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No. 43

Senate

The Senate met at 10 a.m. and was called to order by the Honorable DEBBIE STABENOW, a Senator from the State of Michigan.

PRAYER

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

Dear God, it is with reverence and commitment that we address You as Sovereign of our lives and of our Nation. Our forefathers called You Sovereign with awe and wonder as they established this land and trusted You for guidance and courage.

We thank you that in 1787, at a pivotal moment at the Constitutional Convention, Benjamin Franklin's convictions led him to rise and speak these now-famous words to George Washington: "I have lived, sir, a long time, and the longer I live the more convincing proofs I see of this truth: that God governs in the affairs of men. If a sparrow cannot fall to the ground without His notice, is it probable that an empire can rise without His aid? I believe that without His concurring aid we shall succeed no better than the builders of Babel. We shall be divided by our partial local interests; our projects will be confounded . . ."

Lord, it is with the same emphatic certainty that we echo his words of dependence on You and we ask, Sovereign Lord, that You would help us realize Your best for America. In Your holy name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable DEBBIE STABENOW 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, April 17, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DEBBIE STABENOW, a Senator from the State of Michigan, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Ms. STABENOW thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

SCHEDULE

Mr. REID. Madam President, under the previous order, the Senate will shortly begin a vote on a nomination of Lance M. Africk to be United States district judge for the Eastern District of Louisiana. Following that vote, the Senate will resume consideration of the energy reform bill, the ANWR amendments now pending. Cloture was filed yesterday evening on each of the ANWR amendments. Therefore, there will be votes on these cloture motions this coming Thursday.

RESERVATION OF LEADER TIME

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

EXECUTIVE SESSION

NOMINATION OF LANCE M. AFRICK, OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF LOUISIANA

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now go into executive session and proceed to vote on Executive Calendar No. 760, which the clerk will report.

The legislative clerk read the nomination of Lance M. Africk, of Louisiana, to be United States District Judge for the Eastern District of Louisiana.

The ACTING PRESIDENT pro tempore. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Minnesota (Mr. DAYTON) are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota (Mr. DAYTON) would vote "aye."

Mr. NICKLES. I announce that the Senator from Tennessee (Mr. THOMPSON) is necessarily absent.

The result was announced—yeas 97, nays 0, as follows:

(Rollcall Vote No. 69 Ex.)

YEAS—97

Akaka	Cantwell	Domenici
Allard	Carnahan	Dorgan
Allen	Carper	Durbin
Baucus	Chafee	Edwards
Bayh	Cleland	Ensign
Bennett	Clinton	Enzi
Biden	Cochran	Feingold
Bingaman	Collins	Feinstein
Bond	Conrad	Fitzgerald
Boxer	Corzine	Frist
Breaux	Craig	Graham
Brownback	Crapo	Gramm
Bunning	Daschle	Grassley
Burns	DeWine	Gregg
Campbell	Dodd	Hagel

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



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Harkin	Lincoln	Schumer
Hatch	Lott	Sessions
Helms	Lugar	Shelby
Hollings	McCain	Smith (NH)
Hutchinson	McConnell	Smith (OR)
Hutchison	Mikulski	Snowe
Inhofe	Miller	Specter
Inouye	Murkowski	Stabenow
Jeffords	Murray	Stevens
Johnson	Nelson (FL)	Thomas
Kennedy	Nelson (NE)	Thurmond
Kerry	Nickles	Torricelli
Kohl	Reed	Voinovich
Kyl	Reid	Warner
Landrieu	Roberts	Wellstone
Leahy	Rockefeller	Wyden
Levin	Santorum	
Lieberman	Sarbanes	

NOT VOTING—3

Byrd	Dayton	Thompson
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The nomination was confirmed.

The PRESIDING OFFICER (Mr. BAUCUS). The motion to reconsider is laid upon the table.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

The Senator from New Mexico.

ORDER OF PROCEDURE

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Senator from Vermont, Mr. LEAHY, be allowed to speak for up to 5 minutes, followed by Senator MILLER from Georgia for 10 minutes, followed by Senator ROBERTS from Kansas for 10 minutes.

Mr. REID. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that the Senator from Pennsylvania, Mr. SPECTER, be recognized for 5 minutes as in morning business.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, reserving the right to object, my concern is we have pending a cloture vote tomorrow at some time. I have no objection to accommodating my colleagues to speak this morning, but I wonder if we could get some idea as to how to proceed so that this would not take away from the time before the proposed cloture vote. I have no idea what time it would be.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I say to my friend from Alaska, the majority leader said that people can talk tonight as long as they care to talk. He has not yet decided what time the cloture vote will be in the morning, but there should be time to talk in the morning also.

Mr. MURKOWSKI. Then, I would simply appeal to the majority leader, who I see is on the floor, to allow us an additional time from whatever his time may be, which we do not know.

But to extend the courtesy, I have no objection.

The PRESIDING OFFICER. Is there objection?

Mr. MURKOWSKI. Mr. President, I put our Members on notice, we have probably 15 Members who want to speak today. So I suspect we will be in rather late this evening.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that I modify my request, that after the Senator from Vermont and the Senator from Pennsylvania and the Senator from Georgia and the Senator from Kansas have all spoken, that we go back on the bill, and that I be recognized to speak at that time on the amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Vermont.

NOMINATIONS

Mr. LEAHY. Mr. President, I thank my colleagues for their unanimous and positive vote on the last nominee. I will bring everybody up to date.

Today, the Senate is voting on the 44th judicial nominee to be confirmed since last July when the Senate Judiciary Committee was reassigned new members in connection with the reorganization of the Senate after the shift in majority. The confirmation of Judge Africk will be the third district court judgeship we have filled in Louisiana and the seventh judgeship filled overall in the Fifth Circuit since July, including the first new judge for the Fifth Circuit in seven years. In fact, it was this Senate's confirmation of Judge Edith Brown Clement last fall that created this vacancy, which we are now proceeding to fill without delay.

In the past few months, the Senate has also confirmed Judge Kurt Engelhardt and Judge Jay Zainey to fill vacancies on the District Court for the Eastern District of Louisiana. The Senate has confirmed Judge Michael Mills to fill a vacancy on the District Court for the Northern District of Mississippi. The Senate has also confirmed Judge Philip Martinez to fill a vacancy on the District Court for the Western District of Texas and Judge Randy Crane to fill a vacancy on the District Court for the Southern District of Texas.

Of course many of the vacancies in the Fifth Circuit are longstanding. Judge Clement was confirmed to fill a judicial emergency on the Fifth Circuit. Judge Martinez and Judge Crane likewise filled what had been judicial emergencies. These many vacancies and emergencies are the legacy of the years of inaction. For example, despite the fact that President Clinton nominated Jorge Rangel, a distinguished Hispanic attorney, to fill a Fifth Circuit vacancy in July 1997, Mr. Rangel never received a hearing and his nomination was returned to the President without Senate action at the end of 1998. On September 16, 1999, President Clinton nominated Enrique Moreno, another outstanding Hispanic attor-

ney, to fill a vacancy on the Fifth Circuit but that nominee never received a hearing either. When President Bush took office last January, he withdrew the nomination of Enrique Moreno to the Fifth Circuit. The Senate has moved quickly to confirm Judge Armijo in New Mexico and Judges Martinez and Crane in Texas, who were among the very few Hispanic judicial nominees sent so far by this Administration to us.

The Senate received Judge Africk's nomination the last week in January and his paperwork was complete on March 6. Judge Africk was scheduled for the very next confirmation hearing on March 19. He has been serving as a federal magistrate in the Eastern District of Louisiana for more than a decade. Judge Africk is a member of the Federalist society and a registered Republican. His confirmation, along with that of Judge Clement, Judge Wooten in South Carolina, Judge Mills in Mississippi, Judge Caldwell in Kentucky, Judge Granade in Alabama, Judge Hartz to the Tenth Circuit, and so many others, shows that the Senate has been very accommodating to this Administration's conservative nominations.

The Senate is making progress on judicial confirmations. Under Democratic leadership, the Senate has confirmed more judges in the last nine months than were confirmed in four out of 6 full years under Republican leadership. The number of judicial confirmations over this time—44—exceeds the number confirmed during all 12 months of 2000, 1999, 1997 and 1996.

During the preceding 6½ years in which a Republican majority most recently controlled the pace of judicial confirmations in the Senate, 248 judges were confirmed. Some like to talk about the 377 judges confirmed during the Clinton administration, but forget to mention that more than one-third were confirmed during the first 2 years of the Clinton administration while the Senate majority was Democratic and Senator BIDEN chaired the Judiciary Committee. The pace of confirmations under a Republican majority was markedly slower—especially in 1996, 1997, 1999, and 2000.

Thus, during the 6½ years of Republican control of the Senate, judicial confirmations averaged 38 per year a pace of consideration and confirmation that we have already exceeded under Democratic leadership over these past nine months in spite of all of the challenges facing Congress and the Nation during this period and all of the obstacles Republicans have placed in our path.

I ask myself how Republicans can justify seeking to hold the Democratic majority in the Senate to a different standard than the one they met themselves during the last 6½ years. There simply is no answer other than partisanship. This double standard is most apparent when Republicans refuse fairly to compare the progress we are making with the period in which they were

in the Senate majority with a President of the other party. They do not want to talk about that because we have exceeded, in just 9 months, the average number of judges they confirmed per year.

They would rather unfairly compare the work of the Senate on confirmations in the past 9 months to a period more than twice as long, the work of previous Senates and Presidents over entire 2-year Congresses. They say it is unacceptable that the Democratic-led Senate has not yet confirmed as many judges in nine months as were confirmed in 24-month-periods at other times. I would say it is quite unfair to complain that we have not done 24 months of work on judicial vacancies in the little more nine months we have had since the Senate reorganized. After all, we have already topped their efforts for 12-month periods and are still hard at work.

These double standards are wrong and unfair, but that does not seem to matter to Republicans intent on criticizing and belittling every achievement of the Senate under a Democratic majority.

Republicans have been imposing a double standard on circuit court vacancies as well. The Republican attack is based on the unfounded notion that the Senate has not kept up with attrition on the Courts of Appeals. This is a case of the arsonist coming forward and saying: We need a better fire department around here. Look at all these buildings that are burning down. All these vacancies were there because Republicans refused to hold hearings on the Court of Appeals nominees. We are now holding such hearings.

The Democratic majority in the Senate has more than kept up with attrition and we are seeking to close the vacancies gap on the Courts of Appeals that more than doubled under the Republican majority.

Just this week, the Senate confirmed Judge Terrence O'Brien to the United States Court of Appeals for the Tenth Circuit by a vote of 98 to zero. His confirmation was the eighth circuit court nominee to be confirmed in the little more than nine months since I became Chairman this past summer.

We have already confirmed eight Court of Appeals nominees and held hearings on 11 Court of Appeals nominees. In comparable periods at the beginning of the Clinton administration, with a Senate majority of the same party as the President, the confirmations numbered only two and hearings were held on only three. In the comparable period during the administration of George H. W. Bush, within the first 10 months the Senate had confirmed only three Court of Appeals judges and had hearings on only four.

The facts on what Republicans are now calling the judicial vacancies crisis in our Courts of Appeals are important and startling. The Republican majority assumed control of judicial confirmations in January 1995 and did not

allow the Judiciary Committee to be reorganized after the shift in majority last summer until July 10, 2001. During that period, from 1995 through July 2001, vacancies on the Courts of Appeals more than doubled, increasing from 16 to 33!

When I became chairman of a committee to which members were finally assigned on July 10, we began with 33 Court of Appeals vacancies. That is what I inherited. Since the shift in majority last summer, five additional vacancies have arisen on the Courts of Appeals around the country. With this week's confirmation of Judge O'Brien, we have reduced the number of circuit court vacancies to 30.

Rather than the 38 vacancies that would exist if we were making no progress, as some have asserted, there are now 30 vacancies—that is more than keeping up with the attrition on the Circuit Courts. Since our Republican critics are so fond of using percentages, I will say that we will have now reduced the vacancies on the Courts of Appeals by almost 10 percent in the last nine months. In other words, by confirming three more nominees than the five required to keep up with the pace of attrition, we have not just the matched the rate of attrition but surpassed it by 60 percent.

While the Republican Senate majority increased vacancies on the Courts of Appeals by over 100 percent, it has taken the Democratic majority nine months to reverse that trend, keep up with extraordinary turnover and, in addition, reduce circuit court vacancies by almost 10 percent overall. Alternatively, Republicans should note that since the shift in majority away from them, the Senate has filled more than 20 percent of the vacancies on the Courts of Appeals in a little over 9 months. This is progress. Rather than having the circuit vacancy numbers skyrocketing, as they did overall during the prior 6½ years—more than doubling from 16 to 33—the Democratic-led Senate has reversed that trend and the vacancy rate is moving in the right direction, down.

That is not to say that our job is completed, but a fair review of our efforts should acknowledge the progress we have made. It is not possible to repair the damage caused by longstanding vacancies in several circuits overnight, but we are improving the conditions in the 5th, 10th and 8th Circuits, in particular. The confirmation of Judge O'Brien this week made the second judge confirmed to the 10th Circuit in the last 4 months.

With this week's vote on Judge O'Brien, in a little more than nine months since the change in majority, the Senate has confirmed eight judges to the Courts of Appeals and held hearings on three others. In contrast, the Republican-controlled majority averaged only seven confirmations to the Courts of Appeals per year. Seven. We have confirmed eight circuit judges and there are almost 3 months left

until the 1-year anniversary of the reorganization of the Senate and the Judiciary Committee and we have already exceeded the annual number of Court of Appeals judges confirmed by our predecessors. The Senate in the last nine months has confirmed as many Court of Appeals judges as were confirmed in all of 2000 and more than were confirmed in 1997 or 1999, and eight more than the zero from 1996.

Overall, in little more than 9 months, the Senate Judiciary Committee has held 16 hearings involving 55 judicial nominations. That is more hearings on judges than the Republican majority held in any year of its control of the Senate. In contrast, one-sixth of President Clinton's judicial nominees—more than 50—never got a Committee hearing and Committee vote from the Republican majority, which perpetuated longstanding vacancies into this year. Vacancies continue to exist on the Courts of Appeals in part because a Republican majority was not willing to hold hearings or vote on more than half 56 percent—of President Clinton's Court of Appeals nominees in 1999 and 2000 and was not willing to confirm a single judge to the Court of Appeals during the entire 1996 session.

Despite the new-found concern from across the aisle about the number of vacancies on the circuit courts, no nominations hearings were held while the Republicans controlled the Senate in the 107th Congress last year. No judges were confirmed during that time from among the many qualified circuit court nominees received by the Senate on January 3, 2001, or from among the nominations received by the Senate on May 9, 2001.

The Democratic leadership acted promptly to address the number of circuit and district vacancies that had been allowed to grow when the Senate was in Republican control. The Judiciary Committee noticed the first hearing on judicial nominations within 10 minutes of the reorganization of the Senate and held that hearing on the day after the Committee was assigned new members.

That initial hearing included a Court of Appeals nominee on whom the Republican majority had refused to hold a hearing the year before. We held unprecedented hearings for judicial nominees during the August recess. Those hearing included a Court of Appeals nominee who had been a Republican staff member of the Senate. We proceeded with a hearing the day after the first anthrax letter arrived at the Senate. That hearing included a Court of Appeals nominee. In a little more than nine tumultuous months, the Senate Judiciary Committee has held 16 hearings involving 55 judicial nominations—including 11 circuit court nominees—and we are hoping to hold another hearing soon for half a dozen more nominees, including another Court of Appeals nominee. That is more hearings on judges than the Republican majority held in any year of

its control of the Senate. The Republican majority never held 16 judicial confirmation hearings in 12 months.

The Senate Judiciary Committee is holding regular hearings on judicial nominees and giving nominees a vote in Committee, in contrast to the practice of anonymous holds and other obstructionist tactics employed by some during the period of Republican control. The Democratic majority has reformed the process and practices used in the past to deny Committee consideration of judicial nominees. We have moved away from the anonymous holds that so dominated the process from 1996 through 2000. We have made home State Senators' blue slips public for the first time.

I do not mean by my comments to appear critical of Senator HATCH. Many times during the 6½ years he chaired the Judiciary Committee, I observed that, were the matter left up to us, we would have made more progress on more judicial nominees. I thanked him during those years for his efforts. I know that he would have liked to have been able to do more and not have to leave so many vacancies and so many nominees without action.

I hope and intend to continue to hold hearings and make progress on judicial nominees in order to further the administration of justice. In our efforts to address the number of vacancies on the circuit and district courts we inherited from the Republicans, the Committee has focused on consensus nominees for all Senators. In order to respond to what Vice President CHENEY and Senator HATCH now call a vacancy crisis, the Committee has focused on consensus nominees. This will help end the crisis caused by Republican delay and obstruction by confirming as many of the President's judicial nominees as quickly as possible.

Most Senators understand that the more controversial nominees require greater review. This process of careful review is part of our democratic process. It is a critical part of the checks and balances of our system of government that does not give the power to make lifetime appointments to one person alone to remake the courts along narrow ideological lines, to pack the courts with judges whose views are outside of the mainstream of legal thought, and whose decisions would further divide our Nation.

The committee continues to try to accommodate Senators from both sides of the aisle. The Court of Appeals nominees included at hearings so far this year have been at the request of Senator GRASSLEY, Senator LOTT, Senator SPECTER, Senator ENZI and Senator SMITH from New Hampshire—five Republican Senators who each sought a prompt hearing on a Court of Appeals nominee who was not among those initially sent to the Senate in May 2001. Each of the previous 43 nominees confirmed by the Senate has received the unanimous, bipartisan backing of the Committee.

The confirmation of Judge Africk makes the 44th judicial nominee to be confirmed since I became chairman last July, and I hope to confirm our 50th nominee by the end of this month. I am extremely proud of the work this committee has done since the change in the majority. I am proud of the way we have considered nominees fairly and expeditiously and the way we have been able to report to the Senate so many qualified, non-ideological, consensus nominees to the Senate.

Mr. HATCH. Mr. President, I supported the nomination of Lance Africk to be U.S. District Judge for the Eastern District of Louisiana.

I have had the pleasure of reviewing Judge Africk's distinguished legal career, and I have concluded that he is a fine jurist who will add a great deal to the Federal bench in Louisiana.

Judge Lance Africk has an impressive record in the private and public sectors. Upon graduation from the University of North Carolina School of Law in 1975, Judge Africk clerked for the Louisiana Fourth Circuit Court of Appeal before joining the New Orleans firm of Normann & Normann as a civil attorney. In 1977, he moved to the Orleans Parish District Attorney's Office in New Orleans and became director of the Career Criminal Bureau, where he prosecuted criminal cases. From late 1980 to mid-1982, Judge Africk worked in private practice, representing plaintiffs and defendants in personal injury cases and serving as corporate counsel. In August 1982, he joined the U.S. Attorney's Office in New Orleans as an assistant U.S. attorney and served with distinction as chief of the Criminal Division until 1990. As a State and Federal prosecutor, Judge Africk became an expert in drug and public corruption matters. During his legal career, he tried to judgment or verdict approximately 40 cases. Since 1990, Judge Africk has served as U.S. Magistrate Judge for the Eastern District of Louisiana, bearing responsibility for often complex civil and criminal matters assigned from the U.S. District Court.

I have every confidence that Lance Africk will serve with distinction on the Federal district court for the Eastern District of Louisiana.

Ms. LANDRIEU. Mr. President, I am proud that the Senate today confirmed Lance Africk for Federal District Judge for the Eastern District of Louisiana. Again, I must commend President Bush for this nomination. He has chosen an exceptional man with a fantastic reputation for the Federal Bench.

I cannot say enough about Lance. Lance brings over 25 years of legal experience to this job, and for the past 12 years, he has served as the U.S. Magistrate for Civil and Criminal Matters. His commitment to community and country has permeated his career as an Orleans Parish District Attorney, a United States Attorney and most recently as a Federal Magistrate. I know that he looks forward to continuing his

service. He presents a true model of honor and professionalism to the bar.

Numerous letters of support have poured into my office praising Lance's qualities. Everyone who has ever talked to me about Lance has used the same words: fair, courteous, and intelligent. Not only does Lance possess these values, but he has instilled them in his family. His wife Diane and his four children mean the world to him and inspire his service. Today's action in the Senate only confirmed what I and everyone in Louisiana already knew; that Lance Africk will be an asset to the Federal Judiciary.

We need more people like Lance Africk on the Federal Bench. He is a true patriot who desires to serve his country to the best of his ability. He recognizes the importance of our judicial system and has dedicated his life to the system of laws that makes our country so unique. It is for these reasons that I wholeheartedly supported his nomination and am elated by the action of the Senate today.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

The Senator from Georgia.

TEACHERS

Mr. MILLER. Madam President, I am at heart a teacher. Perhaps it is genetic, for I am the son of teachers. Whatever its source, a commitment to education runs deep in my soul. That is why, when I was Governor of Georgia, I chose to focus on education, for all our other challenges have at their root the same solution: Children who are loved and children who are educated.

I believe education is everything. It is the educated individual who makes this Nation stronger. It is the educated individual who adds to its wealth, protects against enemies, carries forward its ideals and faith.

The Latin phrase "alma mater" means "nourishing mother." That is a pretty good description of what our schools should be for our children.

Within those schools, all education starts with the teacher standing at the head of the child's classroom. Teachers are the world's most noble creatures, engaged in the world's most noble profession. Teachers are the architects who guide and shape the building of young lives. Teachers are the ones who call forth the best from our children and inspire them to reach new heights. Teachers, I think we would all agree, are the key ingredient to improving education.

So if we are to build a first class education system in this country, we must be able to attract and hold on to good teachers. Right now, we are losing that battle. We are losing that fight badly.

Last year we set a new standard in Federal aid for education with the passage of President Bush's far-reaching education reform bill. But while we have made big strides in Federal funding for education, we still have not touched teacher salaries at the Federal level.

I would argue that teacher pay is the most important area of all education. Yet our teachers work in sometimes deplorable conditions and for little pay. Public school teachers in America today make an average of \$43,335 a year. One would assume that about half of the States have teacher salaries above the national average and the other half have teacher salaries below that level. But actually, only 12 States, plus the District of Columbia, have salaries that are higher than the national average. The other 38 States are below the national average. In fact, the dollar gap between the lowest and the highest average salaries varies greatly from a low of \$30,265 in South Dakota to a high of \$53,281 in New Jersey.

Sadly, our teachers have even lost financial ground over the past few years. In the past decade, teacher salaries rose only one-half of 1 percent when inflation is taken into account. In many States, teachers actually lost ground to inflation.

Today in this Nation, teacher salaries account for a smaller proportion of total education spending than they did 40 years ago. In 1960, the average education expenditure devoted to teacher salaries was 51 percent. Today it is 36.7 percent, the lowest percentage since records have been kept.

As a result, many of the best and brightest of our young people today steer away from the classrooms to join the ranks of better paying professions. It has become clear that unless we in Congress take some drastic action, and take it soon, this disparity will only get worse because on the horizon ominous storm clouds loom darkly. We must hire 2 million more teachers in the next decade to keep up with new students who are entering our schools. Where are we going to get all those new teachers? Where?

Enrollment at our colleges of education is down 30 percent. Among those who are willing to try teaching, 40 percent leave the profession before the end of their fifth year. In some States, almost 20 percent leave after just 1 year. Most, of course, leave to pursue better paying careers. And who can blame them? It is a hollow message when we constantly tell our teachers how invaluable they are and then pay them so little.

What can we do, and what can we do quickly, to stop this brain drain from our schools? How can we make teaching more competitive with better paying professionals? I will tell you how we could have an immediate effect. Let our teachers keep more of their hard-earned money.

I will be introducing a bill to give our teachers an immediate pay raise in the form of a tax cut. Simply put, teachers would keep more money in their pocket each payday and send less of it to the IRS. They need this money back home more than we need it up here. And I guarantee you they will spend it more wisely than we will. Hard-earned money always goes further in a house-

hold than it does in a rathole. I call it the Thank You Teachers Tax Cut. Here is how it would work.

It would include every full-time teacher, public and private, in every prekindergarten and K through 12 classroom. This tax cut would start immediately and would increase the longer the teacher stayed in the classroom.

Teachers with fewer than 5 years in the classroom, about 900,000 teachers, would get a tax cut equal to one-third of their Federal income tax. Teachers with 5 to 10 years of experience, also about 900,000 teachers, would get to keep two-thirds of what they would normally pay in Federal income tax. Teachers with more than 10 years' experience—about 1.8 million teachers—would have no Federal income tax at all for as long as they stayed in the classroom.

The Thank You Teachers Tax Cut would mean immediate pay raises of between 5 and 15 percent. It would put more money into teachers' pockets each and every payday. It would immediately give some equity to this noble profession. But it would be more than just more money. It would be a tangible show of our respect and our gratitude to this profession that is all too often taken for granted.

So it would be a huge tax cut, more than \$16 billion a year at a minimum—probably more, according to my very rough math. But when we are talking about a projected budget for 2003 of \$2.085 trillion, \$16 billion is not even 1 percent of that budget. Don't tell me we cannot tighten our belt that little to help our teachers.

We all know our teachers are not paid adequately. They are not in my State and they are not in your State. Some need more help than others. Mississippi has the lowest average salary for teachers in the South and South Dakota has the lowest paid teachers in the Nation. I would plead for the leaders of both parties in this Senate to support this tax cut.

I also think our Nation's Governors would like this proposal for two reasons: First, it does not interfere with the States' rights to set teacher salaries. But it does boost the bottom line for every State's teachers, and that is what is important.

Our Governors will also like it because today, and especially in the next few years, that Pacman called Medicaid is going to gobble up State revenues as never before. I warn you, that will leave a much smaller pot of money available at the State level for teacher pay raises.

I realize there are shortages in other important professions that have low salaries and bad working conditions, and I have great sympathy for those workers, too. But the long-term security of this Nation is wrapped up in our schools, and that is why this tax cut for teachers is such an important one now.

This tax cut is a chance to really help our children by making sure we

put good teachers in their classrooms and keep them there. It is also a chance to help our deserving teachers. It is the fastest, surest way to put more money into their pockets immediately.

Finally, this is a chance for the Senate, for the entire Congress, to say thank you to our teachers.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Kansas is recognized.

THE FARM BILL

Mr. ROBERTS. Madam President, thank you very much. This is one of those speeches I had not intended to make. I have to make it, but I would just as soon not make it.

I rise today to provide a few comments on the situation we are facing regarding the farm bill and the possibility of an assistance package this year. My colleagues are working very hard in the conference. I don't mean to perjure anybody's intent. These are friends of mine, and I know we have strong differences of opinion. But we are in pretty rough shape for the shape we are in, in farm country, and we need assurance that there will be an assistance package as of this year.

For several weeks now, I have been warning that we need to either get a farm bill finished and apply it to this year's crop or pass an agriculture assistance package, and then pass a new bill that goes into effect for the 2003 crop. The thinking behind that is it is better to pass a good bill than simply disagree on a bad bill and try to expedite that.

Prior to the Easter and Passover recess, I introduced an assistance package that I said was a placeholder if a bill could not be passed almost immediately after the recess period. Well, it is now April 17. We still have not passed a bill. In fact, the negotiations did break down yesterday, unfortunately.

It seems clear that a bill will not be passed as of this week. Madam President, the clock, if not expired, is certainly ticking. It is the 11th hour and 59th minute. It is time for us to admit what farmers and ranchers already know: It is too late to pass a bill that applies to this year's crop.

Consider these facts:

The 2002 wheat crop was planted last fall and harvesting in the far southern region will begin next month.

Several crop reports in recent days have said that 9 percent of the Nation's cotton crop is planted, including 37 percent in Arizona, 35 percent in California, and 13 percent in Texas, with the rest of the States starting to plant.

Corn planting is 59 percent complete in Texas; 25 percent in Tennessee; 3 percent in North Carolina; 26 percent in Missouri; 17 percent in Kentucky; and in Kansas—yes, we grow cotton—11 percent.

Another article said corn planters were already in the field in eastern

Iowa. And 43 percent of the sorghum crop is planted in Texas and 18 percent in Arkansas. Rice: Texas, 85 percent planted; Louisiana, 69 percent; 10 percent in Arkansas.

Our producers and our bankers, lenders, must make planting and lending decisions. We cannot continue this game of Charlie Brown, Lucy, and the football. This will not work in farm country.

Our producers have been told that the bill could be completed prior to Christmas, the bill could be completed right after the first of the year, the bill would be completed by Easter, and the bill would be completed by April 15.

Quite frankly, we have people who crawl out of train wrecks faster than the farm bill conference is proceeding in regard to the tough amendments they must reconcile. My producers do not believe any predictions they hear at this point. They now need to make decisions forced by their lenders.

I want to make it clear to colleagues that if we pass a new bill for this year's crops, we are setting ourselves up for another disaster or supplemental bill this fall—even after spending \$73.5 billion in new funding for agriculture. Unfortunately—and this is the one I want all farmers, ranchers, and agribusiness to pay attention to—you are going to discover that in both House and Senate farm bill proposals, there will be no supplemental AMTA statement, no market loss payment in September, as producers have grown accustomed to.

Instead, under the countercyclical proposals in the two bills, producers and farmers could receive a portion of their countercyclical payment for wheat in December, while other crops would receive no assistance until next spring.

To put it another way, none of this countercyclical assistance, after all the talk we have heard in the last years as to the current farm bill—about the lack of a safety net and the need for countercyclical assistance—none of this assistance for the 2002 crop will even go out until the spring of 2003. When farmers discover this, there is going to be an outcry. That is why, in a recent poll, 70 percent of the farmers said about the supplemental in this crop bill: Put the new farm bill under 2003.

We are receiving indications that any agreement on the farm bill will include much higher loan rates—most likely at the expense of direct payments or the countercyclical payment.

It was 97 degrees in Dodge City 2 days ago. That is pretty hot for Dodge. Nearly 50 percent of our Kansas wheat crop has been rated at below favorable conditions and getting worse. My producers who may have no crop to harvest—and that is the condition in Texas, Oklahoma, Kansas, and Nebraska, moving north—will gain nothing from higher loan rates. Loan rates don't help if you don't have a crop.

This is a blueprint for disaster. We cannot continue down this path. It ap-

pears the farm bill will not be completed this week. We still have 8 or 10 contentious amendments. They probably should not be part of the commodity title.

I am putting colleagues on notice that as soon as the procedural situation allows, I will either ask unanimous consent that S. 2040—the supplemental bill I just referred to, which I previously introduced—be pulled up and, hopefully, passed by the Senate or I will offer it as an amendment to any bill under consideration by the Senate.

Madam President, it didn't have to go down this road. I hope my Senate colleagues serving on the conference—good men and women all—can reach some accommodation by the end of this week and break this logjam or we are going to have to go this route because we will be in a world of trouble in farm country. We already are.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

SECRETARY POWELL'S MIDEAST TRIP

Mr. SPECTER. Madam President, I have sought recognition to comment briefly on the trip to the Mideast by Secretary of State Colin Powell.

At the outset, I compliment President Bush for his initiative in sending Secretary Powell to the region, and I compliment Secretary Powell for his strenuous efforts, even though they have not achieved a cease-fire. As I listened to Secretary Powell on his live newscast this morning at about 7 a.m. eastern standard time, it seemed to me that his trip was worthwhile and progress had been made, although it is difficult to quantify progress in the Mideast because of the difficult and complex problems that are faced there.

I believe Israel has acted in self-defense in moving into Palestinian territories. It is the fundamental duty of a nation to protect its citizens. When Israel has been faced by almost daily suicide bombings, that action is necessary, as viewed by the Israeli authorities.

The President did call upon Israel to withdraw several days ago—almost 2 weeks ago—and Israel has to make its judgments and decisions as a sovereign nation. I do not think it should be viewed as a rebuke to President Bush that Prime Minister Sharon and the Israeli Cabinet saw it differently. President Bush made the judgment call he did as he saw the interests of the United States and the interests of the world community. I am sure he was considering Israel's interests in that mix. However, the judgment is up to Israel as a sovereign nation. It is understandable that when they have virtually daily suicide bombings, they see it differently so as to protect their citizens.

This morning, Secretary Powell referred to an international conference,

and it is my hope that such a conference would be convened at an early time. It is my view that the so-called moderate Arab States have to become involved, representing Palestinian interests, because of the difficulties of relying upon anything Chairman Yasser Arafat has to say.

On March 26, 2002, I visited Israel and talked to General Zinni, Prime Minister Sharon, and Chairman Arafat. On that day, the three were in agreement that they were very close to coming to terms on the so-called Tenet plan on security arrangements. The very next day there was a suicide bombing in Netanya at the Passover seder killing 27 Jews at prayer and wounding approximately 200 others. The whole situation has deteriorated.

In the intervening three weeks, evidence has come to light, purportedly bearing the handwriting of Chairman Arafat, that he personally was involved in paying terrorists. I have asked the State Department for an analysis and the verification that, in fact, it was Arafat's handwriting, but on this state of the record, it appears that was the case.

It is no surprise that Yasser Arafat is a terrorist. He was involved in the murder of the United States charge d'affaires in the Sudan in 1974. He was involved with the murders of Israeli athletes. He was involved with the murder of Leon Klinghoffer who was pushed off the *Achille Lauro*. It was hoped that a new page had been turned with the Oslo agreements.

I was present on the White House lawn on September 13, 1993, when Arafat was honored at the White House. I had grave reservations about seeing this known terrorist honored at that time, but I watched as President Clinton put his left arm around Arafat and his right arm around Prime Minister Rabin, and the two shook hands. Then, Foreign Minister Peres shook hands with Arafat. It seemed to me that if the Israeli leaders were prepared to shake Arafat's hand, where Israel had been the principal victim of the terrorism, that was something we might move ahead with and try to deal with Arafat.

I have had occasion to talk to Chairman Arafat on a number of occasions over the years. Again, when I met with him on Tuesday, March 26, I urged him to make a clear-cut, definitive statement denouncing terrorism and denouncing suicide bombings. Chairman Arafat said he would, but of course he has never done so.

It is a very difficult call to have U.S. negotiators or the Secretary of State or anyone meet with Arafat because of the outstanding evidence that he is still involved in terrorism, but that is a call the Secretary of State had to make, and I respect that. It seems to me that if the peace process is to go forward, it is very difficult for Arafat to be a major player or a major participant because he is, simply stated, untrustworthy.

When Prime Minister Rabin made the famous statement that we have to negotiate with our enemies, we have to make peace with our enemies because we do not need to make peace with our friends, that set a parameter in a statesmanlike way for the necessity for Prime Minister Rabin to deal with Chairman Arafat and for us and others to have had talks with him. However, on this state of the record, where it appears that Arafat has been paying terrorists recently, it seems to me very hard to conduct negotiations with Arafat on the expectation that his commitments will be observed.

We do have moderate Arab leaders. We have King Abdullah of Jordan, a man in his late thirties, heir to King Hussein's good work. We have King Mohamed of Morocco, another able young man in his late thirties who has the potential for leadership. We have President Mubarak of Egypt. It seems to me that those are the leaders who ought to be convened.

It would be my hope that Saudi Arabia would play a constructive role in a peace conference. The Saudis came forward with a proposal which had merit because it was the first time the Saudis have said they would normalize relations with Israel if Israel would recede to the pre-1967 borders. I do not think it is possible to recede to those borders, but there had been negotiations between Israel and the Palestinians on borders, and I think an accommodation would be worked out. However, when the Saudis agreed to normalize and the Syrians agreed with that, that was a significant step forward.

Candidly, it was a major disappointment to see Saudi Arabia have a telethon for the Palestinians and raise, according to press reports, some \$92 million. Where was their telethon for the American victims from September 11th? We know that of the 19 terrorists involved, 15 were from Saudi Arabia, and then Osama bin Laden is a Saudi. It would be my hope that we could expect something more from Saudi Arabia.

As we look forward, I was pleased to see Secretary of State Powell say today that Assistant Secretary Burns will remain in the region, that General Zinni will be there to carry on his role, and that CIA Director George Tenet may be going in the near future to work out security arrangements so that there is an active role by the United States.

I urge the administration to move forward on a conference which would be at the ministerial level, in a sense making the move for Foreign Minister Peres to be the negotiator for Israel; a conference which hopefully would omit Arafat; a conference which hopefully would have Jordan, Egypt, Morocco, and Saudi Arabia as principal participants to be guarantors representing the Palestinian efforts and making arrangements which could be relied upon and could be carried out.

It is very important, in conclusion, that the process be continued. When

Secretary Powell went to the Mideast, he undertook very substantial risks. Everyone cannot hit a home run every time they go to bat, but I think the Secretary did a good job and made a constructive step. Now it should be carried forward with a peace conference attended by other Arab leaders.

I thank the Chair and yield the floor.

NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 2001

The PRESIDING OFFICER (Mr. EDWARDS). The Senate will now resume consideration of S. 517, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 517) to authorize funding 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.

Kerry/McCain amendment No. 2999 (to amendment No. 2917), to provide for increased average fuel economy standards for passenger automobiles and light trucks.

Dayton/Grassley amendment No. 3008 (to amendment No. 2917), to require that Federal agencies use ethanol-blended gasoline and biodiesel-blended diesel fuel in areas in which ethanol-blended gasoline and biodiesel-blended diesel fuel are available.

Lott amendment No. 3028 (to amendment No. 2917), to provide for the fair treatment of Presidential judicial nominees.

Landrieu/Kyl amendment No. 3050 (to amendment No. 2917), to increase the transfer capability of electric energy transmission systems through participant-funded investment.

Graham amendment No. 3070 (to amendment No. 2917), to clarify the provisions relating to the Renewable Portfolio Standard.

Schumer/Clinton amendment No. 3093 (to amendment No. 2917), to prohibit oil and gas drilling activity in Finger Lakes National Forest, New York.

Dayton amendment No. 3097 (to amendment No. 2917), to require additional findings for FERC approval of an electric utility merger.

Schumer amendment No. 3030 (to amendment No. 2917), to strike the section establishing a renewable fuel content requirement for motor vehicle fuel.

Feinstein/Boxer amendment No. 3115 (to amendment No. 2917), to modify the provision relating to the renewable content of motor vehicle fuel to eliminate the required volume of renewable fuel for calendar year 2004.

Murkowski/Breaux/Stevens amendment No. 3132 (to amendment No. 2917), to create jobs for Americans, to reduce dependence on foreign sources of crude oil and energy, to strengthen the economic self-determination of the Inupiat Eskimos, and to promote national security.

Stevens amendment No. 3133 (to amendment No. 3132), to create jobs for Americans, to strengthen the United States steel industry, to reduce dependence on foreign sources of crude oil and energy, and to promote national security.

The PRESIDING OFFICER. Under the previous order, the Senator from New Mexico is recognized.

AMENDMENTS NOS. 3132 AND 3133

Mr. BINGAMAN. I thank the Chair.

Mr. President, I welcome a chance to speak about the pending amendments. There are two amendments that have been proposed related to ANWR:

A first-degree amendment by my friend Senator MURKOWSKI relates to the proposal to open ANWR, the Arctic National Wildlife Refuge area, to drilling, and the second-degree amendment by Senator STEVENS proposes to do that but also proposes a major relief program related to the U.S. steel industry primarily. I will try to talk about the ANWR-related provisions of the bill, and particularly the energy aspects of those today.

I oppose opening the Arctic National Wildlife Refuge to oil and gas development, and there are many reasons why. Some of those reasons relate to the energy security issues with which we are trying to deal. Some relate to environmental concerns. I am strongly committed, as I believe most Members of this body are, to our Nation's energy security, and the energy bill we have put forward tries to emphasize domestic energy supply and the importance of energy in national security.

However, developing the oil and gas resources in this Coastal Plain of the Arctic Refuge, this area known as the 1002 area, is simply not a necessary component of a progressive energy policy for this country. The development of the Coastal Plain has been debated in this country and in this Congress for nearly 40 years. Experts still disagree about the actual reserve potential.

In May of 1998, the Geological Survey released new estimates of oil in the refuge. In that analysis, the USGS's mean estimate of economically recoverable oil on Federal lands within the 1002 area was from 3.2 to 5.2 billion barrels, and that was assuming a price of \$20 to \$24 per barrel using 1996 dollars. Today the United States consumes about 19 million barrels of oil each day, almost 7 billion barrels of oil each year.

We have a chart I will put up which I think begins to make that point. As this chart indicates, production from the Arctic Refuge would not contribute significantly to solving this problem. I will make the point by reference to this chart.

Domestic oil production, as shown on this chart, has been declining since 1970 and continues to decline today. That is this green line toward the bottom of the chart. Total oil demand, on the other hand, in the United States has been going up and is expected to continue going up. This chart goes from the year 1950 to the year 2020. We can see demand continuing to go up.

This middle line is transportation demand, and one of the points this chart makes is that total oil demand is driven directly by transportation demand. I think people can see that pretty readily. This little red line down in the right-hand side is domestic oil production with ANWR. So we can see that domestic oil production, although it

continues to decline, would uptick. For a period starting at about 2012, we would see an increase in domestic production under ANWR, if ANWR was open to development. It does not reverse the long-term trend, which is less U.S. production, more imported oil, but for a relatively short period, considering our Nation's history, we would see an increase in domestic production.

The estimate we have from the Energy Information Agency is we would see about a 2 to 3 percent of oil demand in a given year coming out of the ANWR production at the peak of that production. The Energy Information Agency assumes it will take 7 to 12 years before we have any production from ANWR.

We had a hearing in our Energy Committee. We invited representatives of some of the major oil companies that have interests on the North Slope, and the representative from ExxonMobile was asked that very question: How long will it take to bring production to market if we go ahead and enact legislation? His estimate was 10 to 12 years. He said: Assuming there are no legal problems that need to be overcome, it would take as few as 8 years; more likely, it would take something in the range of 10 years.

According to the Energy Information Agency, peak production would not occur for nearly 20 years after initial production. So development would not address the near-term prices or shortages with which people are faced.

The figures the Energy Information Agency has given me indicate their estimate is 54 percent of the oil we consume, as of January, was imported oil. That is why I believe clearly we need to address the problem. We need to try to pass comprehensive energy legislation. As I said before, though, opening the Arctic Refuge is not the answer to this dependence on foreign oil.

The recent report that the Energy Information Agency came out with has a quotation in it that I think is very important. This is on page 6 of a report that the Energy Information Agency issued in February of 2002. That was 2 months ago. They say:

The increase in ANWR production would lead to a decline in the U.S. dependence on foreign oil for the 2002 referenced case. Net imports are projected to supply 62 percent of all oil used in the United States by 2020. Opening ANWR is estimated to reduce the percentage share of our imports to 60 percent.

I will put this second chart up to make the point very graphically. What the Energy Information Agency is telling us is there will be less need for us to import oil if we open ANWR, and that reduced need for imports would come in about 2012. It would be about 2 percent. Instead of importing 62 percent of our oil in the year 2020, we would be importing 60 percent of our oil in the year 2020.

The other thing the Energy Information Agency says, which I think is very instructive, if we carry their projec-

tions out—and these are all their projections; this is technically recoverable oil from ANWR as they see it—if these are carried out, by the year 2026 those two lines come together again and we are back in a situation where we are as dependent on foreign oil in the year 2027, for example, as we would have been absent any drilling in ANWR.

By the year 2030, their projection is we are going to be 75-percent dependent upon imports for our oil if ANWR is open for drilling and we are going to be 75-percent dependent upon imports of foreign oil if ANWR is not open for drilling. So from their perspective, if we look at a 28- or 30-year timeframe, they see absolutely no difference in the extent of our dependence whether we open ANWR or we do not open ANWR.

Another point I think is important to make is this focus on developing the Arctic Refuge has drawn attention away from real opportunities we do have to enhance our domestic energy production and reduce our reliance on imported oil and help us attain energy security. Let me mention some of these opportunities from which I think we have had our attention deflected.

First is the development of the abundant gas resources on other parts of the North Slope that are already open for development, coupled with the construction of a natural gas transportation system, a pipeline to bring that gas from the North Slope down to the lower 48. I will speak some more about each of these in a moment.

A second opportunity I think we have not given enough attention to is that production from the National Petroleum Reserve, Alaska. This is a highly prospective area for recent oil and gas leasing activity, and it is one where I think we have great potential to produce additional oil.

A third opportunity is new production from lands already under lease that are not being developed. There are many such lands offshore Louisiana, Texas, and Alabama, and we need to give more focus to how we incentivize production out of those areas. Fourth is the reliance on other forms of energy. We have been trying to make that point throughout the debate on this energy bill.

Long term, if we are going to avoid the projection on this chart, which is that we will be 75-percent dependent upon foreign sources of oil by 2030, we have to find alternative sources of energy as a substitute for this imported oil. That needs to be a very high priority for our research and development effort and for the provisions we have in this bill.

I believe the most important energy issue in Alaska is not the Arctic Refuge—although hearing the debate one would think that was the central issue as to whether we did what should be done to meet our energy needs in the future. The most important issue is Arctic gas. The North Slope of Alaska contains rich supplies of natural gas. There is more than 32 million cubic

feet of natural gas immediately available in existing oil fields in the Alaskan North Slope. The total natural gas estimates are in the area of 100 trillion cubic feet. We do not need new legislative authority in order to produce this gas.

However, currently, the natural gas that is produced with oil on the North Slope is being reinjected because there is no transportation system, there is no pipeline with which to bring that gas from the North Slope to the lower 48. Congress dealt with the issue in 1976 when it enacted the Alaska Natural Gas Transportation System Act. Responding to the energy crisis of that decade, Congress called for the immediate construction of a gas transportation system and an expedited process for accomplishing that goal. Due to changed economics, due to other intervening factors, there have been more than two decades that have passed and we still do not have any pipeline. We do not have any kind of transportation to bring that gas to the lower 48.

The energy bill pending in the Senate tries to address the issue. The House-passed bill does not try to address the issue. This bill does. We would increase the supply of domestically produced natural gas to U.S. consumers by expediting the construction of the Alaska natural gas pipeline. It provides for streamlined procedures for permits, for rights-of-way and certificates needed for the U.S. segments of the pipeline, as well as financial incentives to reduce the risks of the project.

We have had a lot of discussion about jobs as part of this debate about ANWR. This natural gas pipeline I am talking about, which is distinct from ANWR, the natural gas pipeline creates more than 400,000 new jobs. This is in contrast to the Congressional Research Service estimate of 60 to 130,000 jobs that would be created by opening the Arctic Refuge.

Senator REED, who chairs the Joint Economic Committee, released a new report last month estimating that opening the Arctic Refuge results in the creation of 65,000 jobs nationwide by 2020, an employment gain of less than one-tenth of 1 percent of the U.S. workforce as a whole. Building the pipeline would not only create thousands of new jobs but also provide a huge opportunity for the steel industry. The project requires up to 3,500 miles of pipe, 5 million tons of steel. The Senate bill encourages the use of North American steel and union labor in the construction of the pipeline. The total cost of the pipeline would be in the range of \$15 to \$20 billion. I strongly support going forward with that and putting whatever we can in this legislation to encourage its construction.

In addition to these enormous supplies of natural gas from existing oil fields, there is another substantial opportunity to obtain additional oil and gas from the Alaska North Slope. This is the National Petroleum Reserve, Alaska. We have a chart that shows

something of which most Americans are not aware. The map shows a large area, the National Petroleum Reserve, Alaska (NPRA), which is the orange area on this chart. It is a very large area. This is the Arctic National Wildlife Refuge and includes the 1002 area. There are 23 million acres of public land in the NPRA. It is approximately the size of Indiana. It was created to secure the Nation's petroleum reserves. It is administered by the Bureau of Land Management which, in 1999, offered 4 million acres in the northeast portion of the NPRA. They offered 4 million acres in that area for leasing. The result was very successful. It was a very successful lease sale. There was a high level of industry interest, with over \$104 million in bonus bids for 133 leases on 867,000 acres in this NPRA area.

Exploration drilling has occurred. The industry has made major finds. A second lease sale is scheduled to take place in June of this year in another part of the National Petroleum Reserve, Alaska. The planning is also being undertaken to open additional portions of the NPRA after the sale that takes place in June. This is an opportunity that does not require any change in the law in order for drilling to go forward. As the map indicates, there are vast areas of Federal and State land on the North Slope that are already open to oil and gas leasing and development. The yellow portions on the chart are already under lease.

In addition, under the current 5-year leasing plan, the State of Alaska plans an aggressive leasing program in the areas between the NPRA and the Arctic National Wildlife Refuge.

Not only do I believe these parts of the North Slope other than the Arctic Refuge can contribute significantly to meeting our oil and gas needs, there are Federal lands currently under lease elsewhere that are also not being produced. Let me show a chart with our Outer Continental Shelf off the coast of Texas, Louisiana, and Mississippi. This chart shows 32 million acres in the Outer Continental Shelf that have already been leased by the government to oil companies for exploration and development that have not yet been developed. We do not need to pass a law in order to have drilling in those areas, either.

In addition to my belief there are many other good opportunities to increase domestic oil and gas production, and I mentioned some here, I am particularly concerned this controversy about the Arctic Refuge diverts attention from an important underlying goal which we need to have in this bill, and that is to diversify our energy mix.

What we are trying to do in the bill to support more research and development, to support development of alternative sources of energy, in the long run will do more to solve our national energy problems than what we have done so far.

I will comment for a minute on the issue of CAFE standards because that

has come into the debate in various ways. I will show another chart that shows why, in my view, we should have gone ahead and required higher CAFE standards for vehicles. This chart shows a blue line, which is net imports of oil, given current law. The green line indicates net imports if we open ANWR to drilling. It shows the amount required to be imported for a period of 20 years is reduced under that scenario. Then if we had net imports with CAFE, had we raised the CAFE standards, we would see that net imports would not only be more than the imports would be in the case of drilling in ANWR but they would stay lower. That is the advantage of it. In the case of drilling in ANWR, you have a relatively short-term benefit which goes away once the oil is used up. In the case of CAFE standards, you have a continuing benefit for the indefinite future.

I do think we need to revisit that issue. I hope we can. I hope we can get some support from the administration to do something more significant.

I received a letter—I know my colleague, Senator MURKOWSKI, had it printed in the RECORD yesterday afternoon—from Secretary of Energy, Spencer Abraham, our former colleague, for whom I have great respect. He was citing the various things he is doing as Secretary of Energy to help us reduce our dependence on foreign oil. I gather he sent this letter to all Members of Congress. He said:

I will be meeting this week with the American Automobile Association—AAA—to identify ways to encourage Americans to drive smarter, to prepare their cars to operate more efficiently to save fuel and money.

I am not opposed to him meeting with the AAA to encourage Americans to drive smarter, but that is not an adequate response to the energy challenges this country faces. We need to do better. This administration should be supporting increased CAFE standards. It should be supporting provisions of this bill to encourage efficiency in the use of energy and not just depend upon Americans to drive smarter.

You can put a little more air in your tires. You can, perhaps, get your car tuned up. But the truth is, if the car is manufactured to run at 12 or 14 miles per gallon—14 miles for each gallon that you buy—you cannot do a whole lot to solve that problem.

I know there are others who want to speak. There will be opportunities later for me to add to my comments. Let me conclude by saying that opening the Arctic Refuge is not, in my view, good environmental policy. More importantly, it is far from necessary as part of a national energy policy. Oil and gas development on the Coastal Plain of the Arctic National Wildlife Refuge does little for our Nation's energy security. If you take the long-term view, which is 2030, it does nothing to deal with our energy security needs.

It is a diversion from the efforts we should be taking as a country to address the important subject of energy,

a subject that is crucial to our economy, to our way of life and our future. I urge my colleagues to join me in the effort to oppose opening this area for drilling.

I believe Senator BREAUX was expecting to speak at this time in favor of one or both of the amendments, so I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAUX. Mr. President, I am pleased to follow the distinguished chairman of the Energy Committee. Although we differ on the conclusion, I certainly have the utmost respect for the good work he has done in bringing this bill to the floor, along with the Senator from Alaska, Mr. MURKOWSKI, in an effort to try to develop something we do not have in this country and that we desperately need, and that is an energy policy that is good for America.

The energy policy we have—or probably do not have—is probably good for OPEC but it is not good for America. Why do I say it is good for OPEC? Because the facts are that we import about 57 to 58 percent of the oil we use in this country. It comes not from America, not from allies in Canada, or good friends in Mexico, but about 58 percent of the oil and gas we use in this country for everything we need, from agriculture to cars and trucks to our residences being heated in the winter and cooled in the summer—that 58 percent of the oil and gas we need for all those services which are critically important to the United States and every citizen of this country does not come from America. It comes from countries where, if people in this country did what they did in their country, they would go to the penitentiary.

What am I talking about? Every few weeks people in OPEC, the sheiks and the people who control the energy in those countries, meet in fancy resort hotels around the world, they meet in secret, and they determine how much they are going to price the oil that America has to buy. They regularly and openly fix prices. If companies that are providers in this country did that in America, they would go to the penitentiary. That is clear. It is illegal. Yet we as a nation have accepted that policy on the part of the principal supplier of oil for our country.

We do not control our destiny; we do not control our future, as long as we rely on people who fix prices to provide this country with the ingredients we need to be a strong and secure and prosperous nation. That has to come to an end.

It is not going to be easy. There is not one answer. There is a multitude of answers which we have to incorporate in an energy bill which is balanced, which provides help and assistance for new forms of energy, for alternate forms of energy.

I voted for \$6 billion worth of tax incentives for new forms of energy. Many people in Louisiana think it is ludicrous that I am doing that. When I talk

about wind power and chicken manure being converted into energy, people in my State say: What are you doing? Why don't you try to encourage oil and gas production? I say: Yes, that is important, but alternative sources of energy are also important.

The point I make about where we get our energy supplies is just this simple. If we were dependent for, say—think about it—58 percent of the food we eat in this country, suppose it came from a foreign source which was not very dependable. People would be marching in the streets in Washington, saying you have to stop that policy. It is insane. We can't depend on foreign countries for our food. It is essential to our national security. You cannot allow a policy which gets agricultural products from countries on which we cannot depend. People would march in the streets—and rightfully so.

That is exactly what we do when it comes to energy. We are satisfied. We are fat, we are happy, until they turn the faucet off just a little bit. It happened in 1973 and it brought this country to our knees. We had long lines at filling stations. We had lack of supplies. We had people getting in fights trying to buy gasoline so they could take their children to the doctor and to school and run commerce in this country. We saw what they could do. At that time we were probably 30-percent dependent on imported oil. Today it is about 58 percent. We look around the world and the circumstances today are much worse than they were in the 1970s.

There has been an attempted coup in Venezuela, which is one of our largest suppliers. The President of that country is in bed with Castro and Libya and Iraq, and we are dependent on them for much of the energy supply in America. Purchase of it comes from Louisiana where we refine it in Lake Charles. Is that a secure source? Of course not. They just had a revolution. The guy they kicked out is back. He is not particularly a friend of the United States when he is giving oil to Cuba at discounted prices and threatens to cut it off to us at any moment.

Getting oil from Iraq, is that a stable source? The Middle East situation today is as volatile as it has been in generations.

So the point I would make to start this discussion is we, in these United States, have to be more reasonable, more balanced in how we approach the solution. There is no absolute, safe method of achieving energy independence that doesn't have some risk. Let's admit that up front. That is, of course, true.

But we have a policy in this country when it comes to oil and gas. Think about it. You could not drill offshore anywhere on the east coast, from Maine to Key West. It is all locked in—or, rather, locked out from any development, although there are potential reserves in those areas that are substantial.

If you look on the west coast of this country, you can go all the way from Washington State down the west coast, all the way down to Mexico and you cannot have any new leasing in any of those areas whatsoever. We did that because Republican administrations and Democratic administrations, Republican Congresses and Democratic Congresses, have taken all those areas and said: Don't do it here. Not in my backyard. The problem is the backyard is the entire west coast of the United States. Don't do it in my backyard on the east coast. The problem is it is the entire east coast of America.

Some have said, and some of the environmental groups have said, "Do it off Louisiana," as if we were not important from their perspective, and as if we didn't have some of the most valuable resources in terms of wetlands, fin fish, birds, oysters, shrimp, and all of the fur-bearing animals that we have in the very fragile wetlands where we lose 25 square miles a year because of erosion. But they are saying: Do it there. We are doing it there. We will continue to do it there because we believe this is a national issue and we should make our contribution towards energy security. We have done it for 60 years off our coast and on our shores. There have been mistakes. There have been problems, but we have learned from those mistakes. And today it is much more secure than bringing oil in rusty-bucket ships that leak and spill oil on the oceans of this country. Less than 2 percent of the oil that finds its way into the oceans of America and the world come from offshore development. Most of it comes in tanker discharge, industrial runoff, and other sources, and natural seepage, but not from offshore production activities—less than 2 percent, according to the National Academy of Sciences. I think we have shown it can be done safely and in a fashion that protects the environment.

There is no place I would rather fish in America than the Gulf of Mexico. We have literally hundreds and hundreds of platforms that have wells, exploration wells, and production wells that produce natural gas and oil for the rest of this country. We have a pipeline system that takes natural gas and sends it to Chicago, New York, New England, or to the west coast, and all over this country, coming from one particular source in the gulf where there is a 60-year record of it being done safely. Despite that, when we tried to have additional leasing in the gulf, Congress tried to stop that even.

President Clinton, to his credit, proposed a compromise called lease sale 181 in the Gulf of Mexico. To my regret, the Bush administration cut that by two-thirds. It was a proposed lease sale that was two-thirds less than President Clinton had proposed in the Gulf of Mexico. And this Congress tried to eliminate it completely because they did not want it in their backyard.

From where is it going to come? From where is it going to come, if not

from a domestic source right here in this country where we have shown we can do it safely, in a secure fashion, and in an environmentally sensitive fashion? I think there are many parts of the country that are doing their share.

The concept that because it is a wildlife refuge and somehow we are not supposed to be able to do anything on it other than look at caribou is ridiculous. Here are the wildlife management and wetland management districts around the country where we have production already. There are 9 facilities in Texas and 12 in Louisiana. Every single wildlife refuge in Louisiana—which has some of the best in the world, the best in the country, and which has more wildlife features and more fragile ecology than the North Slope—12 separate production facilities on wildlife refuges, one of them owned by the Audubon Society, which has production on their own refuge from which they get royalties, strongly support it, but nowhere else.

I think it has been shown that, in fact, you can have production, if it is done properly and in a sensitive fashion—and in wildlife refuges, as well as in areas that are not. It can be done. It has been done and it has been done safely.

This is an example of the type of facility in Louisiana. Look at how small of a print that is. In Alaska, there are 19 million acres in ANWR. When we are talking about reserving a portion of that 19 million acres, which is less than the size of Dulles Airport, to do one type of operation, of course, it makes an imprint. Is it huge? Of course not. Is it dangerous? Of course not. Can it be done safely? The answer is yes. History has shown us that it can be done in an environmentally safe fashion. We would not need that, if we were not importing 58 percent of our oil from countries that are not safe and not reliable.

If we had enough energy production from other sources, then we would not need to do it in the wetlands because we would have more than we needed right here in this country. But that is not the case when we are importing 58 percent from places that fix prices and which have us literally over a barrel when it comes to having enough energy to run the cars, to run industry, and agricultural entities in this country. We can't afford not to look at developing it here in this country. That is the point I would make.

There are some who say we will have a problem with the caribou up there. Caribou aren't endangered. They are like a bunch of cows. There are more of them now than there were years before. In addition to that, we are not damaging the lifestyle of caribou by having some energy development in the same area they happen to be walking through once or twice a year.

Some say: You can't do anything up there because of the caribou. They have nice pictures of caribou. They say: Don't do anything to damage the

caribou. The caribou are more plentiful in that part of the country than they were in Prudhoe Bay. They are doing quite well, thank you very much.

For those who said, "Well, you are going to interfere with their lifestyle," look at this photograph. These are not dummies that somebody put out on the North Slope. The Senator from Alaska knows that area quite well. It is his State. These are living, breathing, multiplying caribou within a stone's throw of a production facility in Alaska. Does this look like the caribou lifestyle is being interfered with? Does it look as if they are not happy and content, grazing near the pipeline and production facility?

Some will make the argument you can't do it because the caribou walk across this area twice a year, they might calve, and it might disrupt their lifestyle.

Importing 58 percent of our energy is disrupting the lifestyle of Americans, and it is threatening the security of the United States.

We don't want to get into another Afghanistan or have the Middle East shut off the oil supply to this country or ask how we are going to defend ourselves and be protectors of the world when we are buying oil from people who have turned against us because of conflicts with Islamic portions of this world.

We have to be secure. We have to be confident that we can depend on energy. We ought to do whatever is necessary to produce it in this country instead of bending over on our knees saying, please, OPEC, don't disrupt our energy supplies; please, OPEC, don't charge us too much; please, please, please.

You can't say that when you don't have someone to back it up. What are we going to do? Threaten not to buy their oil? We do not have that luxury because we are not doing enough to produce energy right here in America.

For those people who say, "Don't drill in ANWR," get off the caribou argument. They made that argument about the Prudhoe Bay pipeline; it was going to kill all of the caribou; they will move somewhere else; they weren't going to have calves. That has not proven to be correct by one iota. The caribou are there and they are thriving. That simply, in my opinion, is not a legitimate argument as to what we should be looking at. We should be looking at it from the standpoint of safety and making sure it has the utmost of environmental equipment that is needed to make sure it can be done safely. I would suggest that it doesn't matter how we protect it. It is a lot safer than importing energy that we are bringing in by tankers from around the world.

Some have said that in order to get this measure passed we have to sweeten the pot for some of the steelworkers who lost their jobs. I am not for that. That is not what the issue should be.

Some have said maybe our friends in the Middle East and the Israelis will

help and maybe we can get enough votes to pass this measure. It should pass on its own.

I would vote for trying to get something good from the standpoint of energy security. It should pass or fail on its own merits. We ought to be able to look and decide whether it is a good idea.

When I was back in the House in the 1970s, we wrote the Alaska Lands Act. We looked at this area. We set aside the Arctic National Wildlife Refuge with 19 million acres with the clear thought that we ought to take a small portion of it and look to see whether we could possibly do more for energy. The USGS tells us that it equals a 30-year supply of oil coming from Saudi Arabia.

Some say there isn't much up there. We will not know until we take a look. The USGS tells us that it is potentially a 30-year supply—the equivalent of what we get from Saudi Arabia. That is not insignificant. That is a huge amount. Some say it is a 1-day supply. It is 1 day if we cut off all other sources. If you look at it from the standpoint of potentially how much is there, a 30-year potential is very significant considering what we get from Saudi Arabia.

We may not get this thing done. We may continue to say: Don't do it in my backyard; don't do it on the east coast, don't do it on the west coast, don't do it in the Gulf of Mexico, don't do it—don't, don't.

But my point is simply this: If not there, where? For somebody who thinks it is better to import it from the Middle East rather than produce it in our country with our own people running the program and with our environmental laws in effect, I suggest that is not a good tradeoff.

This amendment should pass. We should go about the business of bringing energy security to this country.

I yield the floor.

Mr. MURKOWSKI. Mr. President, will the Senator yield for a question?

Mr. BREAUX. I would be happy to yield.

Mr. MURKOWSKI. I ask the Senator from Louisiana: Some people have suggested that the better answer is, rather than opening ANWR to drilling, we should simply concentrate on the Gulf of Mexico and put up every possible lease sale. I think that lease sales are already taking place in 2,000 to 3,000 feet of water. And the industry has had a very successful effort in producing there. It requires a great deal of technology.

But I wonder if the Senator from Louisiana believes this is a better solution than exploration in other areas of the country, where States such as Louisiana or Alaska want the development to occur?

Mr. BREAUX. From a selfish standpoint, I could say: Don't do it anywhere else. Just do it in Louisiana. It creates jobs. It creates income. And it creates infrastructure. We are happy to sup-

port that activity. If I looked at it from only a parochial standpoint, I would say: Only do it in the Gulf of Mexico. Don't do it anywhere else. But that is not in the best interest of the country.

You have to do it in the gulf, but you have to do it in other places where oil may be present. One of the most promising and potentially the largest supplies, other than the Gulf of Mexico, is, in fact, the Arctic National Wildlife Refuge.

So if you look at it as national policy, it is not enough that Louisiana and Texas do it. Other States have to be involved; and ANWR is one of those sites. We cannot keep saying "don't do it here" and "don't do it there" and "don't, don't, don't." The fact is, we ought to do it where we can find available energy. I would say ANWR is one of those.

Mr. MURKOWSKI. I wonder if the Senator would show us that particular chart because I think it depicts the statement that has been made continually: "Well, not in my backyard."

Mr. BREAUX. That is it. It is easy to say: Don't do it in my own backyard. I want to be with environmentalists. And that is fine, but at some point you have to say: We have to have a balanced program.

I talked to some environmentalists about ANWR, and I said: I tell you what, what if we limit it to 1 acre? Would you be satisfied if we only did it on 1 acre in Alaska? The answer was: No. The fact is, they don't want to do it on 1 acre or 20 acres. They just don't want to do it because it becomes a symbol of what they stand for. And I understand that.

But we are in a crisis in this country. I am saying you have to have a balanced approach. This is what has occurred around natural gas, the cleanest burning fuel, the least threatening in this country. People don't like nuclear because it is dangerous. Natural gas is dangerous. They don't like coal because it is dirty. Natural gas is the cleanest fuel we have.

Look at what has happened. As I show you this on the map I have in the Chamber, this area is subject to no restrictions. You cannot drill for potentially 21 trillion cubic feet of natural gas on the west coast because it is all blocked off. There are 31 trillion cubic feet of potential natural gas reserves on the east coast. You cannot drill a well anywhere there.

There is lease sale 181, which we just fought in this Congress, where people want to say: Don't do anything here. There are 24 trillion cubic feet of potential natural gas reserves, and Florida is importing over 90 percent of the gas they use from other sources. They do not produce but a trickle of their gas in Florida. They import over 90 percent, and they say: Don't do it off my pretty beaches. Don't do it off my million-dollar houses. Go do it somewhere else. There isn't anyplace else.

The only place we are doing it is shown here on the map. So look at the

interior of the country. We have more places where you can't look for oil and gas than you have where oil and gas potential exists.

Mr. BINGAMAN. Would my friend from Louisiana yield for a question?

Mr. BREAUX. Sure.

Mr. BINGAMAN. I don't want to argue with the Senator's basic point. I am in general agreement with him, that we ought to be drilling some places where we are not drilling today. But the chart the Senator has seems to indicate you are not drilling in northwestern Mexico. That is one of the largest gasfields in this country, the San Juan Basin. We are drilling at an amazing rate up there. I support the drilling that goes on there, by and large.

I do not know about all the rest of the Rocky Mountain region, if that map is intending to indicate you cannot drill in it. But an awful lot of our State is being drilled in, and appropriately so.

Mr. BREAUX. I just say, referring to the map, the access restrictions I am talking about on the coast clearly are a total prohibition. And this is a total prohibition. This has restrictions on access to those areas. For some of these areas, it should be.

But what we are talking about today is not access restrictions to ANWR; we are talking about a total prohibition on ANWR. That is not access restrictions. That is a lot further.

If we want to pass a bill that says we are going to carefully coordinate how you can get into that area, how you can exit that area, what you can do in that area, that is one thing; but the legislation we have in the current law of this country is: no access. That is not access restrictions; that is totally no access to areas that have potentially huge amounts of energy.

Again, I would say, don't do ANWR if we don't need it. But anytime this country is importing 58 percent of our energy, I would suggest we need it. Are we importing 58 percent of our energy because we like to do that? Of course not. We are over a barrel paying OPEC prices, which they fix every 6 weeks.

I think, if we are going to have a national energy policy, everybody has to come to the table, not just half of the equation.

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Florida). The Senator from Massachusetts.

Mr. KERRY. Mr. President, let me begin, if I may, by first of all saying it is my intention to answer each and every one of the assertions just made by the Senator from Louisiana and the Senator from Alaska. There is ample proof that those of us who oppose drilling in the Arctic Wildlife Refuge are strongly in favor of drilling in many other parts of this country and are strongly in favor of a policy which keeps the United States on the cutting edge of energy production.

In a few moments I will show how we are producing extraordinary amounts

of natural gas, almost all the coal we consume, huge amounts of oil and other sources of energy, and, in fact, we are building new powerplants all across this country.

None of us are standing here with our head in the sand arguing that we should not continue to produce energy. Moreover, I think the arguments made underscore the fundamental difference in the approach by those of us who believe there is a different energy future for the United States that does not require us to do injury to something we have set aside for a purpose.

Beginning with a Republican President, and going through a series of Presidents over the last 25, 30 years, there has been an honoring of an ethic in the United States that suggests that the concept of a preserve should be exactly that.

My colleague, a moment ago, said: What would happen if we said, drill in only 1 acre? Well, everyone understands that if you begin with 1 acre, it does not stay at 1 acre. It will progress. The first acre is the violation of the notion of set-aside. The first acre is the violation of the concept of pristineness. The first acre is the destruction of the concept of an arctic wildlife refuge that is absent any kind of industrialization.

My arguments against drilling in ANWR are not based on the caribou. That was a wonderful picture, a great discussion of caribou, but that is not the principal argument here. It is interesting, however—and I will show, a little later, that our own Fish & Wildlife Service—I have heard my colleagues referring to radical environmental groups. The people who are cautioned against this are the administration's own functionaries who worked on this for years. The Fish & Wildlife Service finds there would be problems with respect to the ecosystem. The U.S. Geologic Survey has serious questions with almost all of the numbers that have been put forward by the proponents.

So I begin at the beginning. I want to try to lay a record out here that I think is clear and, I hope, understandable and, I hope, in the end, compelling about why it is inappropriate to drill in the Arctic Wildlife Refuge. But I do want to say, the two visions are different visions of the energy future of our country.

I honor what the Senator from Louisiana said. He is a strong advocate for his State. He is a terrific Senator. And he is right, we do need to do more drilling. I am in favor of more drilling. We should do more drilling in the deep water Gulf of Mexico, which Lord John Brown, the CEO, chairman of British Petroleum, says is the most significant oilfield unexploited in the world, which is where at least British Petroleum would like to put its energy, its efforts, not in ANWR.

But let's begin at the beginning.

Our colleagues have come to the floor and suggested to our fellow Senators

that this is the first time in history that a "national security" issue has been filibustered.

First of all, one could make a serious argument about the degree to which this is, in fact, a national security issue. But I will accept the question of how much oil we import. The question of American dependency on oil is legitimately a concern of the United States. But it is not addressed by drilling in ANWR, No. 1, and, No. 2, the record shows clearly that this is not the first time such an issue has been filibustered.

If ANWR is important to the energy national security of the United States because it would affect how much oil might be available or how much oil we are importing, then CAFE standards are equally a national security issue for our country. In fact, CAFE standards are a far better response to national security because even the oil companies will tell us they can't produce oil from ANWR for anywhere from 7 to 10 years.

When my colleagues come to the floor of the Senate and suggest to us that the crisis in the Middle East is a reason to drill in ANWR, that is a misleading argument because no oil will flow from ANWR, given the permitting, lawsuit, developmental processes, as I will show later, until from 7 to 10 years from now. And you don't even get to the peak production until somewhere, perhaps, around 2020.

That said, if you put CAFE standards in place, you would have a much faster response to the oil. You would get 1 million barrels saved in a decade, and that would grow exponentially. In ANWR, as you drill, you lose the oil. You reach a point of peak production, and then it starts to go down. But if you put CAFE standards in place, it grows and grows through the years. So in fact, CAFE standards result in three times the savings of ANWR.

I don't want to get into a CAFE standards argument. That is not why I am here. But CAFE standards is as much a national security issue for the United States as the question of whether or not we drill in ANWR. I will show later how ANWR doesn't even affect the total amount of oil on which we are dependent except for this tiny little sliver that is barely discernable on a graph.

The point is, our colleagues have suggested this is the first time. I want to say this because the accuracy that disappears in this process is very important. The fact is, in the 101st Congress, second session—I was a member of that Senate; I remember the vote—we had a motion to invoke cloture on the Motor Vehicle Fuel Efficiency Act. It failed. In other words, it was filibustered. It was filibustered, and 42 Senators managed to prevent us from passing the effort by Senator Richard Bryant of Nevada to have CAFE standards, which is a national security issue.

Among those Senators who voted to continue the filibuster and not allow us

to put CAFE standards in place were both Senators from Alaska and the Senator from Texas, who have asserted that we must allow a straight vote on ANWR. Let's dispense with the national security argument, and there is further reason to dispense with it because of the amount of oil we have in the Arctic Wildlife Refuge.

I want to show this chart. This is the world supply of oil production versus the Arctic Wildlife Refuge. If the Presiding Officer is having trouble seeing ANWR, that is because here it is. It is this yellow line at the very bottom of the chart versus all the oil production of the world.

The United States of America only has 3 percent of the oil reserves of the world, including ANWR, including the Gulf of Mexico, our national monuments, all of our oil. Every single year, the United States of America uses 25 percent of the world's oil. I don't know any child in school who can't quickly figure out that if we only own 3 percent but we use 25 percent of the world's production, we have a problem.

We have a serious problem.

You can't drill your way out of this problem. If you drill all the oil in ANWR, you still face a fundamental issue which is the United States of America is overly dependent on foreign oil and is growing more and more so.

In 1973, when we first met the cartel's oil crisis, we had a dependency on foreign oil of about 35 percent. Yet we responded, supposedly, with CAFE standards, with more production. Today, we are about 55 or 56 percent dependent on the rest of the world. And in the next few years, we will grow to 60 percent. Does anybody in their right mind believe if we depend today on foreign oil for 60 percent of our oil, that ANWR, which is only a fraction of the 3 percent that we possess, somehow has the ability to make a difference to the United States? The answer is no. No, you can't. You just can't squeeze that enough.

So there are two competing visions here: A vision of the status quo, a vision that is similar to the one that is reflected in a willingness to avoid doing anything about global warming, even though every scientist says global warming is a problem; a willingness to ignore the need to be involved in the realities of science versus our desire just to go along the way it is and not upset the equilibrium in any way whatsoever.

The fact is that about 70 percent of America's oil use goes to transportation. When I hear my colleagues talk about our terrible dependency on the Middle East for oil, ANWR doesn't end the terrible dependency on the Middle East for oil. I just heard the Senator from Louisiana say: Gosh, it would be great if we could vote in a way that we are not the hostages of Middle Eastern countries that can cut off our oil.

Well, yes, it would be great. But voting for the Arctic Wildlife Refuge doesn't do that. It leaves you still 60-

percent dependent on foreign oil. And any cartel, any terrorist, any country that wants to hold the United States hostage will hold us hostage until we liberate ourselves from our oil glut, dependency, whatever you want to call it.

Those two visions are the vision of the status quo over here, and a vision over here of those who believe there is a different energy future for the United States.

I quickly say as an outline, my sense of that energy future for the United States begins with four important principles. Those principles speak directly to what the Senator from Louisiana just said about whether we are willing to drill.

No. 1, absent an exhaustion of remedies and a life-threatening threat to the United States, absent that, the United States should do nothing that doesn't make economic sense. Principle No. 1: It makes economic sense to do what we choose to do absent some life-threatening challenge that is coming down the road.

Principle No. 2: We should commit ourselves again, given the same caveat, absent a threat that we have just got to respond to, we should commit ourselves that the choices we make do not diminish the quality of life of any American at all. So it makes economic sense. We don't diminish the quality of life. We can make those choices now.

Principle No. 3: All of us who are opposed to the Arctic Wildlife Refuge must have the courage to stand up and say we are going to be dependent on oil still for 30 to 50 years or more in this country. It will take that long to make the energy transition, to make the transportation transition. And what we must do is put in place a set of policies that begin to accelerate our capacity in an economically viable way to begin to make that transition to this new energy future.

That is alternatives and renewables and the hydrogen fuel cell and hybrid cars and a host of other things.

I don't know why my colleagues are so pessimistic about America's capacity to meet a challenge through the skill and creativity of our entrepreneurs.

When we put our entrepreneurial skill and energy to work in the United States of America, there is nothing we can't do. We have proven it—when we went to space. We proved it in the Manhattan Project when we needed to create a response to the terror of the Axis Powers and win World War II. We have proven it time and again.

I believe that just as President Kennedy put a challenge to the country saying we are going to go to the Moon in 10 years—not knowing, incidentally, if we could in fact get there, not knowing if it was in fact achievable, but telling America that the reason we are going to do this is because it is difficult. And we did it.

In 1990, when everybody said, oh, it is going to cost \$8 billion to reduce the

amount of sulfur in our air as part of the Clean Air Act and we cannot do it in that time period, what happened, Mr. President? We did it faster than we ever thought we would or could, and we did it for a cost not of \$8 billion, or for \$4 billion, which the environmental people thought it would cost; we did it for \$2 billion, and we did it faster.

The reason we did that was that no one was able to factor in the exponential benefits of technology, the rate at which one technological discovery spurred the next technological discovery. The way, in fact, that the serious commitment of the United States could do it invited private capital markets to make the decision that, hey, that is worth the investment. It is the old field of dreams: Build it, and they will come. We decided we were going to build it, and they came, and we did it faster.

My colleagues are very pessimistic about the ability of the United States to bring online all of these other capacities to do these things more efficiently, cleanly, and effectively, and we can create tens of thousands, millions of jobs in this country, putting people to work in production for other parts of the world that also have the same demands and needs.

Again, I repeat, we cannot drill our way out of America's energy challenge. We have to invent our way out of this challenge. We should begin now to encourage the greatest laboratories, our universities, our venture capitalists, the private sector, in the strongest way possible to begin to move us to this new energy future where America is not dependent upon these other countries.

I am particularly sensitive when I hear my colleague say we don't want our young men and women sent off to these countries and put at risk. Let me tell you, I think one of the things I have fought for as hard as anything in the Senate is common sense about how we wage our wars and where and when we put people at risk.

Mr. President, this is a false promise to America. The sons and daughters of America are more at risk every day that we remain prisoners of this equation where more than 45 percent of the world's oil supply is in Saudi Arabia. There is nothing we can do about that. We don't have as much. No matter what we try to do, we won't be able to repeat it. Moreover, the amount of oil in ANWR will not affect the price of oil globally at all. It doesn't create the kind of independence we want.

This is a statement of Lee Raymond, chairman and chief executive officer of ExxonMobil Corporation. He is in the oil industry. He knows what he is talking about:

The idea that this country can ever again be energy independent is outmoded and probably was even in the era of Richard Nixon. The point is that no industry in the world is more globalized than our industry.

That is a chief executive of an oil company.

Whether or not we do ANWR with respect to price is also critical. The first President Bush said:

Popular opinion aside, our vulnerability to price shocks is not determined by how much oil we import. Our vulnerability is more directly linked to how oil dependent our economy is.

President Bush is correct. Nothing about drilling in the Arctic Wildlife Refuge fundamentally alters the dependency of the United States. No one in the industry will suggest that, even at its best amount of oil, the Arctic Wildlife Refuge makes anything but a few tiny percentage points, in the low single digits, of difference on a 60-percent dependency on foreign oil.

Even if you drill in the Arctic Wildlife Refuge, you cannot affect the energy price. Alaska Governor Tony Knowles said:

Evidence overwhelmingly rejects the notion of any relationship between Alaska North Slope crude and West Coast gasoline prices.

Great Britain is entirely energy independent, fuel independent. They have their own North Sea oil. But Great Britain, despite the fact that it has a 100-percent capacity to supply its oil, is subject to the same price increases and the same price shocks as other countries in the world. ANWR, with its tiny little percentage, is not going to affect that.

Let me deal with another issue if I may. I have enormous respect for Senator MURKOWSKI and Senator STEVENS. They are friends. They have been my colleagues a long time, and they are fighting a fight in which they believe. They particularly believe in it for their State. I think every one of us in the Senate accepts responsibility for helping States that have difficulties making up revenue differences. That is why we have a Federal system in this country. We help farm country for different things at different times. I am certainly always prepared to try to be of assistance to the State of Alaska in ways that it needs it.

One of the Senators, or both, has spoken about Senator Tsongas a number of years ago. None of us could comment on what was or was not said between Senators. I accept what Senator STEVENS says. All I know is that Senator Tsongas was asked point blank in 1992:

Do you believe that the Alaska refuge should be opened to drilling in 1992?

Here is what the Senator said:

Absolutely not. I believe we should prevent exploitation and devastation of this national treasure. To address our energy needs, we should promote maximizing energy efficiency, renewable resources, and our plentiful natural gas reserves.

Once again, I cannot go back in history to a time when I wasn't here. But I do know that Paul Tsongas, as late as 1992, was opposed to drilling and certainly had no sense of any commitment he had made at that point in time in that regard.

In this debate, as I mentioned a moment ago, I want to deal with the question of production. The Senator from Louisiana asked: What are we going to do? Where are we going to produce our

energy? He asked legitimate questions, such as: If we are not going to do it here, how do we do it there, and so forth.

Let me clarify this for the record. The proponents of drilling in the Arctic Refuge want to cast those of us who don't want to do it as somehow anti-energy production. As I have just described, I have a vision—and I think others share it—of huge energy production for the United States of America. We cannot grow our economy if we don't grow our energy production. We want to grow our economy, and we want the jobs that come with it. We need the strength for our Nation. Of course, we have to expand our energy production. Here is where these debates always somehow get dragged down, because people want to go to the places—I don't know, for sort of a debate advantage or political advantage but not where the truth is.

This debate is not about whether or not we need to expand our energy. This debate is over how we expand our energy. How do we do it? Do we do it in ways that we know violate the air, leave toxic waste sites, tear apart the health of our fellow citizens, that pour particulates into the air so we have more emphysema, more lung disease, more cancer or do we try to use the ingenuity God gave us to go find the cleaner, more thoughtful technologies that make a difference in the long-term future of our country and indeed the planet?

That is the choice. Once again, I say there are those who want the status quo where they think all we do is drill oil, and there are those who believe there is a different energy future for the country.

Let me point out, America produces almost all the coal that we consume, and the tax package that is in this energy bill, if we pass it, promotes clean coal—clean coal.

America produces about 85 percent of the natural gas that we consume, and this energy bill includes a provision to federally subsidize the construction of the massive gas pipeline to carry the estimated 35 trillion cubic feet of natural gas from the North Slope of Alaska to the lower 48 States.

Those who argue that we are coming to this energy unconscious ignore the fact that in this very bill, there is a provision to build a pipeline from Alaska to the lower 48 States so we can burn clean energy in an intelligent way.

We hear that those of us opposing the development of ANWR are even against electricity production. Wrong again. In New England alone we have built 12 new powerplants in the past 2 years. We have put more than 3,500 megawatts online, another 12 new powerplants are under construction and will come online in the next 2 years, putting an additional 6,300 megawatts online. There has been no opposition to these projects.

We produce a significant amount of oil in America. We do not produce all we consume, as I have just described,

and that will never happen without some extraordinary introduction of efficiencies and alternatives. I have explained why, and I do not have to go back over that, but we remain one of the largest oil producers in the world today. I say this because given the debate in this Chamber, Americans might believe the only oil in the Nation is somehow underneath the Arctic Wildlife Refuge and we are preventing the only oil in the Nation from being drilled. That is just not true.

According to the Energy Information Administration of the United States, we are one of the top oil producers in the world today. In 2001, the United States produced roughly as much oil on a daily basis as Saudi Arabia and the former Soviet Union, which is about 8 to 9 million barrels a day.

America produced more than twice as much oil as Iran, more than three times as much as Iraq, more than three times as much as the United Arab Emirates, and more than three times as much as Canada. The idea that we have blocked all the oil development is absolutely ridiculous, faced with those statistics.

I want to talk about the Gulf of Mexico. Ask an oil company executive privately right now—and some of them have gone on record publicly—whether they really want to dig in Alaska. The answer is sometimes no, or it depends. Oil companies are holding 7,000 leases today for deepwater exploration in the Gulf of Mexico and not using most of them. The reason they have not drilled in the Gulf of Mexico where they already have the permits is because they have waited for the price of oil to go up because that helps the economics.

The fact is, if tomorrow the United States were cut off, it would not be only Alaska we would look to; it would be the Gulf of Mexico; it would be other oil supplies of the United States to which we would look.

According to the Minerals Management Service, there are between 16 and 25 billion barrels of economically recoverable oil in the central and western Gulf of Mexico. That depends on the price, as I will explain in a moment.

Economically recoverable oil is different from other categories of oil that are in the ground and available. "Economically recoverable" reflects what you can get at the current cost of oil.

One of the interesting points is most of the studies of our colleagues who come in here and say we ought to do this and create 700,000 jobs and so forth are based on a completely false price for oil, not the price we have today.

Development in the Gulf of Mexico has accelerated. According to the Minerals Management Service, 42 new deepwater fields have come online since 1995. Production is expected to climb from under 1 million barrels per day in 1995 to as much as 1.9 million barrels per day 3 years from now.

The Gulf of Mexico reserves are so promising that Lord Brown, whom I mentioned earlier, the CEO of British Petroleum, calls them some of the most promising reserves in the world. He was asked where the most important place to find oil is in the United States. He was asked this in an interview by "60 Minutes" a couple of months ago. Here is what he said:

The deep water Gulf of Mexico, part of the United States, is probably one of the greatest new oil provinces in the entire world.

Let me highlight some of the production that is underway in Alaska because it has been suggested that somehow we are shutting down Alaska's capacity to pump oil.

Last May, the State of Alaska completed a lease sale of 950,000 acres on the North Slope. It is the largest lease by any State in history, and they have announced another 7 million acres will be put up for lease in the coming years.

The State of Alaska has scheduled 15 oil and gas leases on 15 million acres.

In 1999, the Bureau of Land Management held a lease sale of 4 million acres in the National Petroleum Reserve, Alaska. It is in the process of releasing 3 million acres and other plans and it has announced a third lease sale of a planning area of 10 million acres.

In April of 2001, BP, Phillips, and ExxonMobil predicted that there is at least 7.8 billion barrels of oil to be developed on the North Slope of Alaska.

In many ways, the Arctic Wildlife Refuge represents our God-given natural strategic petroleum reserve. If, indeed, 20 years from now none of these things I have predicted happen, if we are so backed up in a corner, if technology does not come through, if we do not do our work, then at least we might have had the wisdom to have held on to this God-given strategic petroleum reserve, rather than going for it right now at a time when it is not necessary and in demand.

Let me speak to some of the important issues that I think have to be clarified as part of the record.

No. 1, how much oil is in Alaska? We hear of different amounts of oil that we could find there. There are very different estimates. Some people say more than 16 billion barrels; some say far less; some argue not enough to make development economically viable. That is not where I am. I am not trying to go to either extreme, and I think those who only go to the extremes do a disservice to the debate.

I would like to present what I think is the amount of oil that could be technically recovered, and that is the amount of oil that could be extracted using today's technology without any consideration of cost. Of course, we know cost is a consideration, but I am going to deal with it technically.

I have heard this reference continually to radical environmental groups. I do not think the United States Geological Survey is a radical environmental group. They say there is a 95-percent probability that at least 6 bil-

lion barrels of oil are technically recoverable. There is a 5-percent probability that at least 16 billion might be technically recoverable. The mean, or the most likely outcome, is that 10 billion barrels of oil are technically recoverable.

The second question is then, How much is economically recoverable? This is an estimate of how much oil you could produce at a certain price of oil. That number matters actually much more than the technical reserves because oil companies simply do not produce oil they cannot bring to the market profitably.

According to the U.S. Geological Survey, again, if oil is priced at \$25 a barrel, then there is a 95-percent chance that 2 billion barrels are economically recoverable. There is a 5-percent chance that 9 billion barrels are economically recoverable.

A mean chance, or the most likely outcome, is 5 billion barrels are economically recoverable. I might add, these numbers are taken straight from the Congressional Research Service briefing on the Arctic Wildlife Refuge, and the cost estimate is directly from the Energy Information Administration reported by CRS.

It is difficult to estimate how much oil might be in the refuge. There are complicating factors, but for the claim to keep coming at us that the refuge is going to produce 16 billion barrels and to make all the arguments dependent on that is not to do justice to the probabilities I put forward and to the realities of oil exploration. The claim is not only unrealistic, it runs counter to what proponents claim to be the leading reason for drilling, because the leading reason for drilling is that it is going to produce for us cheap oil.

If it is going to produce cheap oil, you diminish the amount of recoverable oil because the economics do not work. So if you are driving the price down—you cannot get caught in this argument and have it both ways.

I also want to highlight the important difference between what is called in-place oil, technically recoverable oil, and economically recoverable oil. I know this is a little arcane, but I want to do it because I want the record to reflect this is not about caribou alone, it is not about some "not in my back yard." This is about clear science, economics, oil policy, national security policy, energy policy, and the long-term interests of our country.

The fact is these definitions are vital to understand and to weigh the choice we have. On Alaska's North Slope, near Prudhoe Bay, there is a field called West Sak. In 1989, Arco estimated the West Sak field held as much as 13 billion barrels of oil in place, with another 7 billion listed as potential. Estimates published in the Society of Petroleum Engineers placed the estimate at more than 30 billion barrels of oil in total. But the Alaska Department of Natural Resources estimates that only 370 million barrels of oil, less than 2

percent of the oil in that reserve, will be produced through the year 2020.

Why? Because that is all that is economically recoverable. This is Alaska itself telling us it is limited because of the price. It is not enough to say there is oil in the ground. We have to understand how much one can get out, at what kind of price, and what is realistic. We are going to hear that with emerging technologies and still-to-be-invented technologies, the amount of economically recoverable oil might rise. I concede that. That is true. That is a positive thing, if it happens in the future. But it is also true that the amount of economically recoverable oil may be less and the price may go down.

Why may it go down? Because a whole bunch of people are already starting to push that technology curve in the alternatives, and if suddenly someone comes in with the capacity to do the hydrogen fuel cell or other things, the entire transportation mix and dependency of the United States changes, the demand curve goes down, and the price goes down, and far less oil will be recoverable.

On March 10, 2002, the New York Times published a story with the following headline: "Oil Industry Hesitates Over Moving into Arctic Refuge." The article highlights why the oft-repeated claim that the refuge will produce 16 billion barrels of oil is simply inaccurate, and I share this quote: "Big oil companies go where there are substantial fields and where they can produce oil economically," said Ronald Chappell, a spokesman for BP Alaska, which officially supports the area and drilling. He continued: "Does ANWR have that? Who knows?"

That is the conclusion of the company; not 16. Who knows?

The article continues: There is still a fair amount of exploration risk here. You could go through 8 years of litigation, a good amount of investment, and still come up with dry holes or uneconomic discoveries, said Jerry Kepes, the managing director for exploration and production issues at the Petroleum Finance Company, which is a Washington consulting firm for oil companies. Quote: It is not clear that this is quite the bonanza that some have said.

So we have to weigh, do we take this not quite so clear bonanza and destroy an Arctic wildlife refuge, for which some people have disrespect but, as I will show, I think is a concept that captures the imagination of many Americans and is worth preserving.

This article says a great deal about how little oil might be in the refuge, and it stands in stark contrast to some of the claims we have heard in the press and in the Senate about the 16 billion. An article in the Washington Post examines some of the competing claims over the refuge oil potential. It said as follows:

How much oil is out there? No one knows for sure. But the environmental movement's favorite statistic is a USGS estimate that the Coastal Plain contains 3.2 billion barrels

of economically recoverable oil at the current price of \$20 per barrel, about what the Nation uses in 6 months.

I will concede in the last few days the price of oil has gone up a little bit. That figure probably goes up with it, and of course that is true. But Senator MURKOWSKI wrote a letter to the Post that the USGS actually estimates 10.3 billion barrels of economically recoverable oil. The truth, according to the USGS, that conducted this study, is they have said directly Senator MURKOWSKI is wrong in stating that figure and the environmentalists are right, and that is a quote from the USGS.

To lay it out, proponents of drilling are regularly exaggerating the production by as much as 200 percent. Likewise, some of the opponents of drilling sometimes underestimate production by as much as 40 percent, assuming that oil costs less than \$20 per barrel.

In my estimation, the most reliable prediction is that the refuge might produce about 5 billion barrels of oil over its productive lifetime, and that is if oil is priced at about \$25 per barrel. I should add that the Energy Information Administration predicts oil will be at about \$22.50 per barrel, not \$25 per barrel. So, again, 5 billion barrels may be somewhat high.

