

for," there were men and women who died in the streets of this country fighting for the right to organize as workers. We have had major battles in this Chamber on the issue of child labor, on the issue of minimum wage, and on the issue of safe workplaces and polluting streams and the air shed. We fought those battles, and this country has come to grips with the understanding that you shouldn't put 12-year-old kids in factories and work them 16 hours a day and pay them 12 cents an hour. We don't do that because it is not right. It is not right either to ask American workers to compete with unfair trade practices.

Unless this country starts to stand up for its interests, we will not soon have a manufacturing base left and we will not have family farmers available in the future.

I know when I speak this way, there are those who take a look at it and say: Oh, again, another protectionist.

Again, I believe expanding trade is beneficial to this country, but only if it is done under circumstances in which the rules are fair to those of us in this country.

We ought never, ever be concerned about standing up for our interests. If we have trade agreements, trade ought to be mutually beneficial. Too often in the past our trade agreements, with country after country after country, have not been mutually beneficial.

We had a trade surplus with Mexico; did an agreement with Mexico, and turned it into a big deficit. We had a modest deficit with Canada; did an agreement with Canada, and turned it into a huge deficit. It has been the same with Europe, the same with the GATT legislation. All of it has been a colossal failure, in my judgment. The biggest trade deficit in human history: \$1.5 billion every single day, 7 days a week. That is what we purchase from abroad more than we ship abroad. And it means we are moving America's jobs overseas at an accelerated rate.

The question is, who will be the consumers in the future? If Americans do not have access to good jobs, who will be the consumers in the future for these cheap imports into this country?

We better come to grips with these trade issues, and soon. I am going to come to the Chamber on Monday and speak more about trade when we have the vote on the Free Trade Agreement.

But let me again say, as I conclude, the reason we are having this vote this way is because this Congress, imprudently, in my judgment, decided to tie its hands with something called fast track. It says: Oh, yes, let's offer up our hands, put handcuffs on them so we cannot offer any amendments.

So now Ambassador Zoellick brings us the Singapore Free Trade Agreement, which says we will allow 5,400 citizens from Singapore to come to this country to take jobs. We have some folks who don't like that, so they are going to do a sense of the Senate resolution. Oh, my God, that is going to

make Ambassador Zoellick shake in his boots. It is like hitting him in the forehead with a feather. Sense of Senate: You better not do that again.

The fact is, nobody in this Chamber can do a thing about it because this Chamber decided long ago it would not allow itself to offer an amendment. It is fundamentally at odds with our constitutional responsibilities, in my judgment. But enough Members of this Senate decided to embrace that foolishness and we are now stuck with a circumstance where this agreement will say 5,400 folks from Singapore can come here and take 5,400 American jobs, at a time when we have 8 to 10 million people who are looking for work. Boy, that doesn't add up, where I come from.

I intend to speak at greater length on Monday and try to get some of this trade frustration off of my chest, at least, and see if we can't try to push people—if not pull them—into beginning to stand up for this country's economic interests. No, we don't want an advantage, we just want to stand up for our economic interests and demand fair trade on behalf of American workers and American businesses.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CHAMBLISS). The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I ask unanimous consent to speak as in morning business.

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

URGENT SUPPLEMENTAL APPROPRIATIONS

Ms. MIKULSKI. Mr. President, I join with my colleague, Senator STEVENS, and other colleagues from the West to protest what the House is about to do in the urgent supplemental bill.

Mr. President and colleagues, and all Americans who are listening, you have to understand what is happening. The Senate passed an urgent supplemental bill to deal with shortfalls in funding where America is facing disasters.

No. 1, our Federal Emergency Management account, which responds to disasters such as hurricanes, earthquakes, and other natural disasters, and even a terrorist attack, is in danger of running out of funds within a matter of days. As of July, they were down to \$89 million, and we acted swiftly to send a bill to the House that would include \$1.6 billion to replenish the account.

Also, the West is enduring wildfires of unbelievable magnitude because of a combination of fire and drought. Again, as fellow Americans, we joined with our western Senators to put money in the Federal checkbook to deal with these wildfires.

