling around here. I do not see a committee report. There is no minority report.

That is very unusual for something that is going to increase people's bills, that is going to increase the cost of electricity. We ought to know something about it. It is not out there.

I stand corrected. I always want to be factual. I may have strong passions, but I want to be factual. If we had the hearing and I said we did not, I stand corrected, and I thank my colleague.

Mr. REID. Mr. President, also, there were witnesses talking about the northern route at the hearing. Among those testifying was Forrest Hoggund, chairman and CEO of Arctic Resources Company in Houston, TX.

Maybe the Senator is upset about the procedure, but he should back off a little bit because he has clearly been wrong in the statement about not having a hearing. It was a long hearing; it took a long time.

I state again we are in the Senate working on this most important legislation. I have in my hand S. 1344, which is the Patients' Bill of Rights. This came to the Senate without a single hearing. There were hearings on the Patients' Bill of Rights but not this bill. It was the same with the energy bill we had on the floor when the Republicans were in control of the Senate.

We went one step further than they did. My friend from Oklahoma said: I have never known in 22 years they started a markup and then got the bill here this way. The Republicans would not allow us to even start a markup. We at least started one.

Mr. President, this seems to be getting a little silly. We are here. It is Wednesday. We have to move this legislation. We have other things we need to do. We only follow the lead of the Republicans. If they were wrong, then maybe we should have followed somebody else's lead. The fact is we are here; let's do the best we can on this legislation. If there is something people do not understand—and I am sure my friend from Oklahoma, who is an astute legislator, and he does read legislation and understands it—that he may not have had the time. He has one of the best staffs in the Senate. I am sure very quickly they can bring him up to snuff.

Mr. NICKLES. Will the Senator yield for a question? Since there was a hearing and my able staff pointed out that, yes, there was a hearing, it happened to be on October 2, did that hearing involve the necessity of loan guarantees? Where did the \$10 billion loan guarantee come from? This is a surprise and, to my knowledge, was not considered.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I do not believe there was substantial testimony on the issue of loan guarantees. Frankly, this is a proposal we included to make the point to the Senate that some type of risk sharing might well be possible if this project was going to be viable, if the construction of a pipeline was going to be viable.

As I understand it, the ranking member of the committee is in favor of pursuing a different course. I am certainly working with him jointly to see if there is any other way to reduce the risk involved to the companies, if they decided to go ahead with a pipeline.

I can understand there are different points of view about whether or not that would be an appropriate thing to do. We will have an opportunity for a debate on that, I am sure, if the bill finally does contain some kind of financial incentive or support provision like that.

If the Senator from Oklahoma is opposed to that loan guarantee, he ought to propose to delete it. That is certainly an option.

Mr. NICKLES. Will the Senator yield?

Mr. REID. Mr. President, I think I still have the floor.

The PRESIDING OFFICER. The Senator from Nevada has the floor.

Mr. REID. Mr. President, while the Senator from New Mexico is here, I say to him that I very much enjoyed telling everyone what a great chairman he is in his absence. I think he has done a tremendous job getting the bill to this point. This bill and this provision is so

important to people of Alaska and our country.

I agree with the Senator from New Mexico. If someone does not like parts of this very important amendment, then move to delete it. But I think we are going to have the support of Senator STEVENS and Senator MURKOWSKI on this, as they should support this.

I say to my friend from Oklahoma, I repeat, maybe there is blame to go around about how legislation happens, but we only follow the example set by my friends in the minority. However we got here, we are here now. It is legislation that is important for this country, and I acknowledge changes probably should be made. It is imperfect, but I think it is really a strong step forward.

I look forward to working with my friend from Oklahoma in any way he thinks is appropriate to improve this legislation.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, before my friend from Nevada leaves, let me clarify a couple things. One, he referred once or twice to the Patients' Bill of Rights. We had a markup on the Patients' Bill of Rights. I am absolutely positive of that. No matter how poor my memory is, I know there was a markup on it.

Mr. REID. Not this one.

Mr. NICKLES. I do not care how many times the Senator from Nevada waves that bill around, I remember there was a markup. I remember putting several people in our committee through a very difficult markup to pass legislation, which they did.

My colleague says, if you do not like the loan guarantees, strike it. The point is, we did not have a committee markup. If we had had a committee markup, I would have had an opportunity to strike it in committee. We would have had 20 people around the committee who would have maybe participated in this hearing and maybe had some impact, but we did not have that chance. I pointed out the \$10 billion loan guarantee because I do not know where it came from.

The point is, it would have been nice to have a markup so we could have discussed it. Maybe I would support it. I do not doubt it is a real national energy plus if we can get all the gas reserves that are just being pumped into the ground to the lower 48. That would give us some energy security. That is positive. I would like to see that happen. But I know one thing: I did not have any chance in committee to debate should we have a loan guarantee? Should we have cost shares? what kind of protection do we have for the Government? Is that the best way to go? I am interested in these things. Is this the correct alternative?

I do not believe the hearing was to consider which alternative is the best. Maybe it was, and maybe it was just too close to September 11 and there were other things going on. I am not sure.

We did not have a markup, and I know if we had a markup and somebody offered amendments which said we are going to dictate which route we go, I think I would say why not let the marketplace decide which route to go.

My colleague from Alaska may be exactly right, maybe the southern route is the way to go, but I am saying let's let the marketplace decide.

We have pipelines running all over my State, and I have never voted once on where they should go. We have sort of let the marketplace work. Alaska is a little unique, but should we not find out how much these two routes cost?

My colleague says if I do not like the \$10 billion, strike it. Part of our problem right now is we are taking this whole bill up on the floor and now we have to try and fix it. It would have been nice to have had a markup where we could have debated this in committee instead of, oh, I am reading through the bill and, oh, there is a \$10 billion loan guarantee. That is interesting. I wonder where that came from?

It is very interesting some of the things one will find in this bill. I am going to be reading more of the bill, much to the chagrin of the manager of this bill. I hope we do not pass a bad bill. I question the wisdom of a \$10 billion loan guarantee, but my point is we should have had a markup on it so these issues would have been resolved. If in the committee markup a loan guarantee was supported, I might have been convinced in the process it was the right thing to do so we would have bipartisan support for it, and maybe we do.

The problem is no one knows. I asked my caucus: How many of you know there is a loan guarantee? Nobody, except for Senator MURKOWSKI. The point is, we should have had a markup so we would not have to go through an educational process on the floor and go through a lot of this. Again, clearly the Senator from Alaska knows what he is talking about but I would imagine about 90-some percent of the rest of the Senate does not, and that is kind of unfortunate.

