United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, SECOND SESSION

Vol. 148 WASHINGTON, WEDNESDAY, MARCH 6, 2002 No. 23

Senate

The Senate met at 10 a.m. and was called to order by the Honorable BENJAMIN E. NELSON, a Senator from the State of Nebraska.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, all through our history as a nation You have helped us battle the enemies of freedom and democracy. Many of the pages of our history are red with the blood of those who paid the supreme sacrifice in just wars against tyranny. They are our distinguished heroes and heroines.

Today, we feel both grief and gratitude for the seven men who lost their lives in Afghanistan in the battle against the insidious enemy of terrorism. We ask You to comfort and strengthen their families, loved ones, and friends as they experience the anguish of their loss. Death could not end their gallant lives. We do not want to forget them or lose sight of the hallowed memory of their gallantry.

Renew our resolve to press on in the battle to rid the world of terrorism. Lord God of hosts, be with us yet, lest we forget what the men and women of our military are doing to assure us of the freedom of speech and the exercise of government we will enjoy today. Lord, continue to bless America and give us victory over the forces of evil confronting our world. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN E. NELSON led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 6, 2002.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

Mr. BENJAMIN E. NELSON thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader.

Mr. DASCHLE. Mr. President, what is the pending business before the Senate?

NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 2001

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 517, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 517) to authorize funding for the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes.

Pending:

Daschle/Bingaman further modified amendment No. 2917, in the nature of a substitute.

AMENDMENT NO. 2980 TO AMENDMENT NO. 2917, AS FURTHER MODIFIED

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. DASCHLE. I send an amendment to the desk and ask for its consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. DASCHLE] proposes an amendment numbered 2980 to amendment No. 2917.

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

Mr. MURKOWSKI. I object.

The ACTING PRESIDENT pro tempore. The objection is heard.

The clerk will read the amendment.

The assistant legislative clerk read as follows:

At the appropriate place, insert the following:

''(e) PROHIBITION ON CERTAIN PIPELINE ROUTE.—No license, permit, lease, right-of-way, authorization or other approval required under Federal law for the construction of any pipeline to transport natural gas from lands within the Prudhoe Bay oil and gas lease area may be granted for any pipeline that follows a route that traverses—

''(1) the submerged lands (as defined by the Submerged Lands Act) beneath, or the adjacent shoreline of, the Beaufort Sea; and

''(2) enters Canada at any point north of 68 degrees North latitude.''

At the appropriate place, insert the following:

''(d) STATE COORDINATION.—The Federal Coordinator shall enter into a Joint Surveillance and Monitoring Agreement, approved by the President and the Governor of Alaska, with the State of Alaska similar to that in effect during construction of the Trans-Alaska Oil Pipeline to monitor the construction of the Alaska natural gas transportation project. The federal government shall have primary surveillance and monitoring responsibility where the Alaska natural gas transportation project crosses federal lands and private lands, and the state government shall have primary surveillance and monitoring responsibility where the Alaska natural gas transportation project crosses state lands.''

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

Printed on recycled paper.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent the call of the quorum be rescinded.

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

Mr. LOTT. Mr. President, I ask consent that the pending issue be set aside temporarily so I may make an opening statement on my leader time, without anybody losing their rights.

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

Mr. LOTT. I thank Senator DASCHLE and Senator MURKOWSKI for allowing me to do this.

We are soon going to be proceeding with the amendments on this very important issue. I have said several times, and I believe it and mean it sincerely, that having a national energy policy is one of the two most important things we will try to accomplish this year. After providing adequate needs for the defense of our country and in the war against terrorism, having a national energy policy is the next most important. While a lot of other issues are critical and we need to address them, this is a very serious matter.

I focus today on my belief that American dependence on foreign oil directly threatens our national security and our freedom. I think it is even bigger than that. It is also about economic freedom. If we do not address this question in a very broad and comprehensive way, the time will come—maybe even this summer once again—when we will have rolling brownouts, and someday, perhaps, blackouts, as well as gas lines again. We need a comprehensive, broad, national policy to avoid that. If we do not do that, we could get to a situation where, for some reason, foreign oil imports should be cut off or a high percentage should be cut off or we decide we will not continue to be dependent on Iraqi oil, or any number of upheavals could affect us immediately. It could affect not only our lifestyles but affect the economy and the jobs on which people depend. Energy is essential to the creation of jobs, whether in the steel industry, the poultry industry, agriculture, or fisheries on the Gulf of Mexico where I live.

I am beginning to think there are people who believe when you flip the switch and the power comes on, it magically appears out of this wire. Somewhere behind that wire are a lot of things we need to have. We need to have transmission lines. We need to have a plant somewhere that is creating that power that is wheeled through those lines. And the energy that fuels that plant has to come from somewhere.

In this bill that we are starting off with, I think we have a very bad product. I am not going to belabor the process of how we got here, but it seems to be a continuing, changing process. The Energy Committee didn't act. The Commerce Committee couldn't act on the CAFE standards. The Finance Committee did finally get together and it produced a $15 billion tax incentive package, but there is some concern about whether or not that should be offset or how it would be offset. So there is going to have to be a lot of work done on this bill to make it acceptable.

I think in the bill as it starts out, far too much is dependent on conservation and alternative fuels and not wanting to sufficiently address the production side. I think we need both. I am for encouraging conservation with incentives. I am for alternative fuels. I am for renewables. I am for using tax incentives to get these marginal wells back in production. But I also want the other side of that equation. I don't think we can conserve ourselves into an energy policy or, by reducing what we use, not be threatened by this energy area.

I hope we will work to come up with a comprehensive package at the end that is worth voting on, to send it on to conference. The Senate has been developing a pattern now of starting off with bad bills or partisan bills. When you do that, you are almost destined to get to a point where you cannot get a result.

We have not been able to move forward on energy for a year but now, thank goodness, we are going to have this full debate. I am appreciative of that, although I am very worried about the way it is starting. It smells like a stimulus bill or an agriculture bill in terms of how it is written. Maybe that will not be the case. I, for one, have started out by saying: Let's not focus on the negative. Let's just go forward and do our work. Let's have amendments, let's have votes, let's improve this bill. I may be disappointed in the end and some people will come to me and say: See, I told you so, you can't fix this thing.

But I am like Nehemiah in the Bible in building the wall. He believed the wall could be built. The people didn't believe it, but they trusted him and they kept working and kept working and they built the wall. We are trying to build a wall here, and this wall is an energy policy for our country.

So I do think there is a problem that affects our national security in the first instance. There are a lot of explanations why we do not have a national energy policy. We can blame a lot of people. There will be those who quickly say: Blame your neighbor's SUV. I have one. I have three grandchildren. I like them to be able to ride in the same vehicle with me. Or blame the oil companies—oh, the polluters. What do they think we are going to drive the economy with without oil and natural gas and coal and nuclear—the whole schmear. Or the automobile makers, it is easy to blame the automobile makers.

Unfortunately, we blame the domestic ones more than we do even the international ones—I am not criticizing them because they are putting their plants in America and we are glad to have them. They can help us, perhaps, produce better automobiles that have better fuel economy. I hope it is not done just by cutting them in half, which is what you get when you go in Europe. I can't even get into those things they have over there, or any of the other usual scapegoats.

Before we do that, just consider this fact. America is one of the leading energy-producing countries in the world. This country has the technology, alternative resources, and enough oil and natural gas to make itself much more self-sufficient. America does not have to revert back to the practices of the 1970s. The country is faced with a serious problem because previous Congresses and previous administrations—blame everybody—didn't do what needed to be done in this area because it was too hard. These issues are not easy, trying to come up with an agreement that will provide a positive result. Whether it is in the fuel efficiency area, in the production area—every one of them is very difficult to work out to an agreement and compromise that will pass.

As a result, crude oil production is down significantly in this country as consumption continues to rise. America now imports 56 percent of the oil it consumes, compared to 36 percent at the time of the 1993 Arab oil embargo. We had long gas lines and we had huge debates in the Congress, particularly in the Senate, over what to do about our energy needs. We acted as if we thought maybe we had done enough. Obviously it didn't work because our dependence on foreign oil had gone up.

At the rate it is going, the Energy Department predicts America will be at least 65-percent dependent on foreign oil by 2020. That alarms me and I bet it does most Senators—and most Americans, when you think about it—when we are dependent on oil that comes from some very dangerous parts of the world, in many cases, or some cases very unstable governments.

We cannot continue down this path. This bill has to be passed so that will not be what happens. We need a national energy policy that will enhance national security by reducing this dependence on foreign energy sources. We need a policy that provides incentives for the use of natural gas—a fuel which can burn cleanly in internal combustion engines and which is abundant within our borders, especially the Gulf of Mexico, right in front of my house where I live. It is out there. Some of it is being taken out of the gulf now. A lot more could be done, but we have a huge battle to try to make use of areas such as the Destin Dome in the Gulf of Mexico, which I think is at least 100 miles from the shoreline. There is no

need, no reason we should not pursue that. Natural gas is not oil, for one thing. You don't spill it.

We should also call on America to utilize other domestic resources through incentives which encourage the use of marginal oil wells and the billions of barrels of oil we have in Alaska. Likewise, we should not ignore the use of renewable energy resources such as solar power, hydropower, or wind power. Can we get a substantial percentage of our needs out of that area? I doubt it, although I think hydropower can produce significant amounts. Maybe we can get some help from solar or wind. I doubt if we will ever exceed 3 or 4 or 5 percent, but that is not small potatoes. Let's do that, too. However, Congress must acknowledge that America cannot realistically run only on renewable energy resources. We must be realistic and provide a bridge to our energy future.

Despite the most advanced technology and ingenuity, tomorrow's energy sources will not answer the energy needs of today. Coal, oil, and natural gas remain our most abundant and affordable fuels, and they can be used in environmentally sound ways.

My State doesn't produce a lot of coal. We have some lignite, and we are beginning to make use of it. But I believe clean coal technology is out there. I believe we can use coal and use it in a much cleaner way. We need to have encouragement to do that. Some 55 percent of the electricity generated in the United States comes from coal-fired, steam generating plants. Coal can make a significant contribution to U.S. energy security if the environmental challenges of coal-fired plants can be met. Congress should enact legislation which will provide credits for emissions reductions and efficiency improvements.

We are going to have that in this bill. Some are in it and I hope there will be even more. Congress must also provide incentives for independent producers to keep their wells pumping. Tax credits for marginal wells will restore our link to existing resources, including many in my own home State of Mississippi. We are not a big oil producing State, but we do have some oil and the wells are pumping now. The wells are marginal, but they can produce five barrels a day which can make a difference.

These wells are responsible for 50 percent of the U.S. production. We should give even more incentives to keep that percentage at least in place.

We also need to increase the availability of domestic natural gas, which is the clean alternative for coal in electric power plants. Federal land out West may contain as much as 137 trillion cubic feet of natural gas. Similarly there is Federal land in Alaska which is estimated to contain 16 billion barrels of domestic crude oil. None of these facts should be surprising.

There has to be a solution to this problem. Some would say that all we need to do is improve energy efficiency and reduce energy consumption.

Is that the way we do things in America? No. In America we make things better—more efficient and better. Are we saying you have to learn to live with less and that we can't have it as we did? That is not the American spirit. We can produce more. We can be more energy efficient. We can do all of it if we make up our minds to do it.

While there is a place for energy efficiency incentives in developing a natural energy policy, we must not starve our economy of the energy it needs to maintain and improve our standard of living. In the long run, a national energy policy that looks at all realistic sources of energy must be developed.

This is not the 1970s. America has better technology, more efficient and cleaner automobiles, as well as more energy options. The question is, How long will we forgo these options and be held hostage to nations abroad or extremists at home who do not want us to do what can and should be done? America must tap the vast resources we have. America can solve its energy problems but Congress must act in the interests of the entire Nation, rather than a select few, or with a defeatist attitude. Providing families the security and freedom they deserve depends upon stable, reliable, clean, and affordable energy. America badly needs a comprehensive, but realistic, national energy policy, and we need it now.

I say again that while I might object to the content of the bill we are beginning with and the process used to get here, we are on it. So let us make our opening statements. Let us get the amendments started. Let us see if we can't produce a bill that we can send to conference and get this job done.

The President of the United States wants us to do this. He knows we have to do it. He raised it in a meeting just yesterday. He didn't say you have to do it this way or that way. I know he wants us to get access to oil in ANWR and other places in this country. I know he wants us to have a realistic CAFE standard. But he is not saying you have to do it my way to get it done.

Mr. Chairman and Senator MURKOWSKI, let's roll.

I yield the floor.

Mr. DASCHLE. Mr. President, I compliment the distinguished Republican leader for his statement. While there are some things that might divide us on the issue, there is a lot he just said that I agree with wholeheartedly. This country needs an energy policy. We ought to be moving forward. We can do both in terms of comprehensive conservation and comprehensive production incentives. So I thank him for the spirit in which he has begun this debate.

For those who have expressed some concern about the way this bill came to the floor, I will just say that this is the way the last energy bill came to the floor in May and June of the year 2001. But I want to address very briefly the amendment I have just laid down.

One of the most significant, responsible ways in which to increase production and improve our Nation's energy security is to build a pipeline to bring natural gas from Alaska to the lower forty-eight states.

There are 35 trillion cubic feet of known natural gas reserves on the North Slope of Alaska. Right now, that gas is being pumped back into the ground because we have no way of getting it to people. In the energy bill we are now debating, Senator BINGAMAN and I have proposed a 2,000-mile long gas pipeline that would create 400,000 jobs, use an estimated 5 million tons of U.S. steel, and ensure that we do not become dependent on imported liquefied natural gas. If we want to create jobs, increase our energy security, and help the U.S. steel industry, building this pipeline is the way to do it.

Last week, Alaska Governor Tony Knowles suggested some refinements in the legislation that would ensure that American workers, and in particular, Alaskans, get the greatest benefit from this project.

In particular, Governor Knowles urged us to ensure that the pipeline follow what is known as the southern route down the Alaska Highway. This will ensure that much of the pipeline is constructed in Alaska and that it avoids the environmental pitfalls that construction could have on the fragile northern Alaska environment and the Beaufort Sea.

Second, he asked that we clarify the rules for State and federal cooperation, to ensure that the development of the pipeline proceed as smoothly as possible. Both of these issues are addressed in the amendment we are offering today. Other changes that Governor Knowles has requested include guaranteeing access to the pipeline for new natural gas producers that may arise in the future, protecting the ability of Alaskans to have access to the natural gas that will be transported in the pipeline, and establishing a tax incentive to reduce the risk associated with natural gas price volatility.

Senator BINGAMAN is working closely with others to develop language on these issues, and I would expect the final product of these deliberations to be added to the energy bill prior to final passage.

Energy for America, jobs and opportunity for Alaskans, and no damage to sensitive environmental areas should all be goals to which we can subscribe. This legislation, and this amendment in particular, allow us to do that with even greater confidence.

I yield the floor.

AMENDMENT NO. 2980 TO AMENDMENT NO. 2917, AS FURTHER MODIFIED

Mr. DASCHLE. Mr. President, I have a modification of the amendment at the desk.

The ACTING PRESIDENT pro tempore. The amendment is modified.

The amendment (No. 2980), as modified, is as follows:

Insert the following after Section 704(d):

''(e) PROHIBITION ON CERTAIN PIPELINE ROUTE.—No license, permit, lease, right-of-way, authorization or other approval required under Federal law for the construction of any pipeline to transport natural gas from lands within the Prudhoe Bay oil and gas lease area may be granted for any pipeline that follows a route that traverses—

''(1) the submerged lands (as defined by the Submerged Lands Act) beneath, or the adjacent shoreline of, the Beaufort Sea; and

''(2) enters Canada at any point north of 68 degrees North latitude.''

Insert the following after Section 706(c):

''(d) STATE COORDINATION.—The Federal Coordinator shall enter into a Joint Surveillance and Monitoring Agreement, approved by the President and the Governor of Alaska, with the State of Alaska similar to that in effect during construction of the Trans-Alaska Oil Pipeline to monitor the construction of the Alaska natural gas transportation project. The federal government shall have primary surveillance and monitoring responsibility where the Alaska natural gas transportation project crosses federal lands and private lands, and the state government shall have primary surveillance and monitoring responsibility where the Alaska natural gas transportation project crosses state lands.''

Mr. BINGAMAN. Mr. President, let me speak very briefly on the same issue that the majority leader raised.

I also believe it is very important for us in this legislation to facilitate construction of this pipeline from the North Slope of Alaska to bring natural gas to the lower 48 States. This is an issue that my colleague from Alaska, Senator MURKOWSKI, has been urging for some time. I know Senator STEVENS, as well, strongly supports it. I know that virtually all of us on the Energy Committee have believed construction of this pipeline needed to be a priority item as part of a comprehensive energy plan. That is why we included it in the legislation that is before the Senate today.

The amendment Senator DASCHLE has now offered would change what we have in the bill in a couple of important respects. The main thing it would do is ensure that the so-called southern route be chosen. This is again something that I know all of the representatives from Alaska have urged on us. I know Governor Knowles has urged this in testimony before the Energy Committee. He urged that this be done.

The bill we have introduced did not specify that the southern route was the only option. We were route neutral in the bill that is before the Senate because we believed that was an issue and a river we weren't ready to cross. But at this stage, I think it is clear that this southern route, which was authorized in the previous legislation that was passed in Congress a couple of decades ago, is part of our international treaty with Canada. It recognizes that there are environmental advantages if we follow this existing transportation route.

I think there are substantial advantages to be argued in favor of doing this southern route. I know it has been a priority for, as I say, the Governor of Alaska and the Senators and the Representative from Alaska for a long time. I think it will improve the bill.

It will make it clear that the Senate is anxious to see the jobs created in Alaska and that it is anxious to see the economic benefits. It recognizes that the environmental benefits are substantial as well.

I will support the amendment as it is proposed. I hope we can get strong bipartisan support for it. As I say, it is one of those issues we have debated for a long time. We brought the bill to the floor with a route-neutral provision in it. Now that would change, but it would change with my support.

I yield the floor.

Mr. REID. Mr. President, I hope my name will be added as a sponsor of this Daschle-Bingaman amendment.

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

Mr. REID. Mr. President, I have not had an opportunity to speak on this legislation. I am going to speak generally about the legislation, but in particular to this amendment. For those who are interested, I think we have a clear description of what this legislation, as amended, would do. Basically it brings the route down through Alaska. It is a route of over 2,000 miles.

The amount of jobs it would create is very significant. It would create 400,000 new jobs. And this is an unbelievably large figure, but it is accurate. This is pipe that is more than 50 inches in diameter. We would need 5 million tons of steel. I would hope it would be U.S. steel: 5 million tons. It is hard for me to comprehend that, but that is what it would take.

The bill would provide $10 billion in loan guarantees for the construction of this pipeline and would bring 35 trillion cubic feet of natural gas to the lower 48 States. That is significant.

We can all readily agree that the United States needs to lessen its dependence on foreign oil. The best way to reduce our dependence on foreign oil is to diversify our energy supply by developing renewable energy resources. We also would hope to adopt a CAFE standard. My understanding is that there is a bipartisan agreement being worked out as we speak, if it has not already been worked out. We were close to working it out yesterday. Senator KERRY and Senator MCCAIN are working out something on CAFE standards. Another way to reduce our dependence on foreign oil is to improve the energy efficiency of our homes and appliances.

That is how we can best lessen our dependence, reduce our demand on foreign oil: diversify our energy supply by developing renewable energy resources, adopt a CAFE standard, and improve the energy efficiency of our homes and appliances.

It is also obvious that the demand for natural gas is increasing worldwide. In the United States, natural gas consumption is expected to outpace current supply sources over the next 10 to 20 years, creating a shortfall of more than 6 trillion cubic feet by the year 2020. But remember, this legislation would immediately bring to the lower 48 States 35 trillion cubic feet of natural gas. So we would not have the 6 trillion cubic feet shortfall if we are able to produce this gas line.

In Nevada, 29 percent of our electricity needs are now met by natural gas, and that fraction will only grow over time. There is the construction now of a number of powerplants in Nevada to meet the needs of California and, particularly, Nevada.

Clearly, the future favors natural gas as a primary source of electricity in our country. Rightfully, many fear the United States will become as dependent on imported liquid natural gas in the future as we are on oil today. That is why this southern route is so important to our country.

I support the provisions of this act before us. I particularly support this amendment. This amendment would increase the supply of domestically produced natural gas available to U.S. consumers by expediting the construction of a natural gas pipeline from Alaska's North Slope to the lower 48 States.

I do not think there is a question of whether we are going to build the pipeline; it is a question of where we are going to build it. That is why there has been a general agreement we need to go with the southern route, not the northern route, for a number of reasons, not the least of which is the need to help Alaska as much as we can.

There is more than 35 trillion cubic feet of natural gas immediately available in the Alaskan North Slope, gas that is pumped back into the ground because we have no way of getting it to the people. That is inefficient. We save a lot of it by pumping it back into the ground, but we do not save it all.

It is estimated that the total natural gas available from the Alaska North Slope is more than 100 trillion cubic feet. The pipeline would provide natural gas to American consumers for at least 30 years, and it would be a stabilizing force on natural gas prices.

We have heard a lot from my friend, the distinguished ranking member of the Energy Committee, Senator MURKOWSKI, about how many jobs ANWR would create. But the jobs ANWR would create are simply not as great as these 400,000 new jobs. The pipeline would provide a significant opportunity for the U.S. steel industry, requiring up to 2,100 miles of pipe and, as I have indicated before, 5 million tons of steel.

The Alaska natural gas pipeline is a responsible way to address our Nation's growing demand for natural gas. It means energy independence and jobs, a winning combination.

We may have some disagreement with the distinguished Senator from Alaska on whether we should drill in ANWR, but there is no controversy, dispute, or question about the fact that we need to do everything we can, as

quickly as we can, to bring the natural gas from Alaska to the lower 48 States.

That is why the Governor of Alaska is totally supportive of what we are doing. Senator STEVENS—and I am confident Senator MURKOWSKI—support what we are doing. Of course, if there is something that is wrong with this amendment that does not meet the demands of Senator MURKOWSKI, we would be happy to speak with him. But as far as I know, in the meetings that have been on his staff level, we are headed in the right direction.

This amendment has two parts. It would ban the so-called ''over the top'' route for the pipeline—what we are talking about is, it would ban this route shown on the chart here—by prohibiting the issuance of any of the necessary Federal permits.

Governor Knowles' testimony is significant. He testified before the Energy Committee. Among other things, Governor Knowles said:

I respectfully suggest there are three essential components of this vitally important legislation. First, the route must be mandated along the Alaska Highway, as provided for in the 1976 Alaska Natural Gas Transportation Act. Second, this legislation must build American industry and create American jobs. Third, there must be economic incentives to attract the private capital to the project which when completed will substantially add to the national treasury.

There are many reasons why the route of the gasoline must follow the existing oil pipeline from the Alaska North Slope to Fairbanks and then the Alaska Highway through Canada to Alberta.

It is currently authorized in ANGTA [Alaska Natural Gas Transportation Act] and a presidential decision. It is part of an international treaty with Canada. It recognizes the environmental advantage of following existing transportation corridors. It allows vitally important access to the gas for the residents and businesses in Alaska. For these reasons, this route has the broadest support among Alaskans of any major project in recent history.

Additionally, there are serious concerns over the proposed alternative route commonly known as the northern or ''over the top'' route. This route would originate on the Alaskan North Slope then proceed 240 miles under the ice-choked Beaufort Sea to the Mackenzie River Delta and then up that river drainage to Alberta.

First and perhaps the most significant opposition to that route has come from the unanimous objections of the North Slope Inupiat Eskimos. At a recent public hearing, their corporate, community, and tribal leaders vowed they would use every resource available to them to fight this route, which would threaten their cultural and nutritional dependence on marine mammals.

Second, both Alaskan and national environmental organizations have said they too strenuously oppose this ill-conceived frontier route. Calling for previously untested technologies and risky ventures underwater, this project could never be considered as a preferred alternative to an existing land transportation corridor.

This is the Governor of Alaska. I quoted him verbatim.

The southern route, as he indicated, is authorized in ANGTA and is part of an international treaty with Canada. It recognizes the environmental advantage of following the existing transportation corridors and allows access to gas for Alaskan residents.

There are serious concerns, environmentally and socially, over the northern ''over the top'' route. As indicated, the Northern Slope Eskimos strictly oppose this. Environmental organizations oppose this.

For these reasons, the Alaskan delegation, to my knowledge, is supportive of the southern route.

One of the myths that we have heard is the Alaskan natural gas pipeline will create less jobs than drilling in the Arctic Refuge. We do not need a battle over which creates the most jobs, but I do say that the Congressional Research Service, which is an investigative arm of this body, estimates only 60,000 jobs would be created by drilling in the Arctic Refuge—only 60,000 jobs. I recognize that is a lot of jobs.

Certainly, even for Nevada, a State that is probably three times the population of Alaska, 60,000 jobs would be a lot of jobs. I am sure the Presiding Officer, if he lost 60,000 jobs in Nebraska, would take note. He would take further note though that the Congressional Research Service reports that building the Alaska natural gas pipeline would create more than 400,000 new jobs according to industry estimates and require roughly 5 million tons of U.S. steel and 2,100 miles of pipe. The energy bill would provide $10 billion in loan guarantees for the pipeline.

This is a good amendment. It is not only a good amendment, it is a good bill. This bill does some things important for the State of Nevada. We have been very concerned about the FERC having too many new broad authorities at the expense of State authority. In reality, under this Senate bill, FERC is given limited authorities that both Democrats and Republicans have advocated for years to oversee the reliability of the grid and require that all utilities play by the same transmission rules. California and Nevada were hurt significantly during the past year by actions of FERC, and this certainly will not strengthen FERC's role.

Some loopholes in FERC's merger review authority are filled, but the bill does not deregulate the electricity industry. In fact, some needed FERC authorities are strengthened, as indicated by both Democrats and Republicans, to ensure markets can be relied upon to provide low-cost electricity.

Another myth is that the Senate energy bill fails to exploit the Nation's potential to produce and use oil and natural gas. In reality, oil and natural gas will continue to play an integral role in the U.S. energy policy. This bill before the Senate provides $4.6 billion in tax incentives for oil and natural gas and $10 billion in loan guarantees, as we have talked about this morning, to build the Alaska natural gas pipeline which will bring 35 trillion cubic feet of natural gas to the lower 48 States.

Nevada has no coal. We are rich in other minerals. We are the third largest producer of gold in the world behind South Africa and Australia. We produce large quantities of silver and other precious metals. We don't have any coal—good coal or bad coal—but we still understand the importance of coal in America.

The United States is the Saudi Arabia of coal. We have more coal than any other country. We want to overcome the myth that some are saying this legislation will limit the use of coal in the United States. Quite to the contrary, the energy bill provides $1.9 billion in tax incentives for clean coal and establishes extensive clean coal research programs. The bill will ensure the use of clean coal in the United States and clean air in the future.

Outside Reno we have a power plant that was initiated with clean coal technology. It couldn't have been built with clean coal technology without the Federal Government helping Sierra Pacific Power do that. I am a big fan of using coal but using it in a different method than we have used in the past. Clean coal technology is something we have to rely on and do more than what we have done before. This legislation crafted by Senator BINGAMAN will allow us to do that.

I hope we can move this legislation as quickly as possible. We have so much to do in the Senate. The leader has said we are going to finish campaign finance reform. We have all the many items we talked about for so long that we have to do, now that we are a little bit removed from September 11, even though that still is our first fixation. Prescription drug benefits is something we have to work on. We have all the appropriations bills to pass.

We recognize we need an energy policy. I commend and applaud the Senator from New Mexico, chairman of this committee, for this work of art, some would say, he has given to us. He has worked hard. We have a good piece of legislation. I look forward to working with him and Senator MURKOWSKI to come up with an energy policy for this country and move this legislation out of the Senate, move it to the House where we can have a conference, and come back with something for the President to sign.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, the pending business before the Senate is Senator DASCHLE's amendment to the pending underlying bill, S. 517; is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. MURKOWSKI. I join with Senator STEVENS and certainly our colleague on the House side, Representative YOUNG, and commend the majority for introducing this amendment that selects a southern route for the development of natural gas from the State of Alaska.

I believe that while we have supported without exception the designation of the southern route, the amendment in itself is not complete and does not represent the total interest of Alaskans. I will explain that further.

First of all, it is appropriate to note that as far as the responsibility of the Senate is concerned, we have finally met one responsibility associated with the energy bill; that is, to have bipartisan support for the designation of the southern route. It is also appropriate to recognize that the House initiated this some time ago. It is in H.R. 4, the specific designation of a southern route.

I was very glad to see the leader was so anxious to bring this up as the first amendment from the majority. It shows that Alaskans can prevail—our Governor, our Lieutenant Governor, Senator STEVENS and myself, Representative YOUNG.

On the other hand, in the interest of full disclosure, it is appropriate to note that my objection, when the majority leader asked unanimous consent to terminate reading of the amendment, was that I had not seen the amendment and believed it should have been read. I have seen the amendment and, as a consequence, believe that while the amendment, certainly in general terms, addresses the bottom line—namely, the southern route—it does not address what Alaskans want. What Alaskans want is a little broader series of alternatives.

I will be working with the majority in hopes that we can include that in the amendment. Of course, I will be a cosponsor of the amendment.

Specifically, what Alaskans want is to have alternatives for that gas, that 37 trillion cubic feet of gas that lies beneath the oil fields of Prudhoe Bay. What are those alternatives? They primarily are associated with utilizing that gas in Alaska on several alternative routes if, indeed, the economics support routing. As the President is well aware, our oil goes down to Valdez, AK, through the 800-mile pipeline and moves down the west coast of the United States to Washington, to California, where it is refined.

There has been for many years promotion of an idea that one of the potential markets for Alaska's gas—because there is every reason to believe we are going to find more gas than the 37 trillion cubic feet we found accidentally hunting for oil—is the ability to liquefy that gas and either ship it down the west coast of the United States or ship it to the Orient. There have been projects where millions of dollars have been expended exploring the route. Not too many people in this body know that in the early sixties, the first LNG in Japan came from Alaska, a million tons a year. That contract has been renewed and a new fleet of ships has been built. Alaska is no stranger to exporting LNG. It came from a field near Anchorage, and the reserves there are somewhat limited or we would be exporting more LNG from that point.

The point of this discussion is to make sure that we are not solely bound to this southern route that is offered by the Majority Leader. I might add that we are going to have some charts to show you because I think it is important that you understand that the southern route, as it is conceived, from the Prudhoe Bay area, follows an existing pipeline approximately down to Fairbanks. Then it takes off in Fairbanks and goes down toward the delta area, where it branches off and goes to Valdez.

This amendment, in general, would cover the southern route, the highway route. But we want to make sure it does not exclude, if you will—because the possibility of exporting LNG is very real, and it has been promoted for some time—I want to make sure that is included as an alternative.

Secondly, we have every reason to believe that in the area associated with Point Mackenzie in the Matanuska Valley, where they are putting in a port development, that we have the availability of gas to come down from Fairbanks, perhaps under the railroad right of way, and come into the particular area ahead of Cook Inlet and the Matanuska Valley, where there is a port being built.

Then there is the recognition that Anchorage receives most of its gas from the fields of Cook Inlet and the Kenai area. We want to make sure Anchorage has access to this gas. Further, we have large petrochemical plants in Alaska—the only year-round manufacturing facilities we have, as a matter of fact, so we think they are large, but they are small by U.S. standards, like the ones down on the Kenai Peninsula. So I don't want to see this amendment limited to strictly a southern route so that would market the gas only through Canada and into the lower 48. We want the market to dictate where this gas goes. It is important.

Unfortunately, the way this was handled, I can only assume that there is a process here that might involve a little politics. I was prepared to offer, in my amendment—which would mandate a southern route—that would specifically contain alternatives that are certainly in the interest of Alaska. I have not seen the correspondence from our Governor or Lieutenant Governor to the majority. So I cannot comment on how broad the request was from the standpoint of inclusion and having alternatives. But I know from my contacts with Alaskans they want alternatives, and they don't want to be limited by this amendment to one specific designated southern route that would not allow the availability of those alternatives.

Let me put it another way. We want to make sure the market dictates the alternatives of either bringing it down toward Anchorage, bringing it down toward the Kenai Peninsula and the Matanuska Valley and the port that is under development there, as well as having the availability of bringing it further down toward the delta and then down to Valdez, where we could liquefy it.

So I am very sensitive about this and hope that we can work with the majority to include in this amendment a comprehensive accommodation, since we are so interested this morning—I must say I am very pleased that this isn't the first amendment of the majority where they chose to be responsive to our concerns in our State. Again, I remind my colleagues that H.R. 4, of course, already designated a southern route. But I sense a certain eagerness to accommodate a gas pipeline, and I am wondering to what extent. I have the strange feeling that it is at the expense of ANWR.

We are going to have an opportunity to talk about ANWR and to provide an amendment. But I think there is an interesting point that has been overlooked. Since the majority was so anxious to accommodate us, in the sense that we have had this issue before us relative to the gas pipeline for so long, I am curious to know why it wasn't in the underlying bill. But beggars cannot be choosers, and it is in here this morning and I am very pleased.

I see my good friend seeking recognition. I will respond to his question.

Mr. BINGAMAN. Mr. President, I thought it appropriate that I try to respond to the Senator from Alaska. I tried to explain earlier that my thinking at the time we put the bill together for consideration in the Senate was that we should bring a bill to the Senate floor that was route neutral. We had received urging that we prohibit use of the northern route. But it did not seem to me, knowing what we did at that point, that was the right course. Since then, we have gotten more information from the Governor of Alaska, from the Senators from Alaska, from the environmental community, and from those who currently hold a right of way to construct the pipeline under existing law. It seems to me the weight of the evidence is clearly in favor of the amendment that Senator DASCHLE has now proposed and for which I think we have good bipartisan support. I point out also that this amendment does not limit options as far as where the pipeline goes, except that it prohibits the use of the northern route. That is what it does.

Clearly, I think the consensus now in the Senate among those I have spoken to is that is the correct course to follow, and I think that is what we are trying to do by this amendment.

Mr. MURKOWSKI. Mr. President, I appreciate the response of my good friend, Senator BINGAMAN, and he is my friend. We have worked on this issue. I appreciate his explanation. But I have to refer to the fact that route issue has been around for a while because the House had it in its bill. Of course, we were not a party to the process of developing the underlying bill as the minority, so we didn't have an opportunity to address the route issue, and the bill came in route neutral.

Today, it is no longer route neutral. We appreciate that fact. We will cosponsor it, but we are going to add a little more to it. I am sure the majority would agree it is in the interest of Alaska, since we are anxious to make that accommodation. Again, we are most appreciative. But it didn't just come up. It came from H.R. 4, and we have always been in favor because, obviously, the other alternative is simply to take the gas over the top, so to speak, as you can see, from Prudhoe Bay. You take it along the Arctic Ocean off the 1002 area of the Arctic National Wildife Refuge, over into Canada, and then come down.

Obviously, that is in the best interest of Alaska, not in the best interest of jobs.

In any event, the amendment is the pending business. We are going to have Members talk this morning, giving their opening statements on the energy bill. I believe there is an effort to accommodate our friend from Utah for a short statement on the successful Olympics. We certainly congratulate him and his colleague for providing us that great, extraordinary experience.

There are a couple more comments I do want to make relative to the comparison between the gas line development and the prospects of whether or not some see it as a tradeoff for ANWR. I assure the majority that these two issues are not quid pro quo issues; they have to stand on their own, as they should. It is unfortunate they have come up in the same time sequence, but that is the reality of the way things happen.

Again, as we look at where we are in the debate, as we look at the reality that the majority has chosen this as their first amendment, had we had an opportunity to offer the first amendment, it would have been a similar amendment, but it would have been more inclusive for Alaska allowing for alternatives.

I want to make sure my Alaska friends know the order of preference. When you are in the minority, you are in the minority. That is the harsh reality. The majority has every right to present this as their first amendment. But I want to make it very clear, had they not, we would have presented this as our first amendment. It would have been broader. It would have been more inclusive.

I have a couple more points to make. Again, this amendment does not address the crucial underlying feature associated with this gas line. This gas is on State lands. The leases belong to Phillips, British Petroleum, and they belong primarily to Exxon. They are the companies that are going to have to build this pipeline or work with a consortium of gas line companies, such as Duke, Williams, El Paso, Foothills.

This is going to be a gigantic project. It is going to cost somewhere in the area of $15 billion to $20 billion. It will be the largest construction project in the history of North America. But it needs a safety net.

What do I mean by a safety net? If we are going to put out that kind of money and the price of gas drops below your cost, as the Presiding Officer knows as a businessman, you cannot stay in business very long.

We are not breaking new ground here. We have seen deep water royalty relief, and that is evident in the drilling that goes on in the Gulf of Mexico. We are going to need something with this pipeline.

We have been communicating with the Governor's office. In fact, we provided most of the information that has come back in a rather roundabout way to the majority because we work with the Governor's office. From Washington, it goes to Juneau and back and makes a rather circuitous route because it ends up with the majority leader of the Democratic Party. This is just politics, but much of the input is ours, and that is an obligation Senator STEVENS and I have. We will do it and continue to do it, even if it makes almost a full circle.

The crux of this is the principals have expended roughly $100 million, evaluating this project, and they say currently, because of the price of gas, it is uneconomical. Mr. President, you know what that means, and I know what that means, and I am not very happy about it. But at the current price of gas, it is not economical.

On the other hand, on the positive side, the prospects for development are good because we are pulling down our gas reserves in the United States much faster than we are finding new gas reserves. There is no question this gas will be marketed. There is a question ultimately of whether it will be just the U.S. domestic market or an LNG market in the Pacific rim. The economics dictate, but in order for this to be built now, there has to be some arrangement that if the price of gas falls below a certain level, there is a safety net.

Who is going to underwrite that safety net? Obviously, we are looking toward the Federal Government, the same as we do in deep water royalty relief in the Gulf of Mexico. In Alaska, we have a frontier area; we do not have the infrastructure. What is different about our gas is it is nearly 3,000 miles away from the Chicago market where ultimately the volume is anticipated.

It is not that our gas is different, but it has to be moved further, and to move it further costs more money. What we need in this equation is a safety net that perhaps could be paid back when the price of gas goes over a certain level.

We are not looking for a handout. But the problem we have is the mechanics are not done yet. We do not know how it scores. I do not know that the people who are in the business of scoring really understand, but the concept is fair and equitable, and we are going to pursue it. I am very happy the majority is going to pursue it with us.

While route selection is vital and important, it does not build the project. The only thing that is going to build the project is the economics, and that is what we are working on.

We have Exxon, BP, and Phillips as primary partners. However, as you know, they are not all the same size. Some are a little bigger and take a little bigger risk.

I want to make the record very clear on what we have done today as we have designated a route, and we are going to broaden it with alternatives, but the real crux is coming up with this safety net.

It is fair to close with my wariness, if you will, that suddenly we have this broad support for a gas line, but is it at the price of ANWR? As I indicated, as far as Alaskans are concerned, there is no quid pro quo; these have to stand independently. I do not want to hear Members say: I am for you on the gas line but I am against you on ANWR. Members should be making a decision on what is right for America.

As a consequence, I point out that perhaps our Governor could intervene, as he has in communicating to the majority with regard to the language designating a southern route. I suppose I could send something up asking the Governor to intervene on ANWR and maybe he could prevail upon the majority to include ANWR in the amendment, but I assume that would not stand the test of time. His support might be able to overcome the threat of a filibuster by the majority because Senator DASCHLE has already indicated they are prepared to basically filibuster, filing cloture, requiring 60 votes. I hope that if the Governor is as successful this morning on the route designation, he might be able to address the ANWR issue as well.

Again, we have to understand politics. So as we look at where we are, I think we have to recognize we have a gigantic project that is before us that is in the interest of the United States. I am talking about both projects because they are different. The majority whip has made his comments relative to jobs. The interesting thing is we import about 15 percent of our natural gas in this country, primarily from Canada, but we import 58 percent of our oil. That ought to address some concerns about the vulnerability of the country.

I hear a lot relative to jobs in this debate. The jobs in ANWR are all American jobs, but if one looks at that pipeline that the majority has in their chart, look how much goes through Canada vis-a-vis how much goes through Alaska. No question, there is probably two and a half to three times more activity that will take place in Canada. Those are going to be Canadian jobs, but opening ANWR will create all American jobs. I am sure the majority has been contacted by labor and labor has indicated how important those jobs are to America.

We need to understand the project a little better. We need to have more

Members visit the area. We need to recognize this project is designed to be constructed using 52-inch X–80 steel.

How many steel mills in the United States make this steel? Zero. This is an order that is estimated to be somewhere in the neighborhood of $3 billion to $5 billion. Do you know what they say? We are not geared up to it.

I do not know about the Chair, but I am inclined to think, as a businessman, if he had an order that big, he would start figuring out a way to try to participate. I certainly would.

What happened the last time we built an 800-mile pipeline for oil? Do you know where the pipe was built? In Japan, in Korea, and Italy. Why? Our steel mills were not geared up. In other words, they could not compete. Well, that is another argument for another day. We have quotas on steel, but clearly this is the biggest order ever contemplated associated with the natural gas issue. So I hope this will be an awakening to the American steel industry that there is some business at home, big business. They have not had a $3 billion to $5 billion order in a century. It would take the entire output of the steel mills in Korea and Japan for nearly 2 years to build this gas pipeline.

So we are going to have an interesting debate. I hopefully have cleared the air on the amendment. I look forward to the debate.

I ask unanimous consent that I be added as a cosponsor on the amendment.

The PRESIDING OFFICER (Mr. NELSON of Florida). Without objection, it is so ordered. The Senator will be added as a cosponsor.

Mr. MURKOWSKI. I hope we will be able to work with the majority to expand the amendment as Alaskans have expressed their desire to have various alternatives for the marketing of our gas. I thank the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I know there are other Senators wishing to speak, so I will be relatively brief. I say to my friend from Alaska, it would be appropriate on something this important to the State of Alaska that we have a vote on it. We want to make sure when this matter goes to the House they recognize the entire Senate supports it. So I ask my friend if he is ready for a vote, not immediately but sometime in the near future?

Mr. MURKOWSKI. If I may respond, it is very possible we may have a second degree. We have an objection on our side that we have to clear as well. So I agree with my colleague ''at some point in time,'' but it is premature at this time on our side.

