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Senate

The Senate met at 3 p.m. and was called to order by the Honorable E. BENJAMIN NELSON, a Senator from the State of Nebraska.

PRAYER

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

Dear God, this is a day of memory, of a day of infamy. Life never can be the same again. The vivid, haunting images of the shocking attack by terrorists flash on the screen of our memory: the horror of the Trade Center towers crashing down; a crushing inferno filled with loved ones and friends; a gaping hole in the Pentagon torn by an airliner turned missile; a downed airplane in Pennsylvania kept from its destination here in the Capitol by heroes and heroines.

Six months later there has been some healing of our grief, a great rebirth of patriotism, and an indomitable resolve to win the war against terrorism. Most important of all is our confrontation with evil, death, and tragedy. These have made us reevaluate our priorities and once again put You first in our lives, our families second, our loyalty to our beloved Nation third, and our work and careers and the things money can buy last of all. We've vividly seen the shortness of life and the length of eternity.

On this 6-month anniversary of September 11, we turn our hearts to those who lost loved ones, especially the families and friends of the firefighters and police officers who made the supreme sacrifice. This will not be an easy day for them. Bless them with Your perfect peace and Your courage. Hear our prayer for our military engaged in the war against terrorism. We are united, we are one, we are Americans! And You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable E. BENJAMIN 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 11, 2002.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

Mr. NELSON of Nebraska 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 ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

SCHEDULE

Mr. BINGAMAN. Mr. President, for the information of all Senators, the Senate will be on the energy bill for the remainder of the day. There are no rollcall votes to occur today. The next rollcall vote will occur on Tuesday at approximately 10:30 a.m. Today, the floor will be open for debate on any amendment or for the consideration of any amendment that does not require a rollcall vote.

NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 2001

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

The legislative clerk read as follows:

A 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.

Pending:

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

Feinstein amendment No. 2989 (to amendment No. 2917), to provide regulatory oversight over energy trading markets.

Bingaman/Domenici amendment No. 2990 (to amendment No. 2917) to promote collaboration between the United States and Mexico on research related to energy technologies.

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

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

The legislative clerk proceeded to call the roll.

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

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

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

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

(The remarks of Mr. THOMAS are located in today's RECORD under ''Morning Business.'')

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

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

The legislative clerk proceeded to call the roll.

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

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

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

Mr. DORGAN. Mr. President, I wish to speak generally today about the energy policy in this country and especially about the energy bill we are debating in the Senate. I also want to offer an amendment—a noncontroversial amendment. I think both sides have been apprised of it. I would like to get it pending. I will not ask that we vote on it today. I ask unanimous consent that the amendment now pending be set aside so I might offer an amendment.

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

AMENDMENT NO. 2993 TO AMENDMENT NO. 2917

Mr. DORGAN. Mr. President, I send an amendment to the desk.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 2993.

Mr. DORGAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide for training of electric power generation plant operators)

In section 1501(a)(1), strike ''nuclear power industry'' and insert ''the electric power generation industry (including the nuclear power industry)''.

At the end of title XV, add the following new section:

''SEC. 1506. NATIONAL POWER PLANT OPERATIONS TECHNOLOGY AND EDUCATION CENTER.

''(a) ESTABLISHMENT.—The Secretary shall establish a National Power Plant Operations Technology and Education Center (the ''Center''), to address the need for training and educating certified operators for electric power generation plants.

''(b) ROLE.—The Center shall provide both training and continuing education relating to electric power generation plant technologies and operations. The Center shall conduct training and education activities on site and through Internet-based information technologies that allow for learning at remote sites.

''(c) CRITERIA FOR COMPETITIVE SELECTION.—The Secretary shall establish the Center at an institution of higher education with expertise in plant technology and operation and that can provide on-site as well as Internet-based training.

Mr. DORGAN. Mr. President, I rise to introduce an amendment to establish a national energy technology training and education center. This amendment is critical, because, as of yet, no comprehensive education program exists for electric system operators. Meanwhile, our energy sector and electricity grid are becoming increasingly complex.

These changes in the electric industry and changes in electricity market structures require educated, highly-skilled operators and technicians. In addition, electric system operators are essential to reliable and safe generation, transmission, and distribution of electric power. Education programs that provide training specific to the electric industry are rare, because of the way the industry has been structured and because, for example, most transmission system operators are promoted from within and trained on the job, rather than having had formal training.

One goal of an energy training center, such as the one this amendment would create, would be to provide quality education programs for workers who often are unable to participate in college programs, due to their shift hours or other reasons. These programs would be offered via the Internet, for example, to accommodate these workers. The programs offered through this Energy Center would be directly related to the industry, to ensure that a pool of multi-skilled workers are trained to meet the future needs of the industry.

The energy industry needs an Internet program to train power plant and other technicians to be experts in the various aspects of the energy industry. To respond to this growing need, a certificate and degree program is being developed in collaboration with regional transmission representatives, utility experts, the Electric Power Research Institute, and others. The objectives of this program are (1) to prepare well-trained electricity system operators who can adapt and be productive in power plant and process plant technologies and environments; (2) to provide anywhere, anytime learning opportunities through Internet courses for presently employed personnel who are unable to leave their workplaces to attend courses and/or are restricted by 12-hour work shifts or location in relation to the educational site, and (3) to provide an associate degree option in this field.

Over the next 10 years, the demand for electric power is expected to increase by approximately 25 percent. Constraints on electric transmission line capacity will result in additional transmission line construction and improvements that will increase the need for skilled line workers. Due to technological advances, line operators will continue to need to update their knowledge base. Moreover, we will need specially trained people to ensure the continued reliability of our energy infrastructure.

The Energy Center would:

Work in conjunction with the North American Electric Reliability Council to promote flexible continuing education opportunities for system operators to help maintain their required certifications;

Offer flexible education opportunities related to the security of the electric industry infrastructure and emergency preparedness;

Provide flexible education offerings directly related to the generation, transmission and distribution sectors;

Provide national communication to the electric industry by hosting conferences, forming national advisory boards, and facilitating chat rooms and web-casts; and

Provide simulation opportunities for students to operate sophisticated control stations and distributive control systems in a supervised environment.

This is an amendment to which I believe both sides will agree. We have had discussions with both sides. As I indicated, I will wait until later to ask that it be voted on. I don't believe it would require a record vote.

This amendment would establish a national energy technology training and education center. Changes in the electric industry, and especially changes in the electricity market structures, require a different set of skills, a different education for operators and technicians of electric powerplants. In addition to trying to establish that, we would establish an energy training center, which would provide quality education programs for workers who were often unable to participate in other programs that would give them the kinds of disciplines that are necessary in this new energy climate.

Let me talk more generally about the energy bill on the floor of the Senate. I spoke last week at some length about it. The energy bill includes four pieces. First, we need to produce more energy. All of us agree on that. We are going to have a disagreement on the issue of ANWR, but there is no disagreement over whether we should or whether we need to produce more energy. The answer is yes, of course, we must.

We have had votes on the floor in recent months on the subject of opening up portions of the Gulf of Mexico off the coast of Florida for additional energy production. I voted for that. We have also had discussions and votes and other legislative consideration in other areas to enhance incentives for the production of oil, natural gas, and coal to be used in an environmentally sensitive way to extend America's energy supply. We have to do that.

The point is, if that is all we do when we come to the floor of the Senate in March of 2002, just to increase the supply of energy, this country will be consigned to a strategy that I call ''yesterday forever.'' Twenty-five years ago, when we debated energy, this is what we discussed; 25 years from now, when we debate energy, this is what we will discuss. It is a ''yesterday forever'' strategy—just dig and drill, dig and drill, and somehow, that represents America's policy. That is not enough.

Digging and drilling is important. It is important to do it, and it is important to do it the right way, but there is much more to be done. So production, No. 1.

Second, conservation. We waste an enormous amount of energy in our country. We need a title in this energy bill, which is included in the bill that is now on the floor of the Senate, that

talks about conservation—conservation in a range of areas.

One important area in this legislation that will be controversial will be a new SEER standard for air-conditioners, called SEER 13. We will have people try to knock that out, but the fact is conservation means conservation in transportation, conservation with respect to efficiency of appliances, and a whole range of areas by which you can save a barrel of oil. A barrel of oil saved is just the same as a barrel of oil produced. So it is important for us, it seems to me, to be concerned about those areas.

We also need to be concerned about additional production of energy from renewables and limitless sources of energy. That includes biodiesel, biomass, wind energy, and a range of others—especially something I am very interested in, called fuel cells.

When I talked about ''yesterday forever,'' I talked about the fact that the automobile has not changed in a hundred years. You still pull up to the tank and put the hose in the tank and pump gas. They did it 100 years ago, and we do it now. The internal combustion engine still sucks gas and uses oil. The fact is, we have some interesting work on the horizon suggesting to us, perhaps for the first time, that there will be significant changes. An article in Energy Tech Online by Drew Robb is titled ''Houston, We've Got a Solution; Fuel Cells Come Back to Earth.'' It talks about much of the initial fuel cell research that was funded by NASA, and although the technology of fuel cells showed enormous promise, sky-high costs kept any commercial interest pretty much as low ebb. Then, in the 1990s, investment poured in as a method of reducing toxic emissions and greenhouse gases, and we began to see some real progress. Commercial interests—many which are in the development of funding for fuel cells—now come from the transportation power generation and oil suppliers.

I drove a fuel cell vehicle on the grounds of the Capitol Building some months ago. It did not make any noise. It did not have an internal combustion engine. It used oxygen and hydrogen that combine to create a fuel supply by which this automobile moved, and it pushed water vapor out the back end.