We also included funds to deal with the shortfall in the committee that is investigating what went wrong in the Columbia disaster.

Guess what. We also added \$100 million to deal with the shortfall in

AmeriCorps that occurred because of bureaucratic mismanagement, so that volunteers would not be penalized and they could come into our school-based programs.

Well, guess what is happening now in the House. This very minute they are debating a rule that, No. 1, limits debate and prohibits amendments. If the rule passes, the House will take up a bill that will essentially strip-mine the urgent supplemental the Senate passed. The House only wants to pass almost half of what the President says he needs for FEMA, and take out all of the other programs.

My message to the House is: Don't do it. Don't pass that rule. It is an embarrassment to you and to the people in desperate need. If you pass the rule, for gosh sakes, don't pass the bill.

I cannot believe the House of Representatives will pass us a take-it-or-leave-it supplemental that takes out help for FEMA, takes out help for wildfires, will not let the NASA commission go on, and essentially pokes AmeriCorps volunteers in the eye, when we are ready to harvest their idealism and put them to work in Teach America and other education programs.

House of Representatives: Don't go out for a 5-week break without helping these desperate situations.

What is an urgent supplemental? An urgent supplemental says when the Federal Government runs out of funds in key programs, because of unintended consequences, we, somewhere in the spring, pass legislation to deal with that. That is what we are supposed to be dealing with now. It is urgent, it is supplemental, and it is desperately needed.

I express my disappointment that the House of Representatives has blocked emergency funding for disaster assistance for wildfire assistance, for AmeriCorps volunteers.

We saw this coming. Who spotted it? Our very able chairman of the Homeland Security Subcommittee on Appropriations, Senator COCHRAN, and Senator BYRD saw this emergency disaster coming. In April of this year, Senator COCHRAN and Senator BYRD asked President Bush to help with emergency funding for FEMA disaster relief. They rightly calculated FEMA would be down to \$89 million at the end of July, just when we are heading into high hurricane season, and there would be the possibility of other natural disasters. And God forbid we have to have the money if there is another attack on the United States of America.

They asked for the money in April. Silence from the White House. Silence from the White House. Silence from OMB. Silence—where the clock was ticking, as the money dwindled down.

The President did send Congress a request on July 7. He did say FEMA would run out of money. So the Senate acted very quickly with the President's request, led by Senator STEVENS and Senator BYRD, the chairman and ranking member of the Appropriations

Committee. Expeditiously, within 48 hours of the President's request, the Appropriations Committee in the Senate acted. We approved money for disaster assistance. We approved \$1.6 billion for disaster relief. We approved money to help with the Space Station Columbia. We approved money to help with the wildfires facing our Western States and possibly even Alaska itself, and much-needed help in mountain counties of West Virginia.

We helped with AmeriCorps. We did it. And I was a proud sponsor of adding \$100 million for AmeriCorps. There were Senators who had disputes on this, so we had a separate vote on AmeriCorps, kind of the American way. I thought: majority ruled. I would have been disappointed if the Senate had defeated my amendment, but we followed usual and customary procedures, and the Senate sustained the AmeriCorps funding by a vote of 71-21.

Then we passed the urgent supplemental as part of the legislative branch appropriations 85 to 7. Again, majority ruled.

The Senate quickly appointed conferees. Remember, the Senate moved very quickly. The President made a request on the 7th. We went to committee on the 9th; to the Senate floor on the 11th. Isn't that just terrific. We knew we had to move fast because it is an urgent supplemental. Then we went to conference. Well, guess what. There was no conference. The House has delayed, delayed, delayed. And so now at the very last minute they want to leave town for a recess. They want to leave 1 week before we are. Well, they don't have to go this week. There is nothing that says the House has to evacuate Washington. They could stay another couple of days.

But all of last week, ever since we passed this bill on July 11—and it is now the July 25—for 14 days I have been waiting to go to conference to work on this supplemental. I was ready to go during the day. I was ready to go during the night. I was ready to go on weekends. I would have come here on my birthday. I was ready to stand up for America and to stand up for this supplemental assistance. But, no, now they are going to wait for the last minute, pull kind of a parliamentary shenanigan, take it or leave it.