Mr. REID. What I say to my friend from Alaska is, we understand there are always things that can be improved and we will certainly look forward to working with the Senator, and Senator STEVENS, as to how we can improve this amendment, but in the near future I hope we can vote on this issue. If there is anything that the Senator needs or believes is appropriate to improve it, we can work at the staff level and then with the principals. We will be happy to do that.

I say to my friend from Alaska, for whom I have the greatest respect, this is quite interesting. I wish Nevada had the choices that Alaska has today. That is, this bill is going to give Alaska something. It is a question of how much. It is a question of whether Alaska is going to get ANWR and this pipeline or just get the pipeline. But there is no question that Alaska, after this legislation passes, is going to have the hope of a significant number of new jobs.

As the Senator from Alaska knows, I do not favor ANWR and we are going to have a debate relatively soon on that. I hope we can fix the debate on that issue and resolve it after everyone has an opportunity to say what they want and move on to the rest of this legislation. Whoever in effect wins, let us move on. It is a question of who has 60 votes, I guess, in this Chamber. So I look forward to that.

I also say that not only is Alaska looking to this legislation with favor but there are lots of others looking to this legislation with favor, not the least of which, as the Senator from Alaska has said, are the steel companies and steel workers in America.

I agree with the Senator from Alaska we can bring our steel mills back into production. With what the President did yesterday, it certainly is a step in the right direction. If we pass this legislation, hopefully they can get geared up to move forward.

One of the problems we have, of course, is companies are no longer just American companies, they are international companies, and sometimes they do not look at building things in America in the right light. So I recognize other issues are important to address with respect to the pipeline, and we want to work with the Alaska delegation, including the Governor, in good faith, in moving these matters forward.

The two items in this amendment are noncontroversial and do not prejudice other concerns that may come up at a subsequent time. We hope there can be agreement to vote on this amendment soon and continue to work on the other issues. I think it would set a great pattern for this legislation, to have a bipartisan vote moving forward with something that is extremely important.

The House bill did not address any of the other issues raised by Senator MURKOWSKI. The amendment is broader than the House language—not a lot, but it is broader. The amendment bans the northern route and does not specify where the southern route will go, but we know it will go through Alaska. So I hope the Senators on the other side will allow us to have a vote in the near future and move on to the next amendment which will be offered by Senator MURKOWSKI.

It is my understanding, based upon what Senator MURKOWSKI said, that Senator BENNETT is wishing to speak as in morning business. Is that right? And if I could ask a question of my friend from Utah, who I am sure is very proud of being able to talk about the way the Olympics went off—Utah should be very proud—how long does the Senator wish to speak?

Mr. BENNETT. Mr. President, somewhere between 15 and 20 minutes.

Mr. REID. Mr. President, I yield to my friend from Alaska.

Mr. MURKOWSKI. If I may respond, the Senator from Kentucky seeks recognition also.

Mr. REID. I was going to get to that.

Mr. MURKOWSKI. We generally agreed, subject to the Senator's concurrence, that we would do that in the order of the Senator from Kentucky and then our friend from Utah.

Mr. REID. I will bet my friend, the Senator from Kentucky, the hall of famer, is not here to brag about Alaska.

I ask unanimous consent that following the remarks of the Senator from Kentucky, the Senator from Utah be recognized as in morning business for up to 30 minutes.

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

Mr. MURKOWSKI. Mr. President, before I recognize my friend from Kentucky, I say I think it is rather interesting to reflect on the contentious portions that are in this bill. Everything focuses either on ANWR or the gas line. The electricity portion could be very complex. CAFE is going to be agonizing. Renewables are going to be agonizing.

I was somewhat alerted by the whip who indicated this vote will be a 60 vote. Ordinarily, on issues around here, 51 votes are enough to carry. But it is important to recognize the ground has already been laid, and the reason is interesting. It is contentious. When our national security is concerned, we should do all we can not to limit our options. I am fearful we are limiting our options.

The House bill only prohibits the ''over the top'' route, which is what the whip alluded to. This would clearly address this point, and it would provide the alternatives that the economics dictate.

Mr. REID. Will the Senator yield?

Mr. MURKOWSKI. I yield.

Mr. REID. I say to my friend from Alaska, I recognize the many complicated and controversial issues in this legislation that are now here, or will be through amendment.

This is not one of the weeks where we say if we finish Thursday we will have no votes on Friday. I know this will take time. I understand that.

Mr. MURKOWSKI. I am not going anywhere. I want everybody to make sure they understand that clearly from the beginning this whole process was designed—and I don't think we are fooling anybody—to ensure that the

committee of jurisdiction did not get a chance to vote on it. An ANWR amendment would have been part of this bill because we had the votes. That is the bottom line.

We have gone on from there into this extended synergy, which I do not think is in the best interests of the Senate.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. BUNNING. Mr. President, I rise today to talk about the pending energy bill. I am glad we're finally having this debate. It has been a long time coming.

We desperately need a commonsense energy policy. Ever since the Arab oil embargoes over a quarter of a century ago, Congress has talked about passing a serious energy bill. Now is the time.

Coming after the tragic events of September 11, it is more important than ever that we have a policy that not only helps us meet our energy needs, but also protects our national security. In the past Congress has failed to make progress on energy because we have fallen into the trap of choosing between conservation and production.

But now I think that we have escaped that trap and reached the point where most of us in the Senate understand that a balanced energy policy must do both—it must help boost production of domestic energy sources as well as promote conservation.

The bill before the Senate today is a decent starting point that attempts to strike a balance between conservation and production.

There are some parts of the legislation that I support. For instance, eventually we are going to get a chance to vote on clean coal technology and ethanol provisions that are important to my State.

I also like the tax proposals coming from the Finance Committee that would promote conservation and the expanded use of cleaner burning fuels.

But overall the bill is too weak on production and contains several provisions that must be changed before the Senate finally passes a bill.

First of all, we need to look at improving the production side. We must have an energy policy that helps reduce our dependence on foreign oil. This means that we have to finally get serious about ANWR.

We deserve to have a straight up or down vote on ANWR. It's clear that a majority of the Senate supports safe drilling in ANWR.

It is the most promising source of domestic energy we have. It is critical to our future and our national security.

But because of the procedural gymnastics from the majority, it looks like we're not going to get a fair shot at voting on ANWR.

That is wrong. ANWR is too important and the stakes are too high not to let the Senate work its will on this matter.

I know that there are some in the Senate who are desperate to stop us from opening up in ANWR. The facts are not on their side. And a few of those facts bear repeating.

ANWR is roughly the size of South Carolina, Maine, Massachusetts, Rhode Island, Vermont, and New Hampshire combined. It is absolutely enormous. But when we talk about drilling in ANWR, we are talking about clean drilling in an area of less than 2,000 acres—smaller than many airports in the United States.

To say that drilling in this limited portion of ANWR threatens the entire environment of the refuge is far-fetched and alarmist.

Recent advances in technology enable us to successfully extract oil in ANWR in an environmentally sensitive way. The old stereotypes of dirty oil drilling just don't apply anymore.

In fact, if we do start exploring in ANWR, the drilling operations would be conducted under the most comprehensive environmental regulations in the world.

We all want to do what we can to protect our world. But it is just not credible to say that looking for oil in this one small, limited part of ANWR is a dangerous threat to the entire region. Many of the environmentalists fail to see that if we do not begin oil production in ANWR, oil companies in the Middle East, Russia, and elsewhere—places where environmental regulations are much less restrictive than ours or even nonexistent—will take up the slack.

Opening ANWR now might actually end up being more environmentally sensitive than the alternative. We also cannot escape the fact that drilling in ANWR, and boosting our domestic energy production, is vitally important to our national security.

Right now we import 57 percent of the oil we use and the number is expected to jump to 64 percent by 2020. There are more than 10 billion barrels of oil recoverable in ANWR. That's enough to fuel all of Kentucky's oil needs for 82 years. That is also enough oil to replace the volume we currently import from Saudi Arabia or Iraq for the next 25 years.

Drilling in ANWR provisions would not only make a tremendous difference for our domestic consumption, but would constitute a serious step toward ensuring our national security.

If the choice comes down to drilling in ANWR and lessening the chance that we will have to rely on Saddam Hussein and others in Middle East for our oil, then there is no choice at all.

Today we produce less oil than we did in World War II. We must reverse this trend. Drilling in ANWR won't change things overnight, and no single source can totally end our dependence on foreign energy.

But opening ANWR and boosting production are vital to this bill and to our national security.

On a different subject, I also think that we need to take a long look at the CAFE provisions in the Kerry/Hollings language in the bill. Currently, the CAFE standards are 27.5 miles per gallon for cars and 20.7 miles per gallon for light trucks.

The Kerry/Hollings provision in the bill would require a combined fleet fuel economy standard for cars and trucks to go to 35 miles per gallon by 2015. Their provision also would expand the definition of ''light truck'' to include vehicles up to 10,000 pounds. That would cover most SUVs and minivans.

Because the Kerry/Hollings provision changes current law by combining cars and trucks, that means that even if auto manufacturers can achieve 28 miles per gallon for their light trucks, some manufacturers will be forced to boost their car standards up to 50 miles per gallon just to reach the overall 35 miles per gallon average. That's a dramatic jump from the current standards, and pushes too far too fast.

The National Academy of Sciences recently studied this issue and the implications of raising CAFE standards on vehicle safety.

NAS found that rapid increases in fuel economy standards for cars in the early 1980's likely contributed to thousands of additional highway deaths.

Back then, auto manufacturers reduced the size and weight of their vehicles to help meet the new standards. But because the CAFE standards were raised too quickly, it turns out that making cars more fuel efficient also made them more deadly.

Today, one of the main ways for a manufacturer to increase its CAFE standards is to downsize its fleet. In fact, since 1978 vehicles have shrunk in weight on average by more than 1,000 pounds per vehicle.

At the same time, the death toll from car crashes has increased. Statistics show that in the last 25 years since fuel efficiency standards were first imposed, more than 40,000 people have died in crashes in which they might have otherwise survived had their vehicles been heavier.

While more people have died because of the increased fuel efficiency, our fuel economy is not much better than it was in 1970. Much of this is because consumers have chosen bigger cars. They want SUVs and minivans to haul their children to soccer games and to go on vacations. And they want larger vehicles because they are safer, more comfortable, and more powerful.

Consumers obviously are not asking for this mandate because they are choosing to continue to purchase larger vehicles despite other choices, including less expensive ones.

Kerry Hollings would overly regulate consumer choice at the expense of safety.

Because Kentucky has become one of the leading auto producing States in the country, I am also worried that the Kerry/Hollings provision would affect jobs. When the CAFE rules went into effect before, manufacturers spend huge sums of money to comply with the new rules. Because of that, many workers were layed off to help cut costs.

Today over 160,000 Kentucky workers are employed in the auto industry or in a job dependent on car manufacturing. That's almost 10 percent of my State's workforce. But many of these jobs will be at risk if the Kerry/Hollings provision in this bill becomes law.

I believe in increasing fuel efficiency in vehicles. I think we can and should do more on this front. But I do not believe that Congress picking a number out of thin air and mandating a target for manufacturers to hit is the way to go. Instead, I think we need to do what we can to encourage sound science by the industry that makes sound, incremental changes in fuel standards.

Finally, I would like to say a few words about the procedure that was used to bring this bill to the floor. The process that this bill went through to finally reach the floor was a sham. Last October, when the Energy Committee was finally going to begin marking up the bill, it was abruptly pulled at the last minute. Then the Democrats began working on their own proposal. Now almost 6 months later we finally get a chance to see their handiwork.

As I said at the beginning of my remarks, there are parts of it that represent a good starting point. But there are serious problems with the measure, problems that probably would have been fixed in the Energy Committee. But because they did not have the votes in committee, the Democrats short-circuited the committee process and brought the bill straight to the floor.

These procedural shortcomings have helped produce a flawed bill. If the legislation had gone through the usual legislative process, it would probably be a stronger, better bill. Many of us have to ask why did the majority do this. The answer appears to be that there was a fear that the energy bill coming out of the committee would include provisions such as ANWR for which we have the votes and that the majority leader decided to have this debate on the floor instead.

That is fine. That has happened before around here. But that also means that we deserve to have a fair shot with our amendments on the floor. It's one thing to shut us out in committee, but it's a whole other matter to try to do so on the Senate floor as well.

Let's have the debate on ANWR, on CAFE, and on other provisions and see where the votes are. If the full Senate is going to work its will on a sound policy, that's the least we can do. Anything else is going to produce a flawed, unbalanced bill that is not going to reflect well on the Senate and is not going to help the country.

We need a sound energy bill and we need it now, and the best way to pass a constructive bill is to have a full, healthy debate on the floor about all of the issues involved—ANWR, CAFE, and all of the rest.

If we have this debate, I think we can produce a balanced bill that increases production and conservation, produces jobs and makes a difference for our national security.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, before the Senator from Utah begins his statement, I ask unanimous consent that following the statement of the Senator from Utah, Senator JEFFORDS be recognized for up to 30 minutes, and following that, that Senator FEINGOLD be recognized to speak as in morning business for up to 10 minutes.

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

The Senator from Utah.

THE OLYMPIC GAMES IN UTAH

Mr. BENNETT. Mr. President, I appreciate the opportunity of sharing with my colleagues a summary of what happened in the Salt Lake games that took place the first 2 weeks in February, where the world came to Utah and was received in the spirit of the Olympic flame.

The Olympic Games are one of the few events, if indeed not the only event, where the world comes together in a non-political arena. There was substantial effort that went into these games, both on the part of the people of Utah and the Federal taxpayer. So I think it is appropriate that we have a summary and report to this body on that experience.

If I may, I would like to begin with some numbers. I know that is usually not the way to begin a public speech that you want anybody to listen to, but there are some numbers that outline the scope of these Olympics that I think are irreplaceable as an example of what went on.

These were the largest Winter Olympics in history, and Salt Lake City was the largest city to host a Winter Olympics. In the past, they have always been held in relatively small ski villages. This is the first time a major metropolitan area has been chosen as the host of the Winter Olympics. Some will argue with that and say Sarajevo was a major city, but Salt Lake City is the largest city that has ever been host to a Winter Olympics.

It was the largest number of athletes who have ever come to a Winter Olympics—2,500. They came from the largest number of countries ever represented at the Winter Olympics, 78, and they competed in the largest number of events—also 78. We kept adding sports to the Winter Olympics for this experience.

Three and one-half billion people watched the opening and closing ceremonies that were held in the Rice-Eccles football stadium at the University of Utah. Sixty-seven thousand people signed up to be volunteers—the largest volunteer pool ever created. Only 24,000 of them could be accommodated.

One of the interesting statistics—I don't have the final number—but far into the games, I was told, that of those 24,000 volunteers, only 77 were forced to withdraw for one reason or another: A health problem, a family emergency, what have you. The volunteers were a spectacular part of these Olympics.

There were 9,000 credentialed media that showed up to cover the Olympics. It was, as I say, the largest Winter Olympics in history.

In recognition of the size of the Olympics, it was declared for the first time as a National Special Security Event under Presidential Decision Directive 62. That directive, issued in the Clinton years, established national security events where the Secret Service would take the lead in managing the security. This is the first time the Olympics have ever been designated a National Special Security Event.

The zone of security for the Olympics covered over 900 square miles from Provo to Ogden. That was the largest coordinated area the Secret Service and other law enforcement people have ever been asked to guard—perhaps with the exception of the District of Columbia as a whole. Even at the State of the Union Message, you don't have an area as large as the area covered by these Olympics.

In order to meet the challenge of this security responsibility at these Olympics, we had 1,100 FBI agents, we had 2,000 Secret Service agents, and there were law enforcement officers from 48 different States.

As I went through one venue, I noticed on the sleeve of one of the law enforcement officers the badge of the Police Department of Gallup, NM. Law enforcement officers from 48 States came to help their Utah colleagues provide security for the games. Over 2,400 Utah law enforcement officers gathered from all over the State. There were also 2,400 military personnel—primarily National Guardsmen who came from six different States. And there were 2,200 fire and emergency response individuals. This was an incredible army of security personnel assembled to provide security for the athletes and spectators.

What did they handle? There were over 3.5 million spectators who went through magnetometers during that 2-week period—3½ million people processed on a time-frame. There were some who didn't get to their events on time. But overwhelmingly the ticket holders got to their events, went through the magnetometers, and were properly screened. There were 80,000 spectators processed each day through the magnetometers at Olympic Square. There were over 1,000 trucks processed carrying 250,000 tons of material and product. They were processed. They were screened. They got where they needed to go on time. It was an incredible security and logistical performance.

When the Attorney General was out there, I was with him, and we were

checking in advance the security preparations. At one of the venues, the officer briefing us summarized how good the security really was. As he said to the Attorney General, if you are going to get anywhere near this venue during the Olympics without a credential, you are going to have to be a moose.

What happened in terms of the threat as a result of this security activity? By comparison—the Atlanta Olympics were the last that were held in the United States—in Atlanta, they routinely had between 100 and 200 bomb threats every single day by people who felt confident enough to mount some kind of hoax, or threat, or attempt to disrupt—100 to 200 every day. In the Salt Lake Olympics, there were a little over 100 of those threats through the entire 2-week period.

Those are the statistics that give you the size and scope of what we were dealing with—the size and scope of the effort.

In an effort to make sure we were getting our money's worth and that we were on top of things, I visited the venue. I went to the Olympic Village where the athletes were. That was a self-contained city of 3,500 people—the 2,500 athletes plus 1,000 coaches and other team officials. It had its own badge, it had its own health clinic, it had its own dining hall and even its own movie theater. This village had its own post office, bank, dry cleaners and convenience store—it was self-contained.

Then I went to the media center, which was another city. As I said, there were over 9,000 accredited journalists there. Here is a city with its own store and bank as well as facilities for getting on-line, filing stories, and all of the things necessary for the media.

I visited the Public Safety Command Center where over 64 different agencies were located, coordinating all of their efforts.

I went to the joint intelligence center where all of the intelligence agencies—not only from our country, the CIA, the NSA, the DEA but also from other countries—were gathered together sharing intelligence information about what kind of threat they might see.

There was the joint information center where all of the information officers were gathered so that if there were any kind of an incident that came up, everyone would know about it instantly and be able to coordinate their responses.

I visited the Olympic Square and the Medals Plaza and, of course, every one of the athletic venues.

Out of all of this, the basic question that I think we should be addressing in the Congress is, What is the legacy of the Salt Lake City games? What is the lasting result of having held this event? I want to highlight a few of the items that came out of what I have described from all of the visitations I made.

The first legacy that is the most obvious is the degree of security expertise that has come out of this experience. As I said, I went to the security center and saw these 64 agencies in a room not the size of this chamber. They were sitting at a computer roughly every four feet, side by side, watching the computer screens and manning their stations 24 hours a day throughout the entire 17 days of the Olympics. That meant that anything that came up in the form of any sort of threat would be instantly known in real time and simultaneously to all 64 agencies.

I was interested to note the labels that were on the little cardboard folders on the top of each computer. Here was a computer with a label on it that read ''FEMA.'' It was reassuring to know that the Federal Emergency Management Administration was present. Next to it would be one that read ''FBI''—that was reassuring—and on through a number of other Federal agencies. In addition, there were various State agencies—the Utah Highway Patrol, the local police agencies, and county sheriffs departments; the Davis County Sheriff's Department.

One label caught my eye which demonstrated to me just how significant an effort this was. There was a label that said ''U of U Police Department.'' The University of Utah security guards were in the same room with the Secret Service and FEMA, because if something happened at the University of Utah—the place where the athletic village was located—the University of Utah police would have to be the first responders. But they were in the same room and were getting the same information that FEMA was getting—FEMA if it was a major fire; that the FBI was getting if there was a major law enforcement challenge; and that the Secret Service was getting if there were some kind of a threat to the President. All were in the same room. All were coordinated. It was a seamless effort, from the Secret Service at the top, all the way down to the smallest—I will not say lowest; smallest—local law enforcement agency. Nothing like this has ever been accomplished before and, certainly, nothing on the scale like this has ever been accomplished before.

The legacy that comes out of this is a degree of expertise and understanding of coordination in law enforcement that can be used as a template for homeland security and homeland defense.

I have made reference of this to Governor Ridge, when he was here, and said, ''You need to look very carefully at the experience of the Salt Lake Olympic games. It will give you guidance that will be absolutely invaluable as you struggle with the problem of divided jurisdiction among law enforcement agencies.''

While I was there, the man who was running the center turned to me and he said: Senator, this is boring. Nothing is happening. In the security business, boring is good. I smiled a little at that because it did look as if nobody was doing anything. Then he made an interesting comment. He said, ''Senator, we think that a number of groups that would otherwise have come to Salt Lake City in an attempt to disrupt the Olympics or do even more serious damage. These groups scoped out the security pattern we had here and decided to stay away.''

Indeed, he cited one activist group that, on their Web site, instructed all of their supporters around the country: Stay away. They're ready for us in Salt Lake. If you show up, you will be immediately taken care of. There is no point in coming.

So the games went on flawlessly from a security standpoint because of the incredible coordination that went on, from the Secret Service down to the smallest local law enforcement agency.

That is the first legacy that will come out of the Salt Lake City games: that degree of expertise, that understanding of how things should be done.

In connection with that legacy, I have to acknowledge the work of Brian Stafford, the Director of the United States Secret Service, who personally paid a significant amount of attention to these games. He was in Utah a number of times. Mark Camillo, the special agent in charge, practically became a citizen of Utah. He has been out in Utah for the last 24 months. The FBI, of course, under the leadership of Director Mueller, should be congratulated for an outstanding job. Bob Flowers, who is the head of the Utah Olympic Public Safety Command, was a very significant player in all of this. His right hand person, Dave Tubbs, Executive Director of the Utah Olympic Public Safety Command, deserves further commendation and congratulations.

These are the people who created this legacy from which the nation will draw benefit for years to come.

The second legacy that comes out of these Olympics are the facilities that were built. There were already ski facilities in many places in Salt Lake, but now we have built facilities that were not there before. For example, the ice skating oval in Kearns; the luge/bobsled/skelton track and the ski jump at Utah Olympic Park—those things were created and upgraded for the Olympics.

I had lunch with the President of the U.S. Olympic Committee, Sandra Baldwin. She said to me, ''All of our speed skaters historically have come from Wisconsin.'' That is a little bit of an overstatement, but she backed down and said, ''All right, most of them have come from Wisconsin.'' Why? Because that is where the best training facilities are for speed skating. We expect now that many of our gold-medal-winning speed skaters will start to come from not only Utah but the entire western United States.

Then the comment made by some athletes at the lunch, and they were not necessarily Utahns, ''Salt Lake City is easy to get to. Salt Lake City is accessible by a majority airport. It is a

major city with hotel and places to stay. Athletes from all over America can come to Salt Lake City to train far more easily than they can in existing training facilities.''

One of the legacies of these games will be better prepared, better trained American athletes. These games set the record for Americans winning medals at the Winter Olympics. I expect that record will be broken in the future because of the legacy of the Salt Lake Olympic Games.

In the process of creating those facilities, we produced yet another legacy. I will talk about what was one of the more controversial aspects of the Olympic facilities: the creation of the men's and women's downhill at Snowbasin. In order for that to happen, there had to be a land exchange so that Earl Holding, who owned the Snowbasin facility, could get the land necessary to create the venue that worked so well in the Olympics and that everyone saw on television.

The Forest Service owned most of the land Mr. Holding needed. The Forest Service said, ''We would be willing to deed that land to Earl Holding, but we don't want money in exchange. We want other lands.'' The Forest Service identified 11,000 acres of land in the State of Utah which, for management purposes, they wanted to acquire.

An appraisal was done. The 1,300 acres they deeded to Earl Holding in financial terms was worth the same amount as the 11,000 acres the Forest Service acquired. So even though the Forest Service acquired 8 or 9 times as many acres as it gave up, in financial terms the swap was equal. A careful appraisal was made by the Government to assure that the interest of the public was protected.

Without going into the details, this was the legacy that the Forest Service has as a result of that land swap. In a report they filed in May of 2000, they summarize what they received as a result of the land swap that was stimulated by the Olympics: 15.3 miles of perennial streams, 21.5 miles of intermittent streams, a 23-mile reduction in the boundaries that they have to police, consolidation of ownership, and the elimination of the threat of development of these lands.

They have acquired suitable habitat for threatened and endangered species—both plant and wildlife—as well as habitat for big game calving and fawning, in both summer and winter. They acquired three miles of existing road access that they did not have before, and there are 3.5 miles of existing four-wheel-drive road to be evaluated in Box Elder County, and 15.5 miles of existing trail access was acquired, along with a wide variety of dispersed recreation opportunities, again, for both winter and summer.

I spoke with the Forest Service personnel as I did my visits to the Olympic venues, and they told me how delighted they were with the way the Snowbasin venue had been developed.

They said it was the finest development they had seen and one which they would hope would be a model for other entities who would deal with Forest Service land. But they also described to me how delighted they were at the legacy of better management of Forest Service lands in Utah that comes as a by-product of the Olympics.

Housing, another legacy from the Olympics is that there will be more low-income housing in Utah as a result of efforts necessary to provide housing for Olympic guests. Frankly, we did not get as much low-income housing in Utah as I would have liked. We did not get as much as we originally thought we would get when we embarked on this program. However, one aspect of the housing that needs to be talked about has to do with housing on Indian reservations. Housing was provided for the press in manufactured units. They came straight from the factory. They were assembled on the place, and they became the housing units for people in the press. They were also at a distant venue in Soldier Hollow, where they were used for housing Olympic athletes who needed to stay there rather than at the Olympic Village.

The Olympics are over. What do you do with this housing? Because it is manufactured housing and can be shipped easily, these houses are now in the process of being dismantled and sent to Indian reservations in the State of Utah to provide affordable housing for Native Americans. That is another one of the legacies of these Olympics.

We have a security legacy. We have an athletic facilities legacy. We have a land management legacy, and we have a housing legacy. We should all be proud of that and grateful for that.

There is one more legacy that may be, while intangible, more important than those I have previously mentioned. Let me give an anecdote to illustrate my point. We, of course, were as warm with visitors from foreign countries. As they went around Salt Lake City, as they talked to the volunteers, they had an experience in America.

One of them described it this way, ''After September 11 and then the war and the attacks in Afghanistan, we had the feeling that the Americans stood astride the world and we expected, when we were coming to America for the Olympics, that the Americans would be pretty cocky, that the Americans would be lording over the rest of us the fact that they were in charge, that the Americans could do whatever they wanted anywhere in the world, and now you are coming to our Olympics, and the Americans would be filled with overweening pride and a little bit of hubris.''

They went on to say, ''We have come into this Olympic atmosphere and found nothing but warmth, graciousness, willingness to be helpful, to reach out, and to form relationships around the world. We have found none of the pride and haughtiness we expected. We go away from these Olympics with a different view of America and Americans than we had before we came. We will spread that view in our home countries.''

In many ways, that is the most important legacy to come out of these Olympics. Coming against the backdrop of September 11th, it was the coming together of people from 78 nations, of 9,000 journalists, to a nonpolitical arena and to find the humanity, the friendship, the fellowship, and the open nature of human beings regardless of their country that will bless the world.

After September 11, there were proposals to cancel the Olympics. I remember having a conversation with Mitt Romney, President of the Olympics, about that possibility.

I said, ''What will happen if you cancel the Olympics?''

He said, ''The first thing that would happen is we will go bankrupt. There will be hundreds and hundreds of millions of dollars of default because we can't pay our bills unless we get the revenue from actually putting on the games. We can't cancel the games. More importantly, we must not cancel the games because that would send a signal to the terrorists that they truly had won.''

Nonetheless, there was the shadow of what would happen if the games went forward hanging over it. A number of my colleagues in the Senate expressed their concern about that.

We went forward with the games. Not only did we provide safe games in the way I have described, we provided warm, gathering, closing-of-wounds, reassuring kinds of games that told the world we are all still one family.

Enormous thanks belong to a number of people for producing that legacy. Mitt Romney, of course, stands first as the CEO who took over a situation that was challenging and produced the result I have described, along with his chief operating officer, Frazier Bullock.

I want to thank the American people for their contributions and the sense of total American participation. Driving around Salt Lake City, I saw a lot of strange buses from a lot of places I did not recognize. Finally, I saw a familiar bus. I thought: Oh, this is a hometown bus. Then I realized it was a Washington metrobus, not a Salt Lake City UTA bus. The buses came from all over the country.

On our light rail in Salt Lake, the cars are all white. Suddenly, there were a bunch of yellow cars. I wondered from where they came. The answer was, Dallas, Texas. The folks in Dallas, Texas, sent us their railroad cars to supplement ours for our light rail system.

This was truly an American effort that produced the legacy of goodwill and good feelings around the world.

I thank the American people for their help. I want to thank Governor Leavitt, the Governor of Utah; Bob Garff, chairman of the Olympics—they all deserve special thanks.

One individual I will single out, whom many of you have met, is Cindy Gillespie. She was vice president of the Salt Lake organizing committee who handled governmental relations. She was superb at it. She also represented a source that we all found valuable. She did the same job for the Atlanta games. She brought an institutional memory of what the challenges had been in Atlanta that helped us do things a little differently in Salt Lake.

Finally, among my colleagues, I must acknowledge the Senate's leading supporter of the Olympic movement, TED STEVENS of Alaska, who put his full energy in backing these games. I am sure he had some residual regret that the games did not go to Fairbanks but came to Salt Lake City, but he threw himself into support of the Olympics in a manner that was truly heroic. And other Senators: Senator INOUYE, who took over chairmanship of the defense subcommittee when there was a change in leadership, was every bit as supportive as Senator STEVENS. I want to thank Senator BYRD the chairman of the Appropriations Committee for his help. Also Senators GREGG and HOLLINGS, who had the responsibility of funding the requests that came from the President with respect to the Justice Department and the FBI. Senators CAMPBELL and DORGAN for their help in providing adequate funding for the Secret Service. I want to also thank all of my Senate colleagues for their great support. The support for the Olympics was very broad based.

Finally, while I am thanking, I must acknowledge that the Clinton administration could not have been more supportive, and could not have done a better job in seeing to it that these were in fact America's Olympic Games. When the Clinton administration left office and the Bush administration came into power, the transition was seamless. The same support that came out of the White House and all aspects of the administration made a very significant difference.

It is that final legacy, that the support of America has been recognized around the world, and that the goodwill of America will radiate from these games around the world, that is the legacy for which I am the most grateful. It was summarized at the closing ceremonies by Jacques Rogge, the new president of the International Olympic Committee. You may know that in the past it has been the habit of the president of the International Olympic Committee to give a scorecard, a report card of how well the Olympics has done. The comment that has always been looked for at every Olympics before is when the president of the IOC stands up and says, ''You have given us the finest Olympics ever.'' That is what all of us in Salt Lake were hoping we would get, that accolade.

Jacques Rogge said, three or four days before the closing ceremony, he would not say that. He said, ''I am going to remove that tradition from the IOC. Every Olympics is different. I am not going to create that expectation, and I tell you in advance, don't be expecting that.'' So he came and he gave his formal closing remarks. They were written in the program and they were wonderful. But he ad-libbed, as he was caught up in the same spirit of good will throughout the world that I have described as the Olympic's most important legacy. And off of his prepared remarks, he turned to all of us and he said:

> People of America, Utah, and Salt Lake City, you have given the world superb games. That is a legacy of which all Americans can be proud.

I yield the floor.

Mr. HATCH. Mr. President, I rise to pay tribute to all the men and women in the State of Utah and this nation whose hard work and diligence made the 2002 Salt Lake City Winter Olympics the best in the history of the Games.

I want to pay special tribute to the efforts of my Utah partner, Senator BOB BENNETT. We owe him a great deal of gratitude for his leadership and guidance to ensure that the 2002 Winter Olympic Games had the resources and manpower necessary to be successful.

The 2002 Olympics proved that we as a nation can conduct national events where the need for security is balanced with the spirit of the event. In this new age, where terrorism is a constant threat, securing the Olympics was a joint effort. It involved private citizens, Utah businesses, and federal, state, and local law enforcement agencies. The result was a security operation that provided a blueprint for the future.

The 2002 Winter Games were a showcase of American determination, resiliency, creativity, and resourcefulness. The challenge of planning for and executing an event of this magnitude was daunting even prior to the tragedy of September 11th. Following the September 11th tragedy, however, the security of the Winter Olympics became the subject of intense scrutiny in this country and throughout the International Olympic community. Frequently asked questions included: Can the United States still produce a first-rate event given the new security environment? Should the Games be cancelled? Should the Games be scaled back? Would the event become an armed camp?

There was never a question, however, among the organizers and planners of the Games as to whether the Olympics would go forward. They rolled up their sleeves and set out, determined to ensure that these Games were the best and safest Games ever. Law enforcement officials were confident that they already had an excellent security plan in place. Federal, state, local and private agencies developed and strengthened partnerships so the spirit of the Olympic Games could thrive.

The nation and, indeed, the entire international Olympic community were blessed that people of courage and conviction were already in place and prepared to carry out their tasks. I would like to take a moment to thank these wonderful men and women for what they did. I am very proud of all of them.

First, I want to thank all the strong, brave, and gifted Olympic athletes who participated in the Winter Games. I am especially proud of the United States' athletes who performed so magnificently and brought home 34 medals—more than double the bronze, silver and gold the United States brought home from the 1998 Nagano Winter Games. This was 28 more than were won in the 1988 Winter Games in Calgary.

I also want to thank Utah Governor Mike Leavitt and Salt Lake City Mayor Rocky Anderson, U.S. Attorney Paul Warner, Assistant U.S. Attorney Dave Schwendiman, as well as, the many other local city and county officials, and their staffs, who hosted the Games and marshaled the resources which made the Olympics such a success. They represent the great character of the people of Utah.

Utahns work very hard to preserve the beautiful natural backdrop that the world admired and enjoyed so much throughout the Games. They also worked very hard to build the modern, state-of-the-art infrastructure that made the Games possible. It was Utahns who provided the indomitable pioneer spirit which inspired the Games to reach new heights. Without the tens of thousand of Utah volunteers, the Games would not have been possible at all, let alone the unqualified success they turned out to be.

But this is only part of the success story. The 2002 Winter Olympic Games were possible because of well-conceived and well-executed partnerships among Federal, state, local, and private organizations. Not enough can be said about the way private enterprises partnered with government at all levels. Mitt Romney, President and CEO of the Salt Lake Organizing Committee, and Fraser Bullock, the Chief Financial Officer and Chief Operations Officer, are great Americans and heroes of the 2002 Olympic Games. Their collective business acumen, indomitable spirit, and eye for beauty and passion brought about a splendid production from start to finish—that was enjoyed immensely by the whole world. I want to personally thank the entire Salt Lake City Organizing Committee for 17 days of magic!

For many years, the Salt Lake Organizing Committee Board of Trustees was the backbone of planning the Games. These dedicated men and women provided critical guidance and support in developing the overall architecture and operations for the Games. We all owe a great deal of thanks to the able leadership of Frank Joklik, who was also the former CEO and President of the Salt Lake Organizing Committee, as well as former Chairman of the Board of Trustees. Under

the direction and care of Bob Garff, current Chairman of the Board of Trustees, the Board has been second to none in keeping the Games on track over the years. We are very proud of every member who has ever served on the Board of Trustees.

The current Board of Trustees have every right to be proud of their accomplishments. We salute: Mr. Spence Eccles, Mr. James Beardall, Ms. Sandy Baldwin, Ms. Teresa Beck, Mr. J. Dwight Bell, Mayor Lewis K. Billings, Mr. Luke Bodensteiner, Mr. Kenneth Bullock, Ms. Camille Cain, Mr. Joseph A. Cannon, Mr. Don Cash, Mr. Keith Christensen, Mr. Forrest Cuch, Ms. Kathaleen K. Cutone, Ms. Anita Defrantz, Ms. Maria Dennis, Mr. Randy Dryer, Mr. James L. Easton, Mr. Ed Eyestone, Mr. Rocky Fluhart, Ms. Maria J. Garciaz, Mr. George Garwood, Mr. Paul George, Ms. Rachel Mayer Godino, Ms. Joan Guetschow, Mr. Jim Holland, Mr. Tom Hori, Mr. William Hybl, Mr. Nolan Karras, Mr. Karlos Kirby, Mr. Don J. Leonard, Ms. Hilary Lindh, Dr. Bernard Machen, Mr. Bill Malone, Mr. Larry Mankin, Mr. Al Mansell, Mr. Henry Marsh, Mr. Jim Morris, Ms. Carol Mushett, Mayor Brad Olch, Ms. Grethe B. Peterson, Ms. Margaret Peterson, Mr. Dave Pimm, Mr. John Price, Mr. Early Reese, Mr. Chris Robinson, Mr. Mike P. Schlappi, Dr. Gerald R. Sherratt, Mr. Bill Shiebler, Mr. William J. Stapleton, Mr. Marty R. Stephens, Mr. Gordon Strachan, Ms. Picabo Street, Mr. James R. Swartz, Ms. Lillian Taylor, Ms. Diana Thomas, Mr. Richard Velez, Mr. Lloyd Ward, Ms. Ann Wechsler, Mr. Winston A. Wilkinson, Mr. Marion Willey, Mr. C.J Young, Mr. Ed T. Eynon, Mr. Kelly J. Flint, Mr. Grant C. Thomas, Mr. Brett Hopkins, Mr. James S. Jardine, and Mr. Lane Beattie.

I want to give special thanks not only to the current board but to past board members who have also given so much to these Olympics. They include: Verl Tophan, Earl Holding, Alan Layton, Scott Nelson, Tom Welch, Dave Johnson, Fred Ball, Jack Gallivan, former Utah Governors Calvin Rampton and Norm Bangerter, former Salt Lake City Mayor, Dee Dee Corradini, Palmer DePaulis, Jake Garn and many others.

The members of the Utah Olympic Public Safety Command, known as USOPSC also deserve special recognition. I am especially proud of its Commander Robert Flowers, Vice Commander Rick Dinse, and Executive Director David Tubbs. This 20-member interagency and intergovernmental body developed and implemented all the public safety and security measures for the Games. I also want to express my appreciation to Earl Morris and former USOPSC member Craig Dearden for their tireless efforts. This unique cooperation between the public sector and the private sector, between federal agencies and state agencies should get an Olympic gold medal. Within the UOPSC structure, all these organizations focused on the task of making the Games safe and enjoyable while leaving organizational biases and petty preferences at the doorstep. I believe that this approach is the blueprint for all future National Special Security Events and the UOPSC structure may even be a model for other states as they continue to implement their plans to combat terrorism.

When the Olympics were designated a National Special Security Event, three federal agencies were primarily responsible for creating the security network for the Games. They were: the Secret Service, the FBI, and the Federal Emergency Management Agency. Attorney General John Ashcroft, FBI Director Robert Mueller, FBI Special Agent in Charge Don Johnson, Secretary of Treasury Paul O'Neill, Secret Service Director Brian Stafford, Secret Service Olympic Coordinator Mark Camillo, FEMA Director Joe Allbaugh, and the Secretary of Health and Human Services Tommy Thompson.

I also want to take this opportunity to recognize other critically important members of the Olympic Games partnership. These are the men and women, many of whom are unsung heroes, who ensured the safety, security, and welfare of the Games participants and spectators. Among these are: the active duty and reserve military personnel who stood in the cold for hours inspecting cars and manning security checkpoints; the military pilots who flew a lonely vigil over Utah venues; and those uniformed personnel who manned cold, remote radar sites.

The legions of personnel from every level of federal, state, and local law enforcement who worked 24 hours a day, seven days a week vigilantly watching, inspecting, and protecting the Games also need special recognition. I think about the fire and emergency medical personnel who, like their law enforcement brothers and sisters, were on duty around the clock, planning for the worst while praying for the best. Finally, let us not forget the private nonprofit organizations such as the American Red Cross and the AmeriCorps who cared for those that might have been forgotten in the excitement of the Games.

We also need to acknowledge the other everyday heroes whose stories often did not make the press. It is amazing that in a state as sparsely populated as Utah, there were well over 60,000 applicants for the 30,000 volunteer positions.

And we all have to pay special tribute to the inspirational performances by The Mormon Tabernacle Choir, for their presence at so many events lifted our spirits and touched our hearts. The Church of Jesus Christ of Latter-Day Saints provided the security for these events, as well as, security at Temple Square. The Church's efforts were lauded by local and federal law enforcement officials alike.

I would like to spend a few minutes discussing the preparation and execution of security for the 2002 Salt Lake City Olympic Games. There is a great story here. I hope the lessons learned in Utah from the efforts of the many men and women in the security community will help others charged with protecting their communities.

The most important lesson learned, and one which I can not emphasize enough, is that security success depends on the open and willing cooperation among agencies at all levels of government and in the private sector. If I had to point to a one thing that spelled the difference between success and failure for the Olympic Games, I would have to say that is was the open lines of communications among all law enforcement agencies, fire and emergency medical services, hospitals and universities, and private and non-profit organizations at all levels.

More than 60 federal, local, and state law enforcement agencies contributed to the public safety of the 2002 Winter Olympics. Let me tell in detail why this experience in Salt Lake City is so unique.

In August 1999, the 2002 Winter Olympics in Salt Lake City was designated as a National Special Security Event. Once this designation was made, the Secret Service became the lead federal agency for designing, coordinating and implementing security at the event. With responsibility for protecting over 2,300 athletes from 77 nations, scores of foreign officials and dignitaries, and over one million spectators, the Secret Service's Major Events Division collaborated with dozens of other federal, state, and local law enforcement agencies and public safety officials to design a multi-faceted and comprehensive security plan. They worked for nearly 16 months to establish a safe and protected environment at an assortment of venues in the Salt Lake City area.

The tragic events of September 11, 2001, ushered in a new era of heightened security, with even more emphasis on precaution and prevention. After the terrorist attacks, efforts intensified to enhance existing security plans designed and tailored to the requirements of each of the many individual venues at the Winter Olympics.

In the end, the 2002 Winter Olympics were a rousing success story for not only the United States athletes, who established a new record for American success at the Winter Games with 34 medals, but also for the thousands of athletes and hundreds of thousands of spectators who were able to compete and attend events in the safest and most secure environment possible.