That is a pretty good deal, it seems to me: A fuel cell engine, and the effluent from the back end of that automobile is water vapor.

Does all of that make sense? It does to me.

DaimlerChrysler, for example, plans to spend over $1 billion in the coming years on fuel cell research. In April of last year, it unveiled its hydrogen-powered car called NECAR 4, based on the Mercedes A series. They developed a prototype hydrogen fuel cell, which is one-third the size of previous versions. Ford, Hyundai, Mitsubishi, and others are pursuing similar projects.

The reason I talk about the fuel cell is because it is one of those new technologies that offers the promise of unlimited, clean, quiet, safe, and low-cost energy for the long term. It just makes sense for us to move in that direction if we can.

How do we do that? As I said, we have been putting gas in our automobiles the same way for a century. Just because every debate in the Senate for 25 years has been a debate about doing more tomorrow that which we did yesterday—that is not a debate, that is just a thoughtless policy.

I come from a State that produces a fair amount of energy. We produce oil, coal, some natural gas. We also have the capacity to produce a substantial amount of wind energy. Last Friday's vote in the Senate to extend the production tax credit for wind energy and renewables is very important. Taking the energy from the wind and using it to turn the blades of a new technology turbine, create electricity, and have that electricity course through transmission lines and be sent to somewhere in the country that needs it is a very important step in changing our energy mix from an overreliance on natural gas, oil, and coal to a reliance as well on limitless and renewable energy supplies.

One of the amendments we are going to be discussing in the Congress in the next week or so will be what is called the renewable portfolio standard. That is creating an aspiration or a goal on the part of this country to have a certain percent of our energy needs coming from renewable energy sources by the year 2020.

If we have a renewable portfolio standard of 10 percent, utilities will be required to sell 10 percent of their electricity from renewable energy by the year 2020. That makes good sense to me. We will have people in the Chamber of the Senate who think it is not a good idea. I think they are wrong.

Recently, I was in that part of the world that has so much instability. I was in central Asia. I was in the ''stans'' countries—Afghanistan, Uzbekistan, Kyrgyzstan. One only has to go to the Middle East and central Asia to understand how fragile our energy supply is in this country. A substantial amount of our energy, 57 percent, comes from imported oil. A substantial amount of that comes from the Middle East and central Asia.

If, God forbid, a terrorist tonight after midnight found a way to create an act of terror against the energy supply that comes from the Middle East, our economy would be flat on its back tomorrow morning. It is just that simple.

Shouldn't we be concerned about that? Of course. The answer is yes. Today is the 6-month anniversary of the terror that was visited upon this country on 9–11 last year. We have talked a lot in these last 6 months about American security, national security, and it is important to understand that national security also means energy security.

When you take a look at what is happening in the Middle East today, look at what is happening in central Asia, then ask yourself: Does it make sense for the biggest, the strongest, the largest economy in the world to be this overly dependent on energy supplies from the Middle East and central Asia? The answer is no.

How do we decide to change that? We pass legislation that has some real bite to it in a number of important areas. One of them is, as I mentioned, renewable portfolio standards by which we describe that we want the generation of electricity in our country in the future to come increasingly from renewable and limitless sources of energy.

We can do this if we decide we want to do it, or we can just slip back into the same comfortable debate we have had decade after decade.

Will Rogers once said: When there is no place left to spit, you either have to swallow your tobacco juice or change with the times. On energy there is really no place left. It is an indelicate way, perhaps, of describing our situation, but anyone who understands it understands we have a requirement to do this differently.

It is our obligation now to make a difference with respect to energy policy. This is not the best time to be debating energy. I bought gasoline yesterday for $1.08 a gallon. In fact, go to a gas station these days and buy a gallon of gas or buy 4 quarts of water. They sell water now in quart jars in the cooler. It will cost you more to buy the 4 quarts of water than it will a gallon of gasoline. It says a little something about priorities, I suppose. But it is not a great time to be debating an energy bill when gasoline costs less than water at a gas station.

Nonetheless, we would be ill advised as a Senate to believe this is a good time for America's energy supply because somehow the prices are low and that reflects stability for the future. It does not.

We must pass an energy bill now. In this next several-week period, it is the right thing for this Congress to pass a comprehensive energy bill. It ought not be a bill like that which the House of Representatives passed which, as I said, is a yesterday forever policy. It ought to be legislation that is balanced, that has all four pieces: Encouraging additional production, encouraging additional conservation, paying attention to additional efficiencies, and providing incentives for additional renewable and limitless supplies of energy.

All four of those elements are part of a comprehensive and smart energy policy for this country. It is not a smart energy policy to do as the House of Representatives did and simply say we rest our future on the basis of increased production. That is not a smart energy policy.

Senator BINGAMAN and my colleagues on the Energy Committee have worked

on this legislation. It has some significant points of disagreement, no question about that. ANWR will be hotly debated. My colleague from Alaska has a passionate feeling about that, as do some others. CAFE standards will be passionately debated, and the Senate will make decisions about both of them.

In the longer term, the question of whether we succeed for this country in developing an energy policy that moves this country ahead, reduces its dependence on foreign sources of energy, and increases this country's energy and national security will depend on whether we pass legislation that is balanced in all four areas I have mentioned.

At the start of my presentation, I offered an amendment. It is now pending. I believe it will be accepted by both sides at some point when they have considered other legislation.

I thank the Senator from Alaska for allowing me to proceed. He has something like 564 charts or close to that. I suspect he will be making a long presentation on a subject about which he is very passionate.

Mr. President, I say to the Senator from Alaska, I have visited Alaska. It is a wonderful State. We might have disagreements about certain production in Alaska, but I think he certainly speaks aggressively on behalf of his view of those issues. I do think he is right on the point that we must produce more. The question is not whether; the question is how do we produce more and where do we produce more.

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

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

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. FEINSTEIN). Without objection, it is so ordered.

The Senator from Alaska.

Mr. MURKOWSKI. In response to Senator DORGAN regarding his amendment which covers powerplant operator training, the amendment establishes, as he has noted, a national center to address the need for training and educational activities of operators of electric generator plants.

I think we would all agree we can improve this even though operators have been trained in the past. But I want to emphasize the amendment would improve the training of the operators and their ability to do their job safely and efficiently. Therefore, I have no objection to the amendment. My only concern is we have some norm that is reasonable in the training, but I want to assure the Senator we will accept the amendment in the spirit of moving along on the energy bill.

I want to comment on several aspects of amendments which we are going to be taking up very soon. There are a couple of points I want to address specifically. One is the Akaka Hawaii oil study which makes technical changes to the study language which is contained in section 1702 of the original Daschle bill. It requires the Department of Energy to assess the economic implications for Hawaii of its dependence on oil as a resource for most of its energy needs.

I remind my colleagues the oil that Hawaii receives comes from Alaska. It comes in U.S. ships because the Jones Act mandates the carriage of commodities between two American ports has to be on a U.S. vessel. So this is a significant contributor to the American merchant marine inasmuch as it must use a U.S. vessel built in a U.S. yard with U.S. crews for the benefit of Hawaii.

I want to assure the Senator from Hawaii that the amendment has been cleared by both sides. It is an amendment of a technical nature. It specifically requires the Department of Energy to assess the economic implications of the dependence on oil as its principal source of energy for the Hawaiian Islands. I have indicated I support the amendment.

We should all be concerned about the economic dependence of our States on imported oil. Hawaii uses about 99.8 percent of its electricity needs generated from oil. Of the 50-plus million barrels of oil consumed in Hawaii, it comes primarily from Alaska. There is some that is imported as well, but the imported oil comes in foreign ships with foreign crews. As a consequence, the State Department indication on tourism indicated the transportation fuel prices caused substantially high impacts on the Hawaiian economy. Higher fuel means higher airplane tickets. Higher energy costs means higher hotel bills.

So I agree with my friends from Hawaii, we should investigate our options to ensure energy security. I know the Senator from Hawaii has been working on the strategic petroleum reserve in case there are interruptions because of Hawaii's dependence on imported fuel, and I support that.

There is also an amendment we can accept, and that is the Bingaman U.S.-Mexico energy technology cooperation. This amendment authorizes $23 million over the next 5 years for projects to improve energy efficiency and reduce environmental impacts of economic development along the U.S.-Mexican border. It is the same as a bill approved by the Senate in the 106th Congress. I am pleased to join with Senator BINGAMAN in supporting this.

The program improves environmental quality and protection of public health along the southern border with Mexico, and it prompts energy-efficient, environmentally sound, and economic development. As we address transboundary problems like air pollution and climate change, we are going to need these kinds of partnerships with other nations obviously, sharing the recommendations of Members from those States that join our southern border. Clearly, they know what is in the best interest of their area and their State. As a consequence, I respect that and, hence, support the Bingaman U.S.-Mexico energy technology cooperation.

We have another amendment we will be taking up tomorrow, and it is the Feinstein energy trading market oversight. I think we are going to probably be having some spirited discussions on this amendment. I am anxious to learn a little more from the Senator from California. As I understand, the amendment could potentially disrupt both the electrical and natural gas trading markets. I hope that would not be the case, and perhaps this could be brought out in the debate, but if it is the case it could lead to significant increases in the price of electricity and natural gas to consumers throughout the country. It could also lead to energy price and supply problems on the level—I would hope not—of the California disaster of last year. It seems to have a nationwide application.

I want to emphasize these could be cases because, frankly, we do not really know. The amendment has materialized without any hearings, without any witnesses, without any testimony from the Federal Energy Regulatory Commission and the SEC or the Justice Department. So we do not have any real analysis.