What are they sending over? What an embarrassment. They are sending over \$984 million for FEMA assistance, and that is it.

Not only are they taking out AmeriCorps, wildfire money, and NASA money to complete the investigation of what went wrong, they are reducing the FEMA account requested by the Senate by \$700 million. We have never let FEMA fall to such a low level. I am sorry that the House is falling to such a low level as well.

We don't need low levels at FEMA. We don't need low levels from the House of Representatives.

I am concerned that the FEMA account is nearly bankrupt. It is uncon-

scionable and irresponsible for we on the Atlantic and gulf coasts who are at the height of the hurricane season, and they know it.

When it comes to looking at the whole issue of wildfires, they know what the West is facing. It is not a TV item. It is brave people willing to put themselves on the line. States are at a financial crisis, and now they are facing the fire crisis. As an east coast Senator, my heart goes out to those in the West.

Then when we look at NASA—we went to the memorial. We said: A grateful nation will never forget. We are going to get to the bottom of this. We are going to fly again.

I hope we do. Hats off and salutes to the commission being led by Admiral Gayman. It is thorough, it is rigorous, it is leaving no stone unturned. We are going to get great results. But they need the money to finish the commission. And where will they get the money? Go back to NASA, take it out of the shuttle? Take it out of space science? It is a slap in the face for the families of those astronauts we promised we would get to the bottom of this. We have a great commission with an outstanding leader, and we should put the money in the Federal checkbook.

Then when we talk about AmeriCorps, 20,000 volunteers will lose their slots within a matter of days. Why? Because the mismanagement at headquarters overenrolled by 20,000 volunteers. We have discussed this. Why punish the volunteers and the community for headquarters? Headquarters is not going to lose their jobs, though I did call for new leadership, and the President has responded. Senator BOND is the one who has been a champion of fiscal reform. He has stood sentry over the issues related to AmeriCorps. The House was silent on it. And the uncovering of the debacle occurred in the Senate under Senator BOND's leadership with my assistance. The reform effort was led by Senator BOND for fiscal accountability and greater transparency, again with our assistance, on a bipartisan basis.

When we put \$100 million in the committee, there was a vote on the Senate floor to take it out. Seventy-one Senators voted to keep it in. We have been working in such a bipartisan way. I am so agitated about what is going on in the House. We have had bipartisan cooperation to deal with the urgent supplemental. We have had bipartisan support to deal with the issues. We have conducted ourselves in a way that I thought was civilized and constructive.

I recall the evening where the junior Senator from Alabama rose and said he was going to oppose the \$100 million. He had a markup on asbestos. We accommodated each other so the Senator could offer his debate; I could offer my rebuttal. The Senator wanted to return to the asbestos markup. We were crisp. We were cogent. We were civilized. We were collegial. We each had our day.

Then the Senate, the next day, had a vote.

How unlike the House. They can't even offer an amendment. Then they didn't even have the backbone to face us in conference.

I don't know how they are going to go back and face their constituents with the fact that they have short-funded FEMA. They have taken out the wildfire money, which I cannot understand. Why punish the West that has been hit by drought, hit by wildfires, and hit by a budget crisis? I don't think Americans should do this to other Americans.

I have spoken about the NASA commission. When it comes to the AmeriCorps volunteers, let me tell you what is going to happen if we don't do this. On August 1, Wendy Kopp, one of the true leaders of America, is going to tell several thousand volunteers ready to go into classrooms: The U.S. Congress didn't think you were important enough or valued enough to put in the grant funds for you to go into those classrooms, authorize the working in PAL programs, literacy programs, all of the education stuff that needs to start in September. We didn't think it was urgent enough. We wanted to have a temper tantrum over a bureaucratic snafu, so we are not going to punish the bureaucrats. We are going to punish the volunteers. We are going to punish the programs that help on education, and we are going to punish our children.