The 2002 Winter Olympics represented the largest coordinated security effort in our Nation's history. While most security plans for a sporting event may typically include a large stadium and the surrounding area, the Secret Service was responsible for coordinating security at 15 different venues consisting of: the Delta Center, Medals Plaza, Main Media Center,

Rice-Eccles Olympic Stadium, Olympic Village, Ice Sheet at Ogden, IOC Hotel, Snow Basin Resort, Park City Mountain Resort, Deer Valley resort, Utah Olympic Park, Soldier's Hollow, Peaks Ice Arena, E-Center Ice Arena, and Ice Oval at Kearns. There also were special security requirements implemented at the Salt Lake International Airport and Salt Lake City's downtown Washington Square.

Compounding the difficulty of securing such a large and diverse number of venues was the sprawling geographical coverage of the Winter Games. The zone of security stretched for 900 square miles, from Provo to Ogden, providing numerous operational and logistical challenges for the Secret Service.

The security plan was designed and developed to provide the most secure environment for athletes, spectators, and protected venues. There was an airspace security plan to restrict certain aircraft from approaching any protected venue. There was a cyberspace security plan to ensure that no electronic intrusions could disrupt communications and operations. In addition, there was a physical security plan, including remote poststanders, magnetometers, state-of-the-art security cameras, chain-link fences, and electronic sensors.

Notwithstanding all of the technology and electronic monitoring, the foundation of any security plan is the law enforcement personnel implementing it. At the Winter Olympics, over 10,000 federal, state and local law enforcement and public safety officers stood watch around the clock, working in a collective and collaborative effort toward one single goal: to prevent any incidents that could cause harm to athletes or spectators, or create significant disruptions of the Games themselves.

The result of this comprehensive and sweeping security plan was secure surroundings that allowed athletes and spectators alike to enjoy the atmosphere of this international gathering without having to navigate any overly burdensome or time-consuming security checkpoints.

While there were occasional evacuations or disturbances, none of these matters were deemed serious, and there were only a handful of minor arrests during the course of the 17 days of the Games. Although at the close of the Olympics, there were no medals for the Secret Service and its partners in law enforcement and the military, the thousands of men and women who participated in the execution of perhaps the most sophisticated and successful security plan in the Secret Service's 137-year history deserve recognition and gratitude for their tireless efforts and dedication to their critical jobs.

In sum, the Salt Lake City Olympics provided the opportunity to develop and execute a plan to protect a 900 square mile part of this country. I urge that we capture the lessons learned from this experience and incorporate these lesson into our national security planning process.

Following the great traditions of this country, the success of the 2002 Salt Lake City Winter Olympics was not due to any one individual, but to all who participated. From the spectators at the venues who showed patience, to the athletes who demonstrated the power of sport, to the organizers and protectors who gave us outstanding Games, and finally to the American people, including this Congress, who overwhelmingly supported the Games, we proved to the World that the events of September 11 will not deter this great Nation.

Finally, I want to take this opportunity to thank the staff who worked tirelessly with me on the Olympics: Kristine Iverson, Patricia Knight, Roslyn Trojan, Christopher Campbell, Scott Simpson, Melanie Bowen, Heather Barney, and Christopher Rosche. I also owe a special thanks to Brandon Burgon who made sure I was always where I was supposed to be, and that I was on time. I appreciate everything they did, and am very proud of them.

The PRESIDING OFFICER (Mr. REED). Under the previous order, the Senator from Vermont is recognized for up to 30 minutes.

NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 2001—Continued

Mr. JEFFORDS. Mr. President, we will have before us over the next several weeks a historic opportunity to change the direction of energy use in this country.

I know you will hear from many of my colleagues that the events of September 11 have changed how we must view energy, and on that point we must all surely agree. An increasing reliance on energy imports from politically unstable areas of the world is not in America's best interests, and we must reassert our dominance over our own energy production and innovation. One of the most important ways to achieve this is to wean ourselves from foreign oil in our transportation sector, and to diversify the energy base for our electricity generation into clean, domestically produced renewable resources.

We have before us a piece of comprehensive energy legislation that quite frankly is one of the best to emerge from this body in some time. Senators DASCHLE and BINGAMAN have brought forward, in their comprehensive amendment to S. 517, legislation that would spur the development of renewable energy resources, that will advance efficiency in our transportation, building and electricity sectors, and that will begin to address global climate change. I support many of the provisions of this legislation, particularly those that encourage the production of renewable energy, and those that provide additional funding for energy assistance to low income households.

As chairman of the Committee on Environment and Public Works, I have considerable interest in several areas within the committee's jurisdiction. These include issues relating to regulation of commercial nuclear power plants, and to air and water quality issues such as global climate change, the use of reformulated fuels, and air emissions from the transportation sector. I support the bill's provisions on efficiency standards for homes, schools, and public buildings, as well as the efficiency standards for appliances and other consumer and commercial products. I also support increased funding for the Low Income Energy Assistance, LIHEAP, program, and for expanded R&D for reducing greenhouse gas emissions and promoting efficiency and renewables. I look forward to inclusion of the tax provisions passed out of the Finance Committee, particularly those provisions which extend and expand the production tax credit for renewables, and provide credit for alternative fuels and alternative fueled vehicles. As chairman of the Environment and Public Works Committee, I have particular interest in those provisions of the bill which address the protection of our environment through reductions of emissions and pollutants affecting air and water quality.

Earlier this Congress, the EPW Committee reported out S. 950, the Federal Reformulated Fuels Act. This bill provided recognition of the need to reduce MTBE contamination of water supplies and enhance fuel suppliers' flexibility in meeting market demand. We have also recognized the need to grow the renewables share of the transportation fuels market. I commend the leader, Senator DASCHLE, for convening a broad and diverse group of stakeholders to craft an agreement on these issues in the fuels section of S. 517. I support the provisions in the Daschle bill that will raise CAFE standards, a long overdue action that will dramatically decrease the amount of gasoline consumed on our highways.

Both the reformulated fuels and CAFE provisions will benefit the environment, and reduce our dangerous dependence on foreign fuels. I am supportive of the provisions in the Daschle bill that set us on a path to seriously address global climate change. I am however deeply concerned that administration of the greenhouse gas database is not placed with the EPA, the agency most clearly qualified to run this program. No other agency has the experience with air emissions data or capability to run such a program more effectively. The agency already collects detailed carbon dioxide emissions information from the utility sector, and leads the Federal agencies in preparation of the national inventory, pursuant to the Global Climate Protection Act of 1978 and other authorities. Placing this responsibility elsewhere in the Federal bureaucracy seems duplicative and illogical.

As chairman of the Environment Committee, the environmental and

public health impacts of emissions are on the top of my list of concerns. These issues are not directly addressed in S. 517. As this session moves forward, the EPW Committee will be considering legislation that would cap greenhouse gas emissions from the transportation sector, which is responsible for approximately one-third of U.S. emissions. I support the inclusion in the electricity section of the bill of a net metering standard, which would give consumers credit for their own production of solar or wind energy. I am however concerned that the bill fails to include provisions, either through a public benefits fund or an electric efficiency mandate, to ensure the continuation of programs to encourage electricity efficiency innovations by utilities. Efficiency in electricity generation is a vital component of consuming less fuel, and lack of a provision addressing this issue is a major failing in the legislation. I am also concerned that the definition of biomass in various places in S. 597 does not exclude incineration of municipal solid waste, a process which results in emissions of mercury and sulfur dioxide. Measures which seek to encourage increased use of clean renewable energy should not provide new incentives for incineration of municipal solid waste.

One of the most important aspects of the legislation is its provisions for increasing the use of renewable energy in our nation. Unlike the House bill, Senator DASCHLE's bill includes a renewable portfolio standard which will guarantee that a greater portion of America's electricity needs are met by renewable energy. To date, the administration, like the House, has not endorsed this most basic of concepts, and I strongly commend Senator DASCHLE and Senator BINGAMAN for stepping forward on this crucial issue. This notwithstanding, I cannot support the Daschle renewable portfolio standard. My primary concern with his provision is that it does not go far enough to provide the level of environmental protection and market stimulation that a national renewable portfolio standard should provide.

S. 597, Senator DASCHLE's bill, contains a renewable portfolio standard requiring the generation of 10 percent of renewable energy electricity by the year 2020. While moving in the right direction, this will not provide the level of investment and growth achievable by my amendment. We must be aggressive in finding alternatives to fuels that pollute, or present unacceptable security risks. I will be introducing an amendment today that will ensure that by the year 2020, 20 percent of the electricity Americans use will be supplied by clean and safe renewable energy from wind, solar, biomass or geothermal sources.

The United States today relies heavily on coal, nuclear power, and natural gas to generate its electricity. Yet the United States is also blessed with an abundance of renewable energy resources including wind power, intense solar energy, vast sources of biomass, and geothermal energy. These renewable energy resources do not pollute, they need not be bought from foreign markets, they do not leave behind piles of toxic wastes, and they will not run out.

Because renewable energy has been with us forever, we tend to disregard it. We tend to think of it as too simplistic to meet our modern energy needs. Like this windmill pictured from the old American West, we tend to think of wind, and other forms of renewable energy as quaint, but outdated vestiges of our past. We could not be more wrong. According to the U.S. Department of Energy wind energy has been the fastest growing source of electricity generation in the world in the 1990s.

Today, the U.S. wind industry generates about 3.5 billion kilowatt-hours of electricity each year, enough to meet the annual electricity needs of 1 million people. The costs of wind energy in the United has dropped more than 80 percent in the past two decades, with today's prices being competitive with electricity being delivered by fossil and other fuels. As you can see in this picture of a modern windmill farm in Texas, times have changed. In Texas alone, wind power generation has more than doubled in the past three years, and estimates are that up to 1,000 megawatts of new renewable energy capacity will be operating by the end of this year. This jump is attributed in large part to a State renewable energy standard signed into law by Governor Bush in 1999.

Throughout the country, utilities are installing wind turbines and other renewable energy facilities as customer demand for clean energy grows, and costs drop.

These pictures illustrate but a few examples, such as this wind farm in Colorado; or the Northern States Power wind farm in Minnesota; the Vanscycle Ridge wind farm in Oregon; this wind facility providing electricity to the people of Traverse City, MI.

Wind production can be especially beneficial in rural and remote areas, as we can see by this wind turbine in remote Kotzebue, AK, which displaces diesel fuel generation.

Geothermal, biomass and solar are also making increasing contributions to local and regional electricity generation. This Nevada geothermal power plant produces electricity for 100,000 people. This geothermal facility in California has produced the energy equivalent of over 250 million barrels of oil, and currently provides electricity to over one million people. This geothermal plant in Hawaii provides electricity for 60,000 people. This modern complex in Lousiville, KY is heated and cooled by geothermal heat pumps.

Energy produced from biomass has the potential to account for almost as much renewable energy electricity production as wind. Here a biomass facility in Shasta County, CA converts wood wastes into electricity. This tractor is harvesting switchgrass in Charington Valley, IA where farmers planted over 4,000 acres of switchgrass, which when burned will generate a continuing 35 megawatt flow of clean burning energy. If successful the project will be scaled up to 50,000 acres and involve 200 to 500 farmers. This bioenergy plant in Fayetteville, AR is testing new bioconversion processes. This photovoltaic charging station in Tampa, FL recharges batteries for hybrid electric vehicles, then contribute excess generated power back to the electric grid. This cattle rancher in Idaho uses wind energy to power his home and ranch under a program sponsored by the Idaho Power Company. This shows the solar array at BP Solarex headquarters in Frederick, MD. BP solar, a subsidiary of BP International, is a leading world developer of photovoltaic technology, with offices and manufacturing sites around the world. This solar concentration system at Sandia National Laboratory in New Mexico produces utility grade electric power.

Despite these exciting advances in U.S. renewable energy, the United States and American businesses still lag far behind advances being made in Europe and the rest of the world. Compared to the roughly 1 million American homes that are served by renewable energy, installed international wind capacity is enough to satisfy the electricity needs of 23 million people. The U.S. wind industry is actively seeking to utilize marketing opportunities outside the United States.

According to the U.S. Department of Energy's National Wind Technology Center, these prospective wind energy markets could translate into several billion dollars in sales for the U.S. wind industry. U.S. firms have already installed turbines in Canada, The Netherlands, Mexico, South America, Spain, Ukraine, and the United Kingdom. Nonetheless, 90 percent of the world's wind turbine manufacturers are European, with a combined annual turnover of more than one billion Euros.

These potential markets are only likely to increase. As the European Wind Energy Association states:

> Whereas the cost of most forms of energy are bound to rise with time, the costs of wind energy are actually coming down.

Offshore European wind projects at various stages in the pipeline amount to more than 5,000 megawatts. Even accounting for the understandable enthusiasm of those in the industry, it is clear that both the international and American wind energy markets have the potential for great expansion.

The faster expansion in international markets is due in great measure to governmental policies that favor such expansion. As the U.S. Department of Energy states,

> Wind energy is the fastest growing source of electricity generation in the world in the 1990's. However, the majority of growth has

been in Europe, where government policies and high conventional energy costs favor the use of wind energy.

Even with advances to date, American renewables still account for little more than 2 percent of total U.S. electricity production. There is more than enough room for them in the U.S. energy market. The United States is the world's largest single energy market, representing more than 25 percent of world energy consumption.

The real question is the extent to which we in this country will take advantage of our abundant renewable resources, and the assistance we will be willing to provide our American companies in competing in this market. Are we going to allow American companies to miss the boat? Is the United States going to lag behind while the rest of the world makes investments, develops infrastructure and outpaces us in the profitable manufacture and production of renewable technologies? Will we once more, as we are now for fossil fuels, be dependent on other nations for the means to provide our domestic energy, but this time because the technology and manufacture of renewable energy rests largely in other countries?

My amendment would provide an important step in providing market strength to U.S. renewable industries. It would create a renewable portfolio standard under which utilities would be required to gradually increase the amount of electricity from renewable energy resources sold to consumers, starting at 5 percent by 2005, and leveling out at 20 percent in 2020. This will be achieved by a system of renewable energy credits, that electric retailers can either generate themselves, or buy from someone else who has generated electricity from a renewable resource.

Those selling tradeable credits to the retailers need not themselves be connected into the grid. So long as someone has generated electricity from a listed renewable energy resource, and either used it himself or sold it to someone else to use, he can sell the credit to a retail electric supplier. My amendment would allow credits from existing renewable energy production, thereby encouraging expansion of existing facilities as well as creation of new sources of renewable energy. It would be hydropower neutral in that it would require the use of renewable energy credits to offset only production of non-hydropower electricity sold by the retailer. It would define renewable energy to include wind, solar, geothermal, landfill gas, certain biomass, and incremental hydropower added by increasing efficiency. It would not include industries which generate substantial amounts of pollution such as incineration of municipal solid waste, as renewable energy for which credits could be obtained.

This flexible, market-driven system, will help reduce market barriers for renewable energy, and stimulate domestic investment in new renewable energy throughout the nation. It will allow our companies to grow domestically, and establish sufficient stability to compete successfully in the world market. It will encourage the successful, long-term integration of these important renewable technologies into the energy sector, and will help grow the U.S. renewable energy industry into a world leader of renewable energy technology. My amendment will be good for the environment. It will improve air quality, by reducing use of fossil fuels which produce nitrogen oxides, sulfur dioxide, and mercury emissions. These harmful pollutants are linked to smog, acid rain, respiratory illness, and water contamination.

This is an urgent issue. As reported in today's Washington Post, a study recently published in the Journal of the American Medical Association concludes that long-term exposure to fine particles of air pollution from coal-fired powerplants, factories, and diesel trucks increases an individual's risk of dying from lung cancer by 12 percent.

This is particularly important to my home State of Vermont. We in the Northeast live downwind from virtually the entire nation. The prevailing wind patterns bring ozone-causing nitrogen oxide straight to our front door.

There are days I can stand on Mount Mansfield, and not be able to make out the water tower on Mount Elmore barely 20 miles away.

My amendment would cut carbon dioxide emissions, a major contributor to global warming, by almost 19 percent, or 137 million metric tons by 2020. The Daschle 10-percent standard would achieve only a 7-percent reduction, or 56 million metric tons.

A 20-percent renewable energy standard that stimulates investment in renewable energy will be good for our economy. It will create thousands of new, high quality jobs and bring significant new investment to rural communities. It will create an estimated $80 million in new capitol investment here at home and create new opportunities in the manufacturing and high-tech sectors. The market demand for renewable energy will also bring jobs to rural areas, where it is estimated that wind energy alone could provide $1.2 billion in new income for farmers, ranchers and rural landowners, and $5 billion in new property tax revenues to communities.

My amendment will advance national security. Renewable energy technologies will reduce dependence on fossil fuels, alleviating pressure on those markets. Because they are domestically produced, they will reduce our vulnerability to foreign threats. Because they are distributed in nature, they will reduce our reliance on centralized resources and the vulnerability of our energy infrastructure to terrorist attack.

Following the attacks of September 11, we can no longer afford to take this responsibility lightly.

Mr. President, on September 19, James Woolsey, former Director of the CIA, Admiral Thomas H. Moorer, former Chairman of the Joint Chiefs of Staff, and Robert C. McFarlane, former National Security Advisor to President Reagan, sent a letter to myself and other Members of this body urging in the strongest terms that we take immediate action to address our energy security. Among other recommendations, they state that they ''urge the Energy Committee to immediately adopt the Renewable Portfolio Standard. . . .''

I ask unanimous consent that this letter, signed by all three, be printed in the RECORD.

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

SEPTEMBER 19, 2001.

Senators THOMAS A. DASCHLE, TOM HARKIN, ROBERT C. BYRD, CARL LEVIN, JEFF BINGAMAN, JAMES S. JEFFORDS, MAX BAUCUS, JOSEPH R. BIDEN JR., TRENT LOTT, RICHARD LUGAR, TED STEVENS, JOHN W. WARNER, FRANK H. MURKOWSKI, ROBERT C. SMITH, CHARLES E. GRASSLEY, JESSE HELMS.

DEAR SENATORS: Americans are aware of the enormous and complicated tasks ahead in dealing with the consequences of the unprecedented September 11th attack against our nation.

There are many corrective actions that require lead-times that could be months or even years. But, there are actions that can and must be taken now. One of those critical actions is to advance America's energy security. The Congress will soon act on that issue.

It is not enough just to ensure uninterruptible supplies of transportation fuels and electricity. We must also act to advance the security of those supplies, and the nation's ability to meet its needs in all corners of the country at all times. Our refineries, pipelines and electrical grid are highly vulnerable to conventional military, nuclear and terrorist attacks.

Disbursed, renewable and domestic supplies of fuels and electricity, such as energy produced naturally from wind, solar, geothermal, incremental hydro, and agricultural biomass, address those challenges. Fortunately, technologies to deliver these supplies have been advancing steadily since the Middle East fired its first warning shot over our bow in 1973. They are now ready to be brought, full force, into service.

But, while the U.S. Government has committed intellectual and monetary resources to developing these technologies, the status quo marketplace is unwilling to accommodate these new supplies of disbursed and renewable fuels and electricity. Speedy action by the Administration and the Congress is critical to establish the regulatory and tax conditions for these renewable resources to rapidly reach their potential.

Fortunately, such actions are under consideration by the Energy, Environment, and Finance Committees. We urge the Energy Committee to immediately adopt the Renewable Portfolio Standard (for electricity) as well as provisions to ensure ready interconnection access to the electric grid, and cost-shared funds to the state public benefit funds to continue essential support for emerging technologies and the provisions of electricity to the truly needy. We urge the Environment Committee to immediately adopt the Renewable Fuels Standard in conjunction with measures to deal with environmental issues. Finally, we urge the Finance Committee to immediately adopt residential solar credits and renewable energy production tax credits, including a provision for

fuels (liquid, gaseous and solid fuels), or their Btu equivalent, similar to the fuel provision tax credit made available in Section 29 of the Internal Revenue Code.

These actions will also develop new industries and jobs, strengthen communities, enhance the environment, and assist in the stabilization of greenhouse gases. On the transportation fuels issue, ethanol, biodiesel and other biofuels will slow the flow of dollars to the Middle East, where too many of those dollars have been used to buy weapons and fund terrorist activities.

Consequently, we also recommend a major and concerted effort to assemble the talent and resources needed to launch a ''Liberty Ship'' type program to convert agricultural wastes and cellulosic biomass into biofuels, biochemicals and bioelectricity. The technology to do so is in place; all that is lacking is the political will to deploy it.

Sincerely yours,

R. JAMES WOOLSEY,
Former Director, Central Intelligence.

ROBERT C. MCFARLANE,
Former National Security Advisory to President Reagan.

ADMIRAL THOMAS H. MOORER USN (RET),
Former Chairman, Joint Chiefs of Staff.

Mr. JEFFORDS. A 20-percent renewable energy standard by 2020 is affordable. The Department of Energy's information administration found a 20-percent renewable energy standard by 2020 would result in only modest increases in consumer electricity bills of up to 4 percent as compared to prices if no renewable energy standard were imposed.

Polls have indicated Americans are willing to accept such moderate price increases in exchange for the benefits derived from the greater renewable energy production.

These same EIA studies showed that while households will experience modest increases in electric bills, a 20-percent renewable energy standard will actually reduce overall energy costs, which include the costs attributable to home heating and commercial and industrial energy consumption by approximately 0.1 percent by the year 2020.

With these very modest costs, the provisions in my amendment will increase renewable energy production by a total of roughly 2 million megawatts. Higher numbers are distinctly possible. In the Sacramento Municipal Utility District, for example, if every new home built in California subdivisions each year had photovoltaic energy roofs similar to the ones shown in this chart, they would produce the equivalent of a major 400- to 500-megawatt powerplant every year.

This amendment is the right thing to do. It is supported by the Consumers Union, the Consumer Federation of America, along with hundreds of businesses, associations, labor and consumer advocacy groups, environmental groups, faith-based organizations, academies, and local communities.

I ask unanimous consent a list of approximately 450 groups and individuals supporting my amendment be printed in the RECORD.

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

SUPPORTERS OF A 20% BY 2020 NATIONAL RENEWABLE ENERGY STANDARD

ASSOCIATIONS

American Bioenergy Association, American Corn Growers Association, American Corn Growers Foundation, American Lung Association of Colorado, American Lung American Lung Association of Houston, American Lung Association of Maine, American Solar Energy Society, American Wind Energy Association, Angus Duncan, President, Bonneville Environmental Foundation, California Wind Energy Association, CalSEIA (California Solar Energy Industries Association, Clean Fuels Development Coalition, Clean Fuels Foundation, Colorado Renewable Energy Society.

Foundation for Communities & Environment, Heartland Renewable Energy Society, Heartland Solar Energy Industries Association, Illinois Solar Energy Association, Iowa Renewable Energy Association, Maine Nurses Association, Midwest Renewable Energy Association, Minnesota Farmers Union, Minnesota Renewable Energy Society, Inc., Missouri Native Plant Society, Nebraska Farmers Union, North American Butterly Association, Northern Great Plains Inc., Rose Foundation for Communities and the Environment, South Dakota Farmers Union, Texas Solar Energy Society.

BUSINESS

AMECO, Antares Group, Applied Agricultural Technologies, Inc., Aqua Sun International, ASE Americas, Astropower, Atlantic Renewable Energy Corporation, Automated Power Exchange, Biofine, Biorefiner, Bob Lawrence and Associates, BP Solar, BZ Products, Inc., Calpine Corporation, Cape Wind Associates, Capital Sun Group, Ltd., Cargill Dow, Carson Solar, Inc., Clean Edge, Inc., Colorado Energy Group, Inc.

Communications Consortium Media Center, EAPC Architects Engineers, Eco Energies Inc., Endless Energy Corporation, Energy Management Inc., Energyscapes, ENTECH Engineering, Environmental Services, Inc., Field and Forest Company, FlexEnergy, Future Energy Resources Corporation, Genencor International, GreenLine Paper Co., Inc., The Hamilton Group, Heliotronics, Inc., The Hendler Law Firm, Hurshtown Alternative Power, Microgy Cogeneration Systems, Inc., Micropower Corporation, Midwest Solar Solution.

Millenium Energy LLC, Moose, Inc., Mountain Energy Consulting, Ozark Solar, People's Power and Light, Pioneer Forest, Potomac Resources, Inc., Powerlight Corporation, Power Shift, Pure Energy Corporation, Renewable Energy Corporation, Limited, Sealaska Corporation, Sea Solar Power International LLC, Sol-Air Company, Solar Energy Corporation, Solar-Fit, Solar King Supply, Inc., Solar Plexus, Solar Services, Inc., Solar Works, Inc., Spire Corporation, The Stella Group, Ltd., Sun Power Electric, Sun Systems, Inc., SUN Utility Network, Trans-Pacific Geothermal Corporation, Veizades and Associates, Vermont Energy Investment Corporation, Wisconsin Energy Conservation Corporation.

LABOR ORGANIZATIONS

AFSCME (District Council 47), SEIU #199, Maine Labor Group on Health, Communications Workers of America.

ENVIRONMENTAL ORGANIZATIONS

20/20 Vision, A World Institute for a Sustainable Humanity, Abalone Alliance Safe Energy Clearinghouse, Action for a Clean Environment, Alabama Environmental Council, Alaska Coalition of Missouri, Alaska Coalition of Pennsylvania, Alaska Wilderness League, Alliance for Affordable Energy, Alliance for Sustainability, Alliance for Sustainable Communities, Alliance for the Wild Rockies, American Council for an Energy-Efficient Economy, American Lands Alliance, American Oceans Campaign, American Public Information on the Environment, Chairton Valley RC&D (Iowa), Citizens Action coalition of Indiana, Citizen Action of Illinois, Citizens for Quality Drinking Water, Clean Air—Cool Planet, Clean Power Campaign, Clean Air Council, Clean Water Action, Clean Water Action Alliance of Michigan, Clean Water Action Alliance of Minnesota, Clean Water Action Alliance of North Dakota, Clean Water Action Alliance of Rhode Island.

Climate Action Now, Climate Solutions, Cloud Forest Institute, Coalition for Clean and Affordable Energy, Coal River Mountain Watch, Coastal Georgia Center for Sustainable Development, Colorado Environmental Coalition, Communities for Responsible Energy, Communities United for Responsible Energy, Connecticut Citizen Action Group, CTPIRG (Connecticut Public Interest Research Group), Dakota Resource Council, Defenders of Wildlife, Don't Waste Connecticut, Earth Action Network, Earth Care, Earth Day Coalition, Earth Day New York, Earth Justice Legal Defense Fund, Ecology Center of Southern California, Ecological Health Organization, Endangered Habitats League, Environmental Advocates of New York, Environmental Background Information Center, Environmental Defense, Environmental Defense Center, Environmental and Energy Study Institute.

American Rivers, Americans for a Safe Future, Anacostia Watershed Society, Arizona Audubon Council, Arizona Solar Action Network, Asian Pacific Environmental Network, Blue Heron Environmental Network, Bluewater Network, Bolingbrook Earth Watch, CALPIRG (California Public Interest Research Group), California Global Warming Campaign, California League of Conservation Voters, Center for Biological Diversity, Center for Energy Efficiency and Renewable Technologies, Center for Environmental Citizenship, Center for International Environmental Law, Center for Resources Solutions, Environmental Health Coalition, Environmental Health Watch, Environmental Law and Policy Center, Environmental League of Massachusetts, Environmental Awareness Committee, SE Iowa Synod, Florida League of Conservation Voters, Florida PIRG (Florida Public Interest Research Group), Friends of the Earth, Friends of the Moshssuck River, Friends of the River, Galveston-Houston Association for Smog Prevention, Georgia Audubon Society.

Georgians for Transportation Alternatives, Global Green, USA, Global Possibilities, Global Response, Global Exchange, Grand Canyon Trust, Great Basin Mine Watch, Greater Tucson Coalition for Solar Energy, Greater Yellowstone Coalition, Greenhouse Network, GreenPeace, Gulf Restoration Network, Heartland Operation to Protect the Environment, Hoosier Environmental Council, Illinois Audubon Society, Illinois PIRG (Illinois Public Interest Research Group), Illinois Student Environmental Network, Institute for Environmental Policy and Implementation, Iowa Citizen Action Network, Iowa Environmental Council, Iowa PIRG (Iowa Public Interest Research Group), Iowa Policy Project, Iowa SEED Coalition, Izaak Walton League of America, Izaak Walton League, Ohio Division, Kyoto Now!, Land and Water Fund of the Rockies.

League of Conservation Voters, League of Conservation Voters Education Fund,

Leopold Group of the Iowa Chapter of the Sierra Club, Louisiana Audubon Society, Maryland Public Interest Research Group, Massachusetts Climate Action Network, MASSPIRG (MA Public Interest Research Group), Michael Fields Agricultural Institute, Mid-Nebraska Pride, Minnesota Center for Environmental Advocacy, Minnesota PIRG (MN Public Interest Research Group), Minnesotans for an Energy-Efficient Economy, The Minnesota Project, Missouri PIRG (Missouri Public Interest Research Group), Missouri Coalition for the Environment, MTPIRG (Montana Public Interest Research Group), Montana Environmental Information Center, MORE (Missouri Renewable Energy), National Audubon Society, National Environmental Coalition of Native Americans, National Environmental Trust, National Parks Conservation Association, National Wildlife Federation, Native American Rights Fund, Natural Resource Defense Council, NHPIRG (New Hampshire Public Interest Research Group).

New Jersey Environmental Lobby, NMPIRG (New Mexico Public Interest Research Group), New Mexico Wilderness Association, New Uses Council, NCPIRG (North Carolina Public Interest Research Group), Northwest Energy Coalition, Northwest SEED—Sustainable Energy for Economic Development, Nuclear Energy Information Service, Nuclear Information Resource Services, The Ocean Conservancy, Ohio Environmental Council, OHPIRG (Ohio Public Interest Research Group), Oregon Environmental Council, OSPIRG (Oregon State Public Interest Research Group), Pace Energy Project, PennPIRG (Pennsylvania Public Interest Research Group), Pennsylvania Environmental Network, People's Action for Clean Energy, Prairie Rivers Network, Rainforest Action Network, Redwood Alliance, RENEW Wisconsin, Renewable Northwest Project, Safe Energy Communication Council, St. Louis Audubon Society, Scenic America, Sierra Club, Sierra Club Rhode Island Chapter.

Sierra Club Rocky Mountain Chapter, Sky Island Alliance, South Carolina Coastal Conservation League, Southern Alliance for Clean Energy, Southwest Energy Efficiency Project, Southwest Environmental Center, Sustainable Energy and Economic Development Coalition, Texas Campaign for the Environment, Texas SEED Coalition, Toxics Action Center, Tulane Free the Planet!, Union of Concerned Scientists, USPIRG (U.S. Public Interest Research Group), Utahns for an Energy Efficient Economy, VPIRG (Vermont Public Interest Research Group), WAPIRG (Washington Public Interest Research Group), WISPIRG (Wisconsin Public Interest Research Group), Western Nebraska Resources Council, Western Organization of Resource Councils, West Virginia Highlands Conservancy, West Virginia Rivers Coalition, West Virginia Sierra Club, West Virginia Trout Unlimited, Wheeling (WV) Environmentalists, The Wilderness Society, Wildlife Action, Windustry Project, Wisconsin's Environmental Decade, Women for Sustainable Technologies, Women's Health & Environmental Network, World Wildlife Fund.

CONSUMER ORGANIZATIONS

Citizens Action Coalition of Indiana, Citizens for Consumer Justice, Citizen Power, Citizens Protecting Ohio, Consumer Federation of America, Consumers Union, Foundation for Taxpayer & Consumer Rights, Massachusetts Energy Consumers Alliance, Ohio Partners for Affordable Energy, Pressure Point, Southern Arizona Alliance for Economic Justice, The Utility Reform Network, Westchester People's Action Coalition, West Virginia Citizen Action Group.

FAITH-BASED ORGANIZATIONS

Coalition on the Environment and Jewish Life, Coalition on the Environment and Jewish Life of Southern California, Commission on Religion in Appalachia, DFW Disciples Peace Fellowship, Earth Ministries, Eco Justice Ministries, Episcopal Diocese of Missouri, Episcopal Power and Light, First Presbyterian Church of Kirkwood, Interfaith Center for Peace and Justice, Interfaith Global Climate Change Coalition of WV, Lutheran Campus Ministry, Maine Interfaith Climate Change Initiative, National Coalition of Jewish Women of Los Angeles, New Mexico Council of Churches, North Highland Assembly of God, Inc., Pennsylvania Central Conference United Church of Christ, Pennsylvania Council of Churches, Philadelphia Coalition on the Environment in Jewish Life, Southern California Ecumenical Council, Temple Emanu-El, (Dallas, Texas), United Methodist General Board of Church and Society, United Methodists—Iowa Conference, Board of Church and Society, Yellow Springs (OH) Unitarian Universalist Church.

ACADEMICS, DOCTORS, POLITICIANS & OTHER INDIVIDUALS

Dr. Paul Arnold, Biology Dept., Young Harris College, Dr. J.R. Bak, University of Washington, Dr. Douglas Bachtel, Institute of Ecology, University of Georgia, Dr. Sarah Badran, University of Southern California, Dr. Ray Barber, Chair, Division of Science & Mathematics, Abraham Baldwin Agricultural College, Dr. David Bechler, Department of Biology, Valdosta State University, Dr. Linda Bell, Department of Women Studies, Georgia State University, Dr. Dianne Benjamin, Assistant Professor of Educational Psychology, University of Missouri—Kansas City, Dr. Brad Bergstrom, Department of Biology, Valdosta State University, Dr. Ross Bowers, Program Director Respiratory Therapy Program, Armstrong Atlantic State University, Lon Burman, Texas Representative (District 90), Dudley J. Burton Ph.D., P.E., Professor, Baylor University, Linda Calvert, Director—New Orleans Mayor's Office of Environmental Affairs, Dr. Richard Coles, Professor of Ecology, Washington University, Antony Cooper, Assistant Professor of Biology, University of Missouri—Kansas City, Douglas Crawford, Associate Professor of Biology, University of Missouri—Kansas City, Dr. Ben Dennis, Professor of Economics, University of the Pacific, Dr. Alexander Dent, Indiana University, Paul R. Epstein, M.D., Center for Health and the Global Environment, Harvard Medical School, Dr. Lyle Fagnan, Oregon Health and Science University, Alan Fantel, University of Washington, Todd Forman, M.D., University of Southern California, Edward Gogol, Associate Professor of Biology, University of Missouri—Kansas City, Dr. Gary Goldbaum, King County Hospital, Dr. Brenda Hull, Dept. of Biology, Young Harris College, Mark Jacobson, Associate Professor, Stanford University Department of Civil & Environmental Engineering, Stephen J. Jay M.D., Indiana University.

Dr. Sandra Juul, University of Washington, Daniel M. Kammen, Director, Renewable and Appropriate Energy Laboratory, Dennis H. Knight, Professor Emeritus, University of Wyoming, Randy Korotev, Professor of Earth & Planetary Sciences, Washington University, Dr. Margaret Lieb, University of Southern California, Dr. Lee March, Department of Political Science, Young Harris College, Dr. Diana Matesic, School of Pharmaceutical Sciences, Mercer University, Dr. J.A.P. McCrary, Department of Natural Resources, Albany State College, Dr. Kent Montgomery, Department of Astrology, Young Harris College, Richard B. Norgaard, Professor of Energy and Resources, UC Berkeley, Margie Oleksiak, Research Associate, University of Missouri—Kansas City, Richard Ottinger, Dean Emeritus, Pace Law School, Dr. Thomas Michael Power, Professor and Chair, Economics Department, University of Montana, Don Preister, Nebraska State Senator, Dr. Ron Pulliam, Institute of Ecology, University of Georgia, Dr. Richard Rich, Professor and Chair, Institute for Environmental and Energy Studies, UVA, Dr. Gary Rischitelli, Center for Research in Occupational and Environmental Toxicology, Michael Rosenzweig, Professor of Ecology & Evolutionary Biology, University of Arizona, Stephen Ruoss, M.D., Stanford University, Dr. Arnold Schecter, Professor, School of Public Health at Dallas, Everett Shock, Professor of Earth & Planetary Sciences, Washington University, Leonard Stitelman, Ph.D., Professor, School of Public Administration, University of New Mexico, Larry Waldman, Ph.D., Department of Economics, University of New Mexico.

OTHER GROUPS

American Lands, Arizona Center for Law in the Public Interest, Audubon's Appleton-Whittle Research Ranch, Better World Group, Bicycle Coalition of Maine, Center for Energy & Environmental Policy (University of Delaware), Center for Rural Affairs, Charleston Bicycle Advocacy Group, Childhood Lead Action Project, Citizens for Missouri's Children, Citizens for Pennsylvania's Future, City of Creve Coeur (MO) Recycling & Environment Committee, Coalition of Citizens with Disabilities in Illinois, Coalition to Advance Sustainable Technology, Collaborative Center for Justice, Inc., Common Cause, Concerned Citizens of Roane, Calhoun, and Gilmer Counties, WV, Concerned Citizens of Jefferson County, GA, Democratic Party of Dallas, TX, Development Center for Alternative Technologies, Downwinders at Risk.

Education for Sustainable Living, Emerald Resources Solutions, Environmental and Human Health, Inc., Friends of Merrymeeting Bay, Full Circle Environmental, Green Party of Lancaster County, PA, Green Party of York County, PA, Hispanic Political Action Committee, Indian-American Political Forum of Connecticut, Institute for Agriculture and Trade Policy, Intertribal Council on Utility Policy, Jobs with Justice, Dallas TX, Kansas Rural Center, Keystone Action Network, Local Power, Louisiana Bucket Brigade, Loyola University Enviro Action, Maine Center for Economic Policy, McKeever Institute of Economic Policy Analysis, Minuteman Media.

Missouri Botanical Garden, MoveOn.org, National Educational Resource Center, Inc., Nebraska Farmers Union, Ohio Family Farm Coalition, Oil and Gas Accountability Project, Physicians for Social Responsibility, Physicians for Social Responsibility, Maine Chapter, Physicians for Social Responsibility, Philadelphia, Physicians for Social Responsibility of South Carolina, Project Underground, Public Allies, Sautee-Nacochee Community Association, Scenic Missouri, Living Resource Center, Sierra Students at West Virginia University, Southwest Research Information Center, Springfield (IL) Urban League, State University of New York (SUNY), Students Against Violating the Earth, Sunrise Sustainable Resources Group, Texas Black Bass Unlimited, Webster Groves Nature Study Society, Western Colorado Congress.

Mr. JEFFORDS. My standard is achievable. To date, 12 States have successfully enacted renewable standards, several of which exceed the 20 percent by 2020 standard of my amendment.

States and utilities, recognizing the cost and environmental benefits of clean energy, are setting goals similar to mine for their use of renewable energy. Governor Pataki of New York, for example, recently ordered all agencies in the State of New York to produce 10 percent of their electricity from renewable energy sources by 2005 and 20 percent by 2010.

While good as far as it goes, Senator DASCHLE's amendment would result in about half of the renewable energy generation that would be achieved under my amendment. Yet a 20-percent standard by 2020 is reasonable, achievable, and will provide for the important capital investment, market security, and environmental benefits for which we should be aiming.

We have an obligation to act now to take the actions needed to secure clean, domestically produced, reliable sources of energy. We must not lag behind the weak standards or no standards at all.

I urge my colleagues to vote for me in favor of this amendment.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has approximately 7½ minutes.

Mr. JEFFORDS. Let me share my long-term interest in this matter. I came into the Congress in 1975. In that year, this Nation was in terrible shape. The oil from the Mideast had been interdicted. We had long lines of cars, and everybody was in dire straits. A number of us at that time formed a coalition to do something about energy. The reason I bring it up is that much of what we are talking about today is much of what was proposed.

First, Norm Mineta, then in the House with John Blanchard of Michigan and me, introduced the wind energy bill. It passed. We drew lots as to how it would be named. It turned out to be Blanchard's bill. That was a major move forward in wind energy.

Photovoltaics was another great interest of mine. I have a fond memory of the coalition we put together at that time. We had over 80 members of the energy coalition, the solar coalition as it was called. So I went on to the House floor to offer an amendment. The amendment would have taken a large step forward in solar energy.

The chairman of the subcommittee came to me and said: Son, you do not offer amendments to appropriations bills unless you check with me first. He said: Come in and I will see if I can get you a couple of million dollars for this project.

I said: I am sorry, but I cannot do that.

He said: Why can't you?

I said: Because I have 80 cosponsors.

He said: You have 80 cosponsors?

Yes.

Well, I guess we are going to have to battle it out.

And we did. It passed, although they cut part of it off for other solar energy. So that was the beginning of the photovoltaics industry in the United States. It was a proud moment, and it was a fun one to look back upon, especially as to the shock on the chairman's face when I told him how many cosponsors we had.

At that time also, we went on to form the Alliance to Save Energy, which included myself, and at that time it was JEFF BINGAMAN and the Senator from Illinois who were with us on that issue, and that has proved to be a very interesting and excellent benefit to our energy situation. Chuck Percy was the Senator's name.

I commend JEFF BINGAMAN, who is in the Chamber with me, for his work over those years. Together we are still working as hard as we can to do what we can about the energy situation.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin is recognized for up to 10 minutes.

Mr. FEINGOLD. Thank you, Mr. President.

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

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

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

Mr. THOMAS. Mr. President, I am delighted that we are into the energy package. We have been talking now for some time, of course, about an energy policy in this country. The President has talked about it for a very long time. He has put forth, with the help of the Vice President, an energy policy. So I am pleased that we are into that, and I hope we continue to work on it until we are able to successfully put together a bill that will meet our collective notions.

I ask unanimous consent several letters I received this morning be printed in the RECORD. This one comes from the Vietnam Veterans Institute. These are all directed to Senator DASCHLE in support of the energy program.

This one is from the Veterans of Foreign Wars of the United States, also voicing their support for energy policy. This one comes from the AMVETS, this one from the Catholic War Veterans, and this one from the American Legion.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

VIETNAM VETERANS INSTITUTE,
March 5, 2002.

Hon. TOM DASCHLE,
Majority Leader, U.S. Senate,
The Capitol, Washington, DC.

DEAR SENATOR DASCHLE: As the Chairman and Founder of the Vietnam Veterans Institute, I write today out of a sense of urgency concerning our national security as it relates to our energy supply. Veterans groups with a combined membership of nearly 5 million support the President's energy bill. I am proud to be joined by the American Legion, the Veterans of Foreign Wars, AMVETS, and the Catholic War Veterans of the USA.