We do not know what problem this amendment is trying to fix. On the other hand, I look forward to the debate. Perhaps we will be enlightened by the Senator from California. We do not know if this amendment actually fixes the problem, let alone recognizes the problem. We do not know if this amendment has the right problem. So we look forward to some clarification.

One thing is clear, if this amendment is intended to prevent another Enron from occurring, in my opinion it will not work. Enron's collapse had nothing to do with the energy trading business. It was triggered when Enron's other business activities raised questions of accounting irregularities and conflict of interest among the company's executives. In other words, Enron's bankruptcy was not the result of unregulated energy trading. It was the result of Enron's bad judgment, bad accounting practices, a fundamental lack of honesty, and a loss of investors' confidence.

Even if this amendment had been adopted 10 years ago, I do not see how it would have done anything but recognize the free market would dictate an environment where Enron still would have collapsed.

Many other honest and legitimate energy trading businesses have done, and are continuing to do, the very same kind of energy trading in which Enron was engaged. They have not gone bankrupt.

We all want information disclosure, and good corporate management. We all want to fix the problem and prevent

another Enron from occurring, we want to protect the stockholders and employee pension funds, and not inadvertently sow the seeds of an even greater problem.

Let us not throw the baby out with the bathwater. Let us make sure we know what is being done. Let us fix the problem that needs to be fixed. Let us not make the problem worse.

This amendment preferably should be introduced as legislation. Hearings should be held, with testimony from the FEC, the Commodities Future Trading Commission, the Department of Justice, and others. The committee of jurisdiction should consider testimony, weigh the evidence, and report a well thought out bill that really fixes the problem. I would encourage that we become enlightened because it is rather inconsistent to recognize that some of these bills that have not had a full evaluation could be dropped in conference, and that is not fair to anybody, particularly those who have worked so hard and presented responsible legislation.

So let us not just satisfy a pile-on, so to speak, to do something regardless of whether it works or not. Our $200 billion a year electric power system is too important to toy with. Confidence in our future trading businesses is too important not to fix it properly, assuming there is something that needs to be fixed.

As a consequence I remain open and yet somewhat guarded in my evaluation of whether this amendment is going to do anything other than pile on more criticism for the manner in which the Enron failure occurred.

I would like to remind my colleagues, and staff particularly, that when Enron collapsed two things did not happen. First, we didn't see an increase in electric rates. Second, we didn't see a decrease in supply.

The conclusion we can draw is, clearly the system worked. There was a transition where the open market simply picked up the volume that Enron was trading and transferred that over to other organizations to continue that function. I would hate to have seen a situation occur where you would have to get approval from FERC on who would pick up that additional responsibility after Enron's failure, as opposed to the clear and workable process that filled the vacuum left by Enron. When Enron failed, we didn't see price increases, and we didn't see a shortage of supply.

I have a couple of other points I want to bring up relative to where we are going with this legislation. I doubt very much we are going to get anything introduced today on CAFE, although I had hoped that might occur. I gather the principals are still in the process of some discussion.

I would like to comment briefly on the electric provisions pending in the Daschle legislation. I think we need to recognize that the process is going to require a good deal of input from Members and staff because it has not had the evaluation associated with a committee function. There was not an opportunity where a committee could meet and come out with a bipartisan opinion on various aspects of this complex piece of legislation. We are reconciling our different views on electricity, but one of the things to keep in mind is this industry is not broken. The Enron collapse is something else. Again, I add that the industry is not broken. It functions. We have not seen a shortage. We are not seeing price increases. There are those who suggest if it is not broken, why fix it? Sometimes Congress is the one fixing things, even when they are not broken.

Let me first observe that there are ongoing discussions and reconciliation of various views on electricity. I am hopeful and optimistic that these discussions will bear some fruit.

I would like to discuss the existing provisions in the pending Daschle bill as written. The current provisions exemplify the fundamental philosophical differences between authors of this provision and what I believe is a bipartisan majority of the Senate.

First of all, the authors of the electric provision want more Federal Government participation and control by Federal regulators, which, in my opinion, micromanages the marketplace and preempts State regulation with Federal regulation—you have different regulations, not deregulation. Again, think about it—you have different regulations, not deregulation, and, further, to have the Government pick winners and losers rather than trusting the consumers to the obligation of the free market.

There is one reason why these provisions do not have any committee blessing. The real reason, of course, is we haven't had any committee hearings. We haven't had any markups. We haven't reported anything out.

That is the way the majority leader directed it, and he, kept the committee from proceeding with its responsibility of holding hearings and voting out action.

I believe the bipartisan majority of the Senate wants electricity reform, wants legislation which specifically protects consumers, that tries to streamline regulation rather than making it more complex, and wants to enhance the competition while preserving State authority.

Further, it ensures the reliability of the grid, allows regional flexibility, and promotes renewable energy and other types of generation.

I am going to talk a little bit about renewable energy. There is a great deal of concern and interest in the aspects of renewable energy. I am going to take one example, which is something that is exciting to many of us; that is, the potential solar panels being utilized. Of course, you have to have some sunlight. In the winter in my State of Alaska, it is dark a good deal of the time. So a solar panel would not necessarily get you very far.

As we look at the contribution of solar energy in relationship to oil, you have to look at an equivalent of what kind of footprint it would make. Here is a chart that shows 2,000 acres of solar panels that produces the energy equivalent of 4,464 barrels of oil a day. You have 2,000 acres that would be covered solid with solar panels. That would be two-thirds of the State of Rhode Island.

Two thousand acres in the Arctic National Wildlife Refuge would produce roughly 1 million barrels of oil per day. I think that gives you a little comparison, if you will, of the footprint associated with renewables in the sense of a meaningful and significant contribution. It is important. We want to continue to look toward the renewables in the future. But we should recognize that there is a legitimate tradeoff.

We are going to debate ethanol, and it is certainly a significant renewable source of energy. It comes from corn, primarily. If we were to take 2,000 acres of ethanol farmland and plant corn, we would produce the equivalent of 25 barrels of oil a day from 2,000 acres. Take 2,000 acres of ANWR and it will produce 1 million barrels of oil a day.

To produce a million barrels of oil, it would take corn fields covering the entire States of New Mexico and Connecticut. You would have to plant all the acres in the State of my friend, Senator BINGAMAN, in corn, plus all the acreage in Connecticut to get 1 million barrels of oil. In Alaska, you could get 1 million barrels of oil from ANWR's 2,000 acres.

I have one more renewable energy source that might get the attention of some of my colleagues. In the State of the current occupant of the chair, the senior Senator from California, there is a wind farm located between Banning and Palm Springs in San Gorgonio. She is quite familiar with it. I have been through there many, many times. I don't know how many windmills there are on this wind farm, but it is significant. Some suggest it is a Cuisinart for the birds because while flying low they occasionally have a problem getting through there. On the other hand, higher flying birds don't have that problem.

The point is, you can look at it and say it is a pretty picture, or you can say that there is a rather dramatic footprint that has its own attraction, but I think it is important to look at the equivalent energy.

I understand this particular area is a little over 1,500 acres of wind generators, but 2,000 acres of wind generators produce the energy equivalent of 1,815 barrels of oil. Yet 2,000 acres of ANWR produces 1 million barrels of oil a day. It would take about 3.7 million acres of wind generators—or all of the landmass of Connecticut and Rhode Island—to produce as much energy as the 2,000 acres of ANWR.

My point in going through this demonstration is to identify that while renewables are important, they are simply not the answer for the volume of

energy we use to move America, whether it is in our automobiles, our planes, our trains, and so forth, and that there is a significant footprint associated with renewables. As indicated, for example, the wind does not blow all the time.

So as we look at various aspects associated with the electric portion that covers renewables, I think we have to keep in mind, indeed, there is a tradeoff.

The philosophical difference is apparent when you compare the electric legislation I had introduced earlier this year with the pending Daschle bill.

My legislation was bipartisan. It was S. 388. We had three electric provisions: We had PUHCA, we had PURPA, and we had reliability. The PUHCA and PURPA repeal provisions promote competition by reducing Federal interference with the marketplace.

The electric reliability provision protects consumers by creating an industry-run, Government-overseen electric reliability organization that has clear enforcement authority. Consumers will continue to be fully protected because, first, the States will continue to regulate retail rates, and, second, FERC will continue to regulate wholesale rates, which I feel quite comfortable with and which has worked quite well, in my opinion.

Let me identify some of the provisions in the majority leader's electricity title which creates new Federal authority or preempts State authority.

Section 202 expands FERC's jurisdiction over utility mergers and acquisitions.

Section 203 gives FERC new authority to restructure the electric power industry with no guidance—absolutely none—from Congress.

Section 205 gives FERC authority to order the construction of new transmission lines and to order the sale of electricity on its own motion.

Section 206 gives FERC new authority over publicly owned utilities to order open access transmission. Although this section exempts all but the largest publicly owned utilities, we all know what happens in conference to those exemptions once the principle has been established.

Section 207 gives FERC new authority to establish and enforce electric reliability standards, notwithstanding the fact that FERC, in my opinion, does not have the expertise in this area.

Section 256 prevents States' consumer protection provisions if they go beyond or are different from Federal consumer protection provisions established by the Federal Trade Commission.

Section 263 places a Federal mandate on the Federal Government to purchase renewable energy even if it is too costly or not available. Mind you, if it is too costly or not available, it still provides a Federal mandate on the Federal Government to purchase renewable energy. I have a hard time with that—even if it is too costly or not available.

