United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, FIRST SESSION

Vol. 147 WASHINGTON, MONDAY, DECEMBER 3, 2001 *No. 165*

House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, December 4, 2001, at 12:30 p.m.

Senate

MONDAY, DECEMBER 3, 2001

The Senate met at 1 p.m. and was called to order by the Honorable JEFF BINGAMAN, a Senator from the State of New Mexico.

PRAYER

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

Almighty God, we do not need to ask to come into Your presence for You have been ever-present through our nights and days. We never need shout across the spaces to You as an absent God. You are nearer than our own souls, closer than our most secret thoughts. We need not inform You of our requests, for You are omniscient. We do not need to brief You on the alternative possibilities for this week's decisions, for You already know what is in keeping with Your best for us and will reveal that if we ask You. What we do need is to linger in Your presence until we are assured of Your love, regain true security, and are refortified by Your strength. Thank You for using this time of prayer with You to show us Your faithfulness and to receive Your guidance.

In Scripture, You call us to pray for the peace of Jerusalem. We do that this afternoon with the vivid pictures of the mall terrorist attack: jarring explosions, heart-breaking deaths and injuries, and the wail of sirens. Grant us Your strength in the battle with the evil of terrorism. Bless the President and Congress as they seek Your power both to complete the war in Afghanistan and to strategize with negotiations in the Middle East as a whole. Help us, dear God; we need You. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEFF BINGAMAN 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, December 3, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEFF BINGAMAN, a Senator from the State of New Mexico, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BINGAMAN thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

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

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 4:45 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided between the two leaders or their designees.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. DASCHLE. Mr. President, the Senate will be in a period for morning business until 4:45 p.m., with the time equally divided between the two leaders or their designees. At 4:45 p.m., the Senate will resume consideration of the Railroad Retirement Act. There will be 30 minutes of debate prior to a 5:15 p.m. cloture vote on the Lott amendment. If cloture is not invoked on the Lott amendment, a second cloture vote will occur on the Daschle substitute amendment. As a reminder, all second-degree amendments must be filed prior to 4:15 p.m.

MEASURES PLACED ON THE CALENDAR—H.R. 3210 AND S. 1748

Mr. DASCHLE. Mr. President, I understand that the following bills are at the desk, having been read the first time: H.R. 3210 and S. 1748.

The ACTING PRESIDENT pro tempore. The majority leader is correct.

Mr. DASCHLE. Mr. President, I ask unanimous consent that it be in order en bloc for these two bills to receive a second reading. I would then object to any further consideration.

The ACTING PRESIDENT pro tempore. The clerk will read the title of the bills for a second time.

The legislative clerk read as follows:

A bill (H.R. 3210) to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism.

A bill (S. 1748) 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.

The ACTING PRESIDENT pro tempore. Objection having been heard, both bills will be placed on the calendar.

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

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

The legislative clerk proceeded to call the roll.

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

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

ISSUES BEFORE THE SENATE

Mr. REID. Mr. President, the order before the Senate is that until quarter to 5 today, we are going to spend time talking about matters before the Senate. The two issues about which we are going to vote deal not with the railroad retirement, but rather with a moratorium on cloning and, in addition to that, legislation dealing with energy.

The Presiding Officer, of course, has spent a good part of his life, especially the last several months, coming up with legislation on energy for this country.

I have worked with the Presiding Officer in his capacity as chairman of the Energy Committee on a number of occasions. Of course, I, as most everyone else in the Senate, am impressed with his ability to understand issues.

Rather than moving forward on legislation in the normal fashion, we are now going to deal with this issue in a piecemeal fashion.

The majority leader has said we should have a full and complete debate on this issue. He has stated we could take this matter up before the month of February of next year, but prior to the President's Day recess. We would have a debate, have the legislation before the Senate, have the Republicans' proposal and the Democrats' proposal, and move forward on this legislation in the normal manner.

It appears they cannot take yes for an answer. They have said they want a definite time. The majority leader said they have that definite time. It is clear this is not an effort to get an energy bill, but rather to slow down what we are trying to do; namely, the railroad retirement bill.

I think everyone in the country acknowledges we should have an energy policy and that is why we should have a time set aside to do an energy bill, but I am sorry to say this appears to be an effort to kill something that is extremely important to lots of people in America today; that is, management and labor on the railroad retirement bill.

In an effort to save face for the 74 people who have cosponsored this, a number of people are saying: We like the railroad retirement bill, but not now; we will do it some other time.

Remember, it has passed the House. I believe the vote in the House was 380 in favor and a few against. In the Senate, we have 74 cosponsors. This should be a lesson on how to move legislation, but it is a lesson on how not to move legislation. So I certainly hope we can move forward on the railroad retirement bill, get rid of this extraneous material at the earliest possible date.

I oppose the Lott amendment for a variety of reasons. I will focus for a moment on the issue of jobs. We have heard some Senators speak about the job implications of drilling for oil in the Arctic National Wildlife Refuge. I understand, without any question, Senator MURKOWSKI and how important he believes this is for his State. It is important for his State because there is no question that drilling in ANWR would create jobs. That is important for Alaska, which really needs jobs. The other oil they have is winding down, and they want not only the ongoing jobs with the oil they have, with any field that has been demonstrated, but also the exploration and development would mean thousands of jobs.

I appreciate Senator MURKOWSKI feeling about this the way he does, but in spite of his strong feelings, it is still wrong. As I have indicated, the railroad employees and the unions and management oppose the Lott amendment. I will list a few examples of those unions. We could have other organizations also who oppose the Lott amendment. For example, we have lots and lots of environmental groups. I do not think there is an environmental group in America that supports what Senator LOTT and Senator MURKOWSKI are trying to do.

My friend from Alaska, the distinguished junior Senator, has given the impression organized labor wants this in the worst way, but these are the unions that oppose the Lott amendment: The Association of American Railroads opposes the Lott amendment; American Shortline and Regional Railroad Association; Family Railroad Organization; National Association of Retired Veteran Railway Employees; American Train Dispatchers; Boilermakers and Blacksmiths; International Brotherhood of Locomotive Engineers; Brotherhood of Railroad Signalmen; Firemen and Oilers; Service Employees International Union, known as the SEIU; Hotel Employees; Restaurants Employees; International Association of Machinists; International Brotherhood of Electrical Workers; Ironworkers Union; Seafarers International Union; Sheetmetal Workers International; Transportation Communications International Union; Transport Workers Union; United Transportation Union. Each of these unions is urging the Senate to vote against the Lott cloture motion on amendment No. 2171 which adds energy and cloning legislation to the railroad retirement bill. They know if this is attached, the bill is dead.

Some argue opening up ANWR to oil development would be a great economic stimulus. As we know, the job numbers thrown around have been grossly exaggerated. CRS estimates job creation from ANWR might be about 60,000, but could go higher than that. Again, this assumes jobs are not shifted from the Gulf of Mexico or the Rocky Mountain region.

I agree, however, that creating jobs is very important given that our country has been in recession since March. As I noted last week, there are better ways to create jobs than by exploring, and some say exploiting, the National Wildlife Refuge.

For example, construction of an arctic natural gas pipeline would create

between 350,000 to 400,000 jobs in steel production, pipe manufacturing, trucking and shipping, and construction jobs for 3 to 4 years assembling the pipe. This pipeline would be a mammoth project, requiring four times as much steel as used for all the cars produced globally in 1999.

The potential natural gas resources could supply the American market for 50 to 60 years as compared to the oil from ANWR which might yield 6 months' worth of America's petroleum supply.

There are other reasons, all of which are good, to oppose the energy provisions in the Lott amendment—and we are going to vote on this matter very shortly—but there is no reason to sacrifice the financial security of these retirees who have an interest in the railroad retirement bill—not only the retirees but the widows who would benefit.

Sadly, those who are pushing the Lott amendment are working against the hard-working Americans who have retired from the railroads around our country and, of course, the widows of those hard-working railroad workers. So I hope we will defeat soundly the Lott amendment.

Also, I have mentioned the provision dealing with the Arctic National Wildlife Refuge. I was in Las Vegas over the weekend, and somebody I had not seen in several decades, somebody I used to go to high school with, came up to me. We had not seen each other but, I, of course, recognized him in a second: Claude, how are you? He said: I am fine.

I know his family. It is a very conservative family. He said: I want you to know you have to do everything you can to make sure we can go forward with therapeutic cloning. Those were his words. Stem cell research.

Why did he care? Because he has two diabetic children, and it is genetic; he believes there is hope. He is someone who has worked with his hands all his life and does not have a scientific mind. His hope comes from his heart, but hope is coming from the minds of people who are scientists. They believe therapeutic cloning could be the breakthrough for diabetes, Parkinson's, Alzheimer's, and many of these other dread diseases.

If we could find a cure for the three diseases I mentioned, not only would it be the right thing to do for the families and the individuals with these diseases, but it would also be an economic boon to this country that would be unsurpassed. That people are in institutions because of Alzheimer's is really a drag on the economy of this country.

So I hope there will be a resounding vote to make sure we do not go forward on this legislation attached regarding ANWR and cloning. I am in favor of therapeutic cloning.

Maybe the word is wrong, ''cloning.'' We had scientists who came and talked to us last Thursday. Maybe it is the wrong use of words, but that is what has developed in the vernacular we are using. Scientists believe they need to go forward so they can do the stem cell research unfettered. Frankly, if we do not do it, it is going to happen someplace else anyway. Other countries are going to do it. So we who lead the world in scientific endeavors should make sure we also lead the endeavors regarding therapeutic cloning.

The ACTING PRESIDENT pro tempore. The Senator has used 10 minutes.

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

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

The legislative clerk proceeded to call the roll.

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

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

ENERGY BILL

Mr. REID. Mr. President, we focused on the energy bill the Republicans put forth and on ANWR, but there are other problems with the bill. Time is short and we cannot spend too much time on it. For example, one of the things that bill does not have included is vehicle fuel efficiency. It failed to provide an increase in fuel efficiency standards for light trucks, sport utility vehicles, and minivans. I think it should provide additional standards for passenger automobiles in general.

Dealing with just light trucks, sport utility vehicles, and minivans, the provisions would reduce overall national gasoline usage by 1 percent. Closing the SUV loophole would substantially reduce air pollution, greenhouse gas emissions, and save consumers billions at the gas pump each year. The current standard established in 1989 is 27.5 miles for passenger automobiles, sports utility vehicles, SUVs, and minivans. A much larger increase in fuel efficiency would be paid for. I have no doubt that is the case in future fuel savings. That is something not addressed in the bill.

Also in the bill they provide $33.5 billion over 10 years in tax breaks for electric utilities and oil and natural gas exploration. No offset was provided for the additional tax breaks, and only 17 percent is for energy efficiency and 83 percent for fossil fuels and nuclear power. While from a strict policy standpoint this is not good, from the sense that we need not give them any more tax breaks than they have, even if you disagree with that statement, you should be concerned about the fact there is no offset for the tax breaks. Further, over 10 years, this is adding $33.5 billion in deficit spending for our country.

We have to be very careful. There are many problems with this legislation. It is more than the arctic wilderness. We have focused on that. They are weakening environmental protections and drilling in national forests. There are a number of things we cannot lose sight of that include more than just the national arctic wilderness.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

Mr. REID. I ask during this quorum call that the time be charged equally against both sides.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

SENATE WORK

Mr. BURNS. Mr. President, we continue to hear in the Senate a powerful argument put forth by the assistant majority leader. Yet I am struck by the idea the Railroad Retirement Act under consideration now is a given. There are 70 cosponsors on that piece of legislation; I am one of the cosponsors. Yet we are also denied the ability to move an energy policy act that the Nation is demanding, as well as a stimulus package which, again, the Nation favors.

I challenge my colleagues and Americans by asking why just a few can deny a State such as Alaska its ability to develop and market its own natural resources, not only for the good of the economy of Alaska but also at a time when this Nation's economy is struggling and it would contribute to the rebuilding of that economy. I find that disheartening. This is important.

The season of Christmas is fast approaching. We should be finishing up our work. There are two things that have to be done: Finish the appropriations process to run this Government, and also develop an appropriation for our military in a time we are at war. By the way, this is a war that will not be won at Camp Pendleton, Fort Bragg, or any other military installation, but will be won in every community around this country. Yet the military now is carrying the load to destroy the core of terrorism.

Why deny those resources when just across the border, in the tundra—and one must remember, this is not a pristine wilderness when we talk about ANWR, as one might envision wilderness in my State of Montana where we already have 3.5 million acres. This is tundra. It runs for miles and miles and

miles. It can be developed to the advantage of this country and to its economy without disturbing hardly anything that far north.