I respectfully urge you to pass the President's energy bill, H.R. 4, and the provisions it contains. Further, I agree with the President, who during the State of the Union address, said "We must act, first and foremost, not as Republicans, not as Democrats, but as Americans." He went on to say that we must continue at home and abroad with the same spirit of cooperation. I believe it is imperative to our national security that we stand together as Americans. Make no mistake, responsible exploration of ANWR is a matter of national security.

You have expressed concern with ANWR, stating that an energy plan should not include opening wilderness areas to oil drilling. Senator, do you know that exploration is already taking place in wildlife refuges in 13 states, including Senator Blanche Lambert Lincoln's state of Arkansas and in North Dakota, Senator Kent Conrad's state? It is important to note that in all of those wilderness areas, there has been no harm to the wildlife caused by the exploration in any of those states.

It is crucial for the American public to have the facts. And if the truth is told, the American public will learn that the native peoples of Alaska who actually live in the affected area are 100% supportive of exploration of ANWR—and—do not believe it will be any threat to the environment. Why is it that we are not willing to let the people who live there decide their future and the future of their lands?

The native peoples of Alaska who have opposed ANWR do not live in the affected area and have leased their own lands for oil exploration. I do not know if this has ever been reported. I believe the American public has the right to know.

Please pass the President's energy bill and help us rebuild America!

With the support of our members,
J. ELDON YATES,
Chairman and Founder.

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
October 29, 2001.

Hon. TOM DASCHLE,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR DASCHLE: The 2.7 million members of the Veterans of Foreign Wars of the United States and its Ladies Auxiliary supports H.R. 4, the "Securing America's Future Energy Act of 2001" or SAFE Act of 2001. We applaud the House of Representatives for its bipartisan work in addressing our energy vulnerability by passing H.R. 4. We believe the Senate should consider and vote on H.R. 4 so that our nation has an energy plan for the future and can move forward quickly with a comprehensive plan to develop our domestic energy resources.

Keeping in mind the horrific events of September 11 and mindful of the threats we are facing, we strongly believe that the development of America's domestic energy resources is a vital national security priority. We need to take steps to reverse our growing dependence on Middle East oil as quickly as possible. By passing H.R. 4, the Senate will be supporting our troops serving in combat on Operation Enduring Freedom, the American people, and our national security with a comprehensive energy legislation that is desperately needed to diversify the energy for our country and chart a course for the future.

The VFW strongly urges the Senate to consider and vote on H.R. 4 as passed in the House in this session of Congress.

Sincerely,

ROBERT E. WALLACE,
Executive Director.

AMERICAN VETERANS,
Lanham, MD, March 6, 2002.

Hon. TOM DASCHLE,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR DASCHLE: AMVETS urges your favorable consideration of H.R. 4, the Securing America's Future Energy Act of 2001.

As you know, our current reliance on foreign oil leaves the United States vulnerable to the whim of individual oil-exporting countries, many existing in the unpredictable and highly dangerous Persian Gulf. And it cannot be overstated that energy supplies touch nearly every aspect of our lives from our economy to our national security.

H.R. 4, as approved by the House, is a critical part of an overall policy America requires to promote dependable, affordable, and environmentally sound production and distribution of energy for the future. We cannot wait for the next crisis before we act.

Thank you for your service in the United States Senate and please remember that this issue is vital to our nation's security and the brave men and women who serve in the Armed Forces.

Sincerely,

RICHARD A. JONES,
National Legislative Director.

CATHOLIC WAR VETERANS OF THE UNITED STATES OF AMERICA,
March 5, 2002.

Hon. TOM DASCHLE,
Majority Leader, U.S. Senate,
The Capitol, Washington, DC.

DEAR SENATOR DASCHLE: We write today on behalf of our membership to encourage you to pass the President's energy bill, H.R. 4. We support this bill because we believe our national security demands that America be less dependent on foreign oil producers.

The September 11th attacks on democracy have expedited the need for increased oil self-sufficiency. Reliance on other countries, especially during these times of war and international terrorism, threatens our national security and economic well-being.

The Catholic War Veterans of the USA respectfully urge you to support the provisions contained in the House passed version of the ''Securing America's Future Energy Act of 2001.'' The legislation is a major step toward achieving energy independence and ensuring our national security.

Sincerely,

JOSEPH SATRIANO,
National First Vice Commander.

THE AMERICAN LEGION,
Washington, DC, March 5, 2002.

Hon. TOM DASCHLE,
Majority Leader, U.S. Senate,
The Capitol, Washington, DC.

DEAR SENATOR DASCHLE: On behalf of the 2.8 million members of the American Legion, I urge you to support a comprehensive energy policy that will improve the nation's energy independence and strengthen national security.

War and international terrorism have brought into sharp focus the heavy reliance of the United States on imported oil. During times of crisis, such reliance threatens the nation's security and economic well being. The import of more than 55 percent of the nation's petroleum from foreign countries further compounds our foreign trade balance. This is a time when the country's energy demands continue unabated. It is important that we develop additional reliable sources of domestic oil.

The American Legion understands the sacrifices being made by the men and women in uniform. The members of America's all-volunteer force have been tasked with the demanding mission of combating terrorism worldwide and strengthening our homeland security. In addition to active-duty forces, seventy-six thousand National Guard and Reserve members have put their lives on hold and left their families, following the terrorists' acts of September 11. Now, it is the duty of a grateful nation to ensure these brave men and women have the resources that they need to successfully carry out that mission.

The development of America's domestic energy resources is vital to national security. The American Legion respectfully urges you to support the provisions contained in the House-passed version of the ''Securing America's Future Energy Act of 2001.''

I thank you for considering our view on this critical national security issue.

Sincerely,

RICHARD J. SANTOS,
National Commander.

Mr. THOMAS. Mr. President, we had a meeting this morning with the veterans. Over the last several months we have had a number of press conferences and meetings with all kinds of different interests in this country that support us doing something, in a balanced way, about energy policy. We have heard from agriculture, the Farm Bureau, the Farmers' Union. Of course, the labor unions have been very much in support of what is there so we can get on with energy production. We have had small businesses. We have had Native Alaskans here and the veterans associations.

I have been impressed with the breadth of support for an energy policy. I think it indicates in some ways the depth of involvement, how this touches everyone in this country, having an affordable, adequate energy supply, and doing it in a balanced way. It touches everyone's life.

Unfortunately, in terms of moving on something, when last year we were having all the problems in California, of course, the shortage of electricity and the high prices, and gasoline prices were very high, there was great interest in it. Now gasoline prices are down. The California crisis is over. But I hope we do not lose our intensity, knowing that is not going to last unless we have a policy that leads us in the direction, in the future, of having an adequate domestic supply so we are not 60-percent dependent on foreign imports.

Beginning to move towards more diversity in energy certainly ought to be part of our plan. We ought to do that. In a balanced bill, we will have research money to be able to look for new sources of energy, to have clean coal research so we can use those resources more thoroughly, and we should have renewables. All of us are interested in that.

At the same time, we have to do something about production. I guess that is my main criticism of the bill before us, that it leans so much toward conservation and renewables, but it does not take into account what our needs are going to be in the next number of years. If nothing else, we have to look at a balanced energy policy that recognizes that we have to modernize and increase conservation, we have to modernize and expand our infrastructure, we have to have diversity in our supplies, and we have to improve environmental protection—among other things.

We have spent a good deal of time on transportation of electric energy. It is also true of gas and oil, but you can generate all the electricity of the world right here, and if you don't have a way to get it to the market, then you have not accomplished your goals. We need to do something dramatic in this whole area of transportation of electricity. We need to build a network. We have an interstate grid that moves wholesale power, and hopefully we would have regional transportation organizations, RTOs, along there to take it into areas—run by the States. These are things that are pretty much accepted as being necessary ingredients as we move forward with an energy bill.

One of the things that is troublesome—I happen to be on the Energy Committee—is the process that has brought us here. The committee did not have an opportunity to deal with these difficult and detailed questions. That should be done at least initially in committees. We did not do that. The majority leader determined to take the bill out of the committee and bring it here to do this. It has been changed several times since we have been on the floor. That makes it difficult to deal with the details of an energy bill.

Every amendment that comes up here is going to have to be dealt with in such detail, you would think, my gosh, that is the kind of thing that ought to be done in committee. But given the situation, the fact that the majority leader chose to do it that way—I happen to think it is a flawed process—nevertheless we are here. We have had no hearings, no markups, so we are going to be trying to do some of those things.

We will be dealing right now with an amendment having to do with a $20 billion pipeline from Alaska which never had a hearing, never had an opportunity to find out the facts. That is not a good way to legislate.

We will be pushing forward on those issues. I am hopeful that we can move forward. I am hopeful we will have an opportunity to deal with some of the difficult issues such as CAFE standards. I don't think anybody would argue with the idea that we would like to have vehicles that do what we need to do with better mileage. But we cannot be unrealistic, moving it over in just several years, given the costs associated with that —particularly to those who live in the West.

Live where I live and look on the road and you seldom see anything except a pickup and an SUV. I realized

part of the reason for that when I was there. I would never have gotten out of my driveway without a four-wheel drive.

This is realism. This is the way it is. We can make some changes, but we can't substitute those future movements for where we need to be now.

With regard to the security of this country, military security, terrorism—these things require that we have an adequate supply of energy. Much of it comes from the Middle East. Because we are having the problems we are having over there—and foreseeably we will be having them for some time—we have to do more.

I live in a part of the country where we are one of the large energy producers in this Nation. We are the highest producer of coal. We have large reserves of gas, methane gas, and oil. But much of it is very difficult. We need to have access to public lands, among other things. We need to be able to utilize those resources in an environmentally sound way. We have done that and can do that.

So I think the idea that somehow we can substitute production with some kind of renewables or some kind of scientific process that we do not even have before us is a little bit of dreamland, I am afraid.

I am hopeful we can move forward and be realistic in what we do. We ought to have an opportunity, certainly, to be able to deal with these issues in a way in which everyone gets an opportunity to have amendments and to get something together that will be generally acceptable to all of us.

As I said, I come from a State that is rich in resources. We have very high coal and oil and gas reserves. We also have an adequate supply—sometimes overadequate supply—of wind. We can convert some of that into electricity, of course. We should, indeed, do it.

We need a realistic policy that encourages fuel diversity, that utilizes all of our domestic resources in a very broad way, that takes economic and environmental factors into account. In relation to economic factors, we need to be realistic about what we are going to do. We need to provide a cleaner and more secure energy future. We need an overall energy strategy that increases conservation and energy efficiency and boosts supply and promotes alternative energy. I think we can do that.

Some of what I hear in this Chamber, however, would indicate that we do not need to worry about increasing our gas and oil supply because we are going to take care of it with renewables or with raising the standards in mileage. Fine, but you are not going to do that immediately. There is no way. I hope we are realistic enough to deal with it.

One of the areas, of course, that is going to be very controversial is ANWR. We will all have to deal with that and see if we can't determine what the real impact is. I have been to Prudhoe Bay and out in that area particularly. I have seen the work they are doing there now, which, by the way, is very impressive. I have a little idea of what the wildlife refuge looks like.

Sometimes we hear in this Chamber it would be a brandnew idea to have production on a wildlife refuge. It is not a new idea. It is done on a number of wildlife refuges now. The proposition is to have a very small footprint to be able to have a rather large impact. That is the kind of coming together there has been that makes that a possibility, that makes it a necessity, as a matter of fact, to do something there.

We need to move forward with coal. We need to move forward with nuclear. We can do that. We can get more clean coal technology. That is our greatest reserve of energy for the future.

Everyone in this country is affected by electricity, its availability and price. So this isn't just theoretical; this is something that really impacts everyone very directly.

One of the issues we have to understand as thoroughly as we can is technology breakthrough. We need incentives for that, but they do not happen overnight. You cannot just regulate that they are going to do that. They don't just happen. That is not the way it is. Furthermore, it takes away the choices we have, where we ought to be able to do some things by incentive which I think are very possible. I am hopeful we can move forward through our differences and have legislation that will work.

One of the areas that some of us have been working on, and I suspect will continue to work on for some time, is the electric component. Again, there have been debates and discussions about this. The House bill currently does not have an electric title. But there are a number of issues, certainly, that most people would agree need to be reviewed and that we need to do some things in the electric area. We have an opportunity to deal with some of those issues.

One of them is reliability. We have talked about reliability for a very long time. We talked about it in great detail during the time we were having difficulty in California. We really have not done a great deal about that, but we have an opportunity to do so.

We are going to have to make some choices about the way we handle these matters. Quite frankly, we have been through this for some time. We have been through it in terms of reregulation and deregulation.

I thought we had come to the conclusion that those things that are clearly interstate could fairly well be defined and those things that clearly belong on the national level with FERC could fairly well be defined, that those things that have to do with retail and distribution and the unbundled distribution of electricity to homes and businesses within the State would be done by the State. Certainly, that is the way I believe it ought to be done. Having had a little bit of experience and background in the electric business through the rural electrics, I really think that is the way it ought to be. The needs you have in Pennsylvania and the needs you have in Wyoming are sometimes not the same. So we need to have some flexibility to do that. I am hopeful we will.

This bill, as presented to us now, is really heavy on FERC. It gives FERC all the decisionmaking authority in almost every aspect of electricity. Many of us do not believe that is the way we ought to proceed. Many of us believe we can fix that. There needs to be some overall jurisdiction, of course, with FERC, which is the Federal Energy Regulatory Commission, but there are also opportunities for the North American Reliability Council, for Governors, and others.

As a matter of fact, the Western Governors have put forth very detailed ideas of what they would like to do. I happen to agree generally with what they are doing.

So I hope we can deal with this language and deal with how we can best establish a reliable distribution and generation system.

Things have changed. It was not many years ago when you had an electric system, you had the service area, and whoever had that service area generated the electricity they needed. So it was sort of self-confined.

Now we find ourselves more or less deregulated in the generation aspect of it. You have many private market generators that are dealing in it by selling to the distributors. So you have to move it. That is some competition there. I think it can work.

We have to recognize times have changed and we have to do the same thing.

I think we have some unrealistic demands for renewables in this bill. We ought to be moving on renewables, but the idea to put in the bill that it is going to be this percentage or this many tons or this many kilowatt hours by renewables I don't think is a realistic way to do that. We ought to offer incentives, that type of thing. But to put those numbers in there, and say this is the way it is going to be, I think is unrealistic.

We have a number of areas in which we could modify what FERC's authorities are going to be in terms of some things that could better be done on the State level. There are a number of things in the bill that preempt States' rights. I think most of us, or many of us at least, are not of the mind that that is the way we ought to do that.

The Daschle bill basically gives FERC exclusive authority over reliability. It has a renewable portfolio mandate, billions of dollars in consumer cost. It has FERC authority over State matters. It does not need to be that way.

So I think we are in the process of developing a number of amendments which we hope to file and offer as we go

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 greenhouse 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 signals 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 subsistence. 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 number 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 hearings. 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 Hoglund, 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 Fairbanks 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 numerously 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_2 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 gasline. 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 experts. 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

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.

''He's a nice guy. He loves the service,'' D'Castro said from Camarillo.

D'Castro said the last time he saw Cunningham was when he visited Camarillo at Christmas-time.

Cunningham was one of seven Americans who died in the bloodiest operation of the war in Afghanistan. They were killed as troops were being taken into the battle area on two different missions, the Pentagon said Tuesday.

Early Monday, a two-helicopter team was ferrying in reconnaissance troops south of Gardez when one was hit by enemy fire, said Brig. Gen. John W. Rosa Jr., deputy director of operations for the Joint Chiefs of Staff.

One soldier fell from a helicopter and later died, Rosa told a Pentagon news conference.

Cunningham was killed during a subsequent rescue mission involving special forces on two helicopters. Once on the ground, those forces got into a firefight in which at least 11 were wounded and six died.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Madam President, I join my colleague, Senator DOMENICI, in expressing condolences to the family of Jason Cunningham. I also read with great sadness the report of his death in Afghanistan. It was emphasized in the report which I read that he was part of this para-rescue team and that he had made a very conscious decision in choosing his career path in the military to be on a para-rescue team rather than on a different type of military team because he did want to commit his life to saving other people's lives. That is the exact activity he was engaged in in Afghanistan when he came under enemy fire and was killed in that combat.

This is a reminder to all who serve in the Senate, as well as, of course, to his family. It is an enormous responsibility we take on as a nation when we send our best young people into battle to do the work of this country, to put these men and women at risk, as has been the case in Afghanistan. It is an enormous undertaking. His sacrifice is the ultimate sacrifice and his family's sacrifice, as well. We join with them in mourning his death.

INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

Mr. FEINGOLD. Madam President, I rise today to voice my support for the International Criminal Tribunal for Rwanda which is the often-neglected sister court to the International Criminal Tribunal for the former Yugoslavia at the Hague. While the international media carries regular coverage of the Milosevic trial and the NATO efforts to arrest individuals wanted by the ICTY, much of the world, it seems, has forgotten about the ICTR. This week, as the UN's fifth committee considers the tribunal's budget, I want to make plain my continuing concerns about the tribunal, but I also want to be crystal clear about my continued support for its work.

In 1994, an unspeakable horror unfolded in the tiny central African site of Rwanda. Despite the initial references to ''ancient tribal hatreds'' at the source of violence, we now know that the genocide was not a series of spontaneous acts; it was not about crowds gone wild or tribal bloodlust. It was carefully planned and centrally directed. Extra machetes had been imported, militia groups were in place, and incitements to murder had become a regular element of programming on the hate-radio station. The planners targeted not only ethnic Tutsis, but also politically moderate Hutus who threatened their grip on power. We know today that individual people—leaders and planners—are responsible for the deaths of some 800,000 people, and that the blame for these atrocities cannot be heaped on some imagined cultural failing.

Two weeks ago, I had an opportunity to visit the International Criminal Tribunal for Rwanda in Arusha during a weeklong trip to Kenya, Tanzania, and Mozambique that I undertook in my capacity as Chairman of the Senate Foreign Relations Committee's Subcommittee on African Affairs. During my brief visit, I was able to meet with the Deputy Registrar, with Judge Navanetham Pillay, who is the President of the ICTR, and with some members of the Prosecutor's office. I was also able to sit in on one of the trials underway—that of Laurent Semanza, a former mayor of Bicumbi who is charged with several counts of genocide, conspiracy to commit genocide and crimes against humanity, including rape. I heard some of the wrenching testimony in that case, and was astounded at the strength of the tribunal officials, whose work requires them to confront the horrible facts of the Rwandan genocide every day of their work.

For many years, I have strongly supported accountability measures in cases where crimes against humanity have occurred, and I think that international support for such measures is particularly important in Africa, where too often the international community fails to respond to atrocities the way we would if such acts occurred in Europe or North America.

For this reason, I have been a supporter of the Special Court for Sierra Leone. I have long supported the ICTR. In the last Congress, I authored legislation that was signed into law that would extend the U.S. rewards program to allow our government to offer and pay rewards for information about individuals wanted by the tribunal. The reason that we did this is because this provision had already existed for the International Criminal Tribunal for the Former Yugoslavia—an example of how a double standard relating to the courts was at one time institutionalized in our government.

What had happened since the Arusha tribunal's inception is nothing short of groundbreaking. The ICTR was responsible for the very first international convictions for the crime of genocide. Many people do not realize this, although the international community adopted the definition of the crime of genocide following the holocaust, it was the ICTR that launched the first successful investigation and prosecution for that crime. It was the first-ever international tribunal to convict an individual of rape as a crime against humanity and to rule that rape can be a crime of genocide. The Tribunal was the first such institution to actually convict a national leader, the former Prime Minister of Rwanda, of genocide. The court has established principles of international law that will be studied in law schools around the world for generations to come.

And more importantly, it is establishing, in the minds of African leaders and African elites and African societies, the possibility that those responsible for crimes against humanity may one day be held accountable for their actions. In central Africa in particular, this goal is essential to ending the culture of impunity for gross violations of human rights, whether they occur in Rwanda or Burundi or eastern Congo. The people who have been laboring in Arusha to hold those most responsible for the genocide and for crimes against humanity in Rwanda in 1994 deserve recognition, and respect, and support.

Now, there are a number of steps that the international community can take to help this worthy effort. First, we can ensure that the prosecutor's office is adequately staffed. It is almost appalling that the post of Deputy Prosecutor has been vacant since the middle of last year. I was informed that vacancies exist throughout the office. The UN has to speed up its recruitment process, priortizing the expeditious placement of competent applicants in important jobs, rather than starving the court of staff for the overriding goal of even geographic distribution of personnel. UN member states must also help to address another problem—that of sentence enforcement. Currently, few of the African countries willing to house persons convicted by the ICTR in their jails can meet international standards for prison conditions. Of course I am not suggesting that the international community refurbish the prisons of an entire continent. But I am suggesting that perhaps there are small and reasonable steps that we can take to help.

And the US and the rest of the international community I think should support the tribunal's request for ad litum judges. They have already supported a similar request for the ICTY for the former Yugoslavia. All observers have been concerned about the pace of the tribunal. It makes sense to provide it with the capacity to move more quickly through its work.

Mr. President, must has been made in recent days of the Administration's decision to publicly push for the ICTR and ICTY to finish their work in the next few years. And the need to wrap-

up the Tribunal's work is not in dispute—in my meetings with Tribunal officials, no one suggested that the Tribunal should not aim to finish its work by 2008. This consensus, however, does not change the fact that much important still remains to be done, and the tribunals will need continued support to complete it.

Some have also suggested that the existence of tribunals has given the international community a rationale for neglecting developing of indigenous justice systems in countries subject to the tribunals. And I agree that this is a pitfall that must be avoided, and I strongly support efforts to strengthen the capacity and independence of the judiciary in countries that have suffered from wide-scale human rights violations. Last week, Ambassador-at-Large for War Crimes Pierre Prosper told the House International Relations Committee that ''the United States stands prepared to assist the states in rebuilding their shattered judicial systems to make them capable of dispensing truth-based justice and establishing systematic respect for the rule of law.'' I certainly hope he is right, because this is an indispensable element in the global effort to bring some stability to the heart of Africa. But I am not yet convinced that our actions will match this rhetoric, and I am specifically concerned that no funding is being requested in 2003 for the Great Lakes Justice Initiative. And while I am encouraged by the Rwandan Government's efforts to address the massive backlog of genocide-related cases through a system of community courts known as gacaca and believe that the international community should help the government in Kigali to ensure the integrity and efficacy of this effort, I also respect the Rwandan's decision not to attempt to try those most responsible for the genocide—known as Category One suspects—in these untested courts in which judges have very little training and where only limited safeguards exist for victims and for the accused.

Madam President, it is important to acknowledge that much of the criticism that has been leveled at the tribunal is fair, and it reflects real, and in some cases ongoing problems with the ICTR. Too often in the past, allegations of waste and mismanagement proved to be accurate, and the tribunal must exercise constant vigilance to fight corruption and abuse. Decisive steps must be taken to address the issue of fee-splitting between those on trial and defense counsel. I was pleased to learn about some of the efforts currently underway during my visit. I have raised these issues with the Chief Prosecutor, I have raised them with U.N. officials in New York, I raised them in Arusha, and I will continue to raise them. And overall, the tribunal simply has to pick up the pace of its work. I believe that this, too, is being addressed. During my visit there were three cases being heard simultaneously. And as I have mention, providing additional judges to the ICTR will help to address this problem.

Madam President, because this tribunal is so important, the international community must keep working to get it right. The ICTR still has a great deal of work to do, and the international community, including the United States, must ensure that they are operating with all the necessary support, and operating under clear demands for accountability and integrity. These two initiatives—supporting the court and demanding an end to corruption and waste—are not contradictory, they are complementary. I urge my colleagues and the administration to pursue both with equal vigor.

The PRESIDING OFFICER. The Senator from Nevada.

TRIBUTE TO PFC MATTHEW COMMONS

Mr. ENSIGN. Madam President, I rise to speak of a brave young nevadan, PFC Matthew Commons, who was killed in combat in Afghanistan. I am humbled and grateful that he was willing to make the ultimate sacrifice to preserve our freedom.

For he is one of the noble soldiers of whom Thomas Jefferson spoke when he warned that ''the tree of liberty must be refreshed from time to time, with the blood of patriots and tyrants.''

In doing his duty for God and country, he gave up all so that we could grow and thrive and learn and love in the greatest Nation in the world.

He is our fallen hero. A grateful Nation should never forget, he had family, friends, and plans for the future. He was just 21 years of age, old enough to dedicate his life to protecting our country, but too young to have a family of his own.

His mother told me that one of the hardest burdens she now has to bear is the knowledge she will never get to hold Matthew's children.

Matthew was an all-American kid, growing up in Boulder City. He ran track and played soccer at Boulder City High. He was elected secretary of his senior class.

On September 11, al-Qaida terrorists attacked the United States.

On March 4, Matthew Commons sought to make sure that would never happen again.

He died to make sure that no American was left behind at the mercy of al-Qaida. His mission was a success. And his fellow soldiers endured heavy fire so that he, too, ultimately would come home from the front.

In fighting for our Nation, he ensured that we would be free.

In dying, he left in his wake the grief of those who knew and loved him, including his mother, Patricia Marek and his father, Greg Commons.

God bless you, Matthew Commons.

And God bless America.

Would the senior Senator from Nevada like to make some comments?

The PRESIDING OFFICER. The senior Senator from Nevada.

Mr. REID. Madam President, I certainly applaud my colleague from Nevada for making his heart-felt statement. I am not much for calling people when there is a tragedy. I tend to write letters. It is difficult for me to speak to people upon the loss of a loved one because it brings back memories of those loved ones of mine I have lost. So I normally just write a letter.

But I thought it was appropriate yesterday, when I learned about the death of Matthew, that I call and speak to the parents; and I did that. Certainly, it was not a pleasant call in the sense that you call and talk to grieving parents, but it was a call I will never forget.

His mother asked me if I would write her a letter. I said I would be happy to. She said: The reason I want the letter is because I will have that to refer to. I will not have my son anymore. And she broke down and cried a little bit about that.

As I just indicated, I talked to his mom, Patricia, who lives in Las Vegas. I also talked to his dad, Gregory. Gregory, as do most fathers, put up a very brave front during the first part of our conversation. Like all dads, toward the end of it, his emotions got the best of him. He shed a few tears, I know. I could tell by his voice that he was crying on the other end of the line.

I talked to him about Matthew's brothers. Matthew had three brothers. Matthew was the oldest. And his dad said: Matthew always looked out for his brothers, that if anyone tried, in any way, to get the better of his little brothers, he was always standing there making sure that they did not.

And I said to Mr. Commons: You have to explain to your sons that they have a great example to live up to because their brother gave his life for our country.

So I was saddened to see that one of those who died was from Bolder City, NV. As indicated in the Washington paper today, in their comments about his death, Matthew was the youngest of those who were killed, but the parents and the wives of the other men who were killed are grieving just as Matthew's parents, no matter where they live in this great country of ours.

But I do say that as a result of the courageous act of Matthew, who was actually going to the aid of one of his comrades, we are going to win the war on terrorism—because there are people all over America today like Matthew Commons willing to give their lives for their country.

GENETIC INFORMATION NONDISCRIMINATION ACT OF 2002

Mr. ENZI. Madam President, I rise today to join my colleagues in introducing the Genetic Information Nondiscrimination Act of 2002. I am particularly grateful to Senators SNOWE, JEFFORDS, FRIST and GREGG for their

leadership on the extremely important policy matter of protecting individuals from genetic discrimination.

This bill would effectively and fairly protect against genetic discrimination in health insurance and employment. The group of members assembled to introduce this bill is bipartisan. We all worked together in the past on a bill that dealt strictly with genetic discrimination in health insurance, and today are introducing a bill that includes a new title to also protect individuals from genetic discrimination in employment. During the last Congress, our bill dealing with health insurance discrimination passed the Senate three times. I hope this new bill just has to pass once before the President can sign it into law.

As I have previously stated, I believe there is unanimous support for enacting legislation which prohibits discrimination in both health insurance and employment. The promise that genetic information holds for revolutionary advances in the diagnosis and treatment of diseases such as cancer, Parkinson's disease, heart disease and diabetes should not be hindered by fears about the discriminatory use of this information.

As a result of a lot of hard work and a hearing held by Chairman KENNEDY on February 13, 2002, we are able to introduce a bill today that reflects the cutting edge knowledge about genetic science and also reflects the current regulatory state with respect to medical records privacy. Both the original Snowe bill and the alternative Daschle bill were drafted years ago. The Human Genome has since been mapped. Comprehensive medical records privacy regulations, which will cover genetic information, have since been promulgated. And, the Equal Employment Opportunity Commission, EEOC, has since stated the need to expressly protect individuals from employment discrimination based on genetic information.

In other words, this bill provides the most informed policy to meet the goal of protecting individuals from discrimination without denying the promise of genetic science. Here are just a few examples of how our bill has been improved.

First, the definition of genetic information correctly reflects the science of genetics as the best minds know it today, not 4 years ago. Secondly, the medical records privacy regulation called for under the Kennedy-Kassebaum Health Insurance Portability and Accountability Act of 1996, HIPAA, is nearly final. The Kennedy-Kassebaum law clearly intended that genetic information be considered medical information, and, therefore, should be equally protected under the same privacy standards. The Snowe bill we're introducing today codifies that intent.

The President has also called upon Congress to pass legislation prohibiting discrimination on the basis of genetic information that is fair, reasonable and consistent with existing discrimination statutes when it comes to protecting individuals against employment discrimination. Consistency is mandated to protect the rights of employees and employers alike. Consistency is mandated to protect the carefully designed process for enforcing and redressing employment civil rights legislation.

Therefore, I believe that federal legislation prohibiting employment discrimination based on genetic information must not deviate from other employment discrimination laws, namely Title VII of the Civil Rights Act of 1964 and the Americans with Disabilities Act, with regard to enforcement and remedies.

Furthermore, we cannot enact new employment discrimination legislation without examining its interaction with existing laws. We must be careful to avoid enacting legislation that places employers between a rock and a hard place. That is, in order to comply with one law, an employer violates another. For example, an employer should not be placed in the impossible position of violating genetic discrimination legislation by virtue of its requirement to comply with the ADA or Family and Medical Leave Act. Nor should employers be held to conflicting standards governing the disclosure of genetic information.

Let me briefly address the issue of enforcement of employment discrimination claims on the basis of genetic information. Under Title VII and the ADA, Congress gave the Equal Employment Opportunity Commission the role of investigating and enforcing complaints of violations of these laws. Under both of these laws, a claimant must first file a complaint with the EEOC before being able to file a private suit in court.

The EEOC plays a critical role in the compliance with and enforcement of employment nondiscrimination laws. The EEOC's mediation activities also serve to expedite resolution of employment cases and reduce the backlog of such cases in our courts.

Federal legislation on genetic nondiscrimination that would allow a claimant to bypass the vital role that the EEOC plays undermines the efficacy of such legislation. Furthermore, what is the justification for allowing an individual claiming genetic discrimination to circumvent the complaint process that claimants of other basis of employment discrimination must follow?

With regard to remedies for employment discrimination based on genetic information, federal legislation should not disregard the remedy structure of other employment discrimination laws. The Civil Rights Act of 1991, which applies to remedies available under Title VII and the ADA, places a cap on consequential and punitive damages that is progressive with the size of the employer.

I cannot see the justification for allowing unlimited damages for employment discrimination based on genetic information. Why should someone claiming genetic discrimination, but who is asymptomatic, be able to recover greater damages than someone who is actually disabled in the present or who is a claimant of race discrimination? We must guard against enacting legislation that, in an effort to protect individuals who have been subjected to one type of discrimination, creates inequities for individuals who have been subjected to another type. Unfortunately, I read the alternative bill sponsored by Sen. DASCHLE to create just such an inequity.

The issue of confidentiality of genetic information in the employment context in relation to existing privacy laws might seem very complex. However, I think that the issue is not as complex as we make it out to be. First and foremost, an employer should not be held to conflicting legal requirements regarding the confidentiality of such information.

The HIPAA medical records privacy regulation I mentioned before governs the disclosure of all medical information, including genetic information, by health plans, health care clearinghouses and certain health care providers. Therefore, an employer who is acting in its capacity as a group health plan will be subject to the HIPAA privacy regulation. Federal legislation that prohibits discrimination in health insurance and employment on the basis of genetic information should not create confidentiality requirements for employers acting as group health plans that conflict with the privacy regulation. Again, Sen. Daschle's bill would create this kind of conflict.

On a subject as important as the use and disclosure of genetic information, we must understand and build from existing federal laws and regulations. With this foundation and the benefit of today's understanding of genetic science, I look forward to passing legislation to prohibit discrimination in health insurance and employment of the basis of genetic information.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Madam President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred January 30, 1993 in Wilmington, NC. A gay man was dragged from a bar and beaten. The assailants, Colin C. Hunt, 20, Patric G. Gardone, 23, and Walter G. Watkins, 26, were charged with four counts of assault in connection with the incident.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of

hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

ADDITIONAL STATEMENTS

TRIBUTE TO GENERAL WILLIAM H. FAIRBROTHER.

• Mr. McCAIN. Mr. President, I rise today to honor a great American patriot, Brigadier General William H. Fairbrother, USAF, Ret. General Fairbrother passed away on January 27th at Air Force Village II in San Antonio. My deepest sympathies go out to his wife, Patricia, and his daughters, Bonnie and Nancy.

William Herman Fairbrother was born in Endicott, NY, on March 28, 1923, the son of Lieutenant Herman and Caroline Fairbrother. He grew up on a variety of Infantry Posts, to include the Panama Canal Zone and Manila, Philippine Islands. Bill entered the United States Military Academy at West Point on a Congressional appointment from the 34th District of New York. When he arrived at West Point he knew the prepared sling, the hasty sling, and had qualified with the 30-caliber water-cooled machine gun which made it easy to shoot expert with the M1 Garand plebe year. Academics, however, were something else. With the help of ''Sully's Cram School'' in Washington, DC the previous year he did fairly well in the first half year. But after that it was a continuing struggle to stay proficient. Because of many moves, high school had been rushed and spotty, and four years of Academy study being rushed into three because of World War II made the task even harder. On the other hand, flying, which was his first love went smoothly. Primary flight training in Texas and then Basic and Advanced at Stewart during the three years went without problems. It was during the Plebe year that he picked up the nickname ''Fair-B'' in keeping with the academy tradition to reduce the spoken word to its simplest form.

Fair-B graduated with the class of 1944, the D-Day class, albeit rather far down the list. On the very next day, in the Cadet Chapel, he married his childhood sweetheart, Patricia Ross of Kenmore, New York and they lived happily ever after. P–40 and P–47 training, together with those of the class selected for the Fighter business, followed with time at many different bases, as the Service endeavored to cram as much military experience into the class as they could before sending them overseas. Shortly thereafter it was off to Ie Shima Flying P–47's against the Japanese. After the war the unit moved over to Okinawa and Patricia joined him there in 1946. They, along with many other pioneer souls, set up housekeeping in a Quonset hut. , Bonnie, his first daughter, was born in Okinawa in 1947. In December 1947, Fair-B brought the family back to the U.S. to Selfridge, Michigan. The duty was with the 56th Fighter Group flying F–80's and F–86's, where he was squadron adjutant and group adjutant. It was during this time, in 1948, that his second daughter, Nancy, was born. In 1951 it was off to Minneapolis in the Air Defense Control Center business. There he was assigned as an aircraft controller and control center chief with the 31st Air Division. Flying time was cadged from the local guard squadron, which was equipped with P–51s. Then in 1953 cold weather assignments continued, this time to Rapid City, South Dakota and the 54th Fighter Interceptor Squadron at Ellsworth Air Force Base. This was probably the happiest assignment in his career, with over two years of the time there being in command of the squadron. Initially, the airplanes were P–51s, then F84Gs and finally F–86Ds. He had always said that next to being a Captain and Fighter Squadron Flight commander, the position of Fighter Squadron Commander was the best job in the Air Force.

Exchange duty with the Royal Air Force at RAF Manby, England followed in June of 1956. The assignment was attendance at the RAF Flying College. The family thoroughly enjoyed this short tour living in the small East Anglia town of Sutton-on-Sea, going to English Schools, learning the language, dealing with pounds, schillings and pence, and driving on the left side of the road. Fair-B accumulated a respectable amount of time in British Aircraft to include the Gloster Meteor, Hawker Hunter and British Electric Canberra. In January 1957 the family arrived in Rabat Morocco. The assignment here was Chief, Combat Operations in the 316th Air Division. Further broadening and true sophistication took place during this time. Not only was the Division partially manned with French Air Force personnel but also, the family lived in a French villa. In addition, flights with the family on military aircraft up to the European continent were allowed once a year. They took full advantage of this privilege and managed to visit Spain, Portugal, Italy, France, Germany and Switzerland during their Moroccan stay. The Division Fighter Squadrons were equipped with F–86D and F–100 aircraft so Fair-B was able to keep his hand in flying. There were many trips to Wheelus Air Force Base in Tripoli, Libya, where the squadrons went TDY for gunnery and rocketry training.

The three and a half years in North Africa went by quickly, and the return to the US happened in June 1960 with attendance at the Air War College. Following graduation from the Air War College he spent a long five years in the Pentagon, first on the Air Staff in War Plans and then as Executive Assistant in the Office of the Air Force Chief of Staff. One year with Curtis LeMay and one year with John McConnell provided rare and valuable staff experience.

After the fast pace of the Washington area, duty on the CINCPAC staff in Hawaii, starting in 1966, seemed slow indeed. Here Fair-B served on the staff of the Commander in Chief, Pacific, at Camp Smith. Not only did they take off for the weekends, but Wednesday afternoons as well. The duty was good, with many evaluation trips to the MAAG supported countries in the Far East. This, together with quarters on Hickam, and the benevolent Hawaiian weather made for a delightful tour.

Patricia stayed in Hawaii when Fair-B went to the Republic of Vietnam to join the 14th Special Operations Wing. As Vice Commander and then Commander he was kept busy monitoring the varied activities of the Wing, which were performed from nine separate bases. The little command O–2 aircraft spent a lot of time touring the country. In addition to the clandestine operations, the Wing had the AC–47 and AC–119 gunships, the psychological warfare business with O–2s and C–47s and the only armed helicopter squadron in the Air Force, flying UH–1Ns. He served the Wing from September 1969, to September 1970.

After Vietnam the next assignment as Deputy Chief of Staff at Headquarters Air Force Logistics Command at Wright-Patterson Air Force Base, Ohio with the job of DCS Distribution. The assignment was not awarded because of any logistics experience buy mainly because the boss man wanted some operational talent on the staff. The job was fascinating and of enormous scope. Fair-B jumped in with his typical enthusiasm and his performance helped in getting him promoted to Brigadier General on April 1, 1972. Separation from the Air Force came in 1974 with Fair-B being allowed to keep the wife and kids and the Air Force keeping the airplanes. His decorations and awards include the Legion of Merit (2), Distinguished Flying Cross (2) with oak leaf cluster, Air Medal (3) with two oak leaf clusters and the Meritorious Service Medal. He was a command pilot.

Fair-B and Patricia, hand-in hand then returned to Hawaii, their choice of all the places they had tried throughout the years. They moved into an apartment on Waikiki beach and then took the time to read what there wasn't time for before and work on the projects that had long ago been put aside. Other activities during this eight-year idyll included working with the House Republican Whip in the Hawaii State Legislature, activities with the Retiree Affairs Council at Hickam and work with the Oahu Chapter of the Air Force Association. 1982 found them in San Antonio, Texas, and in 1987 they made their next-to-the-last move into a cottage at Air Force Village II. Fair-B served three year as a Trustee on the Board of the Air Force Village Foundation, and over three years as a Director on the Air Force Village II Board of Directors.

Fair-B is survived by his wife of 57 years Patricia; daughters and sons-in-

law Bonnie and Jerold Kreidler, Nancy and James Councilor and granddaughters Katherine and Patricia Councilor.

While it can be said he never single handedly moved the world around, Fair-B certainly participated in many worthwhile events that did. As a result, those who knew him well can look back over his busy years and say, ''Not too shabby, old son, not too shabby.'' ●

IN APPRECIATION FOR MAJOR GENERAL PHILIP G. KILLEY

● Mr. JOHNSON. Madam President, today I express appreciation for the work that Major General Philip G. Killey has done as the Adjutant General for the South Dakota National Guard. Today, General Killey and other members of the National Guard come up to the Capitol for their annual trip to Washington, and I wanted to take this time to thank the general for the terrific leadership he has provided to the Guard over the past four years.

General Killey reports that South Dakota has continued its high rankings in terms of readiness of its Guard and Reserve units. South Dakota's units are also tops in the Nation in the quality of its new recruits. I commend the South Dakota Guard for its continued excellence, and General Killey for his leadership, which has led to the maintenance of this high standard. National rankings only confirm the quality that has come to be expected of the Guard and Reserve of a great State.

Most South Dakotans know at least one of the 4,500 current members of the South Dakota Guard and Reserves or the thousands of former Guardsmen and Reservists. Sometimes, the connection is even more direct. Before joining the Army, my oldest son Brooks was a member of the South Dakota Army Guard in Yankton.

Almost every community in my State benefits from the work of these Guardsmen. Following the tragedies of September 11, Guardsmen were called to assist in the campaign against terrorism and have performed security duties at airports around the state. From Aberdeen to Yankton, the Guard and Reserves are active members of the South Dakota community.

In addition to the support the Guard and Reserves give to South Dakota, they have also supported overseas operations including those in Central America, the Middle East, Europe, and Asia. The South Dakota Air Guard performed admirably in their deployment to the ''no-fly zone'' over Iraq late last year.

These latest activities, and the professionalism that our South Dakota Guardsmen have shown, are a testimony to the leadership of General Killey. Before becoming the Adjutant General in 1998, General Killey served with distinction in both the active duty Air Force and in the South Dakota National Guard.

General Killey received his commission in 1963 through Officer Training School, at Lackland AFB in Texas. He served a tour in Southeast Asia in 1967–1968 flying the F–4 with the 8th Tactical Fighter Wing at Ubon Royal Thai Air Force Base, Thailand. He left active duty in 1969 and joined the Air National Guard in 1970. He held various positions with the South Dakota Air National Guard before becoming the Adjutant General. He was recalled to active duty as director of the Air National Guard from 1988 until 1994. General Killey was the first Guardsman to serve as commander, 1st Air Force, Air Combat Command, and Continental United States North American Aerospace Defense Command Region, Tyndall Air Force Base, Florida from 1994 until 1998.