Section 265 imposes a Federal Btu tax in the form of what I consider an unrealistic, unachievable renewable portfolio mandate, which will cost consumers an estimated $12 billion next year.

Madam President, I could mention other provisions, but I think you get the sense of my concern.

But just as important as what is in Senator DASCHLE's electric title, is what is not in it. There are no incentives to build new transmission. We know our transmission lines are choking. There are no incentives to build significant new generation. Instead, the majority leader's bill places our future in the hands of conservation and renewable energy. Turn off the lights; put a windmill in your backyard.

I have long had three principles for good electric legislation: We should deregulate where we can; we should streamline where we cannot deregulate; and we should not interfere with States' efforts to protect their own consumers.

The electricity provision of Senator DASCHLE's bill, in my opinion, fails on all three principles. Moreover, it does not do anything significant to encourage the construction of new electric generation or transmission.

Over the past several years, we have seen significant electric supply problems in various parts of this Nation due to inadequate generation of transmission. This became particularly acute in California and resulted in price spikes and electric blackouts.

California is often cited as being on the leading edge of our future, and in many ways that is true. Yet I am worried. If you think the Federal Government can fix all the problems, then you should like the approach taken by the Daschle electric title. If you are like me, you would be somewhat worried about this approach.

I mentioned earlier the need for bipartisan efforts in this regard. That would have been the case had the majority leader allowed the Energy Committee to initiate and complete its work. In fact, we had the chairman's mark on electricity pending before us when the majority leader preempted the committee.

The Energy Committee has held 20 hearings on electricity in the 106th and 107th Congresses. Last year, the committee even held several days of business meetings exploring and marking up energy legislation. And last Congress, the Senate, in an overwhelming, bipartisan effort, unanimously passed reliability legislation.

Regrettably, all that effort was thrown out the window when the majority leader stripped the Energy Committee of its jurisdiction and put energy legislation directly on the Senate calendar.

I hope we are able to create an energy policy that enhances domestic energy supply, makes the supply more reliable and affordable, and reduces our dependence on imported oil. We need to foster a regulatory and investment climate that encourages new energy sources of all types. We are going to need them all. We are going to need oil. We are going to need natural gas. We are going to need nuclear. We are going to need coal, electricity, and certainly renewables.

We need to encourage the construction of energy infrastructure, including transmission lines. I think that is what the administration stands for. That is certainly what I stand for. I know that is what the American people expect Congress to do.

So I look forward to working with Senator BINGAMAN and other Members as we address an objective, from our opinion, to take a bill that is not of our liking and to change it by amendments, and work to get this bill into conference, because it is one of the priorities of the administration and certainly one of the priorities, I know, of Senator BINGAMAN and myself.

Madam President, I am going to take a few minutes to enlighten Members on the concern over several articles that appeared in the Washington Post and the New York Times over the weekend that I think either blatantly misrepresent the facts in relation to the issue of opening up the Arctic National Wildlife Refuge to responsible oil and gas development or, indeed, are simply conscientious lobbying efforts to twist factual information to represent the editorial policies of various newspapers, specifically the Washington Post and New York Times.

In Sunday's edition of the New York Times, it illustrates the height of misinformation that has clouded this debate. This is a picture that was taken from the New York Times of March 10. It is rather interesting to read this article because it is so inaccurate that one wonders just what kind of reporting and research was done.

This was March 10, the Sunday edition, and it shows an extraordinary area under a title that reads ''Oil Industry Hesitates Over Moving Into Arctic Refuge.''

When one looks at this, one has to reflect on what they are looking at because it says directly above the picture: Oil Industry Hesitates Over Moving Into The Arctic Refuge.

This picture we are seeing says: Drilling in the Arctic National Wildlife Refuge could soon be legal, but it is far from certain how much oil may be found if exploration proceeds.

The only problem is, that is not the 1002 area of ANWR that might be opened to responsible development. This is perhaps somewhere in the Brooks Range. It shows a valley, it shows mountains. It shows an extraordinary landscape. But it is very misleading because it is not the 1002 area. It is not the 1½ million acres in question.

This is the area in question. This is what it looks like on a clear day.

I have been up there. This is my State. I live there. You have what they call whiteouts where the wind and snow blow and you can't see the sky. It is all white. If the New York Times chose to put that as depicting the 1002 area, I would not have an issue. That is what it looks like; 10½ months of the year there is ice and snow on the ground. The Arctic Ocean is open for 40 days a year ice free. That is all.

I am very disappointed that the New York Times did not show an actual portrayal and just threw a picture in of mountains and suggested this is the area being debated.

It is important Members who are watching at least have some idea. This Coastal Plain is the green area. That is the 1002 area. That is the area where we are considering to whether open for oil and gas exploration. It consists of 1.5 million acres. Then this area down below, the wilderness area, is about 8.5 million acres. And the area in the dark buff color is about 9 million acres. I suspect this picture might have been taken somewhere in the refuge down below where the mountains are because that is the mountain area. I have said this area is 19 million acres, the size of the State of South Carolina.

I also take issue with some of the narrative because they totally misrepresent reality. I will just read from the sixth paragraph:

> Oil companies and industry experts say it is cheaper and more promising right now to exploit large reservoirs of oil elsewhere in the world. And it is easier: many companies fear that drilling in the wilderness area . . .

There will be no drilling in any wilderness area, none whatsoever. This is a refuge. It is not a wilderness area. The Coastal Plain up there is the area in question. So when they characterize this as drilling in wilderness, it is a total inaccuracy. They should be taken to task for it.

Let me show a couple more pictures relative to this ANWR area, what it generally looks like relative to what is there. We have one village up there called Kaktovik where real people live. This is the only village in the 1002 area and ANWR. You can see the Arctic Ocean out there in the white, covered with ice. And that is the way it is most of the year. This is in the spring. Again, I reflect on the reality that this doesn't look at all like the picture we had previously shown of the mountains because there are no mountains in the 1002 area. It is a Coastal Plain. It does not look like that. If you can somehow generate or pull out the Coastal Plain or an ocean anywhere near that area, obviously I will stand corrected.

We have other pictures. This is some of the village activities and so forth. I think it is important to note how inaccurate some of this information is.

I would oppose any amendment that would open the wilderness area of ANWR to oil development. But that is really not what this debate is about. As I have indicated, the 1002 area of ANWR is situated on the shores of the Arctic Ocean. It is several thousand miles from the lower 48. Somebody asked me how many visitors visited ANWR last year. Roughly 1,100 people have gone up to see for themselves. It is a remote area, and it has certainly been the target of frequent misinformation.

There are some cuddly polar bears that we occasionally see in ads. This is one of them. This was run in the Washington Post. This is something that appeared on May 15, 2001. It shows Phillips Petroleum's operation on the north shore, a very small footprint. That particular facility is producing about 100,000 barrels a day, which puts it in the top dozen of fields in the United States.

The picture says: A polar bear and her cubs at rest in Alaska's Arctic National Wildlife Refuge. That picture was taken near Barrow, roughly 900 miles further west. It is kind of interesting. I have never heard an environmentalist acknowledge what has been one of the greatest saviours of the polar bear; and that is, they are marine mammals and, under Federal law, they cannot be taken as trophies. You can go to Canada and Russia and take a polar bear, but you can't take one in Alaska. The Natives that live there occasionally take a few for subsistence, but very few. So for all practical purposes, they are protected. To suggest that some action associated with oil and gas might disturb their denning habits, is misleading, there is no scientific proof to prove that. I rest my case that the greatest contribution to the lifestyle of the polar bear in Alaska is that we can't shoot them.

The interesting thing about this picture of the mountains is that it never even attempts to show anything like a Coastal Plain of ANWR or 1002 area.

The New York Times is in the business of selling papers and probably it looks a lot prettier to see those mountains than that blank white chart we just showed which is the way it looks a good deal of the time in a whiteout. As a matter of fact, you don't go out for a walk. You can get totally disoriented.

One of the posters we have was supposed to show caribou in undisturbed ANWR. But what they didn't tell you, the photo was taken on the roof of a building in the small village of Kaktovik. That is the picture. That shows the Coastal Plain going back into the wilderness areas where the mountains are. The mountains back there are very beautiful. That is somewhere in the area of 60 to 90 miles away from the Coastal Plain. Again, it is a matter of trying to orientate people with some degree of accuracy. If you are evidently from the New York Times, you are not necessarily interested in accuracy. You are interested in simply communicating a point of view which represents the editorial policy of the newspaper.

On the Coastal Plain, winter lasts most of the year. As a matter of fact, it is dark for 56 straight days. There is no sunlight. So clearly that would not do very well up there. It is not pristine. It is a harsh environment, and has a uniqueness and beauty all its own; but there are buildings, an airport, schools, and a radar installation.

We have written a letter in the hopes that we can correct the inaccuracies associated with the New York Times article, and we think it makes sense to ensure our energy security by coming up with solutions. We have the technology to do it safely. What we need is a debate based on facts, not fiction, and the reality of what is and what isn't ANWR. Again, I refer to the chart that shows what it looks like most of the time. This isn't what the Times pictured.

I would like to address the fact that the Secretary of the Interior also touched on the issue of accuracy in the debate on ANWR and directed a letter to Mr. Tom Brokaw, of ''NBC Nightly News,'' among others. She enclosed a tape—which they were free to use—showing the North Slope of ANWR in the winter, the only time when energy exploration would be allowed under the President's plan. The video was produced for Arctic Power, an organization funded primarily by Alaskans and our State government. She indicates she thinks it is important that you have a factual idea from the video of the actual part of ANWR being discussed so the viewers can have a more accurate understanding of the issue.