At a time when the national economy is struggling, if you can provide any kind of a job, anything that would contribute to the rebuilding of that economy and the infrastructure of it, that should not be denied.

What do we hear? We hear how much we need an energy policy, but we see no action in the Senate. We hear the speeches about a stimulus package, yet no action is forthcoming. We talk about conservation. It has been a foregone conclusion of the task force that was put together under the chairmanship of the Vice President, when they look at our energy situation and assess it, that they will conclude we should then take the proper actions so we can rely on our own ability to provide the energy for our country. The conclusion was drawn that we cannot conserve our way out of this one.

This past weekend, I looked at the area with probably the greatest utilization of wind power that we have in this country. Yet it only contributes less than 1 percent to the Nation's need for electricity. That will not work.

I can tell you what spurs conservation faster and more efficiently than any rule, law, or regulation that the Government could impose: High prices. All you have to do is ask those who live in California. That is what spurs conservation. That is what spurs the imagination and the inventiveness of this society. When the cost goes high from the lack of a supply of energy, that spurs us to deal with it.

So I say, yes, maybe the unions oppose the Lott amendment. They would not oppose the Lott amendment if it was a stand-alone, though. It just happens to be on a railroad retirement act. That act has the support of over 70 Senators in this body.

So I challenge my colleagues and I challenge Americans, when Canada develops their energy supply and a way to deliver it to their people, keeping their energy costs so low that they are a very strong competitor in the global market, are we denied that? We have to look at ourselves and say, why? Based on science? I do not think so. Based on technology? I know that is not true. So we have to conclude the reasons lie in other areas.

As we hear this debate about going forward, I want Americans to understand and realize this about the development of our energy resources. Conservation as we defined it and as it has always been defined is the wise use of a natural resource. Why can't this move forward? It would but for a few who are opposed because of other reasons, other than science and technology.

So I hope the Lott amendment can be approved and we can move forward on this issue, finish our work on appropriations, finish our work on the stimulus, and go home for the holidays. I know there are those who want to go home a little bit earlier. I am not one of those who say we should leave with our work undone because the last time I looked, I think I get a check for the month of December. So we might as well work if that be the choice of this body.

I yield the floor.

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

RAILROAD RETIREMENT REFORM

Mr. HATCH. Mr. President, I rise today in strong support of the Railroad Retirement and Survivors' Improvement Act. This is good, common sense legislation that will lower the program's costs and provide greatly improved benefits to thousands of Utahns and hundreds of thousands of Americans who are spending or have spent their working careers in the railroad industry.

With an impressive 73 Members joining Senator BAUCUS and me as cosponsors of this bill, and a vote on passage of 384-to-33 in the House earlier this year, this legislation enjoys tremendous support of our colleagues in both Chambers and on both sides of the aisle.

Other supporters of this bill have already spoken at length about the features of the bill, so I would like to focus my remarks today on responding to some of the criticisms made last week by a few of our colleagues who oppose this legislation.

Specifically, during last week's debate on this bill, my colleague and friend, the senior Senator from Texas, spoke at length about what he refers to as the ''pilfering'' of the Railroad Retirement Account that he alleged would take place under this bill. While I agree wholeheartedly with the Senator on some of his statements, I could not disagree more with his suggestion that this legislation is some kind of underhanded attempt at wrongdoing by the retirees, workers, and employers in this industry.

Let me first make clear that I agree with the Senator in his conviction that vast improvements would be made by changing the rules for the investment of Railroad Retirement assets. Because of the long-standing requirement that those assets can only be invested in Government securities, the railroad industry's retirement plan has been far less efficient than those in other industries.

As a result, the rail industry's contributions to its pension plan are far higher than in other industries. This legislation would eliminate that limitation and allow the investment of assets in the stock market, as well as in Government securities. Senator GRAMM has stated that this would be a good change, and I am of the same mind. I agree with him on that.

I am also in full agreement with the Senator when he said that the assets of the Railroad Retirement system are the pension contributions of rail workers, retirees, and employers, as well as the earnings on those contributions. However, I am perplexed when Senator GRAMM alleges that, under this bill, these contributors would be ''pilfering'' their own contributions.

I also take exception to the suggestion that the use of the increased investment returns projected under this bill is inappropriate. Because Railroad Retirement account balances will be less under this legislation than they would under current law, even with greater investment returns, Senator GRAMM concludes that there must be ''pilfering'' going on. This analysis is highly misleading.

It assumes that the all balances projected under current law are necessary for the fiscal health of the system, and that anything less will subject the system to great peril. The reality is that, while account balances will decrease for a time under the new legislation, the Railroad Retirement Account is projected by the Railroad Retirement actuary to remain solvent for the next 75 years.

Last Friday, Senator GRAMM used a chart that helped tell the story that he wanted to tell. It was a very nice chart, but the chart was somewhat truncated and failed to give the full picture. Let's look at why reducing the long term build up is neither ''pilfering'' or bad business economics.

As you can see, this is the trust balance that will remain strong under the Railroad Retirement program.

Under current law, the Railroad Retirement Board actuary projects that the fund balance by 2074—this red line on the top—will grow to $702.8 billion as of 2074 under Employment Assumption II. Benefit obligations for that year would be approximately $15 billion. This is a ratio of trust fund reserves to benefits of almost 47 years of benefits. No wonder the industry wants to develop a more rational funding approach.

Let me point you to chart No. 2.

Under Employment Assumption I, the more optimistic of the two assumptions most typically used to measure the system, the point gets even more dramatic. In this case, the actuary projects that the fund balance by 2074 will grow to $1.5 trillion. That is trillion with a ''T.''

Benefit obligations under this more optimistic employment assumption would increase, of course—more workers equals more retirees. The benefit obligation grows to approximately $21 billion. Under this employment assumption, the ratio of reserves to benefits expands to more than 71 times. Again, it is no surprise why the industry is working to develop a more rationale funding approach.

As you can see by the blue line, if we pass this legislation, this would be the balance under the current legislation—the balance that we would be getting under this compared to current law, which means the retirees would not be

getting nearly the benefit, nor will the industry be getting nearly the benefit than they could with a more rational, meaningful approach towards a pension.

Now, why would these balances be adequate but lower than now projected, if we passed this bill? Is it because of ''pilfering?'' No, it is because the bill provides for modest, judicious tax cuts and overdue improvements in retiree benefits.

Under current law, the rail industry contributes three times more to Railroad Retirement than employers in other industries contribute to retirement programs. Under current law, widows of retirees have their benefits reduced by two-thirds upon the death of their spouses. Under current law, rail employees must wait 10 years to vest rather than the usual 5 or even 3 years common in other industries.

This legislation would simply reduce payroll taxes on rail employers to bring its contributions more in line with other industries—although at more than 13 percent it would still be much higher than the funding levels of other industries—and make improvements in vesting, early retirement and widows' benefits.

Under this bill, unnecessary, enormous surpluses that would occur under current law, indicated by the red line, would be avoided, while maintaining more than adequate reserves in the system, which would be what this bill will do while taking care of widows, among others. The industry has long been recognized as the most capital intensive component of the industrial segment of the U.S. economy, according to studies done by sources ranging from Fortune Magazine to the Department of Commerce. Under this legislation, the industry would be better able to deploy its scarce investment capital.

Senator GRAMM and others have repeatedly asserted that the Railroad Retirement system will run out of money if this bill is adopted and the Government will have to make up the shortfall. As I mentioned a moment ago, the Railroad Retirement actuary has reviewed this bill and found that under it, as under current law, the system is solvent over the next 75 years under both Assumption I and Assumption II. The assumptions behind this projection were accepted by the CBO which used them for its analysis.

Moreover, the bill provides, for the first time, an automatic tax schedule that will raise taxes on rail employers if pension fund reserves drop below 4 years of benefits. This will require no action by Congress.

Senator GRAMM and his staff must have had a lot of fun calculating what tax rates might be at some point in the future to get the fund balances back to current-law levels under the bill. The reality is, however, we should not be trying to build up reserves that are between 47 and 71 times annual benefit obligation outlays. That makes no sense.

But Senator GRAMM declares that the industry will try to avoid higher tax rates that may even be triggered by the formula and, as a result, the Government will have to step in. In this regard, I think past history is instructive. In the past, when financial problems have arisen, Congress has chosen to raise taxes and reduce benefits, rather than to provide bailouts for this industry.

Thus, even if Senator GRAMM's doomsday scenario comes true, it is the plan participants who are likely to pay, not the Federal Government. The industry knows this as well. This is why the railroads want the opportunity to manage this system, along with taking on more responsibility.

I also want to respond to one other misunderstanding that has arisen in this debate—that by lowering the retirement age for Railroad Retirement to age 60, the bill gives railroad workers a benefit no one else has, and that this benefit conflicts with the increase in the Social Security eligibility age.

First, the earlier retirement age applies only to workers who have 30 years of service in the rail industry. Second, the normal retirement age for Tier 1, the Social Security counterpart of Railroad Retirement, is not affected by this bill. It will rise to age 67 just as the Social Security retirement age will. Third, paying the cost of Social Security for early retirees until they reach normal Social Security retirement age is a feature found in private sector pension plans.

These are known as ''bridge'' plans. Like these plans, the private portion of Railroad Retirement—Tier 2—pays the entire cost of this early retirement option, just as it currently does for workers with 30 years of service at age 62.

Keep in mind this is a dangerous industry in which to work. It is not uncommon for employees in the railroad industry who are working on the line to never be able to get their full 30 years in because of the dangers and the accidents that occur as a result of this industry. It is a tough industry. I used to represent railroad workers in some of these cases. What happened to some of them was horrendous. Many of them died trying to do their job. Others were mutilated. Legs were cut off, and arms were lost. Families were devastated.

These things do happen. It is not comparable to most other pension-backed industries.

In conclusion, you may call this an opportunity for the rail industry to invest capital in infrastructure rather than excessive account surpluses. You may call it an opportunity to improve benefits for widows and for retirees who work 30 years in work that is often arduous and dangerous. You may call it an opportunity to bring Railroad Retirement investment practices into the modern era. But don't call it ''pilfering.''

I know a lot about this industry. I know what a difficult industry it is. I know there are things that are wrong with the industry. I know there are things such as feather-bedding in this industry that have existed for a long time. But there are also a lot of loyal, decent, honorable people working in these dangerous jobs to keep America's goods and services moving across this country.

I can't imagine why we would not want to help these widows who have such a drastic automatic reduction in their benefits once their husbands pass on. I think in most cases the husband is going to predecease the wife.

That is part of what we are trying to do here. Like everything else, nothing is perfect around here. And this bill is not perfect. But it is a rational and reasonable attempt to allow this industry to invest in capital infrastructure so that it can keep going and so that widows and pensioners can be taken care of.

This is an industry that we have to keep going. An awful lot of bulk transfers occur on our railroads in this country. We know there is going to have to be more investment as we upgrade high-speed lines and other effective approaches to transport materials, manufactured products, and other things throughout our country.

This is a great industry. It is an important industry. The people who work in it deserve the best we can give them. I do not see the Government paying for the liability that could arise under the most drastic pessimistic scenarios, as have been painted by some in this Chamber: Not paying for it themselves. And I believe Congress will see that that occurs. It is up to the industry to make sure they never have to do more than what is reasonable and rational under the circumstances by making sure that this pension program is viable, that it works, and that it takes care of these people who need to be taken care of. Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. DORGAN. Mr. President, are we in morning business?

The ACTING PRESIDENT pro tempore. We are in morning business.

ECONOMIC STIMULUS, A COMPREHENSIVE ENERGY POLICY, AND FAST TRACT TRADE AUTHORITY

Mr. DORGAN. Mr. President, first of all, I listened to the remarks of my colleague from Utah and thought they were interesting remarks, on point, and I appreciate them.

I have heard some comments from colleagues this morning who are repeating things we have heard previously in this Senate Chamber. I want to comment about a couple of them and then talk about a vote that is occurring in the other body late this week and on which we expect to vote in the Senate at some point. It is a vote on something called fast-track trade authority.

We had some discussion earlier today in the Senate about, the stimulus package referring, of course, to the package of legislation that would try to provide some lift to this country's economy. The question was asked: Where is the stimulus bill?

The answer is very simple. The piece of legislation designed to try to stimulate this economy was brought to the floor of the Senate, and then the Republicans decided to make a point of order against it, which they did, and they took it from Senate consideration.

A point of order exists against the bill that Senator DASCHLE brought to the floor of the Senate. It would exist against the Republican bill. A point of order would also exist against the bill written by the House of Representatives. A point of order exists against all of the bills designed to try to stimulate this country's economy. But the point of order was made against the bill that was brought to the floor by Senator DASCHLE.