I commend General Killey for his many years of service, and thank him for all that he has done for this nation and for our great state of South Dakota.●

TRIBUTE TO COLONEL EDWARD D. BISHOP

● Mr. SESSIONS. Madam President, it has come to my attention that Colonel Edward D. Bishop is retiring after 30 years of exemplary active military service in the United States Army. He served his country with dignity, honor, courage and integrity.

Colonel Bishop is concluding his career as the Chief, Congressional Affairs, U.S. Army Materiel Command, AMC, from August 2000 to May 2002. The Colonel's extraordinary insight into congressional affairs has greatly assisted the United States Army Materiel Command with the tough before the United States Congress. AMC is the one place in the Army where technology, acquisition, and logistics are integrated to assure Army readiness. Colonel Bishop as the Chief, Congressional Affairs, AMC was able to work the hard issues for the Army in order for AMC to continue to sustain the nation's defense industrial base.

Ed Bishop is a world-class logistician who served our nation in numerous logistical assignments throughout his career. From January 1996 to August 2000, he was assigned as the Director of the United States Central Command, CENTCOM, Liaison Office. He was the commands representative to the Office of the Secretary of Defense, the Joint Staff, the Service Staffs, Congress, and numerous Federal Agencies on political-military, operational, and logistics issues affecting 25 countries in Southwest Asia, Central Asia, and Horn of Africa.

Ed's other assignments included Division Chief in the Joint Logistics and Security Assistance Directorate from June 1993 to January 1996. During this period, he negotiated host nation support agreements with selected Gulf countries, monitored the readiness of prepositioned materiel, and provided interface with CENTCOM and the Joint Staff Crisis Action Team. Prior to this period, Col. Bishop was assigned to U.S. Forces Command and Joint Task Force, Somalia.

Colonel Bishop is a native of the great state of Alabama and a distinguished graduate of Jacksonville State University, Jacksonville, Alabama in 1972, and commissioned as a Second Lieutenant of Infantry. Later, he earned a Master of Business Administration, MBA, in Business Administration in 1982, from Florida Institute of Technology, and is a graduate of the Industrial College of Armed Forces at Fort McNair, Washington, D.C.

Colonel Bishop's military decorations include the Defense Superior Service Medal, Army Meritorious Service Medal with five oak leaf clusters, a Joint Service Commendation Medal, Army Commendation Medal with three oak leaf clusters, the Army Achievement Medal, the United Nations Service Medal, and the Army Humanitarian Service Medal. Throughout his career, Colonel Bishop has brought astute judgment, bold recommendations and selfless service to our Army.

Mr. President, Colonel Bishop deserves the thanks and praise of the nation that he faithfully served for so long. I know the Members of the Senate will join me in wishing him, his wife, Linda, two sons, Ryan and Troy, their daughter-in-law Sonya, and their lovely grandson Dylan, all the best in the years ahead.●

TRIBUTE TO ROBERT HODGES, THE OLDEST AMERICAN VETERAN

● Mr. EDWARDS. Madam President, today I pay tribute to an incredible North Carolinian, Mr. Robert Hodges.

On Friday, the Department of Veterans Affairs will host a ceremony in Pamlico County and officially recognize Mr. Hodges as the oldest American veteran. According to VA records, Mr. Hodges celebrated his 111th birthday last June. But if you ask Mr. Hodges, he'll tell you he is actually 114 years old.

As remarkable as his age is, it's not how long he's lived, but how he has lived those 111 or 114 years that is so inspiring.

Mr. Hodges is truly an example of living history. His life has been touched by almost every struggle this nation has endured. He was born in 1888, the same year Benjamin Harrison was elected President. His father, a runaway slave who lived to be 112 years old, often told him stories of the Civil War. He grew up on a former plantation in Beaufort County. He was never offered the chance for a formal education, so he helped his mother and father raise corn, cotton and peanuts on land that just decades before had been tended by slaves.

Shortly after America entered World War I, Mr. Hodges volunteered to serve his country. Mr. Hodges was one of nearly 20,000 African-American soldiers from North Carolina, men dedicated to

protecting a nation that treated them as second-class citizens at best. Military life offered no escape from the racism and segregation of civilian life, but Mr. Hodges didn't let that deter him. He served his country with distinction as a medical corpsman, ordnance technician and supplymaster. Mr. Hodges even became friends with General John ''Black Jack'' Pershing, commander of the U.S. Allied Expeditionary Force.

Following his service, he returned home to his mother and father's farm. He married Malinda, and despite the economic hard times, the two eventually saved enough money to buy their own land and build a home in Stonewall. He and Malinda had eight children. Sadly, after more than 50 years of marriage, Malinda died in 1997.

Time has not touched his incredible spirit. In fact, if you ask him to, he can still describe his feelings at the moment he heard an orderly shout to the front lines ''The war is over!''

Several years ago, a reporter covering a Veteran's Day celebration in Stonewall asked Mr. Hodges why it was so important for him to tell his story. Mr. Hodges replied because ''so many people . . . didn't get to come home.''

Mr. Hodges' story is remarkable. He overcame discrimination and prejudice and served his country with honor. He raised a loving family and has become a pillar of his church and community. I am proud to help tell his story of service and patriotism today, and I'm certain it will serve as an inspiration to all of us.●

CONGRATULATIONS TO ULUS JOHNSON OF SYMSONIA, KENTUCKY

● Mr. BUNNING. Madam President, today I congratulate Ulus Johnson of Symsonia, KY on being named by the Benton Kiwanis Club this year's Grand Marshal of events for the annual Tater Day Parade.

Mr. Johnson, who was with the Navy Seabees during WWII and served 28 months in the South Pacific, is believed to be the first non-Marshall Countian ever to be named Grand Marshal in he Parade's 159 years of existence. Like Mr. Johnson, Tater Day has survived the various twists and turns of history. During the 1950s and 1960s, many believed the parade was on the brink of being canceled. But with the help of friends, Ulus Johnson was able to revive the tradition of Tater Day for future generations.

Tater Day has its origins on the first Monday in April because this day also happened to be County Court Day and a good time for farmers to gather from across Kentucky in Benton to stock up on supplies, including sweet potatoes, for the upcoming planting season. They could also visit with neighbors, swap horses, dogs, knives and more than a few quality stories and tales. Johnson vividly remembers pretending to be ill on this day as a young boy so that he could miss school and attend the events of Tater Day. For many years, Johnson even drove his stagecoach to the parade for the sake of tradition, but now this item stands in a glassed-in enclosure at the rear of his home, where school children often come to learn about modes of transportation from the past. Ulus Johnson has been a vital figure for the Tater Day Parade almost his entire life and will certainly do a great job carrying on its tradition and legacy.

I once again congratulate Mr. Johnson for this honor and wish him and the rest of the participants a glorious Tater Day.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a withdrawal and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

PRESIDENTIAL MESSAGE

Under the authority of the order of the Senate of January 3, 2001, the Secretary of the Senate, on March 5, 2002, during the recess of the Senate, received the following message from the President of the United States, together with the accompanying papers; which was referred as indicated:

PM–72. A message from the President of the United States, received during adjournment, transmitting, pursuant to law, a report to facilitate positive adjustment to competition from imports of certain steel products; to the Committee on Finance.

To the Congress of the United States:

In accordance with section 203(b) of the Trade Act of 1974, as amended (the ''Act''), I hereby transmit documents to the Congress that describe the safeguard action that I have proclaimed on imports of certain steel products, pursuant to the authority vested in me by section 203(a)(1) of the Act and as President of the United States, and the reasons for taking that action.

GEORGE W. BUSH.

THE WHITE HOUSE, *March 5, 2002.*

MESSAGES FROM THE HOUSE

At 10:49 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3789. An act to designate the facility of the United States Postal Service located at 2829 Commercial Way in Rock Springs, Wyoming, as the ''Teno Roncalio Post Office Building.''

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 338. Concurrent resolution authorizing the printing as a House document of a collection of memorial tributes made in honor of the late Gerald Solomon.

H. Con. Res. 305. Concurrent resolution permitting the use of the Rotunda of the Capitol for a ceremony to present a gold medal on behalf of Congress to former President Ronald Reagan and his wife Nancy Reagan.

The message further announced that pursuant to section 2(a) of the National Cultural Center Act (20 U.S.C. 76h(a)), amended by Public Law 107–117, the Speaker appoints the following Members of the House of Representatives to the Board of Trustees of the John F. Kennedy Center for the Performing Arts: Ms. PRYCE of Ohio and Mr. KENNEDY of Rhode Island.

At 10:55 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the amendments of the Senate to the bill (H.R. 622) to amend the Internal Revenue Code 1986 to expand the adoption credit, and for other purposes, with amendments to Senate amendments pursuant to House Resolution 347, in which it requests the concurrence of the Senate.

Under the authority of the order of the Senate of January 3, 2001, the Secretary of the Senate, on today March 6, 2002, during the recess of the Senate, received a message from the House of Representatives announcing that the House has passed the following bill, without amendment:

S. 1857. An act to encourage the negotiated settlement of tribal claims.

ENROLLED BILL SIGNED

At 6:03 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks announced that the Speaker has signed the following enrolled bill:

S. 1857. An act to encourage the negotiated settlement of tribal claims.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3789. An act to designate the facility of the United States Postal Service located at 2829 Commercial Way in Rock Springs, Wyoming, as the ''Teno Roncalio Post Office Building''; to the Committee on Governmental Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 338. Concurrent resolution authorizing the printing as a House document of a collection of memorial tributes made in honor of the late Gerald Solomon; to the Committee on Rules and Administration.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. MURRAY (for herself, Mrs. BOXER, Ms. CANTWELL, and Mr. CORZINE):

S. 1990. A bill to establish a public education awareness program relating to emergency contraception; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HOLLINGS (for himself, Mr. BIDEN, Mr. BREAUX, Mr. CARPER, Mr. CLELAND, Mrs. CLINTON, Mr. CORZINE, Mr. DURBIN, Mrs. HUTCHISON, Mr. JEFFORDS, Mr. KENNEDY, Mr. KERRY, Mr. LEAHY, Ms. MIKULSKI, Mr. ROCKEFELLER, Mr. SCHUMER, Mr. STEVENS, Mr. TORRICELLI, Mr. REID, and Mrs. FEINSTEIN):

S. 1991. To establish a national rail passenger transportation system, reauthorize Amtrak, improve security and service on Amtrak, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KENNEDY (for himself, Mr. BINGAMAN, Mr. CORZINE , Mrs. BOXER, Mr. DASCHLE, Mr. HARKIN, Ms. MIKULSKI, Mr. REED, Mrs. CLINTON, and Mr. DURBIN):

S. 1992. A bill to amend the Employee Retirement Income Security Act of 1974 to improve diversification of plan assets for participants in individual account plans, to improve disclosure, account access, and accountability under individual account plans, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. CARNAHAN:

S. 1993. A bill to authorize a military construction project for the construction of a Weapons of Mass Destruction Responder Training Facility at Fort Leonard Wood, Missouri; to the Committee on Armed Services.

By Mr. KERRY (for himself and Mr. BOND):

S. 1994. A bill to establish a priority preference among certain small business concerns for purposes of Federal contracts, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Ms. SNOWE (for herself, Mr. FRIST, Mr. JEFFORDS, Mr. ENZI, Ms. COLLINS, Mr. HAGEL, Mr. DEWINE, and Mr. GREGG):

S. 1995. A bill to prohibit discrimination on the basis of genetic information with respect to health insurance and employment; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DASCHLE (for himself, Mr. LOTT, Mr. REID, and Mr. ENSIGN):

S. Res. 217. A resolution relative to the death of the Honorable Howard W. Cannon, formerly a Senator from the State of Nevada; considered and agreed to.

ADDITIONAL COSPONSORS

S. 540

At the request of Mr. DEWINE, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 540, a bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income the deduction for expenses in connection with services as a member of a reserve component of the Armed Forces of the United States, to allow employers a credit against income tax with respect to employees who participate in the military reserve components, and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes.

S. 813

At the request of Mr. SANTORUM, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 813, a bill to amend title XVIII of the Social Security Act to increase payments under the medicare program to Puerto Rico hospitals.

S. 999

At the request of Mr. BINGAMAN, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 999, a bill to amend title 10, United States Code, to provide for a Korea Defense Service Medal to be issued to members of the Armed Forces who participated in operations in Korea after the end of the Korean War.

S. 1007

At the request of Mr. REID, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 1007, a bill to amend the Internal Revenue Code of 1986 to treat gold, silver, and platinum, in either coin or bar form, in the same manner as stocks and bonds for purposes of the maximum capital gains rate for individuals.

S. 1062

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1062, a bill to amend the Public Health Service Act to promote organ donation and facilitate interstate linkage and 24-hour access to State donor registries, and for other purposes.

S. 1140

At the request of Mr. HATCH, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 1140, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1286

At the request of Mrs. CARNAHAN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1286, a bill to provide for greater access to child care services for Federal employees.

S. 1335

At the request of Mr. KENNEDY, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1335, a bill to support business incubation in academic settings.

S. 1394

At the request of Mr. ENSIGN, the names of the Senator from North Carolina (Mr. HELMS), the Senator from South Dakota (Mr. JOHNSON), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 1394, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 1607

At the request of Mr. ROCKEFELLER, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1607, a bill to amend title XVIII of the Social Security Act to provide coverage of remote monitoring services under the medicare program.

S. 1739

At the request of Mr. CLELAND, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 1739, a bill to authorize grants to improve security on over-the-road buses.

S. 1899

At the request of Mr. BROWNBACK, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 1899, a bill to amend title 18, United States Code, to prohibit human cloning.

S. 1917

At the request of Mr. JEFFORDS, the names of the Senator from Utah (Mr. BENNETT) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 1917, a bill to provide for highway infrastructure investment at the guaranteed funding level contained in the Transportation Equity Act for the 21st Century.

S. RES. 109

At the request of Mr. REID, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Vermont (Mr. JEFFORDS), the Senator from Arkansas (Mrs. LINCOLN), and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. Res. 109, a resolution designating the second Sunday in the month of December as ''National Children's Memorial Day'' and the last Friday in the month of April as ''Children's Memorial Flag Day.''

S. RES. 132

At the request of Mr. CAMPBELL, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. Res. 132, a resolution recognizing the social problem of child abuse and neglect, and supporting efforts to enhance public awareness of it.

S. RES. 206

At the request of Mr. MURKOWSKI, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. Res. 206, a resolution designating the week of March 17 through March 23, 2002 as ''National Inhalants and Poison Prevention Week.''

S. RES. 207

At the request of Mr. BINGAMAN, the names of the Senator from Delaware (Mr. BIDEN), the Senator from North

Carolina (Mr. EDWARDS), and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. Res. 207, a resolution designating March 31, 2002, and March 31, 2003, as ''National Civilian Conservation Corps Day.''

S. RES. 215

At the request of Mr. CLELAND, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Alaska (Mr. STEVENS), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Louisiana (Mr. BREAUX), and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. Res. 215, a resolution designating the week beginning March 17, 2002, as ''National Safe Place Week.''

At the request of Mr. CRAIG, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. Res. 215, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. MURRAY (for herself, Mrs. BOXER, Ms. CANTWELL, and Mr. CORZINE):

S. 1990. A bill to establish a public education awareness program relating to emergency contraception; to the Committee on Health, Education, Labor, and Pensions.

Mrs. MURRAY. Madam President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1990

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Emergency Contraception Education Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) each year, 3,000,000 pregnancies, or one half of all pregnancies, in the United States are unintended, and half of all of these unintended pregnancies end in abortion;

(2) the Food and Drug Administration has declared emergency contraception to be safe and effective in preventing unintended pregnancy, reducing the risk by as much as 89 percent;

(3) the most commonly used forms of emergency contraception are regimens of ordinary birth control pills taken within 72 hours of unprotected intercourse or contraceptive failure;

(4) emergency contraception, also known as post-coital contraception, is a responsible means of preventing pregnancy that works like other hormonal contraception to delay ovulation, prevent fertilization or prevent implantation;

(5) emergency contraception does not cause abortion and will not affect an established pregnancy;

(6) it is estimated that the use of emergency contraception could cut the number of unintended pregnancies in half, thereby reducing the need for abortion;

(7) emergency contraceptive use is the United States remains low, and 9 in 10 women of reproductive age remain unaware of the method;

(8) although the American College of Obstetricians and Gynecologists recommends that doctors routinely offer women of reproductive age a prescription for emergency contraceptive pills during their annual visit, only 1 in 5 ob/gyns routinely discuss emergency contraception with their patients, suggesting the need for greater provider and patient education;

(9) in light of their safety and efficacy, both the American Medical Association and the American College of Obstetricians and Gynecologists have endorsed more widespread availability of emergency contraceptive pills, and have recommended that dedicated emergency contraceptive products be available without a prescription;

(10) Healthy People 2010, published by the Office of the Surgeon General, establishes a 10-year national public health goal of increasing the proportion of health care providers who provide emergency contraception to their patients; and

(11) public awareness campaigns targeting women and health care providers will help remove many of the barriers to emergency contraception and will help bring this important means of pregnancy prevention to American women.

SEC. 3. EMERGENCY CONTRACEPTION EDUCATION AND INFORMATION PROGRAMS.

(a) DEFINITIONS.—In this section:

(1) EMERGENCY CONTRACEPTION.—The term ''emergency contraception'' means a drug or device (as the terms are defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321)) that is—

(A) used after sexual relations; and

(B) prevents pregnancy, by preventing ovulation, fertilization of an egg, or implantation of an egg in a uterus.

(2) HEALTH CARE PROVIDER.—The term ''health care provider'' means an individual who is licensed or certified under State law to provide health care services and who is operating within the scope of such license.

(3) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the same meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(b) EMERGENCY CONTRACEPTION PUBLIC EDUCATION PROGRAM.—

(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall develop and disseminate to the public information on emergency contraception.

(2) DISSEMINATION.—The Secretary may disseminate information under paragraph (1) directly or through arrangements with nonprofit organizations, consumer groups, institutions of higher education, Federal, State, or local agencies, clinics and the media.

(3) INFORMATION.—The information disseminated under paragraph (1) shall include, at a minimum, a description of emergency contraception, and an explanation of the use, safety, efficacy, and availability of such contraception.

(c) EMERGENCY CONTRACEPTION INFORMATION PROGRAM FOR HEALTH CARE PROVIDERS.—

(1) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration and in consultation with major medical and public health organizations, shall develop and disseminate to health care providers information on emergency contraception.

(2) INFORMATION.—The information disseminated under paragraph (1) shall include, at a minimum—

(A) information describing the use, safety, efficacy and availability of emergency contraception;

(B) a recommendation regarding the use of such contraception in appropriate cases; and

(C) information explaining how to obtain copies of the information developed under subsection (b), for distribution to the patients of the providers.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $10,000,000 for each of fiscal years 2003 through 2007.

By Mr. HOLLINGS (for himself, Mr. BIDEN, Mr. BREAUX, Mr. CARPER, Mr. CLELAND, Mrs. CLINTON, Mr. CORZINE, Mr. DURBIN, Mrs. HUTCHISON, Mr. JEFFORDS, Mr. KENNEDY, Mr. KERRY, Mr. LEAHY, Ms. MIKULSKI, Mr. ROCKEFELLER, Mr. SCHUMER, Mr. STEVENS, Mr. TORRICELLI, Mr. REID, and Mrs. FEINSTEIN):

S. 1991. To establish a national rail passenger transportation system, reauthorize Amtrak, improve security and service on Amtrak, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. HOLLINGS. Madam President, I rise today to introduce the National Defense Rail Act on behalf of myself and some 19 co-sponsors. This legislation will establish a strong and efficient national passenger rail system. For far too long, we have neglected investing in our Nation's passenger rail system. We have taken an active responsibility in developing the infrastructure of all other modes of transportation, whether it has been federally funding the development of the interstate highway system, subsidizing airport construction, or taking the responsibility for dredging harbors and channels or building locks and dams. Now it is time to build a world class passenger railroad system in the United States. We know it can be done. Japan and France provide two models of successful passenger railroad service. The time to move ahead is now. We cannot wait for highways and airports to become so clogged that they cannot operate any longer. Rail systems are not built in a day. We need to engage in long-term planning to address future passenger transportation growth and show forethought in crafting transportation solutions—not wait for an impending crisis. My legislation provides the vision to begin to do this.

The atrocious events of September 11, 2001, and the aftermath which followed, exposed the vulnerability of our society and our economy when transportation choices are limited and our mobility is diminished. In the aftermath of the horrific attack on the World Trade Center and the Pentagon, we were forced to adjust to a transportation system that was without access to aviation. That should make us all evaluate the problems inherent in a policy that results in overall dependence on any one particular mode of transportation. We need to have a more balanced system of transportation for passengers in this country. Our economy depends on it; our travelers deserve it; and our roads and airports

could operate more efficiently in a balanced system.

After the Federal Aviation Administration grounded all flights following the terrorist attacks on September 11, 2001, travelers flocked to Amtrak. Whether people had to travel for business, to help with rescue efforts, or just to get home, Amtrak kept our American citizens moving during a time of national emergency.

The situation not only proved that Amtrak works, but that passenger rail is a critical part of our transportation infrastructure during a national emergency or security crisis. Amtrak provided a critical transportation link, carrying 35,000 passengers along the Northeast corridor every day, and hundreds of extra carloads of mail for the U.S. Postal Office in the days following the terrorist attacks.

Transportation security—an essential part of our national security—requires a balanced and competitive system of transportation alternatives. In September, we found that our dependence on the aviation system almost crippled us. We cannot afford to rely on any single mode of transportation; we need to ensure that we have a balanced system that includes a sound passenger rail system. We also know that passenger railroads use less fuel per passenger mile than highway vehicles and commercial airlines. During these times of oil-consciousness, a larger presence of passenger rail in our transportation system would reduce our Nation's dependence on foreign oil.

Passenger railroads, the interstate highway system, and our national aviation network have all taken different paths to their current roles in our national transportation system. The tales of their development stand in quite a stark contrast from each other.

The interstate highway system has received significant attention and federal funding since the construction of the Lincoln Highway in 1913 and the Rural Post Roads Act of 1916, and later during World War II with the Federal Highway Act of 1944. It was not until 1956, however, that the Government began heavily promoting highway transportation with the passage of the Federal Aid Highway Act of 1956. The act established a Highway Trust Fund based upon Federal user taxes, in order to finance up to 90 percent of State construction costs of the $25 billion plan to pay for new roads, and the construction of the Eisenhower National Interstate and Defense Highway System.

Similar policies and Federal attention for aviation resulted in a strengthened infrastructure, and follows much the same story of the highways system.

Passenger rail service was once a vital instrument in the transportation needs of our Nation. For instance, during World War II, not only did the railroads transport 90 percent of all defense freight, but also 97 percent of all defense personnel on their way to theaters of action. By the end of the war, railroads accounted for three-quarters of the common carrier share of intercity traffic, with airplanes and buses sharing the remaining quarter of traffic. However, with national focus turned to aviation and highways, by the late 1960s most rail companies were petitioning the Government to discontinue passenger services because of losses.

Amtrak was created as a Federal corporation in order to relieve the railroad industry of these unprofitable passenger operations, and in the interest of maintaining a national passenger rail network. But in retrospect, Amtrak was set up not to thrive and expand passenger rail service, but really to just maintain the status quo of 30 years ago. That attitude persists even today. Since 1971, Amtrak has received only $25 billion in public subsidies; during that period, the United States invested $750 billion on highways and aviation.

So one problem becomes all too clear—that U.S. passenger rail infrastructure has no stable funding source in contrast to highways, aviation, and transit. In fact, per capita spending on passenger rail is much lower than many other countries: the U.S. ranks behind Britain, France, Japan, Canada, Luxembourg, Austria, Switzerland, Belgium, Sweden, Denmark, Italy, Ireland, Spain, Norway, Czech Republic, Finland, Slovakia, Portugal, Poland, South Africa, Greece, and Estonia. Imagine that of the 23 industrialized nations with rail service, we are at the bottom. Including these countries, no passenger rail service in the world has built and operated a passenger rail system at a profit. All have required Government support for construction and maintenance, or operating support, or both. That same principle holds true for highways and aviation, which have required substantial Federal spending since their beginning and continue to receive generous Federal subsidies today.

Those who want passenger rail to operate without Federal assistance—ultimately forcing more travelers onto cars, buses and airplanes—argue that we should not ''subsidize'' passenger rail. But we subsidize the building of roads and highways with tax dollars. We subsidize the building of airports and pay for all of the equipment and people needed to run our air traffic control system. We consider those subsidies to be worthwhile investments in our economy and our quality of life. We must make the same investment to create a world-class passenger rail system in order to see the same kinds of benefits.

While that argument should stand on its own, here's something the highway and airline crowd can take to the bank: moving more short-haul travelers to rail service reduces congestion on our already overcrowded highways and eases congestion at airports. It also provides real competition to airlines on short-haul trips.

Over the past 30 years, the lack of investment and attention to the needs of passenger rail infrastructure has resulted in a weak passenger rail network, and has caused a strain on the capacity of other modes of transportation in many areas of the country. The Amtrak Reform and Accountability Act of 1997, and preceding statutes, resulted in creating conflicting missions for Amtrak: serve a public function by operating unprofitable long-distance routes, but also attempt to operate at a profit. To add insult to injury, Amtrak has been forced to delay capital improvement projects having important long-term benefits in order to attempt to meet the mandate of the 1997 Act. Congress passed this misguided law in 1997, requiring Amtrak to operate without government support by the end of fiscal year 2002. But there is no truly national passenger train service in the world that makes a profit. Requiring Amtrak to make a profit has forced the railroad to forgo long-term capital investments in favor of short-term, bond payment shell games. Instead of investing in modern trains and infrastructure upgrades, Amtrak was forced to mortgage Penn Station just to pay the electric bill.

From this, it is evident that we need to reevaluate our Nation's rail passenger policy, and clearly define a role for Amtrak. A strong Federal role was required to establish the interstate highway system and the Federal aviation network. And now Federal investment in passenger rail infrastructure is critical; once again, Federal leadership is required to address the needs of a reliable, safe, secure passenger rail network.

This legislation provides a blueprint for the future of passenger rail in the United States. The bill will help develop high-speed rail corridors, which are the building blocks for a national passenger rail system. This will allow regional transportation solutions to play a part in the national system. It will also aid in the development of short distance corridors between larger urban centers, as well as provide funding to preserve longer distance routes for those communities that do not have the population densities to merit air service—sometimes the train is their only alternative to driving. Finally, it will provide Amtrak with the tools and funding it needs to operate efficiently.

This legislation authorizes $1.255 billion in emergency spending for Amtrak's security and life safety needs. Similar language was included in the Rail Security Act, S. 1550, which was favorably reported by the committee on October 17, 2001. In that legislation, we authorized funds to be spent on immediate rail security needs, such as hiring more police officers across the entire Amtrak system and modernizing the safety infrastructure of old tunnels.

This bill will give the Federal Government the script for the role it needs

to play in establishing a national rail passenger system. It would not require any State contribution, and would give preference to projects having right-of-way dedicated to passenger rail, involving high-speed passenger service of 125 mph, although operations of 90 mph speeds or more would be eligible for funding, and those connecting to other modes of passenger transportation, including airports.

The bill authorizes $1.5 billion annually for corridor development. These funds are needed for infrastructure acquisition, highway-rail grade crossing improvement/elimination, acquisition of rolling stock and track and signal equipment. Development of a national passenger rail system carries a high cost, and the Federal Government must take the lead role in funding it.

This bill will also fund $35 billion in loan guarantees. This money will dramatically expand the current Railroad Rehabilitation & Infrastructure Financing loan and loan guarantee program. But we also must restructure that program. Since it was created in 1998 as part of TEA–21 bill, the program has processed only a few loans due to unreasonable constraints imposed by OMB. Our bill eliminates the artificial limits on loan amounts, impossible collateral requirements, and unworkable loan cohort structures.

This bill identifies existing high-speed corridors in 29 States and the District of Columbia for priority consideration. Many of these corridors are in areas where people are now driving cars or taking airplanes on trips of 300 miles or less. In these areas, like the East Coast, travelers could take a high-speed train instead and arrive at about the same time. But right now they don't have that rail option, and they won't until we build it.

The passenger railroad system that has worked well in the Northeast can work in other highly-congested areas of the country: the South, the Midwest, California and the Northwest. Thirty years ago, those areas did not have the population to support high-speed intercity rail. But today those areas are growing by leaps and bounds. As the highways in those areas clog up and the planes run 3 hours late, their Governors—many of them Republicans—are asking us for help to build high speed rail.

A short-term benefit of this legislation will be stimulation of the economy by providing jobs in developing new corridors. This bill ensures that fair labor standards for all projects receiving funds under it, including payment of prevailing wages and allowance of collective bargaining over wage rates.

Another immediate benefit will be the closing/improvement of highway-rail grade crossings in high-speed rail corridors. Under this bill, funds are set aside specifically for these important safety improvements.

This legislation will provide the necessary funds of $1.31 billion for Amtrak to repair and upgrade the track it owns and operates in the Northeast corridor. This corridor is a prime example of the benefits we can attain when there are transportation choices for travelers. The Northeast corridor has become an invaluable asset to our national transportation system, and it should not be left in disrepair. This bill authorizes funds to enable Amtrak to eliminate its capital backlog of projects, maintain ongoing projects to capital infrastructure, and improve capacity to accommodate projected growth in traffic. It also allows Amtrak to reinvest revenues from operations in the Northeast corridor back into the backlog of capital infrastructure projects.

In a nutshell, this is our long term plan to make passenger rail a part of our balanced transportation system. But in the short run, we must make sure Amtrak's financial foundation is strong at a time when we are relying on them more than ever. Amtrak's ridership has increased consistently, and they now carry over 22 million passengers per year. This legislation will give Amtrak the tools and funding they need to create a modern, efficient passenger railroad. The bill reauthorizes Amtrak for 5 years, and fully funds their capital needs and the operating losses with respect to long-distance service.

This legislation repeals the unrealistic operating self-sufficiency requirements. It also authorizes funding for compliance with environmental standards, and the Americans with Disabilities Act.

This legislation will further aid Amtrak to operate more efficiently. It will require Amtrak to reinvest revenues from non-passenger operations into growth projects outside the Northeast corridor. It will require revenue from the Northeast corridor to be reinvested into capital projects on the Northeast corridor. Finally, it will require an annual independent audit of Amtrak, to be reviewed by the Department of Transportation's Inspector General.

I am pleased my colleagues have joined with me in sponsoring this bill. By developing passenger rail as part of a balanced transportation system, this legislation will lead to the creation of jobs in the short run to stimulate our economy. In the long run, high-speed rail corridors will become a key foundation for our national rail passenger transportation system, which is critical to the strong backbone of a prosperous economy.

Like the interstate highway system, the benefits of passenger rail and Amtrak could be immeasurable, so we have much at stake. While I have outlined an ambitious blueprint, I keep in mind that 50 years ago, the National System of Interstate and Defense Highways was ''pie in the sky.'' Now our successful Dwight D. Eisenhower System of Interstate and Defense Highways and national aviation network are used by many, so much that in many places they are congested and strained to capacity. We should not wait until our current transportation problems reach epidemic proportions; our economy cannot afford it.

Madam President, I ask unanimous consent that the bill and an outline of the finances of this bill be printed in the RECORD.

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

S. 1991

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

SECTION 1. SHORT TITLE; AMENDMENT OF TITLE 49; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''National Defense Rail Act''.

(b) AMENDMENT OF TITLE 49.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; amendment of title 49; table of contents.
Sec. 2. Findings.

TITLE I—RAIL TRANSPORTATION SECURITY

Sec. 101. Amtrak security assistance.
Sec. 102. Study of foreign rail transport security programs.
Sec. 103. Passenger, baggage, and cargo screening.
Sec. 104. Rail security.
Sec. 105. Rail transportation security risk assessment.

TITLE II—INTERSTATE RAILROAD PASSENGER HIGH-SPEED TRANSPORTATION SYSTEM

Sec. 201. Interstate railroad passenger high-speed transportation policy.
Sec. 202. High-speed rail corridor planning.
Sec. 203. Implemenation assistance.
Sec. 204. Designated high-speed rail corridors.
Sec. 205. Labor standards.
Sec. 206. Railway-highway crossings in high-speed rail corridors.
Sec. 207. Authorization of appropriations.

TITLE III—NATIONAL RAILROAD PASSENGER CORPORATION

Sec. 301. National railroad passenger transportation system defined.
Sec. 302. Extension of authorization.
Sec. 303. Additional Amtrak authorizations.
Sec. 304. Northeast Corridor authorizations.
Sec. 305. Long distance trains.
Sec. 306. Short distance trains; State-supported routes.
Sec. 307. Re-establishment of Northeast Corridor Safety Committee.
Sec. 308. On-time performance.
Sec. 309. Amtrak board of directors.
Sec. 310. Independent audit of Amtrak operations; review by DOT IG.

TITLE IV—MISCELLANEOUS

Sec. 401. Rehabilitation, improvement, and security financing.
Sec. 402. Rail passenger cooperative research program.
Sec. 403. Conforming amendments to title 49 reflecting ICC Termination Act.
Sec. 404. Applicability of reversion to Alaska Railroad right-of-way property.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Financial investment in passenger rail infrastructure is critical, and Federal leadership is required to address the needs of a reliable safe, secure passenger rail network, just as has been used in establishing the interstate highway system and the Federal aviation network.

(2) Lack of investment and attention to the needs of passenger rail infrastructure has resulted in a weak passenger rail network, and has caused a strain on the capacity of other modes of transportation in many areas of the country. According to the Department of Transportation, in 1999 the cost of wasted time and extra fuel consumption due to delays on congested roads was estimated at $78 billion.

(3) Passenger rail is an integral part of the United States transportation system, and, as can be evidenced in the Northeast Corridor, relieves the pressures of congestion on highways and at airports, and creates a more balanced system of transportation alternatives.

(4) Passenger rail service has been a vital instrument in the transportation needs of our Nation. For instance, during World War II, the privately owned, operated, and constructed railroad industry transported 90 percent of all defense freight, and 97 percent of all defense personnel transported to points of embarkation for theaters of action. By the end of the war, railroads accounted for three quarters of the share of the common carrier share of intercity traffic, with airplanes and buses sharing the remaining quarter of traffic.

(5) Significant attention and Federal funding were required to construct the Eisenhower System of Interstate and Defense Highways. The Federal Aid Highway Act of 1956 established a Highway Trust Fund based upon Federal user taxes in order to finance up to 90 percent of the costs of the $25 billion dollar highway construction plan.

(6) Federal policies with respect to investment in aviation resulted in a strengthened aviation industry and the rapid development of air passenger service, and by the late 1960's most rail companies were petitioning the Government to discontinue passenger services because of losses.

(7) Amtrak was established in 1971 by the Rail Passenger Service Act of 1970 to provide passenger rail services in the United States as a public service; at the time of Amtrak's formation, freight railroads were losing money on unprofitable passenger rail operations. Since 1971 Amtrak has received only $25 billion in public subsidies; during that period, the United States invested $750 billion on highways and aviation.

(8) The Amtrak Reform and Accountability Act of 1997, and preceding statutes, resulted in creating conflicting missions for the National Railroad Passenger Corporation of both serving a public function by operating unprofitable long-distance routes while also attempting to operate at a profit. This policy has also restricted Amtrak's profit potential on the Northeast Corridor by limiting the capital expenditures to help defray other costs.

(9) Due to a lack of capital investment, the Northeast Corridor has accumulated a backlog of repair needs, including life safety and security needs. Investment in the capital needs of the Northeast Corridor would result in capacity improvements which would result in greater utilization of the existing infrastructure.

(10) The Department of Transportation Inspector General's 2001 Assessment of Amtrak's Financial Performance and Requirements (Report #CR–2002–075) found that Amtrak's lack of available capital has impeded its efforts to achieve financial goals.

(11) In order to attempt to meet the mandate of the Amtrak Reform and Accountability Act of 1997, Amtrak has been forced to delay capital improvement projects and other projects which would produce long-term benefits.

(12) The Department of Transportation Inspector General's 2001 Assessment of Amtrak's Financial Performance and Requirements (Report #CR–2002–075) found that Amtrak's most profitable operations are on the Northeast Corridor, where Federal investment in passenger rail infrastructure has been significantly higher than anywhere else in the country.

(13) Federal investments in capital projects to support passenger rail in areas other than the Northeast Corridor would result in improved service and increase profitability.

(14) The need for a balanced interstate and international transportation system that provides a viable alternative to travel by private automobile or commercial aircraft is particularly evident after the events of September 11, 2001.

(15) As a matter of national security, a strong passenger rail network would provide travelers an alternative to highway and air travel, which could lead to reduced United States reliance on foreign oil imports.

(16) In fiscal year 2001, the United States spent less than 1 percent of all transportation modal spending on intercity passenger rail, and since 1998, Amtrak has received only $4.59 billion of the $8.42 billion it has been authorized to receive by Congress.

(17) Passenger rail in the United States has no stable funding source, in contrast to highways, aviation, and transit.

(18) Per capita spending on passenger rail is much higher in other countries than the United States and, in fact, the United States ranks behind other countries including Canada, Japan, France, Great Britain, Italy, Spain, Austria, Switzerland, Belgium, Sweden, Luxembourg, Denmark, Ireland, Norway, the Czech Republic, Finland, Slovakia, Portugal, Poland, South Africa, Greece, and Estonia.

(19) The United States needs to engage in long-term planning to foster and address future passenger transportation growth and show forethought regarding transportation solutions rather than be forced to act due to an impending crisis.

(20) It is in the national interest to preserve passenger rail service in the United States and to maintain the solvency of the National Railroad Passenger Corporation.

(21) Long-term planning and support for passenger rail will help offset the emerging problems created by transportation congestion, and contribute to a cleaner and more environmentally-friendly transportation system.

(22) A comprehensive re-evaluation of our nation's rail passenger policy is required and a clearly defined role for Amtrak and a connected rail passenger network must be established.

(23) The Federal government must take the primary responsibility for developing national railroad passenger transportation infrastructure, and help ensure that it functions as an efficient network. Privatization of the rail passenger industry in Great Britain has been disastrous and passenger service has suffered overall.

(24) The Nation should be afforded the opportunity to receive safe, efficient, and cost-effective rail passenger services, taking into account all benefits to the Nation as a whole.

TITLE I—RAIL TRANSPORTATION SECURITY

SEC. 101. AMTRAK SECURITY ASSISTANCE.

(a) INFRASTRUCTURE SECURITY.—The following amounts are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for fiscal year 2003:

(1) $26,000,000 for tunnel, bridge, electric traction, and tower security, including closed circuit television cameras, vehicle barriers, lighting, and fencing, of which $19,725,000 shall be obligated or expended on the Northeast Corridor and $6,275,000 shall be obligated or expended outside the Northeast Corridor.

(2) $137,370,000 for interlocking security needs, including closed circuit television cameras, lighting, fencing and vehicle barriers, of which 50 percent shall be obligated or expended on the Northeast Corridor and 50 percent shall be obligated or expended outside the Northeast Corridor.

(3) $12,525,000 for equipment facility security, including closed circuit television cameras, lighting, and vehicle barriers, of which $4,175,000 shall be obligated or expended on the Northeast Corridor and $8,350,000 shall be obligated or expended outside the Northeast Corridor.

(4) $22,140,000 for yard and terminal security, including closed circuit television cameras, lighting, fencing and vehicle barriers, of which $9,225,000 shall be obligated or expended on the Northeast Corridor and $12,915,000 shall be obligated or expended outside the Northeast Corridor.

(5) $2,940,000 for mail and express facilities security, including closed circuit television cameras, lighting, fencing, and vehicle barriers, of which $1,470,000 shall be obligated or expended on the Northeast Corridor and $1,470,000 shall be obligated or expended outside the Northeast Corridor.

(6) $20,125,000 for station security, including closed circuit television cameras, x-ray machines, lighting, fencing and vehicle barriers, of which $7,000,000 shall be obligated or expended on the Northeast Corridor and $13,125,000 shall be obligated or expended outside the Northeast Corridor.

(7) $538,000 for employee identification systems, including improved technology for badges issued to employees and visitors controlled through a centralized database.

(8) $75,000 for bomb-resistant trash containers, of which 50 percent shall be obligated or expended on the Northeast Corridor and 50 percent shall be obligated or expended outside the Northeast Corridor.

(9) $5,800,000 for a passenger information retrieval system to capture security information, create watchlists, and an online history of passengers, of which 50 percent shall be obligated or expended on the Northeast Corridor and 50 percent shall be obligated or expended outside the Northeast Corridor.

(10) $6,200,000 for an incident tracking system to create and maintain an electronic database of data on criminal and operational incidents, of which 50 percent shall be obligated or expended on the Northeast Corridor and 50 percent shall be obligated or expended outside the Northeast Corridor.

(11) $4,300,000 for upgrades to ticket kiosks for photo imaging for identification purposes, of which 50 percent shall be obligated or expended on the Northeast Corridor and 50 percent shall be obligated or expended outside the Northeast Corridor.

(12) $16,750,000 for an incident command system to serve as a second command center and a disaster recovery command site, of which $5,000,000 shall be obligated or expended on the Northeast Corridor and $11,750,000 shall be obligated or expended outside the Northeast Corridor.

(13) $5,000,000 for train locator and tracking systems to provide GPS coordinates for all locomotives, of which 50 percent shall be obligated or expended on the Northeast Corridor and 50 percent shall be obligated or expended outside the Northeast Corridor.

(14) $120,000 for a notification system for integration of GPS information into the central computer systems, of which 50 percent

shall be obligated or expended on the Northeast Corridor and 50 percent shall be obligated or expended outside the Northeast Corridor.

(15) $1,245,000 for mail and express shipment software to identify each shipment positively before it is transported by rail, of which $405,000 shall be obligated or expended on the Northeast Corridor and $840,000 shall be obligated or expended outside the Northeast Corridor.

(16) $1,211,000 for mail and express tracking deployment to identify the status of each rail shipment.

(b) SECURITY OPERATIONS.—The following amounts are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for fiscal year 2003:

(1) $354,000 for hiring 4 police officers, each of whom is to be dedicated to a specific region of the United States, to provide intelligence-gathering and analysis, conduct crime-mapping assessments throughout the entire system, work with law enforcement to prevent terrorist acts and reduce Amtrak's vulnerability, of which 50 percent shall be obligated or expended on the Northeast Corridor and 50 percent shall be obligated or expended outside the Northeast Corridor.