What would it mean if one were to find 5 billion barrels in the Arctic Wildlife Refuge? That is the next thing we ought to try to measure. A lot of promises have been made by the other side. They have suggested it is a solution to oil shortages, heating oil shortages, high gas prices, electricity brownouts, unemployment, national security. It is even being tied to specific conflicts and incidents around the globe. Someone might believe, listening to this, that the Arctic Wildlife Refuge is the magic elixir that is going to cure most of the ills we face. But the fact is, if one is simply an oil company and they are looking to drill some oil, that can be a lot of oil. It is money, money in the pocket, profits; no question about it. I acknowledge that.

That is not what we are measuring. We are not an oil company. We represent the people of the United States of America, and our country has to weigh that potential 5 billion barrels and what it means in the Arctic Wildlife Refuge to the curves we displayed earlier that show our dependency on foreign oil, 70 percent of which goes into transportation, which mandates that we begin to deal with a whole different set of energy choices for our country.

There is another issue we need to think about with respect to this. We need to think about how much oil is going to be produced not in the total lifetime but on a daily basis because that is what affects supply. This number helps us understand what the real impact of the Arctic Wildlife Refuge might be. Once again, the proponents of the drilling, from the White House to the Senate, have exaggerated those estimates more than they have even exaggerated the overall recoverable oil.

We have heard that the refuge oil is, as I said, a solution to a whole bunch of problems, such as the California electricity crisis. I showed the quote where Alaska Governor Tony Knowles responded it will not have any impact at all on California. The refuge, as I said, will not produce oil for 7 to 10 years. That means if you open the refuge today, you are not going to see oil until about 2012, maybe a couple of years earlier.

The relevant agencies of our government and the industry itself have said this 10-year figure is about the average; maybe 7 to 10, but they bank on about 10. The Energy Information Administration says 7 to 10 years. The Congressional Research Service says 10 years. The industry's own economic analysis produced by WEFA Economic Forecasters, which I should add is wildly optimistic about every aspect of oil drilling, predicts it will take 10 years for the oil to begin flowing. That is from the group that produced most of the studies on which they rely. They say 10 years.

Asked in a Senate hearing how long it will take, the president of the exploration of production for ExxonMobile said:

In the normal process we would probably allow 3 to 4 years for the permitting which would put you in the 10-year range.

Let's end these arguments that this is the cure to the Middle East crisis today, or that this is somehow going to prevent a young American man or woman in uniform from having to go over and defend an oilfield next year, the year after, or the year after that. The United States, even if we drill in the Arctic National Wildlife Refuge, is still so dependent on foreign oil now, until we change our overall energy mix, America's youth will be at risk to protect America's dependency.

We have heard a lot of talk about jobs, how many jobs will be created, what this will do. We have even heard that the Arctic Wildlife Refuge drilling is the solution in place of the stimulus or part of the stimulus during the course of last year, and it will produce an immediate impact. It is interesting to note Secretary of the Interior Gale Norton has been sent around to a bunch of press events in Missouri, Arkansas, Indiana, and New York as a representative of the Federal Government—incidentally, the agency charged with managing our public lands—and she has been promising the drilling of the Arctic Wildlife Refuge creates 700,000 jobs across the Nation. Secretary Norton's tour, No. 1, is a political tour, not the management of our lands. And oil drilling in the Arctic Refuge does not create 700,000 jobs. That claim comes directly from a study that has been universally discredited. It is a bogus study.

First of all, the 700,000 job claim is for 1 year in about 2015. Yet you never hear the Bush administration mention that. Not only is the 700,000 number a wild exaggeration, but it doesn't rep-

resent the startup and decrease with respect to jobs in this particular effort. Moreover—and here is the most important thing, much more important than anything else with respect to the study—the claim is based on a 12-year-old study produced by WEFA Economic Forecasters, paid for by the American Petroleum Institute. According to that API study—this is their study—drilling in the Arctic Wildlife Refuge produces zero jobs for the next 4 years; zero jobs according to their own analysis.

There is a choice. We can invest in the pipeline for natural gas which could immediately produce jobs, or we could drill immediately in other areas where we know we already have permitting and the ability to drill. That would be a more immediate job production than this. It is interesting, you would have to wait until 2007 for the jobs to be produced.

I highlight a couple of the technical inaccuracies of this study which has been thrown around so much. The Center for Economic Policy and Research assessed that study and made the following points.

No. 1, according to Energy Information Agency estimates, the API study overstates oil production in the refuge by a factor of 3. Adjusting the projections to keep them in line with the EIA estimates reduces predicted job creation by more than 60 percent. The API study assumes other oil producers, especially OPEC, do little to increase production and bolster oil prices. Adjusting other production to keep them in line with conventional estimates reduces the job creation by another 40 percent. The API study assumes the economy will be far more affected by a drop in oil prices than is reasonable to expect and substituting a more reasonable estimate lowers the projection by about 75 percent.

As I have said, that study was written 10 years ago. So we can test some of the assumption and predictions easily. The study was based on oil costing more than \$45 per barrel in the year 2000. Let me repeat: Here is a study that they are still using, they still come to the floor to say creates a lot of jobs, that, in fact, predicted a price of oil double what the price of oil is today, which increases the recoverable oil and changes the entire economics. Oil back then was \$25 per barrel.

Here is another example. The study assumes that when Arctic oil flows, the world market for oil will be 55 million barrels per day. The world market today is already more than 70 million barrels a day, and it will be much higher by the time the production occurs. When the wrong and, frankly, stretched assumptions are corrected in the API study, the job estimates fall to 50,000 nationally. To put this in perspective, that is fewer jobs than what our economy generated in an average week over the years 1997 through the year 2000. That is what our economy is capable of doing in any week if our economy is moving in the right direction.

I will read from an Associated Press article published in March a remarkable story that shows that while President Bush's Cabinet Secretary, Gale Norton, tours the Nation promising America 700,000 jobs, the people who supported the API study are distancing themselves from it because it is faulty. Here is what the article reports:

The authors of the 1990 study no longer work at the company [that prepared it], according to a spokesman who acknowledged it was "a bit out of date." "We would not come up with the same numbers today," said Mary Novak, an economist and managing director.

Some of the assumptions made more than a decade ago "are suspect, and you might underestimate," says Roger Ebel, a global energy expert for the Center for Strategic and International Studies.

And he has been involved in the Arctic Wildlife Refuge drilling debate.

The Congressional Research Service has looked at this question and assessed how many jobs might be created from drilling in the Arctic Wildlife Refuge. Its report also casts doubt on the API study. CRS said the following.

First, if the economy is operating at full employment, jobs created by drilling in the refuge would come at the expense of an equal number of jobs in the rest of the economy. In other words, if we pull this economy out of recession and get ourselves to full employment, drilling is not going to create any additional jobs.

That is the Congressional Research Service; it is not me. I am quoting the Congressional Research Service.

Second, job creation from drilling in the Arctic Refuge may be as little as 8 percent of API's claims. The Congressional Research Service gives a range of between 60,000 and 130,000 jobs. Again, when the economy was expanding in recent years, it created that many jobs in 3 weeks.

Third, should oil prices drop, which CRS describes as uncertain, any employment gain from that drop would be offset by harm to oil producers not operating in the refuge, who would then conceivably reduce their operations and workforce, impacting suppliers and local economies in other ways.

Let me turn to a question of price. Jobs is not the only expanded, exaggerated component of the argument. Another is the question of how, if we develop in the refuge, we will lower the price of oil and gasoline, heating fuel, diesel, all the products we produce from oil. When we examine the facts which I went through a bit earlier, the fact is, the price of oil now is not going to be affected by what happens in the Arctic Wildlife Refuge because, as we have seen, you have to be, first of all, certain about the amount of oil it will produce; and, secondly, there are three different assumptions to make about the oil from the refuge. You could use the exaggerated peak production, you can use the 1 million barrels a day you hear about from the President and from other supporters, or you could use the mean production, which is about 660,000 barrels for 1 year, in the year

2020, or you could use an average production over the life of the refuge, which is about 360,000 barrels of oil.

I say the reason we might use any of these is that none of them, even the overblown 1 million barrels a day, will have any impact on oil prices whatsoever. Use any one you want, it does not matter, because the bottom line is that you cannot affect the price even on the day of the Arctic Wildlife Refuge's largest production of oil. Here is why.

Central to the idea that the refuge will lower oil prices is the notion that the United States of America, in our production, drives oil prices. It does not, and it will not. It cannot. The price of oil is set in the global market. According to the Energy Information Administration, the world market for oil in 2020 will consume 119 million barrels per day. Refuge oil, for that single peak year of 2020, would amount to between .25 and 1.17 percent of the entire global consumption. That is simply not enough, under economic models of anybody anywhere. No economic model would suggest that .25 to 1.17 percent of the total production has the ability to affect that global oil price. The fact is that the average production, probably at around 360,000 barrels, is much less than peak production, and we all know that is not going to have the ability to affect the price. So this argument is incorrect.

What about independence from imported oil? I talked about that. I do not want to repeat all of that now. But the bottom line is there is not one single day in which the Arctic Wildlife Refuge production will replace Saudi imports. It just doesn't amount to that. These are not my numbers, these are the numbers that come from the Congressional Research Service.

I should point out the technical estimate is not a likely outcome. It is not the economic estimate. I use it to make the point that using only the highly optimistic, greatest potential, you still do not have the ability to affect the total of the Saudi imports.

The false promises go way beyond Saudi Arabia. As we have heard them say over and over again, ANWR will ensure energy independence; it will reduce our dependence on imported oil. Nothing we have heard has revealed anything except that promise is completely inflated and unrealistic because of the relationship of the amount of oil there to the global supply.

The report from the Energy Information Administration was requested by Senator MURKOWSKI. This report, requested by Senator MURKOWSKI, says if you accept the EIA's reference case for oil imports and the mean estimate for refuge oil production that is the most likely outcome, oil imports will drop from 62 percent to 60 percent for 1 year, about 2020. Every other year, imports will be higher. This is, again, the Energy Information Administration in response to Senator MURKOWSKI.

So the President of the United States and other proponents have told Amer-

ica they have a plan for the Nation, a plan to ensure energy independence, to protect our national security. They back up the plan with a lot of talk about national security. They have insisted we attach ANWR to the Department of Defense authorization bill last year because it was an urgent matter of national security. They hold press events with big pictures of Saddam Hussein. When two servicemen died in duty to our Nation, they suggested it was about the Arctic Wildlife Refuge and that was related because we do not drill in the Arctic Wildlife Refuge.

Their plan, this master plan that will ensure energy independence, is simply without validity. Under no economic model whatsoever, under no supply and demand curve, no way whatsoever can 3 percent supply the needs of 25 percent and growing. It just does not happen. So we need to vote accordingly here in the Senate.

The fact is that 20 years from now, we will import 60 to 62 percent of our oil from foreign countries. Nothing we do, absent inventing alternatives, is going to diminish that. If we drill in the Arctic Refuge, we are not going to stop importing oil from Saudi Arabia. Nobody suggests that. We are not going to stop importing it from any of these other nations we are concerned about ultimately.

So I think it is clear that the flow of money to terrorists is not going to stop. If we drill in the Arctic Wildlife Refuge, it is not going to suddenly make peace in the Middle East. If we drill in the Arctic, our forces are not suddenly going to come home. There is going to be no change in deployment; There will be no change in what we may have to do with respect to Saddam Hussein, which we ought to do anyway, regardless what happens in the ANWR.

Will a single soldier, marine, or sailor today in harm's way come home if we make a decision to drill? The answer is no. We should not. We should terminate this notion that somehow fools people that that is, indeed, what is at stake here.

I want to correct one thing I said a moment ago. The CAFE standards would not begin immediately. Earlier I misspoke when I said that. The CAFE standards take some time to ramp up and take effect. But had we put that into effect in 1990, we would today, in the year 2002, be saving 1 million barrels of oil per day, which is close to the amount we import from Iraq. That represents the Iraq figure.

I have spoken almost entirely about energy policy. It is my own belief that this is sort of the critical moment in the life of the United States, in our lives, to make a choice about our future. Are we going to just kind of keep going down the road where we pretend to ourselves that just drilling for oil is the solution? Or do we begin to force the transition?

In the 1930s, many parts of America did not get electricity. They could not

get it. But Roosevelt and others decided it was critical for the development of our Nation, for our Nation's future economy, and for our well-being, for kids to be able to have schools with lights, to have power and so forth in their homes—that we got that electricity out into the rural and poor communities. So what did we do? The Federal Government spent several billion dollars to subsidize, to make sure we put that electricity out.

In the same way, the Government must today make a decision about the well-being of our country. Are we better off continuing down a road where we already know we have oil we can drill in Alaska and the North Slope? I have described how much we are drilling, how much has been leased and put out for lease already. We already know we have 7,000 leases in the Gulf of Mexico. We can go down there and continue that process. But are we going to make the decision as a country to begin to embrace a future that is a different mix of fuels for transportation and begin to legitimately end our dependence on foreign oil?

The only way to change our dependence on foreign oil is to change the way we propel our motor vehicles. Transportation consumes 70 percent of the oil we use. I said this at the outset, and I want to repeat these principles. Not one of these choices we make for our energy future should be done if it doesn't make economic sense. We do not have to lower the quality of life for Americans. We have to recognize we are going to drill for 30 to 50 years and we have the places we can do that. Finally, most of the gains in the near term, in terms of fuel use and our dependency, are going to come from efficiencies in the current regime. Those efficiencies come from hybrids, new technologies, alternatives, renewables, et cetera.

Those are the principles that must guide us. But I do not want to leave out what I think is a critical component of this argument that should not be diminished. It does not deserve to be derided in the way it has been derided by some of our colleagues, with respect to what this refuge means in terms of the environment.

Some who want to industrialize the Arctic Refuge call it a barren wasteland. It has been described as hell. It has been described in many different ways, but I think those descriptions reveal more about a point of view and the value than it does about the Arctic Wildlife Refuge.

There are those on the opposite side of this debate who may look at the refuge and only see beauty in an oil rig, and they may only see the foregone profit of conservation. But those views do not reflect the science, and I don't believe they reflect the best instincts of Americans.

Let me read some of the more objective descriptions of ANWR's environmental value to America today and to future generations. The Arctic Na-

tional Wildlife Refuge is one of the great untouched lands remaining in America and on the northern continent. Its ecological value is unlike any other in the Nation and in the world.

The Congressional Research Service describes the refuge as follows: "The portion of Alaska's North Slope between Prudhoe Bay and the Canadian border represents this country's largest, most diverse remaining example of a largely untouched arctic ecosystem. . . . The apparently hostile nature of the area belies its national and international significance as an ecological reserve. It protects a virtually undisturbed, nearly complete spectrum of arctic ecosystems, and is one of the last places north of the Brooks Range that remains legally closed to development."

In 1959, the Fish and Wildlife Service wrote: "The great diversity of vegetation and topography . . . in this compact area, together with its relatively undisturbed condition, lead to its selection as the most suitable opportunity for protecting a portion of the remaining wildlife and its frontiers. That area included within the proposed range is a major habitat, particularly in summer, for the great herds of Arctic caribou, and countless lakes, ponds, and marshes found in this area are nesting grounds for large numbers of migratory waterfowl that spend about half of each year in the rest of the United States; thus, the production here is of importance to a great many sportsmen. . . . The proposed range is restricted to the area which contains all of the requisites for year round use. The coastal area is the only place in the United States where polar bears dens are found."

The Department of Interior found in 1987 that "the Arctic Refuge is the only conservation system unit that protects, in an undisturbed condition, a complete spectrum of the arctic ecosystem in North America." It described the 1002 area as "the most biologically productive part of the Arctic Refuge for wildlife and is the center of the wildlife activity. . . . The area presents many opportunities for scientific study of a relatively undistributed ecosystem."

Let me repeat that the Fish and Wildlife Service is not a radical environmental group. Frankly, I am tired of people who refer to this sort of radical environmental component when our own agencies—the Fish and Wildlife Service and Interior—are telling us, don't disturb this.

This is what the Fish and Wildlife Service says:

The closeness of the Brooks Range to the Arctic Ocean in the Arctic Refuge creates a combination of landscapes and habitats unique in North America. The area has exceptional scenic, wildlife, wilderness, recreation, and scientific values. The Arctic National Wildlife Refuge is the only protected area in the Nation where people can explore a full range of arctic and subarctic ecosystems.

The Refuge includes alpine and arctic tundra, barren mountains, boreal forests, shrub thickets, and wetlands. The coast has numerous points, shoals, mud flats, and barrier islands that shelter shallow, brackish lagoons. The tundra is typically a layer of peat overlain by a carpet of mosses, sedges, and flowering plants. Spruce, poplar, and willow trees shade the south slope valleys.

Continuous summer daylight produces rapid but brief plant growth. Underlying permafrost and low evaporation cause many areas to remain wet throughout the summer.

These factors, along with shallow plant roots and a slow revegetation rate, result in a fragile landscape easily disturbed by human activities.

Why would we violate the concept of a pristine area? Why, when oil is available in all these other areas we talked about, is there such a compelling interest in destroying that area at this point in time?

The Fish and Wildlife Service has inventoried some of the refuge's environmental qualities. They include:

18 major rivers; arctic tundra, the Brooks Range, boreal forests, and a full range arctic and subarctic habitats; the Brooks Range of mountains rise only 10-40 miles from the Beaufort Sea on the coastal plain; the greatest variety of plant and animal life of any conservation area in the arctic; more than 180 birds from four continents have been identified in the Refuge and its coastal plain is a major migration route; Peregrine falcons, endangered in the lower-48 states, thrive in the Refuge; it is home to 36 species of land mammals; it protects the calving ground of the Porcupine caribou herd, the second largest herd in North America; it is home to black, brown and polar bears; 9 marine mammals live off its coast; 36 fish species live in its rivers and lakes; there are more than 300 archaeological sites; and, there are no roads, trails or developments. Wilderness prevails.

That is the question before the Senate, whether this is a valuable wilderness. People say it is only going to be a small imprint; it is only going to be a few pipes and a few roads. The fact is, experience has shown us that is not an accurate description of what happens.

William O. Douglas, the former U.S. Supreme Court Justice said.

This is the place for man turned scientist and explorer; poet and artist. Here he can experience a new reverence for life that is outside his own and yet a vital and joyous part of it.

Cecil Andrus, the former Secretary of the Interior, said:

In some places, such as the Arctic Refuge, the wildlife and natural values are so magnificent and so enduring that they transcend the value of any mineral that may lie beneath the surface. Such minerals are finite. Production inevitably means changes whose impacts will be measured in geologic time in order to gain marginal benefits that may last a few years.

Congressman Morris Udall said,

It is a whole place, as true a wilderness as there is anywhere on this continent and unlike any other that I know of.

President Jimmy Carter has written,

Having traveled extensively in this unique wilderness, I feel very strongly about its incredible natural values. . . . "I have crouched on a peninsula in the Beaufort Sea to watch the ancient defensive circling of musk oxen who perceived us a threat to their young. We sat in profound wonder on the tundra as 80,000 caribou streamed around and past us in their timeless migration from vital calving grounds on the coastal plain. These phenomena of the untrammelled earth are what lead wildlife experts to characterize the coastal plain as America's Serengeti.

We have heard that drilling will not take place on the entire Refuge. Rather it will take place only on the refuge's coastal plain, the so-called 1002 Area. So I want to talk some about the 1002

Area and why it should be protected. It is not a complicated issue. The coastal plain is a special place even within the environmental treasure of the refuge, and it is the place where oil exploration is likely to do the most damage to the Refuge.

The Department of Interior found in 1987 that the

1002 area is the most biologically productive part of the Arctic Refuge for wildlife and is the center of the wildlife activity. . . . The area presents many opportunities for scientific study of a relatively undistributed ecosystem.

The Fish and Wildlife Service has said that

The Coastal Plain of the Arctic Refuge, the part of the Refuge being considered for oil drilling, is the most biologically productive part of the refuge and the heart of the refuge's wildlife activity. Opening the Arctic Refuge to oil development would threaten the birthing ground of thousands of caribou and important habitat for polar bears, swans, snow geese, muskoxen and numerous other species.

I repeat that the U.S. Fish and Wildlife Service is charged with the responsibility for making those judgments.

A group of more than 500 ecologists, biologists, resource managers, and other experts from around the country have assessed the scientific literature and the importance of the Coastal Plain. They made the following conclusion:

Five decades of biological study and scientific research have confirmed that the coastal plain of the Arctic National Wildlife Refuge forms a vital component of the biological diversity of the refuge and merits the same kind of permanent safeguards and precautionary management as the rest of this original conservation unit. In contrast to the broader coastal plain to the west of the Arctic Refuge, the coastal plain within the refuge is much narrower. This unique compression of habitats concentrates the occurrence of a wide variety of wildlife and fish species, including polar bears, grizzly bears, wolves, wolverines, caribou, muskoxen, Dolly Varden, Arctic grayling, snow geese, and more than 130 other species of migratory birds. In fact, according to the Fish and Wildlife Service, the Arctic Refuge coastal plain contains the greatest wildlife diversity of any protected area above the Arctic Circle.

Scientists with the National Audubon Society studied how oil development might impact the millions of birds that migrate through the Coastal Plain to locations throughout the lower 48 States, South America, and even Africa. They concluded that:

The Arctic Refuge, including its coastal plain, has extraordinary value as an intact [intact] ecosystem, with all its native birdlife. The millions of birds that nest, migrate through, or spend the winter in the refuge are a conspicuous and fundamental part of the refuge ecosystem.

Obviously, this is a special place. Those who deride it as simply a barren wasteland, better for oil drilling than anything else, I think do a disservice to the conservation ethic, the preservation ethic, and to the value of the ecosystem itself, which has been preserved for a purpose.

But let me just point out how drilling would, in fact, impact this special place I have described. This is the last thing I will do before yielding.

We hear people argue that oil drilling will do little or even no harm to the Coastal Plain ecosystem. But, unfortunately, the evidence from decades of oil exploration in other areas of Alaska shows otherwise. It simply tells a different story. The history speaks.

The Fish and Wildlife Service has examined that question and concluded the following:

All reasonable scenarios for oil development on the coastal plain of the Arctic Refuge envision roads, drilling pads, long pipelines, secondary or feeder pipelines, housing, oil processing facilities, gas injection plants, airports and other infrastructure. In addition, the U.S.G.S. 1998 assessment found that oil in the Arctic Refuge appears to be spread out in several pools rather than in one large formation like Prudhoe Bay, making it harder to minimize the development "foot print."

A group of more than 500 ecologists, biologists, and resource experts wrote the following:

The Interior Department has predicted that oil and gas exploration and development would have a major effect on water resources. Fresh water already is limited on the Refuge's coastal plain, and direct damage to wetlands will adversely affect fish, waterfowl, and other migratory birds. These potentially disruptive effects to fish and wildlife should not be viewed in isolation, however. . . . We urge you to protect the biological diversity and wilderness character of the coastal plain of the Arctic National Wildlife Refuge from future oil and gas development.

I want to summarize a briefing provided to the Senate by the Wildlife Society of America. The society was founded in 1937. It is an international, nonprofit, scientific and educational association dedicated to excellence in wildlife stewardship through science and education. Its membership is comprised of research scientists, educators, communications specialists, conservation law enforcement officers, resource managers, administrators, and students from more than 60 countries.

What makes their briefing so important is that it addresses both the scientific evidence and the erroneous information that has been widely circulated by the industry and by drilling proponents. Let me address the scientific first. I will read from their position on the refuge.

In September of 2001, the Wildlife Society released its official position of petroleum exploration and development in ANWR. It was prepared and approved by the Alaska chapter of the Wildlife Society. They object to oil development on the Coastal Plain for the following general reasons:

The adverse effects of petroleum development on some wildlife species at existing North Slope oil fields have not been avoided.

The unique aspects of wildlife resources in the environment in the Arctic Refuge Coastal Plain are such that mitigation of the impacts of oil development is questionable.

The long-term, cumulative effects of petroleum extraction on fish and wildlife resources are unknown.

There is substantial scientific merit in maintaining part of Alaska's Arctic Coastal Plain in an undeveloped state for long-term studies of the effects on fish and wildlife resources of climate change in the Arctic.

The statement continues:

The Alaska Chapter's position statement committee was composed of federal, state, industry, and university wildlife biologists, including caribou experts—all from Alaska. In developing the position statement, the committee accounted for all available data relating to wildlife resources and oil development, whether the data supported or opposed drilling. Most committee members have had extensive experience working in northern Alaska and used this experience to formulate their recommendations.

The Wildlife Society advocates using sound biological information in policy decisions. The Society desires that all scientific aspects of the ANWR issue, including the uncertainty permeating the issue, be considered openly, as the final policy is developed. Careful analysis is extremely important at this time, because not only are the wildlife impacts of oil extraction uncertain, but numerous other issues—such as the amount of recoverable oil, the potential energy benefits from it, and the prudence of drilling in the Refuge—are still under debate.

The society provided additional important details to support its conclusion. Let me say very quickly what they said:

Development of the Coastal Plain's petroleum resources could have serious, long-term impacts to caribou and other wildlife resources of the Arctic Refuge.

With present knowledge of the fish and wildlife resources of the Arctic Refuge and of the functioning of arctic ecosystems, and considering available information on the impacts of current and ongoing petroleum development in Alaska's North Slope oil fields, the primary biological concerns of the Alaska Chapter of The Wildlife Society regarding oil and gas development in the Arctic Refuge include:

Potential impacts on the Porcupine Caribou Herd that migrates to the Coastal Plain of the Arctic Refuge;

Potential impacts on muskoxen that inhabit the Coastal Plain of the Refuge year round;

Potential impacts on polar bears that use the Coastal Plain in [that period of time]. . . .

[As well as] the effects of disturbance on up to 500,000 adult snow geese that migrate through the Coastal Plain;

The dewatering of streams and lakes during exploration and production activities. . . .

Alterations of shoreline ecosystems for the construction of causeways, drill pads, and other petroleum-related facilities. . . .

The unknown, long-term, and cumulative effects of development on ecosystem processes critical to long-term viability and integrity of the arctic environment.

Based on studies in existing areas of oil development in the North Slope, they believe petroleum development on the Arctic Wildlife Refuge would inevitably result in loss of wildlife habitat and probable declines in some wildlife populations.

Many times throughout this debate, people have pointed to the development of the central and western portions of Alaska's North Slope, particularly Prudhoe Bay. They say this proves that the oil companies can develop the refuge without harming the

environment. Well, no one is going to dispute that wilderness goes on forever in every place. But you cannot put an oil drilling complex in a wilderness area and call it wilderness. You just can't do it. You are either going to decide you are going to have some area set aside as pristine wilderness or you are not. That is part of what this debate is about, in conjunction with the question of timing.

Maybe in the United States of America, somewhere down the road, our backs will be up against the wall, and maybe we will not have made good economic decisions, maybe we will not have developed the technologies we need. Maybe somewhere down the line other nations all gang up, and they will not supply us, and the United States may be stuck in a position, and this tiny bit of oil will make a difference, and the United States at that point might decide it wants to make that choice.

But there is nothing in the economics, there is nothing in the current global situation, there is nothing in the amount of oil that can be found, there is nothing in the economically recoverable oil that suggests that that kind of difference is worth this choice at this time, particularly when there is so much in the way of oil alternatives in the Gulf of Mexico, natural gas alternatives, and continued drilling in Prudhoe Bay, the North Slope area.

But the record of Prudhoe Bay itself is not quite as pristine as they want to suggest it is. Oil development on the North Slope has resulted in 500 miles of roads, more than 1,100 miles of pipelines, thousands of acres of facilities spread out over 1,000 square miles, 3,800 exploratory wells, 170 exploratory drill and drill pads, 22 gravel mines, 25 processing plants for oil, gas, and seawater, 56,000 tons of nitrogen oxides, which contribute to smog and acid rain, which is twice as much as is emitted by the city of Washington, DC. Our Nation's Capital emits less global warming gas than drilling in Prudhoe Bay.

Nearly 400 spills occur annually on the North Slope's oilfields; roughly 40 toxic substances, ranging from waste oil to acids, have been spilled. As much as 6 billion gallons of drilling waste have been dumped in 450 reserves pits. Three class I injection wells have been constructed and injected with more than 325 million gallons of waste. Thirty class II injection wells have been constructed and injected with more than 40 billion gallons of waste.

Several experts have examined the impacts of oil development in Prudhoe Bay on the environment and what it might mean for the oil development of the Arctic Refuge. Again, the U.S. Fish and Wildlife Service says:

Air and water pollution and contaminated sites continue to be a serious problem in Prudhoe Bay and are inevitable with any oil development. Many gravel pads on the North Slope are contaminated by chronic spills. In addition, hundreds of oil exploratory and production drilling waste pits have yet to be closed out and the sites restored. More than

76 contaminated sites exist on the North Slope and contractor performance has been spotty.

Prudhoe Bay is a major source of air pollution and green house gas emission among the Arctic Coastal Plain. Prudhoe Bay facilities annually emit approximately 55,000 tons of nitrogen oxide which contributes to smog and acid rain. North Slope oil facilities release roughly 24,000 tons of methane. Industry has numerous violations of particulate matter emissions and has opposed introduction of new technology to reduce nitrogen oxides and requirements for low sulfur fuel use.

That is our own Fish and Wildlife Service.

A group of more than 500 ecologists, biologists, and resource experts wrote Congress saying:

Based on our collective experience and understanding of the cumulative effects of oil and gas exploration and development on Alaska's North Slope, we do not believe these impacts have been adequately considered for the Arctic Refuge, and mitigation without adequate data on this complex ecosystem is unlikely. Oil exploration and development have substantially changed environments where they have occurred in Alaska's central Arctic. Since the discovery of oil at Prudhoe Bay in 1968, the U.S. Fish & Wildlife Service estimated about 800 square miles of Arctic habitats have been transformed into one of the world's largest industrial complexes. Oil spills, contaminated waste, and other sources of pollution have had measurable environmental impacts in spite of strict environmental regulations. Roads, pipelines, well pads, processing facilities, and other support infrastructure have incrementally altered the character of this system.

The Wildlife Society, the Alaska chapter, believes that "petroleum exploration and development are not warranted on the Coastal Plain of the Arctic National Wildlife Refuge," which they have deemed, as I mentioned earlier, a critical area for the abundance and diversity of wildlife.

We also need to look at the issue of compliance. This is particularly true when oil production starts to decline, as it will. There is a curve here. Let me share it with you. I have the chart in the cloakroom. Maybe we can get it in a minute.

The point of the chart is to show that obviously, like any finite resource, as you begin production, you begin slowly. You build up. You build up to a peak. And then, of course, since there is only so much there, you begin to come down. What often happens in this debate is we wind up with peak production day being the amount of oil that is thrown around, whereas you have to work up to that and then come down.

If you were to compare that to what would happen, for instance, with CAFE standards, CAFE standards don't go up and down, CAFE standards continue to accrue as you go forward. Every day in the future, you will be grabbing X amount of carbon dioxide, sulfur dioxide, and so forth, out of the atmosphere and recapturing it or preventing it from going in.

You can actually save three times as much fuel as the peak production day. You save three times as much foreign

dependency by putting CAFE standards in place as you would drilling in the Arctic Wildlife Refuge.

When oil exploration is over, when the companies don't want to invest any more money in the project, what is the commitment to clean up? All over this country—the Presiding Officer's State of New Jersey—there are unfunded liabilities in toxic sites where the companies don't clean them up. We have just seen this administration seek to change the "polluter pays" principle which, incidentally, is a tax on the American citizen. I don't know if people are focused on that right now. Maybe it is worth a moment. When you undo "polluter pays," as the principle that has guided our cleanup in America of our toxic sites, then the question is, Who pays? The average taxpayer is going to pay. The Federal Government is going to have to dump that money in if the "polluter pays" principle is not there. That is a tax increase on Americans. It is the Bush environmental tax on Americans.

By ending "polluter pays," we are now going to turn, and either nobody cleans it up—which is what is happening right now because we are not putting the money into Superfund—or the taxpayer across the country pays.

That is the problem in Alaska, too. Who is going to clean up in the end? What is the State pristineness? Can you ever restore pristine? The answer, I think most people know, is no.

In the year 2000, BP Alaska reached agreement with the Environmental Protection Agency to pay \$7 million in civil and criminal penalties and \$15 million to carry out a nationwide environmental management system. BP was sentenced in Federal court in February 2000 to pay \$500,000 in criminal fines and \$6.5 million for failing to report illegal hazardous waste disposals on the North Slope.

From 1993 to 1995, employees of a contractor up there illegally discharged hazardous substances, including solvents, waste paint, paint thinner, waste oil containing lead and toxic chemicals such as benzene, toluene, methylene chloride, by injecting them into wells. They failed to report the illegal dumping as required by law.

The Wall Street Journal, in a series of investigative stories, has documented widespread problems at other facilities on the North Slope. On April 12, 2001, they reported:

Days before Interior Secretary Gale Norton's much-publicized tour of Alaska's Prudhoe Bay oilfields last month, state inspectors made a startling discovery: almost a third of the safety valves tested at one drilling platform failed to close.

The story continues:

... technicians say they have complained for years about the integrity of the industry's "friendlier technology." Some technicians who operate machinery—which proliferates on Prudhoe Bay and could be replicated in the wildlife refuge—are so understaffed and lacking in routine maintenance that they are leak-prone and vulnerable to explosions.

On April 26, 2001, the Wall Street Journal reported:

About 10 percent of the safety shut-off valves in BP Amoco entire drilling operation on Alaska's Western Prudhoe Bay failed to pass state tests during the first quarter. . . .

On November 9, 2001, the Wall Street Journal reported that an internal report revealed "widespread operational problems at its giant oil field in Prudhoe Bay"—that they were widespread operational problems. Investigators found large and growing maintenance backlogs on fire and gas detection systems and pressure safety valves. The report concluded:

The systems are old, portions of them pre-date current code and replacement parts are difficult to obtain.

Let me close by saying I have made it clear in my comments that those of us who oppose the Arctic Wildlife Refuge do not oppose drilling.

We embrace drilling in many parts of our country as an ongoing need for 30 to 50 years of this country's future. We will remain oil dependent, despite even our best efforts, if we were to make our best efforts. I have suggested that we need an organizing principle for our energy future that does what makes economic sense. We should not make choices that don't make economic sense, and we do not have to lower the quality of life of any American.

We heard debate on the floor of the Senate a few weeks ago about what kind of cars people were going to be "forced" to drive. No American is ever going to be forced to drive any kind of car if we do what we need to do with respect to the future. If you want to drive a big SUV or a huge truck to take your kids to soccer games, go ahead, absolutely. I think most soccer moms in America are outraged that cars get as little mileage for the gasoline as they do. They would love to pay less when going to the gas station to fill up.

All of that technology is available to us to allow people to drive the car of their choice that is more efficient. There are many choices available to us. We can drill in those 7,000 leases in the deepwater drilling of the Gulf of Mexico. I have gone through the long list of the Arctic leases that were available that were put out last year. The largest oil and gasoline lease in the history of our Nation, just over a year ago, was 950,000 acres on the North Slope. They have scheduled 15 oil and gas leases on 15 million acres now. The third lease sale of a planning area of 10 million acres is coming right down the road.

We don't need to drill in the Arctic Wildlife Refuge and destroy the concept of a pristine refuge in order to accomplish our goals of, in fact, being independent or improving the national security of our country. That is really the choice here, for all of us in the Senate: Whether we will respect this concept until we find 15, 20, 30 years from now that we leaders of the country have not made wise choices with re-

spect to the alternatives and renewables, alternative means of propelling our automobiles.

I was just out at the National Energy Alternative Renewable Energy Lab in Colorado meeting with Admiral Truly. They are doing extraordinary work. They say if the United States were to put in more effort and ratchet up our research on alternative propulsion, alternative heating, and other mechanisms, we could significantly advance the curve in this country.

We have not been serious about that. The only thing we appear to be serious about thus far is continuing the dependency that has put us into this problem in the first place.

So I hope my colleagues will take advantage of this vote, which represents an opportunity to suggest that our value system in this country, and our sense of economics, and our sense of security are well-grounded and well-placed with respect to the Arctic Wildlife Refuge.

I yield the floor.

The PRESIDING OFFICER (Mr. CORZINE). The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I have listened with great interest to the Senator from Massachusetts. He is a friend. I have visited his home and I have great love for his wife. I find it very interesting that the Senator from Massachusetts has discussed about every other creature of the world but has never talked about the people of the Arctic Slope. He never talked about the Eskimo. In fact, despite repeated requests to go to the area, he has never been there. As a concept, I find it hard to understand my friend's continued reference to the "wilderness area" and drilling in a "wilderness area."

The 1½ million acres of the Arctic Coastal Plain is not a wilderness area and was never designated as a wilderness area. Drilling there would not be drilling in a wilderness area. It is unfortunate that the Senator, and others, continue to say that because it represents a breach of faith.

Paul Tsongas, in fact, did offer four amendments to the 1980 act. One of them he withdrew. It was on the Coastal Plain. There was a compromise on the Coastal Plain. I, too, am sad that Senator Paul Tsongas and Senator Scoop Jackson are not here because, were they here, they would say a deal is a deal.

We passed out the letter that Senator Jackson authored with Senator Hatfield, which is on every Senator's desk, which says:

One-third of our known petroleum reserves are in Alaska, along with an even greater proportion of our potential reserves. Actions such as preventing even the exploration of the Arctic Wildlife Refuge, a ban sought by one amendment, is an ostrich-like approach that ill-serves our Nation in this time of energy crisis.

That is the letter signed by Senators Jackson and Hatfield in 1980.

Fair is fair. I will talk about the senatorial courtesies and the prerogatives of the past. Right now I want to answer my friend. At one time during his comments he said British Petroleum does not seek to explore in ANWR. Am I hearing right? There has been no such announcement by British Petroleum. It is one of the major producing entities in the North Slope now and, as far as I know, it has never been the concept of seeking the right to proceed with the commitment to explore the 1½ million acres covered by the section 1002 in the 1980 act.

The Senator talked about jobs. That is wonderful. We like that. The Senator talked about drilling in the Gulf of Mexico, and he wants to develop the National Petroleum Reserve of Alaska. He has had that opportunity since he has been in the Senate. Nobody has proceeded at all with that. We have tried to get that done. We have not been able to do it. It is like the rest of Alaska. People say it is wilderness because it is undeveloped. It is not wilderness in the legal sense, unless it is classified as "wilderness."

So far as I know, it is not possible for that statement to be made on the floor of the Senate—that we would drill in wilderness if we were to drill in the 1002 area of the Arctic Coastal Plain.

The Senator from Massachusetts belabored, I think, the CAFE standards concept. It would be three times the savings, he says, of ANWR. Well, ANWR doesn't persist in savings; ANWR is production. Beyond that, CAFE standards deal with gasoline. We are dealing with oil. Mr. President, 44 percent of a barrel of oil becomes gasoline; 56 percent is refined for other products. You can have all the CAFE standards you want. If you want the other products, you have to refine a barrel of oil. There is too much talk here about gasoline being oil. One time the Senator from Massachusetts said 70 percent of the oil goes into transportation. That is not so at all. Maybe 70 percent of the gasoline goes into transportation, but it is not oil. In fact, the bulk of the oil goes for a lot of things, including home fuel, jet fuel, kerosene, and lubricants. I wonder how far our aircraft would fly if we stopped refining a barrel of oil to get jet fuel. You would still have the part of the barrel that would make gasoline.

I remind those who are looking at this chart that these are items made from oil—from toothpaste to deodorants, footballs, lifejackets, pantyhose, lipstick, dentures, and they all come from a barrel of oil.

Mr. KERRY. Will the Senator yield?

Mr. STEVENS. I did not interrupt the Senator.

Mr. KERRY. Does the Senator want to have a dialog?

Mr. STEVENS. I will have a dialog when the time comes.

Mr. KERRY. I thank the Senator.

Mr. STEVENS. A real problem is the people who really take advantage of the Nation when we are evenly divided,

the minority of the population—2 percent—which represents these radical environmentalists. The Democratic Party sees fit to seek to win elections by preventing us from proceeding with the prospect of discovering oil on the Arctic Plain, but it has not been a traditional position of that party because, obviously, the two people who reserved this area were, in fact, Democratic Senators—Senator Jackson and Senator Tsongas. They were Democratic Senators. They entered into a commitment with us that this area would be explored, and if it proved to be not a situation where irreparable harm would occur on the Arctic Plain, this area would then be faced with a request from the President and the Secretary of the Interior to proceed with oil and gas leasing.

Oil and gas leasing is prohibited at the present time. We know that. It is prohibited by law. The 1980 act prohibited oil and gas leasing in this area until the procedure is followed. This is the procedure. It has taken us 21 years to get to this point.

This is the "Arctic National Wildlife Refuge Coastal Plain Resource Assessment Recommendation to Congress and Legislative Environmental Impact Statement" required by the law of 1980. It demonstrates that there would be no irreparable harm to this area if oil and gas leasing would proceed.

I have some real problems with what is going on here. I want to talk about them at length later. I understand the Senator from Texas wishes to speak, so I will be glad to yield to her when she is ready.

These people, the Eskimos, the Inupiat who live on the North Slope, seek this decision by Congress. They want this area to be explored. Their schools, their roads, and their future depend upon jobs. This is their area. They believe it can be done safely. They even own some of the land up there.

Mr. President, did you know they are prohibited from drilling on their own land, land they received from the Federal Government in settlement of their claims? There is no question—no question—that these people want to proceed.

The Senator was referring to this land as wilderness. Those people live right there. This is the village that is within what the Senator from Massachusetts calls wilderness. This is not wilderness. This is the home of the Inupiat people, the Eskimo people of Alaska.

There are some Alaska Natives who live on the South Slope who really are part of the Canadian Indian nation known as Gwich'ins. They oppose this. We know that. They are probably up in the galleries now. They oppose it, but the Alaska Eskimos do not oppose it. They live there, and they want this development. They want to see it developed.

The first time I went up to the North Slope, it was a very sad visit. It was

back in the fifties. I tell you, they had a very small runway. Wiley Post crashed just north of there. We landed at this little village in which the people lived in terrible circumstances and conditions. They had no modern conveniences at all. I invite you to go up and take a look at Barrow—five-, six-, eight-story buildings with elevators, beautiful schools, a wonderful airport, tremendous people enjoying their lifestyle. They like the Arctic. That is their home. They like their opportunities now to have their feet in both the present and the past. They are wonderful people. They make tremendous citizens of the United States, and there is no question they want to proceed.

I have a letter that went to Senators DASCHLE and LOTT in April of this year from the Kaktovic Inupiat. This is a photograph of some of their children. They say they want the promises given to them. They want this area open. They are the only residents of the 19.6 million acres that were recognized within the boundaries of that refuge. They own some of the land. They own 92,160 acres of the land, and they are currently prohibited by the Federal Government from drilling on their land because of the situation in the 1002 area.

They were told to wait until the approval was given by Congress to proceed in the whole area. They seek—and I hope before we are through, we will recognize their request—to use their own lands to determine whether or not beneath those lands there are oil and gas resources. That is another matter we will go into.

They say:

We don't have much, gentlemen, except for the promises of the U.S. Government that the settlement of our land claims against the United States would eventually lead to control of our destiny by our people.

That is denied now by the opposition of the majority party to this amendment that is before us.

We believe this will be the largest oilfield on the North American Continent, somewhere in excess of 40 billion barrels of oil. We do not build paved roads; we build ice roads in these areas. It is true that on State lands, where Prudhoe Bay was discovered—those are State lands—they are subject to the construction of roads by the permission of the State of Alaska. It is an entirely different situation than being within the 1002 area which is subject to total control by the Federal Government.

The House has already limited the use of this 1002 area, 1.5 million acres, to 2,000 acres of surface—2,000 acres out of 1.5 million acres. That is what we are being denied the right to use.

I do believe it is unfortunate that we have the concepts now of so many people who enjoy life and make so many studies from afar. They are making studies from all of these scientific organizations that are supported by these environmental organizations. I am going to talk about those later, Mr.

President. I see two other Senators are in the Chamber.

Mr. WELLSTONE. Mr. President, I will be pleased to follow the Senator from Texas. I ask unanimous consent that I follow the Senator from Texas.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. Mr. President, with the understanding I may resume the floor later this afternoon, I will yield the floor to these Senators.

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

Mr. WELLSTONE. The Senator from Texas will speak, and then the Senator from Minnesota follows; is that correct?

The PRESIDING OFFICER. That is correct.

The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Alaska. In fact, I thank both Senators from Alaska for leading this very long fight to open up a very small portion of their State for the purpose of exploring and drilling to make America more stable in this crisis in which we find ourselves.

I want to go back over what is in the Murkowski-Breaux amendment because I think if you listen to some of the debate, you will be confused.

First, the key provision is a provision I put in this amendment early on that says the President must find that it is in our national economic and security interest to drill in ANWR. The President must consider the impact on increasing the independence we would have on foreign imports for our basic energy needs in this country.

This amendment limits the size of production to 2,000 acres, and in that 2,000 acres it is confined to a part of the Arctic National Wildlife Refuge that is plain. There are no trees and wilderness in this part of ANWR. We are talking about drilling on 2,000 acres in an area the size of the State of South Carolina, where there are no trees whatsoever.

In addition, I think it is important to note that we have limited in this amendment when they can drill. They can drill between November and May, when the land is frozen. There would be ice roads and ice runways. The footprint on the land would be minimal to none because they would be using the ice roads rather than driving on the land.

In addition to that, the caribou, which is an animal that mates throughout the Arctic National Wildlife Refuge, mates during the summertime. There would be no drilling in the summertime. Any argument that this might in some way disrupt caribou mating is not a valid argument at all.

There would be 1.5 million more acres of real wilderness that would be designated as wilderness where they could not drill—this is in addition to ANWR in exchange for opening this nonwilderness area of the Coastal Plain.

It is a balanced amendment. The environment is protected. It is very important that we look at the environmental safeguards America would put on drilling in ANWR to assure that we will have environmental standards.

This same reserve may well be drilled in Russia which is very close to Alaska, as we all know. About 20 miles separates them at their closest point.

They could drill right across the coast from Alaska, and we do not know what their environmental safeguards would be. We certainly would not have control over them, and that would affect the Alaska coastline even more because we would not have control of the way Russia might decide to drill. They might not decide to drill only in the winter. They might not decide to put any limitations on the kinds of ships that would come in and out of the water. I think that maintaining control is the better environmental argument.

ANWR would produce at least a million barrels a day. That is about the amount we import from Iraq every day. The percentage of the U.S. oil needs that would be met by ANWR is nearly 5 percent. We consume 20 million barrels of oil a day. We import 12 million of those barrels. We are right at 60 percent of our needs every day having to be met by imports. Our ANWR production would make up for 8 to 10 percent of our current imports.

I heard the Senator from Massachusetts say this is going to be a drop in the bucket for our energy needs; that this really gets us nowhere. So why would we do it?

We would do it because we need to do everything we can to maintain our own stability and to look to ourselves for our economic and security needs. I would rather be looking at American jobs with American resources, American production and American control than to say 60 percent imports for our needs is OK. I especially think that the argument falls flat when we realize that the 60 percent includes some of America's known worst enemies, such as Iraq. Iraq has threatened America before; so have some of the other countries from whom we import oil. Then there are countries with whom we have great friendships, such as Venezuela. They also send us about a million barrels a day but they are in upheaval. There are strikes and the government is in a very precarious situation. So while we would certainly count Venezuela as a friend, they are not as reliable right now as we need to have.

I think we need to look at this whole ANWR issue in light of the circumstances. I have always felt that America needed an energy policy that depended on our own resources. Today, it is no longer an option. It is no longer a matter of good public policy; it is a necessity. It is a matter of national security that we control our own economy.

If countries, that would do us harm, could say "we will stop exporting oil to

America and shut down their factories, keep them from being able to drive to work, shoot the prices so high the airline industry starts to crater," then are we not going to beat them from within? Maybe we do not have to beat them from without because if their economy starts sinking we are going to win. Of course, they are right.

If we allow that to happen, we are not responsible stewards of our country.

Iraq has, in fact, said they are going to stop exporting oil that could come to America. With Iraq using this as a weapon, and other countries possibly doing the same, or deciding that perhaps they cannot export any more because of their internal situations, then what are we going to do if we have not planned ahead?

The Senator from Massachusetts says we should conserve our way out of the crisis, but let's look at that. The 10 most fuel-efficient automobiles in America make up 1.5 percent of the automobile sales in America. In America, we have long distances to drive. In America, people have big families, and we know a heavier car is safer than a small car. So it would seem the Senator from Massachusetts would demand that people have only the choice of an unsafe car, that is not the one they want for their families, as a way to become more stable in our economy.

I fundamentally disagree with him that this is the right approach. I think we need to look to our own resources as part of a balanced package that would keep our country strong.

I think we should have incentives for more fuel-efficient automobiles, so that if people make that choice of their own free will, and if that meets their family's needs, they would be able to do that and maybe even get a tax credit for it. I think we need to look for alternative forms of energy. I think we have walked away from nuclear powerplants, which are known to be the most clean and effective ways to produce electricity. I think there are new things we will be able to find in the future, such as ethanol, hopefully, becoming more reasonably priced; other forms of wind energy that certainly could produce electricity, not in the great amounts we need at this time, but I think Americans are ingenious and we will find other sources. But that should not be all we need to do.

We need to have a balanced plan that also allows us to produce the amount of energy we would need to keep our country strong. The major sources of oil in this country are ANWR and the Gulf of Mexico. We are drilling in the Gulf of Mexico, but we have not yet found the technology to go as deep as we would need to go in parts of the Gulf of Mexico to tap the added resources that might be available there. We do however certainly have the capability to look to that resource as well. In the Senate bill, we do not try to help get the Gulf of Mexico oil. No. The House bill allows us to continue the

royalty help that we give for deep drilling in the Gulf because it is more expensive and takes more research and exploration.

Senator Bennett Johnston of Louisiana passed a royalty relief bill that takes the first part of oil royalties from deep well drilling in the Gulf. It abates those royalties in order to create an incentive for companies to add that expense of drilling in that deep Gulf area. That credit lapsed and is no longer in effect. The House energy bill puts that back in play.

We should do that. That is a valid incentive because it would produce more oil in the Gulf.

In the Senate bill, there is very little about production, aside from the marginal well tax credits which were my in bill. I have fought for the marginal well tax credits for a long time. I am pleased that they are in the bill because the marginal well tax credits could help the marginal, small, little bitty wells to give them a floor so that anyone willing to go in and tap a site, that would produce only 15 barrels a day or less, would be able to withstand the falling prices. A number of those small wells were closed when oil was \$11 a barrel a couple of years ago and they haven't been reopened because of the instability of the prices.

If all the small wells are drilled and producing, we do have that credit in this bill which will equal the amount we import from Saudi Arabia. It is a significant amount. It takes 500,000 wells to do it. These are generally small businesspeople. That is good.

Other than that, there is nothing in this bill that speaks to production. The House bill has the incentives for deep Gulf drilling, which I think is very important and I certainly hope will come out of the conference report if we can pass the bill before the Senate.

The House has ANWR, which the Senate does not, and about which we are fighting and talking today. ANWR is a significant addition to our own national stability. The ability to control our destiny rests in ANWR and deep Gulf drilling. When you put those together with increasing nuclear capabilities, clean coal burning, wind, and other forms of renewables, a balanced package of conservation and production includes ANWR and the deep Gulf incentives.

As we debate this, I hope some of our Members, who have said they are very concerned about drilling in ANWR, will look at the facts: ANWR has no trees in the part we will drill, it would only be done in the winter when you use ice roads and ice runways so there is no footprint on the land, where it would not hurt the environment, but, in fact, would be severely restricted by environmental concerns.

If we are going to have affordable, reliable, and clean energy, we must have a balanced package. Not to pass a bill that gives the amount we import from Iraq and Saudi Arabia and Venezuela is hardly worth the effort because it

wouldn't give enough stability to control our own destiny.

It is essential we pass a bill that allows America to control our economy and will produce American jobs. We are talking hundreds of thousands of jobs. That, in itself, helps stabilize our economy. That is why the Teamsters Union and the building and trade unions have been so helpful in this effort. I have never seen a union so committed and so sincere and work so hard as the Teamsters to try to keep these jobs in America. We have lost many jobs, thousands of jobs, since September 11.

These are good-paying jobs that would become available if we drill in ANWR and in the deep Gulf—not only the jobs on the rigs themselves, but all of the companies that produce the pipe, all of the companies that produce the oil-well supplies.

It would be a huge boost to our economy. However, most importantly, it would stabilize our economy from oil price spikes that will hurt our airline industry, that will hurt our factories, that will hurt profitability and start causing more layoffs if we do not get control.

I thank my colleagues for finally allowing this amendment to come forward. It is our responsibility to pass this amendment for the limited exploration in ANWR with the environmental safeguards and with the very specific times that assure we would not have a footprint on the land. This is our responsibility. It is a national security issue. It is an economic issue. If we don't look out for America, who will? This is the Senate of America and we must look out for the people, for the jobs, for the security of our country. That is what we have been elected to do. It is our job and it is time to step up to the plate and do the right thing for the people who have put their trust in us.

The PRESIDING OFFICER (Mrs. CARNAHAN). The Senator from Nevada.

MR. REID. I have spoken with the two managers of the bill. I would like to propound a unanimous consent request that Senator WELLSTONE be recognized for 20 minutes, Senator LIEBERMAN for 20 minutes, Senator BOND for 20 minutes, and Senator LOTT for 10 minutes, in that order.

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

The Senator from Minnesota.

MR. WELLSTONE. Madam President, when I first came to the Senate, my first year here in 1991, I think with Senator LIEBERMAN and Senator BAUCUS, we started a filibuster against well drilling in ANWR. We succeeded. I am proud to be part of this effort as well.

With all due respect, as I listen to some of my colleagues speak, they make the case we need to do this for our own national security; we need to do this for energy independence; we need to do it for our consumers. I think it has precisely the opposite effect.

We are talking, altogether, the equivalent of what the United States con-

sumes for 6 months. We are talking about oil that is not recoverable for another 10 years. And we are also talking about continuing to barrel down this oil path, this fossil fuel path, which is destructive to our environment.

I am an environmental Senator from the State of Minnesota. I am concerned about global warming. In many ways, it is not our future. There is a different future.

I come from a State, for example, a cold weather State at the other end of the pipeline. When we import barrels of oil or MCFs of natural gas, we export billions of dollars. Last year our energy bill was between \$10 and \$11 billion, but we have wind, biodiesel and ethanol, biomass electricity, saved energy, efficient energy use, and clean technology and small business. There is another direction that we can go. There is simply no reason to destroy a pristine wildlife refuge. There is no reason to do this environmental damage.

One of the most moving meetings I ever had was with the Gwich'in people who live on the land. They made the appeal to me as a Senator out of their sense of environmental justice not to let this oil drilling go forward.

This whole idea of energy independence for America, based upon another idea that we drill our way to independence, makes no sense. The United States of America has 3 percent of the world's oil reserves, but we use 25 percent of the world's supply. Saudi Arabia has 46 percent of the world's supply.

On each point, I take my colleagues to task. I don't think we get more energy independence from this. I don't think we get lower prices for consumers. I don't think we do better for our environment. Frankly, this proposal represents not a big step forward but a big leap sideways, at best.

On the jobs count, we can go back and forth and back and forth. Senator KERRY spoke; Senator LIEBERMAN will speak. I know what the American Petroleum Institute has said about the jobs. I also know when we look at the Congressional Research Service, which we all look to as an independent research organization, we are talking about 60,000 jobs.

If you move down another path where you are not so dependent on big oil and where you really look at renewable energy and saved energy, it is much more labor intensive, it is much more small business intensive. It creates many more jobs, and it is much more respectful of the environment. It keeps capital in our communities. That is the marriage we ought to make here on the floor of the Senate. We don't need to be doing the bidding of these big oil companies any longer.

In part 2 of my presentation—I will stay under 20 minutes because there are many Senators who want to speak—I want to turn my attention to a portion of this amendment, the second-degree amendment, which purports

to address the very serious problem of legacy costs of steelworkers or, in my State, taconite workers—that is to say, people who are retired and who are losing their health care benefits and their insurance benefits.

We need to respond to this pain. I am a part of a real effort, a bipartisan effort with Senator ROCKEFELLER and Senator SPECTER, to deal with legacy costs and to provide the help to people. This amendment on this bill is not authentic. It is not a real effort. In many ways I cannot think of an amendment I am more in opposition to because I think, frankly, it takes advantage of the pain of people and the hopes of people, it is an amendment that does not do the job.

Why in the world are we now being told on the floor of the Senate the only way we can get relief to thousands of steelworker retirees around the Nation, where their health benefits and their life insurance is in jeopardy, is by tying it to what the oil industry wants to do in Alaska? I would like to know who made that linkage, and how anyone can argue that is the only way we can help steelworkers, retired steelworkers, or, for that matter, whether or not this, in fact, is even a real effort.

Let me explain. The amendment does not deliver on the promise. Senators come out here and say the only way we can do this is from the royalty from the oil drilling. The Senator from Alaska says the legacy costs could be as high as \$18 billion. I think the costs are about \$14 billion over 10 years. Drilling in ANWR cannot produce those kinds of Federal revenues. This amendment dedicates much of the ANWR revenue to other purposes.

According to the Congressional Budget Office, nonpartisan CBO, less than \$1 billion of the revenue from ANWR is going to be available, in this amendment, to pay for steelworker legacy costs over 10 years. In other words, less than one-tenth of what the CBO says we need to cover these legacy costs for steelworkers, for the taconite workers who are the steelworkers in northern Minnesota—less than one-tenth of what we need is covered by this amendment. And that presupposes the House Republican leadership would sign onto it—they have not—and that this administration would sign on to it. They have not.

So what we have here is a little bit of sleight of hand, where you get oil drilling for ANWR in the House bill—it is in there—and in the Senate bill. You get less than one-tenth of what we need for legacy costs. That is all you get. But you do not have any prior agreement from the House Republican leadership, and they take it out in conference. You do not have any prior agreement from the White House. They take it out in conference.

I have to tell you, this is in many ways this amendment tells a horrible story. The steelworkers, hard-working people—the range has seen tremendous

pain. LTV workers are out of work. This doesn't help people out of work now who are also losing their health care benefits. But for retirees, it says we can help you, but the only way is if you go along with what the oil industry wants, and if you look at the fine print, you find out this doesn't meet more than one-tenth of the cost.

Where is the commitment from the White House? Where is the commitment from the Republican leadership? I tell you what, we will bring a bill out to the floor which will cover legacy costs. Then all Senators get a chance to vote on it. Then we can decide who wants to provide the help to people.

By the way, it is also help to an industry that simply is not going to be able to compete without our doing so.

I want to say, the second-degree amendment—it is so interesting. I have another piece here. There actually will be no oil produced on lease on the Coastal Plain which will be imported except to Israel. There is even language of oil for Israel. Oil for Israel, legacy costs for steelworkers—although not really. It is not real. But this seems to me to represent the old politics where you are trying everything to get the votes. You do not know what else to do so you start adding on all these other amendments, and you think you can buy off this group of people or buy off this vote or get this vote or get this vote.

I am a Senator from Minnesota. I want to make the final distinction between a real effort and my position on ANWR so it is clear. I am opposed to the oil drilling. I led a filibuster when I first came here. I am opposed to it now. I will vote against oil drilling in ANWR, period.

The second distinction, I am for a real effort to deal with the legacy costs of retired steelworkers. We have to. I am working with a bipartisan group of Senators who are equally committed.

If we want to talk about what kind of revenue we are going to need, it is going to be, over 10 years, about \$14 billion. There is less than \$1 billion revenues from actually ANWR revenues to cover the legacy costs. That doesn't do the job.

The steelworkers know this and they have said so. We don't need to be doing the bidding of the oil companies to help the steelworkers. We can do that on our own. We can do that right here on the floor of the Senate.

When we bring the legislation out, it will be a tough fight. I do not know where the administration will be. Frankly, I think we need their commitment first because if we do not get their commitment first, we will never be able to provide it. It will be \$14 billion over 10 years. We have to do it for the industry, for this industry to have a chance, an industry that is so important to the national security of our country. This is a national security question. But we also have to do it to make sure we get the help to people who have worked so hard all their lives.

Where is the administration on this? I have not heard the administration commit itself to anywhere close to the amount of revenue we are going to need to cover legacy costs. The silence of the White House on this question is deafening. The silence on the part of the House Republican leadership is deafening. And the effort to have an amendment attached onto this amendment which purports to help taconite workers on the Iron Range but which really does not—as opposed to the real effort and the real fight which we will make—troubles me.

There are too many people and too much pain. People are hurting. We should not be playing around with this.

The second-degree amendment deserves to be defeated. The underlying amendment deserves to be defeated. I urge my colleagues to vote against cloture, and I believe we will have a strong vote against cloture.

I yield the floor.

The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I thank my friend and colleague from Minnesota for what is, for him, a characteristically truthful, passionate, and in some senses, courageous statement. But it is typical of his service here. I thank him and all the others of our colleagues who have joined in this filibuster to stop the drilling for oil in the Arctic Refuge.

I must say for myself, in the 13 years now that I have been in the Senate, I cannot remember the last time I said I would participate or proclaim to participate in the leadership of a filibuster. But I have done that in this case because I remember what Senator BYRD instructed us on some time ago—that the purpose of the filibuster, which is to say the requirement for a supermajority to proceed with 60 votes, is to prevent us from allowing the passions of the moment to sweep through Congress and become law and do lasting damage to America's values and interests.

If there ever was an example of how the temporary passions of a moment, if responded to in law, could do permanent damage to our great country, its values, and interests, quite literally, then this debate over the drilling in the Arctic National Wildlife Refuge is exactly that.

I rise to oppose the amendments before us and oppose the motion for cloture. This proposal has been before us for a long time. I remember discussing it in my campaign for the Senate in 1988. It has risen and fallen over the years, but the basic heart of it remains wrong. It is to develop one of the most beautiful places in America, the Coastal Plain of the Arctic Refuge, known as the American Serengeti, inhabited by 135 species of birds and 45 species of land animals. The plain crosses all five different ecoregions of the Arctic.

To take this magnificent, unspoiled piece of nature and develop it for what? For a very small amount of oil no sooner than a decade from now, which will

not do what all of us say we want to do, which is to break our dependence on foreign oil. And it will provide no price relief to American consumers of gas and oil.

The fact remains that drilling in the refuge would not produce a drop of oil for a decade—far beyond the time of the current crisis in the Middle East which some have tried to use to gain support for this proposal to drill; and, even then, after the decade, far too little to change in any meaningful way our dependency on foreign oil.

Even if we did allow the drilling for oil in the Arctic Refuge, this administration's own Energy Department concluded that drilling in the Arctic Refuge would only reduce our dependence on oil by 2 percent 20 years from now. That is in the year 2020 or thereabouts. We would depend on foreign sources of oil for 60 percent of the oil we use instead of 62 percent. Is that 2 percent worth destroying this beautiful piece of America?

The fact is, even if the oil were coming out of ANWR, notwithstanding suggestions to the contrary, it would be priced at world prices. So there wouldn't be any relief given to America's consumers if we allowed the drilling for oil. No, the only way for us to remove our economy from the troubles in the Middle East that are going on now or that may go on in years ahead is to end our dependence on foreign oil.

As my colleagues have said over and over again, we don't have much oil left within American control and within America's land—3 percent of the world's reserves of which we use 25 percent every year. It is just not there. Therefore, if we want to break our dependence on foreign oil, as mighty a nation as we are militarily and economically, if we want to truly remain strong and invulnerable to pressure from nations that are weaker than we are but have oil within their land, then we have to break our addiction on oil. We have to develop new sources of energy. We have to conserve more. We have to use the gifts of ingenuity and technology that have created so many miracles in our time to help us power our society and our economy in a way that is not only cleaner than oil but, most important to the moment, is within our control and our possession. Surely, we can do it.

As part of doing this, I say, as so many others who oppose drilling for oil in the Arctic Refuge have said, we are not opposed to all development of America's energy resources. Far from it. While we must move beyond our dependence on fossil fuels, we cannot do it immediately, requiring us to continue to pursue supplies of oil, and particularly to pursue supplies of fuel. In fact, may I say as a Democrat that I am proud that the Clinton administration actually leased more land for energy development than either the Reagan or previous Bush administrations.

But those decisions were evaluated, such as the decisions we shall make

and should make in the future, which is to determine the environmental impact of that exploration—to hold the test up. How much energy will we get? What damage will it do to our environment? By that test, the Arctic Refuge does not pass.

Let me show my colleagues a map of the North Slope of Alaska. Here is this very small area of the Coastal Plain. That is what our colleagues from Alaska want to be able to drill. Compare it to all the rest of this that is now open and, in many cases, already leased for oil exploration. This is a very small part of that area. There is very active exploration and drilling going on in the rest.

We are not asking to take out every possibility of development in enormous swaths of land. The fact is, companies have made promising new discoveries at the locations in blue that I have just indicated. For example, last winter Phillips announced major discoveries of three significant oilfields in the National Petroleum Reserve in Alaska. The oil companies have plans to drill up to 59 exploration wells over the next 5 years. None of that is going to be affected by our desire to stop these amendments, which aim to get into that last very special and important area to preserve.

What about that small green section in the corner of the map that I pointed to? The so-called 1002 area of the Arctic Refuge is the small biological heart of the ecosystem. Again, we are not asking for the entire North Slope to be protected. We only ask for the small piece of land that serves as the most essential and vital habitat in the region. Much to the contrary of what has been argued, the area is not even the most promising of the North Slope for exploration for oil.

Let me quote from comments of an oil industry consultant in a recent New York Times article:

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.

Listen to the comments of a spokesman for BP Alaska:

Big oil companies go where there are substantial fields and where they can produce oil economically. Does ANWR have that? Who knows?

We owe it to the American people to determine whether the measure before us is responsible and responsive to our energy needs or whether it is simply a distraction that threatens to bring down the 400-plus pages of good energy policy contained in the underlying bill.

To determine that, I think we need only to ask a very businesslike, very American question: What do we gain and what do we lose? I can tell you what we would gain in less than a minute. It would take days to catalog what we would lose. We are prepared, if necessary, to take those days to stop this authorization to drill in the Arctic Refuge.

What we would gain I have talked about. It would take at least 10 years, and then there would be, at best, a 6-month supply of economically recoverable oil—a yield that would be spread over 50 years.

What are the costs? The visible damage would be substantial: an environmental treasure permanently lost, hundreds of species threatened, international agreements jeopardized, oil spills further endangering the Alaskan landscape, and an increase in air pollution and greenhouse gas emissions.

The unseen damage of drilling would be just as real: a nation—our Nation—lulled into believing it has taken a step toward energy independence, when it has done no such thing; a nation believing it is extracting oil using so-called “environmentally sensitive” methods when it will not—all in all, the American people misled in both meanings of that term, not appreciating the reality, and also a failure of leadership by those of us who are privileged to serve here in Washington.

Finally, this plan would violate some of our most treasured American values. I speak particularly of the values of conservation. This plan presents a false promise of job creation, a false promise of economic stimulus, a false promise of energy independence, and a false promise of environmental sensitivity.

The first claim my colleagues make is that drilling in the Arctic is a necessary part of a balanced, long-term energy strategy. But, I say respectfully, calling drilling in the Arctic Refuge part of a strategic energy plan is like calling oil a beverage. It is literally and figuratively hard to swallow.

This ill-considered plan will do nothing to wean us from our dependence on foreign oil. But we do have such a proposal which would take aggressive and strategic steps in pursuit of new sources of energy and better conservation; and that is the underlying bill fashioned by Senator BINGAMAN, Senator DASCHLE, and others working with them. It would provide us with the resources we need in the short term by measures such as expediting the natural gas pipeline from Alaska and providing the resources necessary to process the many lands already leased for exploration.

I want to share with my colleagues a few words on the question of the effect that drilling in the Arctic might have on jobs because that is an argument that has been made.

Drilling in the Arctic Refuge will actually create fewer jobs than dozens of the smarter alternatives that would create new industries using American technology that will be encouraged by the underlying bill. The much quoted study claiming that the Arctic drilling would result in 750,000 jobs has since been widely discredited. Even its authors have acknowledged its methodology was flawed.

The real job creation figure, in my opinion, is much closer to 45,000. Those

jobs are short term, most of them in construction, as opposed to the permanent jobs that would be created by new energy industries, new energy technology industries created all over America.

In order to try to settle this question, the Joint Economic Committee looked at the question and found that the proposal would result in modest employment gains, peaking at an estimated 65,000 new jobs nationwide in the year 2020. That would be an increase in projected employment by less than one-tenth of 1 percent over that time—certainly nothing to sacrifice a national treasure for, particularly when we have so many better, new energy alternatives that will create so many more longer lasting jobs.

I would like to say a word about the oil prices impact from drilling in the Arctic because American consumers are sensitive and, appropriately, accustomed to being concerned about the effect of world political and economic events on oil pricing and gasoline pricing and may be deceived into thinking that if we drill for oil in the Arctic Refuge, we will be protected from international oil price fluctuations.

Drilling would have no impact on U.S. oil prices, even under the inflated estimates for petroleum potential that are cited by drilling advocates because the price of oil is determined by broad, global supply and demand, not by the presence or absence of an individual oilfield.

Let's look, for example, at the case of Prudhoe Bay. In 1976—the year before the largest oilfield ever discovered in North America entered production—a barrel of West Texas Intermediate crude oil sold for \$12.65 and standard gasoline averaged—I take a deep breath here—59 cents a gallon. That was 1976.

Two years later, with Prudhoe Bay now adding more than 2 million barrels a day to domestic supply, in 1978, West Texas Intermediate crude had increased by more than 15 percent to \$14.85 a barrel and gasoline averaged 63 cents a gallon. It went up. During the next 2 years, as Prudhoe Bay production increased, oil prices also skyrocketed to \$37.37 per barrel, while gasoline nearly doubled to \$1.19 a gallon—all because of world oil prices.

This obviously does not demonstrate a relationship between Alaskan oil and gasoline prices that will be paid around the world.

In closing, I want to get back to what this all says about our values and the choices we have to make. The question is, Are we willing to destroy a habitat that is home to so much beauty and wildlife and deprive future generations of visiting and experiencing this magnificent part of our country in return for what will slightly—2 percent out of 62 percent—reduce our dependence on foreign oil two decades from now and will not affect the price the American people will pay for gasoline and oil?

I think the answer has to be no. Wilderness and the oil industry cannot

peacefully coexist, certainly not in this case. So we are forced to make a choice. I have made mine. I believe the American people agree. Why? Because conserving our great open spaces is fundamentally an affirmation of our core American values. Conservation is not a Democratic or Republican value; it is a quintessentially American value.

What lesson does it teach the generations that come after us if we go ahead with this terrible mistake of drilling in the Arctic Refuge? That we, as Americans, did not value our national heritage? That we did not conserve it for future generations of Americans? That we sold it for, essentially, effectively, the equivalent of a barrel of oil?

The ethic of conservation tells us it is not only sentimentally difficult to part with beautiful wilderness, it is practically unwise, because in doing so we deny future generations a priceless piece of our common culture.

Let me close with the words of a great President, a great American, a great conservationist, and a great Republican, Theodore Roosevelt. In 1916, he said this:

The "greatest good for the greatest number" applies to the number within the womb of time, compared to which those now alive form but an insignificant fraction. Our duty to the whole, including the unborn generations, bids us [to] restrain an unprincipled present-day minority from wasting the heritage of these unborn generations. The movement for the conservation of wildlife and the larger movement for the conservation of all our natural resources are essentially democratic in spirit, purpose, and method.

That is a quote from the great T.R.

They live and breathe with as much wisdom today as they did in 1916. In addition to all of the pluses and minuses and balances and statistics, they are the ultimate reason why we should reject these amendments to allow for the drilling for oil in the Arctic Refuge.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, I rise today to discuss what I think is one of the most important issues our Nation faces, and that is national security.

Yes, this is an energy bill. More specifically, we are talking about an amendment to drill for oil in a small remote region of Alaska. What does that have to do with national security? Let's set the stage because the facts are getting lost in some wonderful rhetoric that takes me away in a dream world. I don't recognize the place I know as Alaska when I listen to it.

We have tried to put out the facts. I have heard other things that are not quite so factual. Just as a beginning, over the next 20 years, U.S. oil consumption is projected to grow even after factoring in a projected 26-percent increase in renewable energy supply, which we strongly support, and a 29-percent increase in efficiency. Some people think that is outrageous. Some people have a terrible guilt trip that the United States uses so much oil we

don't have enough, so we ought to give up.

Drilling in ANWR reasonably could almost double our reserves. The United States has about 22 billion barrels of proven reserves, 3 percent of the world's reserves. ANWR could hold 16 billion barrels of oil more. That is almost doubling. It is adding 16 to 22 billion in our reserves.

We use oil. There is no question about it. We have 5 percent of the world's population. We use 25 percent of the world's oil. But we also produce 31.5 percent of the world's total economic output. We are more efficient than the world as a whole, and we produce food and medicine and goods to improve the lives of Americans and people around the globe.

Let's be serious. When we are talking about the fact that we use oil, yes, we do. There is no question about it. We need to make sure we have adequate oil reserves.

We just heard some information from the Energy Information Administration that is a little outdated. There is more recently a letter of March 22 to Senator MURKOWSKI from Mary Hutzler, Acting Administrator for Energy Information. I ask unanimous consent that a copy of the letter and the addendum be printed in the RECORD.

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

DEPARTMENT OF ENERGY,
Washington, DC, March 22, 2002.

Hon. FRANK H. MURKOWSKI,
Ranking Minority Member, Committee on Energy and Natural Resources, U.S. Senate,
Washington, DC.

DEAR SENATOR MURKOWSKI: Enclosed is a response to your March 21, 2002, request for more information from our Service Report, "The Effects of the Alaska Oil and Natural Gas Provisions of H.R. 4, and S. 1766 on U.S. Energy Markets." The information provided relates to an increase in U.S. oil production, a decrease in net petroleum imports, and the change in net import expenditures across the range of cases explored in the Report.

The projections show that all of the increase in U.S. oil production from opening the Arctic National Wildlife Refuge (ANWR) to oil development comes from increased Alaska production, rather than lower 48 production, regardless of the size of the oil resource assumed to be contained in ANWR. The size of the resource assumed to be in ANWR also has an effect on imports. The larger the ANWR resource base, the greater is the reduction in petroleum imports. Reductions in net expenditures on imported crude oil and petroleum products range from \$5.7 billion in the low ANWR resource case with a reference case oil price path to \$18.3 billion in 2020 (in 2000 dollars) in the high ANWR resource case with a high world oil price path.

If you have further questions, please contact me on (202) 586-6351.

Sincerely,

MARY J. HUTZLER,
Acting Administrator,
Energy Information Administration.

Enclosure.

ADDENDUM TO THE EFFECTS OF THE ALASKA OIL AND NATURAL GAS PROVISIONS OF H.R. 4 AND S. 1766 ON U.S. ENERGY MARKETS

This addendum responds to a March 21, 2002, request from Senator Frank H. Mur-

kowski for more information from the Energy Information Administration's Service Report, "The Effects of the Alaska Oil and Natural Gas Provisions of H.R. 4 and S. 1766 on U.S. Energy Markets." This addendum provides projections on the increase in U.S. oil production, the decrease in net petroleum imports, and the change in net petroleum expenditures across a range of cases.

All of the increase in U.S. oil production from opening the Arctic National Wildlife Refuge (ANWR) to oil development comes from increased Alaska production, rather than lower 48 production, regardless of the size of the oil resource assumed to be contained in ANWR. In 2020, the increase in total domestic production ranges from 500,000 barrels per day in the low resource ANWR case to 1.43 million barrels per day in the high resource ANWR case (Table 1A). In 2020, ANWR is projected to increase U.S. oil production by 8.9 percent in the low resource case, compared to 25.4 percent in the high resource case, compared to the Annual Energy Outlook 2002 (AEO2002) reference case.

The size of the resource assumed to be in ANWR also has an effect on petroleum import reductions. The larger the ANWR resource base, the greater is the reduction in petroleum imports. In 2020, the reduction in net imports of crude oil and petroleum products is projected to range from 450,000 barrels per day in the low ANWR resource case to 1.39 million barrels per day in the high ANWR resource case, compared to the AEO2002 reference case. More than 80 percent of the import reduction is from lower imports of crude oil, as opposed to product imports.

When combined with a high world oil price path, the opening of ANWR has a similar impact on oil import reductions to the opening of ANWR in a reference case (Table 2A). In the high world oil price cases with mean and high ANWR resources, import reductions in 2020 range from 780,000 to 1.32 million barrels per day more than the high world oil price case without ANWR. In the high ANWR resource case with high world oil prices, oil consumption is reduced by half a million barrels per day and about 70 percent of the import reduction is from lower imports of crude oil.

Reductions in expenditures on imported crude oil and petroleum products range from \$5.7 to \$16.0 billion compared to the reference case in 2020, depending on the amount of resource in ANWR (in 2000 dollars). Like the volume changes, more than 80 percent of the reduction comes from lower crude oil imports. In the cases which assume the opening of ANWR and high world oil prices, expenditures on oil imports are \$11.2 billion to \$18.3 billion lower than the high world oil price case without ANWR. The impact on expenditures is greater in the high world oil price cases, because of higher oil prices.

Mr. BOND. They take a look at the estimates for oil produced at ANWR. And obviously, since it hasn't been drilled, we can only estimate. If it is not there, they won't drill. So this effort is all in vain, but I believe our U.S. Geological Survey and the other scientific experts have a pretty good idea.

On average, if you take in the high and the low, U.S. Geological Survey says there would be an increase of domestic production by about 14 percent. If you assume the high case, there could be an increase of 25 percent of domestic production. And when you have this kind of production, this is what it means for us.

People say that is not much oil. In Missouri, 71 years of consumption

could be sustained by that; or Connecticut, 132 years; Minnesota, 85 years. To say that is not significant misses the picture very badly.

What would be our dependence upon foreign oil? Well, without ANWR in 2020, the energy outlook is that 66.7 percent of our crude oil would come in from abroad. If you take the medium case, the medium production case, it would drop that to 62.2 percent. That is a 5-percent or 4-percent reduction. If it is the high case, it would go down to 58.7 percent, an 8-percent decline.

Those percentages make a huge difference. They make the difference between whether we have a situation where we can manage it in tight consumption or whether we are up against the wall.

The 1.5-million-acre Coastal Plain, called the 1002 area, of the 19.6-million-acre Arctic National Wildlife Refuge, is one of the best places to look for the oil that America needs. When large chunks of Alaska were set aside in 1980, they saved a small 1.5-million-acre Coastal Plain out of 19.6 million acres. Why did they save it?

Well, we have the letter of July 3, 1980, from Senator Hatfield and Chairman Henry Jackson. They were right when they wrote this in 1980. They said:

One-third of our known petroleum reserves are in Alaska, along with an even greater proportion of our potential reserves. Action such as preventing even the exploration of the Arctic Wildlife Range, a ban sought by one amendment, is an ostrich-like approach that ill-serves our nation in this time of energy crisis.

"Ostrich-like approach," those are the words of Chairman Jackson. He said: This is an energy issue. It is a national defense issue. It is an economic issue. It is not just an easy vote you can throw away and get some greenie points. Chairman Jackson concluded:

It is a compelling national issue which demands the balanced solutions crafted by the Energy and Natural Resources Committee.

The only regret I have today is that the Energy and Natural Resources Committee did not have an opportunity to craft a bill because I am confident that they know the energy situation. And they would have said that this is a necessary step.

The Energy Department said: The Coastal Plain is the largest unexplored, potentially productive onshore basin in the United States. The USGS estimates there are up to 16 billion barrels of recoverable oil, enough to offset Saudi imports for 30 years.

The 1002 area is not a beautiful piece of America. Congress set it aside for oil exploration. The people who talk about this give these word pictures of a magnificent forest. I don't think they have been there. When I go back home, I ask anybody: Have you been to the North Slope? Do you know what it looks like? They tell me: No.

I kid my colleagues from Oklahoma that it is as attractive as a frozen Oklahoma. Nobody I know has refused

to drill for oil in Oklahoma because of its pristine beauty. I have been there. I have swatted away the mosquitos.

This is what it looks like in the winter. My good friend, the senior Senator from Alaska, refers to it as the proverbial Hades. It is quite a few degrees colder.

When I have been there in the middle of July, it has gone up to 38 or 39 degrees, and there are those hardy souls who work out there in shirt sleeves, 39 degrees, because it is a heat wave.

This is the best we can show you. This is what the 1002 area looks like. That is Kaktovik in the background. Look at this magnificent beautiful piece of Alaska. Look a little flat? Look a little same? It is. But it has its own beauty. It really does.

One of the beauties is it has caribou and wildlife and birds, and they thrive up there. Here is a picture of drilling in Prudhoe Bay. This is Prudhoe Bay. If you can't see very well what it is, all these are caribou. The caribou herds thrive. The drilling does put permanent structures in there. But the temporary rock and gravel roads make a great place for caribou to calve. And the birds are there and the other wildlife is there.

Somebody said we are going to destroy this great swath, this beautiful natural reserve in Alaska. Are we talking about the same thing? We are talking about 2,000 acres, roughly 3 square miles, out of the Coastal Plain of 30,600 square miles. That is less than the size of Dulles Airport and the State of South Carolina. It is 3 square miles out of 30,600 square miles. This was in the area consciously set aside, on a bipartisan basis, because Chairman Jackson and the people on the Energy Committee then realized that this was where we were going to have to get our natural resources.

What would happen if we drilled and they found oil? It would mean 700,000 jobs would be created across the United States—not from a Government make-work program, but from private investment.

Wildlife habitat will be protected under the world's strictest and most environmental standards. To drill out there, you have to take all the equipment in, in the midwinter on ice roads, when it is 100 to 200 degrees below zero. That is so cold that I cannot even think about it. But you do that so you don't disrupt the land.

The caribou herd in and near Prudhoe Bay's oilfield is five times larger than when development began. It is five times larger. Prudhoe Bay is producing 20 percent of our Nation's oil production.

Now, let me say one other thing. As a result of my personal visit up there, the people who live there, the indigenous people, the Native Alaskans, the people who live in the region, they understand that this is the way they can improve their lives. They can make a positive economic contribution to the welfare of this Nation and benefit from

it. They begged us to allow them to go ahead and develop a resource that will not interfere with their fishing and their hunting and the wildlife around them.

I heard it said that it would be 10 years before we got any oil. Well, it depends on how much Congress delays it, how many lawsuits. Perhaps as soon as 3 years after the first lease sale. There has already been discovery on State lands of an oilfield that extends under the Coastal Plain. We know it is there, just not how much. If the Congress were serious about it and we said we want to develop this in an environmentally sound manner and do it quickly, we could get it online.

Contrary to a myth that many on the other side have spread, and as my friends from Alaska pointed out, we are not exporting the North Slope oil. None has been exported since May 2000. The average well at Prudhoe Bay produces over 550 barrels per day, more than 45 times the 12.5 barrels of oil produced per day by the average oil well in the United States. If the oil in ANWR is locked up, a lot of wells will have to be drilled to replace it, or we will be back in the situation in which we found ourselves several weeks ago.

By a very significant majority, 63 Members of this body, said we want to continue to be able to give American consumers the choice to drive SUVs, light pickup trucks, or vans. We ordered the Department of Transportation to use the best scientific and technological information available to push for increased oil and petroleum efficiency, gasoline combustion efficiency, and do everything we can to increase the efficiency. But don't force unrealistic standards that merely require us to move down to smaller and smaller cars until we are driving around in golf carts. If we are going to continue to supply the energy needs that my colleagues who voted with us on the CAFE amendment said we are going to need, we need the oil coming from ANWR. This is absolutely essential for our economy, for the sound development, the business of industry, and, most of all, to supply the transportation needs of our families.

For each dollar of crude oil and natural gas brought to the market, there will be \$2.25 of economic activity generated through the economy. The actual impact of the ANWR oil could be anywhere from \$270 billion to \$780 billion. These are all good economic arguments. But this is not the only question.

Keeping the oil production in the United States means we are buying less oil from overseas. We keep our domestic dollars at home. These are U.S. dollars not going to foreign countries, with leaders who may be on a mission to destroy our entire existence.

If that was too subtle for some colleagues, let me explain it. Just last week, we watched Iraq announced a month-long oil export embargo to protest Israel's response to the terror

campaign. Some argue that Iraq only produces 1.5 billion barrels a day, roughly 4 percent of world production. We are told Saddam Hussein is only supplying 8 percent of U.S. imports. It ought to be time that we tell the American people this country can not and should not maintain that level of dependence on Iraqi oil.

Last year, we paid Saddam Hussein \$6.5 billion. Does that sound like good policy? Do the American people really want to continue any efforts to benefit a tyrant such as Saddam Hussein, who continues his reckless oppression of his own people while threatening the security of the world with the development of weapons of mass destruction?

Madam President, let me answer that question emphatically. The United States must not continue this type of dependence, resulting in billions of dollars going directly to one of this century's most demented and ruthless rulers. The time has come for the United States to develop its own ability to produce oil and petroleum so we don't have to depend on him.

I commend President Bush for his actions in the Middle East, and I fully support him in the efforts to defend our national security. If it should occur one of these days in the near term when the President, we would hope in consultation with this body, deems it necessary, for the protection of peace and safety in the world and our own security, that we take on Saddam Hussein and his tyrannical regime once again, we must not be held hostage by the fact that they are supplying us oil. Right now, they have us over the oil barrel when we have oil and petroleum products in the United States we can develop to maintain our security.

Drilling for oil in Alaska is not just a good, sound option, it is a necessity. We must decrease our dependence on foreign oil every way we can. As I said a couple weeks ago, the Senate wisely adopted reasonable, scientifically based mandates to increase our automobile fuel usage. The CAFE provisions mandate an increase in standards that will help reduce our dependence. We provide incentives for alternative fuels such as electric power, solar-powered vehicles, and other provisions that include the use of biodiesel in bus fleets and school bus systems.

Yes, we must have renewables. Last week, the Senate voted in opposition to an amendment by my colleagues from California and New York that would have undermined the renewable fuels standards. I applaud my colleagues for opposing that effort because renewable standards are one important part of our energy policy. We need to make every effort to decrease our dependence on foreign sources of oil.

I urge my colleagues in the strongest possible way to support the efforts of the Senators from Alaska. I have been there. I have gone with them to visit this region. I have seen the oil exploration underway. I have seen the wildlife running on those plains.

Madam President, when they finish, there will not be any signs of development, and it will still be a barren, mosquito-filled plain in the summer, with its natural attributes and an absolutely hideously cold winter, and the wildlife, the birds, and the fish that thrive up there will continue to thrive. We are not destroying anything.

Even if they were going in to burn and turn it upside down, we are talking about 2,000 acres—2,000 acres, just a little over 3 square miles out of 30,600 square miles. There is no way anybody can legitimately say we are going to No. 1, destroy anything, because we are not destroying it. It is not a pristine wilderness that will not survive the drilling. We have shown how it can be done, and we are only talking about a thumbnail size out of the entire area.

The PRESIDING OFFICER (Mr. JOHNSON). The Senator's time has now expired.

Mr. BOND. Mr. President, I thank you for that good news, and I urge support. I ask my colleagues to support the Senators from Alaska.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. LOTT. Mr. President, I rise in support of the amendment that has been offered by Senator MURKOWSKI to allow for exploration in this area known as ANWR, the Arctic National Wildlife Refuge. Also, it is very reasonable to pursue what will happen with the funds we would get as a result of opening up this wildlife area. It is important that we look at this issue in the most serious way.

I just got off the phone with the President's National Security Adviser, Condoleezza Rice, talking about the situation in the Middle East. I appreciate the fact Secretary Powell has been there and has been meeting with the interested parties trying to make some progress in that very difficult situation. I am satisfied that we have a better feel now of what can be done, that progress was made in dealing with the situation on the northern border of Israel. But the fact is, we still have a very volatile situation in the Middle East, one that could cause disruptions in a number of ways from that region of the world.

The oil from Saudi Arabia comprises about 25 percent of the oil the world gets. We have had threats from Saddam Hussein. There is no question in my mind that he would use any tool of destructive capability he could find, including cutting off the oil that comes from Iraq.

I still agree very strongly with Senator MURKOWSKI that it is impossible to explain why we would be getting oil directly or indirectly from Iraq, refining it, and then sending it back to the region to be used in our planes to patrol the region to keep Saddam Hussein and the Iraqis under control.

The oil supply in the world is not in a stable situation. We saw this past week in Venezuela a change in Government, and then the former Government

was back in place. This is a country we depend on. I believe the third largest amount of oil we get comes from Venezuela.

The point is, we are in danger. Our national security and our economic security could be threatened by the instability in the world, by the uncertainty or the unreliability of the sources of this oil and gas. If we start losing part of it or large portions of it, we could be in a very difficult situation very soon.

We need a national energy policy. We need additional production, and I predict today that if we do not take advantage of the oil we know exist in ANWR, in that northern extremity of Alaska, we will have some very bad situations evolve in the next few months, or in the next couple of years. I do not want to say I told you so, but when the gasoline prices go up, when supplies cause dislocation, when we have rolling brownouts, it will be traceable right back to this body and to this vote.

We need to understand this is for real. We need our own domestic energy supplies, and all the supplies that might be available. We should make better use and more use of nuclear power, but we have people who do not want nuclear power. They do not want to have a nuclear waste repository. We should make use of hydropower more, although in some areas there are people who do not want hydropower because it might adversely affect some species.

We need additional oil and gas, but yet we have people in America who do not want to have exploration off the east coast, the west coast, the gulf coast, and now in the northern part of Alaska.

We need to make greater use of coal. We can have clean coal technology that allows us to have the benefit of this source of energy without being a problem for the environment. Again, a lot of people oppose that.

What do they propose doing? How are we going to have the energy we need to fuel the growing economy we all want in America? I think we should do all of these things, and that is my problem with this bill. This bill has a lot of conservation incentives and alternative fuels. We have the tax bill that came out of the Finance Committee. There is a large amount of tax incentives for hybrid sales in automobiles, and to encourage getting these marginal wells back in usage. We have all of that in the bill but not what we need for energy production.

The point that is so critical to me—this map I am sure my colleagues and the American people have seen. The area we are talking about is an extremely small portion on the Arctic Ocean, and the people of the region and the Senators and Congressmen of the State want this to happen. We are being told we cannot do that.

We are being told by people from States in the furthest extremities of the eastern part of the United States:

We do not think this should happen in this area.

Whatever happened to Senatorial courtesy and trust? For years as a Member of Congress in the House and Senate, I put my greatest reliance—although I reserve the right to make up my own mind—but I put an awful lot of reliance on the Senators and Congressmen from the States.

When I had the Congressman from North Dakota say to me and others: Yes, the Garrison Diversion is something we want—a lot of environmentalists said we should not have the Garrison Diversion—I took the word of then-Congressman, now-Senator DORGAN about the need for and the justification for the Garrison Diversion.

We have had lots of debates in years gone by about water supply in Arizona. I did not have a Mississippi dog in that fight. I did not know all the ramifications of the argument. Who did I rely on? I relied on the word of the Congressmen and the Senators and the people in the local region.

Why are we not doing that now? Two of the most effective, most respected Senators in this body, the Senators from Alaska, Mr. STEVENS and Mr. MURKOWSKI, are pleading with us to give them the opportunity to do this in a safe, reliable, affordable way in a very small region.

We have the letter from the Alaska Natives who live in this area asking us to support opening of ANWR, and basically pleading with us to give them an opportunity. The people who live in the region want it. They know it can be done safely. They know it can be done in a way that would benefit the people economically. I am really at a loss for words to explain why this should not be done.

There is a national movement of some kind by various groups saying we must not let this happen, but when it comes to dealing with energy independence, when it comes to dealing with the likes of dictators in Iraq such as Saddam Hussein, when it comes to creating new jobs, this is the thing to do. It is supported by labor unions. The people who would be involved in transporting the supplies, the people who would be involved in building the pipelines, they are for this.