So those who now ask, Where is the stimulus bill? if they voted to sustain the point of order, need not ask that very loudly. The stimulus bill is where they put it. We were debating it on the floor. It was under active consideration. And now it is not. Why? Because a substantial number of Members in the other party decided to take it from the floor of the Senate.

We need a stimulus bill. Our economy is in significant trouble, in my judgment. We ought to pass a piece of legislation providing lift to this economy.

The President, and others, have asked the question, What is the Senate doing? The Senate is trying to pass a bill that provides temporary and immediate help to this economy.

The House of Representatives, on the other side of this building, decided they were going to do something quite different with respect to stimulus. They decided to pull out a bunch of old, leftover tax policies, package them up, and call it a stimulus plan.

For example, one of their proposals to help this country's economy was to give tax rebates, for taxes paid since 1988, for corporations under the alternative minimum corporate tax. What does that mean? It means a rebate check for $1.4 billion will go to IBM, a rebate check for $1 billion will go to Ford Motor Company.

The fact is, virtually all economists tell us we have substantial overcapacity in our economy. Providing tax rebates for the biggest companies in the country is going to do nothing to help this economy. It is just one more scheme to provide tax rebates, tax checks to the biggest interests in the country, and it has nothing much to do with improving this country's economy.

We do need a tax plan and a spending plan that stimulates this country's economy. Senator DASCHLE brought one to the floor of the Senate. But it is not here any longer because the minority party in the Senate decided they wanted to make a point of order and take it from the floor. So I find it interesting that we have people coming to the floor, again and again and again, saying: The stimulus package is important. Where is it?

I recall a story about raccoons once, that raccoons have a fastidious way of washing everything they eat. When they find something to eat, they apparently go find water, and then they use their little hands to fastidiously wash what they intend to eat. It is just a habit raccoons have. But sometimes raccoons cannot find water, so they pretend there is water. They go through the same motions, acting as if they are washing their food, despite the fact there is no water.

We have some of that pantomime activity in the Senate. It is an interesting thing to watch. Saying, Where is the stimulus package? is almost exactly like that. It is sort of a pantomime piece of information: Where is the stimulus package? Those who ask the question know exactly where the stimulus package is. They are the ones who took it from our consideration in the Senate. It is on the calendar but not on the floor because a point of order was made against the stimulus package.

Another point made this afternoon was about the energy policy. We do need to develop a new energy policy in this country. Last week, Senator DASCHLE came to the floor of the Senate and made a commitment. He said in the first work session after we come back next month, we are going to be considering the energy package: a comprehensive energy package, not just one piece, but a comprehensive energy package that deals with supply and conservation, efficiency, renewables, as well as energy security. That bill is going to come from a number of different committees in the Senate. It makes sense, to me, to do it that way.

Energy policy is not just—any longer—about supply and demand. It is also about security. Especially since September 11, we now understand the issue of energy security must be discussed and debated when we construct a new energy policy. The security of nuclear energy production plants, the security of transmission lines, the security of the thousands of miles of pipelines: All of that is important in the context of energy policy as well.

So we will have an energy bill on the floor of the Senate. Senator DASCHLE is committed to that. But he wants to do it the right way. The right way is to consider all of the elements of good energy policy. Part of it is production, part of it is conservation, dealing with supply and demand.

It is important to point out, with respect to that piece of an energy policy, that some in this Senate and some in Congress would counsel that our energy policy for the future should be yesterday forever, just do what we did yesterday and keep doing it tomorrow—dig and drill—and somehow that will represent a comprehensive energy policy for this country.

I happen to believe we need additional production of energy. There is no question about that. We can, should, and will, in my judgment, produce more oil, natural gas, and coal, and do so in an environmentally acceptable way, to extend our country's energy supply. But if that is all we do, we have miserably failed the American people. It is, as I said, a policy that says yesterday forever.

We need to do much more than just expand our supply through digging and drilling. We need, it seems to me, to pay great attention to conservation. Conserving a barrel of oil is the same as producing a barrel of oil. We can achieve substantial savings through thoughtful conservation, the right kind of conservation. We can and should adopt that as a policy as well.

For example, we should look at the efficiency of appliances. We can also make great progress with respect to the efficiency of those appliances we use in our everyday lives. And then there are renewable and limitless sources of energy: Fuel cells, ethanol, biomass—a whole series of technologies that represent policies for the future that can really promote new and exciting forms of energy, many of them renewable and some of them limitless.

That is what a comprehensive energy policy can and should be. It has to be much more than just a policy that says let's just provide some tax breaks to those who are going to dig for coal and drill for oil.

That doesn't make any sense. That is not a substitute or an excuse for a policy. That is one part of a series of things we ought to consider as we consider a new energy policy.

One of the interesting things to me about energy policy is that we don't have a long-term strategy precisely because of the thinking of some who have expressed on the floor that we have to have something now that opens up ANWR. That is exactly the attitude that has put us in the position of not having a long-term strategy.

If Members come to the Chamber to talk about Social Security, everyone talks about what the expectations are 30 and 50 years from now. Everyone says what is the situation 25, 30, and 50 years from now with respect to the Social Security system. I asked the Energy Department, when they testified, what kind of expectations we have 25 and 50 years from now with respect to energy. What will energy use be? What kind of energy will we use? What are we promoting? What kind of policies do we have with respect to energy usage that would allow us to become more independent? The answer was: We don't have a plan.

There is no one who can say: Our aspiration, as a nation, is to have a certain mix of energy production, of renewables and other forms of energy that will extend our energy supply.

There is no such plan. Nobody thinks out 25 or 50 years.

As I indicated the other day with respect to my own circumstances, my first car was one I restored. As a young boy, I bought an old Model T Ford and restored it. Interestingly enough, a 1924 car is gassed up the same way you do a 2001 car. You pull up to the pump, you take the cap off and stick a hose in it, and you pump gas. Nothing has changed in 75 years. Everything else in our life has changed. But you still gas up a Model T Ford the way you gas up the newest car on the road today.

You would think perhaps something could change or would change or will change if we embrace and adopt thoughtful energy policies, and that is what Senator DASCHLE wants to do. He wants to bring to the floor a broad, comprehensive package of energy policies that will really advance this country's long-term energy and economic interests. That is what we will do in the first work session after the first of the year. That makes good sense.

So those who come here day after day asking where is the stimulus package, it is where you put it. You knocked it off the floor of the Senate. We want to bring it back with a package that is really temporary, immediate, and gives real help to the American economy. When they ask the question, where is the energy policy, it is coming to the floor in the first work session after we get back in January, and it is going to be much more than the limited notion of digging and drilling forever. It is going to be a comprehensive energy policy that does advance this country's energy and economic interests.

The subject of fast-track trade authority is one I have spoken about without great effect on the Senate floor for many years.

Apparently, on Thursday of this week, the House of Representatives is determined to bring to the floor of the House something called trade promotion authority, which is a fancy way of saying ''fast-track trade authority,'' by which an administration can go off and negotiate a trade agreement, bring it back to the Congress, and the Congress is prevented from offering any amendments. We are then required then in both the House and the Senate, to vote up or down on these trade agreements.

The House may well have the votes to provide fast-track trade authority to this President. I do not know. I don't know what the votes are in the Senate. I do know that if the House of Representatives passes fast-track trade authority, it will be slowed dramatically when it gets to the Senate.

I did not support giving fast-track trade authority to President Clinton. I do not support giving fast-track trade authority to President Bush.

Why? Let me show with a chart what has happened with this country's international trade. Some say this is going well for America. It is hard for me to see how that is the case when we have a ballooning trade deficit reaching alarming proportions—a $452 billion merchandise trade deficit last year alone. That is nearly $1.5 billion a day that we take in more in imports than we are able to export.

It weakens this economy to run up these kinds of trade deficits year after year. We can talk about the different trade rounds. We could talk about the Tokyo round and GATT and this round and that round. Every time we have another trade agreement, we seem to have a larger trade deficit. Some say it is because the dollar is too strong; or we have too big of a Federal budget deficit. It doesn't matter what the excuse is. Economists will give an excuse of the moment. None of them really washes. Every time we have a new trade agreement, we tend to see larger trade deficits.

What is the circumstance of international trade? Fast track says we give an administration the ability to go negotiate an agreement, bring it to Congress, and Congress must vote yes or no without any amendments.

The Constitution says, article I, section 8, Congress shall have the power to regulate commerce with foreign nations and among the several States and with the Indian tribes. So the responsibility is really with the U.S. Congress. Fast track abridges that responsibility.

I could talk for an hour on the subject of international trade and what has happened to us. I understand that we need to expand trade. We want to expand trade. We want to broaden our opportunities in trading with other countries. I agree fully with that. But I insist that part of this country's effort with respect to trade policy ought to be to demand fair trade rules with our trading partners.

In the first 25 years after the Second World War, we could trade with anybody in the world with one hand tied behind our back, and it didn't matter because we were bigger, better, stronger, and more capable of trading than anybody else in the world. We could do that. And most of our trade at that point was foreign policy. It was not economic policy; it was foreign policy. We created trade agreements that represented our foreign policy initiatives with those for whom we wanted to provide some help.

In the second 25 years after the Second World War, when others became smarter, better, tougher, with stronger economies, it wasn't quite as easy for us to compete. So now we have a circumstance where we have a growing number of trading partners that are very shrewd and very strong. Over many years Japan, European countries, Canada, and others have become, in many cases, formidable trading partners and with whom we have experienced very large trade deficits. China is another example.

What has happened with these countries with whom we have these trade relations? With respect to Japan, we have had an $50 to $60 billion trade deficit every year, every year forever. It has recently grown to $80 billion. Should that be the case? I don't think so. They ship us all of their goods. We say: Good for them; our market is open to all of their goods.

But did you know that 12 years after we reached a beef agreement with Japan, every pound of American beef going to Japan has a 38.5-percent tariff on it? Twelve years after our beef agreement, every pound has a 38.5-percent tariff on it. Send a T-bone steak to Tokyo, it has 38.5 percent tariff. Is that fair, 12 years after our agreement, with a country with whom we have a huge trade deficit? I don't think so.

See how much luck you have sending pork chops to Peking, or how about potato flakes to Korea. Try shipping durum wheat to Canada. You could spend a long time talking about the abysmal trade circumstances we have as a result of improperly negotiated agreements.

Let me give you one more example. This happens to be Korea. Last year, we shipped into this country 570,000 cars from Korea. Korea bought 1,700 from us. Let me say that again. It is important to understand the one-way relationship we have: 570,000 automobiles were shipped into the United States from Korea. Korea purchased 1,700 from us.

A mid-priced car, a pretty decent car, costs twice as much in Korea. They don't want American cars in Korea. They don't buy them. The result is a one-way trade relationship with respect to automobiles in Korea. But I can describe the circumstances with fructose corn syrup with Mexico, potato flakes with Korea, beef in Japan. The list is endless. The question for this country is: When will our trade negotiators begin showing some understanding that they are negotiating on behalf of the United States of America and that they are trying to protect our country's interests? When will we send trade negotiators who will say to the Canadians that they can't ship all their durum wheat to the United States and not allow one little load of ours into Canada? That is not fair to durum producers in the United States.

The point is this: Fast-track trade authority is a moniker for ''do you support American business?'' The business that wants fast track is international business. They want to buy from themselves and sell to themselves. In fact, what I want for this country is fair trade—expanded, yes, but fair trade. I want negotiators who will negotiate fair trade agreements with other countries that will begin reducing this ballooning trade deficit that injures our economy. My hope is if the House of Representatives decides to pass the fast-track trade authority this week, the Senate will slow that down. I and others in the Senate—at least a dozen and more—will certainly want to have our way to be sure that we are not going to pass very quickly trade promotion authority for this President.

As I said, I didn't support fast-track authority for President Clinton. I don't support it for President Bush. What I support is for this country to be hardnosed, to have a backbone, some nerve, some will, and to insist with China, Japan, Europe, Canada, Mexico, and others that we want trade agreements that are fair to American producers and to American workers. If the trade agreements are not fair, then they ought not be made. I know my colleague from New Mexico is waiting. Let me make a final comment to describe the circumstances. If I might ask if my time has expired.

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

Mr. DORGAN. I ask unanimous consent for 3 additional minutes.

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

Mr. DORGAN. Mr. President, let me describe the last big trade debate before the vote on GATT; it was NAFTA, the North American Free Trade Agreement. Is there anybody left in this Chamber who thinks that made any sense? We were promised 350,000 new jobs in a study that all of the business interests held up to say look at how great this is going to be. We passed the NAFTA trade agreement, and we turned a trade surplus with Mexico into a huge growing deficit very quickly. We turned a deficit with Canada that was not so awfully large into one that was very large.