(2) $10,411,000 for the hiring of 150 patrol officers and 48 specialized personnel, of whom 101 would be deployed on the Northeast Corridor and 97 outside the Northeast Corridor.

(3) $11,292,000 for the hiring of 250 security officers, of whom 147 would be deployed on the Northeast Corridor and 103 outside the Northeast Corridor.

(4) $1,828,000 for the hiring of 20 canine bomb teams, of which 14 are to be deployed outside the Northeast Corridor and 10 are to be deployed to mail and express facilities.

(5) $30,761,000 for 90 infrastructure security inspectors to inspect the rights-of-way, bridges, buildings, tunnels, communications and signaling equipment, fencing, gates, barriers, lighting, catenary system, and other security features, of which $21,000,000 is to be obligated or expended on the Northeast Corridor and $10,000,000 is to be obligated or expended outside the Northeast Corridor.

(6) $2,990,000 to expand aviation capabilities for security coverage and patrol capabilities, including equipment, staff, and facilities, of which $997,000 is to be obligated or expended on the Northeast Corridor and $1,993,000 is to be obligated or expended outside the Northeast Corridor.

(7) $1,095,000 for the leasing of 150 vehicles and 10 bicycles to support patrol capabilities, of which $569,000 is to be obligated or expended on the Northeast Corridor and $526,000 is to be obligated or expended outside the Northeast Corridor.

(8) $669,000 for 6 management level positions with responsibility for direction, control, implementation, and monitoring of security systems, including the deployment of the 250 security officers throughout the Amtrak system, of which $446,000 is to be obligated or expended on the Northeast Corridor and $223,000 is to be obligated or expended outside the Northeast Corridor.

(9) $980,000 for applicant background investigations, of which 50 percent shall be obligated or expended on the Northeast Corridor and 50 percent shall be obligated or expended outside the Northeast Corridor.

(10) $457,000 for rapid response teams to respond to and prepare for on-site consequence management, all of which shall be obligated or expended outside the Northeast Corridor.

(c) EQUIPMENT SECURITY.—

(1) IN GENERAL.—The following amounts are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for fiscal year 2003:

(A) $1,755,000 to provide two-way communication devices for all Amtrak conductors.

(B) $3,000,000 for 2 mobile emergency command and communication units and rapid response teams, 1 to be located in the Midwest and 1 on the West Coast.

(C) $651,000 for 200 to 400 radioactive material detectors to be deployed system-wide, of which $231,000 is to be obligated or expended on the Northeast Corridor and $420,000 is to be obligated or expended outside the Northeast Corridor.

(D) $4,000,000 for hand-held bomb detectors for use by police to inspect baggage and packages.

(E) $1,400,000 to screen express packages before being placed on trains.

(F) $1,305,000 for secure locking devices on mail and express cars that have satellite-monitoring capability.

(G) $10,234,000 for video recording systems on road locomotives, of which $4,859,000 is to be obligated or expended on the Northeast Corridor and $5,375,000 is to be obligated or expended outside the Northeast Corridor.

(H) $6,712,000 to acquire and install satellite-based technology to shut down any locomotive that is not under the control of its crew.

(I) $4,320,000 to install 10 new communications stations to enable radio communications in remote locations and 12 satellite receivers.

(J) $4,000,000 for 4 self-propelled high-speed rail cars designated for selective patrol and enforcement functions, including critical incident response, dignitary protection, and roving rail security inspections.

(2) ALLOCATION.—Except as provided in subparagraphs (B), (C), and (G) of paragraph (1), 50 percent of any amounts appropriated pursuant to paragraph (1) shall be obligated or expended on the Northeast Corridor and 50 percent of such amounts shall be obligated or expended outside the Northeast Corridor.

(d) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsections (a), (b), and (c) shall remain available until expended.

(e) PROHIBITION ON USE OF EQUIPMENT FOR EMPLOYMENT-RELATED PURPOSES.—An employer may not use closed circuit television cameras purchased with amounts authorized by this section for employee disciplinary or monitoring purposes unrelated to transportation security.

SEC. 102. STUDY OF FOREIGN RAIL TRANSPORT SECURITY PROGRAMS.

(a) REQUIREMENT FOR STUDY.—Not later than June 1, 2003, the Comptroller General shall carry out a study of the rail passenger transportation security programs that are carried out for rail transportation systems in Japan, member nations of the European Union, and other foreign countries.

(b) PURPOSE.—The purpose of the study shall be to identify effective rail transportation security measures that are in use in foreign rail transportation systems, including innovative measures and screening procedures determined effective.

(c) REPORT.—The Comptroller General shall submit a report on the results of the study to Congress. The report shall include the Comptroller General's assessment regarding whether it is feasible to implement within the United States any of the same or similar security measures that are determined effective under the study.

SEC. 103. PASSENGER, BAGGAGE, AND CARGO SCREENING.

(a) REQUIREMENT FOR STUDY AND REPORT.—The Secretary of Transportation shall—

(1) study the cost and feasibility of requiring security screening for all passengers, baggage, and mail, express, and other cargo on Amtrak trains; and

(2) report the results of the study, together with any recommendations that the Secretary may have for implementing a rail security screening program to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives one year after the date of enactment of this Act.

(b) PILOT PROGRAM.—As part of the study under subsection (a), the Secretary shall conduct a pilot program of random security screening of passengers and baggage at 5 of the 10 busiest passenger rail stations served by Amtrak (measured by the average number of boardings of Amtrak passenger trains) and at up to five additional rail stations served by Amtrak that are selected by the Secretary. In selecting the additional train stations the Secretary shall attempt to achieve a distribution of participating stations in terms of geographic location and size.

SEC. 104. RAIL SECURITY.

(a) SECRETARY OF TRANSPORTATION.—Section 20103(a) is amended by striking ''safety'' and inserting ''safety, including the security of railroad operations,''.

(b) RAIL POLICE OFFICERS.—Section 28101 is amended by striking ''the rail carrier'' each place it appears and inserting ''any rail carrier''.

(c) REVIEW OF RAIL REGULATIONS.—Within 180 days after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Federal Railroad Administration's Rail Safety Advisory Committee, shall review existing rail regulations of the Department of Transportation for the purpose of identifying areas in which those regulations need to be revised to improve rail safety and security.

SEC. 105. RAIL TRANSPORTATION SECURITY RISK ASSESSMENT.

(a) IN GENERAL.—

(1) ASSESSMENT.—The Secretary of Transportation shall assess the security risks associated with rail transportation and develop prioritized recommendations for—

(A) improving the security of rail tunnels, rail bridges, rail switching areas, and other areas identified by the Secretary as posing significant rail-related risks to public safety and the movement of interstate commerce, taking into account the impact that any proposed security measure might have on the provision of rail service;

(B) the deployment of chemical and biological weapon detection equipment;

(C) dealing with the immediate and long-term economic impact of measures that may be required to address those risks; and

(D) training employees in terrorism response activities.

(2) EXISTING PRIVATE AND PUBLIC SECTOR EFFORTS.—The assessment shall include a review of any actions already taken to address identified security issues by both public and private entities.

(3) RAILROAD CROSSING DELAYS.—The Secretary shall include in the assessment an analysis of the risks to public safety and to the security of rail transportation that are associated with long delays in the movement of trains that have stopped on railroad grade crossings of highways, streets, and other roads for motor vehicle traffic, especially in major metropolitan areas. The Secretary shall include in the recommendations developed under paragraph (1) recommended actions for preventing such delays and reducing the risks identified in the analysis.

(b) CONSULTATION; USE OF EXISTING RESOURCES.—In carrying out the assessment required by subsection (a), the Secretary shall—

(1) consult with rail management, rail labor, and public safety officials (including officials responsible for responding to emergencies); and

(2) utilize, to the maximum extent feasible, the resources and assistance of—

(A) the Federal Railroad Administration's Rail Safety Advisory Committee; and

(B) the Transportation Research Board of the National Academy of Sciences.

(c) REPORT.—

(1) CONTENTS.—Within 180 days after the date of enactment of this Act, the Secretary shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report, without compromising national security, containing—

(A) the assessment and prioritized recommendations required by subsection (a); and

(B) any proposals the Secretary deems appropriate for providing Federal financial, technological, or research and development assistance to railroads to assist the railroads in reducing the likelihood, severity, and consequences of deliberate acts of crime or terrorism toward rail employees, rail passengers, rail shipments, or rail property.

(2) FORMAT.—The Secretary may submit the report in both classified and redacted formats if the Secretary determines that such action is appropriate or necessary.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $5,000,000 for fiscal year 2003 to carry out this section, such sums to remain available until expended.

TITLE II—INTERSTATE RAILROAD PASSENGER HIGH-SPEED TRANSPORTATION SYSTEM

SEC. 201. INTERSTATE RAILROAD PASSENGER HIGH-SPEED TRANSPORTATION POLICY.

(a) IN GENERAL.—Chapter 261 is amended by inserting before section 26101 the following:

"§ 26100. Policy

''(a) IN GENERAL.—The Congress declares that it is the policy of the United States that designated high-speed railroad passenger transportation corridors are the building blocks of an interconnected interstate railroad passenger system that serves the entire Nation.

''(b) SECRETARY REQUIRED TO ESTABLISH NATIONAL HIGH-SPEED GROUND TRANSPORTATION POLICY.—The Secretary of Transportation shall establish the national high-speed ground transportation policy required by section 309(e)(1) of this title no later than December 31, 2002.''.

(b) CONFORMING AMENDMENTS.—

(1) The chapter analysis for chapter 261 is amended by inserting before the item relating to section 26101 the following:

''26100. Policy.''.

(2) Section 309(e)(1) is amended by striking ''Within 12 months after the submission of the study required by subsection (d),'' and inserting ''No later than December 31, 2002,''.

SEC. 202. HIGH-SPEED RAIL CORRIDOR PLANNING.

(a) IN GENERAL.—Section 26101(a) is amended to read as follows:

''(a) PLANNING.—

''(1) IN GENERAL.—The Secretary of Transportation shall provide planning assistance to States or group of States and other public agencies promoting the development of high-speed rail corridors designated by the Secretary under section 104(d) of title 23.

''(2) SECRETARY MAY PROVIDE DIRECT OR FINANCIAL ASSISTANCE.—The Secretary may provide planning assistance under paragraph (1) directly or by providing financial assistance to a public agency or group of public agencies to undertake planning activities approved by the Secretary.

''(3) 100 PERCENT FEDERAL FUNDING.—The Secretary may not require any portion of the publicly financed costs associated with eligible activities to come from non-Federal sources.

''(4) PRIORITIES TO CHICAGO, ATLANTA, AND DALLAS/FORT WORTH.—In determining projects to be undertaken pursuant to this paragraph, the Secretary shall give the highest priorities to undertaking planning in the vicinity of Union Station in Chicago, Illinois, in metropolitan Atlanta, Georgia, and in the Dallas/Fort Worth, Texas, area.''.

(b) CONFORMING AND OTHER AMENDMENTS TO SECTION 26101.—Section 26101 is further amended—

(1) by striking subsection (c)(2) and inserting the following:

''(2) the extent to which the proposed planning focuses on high-speed rail systems, giving a priority to systems which will achieve sustained speeds of 125 miles per hour or greater and projects involving dedicated rail passenger rights-of-way;'';

(2) by inserting ''and'' after the semicolon in subsection (c)(12);

(3) by striking ''completed; and'' in subsection (c)(13) and inserting ''completed.'';

(4) by striking subsection (c)(14); and

(5) by adding at the end the following:

''(d) OPERATORS AND CERTAIN SERVICE PROVIDERS DEEMED RAIL CARRIERS.—A person that conducts rail operations, or performs catering, cleaning, construction, maintenance or other services for rail operations, funded or otherwise receiving assistance under this section is deemed to be a rail carrier for purposes of part A of subtitle IV, when so operating or performing such services.''.

(c) CONFORMING AMENDMENT.—Section 511(n)(1) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 831(n)(1)) is amended by striking ''125'' and inserting ''90''.

(d) FINANCIAL ASSISTANCE TO INCLUDE LOANS AND LOAN GUARANTEES.—Section 26105(1) is amended by inserting ''loans, loan guarantees,'' after ''contracts,''.

(e) REINVESTMENT OF NON-PASSENGER OPERATING PROFIT.—Amtrak shall invest any revenue from non-passenger operations in capital needs outside the Northeast Corridor.

SEC. 203. IMPLEMENATION ASSISTANCE.

(a) IN GENERAL.—Chapter 261 is amended by inserting after section 26101 the following:

"§ 26101A. Implementation of corridor plans

''(a) IMPLEMENTATION ASSISTANCE.—

''(1) IN GENERAL.—The Secretary of Transportation shall provide implementation assistance to States or group of States and other public agencies promoting the development of high-speed rail corridors designated by the Secretary under section 104(d) of title 23. The Secretary shall establish an application and qualification process and, before providing assistance under this section, make a determination on the record that the applicant is qualified and eligible for assistance under this section.

''(2) SECRETARY MAY PROVIDE DIRECT OR FINANCIAL ASSISTANCE.—The Secretary may provide implementation assistance under paragraph (1) directly or by providing financial assistance to a public agency or group of public agencies to undertake implementation activities approved by the Secretary.

''(3) 100 PERCENT FEDERAL SHARE.—The Secretary may not require any portion of the publicly financed costs associated with eligible activities to come from non-Federal sources.

''(4) CONTRIBUTION OF LAND.—Notwithstanding paragraph (3), the Secretary may accept land contributed by a State for right-of-way, without regard to whether the State acquired the land directly or indirectly through the use of Federal funds, including transfers from the Highway Trust Fund under section 9503 of the Internal Revenue Code of 1986.

''(5) PRIORITIES TO CHICAGO, ATLANTA, AND DALLAS/FORT WORTH.—In determining projects to be undertaken pursuant to this subsection, the Secretary shall give the highest priorities to undertaking implementation assistance in the vicinity of Union Station in Chicago, Illinois, in metropolitan Atlanta, Georgia, and in the Dallas/Fort Worth, Texas, area.

''(6) SPECIAL TRANSPORTATION CIRCUMSTANCES.—In carrying out this section, the Secretary shall allocate an appropriate portion of the amounts available for implementation assistance to providing appropriate related assistance in any State the rail transportation system of which—

''(A) is not physically connected to rail systems in the continental United States; and

''(B) may not otherwise qualify for high-speed rail implementation assistance due to the constraints imposed on the railway infrastructure in that State due to the unique characteristics of the geography of that State or other relevant considerations, as determined by the Secretary.

''(b) ELIGIBLE IMPLEMENTATION ACTIVITIES.—The following activities are eligible for implementation assistance under subsection (a):

''(1) Security planning and the acquisition of security and emergency response equipment.

''(2) Operating expenses.

''(3) Infrastructure acquisition and construction of track and facilities.

''(4) Highway-rail grade crossing eliminations and improvements.

''(5) Acquisition of rights-of-way, locomotives, rolling stock, track, and signal equipment.

''(c) CRITERIA FOR DETERMINING ASSISTANCE FOR IMPLEMENTATION ACTIVITIES.—The Secretary, in selecting recipients of assistance under subsection (a), shall—

''(1) encourage the use of positive train control technologies;

''(2) require that any project meet any existing safety regulations, and give preference to any project determined by the Secretary to have particularly high levels of safety;

''(3) encourage intermodal connectivity by locating train stations in or near airports, bus terminals, subway stations, ferry ports, and other modes of transportation; and

''(4) ensure a general regional balance in providing such assistance and avoid the concentration of a disproportionate dedication of available financial assistance resources to a single project or region of the country.

''(d) OPERATORS AND CERTAIN SERVICE PROVIDERS DEEMED RAIL CARRIERS.—A person that conducts rail operations, or performs catering, cleaning, construction, maintenance or other services for rail operations, funded or otherwise receiving assistance under this section is deemed to be a rail carrier for purposes of part A of subtitle IV, when so operating or performing such services.''.

(b) RULEMAKING REQUIRED.—Within 90 days after the date of enactment of this Act, the Secretary of Transportation shall initiate a rulemaking to create an application and qualification procedure for providing high-speed rail corridor implementation assistance under section 26101A of title 49, United States Code.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 261 is amended by inserting after the item relating to section 26101 the following:

''26101A. Implementation of corridor plans.''.

SEC. 204. DESIGNATED HIGH-SPEED RAIL CORRIDORS.

(a) IN GENERAL.—The Secretary of Transportation shall give priority in allocating funds authorized by section 26104 of title 49, United States Code, to designated high-speed rail corridors.

(b) DESIGNATED HIGH-SPEED RAIL CORRIDORS.—For purposes of subsection (a), the following shall be considered to be designated high-speed rail corridors:

(1) California Corridor connecting the San Francisco Bay area and Sacramento to Los Angeles and San Diego.

(2) Chicago Hub Corridor Network with the following spokes:

(A) Chicago to Detroit.

(B) Chicago to Minneapolis/St. Paul, Minnesota, via Milwaukee, Wisconsin.

(C) Chicago to Kansas City, Missouri, via Springfield, Illinois, and St. Louis, Missouri.

(D) Chicago to Louisville, Kentucky, via Indianapolis, Indiana, and Cincinnati, Ohio.

(E) Chicago to Cleveland, Ohio, via Toledo, Ohio.

(F) Cleveland, Ohio, to Cincinnati, Ohio, via Columbus, Ohio.

(3) Empire State Corridor from New York City, New York, through Albany, New York, to Buffalo, New York.

(4) Florida High-Speed Rail Corridor from Tampa through Orlando to Miami.

(5) Gulf Coast Corridor from Houston Texas, through New Orleans, Louisiana, to Mobile, Alabama, with a branch from New Orleans, through Meridian, Mississippi, and Birmingham, Alabama, to Atlanta, Georgia.

(6) Keystone Corridor from Philadelphia, Pennsylvania, through Harrisburg, Pennsylvania, to Pittsburgh, Pennsylvania.

(7) Northeast Corridor from Washington, District of Columbia, through New York City, New York, New Haven, Connecticut, and Providence, Rhode Island, to Boston, Massachusetts, with a branch from New Haven, Connecticut, to Springfield, Massachusetts.

(8) New England Corridor from Boston, Massachusetts, to Portland and Auburn, Maine, and from Boston, Massachusetts, through Concord, New Hampshire, and Montpelier, Vermont, to Montreal, Quebec.

(9) Pacific Northwest Corridor from Eugene, Oregon, through Portland, Oregon, and Seattle, Washington, to Vancouver, British Columbia.

(10) South Central Corridor from San Antonio, Texas, through Dallas/ Fort Worth to Little Rock, Arkansas, with a branch from Dallas/Fort Worth through Oklahoma City, Oklahoma, to Tulsa, Oklahoma.

(11) Southeast Corridor from Washington, District of Columbia, through Richmond, Virginia, Raleigh, North Carolina, Columbia, South Carolina, Savannah, Georgia, and Jessup, Georgia, to Jacksonville, Florida, with—

(A) a branch from Raleigh, North Carolina, through Charlotte, North Carolina, and Greenville, South Carolina, to Atlanta, Georgia; a branch from Richmond, to Hampton Roads/Norfolk, Virginia;

(B) a branch from Charlotte, North Carolina, to Columbia, South Carolina, to Charleston, South Carolina;

(C) a connecting route from Atlanta, Georgia, to Jessup, Georgia;

(D) a connecting route from Atlanta, Georgia, to Charleston, South Carolina; and

(E) a branch from Raleigh, North Carolina, through Florence, South Carolina, to Charleston, South Carolina, and Savannah, Georgia, with a connecting route from Florence, South Carolina, to Myrtle Beach, South Carolina.

(12) Southwest Corridor from Los Angeles, California, to Las Vegas, Nevada.

(c) OTHER HIGH-SPEED RAIL CORRIDORS.—For purposes of this section, subsection (b)—

(1) does not limit the term ''designated high-speed rail corridor'' to those corridors described in subsection (b); and

(2) does not limit the Secretary of Transportation's authority—

(A) to designate additional high-speed rail corridors; or

(B) to terminate the designation of any high-speed rail corridor.

SEC. 205. LABOR STANDARDS.

(a) EMPLOYEE PROTECTION.—The Secretary of Transportation shall require as a condition of any project financed in whole or in part by funds authorized by this Act that the project be conducted in a manner that provides a fair arrangement at least as protective of the interests of employees who are affected by the project so funded as the terms imposed under arrangements reached under section 141 of the Amtrak Reform and Accountability Act of 1997 (49 U.S.C. 24706 note) on rail carriers.

(b) LABOR STANDARDS.—

(1) PREVAILING WAGES.—The Secretary or Transportation—

(A) shall ensure that laborers and mechanics employed by contractors and subcontractors in construction work financed in whole or in part by funds authorized by this Act will be paid wages not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor under the Act of March 3, 1931 (known as the Davis-Bacon Act; 40 U.S.C. 276a et seq.); and

(B) may make such funds available with respect to construction work only after being assured that required labor standards will be maintained on the construction work.

(2) WAGE RATES.—Wage rates in a collective bargaining agreement negotiated under the Railway Labor Act (45 U.S.C. 151 et seq.) are deemed for purposes of this subsection to comply with the Act of March 3, 1931 (known as the Davis-Bacon Act; 40 U.S.C. 276a et seq.).

SEC. 206. RAILWAY-HIGHWAY CROSSINGS IN HIGH-SPEED RAIL CORRIDORS.

(a) IN GENERAL.—The entire cost of construction of projects for the elimination of hazards of railway-highway crossings in designated high-speed rail corridors, including the separation or protection of grades at crossings, the reconstruction of existing railroad grade crossing structures, and the relocation of highways to eliminate grade crossings, may be paid from sums authorized by subsection (k). In any case when the elimination of the hazards of a railway-highway crossing can be effected by the relocation of a portion of a railway at a cost estimated by the Secretary of Transportation to be less than the cost of such elimination by one of the methods mentioned in the first sentence of this section, then the entire cost of such relocation project may be paid from sums authorized by subsection (k).

(b) CLASSIFICATION OF PROJECTS.—The Secretary may classify the various types of projects involved in the elimination of hazards of high-speed rail corridor railway-highway crossings, and may set for each such classification a percentage of the costs of construction which shall be deemed to represent the net benefit to the railroad or railroads for the purpose of determining the railroad's share of the cost of construction. The percentage so determined shall in no case exceed 10 per cent of such costs. The Secretary shall determine the appropriate classification of each project.

(c) LIABILITY OF RAILROAD.—Any railroad involved in a project for the elimination of hazards of railway-highway crossings paid for in whole or in part from sums made available under this section shall be liable to the United States for the net benefit to the railroad determined under the classification of such project made under subsection (b). That liability to the United States may be discharged by direct payment to the State transportation department of the State in which the project is located, in which case such payment shall be credited to the cost of the project. The payment may consist in whole or in part of materials and labor furnished by the railroad in connection with the construction of the project. If any such railroad fails to discharge such liability within a 6-month period after completion of the project, it shall be liable to the United States for its share of the cost, and the Secretary shall request the Attorney General to institute proceedings against such railroad for the recovery of the amount for which it is liable under this subsection. The Attorney General is authorized to bring such proceedings on behalf of the United States, in the appropriate district court of the United States, and the United States shall be entitled in such proceedings to recover such sums as it is considered and adjudged by the court that such railroad is liable for in the premises. Any amounts recovered by the United States under this subsection shall be credited to miscellaneous receipts.

(d) SURVEY AND SCHEDULE OF PROJECTS.—Each State shall conduct and systematically maintain a survey of all high-speed rail corridor railway-highway crossings to identify those railroad crossings which may require separation, relocation, or protective devices, and establish and implement a schedule of projects for this purpose.

(e) FUNDS FOR PROTECTIVE DEVICES.—The Secretary shall give priority under this section to the elimination of high-speed rail corridor railway-highway grade crossings, but shall make funds authorized for obligation or expenditure under this section available for the installation of protective devices at high-speed rail corridor railway-highway crossings where appropriate.

(f) APPORTIONMENT.—The Secretary shall apportion funds available for obligation and expenditure under this section between high-speed rail corridor railway-highway crossings on the Northeast Corridor and such crossings outside the Northeast Corridor in an equitable fashion, taking into account traffic volume, traffic patterns, frequency of trains, adequacy of existing hazard warnings, and such other factors as the Secretary deems appropriate.

(g) ANNUAL REPORT.—The Secretary shall report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure not later than December 30 of each year on the progress being made to implement the railway-highway crossings program authorized by this section and the effectiveness of such improvements. Each report shall contain an assessment of the costs of the various treatments employed and subsequent accident experience at improved locations. The report shall include—

(1) the number of projects undertaken, their distribution by cost range, road system, nature of treatment, and subsequent accident experience at improved locations;

(2) an analysis and evaluation of the program activities in each State, including identification of any State found not to be in compliance with the schedule of improvements required by subsection (d); and

(3) recommendations for future implementation of the railway-highway crossings program under this section and section 130 of title 23, United States Code.

(h) USE OF FUNDS FOR MATCHING.—Funds authorized to be appropriated to carry out this section may be used to provide a local

government with funds to be used on a matching basis when State funds are available which may only be spent when the local government produces matching funds for the improvement of railway-highway crossings.

(i) INCENTIVE PAYMENTS FOR AT-GRADE CROSSING CLOSURES.—.

(1) IN GENERAL.—Notwithstanding any other provision of this section and subject to paragraphs (2) and (3), the Secretary may make incentive payments to a local government upon the permanent closure by such government of public at-grade high-speed rail corridor railway-highway crossings under its jurisdiction.

(2) INCENTIVE PAYMENTS BY RAILROADS.—The Secretary may not make an incentive payment under paragraph (1) to a local government with respect to the closure of a crossing unless the railroad owning the tracks on which the crossing is located makes an incentive payment to the government with respect to the closure.

(3) AMOUNT OF FEDERAL INCENTIVE PAYMENT.—The amount of the incentive payment payable to a local government under paragraph (1) with respect to a crossing may not exceed the lesser of—

(A) the amount of the incentive payment paid to the government with respect to the crossing by the railroad concerned under paragraph (2); or

(B) $ 7,500.

(j) COORDINATION WITH TITLE 23 PROGRAM.—In carrying out this section, the Secretary shall—

(1) implement this section in accordance with the classification of projects and railroad share of the cost as provided in section 646.210 of title 23, Code of Federal Regulations; and

(2) coordinate the administration of this section with the program established by section 130 of title 23, United States Code, in order to avoid duplication of effort and to ensure the effectiveness of both programs.

(k) FUNDING.—Not less than 10 percent of the amounts appropriated for each fiscal year to carry out section 26101A shall be obligated or expended to carry out this section.

SEC. 207. AUTHORIZATION OF APPROPRIATIONS.

Section 26104 is amended to read as follows:

"§ 26104. Authorization of appropriations

''(a) FISCAL YEARS 2003 THROUGH 2008.—There are authorized to be appropriated to the Secretary for each of fiscal years 2003 through 2008—

''(1) $25,000,000 for carrying out section 26101;

''(2) $1,500,000,000 for carrying out section 26101A; and

''(3) $25,000,000 for carrying out section 26102.

''(b) FUNDS TO REMAIN AVAILABLE.—Funds made available under this section shall remain available until expended.

''(c) SPECIAL RULE.—Except as specifically provided in section 26101, 26101A, or 26102, no amount authorized by subsection (a) may be used for obligation or expenditure on the Boston-to-Washington segment of the Northeast Corridor while that segment is receiving Federal funds for capital or operating expenses.''.

TITLE III—NATIONAL RAILROAD PASSENGER CORPORATION

SEC. 301. NATIONAL RAILROAD PASSENGER TRANSPORTATION SYSTEM DEFINED.

(a) IN GENERAL.—Section 24102 is amended—

(1) by striking paragraph (2);

(2) by redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively; and

(3) by inserting after paragraph (4) as so redesignated the following:

''(5) 'national rail passenger transportation system' means—

''(A) the spine of the Northeast Corridor between Boston, Massachusetts and Washington, D.C.;

''(B) rail corridors that have been designated by the Secretary of Transportation as high-speed corridors, but only after they have been improved to permit operation of high-speed service;

''(C) long-distance routes of more than 750 miles between endpoints operated by Amtrak as of the date of enactment of the National Defense Rail Act; and

''(D) short-distance corridors or routes operated as of the date of enactment of the National Defense Rail Act, unless discontinued by Amtrak.''.

(b) AMTRAK ROUTES WITH STATE FUNDING.—

(1) IN GENERAL.—Chapter 247 is amended by inserting after section 27101 the following:

"§ 24702. Transportation requested by States, authorities, and other persons

''(a) CONTRACTS FOR TRANSPORTATION.—Amtrak and a State, a regional or local authority, or another person may enter into a contract for Amtrak to operate an intercity rail service or route not included in the national rail passenger transportation system upon such terms as the parties thereto may agree.

''(b) DISCONTINUANCE.—Upon termination of a contract entered into under this section, or the cessation of financial support under such a contract, Amtrak may discontinue such service or route, notwithstanding any other provision of law.''.

(2) CONFORMING AMENDMENT.—The chapter analysis for chapter 247 is amended by inserting after the item relating to section 24701 the following:

''24702. Transportation requested by States, authorities, and other persons''.

SEC. 302. EXTENSION OF AUTHORIZATION.

(a) IN GENERAL.—Section 24104(a) is amended—

(1) by striking ''and'' in paragraph (4);

(2) by striking ''2002,'' in paragraph (5) and inserting ''2002; and''; and

(3) by inserting after paragraph (5) the following:

''(6) such sums as are authorized by this title and by the National Defense Rail Act for fiscal years 2003 through 2007,''.

(b) REPEAL OF SELF-SUFFICIENCY REQUIREMENTS.

(1) TITLE 49 AMENDMENTS.—Chapter 241 is amended—

(A) by striking the last sentence of section 24101(d); and

(B) by striking the last sentence of section 24104(a).

(2) AMTRAK REFORM AND ACCOUNTABILITY ACT AMENDMENTS.—Title II of the Amtrak Reform and Accountability Act of 1997 (49 U.S.C. 24101 nt) is amended by striking sections 204 and 205.

(3) COMMON STOCK REDEMPTION DATE.—Section 415 of the Amtrak Reform and Accountability Act of 1997 (49 U.S.C. 24304 nt) is amended by striking subsection (b).

(c) LEASE ARRANGEMENTS.—Amtrak may obtain services from the Administrator of General Services, and the Administrator may provide services to Amtrak, under section 201(b) and 211(b) of the Federal Property and Administrative Service Act of 1949 (40 U.S.C. 481(b) and 491(b)) for fiscal year 2003 and each fiscal year thereafter.

(d) MISCELLANEOUS AMTRAK-RELATED AMENDMENTS.—

(1) FINANCIAL POWERS.—Section 415(d) of the Amtrak Reform and Accountability Act of 1997 by adding at the end the following:

''(3) This section does not affect the applicability of section 3729 of title 31, United States Code, to claims made against Amtrak.''.

(2) APPLICATION OF D.C. CORPORATION ACT.—Section 24301(e) is amended by striking ''title 5, this part, and, to the extent consistent with this part, the District of Columbia Corporation Act (D.C. Code 29-301 et seq.)'' and inserting ''title 5 and this part''.

(3) APPLICATION OF BUY AMERICAN ACT.—Section 24305(f) is amended to read as follows:

''(f) DOMESTIC BUYING PREFERENCES.—The Buy American Act (41 U.S.C. 10a) and section 301 of the Trade Agreements Act of 1979 (19 U.S.C. 2511) apply to Amtrak.''.

SEC. 303. ADDITIONAL AMTRAK AUTHORIZATIONS.

(a) EXCESS RRTA.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for fiscal year 2003, and each fiscal year thereafter, an amount equal to the amount Amtrak must pay under section 3221 of the Internal Revenue Code of 1986 in fiscal years that is more than the amount needed for benefits for individuals who retire from Amtrak and for their beneficiaries.

(b) PRINCIPAL AND INTEREST PAYMENTS.—

(1) PRINCIPAL ON DEBT SERVICE.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for retirement of principal on loans for capital equipment, or capital leases, the following amounts:

(A) For fiscal year 2003, $105,000,000.

(B) For fiscal year 2004, $93,000,000.

(C) For fiscal year 2005, $105,000,000.

(D) For fiscal year 2006, $108,000,000.

(E) For fiscal year 2007, $183,000,000.

(2) INTEREST ON DEBT.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for the payment of interest on loans for capital equipment, or capital leases, the following amounts:

(A) For fiscal year 2003, $160,000,000.

(B) For fiscal year 2004, $157,000,000.

(C) For fiscal year 2005, $147,000,000.

(D) For fiscal year 2006, $142,000,000.

(E) For fiscal year 2007, $134,000,000.

(c) ENVIRONMENTAL COMPLIANCE.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for fiscal year 2003, and each fiscal year thereafter, $30,000,000, of which one-third shall be obligated or expended on the Northeast Corridor and two-thirds shall be obligated or expended outside the Northeast Corridor, in order to comply with environmental regulations.

(d) COMPLIANCE WITH ADA REQUIREMENTS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for each of fiscal years 2003 through 2007, $43,000,000 for access improvements in facilities and stations necessary to comply with the requirements of the Americans With Disabilities Act of 1990 (42 U.S.C. 12162), including an initial assessment of the full set of needs across the national rail passenger transportation system, of which—

(A) $10,000,000 shall be obligated or expended on the Northeast Corridor; and

(B) $33,000,000,000 shall be obligated or expended outside the Northeast Corridor, of which $15,000,000 shall be obligated or expended for long-distance trains.

(2) BEST EFFORTS REQUIREMENT.—If Amtrak fails to meet the period for compliance requirement imposed by section 242(e)(2)(A)(ii)(I) of the Americans With Disabilities Act of 1990 (42 U.S.C. 12162(e)(2)(A)(ii)(I))—

(A) it shall not be considered discrimination for purposes of section 202 of that Act (42 U.S.C. 12132) or section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) if Amtrak demonstrates to the satisfaction of the Secretary of Transportation that—

(i) Amtrak has made substantial progress toward meeting the requirements of section 242(e)(2)(A)(ii)(I) of the Americans With Disabilities Act of 1990 (42 U.S.C. 12162(e)(2)(A)(ii)(I)); and

(ii) Amtrak's failure to meet the period of compliance requirement of that section is attributable to the insufficiency of appropriated funds; and

(B) the period for compliance under section 242(e)(2)(A)(ii)(I) of the Americans With Disabilities Act of 1990 (42 U.S.C. 12162(e)(2)(A)(ii)(I)) shall be extended until—

(i) sufficient funds have been appropriated to the Secretary of Transportation for the use of Amtrak to enable Amtrak to comply fully with the requirements of that section; and

(ii) a reasonable period of time for the completion of necessary construction so funded has passed.

SEC. 304. NORTHEAST CORRIDOR AUTHORIZATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for fiscal year 2003, and each fiscal year thereafter, the following amounts:

(1) $370,000,000 for capital backlog on infrastructure on the Northeast Corridor to bring infrastructure up to state-of-good-repair, including renewal of the South End electric traction system, improvements on bridges and tunnels, and interlocking and signal system renewal.

(2) $60,000,000 for capital backlog on fleet to bring existing fleet to a state-of-good-repair, including equipment replacement and upgrades necessary to meet current service commitments.

(3) $40,000,000 for capital backlog on stations and facilities, including improvements to the facility and platform at the existing Penn Station, and bringing maintenance-of-way facilities up to state-of-good-repair.

(4) $350,000,000 for ongoing capital infrastructure—

(A) to replace assets on a life-cycle basis;

(B) to ensure that a state-of-good-repair is maintained in order to meet safety and reliability standards; and

(C) to meet current service commitments.

(5) $40,000,000 for ongoing capital fleet investment to sustain regularly scheduled maintenance, including a 120-day cycle of preventive maintenance, and heavy overhauls on a 4-year schedule, with interior enhancements as needed.

(6) $30,000,000 for ongoing capital improvements to stations and facilities to provide for regular upgrades to stations to meet current service needs, and regular improvements to maintenance-of-equipment and maintenance-of-way facilities.

(7) $20,000,000 for ongoing technology upgrades of reservation, distribution, financial, and operations systems, including hardware, software, infrastructure, and communications.

(b) LIFE SAFETY NEEDS.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for fiscal year 2003:

(1) $798,000,000 for the 6 New York tunnels built in 1910 to provide ventilation, electrical, and fire safety technology upgrades, emergency communication and lighting systems, and emergency access and egress for passengers.

(2) $57,000,000 for the Baltimore & Potomac tunnel built in 1872 to provide adequate drainage, ventilation, communication, lighting, and passenger egress upgrades.

(3) $40,000,000 for the Washington, D.C. Union Station tunnels built in 1904 under the Supreme Court and House and Senate Office Buildings to improve ventilation, communication, lighting, and passenger egress upgrades.

(c) INFRASTRUCTURE UPGRADES.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for fiscal year 2003, $3,000,000 for the preliminary design of options for a new tunnel on a different alignment to augment the capacity of the existing Baltimore tunnels.

(d) CORRIDOR GROWTH INVESTMENT.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for corridor growth investments in the Northeast Corridor—

(1) For fiscal year 2003, $200,000,000.

(2) For fiscal year 2004, $300,000,000.

(3) For fiscal year 2005, $400,000,000.

(4) For fiscal year 2006, $500,000,000.

(5) For fiscal year 2007, $600,000,000.

(e) FINANCIAL CONTRIBUTION FROM OTHER TUNNEL USERS.—The Secretary shall, taking into account the need for the timely completion of all life safety portions of the tunnel projects described in subsection (b)—

(1) consider the extent to which rail carriers other than Amtrak use the tunnels;

(2) consider the feasibility of seeking a financial contribution from those other rail carriers toward the costs of the projects; and carriers if feasible.

(f) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to this section shall remain available until expended.

(g) REINVESTMENT OF NEC OPERATING PROFIT.—Amtrak shall invest any revenue from operations in the Northeast Corridor in capital needs of the corridor until the backlog of capital improvements are completed under Amtrak's 20-year plan.

SEC. 305. LONG DISTANCE TRAINS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for fiscal year 2003, and each fiscal year thereafter, $360,000,000 for operating costs associated with long distance trains.

(b) CAPITAL BACKLOG AND UPGRADES.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for fiscal year 2003, and each fiscal year thereafter, $70,000,000 to reduce the capital backlog and to bring its existing fleet to a state-of-good-repair, including equipment replacement and upgrades necessary to meet current service commitments.

(c) ONGOING CAPITAL INFRASTRUCTURE INVESTMENTS.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for fiscal year 2003, and each fiscal year thereafter, $80,000,000 for ongoing capital infrastructure—

(1) to replace assets on a life-cycle basis;

(2) to ensure that a state-of-good-repair is maintained in order to meet safety and reliability standards;

(3) to meet current service commitments; and

(4) to provide funds for investment in partner railroads to operate passenger service at currently committed levels.

(d) CAPITAL FLEET NEEDS.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for fiscal year 2003, and each fiscal year thereafter, $50,000,000 for ongoing capital fleet needs to sustain regularly scheduled maintenance, including a 120-day cycle of preventive maintenance, and heavy overhauls on a 4-year schedule, with interior enhancements as needed.

(e) CAPITAL STATIONS AND FACILITIES.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for fiscal year 2003, and each fiscal year thereafter, $10,000,000 for ongoing capital stations and facilities needs to provide regular upgrades to stations to meet current service needs, and regular improvements to maintenance-of-way equipment and maintenance-of-way facilities.

(f) TECHNOLOGY NEEDS.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for fiscal year 2003, and each fiscal year thereafter, $10,000,000 for ongoing technology needs to upgrade reservation, distribution, financial, and operations systems, including hardware, software, infrastructure, and communications.

SEC. 306. SHORT DISTANCE TRAINS; STATE-SUPPORTED ROUTES.

There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for fiscal year 2003, and each fiscal year thereafter, for obligation and expenditure on routes outside the Northeast Corridor—

(1) $20,000,000 for capital backlog on infrastructure to bring infrastructure up to a state-of-good-repair, including improvements on bridges and tunnels that are approaching the end of their useful life and interlocking and signal system renewal;

(2) $10,000,000 for capital backlog on its fleet to bring Amtrak's existing fleet as of the date of enactment of this Act to a state-of-good-repair, including equipment replacement and upgrades necessary to meet current service commitments;

(3) $170,000,000 for ongoing capital infrastructure to replace assets on a life-cycle basis to ensure a state-of-good-repair is maintained in order to meet safety and reliability standards needed to deliver current service commitments, including investment in partner railroads to operate passenger service at currently committed levels.

(4) $40,000,000 for ongoing capital fleet needs to sustain regularly scheduled maintenance, including a 120-day cycle preventive maintenance schedule, and heavy overhauls on a 4-year schedule, with interior enhancements as needed;

(5) $10,000,000 for ongoing capital stations and facilities needs to provide regular upgrades to stations to meet current service needs, and regular improvements to maintenance-of-way equipment and maintenance-of-way facilities; and

(6) $20,000,000 for ongoing technology needs to upgrade of reservation, distribution, financial, and operations systems, including hardware, software, infrastructure and communications.

SEC. 307. RE-ESTABLISHMENT OF NORTHEAST CORRIDOR SAFETY COMMITTEE.

(a) RE-ESTABLISHMENT OF NORTHEAST CORRIDOR SAFETY COMMITTEE.—The Secretary of Transportation shall re-establish the Northeast Corridor Safety Committee authorized by section 24905(b) of title 49, United States Code.

(b) TERMINATION DATE.—Section 24905(b)(4) is amended by striking ''January 1, 1999,'' and inserting ''January 1, 2008,''.

SEC. 308. ON-TIME PERFORMANCE.

Section 24308 is amended by adding at the end the following:

''(f) ON-TIME PERFORMANCE.—If the on-time performance of any intercity passenger train averages less than 80 percent for any consecutive 3-month period, Amtrak may petition the Surface Transportation Board to investigate whether, and to what extent, delays are due to causes that could reasonably be addressed by a rail carrier over the tracks of which the intercity passenger train operates, or by a regional authority providing commuter service, if any. In carrying out such an investigation, the Surface

Transportation Board shall obtain information from all parties involved and make recommendations regarding reasonable measures to improve the on-time performance of the train.''.

SEC. 309. AMTRAK BOARD OF DIRECTORS.