I ask unanimous consent this letter be printed in the RECORD.

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

THE SECRETARY OF THE INTERIOR,
Washington, DC, February 27, 2002.

Mr. TOM BROKAW,
NBC Nightly News,
New York, NY.

DEAR TOM: As the U.S. Senate debates President Bush's bipartisan national energy strategy over the next several weeks, I encourage NBC Nightly News to report about the President's initiative to allow environmentally sensitive energy production in the far north slope—commonly called the 1002 Area—of the Arctic National Wildlife Refuge.

Enclosed is a betacam tape, which you are free to use, showing the north slope of ANWR in the winter—the only time when energy exploration would be allowed under the President's plan. The video was produced for Arctic Power, an organization funded primarily by the Alaska State government.

I think it is important that you have video of the actual part of ANWR being discussed, so that your viewers can have a more accurate understanding of the issue. Frequently during the energy debate, I have watched television programs feature video that resembles ANWR's Brooks Range. This area is designated wilderness in the central portion of the Refuge—and is not the area proposed for energy development.

Winter-only exploration in ANWR is just one example of the President's commitment to impose the toughest environmental standards ever applied to oil production. For example, the administration will also require the use of ice roads that melt away in the spring and protect the tundra.

Morever, the administration will require directional drilling and smaller production

pads, so that energy exploration can be accomplished utilizing just 2,000 of the 1002 Area's 1.5 million acres. These stringent requirements must be adopted so we can reduce our dependence on foreign oil and protect ANWR's habitat and the wildlife that call it home.

Please call Interior Department communications at 202/208–6416 with further questions.

Sincerely,

GALE A. NORTON.

Mr. MURKOWSKI. Again, I want to make reference to some of the refuges because some people make an automatic mental transfer that somehow this is a refuge. Therefore, there should not be any exploration occurring or any activity of any kind. This chart shows activities associated with oil and gas in various refuges. In California, there are four refuges that produce oil and gas. We only have one in our State of Alaska, the Kenai National Wildlife Refuge. There are nine in Texas and there are many in Louisiana. These are specific ones. In California, we have the Hopper Mountain National Wildlife Refuge, the Sacramento National Wildlife Refuge, Seal Beach National Wildlife Refuge, and the Sutter National Wildlife Refuge, where oil production is taking place and some of them are involved in various other discoveries, such as gravel, desalinization, and so forth. So, again, saying we are somehow initiating an action in Alaska that is unique and unfounded doesn't face the sense of reality.

I will conclude by making a reference to the Washington Post and New York Times then and now. As I have already indicated, the editorial policy of the Washington Post is not in support of exploring in ANWR.

I ask unanimous consent this be printed in the RECORD, the Washington Post editorial December 25, April 23; April 4, 2001, 1987, and 1989, to be followed by editorials from the New York Times, March 2001, January 2001, April 1987, June 1988, and March 1989.

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

[From the New York Times, Apr. 23, 1987]

IN ALASKA: DRILL, BUT WITH CARE

Alaska's Arctic National Wildlife Refuge is an untouched and fragile place that supports rare mammals and myriad species of birds. It is also the most promising untapped source of oil in North America. Should America drill for it?

What Congress decided, in 1980, was not to decide. It ordered a long study. The assessment is now in, and for Interior Secretary Hodel the decision isn't even close: leasing drilling rights to oil companies is ''vital to our national security'' because it ''would reduce America's dependence on unstable sources of foreign oil.''

Mr. Hodel is guilty of oversell. A single discovery can't save us from increasing dependence on Persian Gulf oil but the potential economic benefit of development—perhaps tens of billions of dollars of oil—outweighs the risks. The unanswered question is whether environmentalists and developers can cooperate to minimize damage to the refuge.

The Interior Department estimates that between 600 million and 9.2 billion barrels of oil are recoverable from a 20-by-100-mile strip along the Arctic coast. But no matter how carefully done, development of the coastal strip would displace animals and scar land permanently. Tracks of vehicles that crossed the tundra decades ago are still visible. No one knows whether the caribou herd that bears its young near the coast would stop reproducing or simply move elsewhere.

Adversaries in this battle view development as ecological catastrophe or energy salvation. Outsiders can wonder why such apocalyptic fuss. An unusual environment would surely be damaged, but the amount of land involved is modest and the animals at risk are not endangered species. A lot of oil might be pumped, but probably not enough to keep America's motors running for an entire year. Ultimately, policy makers must weigh the dollar value of the oil against the intangible value of an unspoiled refuge.

The most likely net value of the oil after accounting for costs and assuming a future world price of $33 a barrel, is about $15 billion.

How much an untouched refuge is worth is anyone's guess—but it's hard to see how it could realistically be judged worth such an enormous sum. If America had an extra $15 billion to spend on wilderness protection, it wouldn't be spent on this one sliver of land.

That doesn't mean, however, that developers should be permitted to treat the refuge as another Bayonne. Elaborate, necessarily expensive precautions are needed to contain the disruption. Human and machine presence can and should be kept to a bare minimum until test wells are completed. Dense caribou calving grounds should be left alone until the animals' response to change is gauged.

A decade ago, precautions in the design and construction of the 1,000-mile-long Alaska pipeline saved the land from serious damage. If oil companies, government agencies and environmentalists approach the development of the refuge with comparable care, disaster should be avoidable.

[From the New York Times, June 2, 1988]

RISKS WORTH TAKING FOR OIL

Can Big Oil and its Government regulators be trusted with the fragile environment of Alaska's Arctic Wildlife Refuge? Congress, pressed by the Reagan Administration to allow exploratory drilling in what may be North America's last great oil reserve, has been wrestling with the question for years. Then, last month, opponents' skepticism was heightened by a leaked report from the Fish and Wildlife Service saying that environmental disruption in the nearby North Slope oil fields is far worse than originally believed.

The North Slope development has been America's biggest test by far of the proposition that it is possible to balance energy needs with sensitivity for the environment. The public therefore deserves an independent assessment of the ecological risks and an honest assessment of the energy awards.

No one wants to ruin a wilderness for small gain. But in this case, the potential is enormous and the environmental risks are modest. Even if the report's findings are confirmed, the likely value of the oil far exceeds plausible estimates of the environmental cost.

The amount of oil that be recovered from the Wildlife Refuge is not known. But it seems likely that coastal plain, representing a small part of the acreage in the refuge, contains several billion barrels, worth tens of billions of dollars. But drilling is certain to disrupt the delicate ecology of the Arctic tundra.

Some members of Congress believe that no damage at all is acceptable. But most are ready to accept a little environmental degradation in return for a lot of oil. Hence the relevance of the experience at Prudhoe Bay, which now yields 20 percent of total U.S. oil production. Last year, Representative George Miller, a California Democrat and opponent of drilling within the refuge, asked the Fish and Wildlife Service to compare the environmental impact predicted in 1972 for Prudhoe Bay with the actual impact. The report from the local field office, never released by the Administration, offers a long list of effects, ranging from birds displaced to tons of nitrous oxide released into the air.

According to the authors, development used more land, damaged more habitat acreage and generated more effluent than originally predicted. The authors also argue that Government monitoring efforts and assessment of long-term effects have been inadequate.

It's important to find out whether these interpretations are sensible and how environmental oversight could be improved. The General Accounting Office, a creature of Congress, is probably the most credible agency to do the job.

But even taken at face value, the report's findings hardly justify putting oil exploration on hold.

No species is reported to be endangered. No dramatic permanent change in ecology are forecast. Much of the unpredicted damage has arisen because more oil has been produced than originally predicted. Even so, the total acreage affected by development represents only a fraction of 1 percent of the North Slope wilderness.

The trade-off between energy and ecology seems unchanged. If another oil field on the scale of Prudhoe Bay is discovered, developing it will damage the environment. That damage is worth minimizing. But it is hard to see why absolutely pristine preservation of this remote wilderness should take precedence over the nation's energy needs.

[From The New York Times, Mar. 30, 1989]

OIL ON THE WATER, OIL IN THE GROUND

Does the Exxon tanker spill show that Arctic oil shipping is being mismanaged? Should the industry have been better prepared to cope with the accident? Should the spill deflect President Bush from his plan to open more of Alaska to oil exploration?

Six days after the Exxon Valdez dumped 240,000 barrels of crude into the frigid waters of Prince William Sound, questions come more easily than answers. But it is not too early to distinguish between the issue of regulation and the broader question of exploiting energy resources in the Arctic. The accident shouldn't change one truth: Alaskan oil is too valuable to leave in the ground.

Exxon has much to explain. The tanker captain has a history of alcohol abuse. The officer in charge of the vessel at the time of the spill was not certified to navigate in the sound. The company's cleanup efforts have been woefully ineffective. Local industries, notably fishing, face potentially disastrous consequences, and the Government needs to hold the company to its promise to pay. More important, Washington has an obligation to impose and enforce rules strict enough to reduce the risks of another spill.

That said, it's worth putting the event in perspective. Before last Friday, tens of thousands of tanker runs from Valdez has been completed without a serious mishap. Alaska now pumps two million barrels through the pipeline each day. And it would be almost unthinkable to restrict access to one-fourth of the nation's total oil production.

The far tougher question is whether the accident is sufficient reason to slow exploration for additional oil in the Arctic. The

single most promising source of oil in America lies on the north coast of Alaska, a few hundred miles east of the big fields at Prudhoe Bay. But this remote tundra is part of the Arctic National Wildlife Refuge, and since 1980 Congress has been trying to decide whether to allow exploratory drilling.