So NAFTA—the U.S. trade agreement with Canada and Mexico—turned both of these trade relationships into huge deficits. How can that be in this country's interest? We were told, well, the situation with Mexico will be simple. We will be the beneficiaries of the products of low-wage, low-skilled labor from Mexico. Guess what the three largest imports from Mexico are to the United States? Automobiles, automobile parts, and electronics. All are the products of high-skilled labor—all of them.

In fact, those who sold us on NAFTA were dead wrong. I am hoping if we ever have a debate on trade promotion authority—which I hope we can defeat—that we can hear from some of the same folks who extolled the virtues of a trade agreement that was so bad for this country and American producers and workers. My point is, I don't want a harmful trade agreement to happen again. We have done the United States-Canada free trade agreement, NAFTA, and GATT, all of which led to bigger and bigger trade deficits year by year. The trade deficit has grown to $452 billion. Every day, over $1.5 billion more in goods are coming into this country than we are able to export. No country will long remain a strong economic enterprise if it sees its manufacturing base dissipating. That is exactly what is happening as a result of these trade deficits.

My point is that the House can have another celebration at the end of this week if they pass trade promotion authority, but they should not think it is going to happen quickly in this Congress. I and others will steadfastly oppose trade promotion authority in the Senate.

What I want is negotiators who might decide to put on a uniform. We send people to the Olympics with uniforms. They actually wear a jersey that says ''USA.'' It would be nice to have a trade negotiator put on a jersey so they understand who they are representing when they get behind closed doors in a negotiating room, and it would be nice if the next agreement is fair to this country, fair to our producers, and fair to our workers. It has been a long time. I hope we might see that in the future.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

RAILROAD RETIREMENT

Mr. BINGAMAN. Mr. President, I want to speak for a few minutes on the main legislation that is pending before the Senate, the Railroad Retirement and Survivors Act of 2001. The procedures that we follow in the Senate sometimes obfuscate or make it impossible to determine exactly what it is we are debating. We have so many different issues that we are debating all at the same time. I wanted to bring the focus of the Senate back for a minute to the main issue that we should be debating, and that is the pending railroad retirement legislation.

There is an amendment that has been offered to the railroad retirement legislation by Senator LOTT, and it involves an effort to pass the House-passed energy bill, H.R. 4, and also an effort to have the Senate on record on the issue of so-called therapeutic cloning. Someone might ask, How do therapeutic cloning and an energy bill relate to each other, and how do those two items happen to be related to railroad retirement?

Well, there is no relationship. Essentially, what we are going to decide shortly after 5 o'clock is, Are we in fact going to pursue passage of this railroad retirement bill and keep these extraneous matters to the side so they can be dealt with under different circumstances, with full debate, later in this Congress, or are we going to get sidetracked and essentially get off track on dealing with railroad retirement?

It is very important, in my view, that we deal with railroad retirement. This is the opportunity, this is the chance we have. There are 74 cosponsors. I know that has been mentioned several times on the floor. I am one of those cosponsors. This legislation did pass the House of Representatives by 384 votes in favor, 33 against. While clearly I respect the rights of colleagues to express the concerns and interests of other Senators in bringing other matters forward, I think it is high time we went ahead and passed this bill and sent it to the President. A great deal has changed since we began providing benefits to railroad employees back in the 1930s. We have tried to update this retirement system to reflect some of the changes in the cost of living and lifespans of former employees and their spouses.

Several years ago, Congress told the railroad companies and the unions to sit down and work out their differences on this legislation so that we could get a set of proposals that Congress could consider.

This bill—the railroad retirement bill before us today—is the product of those negotiations. It deserves our attention and our support. The country owes a great deal of the growth and dominance we have had in the industrial and agricultural sectors to the railroad industry and to the employees of that industry. We need to be sure that these men and women receive retirement and disability benefits to reflect what they have accomplished, what they have done for this country.

This legislation tries to allow those employees with 30 years of employment in the industry to retire at age 60 without a reduction of their benefits. It would also provide the surviving spouse of a railroad worker with a benefit that appreciates the cost of maintaining a household and is not cut in half when the first spouse dies. Under current law, a widow or widower receives half of their tier 2 annuity, which, in most cases, will not be enough to pay for the basic necessities of life.

This legislation also allows current railroad employees to have their retirement benefits vested after 5 years rather than after 10 years, which is the current law.

Finally, the legislation repeals the maximum benefit ceiling that is currently in place and allows the amount of benefit to be based solely on the existing formula of the highest 2 years of income over the past 10 years.

These are reasonable changes, they are fair changes. I believe very strongly we should in these final days of this first session of the 107th Congress pass this bill. We should send it to the President for his signature, and we should resist the efforts we are seeing in this Chamber today to bog this down by attaching other very controversial legislation by the amendment process.

I hope cloture will be invoked on the amendment that Senator LOTT has offered and that it can be withdrawn. We can then proceed to vote on the railroad retirement bill and pass it and have that one piece of very constructive legislation sent to the President before the week is out.

Mr. President, I yield the floor, and 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. DAYTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

EXPLORATION FOR OIL AND GAS IN THE ARCTIC NATIONAL WILDLIFE REFUGE

Mr. DAYTON. Mr. President, I rise today to express my strong opposition to exploration and drilling for oil and gas in the Arctic National Wildlife Refuge, or ANWR, region of Alaska. On two occasions, I have visited this remote and rugged wilderness region. In the summer of 1996, my then-16-year-old son Eric and I joined my good friend, Will Steger, an internationally renowned Arctic explorer, and two other men, on a two-week expedition in the Brooks Mountain Range of ANWR.

On the evening of June 30, we pitched our tents on the icy tongue of an enormous glacier. The next morning, we awoke to find ourselves in a snowstorm. We trekked through fresh snow above our knees through near-white out conditions to the top of the Continental Divide. Then we slid down the other side, frequently using our backpacks as toboggans and our boot heels as runners. It was an adventure I will always remember.

The northern slope of this mountain range initially resembled a lunar landscape. Giant boulders and other, smaller rocks covered the surface, which was otherwise devoid of plants and wildlife. As we continued, however, we reached the beginning of the grassy plains, which are the homes of millions of wildlife.

What impressed me most is how vast and untouched the ANWR region is. From the time we were dropped off by one bush pilot until the time we were picked up 2 weeks later by another, we encountered only one other group of human beings. For the rest of our time, our companions were one bear, a few caribou, who had not moved on to the coastal plains, and several quadrillion mosquitoes. This region is totally untouched by human beings and by their industrial and technological intrusions. It is there for anyone and everyone who wish to encounter it on its terms, rather than on their own.

My second visit to the ANWR region occurred last March, at the invitation of my distinguished colleague, Senator FRANK MURKOWSKI of Alaska, who was then the chairman of the Energy and Natural Resources Committee. Senator JEFF BINGAMAN, then the ranking member and now the chairman of the same committee, and I joined Senator MURKOWSKI, along with Secretary of the Interior Gale Norton; Ms. Mary Matalin, special assistant to the Vice President; and several committee staff.

We flew first to Anchorage, where we were greeted by Alaska's Governor, Tony Knowles, a college classmate of mine, and other Alaskan government and business leaders who outlined to us the enormous economic importance of oil production to Alaska. We then flew to Valdez, the southern end of the trans-Alaskan oil pipeline, where I gazed in awe at magnificent snow-covered mountains, which arose from sea level to encircle us, and viewed enormous oil tankers being carefully escorted into and out of their ports.

From there, we flew up to the Prudhoe Bay region on Alaska's northern coast, where about one and one-half million barrels of oil a day flow into the trans-Alaskan pipeline. After viewing some of the first drilling sites, we traveled to the nearby Alpine field, which is the newest and most technologically advanced of the Alaskan drilling operations. The Alpine field, which was only discovered in 1996, is located to the west of Prudhoe Bay, right on the coast of the Beaufort Sea. At 365 million barrels of recoverable reserves, it is one of the largest discoveries in the United States in recent years. We toured this very modern and technologically advanced facility, and I could not help but be impressed by the extensive efforts made to assure its safety of operation and its ecological compatibility. It was obviously built to be much more compact than the earlier operations, so as to leave a smaller ''footprint'' on the terrain. In fact, one of the Alaskan government officials, knowing that I come from Minnesota, had thoughtfully taken the time to investigate and discovered that the size of the Alpine complex was almost exactly the same as our famous shopping mall, the Mall of America. Alpine encompassed 97 acres, 1 acre smaller than Minnesota's mega-mall.

Our trip concluded with our final night in Barrow, AK, which is the northernmost town in our United States of America. We awoke Sunday morning, April 1, to an outdoor temperature of −35 degrees, which dropped to a −65 degrees, with the wind chill. I felt like an April Fool, as I walked the outdoor airport tarmac to our plane for our return flight.

This trip gave me an invaluable opportunity to see firsthand the region about which there has been so much debate in this Senate in recent months. I thank Senator MURKOWSKI for inviting me, while knowing that I was an announced opponent of oil exploration and drilling in ANWR. Yet he and our other Alaskan hosts were most respectful, as well as most persuasive, as they presented their case.

The debate over whether to open ANWR to oil and gas exploration and drilling pits two enormously important national interests against each other. One is our need to find and develop domestic energy resources. Much more is unknown than is known about the full extent of ANWR's oil reserves. The U.S. Geological Survey has produced a range of estimates of the amount of oil which is technically recoverable. Their mean estimate is 7.7 billion barrels.

As we were informed on our trip last March, the oil industry's proposal to drill for and extract these reserves involves the construction of up to 20 drilling complexes, each one approximately the size of Alpine, along the coastal plain of ANWR. Thus, the legislation which passed the House last summer permits 2,000 acres of ANWR's coastal plain to be open for oil drilling. However, as I understand the House version, these 2,000 acres are not limited to one area. Rather, the legislation permits what the oil industry described to us last March: a chain of up to 20 Alpine complexes connected by oil pipelines extending along the coastal plain for as far as discovered and recoverable oil reserves are found.

In my visualization, this enormous and vast industrial project would resemble 20 Mall of America-sized structures being built at various junctures along the coastline of this wilderness area. That, remember, is the size of one of these drilling facilities.

Now, for those who have not yet visited our Mall of America—and I certainly encourage you to do so—it is the largest shopping mall in North America and, perhaps, the world. Tourists fly into Minnesota from all over our country and from cities throughout the world to shop there. Each of its four quadrangular concourses extends for slightly more than a mile, and its four shopping levels rise to the height of a typical seven-to-eight-story building. Like Alpine, it is a relatively compact structure; however, it is by no means a small ''footprint'' on the landscape.

So, I ask myself, how would the construction of up to 20 of these Mall of America-sized drilling complexes, each one encompassing almost 100 acres, connected to one another by a large oil pipeline, which also must be built and maintained along this corridor—how would this affect a wildlife refuge, with its hundreds of thousands of migrating caribou, and all the other wildlife that has existed here in ecological balance for thousands of years without the intrusion and interference of all the rest of us?

I must conclude that, however well-designed and constructed, however carefully and safely operated, and however environmentally well-intended, this project could be, it will have an enormous and irrevocable impact upon the essential purpose for which ANWR was designated and for which it must be protected: as a National Wildlife Refuge. In fact, by its very definition, a national wildlife refuge area is antithetical to the 20 large and interconnected industrial complexes, which this oil drilling would entail. As such, a vote to permit oil drilling in ANWR is a vote for the destruction of ANWR.

I returned from my trip last March wondering if there was any way to reconcile these two choices: To develop domestic oil reserves and to protect this valuable national preserve. Upon reviewing the maps provided on our trip, I was surprised to notice for the first time a large region located to the west of Prudhoe Bay and Alpine, called the National Petroleum Reserve-Alaska. This area was scarcely mentioned during our visit to ANWR, and we visited none of it. Upon further research,

however, I discovered that this National Petroleum Reserve, encompassing 23 million acres, was established by Congress for oil and gas development. Why, I wondered, given all the controversy over oil drilling in ANWR, haven't the oil reserves in the National Petroleum Reserve been first explored and extracted? Wouldn't it be a far better energy policy to first extract the oil from a 23-million-acre area which has been established for that purpose?