I wish we would have had a markup on the entire bill. It would have eliminated a lot of the process and a lot of the mess that we are in trying to pass an energy package that is 590 pages and, in my opinion, still needs a lot of improvement before we are finished.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Maybe I can enlighten my two colleagues. I see the majority whip has left our midst. He told me he is going to talk to a Republican Governor. That may help his frame of mind, but maybe not.

In any event, in reviewing what took place in October, it was not addressing the issue specifically of routing. It was to consider how to market Alaska's natural gas, and there were proposals for LNG, there were proposals for the boroughs of the North Slope, the Fair-

banks borough, the Valdez borough, to come together. There were about half a dozen proposals. It is fair to say, and I want the RECORD to note, that I was not aware, nor did I request, the \$10 billion guarantee that is in the underlying bill. This was put in, I think, as an explanation offered by my good friend from New Mexico, to try and address some kind of a safety net that was expressed primarily by one producer from the State of Oklahoma.

That being what it is, I was of the opinion, after talking to the producers—Exxon, BP, and Phillips—that this \$10 billion loan guarantee that was put in—and I assume it was put in probably by staff in their willingness to try to come up with something that would provide a safety net—would not provide the assurance they need relative to the magnitude of this project. This is a \$20 billion project. So I think the record should note we are going to have to address the necessity of this, and the Senator from Oklahoma has already indicated he questions it.

There has not been a hearing held on it. I hope before this debate is over, we could get a position from the producers, namely the companies that hold these gas leases, on whether they think it is necessary and whether it would be beneficial. That is pretty important relative to a determination of this nature.

I intended to ask, and I will for the record, my good friend from Nevada, who indicated we kind of had a choice—we had a curtain that we could have an ANWR, we could have a gas line, and that sounds very encouraging. I ask if he would give us an up-or-down vote on either one, a 50/50 vote. I will have an opportunity to pose that to him later, or maybe Senator DASCHLE can provide that.

I also ask him, since he was so accommodating, to provide me with an answer of what the position of the committee was on ANWR. What was the position of the Energy and Natural Resources Committee on ANWR? I think the RECORD should reflect it. I do not think we are going to get an answer, and I think the Senator from Oklahoma would agree with me that we are not going to get a committee position on ANWR, which is as a consequence of the manner in which the whole bill was constructed, eliminating the committee process and eliminating the opportunity to have a debate and voting on it one way or another out of committee. It was designed to circumvent the committee process.

I ask the majority whip if he could provide us, in his opinion, what the committee position was on ANWR. I think that may enlighten some of my colleagues.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, to answer the question, I think it was obvious the reason why we did not complete markup on the bill is because the votes were in the committee to have an

ANWR provision, and I think obviously the majority leader did not want that to happen. So he basically told the committee not to mark up the bill.

I ask for the yeas and nays on committee amendment No. 2917.

The PRESIDING OFFICER. It takes unanimous consent to ask for the yeas and nays.

Mr. NICKLES. I ask unanimous consent that the yeas and nays be ordered on amendment No. 2917.

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

Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. BINGAMAN. 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. BROWNBACK. 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. BROWNBACK. Mr. President, I ask unanimous consent to speak on the bill for up to 10 minutes.

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

Mr. BROWNBACK. Mr. President, I want to make a few comments on the energy policy in the form of an opening statement. It is something which should take a couple of weeks for us to decide given the bill was not taken through committee. We need to do a lot of work, and I hope we can have a very open amendment process so we can work through the issues and at the end of the day arrive at a bill we are all satisfied with, one that we can be proud of for an energy policy because I think an energy policy has been neglected for too long. It is too important, and it is something we need to act upon.

We are driving a lot of foreign policy based on our lack of an energy policy, and we are having to do some things in regions of the world we probably should not do because we lack that energy policy, because we are so dependent upon the foreign sources.

I particularly point out that the areas upon which we are so dependent for oil are so volatile, we could almost count on the fact that at some time within the next couple of years we are going to see energy disruptions from the Middle East.

We are having some difficulties with Saudi Arabia now, a key place of energy supplies. If we do not act to diversify and get more domestic sources of oil and energy, we are setting ourselves up for a problem that we know is coming, so we need to get a bill through. We need to get a bill through this Congress.

Our energy policy has been neglected for far too long. We see the effects of this neglect in the sporadic high gas prices at the pump during the summer,

in the fact that we import 57 percent of the petroleum we use, and in the complexities we must endure in our foreign policy because of that energy dependency. To alleviate these problems, the U.S. must produce more domestic oil and natural gas while diversifying our energy sources with renewable energy sources, as well. Accomplishing this goal means we engage in a thorough debate on the matter.

I am pleased the Senate is finally addressing such an important issue. I urge my colleagues to resolve our differences so we can get a bill passed.

The Democratic bill before the Senate has some noble goals, particularly with regard to increasing renewable energy, encouraging conservation, fuel efficiency, and addressing global climate change.

However, I am concerned that the specifics in this bill will not get the United States to the shared goal we all have: greater energy independence and improving our energy infrastructure. At issue is a real philosophical difference between the two parties as to how we should meet these goals. As I look at the bill before me, I am concerned the main objectives are accomplished through mandates that may not be achievable by the industry we are trying to grow. Whether it is the CAFE issue or climate change, we need to focus more on incentives, market-based mechanisms, to meet our shared goals.

There are some basic tenets that our conservation energy policy should address that are not included in this bill. The prime issue is our domestic oil and gas production. The bill has some positive measures encouraging renewable energy, particularly ethanol, biomass, and biodiesel, of which I am very supportive. It neglects to address that we need to expand oil and gas in this country. As a result of not having that base in this country, we are forced for reliance on foreign energy. That has numerous dangerous consequences. Increasing our domestic production of oil and gas cannot be left out of the energy security equation. Conservation is important, but it will not solve the problem alone.

The problem is larger than just our domestic situation. It greatly affects our foreign policy, as I noted at the outset. If we were freed from our Middle East dependency on oil, there would be important security benefits for our Nation. Regrettably, at this point, renewables alone cannot accomplish this task, but a combination of increased focus on renewable energy, along with increased domestic production and increased imports from new energy exporters such as the central Asian countries—and I hope we will be working with other nations, too—can yield a formula for accomplishing our mutual energy security and independence goals. It is not a simple equation, but I do think we can see through to a solution.

I commend the work done by the Finance Committee in putting together

what looks to be a very positive energy tax package. The tax component is a critical part of making this work. My friend, Senator GRASSLEY, has worked hard to ensure a positive approach to achieving the goals I have described, particularly in support of renewable fuels such as ethanol. Specifically, I am pleased to see the inclusion of tax credits for marginal oil and gas production as part of our important need to increase domestic production. We have many of the marginal oil and gas wells in my State, and this will help bring those online or, in some cases, keep them in production.