For those who are worried about the environment, I have never seen a project that has stronger environmental rules that would have to be enforced than any project I know of, and they have narrowed the area. They have offered to put more land in pristine reservations. Everything possible has been done to make it possible for us in the United States to get the benefit of this exploration and this pipeline and the supply we would get from it.

So when we look at our current situation, relying on 60 percent foreign oil for our energy needs, when we look at the instability in the world, in several countries where we rely on the oil they produce, and then when we look at the

benefits we get economically, and the jobs, this is legislation we clearly should pass.

An energy policy without ANWR is not complete. In my own case, I have spoken about the ability to explore in what is known as the Destin Dome in the Gulf of Mexico, close to where I live. I want it because we need it. I know it can be done in an environmentally safe way and in a way that will not be damaging to the fish in the Gulf of Mexico, and yet we had a tremendous debate in the Senate about opening up even a part of that area. Yet those of us who live there, the Senators from Alabama and Mississippi, although not the case with the Florida Senators, were saying: This can be done, and we need to do it.

I believe a map speaks a million words in explaining what is involved. So I thank Senator MURKOWSKI for his diligence. He has tried every way in the world to make sure the American people understand the importance of this, that they understand this could be done in a way that would benefit America with probably somewhere between half a million and 735,000 new jobs, that it would reduce our dependence on foreign oil.

Some people said if we started today, we would not get it online for months, perhaps years. Eventually we are going to have to do this. The time will come when America is going to have serious energy problems and we are going to have to go where we can get energy the quickest, and one of those places is this particular area on that northern slope of Alaska.

So I wanted to come and add my support for this effort. I do not know how in the world we can justify not being for this. I believe President Clinton vetoed this effort in 1995, and yet the Congress has passed this several times over the last 20 years. I believe that is correct information. We should do it once again.

I urge my colleagues, if they are undecided or if they have been leaning the other way, think about it again. The situation has changed. The need for this oil and the gas that might be involved has changed since this debate began. I would not want to be a Senator who voted no on this 6 months from now, because we could be having huge problems. This could be a vote that would haunt us forever. I do not mean that as a threat, I mean it as a plea. We need this.

The Senator from Louisiana and I are very closely situated to the Gulf of Mexico. We know we can get oil and gas with the technology now available. That technology is so sophisticated, one does not just take a potshot down and hope they hit. When they look at the charts, they know exactly where the little shelves are. They can go right to where the oil is.

Some of the best fishing I have ever experienced in my life was around the oil rigs off the coast of Louisiana, not far from the Chandelier Islands. I know

the area. I have been there. I have not been to ANWR.

Senator MURKOWSKI and I will have to debate where fishing is the best. He has tried to take me to Alaska, but I said: "Isn't it very cold up there? Isn't it a pretty barren area?" I would rather go where there are palm trees or oil rigs already in place.

I say to my colleague from Alaska, I really appreciate the job he has done. I am going to work with him to the very last minute to see if we cannot do what is right, not just for the Senator from Alaska, not even just for Alaska. This is for America. If we are from some remote State, for us to say this little piece of 2,000 acres cannot be used to produce oil and gas is irresponsible, in my opinion, when you look at what we are faced with in terms of threats around the world.

I urge my colleagues to pass this. Let us get a good energy bill for the good of our country.

Mr. MURKOWSKI. Will the leader yield for a question?

Mr. LOTT. I am happy to yield.

Mr. MURKOWSKI. Does the leader know what the temperature is outside today?

Mr. LOTT. In Washington, DC, I think it is approaching 95. What is the temperature on the northern slope of Alaska?

Mr. MURKOWSKI. I was hoping the minority leader would respond by asking me a question. Having been there exactly a year ago today, with Senator BINGAMAN, who left his gloves at home and we had to find a pair of socks for him—we later found him a pair of gloves—and Gale Norton, Secretary of the Interior, it happened to be 77 below zero in Barrow. That gives some idea of the contrast between Washington, DC, and Alaska.

Mr. LOTT. In April it is still that cold?

Mr. MURKOWSKI. It was that particular day a year ago today. So I think that is a little reference to the harshness of the environment up there.

Mr. LOTT. Mr. President, I ask unanimous consent that the letter to which I referred be printed in the RECORD.

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

KAKTOVIK INUPIAT CORPORATION,
Kaktovik, AK, April 17, 2002.

Hon. TOM DASCHLE,
Hon. TRENT LOTT,
*U.S. Senate,
Washington, DC.*

DEAR SENATORS DASCHLE AND LOTT: The people of Kaktovik, Alaska—Kaktovikmiut—are the only residents within the entire 19.6 million acres of the federally recognized boundaries of the Arctic National Wildlife Refuge (ANWR). Kaktovikmiut ask for your help in fulfilling our destiny as Inupiat Eskimos and Americans. We ask that you support reopening the Coastal Plain of ANWR to energy exploration.

Reopening the Coastal Plain will allow us access to our traditional lands. We are asking Congress to fulfill its promise to the Inupiat people and to all Americans: to evaluate the potential of the Coastal Plain.

In return, as land-owners of 92,160 acres of privately owned within the Coastal Plain of ANWR, the Kaktovik Inupiat Corporation promises to the Senate of the United States:

1. We will never use our abundant energy resources "as a weapon" against the United States, as Iraq, Iran, Libya and other foreign energy exporting nations have proposed.

2. We will not engage in supporting terrorism, terrorist States or any enemies of the United States;

3. We will neither hold telethons to raise money for, contribute money to, or in any other way support the slaughter of innocents at home or abroad;

4. We will continue to be loyal Alaskans and proud Americans who will be all the more proud of a government whose actions to reopen ANWR and our lands will prove it to be the best remaining hope for mankind on Earth; and

5. We will continue to pray for the United States, and ask God to bless our nation.

We do not have much, Gentleman, except for the promises of the U.S. government that the settlement of our land claims against the United States would eventually lead to the control of our destiny by our people.

In return we give our promises as listed above. We ask that you accept them from the grateful Inupiat Eskimo people of the North Slope of Alaska who are proud to be American.

Most respectfully and sincerely,

FENTON REXFORD,

President.

Mr. LOTT. I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I wonder why they call it barren.

Mr. President, I am going to propound a unanimous consent request momentarily, but I do want to get the attention of the minority leader for 1 second. I am going to have my colleague and friend, JOHN ENSIGN, speak to Senator LOTT based upon the speech Senator LOTT just gave. When the Senator talked about senatorial courtesy and how we should give deference to what Senators from a State want, I want Senator ENSIGN to talk to Senator LOTT about Yucca Mountain because it would seem fair to me, using the analogy that has been stated for drilling in Alaska, the same should apply to Nevada. But we will see.

Mr. LOTT. Will the Senator yield?

Mr. REID. I will be happy to.

Mr. LOTT. I am always delighted to talk to Senator REID and Senator ENSIGN. I think maybe the RECORD will reflect in the past that I did listen very closely to some of his pleas. But we will have a chance to debate that another day.

Mr. REID. Mr. President, I have spoken to the two managers. I have visited with virtually everybody in the Chamber. The staff has visited with various other staff members. We have 11 Senators who have indicated a desire to speak on this matter, which works out so each side goes back and forth, and the time almost works out perfectly also.

I ask unanimous consent that Senator DURBIN be recognized for 20 minutes; following Senator DURBIN, that Senator BURNS be recognized for 15 minutes; following Senator BURNS,

Senator CANTWELL be recognized for 15 minutes; next, Senator VOINOVICH for 20 minutes; Senator LANDRIEU for 30 minutes; Senator FEINGOLD for 20 minutes; Senator DOMENICI for 15 minutes; Senator DORGAN for 20 minutes; Senator CRAIG for 30 minutes; Senator GRAHAM for 30 minutes; and then Senator NICKLES is the last speaker who I have been told wishes to speak, and there would be no time limit on him.

Mr. MURKOWSKI. Reserving the right to object, I want to work with the majority whip. Senator STEVENS is going to want to speak and does not want to be limited to any time commitment.

Mr. REID. No problem.

Mr. MURKOWSKI. I am also going to reserve my right to extend my remarks. I do not want this list to exclude other Members who may be wanting to speak. In the interest of time, I am quite willing to proceed with the list as given, subject to the gentlemen and ladies who are in the Chamber currently looking for recognition.

Mr. REID. I also ask unanimous consent that following Senator NICKLES, Senator STABENOW be recognized for 10 minutes.

Mr. MURKOWSKI. It is the understanding, Mr. President, that we will go back and forth.

Mr. REID. The consent I propounded does that. The time works out quite closely, also.

Mr. MURKOWSKI. I reserve the right of Senator STEVENS to come in to this sequence if it is necessary. I assume Senator BINGAMAN will reserve that right for himself, as I will, and the majority leader would, as well.

Mr. REID. I certainly think the two managers of the bill should be able to say whatever they believe is appropriate during this debate. But so we have some understanding, until we get this agreement, there is no extended remarks of the two managers. We get this done and Members can speak as long as they wish.

Mr. MURKOWSKI. Reserving the right to object, I reserve that for Senator STEVENS because he is in a hearing and he may want to come back. I ask unanimous consent he be allowed to come into the sequence which would involve an interruption.

Mr. REID. I think that is fair.

Mr. MURKOWSKI. Senator BINGAMAN and I work well together.

Mr. REID. Mr. President, I again propound the request, with the exception of Senator STEVENS, who is involved elsewhere. If he wishes to speak, he will be allowed to speak at the appropriate time for whatever time he desires.

Mr. MURKOWSKI. We would like to have a copy of the list because there are two lists working.

Mr. REID. We will get that to the Senator.

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

The Senator from Illinois.

Mr. DURBIN. Mr. President, if I am not mistaken, I am the first Senator

under the unanimous consent request. I thank the Senators from Nevada and Alaska.

This has turned out to be a historic debate about energy in that we have spent more time on it than any other issue I can remember since I have come to the Senate in the last 5 or 6 years. It is important we do spend the time, because if the issue is energy security and energy independence, we see on a daily basis why it is not only timely, but absolutely essential for our national security.

We followed the issues in the Middle East for many reasons. There are those who feel a special attachment to the nation of Israel and the alliance of the United States with that nation. There are those who follow it for many other reasons. Let's be honest. One of the reasons we consistently look to the Middle East is because it is a source of energy for the United States. We were involved in a war a little over 10 years ago, the Persian Gulf war, because of the invasion of Kuwait by Iraq. President Bush's father made it clear at the time this was about energy, about oil.

Time and again, the United States focuses its attention on the world because of our dependence on other countries for the oil and gas they send to our shores. It is an essential part of our economy, an essential part of our daily lives. We Americans are very happy and comfortable with our automobiles and trucks. We like that part of being in America. However, it has a price. It has a price not only in maintaining the vehicle but a price in terms of our relationship with the world.

The purpose of this energy bill is to talk about how we establish some energy independence and energy security, how we make the right decisions today so we can say to our kids and our grandchildren, in the year 2002, we took a look at the world and said: We will change a few things in the United States so we don't end up totally dependent on some foreign country for our energy, so that your life and your economy is going to be less dependent on what happens in Saudi Arabia or the gulf states or any other part of the world.

That is as noble an aspiration as could be asked for in political life. It generated, thanks to the leadership of Senator BINGAMAN of New Mexico, this lengthy tome of suggestions for change when it comes to energy in America. What is curious is the administration, President Bush, Vice President CHENEY, and others, came up with their own plan. That plan was fraught with controversy and political intrigue. At one point, we asked a very simple question of the administration: With whom did you meet? Which corporations and companies and associations did you meet with to draw up your energy plan for America's future?

To the surprise of this Senator, and many others, Vice President CHENEY basically said: That is none of your business. We are going to put together

our plan and submit it to you. We hope you like it, but you don't have a right to know with whom we consulted.

In the meantime, the Government Accounting Office has taken the administration to court to produce the names of the people with whom they worked. A court in the District of Columbia ordered the disclosure of some of the names. To the surprise of virtually no one, the major groups that wrote the administration's policy were the oil and gas companies, the energy companies. They are the ones that put it together. Yes, there was an invitation for an environmental group to drop by and say, hello, have a sandwich, and leave, but the substantive work and the appointments were with the energy companies. It is reflected in the administration's approach.

Why are we debating the Arctic National Wildlife Refuge? Frankly, for reasons it is hard to explain, it is the centerpiece of the George W. Bush administration's energy plan for the future of America. We have spent more time talking about that tiny piece of real estate in Alaska than many other issues that do bear on the importance of energy security.

One would be led to believe, if one didn't know the facts, that if we could just drill in the Arctic National Wildlife Refuge, if we could scatter that Porcupine caribou herd, put up our pipeline and drill, America could breathe a sigh of relief. We finally found the oil we need for the next century.

Nothing could be further from the truth. That is why you have to ask yourself, if this is not the answer to our energy prayers, why are we spending so much time at this altar? We are spending more time debating the Arctic National Wildlife Refuge than many other critically important elements of our energy security.

It has a lot to do with the group that put together the administration's energy plan. Let's be honest. These oil companies own the rights to drill the oil. If they can get into this wildlife refuge, if they can drill, they will make some money out of it. It is part of business. It is a natural part of the free market economy. It isn't about energy security. It is about these oil companies and their rights to drill and make a profit.

Let me tell you what that means in real terms. Here is a report, not from a left-wing group but from the Energy Information Administration, part of the Department of Energy for the George W. Bush administration. Here is what they have said about the Arctic National Wildlife Refuge:

Net imports are projected to supply 62 percent of all oil used in the United States by the year 2020. Opening the Arctic National Wildlife Refuge is estimated to reduce the percentage share of net imports to 60 percent.

So if we give to those oil companies the right to move into this wildlife refuge, the right to drill in territory and

land which we have set aside and held sacred now for over 40 years, what does America get as part of the deal? A net reduction in our dependence on foreign oil by the year 2020 from 62 percent of all the oil we use to 60 percent. The estimates are all of the oil taken out of the Arctic National Wildlife Refuge over a 10-year period of time would amount to 6 months' worth of energy for the United States.

Why, then, if that is what we are talking about, is this the centerpiece of the administration's policy? It goes back to the point I made earlier. It is the centerpiece of their policy because the people who wrote the policy, the special interest groups that sat down and crafted the policy, have another agenda. It isn't energy security; it isn't energy independence. It is about profitability.

Look at the impact of ANWR on net imports. The green line is net imports with ANWR; the blue line is net imports otherwise. They are almost indistinguishable. The chart says the same thing that President Bush's Department of Energy has already said.

So we find ourselves in the position of debating this issue. When President Eisenhower created the Arctic National Wildlife Refuge—and I might remind people, President Eisenhower was not viewed as some radical environmentalist—he was following in a long line and a long tradition in America where Presidents of both political parties took a look at their heritage, America's lands, and said: There are certain things which we want to honor, respect, and not exploit.

They took a tiny piece of real estate in one of the most remote parts of America, in this new State of Alaska, and said: This piece we will protect as a wildlife refuge.

For over 40 years, President after President, Democrat and Republican, respected that—until today. Today we have an argument from this President and his supporters in Congress that it is time for us to move in and start to drill.

I suggest to my colleagues that the Arctic Coastal Plain we are discussing is a unique natural area, one of America's last frontiers. These precious lands will be part of our legacy for future generations. Before we cavalierly say to these oil companies: pull in the trucks, pull in the rigs, and start drilling, we ought to step back and reflect as to whether or not this is sensible or responsible. I do not believe it is.

In this energy policy we have brought to the floor, there are a lot of suggestions about reducing our dependence on foreign oil. There was one that came to the floor for debate and a vote a week or two ago which went to the heart of the issue. Of all the oil we import to the United States today from overseas, 46 percent of it goes for one purpose—to fuel our cars and trucks. That is right. Forty-six percent of all the oil coming to the United States goes to fuel our automobiles and

trucks. That number is supposed to grow to almost 60 percent in a few years. In other words, our demands for more vehicles to be driven on the highway as we want is going to increase our dependence on foreign oil.

Doesn't it stand to reason that part of any responsible energy bill would talk about the fuel efficiency of the cars and trucks that we drive?

Not in the eyes of the Senate. We had a vote to put a new fuel efficiency standard on the books and it lost 62 to 38. The Big Three automakers and their supporters came to the Senate and said: We do not want you to improve the fuel efficiency and fuel economy of vehicles in America.

The Senate said: You are right. We are not going to touch it.

Why is that significant? It is significant for this reason. Look at what would happen here in terms of the billions of barrels of oil we would have saved just by increasing the fuel efficiency of cars and trucks in America. If we had gone up to 36 miles a gallon by 2015, with 10-percent trading of credits back and forth, the red line shows we would be saving somewhere in the range of 14 billion barrels of oil cumulative; at 35 miles per gallon, you see the blue line is higher because it is at an earlier date that it is implemented.

You have to scroll down here, if you are following this, and look down low and see what the ANWR means in comparison. It is this line here at the bottom, barely over 2 billion barrels of oil in the entire history of drilling in the Arctic National Wildlife Refuge.

This Senate rejected real savings when it came to fuel efficiency and fuel economy. We rejected that. We rejected it, incidentally, because the Big Three in Detroit and their lobbyists in Washington effectively lobbied the Senate.

But today we are being asked to go ahead and drill in the Arctic National Wildlife Refuge, a refuge that has been set aside for 40 years, and we know it doesn't even hold a candle to the savings enhanced fuel efficiency would generate in terms of our energy dependence.

The lesson and the moral to the story is there are a lot more lobbyists for the oil companies than there are for the Porcupine caribou that live in the Arctic National Wildlife Refuge. That is the bottom line. There are not a lot of people out there with antlers, waiting in the lobby, but there are a lot of folks with Gucci loafers on, and they are waiting to tell us: Don't touch the Big Three when it comes to the fuel efficiency of vehicles.

I think it is shameful to think that between 1975 and 1985 we passed a law that doubled the fuel efficiency of cars to a level of about 28 miles per gallon, and that we have not touched that issue for 17 years. That tells me we have been derelict in our responsibility. If we really cared about America's independence and security, we would be focusing on fuel efficiency, fuel economy of the cars and trucks we

drive. But this Senate walked away from it and said, no, we don't want any part of that debate. We are with the Big Three. We are with the special interests. Instead, let's figure out how we can drill in the ANWR.

That is not the only thing we have ignored. Renewable energy sources, what are those? Those are the ones that are not expended such as fossil fuels. Once you burn the tank of gas, it is gone into the atmosphere. We get the energy out of it and leave the pollution. Renewable energy sources, such as wind and solar energy and hydrogen cells and those sorts of things, fuel cells, all of those have the potential of environmentally friendly sources of energy. How much do we in the United States today rely on that kind of renewable energy to generate electricity? To the tune of about 4 percent of our total, about 4 percent.

Some of us said: Why don't we take on, as a challenge to America, increasing our dependence on renewable environmentally friendly energy sources such as wind power and solar power and fuel cells and hydrogen power? Let's increase the renewable portfolio standard to 20 percent over a 20-year period of time. Senator JEFFORDS of Vermont offered that. I cosponsored it. It is not an unrealistic goal. The State of California currently relies on renewable energy sources for more than 10 percent of its electricity.

We can, as a nation, do it, reduce dependence on foreign energy. But this Senate said no because the oil companies, the special interests out in the lobby, in their three-piece suits, said: No, we are not interested in that. We don't own the wind. We don't own the Sun. We own the oil. We own the gas. Stay dependent on that, America.

So we have a modest goal of increasing our use of renewable energy from 4 percent to 8 or 10 percent. At a time when we are dealing with an energy bill, I think we are suffering from anemia. We are afraid to step out and do what is necessary to make America less dependent on foreign fuel.

Drilling in the Arctic National Wildlife Reserve is the answer to every lobbyist's prayer. But, honestly, it is not the answer to America's prayer. America is praying this Senate comes to its senses, that we understand we can make and must make bold and important decisions today. If we say to the Big Three, you have the wherewithal and the technology to produce a more fuel-efficient vehicle so we can still move our kids to soccer games and be safe on the road, they can do it. We issued that challenge before and they did it. They didn't like it. They resisted it.

In 1975, when we increased fuel efficiency, the Big Three said that was impossible. Double fuel economy in America? Let me tell you what is wrong with that idea: Technically impossible; the cars will be so small they will look like gocarts, they will not be safe, Americans won't drive them, and you

are going to drive jobs overseas. That was the argument in 1975.

Guess what. We ignored them, passed the law, and none of those four things happened. By 1985, we doubled fuel economy and none of those things happened. So in the year 2002, when we get in the same debate about fuel efficiency, what did the Big Three say? Technically, it's really impossible, Senator, for us to improve fuel economy. The cars will be so tiny they will be like gocarts. People won't like them. They won't be safe. And people are going to buy cars from overseas. The same arguments, the same empty arguments. It shows an attitude of some of our manufacturers in this country which in a way is embarrassing.

Why is it when it comes to the new generation of vehicles on the road, the hybrid vehicles getting 50 or 60 miles a gallon, they all have Japanese nameplates on them? I don't get it. This is the greatest country in the world, with the strongest military in the world, the best schools in the world, the best engineers in the world. Yet when it comes to automobiles, we are satisfied with the bronze medal every day of the week. Frankly, the Senate has not stepped up to its responsibility in adding the provisions that are necessary to make sure our energy independence is established.

We want energy security but not at the expense of America's last frontier. If we are serious about energy security, we have to reduce oil consumption in the vehicles in our country. A comprehensive, balanced energy policy will provide for oil and gas development in environmentally responsible areas—not the Arctic National Wildlife Refuge.

We can establish conservation measures. We can cut down on our energy consumption. We owe that not only to ourselves but to our children.

As James E. Service, a retired vice admiral of the Navy, wrote in a recent Los Angeles Times op-ed:

National security means more than protecting our people, our cities and our sovereignty. It also means protecting the wild places that make our nation special. Drilling the Arctic National Wildlife Refuge . . . just doesn't make good sense or good policy.

He said that on January 14 of this year.

But someone before him really set the tone for Congress to think about it. His bust is out in our lobby. His name was Teddy Roosevelt. As Vice President, he presided over this Senate. He is the one who really told America to be mindful of the heritage you leave. I quote him:

It is not what we have that will make us a great nation; it is the way in which we use it.

Teddy said that almost 100 years ago. On this vote, we will find out whether the Senate remembers Roosevelt's advice to our Nation.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Montana is recognized.

Mr. BURNS. Mr. President, I think if we have learned one thing from this exercise on energy legislation, it is that we found trying to mark up a bill on the floor of the Senate is pretty difficult. I was reminded that back in 1992 we almost did the same. We didn't have quite the spirited committee action on energy, but we still got into the same kind of a bind when it came to the floor. Maybe it doesn't make a lot of difference.

I would like to remind my colleagues that today we should be talking about a policy we can shape to take us into the future. We are not only dealing with the acute situation we find ourselves in today, but where we want to be in 20, 30, 40, or 50 years from now. What do we do about new technologies, and which technologies are able to be developed in that time? That question indicates to me we have a great deal of flexibility to allow those new technologies to evolve and be used as soon as they are developed. Whatever we do in Government mandates, therefore we should make sure they are not frozen in place. We should allow those new ideas to grow.

Market forces will dictate more in the way of conservation than any mandate by the Federal Government has ever done.

Let me remind you that if gasoline goes to \$2 a gallon, you are still spending more money for the water you buy in that filling station than you are for the gasoline. You will start looking for conservation practices in the things you do in your traveling habits.

Fossil fuel has been the primary fuel of our economy since the turn of the last century. For over 100 years it has served us well, and it could for the next hundred. However, it should not be the only fuel we use in our everyday lives.

New technology has moved us to unlimited use of renewables and different sources in the evolution of conservation technology and practice. We know the present conditions and situations. We should deal with them and decide what our policy will be after resolving this acute situation. The condition we find ourselves in today is about energy security. To those who would use the flimsy argument saying we should use less and produce less, I say there is another one that is acutely in our make-up; that is, energy security is economic security is national security. What direction that takes us in is very important. Our challenge should be that debating this bill will take us beyond that situation. The world condition is at hand, and it should be dealt with right now.

I have iterated many times that we are still dependent on fossil fuels. The switch from those fossil fuels is a process that will take a long time, and it will be very expensive.

What is at stake here? Let us look at the real facts instead of the misinformation that is floating around this town. Let me remind you that the American people know what is at

stake, and they are not comfortable with the facts they are given. They are equally uncomfortable with what is happening on the floor of this Senate.

I have one simple question: Why are we importing oil from Iraq? Agreed, they are allowed to sell oil under the U.N. resolution. The income derived from those sales is to be used to buy food and medical supplies for the citizens of Iraq. If Saddam Hussein sells us anywhere from 650,000 to 850,000 barrels of oil a day, and also sells some oil on the black market, what is he doing with that money? Where do you think it goes? I will tell you where it doesn't go. It doesn't go to the citizens of Iraq. He buys arms and technology to equip his army and support terrorist activities around the world. In fact, we are told that Iraq is paying \$25,000 cash to any family who loses a suicide bomber. That is going way over the line.

From the Gulf, we import about 10.8 million barrels of oil a day, and 1.5 million barrels comes from Saudi Arabia. Nearly a million barrels come from Iraq.

Let us take a look at this tiny little spot called the Arctic National Wildlife Refuge. Keep in mind that when it was created, this little area was set aside for oil and gas exploration and production. That is the reason it was set aside—not the whole Arctic Plain, but just that little footprint of 2,000 acres or less.

Conservative estimates put the total production at about 1.35 million barrels a day. That would replace 55 years of oil from Iraq and 30 years of oil imports from Saudi Arabia.

The reserves in ANWR are estimated to be 10 billion barrels. That is a conservative estimate.

Remember how we underestimated Prudhoe Bay. It has produced nearly 20 percent of our domestic production in the last 25 years.

Since 1973, domestic production has decreased by 57 percent. We are only producing about 8 million barrels a day, and we are using 19 million barrels a day.

Anybody who doesn't understand that didn't take basic math in the same grade school where I went to school, which is a little country school.

We hear every day on the floor of the Senate that we should be concerned about our balance of payments. We should be concerned about it. Last year alone, we sent \$4.5 billion to Saddam Hussein's Iraq for his oil.

As I said, energy security is economic security is national security.

This has a job impact. We heard all kinds of estimates. But we know this won't happen without the effort of labor. Yesterday, if you had stood with the heart and soul of the labor folks in this country and heard their arguments that this should happen, then you would understand why the Nation supports the development and exploration of this tiny spot.

We have people living in Montana who work on the North Slope. We have

had since the first day they started production up there. They jump on airplanes, spend a couple of weeks, and come home for a week. It is important to my state. If Prudhoe were built today, the footprint would be around 1,500 acres—64 percent smaller than it is. ANWR will impact 2,000 acres out of 1.5 million acres on the Coastal Plain.

I have been up there. I have seen the Porcupine caribou herd. It has grown about three times in size during the last 20 years. That is where they calve. They don't stay there all winter. They are a migrating herd. Nothing has kept them from migrating. The people who live in that area depend on that herd. That is a source of food supply for them. When they migrate, that is when they get their winter stores. They don't have grocery stores like we have down here. They don't want anything to happen to that herd. I don't think they are going to mislead us on how that herd will be impacted.

Oil and gas production and wildlife have successfully coexisted in the Alaskan Arctic for over 30 years. The figures bear that out.

Despite what is told and the misinformation that flies around here, the folks on the Coastal Plain support this by 75 percent. They understand what the revenue does. They understand that it provides a government service which is demanded by them. That is even taking into account the money that it pumps into the National Treasury. Anybody on the Budget Committee around here would understand that also.

I know how this impacts a State represented by two Senators who have stood in this Chamber and have fought for their people every day. It is like us going to southern Illinois and saying: You can't have any more oil production down there. But they can't say it because there are no public lands. But in Alaska there are, and that is the difference. Withdrawal of public lands from any exploration of natural gas in the States of Montana, Wyoming, Colorado, and some in New Mexico, has cost the American people 137 trillion cubic feet of natural gas. And that is going to be the fuel that produces the electricity of the future. We think it is for "the environment," when it could be lifted, produced, and moved with hardly a disturbance to any of the surface of our land.

And, yes, you are going to see natural gas turn up as a transportation fuel.

What we are doing in this argument defies common sense. These are the facts. They should not take away from our investment into new technologies and our determination for conservation. I will not let anybody else redefine the word "conservation" because it is defined as a wise use of a resource. We should move forward on R&D into new technologies. Even coal—and Montana is the "Saudi Arabia" of the coal reserves in this country—it is there, it is handy, it is affordable, and it is ready for use.

Our investment in fuel cell technology will be an important part of our energy mix, and we should not depart from its development. I will tell you what fuel cells do. Fuel cells are to the electric industry what the wireless telephone is to the communications industry. They are safe, clean, and now we have a chance to make it affordable. We should continue our work in that area.

But, in the meantime, let's do what common sense tells us to do: Let's use that little footprint afforded to this country for the production of energy because energy security is economic security, is national security.

I thank the Chair and yield the floor. The PRESIDING OFFICER (Mr. CARPER). The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, seeing no other Senator seeking recognition, I would like to take just a few minutes to share with you a chart that has already been identified on a couple of occasions but I think needs a little further identification.

As I show you on this map what happened to Alaska in 1980. The ANILCA land law was passed, and our State was, in effect, gerrymandered by Congress.

I want you to look at all those stripes across an area that is one-fifth the size of the United States because it is entirely the Tongass—this area in southeastern Alaska where our capital, Juneau, is located—Ketchikan, our fifth largest city; Wrangell; Petersburg; Sitka; Haines; Skagway—this is a national forest. There are 16 million acres in that national forest. The only thing they forgot is people lived in the forest. The communities were there. The assumption was that there would be no real justification for the State selecting land there. It was not even an issue in statehood in 1959.

The reason it was not an issue is there was an assumed trust between the people of Alaska and the Congress of this country that those people could live in that forest, they could make a living off the renewability of the resources, the fish and the timber.

Previous to statehood, the Department of Interior ran the fisheries resources of Alaska. They did a deplorable job. They figured that one size fits all. We actually had our fishermen on self-imposed limits.

My point in showing you this detail is this is what happened to Alaska. Rather than have a resource inventory of those areas that had the capability for minerals, oil and gas, timber, and fish, there was an arbitrary decision made. It was a cut deal by President Carter. As a consequence, these areas of Alaska were withdrawn. They are wilderness or refuges or sanctuaries, but they were all withdrawn from development.

I want you to take a closer look at the map because here is where the real influence of America's extreme environmental community entered into this national effort.

You notice here on the map, clear across where the Arctic area comes

into play, this is the general area of the Arctic Circle. There is only a little tiny white spot that was left for access, if you will. And the access we have from the Arctic, from Prudhoe Bay, is through that little area where we have this red line, which is the pipeline that brings 20 percent of America's total crude oil to market in Valdez.

They tried to gerrymander, if you will, the designation of land in this State by closing access. We have this huge area out by Kotzebue that is mineralized. They closed that off. This did not happen by accident. This was a cut-and-dry deal in 1980. Now we are living with it today.

I recognize my good friend from Ohio is in the Chamber, so I will be very brief in making this point because I am going to be making several points throughout the remainder of the day.

We have heard quotes from Theodore Roosevelt by some of the speakers. I would like to ask just for a brief reflection on another quote in 1910. Theodore Roosevelt said:

Conservation means development as much as it does protection. I recognize the right and duty of this generation to develop and use the natural resources of our land, but I do not recognize the right to waste them or to rob, by wasteful use, the generations that come after.

Let's look briefly at the record. I am referring to the administration of Jimmy Carter in 1980, and the Alaska National Interest Lands Conservation Act. I quote from President Carter's remarks on signing H.R. 39 into law, December 2, 1980. I quote former President Carter:

This act of Congress reaffirms our commitment to the environment. It strikes a balance between protecting areas of great beauty and value and allowing development of Alaska's vital oil and gas and mineral and timber resources.

Our timber resources are totally tied up. We do not have the availability of developing them. As a matter of fact, there is more wood cut for firewood in the State of New York than we cut commercially. We have lost our pulp mills under the previous administration. We have lost our saw mills.

So as President Carter indicated, it allows development of "Alaska's vital oil and gas and mineral and timber resources." It is a promise that has been broken. He further states:

A hundred percent of the offshore areas and 95 percent of the potentially productive oil and mineral areas will be available for exploration or for drilling.

I can tell you, you cannot get a permit offshore, you cannot get a permit on the Arctic Ocean to drill today. Go down to the Department of Interior and try it.

Lastly, I am going to refer to that same meeting, December 2, 1980, and the remarks of Representative Udall of Arizona.

His conclusion was:

I'm joyous. I'm glad today for the people of Alaska. They can get on with building a great State. They're a great people. And this matter is settled and put to rest, and the development of Alaska can go forward with balance.

That is a pretty strong statement. The citizens of the territory of Alaska

bought that. Of course, we were a State at that time in 1980. We bought it, we believed that we could get on with the development of our State. The ability to get on with the development of Alaska was the ability to penetrate the mentality of the Congress and any given administration on the right that we have, as American citizens, to develop our State.

We have been, for all practical purposes, eliminated. Because every time we want to do something, we have to cross Federal land. We don't even have access to our State capital. These were promises made to the people of Alaska. These were promises that have not been kept by the Federal Government.

As we debate the area, the 1002 and ANWR, again, I ask both Republicans and Democrats to recognize, it is not a wilderness. It has never been a wilderness. It is a refuge. The Senator from Louisiana has charts that show us what has happened in refuges. We have oil and gas exploration in them all the time.

This was reserved for Congress. Only Congress can open it. But for those who think it is an untouched, spectacular area, there are people who live up there. There is the village of Kaktovik.

Let's put this discussion in real terms. We are fighting for the rights we thought we had obtained when we became a State, the right to responsibly develop the State. This chart shows oil and gas production in refuges around this country. Don't tell me that somehow we are doing something wrong by trying to open a refuge in the Arctic.

We will have a lot more to say about this. I did want to address the inconsistency and the broken promises that have been made and the fact that our small delegation, Senator STEVENS and I and Representative YOUNG, feel very strongly, as do the residents of Alaska, that this trust has been broken.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I rise today in support of permitting oil exploration in the Alaska National Wildlife Refuge. Permitting oil production in ANWR will help ensure that the United States is better able to meet our growing energy needs in an environmentally sound manner, create and retain hundreds of thousands of jobs, boost our domestic economy, and protect our national security.

America's need to continue to fuel our economic recovery and guarantee future success will require us to produce ever greater amounts of energy to keep up with the demand.

You can see from this chart, according to the Department of Energy, we have a huge gap between our domestic energy production and our overall energy consumption right now. What's more, between now and 2020, we will have to increase energy production by more than 30 percent just to keep up with growing demand.

This looming energy crisis requires us to enact a comprehensive energy policy, the likes of which we have

never had before in this country: a policy that harmonizes energy and environmental policies, acknowledging that the economy and the environment are vitally intertwined; a policy that won't cause prices to spike, hurting the elderly, the disabled and low-income families as we experienced in the winter of 2000-2001, particularly in the Midwest; a policy that won't cripple the engines of commerce that fund the research that will yield future environmental protection technologies, technologies that can be shared with developing nations that currently face severe environmental crises; and, most importantly, a policy that protects our national security and prevents market volatility by increasing domestic energy production.

The current situation in the Middle East and the resulting price increases we have seen at the pump give us a taste of how badly we need an energy policy and how much we need to turn towards domestic sources to meet that goal. However, as we rely on our own strengths for the answers to the coming energy crisis and though we are blessed with large reserves of oil, natural gas, coal, nuclear fuel, as well as access to renewable sources of energy, we must remember that no single source of domestic energy is sufficient to meet all our Nation's energy needs. That means we have to broaden our base of energy sources and not put all our eggs in one basket.

If we were some other nation, diversifying our energy supply might be a great challenge, but God has blessed the United States of America with resources to solve this problem. Conservation has proven successful in reducing energy demand. So often people say: We aren't doing enough to conserve. We are. By incorporating technology breakthroughs into the production of energy-efficient automobiles, high-efficiency homes, more efficient appliances and machinery, conservation has succeeded in saving us millions of dollars while simultaneously improving our environment.

Let's look at this chart. According to the 1995 DOE report, the most recent data available, from 1972 to 1991 the United States saved more than \$2.5 trillion through conservation. That is a lot of foreign oil that we didn't have to buy. It is safe to say that we have saved much more money since then, underscoring that conservation efforts deserve our continued attention.

We currently rely very little on renewable sources of energy. In fact, wind and solar together make up less than one-tenth of 1 percent of our current total energy production. Additionally, they are expensive and heavily subsidized. In fact, the average cost per kilowatt hour of electricity from a newly installed windmill is 5 cents compared to 2 cents per kilowatt from a coal-fired facility.

On top of this, wind and solar cannot be stored, creating reliability problems and making it difficult to spread our costs out predictably over time.

Currently, total renewables production, which includes geothermal, solar, wind, hydro and biomass, reaches only 8 percent of our overall domestic energy production. We should work to increase that, however, since these forms of energy are environmentally friendly and because they can help reduce our reliance on foreign energy sources. However, we also must be realistic about our challenge. Because renewables make up such a small piece of our overall energy picture today, they don't have the capacity to meet our needs in the timeframe we are facing. A sudden, forced shift in these sources would severely strain their underdeveloped capacity, causing shortages and price spikes that would hurt our economy.

For example, the requirement in the Daschle bill that utilities generate 10 percent of their electricity from renewable sources of energy is estimated to increase the cost of electricity nationwide by 5 percent and a whole lot more in a State such as Ohio. Just as we develop new sources of electricity generation, we should continue to encourage development of new energy sources for transportation.

In the 1970s, the United States recognized the need for diverse energy supply by expanding the use of natural gas, coal, nuclear, hydropower, and other renewables, and decreasing the use of oil for non-transportation uses. In 1978, non-transportation uses of oil in this country accounted for almost 50 percent of our oil consumption. Today, these non-transportation uses account for about one-third of our oil consumption.

Though home heating oil use remains high in certain regions of the country, particularly in the Northeast, consumers have increasingly sought other sources such as natural gas to heat their home. In addition, oil-fired powerplants are virtually nonexistent today in the United States. Crude oil prices and policy priorities encouraged substituting oil with other fuels for our non-transportation needs, but oil products still make up 95 percent of the energy used for transportation in the United States.

This number will not decrease unless fuel cells and hybrid vehicles become more economically viable. But their day is coming. In fact, in a recent meeting I had with General Motors executives in Detroit, I was told that the company sees fuel cell technology becoming a viable power source in the next 10 to 15 years. We are talking reality. It is not science fiction to think that our children and grandchildren will see a time when the roads are traveled by cars that run on hydrogen and give off only water.

An amendment from the Finance Committee will help encourage the development of these new technologies, providing an estimated \$2.1 billion in tax incentives for the use of alternative vehicles and alternative motor fuels.

We are doing a lot right now to try and move away from the use of oil in this country and bring down our demand for it through research, incentives, and many other things. Encouraging these new fuel sources is worthwhile, but until they become more widely adopted and cost effective, we will need to continue relying on oil to move people across town and across the country and to move raw materials and finished goods.

As I have mentioned, much of this oil comes from foreign sources. We must increasingly compete against other nations for this oil. As demand grows in response to the expanding world economy, the world economy is growing. For example, at one time, China produced enough oil to meet their domestic needs and still have some left over to export. Today, they import oil.

What if there was an opportunity in the United States to greatly reduce our dependence on foreign oil by using domestic sources of oil? Fortunately, with the amendment offered by Senator MURKOWSKI, we have that opportunity. For over 40 years, Congress has debated whether or not to develop the Arctic National Wildlife Refuge, or ANWR. Senator STEVENS' words yesterday were eloquent and very informative on the history of ANWR. I suggest that those who did not hear the Senator, take the time to read his remarks in the CONGRESSIONAL RECORD. His remarks should help them to make a better decision on this amendment.

As Senator STEVENS reminded us, this debate is about our national and economic security, but, sadly, the reality of ANWR has always been misconstrued and used as a political tool. I have to say, those who are opposed to allowing a small portion of ANWR to be used to help meet our energy needs have done an admirable job in trying to sway public opinion. Unfortunately, they have incorrectly painted this as a wholesale abandonment of the Alaskan wilderness.

Thus far, they have had vast success in muddying the facts. Today, though, I will make clear what ANWR is, what we are talking about, and what limited, precise oil exploration in ANWR means for our Nation.

Created in 1960, ANWR was expanded to 19 million acres in 1980 by the Alaska National Interest Land Conservation Act. While designating 8 million of the original acreage as wilderness, Congress treated the 1.5 million acres of ANWR's Coastal Plain very differently. I am sure Senator STEVENS may remind us again, but back in 1980 Congress debated the same subject. At that time, Mark Hatfield, the ranking minority member and Henry Jackson, Chairman of the Energy Committee, wrote a letter urging their colleagues to support exploration in ANWR because, and I quote:

One-third of our known petroleum reserves are in Alaska, along with an even greater proportion of our potential reserves. Actions such as preventing even the exploration of

the Arctic Wildlife Range, a ban sought by one amendment, is an ostrich-like approach that ill-serves our Nation in this time of energy crisis.

They also said that the issue:

... is not just an environmental issue, it is an energy issue. It is a national defense issue. It is an economic issue. It is not an easy vote for one constituency that affects only a remote, faraway area. It is a compelling national issue which demands the balanced solution crafted by the Energy and Natural Resources Committee.

I agree with the points raised in this letter. This is a national security issue as well as an economic security issue. When President Carter signed the Alaska National Interest Land Conservation Act in 1980, he stated this legislation:

... strikes a balance between protecting areas of great beauty and value and allowing development of Alaska's vital oil and gas and mineral and timber resources.

Section 1002 of the Act mandated a study of the Coastal Plain, or 1002 area, and its resources. After almost 7 years of researching the wildlife and the impact of oil development, the study recommended full development and described the area as "the most outstanding petroleum exploration target in the onshore United States."

The report recommended full development of this area while also stating that it is the most biologically productive part of ANWR. This means that in 1987, when the report was issued, it was believed that proper environmental steps, combined with technology, which is now 15 years old, would not significantly harm the wildlife.

However, the report did say that if the entire area were leased and oil were found, then there would be major effects on the wildlife. But no one here is talking about that. We are talking about 2,000 acres for oil exploration—2,000 acres out of 1.5 million acres. That is less than one-half of 1 percent of the total area.

This is one of the biggest misrepresentations about this debate. The entire area of ANWR's Coastal Plain is about the size of the State of South Carolina. To the casual observer, he or she thinks drilling means drilling throughout the entire refuge, but it is really just a 2,000-acre site. That is about the size of Dulles International Airport. If you look at this map, you can see just how small the area is compared to the vast wilderness of the Alaska wilderness and ANWR.

The two major concerns of the ANWR debate—and the issues that divide the two sides—are the environment and oil. While we know a lot about the wildlife and impact of oil development, we only have estimates about oil because the prohibition on drilling prevents a definitive answer to the question.

We know that the central Arctic caribou herd has grown from 3,000, when development began at Prudhoe Bay, to as high as 23,000 caribou. We know that development on Prudhoe Bay, which was discovered in 1967, would be 64-percent smaller if built today. We know

that a drill pad that would have been 65 acres in 1977 can be less than 9 acres today. We know that Alaskan oil companies now build temporary ice pads, roads, and airstrips instead of using gravel. We know that the pictures in the commercials and magazines refer to ANWR as "America's Serengeti." They must not be talking about the Coastal Plain, for this area is a winter wasteland, where temperatures regularly reach 70 degrees below zero for 9 months of the year, with 58 consecutive days of darkness.

We also know that the Coastal Plain is along the same geological trend as the productive Prudhoe Bay, and it is the largest unexplored, potentially productive onshore basin in the United States. But nobody knows for sure what is under there because we are prohibited from finding out.

In addition to the initial 1987 report, the Department of the Interior has issued assessments in 1991, 1995, and 1998 based on updated data from the U.S. Geological Survey. According to the USGS, it is estimated that the Coastal Plain holds between 5.7 billion and 16 billion barrels of recoverable oil, with an expectancy of about 10.3 billion barrels. The Coastal Plain can hold more than that, though. For example, the North Slope, was originally thought to contain 9 billion barrels of oil, but it has produced 13 billion barrels to date.

What if there isn't any oil? We know that technology is so advanced for Arctic drilling that there can be hardly, if any, environmental damage from exploratory drilling. For example, an exploratory well drilled in 1985 in the area adjacent to the Coastal Plain did not affect the wildlife. If the area does have as much oil as estimated, the benefit could be great. To put the numbers in perspective, Texas has proven reserves of 5.3 billion barrels. There is a 95-percent chance that ANWR will yield more oil than all of Texas and a 5-percent chance that there is three times as much oil as in Texas.

One of the half-truths being spread by those opposed to this amendment is that there is only 6 months of oil in the Coastal Plain. This is misleading because it assumes no other sources of oil—no imports, no other domestic supply—except from ANWR. The real truth is that, according to the Department of Energy, ANWR's oil supply would last between 30 to 60 years.

Last week, Iraq, one of the "axis of evil" nations, announced a suspension of oil exports. Iraq supplies more than 9 percent of the 8.6 million barrels of oil we import every day. It is a long-standing U.S. policy not to allow oil to be used as a political weapon. We cannot be held hostage to external interests or pressures. Iraq's embargo last week shows there are some countries that still think they can apply pressure in this manner.

I am not upset at the fact Iraq shut its spigot because I have little doubt we will make up whatever dropoff oc-

curs from other sources. Frankly, I think it is incredible that we send \$24 million a week and \$4.5 billion a year to a nation that is clearly an enemy of the United States and over which our military flies regular combat missions. It doesn't make sense.

Iraq's action puts the embargo card back on the table as a weapon to try to shape American opinion and Government policy. Who is to say other leaders in the Middle East might not take the same step in the future? We know who they are today. But who are they going to be tomorrow, particularly in light of growing Muslim extremism. Some of my colleagues may say since all our oil does not come from the Middle East, we can look to other nations. That is true, and one such supplier, Venezuela, is currently undergoing political and labor strife which has a tremendous impact on its oil industry. Indeed, reports by Venezuela's Industrial Council earlier this week indicated that 80 percent of the country's oil industry has been shut down. When Chavez retook the Presidency, oil prices went up almost 5 percent out of fear he will keep a tight rein on the production volume.

It is not out of the question to say our Nation may once again face the long lines we experienced during the 1973 oil embargo. You would have thought we would have learned our lesson and worked to develop other oil. However, we have seen our oil imports rise from 35 percent in 1973, and we are now at 58 percent. We have made very little progress in achieving our energy independence in the nearly three decades since the 1973 embargo.

We had the chance to make significant progress in 1995 when the Senate approved exploratory drilling in ANWR. Unfortunately, President Clinton vetoed the bill. Had he not, the Energy Information Administration estimates that oil could have been flowing to us by as early as next year.

When ANWR is developed, the Energy Information Agency projects that peak production rates could range from 650,000 barrels to 1.9 million barrels per day. The lowest of this estimate would replace the 613,000 barrels per day we imported from Iraq in 2000. The highest estimate would replace 76 percent of the 2.5 million barrels a day we import from the Persian Gulf in 2000.

It is very simple: We need to break our dependence on unreliable foreign energy sources. If the enemies of America are willing to take out the World Trade Center and the Pentagon, does anybody doubt that if they had a chance to impact our energy supply, they would do it?

Shouldn't we be able to at least find out how much oil is in ANWR especially with this commonsense environmentally sensitive amendment? The amendment includes many environmental protections, such as seasonal limitations, reclamation of land to its prior condition, use of the best available technology—including ice roads,

pads, and airstrips for exploration, and more.

Our dependency on foreign nations also threatens our economic security. Price shocks and manipulation from OPEC between 1979 to 1991 are estimated to have cost the U.S. economy about \$4 trillion, while petroleum imports cost the United States more than \$55 billion a year and account for over 50 percent of our trade deficit.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. VOINOVICH. I ask unanimous consent for 3 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized for 3 additional minutes.

Mr. VOINOVICH. Mr. President, development of the Coastal Plain will bring up to \$350 billion into the U.S. economy and create up to 735,000 jobs at home. In my state of Ohio, the number of jobs created is estimated at 52,000 for the petroleum industry and 31,000 for other jobs, such as oilfield and pipeline equipment manufacturing, telecommunications and computers, and engineering, environmental and legal research. These are real jobs for the people in my State, in spite of the fact we are so far away from Alaska.

The economic impact for oil development in Alaska is not a surprise; we are experiencing it even today. It has meant a great deal to our State and to many other States.

I also wish to point out that we have the support of Alaska's citizens and elected officials. We have heard from both of Alaska's U.S. Senators. We have heard from the Inupiat Eskimos who live and own 92,000 acres of Coastal Plain. Twenty years ago, they were opposed to this, but now are for it.

We cannot continue to rely on unstable foreign sources to meet our energy needs. The events of September 11 made it clear who our enemies are, yet we continue to do business with them and support their terrorist activities by buying oil from them. We know we have the resources domestically to reduce our addiction to foreign oil. Now is the time to tap them.

This amendment is economically sound, it is environmentally responsible, and it responds to our long-term national security needs. It is my fervent hope that my colleagues will recognize these facts and support this amendment to allow for oil exploration in ANWR, just as they did in 1995 and 1980.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I ask unanimous consent to speak for 7 minutes prior to the Senator from Louisiana.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized for 7 minutes.

Ms. CANTWELL. Mr. President, I rise today in opposition to this amendment, which would open up the Arctic National Wildlife Refuge to oil development. I believe drilling in ANWR is a

short-term, environmentally unconscionable fix that fails to address our Nation's real malady: Our dependence not just on foreign oil, but our overdependence on oil itself.

I believe there is no way to justify drilling in ANWR in the name of national security. Oil extracted from the wildlife refuge would not reach refineries for 7 to 10 years and would never satisfy more than 2 percent of our Nation's oil demands at any one time.

Thus, it would have no discernable short-term or long-term impact on the price of fuel or our increasing dependence on OPEC imports. Put another way, the amount of economically recoverable oil would temporarily increase our domestic reserves by only one-third of 1 percent, which would not even make a significant dent in our imports, much less influence world prices by OPEC.

An "ANWR is the Answer" energy policy fails to recognize the fundamental truth: we cannot drill our way to energy independence.

The United States is home to only 3 percent of the world's known oil reserves, and unless we take steps necessary to increase the energy efficiency of our economy and, in particular, the transportation sector, this Nation's consumers will remain subject to the whims of the OPEC cartel. To suggest that drilling in the Arctic is the answer is to ignore the facts and creates a complacency that truly jeopardizes our economic and energy security.

Furthermore, I believe the recent U.S. Geological Survey report on the biological value of the Arctic National Wildlife Refuge Coastal Plain and the impacts of oil and gas development on resident species reinforces what many of us have argued from the beginning. Drilling in the Arctic represents a real and significant threat to a wide range of species including caribou, snow geese, musk oxen, and other wildlife. This report represents sound science. It was peer reviewed and summarizes more than 12 years of research.

In stark contrast, the Department of the Interior's recent release of a new two-page memo, which purports to examine the impacts of "more limited drilling" in 300,000 acres of ANWR, was prepared in 6 days. One report, 12 years of research; the other report, just 6 days.

Essentially, in this report the administration decided to dispute its own scientists and say drilling in ANWR was acceptable. I disagree with that.

Rather than drilling in ANWR, I believe our task is to craft a balanced policy that will permanently strengthen our national security and energy independence. We need an energy policy that endows America with a strong and independent 21st century energy system by recognizing fuel diversity, energy efficiency, the great assets that distributed generation will create in the future, and environmentally sound domestic production as a permanent solution to our Nation's enduring en-

ergy needs. We are making some progress on these goals within this bill.

Obviously, one of the most important provisions the Senate has thus far debated involves the expedited construction of a natural gas pipeline from Alaska's North Slope to the lower 48 States. There are at least 32 trillion cubic feet of natural gas in existing Alaskan fields, and building a pipeline to the continental United States would create thousands of jobs, provide a huge opportunity for the steel industry, and help prevent our Nation from becoming dependent on foreign natural gas, from many of the same Middle Eastern countries from which we import oil.

It is very important that we make this investment in new natural gas and in job development. Adopting energy efficient technologies can significantly advance our national and economic security. For example, a Department of Energy report, and these are amazing figures, but this Department of Energy report stated that automakers commonly use low-friction tires on new cars to help them comply with fuel economy standards. However, because there are no standards or efficiency labels for replacement tires, most consumers unwittingly purchase less efficient tires when the originals wear out, even though low-friction tires would only cost a few dollars more per tire and actually would save the average American driver about \$100 worth of fuel over the 40,000 mile life of the tires.

Fully phased in, better replacement tires would cut gasoline consumption of all U.S. vehicles by about 3 percent, saving our Nation over 5 billion barrels of oil over the next 50 years, the same amount the U.S. Geological Survey says can be recovered from ANWR.

Unfortunately, I also believe we have thus far missed the single most important opportunity in this bill for truly enhancing our nation's energy security and minimizing our foreign oil dependence. That is, we have missed the opportunity to put in place real and meaningful CAFE standards, which would increase the efficiency of our Nation's vehicles and decrease our foreign oil dependence. I continue to believe the only way to permanently ensure our Nation's security is to look beyond 19th century policies that continue our country's reliance on extraction and combustion of fossil fuels.

Now is the time to launch the transition to a new, 21st century system of distributed generation based on renewable energy sources and environmentally responsible fuel cells. Imagine today if a significant portion of American homes and businesses produced their electricity from these renewables.

I think about the last crisis in the 1970s when our overdependence on foreign oil and high prices changed the dynamic in how many homes were heated with oil and made significant reductions. Our country needs to make those same changes today.

These are policies that will make our energy system truly secure and independent. I agree our national security depends in part on the United States becoming less dependent on foreign energy resources, and that we must develop more domestic supplies and a better balance of renewable energy that will also make us less dependent on nonrenewable fossil fuels. It would be a mistake to look at this ANWR debate in only one way, and to not invest in our country's new sources of energy. Therefore, I cannot support this amendment, and I urge my colleagues to oppose it in the name of national security, to move ahead onto new energy sources and a 21st century energy policy.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. I ask unanimous consent to speak for 30 minutes as allocated under the previous order.

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

Ms. LANDRIEU. Mr. President, with all due respect to my dear friend and wonderful colleague from Washington, I rise to oppose the position she has outlined and to support the amendment by the Senator from Alaska. I think it is very important for us to spend time on this issue. One of the previous speakers said: Why would we spend so much time on this issue? Why would the Senate, all 100 Members of the greatest deliberative body in the world today, spend so much time on this issue?

The answer is because this is not a small matter. This is not an insignificant debate. This is not a minor point. This is a major point in the debate on the future of this Nation and in what our energy policy is going to look like and how we can strengthen and improve upon it.

It is said that beauty is in the eye of the beholder. But given what I have heard in this Chamber, I say that balance must be in the eyes of the beholder as well because those of us both for and against this amendment continue to say we are for a balanced policy. Yet we argue the different aspects of what balance really is. So I am going to give it one more shot by saying what I think balance is.

The Senators from Alaska have done a magnificent job of making clear that we are not for drilling everywhere; we support a balance.

When this area was created, the areas in dark yellow, light yellow and green, there was a balance in the creation of this piece of land, land that is as large as the State of South Carolina. Here we have a balance: part of a refuge set aside for wildlife of all kinds, and a small part where we could drill. Why would we want to drill here? Because it is the largest potential onshore oilfield in the entire United States. It is not a minor field. It has major resources of

oil potentially, as well as gas. So a balance was struck. A deal of sorts was created.

We said let's set aside a huge piece of land for a refuge, for a wilderness area, and then let's set aside a part of it to drill.

The reason I feel so strongly about opening this section of ANWR to drilling—and it took me a while to come to this position because I have heard a lot of other arguments—is because of this precedent I feel this will set. If we overturn the original dual intent of ANWR and block all drilling there, where will we stop? Instead of adding to production in the United States, either on our shores or off of our shores, we keep taking places off of the map for production. We are not going in the right direction, and we need to change course. That is why this is so important.

I have said this 100 times. The Senator from Alaska has said it, the senior Senator from Louisiana did a magnificent job of saying it this morning, but let me also quote from a person we all respect—both Democrats and Republicans—Richard Holbrooke, whom we know well. I would say there would be no disagreement in this Chamber that this man is an expert in international relations and national security policy. I will read what he said in February this year:

Our greatest single failure over the last 25 years—

Not one of our great failures, not something that we should have done a little better—

was our failure to reduce our dependence on foreign oil—which would have reduced the leverage of Saudi Arabia.

Why does he say this? Because of headlines such as these: "Suicide Bomber Kills 6 as Powell's Talks Begin," "Chavez Reclaims Power in Venezuela," "Powell Meets Arafat, Makes Little Progress."

Mr. Holbrooke knows the uncertainty of the Middle East and we are all learning of the difficulties in Venezuela. He represented our country in the United Nations. He knows what it takes for America to be strong to get to the negotiating table free to make the best decisions we can. He knows our energy policy is in lockstep with our national security policy.

We have a chance to reverse course and not make the same mistake again. Let's have a balance.

Again, we have in ANWR the original intent to have some refuge area, some wilderness area, and some drilling area. Not all drilling. Not drilling everywhere, but where we can. An area for wildlife, for general recreation, and one for the bottom line, businesses, workers, companies, and our economy. This is balanced. Instead, we get no more drilling, a moratorium.

Let me show the other moratoria in the country. In addition to Alaska being taken off the map, we have—Democrats and Republicans are both guilty here—imposed moratoria along

the entire east and west coasts of the United States. There are places in the interior States where, because of rules, regulations, slow permitting, lawsuits, and filings on behalf of certain groups, the production has slowed down, forcing us to continue to increase our imports, year after year. These imports do not always come from friendly nations, from nations that share our values, but sometimes from nations that are in direct opposition to U.S. foreign policy and the democratic values for which we stand.

My second point is, are we asking something of Alaska that we have not asked of other States? The senior Senator from Louisiana showed this chart, and Senator MURKOWSKI showed it earlier. It is worth showing again. We are only asking to allow drilling in the kind of places where other States are already allowing it. Drilling is taking place in nine refuges in Texas; 12 in Louisiana; 1 in Mississippi, 1 in Alabama. You can see the rest. These are ongoing drilling operations in refuges.

Someone in my office the other day, a great labor leader from Louisiana, asked: Senator, why are people against drilling? I was trying to explain. I said: Some people said this area is the last great place. He said: Would you tell them America is full of great places? Louisiana has great places.

I loved when he said, "America is full of great places." There are great places in all of our States. We will preserve them. We will fight to keep them wilderness when we can. But when we refuse to tap domestic sources of oil and gas that would help our Nation, help our economy, create jobs, and release us from our dangerous dependency on imported oil and gas, it just makes no sense to me.

We have been spending a lot of time on this issue because it is at the heart of the debate. We have a weak production policy and, I might say, a weak conservation policy. That is the wrong direction. We need to turn around and go the other way: Strong production and strong conservation. If we don't, I predict there will be a huge price to pay. We will pay it one way or another, either through the lives of servicemen, or through compromised foreign policy. Americans know this. There is no free lunch. We don't seem to know that inside the beltway, but working Americans of all stripes, of all political backgrounds, understand that. It is important. It is about balance. And we need it.

People say ANWR will not produce a lot of oil, that it will not come online for several years—and I agree it will take time. But there is enough oil, even using the lowest estimates, to replace the oil we get from Saudi Arabia for about 8 to 10, maybe 8 to 12 years.

Ask the American people, Would you like to drill on our own land, land that we control, land that we set regulations on, and that we can depend on, or do you want to continue to import oil from Saudi Arabia for 15 years? I don't

think there would be many Americans who would choose the latter.

The third good reason is jobs. We continue to make decisions in this Congress that keep Americans from getting good paying jobs. Every time they want to apply for a job, there may as well be a sign that says: Congress doesn't think we should drill. So go look elsewhere for work.

I don't know about the Presiding Officer, but I have thousands of people in Louisiana who want to work. I have heard Senators say 60,000 jobs doesn't matter. This Senator believes 60,000 jobs is a lot of jobs. We should allow more production, which will lead to more than 60,000 jobs. We should promote investments in conservation and alternative fuels. There are lots of jobs, in science and other high-end jobs, associated with alternative fuels. Why not have good jobs for both production and conservation? Why turn down these job-making opportunities when it is so important to produce jobs for people in Louisiana, for people in Alaska, for people in Delaware, for people in New Mexico? I don't understand it.

We can create good, skilled jobs, where people can make a very good living working 40 or 50 hours, overtime, onshore, offshore, whereby they can buy a home, contribute to their community, send their children to get an equal or better education than they did. I think it is very important.

The fourth reason we need to support drilling in ANWR besides the fact we need it, besides the fact it is balanced, besides the fact we are doing it in many other States in the same way we would be asking Alaska to contribute, besides the fact that it means thousands and thousands of good-paying jobs that people in America would like and need at this time, it is the right thing to do for our environment. I mean that sincerely. I know I said some things on the floor about some environmental organizations, and I believe their positions, with all due respect to the great work they have done, are leading this country in the wrong direction.

I work very well with environmental groups in Louisiana and many of our environmental groups around the Nation. But I will say it again: When we drill and extract resources in America, we can do it in the most environmentally sensitive way in the world. Why? Because we have the strictest rules and regulations.

Even the former executive director of the Sierra Club agrees, and he is on the record saying that by pushing production out of America, all we are doing is damaging the world's environment.

We have the best rules and the best laws. We have a free press and the ability, to punish those who pollute the environment.

That does not happen in other places around the world, places without the same confidence in the law that we can have here in the United States. So the pro-environmental position—and I

mean this sincerely—is to drill and explore and extract resources where we can watch it, where we can control it and where we can make sure it is done correctly.

If I am wrong I would like someone to come to the floor and tell me: Senator, you are not thinking clearly about this.

Apart from the many troubled parts of the world where production is taking place, I don't know where else we would drill. And the saddest part of that to me, or the most hypocritical part of that to me, is that we consume more than everyone else. If we were not consuming that much, I would say fine. But we go to poorer countries with less infrastructure, fewer rules, and weaker laws and enforcement, not because they need the oil but because we need it. And we degrade the environment and support illegitimate regimes because we will not drill in our own country. I do not understand it.

I will make another point about Louisiana. I have heard some of my colleagues come to the floor and say: I will not drill in ANWR, but boy I will come drill in the Gulf of Mexico.

I want to show the map of these States that are net producers of energy. There are only a few of us. There are only 15. There are only 15 States in the entire country, just 15, that produce at least 50 percent of the energy they consume. You can see the States represented here.

We love all of our States, wish them all well, and we are all part of this great Union, but the red States on this chart produce less than half the energy they consume, which means they do not produce oil, they do not produce gas, they do not produce nuclear, they do not produce wind, solar, or hydro, but they want their lights to come on whenever they want and they want to power their businesses and industries.

Nobody can look at this map and say this is fair. I know there are products produced in some States that other States do not produce. I am clear. But there are no moratoria on growing corn, no moratoria on growing cotton. People are not opposed to that or think it harms the environment to grow corn or grow wheat. But we have a policy growing in this country that we do not want to produce anything but we want to continue to consume.

I am for strong conservation measures. I voted against the proposal to reduce CAFE standards, not because I don't agree with the goal, but because the method was wrong. It would have cost too many jobs in my State. There is a better way to get there. I would vote for even more stringent measures but not that particular measure.

There are strong conservation measures that I and many Members support. But this attitude has to change. We have to have an attitude among all of these States that you either reduce your consumption significantly or you decide how to produce the energy. You have your choice. You can produce it

any way you want. But what you cannot do is sit on the sideline, complain and complain, prevent other States from drilling, and then just continue to consume.

I have an amendment. I am thinking about offering this. I hope people who vote against ANWR will think about ways we can encourage our States, in a fair way, to make their own choices about how they would like to generate more energy or consume less, and to put it in balance, so our Nation can truly achieve energy independence. I hope we can do that.

Let me show one more chart. This is the Gulf of Mexico. You can see the red areas here where there is active drilling. We have been doing this now for 50 years. We have made some mistakes. I am the first one to admit it. We didn't know all the things that we know now back in the 1940s and 1950s.

We did not have the science and the technology. But we have made tremendous progress, and we in Louisiana are happy to produce hundreds of millions of barrels of oil and gas, and host pipelines that light up the Midwest and New York and California. We want to do it. We are proud of the industry, and we are getting better and better at it every day.

But it is grossly unfair for our State, and Mississippi and Alabama and Texas, to bear the brunt of this production when other States don't want to produce. Then, to pour salt on the wound, we get no portion of the revenues that are generated. Taxpayers may not realize this, but the royalties that come into the Treasury every time you produce a natural resource can keep our personal income taxes lower.

When we do not drill, royalties do not come into the Treasury, so taxes have to go up to support Government. So a fifth really good reason to explore natural resources is so we can bring money into the Treasury, again in a very balanced approach, and keep taxes minimal for taxpayers.

However, all that money that goes to the Federal Treasury right now, from production in Louisiana, Texas, Mississippi, and Alabama, is not shared with those States. Since 1950, we sent \$120 billion to the Federal Treasury. Louisiana, which has produced the lion's share of the offshore production for the whole Nation, has not received a penny.

This is a true story. I know my time is almost to the end, but I am going to end with a couple of points on this. Two years ago the mayor of Grande Isle, a tiny little place down here at the foot of Louisiana, told me of a lot of their unique problems.

The mayor called me and said: Senator, I have a problem. I don't have a sewer system and a water system that is able to bring the fresh water that I need. I have children in school drinking rainwater out of a barrel, dipping a cup into a barrel, drinking the rainwater, because we do not have the right sewer

and water system. Because it is a small town, they do not have the necessary resources. I was sitting in my office in Washington thinking about these children dipping that cup and drinking that rainwater. I know if they just looked up and out just a few miles they could see a rig, producing the Nation's oil and gas. The money it produces is not going to help them get a sewer system which they desperately need. It will not help these children get a road so that when it floods or the weather is bad they can get to school. That money is coming all the way up to Washington for us to spend on all the States in the Nation.

When I ask to have a sewer system for them, I have to come back, ask and plead for money from the budget to get the kids in Grande Isle a drinking water system. That isn't fair.

I will propose and will continue to propose that we have more drilling and that the communities that host drilling share in those revenues. We need infrastructure for the people and families living there, for the workers and the businesses that are participating, and for the associated environmental impacts, which can be minimal. Sometimes they are a little more challenging. But with good science and the old yankee ingenuity and southern ingenuity, we can get that done for the people of our State.

In conclusion, I have given five good reasons why this is so important.

Let me close by reading something out of the *Atlantic Monthly*, "The Tales of a Tyrant", written by Mark Bowden, author of "Black Hawk Down." We are familiar with the incident. Many of us have seen the movie. It is very riveting. I would like to read about the kind of people from whom we are getting our oil.

Wearing his military uniform, he walked slowly to the lectern and stood behind two microphones, gesturing with a big cigar. His body and broad face seemed weighted down with sadness. There had been a betrayal, he said. A Syrian plot. There were traitors among them. Then Saddam took a seat, and Muhyi Abd al-Hussein Mashhadi, the secretary-general of the Command Council, appeared from behind a curtain to confess his own involvement in the putsch. He had been secretly arrested and tortured days before; now he spilled out dates, times, and places where the plotters had met. Then he started naming names. As he fingered members of the audience one by one, armed guards grabbed the accused and escorted them from the hall. When one man shouted that he was innocent, Saddam shouted back, "Itla! Itla!"—"Get out! Get out!" (Weeks later, after secret trials, Saddam had the mouths of the accused taped shut so that they could utter no troublesome last words before their firing squads.) when all of the sixty "traitors" had been removed, Saddam again took the podium and wiped tears from his eyes as he repeated the names of those who had betrayed him. Some in the audience, too, were crying—perhaps out of fear. This chilling performance had the desired effect. Everyone in the hall now understood exactly how things would work in Iraq from that day forward.

If we cannot get enough of the Senate to vote in favor of this amendment,

in spite of articles like this, because of movies that we see, because of headlines like this, and the disruptions not only in the Mideast but in Venezuela, I don't know what will make the Members of this Senate decide that we must produce where we can produce. We can set aside lands where we can set aside land, create jobs for our people and security for our Nation.

I am giving the best I can give. I don't think we have the votes. But I submit this for the RECORD, and hope people will reconsider their positions.

Mr. BINGAMAN. Madam President, under the unanimous consent, I believe the Senator from Wisconsin is the next Senator to speak.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Madam President, I rise to oppose the amendments offered by my colleagues from Alaska, Mr. MURKOWSKI and Mr. STEVENS. I oppose these amendments for several reasons, and I rise to share my concerns with my colleagues.

Energy security is an important issue for America, and one which my Wisconsin constituents take very seriously. The bill before us initiates a national debate about the role of domestic production of energy resources versus foreign imports, about the tradeoffs between the need for energy and the need to protect the quality of our environment, and about the need for additional domestic efforts to support improvements in our energy efficiency and the wisest use of our energy resources. The President joined that debate with the release of his national energy strategy earlier this Congress. The questions raised are serious, and differences in policy and approach are legitimate.

I join with the other Senators today who are raising concerns about these amendments. Delegating authority to the President to opening the refuge to oil drilling does little to address serious energy issues that have been raised in the last few months.

Though proponents of drilling in the refuge will say that it can be done by only opening up drilling on 2,000 acres of the refuge, that is simply not the case. The President will decide whether the entire 1½ million acres of the Coastal Plain of the refuge will be open for oil and gas leasing and exploration. Exploration and production wells can be drilled anywhere on the coastal plain.

I infer that when proponents say that only 2,000 acres will be drilled, they are referring to the language in the amendment which states, and I am paraphrasing, "the Secretary shall . . . ensure that the maximum amount of surface acreage covered by production and support facilities, including airstrips and any areas covered by gravel berms or piers for support of pipelines, does not exceed 2,000 acres on the Coastal Plain."

That limitation is not a clear cap on overall development. It does not cover

seismic or other exploration activities, which have had significant effects on the Arctic environment to the west of the Coastal Plain. Seismic activities are conducted with convoys of bulldozers and "thumper trucks" over extensive areas of the tundra. Exploratory oil drilling involves large rigs and aircraft.

The language does not cover the many miles of pipelines snaking above the tundra, just the locations where the vertical posts that support the pipelines literally touch the ground. In addition, this "limitation" does not require that the two thousand acres of production and support facilities be in one contiguous area. As with the oil fields to the west of the arctic refuge, development could and would be spread out over a very large area.

Indeed, according to the United States Geological Survey, oil under the Coastal Plain is not concentrated in one large reservoir but is spread in numerous small deposits. To produce oil from this vast area, supporting infrastructure would stretch across the Coastal Plain. And even if this cap were a real development cap, what would this mean? Two thousand acres is a sizable development area. The development would be even more troubling as it is located in areas that are actually adjacent to the 8 million acres of wilderness that Congress has already designated in the arctic refuge which share a boundary with the Coastal Plain.

The delegation of authority to open the refuge is controversial, and make no mistake, it will generate lengthy debate.

I have also heard concerns from the constituents in my state who have paid dearly for large and significant jumps in gasoline prices. Invoking the ability to drill in response to a national emergency does not add to gasoline supplies today, nor does it do anything to address the immediate need of the Federal Government to respond to fluctuations in gas prices and help expand refining capacity. In some instances, there were reports of prices between \$3 to as high as \$8 per gallon in Wisconsin on September 11 and 12, 2001. The Department of Energy immediately assured me that energy supplies were adequate following the terrorist attacks, and these increases are being investigated as possible price gouging by the Department of Energy and the State of Wisconsin. With adequate energy resources, constituents need assurances that these unjustified jumps can be monitored and controlled.

And I, along with many other Senators, have constituents who are concerned about the environmental effects of this amendment, and what it says about our stewardship of lands of wilderness quality.

I also oppose opening the refuge for what it will do to the Energy bill as a whole. This measure contains important provisions that we need to enact into law. In light of the tragic events

of September 11, a key element of any new energy security policy should be to secure our existing energy system—from production to distribution—from the threat of future terrorist attack. Americans deserve to know that the Senate has protected the existing North Slope oil rigs and pipelines from attack. Americans deserve to know that the Senate has considered measures to reduce the vulnerability of above ground electric transmission and distribution by providing needed investments in siting of below ground direct current cables, in researching better transmission technologies, and in protecting transformers and switching stations. Americans want us to review thoroughly the security of our Nation's domestic nuclear powerplant safety regimes to ensure that they continue to operate well. Finally, Americans living downstream from hydroelectric dams want to know that they are safe from terrorist initiated dam breaching. We must assure them that this existing infrastructure is secure.

These were issues that the House did not address on August 2, 2001, when it passed its bill, because the terrorist attacks of September 11, were obviously unthinkable at that time. These are issues that drilling in the refuge does not address. But we are a changed country in response to September 11, and these are very real issues today, issues that must be addressed.

In addition, there have been significant technological changes in the last few months that can help us reduce our dependence upon foreign oil. On September 19, 2001, a model year 2002 General Motors Yukon that can run on either a blend of 85 percent ethanol and 15 percent conventional gasoline or conventional gasoline alone rolled off the line in my hometown of Janesville, WI. The 2002 model year Tahoes, Suburbans and Denalis with 5.3 liter engines will be able to run on either fuel. But while my constituents could buy a vehicle that can run on a higher percentage of ethanol fuel, there isn't a place open today to buy that fuel in Wisconsin. We could go a long way under this bill to reducing dependence on foreign oil by using domestic energy crops and biomass more wisely, and we should pass this bill to reflect our new technological capacity.

I also oppose this amendment because there is a lingering veil of concern that special corporate interests would benefit over our citizens by this amendment. Oil companies receive a good deal of financial assistance in the form of tax breaks from the Federal Government to encourage development of domestic oil supplies. I have spoken out, for example, against the percentage depletion allowance in the mining of hardrock minerals, and its use in the oil sector dwarfs the hardrock tax break.

This longstanding tax break allows those in the oil business to, in effect, write off all of their losses. The ostensible reason for the depletion allowance is to encourage exploration of oil

drilling sites, which, presumably, no one would do without such a tax break.

The oil industry argues that other businesses are allowed to depreciate the costs of their manufacturing. But this tax break goes well beyond the costs of deducting capital equipment. For example, a garment manufacturer can only deduct the original cost of a sewing machine, whereas an oil well can produce tax deductions as long as it keeps producing oil. So this deduction can amount to many times the cost of the original drilling and exploration. The depletion allowance is currently set at 15 percent of gross income.

The current cost to the U.S. Treasury for the depletion allowance exceeds \$1 billion a year. This deduction can, in some cases, amount to 100 percent of the company's net income, which means that all profitability comes from Government tax subsidies.

But just in case there is anyone in the oil industry not enjoying sufficient profitability, Congress has come up with a number of other cushions against the risks of capitalism. Big Oil can immediately deduct 70 percent of the costs of setting up an operation of the so-called intangible drilling cost deduction. Other industries have to deduct such costs over the life of the operation, so this amounts to another interest-free loan from the Treasury. It also amounts to a double deduction, since the depletion allowance is supposed to compensate the poor oil producer for the costs of risking a dry well. Repealing this deduction would save more than \$2.5 billion over the next 5 years.

Another tax subsidy encourages oil companies to go after oil reserves that are more difficult than usual to extract, such as those that have already been mostly depleted, or that contain especially viscous crude. This, of course, is more expensive than normal oil drilling. Thus the "enhanced oil recovery" credit helps to subsidize those extra costs. The net effect of this is that we taxpayers are paying for domestic oil that costs almost twice as much as foreign supplies.

The combined effect of the depletion allowance, the intangible drilling cost deduction, the enhanced oil recovery credit, and other subsidies can sometimes exceed 100 percent of the value of the energy produced by the subsidized oil. This makes no economic sense at all. I make these points because the taxpayers already give the oil sector a great deal of assistance, and now we are being asked to give up additional public lands as well.

Before we allow the President to open more public lands, I think we should be mindful of the help these industries are already getting.

I also am concerned about the effect of a decision to open the refuge to oil drilling on resources that we have already designated for special protection. The 19-million-acre Arctic National Wildlife Refuge contains 8 million

acres of wilderness that Congress has already designated. The amendment proposes to essentially trade wilderness designation for other areas in the refuge, 1.5 million acres in the southern portion of the refuge for the 1.5-million-acre Coastal Plain. The existing wilderness areas in the refuge, however, are immediately adjacent to the Coastal Plain. I am concerned that the President would permit drilling on the Coastal Plain of the refuge before Congress considers whether or not the Coastal Plain should be designated as wilderness. Establishment of drilling on the Coastal Plain would be allowing a use that is generally considered to be incompatible with areas designated as wilderness under the Wilderness Act. We have had very little discussion about the effect of drilling in the refuge on the wilderness areas that we have already designated. I want colleagues to be aware that the drilling question threatens not only our ability to make future wilderness designations in the Coastal Plain but also could endanger areas that we have already designated as wilderness in the public trust.

Colleagues should keep in mind that the criteria established in this amendment that the President must certify in his determination to open of the Coastal Plain as a source of oil do not include any new developments or changes in the geological information or economics that affect potential development of Arctic resources. The United States Geological Survey has already reconsidered those factors in its 1998 reassessment of the Arctic Refuge Coastal Plain's oil potential. Rather, the current discussion, in my view, is prompted by the rhetoric and opportunistic efforts of those interests that have long advocated drilling in the Arctic Refuge, to exploit the current response with regard to terrorism.

If drilling may impair our ability to make a decision about the present and future wilderness qualities of the refuge, if the refuge does not contain as much oil as we thought, and if opening the Coastal Plain to drilling may do little to affect our current domestic prices, why, then, are we considering doing this? The facts don't point toward drilling in the refuge: the refuge may not contain as much oil as we think, and opening the Coastal Plain to drilling may have only a minor effect on our current domestic prices.

I raise these issues because I have grave concerns about the arguments that oil drilling and environmental protection are compatible. I traveled, a while ago, through the Niger Delta region of Nigeria by boat, where I observed firsthand the environmental devastation caused by the oil industry. The terrible stillness of an environment that should be teeming with life made a very powerful impression on me. These are the same multinational companies that have access to the same kinds of technologies, and though they are operating in a vastly different

regulatory regime, I was profoundly struck by the environmental legacy of oil development in another ecologically rich coastal area.

For these reasons, I oppose this amendment. I appreciate the fundamental concern that we need to develop a new energy strategy for this country. I do disagree strongly, however, with drilling in this location, which I feel is deserving of wilderness designation. I think this bill achieves its objectives without damaging the refuge, and I encourage colleagues to oppose these amendments.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, the majority leader has authorized me to announce there will be no rollcall votes this evening.

I would like to make a unanimous consent request. I have spoken to both managers of the bill. We have, in the unanimous consent queue that is now established, Senator DORGAN speaking for 20 minutes. Senator DORGAN is not going to speak. So in place of that 20 minutes, I ask unanimous consent to amend the order to put in Senator STABENOW for 10 minutes and Senator MURRAY for 10 minutes.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

The Senator from Alaska.

Mr. MURKOWSKI. Madam President, I am continually amazed by the ability—and I am sorry my friend from Wisconsin has left the Chamber—to generalize because that is what we are doing here. There is a generalization that somehow the oil industry's application in Africa is perhaps applicable to Alaska. These tactics I find unacceptable because, first of all, we have invited many Members of this body to come up and see for themselves.

You might not like oilfields. That is the business of each and every Member. But the best oilfield in the world is Prudhoe Bay. It is 30-year-old technology. What bothers me about this general criticism is nobody seems to care where oil comes from as long as they get it. The Senator from Wisconsin generalized on several aspects, implying that somehow the limitation in this bill of a 2,000-acre disturbance was broader than that.

Let me read what is in the bill. It ensures that the maximum amount of surface acreage covered by production and support facilities, including airstrips and any areas covered by gravel berms or piers for support pipelines, does not exceed 2,000 acres on the Coastal Plain. I don't know what could be more understood than that statement.

Furthermore, to suggest that exploration is a permanent footprint on the land begs the issue. Here is what exploration looks like in the summertime on a particular area that was drilled. The

reality will show you that the footprint is certainly manageable. To suggest somehow that that particular activity, because of the advanced technology, is incompatible with this area is really selling American ingenuity, technology, and American jobs short.

The Senator from Wisconsin didn't indicate at all the concern of the jobs associated with this. He didn't concern himself as to where we would get the oil. He simply said he didn't think it should come from this area. He talked about the flow of technology, refuge and wilderness.

Let me show you the map one more time. It has been pointed out again and again, but perhaps some Members are not watching closely enough. They simply assume that the ANWR Coastal Plain is wilderness. Congress specifically designated it as a specific area outside the wilderness. It is the 1002. Only Congress can open it. It is the Coastal Plain.

Within ANWR there are almost 8.5 million acres of wilderness. There are 9 million acres of refuge and 1.5 million in the Coastal Plain. What we proposed—and nobody has mentioned—is the creation of another 1.5 million acres of wilderness.

It is time that Members, before they come to the Chamber, familiarize themselves with what is in the amendment. It is a 2,000-acre limitation. Not too many people want to recognize that. They suggest the entire area is at risk. That is ridiculous. We have an export ban. Oil from the refuge cannot be exported. We have an Israeli exemption providing an exemption for exports to Israel, under an agreement we have had which expires in the year 2004. We are going to extend it to the year 2014.

As I have indicated, we have a wilderness designation, an additional 1.5 million acres which would be added to the wilderness out of the refuge. Here is the chart that shows that. We are adding to the wilderness.

If that doesn't salve the conscience of some Members who believe that is the price we should pay, I don't know what does.

Finally, we have a Presidential finding. This amendment does not open ANWR. ANWR is opened only if the President certifies to Congress that exploration, development, and production of the oil and gas resources in ANWR's Coastal Plain are in the national economic and security interests of the United States.

We leave all kinds of things up to the President around here. Declarations of war are often, in effect, handled by the President rather than the Congress—in the informal stage, at least. We think it is a pretty important responsibility. We are giving that responsibility to the President. Yet those from the other side, I don't know whether they begrudge, distrust, or whatever, because it happens to be in the President's energy proposal that we open up the area, and that is good enough for me.

The amendment does not open ANWR. It will only be opened if the

President certifies to the Congress that exploration, development, and production of oil and gas resources of the ANWR Coastal Plain are in the national economic and security interests of this country.

What does that mean? It means different things to different people, I suppose one might say. From the standpoint of at least my interpretation from the former senior Senator from Oregon, Mark Hatfield, the statement I opened with, I would vote to open up ANWR anytime rather than send another young man or woman to fight a war in a foreign land over oil. We did that in 1992. We lost 148 lives. At that time, we were substantially less dependent on imported oil.

Make no mistake about it. Our minority leader, Senator LOTT, indicated in his statement the vulnerability of this country. Our Secretary of State has not been able to bring the parties together in the Mideast. It remains volatile. The situation in Venezuela is unclear. The estimates are this Nation has lost 30 percent of the available crude oil imports that we previously enjoyed—that is an interruption—as a consequence of Saddam Hussein terminating production for 30 days. We have reason to believe Colombia is on the verge of some kind of an interruption which will terminate the oil through their pipeline. This is a crisis.

The reason you don't see Members coming down here and saying, "I guess we had better do something about it now," is very clear. The shoe is not pinching enough. The prices are not high enough. I would hate to say there are not enough lives at risk.

Members could very well rue the day on this vote, recognizing the influence of America's environmental community on this issue. I think everyone who is familiar with oil development in Alaska understands that we consume this oil that we produce in Alaska. It is jobs in America. It is U.S. ships built in American shipyards. These are the facts. By not recognizing the real commitment we have to doing business in America, we are going to have to get that oil overseas.

When the Senator from Wisconsin generalizes about oilfields, he doesn't give us the credit for the advanced technology moving from Prudhoe Bay to the next major oilfield we found in Alaska called Endicott. Endicott was 56 acres. It was the 10th largest producing field. Those are the kinds of technological advancements we have in this country.

As a consequence, I am prepared to continue to respond to those inaccuracies. It is a shame we have to subject ourselves to the pandering associated with interpretations that have nothing to do with the extent of the risk associated to our national security at this time.

The risk is very real. The risk may go beyond the risk associated with just a political view of this issue. In this amendment, we are giving the Presi-

dent of the United States the authority to make this determination. I would like to think every Member of this body values not only the President but his office to see what is in the best interest of our country, our Nation, and our national security.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

RECESS

Mr. BIDEN. Madam President, I ask unanimous consent that the Senate recess for up to 3 minutes so our colleagues may have a chance to meet His Excellency, President Andres Pastrana, President of the Republic of Colombia, and His Excellency Juan Manuel Santos, Minister of Finance.

President Pastrana's term ends in the next 2 months. We just had him before the Foreign Relations Committee. In all the years I have been on that committee, as I said to my colleagues today and I say to my colleagues here, we have never had a better friend of America as a head of state from any country more so than President Pastrana.

One distinction that marks his service to his country and to the entire region is that when we lose elections here, we get a pension. When you run for election, stand for election, and take a stand in Colombia, you often literally get kidnapped or killed.

I have become a personal friend of the President, and I visited with him and his family. I cannot tell you how much I admire and marvel at his personal courage and that of the other officials in Colombia who have fought to keep the oldest democracy in the hemisphere just that—a democracy.

I ask that the Senate recess for up to 3 minutes for my colleagues to be able to meet the President and the Minister of Finance of Colombia. I ask unanimous consent that we recess for up to 3 minutes.

There being no objection, the Senate, at 5:30 p.m. recessed and reassembled at 5:34 p.m. when called to order by the Presiding Officer (Ms. CANTWELL).

NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 2001—Continued

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Madam President, I rise to oppose the proposal to drill in the Arctic National Wildlife Refuge. With all due respect to my colleagues on the other side, who I know feel strongly, I feel strongly as well and have been involved with this issue since my time in the House of Representatives, where I consistently cosponsored legislation that would not allow drilling to occur.

It is important that we continue to stress the fact that drilling in ANWR will not create energy independence and that we are talking about, even if

we started drilling tomorrow, the first barrel of crude oil would not make it to the market for at least 10 years. So it would not affect our current energy needs. There is a real question in all of the debate going on about the concerns that are immediately in front of us. This is not the answer to that.

We are talking about whether or not, on the one hand, we risk the environmentally sensitive Coastal Plain for the equivalent of just 6 months' worth of usage or consumer usage in the United States. And this is not something that will be available for use for 10 years. It doesn't make sense to me.

I think that in this energy bill, when we are trying to look to the future, we ought not to be going to the past in terms of trying to drill our way to energy security and independence.

According to the EIA, an independent analytical agency within the Department of Energy, drilling in the Arctic Refuge is projected to reduce the amount of foreign oil consumption by the United States in 2020 from 62 percent to 60 percent—a whopping 2-percent difference by 2020. This certainly is not going to address our energy needs. Drilling in the Arctic Refuge will not really make a dent in the question of the overdependence on foreign oil. Even John Brown, the CEO of BP Amoco, admitted in an interview on "60 Minutes" back in February that it was "simply not possible for the U.S. to drill its way to energy independence." That is why we have a proposal in front of us that is comprehensive.

I would like to, once again, commend the sponsor and the leader on this issue, Senator BINGAMAN, for not only his leadership in coming forward with a broad plan that moves us to the future, but also his patience during this process, as we have moved through all of the amendments and the different comments in which each of us have been involved.

When we look at the tradeoff, I simply don't believe it is worth it. Drilling in the Arctic Refuge will lead, potentially, to environmental damage. The proponents of drilling claim that the modern techniques are clean and would cause no environmental damage.

First, drilling accidents do happen. Over the past several years, across the Nation, there have been accidents due to poor maintenance, equipment failure, human error, even sabotage. Certainly, in this time of concern about terrorism, we need to be concerned about that as well. In these accidents, crude oil was dumped into our rivers, our lakes, our streams, and wetlands, and often dangerous hydrogen sulfide gas was released into the air as well.

This doesn't seem to be a good tradeoff for the equivalent of 6 months' worth of oil that we cannot actually begin to use for 10 years. We can create more jobs and help our U.S. steel industry and help our economy and make other kinds of positive benefits without drilling in the Arctic Refuge.

There are more than 35 trillion cubic feet of natural gas immediately avail-

able in the existing oilfields on the Alaskan North Slope. Currently, natural gas is produced with this oil but is reinjected, as we all know, back into the ground because there is no pipeline to bring it to the lower 48 States. Constructing the Alaskan natural gas pipeline will create more than 400,000 new jobs and provide a real opportunity to the U.S. steel industry, which, I might add, is incredibly important in my State of Michigan, where we are concerned about an integrated steel industry from the iron ore mines in the upper peninsula of Michigan to our steel mills.

This pipeline would require up to 3,500 miles of pipe and 5 million tons of steel. The Alaska natural gas pipeline also would provide natural gas to American consumers for at least 30 years and would be a stabilizing force on natural gas prices.

We can do that. We agree on that. We can move in this direction. It creates jobs. It adds to the availability of energy sources and does not risk one of the most important, pristine, environmentally sensitive areas in our country.

There are other, better supply options available to us. Currently, as we all know, in the Gulf of Mexico, it is a source of 25 percent of the crude oil produced in the United States, 29 percent of the natural gas, and there are 32 million acres in the western and central portions of the Gulf of Mexico under lease but not developed. Why are we not talking about those areas?

In addition, the oil industry is extremely optimistic about the prospects of finding additional oil reserves in the National Petroleum Reserve in Alaska where we are already drilling. In fact, the three largest oil discoveries in the last 10 years were made in the National Petroleum Reserve in Alaska. So we have options.

I am always perplexed in this debate to hear why this is the focal point of the administration's energy plan, this one piece of land, when we do have other options, and we have other options for creating jobs as well.

We also know that conservation and investment in new technologies are the real solutions. Given relatively small amounts of oil available in the Arctic Refuge, it does not make sense to endanger this 1.5-million-acre Coastal Plain that is the biological heart of this pristine national treasure.

An energy policy such as the Senate energy bill that encourages conservation and investments in new technologies can help us come closer to achieving independence within 10 years.

I am very proud of what is happening in Michigan as it relates to alternative fuels, agriculture, and also what we are doing in terms of technologies that are important for our future.

The bottom line is the Arctic National Wildlife Refuge is one of the most pristine places in the United States. This tradeoff is not worth it.

We can meet our energy needs in other ways that look to the future. We can create important jobs for our people in other ways with the natural gas pipeline. We have other opportunities to drill that do not involve risking this important part of our heritage. Our ability to pass this area on to our children and to protect it is very important.

When we look at all of the various wildlife species, all of the animals and birds that are involved in this area of land and the habitat involved, I cannot imagine that we, in fact, will be serious about risking this fragile and irreplaceable national treasure.

I hope my colleagues will join with us in protecting this area for the future of our children and our grandchildren, and that we will move forward in the other parts of this energy bill and the other opportunities we have to lessen our dependence on foreign oil and create the economic and energy security that we all would like.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I rise today in opposition to cloture on these amendments. I want to say a few words about the energy bill in general, and then I want to explain my opposition to drilling in the Arctic National Wildlife Refuge.

Our country needs a comprehensive energy policy, and certainly that policy needs to recognize the current importance of oil, gas, and coal exploration. But to ensure America's energy security for the future, it should support energy efficiency, conservation, clean and renewable energy sources, and it should help diversify our energy sources.

Overall, I have to say I am disappointed in the direction in which this energy bill is heading because it has been diverted from achieving these important goals. I am disappointed because we had an opportunity to make progress on our long-term challenges.

This bill started off in the right direction. Unfortunately, after many amendments, it is now a far different bill, and I believe it does not respond adequately to the challenges we face either in my home State of Washington or nationally.

It focuses too heavily on coal and natural gas. It does too little to diversify our energy sources.

It does not meaningfully raise fuel economy standards, and it does not protect electricity customers. In fact, it creates considerable uncertainty in electricity markets. It pursues electricity deregulation despite the hard lessons learned through our recent experiences in California and with Enron.

It takes regulatory authority away from the States and gives it to the Federal Energy Regulatory Commission.

And it does not do enough to encourage investments in our transmission systems.