I know one volunteer in education who came to Baltimore. And he went into a very tough school under Teach America. When he came in, the reading levels were 23 percent. When he walked out, after he had finished his AmeriCorps commitment, those kids were reading in the 71st percentile, a 50-percent improvement. That young man changed those kids' lives, but those kids changed that young man's life. He is now a regular teacher in the Baltimore City school system. This is what this is all about. This isn't rich kids singing "Kumbaya." These are kids trying to earn a voucher to pay for the high cost of tuition, give practical experience to America. They help our communities, and then in turn the communities have a great impact on them. It is a modest public investment.

There was a bureaucratic snafu. It has been corrected thanks to the leadership of Senator BOND, with the cooperation of this side of the aisle. Why should we punish 20,000 volunteers who are already to go in September and won't be able to go because of what the House is going to do this afternoon? Shame on you, House leadership, for not at least giving them the vote. Shame on you for not voting sooner and bringing this to conference.

I am very disappointed. I thought in America the majority ruled. There is a very small minority that is blocking this urgent supplemental, blocking following the rules of procedure of the Senate. This isn't about rules. This is

about people. It is about people who could be hit by a hurricane, people who are already hit by a wildfire, volunteers who are ready to roll into our classrooms. "Ready to roll," I use those words deliberately.

A promise made should be a promise kept for the families who lost their loved ones in the Columbia disaster. I really object to their sending back a conference report without these items in it. When this is raised, if this comes back under this draconian circumstance, I will object to it being brought up. I think we ought to send back to the House the Senate bill, which we agreed upon with an overwhelming majority of 80 to 20.

I thank the Chair for his very kind attention. I thank Senator STEVENS very much for his leadership on this issue, and the leadership provided by Senator BYRD, and for the collegiality in which we participated in our debate. My heart goes out to the Western Senators who are about to be nailed by this, and to the AmeriCorps volunteers. I think we need to stand up for America, and we ought to stand up for this urgent supplemental.

I yield the floor, but I will not yield my perspective on this supplemental.

ENERGY POLICY ACT OF 2003—
Continued

AMENDMENTS NOS. 1390 THROUGH 1395, EN BLOC

Mr. DOMENICI. Mr. President, we have worked out 11 amendments we would like to dispose of today.

I send a series of amendments to the desk and ask for their consideration en bloc.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] proposes amendments numbered 1390, 1391, 1392, 1393, 1394, and 1395, en bloc.

Mr. DOMENICI. I ask unanimous consent that the reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 1390

(Purpose: To authorize grants to the Ground Water Protection Council to develop risk-based data management systems in State oil and gas agencies to assist States and oil and gas producers with compliance, economic forecasting, permitting, and exploration)

On page 52, after line 22, add the following:
SEC. 1. RISK-BASED DATA MANAGEMENT SYSTEMS.

(a) IN GENERAL.—The Secretary of Energy shall make grants to the Ground Water Protection Council to develop risk-based data management systems in State oil and gas agencies to assist States and oil and gas producers with compliance, economic forecasting, permitting, and exploration.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$1,000,000 for each fiscal year.

AMENDMENT NO. 1391

(Purpose: To encourage energy conservation through bicycling)

Page 209, after line 6, insert:

"SEC. 6. CONSERVE BY BICYCLING PROGRAM.

"(a) DEFINITIONS.—In this section:

"(1) The term 'program' means the Conserve by Bicycling Program established by subsection (b).

"(2) The term 'Secretary' means the Secretary of Transportation.

"(b) ESTABLISHMENT.—There is established within the Department of Transportation a program to be known as the 'Conserve by Bicycling Program'.

"(c) PROJECTS.—

"(1) In carrying out the program, the Secretary shall establish not more than 10 pilot projects that are—

"(A) dispersed geographically throughout the United States; and

"(B) designed to conserve energy resources by encouraging the use of bicycles in place of motor vehicles.

"(2) A pilot project described in paragraph (1) shall—

"(A) use education and marketing to convert motor vehicle trips to bicycle trips;

"(B) document project results and energy savings (in estimated units of energy conserved);

"(C) facilitate partnerships among interested parties in at least 2 of the fields of transportation, law enforcement, education, public health, environment, and energy;

"(D) maximize bicycle facility investments;

"(E) demonstrate methods that may be used in other regions of the United States; and

"(F) facilitate the continuation of ongoing programs that are sustained by local resources.