We must encourage an infrastructure to serve as a barrier against high prices OPEC may inflict. Independent oil and gas producers are this country's safety net for energy security, and it is in our national interest to preserve and enhance that infrastructure.

Further, the bill provides tax incentives to consumers to buy hybrid vehicles which pollute less and consume less energy. These are positive measures. I am hopeful we can push them through this body, along with some support for other alternative methods of energy production.

As I mentioned, regarding biomass, we can have coal-fired plants that can burn a portion of biomass in their energy production. That can help with our carbon dioxide emission problems but also help having localized sources for energy.

Securing comprehensive energy policies is one of the most important efforts this Congress should undertake this year. We should take the time, we should take the effort, and we should not just vote along partisan lines but work back and forth in the amendment process to come up with a good bill at the end of the day. Let the body work its will.

Regarding how this bill got to the floor, we need to have the body itself work its will and not get tied down on partisan lines. Then at the end of the day we can come up with a national energy strategy that is as broad based as this Nation and the desires here—although our end objective for all of us, energy security, is shared by every Member of this body.

Energy is a key engine that drives our economy. Neglecting it forces us into international dilemmas that can conflict with our security and counterterrorism agenda. I urge my colleagues to work out our differences and pass legislation on this vital topic.

I am hopeful in one other area that I would like to discuss, the area of carbon dioxide emissions. There are important parts of the bill, and I will submit amendments with other Senators, to reduce carbon dioxide loading into the atmosphere. I strongly believe we should go forward with a policy of a trading system, where we go to least cost methods and we put in place a marketplace to reduce carbon dioxide emissions in this country. We have done it previously on issues such as

acid rain. We need to do this with carbon dioxide so we can reduce the CO<sub>2</sub> level at the least cost base as others trading for those carbon credits.

There have been innovative programs put in place. I traveled to Brazil to look at one program the Nature Conservancy is implementing there. It is innovative, helping the environment by reducing carbon dioxide. We should incorporate it as part of our energy strategy. I look forward to this process. I think it is important.

As I noted, this is one of the most important bills we can consider this year.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MILLER). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

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

AMENDMENT NO. 2982 TO AMENDMENT NO. 2980

Mr. MURKOWSKI. Mr. President, on behalf of Senator STEVENS and myself, I send a second-degree amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI], for himself and Mr. STEVENS, proposes an amendment numbered 2982 to amendment No. 2980.

Mr. MURKOWSKI. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To protect the jurisdiction of the State of Alaska and provide for workforce training)

At the end of the amendment insert the following:

On page 142 after line 20 insert a new section as follows and renumber all following sections accordingly:

**“SEC. 708. STATE JURISDICTION OVER IN-STATE DELIVERY OF NATURAL GAS.**

“(a) Any facility receiving natural gas from the Alaska natural gas transportation project for delivery to consumers within the State of Alaska shall be deemed to be a local distribution facility within the meaning of section 1(b) of the Natural Gas Act, and therefore not subject to the jurisdiction of the Federal Energy Regulatory Commission.

“(b) Nothing in this Subtitle, except as provided in subsection 704(e), shall preclude or affect any future gas pipeline that may be constructed to deliver natural gas to Fairbanks, Anchorage, Matanuska-Susitna Valley, or the Kenas peninsula or Valdez or any other site in the State of Alaska for consumption within or distribution outside the State of Alaska.”

On page 148 after line 2 insert:

**“SEC. 714. ALASKAN PIPELINE CONSTRUCTION TRAINING PROGRAM.**

“(a) Within six months after enactment of this Act the Secretary of Labor (hereinafter referred to as the ‘Secretary’) shall submit a report to the Committee on Energy and Natural Resources of the United States Senate

and the Committee on Resources of the United States House of Representatives setting forth a program to train Alaska residents in the skills and crafts required in the design, construction, and operation of an Alaska gas pipeline system that will enhance employment and contracting opportunities for Alaskan residents. The report shall also describe any laws, rules, regulations and policies which act as a deterrent to hiring Alaskan residents or contracting with Alaskan residents to perform work on Alaska gas pipelines, together with any recommendations for changes. For purposes of this section Alaskan residents shall be defined as those individuals eligible to vote within the State of Alaska on the date of enactment of this Act.

“(b) Within 1 year of the date the report is transmitted to Congress, the Secretary shall, directly or through grants or cooperative agreements, establish within the State of Alaska, at such locations as the Secretary deems appropriate, training center(s) for the express purpose of training Alaskan residents in the skills and crafts necessary in the design, construction and operation of gas pipelines in Alaska. The training center shall also train Alaskan residents in the skills required to write, offer, and monitor contracts in support of the design, construction, and operation of Alaska gas pipelines.

“(c) In implementing the report and program described in this section, the Secretary shall consult with the Alaskan Governor.

“(d) There are authorized to be appropriated to the Secretary such sums as may be necessary, but not to exceed \$20,000,000 for the purposes of this section.”

Mr. MURKOWSKI. Mr. President, if I may just give a brief explanation.

This amendment makes it explicitly clear that the State of Alaska has complete authority when it comes to regulating in-state distribution of natural gas coming off the Alaska Gas Transportation System.

It also directs the Secretary of Labor to design and establish a program in the State of Alaska to train Alaska residents in the skills and crafts necessary to enhance their ability to compete for jobs and contracts associated with gas pipeline construction.

These amendments are needed because the first degree amendment offered this morning by the majority leader falls short of protecting Alaskan's prerogative to regulate in-State distribution of gas coming off the Alaska Natural Gas Transportation System. I want to highlight in-State distribution.

This ability to control their own destiny is critical to the long-term creation of jobs and the establishment of a gas based industry in my State.

The economic future of Alaska rests with the development of its natural resources—key to the utilization of these resources is the ability of the State to manage their in-State use.

My amendment accomplishes this with respect to North Slope natural gas—it puts Alaskans in a position to guide their own future.

They will decide how and under what conditions gas will be distributed within the State of Alaska.

It will provide locations across Alaska like Anchorage, Fairbanks, the Kenai Peninsula, Delta Junction, and

Valdez and Point Mackenzie in Manuska Valley, with the opportunity to pursue gas based opportunities when, and if, they work out the economics.

Like the remaining states of the union, Alaska needs access to a reliable and economic source of clean burning energy. North Slope gas answers this need for the Nation and my State.

The second part of my amendment directs the Secretary of Labor to design and establish a program in the State of Alaska to train Alaska residents in the skills and crafts necessary to enhance their ability to compete for jobs and contracts associated with gas pipeline construction.