Furthermore, oil production from the National Petroleum Reserve could begin several years before anything from ANWR. Under President Clinton's direction, in 1997, the Bureau of Land Management within the Department of the Interior conducted a study of a 4.6-million-acre section in the northeast portion of the National Petroleum Reserve, which is the area immediately to the west of Alpine and Prudhoe Bay. The Bureau prepared an environmental impact statement leading up to lease sales in May 1999, which drew 174 bids from six different companies on 3.9 million acres. More than 130 bids were accepted, at a total revenue to the Government of $104.6 million. This spring, Phillips Alaska, Inc., and Anadarko Petroleum Corporation reported discoveries of oil or gas, and Phillips indicated that these discoveries might be commercial. By early October of this year, Anadarko was in the process of securing permits to drill two additional prospect sites. The Interior and Related Appropriations Act for fiscal year 2002 provides $2 million in funding for planning and preparation of another EIS, in anticipation of holding a lease sale in 2004 for tracts in the northwestern area of the National Petroleum Reserve.

The U.S. Geological Survey has estimated that the National Petroleum Reserve could hold technically recoverable resources of 820 million to 5.4 billion barrels of oil. However, these are only rough estimates. While these estimates are not as large as the current estimates of ANWR's potential, they are the equivalent of between 2 and 12 of the Alpine field. Thus, the choice which some would force upon us, whether to protect the Arctic National Wildlife Refuge or to continue the act of exploration for and development of our Nation's oil reserve is a false one. We can do both. We can, and we should, continue the environmental assessments and appropriate leasing of those sections of the 23-million-acre National Petroleum Reserve until those discovered and recoverable oil supplies have been mostly extracted. Then, and only then, would we possibly have either the need or the possible justification to turn our attention to possible sites in ANWR. However, it will take many years, probably a couple of decades, before we have completed the oil production out of the National Petroleum Reserve. Until then, we have no reason to permit oil drilling in ANWR.

The PRESIDING OFFICER. The Senator from Connecticut.

SENATE VOTES

Mr. LIEBERMAN. Mr. President, I come to the floor to speak about two important votes we will have in a few hours, one on the Railroad Retirement Act and the other on the amendment introduced by the Senate Republican leader, which is an energy plan that includes authorization to drill in the Arctic National Wildlife Refuge.

I thank and congratulate my friend and colleague from Minnesota for the outstanding statement he made on this issue. I believe the debate thus far on the question of drilling in the Arctic Refuge has revealed a record that is not quite what the proponents of drilling have argued and portrayed. That, at least, shows we should not be pressured to pass such significant legislation in a hurried or cursory fashion. It is not wise for the Senate to rush into a decision that will have a permanent impact and, in fact, do permanent damage to our environment, our national energy strategy, and our national values while at the same time being of little value to the American people.

I will discuss some of the contentions made by proponents of drilling our refuge and offer some comments.

Proponents of drilling have argued that the Inupiat Eskimos in the town of Kaktovik are being deprived of their right to drill on refuge land that they own in fee simple. I was struck by that argument when it was made Friday when I was in the Chamber.

I have done a little research over the weekend. I find that the Inupiat Eskimos have rights to the surface of lands adjacent to the town of Kaktovik. The Eskimos also were granted subsurface rights by Secretary of the Interior Watt to over 90,000 acres that are adjacent to their town. But those rights were speculative—only granting the right to drill if Congress authorized oil and gas drilling under the surface of the Arctic Refuge.

A 1989 GAO report investigating the transfer of these subsurface rights found that the transfer actually resulted in a profit for Kaktovik even without any oil and gas development.

The point I am making is that no promises have been broken to the Inupiat people. In fact, they were never granted the right to drill in the refuge. That has been clear from the beginning.

I will work with all of my colleagues, as I know the occupant of the chair does, to do everything I can to ensure that the Inupiat people are able to continue to sustain and improve their quality of life. But we have to do so in a manner that is in our national interest and does not sacrifice one of our great national treasures. We must also realize that other Native Americans in Alaska strongly oppose any drilling.

Last Friday I mentioned the plight of the Gwich'in of Arctic Village who depend on the Porcupine caribou herd to sustain their lives and their culture. Today I will read from a letter by the city of Nuiqsut, sitting in the shadow of the Alpine oil field on the North Slope. I ask unanimous consent this letter be printed in the RECORD.

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

CITY OF NUIQSUT,
Nuiqsut, AK, April 11, 2001.

Letter from City Council to Cumulative Effects Committee Members.

Patricial Cochran,
Representative/Member, National Research Council, National Academy of Sciences.

DEAR SIR OR MADAM: Thank you for coming to Nuiqsut and seeking our input on the cumulative effects of oil and gas development on our community and the North Slope. Your tight schedule did not allow us to fully share all of our comments with you, so we write today to summarize our thoughts and supplement our comments. This summary is not meant in any way to be a substitute for the heart felt comments you heard at the meeting or the written testimony that was carefully prepared for you and submitted to you at the meeting. It is only a supplement to those thoughts and comments and a request for further consideration of our views in the report that you prepare.

The impact of oil and gas development on our village has been far reaching. As you now know first hand from your visit, we are literally surrounded by the infrastructure to produce oil and gas. This has affected our day-to-day lives in several ways. Our ability to hunt and gather traditional foods has been severely impacted by development, as you heard from everyone who spoke at the meeting. You were provided many examples of how various species have been affected, and how we have had to react and adjust to those changes. You were also told how the land that we consider ours and from which we subsist has in some cases been lost because we did not fill out the right paperwork and/or look at the right maps.

Additionally, oil and gas development has brought many more people to our village that is not permanent residents, but instead come and goes for work. Very few of these individuals have integrated well into our community. There are widespread feelings of distrust and frustration amongst villagers and the workers who come from outside the community, despite efforts to develop trust with one another. We do not fully understand each other's cultures and we resent each other still, despite our mutual efforts to get to know one another and to get along.

Development has increased the smog and haze in our air and sky, affecting our health as well as the beauty of our land, sea, and air. Drugs and alcohol traffic have increased as development has grown; the ice road that reduces our freight costs also increases the flow of illegal substances into our community. The stress of integrating a new way of life with generations of traditional teachings has led some to alcohol and drug abuse, a phenomenon unknown before white people came to Alaska and greatly exacerbated by the recent spate of growth associated with North Slope oil and gas development and for us in Nuiqsut, even more exacerbated by growth associated with Alpine.

However, like all Alaskans, we have also benefited from oil and gas development. The State and Borough have more money to spend on community facilities, schools, modern water and sewer system, and similar projects. The City has also received funds to mitigate some of the impacts of development. At the individual level, we each receive a permanent fund dividend every year that is funded by excellent investment of

state money, some of which came originally from oil and gas royalties and taxes. We hope to have low cost natural gas heating our homes and running our electric plant in the near future because of a unique arrangement between Phillips, Kuukpik—our local village corporation, the City, and other community interests.

But money and modern amenities are not in and of themselves significant enough trade offs. We urge the Committee to appreciate the reality that, in the eyes of most of us, to date, the negative effects of oil and gas development have equaled or outweighed the positives. We encourage you to include with your findings information that will encourage policy makers to work harder to shift the balance of much more to the positive side. As was stated at the meeting, we do not reject the cash economy and know that the clock of time cannot be turned back. We wish instead to become fuller participants in the cash economy and in the decisions that are made about future development, while maintaining our cultural ties to the past through our subsistence lifestyle. This is the essence of self-determination.

With that in mind, we urge you to include as a finding in your report that one cumulative effect of development has been that subsistence resources of local residents have been displaced and altered, based on the information provided to you at our meeting as well as testimony you have received from state and federal agencies and other sources.

Another cumulative effect that should be included in your report is that we have not been provided with enough well paying, highly skilled North Slope oil and gas jobs. Although some steps have been taken to increase local hire, a lot more needs to be done. Very few villagers are employed at Alpine or even on the entire Slope. A long-term commitment needs to be made to train villagers to get the skills to get and—importantly—to keep those jobs. Villagers and industry representatives need to work together to develop a jobs program in which villagers commit to working regular hours on a long-term basis and industry commits to allow villagers to take time off for subsistence activities without losing their jobs.

Further, we urge you to include as a finding in your report that villagers have not been fully integrated into decision making regarding where development has occurred and what facilities will be used to extract the oil and gas from the ground. We need to be consulted more often and more fully on decisions that are made regarding permitting, the impacts of development on the land, sea, air and animals, and choices for placement of pads, roads, mines, pits, pipelines, and other aspects of infrastructure development. If we are consulted and listened to, we will work to get future pipelines underground and/or well above the antlers of the tallest caribou, to end use of fish bearing lake water for ice roads, to prohibit seismic scaring of the tundra, to prohibit offshore and other outer continental shelf development, and to take other measures in response to the cumulative effects that have already occurred to the land, sea, air, and people of the North Slope.

In conclusion, we again thank you for your interest in the issues we face, and look forward to your findings. We respectfully reiterate that we practice subsistence as a lifestyle, not as a sport. We wish to continue to do so for generations into the future. Only with careful consideration of our input into future oil and gas development will that be possible. We sincerely hope that a longer-term cumulative effect of oil and gas development on the Slope is not the total destruction of our subsistence way of life.

Sincerely,

City of Nuiqsut Council Members:

ELI NUKAPIGAK,
Mayor.
ROSEMARY AHTUANGARUAK,
Vice Mayor.
RUTH NUKAPIGAK,
Member.
MAE MASULEAK,
Member.
HAZEL PANIGEO,
Member.
RHODA BENNETT,
Member.
FRANK LONG,
Member.

Mr. LIEBERMAN. According to the Native Americans, the impact of oil drilling has been ''far reaching.'' They provide some specific statements:

Our ability to hunt and gather traditional foods has been severely impacted. Development has increased the smog and haze in our sky, affecting our health as well as the beauty of our land sea and air.

Obviously, the people of Nuiqsut do not believe they have benefited from oil exploration, and they hope we will learn a lesson from their experience.

We have also been asked to conclude that the wildlife in the reserve will interact happily with oil pipelines if they are built there. A picture was shown the other day of bears. I was advised that the bears in the pictures were not stuffed animals. Indeed, they were not. Unlike stuffed animals, they need real wilderness habitat to survive.

I received a letter over the weekend from Mr. Ken Whitten, a retired Alaska State fish and game biologist who worked 24 years on the North Slope. Mr. Whitten felt compelled to respond to the proponents of drilling and specifically to the picture of a mother bear and cubs shown last week. I quote from the letter: Most bear cubs that have grown up in the oil fields have eventually been shot as problem bears, either in the oil field support area or at isolated villages and camps outside the oil field.

Thus, the story of the three bears in the photo does not have a fairy tale ending. Three different bear groups, each consisting of a sow and two cubs, have been seen walking pipelines in the oil field recently. All three bears in one group and two cubs in another had to be shot last summer after they became habituated to human food and repeatedly broke into buildings and parked vehicles.

I ask unanimous consent Mr. Whitten's comments be printed in the RECORD in full.

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

COMMENTS OF KENNETH R. WHITTEN ON REMARKS BY SENATOR MURKOWSKI

As a retired state fish and game biologist who worked 24 years on Alaska's North Slope, I am once again disappointed that Senator Murkowski has misinformed his fellow senators regarding the effects of oil development on the wildlife and wilderness environment of the Arctic National Wildlife Refuge. In this regard, I'd like to comment on the Senator's statements about bears and caribou and also on his continued misuse of a photograph I took myself.

On the floor of the Senate last Thursday, Senator Murkowski showed a photo of three grizzly bears walking on top of an elevated pipeline at Prudhoe Bay. What the Senator failed to point out is that most bear cubs that have grown up in the oilfields have eventually been shot as problem bears, either in the oilfield support area or at isolated villages and camps outside the oilfield. Thus the story of the three bears in the Senator's photo doesn't have a fairy tale ending. Three different bear groups, each consisting of a sow and two cubs, have been seen walking pipelines in the oilfield recently. All three bears in one group and two cubs in another had to be shot last summer after they became habituated to human food and repeatedly broke into buildings and parked vehicles. The bears in the third family are all currently alive, but unfortunately it is highly probable that the remaining cubs, at least, will get into trouble next summer and have to be killed. The major oil companies may do a good job of keeping garbage away from bears and thus avoiding conflicts, but bear problems are rampant in the industrial support area where workers and visitors are not as well regulated.

Caribou are not attracted to the oilfields, despite Senator Murkowski's assertion that caribou flock to Prudhoe Bay and thrive there because they are protected from hunting. Caribou generally avoid the oilfields during their calving period. Later in the summer, larger groups occasionally enter the fields, but have trouble moving through the maze of pipes, roads, and industrial activity. Hunting is legally restricted in the Prudhoe Bay oilfield only, and not in other North Slope fields, although oil company policies discourage hunting. Hunting occurs on state and federal lands around the oilfields, but is conservatively regulated so as not to harm the caribou populations. The caribou herd around Prudhoe Bay has increased because of generally favorable environmental conditions over the past 25 years, as have other caribou herds on the North Slope. During a brief period of bad weather in the late 1980s, caribou near the oilfields had poor calf production compared to caribou in areas away from the oilfields. The population declined at that time.