Overall, this energy bill reflects the way we have treated energy policy for decades. We have not addressed the long-term problems. Instead, we wait until there is a crisis, and then we are stuck at looking at bad, short-term fixes like drilling in ANWR. We have not dealt with our long-term dependence on oil. We have not invested enough in renewable energy. We have not diversified our energy resources, and we have not put enough financial incentives behind conservation.

The responsible way to address our energy problems is to focus on the long-term solutions like reducing our need for oil and investing in clean and renewable energy sources.

Unfortunately, much of this bill continues to largely endorse the past practices of short-term fixes that do not address many of the real long-term problems.

Today we are being asked to damage a sensitive ecosystem and spoil one of our national treasures for the sake of oil production. We cannot drill our way out of energy problems. That is a fact.

I ask my colleagues: At what point do we say "enough is enough"? Today we are being asked to allow the President to authorize exploration in a critical wildlife refuge. Where will we and future generations be asked to drill tomorrow?

To get out of these short-term traps, we need to invest in long-term solutions, such as diversifying our energy sources.

This bill started with a strong renewable portfolio standard which would have diversified our energy sources. After many changes, however, these standards are now no better than the current pathways we have. To me, that is a missed opportunity. We should be doing more to diversify our energy sources.

Currently, Washington State and the Pacific Northwest are very dependent on hydroelectric power to meet our energy needs. This dependence contributed to severe price spikes during last year's drought and California's disruption of the west coast energy market.

I fear that in our rush to address last year's energy shortfall, we in Washington State are now becoming over-reliant on natural gas. Diversifying our energy resources will help us prevent future price swings. Developing other resources like wind, biomass, solar, and geothermal energy will protect us from future shortages and will ensure our communities and economy they can continue to grow.

However, rather than enacting a strong renewable portfolio standard, this bill will continue the failed strategy of digging more, burning more, and conserving less.

I refer next to the electricity title in this energy bill. The Presiding Officer is from Washington State and she knows we have worked on and agreed to many amendments. However, electricity consumers in this underlying bill do not appear to be protected. I

think we are moving too quickly to deregulate electricity markets and to create regional transmission organizations. From the California energy crisis to the collapse of Enron, the events of the last few years have highlighted the importance of moving slowly with electricity legislation.

In Washington State, our regional transmission system has more than 40 major bottlenecks. There are many other parts of the Nation that also have major bottlenecks, and we need to fix them.

We can build all the generation facilities we need but still not have power because the transmission capacity is inadequate.

With all of the problems we are experiencing in our transmission systems, this is not the time to dramatically alter the way electricity markets are regulated and function.

With regard to electricity legislation, I think we should proceed very cautiously.

I will now turn to the debate over drilling in the Arctic National Wildlife Refuge, which I strongly oppose. For the record, I have heard from many residents of my State on this issue. They have called me, sent me letters, faxes, e-mails, and a clear majority oppose drilling in ANWR.

I will vote against oil exploration in ANWR because the potential benefits do not outweigh the significant environmental impacts. The Arctic National Wildlife Refuge is an important and unique national treasure. In fact, it is the only conservation system in North America that protects the complete spectrum of Arctic ecosystems. It is the most biologically productive part of the Arctic Refuge, and it is a critical calving ground for a large herd of caribou, which are vital to many Native Americans in the Arctic. Energy exploration in ANWR would have a significant impact on this unique ecosystem. Further, development will not provide the benefits being advertised.

The proponents of this measure argue that over the years energy exploration has become more environmentally friendly. While that may be true, there are still significant environmental impacts for this sensitive region. Exploration means a footprint for drilling, permanent roads, gravel pits, water wells, and airstrips. We recognize that our economy and lifestyle require significant energy resources, and we are facing some important energy questions. However, opening ANWR to oil and gas drilling is not the answer to our energy needs.

Many people are incorrectly stating the exploration of ANWR will reduce our dependence on foreign oil. As a nation, the only way to become less dependent on foreign oil is to become less dependent on oil overall. The oil reserves in ANWR—in fact, the oil reserves in the entire United States—are not enough to significantly reduce our dependence on foreign oil.

There are four ways to really reduce our need for foreign oil. First, we can

increase the fuel economy of our automobiles and light trucks. Higher fuel economy standards will reduce air pollution, reduce carbon dioxide emissions, save consumers significant fuel costs, and reduce our national trade deficit.

In addition, cars made in the United States will be more marketable overseas if they achieve better fuel economy standards. Last month, many of us in the Senate tried to raise CAFE standards, but our efforts were defeated.

A second way to reduce our need for foreign oil is to expand the use of domestically produced renewable and alternative fuels. That will reduce emissions of toxic pollutants, create jobs in the United States, and reduce our trade deficit.

Third, we can invest in emerging technologies such as fuel cells and solar electric cars. The United States has always led the world in emerging technologies, and this should not be any different.

Fourth, we can also increase the energy efficiency of our office buildings and our homes.

These four strategies will reduce our dependence on foreign oil and protect one of our Nation's most precious treasures.

The proponents of drilling in ANWR have argued it will help our national security, and I want to comment on that. Back in 1995, the same proponents of drilling in ANWR fought to lift the ban on exporting North Slope oil. Prior to 1995, oil produced on American soil, on the North Slope of Alaska, was, by law, headed for domestic markets. This export ban had been in effect for over 20 years. In 1995, some Members worked to lift that ban. On the other hand, I helped lead a bipartisan filibuster, with Mr. Hatfield, a great Senator from the State of Oregon, to keep the export ban in place because it served our Nation's interest. Since that debate first took place, I have become even more convinced that sending our oil to overseas markets is the wrong policy for our country.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. MURRAY. I ask for 3 additional minutes.

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

Mrs. MURRAY. It is recognized that gasoline prices in west coast States are frequently among the highest in the Nation. It is estimated that since 1995 more than 90 million barrels of Alaskan oil have been exported overseas. Approximately half of that oil went to Korea, a quarter of it went to Japan, and the remaining went to China and Taiwan. I would respectfully suggest to the administration and the proponents of drilling in ANWR that if this debate were really about providing Americans with our own oil or about denying Saddam Hussein the means to develop his evil plans, here in the Senate we would be considering reimposing the export ban.

The administration has been silent on reimposing that ban, the House has been silent on reimposing the ban, and I doubt the Senate will move on it either.

Now I suspect that someone from the other side is going to stand up and say that the House-passed ANWR bill precludes the exportation of oil from ANWR and that the pending amendment limits the exportation of ANWR oil except to our friends in Israel. But it will be easy for proponents to do an end run around those provisions.

First, the export ban would have to survive in conference. Even if it survives, oil companies will still be allowed to export more of the oil they drill from other parts of Alaska where the ban does not exist.

The proponents will say there have not been any recent exports of North Slope oil. The fact is that as soon as the economics line up, we will add to the 90 million barrels already sent overseas.

Let us remember that the amount of oil in ANWR is too small to significantly improve our current energy problems, and, further, the oil exploration in ANWR will not actually start producing oil for as many as 10 years.

Exploring and drilling for oil and gas in ANWR is not forward thinking. It is a 19th century solution to a 21st century problem.

For all of these reasons, I oppose energy exploration in the Arctic National Wildlife Refuge, and I continue to have strong concerns about the energy bill as it is currently written.

I yield back my time.

The PRESIDING OFFICER (Mr. DAYTON). The Senator from Idaho.

Mr. CRAIG. Mr. President, many of us who have come to this Chamber over the last 24 hours to speak on this most important issue have approached it from a variety of points of view, all of them with some degree of logic that points out a frustration, if not a legitimate concern, about the energy supply of our country.

A few moments ago, the Senator from Michigan was speaking about ANWR, that it was only a moment in time that would pass quickly and that we ought to be much more interested in other sources of energy.

While she was speaking, I was thinking of a trip I recently made to her State, to Dearborn, MI, to the laboratories of Ford Motor Company, and there, for a period of time, I had the opportunity to visit with their engineers and scientists and look at what clearly is some of the latest technology that the laboratories of Ford Motor Company are employing toward future transportation.

One of those is a much touted, much talked about hydrogen fuel cell. Someday in the future, many of our cars might well be fueled by that fuel cell, generating the electricity that would drive the electric motors in the hubs of the wheels of that car.

I drove that car. I had the privilege to take it out on the track at Dearborn

and drive it around the track. It was an exciting experience, to think that this vehicle could be my future, my children's and my grandchildren's future, as a form of transportation. Very clean; a drop of water now and then emitting from the tailpipe of that car.

So it is an exciting concept, to think we have invested, taxpayers have invested in future technologies that someday may be available to the consuming public as a form of transportation.

Let me talk about the rest of the story, about which the engineers and the scientists huddled around the hydrogen fuel cell at Ford Motor Company talked. They talked about the tens of billions of dollars it would take to build the infrastructure to fuel the hydrogen fuel cell that would have to be spread across the country, comparable to the gas station on every corner of America today that fuels the gasoline-powered cars.

Had we thought about that? Well, I had not thought about it to that extent, that it would take decades to build that kind of infrastructure so that driving a hydrogen fuel cell car would be as convenient as the gas-powered car we drive today. Certainly, whether it be Seattle, WA, or Boise, ID, I am not confident we would want to drive to one spot, one location only, to fuel our hydrogen car. I am sure we would want it at least as nearly convenient as fueling our gas-powered car of the day. That was one issue.

The other issue is a very real problem in the minds of American drivers today as to the acceptability of hydrogen cars. It is a little thing called "boom," a fear that it might blow up. It is a false fear. The hydrogen fuel cell car would not blow up because it is a very safe form of energy. But the reality and the public perception is there. A decade of information, hundreds of millions of dollars invested in experiments and public relations and education and experience is all going to be part of that equation.

What happened the day I drove that \$6 million prototype hydrogen-fueled cell car at Dearborn, MI, taught me something. It taught me we do not instantly do new things around here; we don't instantly have a new hydrogen-fueled cell car. Its day will come, and I do believe it might. It clearly is environmentally clean, and it would be important for our economy.

Yes, the economy will create hundreds of thousands of jobs and invest billions of dollars to get us into new forms of transportation. However, they predicted at Ford Motor Company that we were literally decades away, if not double decades, from a hydrogen-fueled cell car.

I say to the Senator from Michigan whose economy depends on the employment of the auto industry to make her State go, what do you do in the meantime, if you don't have the fuel to drive the engines of the cars that the workers in Dearborn, MI, produce today?

That is part of what the Senator from the State of Michigan represents.

I guess you let them be unemployed. If gas goes up to \$3 or \$4 a gallon, certainly the kind of vehicle, if not the quantity of vehicles that are produced in Michigan today and by the auto industry around the country, is going to dramatically change. Some would say that is perfectly fine, that is the way the marketplace ought to work, and, therefore, who cares? I think the Senator from Michigan cares. I know the Senator from Idaho cares because in Idaho, driving from Boise, ID, to Twin Falls, ID, is not around the corner. A few minutes down the road is 2½ hours. It is 250 miles. To go anywhere in my State means driving a couple hundred miles. My State is 600-plus-miles long. By the way, that is from here to Boston. And it is about 550 miles wide at the widest.

My State is a mile-intensive State. People travel long distances. Transportation is critically important. Large, safe automobiles that consume a certain amount of energy are necessary and important.

Important to my State, which is now becoming a manufacturing State and a processing State, are the products we produce which have to get to places like Chicago, to the Detroit, the New York, and the Minneapolis-St. Paul because we feed a world economy. If we cannot get the product we produce to that economy at a reasonably priced way, then either we go out of production or it gets produced closer to that marketplace.

The point I am making and the point that has been made by many today is we are an energy-dependent economy; we are an energy-dependent society. We use a great deal of it. We are wealthy because of it. We are free because of it. We have great flexibility as a country because of it. We are powerful because of it. And we can help other freedom-loving people around the world because of our capacity to not only use energy but produce energy.

Yet today we have heard many coming to the floor opining the fact that production was somehow bad in the name of the environment, in the name of the critter, in the name of the pretty little plant, in the name of life after, in the name of generational concerns, in the name of something. Someone has found a reason not to produce additional energy for this country. Yet their very presence on the floor, the very wealth that has created this country was, in part, a direct result of the abundance of reasonably priced, reliable energy.

When I listen to some of my colleagues, a fundamental thought goes through my mind. Don't they get it? Don't they understand the jobs that are created in their State are based on a certain economic equation and that if you adjust that equation arbitrarily or you deny its right to be in place, you run the risk of destroying that job and dramatically changing the economy of the country? Don't they get it?

What happens if we get \$3-a-gallon gas in this country? What happens to the cost of doing business in this country? What happens to the thousands and thousands of people who no longer have a job because of that in this country? Don't they get it? Or is praying at the altar of a creature, a plant, a concept, an idea so much more important that somehow we stand back and deny the right of this country to produce the energy it needs reasonably, presently, and in an environmentally sound way?

Don't they get it? Yeah, they get it. We all get it. My wife told me last night: Don't you get emotional over this issue; you really shouldn't; keep your cool. I am trying to, but it is very frustrating for me to suggest to my grandchildren that because of a public policy they are going to be denied certain rights, certain freedoms, certain flexibilities within their lifetime that I had within my lifetime because my forefathers recognized the importance of producing, recognized the importance of abundance, and recognized the importance of wealth generation for this country.

That is the bottom line of the debate we are involved in tonight. It is the fundamental debate that has gone on for the last 4 weeks on the floor of the Senate about a national energy policy.

The first opportunity I had to visit with President-elect George W. Bush, the first opportunity our assistant leader, who has just come to the Chamber, had a chance to visit with President-elect George W. Bush was in TRENT LOTT's office. The issue in Florida had just been solved. The President-elect was in town. He was beginning to put together his Cabinet. He came to the Hill to visit with us. I will never forget that. We were all so very proud and excited about his Presidency. He said: I campaigned on education. I campaigned on tax cuts. I campaigned on the general well-being and the economy of this country and that I would lead these issues before the Congress and before the American people. But let me tell you what is important now. What is important is a national energy policy for this country that gets us back into the business of producing energy. He said: The first thing I am going to do is ask Vice President-elect DICK CHENEY to head up an energy task force. We will make recommendations to you in Congress, and we hope you will move a national energy policy as quickly as possible for the country. We all agreed it was a high priority for our Nation to get back in the business of producing energy.

That was a priority of this President then. It is now. It is a priority of Republicans in the Senate. It is a priority of many of my colleagues on the other side of the aisle.

In establishing national energy priorities, I have changed over the years. I used to think that maybe this was the right way to go and this wasn't and you could do this but you couldn't do

that. I don't agree with that anymore. The policy ought to create the incentives and the opportunities to drive all forms of energy. Conservation ought to be a part, and it is now a part of this legislation. New technologies clearly ought to be a part, and we ought to provide the kind of tax incentives that create the investment that brings the capital that drives new technologies. We have put several billion dollars into new technologies in the last several years: in photovoltaics and wind and the hydrogen fuel cell car that I talked about that I have had the opportunity to drive, all of that is moving forward. All of it is out there in somebody's future. But probably not in my lifetime, at least not all of it, and certainly not some of it. But we ought to be doing all of that. We ought to be utilizing our coal with new clean coal technology. It drives 60 percent of electrical generation today.

My hydro dams in Idaho and in the Columbia and Snake River systems ought not be threatened. They ought to be retrofitted and managed in a way that they are fish friendly, but they ought to be allowed to produce megawatts—10 percent of the national base.

What about nuclear? We have included nuclear in this bill, and we are enhancing it—we are reauthorizing Price-Anderson—another 20 percent of the base. If we believe in climate change and global warming, we are probably going to want nuclear to be a greater portion of that mix in time.

So why on the floor of the Senate tonight are we picking and choosing and saying this but not this? Do we know better? No, we do not know better. But we do know that as we have grown increasingly energy dependent on someone else's production, we have lost our flexibility as a country, we have lost our ability to shape domestic and foreign policy, and in the end, we will lose a little bit of our freedom because our sovereignty, our ability as a country to make those kinds of decisions that drive our economy and shape our attitude and our relationships with our foreign neighbors is, in fact, freedom.

"Oh, it is a freedom argument tonight?" You're darned right it is. Somebody is saying you don't need to produce the 15 or 20 billion barrels of oil in the ANWR, or the 7 or the 8 or the 10—we don't know how much is there, but we know there is a lot there. But if we did, one example about the freedom I am talking about, or the flexibility in foreign policy, if we did produce ANWR—bring it into the pipeline, make it available to our refineries, allow it to go to the pump for you and me to put in our gas tanks—we could turn to Saddam Hussein, who just turned his pumps off last Tuesday, and say: Keep them off. We don't need your oil anymore. We don't need to buy 720,000 barrels a day from you for \$4.2 billion a year so you can use that money to pay Palestinian families to allow their kids to be human bombs.

We don't need to let you do that anymore. Most importantly, we are not going to pay for it.

Our policy today, or the absence of striving toward the form of relative energy independence is, in fact, allowing that policy. Shame on us. Bad policy. But, somehow, over the years, in this state of ambivalence toward production, toward self-sufficiency, we have wandered off toward Saddam Hussein. On any given day it can be anywhere from 55 to 60 percent dependency.

"My goodness, Alaska is just a drop in the bucket." Some say it will drop our dependency on foreign sources 14 percent for the next 20 years. I'll bet Colin Powell, in the last week, wished he had 14-percent greater capacity to bring off a peace settlement or a ceasefire between Palestine and Israel. That would have been a phenomenally larger advantage.

"Oh, it is only 14 percent." Since when did that not count? I think it counts. You cannot be cavalier about this issue.

Now let's talk environment. I do not make little of the environment. I live in a beautiful State. We have very strict environmental standards in my State, and we adhere to them and we believe in them. But we also believe in production. In the 1970s, when we drilled the North Slope of Alaska under the most strict environmental conditions ever imposed on an oilfield, we did it and we did not hurt the environment.

You have heard speeches in this Chamber today and yesterday about the abundance of the caribou herd and all the successes there. A cousin of mine was a foreman for Peter DeWitt. He helped build the pipeline. We were visiting the other night about the phenomenal technicalities involved in building that pipeline, but they got it done.

It was the first time; it was never done before. But Congress said do it cleanly, do it sound environmentally, and they did and that pipeline is 55, 60 miles away from the field we are talking about now.

We are not going to hurt the environment. The technologies of today, slant drilling and all of those new employments of technology within the energy field, weren't there in the 1970s, and we did it well then. We will do it better today.

It is not a matter of hurting the environment; it is a matter of not doing anything. That is the debate here. Do it or do not do it. Take the environmental equation out of it.

If you do not do it, why then are they arguing? Why would anyone take that point of view? I suggest because there are some esoteric attitudes, if you do that you slow down economic growth, you discourage this, and the world changes. It is kind of a cave and a candle syndrome: Find everybody a cave to live in and have candlelight for their reading. You will not have to have all these other goodies that we call the

marketplace, and somehow the world is going to be a better place.

I think not. I think we ought to talk about the differences and the tradeoffs. We ought to talk about the jobs.

My colleagues from Alaska and those who have analyzed this matter would suggest anywhere from 250,000 to 700,000 jobs could be created. Since when did jobs become a dirty environmental idea? I think it is a clean idea. I think it puts food on the tables of a lot of folks. It allows them to buy houses and cars and a college education for their kids. That sounds like a clean idea to me, and somehow someone is suggesting that is a bad idea.

The point here is simple. It ought not be that frustrating. None of us should struggle that mightily about it. It is producing energy for this economy, doing it in a wise and responsible way, doing it in an environmentally sound way, and, oh yes, doing it where it is. You have to go to the oil to get the oil.

We know there is oil under the ANWR in Alaska. The work has already been done. The EIS is already in place. The seismograph estimates a substantial volume. It is the natural and responsible next step in the development of the oil reserves of the State of Alaska and for this country.

We are going to choose to buy from outside the country, if we do not develop. We will continue to buy even if we do develop, but we will buy less. We will be a little more independent. We will create a lot of jobs. We will put \$70 billion in the U.S. Treasury, and hundreds of billions of dollars will remain in the U.S. economy. To me, that just makes a heck of a lot of good sense.

I hope the amendments to this energy bill dealing with ANWR that are on the floor are agreed to. I hope we can vote for them. I hope at least nobody will hide behind a procedural effort. It ought to be up or down, yes or no, are you for it or are you against it? If you are against it and you can justify it—and, obviously, those who speak against it can—then so be it. That is the way we shape public policy in the Senate: honestly, fairly, and hopefully aboveboard for all the American citizens of our great country to see.

I believe we ought to explore ANWR. I believe we ought to develop it. I think this country needs it. I think we are better for it. We will be a stronger nation, we will be more independent, we will have greater flexibility, we will create more jobs, we will get greater opportunities for our kids and our grandkids, and our environment will remain clean and sound and the Porcupine caribou herd will flourish and the world will go on.

But it will be different if we cannot do that. We will be less free, more dependent, with less flexibility. The job of Colin Powell and his colleagues will be even more difficult because we have less independence to engage our friends and our enemies in trying to create a safer world. That is part of the issue. That is part of the debate.

My colleague from Oklahoma is in the Chamber ready to speak. It is an important issue. I hope all of us will take seriously the vote that we will be casting, I believe tomorrow, on cloture on this most important issue. In my opinion, it is a generational issue that comes before the Senate at this time.

I yield the floor.

The PRESIDING OFFICER. The assistant Republican leader.

Mr. NICKLES. Mr. President, I wish to thank my colleague, Senator CRAIG from Idaho, for his speech. I also compliment Senator MURKOWSKI for his leadership in trying to put together a good energy bill, as well as Senator STEVENS. Both have made extensive speeches on the need for exploration in Alaska. I happen to respect both individuals very much.

I happen to have accepted one of their invitations to visit the area. And I believe all Senators received this invitation as well. I encourage my colleagues to do so.

I think there is a long tradition in the Senate where we have given home State Senators great latitude in making decisions that impact their States primarily. I am kind of bothered by the number of people who are coming out against drilling in ANWR without ever being there, without ever visiting the people, and without knowing the real impact.

Alaska happens to be one of the prettiest States in the Nation. It is one of the largest. I have been to several points in Alaska, including the Prudhoe Bay area and the ANWR area. Alaska contains beautiful scenic areas. However, the ANWR area, and particularly the coastal region, is not one of the prettier areas of Alaska. On the whole, although, it is a beautiful State.

When I heard people say we can't mess up this pristine wilderness, I was thinking that maybe they did not visit the area. Again, many States have gorgeous scenic views, and Alaska probably more than any other State. But this particular area can be drilled. It can be explored in an environmentally safe and sound manner without disturbing the environment and without disturbing wildlife.

I compliment the home State Senators. I wish people would listen to them. I think too many people have been listening to special interest groups that are trying to raise money on this issue without giving attention to some of the serious national and State problems.

We have real national problems. We are importing 60 percent of our oil today. We are spending about \$100 billion a year overseas. We are shipping that money overseas to buy imported oil. That 60-percent figure means that we are very dependent on other countries for our livelihood. We have evidence of this in the past when we had curtailments. We had a curtailment in 1973 of 26 percent. There was an Arab oil embargo. This caused long lines at the gas stations as oil prices rose dra-

matically. In addition, unemployment went up as factories stalled and subsequently shut down. We even had schools closed. We had people who weren't able to get heat. We experienced this in 1973 when we were importing 26 percent and in 1979 when we were importing 44 percent. At that particular time, the OPEC countries didn't like our policy—sometimes our policy concerning Israel—so they wanted to teach us a lesson. They curtailed oil shipments to the United States.

Today we find ourselves vulnerable to the hardships we experienced in the past. We are currently importing 60 percent. That number continues to rise. It makes us very vulnerable. Without energy security, we don't have national security.

It is incumbent upon us to do something. President Bush, to his credit, and Vice President CHENEY's, to his credit, formulated a national energy policy—the first administration to do so in decades. The House, to their credit, last June passed a bipartisan energy bill. My compliments to them.

Many of us in the Senate wanted to pass a bipartisan energy bill. I have been on the Energy Committee for 22 years. Every major energy piece of legislation we passed has been bipartisan—every single one.

We passed a bill deregulating natural gas prices. It took years, but we did it.

In the Finance Committee, we passed a bill to eliminate the windfall profits tax. We passed a bill to repeal the Fuel Use Act. We passed a bill to eliminate the Synthetic Fuels Corporation.

Many of those mistakes that were made during the Carter administration were enacted by the Democratic Congress which needed to be repealed. And we repealed them in a bipartisan fashion.

We started marking up the energy bill. All of a sudden, the majority leader tells the chairman of the Energy Committee not to have a markup. So the bill we have before us, in my opinion, is in desperate need of improvement. It is 590 pages. It was never marked up in committee.

I have been on the committee for 22 years. I was never able to offer an amendment on this bill.

Some people say: Why have you been on this energy bill for so long? We have to rewrite the bill on the floor. Why are you spending so much time on ANWR? Guess what. If we had marked the bill up in committee, we would have ANWR in there. We had the votes. I suspect the reason the majority leader told Senator BINGAMAN not to mark up the bill is because he is adamantly opposed to exploration in ANWR. He may well have victory on the floor tomorrow. We will find out. I hope he is proud.

What about the hundreds of thousands of jobs that wouldn't be created because we will not have exploration? What about the billions of dollars that we are shipping overseas to little countries, such as Iraq, that really aren't

our best friends? Because he is continuing that policy—he is continuing the dependency, in some cases, on very unstable and unreliable sources of oil.

Our national energy is tied to our energy security, and we are taking steps to secure ourselves. We could reverse our actions significantly by allowing exploration in ANWR. But the majority leader may be successful in keeping it off.

My guess is, if we had done the bill as we have done every single bill for the last 20-some years in committee, that it would have been in the bill, and it would have stayed in the bill. I think the majority leader knows that. Maybe his tactic will be successful, but he has totally disrupted the precedents and the standard of using committee procedures to mark up bills.

We have committees and a process in which they follow. Why disenfranchise 20-some Senators from marking up a bill? This offends me. This bill has 590 pages. The first bill we considered had 539 pages.

Again, no Senator got to mark up either bill. This was put together by the majority leader. This was put together by Senator BINGAMAN. No other Senators I know of got to mark it up because there wasn't a markup held.

Where is the committee report? The standard procedure in taking up a bill is that we will have a committee report and allow individual Senators to make comments supporting or opposing the bill's provisions.

However, since we seem to have skipped this process, we have to dig through the bill and find out what is in it. This legislative language and not the easiest language to read. There is no common English explanation for it, as we have in almost every major bill.

I am very offended by the process. It was done I think primarily to avoid having a vote on ANWR, or making it impossible for us to put ANWR in. We will have to put ANWR in. It will take 60 votes. If we had ANWR in a committee bill, it would only take 50 votes.

The majority leader is able to use the rules and maybe bypass the entire committee structure so he can have a victory. Congratulations. Tell that to the hundreds of thousands of people who don't get a job because we are not going to explore ANWR. Hundreds of thousands of jobs?

Wait a minute. How many things can we do here? Senator MURKOWSKI has said many times that this will create thousands and thousands of jobs. One estimation is that it might create 250,000 jobs, while others offer higher estimates.

How many times can we pass a bill that will say if we do this we are going to be able to reduce our dependency on foreign sources, and, instead of spending \$100 billion overseas, billions of those dollars can stay in the United States—that will stay with U.S. companies, that will be American made, that will be American owned—and where the dividends, royalties, and

payments will go to workers and employees of American companies? How many times do we have that opportunity?

The majority leader may be successful in stopping it, but it makes us more dependent. It makes us more vulnerable to countries such as Iraq and other countries that might be upset with our Middle East policies.

I disagree with that very strongly. I disagree very strongly with countless Senators. I would love to know how many Senators have never been up there and are making decisions that say: I know better than Senator MURKOWSKI; I know better than Senator STEVENS.

I know that both Senator STEVENS and Senator MURKOWSKI have been there several times.

I happen to have been there, I think, once. I learned a great deal. I have been to Kaktovik, and I talked to the villagers. They are all in favor of it. They are more concerned about their environment than anyone else. They live there 365 days a year. Yet we are going to deny them an economic livelihood? I think that is a serious mistake.

I have heard countless people say: We can't do this because of the environmental impact. We are talking about 2,000 acres—2,000 acres—out of a land mass that is 19.6 million acres. And 2,000 acres may be about the size of an average airport, compared to 19 million acres, about the size of South Carolina. That is a very small percentage, very little negative impact, if you consider the impact to be negative in the first place. We have hundreds or thousands of wells in my State of Oklahoma, as Texas and Louisiana do also. We have not seen considerable negative impacts.

A pipeline, is that so bad? You ought to look at a interstate pipeline map and see how many pipeline miles are across the State of Louisiana, Texas, Oklahoma, Kansas. You don't know they are there, but they are there. And people act like that would just desecrate this beautiful area. I just question that.

As a matter of fact, I look at the ANWR Coastal Plain, and it would take just a small connection to be able to tie into the TransAlaska Oil Pipeline. This small connection would be about 100 miles long.

I look at the gas pipeline, and I heard the Senator from Michigan say, oh, she is all in favor of the gas pipeline. That is all new pipeline, and that is about 3,000 miles. The pipeline we are talking about is maybe 100 miles, connecting from ANWR to the oil pipeline that is already built. The oil pipeline is about 800 miles.

Now we are talking about a 3,000-mile pipeline, almost all of it new, going through a lot of virgin territory that has never had roads, never had a pipeline on it. This is the gas pipeline that a lot of people are saying would do 100 times the environmental damage of what we are talking about, connecting

to the oil pipeline that is already there—100 times the environmental damage.

I heard somebody say, what about the caribou, or what about the wildlife in the area? I remember flying up there and looking around and looking at the wildlife. Alaska is a gorgeous State that has a lot of wildlife. In that particular Coastal Plain area, when I was there, I did not see hardly any wildlife. I could see more wildlife in my State of Oklahoma or the State of Louisiana in any square mile than what I saw at the time I happened to visit there. I did not visit there when the caribou were migrating in.

I care about the caribou. I saw a lot of caribou at Prudhoe Bay. I remember when Prudhoe Bay was originally built, there was about 3,000 caribou. Today, there are 20-some thousand. The caribou herds have multiplied dramatically. I think there are up to 27,000 caribou in the Prudhoe Bay area, about 9 times what there was 25 years ago. So the caribou have been protected fairly well. They have multiplied significantly and have proven not only to survive but to survive quite well with the TransAlaska Pipeline. I am sure they could survive with this small little junction from the ANWR area to the Prudhoe Bay pipeline.

So people who are raising these facades, "Well, we can't disturb the wildlife," "We can't disturb the natural environment," what are you doing supporting the gas pipeline that is 3,000 miles through virgin territory versus a pipeline that might be 100 miles connecting ANWR to the TransAlaska Pipeline? That does not make sense. That is absurd. I am just shocked by some of the false arguments that are being raised.

I do want to create jobs. I do want to make us less dependent on foreign sources. I do not want Saddam Hussein, who is now talking about having an oil embargo against the United States for 30 days because he doesn't like our policies in the Middle East—I don't want him to hold any type of economic leverage over the United States. Right now we are importing about a million barrels per day from Iraq, from Saddam Hussein.

Guess what. The production we expect to receive from ANWR is about a million barrels a day, except that it is estimated to last 20, 30, 40 years.

The Prudhoe Bay production that we have had for the last 25 years grew to a couple million barrels a day. Now it has declined to about a million barrels per day. So we have excess capacity of a million barrels, and ANWR could help complement that. Then we would have 2 million barrels per day coming down the TransAlaska Pipeline. That is over 25 percent of our domestic production. Our country—our Nation—needs that for national security. So to deny this, I believe, is a national security issue.

So we should give deference to our home State colleagues of Alaska. We should listen to their advice, and we should allow exploration in ANWR.

I urge my colleagues to consider doing what is right for America, what is right for our country, what is right for our national security, and, frankly, what is right for Alaska.

This project is supported overwhelmingly by Alaskans because they believe they need it, both economically and for the national security implications as well.

So I urge my colleagues, tomorrow, to support Senator MURKOWSKI and Senator STEVENS and allow exploration in the ANWR area.

Mr. President, one final comment I will make, and that is, there is an amendment pending—I guess we may have a vote on it—dealing with money going to help the steel industry cope with some of the difficulties they have. Some people call them legacy costs, but it is picking up health costs for retirees.

I think that is a serious mistake. I do not know why the Federal Treasury or the taxpayers should have to take general revenue money, or money coming from this pipeline to pay pension costs or health care costs for one particular industry. If you are going to do it for this industry, then what about the textiles, what about auto workers, what about railroad workers?

You have a lot of industries that have a lot of retirees who are struggling with paying their pensions and/or health care plans. They made those contracts. Is the Federal Government responsible to come in and assume all the costs of those contracts? If so, we have real serious problems. If we are going to do it for one, how can we not do it for another? I think it would be a serious mistake and set a serious precedent that I hope we don't follow. So I urge my colleagues to vote no on the steel legacy amendment, as it has been called.

However, I urge my colleagues, with every fiber in my being, to support exploration in ANWR, the Murkowski amendment. Let's listen to the Senators from the State of Alaska. They know this issue inside and out, far better than anybody else. They have been there countless times. Let's follow their advice and open up ANWR for exploration.

Mr. President, I yield the floor.

Mr. LEVIN. Mr. President, we are now debating energy policy in the Senate that will affect the lives of generations to come, so we must make sure that our approach is comprehensive and balanced. We cannot allow poor energy policy proposals to be used as a smokescreen for an unwillingness to focus on the harder long-term issues. Drilling in the Alaskan National Wildlife Refuge is one such bad policy proposal.

It is impossible for the United States to "drill" its way out of oil dependency. The United States has 3 percent of the world's oil reserves but consumes 25 percent of the world's oil. The Arctic refuge contains less than 6 months of economically-recoverable oil

and that oil would not be available for 10 years. This means that drilling in ANWR would not provide any immediate energy relief for American families.

Further, the claim that drilling in ANWR would create thousands of jobs is excessive. The job estimates used to support drilling in the Arctic refuge were developed by the American Petroleum Institute, API, in 1990 and are insupportable. According to the Congressional Research Service and other recent independent studies, the API used exaggerated estimates and questionable economic analysis.

More than 95 percent of Alaska's North Slope is open to oil and natural gas exploration or development today. In 1999, the Clinton administration opened nearly 4 million acres of the National Petroleum Reserve-Alaska to oil and gas drilling and signed a bill lifting the ban on the export of Alaska North Slope oil, a move strongly supported by industry. This action opened 425 tracts on 3.9 million acres, an area more than twice the size of ANWR. As a result of improved technologies and renewed interest in the North Slope, the lease sale returned more than \$104 million in bonus bids, 50 percent of which will go to the Federal Government, and 50 percent to the State of Alaska. The oil industry should explore and develop the National Petroleum Reserve-Alaska before there is any consideration of opening ANWR.

As population and the economy grow, so does the demand for energy. We do need to keep the United States at the forefront of innovative energy production. The efficient use of energy has to be our primary goal and we need to create incentives to conserve. There are many ways to do this. Midwestern farmlands are ideal for growing high-yield "energy crops," including soybeans grown in Michigan, to help power our economy. Corn grown in the Midwest can be used to produce ethanol, a cleaner burning fuel for vehicles. While there are barriers that must be overcome to bring these alternative sources of power on line, we should support renewable energy programs by offering incentives to those who use them.

Further, a new generation of automotive technology is under development that offers great promise in our quest to achieve greater fuel efficiency. Technologies such as hybrid vehicles, which use an internal combustion engine in combination with a battery and electric motor, and fuel cells, which are devices using hydrogen and oxygen to create electricity and heat, should help to dramatically improve fuel economy and protect our environment.

Drilling in our pristine wilderness will not alter our dependence on foreign oil, it will only alter our protected wilderness. We have a responsibility to promote a balanced energy plan that invests in America's future and protects our environment, not one that damages a unique and irreplaceable wilderness.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. STEVENS. Mr. President, I got an e-mail from my oldest son, who told me he was surprised by the comments of the Senator from Minnesota concerning this issue being a political issue and politics as usual. I am not surprised. But I did tell him I think the Senate has changed.

Before I go to my other remarks, I would like to relate to the Senate what happened to me as a young Senator, a young appointed Senator. I came here in 1968, and by the springtime of 1969, Senator Gordon Allott of Colorado, who was a friend from the days when I was in Washington at the Interior Department. When I left I was Solicitor, and I was very close to Gordon Allott. He was a personal friend as well as the person I worked with in the Eisenhower administration.

He said he thought it would be good if I would meet with some of the older Senators and talk about life in the Senate. So I said I would, and a day or two later, Senator Allott said they were going to gather up in Senator Eastland's office. At that time it was on the third floor. I think it was room 306, just above what has been one of the leader's offices on the second floor.

As I walked in, I found that I was facing eight of the senior Senators. I hadn't been around long. I had been familiar with Senate activity. But it was a very interesting meeting: Senator Eastland of Mississippi, Senator Allott of Colorado, Senator Cotton of New Hampshire, Senator Paul Fannin of Arizona, Senator Hruska of Nebraska. I believe the others were Senator Long of Louisiana, Senator Randolph of West Virginia, and Senator Talmadge of Georgia.

Those were different days. They were days when there was a different feeling in the Senate. These were eight senior Senators, four from each side. Obviously, they enjoyed one another's company. Those were the days when, late in the afternoon, there were a few refreshments on the table in Senator Eastland's office. He said to me: Why don't you help yourself, son. I did, and I sat down. And Senator Allott said to me they just thought they ought to talk to me a little bit about how it was easy to get along in the Senate if one understood the Senate.

For instance, the conversation went to the point of the fact that we were a new State, a young State that had only been in the Union for 10 years. They wanted to make sure I understood the Senate. Senator Allott told them I had been around during the Eisenhower days. I had been with the liaison to the

Senate. They said they wanted me to understand relationships in the Senate.

We talked about senatorial courtesy and what it means to have a right to be consulted concerning appointments to your State. We talked about just the idea of the aisle as a separation between individual Senators; this is a place where, if you are going to be here, you ought to know who you are working with, and they welcomed a newcomer, an appointed Senator, to visit with them on how they felt about the Senate.

It was one of the most interesting conversations of my life. The point got around to a new State and the prerogatives of a new State. One of the things they told me was very simple: If you and your colleague agree on an issue that affects your State, for instance, land in your State, you let us know because we believe you know more about your State than we do, and we are going to rely on you; we are going to rely on you to make the judgments on Federal actions that affect your State, and only your State.

I thought about that last night. I have listened to people here over the years talk about the rights of their States and what has happened to their States and what might happen to their States.

I don't think any State has lived through what we have lived through in the first years of our statehood. We have been denuded of jobs—I will talk about the people who have done it—by a group that takes advantage of the division of the country in order to achieve objectives they could not achieve but for the divisions that exist in the Senate today. It is truly a split Senate. Relationships between the majority and minority are strained more than I have ever seen them.

We have a situation where the two of us, since 1981, have sought the fulfillment of a commitment made to us in 1980, and it is apparent now that it will be denied—not permanently; we still will have a chance to come back at this again. This bill will not forever forbid the concept of oil and gas leasing in the Arctic Plain of Alaska, but it will not happen until there is an act of Congress to authorize it to proceed.

In terms of the relationships of the Senate, I raised the question: What about other Senators? Are we to presume that the concept of the Senate relying upon the two Senators from that State, if they agree on an issue pertaining to their State, the Senate will listen to them? I don't think so.

I think we have seen really a split in the Senate intentionally caused by the radical environmental organizations of the country that think they really control the country now. I will show you; they probably do. They probably do much more than the public believes.

Senator WELLSTONE said today that he had meetings with the Gwich'in people because of the pristine wilderness, and they live in the area. I beg to correct the Senator. The Gwich'in live on

the south slope of the Arctic range. They are Canadian Indians, at least part of a Canadian tribe of Indians called the Gwich'in. They have land in Alaska. They opted not to participate in the great land settlement of the Alaska Native lands settlement. They opted out. They took their land and did not want to rely in any way on the Federal Government.

As a matter of fact, right after they took their land, rather than participate in the land claims settlement, they put their land up for oil and gas leasing. No one wanted to lease it. They put their land up for coal leasing. They do have a lot of coal. And no one wanted to lease it.

As a matter of fact, we hardly ever heard from the Gwich'in about this issue until they were hired by one of the environmental organizations, and they have become the spokesmen for the environmental organizations as a representative of the Alaska Native people. But they are Canadian Indians who live in Alaska.

The Alaska Native people, the Alaska Federation of Natives, and particularly the great Eskimo community on the Alaska North Slope, support drilling in the 1002 area of the Alaska Coastal Plain. They live in the area. The Gwich'in do not. The people who own land within this area at Kaktovik, the Eskimo people, violently support this. They want it to happen. They have been denied the right by Federal order to drill on their own land, and our bill removes that impediment.

I have tried my best to explain why we went into the concept of looking at the steel legacy program. One Senator said he thought my effort was not real, not authentic, and I sought to take advantage of the hopes and pains of his people. If I had been here, I would have taken a point of personal privilege. That is an accusation of immoral conduct on the part of a Senator—were it true. It is not true.

Who made that linkage? The people who don't want to work with us. They know my amendment would provide a cashflow to the steelworkers who are currently going to be denied their medical care that they thought they were going to get. One Senator said: It is only \$1 billion. It is only \$1 billion. Well, we are getting \$1.6 to \$2.7 billion, we believe, in the bonus bids. And they only get \$1 billion. Between now and 2005, they only get \$1 billion. They get \$8 billion over 30 years. If it is cynical, it is cynical because of the people who don't want to face up to their own responsibility.

We need that steel. We can't build this gas pipeline from Alaska, 3,000 miles from the North Slope to Chicago, unless we have steel. We can't have steel unless the steel companies of this country survive. They are not going to survive under the current circumstances.

As I said yesterday, 30 steel companies have gone bankrupt in the year 2000. Do the people who represent those

areas understand their State? I understand mine. My State is bankrupt because the last administration closed down our mines, our timber operations, oil and gas activity, and our cruise ships. They have closed us down and want us to be a national park.

I am trying to represent my people, but I just hope these people here don't come in and accuse me of having taking action to take advantage of the hopes and pains of people.

I hope I am here then. I hope I am here then. We will have a discussion then. One said that drilling can't help because they thought that the legacy fund could not be solved by the moneys that would come from drilling in ANWR. I never said they would be solved. I never said they would be solved. I said we could provide a plug in that fund to keep them going until we got production from the Arctic Plain, and then we could go up to a total of \$18 billion in 30 years to make that fund sound.

Now, it is one thing to not agree with a Senator who is trying to put two things together. By the way, let me remind the Senate that the great civil rights legislation of this country was introduced by Everett Dirksen of Illinois as a rider to another bill. It was a rider to another bill. It was the military structure and school bill. He added the civil rights legislation.

From some people on the other side, you would think the Democratic Party started civil rights in this country. The person who introduced the major bill was Everett Dirksen of Illinois, working with Lyndon Johnson when he was majority leader. Johnson called up the bill so that Everett Dirksen could offer that amendment. It was in February 1960.

In terms of other debates, when we were talking about the Foreign Military Sales Act of 1970, John Sherman Cooper of Connecticut and Senator Frank Church of Idaho offered an amendment to limit military operations in Cambodia. That became a substantial change in that bill. It became two bills, and, because they were joined together, they passed.

In 1982, we joined the Trade Reciprocity and Dividend Withholding Acts, and the proponents of both succeeded in bringing them together in the Senate. It is not unknown for a Senator to suggest that two separate pieces of legislation ought to be joined together in order to make a coalition of Senators who believe in an objective.

I take umbrage to some of the comments made by those people who don't have the guts to come forward and represent their own people. I would represent my people here until I die. We have done that. We have gone to the wall. I am accused of being the pork chief, or the chief porker around here. Why? Because my State is almost dead

due to the actions of the last administration in shutting down our timber industry, oil and gas industry, mining industry, and the cruise ships' total opposition to the State of Alaska in terms of any kind of development on Federal land, whether it was within or without the great withdrawals we have been talking about.

When we entered into that agreement in 1980, person after person—Senator MURKOWSKI and I read them—including the President, said we have reached an understanding so that the land can be preserved that needed to be preserved, but Alaska can go forward with development of oil and gas and timber and mining. They said that. They acknowledged it in public that there was a deal—a deal.

A deal, to me, is not a bad word. Up our way, when we make a deal, we shake hands. We don't have to have an act of Congress if you give a man your word, your promise. As Robert Service said, "A promise made is a debt unpaid."

Congress made a promise to Alaska that this land would be opened to oil and gas. It was shown in that environmental impact statement that there would be no permanent harm to the fish and wildlife area.

Now along comes this environmental group that has to be the most horrendous thing that I have gotten into. I wish I had more time for this, and some day I will take a lot more time for it. I think, because of these people, we have lost that ambience on the floor.

In the days of Senator Mansfield, we used to have dining groups. Mansfield encouraged us to get together. As young Senators from both sides of the aisle, we would invite people from the other side of the aisle to our homes for dinner. At least three times a year we used to have dinner with other Senators in each other's homes. We got to know one another. We took them to our States. We would travel with each other. We disagreed here on the floor and we did our job representing our people; but we were friends.

Many Senators right now are not going to have many friends in the Senate after this year is over. It is because of what is happening now—this great division, turning everything into political issues. We are told that on every issue the President has to have 60 votes—not a majority, but every one of the President's programs has to have 60 votes in order to stop the opposition of the majority.

That is not like the days of Mike Mansfield or Lyndon Johnson. Lyndon Johnson cooperated with President Eisenhower. Mike Mansfield cooperated with President Nixon and President Ford. Where is the spirit of cooperation from the majority?

I think it is high time people understood what is going on here. It is going to have a long-term impact on the Senate, as far as this Senator is concerned. I still have my friends over there, and

I love them. By the way, they are still my friends. They understand what we are doing. They are the Senators from the old days who understand that when two Senators agree concerning an issue in their State, they ought to be listened to by the Senate. They don't always agree, but they certainly should not be attacked.

Let's talk about the fundraising groups. We have some charts. Fundraising groups started off as philanthropic organizations that raise money to help achieve conservation objectives. They have been the subject of a review by the Sacramento Bee. Why do I look at that? They happen to own our largest newspaper, the Anchorage Daily News. We came across some of these articles that I will ask to put in the RECORD.

The Institute of Philanthropy suggests that fundraising expenses not exceed 35 percent. This is the percentage of environmental groups' donations used to raise more money, not for environmental protection. The National Parks Conservation Association uses 41 percent of the money they raise to raise more money; the Sierra Club, 42 percent; Defenders of Wildlife, 50 percent; Greenpeace, 56 percent; National Park Trust, 74 percent. So 75 cents out of every dollar goes to raise more money, not to help the parks.

Are these philanthropic, eleemosynary institutions? Are they? No. They are organizations that are now there to participate in the management of them. Let me show you, for instance, the annual income of these groups. This is just income of the presidents of philanthropic organizations. They are not the President of the United States, but you will see that several make more than the President of the United States. All but one makes more money than any Member of Congress. They are out raising money from people. They send them letter after letter, and they spend more money to go out and get more money, and they raise more money than they do for their objectives. Look at what they do with what is left.

The median household income in the United States in 2000 was \$42,148; that is the income of a husband and wife in a household in the year 2000. The Sierra Club's executive director makes \$138,000, which is conservative. All they really do now is raise money. That is a pretty good income. The president of the Earth Justice Legal Defense Fund makes \$157,000. They raise money so they can sue—not in terms of doing anything for the conservation; they are protesters. Defenders of Wildlife, \$201,000. The president of the Wilderness Society, \$204,000; that is Fred Gaylord Nelson. He has graduated to a better salary. President, National Audubon Society, \$239,000. World Wildlife Fund, \$204,000. National Wildlife Federation, \$247,000.

What is eleemosynary about that? Are these volunteers to save the world?

These are people in it for what they can get out of it, and what they get out

of it is both money for themselves and money to contribute to people who support them. We will get into that, too.

This is the amount of mailings sent annually by these groups. These are mailings, in the millions, for more fundraising, not money to notify people of a problem: the Audubon Society, 7 million; Greenpeace, 8; the Sierra Club, 10.5; Defenders of Wildlife, 11; the National Wildlife Federation, 12.5; National Parks and Conservation, 17; World Wildlife, 19; Nature Conservancy, 35. They mail about 160 million mailings a year. The response is 1 to 2 percent.

I wonder who owns the mailing companies. I have to look into that. Somebody is making money on just the mailings from these people. What are they doing?

One hundred sixty million mailings, how many trees does that take, Mr. President? They are stopping us from cutting our trees in Alaska. From where are they getting that paper? They are not recycling it all. This group has in mind controlling what the Government does with regard to Federal lands in particular.

Who spends more to protect the environment? This is from the "Environmental Benefits of Advanced Oil and Gas Exploration and Production Technology" published in the Clinton administration. This is not this administration. This is the Clinton administration.

It is clear that the oil and gas industry spent \$8 billion, in this 1 year, 1996. That is more than EPA's entire budget for 1996 and 333 percent more than all environmental groups put together. The oil and gas industry spends more to protect the environment by the Clinton administration's findings than all environmental groups put together. The environmental groups spent \$2.4 billion in 1996. That is their total spending, and we have seen most of this is spent to raise more money—this is from environmental groups—not to protect the environment, but to raise more money and pad their own wallets.

It is amazing, as I look at law firms around the country. They are advertising to get contributions to protect the environment, and what they are really doing is taking contributions and paying themselves to represent protest groups. It is an interesting connection to the environment. I am not sure that is advancing the cause of the environment.

In any event, they are really soliciting money for their own salaries, which in my day in practicing law would have been thought to be unethical. It is not unethical now, I guess.

Mr. President, I ask unanimous consent that a series of articles from the Sacramento Bee be printed in the RECORD. They were written by a Bee staff writer in April of last year. The first is called "Green Machine." Tom Knudson's article says:

Dear friend, I need your help to stop an impending slaughter. Otherwise, Yellowstone

National Park—an American wildlife treasure—could soon become a bloody killing field. And the victims will be hundreds of wolves and defenseless wolf pups.”

So begins a fund-raising letter from one of America's fastest-growing environmental groups—Defenders of Wildlife.

The article goes on:

In 1999, donations jumped 28 percent to a record \$17.5 million. The group's net assets . . . grew to \$14.5 million, another record. And according to its 1999 annual report, Defenders spent donors' money wisely, keeping fund-raising and management costs to . . . 19 percent of expenses.

But there is another side to Defenders' dramatic growth.

Pick up copies of its federal tax returns and you'll find that its five highest-paid partners are not firms that specialize in wildlife conservation. They are national direct mail and telemarketing companies—the same ones that raise money through the mail and over the telephone for nonprofit groups, from Mothers Against Drunk Driving to the U.S. Olympic Committee.

You'll also find that in calculating its fund-raising expenses, Defenders borrow a trick from the business world. It dances with digits, finds opportunity in obfuscation. Using an accounting loophole, it classifies millions of dollars spent on direct mail and telemarketing activities not as fund-raising but as public education and environmental activism.

Sounds like another Enron to me.

Again, I ask unanimous consent this series of articles be printed in the RECORD.

There being on objection, the material was ordered to be printed in the RECORD, as follows:

[From the Sacramento Bee, Apr. 23, 2001]

MISSION ADRIFT IN A FRENZY OF FUND
RAISING

(By Tom Knudson)

“Dear Friend, I need your help to stop an impending slaughter. Otherwise, Yellowstone National Park could soon become a bloody killing field. And the victims will be hundreds of wolves and defenseless wolf pups!”

So begins a fund-raising letter from one of America's fastest-growing environmental groups—Defenders of Wildlife.

Using the popular North American gray wolf as the hub of an ambitious campaign, Defenders has assembled a financial track record that would impress Wall Street.

In 1999, donations jumped 28 percent to a record \$17.5 million. The group's net assets, a measure of financial stability, grew to \$14.5 million, another record. And according to its 1999 annual report, Defenders spent donors' money wisely, keeping fund-raising and management costs to a lean 19 percent of expenses.

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trick from the business world. It dances with digits, finds opportunity in obfuscation. Using an accounting loophole, it classifies millions of dollars spent on direct mail and telemarketing not as fund raising but as public education and environmental activism.

Take away that loophole and Defenders' 19 percent fund-raising and management tab leaps above 50 percent, meaning more than half of every dollar donated to save wolf pups helped nourish the organization instead. That was high enough to earn Defenders a “D” rating from the American Institute of Philanthropy, an independent, nonprofit watchdog that scrutinizes nearly 400 charitable groups.

Pick up copies of IRS returns for major environmental organizations and you'll see that what is happening at Defenders of Wildlife is not unusual. Eighteen of America's 20 most prosperous environmental organizations, and many smaller ones as well, raise money the same way: by soliciting donations from millions of Americans.

But in turning to mass-market fund-raising techniques for financial sustenance, environmental groups have crossed a kind of conservation divide.

No allies of industry, they have become industries themselves, dependent on a style of salesmanship that fills mailboxes across America with a never-ending stream of environmentally unfriendly junk mail, reduces the complex world of nature to simplistic slogans, emotional appeals and counterfeited crises, and employs arcane accounting rules to camouflage fund raising as conservation.

Just as industries run afoul of regulations, so are environmental groups stumbling over standards. Their problem is not government standards, because fund raising by nonprofits is largely protected by the free speech clause of the First Amendment. Their challenge is meeting the generally accepted voluntary standards of independent charity watchdogs.

And there, many fall short.

Six national environmental groups spend so much on fund raising and overhead they don't have enough left to meet the minimum benchmark for environmental spending—60 percent of annual expenses—recommended by charity watchdog organizations. Eleven of the nation's 20 largest include fund-raising bills in their tally of money spent protecting the environment, but don't make that clear to members.

The flow of environmental fund-raising is remarkable. Last year, more than 160 million pitches swirled through the U.S. Postal Service, according to figures provided by major organizations. That's enough envelopes, stationery, decals, bumper stickers, calendars and personal address labels to circle the Earth more than two times.

Often, just one or two people in 100 respond.

The proliferation of environmental appeals is beginning to boomerang with the public, as well. “The market is over-saturated. There is mail fatigue,” said Ellen McPeake, director of finance and development at Greenpeace, known worldwide for its defense of marine mammals. “Some people are so angry they send back the business reply envelope with the direct mail piece in it.”

Even a single fund-raising drive generates massive waste. In 1999, The Wilderness Society mailed 6.2 million membership solicitations—an average of 16,986 pieces of mail a day. At just under 0.9 ounce each, the weight for the year came to about 348,000 pounds.

Most of the fund-raising letters and envelopes are made from recycled paper, but once delivered, millions are simply thrown away, environmental groups acknowledge. Even when the solicitations make it to a recycling bin, there's a glitch: Personal address labels,

bumper stickers and window decals that often accompany them cannot be recycled into paper—and are carted off to landfills instead.

“For an environmental organization, it's so wrong,” said McPeake, who is developing alternatives to junk mail at Greenpeace. “It's not exactly environmentally correct.”

The stuff is hard to ignore.

Environmental solicitations—swept along in colorful envelopes emblazoned with bears, whales and other charismatic creatures—jump out at you like salmon leaping from a stream.

Open that mail and more unsolicited surprises grab your attention. The Center for Marine Conservation lures new members with a dolphin coloring book and a flier for a “free” dolphin umbrella. The National Wildlife Federation takes a more seasonal approach: a “Free Spring Card Collection & Wildflower Seed Mix!” delivered in February, and 10 square feet of wrapping paper with “matching gift tags” delivered just before Christmas.

The Sierra Club reaches out at holiday time, too, with a bundle of Christmas cards that you can't actually mail to friends and family, because inside they are marred by sales graffiti: “To order, simply call toll-free . . .” Defenders of Wildlife tugs at your heart with “wolf adoption papers.” American Rivers dangles something shiny in front of your checkbook: a “free deluxe 35 mm camera” for a modest \$12 tax-deductible donation.

The letters that come with the mailers are seldom dull. Steeped in outrage, they tell of a planet in perpetual environmental shock, a world victimized by profit-hungry corporations. And they do so not with precise scientific prose but with boastful and often inaccurate sentences that scream and shout:

From New York-based Rainforest Alliance: “By this time tomorrow, nearly 100 species of wildlife will tumble into extinction.”

Fact: No one knows how rapidly species are going extinct. The Alliance's figure is an extreme estimate that counts tropical beetles and other insects—including ones not yet known to science—in its definition of wildlife.

From the Wilderness Society: “We will fight to stop reckless clear-cutting on national forests in California and the Pacific Northwest that threatens to destroy the last of America's unprotected ancient forests in as little as 20 years.”

Fact: National forest logging has dropped dramatically in recent years. In California, clear-cutting on national forests dipped to 1,395 acres in 1998, down 89 percent from 1990.

From Defenders of Wildlife: “Won't you please adopt a furry little pup like ‘Hope’? Hope is a cuddly brown wolf . . . Hope was triumphantly born in Yellowstone.”

Facts: “There was never any pup named Hope,” says John Varley, chief of research at Yellowstone National Park. “We don't name wolves. We number them.” Since wolves were reintroduced into Yellowstone in 1995, their numbers have increased from 14 to about 160; the program has been so successful that Yellowstone officials now favor removing the animals from the federal endangered species list.

Longtime conservationist Peter Brussard has seen enough.

“I've stopped contributing to virtually all major environmental groups,” said Brussard, former Society for Conservation Biology president and a University of Nevada, Reno, professor.

“My frustration is the mailbox,” he said. “Virtually every day you come home, there are six more things from environmental groups saying that if you don't send them fifty bucks, the gray whales will disappear or the wolf reintroductions in Yellowstone will fail . . . You just get supersaturated.”

"To me, as a professional biologist, it's not conspicuous what most of these organizations are doing for conservation. I know that some do good, but most leave you with the impression that the only thing they are interested in is raising money for the sake of raising money."

Step off the elevator at Defenders of Wildlife's office in Washington, D.C., and you enter a world of wolves: large photographs of wolves on the walls, a wolf logo on glass conference room doors, and inside the office of Charles Orasin, senior vice president for operations, a wolf logo cup and a toy wolf pup.

Ask Orasin about the secret of Defenders' success, and he points to a message prominently displayed behind his desk: "It's the Wolf, Stupid."

Since Defenders began using the North American timber wolf as the focal point of its fund-raising efforts in the mid-1990s, the organization has not stopped growing. Every year has produced record revenue, more members—and more emotional, heart-wrenching letters.

"Dear Friend of Wildlife: It probably took them twelve hours to die. No one found the wolves in the remote, rugged lands of Idaho—until it was too late. For hours, they writhed in agony. They suffered convulsions, seizures and hallucinations. And then—they succumbed to cardiac and respiratory failure."

"People feel very strongly about these animals," said Orasin, architect of Defenders' growth. "In fact, our supporters view them as they would their children. A huge percentage own pets, and they transfer that emotional concern about their own animals to wild animals."

"We're very pleased," he said. "We think we have one of the most successful programs going right now in the country."

Defenders, though, is only the most recent environmental group to find fund-raising fortune in the mail. Greenpeace did it two decades ago with a harp seal campaign now regarded as an environmental fundraising classic.

The solicitation featured a photo of a baby seal with a white furry face and dark eyes accompanied by a slogan: "Kiss This Baby Good-bye." Inside, the fund-raising letter included a photo of Norwegian sealers clubbing baby seals to death.

People opened their hearts—and their checkbooks.

"You have very little time to grab people's attention, said Jeffrey Gillenkirch, a veteran free-lance direct mail copywriter in San Francisco who has written for several national environmental groups, including Greenpeace. "It's like television: You front-load things into your first three paragraphs, the things that you're going to hook people with. You can call it dramatic. You can call it hyperbolic. But it works."

The Sierra Club put another advertising gimmick to work in the early 1980s. It found a high-profile enemy: U.S. Secretary of the Interior James Watt, whose pro-development agenda for public lands enraged many.

"When you direct-mailed into that environment, it was like highway robbery," said Bruce Hamilton, the club's conservation director. "You couldn't process the membership fast enough. We basically added 100,000 members."

But environmental fund raising has its downsides.

It tends to be addictive. The reason is simple: Many people who join environmental groups through the mail lose interest and don't renew—and must be replaced, year after year.

"Constant membership recruitment is essential just to stay even, never mind get bigger," wrote Christopher Bosso, a political

scientists at Northeastern University in Boston, in his paper: "The Color of Money: Environmental Groups and the Pathologies of Fund Raising."

"Dropout rates are high because most members are but passive check writers, with the low cost of participating and translating into an equally low sense of commitment," Bosso states. "Holding on to such members almost requires that groups maintain a constant sense of crisis. It does not take a cynic to suggest . . . that direct mailers shop for the next eco-crisis to keep the money coming in."

That is precisely how Gillenkirch, the copywriter, said the system works. As environmental direct mail took hold in the 1980s, "We discovered you could create programs by creating them in the mail," he said.

"Somebody would put up \$25,000 or \$30,000, and you would see whether sea otters would sell. You would see whether rain forests would sell. You would try marshlands, wetlands, all kinds of stuff. And if you got a response that would allow you to continue—a 1 or 2 percent response—you could create a new program."

Today, the trial-and-error process continues.

The Sierra Club, which scrambles to replace about 150,000 nonrenewing members a year out of 600,000, produces new fund-raising packages more frequently than General Motors produces new car models.

"We are constantly turning around and trying new themes," said Hamilton. "We say, 'OK, well, people like cuddly little animals, they like sequoias.' We try different premiums, where people can get the backpack versus the tote bag versus the calendar. We tried to raise money around the California desert—and found direct mail deserts don't work."

And though many are critical of such a crisis-of-the-month approach, Hamilton defended it—sort of.

"I'm somewhat offended by it myself, both intellectually and from an environmental standpoint," he said. "And yet . . . it is what works. It is what builds the Sierra Club. Unfortunately the fate of the Earth depends on whether people open that envelope and send in that check."

The vast majority of people don't. Internal Sierra Club documents show that as few as one out of every 100 membership solicitations results in a new member. The average contribution is \$18.

"The problem is there is a part of the giving public—about a third we think—who as a matter of personal choice gives to a new organization every year," said Sierra Club Executive Director Carl Pope. "We don't do this because we want to. We do it because the public behaves this way."

Fund-raising consultants "have us all hooked, and none of us can kick the habit," said Dave Foreman, a former Sierra Club board member. "Any group that gives up the direct mail treadmill is going to lose. I'm concerned about how it's done. It's a little shabby."

Another problem is more basic: accuracy. Much of what environmental groups say in fund-raising letters is exaggerated. And sometimes it is wrong.

Consider a recent mailer from the Natural Resources Defense Council, which calls itself "America's hardest-hitting environmental group." The letter, decrying a proposed solar salt evaporation plant at a remote Baja California lagoon where gray whales give birth, makes this statement:

"Giant diesel engines will pump six thousand gallons of water out of the lagoon EVERY SECOND, risking changes to the precious salinity that is so vital to newborn whales."

Clinton Winant, a professor at Scripps Institution of Oceanography who helped prepare an environmental assessment of the project, said the statement is false. "There is not a single iota of scientific evidence that suggest pumping would have any effect on gray whales or their babies," he said.

The mailer also says:

"A mile-long concrete pier will cut directly across the path of migrating whales—potentially impeding their progress."

Scripps professor Paul Dayton, one of the nation's most prominent marine ecologists, said that statement is wrong, too.

"I've dedicated my career to understanding nature, which is becoming more threatened," he said. "And I've been confronted with the dreadful dishonesty of the Rush Limbaugh crowd. It really hurts to have my side—the environmental side—become just as dishonest."

Former Mexican President Ernesto Zedillo halted the project last year. But as he did, he also criticized environmental groups. "With false arguments and distorted information, they have damaged the legitimate cause of genuine ecologists," Zedillo said at a Mexico City news conference.

A senior Defense Council attorney in Los Angeles, Joel Reynolds, said his organization does not distort the truth.

"We're effective because people believe in us," Reynolds said. "We're not about to sacrifice the credibility we've gained through direct mail which is intentionally inaccurate."

Reynolds said NRDC's position on the slat plant was influenced by a 1995 memo by Bruce Mate, a world-renowned whale specialist. Mate said, though, that his memo was a first draft, not grounded in scientific fact.

"This is a bit of an embarrassment," he said. "This was really one of the first bits of information about the project. It was not meant for public consumption. I was just kind of throwing stuff out there. It's out-of-date, terribly out-of-date."

There is plenty of chest-thumping pride in direct mail, too—some of it false pride. Consider this from a National Wildlife Federation letter: "We are constantly working in every part of the country to save those species and special places that are in all of our minds."

Yet in many places, the federation is seldom, if every, seen.

"In 15-plus years in conservation, in Northern California, Nevada, Idaho, Oregon and Washington, I have never met a (federation) person," said David Nolte, who recently resigned as a grass-roots organizer with the Theodore Roosevelt Conservation Alliance—a coalition of hunters and fishermen.

"This is not about conservation," he said. "It's marketing."

Overstating achievements is chronic, according to Alfred Runte, an environmental historian and a board member of the National Parks Conservation Association from 1993 to 1997.

"Environmental groups all do this," he said. "They take credit for things that are generated by many, many people. What is a community accomplishment becomes an individual accomplishment—for the purposes of raising money."

As a board member, Runte finds something else distasteful about fund raising: its cost.

"Oftentimes, we said very cynically that for every dollar you put into fund raising, you only got back a dollar," he recalled. "Unless you hit a big donor, the bureaucracy was spending as much to generate money as it was getting back."

Some groups are far more efficient than others. The Nature Conservancy, for example, spends just 10 percent of donor contributions on fund raising, while the Sierra Club

spends 42 percent, according to the American Institute of Philanthropy.

Pope, the Sierra Club director, said it's not a fair comparison. The reason? Donations to the Conservancy and most other environmental groups are tax deductible—an important incentive for charitable giving. Contributions to the Sierra Club are not, because it is a political organization, too.

"We're not all charities in the same sense," Pope said. "Our average contribution is much, much smaller."

Determining how much environmental groups spend on fund raising is only slightly less complex than counting votes in Florida. The difficulty is a bookkeeping quagmire called "joint cost accounting."

At its simplest, joint cost accounting allows nonprofit groups to splinter fund-raising expenditures into categories that sound more pleasant to a donor's ear—public education and environmental action—shaving millions off what they report as fund raising.

Some groups use joint cost accounting. Others don't. Some groups put it to work liberally, others cautiously. Those who do apply it don't explain it. What one group labels education, another calls fund raising.

"You use the term joint allocation and most people's eyes glaze over," said Greenpeace's McPeake. The most sophisticated donor in the world "would not be able to penetrate this," she said.

Joint cost accounting need not be boring, however.

Look closely and you'll find sweepstakes solicitations, personal return address labels, free tote bag offers and other fund-raising novelties cross-dressing as conservation. You also find that those who monitor such activity are uneasy with it.

David Ormsteadt, an assistant attorney general in Connecticut, states in *Advancing Philanthropy*, a journal of the National Society of Fundraising Executives: "Instead of reporting fees and expenses as fund-raising costs, which could . . . discourage donations, charities may report these costs as having provided a public benefit. The more mailings made—and the more expense incurred—the more the 'benefit' to society."

The Wilderness Society, for example, determined in 1999 that 87 percent of the \$1.5 million it spent mailing 6.2 million membership solicitation letters wasn't fund raising but "public education." That shaved \$1.3 million off its fund-raising tab.

One of America's oldest and most venerable environmental groups, the Wilderness Society didn't just grab its 87 percent figure out of the air. It literally counted the number of lines in its letter and determined that 87 of every 100 were educational.

When you read in the society's letter that "Our staff is a tireless watchdog," that is education. So is the obvious fact that national forests "contain some of the most striking natural beauty on Earth." Even a legal boast—"If necessary, we will sue to enforce the law"—is education.

"We're just living within the rules. We're not trying to pull one over on anybody," said Wilderness Society spokesman Ben Beach.

Daniel Borochoff, president of the American Institute of Philanthropy, the charity watchdog, said it is acceptable to call 30 percent or less of fund-raiding expenses "education." But he deemed that the percentages claimed by the Wilderness Society, Defenders of Wildlife and others were unacceptable.

"These groups should not be allowed to get away with this," Borochoff said. "They are trying to make themselves look as good as they can without out-and-out lying. . . . This doesn't help donors. It helps the organization."

At Defenders of Wildlife, Orasin flatly disagreed. The American institute of Philan-

thropy "is a peripheral group and we don't agree with their standards," he said. "We don't think they understand how a nonprofit can operate, much less grow."

Even the more mainstream National Charities Information Bureau, which recently merged with the Better Business Bureau's Philanthropic Advisory Service, rates Defenders' fund raising excessive.

"We strongly disagree with (the National Charities Information Bureau)," said Orasin. "They take a very subjective view of what fund raising is. We are educating the public. If you look at the letters that go out from us, they are chock-full of factual information."

But much of what Defenders labels education in its fund raising is not all that educational. Here are a few examples—provided to *The Bee* by Defenders from its recent "Tragedy in Yellowstone" membership solicitation letter:

Unless you and I help today, all of the wolf families in Yellowstone and central Idaho will likely be captured and killed.

It's up to you and me to stand up to the wealthy American Farm Bureau . . .

For the sake of the wolves . . . please take one minute right now to sign and return the enclosed petition.

The American Farm Bureau's reckless statements are nothing but pure bunk.

"That is basically pure fund raising," said Richard Larkin, a certified public accountant with the Lang Group in Bethesda, Md., who helped draft the standards for joint cost accounting. "That group is playing a little loose with the rules."

Defenders also shifts the cost of printing and mailing millions of personalized return address labels into a special "environmental activation" budget category.

Larkin takes a dim view.

"I've heard people try to make the case that by putting out these labels you are somehow educating the public about the importance of the environment," he said. "I would consider it virtually abusive."

Not all environmental groups use joint cost accounting. At the Nature Conservancy, every dollar spent on direct mail and telemarketing is counted as fund raising.

The same is true at the Sierra Club. "We want to be transparent with our members," said Pope, the club's director.

Groups that do use it, though, often do so differently.

The National Parks Conservation Association, for example, counts this line as fund raising: "We helped establish Everglades National Park in the 1940s." Defenders counts this one as education: "Since 1947, Defenders of Wildlife has worked to protect wolves, bears . . . and pristine habitat."

"It's a very subjective world," said Monique Valentine, vice president for finance and administration at the national parks association. "It would be much better if we would all work off the same sheet of music."

At the Washington, D.C.-based National Park Trust, which focuses on expanding the park system, even a sweepstakes solicitation passes for education, helping shrink fund-raising costs to 21 percent of expenses, according to its 1999 annual report.

Actual fund-raising costs range as high as 74 percent, according to the American Institute of Philanthropy, which gave the Trust an "F" in its "Charity Rating Guide & Watchdog Report." Borochoff, the Institute's president, called the Trust's reporting "outrageous."

"Dear Friend," says one sweepstakes solicitation, "The \$1,000,000 SUPER PRIZE winning number has already been pre-selected by computer and will absolutely be awarded. It would be a very, very BIG MISTAKE to

forfeit ONE MILLION DOLLARS to someone else."

Paul Pritchard, the Trust's president, said the group's financial reporting meets nonprofit standards. He defended sweepstakes fund raising.

"I personally find it a way of expressing freedom of speech," Pritchard said. "I can ethically justify it. How else are you going to get your message out?"

Mr. STEVENS. Mr. President, the article goes on to say:

No allies of industry, they have become industries themselves, dependent upon a style of salesmanship that fills mailboxes across America with a never-ending stream of environmentally unfriendly junk mail, reduces the complex world of nature to simplistic slogans, emotional appeals and counterfeit crises, and employs arcane accounting rules to camouflage fundraising as conservation.

It goes on to say:

Six national environmental groups spent so much on fund-raising and overhead they don't have enough left to meet the minimum benchmark for environmental spending—60 percent of annual expenses—recommended by charity watchdog organizations. Eleven of the nation's 20 largest include fund-raising bills in their tally of money spent protecting the environment, but don't make that clear to members.

The direct mail costs that we have seen can go up to 74 percent of the total money received and is being reported to members as money spent to protect the environment. Are these the people the Senate ought to believe? They are the ones the people on the other side have been quoting all day. That is why we are raising it. They have been quoting them as the sources for the information they present to the Senate—all these things are going bad in Alaska, all these tragedies that have happened to Alaska. What they do not mention is the human tragedy that has happened to Alaska.

This article was printed on April 23, 2001. I hope Senators will read this and all other Sacramento Bee articles in this series. In fact, I think the Sacramento Bee ought to receive an award for them. They are enormous in terms of their reach.

The Sierra Club, for instance, one time said:

By this time tomorrow, nearly 100 species of wildlife will tumble into extinction.

They sent that to retired people and to working people who believe in protecting the environment. This says, as a matter of fact:

No one knows how rapidly species are going extinct. The Alliance's figure is an extreme estimate that counts tropical beetles and other insects—including ones not yet known to science—in its definition of wildlife.

And the Defenders of Wildlife are raising money.

This article says:

We will fight to stop reckless clear-cutting of the national forests in California and the Pacific Northwest that threatens to destroy the last of America's unprotected ancient forests in as little as 20 years.

As a matter of fact: Clear-cutting the forests has stopped. It is down 89 percent from 1990, and yet they wrote that letter after the timber cutting stopped.

Again, I urge Members of the Senate to read these articles written by the Sacramento Bee. It is high time someone started looking into them, and we will do that later.

Mr. President, I have another series of articles from the Sacramento Bee. This time it is called "Litigation Central."

It says the "flood of costly lawsuits raises questions about motive." I refer to this article of April 24, 2001.

It says, in part:

Suing the government has long been a favorite tactic of the environmental movement—used to score key victories for clean air, water and endangered species. But today, many court cases are yielding an uncertain bounty for the land and sowing doubt even among the faithful.

"We've filed our share of lawsuits, and I'm proud of a lot of them," said Dan Taylor, executive director of the California chapter of the National Audubon Society. "But I do think litigation is overused. In many cases, it's hard to identify what the strategic goal is, unless it is to significantly reshape society."

The suits are having a powerful impact on Federal agencies. They are forcing some government biologists to spend more time on legal chores than on conservation work. As a result, species in need of critical care are being ignored. And frustration and anger are on the rise.

It goes on:

During the 1990s, the government paid out \$31.6 million in attorney fees for 434 environmental cases brought against Federal agencies. The average award per case was more than \$70,000 [for attorneys fees alone]. One long-running lawsuit in Texas involving the endangered salamander netted lawyers for the Sierra Club and other plaintiffs more than \$3.5 million in taxpayer funds.

It is a growth industry, suing the Federal Government for an environmental cause, mythical or otherwise.

Lawyers for the industry and natural resource users get paid for winning environmental cases.

As a matter of fact, the environmental groups are not shy about asking for money. This is from this article:

They earn \$150 to \$350 an hour . . . In 1993, three judges on the U.S. Circuit Court of Appeals in Washington were so appalled by one Sierra Club Legal Defense Fund lawyer's flagrant overbilling that they reduced her award to zero.

The lawyer had claimed too much money.

I see the Senator from Iowa is in the Chamber. Does he have a timeframe problem?

Mr. GRASSLEY. I would like to speak on ANWR for about 10 minutes if I could, or a little bit less.

Mr. STEVENS. I do not want to keep the Senator waiting. I have a lot more than that to speak. I ask unanimous consent that I be able to yield to the Senator from Iowa for 10 minutes without losing the floor.

The PRESIDING OFFICER (Mr. JEFFORDS). Without objection, it is so ordered.

The Senator from Iowa is recognized.

Mr. GRASSLEY. First of all, I thank the Senator from Alaska for his kindness.

I have heard discussed in the Senate this area of Alaska being about 19 million acres, and I have heard that there was only going to be drilling in about 2,000 acres of that 19 million acres. Two thousand acres out of 19 million acres is not very many acres.

My State of Iowa is about 55,000 square miles, and that multiplies out to about 35 million acres. So 19 million acres would be a little bit more than half of my State of Iowa. I know how big the State of Iowa is. I do not want to claim that I know how big the State of Alaska is, but I know how big the State of Iowa is because I travel every year to all 99 counties to hold at least one meeting in each county.

I know how much 2,000 acres happens to be because that would be about 3 square miles in the neighborhood of my farm in Iowa. Take 3 square miles out of my State of Iowa and it is practically nothing. So I do not know what the big deal is about drilling on 2,000 acres in the State of Alaska or even in the State of Iowa. It would be equivalent to about a pinprick on a map of the State of Iowa. That is the way I see it.

I say to the Senator from Alaska, to me, this ends up almost as a no-brainer. From the facts we have heard, that this will supply enough oil for my State of Iowa for 126 years—I have also heard it would be equivalent to the amount of oil we would bring in from Saudi Arabia for 30 years. I think I have heard the figure of 55 years is the amount of oil that would come from Saddam Hussein. I have also heard my colleagues say we send \$4.5 billion a year to Iraq for oil.

If all of this is correct—I do not believe that it has been refuted. I have not heard all the debate. But it really comes down to whether or not we would like to get our energy from areas that we control in the United States, or we want to get oil from unstable governments around the world, and whether or not we ought to save that \$4 billion for America, spend it in America, or spend it with Saddam Hussein.

I also believe when we do drill in Alaska—and the Senator from Alaska does not have to respond to this unless I am wrong, but I believe when we drill in Alaska, there are very rigorous environmental rules that have to be followed.

We hear about the pristine areas of Alaska, and I do not dispute that, but do we not also have pristine areas in Siberia? I assume that whether it is Alaska or whether it is Siberia, there is going to be more oil added to the world pool of oil because it is going to be needed.

So would people in the United States rather have us drill under the strict environmental rules of the United States as they would apply in Alaska or would they rather have us let the Russians

drill in Siberia where I know there was oil floating out of pipelines for long periods of time—and I do not know whether it has ever been cleaned up—and where there would be little concern about the environment in Siberia where Russia would be drilling?

I would think people in America would rather have us drill under the strict guidelines of the environmental requirements of the United States than they would in a country that does not have such guidelines, particularly considering these are considered pristine environmental areas, whether it is in Alaska or whether it is anywhere in the Arctic area of the world. I think you would have to look at them the same way.

So I have come to the conclusion, I want to tell the Senator from Alaska, not just from listening to him but listening to other people and studying this, that I happen to think he is right on this issue. I think we have an opportunity not only on this issue but on a lot of parts of this legislation to pave the way for a balanced, long-term national energy strategy that will increase U.S. energy independence and limit the stranglehold foreign countries have on American consumers. A comprehensive energy strategy must strike a balance among development of conventional energy sources and alternative, renewable energy and conservation.

I think the President's approach of incentives for production, incentives for conservation, and incentives for alternative and renewable fuels is a very balanced energy program. It is a program that, No. 1, incentives for renewables take care of the short-term needs of the country, and in the case of the second and third points, conservation and renewables take care of the long-term energy needs of our country.

During the past few weeks, I have had an opportunity to express my strong support for renewable fuel provisions included in this bill which require a small percentage of our Nation's fuel supply to be provided by renewable fuels such as ethanol and biodiesel.

As a domestic renewable source of energy, ethanol and biodiesel can increase fuel supplies, reduce our dependence on foreign oil, and increase our national economic security. But they can't do it alone, and it can't be done overnight. That is why we need short-term solutions and we need long-term solutions.

The Senate has had an opportunity to consider renewable portfolio standards, which I believe will go a long way to promote renewable energy resources for electrical generation. However, that is only part of a solution.

As ranking member of the Senate Finance Committee, I have had an opportunity to work with Chairman BAUCUS to develop an energy-related tax amendment that includes provisions for development of renewable sources of energy such as wind and biomass and

incentives for energy-efficient appliances and homes. The tax package, however, unlike the underlying energy bill, recognizes that a balanced energy plan can't overlook the production of traditional energy sources such as oil and gas.

Developing domestic oil resources is vital to our national security. The United States is dependent upon foreign countries for over 58 percent of our oil needs. We are currently dependent upon Saddam Hussein, which I already referred to but, more specifically, for about 750,000 barrels of oil a day or 9 percent of our U.S. oil imports.

Last week, as we have been reminded during this debate, Iraq stopped its exports of 2.5 million barrels a day in response to developments in the Middle East, further driving up crude oil prices. It is important that Americans know that last year alone, we spent \$4.5 billion of our money to pay for Saddam Hussein's oil, thereby providing funding to help Iraq with its war machine.

The United States has the resources on our land that could reduce or eliminate the stranglehold Saddam Hussein has on our economy. By developing our resources in Alaska, we could produce 10 billion barrels of oil and perhaps as much as 16 billion barrels of oil. This amount could replace the oil I have referenced from Saudi Arabia or the oil from Iraq for a long period of time. So for the sake of our national security, we ought to be developing our own natural resources at home.

Opponents have made claims that opening ANWR to oil development would do tremendous environmental harm. But, again, I repeat for my colleagues, 2,000 acres out of 19 million acres is a no-brainer. Only the best environmental technology will be used for exploration and development, leaving the smallest possible footprint.

Opponents have also argued that oil development in ANWR will hurt wildlife. Remember the warnings from environmental groups about the danger to the caribou if we developed Prudhoe Bay? They were wrong. Since the development, we have had increases in herd size. I ask my colleagues, what is better for the environment: Developing resources in the United States, using the toughest environmental standards ever imposed, or importing foreign oil produced without much consideration for the environment?

We must do more to develop in an environmentally sensitive way the resources God has given us in stewardship. I hope my colleagues will join with me to support this approach to opening Alaska and ensuring that the bill before the Senate does more to protect our national security and to reduce our dependence upon foreign oil.

I thank my colleague from Alaska. I yield the floor.

Mr. STEVENS. Mr. President, last night at the Library of Congress I ran across this ad. I was going to talk

about it later, but I wanted the Senator to see this. This is an ad on one of the displays in the Library of Congress. Millions of acres in Iowa and Nebraska were put up for sale by the Burlington and Missouri River Railroad Company.

I will develop later that the West was opened, really, because President Lincoln offered \$1 million and every odd section of the right-of-way for the first railroad to link the east and west coasts of the United States. We don't think in terms of that now. Once those railroad companies got a hold of the land, they put it up for sale. They put it up for sale at \$2.50 an acre and let people have 10 years' credit to pay for it. That is what stimulated the development of the West. That is what stimulated the expansion of the United States.

What have they done in my State, one-fifth of the land mass in the United States? They have blocked us at every turn, withdrew lands with economic potential, blocked us from using our own lands that had economic potential, closed our mines, closed our pulp mills, closed our timber mills, canceled the permits of the wildcat well drillers for oil and gas. We have lost the American dream of private ownership of lands in Alaska.

I thought the Senator might be interested in that. It is a very interesting exhibit at the Library of Congress. It includes some of the artifacts of the history of our great country, including the great move to make land available to those people who developed the transportation system. Talk about blending. Here is the transportation system of the United States, the first railroad to go from east to west across the United States. Persons who built that obtained every odd section along the right-of-way of the railroad, and from that came the expansion to the west.

People complain about my suggestion that we join together oil development in the Arctic Plain and the future of the great steel industry of the United States.

I am pleased to have received this letter addressed to me:

We write as members of the House with a strong interest in the steel industry to convey our strong support of your efforts to resolve the legacy cost burden of the domestic steel industry, and especially your efforts to assist the steel industry's retirees and their dependents.

As you know, the domestic steel industry has significant unfunded pension liabilities as well as massive retiree health care responsibilities that total \$13 billion and cost the steel industry almost \$1 billion annually. These pension and health care liabilities pose a significant barrier to steel industry consolidation and rationalization that could improve the financial condition of the industry and reduce the adverse impact of unfairly traded foreign imports.

It has come to our attention that a unique opportunity has arisen in the Senate to remove this barrier to rationalization while assisting the retirees, surviving spouses, and dependents of the domestic steel industry. It is our understanding that you have offered

an amendment to the energy bill this week which will break the impasse on the legacy problem.

Once again, we would like to extend our wholehearted support to you in this endeavor. We look forward to working with you to find a viable solution to bring a sense of security to the over 600,000 retirees, surviving spouses, and dependents before the end of the 107th Congress.

I ask that that letter be put on every desk. It is a bipartisan letter signed by an equal number of Democratic Members and House Members in the House of Representatives.

I go back to the comments about the Sacramento Bee articles. On August 19, the article by Thomas Knudson, titled "Old Allies Now Foes in Alaska's Oil Battle":

Environmentalists come under fire for their impassioned efforts to bar drilling in a wildlife refuge.

It details the problems. For instance, JIM CLYBURN of South Carolina, who voted for oil drilling in Alaska's Arctic National Wildlife Refuge, is chairman of the Congressional Black Caucus and sided with the Bush administration. This article points out that in the House the pro-drilling side won 223 to 206. The Senate is expected to take up the matter this fall.

The [environmental] rhetoric has been an insult to us, CLYBURN told an energy trade journal. A lot of us don't feel obliged to be purists on this issue.

How many times can you cry wolf and have your audience still believe in you? said Mark Buckley, a commercial fisherman and member of the National Audubon Society in Kodiak, Alaska, who opposes Audubon's anti-drilling stance.

This article goes on to point out, in terms of environmental groups' advocacy against this, advocacy mail-in campaigns on roadless areas, national forests, and genetically modified crops. At least eight major groups are circulating letters on the single topic of the Arctic Refuge drilling.

It is a very meaningful article about the way these environmental groups really single out those who support drilling in the Arctic Plain. It is, one of the balanced articles that deals with the question of this drilling.

As the Senator from Iowa said, 2,000 acres out of 1.5 million acres is not very much. It is 3 square miles.

Here is a nice one: Yours Free When You Contribute \$10 Or More . . . our polar bear tote bag.

It's the perfect way to show you're working to Keep the Arctic Wild and Free.

If you complete the enclosed reply form and return it with your membership gift of \$10 or more, you get a little tote bag. It says: Keep The Arctic Wild & Free.

It is available only to NRDC members, but it is a concept of what we are looking at. For that membership, you can join the club. They do not tell you that 75 percent of their money is not spent for conservation.

The next article I want to talk about was published on November 11 of last

year. It talks about the people who live on the slope, on the North Slope. It says:

Like detectives, the two Inupiat Eskimos gathered all the information they could about the Alaska Wilderness League, a relatively new arrival to the environmental community far away in Washington, D.C.

From Bloomberg News, the St. Paul Pioneer Press and other sources, Tara Sweeney and Fenton Rexford read about a group that was passionate, self-assured and actively working to halt oil drilling in the Arctic National Wildlife Refuge with a blend of environmental activism—such as street theater and letters to the editor—and lobbying politicians.

But when they examined the league's federal tax return, they discovered a group that portrayed itself in a different manner: as a tax-exempt charity focusing on science and education.

"The Alaska Wilderness league sponsored two educational trips to the Arctic refuge . . ." its tax form says. "The Alaska Wilderness League supported the 'Last Great Wilderness' slide show, seen by thousands of people to educate them" about the refuge.

Rexford, a leader of the Eskimo village of Kaktovik—the only permanent human settlement on the refuge—was astonished.

"What they do and what they tell the IRS they do are two different things," said Rexford, who favors oil drilling. Last month, he made his views known to the IRS itself, filing a complaint in which he and other village leaders allege the League is violating tax law by "devoting substantially all of its resources" to lobbying.

In filing the complaint, Rexford did more than challenge the Alaska Wilderness League. He also struck at a vital support system for environmental groups: their 501(c)(3) tax status. [We are going to go after that too, Mr. President.] That status saves nonprofits millions in corporate and other taxes, makes them eligible for foundation funding and allows contributors to deduct donations from their own income taxes.

Rexford and Sweeney said they got the idea from IRS audits of the Heritage Foundation and other conservative nonprofits during the Clinton administration. In June, they watched with interest as the Frontiers of Freedom Institute, a pro-business think tank, filed an IRS complaint against Rain Forest Action Network, a tax-exempt group that scales skyscrapers to protest logging.

The League's executive director responded angrily to the Inupiat attack.

"The Kaktovik Inupiat Corporation either has been misinformed by its friends in the oil industry about the law or it has deliberately distorted the facts in a cynical attempt to intimidate America's conservation groups," said director Cindy Shogan.

"We have a right to represent the interest of our members . . . so long as our legislative advocacy activities stay within specified IRS limits," Shogan said. "We fully comply with all IRS laws."

But Rexford—who hunts whales, seals and caribou for subsistence—said it is Shogan who is misinformed. He said the Inupiat corporation "has not solicited information from the oil industry, nor will we. It is apparent that the AWL simply cannot fathom that a native-owned organization has enough intelligence and talent to think independently and . . . file a complaint of this nature."

Most environmental groups are 501(c)(3)'s, which means they can receive tax-deductible contributions but can spend only a small portion on lobbying. The spending limit varies. But in many cases, it ranges from 12.5 percent to 20 percent—and cannot exceed \$1 million.

A handful of others, such as the Sierra Club and Greenpeace, are 501(c)(4)'s, which means their contributions are not tax-deductible but they can spend what they want on lobbying. Based on its federal tax return for 2000, the Alaska Wilderness League does not run afoul of spending limits on lobbying. On that return, the League reported spending \$81,283 to influence legislation, well under its legally allowable limit of \$130,623.

The essence of the Inupiat's complaint is that the League spends most of its money on lobbying but disguises it as education and science. As evidence, they cite League letter-writing and phone campaigns targeting federal lawmakers in several states, testimony before Congress and League-sponsored "junks" for members of congress to the Arctic refuge.

Another one of these articles on December 9 said:

Log onto the Web sites of the National Wildlife Federation, the Wilderness Society and other environmental groups and you learn that the struggle to save the Arctic National Wildlife Refuge in Alaska from oil drilling is about more than protecting the environment.

"It is also a human rights issue since the indigenous Gwich'in Indians rely on this important area for their subsistence way of life," say the Wilderness Society's Web site: www.wilderness.org.

But this fall, Petroleum News Alaska—a trade journal—reported a story that environmental groups have not publicized: Over the border in Canada, the Gwich'in Tribal council joined forces with an oil firm to tap into energy resources on their lands.

This very same tribe that is paraded around as being the spokesman for Alaska Native people, they drilled on their lands in Canada for oil and gas. They formed a partnership.

"It's time for us to build an economic base," said Fred Carmichael, president of the tribal council in Inuvik, Canada. That is the Gwich'in tribal council.

Two Senators said they talked to the Alaska Native people who opposed it and said they just assumed all Alaska Natives opposed it. It is not true at all.

The Eskimos have an opposite point of view, this article says.

They say drilling can be carried out in concert with the caribou. But their position is discounted by environmental groups because the Inupiat have extensive ties with oil companies through their own tribal business: the Arctic Slope Regional Corporation.

"The national debate has placed us as caricatures—us, as the tools of the oil industry, and them—the Gwich'in—as caretakers of the environment," said Richard Glenn, vice president, lands, for the Arctic Slope Regional Corporation. "It's unfortunate. And it's not accurate."

I believe these articles ought to be written by those people who are visited by the Gwich'in.

It says:

But in Alaska, most Alaska natives actually support drilling. In 1955, the Alaska Federation of Natives, which represents 400 of the village corporations and is the state's largest native organization, passed a resolution in favor of tapping the refuge's energy resources.

It says simply:

"Environmental groups are using the Gwich'in to advance their own agenda. That's as simple as I can put it," Tetpon said.

That is John Tetpon, the federation's director of communications.

I hope Senators will read some of these things that have been written about these people who are bringing these stories about what is going on in our State. It is a very difficult problem.

I particularly call the attention of the Senate to the article on April 24 of last year because it points out that litigation central, these lawsuits, are not only costing the defendants a lot of money, they are costing the Federal Government a lot of money and they are taking a lot of people who should be working on the environment into courtroom after courtroom after courtroom to defend against these lawsuits that are brought. For what? In order to get the attorney's fees paid by the winning side in the environmental litigation. In some instances, they do not have to win.

These environmental groups are currently raising \$9.5 million a day, \$3.5 billion a year, and you can see where it is going by our charts. It is not going to improve the conservation, it is going to pay salaries—it is going to pay very large salaries—and it is going to make mailings to raise more money.

I commend the entire series of Sacramento Bee articles to Senators for further reading from April 22, 2001 through April 5, 2001. Further investigative articles were printed on November 11, 2001, December 9 and December 18, 2001. They are excellent articles and they expose what is really happening in the environmental movement in America today.