Because the impact of this project will fall upon Alaskans in a disproportionate manner, it is only fair that they be provided with the training necessary to compete for pipeline jobs in the State.

These training opportunities will be available to all Alaskans regardless of where they live in the state.

I point out to my colleagues that there is nothing in this amendment that gives Alaskans a priority selection right for pipeline related jobs. Rather, it gives them the training which will allow them to “compete” for those jobs.

My amendment calls on the Secretary of Labor to come up with a plan on how to best accomplish the goal of enhanced employment opportunities for Alaska residents.

This plan will be transmitted to the Congress for our review. This will ensure that this investment will produce the desired results.

The greatest investment we can make in any project is investment we make in the people who will design, build, and operate the system.

Senator REID said this morning that Alaskans should be grateful that they are likely to end up with at least the gasoline. That comment demonstrates a fundamental lack of understanding of the economy of Alaska. Our economy does not rely on one resource any more than this Nation can rely on a single energy source. The gas pipeline, if constructed, will provide the foundation for the potential development of a petrochemical industry in my State. ANWR, on the other hand, is a resource destined for consumption in the lower 48. In addition, ANWR is critical to the economic, health, and education future for the peoples of northern Alaska, especially the Inupiat who live on the Coastal Plain. These are entirely separate issues and both offer considerable benefits to the State and to this Nation if we simply have the understanding and courage to do what is right.

While this amendment will rectify some of the shortages in the original proposal put forward by the majority leader, it will be necessary to offer several additional amendments that we are still trying to work out.

For the moment, however, I urge my colleagues to join with me in support of this second-degree amendment.

Mr. BINGAMAN. Mr. President, let me speak in favor of the amendment Senator MURKOWSKI is offering. I think it does improve the underlying Daschle amendment. I strongly support it.

I note one thing with regard to the job training aspect. There is a Federal job training program that is set up under the Workforce Investment Act that makes funds available to each State for job training. I think we are in agreement that is a very important activity. We need to be aware of that as we put the budget together this year and as we do the appropriations bills because those job training programs are being threatened with major budgetary cuts under the administration's proposed budget. I hope the program authorized in this amendment that Senator MURKOWSKI and Senator STEVENS have offered will be consistent to the maximum extent possible with the existing workforce training programs in the State of Alaska.

I was requested to ask unanimous consent that Senator STEVENS be added as a cosponsor of the underlying Daschle amendment. I do not believe he has been so listed as yet.

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

Mr. BINGAMAN. As far as I know, there is strong support for the amendment on our side and we could proceed to a vote.

Mr. MURKOWSKI. I thank the committee chairman.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I do not think I overlooked adding Senator Stevens on this morning. So he is on both the second-degree and the Daschle amendment.

I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2892) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, if I could address my friend from Alaska and the manager of the bill, Senator BINGAMAN, we now have the Daschle amendment pending. We have been talking about it most all the day. I am wondering if we can agree on some time to vote on it. We have a number of people wishing to speak, but we cannot do that until we have this amendment disposed of, or at least a time set for the vote. The Senator from Georgia wishes to speak. The Senator from South Carolina has an extremely important piece of legislation he wants to introduce and speak about that for awhile. Until we have a time to vote, I don't think we can move off this legislation.

Mr. MURKOWSKI. I have no objection to trying to set a time.

Mr. President, we understand there is another Member coming over who may

offer a second-degree. I guess we will have to wait.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, I have checked with my counterpart, Senator NICKLES, and the two managers of the bill, and they are in agreement that the Senator from Nevada, Mr. ENSIGN, can speak as in morning business for a period up to 6 minutes.

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

(The remarks of Mr. ENSIGN and Mr. REID are printed in today's RECORD under "Morning Business.")

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. 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.

Mr. REID. Mr. President, I have spoken to the Republican manager of the bill and my friend the Senator from Oklahoma. They have graciously consented to allow the chairman of the Commerce Committee to speak for up to 15 minutes as in morning business relative to introduction of a bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I thank the most distinguished assistant majority leader.

(The remarks of Mr. HOLLINGS pertaining to the introduction of S. 1991 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. HOLLINGS. Mr. President, I thank Senator REID, Senator BINGAMAN, and Senator MURKOWSKI for their courtesy. I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the previously agreed to amendment No. 2982 be in order.

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

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

The PRESIDING OFFICER (Ms. STABENOW). Without objection, it is so ordered.

Mr. REID. Madam President, the Senator from Georgia, Mr. MILLER, wishes to make a statement now in regard to this bill, and he has an amendment which he is not going to offer but wishes to talk about. I ask unanimous consent that he be allowed to speak—we have received permission from the Senator from Alaska, even though we probably do not need it other than to call off the quorum; we appreciate his courtesy—for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Georgia.

Mr. MILLER. Madam President, I rise today in defense of that great American workhorse: The pickup truck. I am proud to sponsor, along with my friend, Senator GRAMM of Texas, an amendment that would exempt all pickup trucks from the higher CAFE standards that have been proposed.

This is a very simple and short amendment. Pickups are now required to meet a standard of 20.7 miles per gallon, and our amendment would simply freeze pickups at that standard. All pickups would be exempt from any higher mileage standard proposed in this legislation.

Some have said we should only exempt the very largest pickups from the higher standards. That would only cover a small percentage of the pickups that are on the road, and I do not think that is good enough. Our amendment says all pickups will be exempt from the higher CAFE standards.

We absolutely should not impose these higher mileage standards on our pickups. We absolutely should not impose the undue safety risk and extra cost of these CAFE standards on our farmers, our rural families, and our small businesses that rely so heavily on the pickup.

We have had a lot of conversation about the state of the economy these days, and we hang on every word of Alan Greenspan, Robert Rubin, and the like, about the recession and when we are coming out of it. I knew a fellow back in Georgia. He did not have a Ph.D. in economics; he would have thought Ph.D. stood for "post hole digger." But he was one of the wisest men I ever knew. He told me years ago that if you really want to know when times are bad, take notice of the number of people having to sell their pickups. Look at the ads in the paper and the "for sale" signs in the yards. The more you see, the worse it is because pickups are the very symbol of the working man. As the pickup goes, so does the working man and the very heart of this country.

Madam President, a pickup truck has two ends to it: A working end and a thinking end. Of course, the working end is the engine in the front. I would like to tell you about the thinking end in the back.

I submit that the back of a pickup is the think tank of rural America. I suspect more problems have been solved

on the tailgates of pickup trucks after a long day's work than have been solved anywhere.