Environmental organizations have long opposed such exploration, arguing that the ecology of the refuge is both unusual and fragile. This week they used the occasion of the tanker spill to call for further delays while the damage from the Exxon Valdez spill is assessed.

More information is always better than less. But long delay would have a cost, too: Prudhoe Bay production will begin to tail off in the mid-1990's. If exploration is permitted in the refuge and little oil is found, development will never take place and damage to the environment will be insignificant. If development does prove worthwhile, the process will undoubtedly degrade the environment. But the compensation will be a lot of badly needed fuel.

Environmentalists counter that, at most, the refuge will add one year's supply to America's reserves. They are right, but one year of oil is a lot of oil. The 3.2 billion barrels, if found, would be worth about $60 billion at today's prices, enough to generate at least $10 billion in royalties for Alaska and the Federal Government. By denying access to it, Congress would be saying implicitly that the absolute purity of the refuge was worth at least as much as the forgone $10 billion.

Put it another way. Suppose the royalties were dedicated to buying and maintaining parkland in the rest of the nation—a not unthinkable legislative option. Would Americans really want to pass by, say, $10 billion worth of land in order to prevent oil companies from covering a few thousand acres of the Arctic with roads, drilling pads and pipelines?

Washington can't afford to assume that the Exxon Valdez accident was a freak that will never happen again. But neither can it afford to treat the accident as a reason for fencing off what may be the last great oilfield in the nation.

[From the Washington Post, Apr. 4, 1989]

LESSONS OF THE OIL SPILL

Because of the gigantic oil spill off Alaska, conventional wisdom declares, this country is now going to restrict oil drilling much more tightly. Maybe so. But you will notice that conventional wisdom isn't sayng anything about cutting down on the consumption of oil. Americans have organized their lives in ways that require 700 million gallons a day of it, and they do not welcome suggestions to use less. But if less oil is to be produced here in the United States, more will have to come from other countries. The effect will be to move oil spills to other shores. As a policy to protect the global environment, that's not very helpful.

The immediate cause of the Alaskan spill was slack and solvenly management by Exxon. It is a familiar story. A highly demanding industrial operation, set up with great care and many safeguards, had been running smoothly so long that people began to relax and get careless. Something similar happened at Three Mile Island, the reactor accident 10 years ago, which the conventional wisdom currently cites as a parallel case to the Alaskan shipwreck. The nuclear industry reacted with a vigorous improvement of both equipment and training. The same thing is likely to happen on the West Coast tanker routes.

But that's not quite what the conventional wisdom means by drawing the parallel. Its point is that Three Mile Island did much to turn the country against nuclear power, just as it expects the disaster in Prince William Sound to turn the country against further drilling in Alaska, particularly in the Arctic National Wildlife Refuge, and perhaps in any new sites off the Pacific Coast as well.

Because the United States has stopped building reactors, it is now more reliant than ever on coal to generate its electricity—which means pumping enormous volumes of pollution into the atmosphere. The country cut back on nuclear power, but it didn't cut back on its demand for electricity—which is now rising half again as fast as the government's forecast.

All of the technologies for producing energy are unforgiving. They punish incompetence savagely. That frightens people. The conventional wisdom is now turning against oil drilling, just as it has turned against nuclear power and will turn against coal with its implications of acid rain and a changing climate. But that same conventional wisdom has not turned against the idea that energy for the consumer should be plentiful, reliable and cheap.

The first lesson of the oil spill is that it's time for this country to get serious about energy conservation. The second is that, since energy production is dangerous and even a company as well equipped as Exxon can't be counted on the maintain discipline, the government will have to do more of it—and Exxon will have no one to thank but itself. The lesson that conventional wisdom seems to be drawing—that the country should produce less and turn to even greater imports—is exactly wrong.

[From the Washington Post, Apr. 23, 1987]

CARIBOU VS. MOTORIST

It's the Caribou versus the motorist, again. Secretary of the Interior Donald P. Hodel has recommended opening part of the Arctic National Wildlife Refuge in Alaska to oil drilling. That was what the oil companies hoped he might do. A predictable shriek has gone up from the defenders of the refuge. The decision is up to Congress.

Environmental quarrels always seem to generate billowing exaggeration. Another major oil discovery in Alaska would certainly be convenient, postponing the effects of the decline in Prudhoe Bay production that the government expects within the next year or so. But it's not quite so vital as Secretary Hodel suggests. With or without more Alaskan wells, oil production in this country is likely to stay on a downward trend.

As for the caribou, however, oil drilling seems very unlikely to be the dire threat to them that their friends here in Washington claim. While the two cases are not entirely comparable, the Interior Department points out that the number of caribou around Prudhoe Bay, 60 miles west of the refuge, has tripled in the 19 years since oil operations began there. The aesthetic objections to oil drilling may be substantial, but the caribou do not seem to share them.

Preservation of wilderness is important, but much of Alaska is already under the strictest of preservation laws. The area that Mr. Hodel would open to drilling is 1.5 million acres, running about 100 miles along the state's north coast near the Canadian border. He points out that adjacent to it is an area five times as large that remains legally designated as wilderness, putting it off limits to any development whatever.

Human intrusion on the scale of oil exploration always makes a difference in a landscape. But that part of the arctic coast is one of the bleakest, most remote places on this continent, and there is hardly any other where drilling would have less impact on the surrounding life.

Drilling in the Arctic Refuge is not crucial to the country's future. But there is a respectable chance—about one in five, the department's geologists say—that exploration will find enough oil to be worth producing commercially. That oil could help ease the country's transition to lower oil supplies and, by a small but useful amount, reduce its dependence on uncertain imports. Congress would be right to go ahead and, with all the conditions and environmental precautions that apply to Prudhoe Bay, see what's under the refuge's tundra.

Mr. MURKOWSKI. Madam President, the editorial in the Washington Post indicates that we can't drill our way out of our ties to the world oil market. Well, I agree with that. They further state that they feel we can generate from conservation what we would potentially recover from opening ANWR. It is kind of interesting to see what they said back in 1987. I will read a portion of it. The Washington Post, April 23, 1987:

> Preservation of wilderness is important, but much of Alaska is already under the strictest of preservation laws. . . .

We have 56 million acres of wilderness in our State.

> But that part of the arctic coast is one of the bleakest, most remote places on this continent, and there is hardly any other place where drilling would have less impact on the surrounding life. . . .
>
> That oil could help ease the country's transition to lower oil supplies and . . . reduce its dependence on uncertain imports. Congress would be right to go ahead and, with all the conditions and environmental precautions that apply to Prudhoe Bay, see what's under the refuge's tundra. . . .

April 4, 1989:

> But if less is to be produced here in the United States, more will have to come from other countries. The effect will be to move oil spills to other shores. As a policy to protect the global environment, that's not very helpful. . . .
>
> The lesson that conventional wisdom seems to be drawing—that the country should produce less and turn to even greater imports—is exactly wrong.

I had an opportunity to meet with the editorial board of the Washington Post, and I asked them why they changed their position from 1987, 1989, and 2001. Their response was rather interesting. They indicated they thought President Bush was too forward in pushing the development of a national resource on domestic areas of the United States and, therefore, they were in opposition. I didn't accept that, but that is the rationale they gave me.

The New York Times is also very interesting because back in 1987, April, they said:

> Alaska's Arctic National Wildlife Refuge . . . the most promising untapped source of oil in North America.
>
> A decade ago, precautions in the design and construction of the 1,000-mile-long Alaska pipeline saved the land from serious damage. If oil companies, government agencies and environmentalists approach the development of the refuge with comparable care, disaster should be avoidable.

June 2, 1988:

> . . . the potential is enormous and environmental risks are modest . . . the likely value

of the oil far exceeds plausible estimates of the environmental cost.

. . . the total acreage affected by development represents only a fraction of 1 percent of the North Slope wilderness.

They did a little licensing there because it is not wilderness.

But it is hard to see why absolutely pristine preservation of this remote wilderness should take precedence over the nation's energy needs.

The last was March 30, 1989:

Alaskan oil is too valuable to leave in the ground.

The single most promising source of oil in America lies on the north coast of Alaska, a few hundred miles east of the big fields at Prudhoe Bay.

Washington can't afford . . . to treat the [*Exxon Valdez*] accident as a reason for fencing off what may be the last great oilfield in the nation.

I went up to New York and asked the editorial board why they changed their position and that, too, was rather enlightening. They said, well, the editor of the editorial board had been transferred to California and, as a consequence, they had changed their position because they had a change of the editor of the editorial board.

It is interesting to see how these major newspapers change their opinions on national issues, and one can only guess at what the motivation was. We will have to leave that for another day and perhaps another explanation.

I ask unanimous consent that an editorial called ''A Better Energy Bill,'' which appeared in the Washington Post today, also be printed in the RECORD.

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

A BETTER ENERGY BILL

As the Senate opened debate on an energy bill last week, the White House fired a shot across its bow. The bill on the Senate floor is not comprehensive energy legislation, said the Office of Management and Budget, because it doesn't do enough to increase domestic oil production, failing in particular to open the Arctic National Wildlife Refuge to drilling. The administration opposes the higher automobile fuel efficiency standards that are in the bill, and it objects to a provision that would require facilities that emit large quantities of greenhouse gases to register those emissions. The administration is right that the House and Senate are heading in different directions, but it's wrong on the relative merits. The pro-conservation tilt of the Senate bill makes it the better measure.