Also on the Senate floor last Thursday, Senator Murkowski showed a photograph over which he said he had previously gotten into an argument with Senator Boxer. I took that photograph. At various times Senator Murkowski has stated that the photo is a fake or that it was not taken on the ANWR coastal plain. In fact, that was the gist of his argument last year with Senator Boxer. The photo was taken from a rooftop at an abandoned DEWline station at Beaufort Lagoon on the ANWR coastal plain. It looks across the lagoon to the coastal plain filled with caribou and with snowcapped peaks in the distance. After the dispute with Senator Boxer, Murkowski had to admit that the photo was indeed from the coastal plain, but he told reporters that the fact it was taken from an old military site proves that the coastal plain is not pristine wilderness (he was apparently unaware that the site had been removed and no longer existed when he made those remarks). Murkowski now claims he has confirmation from the photographer that the photo was taken from a window in Kaktovik village. The Senator just can't seem to get it right. He now emphasizes that the mountains are not on the coastal plain. The point he keeps trying to make is that the ANWR coastal plain is a barren hostile place, with no beautiful mountains or pretty scenery, and we should therefore just go ahead and drill it. He can't seem to deal with the fact that the plain is rimmed on the south by the highest peaks of the Brooks Range, that many people find it beautiful, and that during summer the coastal plain teams with abundant wildlife.

Senator Murkowski seems willing to go to any length to convince us that we can improve national security and protect wildlife by drilling the coastal plain, but there is overwhelming evidence to the contrary. We *can* reduce our dependence on foreign oil and protect wildlife through energy conservation. The evidence for that is irrefutable.

Mr. LIEBERMAN. I also contest a characterization of support for this proposal. Contrary to what has been said, it is clear that the American labor movement is not universally enthusiastic about this bill. In fact, the well of union support is drying up. Many unions, including the largest union in America, SEIU, and the United Steelworkers of America, see more jobs in investing in the technologies of the future.

Why are the union members lining up in opposition to the drilling plan? The fact is a broad range of union members and leaders understand that a strategic long-term energy strategy is a much more effective way to help spur the production not only of energy but of permanent jobs in a wide range of economic sectors. Drilling in the Arctic Refuge represents a distraction from the real needs of our economy and the real needs of the working people of America.

The other alternatives I cite: investments in efficiency, conservation, and alternative energy sources, are realistic, strategic, and ready to go. It is disappointing to me that in this era of dramatic technological progress in so many areas of human activity, we readily celebrate the advances, including in the fields of oil exploration, but fail to see the promise of this next age of alternative efficient energy technologies.

According to a recent study by the Tellis Institute, investments in new energy technologies could result in a net annual increase in jobs in America of over 700,000 by 2010, rising to approximately 1.3 million jobs in 2020. Those are the technologies of the future, providing high-paying, permanent jobs to America's workers.

There is also another proposal for the North Slope of Alaska that will bring more jobs and more economic stimulus than drilling for oil in the refuge. That is the building of a natural gas pipeline to bring that energy source to the lower 48 States. According to estimates from the oil industry and from the State of Alaska, this project would bring hundreds of thousands of jobs to American workers and is far preferable to the proposed oil drilling in the refuge. In one sense, this is perhaps the first plan I have seen that is myopic and hyperopic. It may need bifocals. It fails to take the long-term interests of our economy and environment into consideration and simultaneously fails to deliver any immediate benefit to the American people. In fact, it is a short-term distraction in what should be our real energy program strategy and a long-term danger.

Finally, I ask unanimous consent to have printed in the RECORD a letter from the Secretaries of the Interior under Presidents Kennedy, Johnson, Carter, and Clinton.

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

NOVEMBER 30, 2001.

Hon. DANIEL K. AKAKA,
U.S. Senate,
Washington, DC.

[SENATOR AKAKA]: In this time of national crisis, we urge the Senate to focus on the most important issues to the country. Railroad retirement legislation and economic stimulus packages are the wrong forum to be debating complex energy legislation or deciding the fate of one of our country's greatest wilderness and wildlife treasures—the coastal plain of the Arctic National Wildlife Refuge. Majority Leader Tom Daschle has pledged to bring energy legislation to the floor in the near future.

We hope you will oppose efforts to attach energy provisions to economic or national security legislation, and we strongly urge you to vote against drilling in the Arctic Refuge regardless of the legislative vehicle.

Each of us, as former Secretaries of the Interior, made decisions balancing the goal of developing the energy resources of our public lands with that of conserving and protecting the wildlife and wilderness resources of those same public lands for future generations. In the case of the Arctic National Wildlife Refuge, we continue to believe that the value of its unique wildlife and wilderness resources far outweighs the potential benefits of development.

It is worth noting that protection of this unique resource was first proposed by our colleague Fred Seaton, who headed Interior under President Eisenhower. Secretary Seaton stressed the unique wilderness values of this 'biologically irreplaceable land,' which was ultimately set aside under President Eisenhower's order 'for the purpose of preserving unique wildlife, wilderness, and recreational values.'

In the forty years since the establishment of what was then known as the Arctic Wildlife Range, the case for protecting its wildlife and wilderness resources has only become stronger. We have opened major portions of the Arctic slope to oil development, which now dominates the landscape from the Canning River all the way to the Colville. Most recently, leasing in the National Petroleum Reserve has resulted in a number of successful exploration wells west of the Colville. Although industry practices and oil field technology have both improved over the years, anyone who has been to the Prudhoe Bay complex will tell you that oil development there has permanently changed the character of the land. In this context, protecting the biologically richest and most pristine part of the coastal plain is the right thing to do. Nowhere else on the American continent can be found such a wealth of wildlife in an undisturbed environment. The annual migration of the Porcupine River Caribou Herd, on which the Gwich'in communities of Alaska and Canada depend for subsistence, remains one of the last great wildlife spectacles on earth.

Our park, refuge, and wilderness systems are a living legacy for all Americans, present and future, and are widely envied and emulated around the world. The Arctic National Wildlife Refuge is one of the greatest of these treasures and is clearly the most precious of the crown jewels of Alaska. It must be protected.

Sincerely,

BRUCE BABBITT.
CECIL D. ANDRUS.
STEWART L. UDALL.

Mr. LIEBERMAN. The Secretaries point out the value of the land in question here, the Arctic Refuge. They quote the Secretary of the Interior under President Eisenhower. It was Eisenhower who originally created this refuge.

That letter states that the area was: biologically irreplaceable land that should be put aside for the purpose of preserving the unique wildlife wilderness and recreational values.

As the signatories' letter points out, the 40 years since Secretary Seaton's comments have only strengthened the case that this is a unique wildlife and recreational area of our country and deserves to be preserved. I ask my colleagues to please vote against cloture on the amendment, the Lott amendment to the railroad retirement bill.

In summary, drilling in the refuge pales in comparison to more environmentally sound and strategic energy alternatives. Drilling in the refuge will do nothing to provide energy independence, providing a mere 6-month supply of oil that will not come on line for a decade. Drilling will do almost nothing to stimulate our economy, providing some short-term jobs when we can provide a much greater, longer term stimulus for our economy by undertaking projects such as the natural gas pipeline from Prudhoe Bay and increasing our investment in new and emerging technologies.

Finally, our values teach us that not every available natural resource should be exploited. Our values encourage us to respect the Earth, the treasures that the Good Lord gave us here in America, and to approach them with some humility, not to try to squeeze every last ounce of energy or anything else out of every square foot of Earth, regardless of the cost or the loss that is engendered thereby.

Nature reminds us of our humanity. It inspires us. It helps to comfort us when we are hurt. It gives us opportunities for recreation.

This is a time not to ignore but to recall the great American spirit of conservation which seeks, in every generation, to preserve the great natural places in America so those generations that follow us will enjoy them, have the right and opportunity to enjoy them as much as we have.

I believe this expresses the interests and the values of the American people. I hope my colleagues will stand with those interests and values in voting against cloture on the Lott amendment when it comes up later this afternoon.

I thank the Chair.

Mr. MURKOWSKI. I wonder if my friend will yield for a question.

Mr. LIEBERMAN. I believe my time is up, but I will certainly yield for a question.

Mr. MURKOWSKI. Does the Senator from Connecticut have any idea how long this issue has been before the Senate, how many hearings we held on this matter over the years?

I think it is important because I believe the statement was made we should not be rushing into anything.

The PRESIDING OFFICER. Let me clarify that the time of the Senator from Connecticut has expired. This will be charged to the time of the Senator from Alaska, who is recognized.

Mr. MURKOWSKI. Factually, if the Senator doesn't know, I would like to advise him.

Mr. LIEBERMAN. I can tell the Senator respectfully, I have been here 13 years and I know it has been an issue all that time, and I know it was debated for some time before that. My point was, though, that I think some of the contentions made on the floor in the back and forth of the debate in the last several days at least leave uncertainty. In that spirit of uncertainty, we do better to come back and debate this proposal in full, as I guess we will, after the first of next year.

Mr. MURKOWSKI. For the edification of my friend from Connecticut, there have been 50 bills introduced on this topic. There have been over 60 hearings. We have had 5 markups of committee jurisdiction, in the Committee on Energy and Natural Resources. Legislation authorizing the opening of ANWR has passed the House twice. A conference report authorizing the opening of ANWR passed the Senate in 1995. It was vetoed by President Clinton.

If you review the history, I think it is a little misleading to imply that suddenly we are rushing into this matter without a good deal of debate and thought. It is the same exact argument that was used in the 1970s, prior to the authorization of opening up Prudhoe Bay and building the pipeline. It was fostered by America's extreme environmental community which is again fostering the debate. There has been no sound science to suggest that opening Prudhoe Bay has resulted in an economic disaster or resulted in the decimation of the caribou herd, the central Arctic herd. These are alarmist tactics we have heard time and time again and it is evident Members are soliciting the support based on America's environmental community.

Years ago, we had a full EIS on the opening. Still, at a time when we are looking at calamities in the Mideast—the situation in Israel, the danger associated with our national security—I find it extraordinary that Members would look for excuses rather than sound science in addressing the merits of this legislation.

Had President Clinton not vetoed that legislation in 1995, ANWR would be on line now. When the Senator continues to use the ''6-month supply of oil,'' he is really misleading the American public. He knows that definition is only applicable if there is no other oil coming into the United States, imported or produced in the United States. I think we should keep the debate on a factual level as opposed to a misleading level.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. I ask the Chair, it is my understanding we each have 10 minutes, is that correct, in morning business?

The PRESIDING OFFICER. The Senator is correct.

Mr. WELLSTONE. Mr. President, I certainly understand the proponents——

Mr. MURKOWSKI. Excuse me, Mr. President, may I interrupt. I think we have time remaining on either side; is that correct?

The PRESIDING OFFICER. I beg your pardon?

Mr. MURKOWSKI. I believe there is time remaining on either side?

The PRESIDING OFFICER. Yes. The Senate will be in morning business until the hour of 4:45, at which time there will be 30 minutes equally divided on either side to debate the Lott amendment. Until then, Senators may proceed for 10 minutes each, time to be designated between the sides.

Mr. MURKOWSKI. May I ask the Chair how much time is remaining on this side?

The PRESIDING OFFICER. In total? One hour sixteen seconds remain.

Mr. MURKOWSKI. I am sorry?

The PRESIDING OFFICER. I repeat, 1 hour 16 whole seconds—16 minutes, I am advised.

Mr. MURKOWSKI. I am sorry. I did not hear. On the other side?

The PRESIDING OFFICER. There are 30 minutes remaining on the other side.

Mr. MURKOWSKI. I thank the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. I will start again. I know the proponents—and certainly the Senator from Alaska stands out in this matter of drilling in the Arctic Wildlife Refuge—feel strongly about their position. But there are those of us who feel just as strongly the National Wildlife Refuge should remain, as it has always been, our Nation's last protected Arctic wilderness.

The Senator from Alaska was asking the Senator from Connecticut about how long this has been going on. I have been here 11 years. I remember the first filibuster I was involved in was against this. We were successful. I think we will be successful again.

In the last 11 years, I have heard a lot of arguments about why we should drill, but none of them hold up to scrutiny.