(a) IN GENERAL.—Section 24302 is amended to read as follows:

''§ 24302. Board of directors

''(a) COMPOSITION AND TERMS.—

''(1) The board of directors of Amtrak is composed of the following 9 directors, each of whom must be a citizen of the United States:

''(A) The President of Amtrak.

''(B) The Secretary of Transportation.

''(C) 7 individuals appointed by the President of the United States, by and with the advice and consent of the Senate, with an interest, experience, and qualifications in or directly related to rail transportation, including representatives of the passenger rail transportation, travel, hospitality, cruise line, and passenger air transportation businesses, and consumers of passenger rail transportation.

''(2) An individual appointed under paragraph (1)(C) of this subsection serves for 5 years or until the individual's successor is appointed and qualified. Not more than 4 individuals appointed under paragraph (1)(C) may be members of the same political party.

''(3) The board shall elect a chairman and a vice chairman from among its membership. The vice chairman shall serve as chairman in the absence of the chairman.

''(4) The Secretary may be represented at a meeting of the board only by the Deputy Secretary of Transportation, the Administrator of the Federal Railroad Administration, or the General Counsel of the Department of Transportation.

''(b) PAY AND EXPENSES.—Each director not employed by the United States Government is entitled to $300 a day when performing board duties and powers. Each director is entitled to reimbursement for necessary travel, reasonable secretarial and professional staff support, and subsistence expenses incurred in attending board meetings.

''(c) VACANCIES.—A vacancy on the board is filled in the same way as the original selection, except that an individual appointed by the President of the United States under subsection (a)(1)(C) of this section to fill a vacancy occurring before the end of the term for which the predecessor of that individual was appointed is appointed for the remainder of that term. A vacancy required to be filled by appointment under subsection (a)(1)(C) must be filled not later than 120 days after the vacancy occurs.

''(d) BYLAWS.—The board may adopt and amend bylaws governing the operation of Amtrak. The bylaws shall be consistent with this part and the articles of incorporation.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2003. The members of the Amtrak Reform Board may continue to serve until 3 directors appointed by the President under section 24302(a) of title 49, United States Code, as amended by subsection (a), have qualified for office.

SEC. 310. INDEPENDENT AUDIT OF AMTRAK OPERATIONS; REVIEW BY DOT IG.

(a) IN GENERAL.—Amtrak shall employ an independent financial consultant—

(1) to assess its financial accounting and reporting system;

(2) to design and assist Amtrak in implementing a modern financial accounting and reporting system, on the basis of the assessment, that will produce accurate and timely financial information in sufficient detail—

(A) to enable Amtrak to assign revenues and expenses appropriately to each of its lines of business activity; and

(B) to aggregate expenses and revenues related to infrastructure and distinguish them from expenses and revenues related to rail operations.

(b) VERIFICATION OF SYSTEM; REPORT.—The Inspector General of the Department of Transportation shall review the accounting system designed and implemented under subsection (a) to ensure that it accomplishes the purposes for which it is intended. The Inspector General shall report his findings and conclusions, together with any recommendations, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

(c) REVIEW OF FINANCIAL STATUS AND FUNDING REQUIREMENTS BY DOT INSPECTOR GENERAL.—The Inspector General of the Department of Transportation shall, as part of the Department's annual assessment of Amtrak's financial status and capital funding requirements review the obligation and expenditure of funds under each such funding document, procedure, or arrangement to ensure that the expenditure and obligation of those funds are consistent with the purposes for which they are provided under this Act.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak $2,500,000 for fiscal year 2003 to carry out subsection (a), such sums to remain available until expended.

TITLE IV—MISCELLANEOUS

SEC. 401. REHABILITATION, IMPROVEMENT, AND SECURITY FINANCING.

(a) DEFINITIONS.—Section 102(7) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 802(7)) is amended to read as follows:

''(7) 'railroad' has the meaning given that term in section 20102 of title 49, United States Code; and''.

(b) GENERAL AUTHORITY.—Section 502 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822) is amended—

(1) by striking ''Secretary may provide direct loans and loan guarantees to State and local governments,'' in subsection (a) and inserting ''Secretary shall provide direct loans and loan guarantees to State and local governments, interstate compacts entered into under section 410 of the Amtrak Reform and Accountability Act of 1997 (49 U.S.C 24101 nt),'';

(2) by striking ''or'' in subsection (b)(1)(B);

(3) by redesignating subparagraph (C) of subsection (b)(1) as subparagraph (D); and

(4) by inserting after subparagraph (B) of subsection (b)(1) the following:

''(C) to acquire, improve, or rehabilitate rail safety and security equipment and facilities; or''.

(c) EXTENT OF AUTHORITY.—Section 502(d) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822(d)) is amended—

(1) by striking ''$3,500,000,000'' and inserting ''$35,000,000,000'';

(2) by striking ''$1,000,000,000'' and inserting ''$7,000,000,000''; and

(3) by adding at the end the following new sentence: ''The Secretary shall not establish any limit on the proportion of the unused amount authorized under this subsection that may be used for 1 loan or loan guarantee.''.

(d) COHORTS OF LOANS.—Section 502(f) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822(f)) is amended—

(1) in paragraph (2)—

(A) by striking ''and'' at the end of subparagraph (D);

(B) by redesignating subparagraph (E) as subparagraph (F); and

(C) by adding after subparagraph (D) the following new subparagraph:

''(E) the size and characteristics of the cohort of which the loan or loan guarantee is a member; and''; and

(2) by adding at the end of paragraph (4) the following: ''A cohort may include loans and loan guarantees. The Secretary shall not establish any limit on the proportion of a cohort that may be used for 1 loan or loan guarantee.''.

(e) CONDITIONS OF ASSISTANCE.—Section 502 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822) is amended—

(1) by striking ''offered;'' in subsection (f)(2)(A) and inserting ''offered, if any;''and

(2) by adding at the end of subsection (h) the following: ''The Secretary shall not require an applicant for a direct loan or loan guarantee under this section to provide collateral. The Secretary shall not require that an applicant for a direct loan or loan guarantee under this section have previously sought the financial assistance requested from another source. The Secretary shall require recipients of direct loans or loan guarantees under this section to apply the standards of section 22301(b) and (c) of title 49, United States Code, to their projects.''.

(f) TIME LIMIT FOR APPROVAL OR DISAPPROVAL.—Section 502 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822) is amended by adding at the end the following:

''(i) TIME LIMIT FOR APPROVAL OR DISAPPROVAL.—Not later than 180 days after receiving a complete application for a direct loan or loan guarantee under this section, the Secretary shall approve or disapprove the application.''.

(g) FEES AND CHARGES.—Section 503 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 823) is amended—

(1) by adding at the end of subsection (k) the following: ''Funds received by the Secretary under the preceding sentence shall be credited to the appropriation from which the expenses of making such appraisals, determinations, and findings were incurred.''; and

(2) by adding at the end the following new subsection:

''(l) FEES AND CHARGES.—Except as provided in this title, the Secretary may not assess any fees, including user fees, or charges in connection with a direct loan or loan guarantee provided under section 502.''.

(h) SUBSTANTIVE CRITERIA AND STANDARDS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Transportation shall publish in the Federal Register and post on the Department of Transportation website the substantive criteria and standards used by the Secretary to determine whether to approve or disapprove applications submitted under section 502 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822).

(i) OPERATORS AND SERVICE PROVIDERS DEEMED RAIL CARRIERS.—Section 502 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822), as amended by subsection (f), is amended by adding at the end the following:

''(j) OPERATORS AND CERTAIN SERVICE PROVIDERS DEEMED RAIL CARRIERS.—A person that conducts rail operations, or performs catering, cleaning, construction, maintenance, or other services for rail operations, funded or otherwise receiving assistance under this section is deemed to be a rail carrier for purposes of part A of subtitle IV of title 49, United States Code, when so operating or performing such services.''.

SEC. 402. RAIL PASSENGER COOPERATIVE RESEARCH PROGRAM.

(a) IN GENERAL.—Chapter 249 is amended by adding at the end the following:

"§ 24910. Passenger rail cooperative research program

''(a) IN GENERAL.—The Secretary shall establish and carry out a rail passenger cooperative research program. The program shall—

''(1) address, among other matters, intercity rail passenger services, including existing rail passenger technologies and speeds, incrementally enhanced rail systems and infrastructure, and new high-speed wheel-on-rail systems;

''(2) give consideration to research on commuter rail, regional rail, freight rail, and other modes of rail transportation that may affect rail passenger transportation due to the interconnectedness of the rail passenger network with other rail transportation services; and

''(3) give consideration to regional concerns regarding rail passenger transportation, including meeting research needs common to designated high-speed corridors, long-distance rail services, and regional intercity rail corridors, projects, and entities.

''(b) CONTENTS.—The program to be carried out under this section shall include research designed—

''(1) to develop more accurate models for evaluating the indirect effects of rail passenger service, including the effects on highway and airport and airway congestion, environmental quality, and energy consumption;

''(2) to develop a better understanding of modal choice as it affects rail passenger transportation, including development of better models to predict ridership;

''(3) to recommend priorities for technology demonstration and development;

''(4) to meet additional priorities as determined by the advisory board established under subsection (c), including any recommendations made by the National Research Council;

''(5) to explore improvements in management, financing, and institutional structures;

''(6) to address rail capacity constraints that affect passenger rail service through a wide variety of options, ranging from operating improvements to dedicated new infrastructure, taking into account the impact of such options on freight and commuter rail operations; and

''(7) to improve maintenance, operations, customer service, or other aspects of existing intercity rail passenger service existing in 2002.

''(c) ADVISORY BOARD.—

''(1) ESTABLISHMENT.—In consultation with the heads of appropriate Federal departments and agencies, the Secretary shall establish an advisory board to recommend research, technology, and technology transfer activities related to rail passenger transportation.

''(2) MEMBERSHIP.—The advisory board shall include—

''(A) representatives of State transportation agencies;

''(B) transportation and environmental economists, scientists, and engineers; and

''(C) representatives of Amtrak, the Alaska Railroad, transit operating agencies, intercity rail passenger agencies, railway labor organizations, and environmental organizations.

''(d) NATIONAL ACADEMY OF SCIENCES.— The Secretary may make grants to, and enter into cooperative agreements with, the National Academy of Sciences to carry out such activities relating to the research, technology, and technology transfer activities described in subsection (b) as the Secretary deems appropriate.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 249 is amended by adding at the end the following:

''24910. Passenger rail cooperative research program''.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation $5,000,000 for fiscal year 2003, and each fiscal year thereafter, to carry out section 24910(d) of title 49, United States Code.

SEC. 403. CONFORMING AMENDMENTS TO TITLE 49 REFLECTING ICC TERMINATION ACT.

(a) SECTION 307.—

(1) Section 307 is amended—

(A) by striking ''**Interstate Commerce Commission**'' in the section heading and inserting ''**Surface Transportation Board**'';

(B) by striking ''Interstate Commerce Commission'' in subsection (a) and inserting ''Surface Transportation Board''; and

(C) by striking ''Commission'' each place it appears and inserting ''Board''.

(2) The chapter analysis for chapter 3 is amended by striking the item relating to section 307 and inserting the following:

''307. Safety information and intervention in Surface Transportation Board proceedings''.

(b) SECTION 333.—Section 333 is amended—

(1) by striking ''Interstate Commerce Commission'' each place it appears and inserting ''Surface Transportation Board''; and

(2) by striking ''Commission'' in subsection (c) and inserting ''Board''.

(c) SECTION 351.—Section 351(c) is amended by striking ''Interstate Commerce Commission'' and inserting ''Surface Transportation Board''.

(d) SECTION 24307.—Section 24307(b)(3) is amended by striking ''Interstate Commerce Commission'' and inserting ''Surface Transportation Board''.

(e) SECTION 24308.—Section 24308 is amended—

(1) by striking ''Interstate Commerce Commission'' in subsection (a)(2)(A) and inserting ''Surface Transportation Board''; and

(2) by striking ''Commission'' each place it appears in subsection (a) and (b) and inserting ''Board''.

(f) SECTION 24311.—Section 24311 is amended—

(1) by striking ''Interstate Commerce Commission'' in subsection (c)(1) and inserting ''Surface Transportation Board''; and

(2) by striking ''Commission'' each place it appears in subsection (c) and inserting ''Board''.

(g) SECTION 24902.—Section 24902 is amended—

(1) by striking ''Interstate Commerce Commission'' in subsections (g)(2) and (g)(3) and inserting ''Surface Transportation Board''; and

(2) by striking ''Commission'' each place it appears in subsections (g)(2) and (g)(3) and inserting ''Board''.

(h) SECTION 24904.—Section 24904 is amended—

(1) by striking ''Interstate Commerce Commission'' in subsection (c)(2) and inserting ''Surface Transportation Board''; and

(2) by striking ''Commission'' each place it appears in subsection (c) and inserting ''Board''.

SEC.404. APPLICABILITY OF REVERSION TO ALASKA RAILROAD RIGHT-OF-WAY PROPERTY.

Section 601(b) of the Alaska Railroad Transfer Act of 1982 (45 U.S.C. 1209(b)) is amended—

(1) by inserting ''(1)'' after ''(b)'';

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(3) by adding at the end the following new paragraph:

''(2)(A) The State-owned railroad may convey all right, title, and interest of the State in any land within the right-of-way to a third party in exchange for other land that, in substitution for the land conveyed, is to be utilized as part of the right-of-way if the continuity of the right-of-way corridor for transportation, communications, and transmission purposes is provided by such use of the substituted land.

''(B) The provisions of this section that require reversion shall apply to the substituted land, as of the effective date of the exchange of that land in a transaction authorized by subparagraph (A), as fully as if the substituted land had been rail properties of the Alaska Railroad as of January 13, 1983.

''(C) Upon the conveyance of land in a transaction authorized by subparagraph (A), any reversionary interest in the land under this section shall terminate.''.

NATIONAL DEFENSE RAIL ACT

One-time FY 2003 authorization for Security Funds: $1.26 billion.

Total funds authorized annually for FY 2003 through FY 2007: $4.61 billion.

SECURITY PROVISIONS ($1.26 B IN FY 2003)

$360M for Amtrak security needs, evenly divided between the Northeast Corridor and Non-Northeast Corridor.

$5M for DOT to perform a security assessment of all rail, including freight needs.

$895M for life safety upgrades to tunnels in NY, Balt, DC.

$3M for preliminary design work for the Baltimore tunnels.

FEDERAL HIGH SPEED CORRIDOR DEVELOPMENT ($1.55 B ANNUALLY)

$25M to DOT for Research and Development Activities.

$25M to DOT for Planning.

$1.5B to DOT for Implementation/Construction.

Must be a designated corridor to receive funding. The Northeast Corridor is designated, but not eligible to receive funds under this program if receiving other federal funds.

NORTHEAST CORRIDOR (NEC) ($1.310 B ANNUALLY)

Requires any operating profit on the NEC to be reinvested in NEC infrastructure.

$720M for infrastructure.

$100M for fleet.

$70M for stations/facilities.

$20M for technology upgrades.

$400M for growth (annual average).

COOPERATIVE RESEARCH PROGRAM ($5 M ANNUALLY)

Establishes R & D program at National Academy of Sciences similar to highway and transit cooperative research programs.

NATIONAL RAILROAD PASSENGER CORPORATION (500 M ANNUALLY)

Requires profits from non-passenger activities to be invested in growth activities outside the NEC.

$160M (est.) for mandatory excess Railroad Retirement Payments.

$267M for debt payments (avg.).

$30M for environmental compliance.

$43M for ADA compliance.

$2.5M for onetime external assessment of Amtrak cost accounting.

LONG-DISTANCE TRAINS ($580 M ANNUALLY)

$360M for operating.

$120M for fleet.

$80M for infrastructure.

$10M for stations/facilities.

$10M for technology.

SHORT DISTANCE & STATE-SUPPORTED ROUTES ($270 M ANNUALLY)

$190M annually for infrastructure.

$50M annually for fleet.
$10M annually for stations.
$20M annually for technology.

RAIL PROJECT FINANCING ($350 M ANNUALLY)

Expansion of the DOT's Railroad Rehabilitation and Improvement Financing Program.

$35B authorization for DOT to provide loans and loan guarantees (annual estimated 10% credit risk premium).

Mr. BIDEN. Madam President, as my good friend Senator HOLLINGS has just stated, we are on the brink of a very important decision. Do we continue to underfund a national passenger rail system? Or do we finally stand behind the system, committing to it once and for all?

I agree with my good friend, the chairman of the Commerce Committee, and that's why I joined him in introducing this important bill. For 30 years, I have witnessed Congress dangling a carrot in front of Amtrak's eyes, funding it just enough for it to limp along. And I'll tell you, this has to stop. Now is the time to commit politically and financially to a strong, safe, and efficient passenger rail system. And now is the time to determine once and for all, what exactly it is that we want out of passenger rail service in the country. Should this be a truly national system? And should we devote the resources necessary to maintain and expand this networks?

Senator HOLLINGS and the rest of my colleagues know that I support funding the highway and aviation networks, our Nation has relied upon them for years, and they have served us well. But I look around today and I see crowded skies and congested roads. At the very same time, I see empty rails, with the potential to relieve this transportation burden and serve as a useful alternative for Americans.

As Senator HOLLINGS discussed just now, the events of September 11 further demonstrated, in stark and rigid terms, the necessity of transportation choices. For years I have argued that we need to sit down together and begin an honest and frank discussion in order to create a blueprint for the future of passenger rail.

And, let me tell you this, this bill that I am introducing with Senator HOLLINGS is a good, solid start. Instead of maintaining the status quo, the bill offers a vision and a set of priorities for the future of passenger rail in this country. It says: we need to make sure this system is safe, as September 11 demonstrated it must be. It says: we need to seriously invest in the future of this system, which is high-speed rail. And it says: the Federal Government will need to adequately fund a national passenger rail network, no matter how the system is structured.

And that is something that has always mystified me. When it comes to other forms of transportation, highways and airplanes, we have given them all they ask for, consistently providing full Federal backing. Since 1971, in fact, we have given $750 billion to highways and aviation. In the same period of time, since the birth of Amtrak, we have only given $25 billion to our national passenger rail system. That's only 3 percent of all transportation funding in that period. That is appalling.

If we want a national passenger rail system, and most Americans do, as all the polls indicate, then we are going to have to pay for it, and understand the long-term commitment it takes to get this kind of system up and running. Passenger rail in this country has never had a stable funding source instead, it has been subjected to the whims and follies of the political process, and it has lost this battle time and time again.

Every single industrialized country, France, Japan, Germany, subsidizes a national rail system. For years, we have been living in a fantasy - that somehow, we can have our cake and eat it too: that we could mandate Amtrak to be self-sufficient without giving it nearly enough money to do so. But Amtrak cannot run a national rail network, without adequate levels of Federal investment, and still be expected to be commercially self-sufficient. That is just not rational.

There are two steps, then, in ensuring the future of passenger rail. Short-term, we have got to make sure that we do not allow Amtrak to go bankrupt, or worse, mortgage off their future in a desperate attempt to stay afloat. That is why, alongside many of my colleagues, I have pushed for the full $1.2 billion appropriations amount that Amtrak has requested for next year. This bare-bones minimum will give them the ability to maintain the current state of passenger rail, nothing more, nothing less.

And in the long-term, we need a new vision for the future of national passenger rail so these one-time, bare-bones funding requests are no longer an issue. This bill represents just such a vision. It would invest seriously in the planning and implementation of high-speed rail corridors, which provides the most bang for the buck and which almost every State Governor, Democrat or Republican, has been clamoring for for years. It would provide money for debt payments, which Amtrak has incurred as a direct result of Federal underfunding. It would authorize capital investment funds, to begin to correct the $5.8 billion capital backlog Amtrak faces today. And it would fund operating costs for the long-distance trains that provide essential service to rural areas of the country.

Moreover, it would address the serious security concerns that plague our rail system today. I stood up here months ago, right after one of the worst events in our Nation's history. I stood up here in order to call attention to what I thought, and continue to think, is a dire situation. And that is this matter of rail security. The events of September 11 dramatically and starkly revealed how essential it is that the United States have a national, effective, and secure railroad passenger system. It also exposed how vulnerable that system is right now to terrorist attacks. I have traveled through the train tunnels that Amtrak uses, and let me tell you, these tunnels are just plain frightening, poor ventilation, poor lighting, inadequate evacuation routes.

This reauthorization bill would help the system deal with these tunnels and other gaps in our passenger rail security. A one-time investment of $1.4 billion would provide security fencing, closed circuit television, tunnel rehabilitation, increased security inspections, essential security-related improvements. The Department of Transportation itself has warned several times in the last few years about the necessity of quickly and fully funding Amtrak's security needs. $1.4 billion is a small price to pay to avoid a repeat of September 11.

Finally, this bill would bring a greater level of accountability to the whole structure. As Senator HOLLINGS indicated, the $1.55 billion in funds for high-speed corridor planning and implementation would be run through the Department of Transportation, so that the Federal Government can work together with state and local agencies in promoting the future of our rail system.

This bill, together with the $1.2 billion appropriations for next year, will bring us closer to the type of passenger rail system that our Nation deserves and needs. As my good friend Senator HOLLINGS alluded to, 50 years ago, our leaders had the vision and foresight to stand up and say, we need an interstate highway system, and we need to fund it appropriately. Let us today go forward with this blueprint in hand and create a similar network for passenger rail.

By Mrs. CARNAHAN:

S. 1993. A bill to authorize a military construction project for the construction of a Weapons of Mass Destruction Responder Training Facility at Fort Leonard Wood Missouri; to the Committee on Armed Services.

Mrs. CARNAHAN. Madam President, I rise today to introduce important legislation for homeland defense, the Weapons of Mass Destruction Responder Training Facility Act of 2002. America's war against international terrorism has increased the need to prepare against the threat of weapons of mass destruction, known as WMDs.

Currently the Army's frontline of defense against WMD threats, Fort Leonard Wood, does not have the ability to conduct full-scale, joint training year round. This preparation gap must be closed. Our national security depends on the ability to effectively respond to a WMD attack. That is why I have introduced legislation to create a permanent training facility at Fort Leonard Wood.

Fort Leonard Wood has no dedicated facility for training active duty and National Guard WMD responders. This prevents both joint training and the expansion of coordination among all WMD responders.

Last October, we in this body learned first hand the importance of a coordinated response to WMD attacks. When letters, filled with anthrax, were mailed to members of Congress, 50 of our colleagues in the Senate and their staffs were evicted from the Hart office building for over three months. Experts from several agencies and departments, who never prepared together to respond to a WMD attack, worked to overcome setbacks and difficulties to make sure the Hart building was safe again. I thank them for all their hard work. But we now know that to prepare for future threats, those responsible for responding to WMD attacks must train together.

Constructing of a permanent facility will enable joint training and cooperation of WMD Civil Support Teams; Department of Defense Emergency Responders; Chemical, Biological, Radiological and Nuclear Instillation Support Teams; and Active and Reserve Component Chemical Units. The need to conduct joint operations and training year round is important and immediate. It is vital to national security. This is why the Army has placed the highest priority on building a permanent facility at Fort Leonard Wood.

This legislation will compliment S. 1909, which was introduced by my friend and colleague from Missouri. Senator BOND's legislation calls for the establishment of a unified command for homeland defense, a post both the President and the Secretary of Defense support.

S. 1909 will allow the Department of Defense to more effectively manage homeland defense resources by centrally locating the unified command within the United States, away from a major population center at an Armed Forces facility already in use for WMD training.

Fort Leonard Wood meets all of these requirements and seems like an ideal candidate to fulfill this new and important national security role. But Fort Leonard Wood is not yet ready. While it has taken the lead in preparing WMD responders, there is yet another step to take. We must ensure that the country is prepared for future attacks by establishing a permanent training facility now.

By Mr. KERRY (for himself and Mr. BOND):

S. 1994. A bill to establish a priority preference among certain small business concerns for purposes of Federal contracts, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Mr. KERRY. Madam President, today I am introducing legislation to help our nation's 8(a) Business Development, BD, and HUBZone firms compete more effectively in the Federal marketplace.

This bipartisan legislation, cosponsored by Senator KIT BOND, stems from a 1997 commitment Senator BOND and I made to each other to seek equality between the Small Business Administration's, SBA, 8(a)BD program and the HUBZone program.

Much has been made lately of the SBA's proposed rule to establish ''parity'' or equality between these two important programs. Some in the contracting community have opposed the proposed rule because they have concerns about the decline in the number of contracts and contract dollar values being awarded to 8(a)BD firms. I share the concerns of the contracting community in this regard, but I do not blame the HUBZone program for this decline. Rather, I blame the current procurement environment.

In 1997, working with then-Chairman of the Senate Committee on Small Business, Senator BOND, I took the necessary steps to protect the 8(a)BD program. In my negotiations with Senator BOND, he agreed to change the legislation creating the HUBZone program from one of HUBZone priority to one of equality between the 8(a)BD and HUBZone programs. Further, we negotiated a 3 percent increase in the Federal Government's small business goal, raising it from 20 percent to 23 percent, in order to accommodate the HUBZone program, which when fully phased in for Fiscal Year 2003 will have a 3 percent governmentwide goal. This increase was put in place specifically to accommodate the HUBZone program and ensure that 8(a)BD firms did not lose Federal contracts to the HUBZone program.

The fact remains, however, despite these protections, that 8(a)BD firms are experiencing a decline in Federal procurement, which some place as high as 34 percent since 1997. The cause of this decline has its roots in the new procurement environment created by the reforms in the mid-1990s, such as passage of the Federal Acquisition Streamlining Act and the Federal Acquisition Reform Act, the regulatory changes to procurement programs in response to the Adarand Inc. v. Pena decision, and reductions in the acquisition workforce. Because negative trends hit minority-owned firms first and hardest, these small businesses have borne a disproportionate share of the percentage decline in Federal contract dollars being awarded to small businesses.

To help combat the negative effects of procurement reform, I have been taking a very close look at the SBA's programs to assist small businesses, especially small businesses owned by socially and economically disadvantaged individuals. The legislation being introduced today is the first step in halting and reversing the decline brought about by procurement reform.

This legislation specifically addresses two critical areas of the 8(a)BD and HUBZone programs. The first deals with the relationship between the two programs when a small business has received both an 8(a)BD and a HUBZone certification, the second deals with the sole-source threshold issue for these firms.

First, an important factor in my decision to support the HUBZone legislation with the negotiated changes to protect the 8(a)BD program was the concept known as ''super-priority'' or ''priority-preference.'' The priority-preference stems from Congressional intent that firms that are both 8(a)BD and HUBZone certified receive a preference over a firm that has a certification in only one program. In addition, the priority-preference was intended to allow these firms to combine the price evaluation preference available to them under each program, with the understanding that any offeror would still need to meet a ''responsiveness'' test in terms of their offer. Unfortunately, the new rule proposed by the SBA does not include the priority-preference, and the SBA has issued guidance that states that the priority-preference has no statutory provision to support its creation.

Although I strongly disagree with the SBA's decision to end the priority-preference, this legislation will rectify the situation by creating a statutory priority-preference for firms that have both an 8(a)BD and a HUBZone certification. Such a provision will help combine the benefits of each program and bring additional jobs and opportunities to underdeveloped areas. I view this provision as a win-win for the 8(a)BD and HUBZone contracting communities.

Second, this legislation makes an important update to both the 8(a)BD and HUBZone programs by raising the sole-source thresholds. One of the most important attributes of both of these programs is the authority for small businesses to receive contracts on a sole-source basis. This excellent benefit is limited, however, by a cap on the dollar amount for sole-source contracts. Currently, contracts for goods and services are limited to $3 million, while manufacturing contracts are limited to $5 million. This legislation updates those limits by $1 million for each category—an update that has been needed for some time and that Senator BOND and I nearly succeeded in including in the Small Business Reauthorization Act of 2000. By increasing the sole-source thresholds, the Federal government will immediately put more contract dollars into the hands of 8(a)BD and HUBZone firms.

As I mentioned earlier in my statement, this legislation is merely one step in the process to help reverse the negative trends procurement reform has had on our nation's small businesses.

It is my hope that we can move this legislation through the Senate quickly, and I would urge all of my colleagues to lend their support.

Mr. BOND. Mr. President, I appreciate the opportunity to come to the Floor once again on another bipartisan matter with the distinguished chairman of the Small Business Committee. We have such a constructive working relationship in the Federal procurement issue area, and I always welcome the opportunity to work with the Senator from Massachusetts, Mr. KERRY, to advance small business participation in Government contracting.

This bill we are introducing today will further clarify the relationship between the HUBZone and 8(a) contracting programs. This relationship has been a strongly debated topic lately, although we thought our Committee provided clear guidance on the matter in the 1997 HUBZone Act. In the matter before us, we are clarifying what happens when firms are eligible for both programs and become certified.

The original Small Business Administration regulations on the HUBZone program called for the highest contracting priority to be given to HUBZone 8(a) ''dual status'' firms. That is, if a firm has been certified in both programs, it moves to the head of the class in getting Government contracts. The HUBZone regulations said that, in a HUBZone set-aside, an 8(a) firm should win over non-8(a) firms. Unfortunately, a comparable change was not included in the 8(a) regulations, to give HUBZone firms a preference in 8(a) set-asides. In a letter to SBA's Acting General Counsel last year, I asked SBA to resolve this inconsistency.

Robert Gangwere, the Acting General Counsel, stated he did not think SBA had the statutory authority to grant a ''superpreference'' to HUBZone 8(a) dual status firms. Currently, SBA has a proposed rulemaking in progress that deletes the ''superpreference'' language.

This bill would restore that. In a HUBZone set-aside (a competition restricted only to firms that are HUBZone firms), an 8(a) bidder would have priority over non-8(a) HUBZone bidders. A comparable change would be made in the 8(a) set-aside, giving HUBZone firms priority. I think this is reasonable, in that it encourages firms to take advantage of both programs.

I do have one reservation with this bill. Both the HUBZone program and the Small Disadvantaged Business program, of which 8(a) is a part, offer a 10 percent price evaluation preference under certain circumstances in full-and-open competition. The old SBA rules called for HUBZone 8(a) combined firms to get a 20 percent price evaluation preference, combining both the HUBZone preference and the Small Disadvantaged Business preference. I think 20 percent is excessive.

One of the goals of the small business program is to try to help small firms stabilize and develop, so they can survive in a competitive marketplace. Government contracts are supposed to be a means toward that end. But if a firm requires a 20 percent preference to win a contract, it probably has not done what it needs to do to become efficient and ready for the competitive marketplace. I am concerned that a 20 percent preference will be an unreasonable subsidy for inefficient firms. If a small business bidder is not even able to get within 20 percent of the lowest bidder, it probably is not a viable enterprise, and subsidizing its existence is not the highest and best use of taxpayer monies.

With that reservation, I am happy to cosponsor this measure with the Senator from Massachusetts. I am confident we can come to some kind of accommodation on the price evaluation preference, and look forward to working with him to do so.

By Ms. SNOWE (for herself, Mr. FRIST, Mr. JEFFORDS, Mr. ENZI, Ms. COLLINS, Mr. HAGEL, Mr. DEWINE, and Mr. GREGG):

S. 1995. A bill to prohibit discrimination on the basis of genetic information with respect to health insurance and employment; to the Committee on Health, Education, Labor, and Pensions.

Ms. SNOWE. Madam President, I rise today to introduce the Genetic Information Non-Discrimination in Health Insurance and Employment Act of 2002. I am joined in introducing this bill by Senators FRIST, JEFFORDS, ENZI, COLLINS, HAGEL, DEWINE, and GREGG.

The legislation I am introducing today is the culmination of several months work, though it is, in fact, the second part of an effort that started several years ago. Specifically, in April 1996, I introduced the Genetic Information Nondiscrimination in Health Insurance Act, legislation that was designed to protect people's genetic information and results of genetic testing, or requests for genetic testing, from being used against them by their health insurers. Back then, time was on our side as the completion of the Genome was years off.

However, four years later, in June 2000, everything changed with the announcement that the first working draft of the Human Genome was completed. And since that time, science has continued to hurry forward, further opening the door to early detection and medical intervention through the discovery and identification of specific genes linked to diseases like breast cancer, Huntington's Disease, glaucoma, colon cancer and cystic fibrosis.

Unfortunately, like so many other scientific breakthroughs in history, the completion of the Genome not only brought about the prospect for medical advances, such as improved detection and intervention, but also potential harm and abuse, as the knowledge of individual genetic information could be used against the very same person it is invented to help.

Accordingly, the need for protections against genetic discrimination by both health insurers and employers is becoming more urgent everyday. If, because of concerns about the way the information could be used, people are unwilling to use the potential unlocked by the Genome project to take proactive steps to protect their health and that of their loved ones, then we will never reap the true benefits of this discovery.

While we cannot yet prevent diseases such as breast cancer, genetic testing makes it possible for carriers of these diseases to take extra precautions. In fact, early detection is the best weapon we have to combat many of these diseases we can now identify, and for breast cancer it is a critical component when one considers that almost 192,000 women were struck by the disease last year. Technological advances in screenings coupled with the ability to identify who carries the gene linked to breast cancer can help us in our efforts to reduce this number. The possibilities for this discovery are limited only by the willingness, or unwillingness, of people to use this knowledge.

In 1997, a woman from Maine brought the reality of this dilemma home for me when she wrote of her very real fear of the repercussions associated with genetic testing. Bonnie Lee Tucker has nine women in her immediate family who were diagnosed with breast cancer, and she herself is a survivor. She wrote to me about her fear of having the BRCA test for breast cancer, because she worries it will ruin her daughter's ability to obtain insurance in the future.

Bonnie Lee isn't the only one who has this fear. When the National Institutes of Health offered women genetic testing, nearly 32 percent of those who were offered a test for breast cancer risk declined to take it citing concerns about health insurance discrimination. What good is scientific progress if it cannot be applied to those who would most benefit?

Dr. Francis Collins, the Director of the National Human Genome Research Institute, has testified before Congress about the next step for those involved in the Genome project. He explained that the project's scientists were engaged in a major endeavor to ''uncover the connections between particular genes and particular diseases,'' to apply the knowledge they just unlocked. In order to do this, Dr. Collins said, ''we need a vigorous research enterprise with the involvement of large numbers of individuals, so that we can draw more precise connections between a particular spelling of a gene and a particular outcome.'' However, this effort cannot be successful if people are afraid of possible repercussions of their participation in genetic testing.

The bottom line is that, given the advances in science, there are two separate issues at hand. The first is to restrict discrimination by health insurers and the second to prevent employment discrimination, based upon genetic information.

With regard to health insurance, the issues are clear and familiar, and something the Senate has debated before, in the context of the consideration of larger privacy issues. As Congress debated what is now the Health Insurance Portability and Accountability Act of 1996, we also addressed the issues of privacy of medical information. And any legislation that seeks to fully address these issues must consider the interaction of the new protections with the newly promulgated privacy rule which was mandated by HIPAA, and our legislation does just that.

Now we must ensure that we protect genetic information, genetic tests, as well as information regarding a request for genetic testing, from being used by the insurer against the patient. Genetic information only detects the potential for a genetically linked disease or disorder, and potential does not equal a diagnosis of disease. However, it is critical that this information be available to doctors and other health care professionals when necessary to diagnose, or treat, an illness. It is the difference that we must recognize as we discuss legislation to protect patients from potential discriminatory practices by insurers.

Unlike our legislative history on debating health privacy matters, the issues surrounding protecting genetic information from workplace discrimination is new. And to that end, the legislation I introduce today creates these protections in the workplace. As demonstrated by the Burlington Northern case, the threat of employment discrimination is real and therefore it is essential that we take this information off the table, so to speak, before the use of this information becomes widespread. While Congress has not yet debated this specific type of employment discrimination, we have a great deal of employment case law and legislative history on which to build.

As we considered the need for this type of protection, we agreed that we must extend current law discrimination protections to genetic information. We reviewed current employment discrimination law and considered what sort of remedies people would have for instances of genetic discrimination and if these remedies would be different from those available to people under current law, for instance under the ADA or the EEOC.

The bill we introduce today creates new protections by paralleling current law. In addition it addresses changes in the law that have occurred since the original introduction of my bill and the other bills on this subject. The momentum to address this issue has finally reached a critical mass. Clearly this is an issue whose time has come.

It has been more than eighteen months since the completion of the working draft of the Human Genome. Like a book which is never opened, the wonders of the Human Genome are useless unless people are willing to take advantage of it.

It's my sincere hope that the bi-partisan legislation I introduce today is the beginning of the end of the debate in our effort to ensure that every one of us is just as protected from discrimination because of what is in our genes as we are from our heritages, our genders and our impairments.

Mr. FRIST. Madam President, I rise once again today to speak on the critical issue of genetic discrimination and to proudly join my colleagues, Senators SNOWE, JEFFORDS, COLLINS, ENZI, DEWINE, HAGEL, and GREGG in introducing the Genetic Information Nondiscrimination Act of 2002.

The threat of genetic discrimination, both in the workplace and with respect to health insurance coverage, is one of the most troublesome Congress faces. As our scientific knowledge has improved, the threat of discrimination has increased. As a physician, as a medical researcher, and ranking member of the Subcommittee on Public Health, I have a long and deep interest in this issue, and I believe we have a unique responsibility to ensure that medical and scientific progress does not result in individual harm.

For example, I am deeply troubled by reports of women declining genetic testing out of fear that they may lose their health insurance, even though a genetic test might reveal that a woman is not at high risk and therefore allow her to make more informed health care choices. When I first joined Senator SNOWE to introduce legislation banning genetic discrimination in health insurance in 1998, almost one-third of women offered a test for breast cancer risk at the National Institutes of Health declined, citing concerns about health insurance discrimination. If unchecked and unregulated, this fear of discrimination clearly has the potential to prevent individuals from participating in research studies or taking advantages of new genetic technologies to improve their medical care.

Scientific advances hold the promise of higher quality medical care, yet there is a pressing need for federal legislation to reassure the public that learning this information will not result in a loss of health insurance coverage or in the loss of a job. I am committed to a bipartisan legislative solution, and have worked extensively towards this goal with Senator SNOWE, JEFFORDS, and a number of the members of this Committee over the past several years. I believe that, together, we have made an important step in addressing this through the Genetic Information Nondiscrimination in Health Insurance Act, which has been passed by the Senate on three separate occasions.

Today, we are building on that work, and on the solid foundations established in law by the Civil Rights Act, Americans with Disabilities Act, and Health Insurance Portability and Accountability Act. The Genetic Information Nondiscrimination Act of 2002 builds upon our progress in the health insurance area and expands our previous legislation to address the threat of employment discrimination and health insurance based on genetic information. Moreover, the bill incorporates the most recent scientific understandings in the field of genetics research in establishing protections and defining relevant terms.

I believe that it is incumbent upon us to pass legislation this year that is comprehensive, consistent, reasonable and fair. I am troubled by some legislative approaches that would place these new protections outside of the established framework of our time-tested civil rights laws and that would establish separate protections against genetic discrimination than exist for other types of discrimination. The bill today meets that standard of providing strong protections that are consistent with the current state of scientific knowledge, as well as current law.

I commend my colleagues for their commitment to this issue. I also commend President Bush for his commitment to ensuring strong protections against genetic discrimination and for calling attention to this critical matter. Through this important legislation, we have the opportunity to dispel the threat of discrimination based on an individual's genetic heritage, and I look forward to working with my colleagues to enact this legislation this year.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 217—RELATIVE TO THE DEATH OF THE HONORABLE HOWARD W. CANNON, FORMERLY A SENATOR FROM THE STATE OF NEVADA

Mr. DASCHLE (for himself, Mr. LOTT, Mr. REID, and Mr. ENSIGN) submitted the following resolution; which was considered and agreed to:

S. RES. 217

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Howard W. Cannon, formerly a Senator from the State of Nevada.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the deceased Senator.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2980. Mr. DASCHLE (for himself, Mr. BINGAMAN, Mr. REID, Mr. MURKOWSKI, Mr. STEVENS, and Mr. BAYH) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes.

SA 2981. Mr. MILLER submitted an amendment intended to be proposed to amendment

SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 2982. Mr. MURKOWSKI (for himself and Mr. STEVENS) proposed an amendment to amendment SA 2980 proposed by Mr. DASCHLE (for himself, Mr. BINGAMAN, Mr. REID, Mr. MURKOWSKI, Mr. STEVENS, and Mr. BAYH) to the amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

TEXT OF AMENDMENTS

SA 2980. Mr. DASCHLE (for himself, Mr. BINGAMAN, Mr. REID, Mr. MURKOWSKI, Mr. STEVENS and Mr. BAYH) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

Insert the following after Section 704(d):

''(e) PROHIBITION ON CERTAIN PIPELINE ROUTE.—No license, permit, lease, right-of-way, authorization or other approval required under Federal law for the construction of any pipeline to transport natural gas from lands within the Prudhoe Bay oil and gas lease area may be granted for any pipeline that follows a route that traverses—

''(1) the submerged lands (as defined by the Submerged Lands Act) beneath, or the adjacent shoreline of, the Beaufort Sea; and

''(2) enters Canada at any point north of 68 degrees North latitude.''

Insert the following after Section 706(c):

''(d) STATE COORDINATION.—The Federal Coordinator shall enter into a Joint Surveillance and Monitoring Agreement, approved by the President and the Governor of Alaska, with the State of Alaska similar to that in effect during construction of the Trans-Alaska Oil Pipeline to monitor the construction of the Alaska natural gas transportation project. The federal government shall have primary surveillance and monitoring responsibility where the Alaska natural gas transportation project crosses federal lands and private lands, and the state government shall have primary surveillance and monitoring responsibility where the Alaska natural gas transportation project crosses state lands.''

SA 2981. Mr. MILLER submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 155, between lines 17 and 18, insert the following:

(c) AVERAGE FUEL ECONOMY STANDARDS FOR PICKUP TRUCKS.—

(1) IN GENERAL.—Section 32902(b) of title 49, United States Code (as amended by subsection (b)(3)) is further amended by adding at the end the following new paragraph:

''(6) PICKUP TRUCKS.—The average fuel economy standard for pickup trucks manufactured by a manufacturer in a model year after model year 2004 shall be 20.7 miles per gallon. No average fuel economy standard prescribed under another provision of this section shall apply to pickup trucks.''.

(2) DEFINITION OF PICKUP TRUCK.—Section 32901(a) of such title (as amended by subsection (b)) is further amended—

(A) in paragraph (17), by inserting '', other than a pickup truck,'' after ''automobile'' in the matter preceding subparagraph (A); and

(B) by adding at the end the following new paragraph;

''(18) 'pickup truck' has the meaning given that term in regulations prescribed by the Secretary for the administration of this chapter, as in effect on January 1, 2002, except that such term shall also include any additional vehicle that the Secretary defines as a pickup truck in regulations prescribed for the administration of this chapter after such date.''.