I don't know how to say it other than to say I am appalled that so many people in the Senate rely on them as presenting facts. They do not present facts. They present positions and look for arguments to support them.

I think it is time that we tried to get back to the concept of reliance upon the people from the State. I said that before. If the Senate would listen to the two Senators from Alaska concerning what is going on in Alaska, the country would be better off, and so would Alaska. We live there.

Most of the people who criticize us have never been there and won't go there. Particularly, they won't go there in the wintertime.

I told the Senate yesterday that when I took my great friend, the late Postmaster General, up there one time, we pulled up to the postal substation at Prudhoe Bay. The digital thermometer showed minus 99. There was a wind chill factor. I didn't have the courage to tell him it wouldn't go below 100. That was as far down as it would go. It was digital. The wind chill and the temperature had a factor greater than minus 100 degrees.

How many people want to go up there and go around up there? The old people

live there. The Eskimos live there year-round in that climate. We have learned how to exist and how to care for ourselves in our environment. I have not really been in that too long myself, frankly. I am not that acclimated to it.

I think the real problem is that no one here understands that we don't drill in the Arctic in the summertime. It is not a summertime operation. You can't get vehicles across the tundra. We wouldn't want to do it. It would leave scars. We don't leave scars. They did in times gone by, but everybody learned from the mistakes of the past. We wait until it is frozen. We take water in, spray water, create an ice road, gravel the top of that, and put more water on top of that to make a compact ice road. We use it until the springtime when it starts to break up, and they don't bring things across that road anymore. As a matter of fact, most in the State don't use gravel. They only place gravel is used is where they have to have some traction going up the hills. There are not many hills, by the way.

I want to go back again to this problem of steel. I want to first take the occasion to thank the great labor leaders of this country who took time to join us yesterday in a press conference across from the doors of the Senate.

We had Terry O'Sullivan of the Laborers; Mr. Sullivan of the Building Trades Department; Marty Malonie of the Pipefitters; Frank Handy of the Operating Engineers; Joe Hunt of the Iron Workers; Terry Turner of the Seafarers; Mike Sacco, President of the Seafarers; Mano Frey, President of the Alaska AFL-CIO; Jerry Hood, President of the Alaska Teamsters and special assistant to President James Hoffa of the National Teamsters Union.

They came to speak to the members of their unions through the press to urge them to contact their Senators and ask them to support the drilling in the Arctic Plain. They know it means jobs.

I just heard the Senator from Massachusetts say that at most it is only 1 percent of the world's reserves—only 1 percent. These are the same people who not 6 months ago were saying ANWR could only produce oil that would sustain the United States for 6 months. The projection they have on this is the projected estimated reserve. The projected reserve in Prudhoe Bay was 1 billion barrels. We have already produced 13 billion barrels, and we believe there is another 15 years there—about a third more. We will have produced 20 billion barrels when the estimate was reported that the world's reserves were 1 billion barrels. So much for reserves.

The real issue is jobs. That is why these labor leaders were with us—jobs. They know we are talking about jobs. When we send our money to Saddam Hussein to buy oil from Iraq, we don't involve American jobs. We have to find some way to sell something abroad to bring those dollars back or we have an

imbalance of trade. We have had that for a long time. It harms our economy and currency. But we are exporting jobs as we import oil.

That is why they were there. They were there in order to get us to understand that they want to help us deal with the creation of jobs that would come from pursuing the oil and gas potential of that area.

They were great friends of Scoop Jackson. They understood, as he understood, the Arctic from the point of view of jobs. Jackson did not oppose drilling in the Arctic. As a matter of fact, he and Senator Tsongas made it possible for us to be here today arguing to proceed as was intended in 1980.

We have added to this the idea of the pending second-degree amendment—the amendment I offered which the Senator from Minnesota said is a sham amendment. Raising the visibility of the needs of the steelworkers and the coal workers is not a sham amendment. You may not agree with it, but it is offensive to call it a sham amendment. It is only sham because they won't support it. If they supported it, it would be very valid, even from their point of view.

The question is, Can we find a way to reverse the trend that prevents the building of the pipeline necessary to bring the already discovered and measured gas from Prudhoe Bay to the Midwest? We know it is there—50 to 70 trillion cubic feet. I don't have the exact figures because it was reinjected into the ground. It was estimated to be 50 to 70 trillion cubic feet of gas produced from the oil since 1968. The gas has been reinjected into the ground. We need a 3,000-mile pipeline.

We are trying to find some way to ask people to address the question of how to maintain a steel industry that can support a pipeline of that size—1,500 miles of gathering pipelines, thousands of valves, hundreds of trucks, hundreds of backhoes, and hundreds of pieces of road-building equipment to build access to these areas. It is enormous. It is the largest gas delivering plan in the world. It is projected to be the largest private enterprise project in the history of man—totally financed by private enterprise. But if private enterprise doesn't survive in the steel industry, we are not going to have that pipeline in the timeframe that we need it. If we started it in 2003, the first gas would be coming through in about 2010 or 2011. Knowing that the environmental opposition will sue, that will add 6 years to that. We are talking about between 2015 and 2020 making that gas available to the U.S.

That is why I brought that poster here, to ask people to think ahead. Lincoln, one of our greatest Presidents, thought about how to connect the east coast and the west coast of the United States. He conceived the idea himself to offer a bounty incentive to the railroad industry to build the railroad from the east coast to the west coast. He got Congress to approve it, and they

paid for it. One million dollars was to be paid to the first railroad that completed a coast-to-coast railroad. Every section along the right-of-way was loaned by the Federal Government.

The problem of the country today is the people living in these States don't know the policies that led to their private enterprise as compared to the policies that led to our serfdom under the Federal Government.

We thought when we became a State that we had a right—and we did have a right—to 103.5 million acres to be selected from vacant, unappropriated and unreserved Federal land. To us, that meant as of the day we became a State in January of 1959.

To the people in the Congress, in 1980, it meant those lands that were left after they had reserved 104 million acres for special purposes for these elite areas. You can't get to them. As I said before, only three of them can be reached by road. Most of them don't have an airport. You fly in by float plane, or you hike in. They are recreational areas for the elite few of the world.

But, in any event, they withdrew them, preventing the State from getting lands it was going to select, preventing the Natives from getting the lands they were going to select from the Alaska Native Lands settlement.

People ask: Why were people disturbed? That 1980 act took away from the 365-million-acre pool of lands that were available to be selected for the State and Native settlements, and reserved them—directly contrary to the historical policy of the United States to make Federal lands available for sustaining the private enterprise economy.

By what these people are doing now, we are going to be a dependent colony of the United States. We are going to be dependent upon having someone, in a position such as mine, who can add to the budget the moneys that are necessary for survival in Alaska.

The real problem about this is that, when you look at the basic law, it is July 1, 1862, that led to that. It led to that. Following that, in 1984, the Federal Government issued a table of grants to States. I want to put this in the RECORD because it shows what every single State has received. There is no question that, as the Nation moved West, the policies of the United States were to enhance the development of the private sector, as I have said before.

We end up with a situation, where as of 1983, 3 years after that act was passed, the Federal Government still owned 87.9 percent of Alaska. The part that we own is subject to control through acts such as the 1980 act. So it really does not matter. I think that the development of these lands, and the use of Federal lands, is a question we ought to explore sometime in the future.

But for now I would like to put in the RECORD the table that shows the grants to the States, from 1803 to 1984, showing what happened in the other 49

States—48 States. Hawaii had the same problem. Hawaii really was not treated properly in terms of their lands. Mr.

President, I ask unanimous consent that the table be printed in the RECORD.

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

TABLE 4.—GRANTS TO STATES, 1803-FISCAL YEAR 1984

(Amounts in acres)

State	Purpose									
	Common schools	Other schools	Other institutions	Railroads	Wagon roads	Canals and rivers	Miscellaneous improvements (not specified)	Swamp reclamation	Other purposes	Total
Alabama	911,627	383,785	181	2,747,479		400,016	97,469	441,666	24,660	5,006,883
Alaska	106,000	112,064	1,000,000						103,351,187	104,569,251
Arizona	8,093,156	849,197	500,000						1,101,400	10,543,753
Arkansas	933,778	196,080		2,563,721			500,000	7,686,575	56,680	11,936,834
California	5,534,293	196,080		320			500,000	2,194,196	400,768	8,825,657
Colorado	3,685,618	138,040	32,000				500,000		115,946	4,471,604
Connecticut		180,000								180,000
Delaware		90,000								90,000
Florida	975,307	182,160		2,218,705			500,000	20,333,430	5,120	24,214,722
Georgia		270,000								270,000
Idaho	2,963,698	386,686	250,000						654,064	4,254,448
Illinois	996,320	526,080		2,595,133		324,283	209,086	1,460,164	123,589	6,234,655
Indiana	668,578	436,080			170,580	1,480,409		1,259,271	25,600	4,040,518
Iowa	1,000,679	286,080		4,706,945		321,342	500,000	1,196,392	49,824	8,061,262
Kansas	2,907,520	151,270	127	4,176,329			500,000		59,423	7,794,669
Kentucky		330,000	24,607							354,607
Louisiana	807,271	256,292		373,057			500,000	9,505,335		11,441,955
Maine		210,000								210,000
Maryland		210,000								210,000
Massachusetts		360,000								360,000
Michigan	1,021,867	286,080		3,134,058	221,013	1,250,236	500,000	5,680,312	49,280	12,142,846
Minnesota	2,874,951	212,160		8,047,469			500,000	4,706,591	80,880	16,422,051
Mississippi	824,213	348,240		1,075,345			500,000	3,348,946	1,253	6,097,997
Missouri	1,221,813	376,080		1,837,968			500,000	3,432,561	48,640	7,417,062
Montana	5,198,258	388,721	100,000						276,359	5,963,338
Nebraska	2,730,951	136,080	32,000				500,000		59,680	3,458,711
Nevada	2,061,967	136,080	12,800				500,000		14,379	2,275,226
New Hampshire		150,000								150,000
New Jersey		210,000								210,000
New Mexico	8,711,324	1,346,546	750,000			100,000			1,886,848	12,794,718
New York		990,000								990,000
North Carolina		270,000								270,000
North Dakota	2,495,396	336,080	250,000						82,076	3,163,552
Ohio	724,266	699,120			80,774	1,204,114		26,372	24,216	2,758,862
Oklahoma	1,375,000	1,050,000	670,000							3,095,760
Oregon	3,399,360	136,165			2,583,890		500,000	286,108	127,324	7,032,847
Pennsylvania		780,000								780,000
Rhode Island		120,000								120,000
South Carolina		180,000								180,000
South Dakota	2,733,084	366,080	250,640						85,569	3,435,373
Tennessee		300,000								300,000
Texas		180,000								180,000
Utah	5,844,196	556,141	500,160						601,240	7,501,737
Vermont		150,000								150,000
Virginia		300,000								300,000
Washington	2,376,391	336,080	200,000						132,000	3,044,471
West Virginia		150,000								150,000
Wisconsin	982,329	332,160		3,652,322	302,931	1,022,349	500,000	3,361,283	26,430	10,179,804
Wyoming	3,470,009	136,800	420,000						316,431	4,342,520
Total	77,629,220	16,707,787	4,993,275	37,128,851	3,359,188	6,102,749	7,806,555	64,919,202	109,780,866	328,427,693

Mr. STEVENS. Mr. President, we are in a situation where one provision of our bill—it is in our amendment and in Senator MURKOWSKI's underlying amendment—grants the Kaktovik village the right to drill on their land. They have land that is owned by their Native village. It was part of the 1971 settlement. Their people settled their claims against the United States by accepting conveyance of lands that were due to them. Each village was given the township in which it was located and further lands depending on population.

But for this village only, in the State of Alaska, there is a Federal law in another provision of basic law that says they cannot drill on their land, I believe it says, until the 1002 area is authorized to be drilled by the Federal Government. In the old days we would have said that shows the forked tongue of the Federal Government.

It told them they had a settlement. It told them they got the right to their lands. It gave them fee title to the surface. It gave the subsurface to their regional organization. But they cannot use it. Why? Because of the policy with regard to the 1002 area. But even there,

it was, again, an imposition on the private structure of our State.

I think the great problem I have here is what is going to happen now to the steel industry. I have raised the issue, and, apparently, I may have done more harm than good, according to some people, at least if you listen to the Democratic Senators; that is what they are saying. I don't know what good they are doing for them.

I challenge the Democratic Senators to come up with a proposal to find a funding stream to save the rights of the steelworkers and the coal workers and be within the budget and not subject to points of order and the possibility of being passed. With their help, this would pass. With their opposition, it is not going to pass. I know that.

But what happens to the steelworkers? What happens to the future of our gas pipeline if there is no steel industry in the United States? You can't even plan ahead. You can't order ahead. I said yesterday, you have to order ahead a piece of that big 52-inch diameter, one-inch-thick pipe, and test it to see if this new concept of a chemically treated pipe will withstand the pressures it has to withstand in order

to have gas pumped 3,000 miles to the market.

That is not going to exist. The assets of the steel industry are going to be burdened by the claims of the working people who have retired and who will be put out of work between now and 2004. And it makes no sense. It makes no sense that there are over 600,000 who are out of their health care. And the Democratic leadership is promising a vote on steel legacy costs with no source of money. Where is the money? Where are the bucks? Where are the dollars? They have a solution, but no one has mentioned from where the money is going to come. Where can they find a cash stream that will come in from a new source, replacing the money we send out to Saddam Hussein? We would take that money and use a portion of the moneys that come to the Federal Government from that activity in the Alaska Coastal Plain and solve the problem of the steel industry and the steelworkers and let them proceed to reorganize the steel industry of the United States.

Two weeks ago, I am told, 82,000 retirees of LTV Steel lost their health care benefits. Another 100,000 are coming. Bethlehem Steel and U.S. Steel—

chapter 11—could go in chapter 7 bankruptcy. No other steel company, other than Bethlehem Steel, could have rolled the steel to repair the U.S.S. *Cole* after it was attacked by terrorists. It is in bankruptcy facing extinction. And I am criticized for trying to find some way to solve the problem that might lead them further down that road to extinction.

I am happy to tell the Senator from those States that I will vote for any plan they can come up with which is funded and within the budget and does not raise taxes that will solve the problems of their retirees. I challenge them to come up with that program. They have criticized my suggestion, a legitimate, bona fide attempt to meld two basic issues that should be before this Senate. We used to call that win-win. It is lose-lose now. We lose; the steelworkers, the coal workers lose, too.

They are not voting one way or the other in my State. I have coal workers, but there is no steel in my State. I am not involved in that. It is not a political issue, as far as I am concerned.

I have not told very many people, but I worked in a steel mill once. I spent 8, 9 hours a day lifting pieces of rolled steel off the belt. Others were lifting the other side. I had one side I was lifting—8½ hours a day. That was just before I entered the military to become an Army Air Corps cadet. But I have had a lot of jobs. I have had union cards, and I am proud of it.

It offends me greatly that some of these people, some of these people who never did a day's work in their life—they never dug a ditch; they never lifted steel; they never lifted concrete bags; they really never did any real manual work—don't know laborers. They appeal to them politically, but they don't know them.

The laboring people want a check. They want a job. They do not want a bunch of BS from the people who represent them. They want their benefits to be secured. They depend upon their Government to see it is done.

I do not think they are offended at me for suggesting this. I have not had one call from any steelworker or coal worker saying: Hey, guy, what are you doing messing up our future? No way. The people are accusing me of being crass. And opportunists are afraid of their own future, these Senators who won't face up to representing their people. I am tired of being accused of doing something wrong by trying to help them.

This is the testimony of a Leo Gerard of the U.S. Steelworkers. He opposes this amendment because of his commitments in the past, but he gives the story of what happened to the health care and pension benefits of the great steel industry. It is quite a story. He points out that there are subsidies in other countries for these. We subsidize agriculture. We subsidize so many things through entitlements.

We don't face up to the problem of what we do about retirees who lose

their benefits because of the failure of the economic system. I don't think it is wrong to think about how to use new revenues that come to the Federal Government by virtue of legitimate Federal action and seeking development on Federal lands, how we can use those revenues to meet this crisis as outlined by Mr. Gerard.

I will not include this testimony because he agrees with me. He doesn't agree with me, but he does point out the plight of these people he represents. Many of them are retirees who—how can I say this gracefully—are approaching my age. They are at the point where they are going to need help by the Federal Government one way or the other.

Mr. President, I ask unanimous consent to print the testimony of Mr. Gerard in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. SCHUMER). Without objection, it is so ordered.

(See Exhibit 1.)

Mr. STEVENS. I say to you in closing—I won't be talking on this amendment again, I don't think—the Senators who represent coal and steelworkers have made their own choice. The environmental movement is more important to them than the unemployed workers and retirees who lose their benefits in their States. That is the fact. They don't like it, but that is the fact.

I yield the floor.

EXHIBIT 1

TESTIMONY OF LEO W. GERARD, PRESIDENT UNITED STEEL WORKERS OF AMERICA BEFORE THE SENATE COMMITTEE ON HEALTH, EDUCATION, LABOR & PENSIONS, MARCH 14, 2002

Madam Chair and distinguished members of the Committee, thank you for your invitation to appear before you today to discuss the health care and pension crisis facing several hundred thousand steelworkers across the nation.

By every measure, the American steel industry is in crisis. As of today, 32 U.S. steel companies representing nearly 30 percent of U.S. steelmaking capacity have filed for bankruptcy. Twenty-one steelmaking plants are idled or shutdown representing the loss of 25 million tons or 19 percent of this nation's steelmaking capacity.

Some analysts mistakenly believe that minimills (which produce steel by melting scrap in electric arc furnaces) haven't been hurt by unfair trade and record low prices, it is noteworthy that fifteen of these 21 shutdowns are minimills. In fact, shut down steel capacity is almost evenly divided between integrated steelmakers and minimills.

Steel prices have fallen to the lowest levels in twenty years. The December, 2001 composite average of steel prices published by Purchasing Magazine had declined by \$140 per ton or 33 percent from the average between 1994 and 1997. The industry posted a combined operating loss of \$1.3 billion during the first nine months of 2001.

How did this happen?

The USWA warned our policymakers as early as 1997 that the Asian economic crisis and the collapse of the Russian economy would, if not dealt with correctly, lead to a flood of imported steel. The delay by our own government in responding to the crisis made

matters considerably worse. The events of 1997 and 1998 were only the latest in what the U.S. Department of Commerce has identified as thirty years of predatory unfair trading practices and government subsidies by many of our trading partners.

Some today suggest that the American steel industry must be restructured, as if this had not already happened before. Between 1980 and 1987, the American steel industry underwent a painful restructuring, eliminating 42 million tons of steelmaking capacity. Over 270,000 jobs were eliminated. Many workers were forced to take early retirement based on the promise of a pension and continued health care benefits. The tax base in steel communities in Pennsylvania, Ohio, Indiana, West Virginia, Minnesota, and elsewhere shrank as workers went from earning paychecks to collecting unemployment benefits. Some local communities have never recovered from the last steel crisis.

Yes at the same time that our American steel industry has been contracting and downsizing our foreign competitors have been adding additional steelmaking capacity. OECD data indicates that foreign steel producers had excess raw steel production capacity amounting to over 270 million metric tons. That is more than twice the total annual steel consumption in the United States. Recent multilateral talks in Paris on reducing global overcapacity have revealed that despite the reductions in U.S. capacity, our trading partners fully expect the U.S. steel industry to continue to downsize even further. The Paris talks are instructive for they illustrate yet again that multilateral negotiations are no substitute for strong enforcement of our own trade laws, including Section 201 and our anti-dumping laws.

The testimony which you have heard today from steelworkers and retirees from Maryland, Pennsylvania, and Minnesota illustrates the depth of concern across the nation by our active members and retirees. They have worked hard and given the best years of their lives to this industry. Now, they are simply asking that promises made become promises kept.

At the end of 1999, American steel's retiree health care benefit obligation totaled an estimated \$13 billion. Health care benefits for 600,000 retired steelworkers, surviving spouses, and dependents annually cost domestic steel producers an estimated \$965 million or \$9 per ton of steel shipped. Another 700,000 active steelworkers and their dependents rely upon the domestic steel industry for health care benefits. The average steel company has approximately 3 retirees for every active employee—nearly triple the ratio for most other major basic manufacturing companies. Several steel companies have retiree health care costs that are substantially higher than the industry average. Our active members and retirees are concentrated most heavily in Pennsylvania, Ohio, Indiana, Maryland, Illinois, West Virginia, Minnesota, and Michigan, but they live all across the nation.

In the U.S. up to now, we have made a public policy choice in favor of employment-based health insurance coverage rather than guaranteed national health insurance. This means that when an employer goes bankrupt or liquidates its operations, absent a social safety net, workers are at risk of losing their health insurance and access to health care services. Regrettably, thousands of steelworkers from Acme, Laclede, Gulf States, CSC, Northwestern Steel and Wire, and various other steel companies are now facing this terrible prospect.

The USWA is very proud of its record in negotiating decent health care coverage for both its active workers and its retirees. In 1993, our union made history when we negotiated pre-funding of retiree health care in

the iron ore industry. Benefits provided to steel industry retirees are equivalent and, in some cases, more modest, than benefits provided to retirees from other basic manufacturing companies, such as Alcoa, Boeing, and General Motors.

These plans typically include cost containment provisions, such as deductibles, co-payments, pre-certification requirements, coordination with Medicare, and incentives to utilize managed care. Most of our retirees pay monthly premiums from 25 to 40 percent of their retiree health care benefit, plus several hundred dollars a year in deductibles and co-payments. Retiree premiums from major medical coverage vary by employer due to differences in demographics, regional health care costs, utilization, and design of the plan. The USWA estimates that the average major medical premium during 2001 was approximately \$200 per month for a non-Medicare eligible couple and \$150 a month for a Medicare-eligible couple.

American steel's international competitors do not bear a similar burden. In one form or another, foreign producers' retiree health care costs are offset by government subsidies.

In Japan, the government provides government-backed insurance programs. Government subsidies cover some administrative costs and contributions to Japan's health care programs for the elderly.

In the United Kingdom, the UK's National Health Service is 85 to 95 percent funded from general taxation with the remainder coming from employer and employee contributions.

In Germany, health care is financed through a combination of payroll taxes, local, state, and federal taxes, co-payments, and out-of-pocket expenses, along with private insurance. Insurance funds with heavy loads of retired members received governmental subsidies.

In Russia, de facto government subsidies exist. While Russian steel companies theoretically pay for workers' health care, the national and local governments allow companies not to pay their bills—including taxes and even wages. At the end of 1998, Russian steel companies owed an estimated \$836 million in taxes. According to the Commerce Department report, the Russian government's "systematic failure to force large enterprises to pay amounts to a massive subsidy."

The U.S. is the only country in the industrial world in which the health care benefits of retirees are not assumed by government to facilitate consolidation in one form or another. It is now very clear that American steelworker retirees stand to be hit twice by the collapse of the steel industry since a majority of them were forced into retirement (350,000)—many prematurely—during the massive restructuring of the steel industry during the late 1970s and the 1980s. First, they lost their jobs before they were ready to retire, and now they may lose their health care and a significant portion of their pension now that they are ready to retire. Our own government's inadequate enforcement of our trade laws is the principal reason that steelworkers and steelworker retirees' health care benefits are now at risk.

Because our government has allowed this unlevel and unfair trade environment to develop and consume our industry, government now has a responsibility to our steelworkers and retirees and to the steel industry to help craft a solution to this problem.

Why is action needed?

Retirees under age 65 and older active employees who have been displaced by plant shutdowns are not yet covered by Medicare.

They cannot purchase COBRA continuation coverage because companies are not

obligated to provide COBRA coverage when they no longer maintain a health care plan for employees actively at work. Steel companies which have filed for Chapter 7 bankruptcy (i.e., liquidation) have already moved to terminate health care plans for their workers and retirees.

They cannot afford COBRA premiums even when such coverage is available.

They cannot afford commercially-available health insurance coverage.

Many cannot meet insurability requirements (and may not have continuous coverage under HIPAA).

Many have difficulty in finding new jobs that pay similar wages or benefits.

Why is action needed for retirees age 65 and over?

Because Medicare has significant gaps in its coverage. Medicare also has significant deductibles and co-payments. There is no coverage for expensive outpatient prescription drugs. Also, health care providers often do not accept Medicare reimbursement rates as full payment, at which point they go after the retiree for full payment.

Medicare Supplemental Insurance ("Medigap") is available, but it is costly and has limited prescription drug coverage. The most comprehensive of the Medigap supplements (Plan J) covers only 50 percent of prescription drug costs and limits drug benefits to \$3,000 per year.

The average retiree receives a monthly pension benefit of less than \$600 to \$700 per month. Most surviving spouses receive monthly benefits under \$200 per month.

Finally, Medicare HMOs (or as they are sometimes referred to "Medicare+Choice") are available only in limited areas of the nation.

Some who have looked at this problem, particularly with respect to access to prescription drugs, have said the Bush Administration's proposed "Medicare Prescription Drug Card" might be a possible solution. The proposed card would provide discounts of 10 to 25 percent from retail drug prices.

But low income drug assistance is limited to people below 150 percent of the Federal poverty level. That's an individual with an annual income of \$12,000 or a couple with a combined annual income of \$15,000. In fact, more than half of Medicare beneficiaries would not qualify for Low-Income Drug Assistance. The Low-Income Drug Assistance proposal does not describe how premiums would be set nor does it describe the level of out-of-pocket expenses (i.e., deductibles or co-payments) to be paid by Medicare recipients. Also, states would be required to assume 10 percent of the cost of the Low-Income Drug Assistance proposal at a time when nearly every state is facing budget deficits because of the recession and sharply rising costs for their Medicaid programs.

The Bush Administration is also considering tax credits as a device for helping the uninsured. Under this proposal, a refundable tax credit of \$1,000 to \$3,000 (depending on family size) would be made available to individuals without employer-provided health insurance. The problem here is that the tax credits are too small to make health insurance. The problem here is that the tax credits are too small to make health insurance affordable. A "Family USA" study found that a healthy 25-year-old woman pays an average of \$4,734 per year for coverage under a standard health plan, compared to the \$1,000 tax credit offered.

Until the steep increases in health care costs can be contained, the real value of any refundable tax credit will diminish year by year. A recent report from the Centers for Medicare and Medicaid Services, which is an arm of the Department of Health and Human Services, says that health care costs are ex-

pected to grow at a rate of 7.3 percent annually between now and 2011. That means that by 2011, Americans will be spending \$9,216 per person on health care, or about double what they spent in 2000. The nation's health care bill could reach \$2.8 trillion, or 17 percent of the nation's gross domestic product, by 2011.

Clearly, this problem is not going to go away.

While the United Steelworkers was pleased that the President took a step toward reigning in steel imports by imposing variable tariffs on steel products in the recent Section 201 case, the President pointedly chose not to address the matter of the retirement and health security of steelworkers and our retirees. He is apparently leaving this unfinished business in Congress' hands.

Let me state this very clearly. It is the view of the United Steelworkers of America that the pension and health care commitments made to our active workers and retirees must be honored. These issues are every bit as important to us as the recent Section 201 determination on restraining foreign steel imports.

Our active members as well as our retirees look to you for action. We will work with you and your colleagues in both the House and Senate continuously until this problem is solved and we will not relent in our efforts.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I am not going to be debating the specific amendment on the floor now but, rather, a context in which I believe this amendment and most other aspects of this energy legislation should be considered.

There are three principles I would like to discuss at this hour of the evening. First is, when should we, the Congress of the United States, adopt an energy policy? When can we legislate dispassionately, not in response to an immediate emergency?

Second, an energy policy for when? It makes a considerable difference if we are developing a policy for the next 10 years as opposed to what I think should be the more appropriate time-frame, at least the next 50 years, that we are legislating not for ourselves but for our grandchildren.

And third, an energy policy should include a recognition of other affected issues—economic, environment, and more.

A persistent problem in crafting energy policy is the fact that our willingness to act is greatest in the midst of a crisis, a disruption, or spikes in prices. History has repeatedly shown us that energy crises are the worst time to try to solve our problems. Short-term policy initiatives that deal with things such as market upheavals are often counterproductive. They respond to temporary circumstances. They might be political; they might be economic. They could even be climactic.

California blackouts were the initial impetus for the energy legislation we have today. Those blackouts are now hopefully a thing of the past. Yet we now are casting this issue as how to respond to the threat from Saddam Hussein, that he will cut off supplies from Iraq.

Even if there were silver bullets that the Congress could use to deal with these short-term energy disruptions, Congress often moves too slowly to shoot those bullets in the right direction to hit the right target.

Long-term measures, such as promoting energy efficiency and launching new forms of energy production, don't have time to affect the market if these conditions are temporary.

It would seem to me that the solution to this problem is both logical and obvious. The solution, however, goes against our natural inclinations. The time to address energy issues is between crises, when there is a better chance to do something that will actually work.

If I could refer on this special day, the 54th anniversary of the establishment of the State of Israel, to an event which occurred in that region of the world and is recorded in the Book of Genesis. It is Joseph's interpretation of the Pharaoh's dream about 7 good years followed by 7 lean years.

What Joseph's interpretation teaches us is that if we are going to deal with famine, the time to do so is not when the famine has commenced but, rather, the time to do so is during those years of plenty, to set aside for the lean years that will surely be ahead.

The core of a wise energy policy is to avoid a focus on the here and now and look over the 50-year horizon. The focus should not be on us, the current generation but, rather, should be on the well-being of our grandchildren.

An astute public official once said:

If we ever go into another world war, it is quite possible that we would not have access to the petroleum reserves held in the Middle East. But in the meantime, the use of those middle eastern reserves would prevent the depletion of our own domestic petroleum reserves.

That wise public official was Navy Secretary James Forrestal. And the date of his wise statement was 1946.

Forrestal's statement was remarkable in several respects. First, he was looking beyond the next year to what would be happening over the next half century, setting a good example for the kind of thinking to which we should repair as we ask the question: What kind of an energy policy for America, for when?

Second, James Forrestal suggests that we can't change the inevitable. We are not going to be able to produce our way out of the challenges created by our appetite for oil. If we were to take a 50-year view as Mr. Forrestal suggested, what are the challenges we must overcome?

First, there is no likely scenario that will alter the reality that most of the oil consumed in the United States from today into the future will come from foreign sources. Shares of imported oil have been rising steadily for years. Proposals such as those before us in the past few days might slow this trend, but they will not reverse it.

Second, we will likely see the need to dramatically reduce greenhouse gases

that are the by-product of fossil energy use.

There is definitive evidence that greenhouse gases impact our climate and our environment. Because greenhouse gases accumulate in the atmosphere and remain there for decades, or longer, we must commence action now in order to avoid unrestrainable consequences in the future.

We must prepare by taking steps to ensure that strong, early action will avoid the need for drastic, expensive, and maybe unavailable steps when it is too late.

Third, we must develop and utilize alternative fuels, both as a means of reducing our total fossil fuel consumption and the greenhouse gases which are an outgrowth of the use of fossil fuel. Alternatives are an important component of a diverse national environmental portfolio. They represent a solution to our dependence on fossil fuels and environmental problems associated with fossil fuels. Alternatives are critical in a policy that does not believe we should focus our energy goals on draining America first.

I suggest that there are some opportunities in an enlightened energy policy for our Nation. There are three points contained in the energy bill upon which I believe we can all agree. I will point to these as the core of an intelligent energy policy.

Point No. 1: We know we need to increase storage in the Strategic Petroleum Reserve in order to provide a greater cushion against disruption in oil supplies. Since the price of oil fell in the mid-1980s, we have missed many opportunities to build petroleum reserves at a time when we can do so relatively inexpensively. One reason may have been the false sense of security that the end of the Persian Gulf war brought in the early 1990s.

During that period, we were able to replace the lost production from Iraq and Kuwait with only a minor release from the Strategic Petroleum Reserve. Why did this seem to happen so effortlessly? Primarily because we were fortunate to have allies, such as the Saudis, increase their production. The Saudis have been good allies on numerous occasions, but do we really want to have an energy policy for the next 50 years that depends upon the good will of our allies and their own uninterrupted excess capacity?

One of the positive aspects of the President's strategy for energy is his announced support for filling the Strategic Petroleum Reserve to its current capacity. This act alone will not solve our problems, but it is a good first step and should be implemented. A larger reserve will not eliminate our vulnerabilities, but it will reduce the economic impacts of disruptions and threats from abroad.

Point No. 2: We must use the energy we have available as efficiently as possible. Energy efficiency cannot be accomplished in one giant step. It takes time for manufacturers to modernize

their means of production. It takes even longer for equipment stock to turn over so that customers are buying the more efficient product.

What we need is steady progress. This is a marathon, not a 100-yard sprint. We cannot rely solely on research and development. Low average energy prices in the United States limit the economic incentives to research and develop fuel-saving technologies. More broadly, the entire marketplace does not fully reflect environmental and long-term strategic concerns.

In order to mitigate these realities, we have used efficiency standards for automobiles and appliances to achieve national goals. These standards have allowed us to make significant strides in reducing energy use. During the 1990s, while we made significant progress in some areas, such as the efficiency of refrigerators, we have moved backward in the area that is the largest consumer of fossil fuels, which is transportation. During this period, numerous technological advances for automobiles were introduced and widely implemented, such as airbags, crumple zones, and all-wheel drive. But none of these advances was aimed at increasing the efficiency, increasing the gas mileage of the vehicle.

Now we are on the verge of additional technologies coming to the market, such as the electric hybrid vehicle which is making its debut to very promising reviews. Let's assure the American people that some of these technological advances will go to reducing the amount of money we spend on petroleum. In the appliances market, we can reduce the summer peak loads of electricity by insisting on greater efficiency for air-conditioners. It will take years for new, more efficient models to completely absorb the market. The sooner we start, the sooner we will begin to see the results.

Point No. 3: We must increase the share of alternative sources of energy. If we try to do this all at once, the economic cost will be high. But if we opt for a steady progress toward greater use of alternative energy sources, we can expand our energy options and do so at a reasonable cost. We also must do this with flexibility. We are a diverse nation of States. Each State, each locale, has conditions that make it different from others. Those differences often impact on the ways in which States can participate in national initiatives, including the efforts to increase the use of alternative energy and thus reduce the reliance on fossil fuel.

Point No. 4: We should strive for diversity in our energy sources. Renewables will contribute to that diversity. Another area that I believe has and, in the future, will contribute to that diversity is commercial nuclear power. It wasn't long ago that commercial nuclear power was providing 25 percent of our Nation's electric generation. Today, it is down to 20 percent and

sliding lower. At the same time, that proportion of energy that used to be provided by nuclear is being provided by natural gas. While there are some compelling environmental reasons that natural gas is an attractive energy source for electric production, it contributes to the depletion of an important American natural resource, to use an energy source which is a direct provider of energy, to become an indirect provider of energy by converting natural gas into electric generation. I applaud the provisions of this legislation that will, hopefully, begin to re-energize a safe and secure contribution to the diversity of our electric generation capacity through nuclear.

In the coming years, we will see ups and downs in energy prices. We have been on a roller coaster for the past several months, seeing some of the highest and some of the lowest gasoline prices in recent memory. We will likely see times of turmoil. We are likely to see oil increasingly being used as a weapon in geopolitical disputes. We are likely to see times of calm. During those times, energy seems to be the least of our worries.

But we have before us now an opportunity, an opportunity to create an energy policy for the next generations of Americans, the next generations of citizens of this planet. We are given the opportunity to develop an energy policy that can help us leave a cleaner, safer, more prosperous world, and a world in which energy is used to serve human purposes, not as a source of intimidation.

Our grandchildren will thank us.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I have spoken to the Senator from Alaska. The Senator from Alaska indicated he wishes to speak for some time tonight, and I have indicated to him we have a few matters we need to do to close the business of the Senate for today.

Mr. REID. Mr. President, I ask unanimous consent that at 9:45 a.m. on Thursday, April 18, following the opening proceedings, the Senate resume consideration of S. 517 and that there be debate until 11:45 a.m. with respect to the cloture motions filed, with the time equally divided and controlled between the two leaders or their designees; further, that the time from 11:25 a.m. to 11:45 a.m. be controlled as follows: 11:25 a.m. to 11:35 a.m. under the control of the Republican leader, or his designee; and from 11:35 a.m. to 11:45 a.m. under the control of the majority leader, or his designee; that at 11:45 a.m., without further intervening action or debate, the Senate proceed to vote on the motion to invoke cloture on the Stevens second-degree amendment No. 3133, that the mandatory quorum required under rule XXII be waived; provided further that Members have until 10:45 a.m. to file any second-degree amendments.

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

ORDERS FOR THURSDAY, APRIL 18, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:45 a.m. on Thursday, April 18; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the energy reform bill.

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

ADDITIONAL STATEMENTS

THE 4TH ANNUAL NATIONAL BREAST CANCER CONFERENCE FOR AFRICAN AMERICAN WOMEN

• Mr. LEVIN. Mr. President, during the weekend of April 19, 2002, as we commemorate Cancer Awareness Month, hundreds of women from around the country will gather in my home town, Detroit, MI, to celebrate breast cancer survivorship among African American women. This is a very special group of women, in that they are all survivors of the most common type of cancer of women in the United States. I take great pleasure in welcoming them to Detroit and want to bring to your attention, the many accomplishments of the sponsoring organizations and the goals of this conference.

The 4th Annual National Breast Cancer Conference, which is sponsored by the Karmanos Cancer Institute, Detroit's nationally renowned cancer treatment center and breast care center, and Sisters' Network, Inc. presents an aggressive agenda focusing on the survivorship of African American Women who have, and who will encounter the challenge of breast cancer, a disease which has claimed far too many lives of the members of any community, but within the African American community, 28 percent more than other ethnic groups. According to a recent report appearing in the Journal of the National Cancer Institute, researchers said that studies have shown that black women are more likely to be diagnosed with late stage breast cancer and to have a shorter survival time than white women. We should all find these statistics unacceptable. During this conference, with the guidance of medical professionals from around the country, including Detroit's own Dr. Lisa Newman, Associate Director of the Waltz Comprehensive Breast Center, there will be discussions on how to eradicate all of those barriers women of the African American community face when assaulted by this dreaded disease.

I am proud to acknowledge the work and dedication of Cassandra Woods, my Michigan Chief of Staff, who is the president of the Greater Metropolitan

Detroit Chapter of Sisters' Network, Inc. and a breast cancer survivor and the national president and founder of the Network, Ms. Karen Jackson. These women and the members of the 37 chapters from around the country are committed to increasing local and national attention to the devastation that breast cancer has in the African American community. These women believe that through education, advocacy, research, and support for each other, they can make a marked difference in breast cancer outcomes and the rate of survival among their sisters.

I applaud this effort, I support this effort, and I ask my colleagues to join me in wishing the best of outcomes for this conference and with the challenges ahead.●

THE UNITED STATES/RUSSIAN PLUTONIUM DISPOSITION AGREEMENT

• Mr. DOMENICI. Mr. President, I rise today to bring the Senate's attention to a matter of tremendous international importance to our efforts to prevent the terrorists' use of weapons of mass destruction.

I wish to talk about the United States/Russian plutonium disposition agreement, a commitment between our two countries to each permanently dispose of 34 metric tons of plutonium from nuclear weapons. Thirty-four tons is enough material to make over 4,000 nuclear weapons.

I was pleased to help develop aspects of that agreement during several interactions with the Russian leadership of Minatom, both here and in Russia. I was in Moscow with our President in 1998 when the first agreement was initiated. I believe this agreement represents one the most significant accomplishments between the United States and Russia in the last 10 years in our joint efforts to keep the material and technology of weapons of mass destruction out of the hands of those that seek to do us harm.

The agreement basically commits the United States and Russia to turning 34 tons of plutonium into fuel that can be burned in commercial nuclear power plants. In this way, electricity is produced and the used fuel is left in a condition that makes it unusable in the future for nuclear bombs. Facilities will be built in both the United States and Russia to perform this work.

Our Government completed a 4-year process to decide what type of facilities was needed for this disposition mission, and where those facilities should be built. The United States considered four sites, Washington State, Idaho, Texas, and South Carolina, and after a vigorous competition in which the State of South Carolina lobbied very hard to get the mission, the decision was made to site the disposition facilities in South Carolina.

Now, South Carolina is hesitating. The plutonium disposition agreement

is being imperiled by the unwillingness of the State of South Carolina to reach an agreement with the Department of Energy on taking shipment of the plutonium identified for disposition and building the required facilities.

It is appropriate for the Governor of South Carolina to insist on every assurance that his State will be treated fairly, and will not simply become the permanent storage site for unwanted nuclear material if for some reason the plutonium agreement should fall apart.

But the Governor has done that, he has succeeded, he has won. He should be congratulated.

The Governor has gotten the Secretary of Energy to provide South Carolina all of the assurances they never got from the Clinton administration, including full funding for the MOX program, a strict construction schedule, and a number of mechanisms, including statutory language and other measures, to ensure that the agreement will be legally enforceable.

However, the Governor is apparently insisting that this matter should be thrown to the courts and resolved through the mechanism of a court ordered consent decree. Putting the courts in charge of executive branch non-proliferation and foreign policy affairs will slow our ability to meet our goals of reducing Russian nuclear material stockpiles, and will allow others who are opposed to the program's goals have a voice in their implementation. Ultimately, I fear America's national security will be undermined.

Further delay in reaching agreement with South Carolina will undermine the United States/Russian plutonium disposition agreement. We must move forward with the construction of the MOX plant that will be used to dispose of the plutonium at issue in order to honor our commitments to the Russian Federation. That will be very difficult, if not impossible, in the face of litigation from the Governor of the State where the plant will be located.

The Russians will not go along to reduce their plutonium inventory unless we do. A failure in this program means more material may end up on the black market where terrorists could have access to it.

For 50 years now the State of South Carolina, like my home State of New Mexico, has hosted some of the most important facilities within our nuclear weapons complex. For 50 years, tens of thousands of the sons and daughters of South Carolina proudly toiled in relative anonymity so that the rest of the country, and the world, could enjoy the peace provided by our nuclear shield during the long, dark days of the Cold War. I am proud of the citizens of South Carolina and their unique service for our country.

Today, the children and grandchildren of the previous generations of South Carolina heroes have a tremendous opportunity to almost literally, as the prophet Isaiah said, "beat their swords into plowshares and their

spears into pruning hooks." They stand on the cusp of a grand new opportunity to lead the world community in converting nuclear weapons to electric power while at the same time keeping the material out of the hands of would be terrorists.

We must go forward with this important agreement. Thus, I will close today by urging both the Secretary of Energy and the Governor of South Carolina to work together to resolve their differences, move out together, and not threaten this effort by resorting to litigation.●

NATIONAL LIBRARY WEEK

● Mr. SARBANES. Mr. President, as a strong supporter of Federal programs to strengthen and protect libraries, I am pleased to recognize April 14–20 as National Library Week. This is the 44th anniversary of this national observance and its longevity is evidence of the great importance our Nation places on libraries, books, reading and education.

National Library Week grew out of 1950's research that showed a troublesome trend—Americans were spending more money on radios and television and less on buying books. The American Library Association and the American Book Publishers joined forces and introduced the first National Library Week in 1958 in an effort to encourage people to read and to use their libraries.

When the free public library came into its own in this country in the 19th century, it was, from the beginning, a unique institution because of its commitment to the principle of a free and open exchange of ideas, much like the Constitution itself. Libraries continue to be an integral part of all that our country embodies: freedom of information, an educated citizenry, and an open and enlightened society.

I firmly believe libraries play an indispensable role in our communities. They promote reading and quench a thirst for knowledge among adults, adolescents, and children. More importantly, they provide the access and resources to allow citizens to obtain timely and reliable information that is so necessary in our fast-paced society. In this age of rapid technological advancement, libraries are called upon to provide not only books and periodicals, but many other valuable resources as well audio-visual materials, computer services, Internet access terminals, facilities for community lectures and performances, tapes, records, video-cassettes, and works of art for exhibit and loan to the public.

Libraries provide a gateway to a new and exciting world for all the place where a spark is often struck for disadvantaged citizens who for whatever reason have not had exposure to the vast stores of knowledge and emerging technology available to others. In this information age, they play a critical role in bridging the digital divide.

Many families cannot afford personal computers at home, yet the role of computers has become almost necessary to a basic educational experience. The children of these families would suffer without the access to emerging technology that libraries provide to all patrons regardless of income. In addition, special facilities libraries provide services for older Americans, people with disabilities, and hospitalized citizens.

During National Library Week, I wish to salute those individuals who are members of the library community and work so hard to ensure that our citizens and communities continue to enjoy the tremendous rewards available through our libraries. Library staff, volunteers and patrons work to ensure existing libraries run smoothly and have adequate resources, as well as advocate for increased funding and new libraries.

I am proud that Maryland is a State of readers. Recent statistics show that Maryland citizens borrowed more public library materials per person than those of almost any other State, nearly 9 per person. In addition, 67 percent of the State's population are registered library patrons. We are lucky to have 24 public library systems, providing a full range of library services to all Maryland citizens and a long tradition of open and unrestricted sharing of resources. The State Library Network that provides interlibrary loans to the State's public, academic, special libraries and school library media centers has enhanced this policy. Marylanders have responded to this outstanding service by showing their continued enthusiasm and support for our public libraries. I have worked closely with members of the Maryland Library Association, colleges and universities and others involved in the library community throughout the State, and I am very pleased to join with them and citizens throughout the Nation in this week's celebration of "National Library Week." I look forward to continuing this relationship with those who enable libraries to provide the unique and vital services available to all Americans.●

PASSAGE OF THE HEALTH CARE SAFETY NET AMENDMENTS OF 2001 (S. 1533)

● Mr. KENNEDY. Mr. President, almost 39 million Americans wake up each morning, hoping that they or their families do not face illness or a serious accident—because they have no health insurance. Many more are underinsured and do not have access to a good health provider. They awake hoping that they and their loved ones will not get sick. For many, falling ill can mean financial ruin, or even death, because they cannot afford the critical health services they need.

During this time when our country struggles through the worst economic downturn in a decade, we must find innovative ways to provide access to

health care for our most vulnerable citizens. States are facing more than \$40 billion in deficits, unemployment is up, and the number of uninsured are rising.

Today, we offer Americans hope. I am proud that the U.S. Senate has joined together in passing the Health Care Safety Amendments of 2001. This bill reauthorizes two critical programs that serve our poorest populations—the health centers program and the National Health Service Corps. It also creates the Healthy Communities Access Program, HCAP. By bringing together public and private providers, HCAP will help improve the coordination of services for communities' most vulnerable populations.

At a time when our health care system too often treats people as statistics, this Nation's community health centers and our health professionals working through the National Health Service Corps treat them as patients who deserve the best available health care. They know their communities, they understand their concerns, they know their names, and they speak their languages.

For more than 30 years, these programs have provided health care to Americans who have no where else to go for services. In fact, it is difficult to imagine what health care in the United States would be like today without them. Without their extraordinary achievements, millions of the most vulnerable Americans would not receive the health care they need to live healthy and productive lives. Without the health centers and the National Health Service Corps, there would be higher rates of tuberculosis, infant mortality, AIDS, substance abuse, and many other debilitating conditions in our low-income neighborhoods. Without these two programs, the Nation's emergency rooms would be flooded with even more patients seeking primary care.

Despite their extraordinary accomplishments, far too often these health centers and providers struggle each day just to keep their doors open. That is why this legislation is so important.

Over the years, our community health centers have more than proven their worth. And as a result, last year, health centers received more support than ever before. We set a goal of doubling the Federal financial commitment to community health centers over the next 5 years. We need to continue expanding these programs and get more health professionals on the ground in health centers in America's small farming communities, urban centers, and sprawling suburbs.

And we must continue our commitment to the Healthy Communities Access Program. HCAP plays a very important role in our health care safety net. From the physician in private practice to the community health centers to the hospitals, all will work hand-in-hand to coordinate their efforts to reach the vast number of

Americans who fall between the cracks in today's health care system. We must ensure that we continue to fund this program to help safety net providers develop innovative ways to coordinate the care for the uninsured and underinsured. We should not put this important safety net program at risk of receiving lower levels of funding.

I commend President Bush for making the health centers program and the National Health Service Corps a priority in his 2003 budget, and I hope the administration will support the bipartisan HCAP program. I also commend Senator FRIST, Senator JEFFORDS, and the members of our committee for their hard work on this bill.

For more than 30 years, I have been inspired by those who invest their lives in caring for Americans who have no place to turn for health care. I thank my colleagues today for passing the Safety Net bill which will aid our health centers and doctors in delivering critical health care services in our poorest communities. In doing so, we not only offer the tools for ensuring healthier lives, but we provide hope for millions of struggling families.●

TRIBUTE TO COLONEL TIMOTHY A. PETERSON

● Mr. SHELBY. Mr. President, I wish to recognize and pay tribute to Colonel Timothy A. Peterson, Chief, Senate Liaison Division, Office of the Chief of Legislative Affairs, and Department of the Army who will retire on June 1, 2002. Colonel Peterson's career spans over 28 years, during which he has distinguished himself as a soldier, scholar, leader and friend of the United States Senate.

A New York native, Colonel Peterson graduated from the United States Military Academy in 1974 and was commissioned as a lieutenant in the Field Artillery Branch of the U.S. Army. During his career he has commanded soldiers from the battery through the installation level. At Schofield Barracks in Hawaii, he commanded the 7th Battalion, 8th Field Artillery Regiment of the 25th Infantry Division and later served as the Installation Commander of the U.S. Army Garrison at Fort Dix, NJ. As a scholar Tim Peterson has sought opportunities to improve himself throughout his career. In addition to teaching mathematics to cadets at the United States Military Academy, he has served as an American Political Science Association Congressional Fellow and a Army Senior Fellow, Secretary of Defense Corporate Fellowship, as well as receiving advanced degrees from the University of Puget Sound, University of Washington, the Salve Regina College and the U.S. Naval War College.

Since September 1999, Tim Peterson has served with distinction as the Chief Army Senate Liaison. He has superbly represented the Chief of Legislative Liaison, the Army Chief of Staff, and the Secretary of the Army while promoting

the interests of the soldiers and civilians of our Army. His professionalism, mature judgement, sage advice and interpersonal skills have earned him the respect and confidence of the Members of Congress and Congressional staffers with whom he has worked on a multitude of issues affecting our Army, its soldiers and civilians. In almost 3 years on the Hill, Tim Peterson has been a true friend of the United States Senate and the Congress. Serving as the Army's primary point of contact for all Senators, Congressional Committees and their staffs, he has assisted Congress in understanding Army policies, operations, requirements and priorities. As a result, he and his staff have been extremely effective in providing prompt, coordinated and factual replies to all inquiries and matters involving Army issues. In addition, he has personally provided invaluable assistance to Members and their staffs while planning, coordinating and accompanying Senate delegations traveling worldwide. His substantive knowledge of the key issues, keen legislative insight and ability to effectively advise senior Army leaders have directly contributed to the successful representation of the Army's interests before Congress.

Throughout his career, Colonel Tim Peterson has demonstrated his profound commitment to our Nation, a deep concern for soldiers and their families and a commitment to excellence. Colonel Peterson is a consummate professional whose performance in over 28 years of service has personified those traits of courage, competency and integrity that our Nation has come to expect from its professional Army officers.

I ask my colleagues to join me in thanking Colonel Peterson for his honorable service to our Army, its soldiers and the citizens of the United States. We wish him and his family well and all the best in the future.●

TRIBUTE TO INTEGRITY LODGE #51

● Mr. TORRICELLI. Mr. President, I rise today to recognize the Integrity Lodge #51 Prince Hall Masons, who will be celebrating 100 years of service to the community of Paterson, NJ, this month.

Prince Hall Masons, the founders of this organization, are the oldest African American fraternity in the United States. This celebration will truly highlight the contributions as well as the many accomplishments that this fine organization has made to its community.

Under the direction of Prince Hall Masons, the Integrity Lodge has enjoyed countless success stories. The Integrity Lodge has been recognized for guiding and providing leadership to African Americans. Additionally, the Integrity Lodge has made countless charitable contributions which in turn have positively affected many lives.

Through the efforts of this group of people, the community of Paterson has been enriched. I am confident that there are many lives that this organization has changed and I am sure that they find victories on a daily basis. It is my firm belief that the Integrity Lodge will continue this fine tradition of community service in the years to come, and will serve with distinction as tireless advocates on behalf of Paterson, NJ.

I congratulate the Integrity Lodge #51 for their 100 years of dedicated service.●

KLAMATH FOOD BANK

● Mr. SMITH of Oregon. Mr. President, I rise today to give tribute to some Oregon heroes. Over the past year, I have come to the Senate floor on several occasions to describe the tragic events in the Klamath Basin last year. Today, I wish to salute some of the heroes, who when watching their neighbors in need, responded with great compassion and service to their community.

In April of last year, the farm economy of Klamath Falls was sent into a tailspin when the decision was made to forego water deliveries to farmers in favor of protecting threatened and endangered fishes. Almost overnight, the devastating effects of the water shut-off began to be felt. In one month's time, the number of families seeking assistance from the local food bank jumped by seven hundred.

The response from the surrounding community was incredible. Farmers, car dealerships, coffee shops, gas stations, banks, schools, and countless others came together to lend their support to folks in the Klamath Basin. On June 15 of last year, Joe Gilliam, President of the Oregon Grocers Association, with the help of grocers from around the State, gathered 240,000 pounds of food. This food helped feed the community for nearly two months.

In August, Oregon Senator and farmer Gary George of Pendleton, Oregon decided that he too had to do something. He set out and, with the help of Oregonians In Action, raised \$30,000. Also in August, K-Dove Radio, Perry Atkinson and his son Oregon Senator Jason Atkinson, and sixty churches in the Medford area, joined together in collecting 27,000 pounds of food. They delivered it in two twenty-four-foot Ryder trucks.

The examples of kindness go on and on. For as tragic as the situation last year in the Basin was, Oregonians from around the State responded with an equal level of benevolence. With the help of hundreds of community volunteers and under the direction of Niki Sampson, the Klamath Falls-Lake County Food Bank has distributed 830,000 pounds of food and non-food products.

This has been a very emotional year, and as a U.S. Senator and as an Oregonian, I am very proud of how the people in my State have responded. The gen-

erosity shown by so many truly reaffirms one's faith in the goodness of people. In my mind, every single person who volunteered his or her time or resources is a hero. Today, I salute the workers, the volunteers, and all those who gave of themselves to help this community in need.●

VENEZUELA

● Mr. KENNEDY. Mr. President, I rise regarding recent events in Venezuela and my concern that the response of the administration was inconsistent with our foreign policy goal of promoting democracy abroad.

On April 12, following anti-government protests by civil opposition sectors, supported by parts of the military, President Hugo Chavez was briefly forced to resign power. The civil-military movement named businessman Pedro Carmona as interim president, and he then took steps which further undermined constitutional order, dissolving the legislature and the Supreme Court. Instead of protesting these clear violations of democratic order, the U.S. found itself virtually alone in the region in seemingly welcoming the undemocratic change in government in Venezuela.

Latin American presidents, meeting in Costa Rica, quickly condemned the coup as contrary to democratic obligations of members of the Organization of American States. Their action had nothing to do with support for President Chavez, whose radical declarations and friendly links to Cuba and Iraq had caused discomfort in the region and in Washington.

However, the American government did not acknowledge that a coup had occurred and referred to the action as "a change in the government." After 2 days, the lack of full support inside the Venezuelan military, the extreme nature of the actions of the interim president in voiding Venezuela's democratic institutions, and the clear opposition of hemispheric leaders resulted in Chavez being reinstated to the presidency.

The Inter-American Democratic Charter, which the United States and the other members of the Organization of American States agreed to last year, commits all member governments to condemn and investigate the overthrow of any democratically elected OAS member government. These events tested the resolve of Western Hemisphere leaders in their support of democracy, and Latin American leaders responded decisively. Unfortunately, the American government failed the test.

Our government must support changes of government through a constitutional process, not military means. America's failure to condemn the illegal overthrow of a democratically elected leader in Venezuela has seriously undermined our credibility in the Western Hemisphere.

The United States must be a leader in promoting the strengthening of de-

mocracy in our hemisphere. We can do this by abiding by the OAS charter and by working within the OAS to maintain close scrutiny of democracies at risk.

The Secretary-General of the OAS, Dr. Cesar Gaviria, arrived in Venezuela this week to evaluate the latest developments and explore how the OAS can support Venezuela in its efforts to strengthen democracy. As a member of the OAS, our government should strongly and unequivocally support Secretary-General Gaviria's mission. We must also support the right of the voters of Venezuela to decide their political future. At the same time, President Chavez should fully respect individual freedoms, including freedom of the press, due process, and the rule of law. The OAS should continue to monitor the situation in Venezuela closely, and the U.S. Government should renew its commitment to democracy and democratic standards in the region.●

TRIBUTE TO TASK FORCE 2-153, ARKANSAS NATIONAL GUARD

● Mr. HUTCHINSON. Mr. President, it is my distinct honor and privilege to recognize the "Arkansas Gunslingers." Task Force 2-153, commanded by Lieutenant Colonel Steve Womack, made military history on January 13, 2002 by becoming the first pure Army National Guard unit to represent the United States in performing the Multinational Force and Observer, MFO, mission on the Sinai peninsula in Egypt which was born out of the 1979 Camp David Peace Accords.

Soldiers of the 2nd Battalion, 153rd Infantry headquartered in Searcy, AR, along with other elements of the 39th Infantry Brigade were mobilized October 8, 2001 as part of President Bush's Homeland Defense initiative and the War on Terrorism. Under the strong leadership of Lieutenant Colonel Womack, Major Franklin Powell and Command Sergeant Major John Hogue, Task Force 2-153 exceeded all post-mobilization, pre-deployment, and post-deployment requirements. This accomplishment is particularly noteworthy given that these citizen-soldiers were given this critical and highly visible assignment just 90 days prior to deployment, at most, half the time to prepare routinely given to Regular Army units. When called upon by their commander in chief, this proud group of Arkansans literally lived up to their motto: "Let's Go"!

It is with great pride that I have risen today to pay tribute to the more than 500 soldiers who make up the Arkansas Gunslingers. They have selflessly put their private lives on hold to answer the call of duty. Their presence on the Sinai Peninsula is a powerful symbol of peace. The people of Arkansas are grateful for their service, and extremely proud that they have been chosen to represent the United States of America in this important mission.●

COMMEMORATING THE 54th ANNIVERSARY OF ISRAEL'S STATEHOOD

• Mr. GRAHAM. Mr. President, on this date 54 years ago, the State of Israel was founded. Today, all over the world, friends of Israel are observing this anniversary of Israel's independence.

The United States, under President Harry S. Truman, was the first country to formally recognize the State of Israel in 1948. We have a legacy of a special relationship based on shared values, among them support for democracy and human rights.

Preservation of the integrity, vitality and sovereignty of Israel is the cornerstone of U.S. policy in the Middle East, as well as a fundamental prerequisite for winning the global War on Terrorism.

On this day, when Israel and its allies should be celebrating, instead we see daily acts of violence and acts of terrorism that have led to the loss of innocent lives. The ability of the people of Israel and of the region to lead normal lives has been shattered.

The United States is committed to leading the international community in ending the conflict and beginning the slow walk back to negotiations for peace.

I urge President Bush and his Administration to recognize the importance of ongoing U.S. engagement in the Middle East at this crucial time. As the world's sole remaining superpower and the leader of the efforts to eradicate terrorism from the Earth, our commitment to allies such as Israel cannot and must not falter.

Once a framework for peace is in place, and we pray that day will soon come, there should be no question that the United States recognizes we will be called upon to play an ongoing role in the region, and we are prepared to accept that role.

Again, we offer our congratulations to the State of Israel on its 54th anniversary. And we assure our Israeli brothers and sisters that we share with them their quest for peace and the dream of turning swords into plowshares so that they can raise their children and grandchildren in a region of harmony.●

HONORING INSIGHT COMMUNICATIONS IN LOUISVILLE, KENTUCKY

• Mr. BUNNING. Mr. President, today I rise to offer a proper salute to Insight Communications of Louisville, KY. The Cable Television Public Affairs Association recently presented Insight with the coveted Beacon Award in the category of education for introducing their "Young Women's Technology Fellowship" initiative to the Louisville Community.

The Fellowship initiative, which arose from a partnership established between Oxygen Media and Insight Communications, was a two-month

after-school program designed to provide advanced technical training and resources to twelve motivated young women who would typically be denied access to this level of technical education. During the curriculum, the young women were instructed to design an online magazine devoted to social issues. In the process, the girls were able to learn valuable computer applications as well as technical and journalistic skills while paying appropriate attention to social issues affecting the Louisville/Jefferson County community.

I applaud the efforts of Insight Communications and Oxygen Media. I would also like to thank these two organizations for their enduring commitment to education and service. The Fellowship program was an excellent forum for young women to not only learn invaluable technical and journalistic skills but also provide the community with pertinent information surrounding existing social issues.●

NATURAL GAS TRANSMISSION LINES AND ENHANCED COST RECOVERY

• Mr. BREAUX. Mr. President, the demand for natural gas is expected to increase tremendously in this country over the next 15 years. By some accounts demand for natural gas will go from approximately 23 trillion cubic feet in 2000 to over 31 trillion cubic feet by 2015, a 34 percent increase. The existing natural gas transmission infrastructure simply cannot accommodate this increased demand.

Natural gas offers an environmentally friendly and secure source of energy, and we must ensure that we have the infrastructure in place to meet this increased demand. Otherwise, we could suffer adverse environmental consequences and undermine the potential for economic growth, which depends upon safe and secure sources of energy. Natural gas also has the added advantage of reducing our dependence on foreign energy sources, which in today's environment, is a major advantage.

The Senate Finance committee took several steps to address this issue. Improving the depreciation period for natural gas distribution lines and clarifying that natural gas gathering lines are seven-year property is a step in the right direction. However, I am concerned that the bill we are now considering, as well as the House-passed energy legislation, does not address cost recovery for natural gas transmission lines. Reliable estimates indicate that we will have to build over 38,000 miles of additional transmission lines, a fifteen percent increase over current capacity, to deliver the increased amount of natural gas that will be required to meet the increased demand over the next fifteen years. My concern is that if the Congress determines that enhanced cost recovery is necessary to generate the additional investment re-

quired to meet this enormous demand, that it is necessary to address the entire natural gas delivery system, including both distribution and transmission lines.

There is no doubt that the demands for capital investment in this area are very large indeed. Industry studies show that the natural gas industry will require almost \$50 billion in new investment for pipeline transmission lines over the next fifteen years, over \$3.2 billion per year, to meet this demand. These expenditures also include the United States portion of an Alaskan Gas Pipeline, which offers tremendous potential for this country in meeting its energy needs.

These are daunting sums. I am very concerned whether this capital can be raised in both the current economic climate and under our current cost recovery system. Over the past year, the companies we depend upon to raise the capital required to build these transmission lines lost over \$60 billion in market capitalization. This situation will impede their ability to raise the necessary capital in the market. Accelerated depreciation will help alleviate this problem by increasing cash flow, thus reducing a company's need to borrow money to build additional pipelines and lower the cost of capital that must be borrowed to complete the projects. Our committee recognized as much, as did the House, when it chose to lower the depreciation period for natural gas transmission lines from 20 to 15 years. I supported this decision, but we may not be able to utilize fully this increased distribution capacity if we do not take similar steps regarding transmission. After all, natural gas will not arrive at the distribution point unless the transmission infrastructure is sufficient to handle the increased amount of natural gas required.

There is no question that the capital investment required to ensure that we have adequate transmission pipelines to deliver natural gas is very significant. There is also no question that Congress needs to examine the entire delivery system to ensure that the benefits of any improved cost recovery are utilized efficiently and do not produce unwanted bottlenecks.

I think it would be appropriate for us to review carefully the need for shorter depreciation periods not just for distribution lines but for natural gas transmission lines as well when this matter goes to conference. Any decisions regarding natural gas depreciation must be made with an eye towards their effect on the system as a whole, including transmission lines.●

LOCAL LAW ENFORCEMENT ACT OF 2001

• Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current

hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred July 21, 1991 in Brattleboro, VT. A lesbian woman was struck by an attacker who was heard to say "There's another . . . queer." The assailant, Lauralee Akley, 19, was charged with committing a hate-motivated crime in connection with the incident.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.●

INTERNATIONAL BROADCASTING

● Mr. BIDEN. Mr. President, last month the former Chairman of the Federal Communications Commissions, Newton Minow, delivered the Morris I. Liebman Lecture at Loyola College in Baltimore.

Mr. Minow's address was entitled "The Whisper of America," and is focused on the need for the United States to significantly increase the resources it devotes to international broadcasting.

I believe Mr. Minow makes a very thoughtful case for expanding our efforts in this area. In order that it may be available to a wider audience, and to call it to the attention of my colleagues, I ask unanimous consent that it be printed in the RECORD.

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

THE WHISPER OF AMERICA

In World War II, when the survival of freedom was still far from certain, the United States created a new international radio service, the Voice of America. On February 24, 1942, William Harlan Hale opened the German-language program with these words: "Here speaks a voice from America. Every day at this time we will bring you the news of the war. The news may be good. The news may be bad. We will tell you the truth."

My old boss, William Benton, came up with the idea of the Voice of America. He was then Assistant Secretary of State and would later become Senator from Connecticut. He was immensely proud of the Voice of America. One day he described the new VOA to RCA Chairman David Sarnoff, the tough-minded and passionate pioneer of American broadcasting. Sarnoff noticed how little electronic power and transmitter scope the VOA had via short-wave radio, then said, "Benton, all you've got here is the whisper of America."

Although The Voice of America, and later other international radio services, have made valuable contributions, our international broadcasting services suffer from miserly funding. In many areas of the world, they have seldom been more than a whisper. Today, when we most need to communicate our story, especially in the Middle East, our broadcasts are not even a whisper. People in every country know our music, our movies, our clothes, and our sports. But they do not

know our freedom or our values or our democracy.

I want to talk with you about how and why this happened, and what we must do about it. First, some history:

At first, the Voice of America was part of the Office of War Information. When the war ended, the VOA was transferred to the Department of State. With the beginning of the Cold War, officials within the government began to debate the core mission of the VOA: Was it to be a professional, impartial news service serving as an example of press freedom to the world? Or was it an instrument of U.S. foreign policy, a strategic weapon to be employed against those we fight? What is the line between news and propaganda? Should our broadcasts advocate America's values—or should they provide neutral, objective journalism?

That debate has never been resolved, only recast for each succeeding generation. In August 1953, for example, our government concluded that whatever the VOA was or would be, it should not be part of the State Department. So we established the United States Information Agency, and the VOA became its single largest operation.

A few years ago, Congress decided that all our international broadcasts were to be governed by a bi-partisan board appointed by the President, with the Secretary of State as an ex-officio member.

This includes other U.S. international broadcast services which were born in the Cold War, the so-called "Freedom Radios." The first was Radio Free Europe, established in 1949 as a non-profit, non-governmental private corporation to broadcast news and information to East Europeans behind the Iron Curtain. The second was Radio Liberty, created in 1951 to broadcast similar programming to the citizens of Russia and the Soviet republics. Both Radio Free Europe and Radio Liberty were secretly funded by the Central Intelligence Agency, a fact not known to the American public until 1967, when the New York Times first reported the connection. The immediate result of the story was a huge controversy, because the radios had for years solicited donations from the public through an advertising campaign known as the Crusade for Freedom. Such secrecy, critics argued, undermined the very message of democratic openness the stations were intended to convey in their broadcasts to the closed, totalitarian regimes of the East.

In 1971, Congress terminated CIA funding for the stations and provided for their continued existence by open appropriations. The stations survived and contributed to American strategy in the Cold War. That strategy was simple: to persuade and convince the leaders and people of the communist bloc that freedom was better than dictatorship, that free enterprise was better than central planning, and that no country could survive if it did not respect human rights and the rule of law. Broadcasting into regimes where travel was severely restricted, where all incoming mail was censored, and all internal media were tools of state propaganda, Radio Free Europe and Radio Liberty communicated two messages that conventional weapons never could—doubt about the present and hope for the future.

They did so against repeated efforts by Soviet and East European secret police to sabotage their broadcast facilities, to create friction between the stations and their host governments, and even to murder the stations' personnel. In 1962, I personally witnessed an effort by Soviet delegates to an international communications conference in Geneva to eliminate our broadcasts to Eastern Europe. Because I was then Chairman of the Federal Communications Commission, the Soviets assumed I was in charge of these

broadcasts. I explained that although this was not my department, I thought we should double the broadcasts.

Listening to the radios' evening broadcasts became a standard ritual throughout Russia and Eastern Europe. Moscow, no matter how hard it tried, could not successfully jam the transmissions. As a result, communism had to face a public that every year knew more about its lies. In his 1970 Nobel Prize speech, Aleksander Solzhenitsyn said of Radio Liberty, "If we learn anything about events in our own country, it's from there." When the Berlin Wall fell, and soon after the Soviet Union crumbled, Lech Walesa was asked about the significance of Radio Free Europe to the Polish democracy movement. He replied, "Where would the Earth be without the sun?"

Radio Free Europe and Radio Liberty continue to broadcast, from headquarters in downtown Prague, at the invitation of Vaclav Havel. The studios are now guarded by tanks in the street to protect against terrorists.

With very little money, Congress authorized several new services: Radio Free Asia, Radio Free Iraq, Radio Free Iran, Radio and TV Marti, Radio Democracy Africa, and Worldnet, a television service that broadcasts a daily block of American news. After 9/11, Congress approved funding for a new Radio Free Afghanistan. What most people don't know is that this service is not new—Congress authorized funds for Radio Free Afghanistan first in 1985, when the country was under Soviet domination. Even then the service was minimal—one half-hour a day of news in the Dari and Pashto languages. When the Soviets withdrew, we mistakenly thought the service was no longer needed. We dismantled it as the country plunged into chaos. We are finally beginning to correct our mistakes with a smart new service in the Middle East called "The New Station for the New Generation."

Indeed, as the Cold War wound down, we forgot its most potent lesson: that totalitarianism was defeated not with missiles, tanks and carriers, but with ideas—and that words can be weapons. Even though the Voice of America had earned the trust and respect of listeners for its accuracy and fairness, our government starved our international broadcasts. Many of the resources that had once been given to public diplomacy—to explaining ourselves and our values to the world—were eliminated. In the Middle East, particularly, American broadcasting is not even a whisper. An Arab-language radio service is operated by Voice of America, but its budget is tiny and its audience tinier—only about 1 to 2 percent of Arabs ever listen to it. Among those under the age of 30—60 percent of the population in the region—virtually no one listens.

As we fell mute in the Cold War's aftermath, other voices grew in influence.

AL JAZEERA

In the past few months, Westerners began to learn about Al Jazeera as a source of anti-American tirades by Muslim extremists and as the favored news outlet of both Osama bin Laden and the Taliban. The service had its beginnings in 1995, when the BBC withdrew from a joint venture with Saudi-owned Orbit Communications that had provided news on a Middle East channel. The BBC and the Saudi government clashed over editorial judgments, and the business relationship fell apart. Into the breach stepped a big fan of CNN, Qatar's Emir, Sheikh Hamed bin Khalifa Al Thani. He admired CNN's satellite technology and decided to bankroll a Middle East satellite network with a small budget. He hired most of the BBC's anchors, editors and technicians, and Al Jazeera was born.

Al Jazeera means "the peninsula" in Arabic, and the name is fitting. Just as Qatar is a peninsula, the station's programming protrudes conspicuously into the world of state-controlled broadcasting in the Middle East. Several commentators, including many Arabs, have sharply criticized the service for being unprofessional and biased. CNN and Al Jazeera had a dispute this year and terminated their cooperative relationship.

Well before September 11, Al Jazeera had managed to anger most of the governments in its own region. Libya withdrew its ambassador from Qatar when Al Jazeera broadcast an interview with a critic of the Libyan government. Tunisia's ambassador complained to the Qatari foreign ministry about a program accusing Tunisia of violating human rights. Kuwait complained after a program criticized Kuwait's relations with Iraq. In Saudi Arabia, officials called for a "political fatwa" prohibiting Saudis from appearing on any Al Jazeera programming. In March 2001, Yasser Arafat closed Al Jazeera's West Bank news bureau, complaining of an offensive depiction of Arafat in a documentary. Algeria shut off electricity to prevent its citizens from watching Al Jazeera's programs. Other countries deny Al Jazeera's reporters entry visas.

And of course, our own country has plenty to complain about Al Jazeera.

Al Jazeera came to our notice first because a 1998 interview with Osama bin Laden called upon Muslims to "target all Americans." Al Jazeera broadcast the tape many times. As the only network with an office in Afghanistan, Al Jazeera was the only one the Taliban allowed to broadcast from the country. On October 7, 2001, the network's Kabul office received a videotape message from Osama bin Laden, which it transmitted around the world. Hiding in caves, Osama could still speak to the world in a voice louder than ours because we allowed our story to be told by our enemies.

Forty years ago, I accompanied President Kennedy on a tour of our space program facilities. He asked me why it was so important to launch a communications satellite. I said, "Mr. President, unlike other rocket launches, this one will not send a man into space, but it will send ideas. And ideas last longer than people do." I never dreamed that the ideas millions of people receive every day would come from Al Jazeera.

THE GLOBAL MEDIA MARKETPLACE

Whatever one thinks of Al Jazeera, it teaches an important lesson: The global marketplace of news and information is no longer dominated by the United States. Our own government, because it has no outlet of its own in the area, is looking into buying commercial time on Al Jazeera to get America's anti-terrorism message out. And because of privatization and deregulation in the international satellite business, a huge number of Americans now have direct access to Al Jazeera through the EchoStar satellite service.

The point is simply this: Whether the message is one of hate or peace, in the globalized communications environment it is impossible either to silence those who send the message, or stop those who want to receive it. Satellites have no respect for national borders. Satellites surmount walls. Like Joshua's Trumpet, satellites blow walls down.

That was the last lesson of the Cold War. In Beijing, the Chinese government would not begin its brutal sweep through Tiananmen Square until it thought the world's video cameras were out of range. In Manila, Warsaw and Bucharest, dissenters first captured the television station—the Electronic Bastille of modern revolutions. In Prague, a

classic urban rebellion became a revolution through television. The Romanian revolution was not won until television showed pictures of the Ceaucescus' corpses and scenes of rebels controlling the square in Bucharest. In the final days of the Soviet Union, the August 1991 coup against President Mikhail Gorbachev failed when video of the supposedly ill president was broadcast by satellite around the world. Those satellites, Gorbachev later said, "prevented the triumph of dictatorship." Now, we have the newer technologies of the internet and e-mail—technologies the Voice of America and the Freedom Radios use with enthusiasm without adequate support.

What we have failed to realize is that the last lesson of the Cold War is also the first lesson of the new global information age. We live now in a world where we are the lone superpower, and the target of envy and resentment not just in the Middle East but elsewhere. Terror is now the weapon of choice.

But if you believe we are only in a war against terrorism, you are only half-right. Nation-states can sponsor terrorism and provide cover to terrorists, but the war against terrorism is asymmetric. This is my friend Don Rumsfeld's favorite word—*asymmetric*. This means that war is not waged by a state against another state *per se*, but against an ideology. Think of the campaign of the past few months. The enemy has been a band of religious zealots and the Al Qaeda terrorists they harbor, not the people of Afghanistan. President Bush has been emphatic and effective on this point, as have Prime Minister Tony Blair and other world leaders.

Asymmetry also refers to the strategies and tactics used by those who cannot compete in a conventional war. In an asymmetric war, it is not enough to have Air Forces to command the skies, Navies to roam the seas, or Armies to control mountain passes. Although the Cold War led to staggering advances in military technology to win the battles, there is not a corresponding change in our government's use of communications technology to win the peace.

Asymmetry, in other words, is not limited to what happens on the battlefield. While U.S. Special Operations forces in Afghanistan use laptops and satellites and sophisticated wireless telecommunications to guide pilots flying bombing missions from aircraft carriers in the Arabian Sea, we still use obsolete, clumsy and primitive methods, such as short-wave radio, to communicate to the people.

Here is another incongruity: American marketing talent is successfully selling Madonna's music, Pepsi Cola and Coca Cola, Michael Jordan's shoes and McDonald's hamburgers around the world. Our film, television and computer software industries dominate their markets worldwide. Yet, the United States government has tried to get its message of freedom and democracy out to the 1 billion Muslims in the world and can't seem to do it. How is it that America, a nation founded on ideas—not religion or race or ethnicity or clan—cannot explain itself to the world?

In the months since September 11, Americans have been surprised to learn of the deep and bitter resentment that much of the Muslim world feels toward us. Our situation is not just a public relations problem. Anyone who has traveled the world knows that much anti-American sentiment springs from disagreements with some of our economic and foreign policies. Our support of authoritarian regimes in the Muslim world has not endeared us to the people who live there. And there is no more poisonous imagery than that of Palestinians and Israelis locked in mortal and what seems to be never-ending combat.

Still, the United States has an important story to tell, the story of human striving for freedom, democracy and opportunity. Since the end of the Cold War, we have failed to tell that story to a world waiting to hear it on the radio and see it on television. We have failed to use the power of ideas.

Within days of the Taliban's flight from Kabul, television was back on the air in the country. The Taliban had not only banned television broadcasts, but confiscated and destroyed thousands of TV sets. They hung the smashed husks of TV sets on light poles, along with videocassettes and musical instruments, as a warning to anyone who might try to break the regime's reign of ignorance. And yet no sooner were the Taliban driven from the city than hundreds of TV sets appeared from nowhere. Even in the midst of a totalitarian, theocratic regime, there had been a thriving underground market for news and information. Television antennas were quickly hung outside of windows and on rooftops. The antennas are like periscopes, enabling those inside to see what is happening outside.

Where were we when those people needed us? Where were we when Al Jazeera went on the air? It was as if we put on our own self-created burka and disappeared from sight. The voices of America, the voices of freedom, were not even a whisper.

THE NEW CHALLENGE

I believe the United States must re-commit itself to public diplomacy—to explaining and advocating our values to the world. As Tom Friedman put it in his New York Times column not long ago: "It is no easy trick to lose a PR war to two mass murderers—(Osama bin Laden and Saddam Hussein) but we've been doing just that lately. It is not enough for the White House to label them 'evildoers.' We have to take the PR war right to them, just like the real one."

There are two leaders of both parties who need our support in this fight for aggressive, vigorous public diplomacy. Illinois Republican Congressman Henry Hyde, chairman of the House International Relations Committee, wants to strengthen the Voice of America and the many Freedom Radio services that broadcast from Cuba to Afghanistan. Democratic Senator Joseph Biden, Chairman of the Senate Foreign Relations Committee, is on the same page. He has developed legislation known as "Initiative 911" to give special emphasis to more programming for the entire Muslim world, from Nigeria to Indonesia.

In November, Congress finally set aside \$30 million to launch a new Middle East radio network. The AM and FM broadcasts (not short wave) will offer pop music—American and Arabic—along with a mix of current events and talk shows. The proposal to fund Radio Free Afghanistan is for \$27.5 million this year and next, and will allow about 12 hours a day of broadcasting into the country. The goal is to make our ideas clear not just to leaders in the Muslim world, but to those in the street, and particularly the young, many of whom are uneducated and desperately poor, and among whom hostility toward the United States is very high.

These efforts are late and, in my view, too timid. They are tactical, not strategic. They are smart, not visionary. The cost of putting Radio Free Afghanistan on the air and underwriting its annual budget, for example, is less than even one Commanche helicopter. We have many hundreds of helicopters which we need to destroy tyranny, but they are insufficient to secure freedom. In an asymmetric war, we must also fight on the idea front.

Bob Shieffer put the issue well not long ago on CBS' "Face the Nation":

"The real enemy is not Osama, it is the ignorance that breeds the hatred that fuels his cause. This is what we have to change. I realized what an enormous job that was going to be the other day when I heard a young Pakistani student tell an interviewer that everyone in his school knew that Israel was behind the attacks on the Twin Towers and everyone in his school knew all the Jews who worked there had stayed home that day.

"What we have all come to realize now is that a large part of the world not only misunderstands us but is teaching its children to hate us."

Steve Forbes, who once headed the Broadcasting Board of Governors, put the issue even more bluntly: "Washington should cease its petty, penny-minded approach to our international radios and give them the resources and capable personnel to do the job that so badly needs to be done right. . . . What are we waiting for?"

THE PROPOSAL

What are we waiting for? I suggest three simple proposals. First, define a clear strategic mission and vision for U.S. international broadcasting. Second, provide the financial resources to get the job done. Third, use the unique talent that the United States has—all of it—to communicate that vision to the world.

First, and above all, U.S. international broadcasting should be unapologetically proud to advocate freedom and democracy in the world. There is no inconsistency in reporting the news accurately while also advocating America's values. The real issue is whether we will carry the debate on the meaning of freedom to places on the globe, where open debate is unknown and freedom has no seed. Does anyone seriously believe that the twin goals of providing solid journalism and undermining tyranny are incompatible? As a people, Americans have always been committed to the proposition that these goals go hand in hand. As the leader of the free world, it is time for us to do what's right—to speak of idealism, sacrifice and the nurturing of values essential to human freedom—and to speak in a bold, clear voice.

Second, if we are to do that, we will need to put our money where our mouths are not. We now spend more than a billion dollars each day for the Department of Defense. Results in the war on terrorism demonstrate that this is money well invested in our national security.

Whatever Don Rumsfeld says he needs should be provided by the Congress with pride in the extraordinary service his imaginative leadership is giving our country. As President Bush has proposed, we will need to increase the defense budget. When we do, let's compare what we need to spend on the Voice of America and the Freedom Radio services with what we need to spend on defense. Our international broadcasting efforts amount to less than two-tenths of one percent of Defense expenditures. Al Jazeera was started with an initial budget of less than \$30 million a year. Now Al Jazeera reaches some 40 million men, women and children every day, at a cost of pennies per viewer every month.

Congress should hold hearings now to decide what we should spend to get our message of freedom, democracy and peace into the non-democratic and authoritarian regions of the world. One suggestion is to consider a relationship between what we spend on defense with what we spend on communication. For example, should we spend 10 percent of what we spend on defense for communication? That would be \$33 billion a year. Too much. Should we spend 1 percent? That would be \$3.3 billion, and that seems about right to me—one dollar to launch

ideas for every \$100 we invest to launch bombs. This would be about six times more than we invest now in international communications. We must establish a ratio sufficient to our need to inform and persuade others of the values of freedom and democracy. More importantly, we should seek a ratio sufficient to lessen our need for bombs.

Third, throwing money alone at the problem will not do the job. We need to use all of the communications talent we have at our disposal. This job is not only for journalists. As important as balanced news and public affairs programming are to our public diplomacy mission, the fact is that we are now in a global information marketplace. An American news source, even a highly professional one like the VOA, is not necessarily persuasive in a market of shouting, often deceitful and hateful voices. Telling the truth in a persuasive, convincing way is not propaganda. Churchill's and Roosevelt's words—"never was so much owed by so many to so few"—"The only thing we have to fear is fear itself"—were as powerful as a thousand guns.

When Colin Powell chose advertising executive Charlotte Beers as Under Secretary of State for public diplomacy and public affairs, some journalists sneered. You cannot peddle freedom as you would cars and shampoo, went the refrain. That is undoubtedly so, and Beers has several times said as much herself. But you can't peddle freedom if no one is listening, and Charlotte Beers is a master at getting people to listen—and to communicate in terms people understand.

So was another visionary in this business, Bill Benton. Before he served as Assistant Secretary of State, Benton had been a founding partner in one of the country's largest and most successful advertising firms, Benton and Bowles. To win the information war, we will need the Bentons and Beers of this world every bit as much as we will need the journalists. We have the smartest, most talented, and most creative people in the world in our communications industries—in radio, television, film, newspapers, magazines, advertising, publishing, public relations, marketing. These men and women want to help their country, and will volunteer eagerly to help get our message across. One of the first people we should enlist is a West Point graduate named Bill Roedy, who is President of MTV Networks International. His enterprise reaches one billion people in 18 languages in 164 countries. Eight out of ten MTV viewers live outside the United States. He can teach us a lot about how to tell our story.

CONCLUSION

In 1945, a few years after the VOA first went on the air, the newly founded United Nations had 51 members. Today it has 189. In the last decade alone, more than 20 countries have been added to the globe, many of them former Soviet republics, but not all. Some of these new countries, as with the Balkan example, have been cut bloodily from the fabric of ethnic and religious hatred. Some of these countries are nominally democratic, but many—especially in Central Asia—are authoritarian regimes. Some are also deeply unstable, and thus pose a threat not only to their neighbors, but to the free world. Afghanistan, we discovered too late, is a concern not only to its region, but to all of us.

In virtually every case, those whose rule is based on an ideology of hate have understood better than we have the power of ideas and the power of communicating ideas. The bloodshed in the Balkans began with hate radio blaring from Zagreb and Belgrade, and hate radio is still common in the region today. The murder of 2 million Hutus and Tutsis in central Africa could not have happened but for the urging of madmen with broadcast towers at their disposal. The same

has been true of ethnic violence in India and Pakistan.

I saw this first hand in the Cuban Missile Crisis of 1962. President Kennedy asked me to organize eight American commercial radio stations to carry the Voice of America to Cuba because the VOA was shut out by Soviet jamming. We succeeded, and President Kennedy's speeches were heard in Spanish in Cuba at the height of the crisis. As we kept the destroyers and missiles out of Cuba, we got the Voice of America in because we had enough power to surmount the jamming. On that occasion, our American broadcasts were more than a whisper.

Last spring—well before the events of September 11—Illinois Congressman Henry Hyde put the need eloquently. I quote him: "During the last several years it has been argued that our broadcasting services have done their job so well that they are no longer needed. This argument assumes that the great battle of the 20th century, the long struggle for the soul of the world, is over: that the forces of freedom and democracy have won. But the argument is terribly shortsighted. It ignores the people of China and Cuba, of Vietnam and Burma, of Iraq and Iran and Sudan and North Korea and now Russia. It ignores the fragility of freedom and the difficulty of building and keeping democracy. And it ignores the resilience of evil."

Fifty-eight years ago, Albert Einstein returned from a day of sailing to find a group of reporters waiting for him at the shore. The reporters told him that the United States had dropped an atomic bomb on Hiroshima, wiping out the city. Einstein shook his head and said, "Everything in the world has changed except the way we think."

On September 11 everything changed except the way we think. It is hard to change the way we think. But we know that ideas last longer than people do, and that two important ideas of the 20th century are now in direct competition: the ideas of mass communication and mass destruction. The great question of our time is whether we will be wise enough to use one to avoid the other.●

MESSAGE FROM THE HOUSE

At 11:04 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 101. Concurrent resolution extending birthday greetings and best wishes to Lionel Hampton on the occasion of his 94th birthday.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1374. An act to designate the facility of the United States Postal Service located at 600 Calumet Street in Lake Linden, Michigan, as the "Philip E. Ruppe Post Office Building."

H.R. 3960. An act to designate the facility of the United States Postal Service located at 3719 Highway 4 in Jay, Florida, as the "Joseph W. Westmoreland Post Office Building."

H.R. 4156. An act to amend the Internal Revenue Code of 1986 to clarify that the parsonage allowance exclusion is limited to the fair rental value of the property.

H.R. 4167. An act to extend for 8 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted.

At 3:07 p.m., a message from the House of Representatives, delivered by

Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 476. An act to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

MEASURES REFERRED

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

H.R. 476. An act to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions; to the Committee on the Judiciary.

H.R. 1374. An act to designate the facility of the United States Postal Service located at 600 Calumet Street in Lake Linden, Michigan, as the "Philip E. Ruppe Post Office Building"; to the Committee on Governmental Affairs.

H.R. 3960. An act to designate the facility of the United States Postal Service located at 3719 Highway 4 in Jay, Florida, as the "Joseph W. Westmoreland Post Office Building"; to the Committee on Governmental Affairs.

H.R. 4156. An act to amend the Internal Revenue Code of 1986 to clarify that the parsonage allowance exclusion is limited to the fair rental value of the property; to the Committee on Finance.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. DURBIN:

S. 2138. A bill to provide for the reliquidation of certain entries of antifriction bearings; to the Committee on Finance.

By Mr. BINGAMAN:

S. 2139. A bill to amend the Public Health Service Act to provide grants to promote positive health behaviors in women; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HELMS:

S. 2140. A bill to suspend temporarily the duty on 1,2 cyclohexanedione; to the Committee on Finance.

By Mr. HELMS:

S. 2141. A bill to suspend temporarily the duty on Wakil XL; to the Committee on Finance.

By Mr. HELMS:

S. 2142. A bill to suspend temporarily the duty on primisulfuron; to the Committee on Finance.

By Mr. HELMS:

S. 2143. A bill to suspend temporarily the duty on flumetralin technical; to the Committee on Finance.

By Mr. HELMS:

S. 2144. A bill to suspend temporarily the duty on methidathion technical; to the Committee on Finance.

By Mr. HELMS:

S. 2145. A bill to suspend temporarily the duty on mixtures of lambda-cyhalothrin; to the Committee on Finance.

By Mr. HELMS:

S. 2146. A bill to suspend temporarily the duty on cyprodinil technical; to the Committee on Finance.

By Mr. HELMS:

S. 2147. A bill to suspend temporarily the duty on oxasulfuron technical; to the Committee on Finance.

By Mr. HELMS:

S. 2148. A bill to suspend temporarily the duty on Paclobutrazole 2SC; to the Committee on Finance.

By Mr. HELMS:

S. 2149. A bill to suspend temporarily the duty on difenoconazole; to the Committee on Finance.

By Mr. HELMS:

S. 2150. A bill to suspend temporarily the duty on mucochloric acid; to the Committee on Finance.

By Mr. HELMS:

S. 2151. A bill to extend the duty suspension on 3,5-Dibromo-4-hydroxybenzotrile; to the Committee on Finance.

By Mr. HELMS:

S. 2152. A bill to extend the duty suspension on isoxaflutole; to the Committee on Finance.

By Mr. HELMS:

S. 2153. A bill to extend the duty suspension on cyclanilide technical; to the Committee on Finance.

By Mr. HELMS:

S. 2154. A bill to extend the duty suspension on Fipronil Technical; to the Committee on Finance.

By Mr. HELMS:

S. 2155. A bill to extend the duty suspension on 3,5-Dibromo-4-hydroxybenzotrile ester and inerts; to the Committee on Finance.

By Mr. HELMS:

S. 2156. A bill to suspend temporarily the duty on 2,4-Xylidine; to the Committee on Finance.

By Mr. HELMS:

S. 2157. A bill to suspend temporarily the duty on p-Chloro aniline; to the Committee on Finance.

By Mr. HELMS:

S. 2158. A bill to suspend temporarily the duty on 4-methoxyphenacylchloride; to the Committee on Finance.

By Mr. HELMS:

S. 2159. A bill to suspend temporarily the duty on 3-methoxy-thiophenol; to the Committee on Finance.

By Mr. HELMS:

S. 2160. A bill to suspend temporarily the duty on acetyl chloride; to the Committee on Finance.

By Mr. HELMS:

S. 2161. A bill to suspend temporarily the duty on esters and sodium esters of parahydroxybenzoic acid; to the Committee on Finance.