I do not rise to speak often in this hallowed Chamber. I am still learning the complexities of being a Senator. I envy my learned colleagues who can speak with such great assurance on so many subjects. But, Madam President, on this one you can trust this man from the mountains of North Georgia. If this amendment fails, the tailgates of rural America are going to drop, and it will be a clank that will reverberate from now through November because then the conversation at the end of the day on the back of a pickup as the Sun goes down will not be about the farm or the family or the State or the Nation; the subject will be how to get rid of us in the next election.

Every election year we talk a lot about all those soccer moms out there and how they vote in such high percentages. Well, there is another group out there that votes in a very high percentage. They are the pickup pops. In fact, I would bet pickup pops go to the polls in higher percentages than any other Democratic group out there, and they also have long memories.

If these higher CAFE standards are applied to pickups, they will be made unaffordable for many, and unsafe for all, and that will hurt those pickup pops. It will hurt the working man. It will hurt rural America.

We are big on acronyms in Congress, and quite frankly they can be a little deceiving and confusing. I cannot even keep up with all of them. When we talk about CAFE and CAFE standards, most folks think we are talking about restaurants.

People in rural America also understand what an acronym is, and I think on this issue they would say that "pickup," P-I-C-K-U-P, is an acronym for "People in Congress Keep Us Perplexed." Let us not keep them perplexed anymore.

One of the first things I noticed when I came to Washington, DC is that you hardly ever see a pickup. They are scarce in Washington, DC, but they are not scarce outside the beltway, out there in middle America.

I want to show this chart. In 1999, pickup trucks accounted for almost 18 percent of all registered vehicles in this country. In 29 States, these red and blue States—that is more than half of our States, of course—pickups amounted to as much as 20 to 37 percent of all the registered vehicles. In the year 2000, drivers in this country bought 3.18 million pickup trucks. That makes pickups the third most popular choice of vehicle for American drivers.

So pickups may not be prevalent in Washington, DC, but pickups are popular across the rest of America. When all this talk about CAFE started last year, I got worried Washington was going to stick it to the pickup owners of this Nation, so I tried to write a song about it. I am no ORRIN HATCH, but I tried to write a song about it with

my good friend, Jack Clement, in Nashville. It is called the "Talking Pickup Truck Blues." I will spare everyone the agony of my singing, but I want to share one verse. It goes something like this:

Sure, an SUV is classy travel, but it ain't much good for hauling gravel, or hay seed or bovine feces. So please do not make my pickup truck an endangered species.

Now, I will be the first to admit that song has not climbed to the top of the charts, but here is the point we are making: Do not mess with the working machine of the American road. Do not mess with pickups. Farmers depend on them. Families in rural America depend on them. Small businesses across this country depend on them, small businesses such as construction companies and home builders.

One of the greatest economic engines we have in this country is the housing industry. You can go to any construction site across America and see at least a half dozen pickups. Plumbers drive them. Electricians drive them. Painters drive them. Carpenters drive them. Raise the cost of a pickup truck and more than just pickup owners will be harmed; entire industries will be hurt—the housing industry and others that rely heavily on pickups.

Folks buy pickups not because they are affordable and they are safe. They buy them because they get the job done, whatever that job may be, whether it is pulling a trailer full of cattle or hauling lumber to a construction site or driving on gravel and dirt roads in rural America. There are times when only a pickup will do.

So I urge my colleagues, who represent the millions of pickup owners across this country, when this amendment comes up at a later date to vote for this amendment. We must exempt the American workers, the pickup truck, from these higher CAFE standards.

Like the last verse in my song goes:

So help us, Lord, and let there be a little wisdom in D.C.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, I ask unanimous consent that I be permitted to speak for 3 minutes as in morning business.

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

(The remarks of Mr. DOMENICI are printed in today's RECORD under "Morning Business.")

Mr. BINGAMAN. 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. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. REID. Madam President, we are in the process of getting agreement for a vote in the next few minutes on the

underlying Daschle-Murkowski amendment. We hope that will be accomplished soon. We are waiting to hear from one person whether or not we can proceed with that vote. Members should be alerted we are going to see if we can have a vote this evening.

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. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. REID. Madam President, I would like to express my appreciation to everyone for their cooperation at this point in this debate. There has been some very good debate. It has been heartfelt on both sides. But I think we are moving forward with this legislation.

As Senator MURKOWSKI said earlier today, this is only preliminary. We have many difficult issues on this bill that are going to come forward in the next few days. So we have to recognize we may have some late nights. We may have to work long and hard on this legislation.

I ask unanimous consent the time until 5:50 today be divided equally and controlled for debate with respect to the Daschle amendment No. 2980, as modified and amended, and at 5:50 p.m. today the Senate vote on the amendment, with no further second-degree amendments in order thereto.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. Who yields time?

Mr. REID. Madam President, I ask unanimous consent the unanimous consent agreement I just propounded be amended to begin the vote at 5:45 p.m. today.

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

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

#### AMENDMENT NO. 2980, AS MODIFIED

Mr. BINGAMAN. Madam President, what is the regular order?

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2980, as modified and amended.

Mr. BINGAMAN. Madam President, I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. Madam 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. NICKLES. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. NICKLES. Madam President, for the information of our colleagues, we are going to be voting momentarily. I appreciate the cooperation of my friend from New Mexico for postponing the vote for just a moment.

I urge my colleagues to vote against the Daschle amendment, which was also modified by my friend and colleague, Senator MURKOWSKI, because it mandates that we pick the southern route for a major gas pipeline to go through Alaska. That may be the best route. There are other possibilities, other alternatives.

There is a northern route. It is several hundred miles shorter. It may be more economical. Most of the northern route goes through the Mackenzie River Delta which is on a pretty flat plain and would not require going through 900 miles of mountains.

I do not know which one we should choose. I do not think that Congress should choose it. I do not think we should mandate it without more significant oversight and discussion.

I would like to hear the environmentalists. I would like to have some input from a lot of people. And I would like to have an idea how much the alternatives would cost.

I have heard that the pipeline route that Senator DASCHLE is trying to mandate, the southern route—going through Alaska, and then going through Canada—would cost about \$20 billion. I do not know. I do know that in the underlying bill there is a \$10 billion loan guarantee. We have never had a hearing on the loan guarantee. We have never had a hearing on how this is going to be financed, whether it needs governmental assistance or not.

I think it is wrong for us to dictate we go this particular way and other options cannot be considered. I would like to think we believe in the free market system enough to where we would let the marketplace decide what is the best route, what is the most economical route, what is the route that will do the least environmental damage. Instead, we have people coming up and saying: Oh, wait a minute, I have talked to a couple politicians. We are going to mandate the southern route with very little discussion or debate.

Let's let the marketplace decide. Let's get some input from a lot of people. I do not think we are doing that in this case. I do not think this is a good way to legislate.