"(3) At least 20 percent of the cost of each pilot project described in paragraph (1) shall be provided from State or local sources.

"(d) ENERGY AND BICYCLING RESEARCH STUDY.—

"(1) Not later than 2 years after the date of enactment of this Act, the Secretary shall enter into a contract with the National Academy of Sciences for, and the National Academy of Sciences shall conduct and submit to Congress, a report on a study on the feasibility of converting motor vehicle trips to bicycle trips.

"(2) The study shall—

"(A) document the results or progress of the pilot projects under subsection (c);

"(B) determine the type and duration of motor vehicle trips that people in the United States may feasibly make by bicycle, taking into consideration factors such as weather, land use and traffic patterns, the carrying capacity of bicycles, and bicycle infrastructure;

"(C) determine any energy savings that would result from the conversion of motor vehicle trips to bicycle trips;

"(D) include a cost-benefit analysis of bicycle infrastructure investments; and

"(E) include a description of any factors that would encourage more motor vehicle trips to be replaced with bicycle trips.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$6,200,000, to remain available until expended, of which—

"(1) \$5,150,000 shall be used to carry out pilot projects described in subsection (c);

"(2) \$300,000 shall be used by the Secretary to coordinate, publicize, and disseminate the results of the program; and

"(3) \$750,000 shall be used to carry out subsection (d)."

AMENDMENT NO. 1392

(Purpose: To provide for a renewable production of hydrogen demonstration and commercial application program)

On page 290, between lines 19 and 20, insert the following:

SEC. 8. RENEWABLE PRODUCTION OF HYDROGEN DEMONSTRATION AND COMMERCIAL APPLICATION PROGRAM.

(a) IN GENERAL.—The Secretary shall establish a program to assist projects for the demonstration and commercial application of the production of hydrogen from renewable resources.

(b) SCOPE.—A project funded with assistance under this section may include an element other than production of hydrogen if the Secretary determines that the element contributes to the overall efficiency and commercial viability of the technology employed in the project, including—

(1) joint production of hydrogen and other commercial products from biomass; and

(2) renewable production of hydrogen and use of the hydrogen at a single farm location.

(c) COST SHARING; MERIT REVIEW.—A project carried out using funds made available under this section shall be subject to the cost sharing and merit review requirements under sections 982 and 983, respectively.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) \$10,000,000 for fiscal year 2004; and

(2) \$25,000,000 for each of fiscal years 2005 through 2008.

AMENDMENT NO. 1393

(Purpose: To require the Secretary of Energy to transmit to Congress a plan for the transfer of title to the Western New York Service Center in West Valley, New York)

On page 150, after line 14, insert the following:

SEC. 443. PLAN FOR WESTERN NEW YORK SERVICE CENTER.

Not later than one year after the date of enactment of this Act, the Secretary of Energy shall transmit to the Congress a plan for the transfer to the Secretary of title to, and full responsibility for the possession, transportation, disposal, stewardship, maintenance, and monitoring of, all facilities, property, and radioactive waste at the Western New York Service Center in West Valley, New York. The Secretary shall consult with the President of the New York State Energy Research and Development Authority in developing such plan.

AMENDMENT NO. 1394

(Purpose: To provide for the preservation and archiving of geological and geophysical data through establishment of a data archive system and for other purposes)

Strike the text starting on page 43, line 19, through page 49, line 19, and insert the following:

"SEC. 112. PRESERVATION OF GEOLOGICAL AND GEOPHYSICAL DATA.

"(a) SHORT TITLE.—This section may be cited as the 'National Geological and Geophysical Data Preservation Program Act of 2003'.

"(b) PROGRAM.—The Secretary of the Interior shall carry out a National Geological and Geophysical Data Preservation Program in accordance with this section—

"(1) to archive geologic, geophysical, and engineering data, maps, well logs, and samples;

"(2) to provide a national catalog of such archival material; and

"(3) to provide technical and financial assistance related to the archival material.

"(c) PLAN.—Within 1 year after the date of the enactment of this section, the Secretary shall develop and submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a plan for the implementation of the Program.