By Mr. HELMS:

S. 2162. A bill to suspend temporarily the duty on chloroacetic acid; to the Committee on Finance.

By Mr. HELMS:

S. 2163. A bill to suspend temporarily the duty on isobornyl acetate; to the Committee on Finance.

By Mr. HELMS:

S. 2164. A bill to suspend temporarily the duty of azocystrobin technical; to the Committee on Finance.

By Mr. HELMS:

S. 2165. A bill to suspend temporarily the duty on paclobutrazole technical; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2166. A bill to suspend temporarily the duty on 1H-imidazole-2-methanol, 5-[(3,5-dichlorophenyl)thio]-4-(1-methylethyl)-1-(4-pyridinylmethyl)-(9CI); to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2167. A bill to suspend temporarily the duty on 1H-imidazole,4-(1-methylethyl)-2-[(phenylmethoxy)methyl]-(9CI); to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2168. A bill to suspend temporarily the duty on 1(2H)-Quinolinecarboxylic acid, 4-

[[[3,5-bis(trifluoromethyl)phenyl]methyl] (methoxycarbonyl)amino]-2-ethyl-3,4-dihydro-6-(trifluoromethyl)-ethyl ester, (2R,4S)- (9CI); to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2169. A bill to suspend temporarily the duty on Benzamide, N-methyl-2-[[3-[(1E)-2-(2-pyridinyl)ethenyl]-1H-indazol-6-yl]thio]-; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2170. A bill to suspend temporarily the duty on 1H-Pyrazole-5-carboxamide, N-[2-fluoro-5-[[3-[(1 E)-2-(2-pyridinyl)ethenyl]-1H-indazol-6-yl]amino]phenyl]1,3-di-methyl-; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2171. A bill to suspend temporarily the duty on Disulfide,bis(3,5-dichlorophenyl)(9CI); to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2172. A bill to suspend temporarily the duty on HIV/AIDS drug; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2173. A bill to suspend temporarily the duty on HIV/AIDS drug; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2174. A bill to suspend temporarily the duty on rhinovirus drug; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2175. A bill to suspend temporarily the duty on Pyridin, 4-[[4-(1-methylethyl)-2-[(phenylmethoxy)methyl]-1H-imidazol-1-yl]methyl]-ethanedioate (1:2); to the Committee on Finance.

By Mr. HELMS:

S. 2176. A bill to suspend temporarily the duty on Triticonazole; to the Committee on Finance.

By Mr. HELMS:

S. 2177. A bill to suspend temporarily the duty on Glufosinate-Ammonium; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2178. A bill to suspend temporarily the duty on 1H-imidazole,4-(1-methylethyl)-2-[(phenylmethoxy)methyl]-(9CI); to the Committee on Finance.

By Mrs. CARNAHAN (for herself and Mr. LEAHY):

S. 2179. A bill to authorize the Attorney General to make grants to States, local governments, and Indian tribes to establish permanent tributes to honor men and women who were killed or disabled while serving as law enforcement or public safety officers; to the Committee on the Judiciary.

By Mr. KYL:

S. 2180. A bill to suspend temporarily the duty on Nylon MXD6; to the Committee on Finance.

By Mr. MCCAIN:

S. 2181. A bill to review, reform, and terminate unnecessary and inequitable Federal subsidies; to the Committee on Governmental Affairs.

By Mr. WYDEN:

S. 2182. A bill to authorize funding for computer and network security research and development and research fellowship programs, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HUTCHINSON:

S. 2183. A bill to provide emergency agricultural assistance to producers of the 2002 crop; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BREAUX (for himself, Mr. SPECTER, Mrs. LINCOLN, Ms. LANDRIEU, Mr. CLELAND, Mr. JOHNSON, Mr. BAUCUS, Mr. BAYH, Mrs. CLINTON, Mr. DODD, Mr. EDWARDS, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. KENNEDY, Mr. LIEBERMAN, Mrs. MURRAY, Ms. STABENOW, Mr. WELLSTONE,

Mr. LEVIN, Mr. BINGAMAN, Mr. REED, Mr. HARKIN, Ms. MIKULSKI, Mr. DURBIN, Mr. JEFFORDS, Mr. DAYTON, and Ms. CANTWELL):

S. 2184. A bill to provide for the reissuance of a rule relating to ergonomics; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CLELAND:

S. 2185. A bill to amend the Employee Retirement Income Security Act of 1974 to provide workers with individual account plans with information on how the assets in their accounts are invested and of the need to diversify the investment of the assets; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROCKEFELLER (by request):

S. 2186. A bill to amend title 38, United States Code, to establish a new Assistant Secretary to perform operations, preparedness, security and law enforcement functions, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ROCKEFELLER (for himself and Mr. AKAKA):

S. 2187. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish health care during a major disaster or medical emergency, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BREAUX (for himself and Mr. BURNS):

S. 2188. A bill to require the Consumer Product Safety Commission to amend its flammability standards for children's sleepwear under the Flammable Fabrics Act; to the Committee on Commerce, Science, and Transportation.

By Mr. ROCKEFELLER (for himself, Mr. SPECTER, Mr. DASCHLE, Mr. WELLSTONE, Mr. DURBIN, Ms. MIKULSKI, Mr. SARBANES, Mr. DAYTON, and Mrs. CLINTON):

S. 2189. A bill to amend the Trade Act of 1974 to remedy certain effects of injurious steel imports by protecting benefits of steel industry retirees and encouraging the strengthening of the American steel industry; to the Committee on Finance.

By Mr. KERRY (for himself, Ms. SNOWE, Mrs. FEINSTEIN, and Mr. CHAFEE):

S. 2190. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to provide employees with greater control over assets in their pension accounts by providing them with better information about investment of the assets, new diversification rights, and new limitations on pension plan blackouts, and for other purposes; to the Committee on Finance.

By Mr. HELMS:

S. 2191. A bill to suspend temporarily the duty on petroleum sulfonic acids, sodium salts; to the Committee on Finance.

By Mr. HELMS:

S. 2192. A bill to suspend temporarily the duty on certain TAED chemicals; to the Committee on Finance.

By Mr. HELMS:

S. 2193. A bill to suspend temporarily the duty on Vanguard 75 WDG; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. GRASSLEY (for himself and Mr. WYDEN):

S. Res. 244. A resolution eliminating secret Senate holds; to the Committee on Rules and Administration.

By Mr. DURBIN (for himself, Mr. BROWNBACK, and Mr. FEINGOLD):

S. Res. 245. A resolution designating the week of May 5 through May 11, 2002, as "National Occupational Safety and Health Week"; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 808

At the request of Mr. SMITH of New Hampshire, his name was added as a cosponsor of S. 808, a bill to amend the Internal Revenue Code of 1986 to repeal the occupational taxes relating to distilled spirits, wine, and beer.

S. 830

At the request of Mr. CHAFEE, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 830, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 964

At the request of Mr. KENNEDY, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 964, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

S. 999

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

S. 1174

At the request of Mr. LEAHY, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1174, a bill to provide for safe incarceration of juvenile offenders.

S. 1248

At the request of Mr. KERRY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1248, a bill to establish a National Housing Trust Fund in the Treasury of the United States to provide for the development of decent, safe, and affordable housing for low-income families, and for other purposes.

S. 1258

At the request of Mr. DORGAN, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1258, a bill to improve academic and social outcomes for teenage youth.

S. 1526

At the request of Mr. CLELAND, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1526, a bill to establish the Arabia Mountain National Heritage Area in the State of Georgia, and for other purposes.

S. 1638

At the request of Mr. BOND, the name of the Senator from Missouri (Mrs.

CARNAHAN) was added as a cosponsor of S. 1638, a bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating the French Colonial Heritage Area in the State of Missouri as a unit of the National Park System, and for other purposes.

S. 1722

At the request of Mr. BAUCUS, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1722, a bill to amend the Internal Revenue Code of 1986 to simplify the application of the excise tax imposed on bows and arrows.

S. 1748

At the request of Mr. GRAMM, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1748, a bill to promote the stabilization of the economy by encouraging financial institutions to continue to support economic development including development in urban areas, through the provision of affordable insurance coverage against acts of terrorism, and for other purposes.

S. 1751

At the request of Mr. GRAMM, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1751, a bill to promote the stabilization of the economy by encouraging financial institutions to continue to support economic development, including development in urban areas, through the provision of affordable insurance coverage against acts of terrorism, and for other purposes.

S. 1769

At the request of Mrs. BOXER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1769, a bill to authorize the Secretary of the Army to carry out a project for flood protection and ecosystem restoration for Sacramento, California, and for other purposes.

S. 1787

At the request of Mr. DASCHLE, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1787, a bill to promote rural safety and improve rural law enforcement.

S. 1924

At the request of Mr. LIEBERMAN, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1924, a bill to promote charitable giving, and for other purposes.

S. 1988

At the request of Ms. LANDRIEU, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1988, a bill to authorize the American Battle Monuments Commission to establish in the State of Louisiana a memorial to honor the Buffalo Soldiers.

S. 2039

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 2039, a bill to expand aviation capacity in the Chicago area.

S. 2051

At the request of Mr. REID, the names of the Senator from Nebraska

(Mr. HAGEL), the Senator from Illinois (Mr. DURBIN), the Senator from Hawaii (Mr. INOUE), the Senator from Georgia (Mr. MILLER), and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 2051, a bill to remove a condition preventing authority for concurrent receipt of military retired pay and veterans' disability compensation from taking affect, and for other purposes.

S. 2075

At the request of Mr. BAUCUS, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 2075, a bill to facilitate the availability of electromagnetic spectrum for the deployment of wireless based services in rural areas, and for other purposes.

S. 2076

At the request of Mr. DORGAN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2076, a bill to prohibit the cloning of humans.

S.J. RES. 35

At the request of Mrs. FEINSTEIN, the names of the Senator from Alaska (Mr. MURKOWSKI), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Texas (Mr. GRAMM), and the Senator from New Hampshire (Mr. SMITH) were added as cosponsors of S.J. Res. 35, a joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

S. RES. 185

At the request of Mr. ALLEN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. Res. 185, a resolution recognizing the historical significance of the 100th anniversary of Korean immigration to the United States.

S. RES. 219

At the request of Mr. GRAHAM, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. Res. 219, a resolution expressing support for the democratically elected Government of Columbia and its efforts to counter threats from United States-designated foreign terrorist organizations.

AMENDMENT NO. 3037

At the request of Mr. TORRICELLI, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of amendment No. 3037 intended to be proposed to S. 517, a bill 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.

AMENDMENT NO. 3103

At the request of Mr. KENNEDY, the names of the Senator from Colorado (Mr. ALLARD), the Senator from Virginia (Mr. ALLEN), the Senator from Utah (Mr. BENNETT), the Senator from Nevada (Mr. ENSIGN), the Senator from Massachusetts (Mr. KERRY), the Senator from New York (Mr. SCHUMER), and the Senator from Virginia (Mr.

WARNER) were added as cosponsors of amendment No. 3103 intended to be proposed to S. 517, a bill 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.

AMENDMENT NO. 3129

At the request of Mr. BREAUX, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of amendment No. 3129 intended to be proposed to S. 517, a bill 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.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN:

S. 2139. A bill to amend the Public Health Service Act to provide grants to promote positive health behaviors in women; to the Committee on Health, Education, Labor, and Pensions.

Mr. BINGAMAN. Mr. President, the legislation I am introducing today entitled the "Community Health Workers Act of 2002" would improve access to health education and outreach services to women in medically underserved areas in the United States-New Mexico border region.

Lack of access to adequate health care and health education is a significant problem along the United States-New Mexico border. While the access problem is in part due to a lack of insurance, it is also attributable to non-financial barriers to access. These barriers include a shortage of physicians and other health professionals, and hospitals; inadequate transportation; a shortage of bilingual health information and health providers; and culturally insensitive systems of care.

This legislation would help to address the issue of access by providing \$6 million in grants to State, local, and tribal organizations, including community health centers and public health departments, for the purpose of hiring community health workers to provide health education, outreach, and referrals to women and families who otherwise would have little or no contact with health care services.

Recognizing factors such as poverty and language and cultural differences that often serve as barriers to health care access in medically underserved populations, community health workers are in a unique position to improve health outcomes and quality of care for groups that have traditionally lacked access to adequate services.

The positive benefits of the community health worker model have been documented. Research has shown that community health workers have been effective in increasing the utilization of health preventive services such as cancer screenings and medical follow up for elevated blood pressure. Prelimi-

nary investigation of a community health workers project in New Mexico suggests that community health workers also help to increase enrollment in health insurance programs such as Medicaid and the Children's Health Insurance Program, SCHIP.

According to an Institute of Medicine, IOM, report entitled, "Unequal Treatment: Confronting Racial and Ethnic Disparities in Healthcare," "community health workers offer promise as a community-based resource to increase racial and ethnic minorities' access to health care and to serve as a liaison between healthcare providers and the communities they serve."

Although the community health worker model is valued on the United States-Mexico border as well as other parts of the country that encounter challenges of meeting the health care needs of medically underserved populations, these programs often have difficulty securing adequate financial resources to maintain and expand upon their services. As a result, many of these programs are significantly limited in their ability to meet the ongoing and emerging health demands of their communities.

The IOM report also notes that "programs to support the use of community health workers . . . especially among medically underserved and racial and ethnic minority populations, should be expanded, evaluated, and replicated."

I am introducing this legislation to increase resources for a model that has shown significant promise for increasing access to quality health care and health education for families in medically underserved communities.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2139

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Community Health Workers Act of 2002".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Chronic diseases, defined as any condition that requires regular medical attention or medication, are the leading cause of death and disability for women in the United States across racial and ethnic groups.

(2) According to the National Vital Statistics Report of 2001, the 5 leading causes of death among Hispanic, American Indian, and African-American women are heart disease, cancer, diabetes, cerebrovascular disease, and unintentional injuries.

(3) Unhealthy behaviors alone lead to more than 50 percent of premature deaths in the United States.

(4) Poor diet, physical inactivity, tobacco use, and alcohol and drug abuse are the health risk behaviors that most often lead to disease, premature death, and disability, and are particularly prevalent among many groups of minority women.

(5) Over 60 percent of Hispanic and African-American women are classified as overweight and over 30 percent are classified as

obese. Over 60 percent of American Indian women are classified as obese.

(6) American Indian women have the highest mortality rates related to alcohol and drug use of all women in the United States.

(7) High poverty rates coupled with barriers to health preventive services and medical care contribute to racial and ethnic disparities in health factors, including premature death, life expectancy, risk factors associated with major diseases, and the extent and severity of illnesses.

(8) There is increasing evidence that early life experiences are associated with adult chronic disease and that prevention and intervention services provided within the community and the home may lessen the impact of chronic outcomes, while strengthening families and communities.

(9) Community health workers, who are primarily women, can be a critical component in conducting health promotion and disease prevention efforts in medically underserved populations.

(10) Recognizing the difficult barriers confronting medically underserved communities (poverty, geographic isolation, language and cultural differences, lack of transportation, low literacy, and lack of access to services), community health workers are in a unique position to reduce preventable morbidity and mortality, improve the quality of life, and increase the utilization of available preventive health services for community members.

(11) Research has shown that community health workers have been effective in significantly increasing screening and medical followup visits among residents with limited access or underutilization of health care services.

(12) States on the United States-Mexico border have high percentages of impoverished and ethnic minority populations: border States accommodate 60 percent of the total Hispanic population and 23 percent of the total population below 200 percent poverty in the United States.

SEC. 3. GRANTS TO PROMOTE POSITIVE HEALTH BEHAVIORS IN WOMEN.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

“SEC. 3990. GRANTS TO PROMOTE POSITIVE HEALTH BEHAVIORS IN WOMEN.

“(a) GRANTS AUTHORIZED.—The Secretary, in collaboration with the Director of the Centers for Disease Control and Prevention and other Federal officials determined appropriate by the Secretary, is authorized to award grants to States or local or tribal units, to promote positive health behaviors for women in target populations, especially racial and ethnic minority women in medically underserved communities.

“(b) USE OF FUNDS.—Grants awarded pursuant to subsection (a) may be used to support community health workers—

“(1) to educate, guide, and provide outreach in a community setting regarding health problems prevalent among women and especially among racial and ethnic minority women;

“(2) to educate, guide, and provide experiential learning opportunities that target behavioral risk factors including—

- “(A) poor nutrition;
- “(B) physical inactivity;
- “(C) being overweight or obese;
- “(D) tobacco use;
- “(E) alcohol and substance use;
- “(F) injury and violence;
- “(G) risky sexual behavior; and
- “(H) mental health problems;

“(3) to educate and guide regarding effective strategies to promote positive health behaviors within the family;

“(4) to educate and provide outreach regarding enrollment in health insurance including the State Children's Health Insurance Program under title XXI of the Social Security Act, medicare under title XVIII of such Act and medicaid under title XIX of such Act;

“(5) to promote community wellness and awareness; and

“(6) to educate and refer target populations to appropriate health care agencies and community-based programs and organizations in order to increase access to quality health care services, including preventive health services.

“(c) APPLICATION.—

“(1) IN GENERAL.—Each State or local or tribal unit (including federally recognized tribes and Alaska native villages) that desires to receive a grant under subsection (a) shall submit an application to the Secretary, at such time, in such manner, and accompanied by such additional information as the Secretary may require.

“(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

“(A) describe the activities for which assistance under this section is sought;

“(B) contain an assurance that with respect to each community health worker program receiving funds under the grant awarded, such program provides training and supervision to community health workers to enable such workers to provide authorized program services;

“(C) contain an assurance that the applicant will evaluate the effectiveness of community health worker programs receiving funds under the grant;

“(D) contain an assurance that each community health worker program receiving funds under the grant will provide services in the cultural context most appropriate for the individuals served by the program;

“(E) contain a plan to document and disseminate project description and results to other States and organizations as identified by the Secretary; and

“(F) describe plans to enhance the capacity of individuals to utilize health services and health-related social services under Federal, State, and local programs by—

“(i) assisting individuals in establishing eligibility under the programs and in receiving the services or other benefits of the programs; and

“(ii) providing other services as the Secretary determines to be appropriate, that may include transportation and translation services.

“(d) PRIORITY.—In awarding grants under subsection (a), the Secretary shall give priority to those applicants—

“(1) who propose to target geographic areas—

“(A) with a high percentage of residents who are eligible for health insurance but are uninsured or underinsured;

“(B) with a high percentage of families for whom English is not their primary language; and

“(C) that encompass the United States-Mexico border region;

“(2) with experience in providing health or health-related social services to individuals who are underserved with respect to such services; and

“(3) with documented community activity and experience with community health workers.

“(e) COLLABORATION WITH ACADEMIC INSTITUTIONS.—The Secretary shall encourage community health worker programs receiving funds under this section to collaborate with academic institutions. Nothing in this section shall be construed to require such collaboration.

“(f) QUALITY ASSURANCE AND COST-EFFECTIVENESS.—The Secretary shall establish guidelines for assuring the quality of the training and supervision of community health workers under the programs funded under this section and for assuring the cost-effectiveness of such programs.

“(g) MONITORING.—The Secretary shall monitor community health worker programs identified in approved applications and shall determine whether such programs are in compliance with the guidelines established under subsection (e).

“(h) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance to community health worker programs identified in approved applications with respect to planning, developing, and operating programs under the grant.

“(i) REPORT TO CONGRESS.—

“(1) IN GENERAL.—Not later than 4 years after the date on which the Secretary first awards grants under subsection (a), the Secretary shall submit to Congress a report regarding the grant program.

“(2) CONTENTS.—The report required under paragraph (1) shall include the following:

“(A) A description of the programs for which grant funds were used.

“(B) The number of individuals served.

“(C) An evaluation of—

“(i) the effectiveness of these programs;

“(ii) the cost of these programs; and

“(iii) the impact of the project on the health outcomes of the community residents.

“(D) Recommendations for sustaining the community health worker programs developed or assisted under this section.

“(E) Recommendations regarding training to enhance career opportunities for community health workers.

“(j) DEFINITIONS.—In this section:

“(1) COMMUNITY HEALTH WORKER.—The term ‘community health worker’ means an individual who promotes health or nutrition within the community in which the individual resides—

“(A) by serving as a liaison between communities and health care agencies;

“(B) by providing guidance and social assistance to community residents;

“(C) by enhancing community residents' ability to effectively communicate with health care providers;

“(D) by providing culturally and linguistically appropriate health or nutrition education;

“(E) by advocating for individual and community health or nutrition needs; and

“(F) by providing referral and followup services.

“(2) COMMUNITY SETTING.—The term ‘community setting’ means a home or a community organization located in the neighborhood in which a participant resides.

“(3) MEDICALLY UNDERSERVED COMMUNITY.—The term ‘medically underserved community’ means a community identified by a State—

“(A) that has a substantial number of individuals who are members of a medically underserved population, as defined by section 330(b)(3); and

“(B) a significant portion of which is a health professional shortage area as designated under section 332.

“(4) SUPPORT.—The term ‘support’ means the provision of training, supervision, and materials needed to effectively deliver the services described in subsection (b), reimbursement for services, and other benefits.

“(5) TARGET POPULATION.—The term ‘target population’ means women of reproductive age, regardless of their current childbearing status.

“(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to

carry out this section \$5,000,000 for each of fiscal years 2003, 2004, and 2005.”

• **Mr. KYL.** Mr. President, I rise today to introduce legislation that would provide for a five-year temporary suspension of the duty on imports of Nylon MXD6, through December 31, 2007.

Nylon MXD6 is polyamide, classified under Chapter 39 of the Harmonized Tariff Schedule of the United States, subheading 3908.10.10, HTSUS. It is a tough, transparent resin that is used by several companies throughout the U.S. to make packaging for food and other products.

Temporary duty suspensions, when properly utilized, are an effective way to confer “win-win” benefits on consumers and the economy. Suspending the duty on an imported good encourages increased supply and availability of that good, and such increases benefit U.S. consumers. So long as we first ensure that no domestic businesses will be harmed, and that the impact on Federal revenue is negligible, such temporary duty suspensions clearly make for smart trade policy.

The merits of a temporary duty-suspension bill are typically judged based on whether or not it is “non-controversial.” Such a bill is generally considered non-controversial only if there are no domestic producers who would be harmed by increased imports, and the revenue impact would be de minimis, that is, roughly \$500,000 per year or less. Based on these criteria, this bill should not be controversial. It is my understanding that there are no domestic producers of Nylon MXD6, and that the duties paid on imports of the resin have historically been at or under \$500,000.

In addition to the usual benefits of this kind of legislation, it is my understanding that the importer of Nylon MXD6, Mitsubishi Gas Chemical-America, has plans to establish a domestic production facility in the United States, and hopes to have it on-line before this proposed duty suspension would expire. Temporarily suspending the duty on the compound would help ease the company’s transition to domestic production. The planned facility, in turn, would create new U.S. manufacturing jobs and contribute to our overall economic vitality. The facility would purchase domestically one of the two principal raw materials used to make the resin, and the revenue that local, state, and federal governments would collect from a permanently established, domestic production facility are likely to far outweigh the amount that will be collected through the duties imposed under current law.

This is a good bill with no substantial costs involved. I urge my colleagues to support it.●

By Mr. McCAIN:

S. 2181. A bill to review, reform, and terminate unnecessary and inequitable Federal subsidies; to the Committee on Governmental Affairs.

• **Mr. McCAIN.** Mr. President, today, I am re-introducing legislation to establish a process to evaluate Federal subsidies and tax advantages received by corporations to ensure they are in the national interest, not the special interest. This bill, “The Corporate Subsidy Reform Commission Act,” is identical to a bill I introduced in previous years.

Because we face diminishing resources, we must prioritize our level of Federal spending. Therefore, corporate welfare simply must be eliminated.

There are more than 100 such corporate subsidy programs in the Federal budget today, requiring the Federal Government to spend approximately \$65 billion a year.

Terminating even some of these programs could save taxpayers tens of billions of dollars each year, money that could be used to cut taxes for lower-income Americans, bolster Social Security, pay down the national debt, and strengthen our military forces.

In years past, Congress has insisted that it would eliminate the existence of this corporate welfare, but virtually no such program has been eliminated. Consequently, taxpayer dollars continue to be wasted as I speak.

The Corporate Subsidy Reform Commission Act aims to remove the special treatment given to politically powerful industries and restore all taxpayers to a level playing field. It defines inequitable subsidies as those provided to corporations without a reasonable expectation that they will return a commensurate benefit to the public.

The Act excludes any subsidies that are primarily for research and development, education, public health, public safety, or the environment. Also excluded are subsidies or tax advantages necessary to comply with international trade or treaty obligations.

The Act would create a nine-member commission nominated by the President and the Congressional leadership. Federal agencies would be required to submit to the Commission, at the time of the Administration’s next budget, a list of subsidies and tax advantages that each agency believes are inequitable.

The Commission will provide recommendations to either terminate or reduce the corporate subsidies. The President has the authority under the Act to either terminate consideration of the Commission’s recommendations, or submit the Commission’s recommendations to the Congress as a legislative initiative.

The Congress would then have four months to review the Commission’s recommendations that have been endorsed by the President. At that time, the actions of all involved committees in each respective legislative body would be sent to the floor for debate, under expedited procedures.

Many Federal subsidies and special-interest tax breaks for corporations are unnecessary, and do not provide a fair return to the taxpayers who bear the heavy burden of their cost. If a cor-

poration is receiving taxpayer-funded subsidies or tax breaks that are unsupported by a compelling benefit to the public, the subsidy should be ended.

Does it make sense for the Agriculture Department to spend \$80 million a year on a program, the Market Access Program, that subsidizes the overseas advertising campaigns of cash-strapped corporations such as Pillsbury, Dole, and Jim Beam?

Why should the Commerce Department spend \$211 million a year on the Advanced Technology Program to give research grants to consortiums of some of the largest and richest high-tech companies in this Nation?

Where is the accountability to taxpayers here? They have been short-changed at the expense of the special interests. This undermines our Nation’s fiscal house, and impairs Congress’ ability to respond to truly urgent needs such as health care, education, debt reduction, and national security.

Unfortunately, the pervasive system of pork-barreling and special interest legislating is speeding along unabated in Washington. Instead of pursuing our Nation’s priorities, both parties continue to spend without accountability. During my service in the Senate, I have worked to eliminate wasteful earmarks in appropriations bills. And yet this year alone, about \$15 billion in pork barrel spending was approved by the Senate without going through any merit-based review process.

I would rather eliminate corporate subsidies and inequitable tax subsidies without resorting to a commission. But we know that the influence of the special interests will prevent that effort from succeeding unless forceful action is taken.

We need a credible process to identify corporate pork and eliminate it. This legislation is the first important step in alleviating the public burden of unnecessary corporate subsidies and tax breaks.●

By Mr. WYDEN:

S. 2182. A bill to authorize funding for computer and network security research and development and research fellowship programs, and for other purposes; to the Committee on Commerce, Science, and Transportation.

• **Mr. WYDEN.** Mr. President, Americans today live in an increasingly networked world. The system of inter-linked computer networks known as the Internet, which not so long ago was a platform used only by a relatively narrow group of academic researchers, is today a core medium of communications and commerce for many millions of Americans. According to the Commerce Department, more than half of all Americans were using the Internet by last September, and the numbers are only growing.

The spread of the Internet presents great new opportunities for the American society and economy. But there is a downside to an interconnected,

networked world: security risks. The Internet connects people not just to friends, potential customers, and sources of information, but also to would-be hackers, viruses, and cybercriminals.

Last July, after I became Chairman of the Commerce Committee's Subcommittee on Science, Technology, and Space, I chose cybersecurity as the topic for my first hearing. The message from that hearing was that cybersecurity risks are mounting. The complexity of computer networks and the breadth of functions handled online are growing faster than the country's computer security capabilities. New technologies, for example, "always on" Internet connections and wireless networking technologies, often make the problem worse, not better.

The events of September 11 make this matter even more urgent. The fact is, America needs to be prepared for the possibility that future terrorists will try to strike not our buildings, streets, or airplanes, but our critical computer networks.

Government can't provide a silver bullet solution to this problem. Ultimately, progress with respect to cybersecurity is going to require the energy and ingenuity of the entire technology sector.

But one thing government can and should do is support basic cybersecurity research, so that the country's pool of cybersecurity knowledge and expertise keeps pace with the new and constantly evolving risks. This is an area where government involvement is sorely needed.

That is why I am pleased to introduce today the Cyber Security Research and Development Act. Thanks to the leadership of Congressman SHERY BOEHLERT, this legislation has already passed the House by an overwhelming bipartisan vote. I hope the Senate will be able to follow suit soon.

This legislation, which has the widespread support of the Nation's technology sector, would significantly increase the amount of cybersecurity research in this country by creating important new research programs at the National Science Foundation, NSF, and National Institute of Standards and Technology, NIST. The NSF program would provide funding for innovative research, multidisciplinary academic centers devoted to cybersecurity, and new courses and fellowships to educate the cybersecurity experts of the future. The NIST program likewise would support cutting-edge cybersecurity research, with a special emphasis on promoting cooperative efforts between government, industry, and academia.

I believe the stakes are high. In addition to the damage that cyberattacks could cause directly, the mere threat of security breaches can cripple the ongoing development of e-commerce. If the Internet is to reach its full potential, security must be improved.

I therefore urge my colleagues to join me in making cybersecurity research

and development a top priority, and to work with me in moving this bill forward.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2182

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cyber Security Research and Development Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Revolutionary advancements in computing and communications technology have interconnected government, commercial, scientific, and educational infrastructures—including critical infrastructures for electric power, natural gas and petroleum production and distribution, telecommunications, transportation, water supply, banking and finance, and emergency and government services—in a vast, interdependent physical and electronic network.

(2) Exponential increases in interconnectivity have facilitated enhanced communications, economic growth, and the delivery of services critical to the public welfare, but have also increased the consequences of temporary or prolonged failure.

(3) A Department of Defense Joint Task Force concluded after a 1997 United States information warfare exercise that the results "clearly demonstrated our lack of preparation for a coordinated cyber and physical attack on our critical military and civilian infrastructure".

(4) Computer security technology and systems implementation lack—

(A) sufficient long term research funding;

(B) adequate coordination across Federal and State government agencies and among government, academia, and industry; and

(C) sufficient numbers of outstanding researchers in the field.

(5) Accordingly, Federal investment in computer and network security research and development must be significantly increased to—

(A) improve vulnerability assessment and technological and systems solutions;

(B) expand and improve the pool of information security professionals, including researchers, in the United States workforce; and

(C) better coordinate information sharing and collaboration among industry, government, and academic research projects.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the term "Director" means the Director of the National Science Foundation; and

(2) the term "institution of higher education" has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

SEC. 4. NATIONAL SCIENCE FOUNDATION RESEARCH.

(a) COMPUTER AND NETWORK SECURITY RESEARCH GRANTS.—

(1) IN GENERAL.—The Director shall award grants for basic research on innovative approaches to the structure of computer and network hardware and software that are aimed at enhancing computer security. Research areas may include—

(A) authentication and cryptography;

(B) computer forensics and intrusion detection;

(C) reliability of computer and network applications, middleware, operating systems, and communications infrastructure;

(D) privacy and confidentiality;

(E) firewall technology;

(F) emerging threats, including malicious such as viruses and worms;

(G) vulnerability assessments;

(H) operations and control systems management; and

(I) management of interoperable digital certificates or digital watermarking.

(2) MERIT REVIEW; COMPETITION.—Grants shall be awarded under this section on a merit-reviewed competitive basis.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation to carry out this subsection—

(A) \$35,000,000 for fiscal year 2003;

(B) \$40,000,000 for fiscal year 2004;

(C) \$46,000,000 for fiscal year 2005;

(D) \$52,000,000 for fiscal year 2006; and

(E) \$60,000,000 for fiscal year 2007.

(b) COMPUTER AND NETWORK SECURITY RESEARCH CENTERS.—

(1) IN GENERAL.—The Director shall award multiyear grants, subject to the availability of appropriations, to institutions of higher education (or consortia thereof) to establish multidisciplinary Centers for Computer and Network Security Research. Institutions of higher education (or consortia thereof) receiving such grants may partner with one or more government laboratories or for-profit institutions.

(2) MERIT REVIEW; COMPETITION.—Grants shall be awarded under this subsection on a merit-reviewed competitive basis.

(3) PURPOSE.—The purpose of the Centers shall be to generate innovative approaches to computer and network security by conducting cutting-edge, multidisciplinary research in computer and network security, including the research areas described in subsection (a)(1).

(4) APPLICATIONS.—An institution of higher education (or a consortium of such institutions) seeking funding under this subsection shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require. The application shall include, at a minimum, a description of—

(A) the research projects that will be undertaken by the Center and the contributions of each of the participating entities;

(B) how the Center will promote active collaboration among scientists and engineers from different disciplines, such as computer scientists, engineers, mathematicians, and social science researchers;

(C) how the Center will contribute to increasing the number of computer and network security researchers and other professionals; and

(D) how the center will disseminate research results quickly and widely to improve cybersecurity in information technology networks, products, and services.

(5) CRITERIA.—In evaluating the applications submitted under paragraph (4), the Director shall consider, at a minimum—

(A) the ability of the applicant to generate innovative approaches to computer and network security and effectively carry out the research program;

(B) the experience of the applicant in conducting research on computer and network security and the capacity of the applicant to foster new multidisciplinary collaborations;

(C) the capacity of the applicant to attract and provide adequate support for undergraduate and graduate students and postdoctoral fellows to pursue computer and network security research; and

(D) the extent to which the applicant will partner with government laboratories or for-profit entities, and the role the government laboratories or for-profit entities will play in the research undertaken by the Center.

(6) ANNUAL MEETING.—The Director shall convene an annual meeting of the Centers in order to foster collaboration and communication between Center participants.

(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the National Science Foundation to carry out this subsection—

- (A) \$12,000,000 for fiscal year 2003;
- (B) \$24,000,000 for fiscal year 2004;
- (C) \$36,000,000 for fiscal year 2005;
- (D) \$36,000,000 for fiscal year 2006; and
- (E) \$36,000,000 for fiscal year 2007.

SEC. 5. NATIONAL SCIENCE FOUNDATION COMPUTER AND NETWORK SECURITY PROGRAMS.

(a) COMPUTER AND NETWORK SECURITY CAPACITY BUILDING GRANTS.—

(1) IN GENERAL.—The Director shall establish a program to award grants to institutions of higher education (or consortia thereof) to establish or improve undergraduate and master's degree programs in computer and network security, to increase the number of students who pursue undergraduate or master's degrees in fields related to computer and network security, and to provide students with experience in government or industry related to their computer and network security studies.

(2) MERIT REVIEW.—Grants shall be awarded under this subsection on a merit-reviewed competitive basis.

(3) USE OF FUNDS.—Grants awarded under this subsection shall be used for activities that enhance the ability of an institution of higher education (or consortium thereof) to provide high-quality undergraduate and master's degree programs in computer and network security and to recruit and retain increased numbers of students to such programs. Activities may include—

(A) revising curriculum to better prepare undergraduate and master's degree students for careers in computer and network security;

(B) establishing degree and certificate programs in computer and network security;

(C) creating opportunities for undergraduate students to participate in computer and network security research projects;

(D) acquiring equipment necessary for student instruction in computer and network security, including the installation of testbed networks for student use;

(E) providing opportunities for faculty to work with local or Federal Government agencies, private industry, or other academic institutions to develop new expertise or to formulate new research directions in computer and network security;

(F) establishing collaborations with other academic institutions or departments that seek to establish, expand, or enhance programs in computer and network security;

(G) establishing student internships in computer and network security at government agencies or in private industry;

(H) establishing or enhancing bridge programs in computer and network security between community colleges and universities; and

(I) any other activities the Director determines will accomplish the goals of this subsection.

(4) SELECTION PROCESS.—

(A) APPLICATION.—An institution of higher education (or a consortium thereof) seeking funding under this subsection shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require. The application shall include, at a minimum—

(i) a description of the applicant's computer and network security research and instructional capacity, and in the case of an application from a consortium of institutions of higher education, a description of

the role that each member will play in implementing the proposal;

(ii) a comprehensive plan by which the institution or consortium will build instructional capacity in computer and information security;

(iii) a description of relevant collaborations with government agencies or private industry that inform the instructional program in computer and network security;

(iv) a survey of the applicant's historic student enrollment and placement data in fields related to computer and network security and a study of potential enrollment and placement for students enrolled in the proposed computer and network security program; and

(v) a plan to evaluate the success of the proposed computer and network security program, including post-graduation assessment of graduate school and job placement and retention rates as well as the relevance of the instructional program to graduate study and to the workplace.

(B) AWARDS.—(i) The Director shall ensure, to the extent practicable, that grants are awarded under this subsection in a wide range of geographic areas and categories of institutions of higher education.

(ii) The Director shall award grants under this subsection for a period not to exceed 5 years.

(5) ASSESSMENT REQUIRED.—The Director shall evaluate the program established under this subsection no later than 6 years after the establishment of the program. At a minimum, the Director shall evaluate the extent to which the grants achieved their objectives of increasing the quality and quantity of students pursuing undergraduate or master's degrees in computer and network security.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation to carry out this subsection—

- (A) \$15,000,000 for fiscal year 2003;
- (B) \$20,000,000 for fiscal year 2004;
- (C) \$20,000,000 for fiscal year 2005;
- (D) \$20,000,000 for fiscal year 2006; and
- (E) \$20,000,000 for fiscal year 2007.

(b) SCIENTIFIC AND ADVANCED TECHNOLOGY ACT OF 1992.—

(1) GRANTS.—The Director shall provide grants under the Scientific and Advanced Technology Act of 1992 for the purposes of section 3(a) and (b) of that Act, except that the activities supported pursuant to this subsection shall be limited to improving education in fields related to computer and network security.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation to carry out this subsection—

- (A) \$1,000,000 for fiscal year 2003;
- (B) \$1,250,000 for fiscal year 2004;
- (C) \$1,250,000 for fiscal year 2005;
- (D) \$1,250,000 for fiscal year 2006; and
- (E) \$1,250,000 for fiscal year 2007.

(c) GRADUATE TRAINEESHIPS IN COMPUTER AND NETWORK SECURITY RESEARCH.—

(1) IN GENERAL.—The Director shall establish a program to award grants to institutions of higher education to establish traineeship programs for graduate students who pursue computer and network security research leading to a doctorate degree by providing funding and other assistance, and by providing graduate students with research experience in government or industry related to the students' computer and network security studies.

(2) MERIT REVIEW.—Grants shall be provided under this subsection on a merit-reviewed competitive basis.

(3) USE OF FUNDS.—An institution of higher education shall use grant funds for the purposes of—

(A) providing fellowships to students who are citizens, nationals, or lawfully admitted permanent resident aliens of the United States and are pursuing research in computer or network security leading to a doctorate degree;

(B) paying tuition and fees for students receiving fellowships under subparagraph (A);

(C) establishing scientific internship programs for students receiving fellowships under subparagraph (A) in computer and network security at for-profit institutions or government laboratories; and

(D) other costs associated with the administration of the program.

(4) FELLOWSHIP AMOUNT.—Fellowships provided under paragraph (3)(A) shall be in the amount of \$25,000 per year, or the level of the National Science Foundation Graduate Research Fellowships, whichever is greater, for up to 3 years.

(5) SELECTION PROCESS.—An institution of higher education seeking funding under this subsection shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require. The application shall include, at a minimum, a description of—

(A) the instructional program and research opportunities in computer and network security available to graduate students at the applicant's institution; and

(B) the internship program to be established, including the opportunities that will be made available to students for internships at for-profit institutions and government laboratories.

(6) REVIEW OF APPLICATIONS.—In evaluating the applications submitted under paragraph (5), the Director shall consider—

(A) the ability of the applicant to effectively carry out the proposed program;

(B) the quality of the applicant's existing research and education programs;

(C) the likelihood that the program will recruit increased numbers of students to pursue and earn doctorate degrees in computer and network security;

(D) the nature and quality of the internship program established through collaborations with government laboratories and for-profit institutions;

(E) the integration of internship opportunities into graduate students' research; and

(F) the relevance of the proposed program to current and future computer and network security needs.

(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation to carry out this subsection—

- (A) \$10,000,000 for fiscal year 2003;
- (B) \$20,000,000 for fiscal year 2004;
- (C) \$20,000,000 for fiscal year 2005;
- (D) \$20,000,000 for fiscal year 2006; and
- (E) \$20,000,000 for fiscal year 2007.

(d) GRADUATE RESEARCH FELLOWSHIPS PROGRAM SUPPORT.—Computer and network security shall be included among the fields of specialization supported by the National Science Foundation's Graduate Research Fellowships program under section 10 of the National Science Foundation Act of 1950 (42 U.S.C. 1869).

SEC. 6. CONSULTATION.

In carrying out sections 4 and 5, the Director shall consult with other Federal agencies.

SEC. 7. FOSTERING RESEARCH AND EDUCATION IN COMPUTER AND NETWORK SECURITY.

Section 3(a) of the National Science Foundation Act of 1950 (42 U.S.C. 1862(a)) is amended—

(1) by striking "and" at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting ";; and"; and

(3) by adding at the end the following new paragraph:

“(8) to take a leading role in fostering and supporting research and education activities to improve the security of networked information systems.”.

SEC. 8. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY RESEARCH PROGRAM.

The National Institute of Standards and Technology Act is amended—

(1) by moving section 22 to the end of the Act and redesignating it as section 32;

(2) by inserting after section 21 the following new section:

“RESEARCH PROGRAM ON SECURITY OF COMPUTER SYSTEMS

“SEC. 22. (a) ESTABLISHMENT.—The Director shall establish a program of assistance to institutions of higher education that enter into partnerships with for-profit entities to support research to improve the security of computer systems. The partnerships may also include government laboratories. The program shall—

“(1) include multidisciplinary, long-term, high-risk research;

“(2) include research directed toward addressing needs identified through the activities of the Computer System Security and Privacy Advisory Board under section 20(f); and

“(3) promote the development of a robust research community working at the leading edge of knowledge in subject areas relevant to the security of computer systems by providing support for graduate students, post-doctoral researchers, and senior researchers.

“(b) FELLOWSHIPS.—(1) The Director is authorized to establish a program to award post-doctoral research fellowships to individuals who are citizens, nationals, or lawfully admitted permanent resident aliens of the United States and are seeking research positions at institutions, including the Institute, engaged in research activities related to the security of computer systems, including the research areas described in section 4(a)(1) of the Cyber Security Research and Development Act.

“(2) The Director is authorized to establish a program to award senior research fellowships to individuals seeking research positions at institutions, including the Institute, engaged in research activities related to the security of computer systems, including the research areas described in section 4(a)(1) of the Cyber Security Research and Development Act. Senior research fellowships shall be made available for established researchers at institutions of higher education who seek to change research fields and pursue studies related to the security of computer systems.

“(3)(A) To be eligible for an award under this subsection, an individual shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require.

“(B) Under this subsection, the Director is authorized to provide stipends for post-doctoral research fellowships at the level of the Institute's Post Doctoral Research Fellowship Program and senior research fellowships at levels consistent with support for a faculty member in a sabbatical position.

“(c) AWARDS; APPLICATIONS.—The Director is authorized to award grants or cooperative agreements to institutions of higher education to carry out the program established under subsection (a). To be eligible for an award under this section, an institution of higher education shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require. The application shall include, at a minimum, a description of—

“(1) the number of graduate students anticipated to participate in the research

project and the level of support to be provided to each;

“(2) the number of post-doctoral research positions included under the research project and the level of support to be provided to each;

“(3) the number of individuals, if any, intending to change research fields and pursue studies related to the security of computer systems to be included under the research project and the level of support to be provided to each; and

“(4) how the for-profit entities and any other partners will participate in developing and carrying out the research and education agenda of the partnership.

“(d) PROGRAM OPERATION.—(1) The program established under subsection (a) shall be managed by individuals who shall have both expertise in research related to the security of computer systems and knowledge of the vulnerabilities of existing computer systems. The Director shall designate such individuals as program managers.

“(2) Program managers designated under paragraph (1) may be new or existing employees of the Institute or individuals on assignment at the Institute under the Inter-governmental Personnel Act of 1970.

“(3) Program managers designated under paragraph (1) shall be responsible for—

“(A) establishing and publicizing the broad research goals for the program;

“(B) soliciting applications for specific research projects to address the goals developed under subparagraph (A);

“(C) selecting research projects for support under the program from among applications submitted to the Institute, following consideration of—

“(i) the novelty and scientific and technical merit of the proposed projects;

“(ii) the demonstrated capabilities of the individual or individuals submitting the applications to successfully carry out the proposed research;

“(iii) the impact the proposed projects will have on increasing the number of computer security researchers;

“(iv) the nature of the participation by for-profit entities and the extent to which the proposed projects address the concerns of industry; and

“(v) other criteria determined by the Director, based on information specified for inclusion in applications under subsection (c); and

“(D) monitoring the progress of research projects supported under the program.

“(e) REVIEW OF PROGRAM.—(1) The Director shall periodically review the portfolio of research awards monitored by each program manager designated in accordance with subsection (d). In conducting those reviews, the Director shall seek the advice of the Computer System Security and Privacy Advisory Board, established under section 21, on the appropriateness of the research goals and on the quality and utility of research projects managed by program managers in accordance with subsection (d).

“(2) The Director shall also contract with the National Research Council for a comprehensive review of the program established under subsection (a) during the 5th year of the program. Such review shall include an assessment of the scientific quality of the research conducted, the relevance of the research results obtained to the goals of the program established under subsection (d)(3)(A), and the progress of the program in promoting the development of a substantial academic research community working at the leading edge of knowledge in the field. The Director shall submit to Congress a report on the results of the review under this paragraph no later than six years after the initiation of the program.

“(f) DEFINITIONS.—For purposes of this section—

“(1) the term ‘computer system’ has the meaning given that term in section 20(d)(1); and

“(2) the term ‘institution of higher education’ has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).”;

(3) in section 20(d)(1)(B)(i) (15 U.S.C. 278g-3(d)(1)(B)(i)), by inserting “and computer networks” after “computers”.

SEC. 9. COMPUTER SECURITY REVIEW, PUBLIC MEETINGS, AND INFORMATION.

Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3) is amended by adding at the end the following new subsection:

“(f) There are authorized to be appropriated to the Secretary \$1,060,000 for fiscal year 2003 and \$1,090,000 for fiscal year 2004 to enable the Computer System Security and Privacy Advisory Board, established by section 21, to identify emerging issues, including research needs, related to computer security, privacy, and cryptography and, as appropriate, to convene public meetings on those subjects, receive presentations, and publish reports, digests, and summaries for public distribution on those subjects.”.

SEC. 10. INTRAMUTUAL SECURITY RESEARCH.

Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3) is further amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

“(d) As part of the research activities conducted in accordance with subsection (b)(4), the Institute shall—

“(1) conduct a research program to address emerging technologies associated with assembling a networked computer system from components while ensuring it maintains desired security properties;

“(2) carry out research associated with improving the security of real-time computing and communications systems for use in process control; and

“(3) carry out multidisciplinary, long-term, high-risk research on ways to improve the security of computer systems.”.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Commerce for the National Institute of Standards and Technology—

(1) for activities under section 22 of the National Institute of Standards and Technology Act, as added by section 8 of this Act—

(A) \$25,000,000 for fiscal year 2003;

(B) \$40,000,000 for fiscal year 2004;

(C) \$55,000,000 for fiscal year 2005;

(D) \$70,000,000 for fiscal year 2006;

(E) \$85,000,000 for fiscal year 2007; and

(F) such sums as may be necessary for fiscal years 2008 through 2012; and

(2) for activities under section 20(d) of the National Institute of Standards and Technology Act, as added by section 10 of this Act—

(A) \$6,000,000 for fiscal year 2003;

(B) \$6,200,000 for fiscal year 2004;

(C) \$6,400,000 for fiscal year 2005;

(D) \$6,600,000 for fiscal year 2006; and

(E) \$6,800,000 for fiscal year 2007.

SEC. 12. NATIONAL ACADEMY OF SCIENCES STUDY ON COMPUTER AND NETWORK SECURITY IN CRITICAL INFRASTRUCTURES.

(a) STUDY.—Not later than 3 months after the date of the enactment of this Act, the Director of the National Institute of Standards and Technology shall enter into an arrangement with the National Research Council of the National Academy of Sciences to conduct a study of the vulnerabilities of the

Nation's network infrastructure and make recommendations for appropriate improvements. The National Research Council shall—

(1) review existing studies and associated data on the architectural, hardware, and software vulnerabilities and interdependencies in United States critical infrastructure networks;

(2) identify and assess gaps in technical capability for robust critical infrastructure network security, and make recommendations for research priorities and resource requirements; and

(3) review any and all other essential elements of computer and network security, including security of industrial process controls, to be determined in the conduct of the study.

(b) **REPORT.**—The Director of the National Institute of Standards and Technology shall transmit a report containing the results of the study and recommendations required by subsection (a) to the Congress not later than 21 months after the date of enactment of this Act.

(c) **SECURITY.**—The Director of the National Institute of Standards and Technology shall ensure that no information that is classified is included in any publicly released version of the report required by this section.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary of Commerce for the National Institute of Standards and Technology for the purposes of carrying out this section, \$700,000.●

By Mr. HUTCHINSON:

S. 2183. A bill to provide emergency agricultural assistance to producers of the 2002 crop; to the Committee on Agriculture, Nutrition, and Forestry.

● Mr. HUTCHINSON. Mr. President, I ask unanimous consent that a copy of the "Emergency Agricultural Assistance Act of 2002", which I am introducing today be printed in the RECORD.

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

S. 2183

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the "Emergency Agricultural Assistance Act of 2002".

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

Sec. 1. Short title; table of contents.

TITLE I—MARKET LOSS ASSISTANCE

Sec. 101. Market loss assistance.

Sec. 102. Oilseeds.

Sec. 103. Peanuts.

Sec. 104. Honey.

Sec. 105. Wool and mohair.

Sec. 106. Cottonseed.

Sec. 107. Specialty crops.

Sec. 108. Loan deficiency payments.

Sec. 109. Payments in lieu of loan deficiency payments for grazed acreage.

Sec. 110. Milk.

Sec. 111. Pulse crops.

Sec. 112. Tobacco.

Sec. 113. Livestock feed assistance program.

Sec. 114. Increase in payment limitations regarding loan deficiency payments and marketing loan gains.

TITLE II—ADMINISTRATION

Sec. 201. Obligation period.

Sec. 202. Commodity Credit Corporation.

Sec. 203. Regulations.

TITLE I—MARKET LOSS ASSISTANCE

SEC. 101. MARKET LOSS ASSISTANCE.

(a) **IN GENERAL.**—The Secretary of Agriculture (referred to in this Act as the "Secretary") shall, to the maximum extent practicable, use \$5,603,000,000 of funds of the Commodity Credit Corporation to make a market loss assistance payment to owners and producers on a farm that are eligible for a final payment for fiscal year 2002 under a production flexibility contract for the farm under the Agricultural Market Transition Act (7 U.S.C. 7201 et seq.).

(b) **AMOUNT.**—The amount of assistance made available to owners and producers on a farm under this section shall be proportionate to the amount of the total contract payments received by the owners and producers for fiscal year 2002 under a production flexibility contract for the farm under the Agricultural Market Transition Act.

SEC. 102. OILSEEDS.

(a) **IN GENERAL.**—The Secretary shall use \$466,000,000 of funds of the Commodity Credit Corporation to make payments to producers that planted a 2002 crop of oilseeds (as defined in section 102 of the Agricultural Market Transition Act (7 U.S.C. 7202)).

(b) **COMPUTATION.**—A payment to producers on a farm under this section for an oilseed shall be equal to the product obtained by multiplying—

(1) a payment rate determined by the Secretary;

(2) the acreage determined under subsection (c); and

(3) the yield determined under subsection (d).

(c) **ACREAGE.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the acreage of the producers on the farm for an oilseed under subsection (b)(2) shall be equal to the number of acres planted to the oilseed by the producers on the farm during the 1999, 2000, or 2001 crop year, whichever is greatest, as determined by the Secretary.

(2) **NEW PRODUCERS.**—In the case of producers on a farm that planted acreage to a type of oilseed during the 2002 crop year but not the 1999, 2000, or 2001 crop year, the acreage of the producers for the type of oilseed under subsection (b)(2) shall be equal to the number of acres planted to the type of oilseed by the producers on the farm during the 2002 crop year, as determined by the Secretary.

(d) **YIELD.**—

(1) **SOYBEANS.**—Except as provided in paragraph (3), in the case of soybeans, the yield of the producers on a farm under subsection (b)(3) shall be equal to the greater of—

(A) the average county yield per harvested acre for each of the 1997 through 2001 crop years, excluding the crop year with the greatest yield per harvested acre and the crop year with the lowest yield per harvested acre; or

(B) the actual yield of the producers on the farm for the 1999, 2000, or 2001 crop year, as determined by the Secretary.

(2) **OTHER OILSEEDS.**—Except as provided in paragraph (3), in the case of oilseeds other than soybeans, the yield of the producers on a farm under subsection (b)(3) shall be equal to the greater of—

(A) the average national yield per harvested acre for each of the 1997 through 2001 crop years, excluding the crop year with the greatest yield per harvested acre and the crop year with the lowest yield per harvested acre; or

(B) the actual yield of the producers on the farm for the 1999, 2000, or 2001 crop year, as determined by the Secretary.

(3) **NEW PRODUCERS.**—In the case of producers on a farm that planted acreage to a type of an oilseed during the 2002 crop year but not the 1999, 2000, or 2001 crop year, the yield of the producers on a farm under subsection (b)(3) shall be equal to the greater of—

(A) the average county yield per harvested acre for each of the 1997 through 2001 crop years, excluding the crop year with the greatest yield per harvested acre and the crop year with the lowest yield per harvested acre; or

(B) the actual yield of the producers on the farm for the 2002 crop year.

(4) **DATA SOURCE.**—To the maximum extent available, the Secretary shall use data provided by the National Agricultural Statistics Service to carry out this subsection.

SEC. 103. PEANUTS.

(a) **IN GENERAL.**—The Secretary shall use not more than \$55,000,000 of funds of the Commodity Credit Corporation to provide payments to producers of quota peanuts or additional peanuts to partially compensate the producers for continuing low commodity prices, and increasing costs of production, for the 2002 crop year.

(b) **AMOUNT.**—The amount of a payment made to producers on a farm of quota peanuts or additional peanuts under subsection (a) shall be equal to the product obtained by multiplying—

(1) the quantity of quota peanuts or additional peanuts produced or considered produced on the farm during the 2002 crop year; and

(2) a payment rate equal to—

(A) in the case of quota peanuts, \$30.50 per ton; and

(B) in the case of additional peanuts, \$16.00 per ton.

(c) **LOSSES.**—The Secretary shall use such sums of the Commodity Credit Corporation as are necessary to offset losses for the 2001 crop of peanuts described in section 155(d) of the Agricultural Market Transition Act (7 U.S.C. 7271(d)).

SEC. 104. HONEY.

(a) **IN GENERAL.**—The Secretary shall use \$93,000,000 of funds of the Commodity Credit Corporation to make available recourse loans to producers of the 2002 crop of honey on fair and reasonable terms and conditions, as determined by the Secretary.

(b) **LOAN RATE.**—The loan rate for a loan under subsection (a) shall be equal to 85 percent of the average price of honey during the 5-crop year period preceding the 2002 crop year, excluding the crop year in which the average price of honey was the highest and the crop year in which the average price of honey was the lowest in the period.

(c) **TERM OF LOAN.**—A loan under this section shall have a term of 9 months beginning on the first day of the first month after the month in which the loan is made.

SEC. 105. WOOL AND MOHAIR.

(a) **IN GENERAL.**—The Secretary shall use \$10,000,000 of funds of the Commodity Credit Corporation to provide a supplemental payment under section 814 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (114 Stat. 1549, 1549A-55), to producers of wool, and producers of mohair, for the 2002 marketing year that received a payment under that section.

(b) **PAYMENT RATE.**—The Secretary shall adjust the payment rate specified in that section to reflect the amount made available for payments under this section.

SEC. 106. COTTONSEED.

The Secretary shall use \$100,000,000 of funds of the Commodity Credit Corporation to provide assistance to producers and first-handlers of the 2002 crop of cottonseed.

SEC. 107. SPECIALTY CROPS.

(a) **DEFINITION OF SPECIALTY CROP.**—In this section, the term “specialty crop” means any agricultural commodity, other than wheat, feed grains, oilseeds, cotton, rice, peanuts, or tobacco.

(b) **GRANTS.**—The Secretary shall use \$150,000,000 of funds of the Commodity Credit Corporation to make a grant to each State in an amount that represents the proportion that—

(1) the value of specialty crop production in the State; bears to

(2) the value of specialty crop production in all States.

(c) **USE.**—As a condition of the receipt of a grant under this section, a State shall agree to use the grant to support specialty crops.

(d) **PURCHASES FOR SCHOOL NUTRITION PROGRAMS.**—The Secretary shall use not less than \$55,000,000 of the funds made available under subsection (a) to purchase agricultural commodities of the type distributed under section 6(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1755(a)) for distribution to schools and service institutions in accordance with section 6(a) of that Act.

SEC. 108. LOAN DEFICIENCY PAYMENTS.

Section 135 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7235) is amended—

(1) in subsection (a)(2), by striking “the 2000 crop year” and inserting “each of the 2000 through 2002 crop years”; and

(2) by striking subsections (e) and (f) and inserting the following:

“(e) **BENEFICIAL INTEREST.**—

“(1) **IN GENERAL.**—A producer shall be eligible for a payment for a loan commodity under this section only if the producer has a beneficial interest in the loan commodity, as determined by the Secretary.

“(2) **APPLICATION.**—The Secretary shall make a payment under this section to the producers on a farm with respect to a quantity of a loan commodity as of the earlier of—

“(A) the date on which the producers on the farm marketed or otherwise lost beneficial interest in the loan commodity, as determined by the Secretary; or

“(B) the date the producers on the farm request the payment.”.

SEC. 109. PAYMENTS IN LIEU OF LOAN DEFICIENCY PAYMENTS FOR GRAZED ACREAGE.

(a) **IN GENERAL.**—Subtitle C of title I of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7231 et seq.) is amended by adding at the end the following:

“SEC. 138. PAYMENTS IN LIEU OF LOAN DEFICIENCY PAYMENTS FOR GRAZED ACREAGE.

“(a) **IN GENERAL.**—For the 2002 crop of wheat, grain sorghum, barley, and oats, in the case of the producers on a farm that would be eligible for a loan deficiency payment under section 135 for wheat, grain sorghum, barley, or oats, but that elects to use acreage planted to the wheat, grain sorghum, barley, or oats for the grazing of livestock, the Secretary shall make a payment to the producers on the farm under this section if the producers on the farm enter into an agreement with the Secretary to forgo any other harvesting of the wheat, grain sorghum, barley, or oats on the acreage.

“(b) **PAYMENT AMOUNT.**—The amount of a payment made to the producers on a farm under this section shall be equal to the amount obtained by multiplying—

“(1) the loan deficiency payment rate determined under section 135(c) in effect, as of the date of the agreement, for the county in which the farm is located; by

“(2) the payment quantity obtained by multiplying—

“(A) the quantity of the grazed acreage on the farm with respect to which the producers on the farm elect to forgo harvesting of wheat, grain sorghum, barley, or oats; and

“(B) the payment yield for that contract commodity on the farm.

“(c) **TIME, MANNER, AND AVAILABILITY OF PAYMENT.**—

“(1) **TIME AND MANNER.**—A payment under this section shall be made at the same time and in the same manner as loan deficiency payments are made under section 135.

“(2) **AVAILABILITY.**—The Secretary shall establish an availability period for the payment authorized by this section that is consistent with the availability period for wheat, grain sorghum, barley, and oats established by the Secretary for marketing assistance loans authorized by this subtitle.

“(d) **PROHIBITION ON CROP INSURANCE OR NONINSURED CROP ASSISTANCE.**—The producers on a farm shall not be eligible for insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) or noninsured crop assistance under section 196 with respect to a crop of wheat, grain sorghum, barley, or oats planted on acreage that the producers on the farm elect, in the agreement required by subsection (a), to use for the grazing of livestock in lieu of any other harvesting of the crop.”.

SEC. 110. MILK.

Section 141 of the Agricultural Market Transition Act (7 U.S.C. 7251) is amended by striking “May 31, 2002” each place it appears and inserting “December 31, 2002”.

SEC. 111. PULSE CROPS.

(a) **IN GENERAL.**—The Secretary shall use \$20,000,000 of funds of the Commodity Credit Corporation to provide assistance in the form of a market loss assistance payment to owners and producers on a farm that grow a 2002 crop of dry peas, lentils, or chickpeas (collectively referred to in this section as a “pulse crop”).

(b) **COMPUTATION.**—A payment to owners and producers on a farm under this section for a pulse crop shall be equal to the product obtained by multiplying—

(1) a payment rate determined by the Secretary; by

(2) the acreage of the producers on the farm for the pulse crop determined under subsection (c).

(c) **ACREAGE.**—

(1) **IN GENERAL.**—The acreage of the producers on the farm for a pulse crop under subsection (b)(2) shall be equal to the number of acres planted to the pulse crop by the owners and producers on the farm during the 1999, 2000, or 2001 crop year, whichever is greatest.

(2) **BASIS.**—For the purpose of paragraph (1), the number of acres planted to a pulse crop by the owners and producers on the farm for a crop year shall be based on (as determined by the Secretary)—

(A) the number of acres planted to the pulse crop for the crop year by the owners and producers on the farm, including any acreage that is included in reports that are filed late; or

(B) the number of acres planted to the pulse crop for the crop year for the purpose of the Federal crop insurance program established under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

SEC. 112. TOBACCO.

(a) **PAYMENTS.**—The Secretary shall use \$100,000,000 of funds of the Commodity Credit Corporation to provide supplemental payments to owners, controllers, and growers of tobacco for which a basic quota or allotment is established for the 2002 crop year under part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.), as determined by the Secretary.

(b) **LOAN FORFEITURES.**—Notwithstanding sections 106 through 106B of the Agricultural Act of 1949 (7 U.S.C. 1445 through 1445-2)—

(1) a producer-owned cooperative marketing association may fully settle (without further cost to the Association) a loan made for each of the 2000 and 2001 crops of types 21, 22, 23, 35, 36, and 37 of an agricultural commodity under sections 106 through 106B of that Act by forfeiting to the Commodity Credit Corporation the agricultural commodity covered by the loan regardless of the condition of the commodity;

(2) any losses to the Commodity Credit Corporation as a result of paragraph (1)—

(A) shall not be charged to the Account (as defined in section 106B(a) of that Act); and

(B) shall not affect the amount of any assessment imposed against the commodity under sections 106 through 106B of that Act; and

(3) the commodity forfeited pursuant to this subsection—

(A) shall not be counted for the purposes of any determination for any year pursuant to section 319 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314e); and

(B) may be disposed of in a manner determined by the Secretary of Agriculture, except that the commodity may not be sold for use in the United States for human consumption.

SEC. 113. LIVESTOCK FEED ASSISTANCE PROGRAM.

The Secretary shall use \$500,000,000 of funds of the Commodity Credit Corporation to provide livestock feed assistance to livestock producers affected by disasters during calendar year 2001 or 2002.

SEC. 114. INCREASE IN PAYMENT LIMITATIONS REGARDING LOAN DEFICIENCY PAYMENTS AND MARKETING LOAN GAINS.

Notwithstanding section 1001(2) of the Food Security Act of 1985 (7 U.S.C. 1308(1)), the total amount of the payments specified in section 1001(3) of that Act (7 U.S.C. 1308(3)) that a person shall be entitled to receive for 1 or more contract commodities and oilseeds under the Agricultural Market Transition Act (7 U.S.C. 7201 et seq.) during the 2002 crop year may not exceed \$150,000.

TITLE II—ADMINISTRATION**SEC. 201. OBLIGATION PERIOD.**

The Secretary and the Commodity Credit Corporation shall obligate funds only during fiscal year 2002 to carry out this Act and the amendments made by this Act (other than sections 106, 107, and 110).

SEC. 202. COMMODITY CREDIT CORPORATION.

Except as otherwise provided in this Act, the Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this Act.

SEC. 203. REGULATIONS.

(a) **IN GENERAL.**—The Secretary may promulgate such regulations as are necessary to implement this Act and the amendments made by this Act.

(b) **PROCEDURE.**—The promulgation of the regulations and administration of the amendments made by this Act shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the “Paperwork Reduction Act”).

(c) **CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.**—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.●

By Mr. BREAUX (for himself, Mr. SPECTER, Mrs. LINCOLN, Ms. LANDRIEU, Mr. CLELAND, Mr. JOHNSON, Mr. BAUCUS, Mr. BAYH, Mrs. CLINTON, Mr. DODD, Mr. EDWARDS, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. KENNEDY, Mr. LIEBERMAN, Mrs. MURRAY, Ms. STABENOW, Mr. WELLSTONE, Mr. LEVIN, Mr. BINGAMAN, Mr. REED, Mr. HARKIN, Ms. MIKULSKI, Mr. DURBIN, Mr. JEFFORDS, Mr. DAYTON, and Ms. CANTWELL):

S. 2184. A bill to provide for the reissuance of a rule relating to ergonomics; to the Committee on Health, Education, Labor, and Pensions.

Mr. SPECTER. Mr. President, I have sought recognition today to join my colleague Senator BREAUX in introducing legislation which would require the Secretary of Labor to issue a new ergonomics standard within two years of the bill's enactment. The measure is similar to legislation I cosponsored last year, S. 598, but includes additional provisions to ensure that a truly protective standard is issued.

Following the overturning of the Clinton Administration's proposed ergonomics regulation by Congress in 2001, I expected the Department of Labor to issue a new rule to protect our Nation's workers. Rather than implement a new standard, however, the Department unveiled an ergonomics plan on April 5, 2002, that calls for voluntary industry guidelines, enforcement measures, and workplace outreach. I have concern that such an approach adequately addresses the safety of our Nation's workforce.

I voted in favor of the Joint Resolution of Disapproval of the proposed ergonomics standard because I had concerns over its potential cost and complexity. Last year, as Chairman of the Labor, Health and Human Services and Education Appropriations Subcommittee, I held two hearings on this contentious matter where I heard from witnesses on both sides of the debate. They testified that the potential costs of the rule ranged from \$4.5 billion to as much as \$1 trillion. There was also considerable disagreement over whether the regulation needed to be as complex as it was. I came away from these hearings with the conclusion that there was a need for promoting worker safety. But I was also concerned as to whether the entire matter ought to be substantially simpler.

I firmly believe that the best way to protect our Nation's workers from work-related musculoskeletal disorders and workplace hazards is for the Department of Labor to issue a new ergonomics standard, but one that is substantially simpler than the rule overturned last year. I had hoped that the Department would take action on its own to issue a new rule, and Secretary of Labor Elaine L. Chao left open this possibility in response to an inquiry I made prior to the ergonomics

vote. She stated in a March 6, 2001, letter to me:

Let me assure you that in the event a Joint Resolution of Disapproval becomes law, I intend to pursue a comprehensive approach to ergonomics which may include new rulemaking that addresses the concerns levied against the current standard.

The key word in her response was "may," and I remain disappointed that the plan put forward by the Department of Labor does not include such a new rulemaking. For that reason, I believe it is important to press ahead with today's legislation.

• Mr. WELLSTONE. Mr. President, I am pleased to join as an original cosponsor of S. 2184, which provides for reissuance by the Department of Labor of a rule to prevent repetitive stress injuries. Too much time has passed with too little action on what is acknowledged to be the most critical workplace safety issue we face. After a year of inaction and delay, it is clear that this Administration is not serious about protecting workers from repetitive stress injury hazards in the workplace. Congress must now step in and require the Department to act.

This is a problem that affects countless numbers of workers. Each year, roughly 1.8 million workers suffer repetitive stress injuries on the job. That translates to 5000 injured workers a day, one worker injured every 18 seconds. Women suffer disproportionately from repetitive stress injuries. In particular, 67 percent of reported carpal tunnel cases and 61 percent of tendonitis cases are women, even though women comprise only 46 percent of the work force and account for only 33 percent of total workplace injuries.

Notwithstanding the gravity of the problem, this Administration and its Republican allies in Congress saw fit to overturn the ten years of effort that went into developing an OSHA standard for protecting workers from repetitive stress injury hazards in the workplace. In its place, Secretary of Labor Chao and President Bush promised a "comprehensive plan" to combat this serious workplace safety issue.

Yet after months of delays and inaction, what the Department of Labor has now produced is a sham. It's emphasis on voluntariness, toothless enforcement, and unnecessary and duplicative research in my view turns the clock back to before the first Bush Administration when Secretary of Labor Lynn Martin initiated the repetitive stress injury rulemaking proceeding.

Voluntary approaches alone have not protected workers from repetitive stress injuries. OSHA itself reports that only 16 percent of employers in general industry have put in place ergonomic programs to reduce hazards. Each year 1.8 million workers suffer repetitive stress injuries and recent Bureau of Labor Statistics reports show that injury numbers and rates are increasing, particularly in high risk industries and occupations.

We have been as patient as possible with this Administration, but it is clear that they have no intention of addressing this problem in a serious manner. Time is running out for the millions of workers at risk of repetitive stress injury. Congress must act now. And we must act decisively.

The bill we introduce today is a balanced approach to fashioning a repetitive stress injury standard that will benefit all workers. In particular it requires the Department of Labor to issue, within two years, a standard for addressing work-related repetitive stress injuries and workplace ergonomic hazards. The bill requires the new standard to describe in clear terms when an employer is required to take action, what actions the employer must take, and when an employer is in compliance with the standard. Under the bill's terms the new standard must emphasize prevention and cover workers at risk only where measures exist to control the hazards that are both economically and technologically feasible. The standard must be based on the best available evidence and employer experience with effective practices. Finally, the bill clarifies that the new rule cannot expand the application of state workers' compensation laws, it requires the Department of Labor to issue information and training materials, and provides the Department with authority and flexibility to issue an appropriate standard.

In sum, this bill represents a balanced and comprehensive approach to dealing with the most serious workplace safety issue we face. I urge my colleagues to join me in supporting this measure. Action on the issue of repetitive stress injury is long overdue. •

By Mr. CLELAND:

S. 2185. A bill to amend the Employee Retirement Income Security Act of 1974 to provide workers with individual account plans with information on how the assets in their accounts are invested and of the need to diversify the investment of the assets; to the Committee on Health, Education, Labor, and Pensions.

• Mr. CLELAND. Mr. President, today I am introducing a bill designed to promote investor education. The collapse of Enron has left Congress searching for answers as to how such a disaster could have happened and how it can be prevented from happening in the future. I serve on both the Commerce and Governmental Affairs Committees which are investigating Enron and a central concept I have taken away from these investigations is the importance of ensuring that investors have adequate and current information regarding their retirement plans. Employees need to be armed with knowledge in order to protect themselves and their hard earned retirement savings.

My bill would require that employee investors in company 401(k) plans receive quarterly reports detailing the contents of their 401(k) plans. Under

current law, employers are only required to provide annual reports with a statement of benefits accrued under the plan. Enron certainly illustrates what a difference a year makes. Employees should have timely access to information about their 401(k) plan, enabling them to make choices in their investments. My bill would require that employees receive quarterly reports with a specific listing of: 1. the fair market value of the assets of each investment option; 2. the percentage of plan investment in each asset; and 3. the percentage of investments in employer securities and how much of that investment came from employee contributions.

My bill would also require that quarterly reports contain a "warning label" informing employees of the potential danger of investing too heavily in employer stock. I believe that employees should have the ability to choose how to invest and diversify their own 401(k) plan. However, I also believe employees should be able to make informed choices. Providing employees with the basic information that investing too heavily in any one security, including their own company stock, violates commonly accepted investing principles is simple common sense. Thus, my bill requires that a warning label be provided to employees upon enrollment in a plan and included in quarterly reports that reads: Under commonly accepted principles of good investment advice, a retirement account should be invested in a broadly diversified portfolio of stocks and bonds. It is unwise for employees to hold significant concentrations of employer stock in an account that is meant for retirement savings.

We may not be able to prevent company executives from lying, cheating and stealing like the executives of Enron, though we should ensure a climate of strict enforcement to deter such behavior. However, we can arm employees with the information and tools to protect themselves and their retirement savings. I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2186

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

SECTION 1. INDIVIDUAL ACCOUNT PLANS REQUIRED TO GIVE PARTICIPANTS ADEQUATE INFORMATION TO ASSIST THEM IN DIVERSIFYING PENSION ASSETS.

(a) IN GENERAL.—Section 104 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1024) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively, and

(2) by inserting after subsection (b) the following new subsection:

“(c)(1) The plan administrator of an applicable individual account plan shall, within a reasonable period of time following the close of each calendar quarter, provide to each participant or beneficiary a statement with

respect to his or her individual account which includes—

“(A) the fair market value as of the close of such quarter of the assets in the account in each investment option,

“(B) the percentage as of such calendar quarter of assets which each investment option is of the total assets in the account,

“(C) the percentage of the investment in employer securities which came from employer contributions other than elective deferrals (and earnings thereon) and which came from employee contributions and elective deferrals (and earnings thereon), and

“(D) such other information as the Secretary may prescribe.

“(2)(A) Each statement shall also include a separate statement which is prominently displayed and which reads as follows:

“Under commonly accepted principles of good investment advice, a retirement account should be invested in a broadly diversified portfolio of stocks and bonds. It is unwise for employees to hold significant concentrations of employer stock in an account that is meant for retirement savings”.

“(B) The plan administrator of an applicable individual account plan shall provide the separate statement described in subparagraph (A) to an individual at the time the individual first becomes a participant in the plan.

“(3) Any statement or notice under this subsection shall be written in a manner calculated to be understood by the average plan participant.

“(4) For purposes of this subsection—

“(A) The term ‘applicable individual account plan’ means an individual account plan to which section 404(c)(1) applies.

“(B) The term ‘elective deferrals’ has the meaning given such term by section 402(g)(3) of such Code.

“(C) The term ‘employer securities’ has the meaning given such term by section 407(d)(1).”

(b) ENFORCEMENT.—Section 502(c)(1) of such Act (29 U.S.C. 1132(c)(1)) is amended by striking “or section 101(e)(1)” and inserting “, section 101(e)(1), or section 104(c)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar quarters beginning on and after January 1, 2003.●

By Mr. ROCKEFELLER (by request):

S. 2186. A bill to amend title 38, United States Code, to establish a new Assistant Secretary to perform operations, preparedness, security and law enforcement functions, and for other purposes; to the Committee on Veterans' Affairs.

● Mr. ROCKEFELLER. Mr. President, today I introduce legislation requested by the Secretary of Veterans Affairs, as a courtesy to the Secretary and the Department of Veterans Affairs, VA. Except in unusual circumstances, it is my practice to introduce legislation requested by the Administration so that such measures will be available for review and consideration.

This “by-request” bill would allow VA to create an office, directed by an Assistant Secretary, to address operations, preparedness, security, and law enforcement functions. With the increased focus on homeland security has come increased emphasis on the role that VA is expected to play in providing medical care to veterans, active duty military personnel, and civilians

during disasters. In order to improve emergency preparedness without sacrificing its primary mission, caring for the Nation's veterans, the Secretary has proposed creating an Office of Operations, Security, and Preparedness to help coordinate preparedness strategies, both within VA and with other Federal, State, and local agencies.

I ask unanimous consent that the text of the bill and Secretary Principi's transmittal letter that accompanied the draft legislation be printed in the RECORD.

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

S. 2186

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

SECTION 1. SHORT TITLE.

SHORT TITLE.—This Act may be cited as the “Department of Veterans Affairs Reorganization Act of 2002”.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 3. INCREASE THE NUMBER OF AUTHORIZED ASSISTANT SECRETARIES; REVISION OF FUNCTIONS.

Section 308 is amended:

(a) in subsection (a) by substituting “seven” for “six” in the first sentence.

(b) by adding to the end of subsection (b) the following new paragraph (11):

“(11) Operations, preparedness, security and law enforcement functions.”

SEC. 4. CONFORMING AMENDMENT TO TITLE 5, UNITED STATES CODE.

Section 5315 of title 5, United States Code, is amended by changing “Assistant Secretaries, Department of Veterans Affairs (6)” to “Assistant Secretaries, Department of Veterans Affairs (7)”.

THE SECRETARY OF VETERANS AFFAIRS,

Washington, April 12, 2002.

Hon. RICHARD B. CHENEY,

President of the Senate,

Washington, DC.

DEAR MR. PRESIDENT: There is transmitted herein a draft bill “To amend title 38, United States Code, to increase the number of certain Officers to perform operations, preparedness, security and law enforcement functions, and for other purposes.” We request that it be referred to the appropriate committee for prompt consideration and enactment.

America has entered into an extended war against terrorism in which the front lines include the home front as well as the foreign battlefield. The tragic events of September 11, 2001, served as a reminder that terrorists are willing and able to attack our civilian population, our centers for military command and control, and our economic system. The anthrax attacks that surfaced during October underscored our nation's vulnerability to asymmetric attacks.

National Defense and Homeland Security Offices project that terrorist attacks on the United States will continue. Terrorists may use any lethal means against domestic targets, including chemical, biological, radiological, or kinetic devices. Moreover, we can assume that terrorists and other entities supporting terrorists may use chemical or

biological weapons against U.S. military members engaged in combat operations. VA must anticipate military casualties in numbers or of a type that could tax the Department of Defense (DOD) medical system. Additionally, the United States can expect terrorists to attempt to degrade our national infrastructure by any means available to them, including sabotage and cyber warfare.

Congress has assigned to the Department of Veterans Affairs statutory functions for response to terrorist attacks and other emergencies and disasters, that are especially challenging, particularly when compared with those of some other executive branch agencies. The statutory functions include the duty to provide medical services to military personnel referred in time of war by the Department of Defense; responsibilities in four emergency support functions, as tasked under the Federal Response Plan by the Federal Emergency Management Agency under the Stafford Act; and the role of providing care to members of the community during emergencies on a humanitarian basis.

We can properly perform these responsibilities, however, only in a way that ensures the effective continuity of VA's primary mission of serving veterans.

The Department of Veterans Affairs (VA or the Department) has emerged from the events of the past few months with a heightened commitment to our statutory roles as a key support agency for disaster response and mitigation, including response to the use of nuclear, chemical, or biological weapons of mass destruction (WMD), as well as its traditional Federal Response Plan roles. Since September 11, VA has joined with other Federal agencies in greatly expanded inter-agency work. The necessary time commitment will expand further as the Homeland Security Council (HSC), Federal Emergency Management Agency (FEMA), Department of Health and Human Services (HHS), and Department of Defense (DoD) programs become fully operational and expand, and VA is asked to provide additional support.

In response, VA is reorganizing certain of its elements in order to best meet its responsibility to protect veterans, employees, and visitors to its facilities, to assure the continuity of veterans' services, while at the same time providing enhanced emergency preparedness and planning. These responsibilities, which in recent months have become even more imperative, belong to VA as a whole. They thus transcend the Administrations and the staff offices. To help ensure the Department as a whole meets these broad responsibilities, VA needs a separate, and a separately accountable, coordinating and policymaking entity. This reorganization creates a new Office of Operations, Security & Preparedness (OSP) to carry out Operations, Preparedness, Security and Law Enforcement functions. VA's experiences during the last several months of increased emergency management activities demonstrate that OSP requirements are full-time activities for an Assistant Secretary. In order to provide appropriate leadership and accountability, the reorganization places OSP under a new Assistant Secretary. Executive Branch requirements, as well as the strategic and day-to-day requirements of OSP are significant and require a full-time Assistant Secretary to provide the necessary level of executive representation and leadership and to meet time demands.

To support the establishment of this new organization, this draft bill would amend section 308 of title 38, United States Code, to increase the number of Assistant Secretaries from six to seven and would add Operations, Preparedness, Security and Law Enforcement functions to the functions and duties to be assigned to the Assistant Secretaries.

The proposed OSP will enable the Department and its three administrations—Veterans Health Administration (VHA), Veterans Benefits Administration (VBA), and National Cemetery Administration (NCA)—to operate more cohesively in this new, uncertain environment, and will help assure continuity of operations in the event of an emergency situation. OSP will:

(a) Ensure that operational readiness and emergency preparedness activities enhance VA's ability to continue its ongoing services (Continuity of Operations);

(b) Coordinate and execute emergency preparedness and crisis response activities both VA-wide and with other Federal, State, local and relief agencies;

(c) Develop and maintain an effective working relationship with the newly established US Office of Homeland Security and reinforce existing relationships with the Department of Defense (DOD), Federal Emergency Management Agency, Department of Health and Human Services, Centers for Disease Control and Prevention, Department of Justice, and other agencies actively involved in continuity of government, counter-terrorism and homeland defense;

(d) Ensure enforcement of the law and oversee the protection of employees and veterans using VA facilities while ensuring the physical security of VA's infrastructure;

(e) Evaluate preparedness programs and develop Department-wide training programs that enhance VA's readiness and exercises.

The creation of this new organization will shift responsibility for emergency preparedness, continuity of operations, continuity of government, law enforcement, physical security, and personnel security programs from the Office of the Assistant Secretary for Human Resources and Administration (HR&A) to OSP. The Office of Security & Law Enforcement (S&LE) will be transferred from HR&A to OSP. In addition, all or part of the following functions and offices will transfer from VHA's Emergency Management Strategic Healthcare Group (EMSHG) to OSP: DOD contingency support, National Disaster Medical System, and Federal Response Plan.

The reorganization establishing OSP would create a standing, around-the-clock readiness operations capability to monitor potential and ongoing situations of concern to the Department and its administrators. It would create a more resourced and focused approach to coordinating and executing the Department's missions to respond as a key support agency in national emergencies and to provide contingency support to DOD in time of war.

This proposed organization would have the capability to meet both ongoing and projected operations center requirements, while providing sufficient personnel to address Departmental planning and policy development needs, and to conduct ongoing training and evaluation at the Departmental level. In addition, OSP would help the Department address growing inter-agency cooperation responsibilities, much of which is required to support the Homeland Security Council.

The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the submission of this proposed legislation to the Congress.

Sincerely yours,

ANTHONY J. PRINCIPI.●

By Mr. ROCKEFELLER (for himself and Mr. AKAKA):

S. 2187. A bill to amend title 38, United States Code to authorize the Secretary of Veterans Affairs to furnish health care during a major disaster or medical emergency, and for other purposes; to the Committee on Veterans' Affairs.

aster or medical emergency, and for other purposes; to the Committee on Veterans' Affairs.

● Mr. ROCKEFELLER. Mr. President, I introduce legislation today to highlight, and acknowledge in law, a mission that already exists in fact: VA's role in offering health care and support to individuals affected by disasters. I am pleased to be joined in offering this legislation by my colleague on the Veterans' Affairs Committee, Senator DANIEL AKAKA.

VA's first, and most familiar, three missions include caring for our Nation's veterans, training future health care personnel, and fostering scientific and clinical research to improve future medical care. In 1982, Congress assigned to VA a fourth mission: serving as the primary medical back-up system to the Department of Defense during times of war or domestic emergencies. If necessary, VA estimates that it could make about 3200 beds available immediately, and about 5500 beds within 72 hours, to care for injured troops.

VA has expanded this Fourth Mission to encompass a much greater share of the Federal responsibility for public health during crises beyond caring for active duty military casualties. VA also serves as a supporting agency in the Federal Response Plan for domestic disasters, as a cornerstone of the National Medical Disaster System, and by managing the National Pharmaceutical Stockpile. Through these programs, VA provides personnel, supplies and medications, facilities, and, if necessary, direct patient care to communities whose resources have been overwhelmed by medical crises.

VA conducts large-scale disaster training exercises with its military partners, cooperates with other agencies to staff emergency medical teams during high-profile public events, and can deploy its group of experts in radiological medicine anywhere in the United States within a day. VA's mental health care professionals offer expertise in post-traumatic stress disorder counseling that is unparalleled anywhere in the world.

VA has responded to every major domestic disaster of the last two decades, including the Oklahoma City attack, and Hurricanes Andrew and Floyd, by sharing skilled medical staff and supplies with community caregivers. Following catastrophic flooding in Houston last year, the local VA medical center remained the only area hospital with power, and its staff extended care to rescue workers and the public. On September 11, VA physicians cared for at least 68 injured individuals in New York, and VA coordinators identified more than half of the 20,000 beds that would have been available for the care of victims in New York and Virginia through VA's community hospital partnerships. In the weeks following the terrorist attacks, VA continued to provide skilled medical specialists, including mental health professionals, to care for rescue workers and

servicemembers in New York and at the Pentagon.

The legislation that we introduce today would confer no new responsibilities or missions upon VA, but would recognize VA's already enormous contribution to public safety and emergency preparedness. As Congress continues to prepare for the threat of terrorism, it becomes increasingly important to focus not only the public health community, but those capable of providing medical care during mass casualty events.

As the largest health care system in the nation, VA medical centers can and will offer invaluable services during a public health care emergency, whether that emergency is terrorism or a natural disaster. When VA health care providers are called upon to care for disaster victims, they serve not only as part of the Federal response to emergencies, but as part of the communities in which they live. This legislation would extend the Congressional mandate calling upon VA to provide care for active duty military personnel during a disaster to recognize VA's contribution to general public safety during crises. I urge my colleagues in the Senate to join Senator AKAKA and me in supporting this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2187

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Department of Veterans Affairs Emergency Medical Care Act of 2002".

SEC. 2. AUTHORITY TO FURNISH HEALTH CARE DURING MAJOR DISASTERS AND MEDICAL EMERGENCIES.

(a) IN GENERAL.—(1) Subchapter II of chapter 17 of title 38, United States Code, is amended by inserting after section 1711 the following new section:

"§ 1711A. Care and services during major disasters and medical emergencies

"(a) During and immediately following a disaster or emergency referred to in subsection (b), the Secretary may furnish hospital care and medical services to individuals responding to, involved in, or otherwise affected by such disaster or emergency, as the case may be.

"(b) A disaster or emergency referred to in this subsection is any disaster or emergency as follows:

"(1) A major disaster or emergency declared by the President under the Robert B. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

"(2) A disaster or emergency in which the National Disaster Medical System is activated.

"(c) The Secretary may furnish care and services under this section to veterans without regard to their enrollment in the system of annual patient enrollment under section 1705 of this title.

"(d) The Secretary may give a higher priority to the furnishing of care and services under this section than to the furnishing of care and services to any other group of per-

sons eligible for care and services in medical facilities of the Department with the exception of—

"(1) veterans with service-connected disabilities; and

"(2) members of the Armed Forces on active duty who are furnished health-care services under section 8111A of this title.

"(e)(1) The cost of any care or services furnished under this section to an officer or employee of a department or agency of the Federal Government other than the Department shall be reimbursed at such rates as may be agreed upon by the Secretary and the head of such department or agency based on the cost of the care or service furnished.

"(2) Amounts received by the Department under this subsection shall be credited to the funds allotted to the Department facility that furnished the care or services concerned.

"(f) Within 60 days of the commencement of a disaster or emergency referred to in subsection (b) in which the Secretary furnishes care and services under this section (or as soon thereafter as is practicable), the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the Secretary's allocation of facilities and personnel in order to furnish such care and services.

"(g) The Secretary shall prescribe regulations governing the exercise of the authority of the Secretary under this section."

(2) The table of sections at the beginning of that chapter is amended by inserting after the item relating to section 1711 the following new item:

"1711A. Care and services during major disasters and medical emergencies."

(b) EXCEPTION FROM REQUIREMENT FOR CHARGES FOR EMERGENCY CARE.—Section 1711(b) of that title is amended by striking "The Secretary" and inserting "Except as provided in section 1711A of this title with respect to a disaster or emergency covered by that section, the Secretary".

(c) MEMBERS OF THE ARMED FORCES.—Subsection (a) of section 8111A of that title is amended to read as follows:

"(a)(1) During and immediately following a period of war, or a period of national emergency declared by the President or Congress that involves the use of the Armed Forces in armed conflict, the Secretary may furnish hospital care, nursing home care, and medical services to members of the Armed Forces on active duty.

"(2)(A) During and immediately following a disaster or emergency referred to in subparagraph (B), the Secretary may furnish hospital care and medical services to members of the Armed Forces on active duty responding to or involved in such disaster or emergency, as the case may be.

"(B) A disaster or emergency referred to in this subparagraph is any disaster or emergency follows:

"(1) A major disaster or emergency declared by the President under the Robert B. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

"(ii) A disaster or emergency in which the National Disaster Medical System is activated.

"(3) The Secretary may give a higher priority to the furnishing of care and services under this section than to the furnishing of care and services to any other group of persons eligible for care and services in medical facilities of the Department with the exception of veterans with service-connected disabilities.

"(4) In this section, the terms 'hospital care', 'nursing home care', and 'medical services' have the meanings given such terms by

sections 1701(5), 101(28), and 1701(6) of this title, respectively."

• Mr. AKAKA. Mr. President, I am pleased to cosponsor the legislation offered by the Senator from West Virginia, Mr. ROCKEFELLER, to authorize the Department of Veterans Affairs, VA, existing emergency preparedness activities.

Currently, VA participates in the National Disaster Medical System, NDMS, and the Federal Response Plan through VA's Fourth Mission, mandated by Congress in 1982 to establish VA's role as the medical back-up to the military during conflicts. When VA has offered medical care to the general public during every major U.S. disaster since Hurricane Andrew, it has done so without the statutory authority to care for non-veterans and non-active-duty military personnel. The VA Emergency Medical Care Act of 2002 would give this authority.

Already an active participant in disaster response and preparedness, VA partners with the Departments of Defense and Health and Human Services and the Federal Emergency Management Agency, FEMA, to form the National Disaster Medical System, NDMS. The Act would codify and authorize VA's existing efforts to provide health care to the general public following activation of the NDMS.

VA is an emergency responder through the Federal Response Plan, a signed agreement between 27 Federal agencies and the Red Cross that coordinates Federal assistance when State and local resources are overwhelmed by a major disaster. VA serves as a support agency for four of the Emergency Support Functions outlined in the Federal Response Plan, including Mass Care and Health and Medical Services. VA is also the principle provider of mental health services to disaster survivors.

I commend the work done by VA employees in responding to national emergencies. Because of their dedication and initiative, this legislation does not create new VA programs nor authorize any additional funds. I urge my colleagues to support the Department of Veterans Affairs Emergency Medical Care Act of 2002. This legislation is a first step in acknowledging the work that VA performs now to help all Americans respond to major disasters and medical crises.●

By Mr. BREAU (for himself and Mr. BURNS):

S. 2188. A bill to require the Consumer Product Safety Commission to amend its flammability standards for children's sleepwear under the Flammable Fabrics Act; to the Committee on Commerce, Science, and Transportation.

• Mr. BREAU. Mr. President, today, along with Senator BURNS, I am introducing the Children's Safe Sleepwear and Burn Prevention Act of 2002. This legislation is designed to prevent sleepwear-related burn injuries and reverse the 1997 decision of the Consumer

Product Safety Commission on children's sleepwear safety regulations.

In 1996, the CPSC made two principle changes to the sleepwear safety regulations. First, the Commission determined that because children age 0-9 months were not mobile, they were not at risk from fire. Consequently, the revised regulations totally exempted sleepwear for young infants from any safety regulations. Second, the CPSC decided that so-called "tight-fitting" sleepwear did not have to meet any fire safety requirements on the mistaken assumption that tight-fitting garments do not burn.

As a result of the Commission's action, I heard from the Shriners Hospital in Shreveport, Louisiana. The Shriners Hospitals for children operate four burn centers in the United States and treat over 20 percent of all serious pediatric burns in the country. The Shriners Hospitals conducted a study comparing the incidence of sleepwear-related burn injuries during the period 1995-1996, before the regulations were changed, to the period 1998-1999 after the changes had been put in place.

The results of the Shriners study are sobering indeed. From 1995-1996, Shriners Hospitals treated 14 children for sleepwear-related burn injuries. For the period 1998-1999, the number of children suffering from these sleepwear-related burns increased to 36, a 157 percent increase!

The Shriners Hospitals also examined pediatric burn injuries where it was impossible to determine the exact type of clothing involved or where the children was not technically wearing sleepwear but may have been using this clothing to sleep in. Over the relevant time period, the number of children suffering clothing-related burn injuries increased from 70 to 147, a 110 percent increase! Similarly, the number of pediatric burn injuries where it was impossible to determine anything about the clothing being worn because the clothing had been totally burned away increased from 218 to 311, a 43 percent increase! All told, the number of burned children treated at Shriners Hospitals increased from 302 in 1995-1996 to 494 in 1998-1999, a 64 percent increase!

The data regarding infants age 0-9 months is also revealing. In 1995-1996 Shriners Hospitals treated just five children for sleepwear-related burn injuries under nine months of age. For 1998-1999, the total number of infants suffering such injuries rose to nineteen, a 280 percent increase!