I do not think we know how much it will cost. I do not think we have an idea of the environmental impact. Instead, we are just going to have a 2-

hour debate on the floor, and then we are going to say: Let's go make a decision on a \$20 billion pipeline.

Do we need a loan guarantee? Do we need Federal assistance? Do we need to have Federal financing for this project?

I think we are moving pretty quickly here. I would hope we would be silent and assume we could go through the regulatory process.

We have built hundreds of miles of pipeline through my State, and we have never had Federal legislation designating what you have to do, nor have we had State legislation designating what you have to do.

I question the wisdom of us mandating one particular route at this particular time. So I urge my colleagues to vote no on the Daschle amendment.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, I am sad to disagree with my friend from Oklahoma. I point out to the Senate that this oil and gas is produced on State lands, with State leases. And our State law prohibits the rights-of-way for this gas to be moved on the northern route. It is within our province to guide the course of this asset of our State so that we might enjoy part of it.

If this gas goes east from Alaska, Alaskans will never enjoy one single benefit from it except a portion of the wellhead price coming to us as royalties. We will not have any right to use it in our second largest city, in Fairbanks, along the Alaska highway going out of Alaska into Canada. This is a very dynamic area from the point of view of tourism.

In addition to that, we have two major bases there, Wainwright and Eielson, and the national missile defense system is right alongside that road. This gas must come south. My State has recognized that and has now passed legislation, signed by the Governor, that specifies that no route will be allowed going east on these State lands. This gas must exit State lands before it can go either east or south.

We have spoken as a State. We understand there may be some problem for us downstream. The Senator from Oklahoma would know, it may well be that the wellhead price of this gas will be lower and our share of that wellhead gas will be lower. But we will have access to the gas. We will have a chance to build the industry that might well utilize this gas in our State.

This is the same problem that came up in the oil pipeline. When the pipeline route came through, there was an argument whether we should be able to take oil out of that pipeline around Fairbanks. As a matter of fact, we have won that argument. We do take out oil. We run it through two different refineries, and it is one of the greatest sources of aviation fuel for our country. It is available in the Nation's largest cargo landing port at the international airport at Anchorage.

I disagree with my friend from Oklahoma. I think we have every right to

say we should enjoy a portion of this resource that comes from under our own State lands and to utilize it in a way that will mean a future job base and future low energy costs for the one area of our country that pays the highest energy costs, and that is the area that this pipeline will come through and down to the border of Canada.

That is the only route that is going to be built. I hate to tell my friend this. I told the industry that that line would go east over my dead body. I am not about ready to leave this world.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, it is my understanding there has been a vote ordered at 5:50; is that right?

The PRESIDING OFFICER. Yes, that is correct.

Mr. REID. So the regular order would be for us to begin voting; is that right?

The PRESIDING OFFICER. The Senator is correct.

The Senator from Oklahoma.

Mr. NICKLES. Madam President, I ask unanimous consent to speak for 1 minute.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Madam President, I ask unanimous consent that the Senator from New Mexico be given 2 minutes. So Senator NICKLES, 1 minute; Senator BINGAMAN for 2 minutes; and then we vote.

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

Mr. NICKLES. I thank my friend and colleague.

I tell my friend from Alaska, I have no desire whatsoever for him to depart this world at this particular moment or any time in the not too distant future. Also, it is not my intention to say that the northern route is preferable to the southern route. I just don't think we should mandate that it be the southern route. It may well be, due to the information our colleagues have had, the southern route is the preferred route. I am not saying it is not. I just don't think it should be mandated by this legislation that it be the southern route, when we may find out that it costs twice as much as some other alternative.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Madam President, I strongly support the amendment on which we are about to vote. It has the support of the Alaska delegation, as Senator STEVENS indicated, as Senator MURKOWSKI has indicated. It has the support of the Governor of Alaska. It is totally consistent with the action this Congress took in 1976 with the Alaska Natural Gas Transportation Act. It is clear to me that this is the correct policy for the Congress to adhere to at this point. I urge my colleagues to support the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Madam President, I thank my colleagues, Senator BINGAMAN and Senator REID, the majority leader, and others for their cooperation in seeing that the basic Daschle amendment, which was laid down, and the second degree, which was accepted, clearly make this project much more feasible because it gives Alaskans the option on the southern route that suggests we will benefit the State in many ways, not only for Fairbanks but for all utilization of gas within the State, for Point Mackenzie, for the Kenai area, for Valdez, and for the Matanuska Valley.

As Senator STEVENS indicated quite strongly in his opinion on the necessity of this happening, it clearly gives us an opportunity to have some secondary industries in Alaska to support our young people, the greatest natural resource we have—I am most appreciative—as well as the job training that is provided in this bill. I encourage my colleagues to vote in favor of it.

The PRESIDING OFFICER (Ms. CANTWELL). All time has expired. The question is on agreeing to amendment No. 2980, as modified, as amended.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Virginia (Mr. WARNER) and the Senator from Kansas (Mr. ROBERTS) are necessarily absent.

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

The result was announced—yeas 93, nays 5, as follows:

[Rollcall Vote No. 41 Leg.]

YEAS—93

Akaka	Dodd	Lincoln
Allard	Domenici	Lott
Allen	Dorgan	Lugar
Baucus	Durbin	McConnell
Bayh	Edwards	Mikulski
Bennett	Ensign	Miller
Biden	Enzi	Murkowski
Bingaman	Feingold	Murray
Bond	Feinstein	Nelson (FL)
Boxer	Fitzgerald	Nelson (NE)
Breaux	Frist	Reed
Brownback	Graham	Reid
Bunning	Grassley	Rockefeller
Burns	Gregg	Santorum
Byrd	Hagel	Sarbanes
Campbell	Harkin	Schumer
Cantwell	Hatch	Sessions
Carnahan	Helms	Shelby
Carper	Hollings	Smith (NH)
Chafee	Hutchinson	Smith (OR)
Cleland	Inhofe	Snowe
Clinton	Inouye	Specter
Cochran	Jeffords	Stabenow
Collins	Johnson	Stevens
Conrad	Kennedy	Thomas
Corzine	Kerry	Thompson
Craig	Kohl	Thurmond
Crapo	Landrieu	Torricelli
Daschle	Leahy	Voinovich
Dayton	Levin	Wellstone
DeWine	Lieberman	Wyden

NAYS—5

Gramm	Kyl	Nickles
Hutchison	McCain	

NOT VOTING—2

Roberts	Warner
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The amendment (No. 2980), as modified, as amended, was agreed to.

Mr. REID. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. REID. The Senator from Arizona has been patient during the day, and he wishes to speak on the bill for up to 10 minutes. Although we need to leave, he has indicated he has a very difficult day tomorrow. I ask unanimous consent the Senator from Arizona be allowed to speak on the bill for up to 10 minutes.