It's possible neither version will become law. While all sides agree on substantial sections of the legislation, divisions over Arctic drilling and fuel economy are deep. Even if the Senate can pass a bill, it is likely to be so different from the House version that a conference committee will have trouble bridging the gaps. The issues that were driving debate when President Bush put his energy plan together last year have faded: Prices for oil and natural gas are down, and California no longer is suffering from rolling blackouts. Since Sept. 11 the rallying cry is national security. But it's worth remembering that both drilling in Alaska and auto fuel efficiency standards would take years to bear fruit. And neither the House bill nor the measure now before the Senate would make the country energy independent. Imported oil now provides 57 percent of U.S. needs; left unchecked, imports are expected to make up two-thirds of consumption by 2020. The energy measures aim to reverse that trend, but the best either side predicts from the range of measures in either bill is to bring imports back under 50 percent of consumption, not eliminate them. As long as the economy and most modes of transportation rely on oil, America will remain economically tied to the world oil market.

But it makes ecological sense to reduce dependence on oil, foreign or domestic, and on other fossil fuels, so there's merit in the Senate bill's emphasis on conservation, new technology and new sources of energy. Raising auto fuel efficiency standards, unchanged since 1985, would help. So would the bill's proposed tougher efficiency standards for new air conditioners and its demand that, by 2020, 10 percent of electricity come from renewable sources; several states already have used this kind of requirement to boost generation from wind and other renewable sources. As debate opened Wednesday, Alaska's Sen. Frank Murkowski broadly described these initiatives as an ''unacceptable intrusion of the federal government into the marketplace.'' But they're no more of an intrusion than the Republicans' tax breaks for drilling. The difference, as Democratic Sen. Jeff Bingaman (D–N.M.) said, is that his bill's incentives seeks to bring about change that wouldn't occur otherwise. The Republican-favored approach renders more profitable activity that likely would take place anyway, or (as in the case of Alaska) encourage activity that we'd be better off without.

Mr. MURKOWSKI. Madam President, I ask unanimous consent that letters to the editors of the Washington Post and New York Times dated today also be printed in the RECORD.

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

The NEW YORK TIMES,
New York, NY.

TO THE EDITORS: I was deeply concerned by the misleading photograph that accompanied your recent article discussing the safe exploration of oil in the Arctic National Wildlife Refuge (ANWR).

The presence of such a large mountain range in your picture tells me that the photograph is not located in the area of ANWR discussed in the story. In fact, it is probably more than 75 miles off the mark.

This would be not unlike using a photo of the Philadelphia skyline for an article about New York City. At the very least, it's like using a picture of the Meadowlands for a story about JFK International airport. They are simply not interchangeable because they are two very different places.

Fewer than 1,000 visitors a year have a chance to see for themselves what is—and what isn't—ANWR. This remoteness makes the ANWR debate the frequent target of incorrect information and inaccurate portrayals.

ANWR is composed of 19 million acres—an area the size of all of South Carolina. The 17.5 million acres that is off-limits is the actual home to the mountains and wildlife that, during a brief spring, make for some of the picturesque photos we've seen. Let me be clear—this is not the area where oil exploration will occur.

If allowed, oil exploration will be limited to a flat, barren portion of the 1.5 million acre coastal plain—a section set aside for the express purpose of oil exploration because of the tremendous oil reserves geologists believe exist there.

To help ensure our nation's energy security, we must make certain that our energy solutions begin and end here at home. We can do that by recognizing the vast energy resources that exist on our shores and that our technology and ingenuity can ensure their safe recovery.

Very truly yours,
SENATOR FRANK H. MURKOWSKI,
Ranking Member, Senate Energy and Natural Resources Committee.

The WASHINGTON POST,
Washington, DC.

TO THE EDITORS: I do not disagree with your statement that ''as long as . . . most modes of transportation rely on oil, America will remain economically tied to the world oil market'' (''A Better Energy Bill'', March 11, 2002). We should reduce our dependence on oil and especially foreign oil. The comprehensive energy plan proposed by President Bush and passed in the House includes a number of proposals to spark the development of alternative fuel and help reduce our future use of oil.

But I disagree with your assertion that the safe exploration of domestic energy resources in Alaska is ''activity that we'd be better off without.'' Geologists tell us that ANWR is believed to have more oil than all of Texas' proven reserves—enough to end more than 30 years of Saudi Arabian imports. American technology and ingenuity will ensure its safety recovery with a minimum amount of disturbance—just 2,000 acres.

Domestic oil from ANWR has, in fact, been supported by this paper before. In 1987, the Washington Post editorialized that oil from ANWR ''. . . could help ease the country's transition to lower oil supplies'' and that it could ''. . . reduce its dependence on uncertain imports.'' Again in 1989, the Post said ''The lesson that conventional wisdom seems to be drawing—that the country should produce less and turn to even greater imports—is exactly wrong.''

What has happened since 1989? We fought a war over oil in the Gulf. Our dependence on foreign oil has increased. The Middle East has grown more unstable. And never before in our history have we gained a greater appreciation of national security and the impact of ensuring our energy security.

Domestic energy production must be part of the Senate's efforts to construct a national energy plan. Any plan that fails is no solution at all.

Very truly yours,
Senator FRANK H. MURKOWSKI,
Ranking Member, Senate Energy and Natural Resources Committee.

Mr. MURKOWSKI. In conclusion, Madam President, I think we deserve better from two of our leading newspapers than to have such gross inaccuracies perpetrated on the American public in the interest of news or formulating public opinion. I do not mind taking my licks as long as it is a fair portrayal, but when it is an unfair portrayal or it is journalism that reflects simply a prevailing attitude and ignores the facts, the only thing I can do is call it to the attention of Members and the public in the interest of fairness.

I ask unanimous consent that a portion of the Sunday New York Times which factually mischaracterizes the issue of ANWR be printed in the RECORD.

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

[From the New York Times, Mar. 9, 2002]

OIL INDUSTRY HESITATES OVER MOVING INTO ARCTIC REFUGE

(By Neela Barnerjee)

More than three decades ago, the world's largest energy companies led the charge to drill for oil on the North Slope of Alaska. But now, as the debate rages over opening the Arctic National Wildlife Refuge to oil exploration, those same companies remain surprisingly silent.

Drilling in the Arctic refuge, which has already been approved by the House, has become a touchstone issue for the Bush administration, and the issue promises to produce a nasty fight in the current debate over the energy bill in the Senate. Publicly, the biggest multinational petroleum companies, like Exxon Mobil, Royal Dutch/Shell, BP and ChevronTexaco, back the Bush administration's assertion that developing the oil in the Arctic refuge is critical to the American economy. But privately, many large companies say the prospect, solely on business terms, is not terribly attractive.

''Big oil companies go where there are substantial fields and where they can produce oil economically,'' said Ronald W. Chappell, a spokesman for BP Alaska, which officially supports opening the area to drilling. Using the acronym for the refuge, he continued, ''Does ANWR have that? Who knows?''

Oil companies and industry experts say it is cheaper and more promising right now to exploit large reservoirs of oil elsewhere in the world. And it is easier: many companies fear that drilling in the wilderness area may be blocked by persistent litigation, or that a future president or Congress could put the refuge out of bounds once more.

''There is still a fair amount of exploration risk here: you could go through eight years of litigation, a good amount of investment, and still come up with dry holes or uneconomic discoveries,'' said Gerald J. Kepes, the managing director for exploration and production issues at the Petroleum Finance Company, a Washington consulting firm for oil companies. ''It's not clear that this is quite the bonanza some have said.''

Supporters and opponents alike of drilling in the Arctic refuge have noted the reticence of the largest multinational oil conglomerates on the issue. ''They are not present at all,'' a Senate aide said.

Claire Buchan, a White House spokeswoman, said that the administration believed that oil companies would be interested in exploration if the refuge is opened to drilling. ''What's important is that we have this option due to the vast potential to reduce our reliance on foreign sources of energy,'' she said.

The fight over oil drilling in the refuge has flared in Congress every few years, and so far, opponents of drilling have kept the area off limits. Now, proponents of drilling smell the sharpest whiff of victory ever.

They still face an uphill battle. The energy bill narrowly passed last year by the House included a passage permitting oil exploration in the refuge. But in the Senate, two Democrats, John Kerry of Massachusetts and Joseph I. Lieberman of Connecticut, have threatened to filibuster any amendment on drilling, meaning that proponents will have to muster at least 60 members to force a vote. Given the deepness of the divisions, the entire energy bill could unravel if both sides tug hard enough at this single issue, Congressional aids and energy industry executives said.

The battle centers on drilling on the coastal plain of the refuge, a narrow ribbon of land that stretches about 110 miles along the Beaufort Sea. Environmentalists and wildlife biologists say that in the summer, the coastal plain teems with caribou and millions of migratory birds. Drilling for oil there, they argue, would ruin one of the few pristine wilderness areas left on the planet.

Those who back drilling are varied and formidable, including a bipartisan array of politicians from southern and western states, nearly the entire political establishment of Alaska and several labor unions, led by the Teamsters. They contend that the coastal plain is a snowbound wasteland, and the oil there could be developed with little environmental damage. They say the coastal plain's reservoirs hold about 16 billion barrels of oil, or enough to meet the country's appetite for petroleum for a little more than two years.

The oil companies themselves, however, are less certain of how much oil lies below the coastal plain. No precise data about the amount of oil in the plain is publicly available. In the 1980's BP and what then was the Chevron Corporation drilled an exploratory well on private land owned by native tribes that is inside the refuge, but BP said that those results were a proprietary secret. The United States Geological Survey estimates that at oil prices around $20 a barrel, the amount of oil that could be recovered economically from the federally controlled part of the coastal plain is 3.2 billion barrels.