In 1991, we had the debate on the energy bill, and we were told that the Trans-Alaska pipeline would run dry by the turn of the century without drilling the refuge. Today, even the oil companies acknowledge having enough oil to keep the Trans-Alaska pipeline flowing for at least another 30 years and perhaps another 40 years.

In 1995, we were told drilling the refuge was necessary to balance the Federal budget. But we managed to balance the budget without these speculative revenues, and by the way, it would have stayed that way without the irresponsible tax cut passed earlier this year. Instead, what do my Republican colleagues do? It is not part of this amendment—on the House side, $30 billion of tax credits for oil companies that made about $40 billion last year in profits.

What other arguments have we heard? Earlier this year, we were told that we should drill the refuge to deal with California's electricity crisis. Never mind the fact the State gets less than 1 percent of its electricity from oil.

Then we were told to drill to bring the prices down at the pump. Never mind the fact the prices are set on the global market and that as the Governor of Alaska has even acknowledged, there is a zero sum relationship between Alaskan oil and prices paid by working families for gasoline or home heating oil.

I find it ironic that the same Senators who call for drilling in the Arctic Refuge have nothing at all to say about the wave of oil company mergers. I say to my colleagues, if you were so concerned about consumers and about the prices that working families pay at the pump, where were you when Exxon and Mobil merged? When BP took over Amoco? When BP took over Arco? And now when Phillips and Conoco are seeking Government approval?

So what is today's flavor? What's today's argument? The Senator from Alaska says we need to drill the refuge as part of our campaign to combat terror—as a way to reduce our dependence on imported oil. Let us look at the facts:

According to the oil industry's own testimony before the Senate Energy Committee, it would take at least a decade to tap even a drop of oil from the refuge. Furthermore, the U.S. Geological Survey estimated, with oil prices at $20 per barrel, there is only 3.2 billion barrels of commercially recoverable oil in the refuge—not in one field, but spread out in potentially dozens of small pockets all across the Delaware-sized Coastal Plain.

I know the Senator from Alaska argues there's alot more than that. But here is what the USGS said in its report: ''We conclude that there are no Prudhoe Bay-sized accumulations in the 1002 area. . . .''

The bottom line is this: Drilling the Arctic Refuge, even under the optimistic estimates, would be unlikely to ever meet more than 1–2 percent of our oil needs, even at peak production. In fact, we could drill every national park and wildlife refuge in America and we'd still be importing the majority of our oil.

The answer, clearly, is to look to the future. What can we do instead? By increasing the fuel efficiency of our cars and trucks by just 3 miles per gallon, we can save more than 1 million barrels of oil a day or five times the amount of oil the refuge might produce. This would do far more to

clean the air, reduce prices for consumers, and make us less dependent on imported oil.

The fact is a focus on renewable energy and saved energy is our future: Households that generate electricity from rooftop solar arrays, farmers who harvest an additional ''crop'' by the winds that blow over their fields, or the biomass waste that is generated, and city streets inhabited by quiet and pollution-free electric vehicles.

Do we want real energy security? Former CIA Director James Woolsey recently testified that the Trans-Alaska Pipeline is one of the more vulnerable parts of our energy infrastructure; that, even if you had no environmental objection, it would not make a whole lot of sense to become more dependent on the pipeline.

I don't know whether he is right or wrong. But I do think we need to become much less dependent on oil as a resource and that doing so will enhance our security, help consumers, and provide for a healthier environment.

Renewable energy, alternative fuels, and increased efficiency are the keys to the future. They are, as Woolsey testified, less vulnerable to terrorism. They also make America less vulnerable to the wild price swings caused by the OPEC cartel. I certainly look forward to this kind of energy policy for our country.

In conclusion, let me say this: the Arctic National Wildlife Refuge is a national treasure worth far more as a lasting legacy for future generations than plundered for a short-term speculative supply of oil that will not enhance our security or help consumers. I urge my colleagues to vote no on cloture and help us move onto the Railroad Retirement bill and other important matters at hand.

There is a marriage we can make, and it has to do with this nexus between how we produce and consume energy and the environment. We can—no pun intended—barrel, not down the oil path, we can barrel down the path of renewable energy: wind, solar, biomass, electricity, biodiesel—clean alternative fuels, safe energy, efficient energy use, small business, clean technology, keep capital in our community, stop acid rain in lakes, stop polluting the environment: the air, the water, and the land.

This is a marriage made in heaven, and it should be made right here in our own country.

I know the oil companies do not like this. I know that is not their future. But it is the future for consumers in our country. Coming from Minnesota, a cold-weather State at the other end of the pipeline, it is a no-brainer. When we import barrels of oil and natural gas, we export billions of dollars from our State—probably about $12 billion a year. That is not our future.

We have an answer. A lot of it comes from rural Minnesota, it comes from farm country. It is a far better path. Put the emphasis on renewable energy policy and safe energy. Put the emphasis on small business, on technology, keeping capital in our community, and on the environment. As the Catholic bishop said 15 years ago, we are all but strangers and guests on this land. That is the direction in which we should be going.

That is why I am strongly opposed to this amendment introduced by the Senator from Alaska.

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I am continually amused and continually astounded by the general statements by my colleagues on the other side who have never taken the time, despite the invitations that have been extended, to visit this area themselves and to talk to the Native people and see indeed that they, too, have hopes and aspirations for a lifetime opportunity of jobs, of health care, and education.

The Senator from Connecticut made a comment about the letter he received. What he didn't tell you is that every child in that village has an opportunity to go to college. Believe me, that child would not have that opportunity without the oil activity associated with Alpine.

This whole debate is a smokescreen. It is a smokescreen promulgated by America's environmental community, which uses this as a tool for membership and dollars. These are the same arguments that were used 27 years ago against opening up Prudhoe Bay: You can't build an 800-mile pipeline across the length of Alaska because you are putting a fence across Alaska; the moose and the caribou won't be able to move from side to side; it is a hot pipeline; it is in permafrost; it is going to melt; it is going to break.

Where would we be today without that particular project and Prudhoe Bay that has supplied the Nation with 20 to 25 percent of its total crude oil for these 23 years? We would be importing more oil. We would be importing it to the west coast and to the east coast in foreign ships, not U.S. flag vessels.

I am just amazed at the general condemnation that somehow it is a 6-month supply of oil. That is the falsehood. Everybody in this body knows it. They can figure it out. The estimate by USGS on the oil that is anticipated to be in ANWR is somewhere between 5.6 billion and 16 billion barrels. Why don't they know? They do not know because only Congress can authorize exploration in the area.

If there is no oil, which sometimes does occur, nothing is going to happen. But to say it is a 6-month supply is terribly misleading because it is totally inaccurate.

If you cut off all the oil imports and if you didn't produce a drop in any other State, then it might last 6 months. But remember that Prudhoe Bay was 10 billion barrels of oil. It has produced over 10 billion barrels of oil. ANWR is 5.6 billion to 16 billion. It is one-half the median of 10 billion barrels; it would be as big as Prudhoe Bay.

I am getting kind of tired of hearing these slanted stories relative to facts. They say it is going to be 10 years. That is absolutely ridiculous. We have the pipeline built. We need about 70 miles of pipeline over to ANWR. It is a matter of putting up the leases and doing the updating on the permits.

Incidentally, that whole area has had a full environmental impact statement by the Interior Department.

This is more effort to simply throw cold water on reality.

I am sorry my friend from Minnesota is not here because he and I don't go out of this Chamber or leave Washington, DC, on hot air. Somebody has to put the fuel in that airplane or that train or that car. That is absolutely all there is to it. I wish we had other means of energy to move us around, but coal, gas, nuclear, and wind do not do it. We have to have oil. The whole world operates on oil. This is important, particularly at a time when we are seeing such grave circumstances associated with activities that affect the entire world occurring in Israel and the Mideast.

So what are the arguments? One, I guess, is that it is a 6-month supply. I think we have addressed that adequately for the time being. The 10-years is out of the question. The Porcupine caribou herd is another. Clearly, most of the Gwich'ins who follow the Porcupine caribou herd are in Canada. There are about 800 in Alaska. Canadians are leasing their lands. They are developing their own corporation because they are looking for jobs.

When we talk about caribou, since we are on the subject of these migratory animals, let's look at the experience we have had in Prudhoe Bay. That particular herd was 3,000 to 4,000 animals 15 years ago. It is 26,000 animals today.

Every single issue on the other side can be countered, but that does not stop the opponents. The opponents simply want to kill this for the time being until it can come up again. But eventually it will pass because it is the right thing to do.

I think it is fair to say that some do not want to see our President prevail on a few issues. Trade promotion is one. Energy is another. We are talking about stimulus in this country. You name a better stimulus than ANWR, creating 250,000 jobs, creating, if you will, revenue for the Federal Government of about $2.5 to $3 billion from lease sales, not costing the taxpayer one cent.

What about other jobs? Nineteen double-hull tankers will have to be built. Some will be built on the east coast, the west coast, and the gulf, because under the law the old tankers have to be retired. These are double-bottom tankers. It is estimated it would pump about $4 billion into the U.S. economy. It would take 17 years to build those

ships. That is what we are talking about when we talk about jobs.

What about our national security? The more we become indebted to the Mideast oil-producing nations, the more leverage they have on us. It seems to me it is quite clear that there are a few people on this issue who clearly fail to recognize what is best for America.

Our President has asked, time and time again, for an energy bill. The veterans: The American Legion, the Veterans of Foreign Wars, AMVETS, the Vietnam Vets, the Catholic War Veterans; organized labor: The Seafarers International, the International Brotherhood of Teamsters; the maritime labor unions; the operating engineers, the plumbers and pipefitters, the carpenters and joiners; the Hispanic community: The Latin American Management Association, the Latino Coalition, the United States-Mexico Chamber of Commerce; the 60-plus Seniors Coalition, the United Seniors Association; Jewish organizations, including the Conference of Presidents of Major Jewish Organizations, and the Zionist Organization of America—I think we have a couple more that came in today that represent the opinions of America's Jewish lobby also there is the National Black Chamber of Commerce, the U.S. Chamber of Commerce, the National Association of Manufacturers, the Alliance for Energy and Economic Growth.

There are a few people whose voices ought to be heard who have expressed their opinion that it is in the national interest, the national security interest, to open up this area. I further refer to Americans for a Safe Israel. This is a letter dated November 13:

Americans for a Safe Israel is strongly in support of your amendment which would permit drilling for oil in the ANWR area of Alaska. . . .

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.

Mr. President, I ask unanimous consent that letter be printed in the RECORD.

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

AMERICANS FOR A SAFE ISRAEL,
New York, NY, November 30, 2001.

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.

Mr. MURKOWSKI. Mr. President, you have the Teamsters. I will read you a press release put out by the Teamsters today.

(Washington, D.C.) The International Brotherhood of Teamsters today renewed their call for a fair vote on a comprehensive energy plan before the U.S. Senate. The action came as the Senate was preparing to consider a series of procedural votes related to petroleum exploration in the Arctic National Wildlife Refuge. Minority Leader Trent Lott has proposed an amendment to railroad retirement legislation that would allow for ANWR exploration while also banning human cloning for six months. . . .

''Teamster members in the railroad industry have worked hard for a secure retirement,'' said James P. Hoffa, Teamsters General President. ''It is unfortunate that Senator Daschle is jeopardizing [Senator DASCHLE is jeopardizing] this important legislation by denying the ANWR exploration a separate floor vote. These two pieces of legislation deserve to be passed on their own merits.''

I certainly agree with him.

He further states:

''Exploring in the ANWR is clearly the right thing to do,'' Hoffa said. ''It will reduce our reliance on foreign oil while creating thousands of jobs for working families. A vote on the energy package must not be delayed any longer.''. . .

Unfortunately, the Democratic Senate leadership has attempted to thwart the will of the majority by refusing to allow an energy vote to come to the Senate floor.

That is the factual reality. The Democratic leadership has precluded us from having an up-or-down vote on an energy bill. So here we are today on a Monday afternoon arguing the merits of a very complex procedural situation involving railroad retirement as the underlying bill with amendments for cloning and amendments for H.R. 4, the House energy bill.

For reasons unknown to me, the majority leader has indicated he is willing to take up a bill when we come back after the recess, but he will not tell us that he is willing to conclude it. If he were willing to, say, take it up when we come back, with the assurance that we would have an up-or-down vote, and preclude any situation where they would simply pull the bill down and not bring it up again, I would find that acceptable. If he would give us a time certain, such as when we come back to take up the bill, and then perhaps have a final vote on it prior to the February recess—we have suggested that to him, but so far he has declined.

I encourage, again, the majority leader to consider the merits associated with getting up an energy bill because the more time that goes by the more difficult it is to simply ignore the issue.