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

The Senator from Arizona.

Mr. KYL. I thank the Senator from Nevada for his courtesy. I will summarize my remarks and try to find another time to expand on some of my thoughts. I appreciate his courtesy.

There is a big difference between what the President has proposed in terms of an energy policy and the bill we are beginning to debate on the floor of the Senate. The President's energy policy, I believe, was a very well balanced set of recommendations that would have helped achieve the goal of energy efficiency, less dependence upon foreign sources of oil, and a series of steps of progress toward changes in our policy that would result in more environmentally friendly fuels and a variety of reforms almost everybody is willing to support.

Unfortunately, the President's proposals were not met with support by many on the other side of the aisle. As a result, even though I believe there was sufficient support in the Energy Committee, on which I sit, for many of the reforms that the President has proposed, our committee was not allowed to deal with this matter. The only hearings held were a long time ago and did not deal with most of the specifics of the legislation. We were never permitted to mark up the legislation. In fact, the bill that is on the floor today has undergone iterations, and I am not precisely sure I have the very last version.

In terms of process, we are suffering under an inhibition of the primary committee of jurisdiction never having had the opportunity to work out details, to try to smooth out rough edges, and resolve differences that probably could be resolved if we had taken the time to do that in the committee structure. It is hard to write a complex bill during its consideration on the floor of the Senate. Yet that is what we will have to do. As a result, I am afraid we are not going to end up with a product that would be nearly as good as it would have otherwise been.

Let me mention several aspects of the bill that are going to need a lot of work. I will briefly address four or five of them. The bill is written to restructure the electric energy industry. This is a very complex and difficult subject. I think it is done in a very clumsy way. It preempts a lot of State authority. It gives a lot of authority to FERC, largely at the expense of the States. It gets

the Federal Government involved in retail matters, with a utility serving its customers in matters such as real-time pricing, net metering, and consumer protection issues. That is not the business of the Federal Government.

It gives FERC broad authority with respect to the interstate transmission grid. There is some authority here. One can make the case that on interstate matters FERC should be able to help open up the market for easier transmission of energy. I think we can work some provisions out that provide broader authority to FERC even in that area. We have to be careful that we do not "socialize the costs," which is the term used by one official, with respect to how the costs will be allocated. We are going to have to treat the costs in a very fair way and make sure the existing customers are not the losers, that a utility that currently serves them can continue to do that, and they will not have to pay the cost of someone else coming to connect to the grid.

There are a lot of issues with respect to this electric restructuring to which we are going to have to pay attention that we could have resolved in committee if we had the opportunity.

The second has to do with nuclear power. The bill itself, unfortunately, does not adequately deal with the need to modernize the law with respect to the provision of nuclear power. It does extend the Price-Anderson Act for 10 years but only for DOE contractors. For those not aware, that is the liability protection that has historically been provided to nuclear generators to ensure that they would be able to provide the power and not have to worry about the insurance costs for some catastrophic accident.

There will be an amendment offered to add the NRC licensees, which are the commercial powerplant operators, to this Price-Anderson protection. I believe that will pass. I think most recognize that is going to be necessary.

There are 103 nuclear powerplants operating in the United States today, including 3 in my home State of Arizona. They supply almost a quarter of the power in the United States in a very environmentally safe manner—no emissions, no gases such as nitrogen oxide, sulfur dioxide, or other gases that threaten the environment. Nuclear energy, of course, is the most efficient. It costs 1.83 cents per kilowatt hour compared to 2.08 per kilowatt hour for coal-fired plants. We need to work to ensure that the nuclear provisions of the bill are modernized. We will have amendments to present to do that.

One of the most contentious parts of the bill relates to increasing our ability to generate oil and gas production in the United States so we do not have to rely so much on foreign sources of oil. This gets primarily into the question of whether we should be able to explore for oil in an area of Alaska that was set aside for that purpose by

the U.S. Government some years ago, an area called the Arctic National Wildlife Refuge or ANWR.

The facts have gotten very confused by people who do not support this proposal. The area we are talking about is about the size of the State of South Carolina. But the amount of land that would actually be exposed to exploration is no larger than the footprint of an airport in most of our communities, including, if you want the exact acreage, Dulles Airport outside of Washington, DC, or Sky Harbor Airport in my home State of Arizona. Out of an area the size of South Carolina, we have an area the size of an airport in which the drilling would occur.

It is simply not possible to have the degradation of the environment that some claim with the modern technology that would be used to provide for this production and the small area and the environmentally friendly ways in which it would be done. The drilling pads are 80 percent smaller than they were a generation ago. You can literally get oil 6 miles away by drilling down 2 or 3 miles and drilling out 2 or 3 miles and in that way keep your footprint to a very small area.

The critics have said there is not very much oil, so it is not worth the effort. I will state how much: It is 600,000 barrels of oil per day, which is almost the same amount of oil we are importing from the country of Iraq. It is the supply of oil we get from the country of Iraq for 40 years. That is a lot of oil. If we get into a conflict with Iraq, we will wish we had an alternative source so we would not have to rely upon purchasing it from Iraq.

Suffice it to say, if we are going to be serious about increasing our energy production, we are going to have to be able to drill for oil in Alaska.

There is a provision of the bill dealing with CAFE standards, setting the miles per gallon that cars have to meet. While all Members are desirous of trying to improve the miles per gallon that our cars meet, the only way we have found to do that has, as a result, caused an increased number of automobile fatalities. The National Academy of Sciences, certainly an unbiased source, found that previous fuel economy measures likely resulted in 1,300 to 2,600 additional crash fatalities annually, which is the equivalent, according to the National Safety Council, of wiping out the recent hard-won gains of safety belt use, airbags, or drunk driving legislation.

The point is we have had a lot of people unnecessarily killed on our highways because we have had to make cars lighter in order to meet these CAFE standards. It seems to me we have to weigh the benefits that might be achieved—might be achieved—in terms of fuel savings on the one hand and the saving of lives that would be achieved on the other hand if we do not carelessly move forward with these CAFE standards.

Once again, we will have an amendment that will have to deal with that.

I will have amendment also to deal with other subjects. There will be other amendments that will attempt to improve the underlying bill.

My bottom line is this. In this brief opening set of comments, I just want to make the point that the bill before us is not the bill that the President recommended. It is not the bill that I think could have come out of committee. It is a bill that requires a lot of work. It is going to take a lot of time. When we try to do the amending process on the floor of the Senate, we don't necessarily end up with the best of products—just because of the way we have to proceed. It is regrettable we have to do it that way, but since we are opened up to a series of amendments, then I think we will have to have the indulgence of everyone as we present and debate those amendments and hopefully get them passed.