As a practical matter, almost all pediatric burn injuries involve ignition of the clothing and some other materials. While the safety regulations cannot save a child trapped in a raging inferno, a 1972 HEW study concluded that children in fires whose clothing ignited had a four to six-fold increase in mortality and morbidity compared to those who clothing did not ignite. Take, for example, a situation where the house is on fire and a parent picks up her in-

fants and flees the burning house. Sparks are flying, but the infants garments do not ignite because they are flame resistant. If the sleepwear is not flame resistant, the sparks catch the clothing.

The Children's Safe Sleepwear and Burn Prevention Act directs the Commission to restore the safety protections that it removed in 1997. Henceforth, young infants will not have to face the dangers of using sleepwear that provides no protection whatsoever against fire. Tight-fitting or snug sleepwear will also have to meet these fire safety requirements. There is, however, more that must be done to ensure a fire safety environment for our children.

Another problem regarding the children's sleepwear regulations must be addressed. Under the CPSC's regulations, even the pre-1997 version, clothing that the manufacturer did not intend to be used as sleepwear were not required to meet the flammability safety requirements. Consequently, a manufacturer could simply label an item as day wear as sleepwear and completely avoid the safety requirements.

This legislation eliminates this "labeling loophole" by creating a functional definition of sleepwear for children up to seven years of age. If, as a practical matter, clothing is used for sleepwear, then should meet the safety requirements. The legislation provides some guidance as to what types of garments are used for sleepwear with some regularity such as togs, bunny suits and garments with cartoon characters that are particularly attractive to young children.

One might ask what alternatives are there to untreated cotton. Advances in technology now provide such alternatives. Cotton can be treated with a flame retardant that does not wash out because it is bonded to the cotton through a chemical process at the atomic level. The treatment adds little to the cost of children's sleepwear.

The defense of our innocent children from the dangers of sleepwear related burn injuries should be a priority. If you have ever seen a child severely burned by flaming sleepwear, you have some sense of the suffering and horror that these injuries entail. We can make these horrible burn injuries less frequent by enacting this important piece of legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2188

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Children's Safe Sleepwear and Burn Prevention Act of 2002".

SEC. 2. AMENDMENTS TO CHILDREN'S SLEEPWEAR FLAMMABILITY REGULATIONS.

(a) IN GENERAL.—The Consumer Product Safety Commission (in this Act referred to as the "Commission") shall, with respect to the Commission's flammability standards for children's sleepwear sizes 0 through 14, promulgated pursuant to the Flammable Fabrics Act (15 U.S.C. 1191 et seq.; parts 1615 and 1616 of title 16, Code of Federal Regulations)—

(1) not enforce or enact a standard with respect to children's sleepwear that—

(A) exempts—

(i) diapers and underwear (including disposable diapers and underwear);

(ii) infant garments sizes 0 through 6X, infant garments sizes 9 months or smaller, or other garments described in part 1615.1(c) of title 16, Code of Federal Regulations; or

(iii) tight-fitting garments; or

(B) includes as a part of any definition of children's sleepwear (or of any item of such sleepwear) a standard based on the intent of the manufacturer or retailer; and

(2) provide a functional definition of children's sleepwear for ages 0 through 7 years (encompassing, at a minimum, infant and children's garment sizes 2 through 6X, as such sizes are defined by the Department of Commerce Voluntary Product Standard (previously identified as Commercial Standard CS151-50 "Body Measurements for the Sizing of Apparel for Infants, Babies, Toddlers, and Children"), including children's clothing used with some regularity as sleepwear, such as—

(A) "togs";

(B) "onesies";

(C) body suits with snaps at the bottom for easy access to a diaper;

(D) all-in-one "bunny" suits with enclosed feet; and

(E) any garments sized for children ages 0 through 7 years with cartoon characters or symbols that the Commission finds are particularly attractive to young children.

(b) RULEMAKING.—Notwithstanding any other provision of law, not later than 180 days after the date of enactment of this Act, the Commission shall promulgate regulations with respect to the flammability of children's sleepwear consistent with the provisions of this Act.

(c) EFFECTIVE DATE.—Sleepwear manufactured or imported on or before the effective date of the regulations promulgated by the Commission under subsection (b) shall not be treated as being in violation of the Flammable Fabrics Act or such regulations if the sleepwear complied with the rules of the Commission in effect at the time the sleepwear was manufactured or imported.●

By Mr. ROCKEFELLER (for himself, Mr. SPECTER, Mr. DASCHLE, Mr. WELLSTONE, Mr. DURBIN, Ms. MIKULSKI, Mr. SARBANES, Mr. DAYTON, and Mrs. CLINTON):

S. 2189. A bill to amend the Trade Act of 1974 to remedy certain effects of injurious steel imports by protecting benefits of steel industry retirees and encouraging the strengthening of the American steel industry; to the Committee on Finance.

● Mr. ROCKEFELLER. Mr. President, the American steel industry will not consolidate and will not survive without relief from their unique burden of substantial retiree health care costs. Failing to assist the American steel industry with its retiree health care costs puts our industry at a tremendous disadvantage as it competes in

the world markets. If we are to have a competitive, viable industry, we must not shirk our responsibility. In the case of steel in America, that means three things: tariffs under Section 201, as is provided for under our trade laws; legacy, retiree health, relief; and effective consolidation of the steel industry.

Earlier this year, the President imposed limited and temporary steel tariffs under Section 201. Today, I introduce the Steel Industry Consolidation and Retiree Benefits Protection Act of 2002, the Steel Legacy bill. This bill provides strong incentives for consolidation in the United States steel industry by supporting companies' retiree health care costs. This bill provides desperately needed medical care to retirees whose companies have been forced out of business by imports. This bill is critical to the preservation of the American steel industry, and it is humane to those individuals who have paid a very high price for our nation's free trade policies.

The American steel industry has been facing an unprecedented crisis since 1997, when the Asian financial crisis disrupted global steel trade and diverted much of the world's excess steel capacity to the U.S. market. Thirty-three U.S. steel companies, representing over 40 percent of domestic steelmaking capacity, have gone into bankruptcy since 1999, including such venerable names as Bethlehem Steel and LTV. Wheeling Pittsburgh Steel in my state is in the process of reorganizing. Many more steel companies have been forced into liquidation. Almost 50,000 steelmaking jobs have been lost in this country since the steel crisis began in 1998—losses that come on top of hundreds of thousands of steel job losses in the two preceding decades.

The cause of this crisis in the industry is not that demand for steel has suddenly collapsed or that the competitiveness of the American steel industry has suddenly collapsed, but because foreign steelmakers have enjoyed decades of government subsidies and protection. Those foreign subsidies have created massive global steel overcapacity, and that foreign protection has ensured that most of the world's overcapacity has been directed at the U.S. market, which has been the most open major market in the world.

The crisis our steel industry currently faces could well mean the end of steelmaking in the United States. This would have grave consequences for steel companies and steel workers, for the steel communities that depend on them, and for our nation's industrial base and our national defense. In recognition that this could not be allowed to happen, the President announced last month that he would impose temporary Section 201 tariff measures on some steel imports. These measures will help give the U.S. steel industry some breathing room to recover. I commend the President for recognizing the importance of maintaining a domestic steel manufacturing base and for taking these steps.

Still, I think it's essential to realize that the Section 201 measures are limited in their scope and duration: first, the tariffs range from 8 percent to 30 percent, far less than the level recommended by two of the ITC Commissioners and the level that I and many others in the steel industry had argued for. And these tariffs are lowered dramatically each year, and stop after only three years. The tariffs do not apply to all steel products. Because of this, foreign steel companies will be able to engage in circumvention measures to get around the tariffs, as they have with antidumping measures. Under the 201 relief, tariffs were imposed on some grades of steel, others were exempted altogether, numerous exemptions for specific steel products have been issued, and for the critical category of slab, a tariff rate quota has been imposed that is unlikely to have any positive effect whatsoever. The tariffs are not being applied across the board to all foreign steel producers; the relief exempts all steel from developing countries and from NAFTA members, who between them represent a significant portion, over a third, of overall U.S. steel imports.

We knew from the beginning of the 201 process that even in the best of circumstances, it was clear that Section 201 tariffs were going to provide only part of the solution to help the domestic steel industry respond to this crisis. But the Section 201 remedy imposed, with its exclusions and exemptions and declining tariffs, makes the need for additional measures even more compelling.

Section 201 will slow the tide of imports. But it will not resolve the other critical issues that will determine whether America's integrated steelmaking capacity survives. America's integrated steelmakers face massive "legacy costs" for retiree health and pension benefits, stemming from the dramatic reduction in the American steel industry's active workforce over the past two decades, which in turn results from successive Administrations' inability to negotiate an agreement for foreign governments to stop subsidizing their steelmakers. These legacy costs both hurt American steel's international competitiveness and serve as a liability that has prevented the consolidation of the fragmented domestic steel industry. Industry consolidation is another issue that must be addressed: with foreign steelmakers merging to create a new level of top tier steelmakers, American steelmakers risk being permanently consigned to the second rank, with subscale facilities and insufficient revenues to fund the necessary investment in research and technology. Finally, we must take measures to mitigate the human cost of this steel crisis, particularly the cost to retirees who worked long, hard years to earn health and pension benefits for themselves and their families, but now risk seeing all that taken away because the company

that pays those benefits is threatened by unfair foreign trade practices.

The bill I am introducing today, the Steel Industry Retiree Benefits Protection Act of 2002, addresses the toughest of these problems. It guarantees the health care coverage and a very limited life insurance benefit for steel industry retirees whose employer is acquired by another steelmaker or whose employer is forced to shut down because no other steelmaker will acquire it. This will ensure that in steel communities throughout the nation, no retirees will lose their critical health benefits simply because of a crisis in the global steel industry that our government failed to avert. Equally important, this bill will address retiree legacy costs in a way that will enhance our steel industry's competitiveness, by clearing the way for the industry consolidation that is necessary and inevitable if the American steel industry is to survive.

The mechanics of the bill are fairly simple. A Federal trust fund will be established that will assume the retirees' health care and life insurance costs for steel, iron ore, and coke producers, and those who transport steel mill products for steelmaking operations, that are acquired by another company; that are in bankruptcy and attempted unsuccessfully to be acquired by another company, and thus have been closed, or are in imminent danger of closing, or have been unable to be acquired for at least two years; that are in bankruptcy and sell a significant steelmaking operation to another company; or, finally, in order to ensure that the assumption of legacy costs does not distort competition within the domestic steel industry, if a significant portion of the entire industry's legacy costs have been assumed by the Federal trust fund, all steel industry retirees and beneficiaries would be eligible to be covered by the program.

The money for the Fund to pay for these legacy costs will come from the following: steel tariff revenues; an acquired steelmaker's retiree health care trust fund assets; payments for 10 years by the qualified steel company of \$5 per ton of steelmaking capacity, subject to the bill's provisions; retiree premiums; and, and appropriated funds if necessary.

In order to simplify the management of the program, retiree health benefits assumed by the Fund will be limited to Federal Blue Cross/Blue Shield health benefits, a fair and reasonable standard of health coverage. Life insurance will be limited to a one-time payment of \$5,000 dollars. The program will be administered by the Secretary of Commerce and by Trustees who are designated by both management and labor.

This bill is supported by both the integrated steelmakers and by the steel unions, who understand what it will take to save the American steel industry. They know that legacy costs have been the major barrier to consolidation

of the American steel market and that it is critical that we resolve that problem if we are to preserve retiree health benefits and an integrated domestic steel industry. I am introducing this legislation with my partner as Co-Chair of the Senate Steel Caucus, Senator SPECTER, who have a history of working together on issues that are vital to the core industries in our states and the workers who have helped fuel and build this nation. I am pleased that Senators WELLSTONE, DURBIN, MIKULSKI, SARBANES, and DAYTON, and the distinguished Senate Majority Leader, who have long been champions of retirees and workers health care issues, join me today as co-sponsors. We have also worked in close consultation with our colleagues on the House side, especially members of the House Steel Caucus, who share our concern that these critical legacy cost issues be addressed.

But, make no mistake, this steel legacy legislation will not happen without the active involvement of the President. This bill is fair, it is pro-competition, and there is a broad consensus that legacy cost legislation like this is absolutely necessary if we are to preserve integrated steelmaking in the United States, as well as the communities and businesses that depend on those facilities. But realistically, a program like this is only going to be enacted with the strong support and active engagement of the President.

The President's announcement of his decision on Section 201 tariffs last month was an encouraging sign that the President was committed to the preservation of the American steel industry, and his recognition that, if equipped with the right tools and competing in a fair market, the domestic steel industry can regain its former role as the world's leader. I surely hope so. But I know that without President Bush's support for a legacy cost bill, the Section 201 tariffs he announced last month will not be enough, and we will witness the erosion of a vital national asset, the American steel industry.

I appeal to the President to maintain his personal interest in the well-being of our steel industry. It is vital to our nation's economy and to our defense capability. I encourage the President to lead on this issue because surely, in these times, without his support and quick involvement, we will not be able to get a bill through this Congress. I hope the Administration will work with us here in the Senate to pass a legacy cost bill that will ensure fairness for America's retired steelworkers and a competitive future for America's integrated steel industry. We need legacy cost legislation like that outlined in the bill I am submitting today, if we are to preserve the U.S. steel industry. I urge my colleagues to join me in supporting this bill.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2189

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

SECTION 1. SHORT TITLE; CONGRESSIONAL FINDINGS AND PURPOSE.

(a) **SHORT TITLE.**—This Act may be cited as the “Steel Industry Consolidation and Retiree Benefits Protection Act of 2002”.

(b) **CONGRESSIONAL FINDINGS AND PURPOSE.**—

(1) **FINDINGS.**—Congress finds the following:

(A) The United States Department of Commerce has documented that American steelworkers and their employers have been forced over the last 30 years to compete in a global steel market in which foreign governments have engaged in market distorting practices that to this day sustain enormous overcapacity in world steel supplies.

(B) The United States International Trade Commission, in its recent investigation of steel imports to the United States under section 201 of the Trade Act of 1974, has concluded that surges of imported steel since the Asian crisis of 1997 have caused serious injury to American producers of most steel products.

(C) Since 1997, 32 American steel companies have been forced to seek bankruptcy protection, over 45,000 steelworkers have lost their jobs, and over 100,000 steel retirees have suffered a complete cutoff of vital medical and life insurance benefits.

(D) Many steel industry retirees were forced into retirement as a result of the restructurings of the 1980's and 1990's, and then, as a second blow, recently lost their retiree medical insurance.

(E) Recent steel imports have pushed steel prices to such record lows that surviving American steelmakers face imminent financial collapse, and these firms employ over 185,000 workers in family-supporting jobs and provide crucial medical coverage to hundreds of thousands of retirees and beneficiaries.

(F) As American steel companies continue to weaken or fail, a very different trend is underway in other countries where governments shoulder a substantial portion of retirement costs and foreign steelmakers are now merging into companies of unprecedented size and market influence.

(G) If the American steel industry is to survive and compete, it must transform itself from a group of relatively small producers into a consolidated market force.

(H) For many American steel companies, the ability to consolidate is undermined by the burden of retiree health and life insurance obligations.

(2) **PURPOSE.**—It is the purpose of this Act to ensure that—

(A) retired steelworkers receive medical and life insurance coverage, and

(B) the American steel industry can continue to provide livelihoods to tens of thousands of American workers, their families, and communities through the receipt of assistance in consolidating its position in world steel markets.

SEC. 2. ESTABLISHMENT OF STEEL INDUSTRY RETIREE BENEFITS PROTECTION PROGRAM.

The Trade Act of 1974 is amended by adding at the end the following new title:

“TITLE IX—PROTECTION FOR STEEL INDUSTRY RETIREMENT BENEFITS

“SUBTITLE A. Definitions.

“SUBTITLE B. Steel Industry Retiree Benefits Protection Program.

“SUBTITLE C. Steel Industry Legacy Relief Trust Fund.

“Subtitle A—Definitions

“Sec. 901. Definitions.

“SEC. 901. DEFINITIONS.

“(a) TERMS RELATING TO BENEFITS PROGRAM.—For purposes of this title—

“(1) RETIREE BENEFITS PROGRAM.—The term ‘retiree benefits program’ means the Steel Industry Retiree Benefits Protection Program established under this title to provide medical and death benefits to eligible retirees and beneficiaries.

“(2) STEEL RETIREE BENEFITS.—

“(A) IN GENERAL.—The term ‘steel retiree benefits’ means medical, surgical, or hospital benefits, and death benefits, whether furnished through insurance or otherwise, which are provided to retirees and eligible beneficiaries in accordance with an employee benefit plan (within the meaning of section 3(3) of the Employee Retirement Income Security Act of 1974) which—

“(i) is established or maintained by a qualified steel company or an applicable acquiring company, and

“(ii) is in effect on or after January 1, 2000.

Such term includes benefits provided under a plan without regard to whether the plan is established or maintained pursuant to a collective bargaining agreement.

“(B) RETIREE.—

“(i) IN GENERAL.—The term ‘retiree’ means an individual who has met any years of service or disability requirements under an employee benefit plan described in subparagraph (A) which are necessary to receive steel retiree benefits under the plan.

“(ii) CERTAIN RETIREES INCLUDED.—An individual shall not fail to be treated as a retiree because the individual—

“(I) retired before January 1, 2000, or

“(II) was not employed at the steelmaking assets of a qualified steel company.

“(b) TERMS RELATING TO STEEL COMPANIES.—For purposes of this title—

“(1) QUALIFIED STEEL COMPANY.—

“(A) IN GENERAL.—The term ‘qualified steel company’ means any person which on January 1, 2000, was engaged in—

“(i) the production or manufacture of a steel mill product,

“(ii) the mining or processing of iron ore or beneficiated iron ore products, or

“(iii) the production of coke for use in a steel mill product.

“(B) TRANSPORTATION.—The term ‘qualified steel company’ includes any person which on January 1, 2000, was engaged in the transportation of any steel mill product solely or principally for another person described in subparagraph (A), but only if such person and such other person are related persons.

“(C) SUCCESSORS IN INTEREST.—The term ‘qualified steel company’ includes any successor in interest of a person described in subparagraph (A) or (B).

“(2) STEELMAKING ASSETS AND STEEL MILL PRODUCTS.—

“(A) STEELMAKING ASSETS.—The term ‘steelmaking assets’ means any land, building, machinery, equipment, or other fixed assets located in the United States which, at any time on or after January 1, 2000, have been used in the activities described in subparagraph (A) or (B) of paragraph (1).

“(B) STEEL MILL PRODUCT.—The term ‘steel mill product’ means any product defined by the American Iron and Steel Institute as a steel mill product.

“(3) ACQUIRING COMPANY.—The term ‘acquiring company’ means any person which acquired on or after January 1, 2000, steelmaking assets of a qualified steel company with respect to which a qualifying event has occurred.

“(c) OTHER DEFINITIONS.—For purposes of this title—

“(1) RELATED PERSON.—The term ‘related person’ means, with respect to any person, a person who—

“(A) is a member of the same controlled group of corporations (within the meaning of section 52(a) of the Internal Revenue Code of 1986) as such person, or

“(B) is under common control (within the meaning of section 52(b) of such Code) with such person.

“(2) SECRETARY.—The term ‘Secretary’ means the Secretary of Commerce.

“(3) TRUST FUND.—The term ‘Trust Fund’ means the Steel Industry Legacy Relief Trust Fund established under subtitle C.

“Subtitle B—Steel Industry Retiree Benefits Protection Program

“I. Establishment.

“II. Relief and assumption of liability, eligibility, and certification.

“III. Program benefits.

“PART I—ESTABLISHMENT

“Sec. 902. Establishment.

“SEC. 902. ESTABLISHMENT.

“There is established a Steel Industry Retiree Benefits Protection program to be administered by the Secretary and the Board of Trustees of the Trust Fund in accordance with the provisions of this title for the purpose of providing medical and death benefits to eligible retirees and eligible beneficiaries certified as participants in the program under part II.

“PART II—RELIEF AND ASSUMPTION OF LIABILITY, ELIGIBILITY, AND CERTIFICATION

“Sec. 911. Relief and assumption of liability.

“Sec. 912. Qualifying events.

“Sec. 913. Eligibility and certification of eligibility.

“SEC. 911. RELIEF AND ASSUMPTION OF LIABILITY.

“(a) IN GENERAL.—If—

“(1) the Secretary certifies under section 912 that there was a qualifying event with respect to a qualified steel company,

“(2) the asset transfer requirements of subsection (b) are met with respect to the qualifying event, and

“(3) the qualified steel company and any acquiring company assumes their respective liability to make any contributions required under subsection (c),

then the United States shall assume liability for the provision of steel retiree benefits for each eligible retiree and eligible beneficiary certified for participation in the retiree benefits program under section 913 (and the qualified steel company, any predecessor or successor, and any related person to such company, predecessor, or successor shall be relieved of any liability for the provision of such benefits). The United States shall be treated as satisfying any liability assumed under this subsection if benefits are provided to eligible retirees and eligible beneficiaries under the retiree benefits program provided in part III.

“(b) REQUIRED ASSET TRANSFERS.—

“(1) IN GENERAL.—The requirements of this subsection are met if the qualified steel company and any applicable acquiring company transfer to the Trust Fund all assets, as determined in accordance with rules prescribed by the Secretary, which, under the terms of an applicable collective bargaining agreement, were required to be set aside under an employee benefit plan or otherwise for the provision of the steel retiree benefits the liability for which (determined without regard to this subsection) is relieved by operation of subsection (a). The assets required to be transferred shall not include voluntary contributions, including voluntary contributions made pursuant to a voluntary employ-

ees beneficiary association trust, which are in excess of the contributions described in the preceding sentence.

“(2) DETERMINATION.—The amount of the assets to be transferred under paragraph (1) shall be determined at the time of the certification under section 912 and shall include interest from the time of the determination to the time of transfer. Such amount shall be reduced by any payments from such assets which are made after the determination by the qualified steel company or applicable acquiring company for the provision of steel retiree benefits for which such assets were set aside and the liability for which (determined without regard to this subsection) is relieved by operation of subsection (a).

“(c) CONTRIBUTION REQUIREMENTS.—

“(1) CONTRIBUTIONS BASED ON OWNERSHIP OF STEELMAKING ASSETS.—

“(A) IN GENERAL.—If there is a qualifying event certified under section 912 with respect to a qualified steel company—

“(i) the qualified steel company shall assume the obligation to pay, and

“(ii) if the qualified steel company transferred on or after January 1, 2000, any of its steelmaking assets, the qualified steel company and any acquiring company acquiring such assets as part of (or after) a qualifying event shall assume the obligation to pay,

to the Trust Fund for each of the years in the 10-year period beginning on the date of the qualifying event its ratable share of the amount determined under subparagraph (B) with respect to the steelmaking assets owned by such company or person.

“(B) AMOUNT OF LIABILITY.—

“(i) IN GENERAL.—The amount required to be paid under subparagraph (A) for any year shall be equal to \$5 per ton of products described in section 901(b)(1)(A) attributable to the steelmaking assets which are the subject of the qualifying event and shipped to a person other than a related person. If 2 or more persons own steelmaking capacity or assets, the liability under this clause shall be allocated ratably on the basis of their respective ownership interests. The determination under this clause for any year shall be made on the basis of shipments during the calendar year preceding the calendar year in which such year begins.

“(ii) REDUCTIONS IN LIABILITY.—The amount of any liability under clause (i) for any year shall be reduced by the amount of any assets transferred to the Trust Fund under subsection (b), reduced by any portion of such amount applied to a liability for any preceding year. If 2 or more persons are liable under subparagraph (A) with respect to any qualifying event, any reduction with respect to assets transferred to the Trust Fund under subsection (b) shall be allocated ratably among such persons on the basis of their respective liabilities or in such other manner as such persons may agree.

“(2) FASB LIABILITY IN CASE OF CERTAIN QUALIFYING EVENTS.—

“(A) IN GENERAL.—If there is a qualifying event (other than a qualified acquisition) with respect to a qualified steel company, then, subject to the provisions of subparagraphs (C) and (D), the qualified steel company shall be liable for payment to the Trust Fund of the amount determined under subparagraph (B). If a qualified acquisition occurs after another qualifying event, such other qualifying event shall be disregarded for purposes of this paragraph.

“(B) AMOUNT OF LIABILITY.—The amount determined under this subparagraph shall be equal to the excess (if any) of—

“(i) the amount determined under the Financial Accounting Standards Board Rule 106 as being equal to the present value of the steel retiree benefits of eligible retirees and

beneficiaries of the qualified steel company the liability for which (determined without regard to any modification pursuant to section 1114 of title 11, United States Code) is relieved under subsection (a), over

“(ii) the sum of—

“(I) the value of the assets transferred under subsection (b) with respect to the retirees and beneficiaries, and

“(II) the present value of any payments (other than payments determined under this subparagraph) to be made under this subsection with respect to steelmaking assets of the qualified steel company.

“(C) DISCHARGES IN BANKRUPTCY.—The amount of any liability under subparagraph (B) shall be reduced by the portion of such liability which, in accordance with the provisions of title 11, United States Code, is discharged in any bankruptcy proceeding.

“(D) NO LIABILITY IF INDUSTRY-WIDE ELECTION MADE.—If a qualifying event occurs by reason of a qualified election under section 912(d)(2)(B), then—

“(i) any liability that arose under this paragraph for any qualifying event occurring before such election is extinguished (and any payment of such liability shall be refunded from the Trust Fund with interest), and

“(ii) no liability shall arise under this paragraph with respect to the qualifying event occurring by reason of such election or any subsequent qualifying event.

“(3) JOINT AND SEVERAL LIABILITY.—Any related person of any person liable for any payment under this subsection shall be jointly and severally liable for the payment.

“(4) TIME AND MANNER OF PAYMENT.—The Secretary shall establish the time and manner of any payment required to be made under this subsection, including the payment of interest.

“SEC. 912. QUALIFYING EVENTS.

“(a) IN GENERAL.—For purposes of this title, the term ‘qualifying event’ means any—

“(1) qualified acquisition,

“(2) qualified closing,

“(3) qualified election, and

“(4) qualified bankruptcy transfer.

“(b) QUALIFIED ACQUISITION.—For purposes of this title, the term ‘qualified acquisition’ means any arms’-length transaction or series of related transactions—

“(1) under which a person (whether or not a qualified steel company) acquires by purchase, merger, stock acquisition, or otherwise all or substantially all of the steelmaking assets held by the qualified steel company as of January 1, 2000, and

“(2) which occur on and after January 1, 2000, and before the date which is 2 years after the date of the enactment of this title. Such term shall not include any acquisition by a related person.

“(c) QUALIFIED CLOSING.—For purposes of this title—

“(1) IN GENERAL.—The term ‘qualified closing’ means—

“(A) the permanent cessation on or after January 1, 2000, and before January 1, 2004, by a qualified steel company operating under the protection of chapter 11 or 7 of title 11, United States Code, of all activities described in subparagraph (A) or (B) of paragraph (1) of section 901(b), or

“(B) the transfer on or after January 1, 2000, and before January 1, 2004, by a qualified steel company operating under the protection of chapter 11 or 7 of title 11, United States Code, of all or substantially all of its steelmaking assets to 1 or more persons other than related persons in an arms’-length transaction or series of related transactions which do not constitute a qualified acquisition.

“(2) COMPANIES IN IMMINENT DANGER OF CLOSURE.—A qualified closing of a qualified steel

company operating under the protection of chapter 11 or 7 of title 11, United States Code, shall be treated as having occurred if the company—

“(A) meets the acquisition effort requirements of paragraph (3),

“(B) establishes to the satisfaction of the Secretary that—

“(i) it is in imminent danger of becoming a closed company, or

“(ii) in the case of a company operating under protection of chapter 11 of title 11, United States Code, it is unable to reorganize without the relief provided under this title, and

“(C) elects, in such manner as the Secretary prescribes, at any time after the date of the enactment of this title and before the date which is 2 years after the date of the enactment of this title, to avail itself of the relief provided under this title.

“(3) ACQUISITION EFFORT REQUIREMENTS.—

“(A) IN GENERAL.—The requirements of this paragraph are met by a qualified steel company if—

“(i) the company files with the Secretary within 10 days of the date of the enactment of this title—

“(I) a notice of intent to be acquired, and

“(II) a description of the actions the company will undertake to have its steelmaking assets acquired in a qualified acquisition, and

“(ii) the company at all times after the filing under clause (i) and the date which is 2 years after the date of the enactment of this title (or, if earlier, the date on which the requirement of paragraph (2)(B) is satisfied) makes a continuing, good faith effort to have its steelmaking assets acquired in a qualified acquisition.

“(B) GOOD FAITH EFFORT.—A continuing, good faith effort under subparagraph (A)(ii) shall include—

“(i) the active marketing of a company's steelmaking assets through the retention of an investment banker, the preparation and distribution of offering materials to prospective purchasers, allowing due diligence and investigatory activities by prospective purchasers, the active and good faith consideration of all expressions of interest by prospective purchasers, and any other affirmative action designed to result in a qualified acquisition of a company's steelmaking assets, and

“(ii) a demonstration to the Secretary by the company that no bona fide and fair offer which would have resulted in a qualified acquisition of the company's steelmaking assets has been unreasonably refused.

“(d) QUALIFIED ELECTION.—For purposes of this title—

“(1) IN GENERAL.—The term ‘qualified election’ means an election by a qualified steel company operating under the protection of chapter 11 or 7 of title 11, United States Code, meeting the acquisition effort requirements of subsection (c)(3) to transfer its obligations for steel retiree benefits to the retiree benefit program. Such an election shall be made not earlier than the date which is 2 years after the date of the enactment of this title, and in such manner as the Secretary may prescribe.

“(2) INDUSTRY-WIDE ELECTION.—Notwithstanding paragraph (1), a qualified election shall be treated as having occurred with respect to a qualified steel company (whether or not operating under the protection of chapter 11 or 7 of title 11, United States Code) if—

“(A) the Secretary determines that at least 200,000 eligible retirees and beneficiaries have been certified under section 913 for participation in the retiree benefits program, and

“(B) the qualified steel company elects to avail itself of the relief provided under this title on or after the date of the determination under subparagraph (A).

“(e) QUALIFIED BANKRUPTCY TRANSFER.—For purposes of this title, the term ‘qualified bankruptcy transfer’ means any transaction or series of transactions—

“(1) under which the qualified steel company, operating under the protection of chapter 11 or 7 of title 11, United States Code, transfers by any means (including but not limited to a plan of reorganization) its control over at least 30 percent of the production capacity of its steelmaking assets to 1 or more persons which are not related persons of such company,

“(2) which are not part of a qualified acquisition or qualified closing of a qualified steel company, and

“(3) which occur on and after January 1, 2000, and before January 1, 2004.

“(f) CERTIFICATION.—

“(1) IN GENERAL.—The Secretary shall certify a qualifying event with respect to a qualified steel company if the Secretary determines that the requirements of this title are met with respect to such event and that the asset transfer and contribution requirements of section 911 will be met.

“(2) TIME FOR DECISION.—The Secretary shall make any determination under this subsection as soon as possible after a request is filed (and in the case of a request for certification as a qualified acquisition filed at least 60 days before the proposed date of the acquisition, before such proposed date).

“(3) ELIGIBILITY TO FILE REQUEST.—A request for certification under this subsection may be made by the qualified steel company or any labor organization acting on behalf of retirees of such company.

“SEC. 913. ELIGIBILITY AND CERTIFICATION.

“(a) RETIREES.—

“(1) IN GENERAL.—Any individual who is a retiree of a qualified steel company with respect to which the Secretary has certified under section 912 that a qualifying event has occurred shall be treated as an eligible retiree for purposes of this title if—

“(A) the individual was receiving steel retiree benefits under an employee benefit plan described in section 901(a)(2)(A) as of the date of the qualifying event, or

“(B) the individual was eligible to receive such benefits on such date but was not receiving such benefits because the plan ceased to provide such benefits.

“(2) CERTAIN INDIVIDUALS INCLUDED.—An individual shall be treated as an eligible retiree under paragraph (1) if the individual—

“(A) was an employee of the qualified steel company before a qualified acquisition,

“(B) became an employee of the acquiring company as a result of the acquisition, and

“(C) voluntarily retires within 3 years of the acquisition.

“(b) BENEFICIARIES.—An individual shall be treated as an eligible beneficiary for purposes of this title if the individual is the spouse, surviving spouse, or dependent of an eligible retiree (or an individual who would have been an eligible retiree but for the individual's death before the date of the qualifying event).

“(c) CERTIFICATION OF ELIGIBLE RETIREES AND BENEFICIARIES.—

“(1) IN GENERAL.—The Board of Trustees of the Trust Fund shall certify an individual as an eligible retiree or eligible beneficiary if the individual meets the requirements of this section.

“(2) ELIGIBILITY TO FILE REQUEST.—A request for certification under this subsection may be filed by any individual seeking to be certified under this subsection, the qualified steel company, an acquiring company, a

labor organization acting on behalf of retirees of such company, or a committee appointed under section 1114 of title 11, United States Code.

“(d) RECORDS.—A qualified steel company, an acquiring company, and any successor in interest shall on and after the date of the enactment of this title maintain and make available to the Secretary and the Board of Trustees of the Trust Fund, all records, documents, and materials (including computer programs) necessary to make the certifications under this section.

“PART III—PROGRAM BENEFITS

“Sec. 921. Program benefits.

“SEC. 921. PROGRAM BENEFITS.

“(a) GENERAL RULE.—Each eligible retiree and eligible beneficiary who is certified for participation in the retiree benefits program shall be entitled—

“(1) to receive health care benefits coverage described in subsection (b), and

“(2) in the case of an eligible retiree, payment of \$5,000 death benefits coverage to the beneficiary of the retiree upon the retiree's death.

“(b) HEALTH CARE BENEFITS COVERAGE.—

“(1) IN GENERAL.—The Board of Trustees of the Trust Fund shall establish health care benefits coverage under which eligible retirees and beneficiaries are provided benefits for health care items and services that are substantially the same as the benefits offered as of January 1, 2002, under the Blue Cross/Blue Shield Standard Plan provided under the Federal Employees Health Benefit Program under chapter 89 of title 5, United States Code, to Federal employees and annuitants. In providing the benefits under such program, the secondary payer provisions and the provisions relating to benefits provided when an individual is eligible for benefits under the medicare program under title XVIII of the Social Security Act that are applicable under such Plan shall apply in the same manner as such provisions apply to Federal employees and annuitants under such Plan.

“(2) CONTRACTING AUTHORITY.—The Board of Trustees of the Trust Fund shall have the authority to enter into such contracts as are necessary to carry out the provisions of this subsection, including contracts necessary to ensure adequate geographic coverage and cost control. The Board of Trustees may use the authority under this subsection to establish preferred provider organizations or other alternative delivery systems.

“(3) PREMIUMS, DEDUCTIBLES, AND COST SHARING.—The Board of Trustees of the Trust Fund shall establish premiums, deductibles, and cost sharing for eligible retirees and beneficiaries provided health care benefits coverage under paragraph (1) which are substantially the same as those required under the Blue Cross/Blue Shield Standard Plan described in paragraph (1).

“Subtitle C—Steel Industry Legacy Relief Trust Fund

“SEC. 931. STEEL INDUSTRY LEGACY RELIEF TRUST FUND.

“(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the Steel Industry Legacy Relief Trust Fund, consisting of such amounts as may be appropriated to the Trust Fund as provided in this section.

“(b) TRANSFERS TO TRUST FUND.—

“(1) IN GENERAL.—There are appropriated to the Trust Fund amounts equivalent to—

“(A) tariffs on steel mill products received in the Treasury under title II of this Act,

“(B) amounts received in the Treasury from asset transfers and contributions under section 911,

“(C) amounts credited to the Trust Fund under section 9602(b) of the Internal Revenue Code of 1986, and

“(D) the premiums paid by retirees under the program.

“(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Trust Fund each fiscal year an amount equal to the excess (if any) of—

“(A) expenditures from the Trust Fund for the fiscal year, over

“(B) the assets of the Trust Fund for the fiscal year without regard to this paragraph.

“(c) EXPENDITURES.—Amounts in the Trust Fund shall be available only for purposes of making expenditures—

“(1) to meet the obligations of the United States with respect to liability for steel retiree benefits transferred to the United States under this title, and

“(2) incurred by the Secretary and the Board of Trustees in the administration of this title.

“(d) BOARD OF TRUSTEES.—

“(1) IN GENERAL.—The Trust Fund and the retiree benefits program shall be administered by a Board of Trustees, consisting of—

“(A) 2 individuals designated by agreement of the 5 qualified steel companies which, as of the date of the enactment of this title—

“(i) are conducting activities described in subparagraph (A) or (B) of section 901(b)(1), and

“(ii) have the largest number of retirees, and

“(B) 2 individuals designated by the United Steelworkers of America in consultation with the Independent Steelworkers Union, and

“(C) 3 individuals designated by individuals designated under subparagraphs (A) and (B).

“(2) DUTIES.—Except for those duties and responsibilities designated to the Secretary, the Board of Trustees shall have the responsibility to administer the Trust Fund and the retiree benefits program, including—

“(A) enrolling eligible retirees and beneficiaries under the program,

“(B) procuring the medical services to be provided under the program,

“(C) entering into contracts, leases, or other arrangements necessary for the implementation of the program,

“(D) implementing cost-containment measures under the program,

“(E) collecting revenues and enforcing claims and rights of the program and the Trust Fund,

“(F) making disbursements as necessary under the program, and

“(G) acquiring and maintaining such records as may be necessary for the administration and implementation of the program.

“(3) REPORT.—The Board of Trustees report to Congress each year on the financial condition and the results of the operations of the Trust Fund during the preceding fiscal year and on its expected condition and operations during the next 2 fiscal years. Such report shall be printed as a House document of the session of Congress to which the report is made.

“(e) TRANSFER INVESTMENT OF ASSETS.—Sections 9601 and 9602(b) of the Internal Revenue Code of 1986 shall apply to the Trust Fund.”

● Mr. SPECTER. Mr. President, I have sought recognition at this time to comment briefly on legislation that I am pleased to cosponsor with my colleague, Senator ROCKEFELLER. That legislation, the “Steel Industry Retiree Benefits Protection Act of 2002,” would set the Nation on a path of assuring the retirement health care benefits of

the Nation’s retired steelworkers and their dependants, and the survival of a domestic integrated steel industry. I crafted this bill jointly with Senator ROCKEFELLER with extensive consultation by the integrated steel industry and representatives of the United Steelworkers of America. I am pleased to note that labor and management have joined in a common effort to resolve the near-intractable problems that face the industry today, and I thank them for that spirit of cooperation and compromise.

The reasons for this legislation are succinctly stated in the findings set forth in the preamble of the bill. The domestic steel industry has been forced to compete over the last 30 years in an international marketplace in which foreign governments have subsidized both domestic production and employee healthcare costs and, simultaneously, stimulated the creation and maintenance of excess world steelmaking capacity. During the 1980’s and 1990’s, the steel industry adapted, but literally hundreds of thousands of steel workers were forced into early retirement as the industry streamlined production methods. Since 1997, the situation has worsened, due to the unfair practices of overseas producers and governments and a resultant glut of foreign imports, to the point that 32 American steel companies have had to resort to bankruptcy protection, causing 45,000 steelworkers to lose their jobs and over 100,000 steel industry retirees to lose vital medical insurance benefits. Record-low steel prices place remaining steel producers, and their workers and retirees, in an increasingly untenable position.

A clear consensus now exists that the only way a domestic integrated steel industry can survive is through consolidation. It is true that the ranks of U.S. integrated producers have been decimated; one need only drive through Pennsylvania to see ample evidence of that. But a domestic industry does indeed survive. It will continue to survive only if there is further consolidation and the emergence of a relatively few domestic companies with the muscle to compete in a global marketplace with subsidized foreign behemoths. But there is a significant impediment to such consolidation: the so-called “legacy costs” of domestic producers which might otherwise be acquired and consolidated into larger, more efficient U.S. operations.

To summarize, a relatively healthy domestic steel producer might find the acquisition, and the continued operation, of a weaker steel company’s manufacturing operations to be quite attractive but for one major problem: such operations typically are owned by companies which are weighed down by the health care costs of prior generations of retirees, retirees who are relatively young due to the premature withdrawal of workers from the rolls due to downsizing in the 1980’s and 1990’s. Potential acquirers of such as-

sets have “legacy costs” of their own to deal with; they cannot afford to assume those of their former competitors, a result that would be unavoidable were they to simply purchase and consolidate the assets of former competitors. If we want consolidation to happen, and it is unquestionably in the Nation’s self-interest that it happen; few would dispute that the common defense requires a viable domestic steel industry, potential acquirers of these assets must gain relief from the “legacy cost” obligations that would otherwise run with the acquired assets.

My colleagues might ask: if an acquiring steel company is relieved of these obligations, who would take them on? The answer is this: a Federally-sponsored trust fund, financed with steel tariff receipts; funds previously placed in trust by acquired companies for retiree health and life insurance benefits; fees to be paid by acquiring companies; and, yes, as necessary to cover shortfalls, appropriations. To those who say the public cannot take on these obligations, I offer the following logic: when steel producers go under, as they will if we do not act, the public may very much face exposure to these obligations via the Medicare and Medicaid programs; taking them on before the companies go under will at least assure that the defense-critical steel industry survives. It is an unpleasant choice we face, but it is one which we must face: we may either assume “legacy cost” obligations now and save a vital industry; or we can wait and watch a vital industry die and face up to “legacy costs” later.

I strongly appeal to my colleagues in the Senate to seriously consider this Hobson’s choice. If they do, I trust they will come to the same conclusion that I have: we must save this industry by clearing the way for the consolidation that will be necessary to compete in the international market of the future. And we must protect those who have lost, or may yet lose, their health care benefits due to unfair competition from abroad. The steelworkers of America, many from the “Greatest Generation” and from my home, Pennsylvania, built the Nation in the 20th Century. They made the United States the world’s only superpower. We need to assure that their post-retirement years are secure.●

By Mr. KERRY (for himself, Ms. SNOWE, Mrs. FEINSTEIN, and Mr. CHAFFEE):

S. 2190. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to provide employees with greater control over assets in their pension accounts by providing them with better information about investment of the assets, new diversification rights, and new limitations on pension plan blackouts, and for other purposes; to the Committee on Finance.

● Mr. KERRY. Mr. President, I rise today with a great deal of pride to introduce the Senate’s first bipartisan

pension reform bill since Enron's downfall ruined the lives of thousands of workers and their families. I am introducing this bill with Senator OLYMPIA SNOWE of Maine, who has worked closely with me to develop a much-needed proposal that will greatly help our nation's workers to achieve greater pension security and receive better investment information and advice. Our bill is called the "Worker Investment and Retirement Education Act of 2002," or the WIRE Act. Senator SNOWE and I are pleased that Senator FEINSTEIN and CHAFEE have joined with us as original cosponsors.

As you know, Enron's bankruptcy, which caused thousands to lose their retirement savings, since their pensions were invested heavily in Enron stock, has prompted many members of Congress in both parties to introduce pension-related legislation. President Bush has also suggested several reforms. Many of these proposals share some common elements, while others contain measures that are objectionable to one side or the other. Senator SNOWE and I share the view that worker retirement protection is much too important to become another partisan issue, where the upcoming elections cloud our judgment and prevent us from passing much-needed legislation. We can, and should, pass critical pension reform this year that helps American workers feel secure about their retirement savings. In my view, the playing field has been tilted against workers for far too long, and it is unfortunate that it takes a travesty like Enron to make those of us in Congress act in their interests.

Of course, the pension issue is one that falls in the jurisdiction of two Senate committees. I strongly support Senator KENNEDY's bill, which recently passed out of the HELP committee here in the Senate. Soon, however, the Senate Finance Committee will also consider pension reform. Given that the history of that Committee is one in which the best bills are often bipartisan, I wanted to work with Senator SNOWE to develop a pro-worker bill for the Finance Committee that can be combined with Senator KENNEDY's bill later on.

The House of Representatives has also followed such a two-committee approach, although I have some significant reservations that the final bill that passed last week does not do enough for workers. I hope to work within the Finance Committee and with Senator KENNEDY to develop a better bill here in the Senate, so we can pass legislation this year that the President will sign. Our goal should be to pass a bill that receives a two-thirds vote in both chambers not because we think President Bush will veto it, but because we want to signal to the country that partisan politics can be pushed aside when the true interests of hard-working Americans are at stake.

Despite all of the news in recent months about corporate greed and ex-

cess, recent polls show that nearly two-thirds of the public believes that the most important issue with Enron's collapse is the loss of jobs and savings. With 38 million people controlling nearly \$1.7 trillion in 401(k) plan assets, and with nearly 40 percent of large-plan assets tied up in company stock, much of which cannot be sold until workers reach a certain age, it is clear that the playing field needs to be tilted back towards workers. Our bill does just that, and because it is a complete approach, including all types of so-called "defined contribution" plans, as opposed to just some plans, it does so without opening any major new loopholes that would allow workers to be further exploited.

The first thing workers need out of a pension reform bill is better information, because for millions of Americans, their retirement savings is their only true asset other than their homes. Under our bill, all covered workers would be given basic, unbiased information on the basics of investing, as well as personalized information from their employers to help them know if they are adequately preparing for their retirement years. This additional information will make a huge difference to millions of workers who currently have no knowledge about the basics of investing, or if they are saving enough to live comfortably in retirement.

Next, since current law prevents most workers from receiving any sound guidance about financial planning, our bill includes the text of S. 1677, the Bingaman-Collins investment advice bill. Under this bill, millions more workers will benefit from professional, independent investment advice paid for by their employers. Workers will be able to select appropriate investments and better plan for their retirements without the creation of new conflicts of interest.

Like other bills, our bill addresses the issue of blackout periods, those times when plan participants are prevented from making changes to their asset allocations. Senator SNOWE and I believe that companies should provide adequate notice before any blackout period, our bill requires 30 days' notice, and inform workers of its expected length. In addition, blackouts should generally be limited to 30 days for plans that are heavily invested in company stock. Exemptions could be granted to small businesses or companies in unusual circumstances, such as a merger. This latter rule is one that distinguishes our bill from many of the others. But it seems common-sense to use that plans with more volatile assets, such as plans heavily invested in company stock, should be forced to end blackout periods as quickly as possible in order to minimize market risk for the workers.

Moreover, during blackout periods, management should be prohibited from selling large blocks of stock on the open market. We command President Bush for suggesting this additional

protection for rank-and-file employees, and we will work with him to help it become law.

But most important, workers want and deserve a greater say in where their money is invested. Diversification is a key principle in any balanced investment strategy. Workers should be empowered with the ability to direct where their retirement savings are invested.

While the shift to more broad-based stock ownership is generally a positive trend in our society, employees should no longer be forced to buy company stock with their own contributions. In addition, if workers choose to buy company stock with their own funds, they should be able to diversify these contributions whenever they wish. It's their money, after all, and they should never be forced to relinquish control of it.

For employer contributions to retirement plans, workers should be allowed to begin diversifying these contributions once they are vested in the plan. Our bill accomplishes that goal while avoiding new loopholes by applying different diversification rules based on the type of contribution, worker payroll deduction, employer matching contribution, or employer nonmatching contribution, rather than the type of plan. We want to make sure that the situation with Enron never happens again, and the protections in our bill will accomplish that goal.

In our view, Congress should also provide special diversification rights for older workers, because the closer you are to retirement, the more you have to lose should stock prices fall. Therefore, under our bill, once a worker turns 55, he or she would be permitted to completely diversify their retirement assets, with no restrictions. This will be the case regardless of tenure with the firm, and regardless of the type of plan. Companies must notify workers of this right to diversify when the worker has reached 55 years of age, thereby giving older workers the additional layer of protection they deserve after a lifetime of work and saving.

I want to say a word about ESOPs. Employee stock ownership plans are important in that they give rank-and-file employees an ownership stake in their firms, which is largely a good thing. We should continue to encourage firms, both public and private, to include their workers in their success. Many public companies are converting parts of their 401(k)s to ESOPs to take advantage of a feature in the tax code that allows them to deduct dividends paid on the shares in the plan. However, these conversions to so-called KSOPs have downsides, in that these plans are generally more restrictive than 401(k)s when employee diversification right are concerned.

As a result, Congress must include both KSOPs and ESOPs in any new diversification rules, to the extent that the plans are at public companies. If we fail to include them, or include one but

not the other, we would open a new loophole while limiting workers rights. But again, since broader employee ownership is a generally positive development, we need to help workers without killing publicly-traded ESOPs. Our bill does so. Plus, another unique feature of the Kerry-Snowe bill is that for all workers under age 55 who choose to diversify some of their KSOP or ESOP shares, the firm will still be allowed to deduct for tax purposes the dividends that would have been paid on those shares, for the year of the sale and the following two years. This provision will smooth the transition to a more worker-friendly system.

Finally, the government should create an Office of Pension Participant Advocacy, similar to the Taxpayer Advocate Service, where both unionized and non-unionized workers can turn to voice their concerns about pension policy. The Pension Participant Advocate would issue an annual report to Congress recommending changes to the pension laws. This idea is one that appears in several bills before Congress, and it is long overdue.

All of these proposals will protect our workers, and more importantly, they will do so without prompting reductions in benefits. Businesses could still contribute stock to retirement plans. Workers will be empowered to diversify their assets, but they would not face any new rules that limit their own choices, such as a hard cap on the amount of a single stock they could own. Our bipartisan approach will ensure that workers are better off in the long run, and that's the outcome we all want.●

● Ms. SNOWE. Mr. President, I rise today to join Senator KERRY in introducing the Worker Investment and Retirement Education, or WIRE, Act of 2002. The WIRE Act seeks to empower workers by giving them control over all of the assets in their retirement accounts and ensures that, in addition to having the ability to take command of assets, they have the information they need to make sound and informed choices.

While the need for pension reform was highlighted by the recent collapse and bankruptcy of Enron, a review of pension regulations is critical for all of the approximate 48 million workers nationwide who participate in a defined contribution retirement plan.

And, as Congress sets out to review existing pension laws, we must recognize that there has been a significant shift in Americans' retirement savings vehicles over the past several years. In fact, use of what we think of as the typical "pension", or defined benefit plan, has fallen from one-third of all plans to one-tenth in 20 years. And, the actual number of defined benefit plans has fallen each year since 1986. Although they still account for almost 45 percent of all employer-sponsored retirement plan participants, that figure

was much higher, at 74 percent, just 20 years ago.

This shift away from defined benefit plans has resulted in the explosion of participation in defined contribution plans, giving individuals the opportunity to make investment decisions according to their own needs and plans for the future. However, with this ability comes added responsibility and, depending on the investment choice, greater risk. And it is this risk that was so clearly personified by the experience of Enron employees.

On Enron's 40,000 employees, almost 21,000 were participating in the Enron Savings Plan, the 401(k) plan. These loyal employees heavily invested in Enron, only to be hit by the one-two punch of losing their jobs and losing their life savings, with the retirement savings losses amounting to over \$1 billion. It is their experience that has led us to write the legislation we are introducing today.

While it is critical that the Congress ensure that such a massive loss of retirement savings never reoccurs, it is also vital that we consider reforms that empower employees, and do not discourage employers from contributing to their employees' retirement plans. As we set out to draft the WIRE Act we sought first and foremost to do no harm to the private pension system.

The WIRE Act, in seeking to increase employees' access to information and ensure that employees have the knowledge necessary to make sound investment decisions, requires that individual workers receive annual statements regarding the assets in their accounts. In addition, our legislation directs the Departments of Labor and the Treasury to produce annually a document for all employees giving them basic guidelines for retirement investing. This assures that employees receive fundamental investment information from an independent authority.

Additionally, the WIRE Act incorporates the language of the Independent Investment Advice Act of 2001, clarifying the fiduciary rules for plan sponsors who offer access to investment advice by providing companies with a safe harbor from liability if they provide qualified, independent investment advice for their workers.

Just as it is critical that we provide access to the information necessary to make informed decisions, it is essential that we increase employees' diversification rights without inhibiting an employee's ability to invest in their company.

And, certainly a review of the investment decisions of employees across the country tells us that the decision of Enron employees to invest their retirements heavily in Enron stock is not unique. In fact, the employees of many of America's leading companies, our top brand names, have chosen similarly to invest more than half of their retirement plan assets in company stock,

Procter and Gamble, 94.7 percent, Sherwin-Williams, 91.6 percent, Pfizer, 88.5 percent, McDonald's, 74.3 percent, the list goes on and on.

And so where does that leave us? How does Congress balance an individual's right to make their own investment decisions, with trying to make sure that no other class of employees suffer as significant a loss as that experienced by Enron employees?

The WIRE Act proposes that the answer to these questions lies in the ability of employees to access and diversify company stock. Therefore, we create specialized diversification rights that are dependent upon the manner in which the stock was added to the employee's account.

For instance, for voluntary purchases of company stock by employees, workers should be able to diversify those shares at any time, after all, it is their own money. For employer-matching contributions made in the form of company stock, half of those shares can be diversified after three years of service, and one hundred percent can be diversified after five years of service.

Importantly, as our intent is to first do no harm to the current employer-sponsored pension system, the WIRE Act attempts to mitigate any potential loss of tax incentives enjoyed by employers for making contributions in the form of company stock when that stock is diversified. We do this by allowing employers to continue to deduct the dividends that would have been paid on employee held company stock for the remainder of that calendar year and for two additional years. This provision, which is unique to the WIRE Act, would ensure that the diversification rights given to employees does not have the unfortunate effect of reducing employer contributions to pension plans—which would be harmful to both the employees and the employers.

The bill we introduce today aims to do nothing to limit personal choice, which is the cornerstone of American beliefs, but instead empower investors with the knowledge and ability to make some of the most fundamental financial decision a person can make. However, as we begin to consider how best to empower and educate employees, it is just as essential that we do not create any disincentives for employers to stop participating in their employees' retirement security. Employers play a critical role in the retirement planning of their employees and it is critical that we encourage this role to continue.

Retirement is part of the American dream, and to that end we must do whatever we can to ensure that this dream is achievable for everyone. I look forward to working with the other members of the Finance Committee, and the Senate, to consider addressing the need for pension reform.●

STATEMENTS ON SUBMITTED
RESOLUTIONS

SENATE RESOLUTION 244—ELIMINATING SECRET SENATE HOLDS

Mr. GRASSLEY (for himself and Mr. WYDEN) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 244

Resolved,

SECTION 1. ELIMINATING SECRET SENATE HOLDS.

Rule VII of the Standing Rules of the Senate is amended by adding at the end the following:

“7. A Senator who provides notice to party leadership of his or her intention to object to proceeding to a motion or matter shall disclose the notice of objection (or hold) in the Congressional Record in a section reserved for such notices not later than 2 session days after the date of the notice.”.

Mr. GRASSLEY. Mr. President, today I am submitting, along with my colleague Senator WYDEN, a Senate resolution to amend the Senate rules to eliminate secret holds.

I know Senators are familiar with the practice of placing holds on matters to come before the Senate.

Holds derive from the rules and traditions of the Senate.

In order for the Senate to run smoothly, objections to unanimous consent agreements must be avoided.

Essentially, a hold is a notice by a Senator to his or her party leader of an intention to object to bringing a bill or nomination to the floor for consideration.

This effectively prevents the Senate leadership from attempting to bring the matter before the Senate.

A Senator might place a hold on a piece of legislation or a nomination because of legitimate concerns about that legislation or nomination.

However, there is no legitimate reason why a Senator placing a hold on a matter should remain anonymous.

I believe in the principle of open government.

Lack of transparency in the public policy process leads to cynicism and distrust of public officials.

I would maintain that the use of secret holds damages public confidence in the institution of the Senate.

It has been my policy, and the policy of Senator WYDEN as well, to disclose in the CONGRESSIONAL RECORD any hold that I place on any matter in the Senate along with my reasons for doing so.

As a practical matter, other Members of the Senate need to be made aware of an individual Senator's concerns.

How else can those concerns be addressed?

As a matter of principle, the American people need to be made aware of any action that prevents a matter from being considered by their elected Senators.

Senator WYDEN and I have worked twice to get a similar ban on secret holds included in legislation passed by the Senate.

But, both times it was removed in conference.

Then, at the beginning of the 106th Congress, Senate Leaders LOTT and DASCHLE circulated a letter informing Senators of a new policy regarding the use of holds.

The Lott/Daschle letter stated,

... all members wishing to place a hold on any legislation or executive calendar business shall notify the sponsor of the legislation and the committee of jurisdiction of their concerns.

This agreement was billed as marking the end of secret holds in the Senate and I took the agreement at face value.

Unfortunately, this policy has not been followed consistently.

Secret holds have continued to appear in the Senate.

For example, last November, it became apparent that an anonymous hold had been placed on a bill, S. 739, sponsored by Senator WELLSTONE.

This bill had been reported by the Committee on Veterans' Affairs.

However, neither Senator WELLSTONE nor Senator ROCKEFELLER, as chairman of the Committee on Veterans' Affairs, were ever informed as to which Senator or Senators had placed the hold.

The time has come to end this distasteful practice for good.

This resolution that Senator WYDEN and I are submitting would do just that.

It would add a section to the Senate rules requiring that Senators make public any hold placed on a matter within two session days of notifying his or her party leadership.

This change will lead to more open dialogue and more constructive debate in the Senate.

Ending secret holds will make the workings of the Senate more transparent.

It will reduce secrecy and public cynicism along with it.

This reform will improve the institutional reputation of the Senate and I would urge my colleagues to support the Grassley-Wyden resolution.

SENATE RESOLUTION 245—DESIGNATING THE WEEK OF MAY 5 THROUGH MAY 11, 2002, AS “NATIONAL OCCUPATIONAL SAFETY AND HEALTH WEEK”

Mr. DURBIN (for himself, Mr. BROWNBACK, and Mr. FEINGOLD) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 245

Whereas every year, more than 6,000 people die from job-related injuries and millions more suffer occupational injuries or illnesses;

Whereas every day, millions of people go to and return home from work safely due, in part, to the efforts of many unsung heroes—the occupational safety, health, and environmental professionals who work day in and day out identifying hazards and implementing safety advances in all industries and at all workplaces, thereby reducing workplace fatalities and injuries;

Whereas these safety professionals work to prevent accidents, injuries, and occupational diseases, create safer work and leisure environments, and develop safer products;

Whereas the more than 30,000 members of the 90-year-old nonprofit American Society of Safety Engineers, based in Des Plaines, Illinois, are safety professionals committed to protecting people, property, and the environment globally;

Whereas the American Society of Safety Engineers, in partnership with the Canadian Society of Safety Engineers, has designated May 5 through May 11, 2002, as North American Occupational Safety and Health Week (referred to in this resolution as “NAOSH week”);

Whereas the purposes of NAOSH week are to increase understanding of the benefits of investing in occupational safety and health, to raise the awareness of the role and contribution of safety, health, and environmental professionals, and to reduce workplace injuries and illnesses by increasing awareness and implementation of safety and health programs;

Whereas during NAOSH week the focus will be on hazardous materials—what they are, emergency response information, the skills and training necessary to handle and transport hazardous materials, relevant laws, personal protection equipment, and hazardous materials in the home;

Whereas over 800,000 hazardous materials are shipped every day in the United States, and over 3,100,000,000 tons are shipped annually; and

Whereas the continued threat of terrorism and the potential use of hazardous materials make it vital for Americans to have information on these materials: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of May 5 through May 11, 2002, as “National Occupational Safety and Health Week”;

(2) commends safety professionals for their ongoing commitment to protecting people, property, and the environment;

(3) encourages all industries, organizations, community leaders, employers, and employees to support educational activities aimed at increasing awareness of the importance of preventing illness, injury, and death in the workplace; and

(4) requests that the President issue a proclamation calling on the people of the United States to observe “National Occupational Safety and Health Week” with appropriate ceremonies and activities.

● Mr. WYDEN. Mr. President, One of the Senate's most popular procedures cannot be found anywhere in the United States Constitution or in the Senate Rules. It is one of the most powerful weapons that any Senator can wield in this body. And it is even more potent when it is invisible. The procedure is popularly known as the “hold.”

The “hold” in the Senate is a lot like the seventh inning stretch in baseball: there is no official rule or regulation that talks about it, but it has been observed for so long that it has become a tradition.

The resolution that Senator GRASSLEY and I submit today does not in any way limit the privilege of any Senator to place a “hold” on a measure or matter. Our resolution targets the stealth cousin of the “hold,” known as the “secret hold.” It is the anonymous hold that is so odious to the basic premise of our democratic system: that the exercise of power always should be accompanied by public accountability.

Our resolution would bring the anonymous hold out of the shadows of the Senate.

Senator GRASSLEY and I have championed this idea in a bipartisan manner for six years now. In 1997 and again in 1998, the United States Senate voted unanimously in favor of our amendments to require that a notice of intent to object be published in the CONGRESSIONAL RECORD within 48 hours. The amendments, however, never survived conference.

So we took our case directly to the leadership, and to their credit, TOM DASCHLE and TRENT LOTT agreed it was time to make a change. They recognized the significant need for more openness in the way the United States Senate conducts its business so TOM DASCHLE and TRENT LOTT sent a joint letter in February 1999 to all Senators setting forth a policy requiring "all Senators wishing to place a hold on any legislation or executive calendar business [to] notify the sponsor of the legislation and the committee of jurisdiction of their concerns." The letter said that "written notification should be provided to the respective Leader stating their intentions regarding the bill or nomination," and that "holds placed on items by a member of a personal or committee staff will not be honored unless accompanied by a written notification from the objecting Senator by the end of the following business day."

At first, this action by the Leaders seemed to make a real difference. Many Senators were more open about their holds, and staff could no longer slap a hold on a bill with a quick phone call. But after six to eight months, the Senate began to slip back towards the old ways. Abuses of the "holds" policy began to proliferate, staff-initiated holds-by-phone began anew, and it wasn't too long before legislative gridlock set in and the Senate seemed to have forgotten what Senators DASCHLE and LOTT had tried to do.

My own assessment of the situation now, which is not based on any scientific evidence, GAO investigation or CRS study, is that a significant number of our colleagues in the Senate have gotten the message sent by the Leaders, and have refrained from the use of secret holds. They inform sponsors about their objections, and do not allow their staff to place a hold without their approval. My sense is that the legislative gridlock generated by secret holds may be attributed to a relatively small number of abusers. The resolution we are submitting today will not be disruptive for a solid number of Senators, but it will up the ante on those who may be "chronic abusers" of the Leaders' policy on holds.

Our bipartisan resolution would amend the Standing Rules of the Senate to require that a Senator who notifies his or her leadership of an intent to object shall disclose that objection in the CONGRESSIONAL RECORD not later than two session days after the date of

the notice. The resolution would assure that the awesome power possessed by an individual Senator to stop legislation or a nomination should be accompanied by public accountability.

The requirement for public notice of a hold two days after the intent has been conveyed to the leadership may prove to be an inconvenience but not a hardship. No Senator will ever be thrown in jail for failing to give public notice of a hold. Senators routinely place statements in the CONGRESSIONAL RECORD recognizing the achievements of a local Boys and Girls Club, or congratulating a local sports team on a State championship. Surely the intent of a Senator to block the progress of legislation or a nomination should be considered of equal importance.

I have adhered to a policy of publicly announcing my intent to object to a measure or matter. This practice has not been a burden or inconvenience. On the contrary, my experience with the public disclosure of holds is that my objections are usually dealt with in an expeditious manner, thereby enabling the Senate to proceed with its business.

Although the Senate is still several months away from the high season of secret holds, a number of important pieces of legislation have already become bogged down in the swamp of secret holds this year. The day is not far off when any given Senator may be forced to place holds on numerous other pieces of legislation or nominees just to try to "smoke out" the anonymous objector. The practice of anonymous multiple or rolling holds is more akin to legislative guerilla warfare than to the way the Senate should conduct its business.

It is time to drain the swamp of secret holds. The resolution we submit today will be referred to the Senate Committee on Rules. It is my hope that the Committee will take this resolution seriously, hold public hearings on it and give it a thorough vetting. This is one of the most awesome powers held by anyone in American government. It has been used countless times to stall and strangle legislation. It is time to bring accountability to the procedure and to the American people.●

AMENDMENTS SUBMITTED AND PROPOSED

SA 3135. Mr. CARPER (for himself, Ms. COLLINS, Mr. LEVIN, and Ms. LANDRIEU) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table.

SA 3136. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 3103 submitted by Mr. KENNEDY (for himself and Mr. SMITH of Oregon) and intended to be proposed to the amend-

ment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3137. Mr. CAMPBELL submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3138. Mrs. BOXER (for herself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3139. Mrs. BOXER (for herself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3140. Mr. NELSON, of Nebraska submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3141. Mr. DORGAN (for himself, Ms. CANTWELL, and Mr. BAYH) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3135. Mr. CARPER (for himself, Ms. COLLINS, Mr. LEVIN, and Ms. LANDRIEU) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 47, strike line 23 and all that follows through page 48, line 4, and insert the following:

"(m) TERMINATION OF MANDATORY PURCHASE AND SALE REQUIREMENTS.—

"(1) OBLIGATION TO PURCHASE.— After the date of enactment of this subsection, no electric utility shall be required to enter into a new contract or obligation to purchase electric energy from a qualifying cogeneration facility or a qualifying small power production facility under this section if the Commission finds that the qualifying cogeneration facility or qualifying small power production facility has access to an independently administered, auction-based day ahead and real time wholesale market for the sale of electric energy.

"(2) OBLIGATION TO SELL.—After the date of enactment of this subsection, no electric utility shall be required to enter into a new contract or obligation to sell electric energy to a qualifying cogeneration facility or a qualifying small power production facility under this section if competing retail electric suppliers are able to provide electric energy to the qualifying cogeneration facility or qualifying small power production facility.

"(3) NO EFFECT ON EXISTING RIGHTS AND REMEDIES.—Nothing in this subsection affects the rights or remedies of any party under any contract or obligation, in effect on the date of enactment of this subsection, to purchase electric energy or capacity from or

to sell electric energy or capacity to a facility under this Act (including the right to recover costs of purchasing electric energy or capacity).

SA 3136. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 3103 submitted by Mr. KENNEDY (for himself and Mr. SMITH of Oregon) and intended to be proposed to the amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. ____ BROADBAND INTERNET ACCESS TAX CREDIT.

(a) IN GENERAL.—Subpart E of part IV of chapter 1 (relating to rules for computing investment credit), as amended by this Act, is amended by inserting after section 48 the following:

“SEC. 48B. BROADBAND CREDIT.

“(a) GENERAL RULE.—For purposes of section 46, the broadband credit for any taxable year is the sum of—

“(1) the current generation broadband credit, plus

“(2) the next generation broadband credit.

“(b) CURRENT GENERATION BROADBAND CREDIT; NEXT GENERATION BROADBAND CREDIT.—For purposes of this section—

“(1) CURRENT GENERATION BROADBAND CREDIT.—The current generation broadband credit for any taxable year is equal to 10 percent of the qualified expenditures incurred with respect to qualified equipment providing current generation broadband services to qualified subscribers and taken into account with respect to such taxable year.

“(2) NEXT GENERATION BROADBAND CREDIT.—The next generation broadband credit for any taxable year is equal to 20 percent of the qualified expenditures incurred with respect to qualified equipment providing next generation broadband services to qualified subscribers and taken into account with respect to such taxable year.

“(c) WHEN EXPENDITURES TAKEN INTO ACCOUNT.—For purposes of this section—

“(1) IN GENERAL.—Qualified expenditures with respect to qualified equipment shall be taken into account with respect to the first taxable year in which—

“(A) current generation broadband services are provided through such equipment to qualified subscribers, or

“(B) next generation broadband services are provided through such equipment to qualified subscribers.

“(2) LIMITATION.—

“(A) IN GENERAL.—Qualified expenditures shall be taken into account under paragraph (1) only with respect to qualified equipment—

“(i) the original use of which commences with the taxpayer, and

“(ii) which is placed in service,

after December 31, 2002.

“(B) SALE-LEASEBACKS.—For purposes of subparagraph (A), if property—

“(i) is originally placed in service after December 31, 2002, by a person, and

“(ii) sold and leased back by such person within 3 months after the date such property was originally placed in service, such property shall be treated as originally placed in service not earlier than the date on

which such property is used under the lease-back referred to in clause (ii).

“(d) SPECIAL ALLOCATION RULES.—

“(1) CURRENT GENERATION BROADBAND SERVICES.—For purposes of determining the current generation broadband credit under subsection (a)(1) with respect to qualified equipment through which current generation broadband services are provided, if the qualified equipment is capable of serving both qualified subscribers and other subscribers, the qualified expenditures shall be multiplied by a fraction—

“(A) the numerator of which is the sum of the number of potential qualified subscribers within the rural areas and the underserved areas which the equipment is capable of serving with current generation broadband services, and

“(B) the denominator of which is the total potential subscriber population of the area which the equipment is capable of serving with current generation broadband services.

“(2) NEXT GENERATION BROADBAND SERVICES.—For purposes of determining the next generation broadband credit under subsection (a)(2) with respect to qualified equipment through which next generation broadband services are provided, if the qualified equipment is capable of serving both qualified subscribers and other subscribers, the qualified expenditures shall be multiplied by a fraction—

“(A) the numerator of which is the sum of—

“(i) the number of potential qualified subscribers within the rural areas and underserved areas, plus

“(ii) the number of potential qualified subscribers within the area consisting only of residential subscribers not described in clause (i),

which the equipment is capable of serving with next generation broadband services, and

“(B) the denominator of which is the total potential subscriber population of the area which the equipment is capable of serving with next generation broadband services.

“(e) DEFINITIONS.—For purposes of this section—

“(1) ANTENNA.—The term ‘antenna’ means any device used to transmit or receive signals through the electromagnetic spectrum, including satellite equipment.

“(2) CABLE OPERATOR.—The term ‘cable operator’ has the meaning given such term by section 602(5) of the Communications Act of 1934 (47 U.S.C. 522(5)).

“(3) COMMERCIAL MOBILE SERVICE CARRIER.—The term ‘commercial mobile service carrier’ means any person authorized to provide commercial mobile radio service as defined in section 20.3 of title 47, Code of Federal Regulations.

“(4) CURRENT GENERATION BROADBAND SERVICE.—The term ‘current generation broadband service’ means the transmission of signals at a rate of at least 1,000,000 bits per second to the subscriber and at least 128,000 bits per second from the subscriber.

“(5) MULTIPLEXING OR DEMULTIPLEXING.—The term ‘multiplexing’ means the transmission of 2 or more signals over a single channel, and the term ‘demultiplexing’ means the separation of 2 or more signals previously combined by compatible multiplexing equipment.

“(6) NEXT GENERATION BROADBAND SERVICE.—The term ‘next generation broadband service’ means the transmission of signals at a rate of at least 22,000,000 bits per second to the subscriber and at least 5,000,000 bits per second from the subscriber.

“(7) NONRESIDENTIAL SUBSCRIBER.—The term ‘nonresidential subscriber’ means a person who purchases broadband services which are delivered to the permanent place of business of such person.

“(8) OPEN VIDEO SYSTEM OPERATOR.—The term ‘open video system operator’ means any person authorized to provide service under section 653 of the Communications Act of 1934 (47 U.S.C. 573).

“(9) OTHER WIRELESS CARRIER.—The term ‘other wireless carrier’ means any person (other than a telecommunications carrier, commercial mobile service carrier, cable operator, open video system operator, or satellite carrier) providing current generation broadband services or next generation broadband service to subscribers through the wireless transmission of energy through radio or light waves.

“(10) PACKET SWITCHING.—The term ‘packet switching’ means controlling or routing the path of a digitized transmission signal which is assembled into packets or cells.

“(11) PROVIDER.—The term ‘provider’ means, with respect to any qualified equipment—

“(A) a cable operator,

“(B) a commercial mobile service carrier,

“(C) an open video system operator,

“(D) a satellite carrier,

“(E) a telecommunications carrier, or

“(F) any other wireless carrier,

providing current generation broadband services or next generation broadband services to subscribers through such qualified equipment.

“(12) PROVISION OF SERVICES.—A provider shall be treated as providing services to a subscriber if—

“(A) a subscriber has been passed by the provider’s equipment and can be connected to such equipment for a standard connection fee,

“(B) the provider is physically able to deliver current generation broadband services or next generation broadband services, as applicable, to such subscribers without making more than an insignificant investment with respect to any such subscriber,

“(C) the provider has made reasonable efforts to make such subscribers aware of the availability of such services,

“(D) such services have been purchased by one or more such subscribers, and

“(E) such services are made available to such subscribers at average prices comparable to those at which the provider makes available similar services in any areas in which the provider makes available such services.

“(13) QUALIFIED EQUIPMENT.—

“(A) IN GENERAL.—The term ‘qualified equipment’ means equipment which provides current generation broadband services or next generation broadband services—

“(i) at least a majority of the time during periods of maximum demand to each subscriber who is utilizing such services, and

“(ii) in a manner substantially the same as such services are provided by the provider to subscribers through equipment with respect to which no credit is allowed under subsection (a)(1).

“(B) ONLY CERTAIN INVESTMENT TAKEN INTO ACCOUNT.—Except as provided in subparagraph (C) or (D), equipment shall be taken into account under subparagraph (A) only to the extent it—

“(i) extends from the last point of switching to the outside of the unit, building, dwelling, or office owned or leased by a subscriber in the case of a telecommunications carrier,

“(ii) extends from the customer side of the mobile telephone switching office to a transmission/receive antenna (including such antenna) owned or leased by a subscriber in the case of a commercial mobile service carrier,

“(iii) extends from the customer side of the headend to the outside of the unit, building,

dwelling, or office owned or leased by a subscriber in the case of a cable operator or open video system operator, or

“(iv) extends from a transmission/receive antenna (including such antenna) which transmits and receives signals to or from multiple subscribers, to a transmission/receive antenna (including such antenna) on the outside of the unit, building, dwelling, or office owned or leased by a subscriber in the case of a satellite carrier or other wireless carrier, unless such other wireless carrier is also a telecommunications carrier.

“(C) PACKET SWITCHING EQUIPMENT.—Packet switching equipment, regardless of location, shall be taken into account under subparagraph (A) only if it is deployed in connection with equipment described in subparagraph (B) and is uniquely designed to perform the function of packet switching for current generation broadband services or next generation broadband services, but only if such packet switching is the last in a series of such functions performed in the transmission of a signal to a subscriber or the first in a series of such functions performed in the transmission of a signal from a subscriber.

“(D) MULTIPLEXING AND DEMULTIPLEXING EQUIPMENT.—Multiplexing and demultiplexing equipment shall be taken into account under subparagraph (A) only to the extent it is deployed in connection with equipment described in subparagraph (B) and is uniquely designed to perform the function of multiplexing and demultiplexing packets or cells of data and making associated application adaptations, but only if such multiplexing or demultiplexing equipment is located between packet switching equipment described in subparagraph (C) and the subscriber's premises.

“(14) QUALIFIED EXPENDITURE.—

“(A) IN GENERAL.—The term ‘qualified expenditure’ means any amount—

“(i) chargeable to capital account with respect to the purchase and installation of qualified equipment (including any upgrades thereto) for which depreciation is allowable under section 168, and

“(ii) incurred after December 31, 2002, and before January 1, 2004.

“(B) CERTAIN SATELLITE EXPENDITURES EXCLUDED.—Such term shall not include any expenditure with respect to the launching of any satellite equipment.

“(15) QUALIFIED SUBSCRIBER.—The term ‘qualified subscriber’ means—

“(A) with respect to the provision of current generation broadband services—

“(i) a nonresidential subscriber maintaining a permanent place of business in a rural area or underserved area, or

“(ii) a residential subscriber residing in a dwelling located in a rural area or underserved area which is not a saturated market, and

“(B) with respect to the provision of next generation broadband services—

“(i) a nonresidential subscriber maintaining a permanent place of business in a rural area or underserved area, or

“(ii) a residential subscriber.

“(16) RESIDENTIAL SUBSCRIBER.—The term ‘residential subscriber’ means an individual who purchases broadband services which are delivered to such individual's dwelling.

“(17) RURAL AREA.—The term ‘rural area’ means any census tract which—

“(A) is not within 10 miles of any incorporated or census designated place containing more than 25,000 people, and

“(B) is not within a county or county equivalent which has an overall population density of more than 500 people per square mile of land.

“(18) RURAL SUBSCRIBER.—The term ‘rural subscriber’ means a residential subscriber re-

siding in a dwelling located in a rural area or nonresidential subscriber maintaining a permanent place of business located in a rural area.

“(19) SATELLITE CARRIER.—The term ‘satellite carrier’ means any person using the facilities of a satellite or satellite service licensed by the Federal Communications Commission and operating in the Fixed-Satellite Service under part 25 of title 47 of the Code of Federal Regulations or the Direct Broadcast Satellite Service under part 100 of title 47 of such Code to establish and operate a channel of communications for distribution of signals, and owning or leasing a capacity or service on a satellite in order to provide such distribution.

“(20) SATURATED MARKET.—The term ‘saturated market’ means any census tract in which, as of the date of the enactment of this section—

“(A) current generation broadband services have been provided by one or more providers to 85 percent or more of the total number of potential residential subscribers residing in dwellings located within such census tract, and

“(B) such services can be utilized—

“(i) at least a majority of the time during periods of maximum demand by each such subscriber who is utilizing such services, and

“(ii) in a manner substantially the same as such services are provided by the provider to subscribers through equipment with respect to which no credit is allowed under subsection (a)(1).

“(21) SUBSCRIBER.—The term ‘subscriber’ means a person who purchases current generation broadband services or next generation broadband services.

“(22) TELECOMMUNICATIONS CARRIER.—The term ‘telecommunications carrier’ has the meaning given such term by section 3(44) of the Communications Act of 1934 (47 U.S.C. 153(44)), but—

“(A) includes all members of an affiliated group of which a telecommunications carrier is a member, and

“(B) does not include a commercial mobile service carrier.

“(23) TOTAL POTENTIAL SUBSCRIBER POPULATION.—The term ‘total potential subscriber population’ means, with respect to any area and based on the most recent census data, the total number of potential residential subscribers residing in dwellings located in such area and potential nonresidential subscribers maintaining permanent places of business located in such area.

“(24) UNDERSERVED AREA.—The term ‘underserved area’ means any census tract which is located in—

“(A) an empowerment zone or enterprise community designated under section 1391,

“(B) the District of Columbia Enterprise Zone established under section 1400,

“(C) a renewal community designated under section 1400E, or

“(D) a low-income community designated under section 45D.

“(25) UNDERSERVED SUBSCRIBER.—The term ‘underserved subscriber’ means a residential subscriber residing in a dwelling located in an underserved area or nonresidential subscriber maintaining a permanent place of business located in an underserved area.

“(f) DESIGNATION OF CENSUS TRACTS.—The Secretary shall, not later than 90 days after the date of the enactment of this section, designate and publish those census tracts meeting the criteria described in paragraphs (17), (20), and (24) of subsection (e). In making such designations, the Secretary shall consult with such other departments and agencies as the Secretary determines appropriate.”

(b) CREDIT TO BE PART OF INVESTMENT CREDIT.—Section 46 (relating to the amount

of investment credit), as amended by this Act, is amended by striking “and” at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting “, and”, and by adding at the end the following:

“(5) the broadband credit.”

(c) SPECIAL RULE FOR MUTUAL OR COOPERATIVE TELEPHONE COMPANIES.—Section 501(c)(12)(B) (relating to list of exempt organizations) is amended by striking “or” at the end of clause (iii), by striking the period at the end of clause (iv) and inserting “, or”, and by adding at the end the following:

“(v) from the sale of property subject to a lease described in section 48B(c)(2)(B), but only to the extent such income does not in any year exceed an amount equal to the credit for qualified expenditures which would be determined under section 48B for such year if the mutual or cooperative telephone company was not exempt from taxation and was treated as the owner of the property subject to such lease.”

(d) CONFORMING AMENDMENT.—The table of sections for subpart E of part IV of subchapter A of chapter 1, as amended by this Act, is amended by inserting after the item relating to section 48A the following:

“Sec. 48B. Broadband credit.”

(e) REGULATORY MATTERS.—

(1) PROHIBITION.—No Federal or State agency or instrumentality shall adopt regulations or ratemaking procedures that would have the effect of confiscating any credit or portion thereof allowed under section 48B of the Internal Revenue Code of 1986 (as added by this section) or otherwise subverting the purpose of this section.

(2) TREASURY REGULATORY AUTHORITY.—It is the intent of Congress in providing the broadband credit under section 48B of the Internal Revenue Code of 1986 (as added by this section) to provide incentives for the purchase, installation, and connection of equipment and facilities offering expanded broadband access to the Internet for users in certain low income and rural areas of the United States, as well as to residential users nationwide, in a manner that maintains competitive neutrality among the various classes of providers of broadband services. Accordingly, the Secretary of the Treasury shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of section 48B of such Code, including—

(A) regulations to determine how and when a taxpayer that incurs qualified expenditures satisfies the requirements of section 48B of such Code to provide broadband services, and

(B) regulations describing the information, records, and data taxpayers are required to provide the Secretary to substantiate compliance with the requirements of section 48B of such Code.

Until the Secretary prescribes such regulations, taxpayers may base such determinations on any reasonable method that is consistent with the purposes of section 48B of such Code.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures incurred after December 31, 2002, and before January 1, 2004.

SA 3137. Mr. CAMPBELL submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 92, between lines 17 and 18, insert the following:

Subtitle A—Energy Programs

On page 94, line 5, insert “and nonrenewable” after “renewable”.

On page 109, line 5, strike “renewable” and insert “tribal”.

On page 109, line 12, insert “and nonrenewable” after “renewable”.

On page 109, line 14, insert “and nonrenewable” after “renewable”.

On page 115, between lines 3 and 4, insert the following:

Subtitle B—Energy Development

SEC. 411. DEFINITIONS.

In this subtitle:

(1) **FUND.**—The term “Fund” means the Joint Energy Development Feasibility Fund established under section 412(g).

(2) **INDIAN LAND.**—

(A) **IN GENERAL.**—The term “Indian land” means any land within the limits of—

(i) any Indian reservation, pueblo, or rancharia; or

(ii) a former reservation in Oklahoma;

which is held in trust by the United States or subject to Federal restriction upon alienation.

(B) **LANDS IN ALASKA.**—Land in Alaska owned by an Indian tribe, as that term is defined in this subsection (3), shall be considered to be Indian land.

(3) **INDIAN TRIBE.**—

(A) **IN GENERAL.**—The term “Indian tribe” means any Indian tribe, band, nation or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688) (43 U.S.C. 1601 et seq.) which is eligible to receive services provided by the United States because of their status as Indians.

(B) **TRIBAL CONSORTIA.**—For purposes of this Act only, the term “Indian tribe” includes a consortium of Indian entities described in subparagraph (A).

(4) **SECRETARY.**—The term “Secretary” means Secretary of the Interior.

SEC. 412. INDIAN ENERGY DEVELOPMENT DEMONSTRATION PROJECT.

(a) **PURPOSE.**—The purpose of this section is to authorize the Secretary of the Interior to establish an Indian energy development demonstration project to—

(1) promote the energy self-sufficiency of the United States by encouraging the development of energy resources on Indian land;

(2) enable and encourage Indian tribes to take advantage of energy opportunities by expediting the procedures for entering into energy development agreements with respect to Indian land;

(3) meet the energy needs of members of Indian tribes by encouraging the development of energy resources on Indian land; and

(4) protect the environmental and economic interests of Indian tribes and communities located adjacent to Indian land.

(b) **DEFINITIONS.**—In this section:

(1) **DEMONSTRATION PROJECT.**—The term “demonstration project” means the demonstration project carried out by the Secretary under subsection (c)(1).

(2) **DEVELOPMENT PLAN.**—The term “development plan” means a comprehensive Indian energy development plan described in subsection (d)(1).

(3) **ENERGY RESOURCE.**—The term “energy resource” means a renewable or nonrenewable source of energy.

(c) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—The Secretary shall carry out a demonstration project to provide for the development of energy sources on Indian land.

(2) **SELECTION OF PARTICIPATING TRIBES.**—

(A) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, in accordance with such application and review procedures as the Secretary, in consultation with interested Indian tribes, shall establish, the Secretary may select not more than 25 Indian tribes to participate in the demonstration project.

(B) **ADDITIONAL TRIBES.**—In addition to the Indian tribes selected under subparagraph (A), the Secretary may select an additional 5 Indian tribes for each fiscal year after the date of expiration of the 1-year period referred to in subparagraph (A).

(C) **APPLICATION.**—An Indian tribe that seeks to participate in the demonstration project shall submit to the Secretary an application that includes—

(i) certification by the governing body of the Indian tribe that the Indian tribe has requested to participate in the demonstration project; and

(ii) a description of the reasons why the Indian tribe seeks to participate in the demonstration project, including an overview of the types of energy development projects and activities that the Indian tribe anticipates will be carried out on the Indian land of the Indian tribe under the demonstration project.

(d) **COMPREHENSIVE INDIAN ENERGY DEVELOPMENT PLANS.**—

(1) **IN GENERAL.**—The Secretary shall require each Indian tribe that participates in the demonstration project to submit to the Secretary for approval a comprehensive Indian energy development plan that—

(A) describes the manner in which the Indian tribe intends to govern activities of the Indian tribe with respect to energy sources on the Indian land of the Indian tribe;

(B) includes information relating to—

(i) the siting of energy facilities on the Indian land of the Indian tribe; and

(ii) the granting of rights-of-way for any energy-related purposes;

(C) describes how the Indian tribe will protect the environment on its land in conjunction with the development of its energy sources; and

(D) describes any proposed actions by the Indian tribe that would require approval under the Indian Mineral Development Act of 1982 (25 U.S.C. 2101 et seq.).

(2) **PLAN APPROVAL.**—

(A) **GUIDELINES.**—The Secretary, taking into consideration the purposes of this section, shall develop guidelines for the approval of development plans.

(B) **ACTION BY THE SECRETARY.**—

(1) **IN GENERAL.**—The Secretary shall approve or disapprove a development plan not later than 120 days after the Secretary receives the development plan.

(ii) **FAILURE TO ACT.**—If the Secretary fails to approve or disapprove a development plan within time period specified in clause (i), the development plan shall be considered to be approved.

(C) **AGREEMENTS.**—Notwithstanding any other provision of law, after approval by the Secretary of a development plan of an Indian tribe, the Indian tribe, without further approval by the Secretary, may enter into 1 or more agreements for the development of energy sources in accordance with the development plan.

(e) **FEDERAL LIABILITY.**—The Secretary shall not be liable for any action taken, or any failure to act, by any Indian tribe or other person in accordance with a development plan under paragraph (2), unless the Secretary, in approving the plan, has violated the trust responsibility to that Indian tribe.

(f) **REPORT TO CONGRESS.**—Not later than 30 months after the date of enactment of this

Act, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Indian Affairs and the Committee on Energy and Natural Resources of the Senate, a report that—

(1) describes the implementation and effectiveness of the demonstration project; and

(2) includes any recommendations of the Secretary relating to administrative, statutory, or other changes that are considered by the Secretary to be necessary to achieve the purposes specified in subsection (a).

(g) **JOINT ENERGY DEVELOPMENT FEASIBILITY FUND.**—

(1) **IN GENERAL.**—There is established in the Treasury of the United States a fund to be known as the “Joint Energy Development Feasibility Fund”.

(2) **USE OF FUND.**—The Secretary may use amounts in the Fund to—

(A) provide loans to Indian tribes to assist in—

(i) identifying energy development opportunities on Indian land;

(ii) preparing and implementing comprehensive Indian energy development plans; and

(iii) carrying out other activities consistent with the purposes of this subtitle; and

(B) make grants to Indian tribes to assist in the establishment of multi-tribal energy consulting and energy development corporations to assist Indian tribes in preparing or implementing comprehensive Indian energy development plans.

(3) **INDIAN ENERGY DEVELOPMENT REGISTRY.**—In consultation with the Indian tribes, the Secretary shall compile an Indian Energy Development Registry to serve as an electronic database identifying energy sources on Indian land. Prior to any related information being included in the Registry, the Secretary shall seek and secure the approval of the appropriate Indian tribe.

(4) **REPAYMENT OF LOANS.**—Under terms and conditions approved by the Secretary, an Indian tribe that receives a loan from the Fund shall repay the loan from the proceeds of an energy development project facilitated by the loan.

(5) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Fund such sums as are necessary to carry out this section.

SEC. 413. LAND ACQUISITIONS FOR PURPOSES OF ENERGY DEVELOPMENT.

(a) **APPLICATION.**—

(1) **IN GENERAL.**—On submission, in accordance with section 5 of the Act of June 18, 1934 (25 U.S.C. 465), by an Indian tribe to the Secretary of an application to take land into trust for the purpose of energy development, the Secretary shall approve the application if the application meets the requirements described in paragraph (2).

(2) **REQUIREMENTS.**—The requirements referred to in paragraph (1) are that—

(A) the land that is proposed to be taken into trust under the application is located within the exterior boundaries of the Indian land of an Indian tribe;

(B) the land is proposed to be taken into trust only for purposes consistent with this section; and

(C) the application contains provisions that waive any rights of the Indian tribe that submitted the application, or any other Indian tribe, to conduct gaming activities on the land in accordance with the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).

(b) **APPROVAL.**—If the Secretary does not approve or disapprove an application submitted by an Indian tribe under subsection (a) within the 120-day period beginning on the date of submission of the application, the

application shall be considered to be approved.

SEC. 414. ENERGY ASSET PRODUCTIVITY ENHANCEMENT.

(a) **FEDERAL WATER AND POWER PROJECTS INVENTORY.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall complete, publish in the Federal Register, and submit in accordance with paragraph (2) a report on, an inventory of all federally-owned water projects and power projects that are—

(A) under the jurisdiction of the Secretary; and

(B) located on Indian land.

(2) **REPORT.**—The Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Indian Affairs and the Committee on Energy and Natural Resources of the Senate a report that—

(A) describes the results of the inventory completed under paragraph (1);

(B) identifies potentially transferable water projects and power projects contained in the inventory completed under paragraph (1); and

(C) includes options recommended by the Secretary for the eventual ownership, management, operation, and maintenance of those projects by Indian tribes (including ownership, management, operation, and maintenance in accordance with the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)).

(b) **FEDERAL TRANSFERS.**—

(1) **IN GENERAL.**—After publication of the inventory under subsection (a)(1), and on the request of an Indian tribe, the Secretary shall transfer the ownership of any water project or power project to the Indian tribe if—

(A) the project is—

(i) owned by the United States; and

(ii) under the administrative jurisdiction of the Secretary; and

(B) located on the Indian land of the Indian tribe;

(C) the Indian tribe agrees to hold the United States harmless for any liability relating to ownership, management, operation, and maintenance of the project by the Indian tribe; and

(D) the Secretary determines that the transfer—

(i) is in the best interests of the United States and the Indian tribe; and

(ii) would not be detrimental to local communities.

(2) **NO CHANGE IN PURPOSE OR OPERATION.**—No transfer of a water project or power project under paragraph (1) shall authorize any change in the purpose or operation of the project.

SEC. 415. REVIEW OF PROVISIONS RELATING TO ENERGY ON INDIAN LAND.

(a) **FEDERAL OIL AND GAS ROYALTY MANAGEMENT ACT REVIEW.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall complete, and submit to Congress in accordance with paragraph (2) a report on, a review of the royalty system for oil and gas development on Indian land—

(A) under the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.); and

(B) in accordance with leases of Indian land that involve the development of oil or gas resources on that land.

(2) **REPORT.**—The Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Indian Affairs and the Committee on Energy and Natural Resources of the Senate a report that describes—

(A) the findings made by the Secretary as a result of the review under paragraph (1);

(B) an analysis of—

(i) the barriers to the development of energy sources on Indian land; and

(ii) the best means of removing those barriers; and

(C) recommendations of the Secretary with respect to measures to—

(i) increase energy production on Indian land;

(ii) maximize revenues to Indian tribes and members of Indian tribes from that energy production; and

(iii) ensure the timely payment of revenues from that energy production.

(3) **RECOMMENDATIONS.**—The Secretary shall implement the recommendations described in paragraph (2)(C) for which the Secretary has implementation authority.

(4) **IMPACTS ON INDIAN LAND.**—Notwithstanding the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.), an Indian tribe shall be eligible for assistance to mitigate the effects of exploration, extraction, and removal of oil or gas on Indian land to the same extent as a State is eligible for assistance for exploration, extraction, or removal of oil and gas on State land.