SA 2982. Mr. MURKOWSKI (for himself and Mr. STEVENS) proposed an amendment to amendment SA 2980 proposed by Mr. DASCHLE (for himself, Mr. BINGAMAN, Mr. REID, Mr. MURKOWSKI, Mr. STEVENS, and Mr. BAYH) to the amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

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 Kenai 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.'.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to conduct a nomination hearing during the session of the Senate on Wednesday, March 6, 2002, at 9:30 a.m. The purpose of this hearing will be to consider the following nominations: Thomas Dorr the nominee for Under Secretary of Rural Development; Nancy Bryson, the administration's nominee to serve as general counsel for USDA; and Grace Daniel and Fred Dailey who are nominated to serve on the Board of Federal Agricultural Mortgage Corporation.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, March 6, 2002, at 10 a.m., to conduct an oversight hearing on ''Accounting and Investor Protection Issues Raised by Enron and Other Public Companies; Oversight of the Accounting Profession, Audit Quality and Independence, and Formulation of Accounting Principles.''

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Committee on Environmental and Public Works be authorized to meet on Wednesday, March 6, 2002, at 9:30 a.m., to conduct a hearing to receive testimony on S. 975, the Community Character Act of 2001; and S. 1079, the Brownfield Site Redevelopment Assistance Act of 2001.

The hearing will be held in SD–406.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 6, 2002, at

9:30 a.m., to hold a hearing titled, ''Dirty Bombs''.

Agenda

Witnesses

Panel 1: Dr. Steven E. Koonin, Provost, California Institute of Technology, Pasadena, CA; Dr. Harry C. Vantine, Division Leader, Counterterrorism and Incident Response, Lawrence Livermore National Laboratory, Livermore, CA; Dr. Henry C. Kelly, President, Federation of American Scientists, Washington, DC; and Dr. Donald D. Cobb, Associate Laboratory Director for Threat Reduction, Los Alamos National Laboratory, Los Alamos, NM.

Panel 2: Dr. Richard A. Meserve, Chairman, Nuclear Regulatory Commission, Washington, DC.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, March 6, 2002, at 9:30 a.m., to hold a hearing entitled ''Who's Doing Work for the Government?: Monitoring, Accountability and Competition in the Federal and Service Contract Workforce.''

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, March 6, 2002, at 2:30 p.m., to hold a closed hearing on intelligence matters.

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

SUBCOMMITTEE ON ANTITRUST, COMPETITION AND BUSINESS AND CONSUMER RIGHTS

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Antitrust, Competition and Business and Consumer Rights be authorized to meet to conduct a hearing on Wednesday, March 6, 2002, at 10:30 a.m., in Dirksen 226.

Witness List: Jeremiah W. ''Jay'' Nixon, Attorney General, State of Missouri, Jefferson City, Missouri; Charles W. Ergen, Chairman and CEO, Echostar Communications, Littleton, Colorado; Edward O. Fritts, President and CEO, National Association of Broadcasters, Washington, DC; Eddy W. Hartenstein, President and CEO, DIRECTV, Inc., El Segundo, California; Gene Kimmelman, Co-Director, Consumers Union, Washington, DC; and Robert Pitofsky, former Chairman of the Federal Trade Commission, Washington, DC.

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

SUBCOMMITTEE ON COMMUNICATION

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Subcommittee on Communications of the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, March 6, 2002, at 2:30 p.m., on the Nation's wireline and wireless communications infrastructure in light of September 11.

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

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities of Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, March 6, 2002, at 2:30 p.m., in open session to receive testimony on the nonproliferation programs of the Department of Energy and the Cooperative Threat Reduction Program of the Department of Defense in review of the Defense authorization request for fiscal year 2003.

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

SUBCOMMITTEE ON PUBLIC HEALTH

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Public Health, be authorized to meet for a hearing on ''Health Tracking: Improving Surveillance of Chronic Conditions and Potential Links to Environmental Exposures,'' during the session of the Senate on Wednesday, March 6, 2002, at 10 a.m.

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

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, March 6, 2002, at 10 a.m., in open session to receive testimony on Department of Defense financial management.

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

SUBCOMMITTEE ON TRANSPORTATION

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Transportation of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, March 6, 2002, at 2:30 p.m., to conduct an oversight hearing on ''Reauthorization of the HUD McKinney-Vento Homeless Assistance Act Programs.''

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

PRIVILEGES OF THE FLOOR

Mr. THOMAS. Madam President, I ask unanimous consent that Nancy Perkins, of Senator GREGG's office, have the privilege of the floor throughout the consideration of the energy bill.

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

Mr. LIEBERMAN. Madam President, first, I ask unanimous consent that Dennis Leaf, a congressional fellow with my office, be given floor privileges for the consideration of the energy bill.

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

Mr. HOLLINGS. Madam President, I ask unanimous consent that David Matsuda, a fellow from the Department of Transportation, be granted floor privileges during the discussion of the S. 517.

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

Mr. STEVENS. Madam President, I ask unanimous consent that the following members of my staff be allowed the privilege of the floor during the remainder of the consideration of the energy debate: Dave Russell, George Lowe, Andy Givens, Mark Davis, Melany Alvord, Matt Paxton, and Justin Stiefel.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Madam President, I ask unanimous consent the Senate proceed to executive session to consider Executive Calendar No. 621, the nomination be confirmed, the motion to reconsider be laid on the table, the President be immediately notified of the Senate's action, any statements be printed in the RECORD, and the Senate return to legislative session.

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

The nomination was considered and confirmed as follows:

DEPARTMENT OF ENERGY

Margaret S.Y. Chu, of New Mexico, to be Director of the Office of Civilian Radioactive Waste Management, Department of Energy.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, in consultation with the Republican leader, pursuant to Public Law 68–541, as amended by Public Law 102–246, reappoints Bernard Rapoport of Texas as a member of the Library of Congress Trust Fund Board for a term of five years, upon the expiration of his current term on March 10, 2002.

PERMITTING THE USE OF THE ROTUNDA OF THE CAPITOL

Mr. REID. Madam President, I ask unanimous consent the Senate now proceed to H. Con. Res. 305 which was

just received from the House and is now at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 305) permitting the use of the Rotunda of the Capitol for a ceremony to present a gold medal on behalf of Congress to former President Ronald Reagan and his wife Nancy Reagan.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. I ask unanimous consent the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, that any statements relating thereto be printed in the RECORD, with no intervening action or debate.

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

The concurrent resolution (H. Con. Res. 305) was agreed to.

RELATIVE TO THE DEATH OF THE HONORABLE HOWARD W. CANNON

Mr. REID. I ask unanimous consent the Senate proceed to consideration of S. Res. 217, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 217) relative to the death of the Honorable Howard W. Cannon, formerly a Senator from the State of Nevada.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent resolution be agreed to and the motion to reconsider be laid on the table without any intervening action or debate.

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

The resolution (S. Res. 217) was agreed to.

(The resolution is printed in today's RECORD under ''Submitted Resolutions.'')

ORDERS FOR TOMORROW, MARCH 7, 2002

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m., Thursday, March 7; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of S. 517, the energy bill.

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

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the provisions of S. Res. 217, as a mark of respect to the memory of the deceased Honorable Howard W. Cannon, a Senator from the State of Nevada.

There being no objection, the Senate, at 6:42 p.m., adjourned until Thursday, March 7, 2002, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate March 6, 2002:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

JEFFREY D. WALLIN, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2006, VICE RON CHEW.

DEPARTMENT OF JUSTICE

PETER A. LAWRENCE, OF NEW YORK, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF NEW YORK FOR THE TERM OF FOUR YEARS, VICE JOHN PATRICK MCCAFFREY, TERM EXPIRED.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. WILLIAM D. MASTERS JR., 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. CRAIG O. MCDONALD, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. DAVID O. ANDERSON, 0000
CAPT. DAVID J. CRONK, 0000
CAPT. DIRK J. DEBBINK, 0000
CAPT. FRANK F. RENNIE IV, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

DERRICK K. ANDERSON, 0000
CARL M. ANDREWS, 0000
MARION T. HARNED, 0000
JOE F. JOHNSTON, 0000
WAYNE R. KNUTSON JR., 0000
FROILAN A. SALUTA, 0000
JOSEPH R. WALLROTH, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

LORAINE H. ANDERSON, 0000
WILLIAM S. ASTLEY, 0000
MARY K. BALLENGEE, 0000
BRIAN K. DECKERT, 0000
JACKSON R. DOBBINS, 0000
ROY T. FRANKLIN, 0000
WILLIAM B. HUFF, 0000
BONNIE C. JOHNSON, 0000
MICHAEL E. JOHNSON, 0000
GEORGE NICOLAS JR., 0000
STEPHEN G. REINHART, 0000
MARK J. WELTER, 0000
MICHAEL E. YOUNG, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

MARY S. ARMOUR, 0000
DELORES G. FORREST, 0000
ROBERTA L. GOTT, 0000
DAWN M. HARL, 0000
DIANNE R. INUNGARAY, 0000
BARBARA J. JOHNSTON, 0000
DONNA M. LAKE, 0000
IRENE D. LARSON, 0000
GAIL MCCAIN, 0000
LORI L. MONTGOMERY, 0000
BRIAN D. MORR, 0000
STEPHEN E. PRIZER, 0000
SANDRA R. SCHMIDTBERRINGER, 0000
SHARON B. WRIGHT, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

KEVIN D. BARON, 0000
LAURA E. BATTLE, 0000
AMY M. BECHTOLD, 0000
TERRIE M. GENT, 0000
THOMAS J. HASTY III, 0000
STEVEN A. HATFIELD, 0000
THOMAS C. JASTER, 0000
EUGENE J. KIRSCHBAUM, 0000
STEWART L. NOEL, 0000
MARY V. PERRY, 0000
RONALD M. REED, 0000
JEFFREY L. ROBB, 0000
DANIEL E. ROGERS, 0000
PAMELA D. STEVENSON, 0000
PAUL E. VAN MALDEGHEM, 0000
BRIAN J. WELSH, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

JORGE ACEVEDO, 0000
EDWARD N. ADDISON, 0000
LINDA S. ALDRICH, 0000
JOHN M. AMRINE, 0000
RICHARD L. ANDERSON II, 0000
SHERI W. ANDINO, 0000
STEPHEN J. APPLE, 0000
JOSE R. ARAGON, 0000
THOMAS ARKO, 0000
STEVEN E. ARMSTRONG, 0000
BRADLEY D. ARNOLD, 0000
MICHAEL W. ARNOLD, 0000
JARED A. ASTIN, 0000
LAWRENCE G. AVERY JR., 0000
PETER R. AXUP, 0000
RICHARD R. AYRES, 0000
ROBERT P. BAINE III, 0000
HOWARD B. BAKER, 0000
MICHAEL K. BAKER, 0000
SHELBY G. BALL, 0000
RAMONA G. BARNES, 0000
EDMUND L. BARNETTE JR., 0000
REBECCA L. BEAMAN, 0000
GROVER P. BEASLEY III, 0000
STEVEN J. BEATTY, 0000
ALLAN R. BECK, 0000
JEFFREY K. BEENE, 0000
ROBERT J. BELETIC, 0000
MICHAEL A. BENJAMIN, 0000
STEVEN W. BERNARD, 0000
SCOTT A. BETHEL, 0000
STEVEN K. BIBLE, 0000
GREGORY M. BILLMAN, 0000
DANIEL J. BISANTI, 0000
JEAN E. BITNER, 0000
EILEEN A. BJORKMAN, 0000
STEVEN M. BLACK, 0000
DAVID A. BLEHM, 0000
JOHN V. BOGGESS, 0000
KEVIN G. BOGGS, 0000
KIM A. BOWLING, 0000
MARK E. BRACICH, 0000
JEFFREY A. BRAND, 0000
THOMAS M. BREEN, 0000
DAVID C. BREWER, 0000
JAMES G. BREWSTER JR., 0000
DEIDRE E. BRIGGS, 0000
VENETIA E. BROWN, 0000
JAMES S. BROWNE, 0000
NORMAN J. BROZENICK JR., 0000
THOMAS J. BRUNS, 0000
DANIEL M. BRYAN, 0000
MICHAEL K. BUCK, 0000
JOHN N. BUCKALEW, 0000
HAROLD E. BULLOCK, 0000
STEPHEN L. BURGESS, 0000
DARRYL W. BURKE, 0000
RICHARD L. BURLINGAME, 0000
BRUCE A. BUSH, 0000
MICHAEL S. BUTLER, 0000
DIANE M. BYRNE, 0000
ANTHONY C. CAIN, 0000
JOSEPH T. CALLAHAN III, 0000
JAMES J. CAMPBELL JR., 0000
JESSIE W. CANADAY, 0000
DAVID K. CANNON, 0000
SAMUEL G. CARBAUGH, 0000
DOUGLAS W. CARROLL, 0000
JOHN R. CARTER JR., 0000
THERESA C. CARTER, 0000
MICHAEL D. CARTNEY, 0000
ROBERT M. CATLIN, 0000
JEFFREY L. CATON, 0000
SCOTT D. CHAMBERS, 0000
CHRISTOPHER R. CHAMBLISS, 0000
WILLIAM J. CHANGOSE, 0000
JOHN J. CHERNIGA, 0000
CARY C. CHUN, 0000
GREGG A. CLARK, 0000
RAY M. CLARK, 0000
WILLIAM J. CLECKNER, 0000
DEAN R. CLEMONS, 0000
TERESA H. CLINE, 0000
HELEN M. COCKRELL, 0000
JEFFREY S. COHEN, 0000
JEFFREY M. COLEMAN, 0000
BRIAN J. COLLINS, 0000
GAIL B. COLVIN, 0000
TED D. CONNALLY, 0000
DOUGLAS K. COOKE, 0000
JOHN B. COOPER, 0000
JOSEPH P. CORSO, 0000
WILLIAM M. CORSON, 0000

DAVID A. CORWIN, 0000
PETER A. COSTELLO III, 0000
GARY C. COX, 0000
SAMUEL D. COX, 0000
JAMES G. CRAMP, 0000
JOHN F. CROGHAN, 0000
RONALD R. CROSBY, 0000
JOSEPH C. CROWNOVER III, 0000
CARLOS R. CRUZGONZALEZ, 0000
GEORGE L. CUNNINGHAM, 0000
PAUL A. CURLETT, 0000
EUGENE DACUS, 0000
TERESA D. DANIELL, 0000
GEORGE B. DANIELS, 0000
JOHN A. DANIELS, 0000
KEVIN S. C. DARNELL, 0000
CLIFFORD E. DAY, 0000
STEPHEN R. DECOU, 0000
DANIEL L. DEFOREST, 0000
BRADLEY S. DENISON, 0000
STEVEN J. DEPALMER, 0000
ROBERT C. DEWALD, 0000
JOHN J. DIAMOND JR., 0000
IAN R. DICKINSON, 0000
HOWARD A. DIETRICH III, 0000
VINCENT P. DIFRONZO, 0000
JOHN R. DIGGINS III, 0000
FRANK C. DIGIOVANNI, 0000
JOHN M. DOBBINS, 0000
MARTIN P. DOEBEL, 0000
CHRIS P. DORAN, 0000
ROBERT M. DOUGLAS, 0000
JACQUELINE J. DOVALE, 0000
JOHN A. DOWLESS JR., 0000
KENNETH L. DRESSEL, 0000
ROBERT D. DUBEK, 0000
PAUL A. DUNBAR, 0000
JAMES A. DUNN, 0000
BRADLEY D. DUTY, 0000
WILLIAM T. ELIASON, 0000
DAVID F. ELLIS, 0000
MICHAEL D. ELROD, 0000
JOHN L. EMICH JR., 0000
ROBERT L. ENGLISH, 0000
MATTHEW N. ERICHSEN, 0000
DOUGLAS ERLENBUSCH, 0000
KAREN A. ESAIAS, 0000
SUSAN L. ESPINAL, 0000
CARLTON D. EVERHART II, 0000
KENNETH G. EVERSOLE JR., 0000
MICHAEL FALINO, 0000
TIMOTHY J. FEELEY, 0000
SANDRA E. FINAN, 0000
LISA C. FIRMIN, 0000
MICHAEL A. FLECK, 0000
ARNOLD FLORES, 0000
DONALD A. FLOWERS, 0000
JON M. FONTENOT, 0000
ANDREW FOWKES, 0000
RICHARD M. FRAKER, 0000
NANCY E. FRYE, 0000
RICHARD L. FULLERTON, 0000
KEVIN R. GAMACHE, 0000
ROGER A. GANT, 0000
JAMES N. GAPINSKI, 0000
MICHAEL H. GECZY, 0000
STEPHEN J. GENSHEIMER, 0000
KEITH E. GENTILE, 0000
DAVID K. GERBER, 0000
BARBARA J. GILCHRIST, 0000
RODERICK E. GILLIS, 0000
DAVID B. GLADE II, 0000
DAVID S. GLOWACKI, 0000
WILLIAM F. GOAD, 0000
JAMES A. GODSEY, 0000
SCOTT E. GOEHRING, 0000
T. T. GOETZ, 0000
SUSAN J. GOLDING, 0000
FERNANDO GONZALEZ, 0000
ROBERT S. GORDON, 0000
FRANK GORMAN, 0000
KATHLEEN M. GRABOWSKI, 0000
DEBRA D. GRAY, 0000
SAMUEL A. R. GREAVES, 0000
BRIAN H. GREENSHIELDS, 0000
DOUGLAS W. GREGORY, 0000
JOHN R. GRIGGS, 0000
GINA M. GROSSO, 0000
LAWRENCE K. GRUBBS, 0000
FREDERICK I. GUENDEL JR., 0000
STEPHEN J. HAHN, 0000
TIMOTHY L. HALE, 0000
WILLIAM C. HALL JR., 0000
ROBERT L. HAMILTON JR., 0000
RUSSELL J. HANDY, 0000
SCOTT M. HANSON, 0000
TRACY A. HARDWICK, 0000
GARRETT HARENCAK, 0000
PAUL R. HARMON, 0000
KEVIN E. HARMS, 0000
MICHAEL Q. HARPER, 0000
JEFFREY P. HARRELL, 0000
JOHN P. HARRIS, 0000
RICHARD HARRIS, 0000
ROBERT D. HARVEY, 0000
STEVEN D. HATTER, 0000
JOHN S. HAVEN II, 0000
WILLIAM I. HAVRON, 0000
DALE L. HAYDEN, 0000
MICHAEL F. HAYDEN, 0000
GEORGE W. HAYS, 0000
LEONARD G. HEAVNER, 0000
DAVID B. HEININGER, 0000
BRUCE B. HEINLEIN, 0000
MITCHELL L. HEITMANN, 0000
HOWARD J. HEMEON III, 0000
HAROLD E. HEMMINGS JR., 0000
SHELIA E. HENDERSON, 0000
WARREN L. HENDERSON, 0000
ROBERT H. HENDRICKS, 0000
STEVEN W. HERRING, 0000
DEREK S. HESS, 0000
HERMAN HICKS, 0000
OTIS L. HICKS JR., 0000
KIM A. HIGH, 0000
PEGGY B. HILLEBRANDT, 0000
JEFFREY A. HODGDON, 0000
DAWN C. HODGE, 0000
MICHAEL W. HODGE, 0000
RUSSELL D. HODGKINS JR., 0000
JOSEPH H. HOFFMAN III, 0000
WILLIAM C. HOFFMAN, 0000
DEWEY A. HOLMES, 0000
JAMES R. HOREJSI, 0000
MARK A. HOWELL, 0000
DERRICK A. HOXIE III, 0000
LARRY W. HUDSON, 0000
ROBERT D. HUDSON, 0000
DIANE R. HULL, 0000
ALAN L. HUNT JR., 0000
DENNIS L. HUNT, 0000
CARL HUNTER, 0000
JAMES L. HYATT III, 0000
MICHAEL W. ISHERWOOD, 0000
GREGORY G. IUSI, 0000
FREDERICK R. JACKSON, 0000
LINDA C. JACKSON, 0000
KEVIN J. JACOBSEN, 0000
SCOTT W. JANSSON, 0000
JOYCE R. JENKINSHARDEN, 0000
KENNETH A. JETER, 0000
GLEN G. JOERGER, 0000
CHARLES W. JOHNSON, 0000
JAMES G. JOHNSON, 0000
ROBERT E. JOHNSON, 0000
SCOTT W. JOHNSON, 0000
STEVEN H. JOHNSON, 0000
DENNIS M. JONES, 0000
HARVEY L. JONES, 0000
DONALD L. JORDAN, 0000
RONALD G. JOSEPH, 0000
NANCY A. KACZOR, 0000
MELISSA R. KALLETT, 0000
MICHAEL C. KANE, 0000
KEVIN P. KAROL, 0000
KEITH A. KECK, 0000
RANDY A. KEE, 0000
LLOYD H. KEETON JR., 0000
JIM H. KEFFER, 0000
DENNIS E. KEITH, 0000
MICHAEL A. KELTZ, 0000
GARY L. KEMP, 0000
JEFFREY B. KENDALL, 0000
JEFFREY A. KENNEDY, 0000
GREG A. KERN, 0000
GARY W. KIRK, 0000
THOMAS D. KLINCAR, 0000
PENNY F. KOERNER, 0000
KENNETH M. KONICKI, 0000
GEORGE D. KRAMLINGER, 0000
STEVEN L. KWAST, 0000
MUN H. KWON, 0000
KEVIN M. KYGER, 0000
DENNIS H. LANGE, 0000
ROY G. LANIER III, 0000
DAVID R. LARIVEE, 0000
MARK S. LARSON, 0000
STEPHAN J. LAUSHINE, 0000
DAVID G. LAWSON, 0000
ANTHONY J. LAZARSKI, 0000
TIMOTHY S. LEAPTROTT, 0000
MATTHEW R. LEAVITT, 0000
IRVIN B. LEE, 0000
M. DAVID LEE, 0000
DANNY L. LEONARD, 0000
ANTHONY V. LEVY, 0000
DAVID J. LEWIS, 0000
SAMUEL LOFTON III, 0000
MARSHALL K. LOUNSBERRY III, 0000
BRUCE W. LOVELY, 0000
PHYLLIS A. LOVING, 0000
ROBERT M. LYLES, 0000
HOLLACE D. LYON, 0000
DAVID W. MADDEN, 0000
ANDREW M. MANLEY, 0000
ANDREW M. MAROTTA, 0000
REX A. MARSHALL, 0000
SCOTT W. MARSHALL, 0000
LAURA M. MARTIN, 0000
DEBRA A. MARTINEZ, 0000
RUSSELL L. MAY, 0000
DAVID B. MAYER, 0000
JEFFREY R. MAYO, 0000
BEN MCCOLLUM II, 0000
NEAL B. MCELHANNON, 0000
JOHN T. MCELHENNY, 0000
STEVEN E. MCKAY, 0000
MICHAEL A. MCKENNA, 0000
WILLIAM D. MCKINNEY, 0000
JOHN C. MCKOY, 0000
JAMES K. MCLAUGHLIN, 0000
ANNIE M. MCLEOD, 0000
WILLIAM J. MCMANUS, 0000
JIMMY E. MCMILLIAN, 0000
RICHARD B. MCNABB, 0000
MICHAEL T. MCNEELY, 0000
RON MCNEILL, 0000
KURT F. MCPHERSON, 0000
MARK A. MEHALIC, 0000
MICHAEL W. MELENDREZ, 0000
THERESA A. MEYER, 0000
LINDA S. MICHAEL, 0000
JANET R. MIDDLETON, 0000
JOHN C. MILLANDER, 0000
CHARLES F. MILLER, 0000
DENNIS M. MILLER, 0000
JOHN R. MILLER JR., 0000
DAVID G. MINSTER, 0000
ALVINA K. MITCHELL, 0000
DENNIS R. MITCHELL, 0000
HENRY MITNAUL, 0000
ELIZABETH A. MOORE, 0000
KENNETH J. MORAN, 0000
JUAN MORENO III, 0000
MICHAEL J. MORGAN, 0000
RENE L. MOSLEY, 0000
ANDREW M. MUELLER, 0000
SAMUEL S. MUMAW, 0000
KURT F. NEUBAUER, 0000
FRANCIS G. NEUBECK JR., 0000
DAVID J. NICHOLLS, 0000
KEVIN B. NOONAN, 0000
MARK C. NOYES, 0000
PHILIP M. ODOM, 0000
DAVID D. ODONNELL, 0000
BARRY N. OLSON, 0000
CRAIG A. ONEAL, 0000
ROBERT A. ONEILL, 0000
RICHARD O. OSMUN, 0000
MICHAEL W. OTTERBLAD, 0000
GREGORY S. OWEN, 0000
PAUL J. PABICH, 0000
MARC L. PAGLIARO, 0000
ANTHONY A. PANEK, 0000
ANDREW W. PAPP, 0000
MARY H. PARKER, 0000
EDWIN T. PARKS, 0000
RANDALL N. PASCHALL, 0000
JAMES W. PATTERSON JR., 0000
JEFFREY A. PAULK, 0000
JAMES R. PAVLISIN, 0000
GLENN R. PAYNE, 0000
ROBERT E. PECORARO, 0000
RICHARD J. PETRASSI, 0000
DAVID B. PISTILLI, 0000
ERIC A. POHLAND, 0000
GARY W. POND, 0000
GERILYN A. POSNER, 0000
JOHN C. POWELL, 0000
CRAIG J. PRICE, 0000
MICHAEL J. PRUSZ, 0000
BENJAMIN F. PULSIFER, 0000
CARL J. PUNTURERI, 0000
LESLIE B. QUEEN, 0000
NEIL E. RADER, 0000
BOBBIE L. RANDALL, 0000
JEFFEREY W. RAY, 0000
CHRIS A. REASNER, 0000
HELMUT H. REDA, 0000
LARRY L. REXFORD, 0000
NANCY E. RICE, 0000
MICHAEL O. RIDDLE, 0000
PATRICIA F. RIDGWAY, 0000
DAVID P. RIPLEY, 0000
RAYMOND A. ROBIDOUX JR., 0000
JANE A. ROBINSON, 0000
KENNETH F. RODRIGUEZ, 0000
BRYAN D. ROGERS, 0000
ROSS E. ROLEY, 0000
MARCIA ROSSI, 0000
RAYMOND J. ROTTMAN, 0000
R.J. ROUSE, 0000
JOHN K. RUDOLPH, 0000
WILLIAM J. RUMPEL, 0000
KEVIN E. RUMSEY, 0000
JEFFREY J. RUST, 0000
TIMOTHY J. SAKULICH, 0000
PETER G. SANDS, 0000
WILLIAM A. SCHAAKE, 0000
WILLIAM E. SCHAAL JR., 0000
CINDY L. SCHAEFER, 0000
YVONNE E. SCHILZ, 0000
CRAIG H. SCHLATTMANN, 0000
THOMAS J. SCHLUCKEBIER, 0000
BRUCE E. SCHMIDT, 0000
STEVEN C. SCHRADER, 0000
DENISE I. SCHULTZ, 0000
MICHAEL R. SCOTT, 0000
ERIC M. SEPP, 0000
JOHN G. SETTER JR., 0000
JOHNNIE SEWARD JR., 0000
JOHN N. T. SHANAHAN, 0000
DEBRA A. SHATTUCK, 0000
HOWARD R. SHELWOOD, 0000
CHRISTIAN L. SHIPPEY, 0000
DALE T. SHIRASAGO, 0000
ROBERT C. SHOFNER, 0000
JAMES T. SILVA, 0000
MARK SIME, 0000
ROBERT K. SIMM JR., 0000
DAVID A. SIMMS, 0000
BRIAN A. SIMPSON, 0000
WILLIAM R. SIMS JR., 0000
MICHAEL J. SINISI, 0000
CAROLYN V. SMALL, 0000
DEAN A. SMITH, 0000
JEFFRY F. SMITH, 0000
KEITH E. SMITH, 0000
PATRICK T. SMITH, 0000
REX K. SNIDER JR., 0000
VINCENT R. SNYDER, 0000
JOYCE F. SOHOTRA, 0000
TERRY L. SPITZMILLER, 0000
MARK A. STANK, 0000
JULIE K. STANLEY, 0000
JOHN A. STARKEY, 0000
ROBERT J. STEELE, 0000
TYRONE R. STEPHENS, 0000
ROBERT G. STIEGEL, 0000
PETER V. STIGLICH, 0000
DAN J. STIVER, 0000

JOSEPH M. STOKER, 0000
MICHAEL S. STOUGH, 0000
STEVEN C. SUDDARTH, 0000
MARK P. SULLIVAN, 0000
EDWIN C. SWEDBERG, 0000
STEPHEN M. TANOUS, 0000
MARK B. TAPPER, 0000
DENISE S. TAYLOR, 0000
HARRY J. TETI, 0000
PAUL L. THEE, 0000
THOMAS B. THOMPSON, 0000
NAT THONGCHUA, 0000
WILLIAM J. THORNTON, 0000
DAVID L. THURSTON, 0000
BRUCE C. TOWNSEND, 0000
BRIAN D. TRI, 0000
DOUGLAS K. TUCKER, 0000
GUY D. TURNER, 0000
RANDY K. TURNER, 0000
TERESA G. TURNER, 0000
TRACY E. TYNAN, 0000
JOSEPH F. UDEMI, 0000
DAVID K. UNDERWOOD, 0000
VINCENT C. VALDESPINO, 0000
JONATHAN D. VANGUILDER, 0000
PEDRO VASQUEZ JR., 0000
MICHAEL G. VAUGHN, 0000
MICHAEL G. VIDAL, 0000
STEPHEN G. VISCO, 0000
JOSEPH H. VIVORI, 0000
GEORGE C. VOGT, 0000
DAVID M. VOTIPKA, 0000
DANIEL R. WALKER, 0000
SAMUEL J. WALKER, 0000
THOMAS C. WALKER, 0000
KATHY D. WARD, 0000
VICTOR L. WARZINSKI, 0000
MARK R. WASSERMAN, 0000
JAMES M. WAURISHUK JR., 0000
MARK P. WEADON, 0000
GARY C. WEBB, 0000
ANTHONY M. WEIGAND, 0000
CHARLES A. WEISS, 0000
JAMES J. WENDLING, 0000
WAYNE H. WENTZ, 0000
ROBERT E. WHEELER, 0000
SCOTT L. WHEELER, 0000
YULIN G. WHITEHEAD, 0000
GREGORY S. WIEBE, 0000
DENNIS R. WIER, 0000
LEE T. WIGHT, 0000
JOHN S. WILCOX, 0000
ROBERT C. WILLIAMS, 0000
ROBERT T. WIMPLE JR., 0000
KATHLEEN M. WINTERS, 0000
CLETUS F. WITTER, 0000
CHARLES W. WOLFE JR., 0000
BEVERLY C. WRIGHT, 0000
MARK D. WRIGHT, 0000
THOMAS L. YODER, 0000
DAVID E. YOUKER, 0000
TIMOTHY M. ZADALIS, 0000
RODERICK C. ZASTROW, 0000
MICHAEL P. ZEPF, 0000
STEPHEN B. ZIEHMN, 0000
KEITH W. ZUEGEL, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

MATT ADKINS JR., 0000
MARK L. ALLEN, 0000
DOUGLAS E. ANDERSON, 0000
RANDY B. BORG, 0000
ALAN R. CONSTANTIAN, 0000
KERRY M. DEXTER, 0000
DAVID L. DOTY, 0000
WILLIAM J. GAYNOR, 0000
ROBERT U. HAMILTON, 0000
MICHAEL P. HOLWAY, 0000
ROBERT C. LENAHAN, 0000
THOMAS G. MCCAULEY, 0000
JAMES F. MEYERS II, 0000
MICHAEL W. MILLER, 0000
RONALD H. PEARSON, 0000
SCOTT F. WARDELL, 0000
VIRGINIA L. WERESZYNSKI, 0000
CHARLES K. WOLAK, 0000
STEPHEN M. WOLFE, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

To be major

DAVID E * BENTZEL, 0000
WILLIAM H * BOSWORTH, 0000
BORIS * BRGLEZ, 0000
JERRY R * COWART, 0000
KELLEY L * EVANS, 0000
MARGERY M * HANFELT, 0000
SCOTT E * HANNA, 0000
LOUIS M * HUZELLA, 0000
KENNETH O * JACOBSEN, 0000
CINDY A * LANDGREN, 0000
WAYNE S * LIPOVITCH, 0000
GLORIA A * MARSELAS, 0000
DANA E * MCDANIEL, 0000
KATHLEEN A * RYAN, 0000
GREG * SATURDAY, 0000
ANN M * SCHIAVETTA, 0000
DEIDRE E * STOFFREGEN, 0000
MALLORY K * TATE, 0000
GESSEL Y * VAN, 0000
DANIEL C * WAKEFIELD, 0000
SHANNON M * WALLACE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

To be major

ABAD * AHMED, 0000
JAMES D * ARNOLD, 0000
GARY W * ASPERA, 0000
ANTHONY C * BARE, 0000
JONATHAN H * BOSWELL, 0000
STANLEY T * BREUER, 0000
ELAINE P * BUNCH, 0000
BETHANY L * CHAPPELL, 0000
ERICA R * CLARKSON, 0000
ANNE M * COAKLEY, 0000
CHARLES V * COLEMAN, 0000
KARL A * COOPER, 0000
PHILLIP D * COSBY, 0000
PHILIP R * COX, 0000
DAVID S * DELGADO, 0000
DAVID E * DESROSIER, 0000
HENRY D * ELLINGTON III, 0000
MICHAEL E * FLAHERTY, 0000
LARRY O * FRANCE, 0000
RAUL * GIERBOLINIMARTINEZ, 0000
MANUEL * GONZALEZ, 0000
HENRY K * HATHAWAY, 0000
DONALD E * HICKS, 0000
CARLTON J * KIZZIE, 0000
JOSE G * MANGROBANG, 0000
STEPHEN P * MANLEY, 0000
ANDE C * MASS, 0000
DOUGLAS L * MCDOWELL, 0000
KELLI M * METZGER, 0000
DEBRA R * MOHNS, 0000
CHRISTINE M * MORAN, 0000
SHARON M * NEWTON, 0000
WILLIAM * NIEDING, 0000
JANET A * PAPAZIS, 0000
PATRICK C * PETRAY, 0000
ALLYSON E * PRITCHARD, 0000
DAVID R * REINSCH, 0000
JESUS R * RODRIGUEZ, 0000
SANDRA E * RODRIGUEZ, 0000
MICHAEL J * SCHIEFELBEIN, 0000
THOMAS * SCHYMANSKI, 0000
KATHY E * SCOTT, 0000
TYLER L * SEICK, 0000
HARVEY P * SMITH JR., 0000
TRACY A * SMITH, 0000
BARBARA J * SYLER, 0000
KIM N * THOMSEN, 0000
RICHARD E * WALTON, 0000
LARRY J * WOOLDRIDGE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

To be major

KIMBERLEE A AIELLO, 0000
PAUL B ANDERSON, 0000
WILLIAM P ARGO, 0000
ADRIENNE B * ARI, 0000
SUSAN D ARNETT, 0000
GREG R * ATKINSON, 0000
TRACY L BABCOCK, 0000
ERIC E BAILEY, 0000
THOMAS R * BAKER, 0000
MICHAEL K * BARDOLF, 0000
BRIAN R BAUER, 0000
MICHELLE L * BELL, 0000
CARLENE A BLANDING, 0000
MARK J BONICA, 0000
MICHAEL D * BRENNAN, 0000
MICHAEL F BRESLIN, 0000
DEIDRA E * BRIGGSANTHONY, 0000
AMY C BRINSON, 0000
BRADLEY L * BROOKS, 0000
KEVIN D BROOM, 0000
EDWARD A * BRUSHER, 0000
JUDITH L BUCHANAN, 0000
JAMES K * BUTLER, 0000
JAMES G * CAHILL, 0000
EVA K * CALERO, 0000
DAVID J CARPENTER JR., 0000
JAMES D * CARRELL, 0000
JORGE D * CARRILLO, 0000
ANDREW D * CENTINEO, 0000
CHRISTOPHER M * CHRISTON, 0000
RHONDA B * CLARK, 0000
JOANNE M * CLINE, 0000
KEVIN E COOPER, 0000
ANDREW J * CORROW, 0000
LYNN T * CROCKETT, 0000
JULIA A DALLMAN, 0000
THOMAS D * DAVENPORT, 0000
REGINA L * DAVEY, 0000
MARVIN * DAVIS, 0000
VIVIAN K * DENNISON, 0000
DENIS G * DESCARREAUX, 0000
STEVE A * DESCHAMPS, 0000
KEVIN M * DUFFY, 0000
PETER N EBERHARDT, 0000
WILLIAM T * ECHOLS, 0000
ERIC S EDWARDS, 0000
DUSTIN K ELDER, 0000
DWAYNE A * ELDER, 0000
JAMES R * ERVIN, 0000
SANDRA * ESCOLAS, 0000
ERIC W * FALLON, 0000
CASEY D * GARMAN, 0000
ERIK J * GLOVER, 0000
CHRISTOPHER J * GRAHEK, 0000
ALFRED A * HAMILTON, 0000
DAVID P * HAMMER, 0000
JOSEPH E * HARKINS, 0000
KEVIN G * HART, 0000
JON K * HAYS, 0000
DANIEL J HEIN, 0000
PHILIP A * HOLCOMBE, 0000
JOHN D HOWE, 0000
GREGORY R HUDSON, 0000
SHEREEN R * HUGHES, 0000
NAOMI M * INGLES, 0000
MARY V * INGRAM, 0000
PRISCILLA J JACKERT, 0000
INGRID * JURICH, 0000
PETER KALAMARAS JR., 0000
WILLIAM J KAYS, 0000
VESTON M KELLY, 0000
VIBOL C * KHEIV, 0000
HEATHER A KNESS, 0000
NINA L * KNUCKLES, 0000
WILLIAM A * LATZKA, 0000
RAYMOND D * LAUREL, 0000
JOHN S * LEE, 0000
KERRY A LEFRANCIS, 0000
GARY C * LETCH, 0000
LEONARD S LIEDEL, 0000
RICHARD S * LINDSAY III, 0000
WILLIAM R LOVE, 0000
PATRICK F * LUKES, 0000
LISA M MACLAREN, 0000
MICHAEL G * MACLAREN II, 0000
STEVEN D * MAHLEN, 0000
JOSE D MANGLICMOT, 0000
PAUL B MANN, 0000
DANIEL E * MCCARTHY, 0000
DAVINA N MCDOWNEY, 0000
DANIEL C * MCGILL, 0000
JOHN A * MCMURRAY, 0000
JOHN J MELTON, 0000
CLAY R MILLER, 0000
JOHN M * MILLER, 0000
GERARDO J * MORALEZ, 0000
DANIEL J * MORONEY, 0000
DONALD R * NEFF, 0000
TIMOTHY D * NELLE, 0000
MICHAEL J NERI JR., 0000
JOSE I NUNEZ, 0000
STEPHEN L OATES, 0000
LISA L * OBRIEN, 0000
TIMOTHY G * OHAVER, 0000
MEE S * PAEK, 0000
DENNIS S * PALALAY, 0000
GABRIELLA M PASEK, 0000
KYLE A * PATTERSON, 0000
NANETTE S * PATTON, 0000
JAMES G PERKINS, 0000
DEBORAH E PEYTON, 0000
KEVIN K * PITZER, 0000
STEPHEN P * PLANCHET, 0000
FRANCISCO J * PORTALS, 0000
MICHAEL H * PRICE, 0000
PATRICIA A * RANDALL, 0000
JAMES * RICHARD III, 0000
KARLOTTA A * RICHARDS, 0000
MICHAEL C RICHARDSON, 0000
ANDREW J * RISIO, 0000
DARREN R * RITZER, 0000
ERIK G * RUDE, 0000
JOHN G * SANCHEZ, 0000
TROY D SCHILLING, 0000
PHILIP E SHERIDAN, 0000
DAVID J * SKANCHY, 0000
MELANIE A * SLOAN, 0000
DWIGHT V * SMITH, 0000
STEPHEN P SPELLMAN, 0000
MARK D SWOFFORD, 0000
JONATHAN R * SYLVIE, 0000
AARON M * TERMAIN, 0000
THOMAS C TIMMES, 0000
JAMES Q * TRUONG, 0000
JOSEPH A TUDELA, 0000
GERARD A * VAVRINA, 0000
MYRANDA L VEREEN, 0000
ANDREW J * VITT, 0000
BLAIN S * WALKER, 0000
CHRISTINE M * WATSON, 0000
JOSEPH L * WILLIAMS, 0000
JEFFREY S * YARVIS, 0000
SHANNON M ZEIGLER, 0000
CHUNLIN * ZHANG, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JAMES R. KISH, 0000

In the Marine Corps

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

RAYMOND J. FAUGEAUX, 0000
JOHN J. HARVEY, 0000
MARKUS PFAHLER, 0000

ANTHONY F. WEDDINGTON, 0000
MARIANNE P. WINZELER, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 5582 AND 531:

To be lieutenant commander

JENNIFER R FLATHER, 0000
JANET G GOLDSTEIN, 0000
KATHY E GORDON, 0000
SAMANTHA J GREEN, 0000
ROBERT S HARRINGTON, 0000
BRYANT W KNOX, 0000
MARIE E OLIVER, 0000
TERESA A SCHWING, 0000
DEBORAH A STARK, 0000
CLIFFORD M WILBORN, 0000
STEPHEN J WILLIAMS, 0000

CONFIRMATION

Executive nomination confirmed by the Senate March 6, 2002:

DEPARTMENT OF ENERGY

MARGARET S.Y. CHU, OF NEW MEXICO, TO BE DIRECTOR OF THE OFFICE OF CIVILIAN RADIOACTIVE WASTE MANAGEMENT, DEPARTMENT OF ENERGY.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

WITHDRAWAL

Executive message transmitted by the President to the Senate on March 06, 2002, withdrawing from further Senate consideration the following nomination:

FREDERICK R. HEEBE, OF LOUISIANA, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF LOUISIANA FOR THE TERM OF FOUR YEARS, WHICH WAS SENT TO THE SENATE ON NOVEMBER 1, 2001.