Of course, companies face severe difficulties in developing oil fields overseas, from the rough winters in the North Sea to the endemic corruption in Nigeria to the long-running civil war in Angola. But the size of the discoveries and the relative cheapness of exploiting them often make the investments worthwhile. Within each oil company, prospects in the Arctic refuge would be measured against fields elsewhere. A political mandate to explore the region, executives of several major oil companies said, would not necessarily compel them to rush into the area.

''All our Alaska projects need to compete worldwide with other Phillips projects,'' said Dawn Patience, a spokeswoman in Alaska for Phillips Petroleum, the largest oil producer on the North Slope. ''And it does come down to economics.''

The calculus includes the usual factors like the cost of producing oil and shipping it to market. But drilling in the Arctic refuge holds significant political risks that would lead to delays and with that, higher costs, oil company oil officials said.

''There will be tremendous debate or delays due to litigation,'' an executive with a major oil company said. ''All that has to go into the assessment of whether that project would be economically viable.''

Still, there would be pressure on companies already working in Alaska, like BP, Exxon Mobil and Phillips, to bid for leases if the area is opened to drilling. The state, which issues so many of the permits oil companies need to work in Alaska, might take their indifference as a slap in the face, said environmentalists and some industry executives.

At the same time, smaller companies, particularly those looking for a foothold in Alaska, might be willing to take on the risks and aggressively pursue drilling in the refuge. ''Smaller companies are involved in fewer places, and what is a marginal opportunity for us is a big opportunity for an independent,'' the executive with the major oil company said. ''This is not a huge priority for us.''

Even without lawsuits by environmentalists, the earliest any oil from the wildlife refuge would make it to market is 2010, industry executives said. But development efforts could drag out well beyond that date. ''To protect the refuge,'' said Deborah Williams, executive director of the Alaska Conservation Foundation in Anchorage, ''national environmental law firms and Alaskan environmental groups will find every opportunity to challenge drilling.''

Oil companies know too well how projects can atrophy within a web of litigation and political resistance. They hold hundreds of leases for places where they cannot drill because of litigation, Congressional action or a change of presidential administration. Among them are Bristol Bay in Alaska, the western and eastern seaboards of the United States and the eastern part of the Gulf of Mexico.

The champions of drilling in the refuge are the State of Alaska and the unions. In fiscal 2001, 82 percent of the unrestricted funds in the state budget came from the petroleum industry, which is also a major employer. But oil production on the North Slope has fallen by half since its peak of two million barrels a day in 1988, said Mark D. Myers, director of the State Division of Oil and Gas.

And as oil production dwindles, so might revenues and jobs. ''The primary reason is job creation,'' said Jerry Hood, a Teamsters union energy specialist. The Bush energy policy, Mr. Hood said, ''is, frankly, a way to re-employ American workers.''

Mr. MURKOWSKI. Madam President, I see my friend from New Mexico, the chairman of the committee, with us today. I ask him if he knows what business we might take up today.

Mr. BINGAMAN. Madam President, in response to my friend from Alaska, my understanding is the leader intends that we remain in session until approximately 5 o'clock and then go out of session. I do have one amendment that I believe has been cleared related to U.S.-Mexico technology cooperation which both myself and Senator DOMENICI have sponsored. It has passed the Senate before. I hope to do that by voice vote in the near future.

Then, as I say, the intent is to recess the Senate around 5 o'clock. Then tomorrow morning, it is my understanding the majority leader intends to have a vote at 10:30. I am not sure the subject of that vote.

Mr. MURKOWSKI. Madam President, if I may respond.

The PRESIDING OFFICER. The Senator has the floor.

Mr. MURKOWSKI. I believe the Akaka amendment has been accepted by this side and the U.S.-Mexico amendment offered by Senator BINGAMAN, and Senator DORGAN has spoken on an amendment which we have no objection to on our side, but we are still clearing it at this time. I suspect that can be accepted, but I have to hold off. I anticipate that tomorrow we will go to Senator FEINSTEIN's amendment, which I believe is pending. Then I hope we might get to CAFE.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Madam President, I certainly agree with what my colleague has said. Unless there is other business at this particular moment, 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. BINGAMAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 2990

Mr. BINGAMAN. Madam President, I call up for consideration amendment No. 2990 dealing with U.S.-Mexico energy technology cooperation.

The PRESIDING OFFICER. The amendment is now pending.

Mr. BINGAMAN. Madam President, this amendment is one I offered on behalf of myself and Senator DOMENICI. It is an amendment that was adopted by the 106th Congress. It merely tries to ensure maximum possible cooperation between our two countries along our common border on issues related to health and energy production and to ensure that the Department of Energy environmental management technologies are used to help clean up serious and pressing public health problems along the border.

This is an amendment that I believe has strong support on all sides. I believe it has been cleared on both sides. I urge it be adopted.

Mr. MURKOWSKI. Madam President, we have agreed to it on our side, and I urge its adoption.

The PRESIDING OFFICER. Is there further debate on the amendment? There being none, the question is on agreeing to amendment No. 2990.

The amendment (No. 2990) was agreed to.

Mr. BINGAMAN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2989 TO AMENDMENT NO. 2917, AS FURTHER MODIFIED

Mr. BINGAMAN. Madam President, I ask for the regular order to return to the Feinstein amendment.

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

MORNING BUSINESS

Mr. BINGAMAN. Madam President, I ask unanimous consent that there now be 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.

FAIR ACT

Mr. THOMAS. Madam President, I rise to discuss an event that happened last week in which I was very disappointed. It was a hearing we had on the FAIR Act or private contracting of Government activities where it is appropriate under what is called the FAIR Act, which was passed in 1998.

This was to have been a committee hearing about how you can best do what has been a policy for a very long time; that is, to take those activities within the Federal Government which are not integral to the Government and give the private sector a chance to bid and do those kinds of things.

Even though it has not been implemented as it could be and should be, it has been the policy for a very long time—20, 25 years—to do that, to take those things that are not specifically and inordinately Federal activities that could be done and could be done more efficiently by the private sector. So in 1998, we passed a bill called the FAIR Act which required that there be an analysis of all the Government activities in most of the agencies, determine which of those would be eligible for outside contracting, and then move forward on that.

I had hoped to testify before the committee. It turned out that I was not available, and also, they thought they had a balance. As I read about it—and I have a couple things I want to put in the CONGRESSIONAL RECORD—it turned out not to be a balanced hearing at all. It turned out to be kind of a pro-union rally in which they accidentally had to have it at a time when practically all the Government unions were meeting here. So they had about 250 members there, which is fine except they didn't have a balanced approach to the program.

I was advised that the hearing was going to be evenly balanced, and it couldn't have been more unbalanced, according to what was written about it. It was regarding the Government contracting. This is a very important issue to me for several reasons. One is, it is the most efficient way to get some of the jobs done that are available to be done in the Federal Government. The other is, I am one who thinks it is a good idea to reduce and hold down as low as possible the numbers in the Federal Government and allow the private sector to do all those jobs that can be done by the private sector. And that was the idea of the FAIR bill which was signed into law in 1998.

Again, it was designed to identify positions within the Federal agencies that are not inherently governmental. For about 50 years we have had a policy that said basically: It will not start or carry out any commercial activities to provide a service or product for its own use if such product or service can be procured from private enterprise through ordinary business channels.

That has been the notion that, in my view, has not been implemented nearly as it might be. Nevertheless, it is the concept, and it is a great concept. Unfortunately, this hearing indicated that several of the members who were there certainly don't want to find any ways—to generally quote them—that we would diminish the size of Government, that we would put at risk any Federal jobs. The fact is, this seldom puts at risk Federal jobs.

What it does is, as new jobs come up, new programs and projects come up that are not inherently governmental. Then they can be put out to the private sector and, indeed, be competitive.

Conceptually, I certainly agree with this. I am surprised to find a number of members who were at the hearing who apparently do not agree with that and don't agree that the private sector ought to be able to compete at all with the Federal Government. They were very precise about that.

I do not agree with that. We were able to pass a bill with a number of hearings last year, Chairman THOMPSON and his committee. He was there, by the way, and said some pretty reasonable things about it. This was widely heard last year and passed very strongly.

It requires the Federal agencies to list commercial jobs. Inventories showed in 1999, kind of the initial inventory, that nearly 1 million Federal employees are engaged in commercial activities. These are services that can be found in the yellow pages from small businesses and firms throughout the country. Under the Clinton administration, the FAIR Act inventory served as no more than a list. Nothing was ever done about it. So last year, the Bush administration announced it was requiring all Federal agencies to convert 5 percent of the jobs listed in the FAIR Act as public and private competition or contract to the private sector.

In the course of the hearing, of course, the witnesses they had said the percentages were not necessarily the only percentages that could be considered. But the fact is, it did begin for the first time a planned effort to point out those kinds of jobs that could be in the private sector. I know this is fiercely denied and opposed by those who want more Government, who want to actually spend more and have larger Government. That is not really what this is all about.

The fact is, we do need to find a way to have an inventory, to find a way to have an opportunity for the private sector to look into those jobs—not all the jobs, of course, only those that are inherently not involved as governmental functions.

I hope we can go back to the core of what that bill is about. And that is the objective way, not putting at risk public employees but finding, as these jobs are created, that there is a place to be able to do that in the private sector.

I am hopeful we can continue to explore that, as, in fact, it is a law. Therefore, I would like very much to be able to pursue that. I want my friends on the committee to know I, for one, fiercely oppose the idea to gut the FAIR Act, and I want to make that point and continue to pursue it as time goes by.

COLONEL ROBERT S. HART

Mr. LOTT. Madam President, I would like to bring to your attention today the exemplary work and most commendable public service of one of our