(b) **INDIAN MINERAL DEVELOPMENT ACT REVIEW.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall complete, and submit to Congress in accordance with paragraph (2) a report on, a review of all activities that have been conducted on Indian land under the Indian Mineral Development Act of 1982 (25 U.S.C. 2101 et seq.).

(2) **REPORT.**—The Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Indian Affairs and the Committee on Energy and Natural Resources of the Senate a report that describes—

(A) the findings made by the Secretary as a result of the review under paragraph (1);

(B) an analysis of—

(i) the barriers to the development of energy sources on Indian land; and

(ii) the best means of removing those barriers; and

(C) recommendations of the Secretary with respect to measures to—

(i) increase energy production on Indian land; and

(ii) maximize the opportunities to develop those energy sources.

(3) **RECOMMENDATIONS.**—The Secretary shall implement the recommendations described in paragraph (2)(C) for which the Secretary has implementation authority.

SEC. 416. ENERGY EFFICIENCY AND CONSERVATION IN INDIAN HOUSING.

(a) **FINDING.**—Congress finds that the Secretary of Housing and Urban Development should promote energy conservation in housing located on Indian land that is assisted with Federal resources through—

(1) the use of energy-efficient technologies and innovations (including the procurement of energy-efficient refrigerators and other appliances);

(2) the encouragement of shared savings contracts; and

(3) other similar technologies and innovations considered appropriate by the Secretary of Housing and Urban Development.

(b) **ENERGY EFFICIENCY IN ASSISTED HOUSING.**—Section 202(2) of the Native American Housing and Self-Determination Act of 1996 (25 U.S.C. 4132(2)) is amended by inserting “improvement to achieve greater energy efficiency,” after “planning.”

(c) **TECHNICAL ASSISTANCE TO NONPROFIT AND COMMUNITY ORGANIZATIONS.**—The Secretary of Housing and Urban Development,

in cooperation with Indian tribes or tribally-designated housing entities of Indian tribes, may provide, to eligible (as determined by the Secretary of Housing and Urban Development) nonprofit and community organizations, technical assistance to initiate and expand the use of energy-saving technologies in—

(1) new home construction;

(2) housing rehabilitation; and

(3) housing in existence as of the date of enactment of this Act.

(d) **REVIEW.**—The Secretary of Housing and Urban Development and the Secretary of the Interior, in consultation with Indian tribes or tribally-designated housing entities of Indian tribes, shall—

(1) complete a review of regulations promulgated by the Secretary of Housing and Urban Development and the Secretary of the Interior to determine any necessary and feasible measures that may be taken to promote greater use of energy efficient technologies in housing for which Federal assistance is provided under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.);

(2) develop energy efficiency and conservation measures for use in connection with housing that is—

(A) located on Indian land; and

(B) constructed, repaired, or rehabilitated using assistance provided under any law or program administered by the Secretary of Housing and Urban Development and the Secretary of the Interior, including—

(i) the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.); and

(ii) the Indian Home Improvement Program of the Bureau of Indian Affairs; and

(3) promote the use of the measures described in paragraph (2) in programs administered by the Secretary of Housing and Urban Development and the Secretary of the Interior, as appropriate.

SA 3138. Mrs. BOXER (for herself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 191, strike lines 8 through 11 and insert the following:

“(4) **CELLULOSIC BIOMASS ETHANOL.**—

“(A) **IN GENERAL.**—For the purpose of paragraph (2)—

“(i) except as provided in clause (ii), 1 gallon of cellulosic biomass ethanol shall be considered to be the equivalent of 1.5 gallons of renewable fuel; and

“(ii) 1 gallon of cellulosic biomass ethanol shall be considered the equivalent of 2 gallons of renewable fuel if the cellulosic biomass ethanol is derived from agricultural residues.

“(B) **CELLULOSIC BIOMASS ETHANOL CONVERSION ASSISTANCE.**—

“(i) **IN GENERAL.**—The Secretary of Energy may make grants to merchant producers of cellulosic biomass ethanol to assist such producers in building eligible facilities for the production of cellulosic biomass ethanol.

“(ii) **ELIGIBLE FACILITIES.**—A facility shall be eligible to receive a grant under this paragraph if the facility—

“(I) is located in the United States; and

“(II) uses cellulosic biomass ethanol feed stocks derived from agricultural residues.

“(iii) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph such sums as may be necessary for fiscal years 2003, 2004, and 2005.”.

SA 3139. Mrs. BOXER (for herself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 204, strike line 15 and all that follows through page 205, line 8 and insert the following:

“Notwithstanding any other provision of federal or state law, a renewable fuel, as defined by this Act, used or intended to be used as a motor vehicle fuel, or any motor vehicle fuel containing such renewable fuel, shall be subject to liability standards no less protective of human health, welfare and the environment than any other motor vehicle fuel or fuel additive.”.

SA 3140. Mr. NELSON of Nebraska submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

Strike Title III and insert the following:

SEC. 301. ALTERNATIVE CONDITIONS AND FISHWAYS.

(a) ALTERNATIVE MANDATORY CONDITIONS.—Section 4 of the Federal Powers Act (16 U.S.C. 797) is amended by adding at the end the following:

“(h)(1) Whenever any person applies for a license for any project works within any reservation of the United States under subsection (e), and the Secretary of the department under whose supervision such reservation falls (in this subsection referred to the ‘Secretary’) shall deem a condition to such license to be necessary under the first proviso of such section, the license applicant may propose an alternative condition.

“(2) Notwithstanding the first proviso of subsection (e), the Secretary of the department under whose supervision the reservation falls shall accept the proposed alternative condition referred to in paragraph (1), and the Commission shall include in the license such alternative condition, if the Secretary of the appropriate department determines, based on substantial evidence provided by the license applicant, that the alternative condition—

“(A) provides for the adequate protection and utilization of the reservation; and

“(B) with either—

“(i) cost less to implement, or

“(ii) result in improved operation of the project works for electricity production as compared to the condition initially deemed necessary by the Secretary.

“(3) The Secretary shall submit into the public record of the Commission proceeding with any condition under subsection (e) or alternative condition it accepts under this subsection a written statement explaining the basis for such condition, and reason for

not accepting any alternative condition under this subsection, including the effects of the condition accepted and alternatives not accepted on energy supply, distribution, cost, and use, air quality, flood control, navigation, and drinking, irrigation, and recreation water supply, based on such information as may be available to the Secretary, including information voluntarily provided in a timely manner by the applicant and others.

“(4) Nothing in this subsection shall prohibit other interested parties from proposing alternative conditions.”

(b) ALTERNATIVE FISHWAYS.—Section 18 of the Federal Power Act (16 U.S.C. 811) is amended by—

(1) inserting “(a)” before the first sentence; and

(2) adding at the end the following:

“(b)(1) Whenever the Secretary of the Interior or the Secretary of Commerce prescribes a fishway under this section, the license applicant or the licensee may propose an alternative to such prescription to construct, maintain, or operate a fishway.

“(2) Notwithstanding subsection (a), the Secretary of the Interior or the Secretary of Commerce, as appropriate, shall accept and prescribe, and the Commission shall require, the proposed alternative referred to in paragraph (1), if the Secretary of the appropriate department determines, based on substantial evidence provided by the licensee, that the alternative—

“(A) will be no less protective of the fishery than the fishway initially prescribed by the Secretary; and

“(B) with either—

“(i) cost less to implement, or

“(ii) result in improved operation of the project works for electricity production as compared to the fishway initially prescribed by the Secretary.

“(3) The Secretary shall submit into the public record of the Commission proceeding with any prescription under subsection (a) or alternative prescription it accepts under this subsection a written statement explaining the basis for such prescription, and reason for not accepting any alternative prescription under this subsection, including the effects of the prescription accepted or alternative not accepted on energy supply, distribution, cost, and use, air quality, flood control, navigation, and drinking, irrigation, and recreation water supply, based on such information as may be available to the Secretary, including information voluntarily provided in a timely manner by the applicant and others.

“(4) Nothing in this subsection shall prohibit other interested parties from proposing alternative prescriptions.”

SA 3141. Mr. DORGAN (for himself, Ms. CANTWELL, and Mr. BAYH) submitted an amendment intended to be proposed to amendment SA 2917 by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 213, after line 10, insert:

SEC. 824. FUEL CELL VEHICLE PROGRAM.

Not later than one year from date of enactment of this section, the Secretary shall develop a program with timetables for developing technologies to enable at least 100,000 hydrogen-fueled fuel cell vehicles to be available for sale in the United States by 2010 and at least 2.5 million of such vehicles to be

available by 2020 and annually thereafter. The program shall also include timetables for development of technologies to provide 50 million gasoline equivalent gallons of hydrogen for sale in fueling stations in the United States by 2010 and at least 2.5 billion gasoline equivalent gallons by 2020 and annually thereafter. The Secretary shall annually include a review of the progress toward meeting the vehicle sales of Energy budget.”

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON INDIAN AFFAIRS

Mr. REID. Mr. President, I seek the unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, April, 17, 2002, at 2 p.m., in room 485 of the Russell Senate Office Building to conduct an oversight hearing on subsistence hunting and fishing issues in the State of Alaska.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, April 17, 2002, at 2:30 p.m., to hold an open hearing on the nomination of John L. Helgeson to be Inspector General of the Central Intelligence Agency.

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

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Administrative Oversight and the Courts be authorized to meet to conduct a hearing on “Should the Office of Homeland Security Have More Power? A Case Study in Information Sharing” on Wednesday, April 17, 2002, at 9:30 a.m., in Dirksen 226.

Witness List

Panel I: Mr. Vance Hitch, Chief Information Officer, Department of Justice, Washington, DC; Mr. Eugene O’Leary, Acting Assistant Director for the Information Resource Division, Federal Bureau of Investigation, Washington, DC; and Mr. Scott Hastings, Deputy Associate Commissioner for Information Resources, Immigration and Naturalization Service, Washington, DC.

Panel II: Mr. Leon Panetta, Director, Panetta Institute, Monterey Bay, California; Mr. George J. Terwilliger III, Partner, White & Case, Washington, DC; Mr. Philip Anderson, Senior Fellow, International Security Program, Center for Strategic and International Studies, Washington, DC; and Mr. Paul C. Light, Vice President and Director, Governmental Studies, Brookings Institute, Washington, DC.

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

SUBCOMMITTEE ON THE CONSTITUTION, FEDERALISM AND PROPERTY RIGHTS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on

the Judiciary Subcommittee on the Constitution, Federalism & Property Rights be authorized to meet to conduct a hearing on "Applying the War Powers Resolution to the War on Terrorism," on Wednesday, April 17, 2002, at 2 p.m., in SD-226.

Panel: Mr. John Yoo, Deputy Assistant Attorney General, Office of Legal Counsel, U.S. Department of Justice, Washington, DC; Mr. Louis Fisher, Senior Specialist in Separation of Powers, Congressional Research Service, Library of Congress, Washington, DC; Mr. Alton Frye, Presidential Senior Fellow and Director, Program on Congress and Foreign Policy, Council on Foreign Relations, Washington, DC; Mr. Michael Glennon, Professor of Law and Scholar in Residence, The Woodrow Wilson International Center for Scholars, Washington, DC; Mr. Douglas Kmiec, Dean of the Columbus School of Law, The Catholic University of America, Washington, DC; Ms. Jane Stromseth, Professor of Law, Georgetown University Law Center, Washington, DC; and Ms. Ruth Wedwood, Edward B. Burling Professor of International Law and Diplomacy, Yale Law School and The Paul H. Nitze School of Advanced International Studies, Washington, DC.

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

PRIVILEGES OF THE FLOOR

Mr. WELLSTONE. I ask unanimous consent an intern in my office, Tanya Balsky, be allowed privileges on the floor for the day.

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

Mrs. MURRAY. I ask unanimous consent that Christopher Jackson, a fellow in my office, be granted the privilege of the floor for the duration of the debate on the energy bill, S. 517.

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

ORDER FOR ADJOURNMENT

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment following the statement of the Senator from Alaska, which is for debate only, as we have discussed.

Mr. MURKOWSKI. Mr. President, reserving the right to object, I have been notified there may be another Republican who will speak.

Mr. REID. I am going to include that. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order following the statements of the Senator from Alaska, Mr. MURKOWSKI, and the Senator from Texas, Mr. GRAMM, and that their statements be for debate only.

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

Mr. REID. Mr. President, let me take a minute and say I appreciate very

much the courtesy of the Senator from Alaska. He has been here for days. With his courtesy, I can go home a couple hours before he can, and I appreciate that very much.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 2001—Continued

Mr. MURKOWSKI. I thank my good friend, the majority whip from Nevada. I am sure at some point in time the situation will be reversed, and we will be on a Nevada issue of some torturous nature, Yucca Mountain or some such issue, and he will be here through the evening time.

I recognize the hour is late, and I also recognize the issue before us is the crux of the energy debate. It is the so-called lightning rod known as ANWR.

It has been interesting to be here today and participate with a number of Senators, almost all of whom have never been to my State and visited ANWR. They certainly had some strong opinions about it. One has to question where those opinions may have come from, but I am sure they meant well and their own convictions as they stated them were reflective of information they had.

I am going to spend a little time tonight on information and education. Make no mistake about it, Mr. President, you and I both know we are speaking to an empty Chamber. On the other hand, I appreciate the courtesy of your attention and that of the staff who is still with us.

We have a different audience out there, and we do not know who they are, but I think it is fair to say that from the debate here, a lot of Members of this body are not too well informed on the factual issues in my State of Alaska. Senator STEVENS and I have attempted to change that by a characterization that we think is representative of the facts associated with resource development in our State.

I hope as we address whatever audience may be out there, that they, too, recognize certain realities of those of us who have been elected by our constituents to represent their interests. It is in that vein that I speak to you tonight, Mr. President.

I guess this all started in the sense of a slippery slope when Republicans lost control of this body. We had a vote on ANWR in 1995. It passed in the omnibus bill. President Clinton vetoed it. At that time, control of the Senate was in Republican hands, 55 to 45. Now it is 50 to 49 in favor of the Democrats. This is a clear reality, and I am sure it will be reflected in the cloture votes tomorrow.

One could say that the salvation of ANWR is pretty much directed by the Republican Party. That certainly has been the case in the past, and it appears to be the case today. We will see where it is tomorrow.

The last time we had an ANWR vote, it was a simple majority. We were not faced with a cloture vote. We were not faced with having to overcome 60 votes. Equity is equity and rules are rules, and I understand that. But the manner in which this occurred is particularly offensive to me because I happened to be at the beginning of this year the chairman of the Energy and Natural Resources Committee. One of my goals, of course, was to present before that committee that I chaired the ANWR amendment, debate it, and vote it out.

Then we had a little change of structure in the Senate in June and, as a consequence, the Republicans lost control of the Senate. I still had hopes because some of my Democratic friends had actually visited ANWR and they were convinced it could be opened up safely. As a consequence of the chronology of that, I had assumed we would take up the energy bill in the committee of jurisdiction, debate it, come up with amendments, and present it on the floor of the Senate.

Had that been done, we would not have been required to have a 60-vote point of order on a cloture vote, and we all know that, but that was not the case because I can only assume through a recognition of the exposure that the Republicans had lost control of the Senate and the recognition of the availability of the rules that the Democratic leadership found a way to get around that.

What they did is they simply took the energy bill away from the committee of jurisdiction and proceeded to introduce it on the floor of the Senate, as is the prerogative of the majority leader.

Whether it is crooked or not, whether you feel bad or not, it is within the rules of this body and, as a consequence, it was done.

That presented the dilemma that Senator STEVENS and I faced in proceeding. It was a little more complex than that because it put a burden on other Members, as well, because the other Members clearly, as we got into the intricacies of the energy bill, were faced with an educational process of electricity, alternative energy sources, some relatively complex issues that ordinarily would be addressed in the vein of the committee process, and go to the floor with specific recommendations and block bases of support.

In any event, to get to the bottom line, we are faced with the reality that we now need 60 votes because it was structured that way. There was no other way to avoid it because we simply could not get a simple majority vote for the reason we had to add the ANWR amendment in, and in so doing, we were under the exposure of cloture.

Had it been in the bill, we would have been faced with the much more favorable alternative of a simple majority. So that is where we are today.

I think it is important to reflect a little bit on where the amendments are relative to what is before us. As I think

everyone is quite familiar with by now, we have a second degree, and the second degree is very specific in its recognition of what it does. It specifically states that any proceeds from the development of ANWR, which would result from the leases and the royalty bids, would go to the steel industry.

I think the rationale for this is quite evident. The steel industry is in a difficult position. We have seen a decline of that industry. People have indicated from time to time there are a couple of things we have to have as a nation. One is steel. One is energy. One is food. We have seen our steel industry reduced dramatically in the last couple of decades to the point where the viability of the American steel industry is clearly in question.

What we had was an opportunity to meld two projects together. This would address jobs, this would address the opportunity to revitalize the American steel industry, because, as has been pointed out, with the discovery of natural gas in Prudhoe Bay, we came across about 36 trillion cubic feet of natural gas.

I am going to point out the general area of Prudhoe Bay. As a consequence of that discovery of gas, the question was: When and how can it be developed?

It was found as a consequence of developing the Prudhoe Bay oilfield. As we developed the oilfields, we found more gas. We did not have any way to take that gas to market. So we began to develop some proposals.

The blue line on the chart indicates the proposed route of the TransAlaska gasline. That line is estimated to be about 3,000 miles long. It would go ultimately to the Chicago city gate. It would move about 4 billion cubic feet a day and have a capacity of about 6 billion cubic feet a day. I have to be careful with the numbers because the design capacity is in the trillions. The movement per day is in the billions.

As a consequence, it would be the largest construction project ever undertaken in North America. The cost is estimated to be about \$20 billion.

We have had some experience because we built an oil pipeline that traversed a significant portion of Alaska. That oil pipeline is seen on this particular chart. It goes from Prudhoe Bay to Valdez. All of that pipe came from Japan, Korea, and Italy. Why? Because we did not make 48-inch oil pipe.

With this other proposal I have outlined, the obvious opportunity for the American steel industry, for rejuvenation, is, who is going to make this pipe? This is going to be 52-inch pipe. It is going to be X-80 to X-100 steel. That is the tinsel strength of the steel. The significance of that is obvious. Somebody is going to build it. If it is not built in America, where is it going to be built? I assume Japan, Korea, Taiwan perhaps.

Is there a way we could build that steel in this country, stimulate the rejuvenation of the industry and, as a

consequence of the opportunity, recognize that we were probably going to generate somewhere between \$10 billion and \$12 billion over 30 years from the royalties and lease sale of ANWR? Why not put it into the steel industry?

The second-degree amendment that is pending and will be voted on first tomorrow, which should be of great interest to the steel industry and the unions, as well as some 600,000 current retirees who, I understand, are in jeopardy of losing their health care benefits, would be an opportunity to address that.

We structured a revenue split for the second-degree amendment. Initially, it would contribute to the steel legacy program approximately \$8 billion. Recognizing that there is a shortfall in the United Coal Mine Workers combined benefit funds, there was a proposal that a billion dollars would go into that fund.

Some people are going to criticize this and say this is a way to buy votes; this is a way to take money from the Federal Treasury.

I encourage Members to reflect a little bit on what our obligation is to those who depend on Medicare. Many of those people will fall into that category, if they are not already there. Obviously, we have an obligation to consider how to take care of those that have contributed into retirement funds and found those funds not adequately funded for the benefits.

So as we address the merits of how this effort is structured, we should consider a more positive contribution, and that is the \$232 million that is proposed for commercial grants for the retooling of the industry so they can address competitively a large project like the \$5 billion natural gas pipeline, some 3,000 miles of pipeline.

Further, there was funding for \$155 million of labor training. There was also another \$160 million for conservation programs, for maintenance of park and habitat restoration. That is what the second-degree amendment is all about. It says the money that is recognized from the sale of leases and royalties from ANWR, which is Federal land, will go back and rejuvenate the steel industry so it can get back on its feet and again address its opportunity to participate in the continued development of steel products in this country as opposed to having them imported.

As the Presiding Officer knows, this administration just granted a 30-percent protective tariff on steel. So clearly they have an opportunity, they have kind of a comfort zone, if they are willing to recognize the benefits of this.

I understand some Members said we are going to take this up separately anyway, but the fallacy in that argument is where is the money going to come from? There is no identification of the funds. If we do not open ANWR, we are not going to have that availability of this \$10 billion to \$12 billion. What is going to be done about rejuvenating the steel industry? What is

going to be done about the prospects of a major order for 3,000 miles of pipe? I guess we will just shrug and say: Well, there goes another contract overseas that could have been done by American labor.

So that is the second degree we are going to be voting on first tomorrow.

In line with that, I have been handed a letter from PHIL ENGLISH and BOB NEY, both Members of Congress:

U.S. CONGRESS,

Washington, DC April 17, 2002.

Hon. TED STEVENS,
Senator, Washington, DC.

DEAR SENATOR STEVENS: We write as members of the House with a strong interest in the steel industry to convey our strong support of your efforts to resolve the legacy cost burden of the domestic steel industry, and especially your efforts to assist the steel industry's retirees and their dependents.

As you know, the domestic steel industry has significant unfunded pension liabilities as well as massive retiree health care responsibilities that total \$13 billion and cost the steel industry almost \$1 billion annually. These pension and health care liabilities pose a significant barrier to steel industry consolidation and rationalization that could improve the financial condition of the industry and reduce the adverse impact of unfairly traded foreign imports.

It has come to our attention that a unique opportunity has arisen in the Senate to remove this barrier to rationalization while assisting the retirees, surviving spouses, and dependents of the domestic steel industry. It is our understanding that you have offered an amendment to the energy bill this week which will break the impasse on the legacy problem.

Once again, we would like to extend our wholehearted support to you in this endeavor. We look forward to working with you to find a viable solution to bring a sense of security to the over 600,000 retirees, surviving spouses, and dependents before the end of the 107th Congress.

Sincerely,
Phil English, Bob Ney, Steven LaTourette, Robert Aderholt, George Gekas, Jack Quinn, John Shimkus, Frank Mascara, Ralph Regula, Alan Mollohan, William Lipinski, and Melissa Hart.

Mr. MURKOWSKI. There is an expression from a dozen or so House Members saying this is an opportunity. You might not get it again. We have identified significant funding to rejuvenate the steel industry, take care of the retirees, and put it back on its feet.

As we address the amendment, I want to make sure everybody understands what is in it. There have been generalizations from the other side that this is simply a second-degree amendment which takes any funds that would open up ANWR and provides for the rejuvenation of the steel industry, while the first degree would be an up-down vote on opening ANWR.

First of all, this amendment does not open ANWR. ANWR would only be opened if our President certifies to Congress that the exploration, development, and production of oil and gas resources in the ANWR Coastal Plain are in the national economic and security interests of the United States.

It is pretty simple. The President of the United States has to certify that

the ANWR Coastal Plain should be open. Then the Secretary of the Interior will implement a leasing program. Then the following will apply.

I don't want to hear any more that this is an up-down vote to open ANWR. It is to give our President extraordinary authority, almost a declaration of war. Don't we trust him and his Cabinet to make a determination that this is in the national security interests of this Nation? I certainly trust our President to make that finding. The President has to certify to us, the Congress, that exploration, development, and production are in the national economic and security interests. I can state now it is certainly in the national security interests relative to the situation in the Middle East where we are 58-percent dependent on imported oil. I will get into that later. The stimulation of the steel industry alone substantiates that particular cover.

We will look at what is in this. There is a Presidential finding. The President has the authority. We are giving it to him. He has to come to Congress and certify, again, production is in the national economic and security interests.

We have mandated a 2,000-acre limitation on surface disturbance. It is that simple. That is what it means, 2,000 acres. We have an export ban. Oil from the refuge cannot be exported.

I heard a conversation the oil will be exported or has been exported. The natural market for Alaskan oil is the west coast of the United States. We have a chart that demonstrates where Alaskan oil goes. It goes to the nearest refining areas. This chart shows Alaska and Valdez. It shows it goes to Puget Sound in the State of Washington, it goes to San Francisco, Los Angeles, and some to Hawaii. We do not see a line to Japan. We exported some to Japan. It was excess to the west coast refineries. That is the economics of it. Why send it further? Can you get more for it? That is kind of hard to figure because you bring it over from Iraq or from Saudi Arabia when you have it in proximity relative to Alaska.

The other thing unique about this oil, it could only go in U.S. ships because of the Jones Act, mandating carriage between two American ports be in U.S.-flagged vessels. These are American jobs. Every one of the ships was built in a U.S. yard. Every one of those is crewed by U.S. crews and carries an American flag. And 85 percent of the total tonnage in the American merchant marine is in the Alaskan oil trade. Bring oil from Saudi Arabia, you could bring it from Iraq, you can bring it in a foreign ship. What happens in Seattle, Puget Sound, San Francisco, Los Angeles? Talk about all the conservation you want, but you will still bring oil because the world and America moves on oil. That is the only transportation method.

This issue of export is not a factor because it is banned. It says it cannot be exported, with one exception, and that is to Israel. We have had with

Israel an oil supply agreement that expires in the year 2004. We are extending that to the year 2014.

Where is the Israeli lobbying group? I will throw a few in the Record: the Zionist Organization of America, Americans For A Safe Israel, B'Nai B'rith International.

I ask unanimous consent these letters be printed in the RECORD.

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

ZIONIST ORGANIZATION OF AMERICA,
New York, NY, November 26, 2001.

Hon. FRANK MURKOWSKI,
U.S. Senate,
Washington, DC.

DEAR SENATOR MURKOWSKI: On behalf of the Zionist Organization of America—the oldest, and one of the largest, Zionist movements in the United States—we are writing to express our strong support for your efforts to make our country less dependent on foreign oil sources, by developing the oil resources in Alaska's Arctic National Wildlife Refuge.

At time when our nation is at war against international terrorism, it is more important than ever that we work quickly to free ourselves of dependence on oil produced by extremist dictators. Such dependence leaves the United States dangerously vulnerable.

Your initiative to develop the vast oil resources of Alaska will make it possible to rid America of this dependence and thereby strengthen our nation's security.

Sincerely,

MORTON A. KLEIN,
National President.

DR. ALAN MAZUREK,
Chairman of the
Board.

DR. MICHAEL GOLDBLATT,
Chairman, National
Executive Committee.

SARAH STERN,
National Policy Coordinator.

AMERICANS FOR A SAFE ISRAEL,
New York, NY, November 30, 2001.

Attention: Brian Malnak
Hon. FRANK H. MURKOWSKI,
U.S. Senate Hart Building,
Washington, DC.

DEAR SENATOR MURKOWSKI: Americans for a Safe Israel is a national organization with chapters throughout the country and a growing membership including members living in other countries. AFSI was founded in 1971, dedicated to the premise that a strong Israel is essential to Western interests in the Middle East.

We have many Middle East experts on our committees, who have authored texts on Israel and the Arab states and have appeared in television interviews, forums, and on newspaper op-ed pages. U.S. senators and representatives have been guest speakers at AFSI annual conferences.

Americans for a Safe Israel is strongly in support of your amendment which would permit drilling for oil in the ANWR area of Alaska. Your eloquence in addressing the Senate yesterday and this morning should have convinced the undecided that the arguments offered by senators in the opposition, or by environmental activists, are not based on the facts or realities in the ANWR and of our need for energy independence.

We at Americans for a Safe Israel would be pleased if you would include our organization among American Jewish organizations

in support of your amendment regarding oil exploration in the ANWR.

Sincerely,

HERBERT ZWEIBON,
Chairman, Americans
for a Safe Israel.

B'NAI B'RITH INTERNATIONAL,
Washington, DC, March 12, 2002.

Hon. GEORGE W. BUSH,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We write to you as the US Senate debates national energy legislation, a critical national security issue, in support of both modest Corporate Average Fuel Economy increases and the environmentally safe exploration and extraction of petroleum from the Arctic National Wildlife Refuge. Together Washington will lessen the nation's reliance on foreign energy sources, now estimated at close to 60 percent of our consumption.

We endorse the recent compromise proposal to bring required fuel economy ratings for vehicles—including sport utility vehicles now subject to a lower standard—up to 35 miles per gallon by 2015. As you know, under current federal regulations automakers are required to achieve an average of 27.5 mpg for new passenger cars, and only 20.7 mpg for new light-duty trucks. The reinstitution of a meaningful CAFE standard will serve as a hallmark of America's conservation policy; the National Academy of Sciences concluded recently that CAFE requirements have resulted in a savings of "roughly 2.8 million barrels of gasoline per day from where it would be in the absence of CAFE standards."

Similarly, it must be recognized that conservation alone is not a meaningful answer to the new realities our nation faces. Ending our dependency on oil and natural gas from dictatorial regimes and authoritarian governments that actively sponsor international terrorist groups—including al-Qaeda and other movements that threaten our nation's most cherished principles—requires increasing domestic production, too. Such a plan includes exploration and extraction in the Arctic refuge. While B'nai B'rith International sympathizes with some of the environmental issues that have been raised regarding that area's future, we believe that, in wartime, our number one priority must be to take all credible steps necessary to protect our national security interests. Replacing up to 30 years worth of oil imports from Saudi Arabia or 50 years of oil imports from Iraq will provide critical leverage for American foreign policy in the years to come.

To be sure, it will be several years before both of these important proposals will have a discernable impact on US energy policy. At this time there is every reason to believe that we will still be fighting terrorists who seek to destroy our nation. Accordingly, it is imperative that both measures are enacted into law at the earliest opportunity so that by decade's end America will be less reliant on foreign energy and enjoy greater national security.

Sincerely,

RICHARD D. HEIDEMAN,
International President.

Mr. MURKOWSKI. A few of the national Jewish organizations recognize what is happening currently, and that is oil is funding terrorism.

We all remember September 11 when, for the first time, an aircraft was used as a weapon. Now we have statements from people such as Saddam Hussein. What is he saying? Oil is a weapon.

Are we contributing to those weapons? Yes, we are. Here is, currently, an

example. Perhaps it is extreme and perhaps a little inappropriate, but where and who funds the suicide bombers in Israel? We know who funds them. Oil. Who has the oil? Saddam Hussein. Saddam Hussein, via American oil purchase. When we go to the gas station, we should think of our responsibility because our responsibility goes beyond filling our gas tank. Where do we get some of our oil? There is 58 percent that comes from overseas.

How much do we get from Saddam Hussein currently? A million barrels. How much did we get September 11? It was 1.1 million on September 11, the highest of any other time.

This is off the Bank of Baghdad, \$25,000, which is what he is paying the suicide bombers. He used to pay \$10,000. That is an incentive that could reach our shores. That is some of the vulnerability we have as we look at the consequences of increasing our dependence on imported oil.

This Senator from Alaska understands we are not going to eliminate our dependence, but if we make a commitment, we will open ANWR; we will reduce our dependence; we will send a very strong message not only to Saddam Hussein but OPEC and that cartel over there. It is illegal to have a cartel in this country. That cartel over there, we are going to send them a message that we mean business about reducing our dependence.

Do you know what OPEC did not so long ago? They got together, had their cartel meeting, said we want the price to go up, and said we are going to put a floor and ceiling, \$22 as a floor, \$28 as a ceiling. How do they do it? By controlling the supply. It is just that simple because we are addicted to Mideast oil.

Here is another photo of our friend, Saddam Hussein. Here is where it comes from. It has been increasing all the time—1.1 million, that was from Energy Information, September 2001. Here is where we get our oil: Iraq, Persian Gulf, OPEC. American families are counting on them, I guess.

That is why we have to protect Israel. That is why we are extending, in this legislation, the U.S. oil supply arrangement through the year 2014.

Furthermore, we are going to increase wilderness. What we are going to do is we are going to take the 1002 area, which everybody has concluded is at great risk, although Alaskans believe it can be developed responsibly—that is 1.5 million acres—what we are going to do is add another 1.5 million from a refuge and put it in in perpetuity, so we are going to increase this wilderness area from about 9 million acres to about 10.5 million acres. We think that is a fair trade. Yet not one Member of the other side has acknowledged that is of any significance.

I can only assume the other side has been pretty well—I won't say brainwashed, but there have been some convincing arguments from our extreme environmental friends. Somehow, more

wilderness is not the answer. It is simply to kill ANWR. And the rationale is obvious: ANWR has been a cash cow and these organizations have milked it for all it is worth.

To give some idea, we have a State that is pretty big. It is one-fifth the size of the United States. We have a map here that gives some idea of the comparison. This is a comparative scale. Alaska over the United States, the comparative scale, it will run roughly from Florida almost to California. It will run almost from the Canadian border to almost the Mexican border. It is a big chunk of real estate. I don't see anybody from Texas here, but it is 2.5 times the size of Texas.

It is a big piece of real estate, and it is an important piece of real estate, but it has a small population, a very small population. As we look at that population and recognize that over 75 percent support opening ANWR, we begin to reflect a little bit on what this debate is all about. It is all about a theory that there has to be somewhere, someplace, in the minds of a lot of Americans, that is untouched, where there is no footprint, that only the hand of God has caressed.

We all respect, obviously, the well-meaning environmental groups. But as far as our State is concerned, we believe we have been overexposed because a few years ago, we counted up the number of environmental groups that had offices in Alaska, primarily Anchorage. There were about 62. The last time I looked there were over 90. These are organizations that are located outside that have offices in Alaska. They have young environmental lawyers who are almost coming up to do a missionary commitment. They file an injunction on any project anywhere, a log dump, a driveway, wetlands—you name it.

As a consequence, we think we have done a pretty good job in Alaska. We think we have responsible development. We think Prudhoe Bay is the best oilfield in the world. I said in this Chamber time and time again: You might not like oilfields, but Prudhoe Bay is the best in the world.

Americans do not seem to care where their oil comes from as long as they get it. If it comes from the scorched Earth fields of Iraq or Iran, it doesn't make any difference. We can do it right. And we have done it right because Prudhoe Bay is the best in the world and it is 37-year-old technology.

We can go to newer fields such as Endicott, 53 acres—that is the footprint. How many acres do we have in Alaska, 356 million?

Here is a State far to the north. Most people have never been to it. Then in our State we have this Arctic area, the ANWR area way up in the top, that ANWR area. If you are going to take a trip up there, you better have \$5,000 in your pocket or go on one of the environmental groups' funded trips because that is what it costs to get up after Fairbanks, charter into the area. Have

somebody take care of you as you enjoy your wilderness experience because you just don't wander around in that area. It is very harsh.

Here we have this area in the northern part of the United States, and we have the extraordinary outside influences of these outside groups dictating terms and conditions. They made it a business because it is a big business. They generate millions of dollars in membership and dollars.

Why do they do it? Because it enhances their organizations. It gives them a cause, and they make a contribution. I am not suggesting they do not, but it has gotten to be a big business, and as a consequence Alaska is a little overexposed because if you look at this other chart, you can get an appreciation of what was done in 1980. We are recognizing all these areas of Alaska that are scratched in blue are Federal withdrawals. They are parks. They are wilderness. We have 56 million acres of wilderness, more than the entire State of California. We appreciate and manage our wilderness areas appropriately. But that is a pretty good chunk of Federal land to have withdrawn because you happen to be a public land State.

Maybe we should have cut a better deal when we came into the Union in 1959. Maybe we were a little naive. Maybe we trusted big government.

What we got is this, and this was the land claims settlement in 1980. What they did is they were very crafty. They said: All right, you have 356 million acres in your State. We think the State ought to have 104 million acres in the Statehood Compact. They said: Your Native people ought to have 40 million acres, so that leaves you with 250 million acres or thereabouts for the Federal Government.

Instead of letting the new State go ahead and select the land, automatically the lands were frozen under Carter. So the Federal Government got the first selection instead of the State. But here is what I want to point out.

You see that little red line? You see right in between the two blues? That is the only access our State has north and south, the only access, and that is where our pipeline has to go and that is where our gasoline has to go because we cannot get access across Federal parks, wilderness areas—refuges. We cannot do it without congressional action and that is what we are doing right tonight. We are trying to get congressional action to open up that little oilfield up there.

That did not happen by accident. That did not happen on the free will of the people of Alaska. That was gerrymandered by people who did not want Alaska developed.

If you go east and west, you can see they almost crossed over. There are a few little areas—we have a mine now. Do you know how many mines we have in Alaska? We have one major gold mine, one major zinc and lead mine, and Red Dog, and at Greens Creek we

have a large silver mine. We have three major mines in this huge area. We used to have four times those in the State.

Do you know how many pulp mills we have? Zero. I don't know how many you have in New York, but I do know that New York cuts more wood for firewood than we cut as commercial timber in the State of Alaska. Yet we have the largest of all the national forests: 16 million acres in the Tongass—all this area. As a matter of fact, we live in the forests. Some people think we live in the dark forests. But Juneau, our State capital, is in the State forest. Ketchikan is in the forest; Wrangell, Petersburg, Haines, Skagway, Sitka, Yakutat, Cordova—they are in the forest.

(Mr. DAYTON assumed the Chair).

Mr. MURKOWSKI. Why didn't we get a land selection there? We thought we could trust the Forest Service. We thought we could work in harmony. We rue the day, but here it is, and we have to live with it. We have to come to the Congress and plead for understanding. We have to, as one State, take on the whole national environmental community that has one cause—stop development in Alaska, because of their membership and dollars.

What we have attempted to do in this amendment is add more wilderness—1.5 million acres. We are adding to the Coastal Plain, as the chart indicates.

What else do we do? We impose strict environmental protections in this legislation.

I don't hear anyone on the other side of the aisle commenting as to the adequacy or inadequacy.

We impose seasonal limitations to protect the denning migration of the animals.

Some ask: What about the polar bear? Are we going to protect the polar bear? The polar bear, for the most part, den on the ice. They do not den on land. The greatest protection we have for the polar bear is the marine mammal law. Polar bears are marine animals. You can't take them as trophies. You can't shoot them. If you want to shoot them, you go to Russia or Canada. But you can't do it in Alaska. These bears get along pretty well. You have seen this picture time and time again. You have been very patient. These are a few of the bears. They do not happen to be polar bears. They are grizzly bears and brown bears. They are walking on top of the pipeline because it is easier for them to walk on the pipeline. They are not threatened. You can't take a snow machine in there. You can't hunt in there. We think these are pretty responsible conservation efforts.

A further provision is that the lessors must reclaim the land and put it back to its prior condition. That means it has to be put back in its natural state.

What does it look like in Alaska after you drill a well? Let me show you what it looks like in the Arctic. The only problem is we only have about 2 1/2

months where it looks like this. There is the tundra. There is the little Christmas tree. Where are they talking about these big gravel roads? It isn't done anymore. We use technology. That is it. It is a nice road. There is the well. It is pretty bleak country. Some people say you couldn't find oil in a better place. That is reality.

We require use of ice roads, ice pads, and ice airstrips for exploration. If the oil isn't there, you are not going to see a track. We prohibit public use on all pipeline access and service roads. We require no significant adverse effect on fish and wildlife and no significant impact. We require consolidation of facility siting. Tell me where in the world oil is developed that you have these kinds of restrictions.

Further, we give the Secretary of the Interior the authority to close areas of unique character at any time after consultation with the local community.

Here we have structure. There are two amendments. The second-degree amendment would fund rejuvenation of America's steel industry and address the steel legacy by funding so that our steel industry can resurrect itself, be internationally competitive, and participate in the largest construction project in the history of North America, the building of a 3,000-mile pipeline. The order alone is worth \$5 billion.

The first-degree amendment opens the area up so that the leases can be sold and so that the funds can be designated—\$8 billion to the legacy, \$1 billion to the United Mine Workers, and commercial grants for \$232 million to retool the industry; labor training, \$115 million; and conservation for National Park Service maintenance and backlog, et cetera. We think that is pretty good balance.

We wish we had a few more days on this issue. We might be able to further communicate to the American public really what we are trying to do.

Again, the first-degree is not an authorization to open. We give that authority to the President. The President has the determination to open it.

We don't have the level of support we had hoped. It is pretty hard for one State to compete with national environmental groups. But we are not giving up because sooner or later ANWR will be opened.

I can only guess, as you can, the consequences of this vote tomorrow because we don't know what the future holds. We do know there is an inferno in the Mideast. We do know we are importing 58 percent of our oil. We know Saddam Hussein is obviously up to no good with the money he generates from oil sales to the United States. We know he pays his Republican Guards to keep him alive. We also know he is developing weapons of mass destruction. We just do not know when we are going to have to deal with it or how.

We are enforcing that aerial no-fly zone over Iraq. We have bombed them three times since the first of the year,

and several times last year he attempted to shoot us down. We have the lives of our men and women at risk. We take his oil and go use it to bomb him. He takes our money, pays his Republican Guard to keep him alive, and he develops these weapons of mass destruction.

We look back to September 11 and say: Gee, if we had only had the intelligence, we would have averted that tragedy at the World Trade Center, the Pentagon, and saved the brave people in the aircraft as they tried to take it over before it went down in Pennsylvania.

We know there is a threat from Saddam Hussein. We don't know when or how. But do we wait?

These are grave responsibilities for our President and the Cabinet and the Joint Chiefs of Staff. These are real. But every time we go to the gas station, we are buying Iraqi oil—some of it, at least. He gets billions. What does he do with it?

Here is that check again. We know he is doing that. He has a reward out.

Where is the principle of the United States, for heaven's sake? Why do we succumb to do business with a tyrant? There is a principle involved here. If you or I were in business, we wouldn't do it. We would say: Hey, enough is enough. Let us send a message out here.

We can go down a million rabbit trails for excuses as to why we shouldn't or couldn't open this area. These are all things that are tied together. Some Members obviously don't want to talk too much about it because it is not a pleasant subject. But for the Israelis who are on a bus who are innocent bystanders, and suddenly a young woman gets on the bus rigged with a bomb, and it blows up, believe me, that is a set of facts. That is why so many of the Jewish organizations are saying enough is enough; we ought to stop importing from Iraq.

I have an amendment pending which I am going to bring up. We are going to have a vote on it because the leader gave me a commitment to have a vote on it—that we ought to sanction oil imports from Iraq. Isn't it rather ironic? He has already done it to us, because he said last week he was going to terminate production for 30 days. What happens? The supply goes down and the price goes up.

I don't know, but the way I read it, charity begins at home. We certainly should not be doing business with this guy just because we need more oil.

I know my critics will say: Well, Senator MURKOWSKI, you are not going to get any relief for awhile. I am talking about sending a message that we mean business about reducing our dependence on Iraq. That is going to be a strong message.

I have heard my colleagues on the other side saying that there is no significant potential in ANWR that would offset our imports. Let me show you a chart. We have lots of charts. This is

going to be a show and tell. We are probably going to go through every chart we have because this is probably going to be the only time we have that opportunity.

But this is a chart that shows what happened to imports when we opened Prudhoe Bay. This might be a little tricky, but let me just show you. The blue line at the bottom is Alaskan oil production from 1973 through 1999. We started small, and the blue line running across the chart shows the production, and then in 1977, more production—and then more production, more production. We were producing 2 million barrels a day. That was 25 percent of the total crude oil produced in the United States. That is how much it was.

As the blue line shows, in 1988, 1989, production at Prudhoe Bay began to decline. And it declined and declined, and now it is a little over a million barrels a day.

So what happened, as depicted by the red line, is interesting, though, because that shows our total imports. We started out, per the chart, at roughly 3 million barrels a day, and we kept going up and up and up; and then, suddenly, at the peak, we opened up Prudhoe Bay. So those who say ANWR is not going to make any difference, I defy them to counter this reality.

Look at what happened to our imports. They dropped. Why? Because we increased production domestically. We did not relieve our dependence on imported oil, no, not by any means, but we clearly reduced our imports.

Now, what has happened? And we have more conservation. You can go out and buy a 50-mile per gallon car. But we are using more. Why are we using more? Well, it is just the harsh reality that oil imports are taking place because other production in the United States is in decline, and we are using more oil. It is just a harsh reality.

As we look at this chart, we recognize that we can refute the generalization that ANWR isn't going to make any difference with the reality that it will make a difference. It will make a big difference.

So let's take that chart down and reflect on how much oil might be there.

We have had some discussion about the Energy Information Administration, the EIA, providing an analysis of the effect of ANWR on U.S. domestic oil production and the net imports of crude oil. And we have had it all over the ballpark.

From the EIA report of February 11, for purposes of addressing ANWR's impact on national security, crude oil imports—which is an accurate measure, since ANWR provides only crude oil—this is what they project regarding domestic production of ANWR. Assuming the U.S. Geological Service mean case for oil in ANWR, there would be an increase of domestic production of 13.9 percent.

I have heard the Senator from Massachusetts communicate some 3 percent.

All I can do is submit for the RECORD the EIA USGS mean case of a 13.9-percent increase of domestic production.

Assuming the USGS high case for oil in ANWR—the high case is a 16-billion-barrel reserve—that would be a 25.4-percent increase in domestic production. That is a pretty big percentage. That is about 25 percent.

You have to put this in perspective. I have a hard time doing this with those in opposition because they do not want to sit still long enough to reflect on what this means.

How much oil is it?

For Washington, it is 66 years; for Minnesota, it is 85 years; for Florida, it is 30 years—this is a lot of oil—for New York, it is 35 years; for Rhode Island, 570 years; for Delaware, it is 46 years; for West Virginia, it is 260 years; for Maryland, it is 98 years; for the District of Columbia, it is 1,710 years; for Maine, it is 235 years. I could go on and on. You can all see your individual States. Where is Massachusetts on there? There it is: 87 years. I want to make sure Massachusetts gets in there. I do not want to leave Massachusetts out. For Alaska, it is 87 years.

So there is a lot of oil. But how does it compare, say, with my generalization that Prudhoe Bay has provided, for the last 27 years, somewhere between 20 and 25 percent of the total crude oil? Well, you can only do that by applying the projections associated with ANWR, which are somewhere between 5.6 billion and 16 billion barrels. If you take halfway—10 billion barrels—it is as big as Prudhoe Bay because Prudhoe Bay was supposed to be 10 billion barrels, but it produced 13 billion barrels. So it is significant, make no mistake about it. I want to put that argument to rest once and for all. It will make a difference in reducing our imports.

So, as we talk about this, and we find that most of the critics have never been there, and we look at some of the things that Alaska's oil development does for other States, such as providing them with a secure source of oil, that is defended by the U.S. Navy—I am talking about oil from Alaska and the west coast of the United States—it clearly is a reliable supply.

I have addressed the reality that Prudhoe Bay is the best oilfield in the world.

Do you remember the pictures in 1991, 1992, of the burning oilfields of Kuwait? The fleeing Iraqi troops set more than 600 of Kuwait's 940 oil wells ablaze with explosives and sabotage. Do we have any of those pictures with us? Yes. Do you want to see an oilfield burning, set fire to? Do you know who did it? Saddam Hussein. We have heard of him a couple times tonight, haven't we? Talking about a burn, that burn is all through. It is a tough reality. Was there wildlife there? Camels, goats, other wildlife once lived there. The land is dead. Yet this is where we choose to get our oil.

Our President told Iraqi President Saddam Hussein that the United States

will deal with him soon if he continues to produce weapons of mass destruction. I am sure, Mr. President, both you and I have had an opportunity to be with President George W. Bush. I do not think there is any question he means what he says. He says the U.S. "will deal with him soon" if he continues to produce weapons of mass destruction.

I guess the question is, When and how?

In Alaska, in the United States, we have the most stringent environmental regulations on Earth. Maybe we are not doing it right, and maybe we can do better, but we are doing it better than anybody else.

Those who suggest that somehow Prudhoe Bay is a disaster fail to recognize that it is still the best oilfield in the world. I am proud to be an Alaskan. I am proud that we can make that commitment as a State because we have two levels of environmental oversight. The State Department's environmental conservation is very prudent, some think too prudent. And we have the Federal Environmental Protection Agency, and others. But they are doing their job, and they are doing the best job in the world because they are using the best technology in the world.

We have heard other Members talk about—I think Senator GRASSLEY—some of the history of Russian oil development. Anything goes. It is to get the oil. It doesn't make any difference how much you spill or how much you drill. Workers drill too fast, too many holes, don't make proper recovery. Do we have any charts on that?

How about this? You would never see anything like that in the United States. You would never see that in Alaska. There is a puddle of oil, a busted pipeline, a disaster.

Does the United States care where America gets its oil? Evidently, nobody really cares if it is there. If it is not there, they scream. If the price is too high, they scream. If they have to wait too long to get it, wait in line around the block, they blame Government.

Since the House passed their energy bill in August, which had a provision for opening ANWR—some say the House of Representatives is pretty representative—America has imported 231 million barrels of oil from Iraq. That fact disturbs me greatly, and I would hope it disturbs my colleagues and addresses their digestion. Some of that money went straight into Saddam's pocket. I would prefer 100-percent homegrown energy because we can do it safer and better here in the United States.

As this debate continues, I hope my colleagues will take a long and hard look at the alternatives to Alaskan oil because that is what they are and what it means to the environment on a global scale. Again, I hope they will recognize Alaskan oilfields are the best in the world.

I will add a little partisan reference here from the Wall Street Journal,

April 16, 2001, just the other day. It is entitled "Labor Revolt." It says:

You might not see picket lines, but a chunk of America's labor movement is staging a notable walkout—against the Democratic Party. The trend is already having consequences in Congress and could echo through November and into 2004.

Leading the revolt is James Hoffa, head of the AFL-CIO's third largest union, the 1.4 million Teamsters. Mr. Hoffa has become a key and very public supporter of [President Bush's] energy plan, which is also backed by a coalition of carpenters, miners and seafarers. He has lobbied inside Big Labor for a more neutral political bent and his officials were recently overheard giving Democrats on Capitol Hill hell for killing jobs.

This gasline and ANWR are jobs issues.

Today, some 500 Teamsters will help present the Senate amendment to drill in the Arctic National Wildlife Refuge.

We had that press conference the other day. We had hundreds of laborers out front on the issue. We had, in addition to the Teamsters, my good friend Jerry Hood. We had Ed Sullivan, president of the Building and Construction Workers, the AFL-CIO, members of the Building Trades Union, the president of Operating Engineers, and the Seafarers Union.

They are concerned about two things: They are concerned about jobs, and, obviously, they are concerned about national security interests relative to our Nation and our Nation's continued dependence on foreign oil. It is very real.

That article goes on to say:

Meanwhile, the United Auto Workers, electricians and machinists have rebelled against Democrats on issues from fuel-efficiency standards to nuclear energy.

That is going to come up at another time as we debate the nuclear industry and the future of it and what we are going to do with our waste. I know my good friend Senator REID is going to be very active in that debate because that debate affects his State. I respect that set of circumstances.

The problem with nuclear waste is nobody wants it. If you throw it up in the air, it won't stay there. It has to come down somewhere. As a consequence, we can't agree where to put it.

In my opinion, there is an answer to it; that is, you reprocess it. By so doing, you recover the plutonium, put it back in the reactors, and you vitrify the waste, which obviously has very little ability for proliferation. That is what the Japanese are doing. That is what the French are doing. Do you know why we can't do it? Because we have such an active nuclear environmental lobby, we don't allow it. So we walk around saying, what in the world are we going to do with our waste? Where are we going to put it? Nobody wants it. Nevada says they don't want it. We have decided to put it there, and so all hell is going to break loose.

Anyway, United Auto Workers, electricians, and machinists have rebelled. Why have they rebelled? They are looking at jobs.

This article goes on to say that this issue has:

... alienated many of old industrial unions which grow only when the private economy does. Many of these unions don't share the cultural liberalism of the Washington AFL-CIO elites, who are often well-to-do Ivy-Leaguers.

Well, there is a bit of a change among some of the unions. I suppose that happens around here, too.

But I think it is fair to conclude from this article:

Mr. Hoffa and fellow unions are now doing the same for oil-drilling in Alaska, spending heavily on ads across the country. He's vowed to "remember" Democrats who vote against drilling.

I ask unanimous consent that the article be printed in the RECORD.

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

[From the Wall Street Journal, Apr. 16, 2001]

LABOR REVOLT

You might not see the picket lines, but a chunk of the American labor movement is staging a notable walkout—against the Democratic Party. The trend is already having consequences in Congress and could echo through November and into 2004.

Leading the revolt is James P. Hoffa, head of the AFL-CIO's third-largest union, the 1.4 million Teamsters. Mr. Hoffa has become a key and very public supporter of the Bush energy plan, which is also backed by a union coalition of carpenters, miners and seafarers. He has lobbied inside Big Labor for a more neutral political bent and his officials were recently overheard giving Democrats on Capitol Hill hell for killing jobs. Today, some 500 Teamsters will help present the Senate amendment to drill in the Arctic National Wildlife Refuge.

Meanwhile, the United Auto Workers, electricians and machinists have rebelled against Democrats on issues from fuel-efficiency standards to nuclear energy. They follow last year's resignation from the AFL-CIO by the influential United Brotherhood of Carpenters, along with its half-million members and \$4 million in annual dues.

Some of this is issue specific, but it's also a sign of deeper labor tensions. When John Sweeney took over the AFL-CIO in 1995, he turned it in a markedly more partisan and ideological direction. He aligned Big Labor with a coalition of interest groups on the cultural and big government left. This is fine with most public-sector unions (teachers especially), which grow along with government.

But this leftward tilt has increasingly alienated many of the old industrial unions, which grow only when the private economy does. Many of these unions also don't share the cultural liberalism of the Washington AFL-CIO elites, who are often well-to-do Ivy Leaguers. They resent the money being pushed into political campaigns and would rather spend more on shop-room organizing. In Mr. Sweeney's tenure, the union share of the private-sector work force has actually fallen, to 9.1%.

All of these tensions have come to the surface in the energy debate, where Democrats have had to choose between the greens (enviros) and blues (unions). Senator (and would-be President) John Kerry thought he could win over the greens and suburbanites by pushing new car-mileage standards, but instead he inspired a labor rebellion. Nineteen Senate Democrats, primarily from industrial states, joined Republicans to kill Mr. Kerry's proposals.

Mr. Hoffa and fellow unions are now doing the same for oil-drilling in Alaska, spending heavily on ads across the country. He's vowed to "remember" Democrats who vote against drilling. And he specifically singled out New Jersey's Robert Torricelli (up for reelection this fall) and Michigan's Debbie Stabenow (a top recipient of union cash in her 2000 race). In case they don't believe him, the Teamsters have already endorsed three GOP Congressional candidates in Michigan.

President Bush has noticed all of this, naturally, and is openly courting union support. Having won only a third of union households in 2000, Mr. Bush knows he has lots of votes to gain. Sometimes his effort runs to schmoozing, as when he made Mr. Hoffa one of his noted guests at the state of the Union. But sometimes he's bowed to political temptation and bent his principles, as with his 30% steel tariff.

Mr. Bush might keep in mind that Mr. Hoffa has helped him even though last year he ignored Teamster objections and fulfilled his campaign promise to allow Mexican trucks into the U.S. The President is also no doubt aware that Mr. Hoffa wants an end to 13 years of federal oversight into his union—which should only happen on the legal merits.

Unions are moving to the Republicans less out of love for the GOP than from disillusionment with Democrats. Democrats had better be careful or they'll give Mr. Bush the chance to form a formidable majority.

Mr. MURKOWSKI. What it does is simply say these are job issues and our business is jobs and productivity for the American people. This has become an issue where, clearly, if you look at the vote the last time that we voted on this issue in the Senate, it was 45 to 55, and ANWR was passed in the 1995 vote on the omnibus act. That is when Republicans controlled the Senate.

Well, that was then and this is now. Now we have a 50-49-1 ratio in favor of the Democrats. Clearly, we are in a situation where we don't have control. As a consequence, ANWR is in trouble because it has to overcome the 60-vote point of order. Make no mistake about that.

We have had quite a discussion throughout the day, but there are a few points that have been overlooked. One of them that bothers me the most is overlooking the people of my State, the people who are affected, the people who live in the Arctic and reside in the Coastal Plain. These are a few of the kids. There is not very many of them. There are about 300 of them in that village. But they are like your kids or your grandkids or mine: Looking for a future, looking for an opportunity for a better lifestyle, educational opportunities, sewer, water—some of the things we take very much for granted.

This is another picture of their community hall. This is Kaktovik. It is of an elder Eskimo, a snow machine, with his grandson, and a bike. That is the way it is up there.

Some Members would have you believe there is nothing there. Let me show you a picture of Kaktovik. It has been portrayed time and time again—a small community, small village. It has an airport, has some radar installations. And it is actually in ANWR. It is

in the Arctic Coastal Plain. It is in the 1.5 million acres. In fact, one oilwell has been drilled in that area.

We have another chart here that gives you a little better idea of that particular geographic area. The thing I want to make sure everybody understands is that all of ANWR, all of that 1.5 million acres is not Federal land.

These Native American citizens own 95,000 acres. That is diagrammed in the square. The only problem is, while they have title to that land, they have no authority for any access—absolutely none. Only Congress can give them that authority. We are going to be addressing that, because to have an aboriginal group of natives, American citizens, and give them land that has been their ancestral land—it has been their land to begin with; that is where they have been for generations—and not allow them to have access because everything around it is Federal land is simply wrong; it is unjust. We would not do it anywhere else in the country. You would say you are entitled to access. I know because I have been there time and time and time again.

I had the Secretary of the Interior, Gale Norton, there with me last year. So was Senator BINGAMAN. The temperature today was 95 here. A year ago, it was 77 below zero there. That caught your attention. It is a harsh environment.

My point is that only through an act of Congress will those people be allowed access to their own land. What would it take? Well, it would take some kind of a corridor across Federal land—maybe 300 feet wide. Access to what? Access just to State land. Where does State land start? Over on the other side of that yellow line. On this side is Federal land. They cannot get from there to the State land unless we do something about it.

Let me read you a little letter. This is from the Kaktovik Inupiat Corporation. These are the people who live in that village. I want to show these other pictures. I want you to get the flavor. Nobody has mentioned on that side of the aisle, during the entire debate, the dreams and aspirations of these people. You have kids going to school in the snow. Nobody shovels the snow away. They dress a little differently perhaps. They wear muckluks. They wear fur. You have some kids up there.

Let them take a peek at that so the kids in the gallery can see it.

This is how the kids in the Arctic go to school. It is a little different. But these kids are American citizens. They are Eskimos. They have rights, dreams, and aspirations. Yet what kind of a lifestyle do they have?

Here is a letter:

Dear Senators Daschle & Lott:

The people of Kaktovik . . . are the only residents within the entire 19.6 million acres of the federally recognized boundaries of the Arctic National Wildlife Refuge. . . .

These people live right up at the top of the world in Kaktovik.

The letter goes on to say:

[The Kaktoviks] ask for your help in fulfilling our destiny as Inupiat Eskimos and Americans. We ask that you support reopening the Coastal Plain of ANWR to energy exploration.

They are asking that we open it.

Reopening the Coastal Plain will allow us access to our traditional lands. We are asking Congress to fulfill its promise to the Inupiat people and to all Americans: to evaluate the potential of the Coastal Plain.

These people are talking to us as landowners. They go on to say:

In return, as land-owners of 92,160 acres of privately owned land within the Coastal Plain of ANWR, the Kaktovik Inupiat Corporation promises to the Senate of the United States:

1. We will never use our abundant energy resources "as a weapon" against the United States, as Iraq, Iran, Libya, and other foreign energy exporting nations have proposed.

2. We will not engage in supporting terrorism, terrorist States, or any enemies of the United States;

3. We will neither hold telethons to raise money for, contribute money to, or any other way support the slaughter of innocents at home or abroad;

4. We will continue to be loyal Alaskans and proud Americans who will be all the more proud of a government whose actions to reopen ANWR and our lands will prove it to be the best remaining hope for mankind on Earth; and

5. We will continue to pray for the United States, and ask God to bless our nation.

These are my people, Mr. President. They further state:

We do not have much, Gentlemen, except for the promises of the U.S. government that the settlement of our land claims against the United States would eventually lead to the control of our destiny by our people.

In return, we give our promises as listed above. We ask that you accept them from grateful Inupiat Eskimo people of the North Slope of Alaska who are proud to be American.

Mr. President, I don't think we would get a letter like this from any other potential supplier of oil in the Mideast. I think you would agree with me. So here we have a situation where my people are deprived of a basic right that any other American citizen would not be. It is very disappointing because the human element was not brought up once.

What we have talked about today is whether ANWR can be opened safely. There is no evidence that it cannot. Is there a significant amount of oil that could make a difference? You bet. There is more oil in ANWR than there is in all of Texas. I think the proven reserves in Texas are about 5.3 billion barrels. What are we talking about here? Are we talking about charades or about some kind of a conveyance, trying to portray to the American people that we cannot open it safely. They say it will take 10 years. We have a pipeline halfway to ANWR. Another 50 miles, we would be hooked up. They say 10 years. Come on, let's expedite the permit.

If anybody wanted to talk about history—and this was not brought up on the other side today—the arguments we are using on the floor of the Senate

at 9:35 p.m. are the same arguments we used 30 years ago on the issue of whether or not to open the TransAlaska Pipeline system—not to open but to build it, because the environmental groups weren't as well organized then. But they were making a case. They said: You can't build an 800-mile fence across Alaska because if you do, you are going to build a fence that will keep the caribou and the moose on one side or the other. You are putting that pipeline in permafrost. It is a hot line, and permafrost is frozen. It is going to melt. It is going to break.

The doomsayers were wrong. The same argument here: Can't do it safely. They said the animals—look at the caribou, Mr. President. There are a few of them. That is a new picture. I want to make sure you understand that we have more than one picture. These guys are under the pipeline. Why? Why not? You see the water behind them. They are grazing. That pipeline doesn't offer them any threat.

Somebody said that is an ugly pipeline. Well, I don't know. I guess it depends on your point of view. I could probably take 10 pictures of other pipelines and we could have a contest on whose pipeline is the ugliest. But, you know, you either bury them or put them on the surface. That is all in steel. It is designed to withstand earthquakes. It is the best that the 30-year-old technology had, and we can do better now.

This is another picture. This is real. These are not stuffed. These are caribou. They are lounging around. The extraordinary thing is this is Prudhoe Bay, and we had, I believe, 3,000 animals in the central Arctic herd. Today we have somewhere in the area of 26,000. Why? You cannot shoot them, and you cannot run them down with a snow machine. They are protected. They do very well. The argument is bogus.

They say it is a different herd, a Porcupine herd. We are not going to allow any activity during the 2½ months that is free of ice and snow because you cannot move in that country. We do not build gravel roads; we build ice roads. It represents better and safer technology and does not leave a scar on the tundra.

We have made great advances as a consequence of our lessons, but it is beyond me to reflect on the opposition here other than its core opposition: We are opposed to it. The rationale behind it lacks an in-depth understanding. Here is the new technology. We do not drill the way we used to. They do not go out and punch a hole straight down, and if they are lucky enough, they find oil.

We have directional drilling capability. We can drill under the Capitol and come up at gate 4 at Reagan National Airport. That is the technology we have.

We can hit these spots that are under the ground with this 3-D seismic, one footprint. That is the change. We have proven it because we built Endicott.

Nobody wants to talk about Endicott on the other side: 56 acres; produced over 100 million barrels.

I also want to touch on another myth that the Senator from Massachusetts and the Senator from New Mexico used several times relative to why do you want to go to ANWR when there are other areas. If you are going to rob somebody, you might as well go to the bank; that is where the money is.

We have the greatest prospect for discoveries, and that area is specifically in ANWR. We have what they call National Petroleum Reserve, Alaska. We have pictures of that area. This chart is a bit of a contrast because this shows the top of the world. I want to reference this with this big map. I want to reference where this area is.

Point Barrow is at the top. That is one of our Eskimo communities, and the nice thing about Point Barrow is you cannot go any further north. You fall off the top. The Arctic Ocean is right ahead. This is the National Petroleum Reserve, Alaska. It used to be Naval Petroleum Reserve, Alaska. I wish the cameras had the intensity to pick up on this to see all this gray/blue area. These are lakes within the reserve.

This is ANWR. Mr. President, do you see any lakes on the Coastal Plain? This is strategic from an environmental point of view, from the standpoint of migratory birds. Where do they go? They do not squat on the land. They go to the lakes. This is a huge mass of lakes.

The opponents are suggesting we go over there. That is fine except from an environmental point of view, we are not going to get permits in many of these areas. While there have been some discoveries right on this line within NPRA, this is where the oil happens to be because that is where the geologists tell us it is most likely to be.

We will put up lease sales in these fringe areas, but we are not going to get anything around the lakes. To suggest this area is already open is contrary to reality.

Another thing the Senator from Massachusetts says is instead of opening ANWR, we should drill anywhere but Alaska. I find that incredible. We have the infrastructure. We have an 800-mile pipeline, and we are drilling on land.

Do my colleagues know what we are doing in the Gulf of Mexico? We are in 2,000 feet of water. We have had 8,000 leases in the gulf, many of which are not currently producing. There are a lot of endangered and threatened species, including marine mammals, sea turtles, and coastal birds. I cannot fathom why the Senator from Massachusetts believes it is better to drill where there are endangered species than where we have a thriving wildlife population that obviously we take care of, as they do in the Gulf of Mexico.

What stuns me is it seems to me common sense we should develop areas where people support the development. Many of these leases sit off the coast of

Florida are objectionable to the people of Florida, and I respect their objections. Yet the people of the Alaska Coastal Plain overwhelmingly support development in Alaska.

Even the Teamsters who support development in Alaska disagree with the Senator from Massachusetts that we ought to massively increase our drilling in the Gulf of Mexico overnight.

We have a lot of species in the Gulf of Mexico that are threatened or endangered: The blue whale, fin whale, humpback whale, the northern right whale, sei whale, threatened endangered sea turtles, green sea turtles, hawksbill, loggerheads, endangered beach mice which I am not familiar with, the Florida salt marsh vole, the piping plover, and the brown pelican. I am not going to bore you with these, Mr. President.

The point is, that is tough drilling in 3,000 feet of water. There is a lot of risk. On land you can contain the risk. We have done a pretty good job of it in Alaska. They have done an excellent job in the Gulf of Mexico, make no mistake about it.

As we look at some of the suggestions that are made in general, such as we go someplace else in Alaska, remember, NPRA has 90 percent of the birds on the North Slope and over 90 bird species, millions of shore birds. There they are, Mr. President. They are not in ANWR. I just do not understand why Senators suggest they will not support development in an area with more oil and less wildlife diversity. It does not make any sense at all other than those Senators have been influenced by some of the groups that clearly are using ANWR as a symbol.

Others suggest that the development of Alaska's gas—for example, I think the chairman suggested we face a growing threat from foreign dependence on natural gas. Without going into that in too much detail, we only import 15 percent of our natural gas needs compared with 58 percent of dependence on foreign oil.

Let us take a look at that because I am all for alternatives, but don't believe they do not leave a footprint. I have a chart that shows the San Jacinto. If you do not know where this is, if you are driving from Palm Springs to Los Angeles and you happen to go through Banning, the pass, this is it. It is probably the largest wind farm in the world. Look at the little windmills in the back at the bottom. There are hundreds of them. They call it Cuisinart for the birds because a bird that gets through there is lucky—if he is flying low.

There is an equivalent energy ratio. This wind farm is about 1,500 acres and produces the equivalent of 1,360 barrels of oil a day. Two thousand acres of ANWR will produce a million barrels of oil a day. There is the footprint.

How much wind power does it need to equal that of ANWR's energy? About 3.7 million acres, equivalent to all of Rhode Island and Connecticut. If one

put them all on a wind farm, then they would equal about what ANWR's energy input is capable of. We have a couple more of these charts so we might as well show them.

When we talk about the Sun, we naturally think of solar. Solar is worthwhile, but it is not very good in Point Barrow, AK, because the Sun only rises in the summertime. I should not say that but in the winter it is dark for a long time.

Two thousand acres of solar panel produce the energy equivalent of 4,400 barrels of oil a day. Two thousand acres of ANWR will produce a million barrels of oil a day. So it would take 448,000, or two-thirds of Rhode Island all in solar panels to produce as much energy as 2,000 acres of ANWR.

Solar panels do have a place in Arizona, Florida, New Mexico, and other areas, but do not think America is going to be moved on solar panels.

There has been a lot of discussion taking place on ethanol. Ethanol is an alternative made from vegetable products, corn and other products that come from our farmers. Two thousand acres of ethanol farmland produce the energy equivalent of 25 barrels of oil a day. Two thousand acres will produce 25 barrels of oil equivalent a day. Two thousand acres of ANWR will produce a million barrels of oil a day, and that source is the national renewable energy lab.

Make no mistake about it, a byproduct is produced with the corn, which is the corn husk. I am not sure what one does with them, but we could speculate. It would take 80.5 million acres of farmland, or all of New Mexico and Connecticut, to produce as much energy as 2,000 acres of ANWR. So we could plant New Mexico and Connecticut in corn, I guess. The point is, these all have footprints.

We have often talked about size when we talk about Alaska. We have talked about the fact that our State has 33,000 miles of coastline. ANWR is 19 million acres, as big as the State of South Carolina. We talked about the attitude of Alaskans in supporting exploration. About 75 percent of our people support it. Why is it that the people who want to develop oil and gas are not given the opportunity? I do not know. I find it very frustrating.

I listened to some of the debate by some Members relative to domestic oil production vis-a-vis subsidized oil. They talked about the rip-off that the oil industry allegedly is guilty of in this country, but we still have the best oil industry in the world. It is a relatively high-risk oil exploration. You do not know if you are going to find it. You better find a lot of it.

Somebody suggested that it is comparable in some manner to making sewing machines, that somehow there is a relationship relative to risk. Well, if one is making sewing machines, they know what their market is. They know what it is going to cost. But when one goes out and drills for oil, they do not

know if they are going to find it. There is a lot of risk there.

As we import foreign oil, we do not know what the true cost is because there is no environmental consideration associated with the development.

I do not think anyone recognizes what we enjoy in this country as a standard of living. The standard of living is brought about by people who have prospered and have become accustomed to a standard of living that is high. The convenience of having an automobile that can accommodate a family comfortably on a long trip; modest gasoline and energy prices, that is as a consequence of the structure of our society and the makeup of the United States.

The question comes about, Do we want to substantially limit that standard of living by taxes or various increased costs of energy? I do not think so. I think those kinds of things were evident in the debate that we had earlier in the week relative to CAFE standards.

One of the things that can certainly undermine our recovery is high oil prices. Our friend Alan Greenspan, Chairman of the Fed, is taking a more guarded outlook on the U.S. economy compared with the comments he made last month about the possible consequences of sustained high oil prices on the economic recovery.

This influential gentleman told the Congressional Joint Economic Committee on Wednesday that energy prices had not yet risen to a point that would seriously sap spending but warned that a lasting surge in the cost of oil could have far-reaching consequences.

I ask unanimous consent that this article from Oil Daily be printed in the RECORD.

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

GREENSPAN: HIGH OIL CAN UNDERMINE
RECOVERY

(By Sharif Ghalib)

Federal Reserve Chairman Alan Greenspan appears to be taking a more guarded outlook on the US economy compared with more sanguine comments he made last month amid the possible consequences of sustained high oil prices on an economic recovery.

The influential central bank chief told the congressional Joint Economic Committee on Wednesday that energy prices had not yet risen to a point that would seriously sap spending, but warned that a lasting surge in the cost of oil could have "far-reaching" consequences. He told the committee he was in no rush to raise US interest rates.

Greenspan's apparent step back may well have reflected mixed signals from recently released economic indicators and, perhaps more importantly, the recent surge in crude oil prices, which have risen nearly \$2 per barrel this week.

While the preponderance of the latest economic indicators point to a faster than previously expected economic recovery in the US, recent data released on the labor market showing a slight rise in unemployment shed some doubt on the speed of the recovery.

The reported rise in unemployment was followed this week by a suggested slowdown

in the US housing market, which had been expanding strongly, and—arguably more alarming—a slowdown in consumer spending. Manufacturing activity, however, has turned in its strongest expansion in almost two years.

While the so-called core rate of consumer price inflation, excluding energy and food prices, rose by a mere 0.1% in March, gasoline prices rose by a sharp 8%, the largest monthly change in six months. Fuel oil prices jumped by 2.2%, the strongest since last December.

These increases are in line with higher crude prices, reflecting mainly tensions in the Middle East, Iraq's unilateral 30-day oil embargo, and export delays in Venezuela.

Should the current oil rally continue for much longer, Opec will face mounting pressure to ease the reins on production. The group will meet in June to discuss production policy for the second half of 2002. But Iraq's embargo call, which has fallen on deaf ears among producers inside and outside Opec, may make it politically difficult for Saudi Arabia and other Muslim Opec members to increase production while fellow members Iraq withholds exports to pressure Israel.

Mr. MURKOWSKI. We have talked about oilfields. We have talked about the Arctic. We have talked about the wildlife. We have talked about the oil reserves. We have talked about the safety of development. I think we have responded to the myth that some suggest we are going to industrialize the Arctic.

I will show a chart of the Arctic in the wintertime. This area cannot be industrialized. It is just simply too harsh. Some of this is untouched because it has to be. To suggest we can have an industrial complex is totally unrealistic.

I often take this picture because it shows the harsh Arctic on a day when it is clear, but it is not clear all the time. Sometimes we have a whiteout. We can turn this picture upside down, but it is even better to turn it around because that is what it looks like when it is snowing. This is a whiteout. A lot of people do not know what kind of a condition that is. That is when one cannot tell the sky from the land because it is all the same color, and you better not fly into it. If you fly into it, you better be proficient as an instrument pilot or you will not make a round trip. That is the harsh reality.

That is what it looks like during a whiteout, which is a good portion of the time. When there is snow on the ground, there is snow in the air and no visibility. Somebody told me it is one of the best charts we have.

We talked about the footprint, talked about the accountability and how the vote will be scored. We know how the union will score the vote—as a jobs issue. We know how the environmentalists will score it—as an environmental issue. I hope Members will score it as to what is best for America. That is the issue. That is why we are here.

I have talked about jobs. If we open ANWR, we will build new ships, 19 new tankers. We will build them in California, the National Steel yard. We will

build them in the South; hopefully, in Maine. This is big business, several thousand jobs in the shipyards, \$4 or \$5 billion into the economy alone, construction jobs, good-paying jobs, union jobs. It is not just what is in the national security interests of our Nation.

We can argue about how many jobs will be created, whether it is 50,000 or 700,000. What difference does it make? These are good jobs. We should regard each for what it is worth, providing each family with an opportunity to educate their children and provide a better life.

Speaking of a better life, those kids I talked about in Kaktovik have dreams and aspirations. Their dreams are more simple than ours. Maybe it is Halloween night. Do you know what their dreams and aspirations are? How about a little running water instead of the water well. How about a sewer system instead of a honeybucket? Do you know what a honeybucket is? We will show an arctic honeybucket. It costs about \$17.

I didn't have any conversation over there as to why my people aren't entitled to running water, sewer, disposal. It is not a pleasant reality, but it is a reality. My people are tired. They want to be treated like everybody else. That is why this issue of opening ANWR has more to do than just the environmental innuendoes. It affects real people in my State. It is time they were heard.

I listened to the Senator from Massachusetts. He made a statement that he attested was made in a quote by our current Governor, which I don't believe. The quote was:

Evidence overwhelmingly rejects the notion of any relationship between Alaska North Slope crude and west coast gasoline prices.

I know the Governor doesn't believe that, and I want to make sure the record was corrected. Think for a minute what would happen to prices on the west coast in California if we cut off North Slope oil; if we do not continue to supply California, Washington, Oregon with refined product and crude oil. It would impact the west coast. It would impact the entire country.

The Senator from Massachusetts made this reference. I heard it and I thought it was a mischaracterization, so I looked in the RECORD. He made the statement and attributed it to the Governor of Alaska:

Evidence overwhelmingly rejects the notion of any relationship between Alaska North Slope crude and west coast gasoline prices.

I encourage the Senator from Massachusetts to correct that statement.

We have heard time and time again the statement that the United States has only 3 percent of the world's oil and we use 25 percent of the energy. Yet we produce 35 percent of the world's gross national product. We can argue that. We are getting a return, certainly, nearly a third of the world's domestic product is produced by the

United States which has 3 percent of the world's oil and uses 25 percent of the world's energy. That is part of our standard of living.

I talked about ANWR doubling our reserves. I talked about the fact we have to address conservation. We are doing it and continue to do it and we can continue to do a better job. Nevertheless, we live from day to day. Our farmers are dependent on low-cost energy.

We have a letter from the American Farm Bureau Federation in support of ANWR. I ask unanimous consent to have that printed in the RECORD.

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

AMERICAN FARM BUREAU FEDERATION,
Washington, DC, March 8, 2002.

Hon. FRANK H. MURKOWSKI,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR MURKOWSKI: America's farmers and ranchers are users, and increasingly producers, of energy. We believe that passage of a comprehensive energy bill is of vital importance to agriculture and to our nation. We urge the Senate to pass an energy bill with the hope that the President will soon sign into law legislation that will address our country's energy security.

Our organization along with other agricultural groups, the petroleum industry, and environmental groups have reached a bipartisan agreement on renewable fuels. This agreement, contained in Majority Leader Daschle's bill, provides that our nation's motor fuel supply will include at least five billion gallons of renewable fuels by 2012. The Renewable Fuels Standard adds value to our commodities, creates jobs in rural America and provides a clean-burning, domestically produced fuel supply for our nation. We urge you to oppose any amendment that undoes this agreement.

Production of food and fiber takes energy—diesel in the tractor and combine, propane to heat the greenhouse, natural gas as a feedstock for fertilizer and electricity for home and farm use. Our members believe that we must have affordable and reliable energy sources. American Farm Bureau policy has long supported environmentally sound energy development in the Arctic National Wildlife Refuge (ANWR). We ask that you support a cloture vote to allow the Senate to vote on this issue and to support expanding our domestically produced energy sources.

Sincerely,

BOB STALLMAN,
President.

Mr. MURKOWSKI. As we look at other aspects of the debate in the limited time we are going to have tomorrow, I hope we would not rest our laurels on simply increasing CAFE standards. We had a very healthy debate on that. We sacrificed CAFE standards, to a degree. We did it for safety. We heard from people, from mothers driving children to school or soccer games; they want a safe automobile.

The statistics we heard suggested there was a compromise between CAFE standards and safety. We chose to err on the side of not reducing CAFE standards to the levels we could have. That is a responsible decision.

That does not mean new technology will not help, but to suggest we can

make up the difference of what we import from Saddam Hussein, nearly 1.1 million barrels a day on CAFE, is not realistic. We gradually improve our CAFE standards as we have over a period of time. To suggest we can make up the difference is poppycock. It can't be done. We can begin to do better and we will do better. But America moves on oil. You don't run an aircraft on hot air. You don't fly an auto in Washington, DC, on hot air. You do it on oil. We are moving on oil. We will continue to do that. I am all for conservation, for renewables, but I am all for reality.

This chart is ironic. It shows the New York Times editorial positions from time to time. This was the 1987, 1988, and 1989 position, the New York Times editorial board. They said in 1989:

Arctic National Wildlife Refuge is the most promising refuge . . . of untapped resource of oil in the north.

In June of 1988:

. . . The potential is enormous and the environmental risks are modest . . .

Further,

. . . 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.

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

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.

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

Now they say:

Mr. Murkowski's stated purpose is to reduce the Nation's use of foreign oil from 56 percent to 50 percent partly through tax breaks.

The centerpiece of that strategy, in turn is to open the coastal plain of the Arctic National Wildlife Refuge.

This page has addressed the folly of trespassing on a wondrous wilderness preserve for what, by official estimates, is likely to be a modest amount of economically recoverable oil.

What a contrast. January 2001, the country needs a rational energy strategy, but the first step in that strategy should not be to start punching holes in the Arctic Refuge.

They have gone from 1987, 1988, 1989 to 2001, in March and January—a complete change of position. I asked the editorial board of the New York Times: Why? They said: Well, Senator, the former head of the editorial board moved to California so we have changed our position.

We have another one here from the Washington Post that is even more ironic. In 1987 and 1989 they said:

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

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. . . .

Then on April 4, 1989, it says:

. . . 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.

Here we are in February 2001:

Is there an energy crisis, and if so, what kind? What part of the problem can the market take care of, and what must government do? What's the right goal when it comes to dependence on overseas sources?

America cannot drill its way out of ties to the world oil market. There may be an emotional appeal to the notion of American energy for the American consumer and a national security argument for reducing the share that imports hold. But the most generous estimates of potential production from the Alaska refuge amount to only a fraction of current imports.

Did we say it might be as much as 25 percent?

December 2001, the 25th, Christmas Day:

Gov. Bush has promised to make energy policy an early priority of his administration. If he wants to push ahead with opening the plain as part of that, he'll have to show that he values conservation as well as finding new sources of supply. He'll also have to make the case that in the long run, the oil to be gained is worth the potential damage to this unique wild and biologically vital ecosystem. That strikes us as a hard case to make.

Isn't it ironic that these editorial boards of two of the Nation's leading papers could change their minds so dramatically? I did meet with the Washington Post editorial board and I asked them why they had changed their position. They were relatively surprised I would ask them that kind of question, and their response was equally interesting. They said they thought George W. Bush was a little too forceful in promoting energy activities associated with his particular background. In other words, I was politely brushed off.

This happens to be a Washington Post story. It is interesting because this is the newest deal that we developed. It is the Philips field, the Alpine project in Alaska's North Slope, and right on the edge of the National Petroleum Reserve, Alaska.

You can see that is a whole oilfield. That is it. That is producing somewhere around 85,000 to 100,000 barrels a day.

You know there is one thing you see and you see a little airstrip and that is all. There is no road out of there. There is a ice road in the wintertime, but in the summertime you have to fly to get

in and out of there. The interesting thing about the Washington Post is—we used to have laws around here when I was in the banking business called truth in lending. You had to tell the truth to a borrower if you were going to lend him money. Those particular polar bears are warm and cuddly, but they are not in ANWR. We know where the picture was taken. It was taken about 500 miles away near Point Barrow. Nevertheless, it was a Park Service photo. It looked good. They just used it and wrote us a nice letter and said thank you.

ANWR—100 percent homegrown American energy.

That is like homegrown corn.

The exploration and development of energy resources in the United States is governed by the world's most stringent environmental constraints, and to force development elsewhere is to accept the inevitability of less rigorous oversight.

This is a gentleman, former executive director of the Sierra Club, Doug Wheeler.

We can do it right. Give us a chance.

Washington Post, February 12, 2002:

Our greatest single failure over the last 25 years was our failure to reduce our dependence on foreign oil . . . which would have reduced the leverage of Saudi Arabia.

Richard Holbrooke, Ambassador to the United Nations in the second Clinton administration.

February 13, 2002:

The Bush administration's defense of the leases shows "disregard for both our precious California coastline and the right of states to make decisions about their environment."

This was our good friend, the junior Senator from California, BARBARA BOXER, commenting on the issue of States having a determination as to what should prevail in their State. She further said:

We're going to swap [oil leases] so that the oil companies can drill where people want them to drill.

That was February 15. Of course we would like to have them drill in our State. I think it is important to reflect the inconsistency associated with some of the statements.

This happens to be back in Eisenhower's time. This was a Petroleum Industry War Council poster:

Your work is vital to victory. Our ships, our planes, our tanks must have oil.

You do not sail a Navy ship by wind. You do not fly the planes on hot air.

This is by Reuters:

Iraq urges use of oil weapon against Israel, U.S.

"Use oil as a weapon in the battle with the enemy (Israel)," Iraq's ruling Baath party said in a statement published by Baghdad media Monday.

"If the oil weapon is not used in the battle to defend our nations and safeguard our lives and dignity against American and Zionist [namely Israeli] aggression, it is meaningless," the Iraqi statement said.

"If Arabs want to put an end to Zionism, they are able to do so in 24 hours," Saddam told a group of Iraqi religious dignitaries Sunday night.

"The world understands the language of economy, so why do not Arabs use this language?" he asked.

"Saddam said if only two Arab States threatened to use economic measures against Western countries if Israel did not withdraw from Palestinian-ruled territory, 'you will see they (Israelis) will pull out the next day.'"

That is the kind of threat being used today.

Let's take a look at where the Iraqi oil is currently going. It is going to California. This is 287 million barrels that we shipped out: Minnesota, Midwest, all the States in the red on this chart. Do not think we are not getting some Iraqi oil.

This is what occurred in the world when the United States said it was out for the Easter recess. This is a little note to the American people and the Senators. What happened April 9, while we were out? We had Saddam Hussein impose a 30-day oil embargo; oil jumped \$3 a barrel; Saddam was paying the Palestinian suicide bombers an increase from \$10,000 to \$25,000; Iraq and Iran called on countries to use "oil as a weapon" against the United States and Israel, and Libya happened to agree with that; the Iraqis—there was a plot, I think it was reported in the Christian Science Monitor, to blow up a U.S. warship; the price of gasoline moved up.

So it is happening. Here is our friend Saddam Hussein, very blatantly stating "Oil Is A Weapon."

Again, we have seen this check that he is offering suicide bombers—\$25,000.

This is reality. That is what is occurring in the world today. I do not know how the American public feels, but I am fed up.

The last one I will show again. It is the frustration associated with the people. You have seen this before. We all appreciate the sanctity of wilderness, parks, and recreation areas. But all those areas in Alaska are federally established withdrawals. They are wilderness areas, wildlife areas, and national parks. We are proud of them. But we are entitled to develop and prosper as a State, to provide educational opportunities for our children, sewer and water, and jobs.

When we look at an area one-fifth the size of the lower 48 and recognize we don't have one year-round manufacturing plant in the entire State, with the exception of an ammonia plant, that really can be considered a manufacturing plant—all of their products are exported outside of Alaska. We have oil and we have gas. As you know, once oil and gas are developed, they are not very labor intensive. There is a lot of maintenance. There is new exploration. The oil industry has done a responsible job. But it is not a resident oil industry. We don't have small resident companies in our State. We wish we did. We have Exxon, we have British Petroleum, we have Phillips, and a couple of others. It is all outside capital. The people who contribute to the industry are the best, but for the most part they are transient.

The wealth of an area is in its land. If the land is not controlled by the peo-

ple, then the wealth belongs to government. In our State, for the most part it is the Federal Government, and to a lesser degree the State government. The only exception we have to that is the land that is owned in fee simple by our Native residents and their efforts to try to develop the resources on this land.

But I could go very easily right down the list. We have the potential for oil and gas. We are blessed with that. It is in the Arctic. It is in the Cook Inlet area. It is down around Anchorage, and it is higher up.

We have some other companies. Unocol is down in the Cook Inlet area. But for the most part, it has just been the major oil companies. We really don't have a significant locally owned, Alaskan-domiciled oil company of any competitive magnitude. I wish we did. But people come up and exploit the resources. Most of the profits are taken down below to Texas, simply where the oil industry is located. We have even seen Phillips move down to Texas as well. That is a corporate decision; that is their own business.

Oil and gas have tremendous potential. The only way the citizens of Alaska and the Government can participate in that is through employment and through revenues from the taxes of those resources.

We go to the timber resources. As I have indicated time and time again, there is more timber harvested in the State of New York for firewood than is produced commercially in the State of Alaska in the largest of all our national forests because we don't have State forests of any consequence, it is all Federal. Try to get a timber sale on the Federal forest today, and you will find yourself sitting on the courthouse steps—one injunction after another. As a consequence, I think we have one sawmill perhaps still operating in Ketchikan, one perhaps still operating in Klawock, and one perhaps still operating in Wrangell. That is virtually it.

We have 33,000 miles of coastline. There is a lot of fishing. We have a tough time marketing our salmon, which are wild Alaska salmon, because our salmon are seasonal. They start running in May and run through August and September. Our competition is now fish farming in Chile and Canada. We can't quite comprehend that in Alaska because, first of all, we don't know what we would do with our fishermen and coastal communities which are the backbone of our State. We think we have a superior product. But they can provide the fresh product year round in the market.

We have a problems with our fisheries. We are going through a transition. We don't necessarily know what the answer is. We have a lot of halibut, a lot of cod, and a lot of crab.

We are tremendously blessed with minerals. We have no transportation. We haven't built a new highway in our State since we opened up that highway to Prudhoe Bay to build the pipeline.

We have no way to reach across our State from east to west. We have no highways throughout southeastern Alaska. We have a ferry system.

As you look at minerals, if you look at that map and try to figure out how you are going to get through some of the Federal withdrawals located nearby, indicated on the colored charts, you get a different picture of that wide open space up there and all those resources. How are you going to develop them? Anything we develop we don't market in our State because we don't have a population concentration. We have 660,000 people, or thereabouts, with half of them in Anchorage. Everything we produce has to be competitive with the other countries that develop resources and sell on the markets of the world. For all practical purposes, our world markets, with the exception of oil and gas, are in the Orient—Japan, Korea, Taiwan, and China to some extent.

That is a little bit of a rundown of Alaska today. That is why we believe, for the benefit of our State, our State government, and for our people, that it is imperative we be allowed to develop this area for the national security interests of this Nation.

There is a technical paper I came across which was sent to me on the physics of oil and natural gas production. It addresses the relationship between Prudhoe Bay and ANWR. It is two paragraphs. I think it is important. It is written by the professor of geological engineering and chairman of the Department of Mining and Geological Engineering, School of Minerals and Engineering, University of Alaska, Fairbanks. I am sure he would agree to have that go into the RECORD.

It states:

Due to the physics of oil and natural gas production, the natural gas resources in Prudhoe Bay can now be produced since there has been a significant reduction in the oil reserves—

In other words, the oil has been pulled down.

He goes on to say:

Due to the physics of production, the concurrent production of oil from ANWR with the production of natural gas from Prudhoe Bay can result in the optimum utilization of these energy resources. Without concurrent production there will be a significant time interval after the depletion of the natural gas in Prudhoe Bay before any gas is produced from ANWR. The interval could be as much as 30 years. Assuming only 16 billion barrels of recoverable oil in ANWR, and an excess capacity of 800,000 barrels per day in the Trans-Alaska pipeline, it would take 55 years to utilize this petroleum resource. Thus, natural gas from ANWR could not be optimally utilized for 34 years after the natural gas in Prudhoe Bay is depleted. There is more than adequate time for both Alaskans and those outsiders in the "lower-48" to freeze in the dark. ANWR petroleum must be utilized now in order to have ANWR gas available when Prudhoe Bay gas is depleted.

So he is making the case that as we developed Prudhoe Bay, we found the gas. We used the gas for recovery of the oil. Now that the oil is in decline, we can use the gas. But the same is true in ANWR. If we develop ANWR, and begin to produce oil, as the oil declines, we will use the gas for reinjection, and then we will have the gas available.

So there is a logical sequence in the manner in which you develop these fields and provide the continuity of oil, followed by the continuity of gas.

I must also indicate that as a professional engineer, Paul Metz is providing his opinion and not the opinion, necessarily, or endorsement of the University of Alaska, or the engineering department. But I think it puts a different light on the logic of the sequence of development of a huge hydrocarbon field such as we have in the Alaska Arctic today.

Mr. President, you have been very gracious with your time. It is 10:30 at night. I think we started this debate very early. Somebody said 8:30. It has

been a long day. But I felt it necessary to give Joe an opportunity to show his charts, and he has done a good job of that.

I say to you, Mr. President, you have been gracious with your time. And the clerks, and the whole Senate professional staff have been very generous.

Again, I would appeal to those of you who are about ready to go to bed, to those staff people who are watching, to consider, one more time, the human element. Put aside, for just a moment, the environmental considerations that have gone into this debate. Consider the people of Alaska. Consider those kids—their hopes, their dreams, their aspirations for a better life, an opportunity for sewer and water. It looks like the middle child shown in the picture missed the dentist. But, in any event, they are American citizens. They are Eskimo kids who live in our land, and I think they have a right to look to us, look to those of us in this body for some disposition of their future so they can enjoy the opportunities that we take for granted.

Mr. President, I yield the floor.

ADJOURNMENT UNTIL TOMORROW
AT 9:45 A.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:45 tomorrow morning.

Thereupon, the Senate, at 10:33 p.m., adjourned until Thursday, April 18, 2002, at 9:45 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate April 17, 2002:

THE JUDICIARY

LANCE M. AFRICK, OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF LOUISIANA.