The PRESIDING OFFICER. The Senator from Nevada.

#### MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent the Senate now proceed to a period of morning business with Senators permitted to speak for up to 5 minutes each.

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

#### REMEMBERING FORMER SENATOR HOWARD CANNON

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, it is a very sad day because Nevada lost one of its great citizens—Howard Cannon died today.

Howard Cannon served in the Senate for 24 years. He left the Senate in 1982. He was a wonderful man. I have great memories of him when I worked as a police officer, when I was going to law school. Howard Cannon had been a bar examiner before coming back here. He was a very fine lawyer, had a great legal mind. He tutored me, as busy as he was as a Senator, to help me pass the bar. I am always grateful for that. I am grateful for all he did for me as I moved up the political ladder to different offices.

I remember the first political office I ran for was the hospital board. His chief of staff, Jack Conlin, through Senator Cannon, gave me some money for this race. He was always very caring about me, and I cared a great deal about him. I do have, though, some satisfaction because just a couple of weeks ago, on his 90th birthday, I came to the Senate and talked about what a fine man he was, how much he had done for the State of Nevada. I talked to him that day on the telephone.

#### COMMEMORATING SENIOR AIRMAN JASON CUNNINGHAM

Mr. DOMENICI. Madam President, I rise today to commemorate a fallen

hero from my home State of New Mexico—I see Senator BINGAMAN so I think it is appropriate to say “our home State”—Senior Airman Jason Cunningham. He lost his life this week while trying to save the life of another serviceman in eastern Afghanistan.

I express my heartfelt condolences to Jason's wife Theresa; his daughters, 2-year-old Hannah and 4-year-old Kyla; as well as his parents Larry and Jackie. I know I speak for all New Mexicans when I say how proud we are of your husband, father, and son, and that our thoughts and prayers are with you.

Jason was a member of the Air Force's elite pararescue team whose mission is to rescue downed pilots in hostile territory. He joined the 38th Rescue Squadron because it was his passion to save lives, and that is exactly what Jason and his comrades were doing this week when he came under heavy fire from the al-Qaida force.

During an attempt by our forces to land a reconnaissance team in a mountainous region known to be inhabited by al-Qaida and Taliban, one troop fell from a helicopter when it was hit by enemy fire. Later, it was Jason and his rescue team who bravely went into the area where the trooper and helicopter were down in an attempt to extricate him. A heavy fire-fight ensued and Jason and five other Americans lost their lives.

I know that words are of little consolation at such a difficult time for Jason's loved ones, but I want his family to know that all New Mexicans—this Senator, and I am certain my colleague, Senator BINGAMAN—mourn with them today. I am sure that for Jason's heroics his country will bestow upon him one of the most highly respected honors it can give, the Purple Heart. Such valor deserves no less.

The loss of such fine Americans as Jason in the war on terrorism can be heartrending, but as a nation we must honor the sacrifices of men and women like Airman Cunningham and remain steadfast in our resolve to protect our freedoms and liberty from terrorism.

President Bush has told us many times that this war would not be quick or easy, and it would be good to remember that while we mourn the loss of a good man like Jason Cunningham.

I ask unanimous consent that a detailed statement surrounding the young man and his family headlined “New Mexican Dies Trying to Save Others” from the Albuquerque Journal, be printed in the RECORD.

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

#### NEW MEXICAN DIES TRYING TO SAVE OTHERS

(By Miguel Navrot)

Jason Cunningham was one of the best the Air Force had to offer.

Cunningham served as a pararescueman—trained to rescue downed pilots from the most hostile of enemy areas—in one of the military's elite teams, sometimes compared to the Navy SEALs.

Cunningham, who grew up in Carlsbad and Farmington and recently lived in Gallup, once considered becoming a SEAL as a Navy petty officer. He had passed the Navy's fitness test but decided to move to the Air Force.

“I didn't want to kill people,” Cunningham told Airman magazine, an Air Force publication, in October 2000. “I wanted to save them.”

Cunningham, 26, died trying to save another serviceman Monday. He was one of eight soldiers killed in renewed fighting in eastern Afghanistan.

The remains of seven of those servicemen arrived Tuesday at Ramstein Air Base, Germany.

Jason's parents, who live in Gallup, learned of their son's death Tuesday morning.

“We're very proud of our baby,” Jackie Cunningham said of her son as she tried to hold back tears at a family news conference on the lawn outside their blue ranch-style home.

“Jason died doing what he liked to do, save lives,” said his father, Larry “Red” Cunningham, choking on his words as he read a brief statement.

Since last summer, Cunningham, a senior airman, was stationed at Moody Air Force Base near Valdosta, Ga., with his wife, Theresa, and two daughters, 2-year-old Hannah and 4-year-old Kyla. He was deployed Feb. 1, his family said.

“We last heard from him on Saturday,” the father said.

Cunningham was the middle child of the family. Standing next to his parents were his brother, Chris, 29, of Washington state, and his sister, Lori, of Farmington.

The family said memorial services will be in Georgia and in Carlsbad this week. A funeral and burial are planned for next week in Camarillo, Calif., where his wife is from.

Cunningham was born and raised in Carlsbad. The family moved to Farmington just before his high school years. After graduating from high school, Cunningham went into the Navy for four years before moving to the Air Force.

Cunningham began the Air Force's pararescue school, a grueling 21-month training program that few finish, about 2½ years ago.

Training for pararescuemen, or PJs, concludes at Kirtland Air Force Base. Cunningham graduated from the school on July 7, when he donned the group's maroon beret, Kirtland officials said.

He belonged to the 38th Rescue Squadron.

Tech. Sgt. Tim Donovan, a supervisor for air operations with the school at Kirtland, called Cunningham “kind of silly, kind of goofy,” with a heart totally dedicated to the pararescue mission.

“He had several setbacks that he overcame and persevered through all the training,” Donovan said. “He never quit. He was totally focused. . . .”

“A lot of times you have kids who don't feel they have their hearts into it or they're just in it for the beret or they're doing it for something other than the motto (That Others May Live). That wasn't him at all.”

Cunningham is the fourth pararescueman the Air Force has lost in the past three months. The Air Force has about 300 pararescuemen.

“They're a small, tight-knit community, and all of them will most assuredly feel the loss of one of their own and mourn his passing,” Kirtland spokeswoman 2nd Lt. Kelley Jeter said Tuesday.

Theresa Cunningham spoke to her parents early Tuesday.

“She was hysterical. She talked to her mom and said, ‘Jason is dead.’ That's it,” said her father, Lito D'Castro.