We have seen the national farmer support groups—and I just read here: The National Energy Security Act low-income fuel programs and a provision for oil exploration and production of a tiny portion of the Coastal Plain in the Arctic Wildlife—the Senate needs to pass this act this year.

There is more and more heat coming on this issue as the general public recognizes the reality associated with developing this particular area where there is a likelihood of a major oil discovery.

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mr. MURKOWSKI. I see the senior Senator from Alaska is in the Chamber. He may wish to be recognized at this time.

The PRESIDING OFFICER. The senior Senator from Alaska.

Mr. STEVENS. Mr. President, I understand the distinguished Senator from Connecticut was in this Chamber addressing the Senate concerning the days that President Eisenhower and his administration considered lands in Alaska. That is of particular importance to me because I was there. I was the assistant to Secretary of the Interior Fred Seaton. I was in the meetings with President Eisenhower. And I am happy to tell the Senate what the President did and what the Secretary of the Interior did. Unfortunately, Senator LIEBERMAN has been misinformed.

The Eisenhower administration withdrew 9 million acres of the northwest corner of Alaska as the Arctic Wildlife Range. It was the Arctic wildlife range, not a refuge.

At that time the order specifically provided that oil and gas exploration and development would be permitted under stipulations to protect the flora, fauna, fish, and wildlife of that portion of Alaska. Subsequent administrations did not issue such stipulations so no oil and gas exploration took place. However, as time went by and I then became a Member of the Senate, we dealt with the settlement of the Alaska Native land claims. Those claims were settled by an act of Congress in 1971. In that basic law, which we called the Alaska Native Claims Settlement Act, there was a provision in section 17(d)(2) that required the study of national interest lands in Alaska.

That was one of the requirements that was demanded of us, that we agree to the study of which lands should be set aside in the national interest because the statehood act of Alaska gave the right to the State of Alaska to select 103.5 million acres of public land, vacant, unreserved and unappropriated land. And the 1971 Alaska Native Claims Settlement Act gave the Native people of Alaska the right to take 40 million acres of Alaska land, plus some additional lands that would add up to about 45 million acres.

The Congress, at the time the Native Claims Settlement Act was passed, was worried that such selections might impede the national interest. And there was a review undertaken of what lands should be set aside in the national interest.

We worked for several years to try and get the Alaska National Interest Lands Conservation Act passed. In the Congress ending in 1978, we did achieve the passage in both the House and Senate of a bill to satisfy the requirements for the 1971 Act, that section 17(d)(2), as I mentioned.

Unfortunately, at the last minute of that Congress, just prior to adjournment, my former colleague Senator Gravel objected to the approval of the conference committee on that bill and required the reading of the legislation which was an extremely long bill. We had already agreed to an adjournment resolution and, in effect, that killed the bill for that period of time.

In 1979, when we returned, we started working again on the Alaska National Interest Lands Conservation Act. And by the time we finished it, the bill had been changed substantially from what it was in 1978. One thing did remain the same: The Arctic National Wildlife Range was changed from a range to a national wildlife refuge, and it was more than doubled in size. Of the original 9 million acres, that land was to be part of the Arctic National Wildlife Refuge. But a section authored by Senators Henry Jackson of Washington and Paul Tsongas of Massachusetts provided a compromise to meet the Alaska objection about the denial of the right to continue to explore the Arctic Plain.

That is what we call section 1002 of the 1980 act. It provided for the right to proceed to explore that 1.5 million acres to determine if it had the potential for oil and gas and to have an environmental impact statement presented to the Congress and approved by the President and by the Secretary of Interior.

That has happened. As a matter of fact, there has been more than one environmental impact statement. Presidents Reagan and Bush asked for the right to proceed for the exploration. That was denied by the Congress at that time.

When President Clinton was in office, the Congress approved proceeding with the leasing of oil and gas on the 1.5 million acres, and President Clinton twice vetoed the bill. So where we are today is we are still trying to fulfill a commitment that was made to Alaska by two Democratic Senators in 1980 that we would have the opportunity to continue to explore for and develop the vast potential of the Arctic Plain. We have been trying since that time, of course, to obtain approval of it.

The area we have now, the 19 million acre Arctic National Wildlife Refuge, originally contained just 9 million up here in the corner. As I said, that was opened to oil and gas leasing. It included the coastal plain. It was part of the original Arctic wildlife range. What we are trying to do now is to once again fulfill the commitment made to us in section 1002 of the 1980 act that the analysis and exploratory activities may proceed.

Unfortunately, this has become the icon of the radical environmental movement in the United States. People insist on coming to the floor and trying to tell the American people that this area was never intended to be explored. The commitment was made to us, and it was made to me personally, specifically, by Senator Paul Tsongas and Senator Henry Jackson that it would remain open. That was one of the reasons we did not object to the passage of the bill in 1980. The two of us who were here in 1978 were still here in 1980 when this bill passed. Senator Gravel and I agreed, because of the representations made to us by the two managers of the bill, that this land would remain open and could be explored. And if oil and gas was discovered, it could be produced from that area.

It is probably the largest source of oil area in the United States. It is a sedimentary basin. It is the largest, probably, that we will ever see in the North American continent. Yet it goes unproduced because of the opposition of radical environmentalists who try to tell the American public something that is not true. This land has not been closed. It has never been closed to oil and gas exploration. But in order to proceed with the development in terms of production activity, it takes approval of an act of Congress signed by the President.

We have been after that now for 21 years—even more if you go back to 1971. It is 30 years we have been telling the American public: This is probably the greatest place on the North American continent to produce oil to meet our needs.

I, for one, hope we will have an opportunity to debate it and vote on the merits of this bill during this Congress. I congratulate my friend and colleague Senator MURKOWSKI for all he is doing to bring it to the attention of the American people.

When the time comes later on this afternoon, I will talk about some of the opportunities we have to meet our needs. Too many people consider oil solely as gasoline. Less than half of a barrel of oil becomes gasoline. As a matter of fact, the barrel of oil goes into everyday products. Fifty-six percent of a barrel of oil that comes out of the ground becomes other products besides gasoline: home fuel, jet fuel, petrochemicals, asphalt, kerosene, lubricants, maritime fuel, and other products. Everything from Frisbees to panty hose comes from oil. Yet people talk about how to have alternative supplies of energy.

Where do you get the 56 plus percent of the barrel of oil that goes into products other than gasoline? You just can't get it. Look at this, items made from oil: toothpaste, footballs, ink, lifejackets, soft contacts, fertilizer, compact discs. As a matter of fact, there is no question that one of the most versatile products known to man is petroleum. A barrel of oil is a barrel of gold for our economy. We need to talk more about what it means to open up the Arctic wildlife area, the 1002 area, which was guaranteed to be made available to us for oil and gas development.

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mr. STEVENS. I thank the Chair.

The PRESIDING OFFICER. If nobody yields time, time will be charged equally to both sides.

The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, how much time is remaining for the opponents of the Lott amendment?

The PRESIDING OFFICER. The majority has 21 minutes.

Mr. KERRY. Mr. President, I ask unanimous consent that I be permitted to proceed for such time as I may use.

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

Mr. KERRY. Mr. President, I will speak to some of the comments we just heard. I must say, I am a little bit disturbed that the quality the debate is already, to some degree, seeming to move into sort of a personal characterization about who is representing whom. I heard one Senator from Alaska suggest that all this is is an effort to smokescreen, that it is a membership drive for environmentalists. My very good friend, the senior Senator from Alaska, suggested that radical environmentalists are driving this issue. Well, I don't know who he is talking about. I haven't talked to any radical environmentalists. In fact, the fundamentals of my decision on this issue are not based on environmental choices; they are based on energy choices, based on economics, and they are based on the realities of the choices we face in this country about oil.

I completely agree with the Senator from Alaska that some wonderful products that all of us use every day are oil-based. Indeed, we are going to continue to make those products. There is nobody here who is talking about eliminating one of those products—not one of them. Those products don't spit out emissions from the exhaust on the back of a vehicle that is contributing to the problem of global warming. Those products are used and manufactured—many of them—in very different ways. No one that I have heard in this debate is talking about not drilling for oil or not using oil. This country faces—I don't know—a 40- to 50-year transition in order to begin to be able to really shift away from our dependency on oil.

It happens that that 50-year curve also coincides very precisely with the problems we face on global warming. Ask any of the leading scientists in the

United States—not Senators, not people who go out and do fundraising and represent interests in the U.S. Senate—what they can tell you about what we face in terms of potential catastrophic—and I underscore that they use the word ''catastrophic''—climatic shifts about 50 years from now. That is precisely the amount of time we face with respect to the potential for weaning ourselves from the dependency on oil.

Now, I hope we can stay away from these characterizations. I don't represent any group. I represent the State of Massachusetts. I represent my oath of office as a Senator to uphold the Constitution and look out for the welfare of our country. I believe the welfare of our country is better served when we begin to create a true, independent energy policy—a policy that brings us to independence from reliance on oil. That is going to take a long time. I have no illusions about that.

There is no windmill that is going to substitute for that tomorrow. There is no renewable or biomass that is going to substitute tomorrow. It will take a period of transition and work. It is important that we deal with the realities of this debate. The Senator from Alaska is absolutely correct when he says that a 6-month supply is not the appropriate way to talk about this issue because that represents if the United States were cut off from all fuel. He is absolutely correct. A 6-month supply—if you indeed have the amounts of oil some people suggest might be there—is only a viable number if there were no other suppliers from other places in the rest of the world. None of us are presuming, given our relationship with Great Britain, Venezuela, Mexico, and other countries in the world, including our increasingly renewed relationship with Russia, and our own production—nobody is really looking at that as the potential.

This is a phony debate. The reason I say that is that I heard my colleagues trying to scare Americans into believing that they ought to somehow start digging in the Arctic because we are at war in Afghanistan, we have a threat in the Middle East, national security is at stake, and the military is at stake.

We have heard veterans groups recited here. I am a cofounder of the Vietnam Veterans of America. I am a proud veteran. I am proud of my service. I know enough about the military and the military needs, the 300,000 or so barrels a day the military might consume under these circumstances, to recognize that the 8 million barrels we produce in the United States is going to satisfy the needs in an emergency of the military.

Moreover, Mr. President, let me suggest to you why this is such an artificial debate. There are more than 7,000 leases for oil and gas development in the Gulf of Mexico open for exploration and for development today. As I stand here on the floor of the Senate tonight, 7,000 leases are open for exploration, more than 80 percent covering 32 million acres, and are not producing oil. They are not drilling for oil. They could be. Anybody who comes to the Senate floor and says that today you have to drill in the Arctic Wildlife Refuge because the United States is threatened is not telling the truth to the American people because the fact is that there are countless millions—32 million, precisely, not countless. It is not just because they don't have oil that they are not drilling. They are not drilling because they are being mapped for future production or they are simply sitting idle by choice because the economics drive that choice.

Individual companies that own leases have decided, for business reasons and most likely because of the oil price or infrastructure limitations, they are not going to develop those leases now. They are waiting for the price of oil to maximize profits. In fact, some companies—Exxon, to be precise—are letting their leases in the United States sit idle while they invest in Saudi Arabia and other countries.

So don't let any Member of the U.S. Senate be cowed or stampeded into believing that this has anything to do with the current national security issue of Afghanistan or the Middle East. We have oil we could be drilling today.

Moreover, 95 percent of the Alaska oil shelf is open for drilling—95 percent of it.

Here is an article from The Energy Report, July 30, 2001:

> Responding to increased industry interests in North Slope gas, the State of Alaska plans to open up new acreage in the North Slope foothills. . . .
>
> Governor Tony Knowles recently announced that beginning next May the State would include additional acreage in the 7 million acre Foothills region in area-wide oil and gas lease sales in its 2002–2006 leasing schedule. . . .

Moreover:

> The Bureau of Land Management expects to hold a second oil and gas lease sale in the northeast corner of the National Petroleum Reserve-Alaska in June 2002. The agency will reoffer approximately 3 million acres made available, but not leased in the prior NPR-A sale in May 1999.

There it is. So there is no rush here. In effect, what we have in the ground in the Alaska Wildlife Refuge, should the United States ever be pushed to a corner and our back is up against the wall, we are at war or there is some circumstance where our allies have forsaken us, and we haven't been smart enough as a government to make the choices that we have today to move to alternatives and renewables and other forms of power, then we will have the most God-given ready natural Petroleum Strategic Reserve. Rather than buying it and putting it in the ground, it is in the ground, and we leave it there for that moment when the United States might need it.

I believe the reason I am here opposing this—not at the behest of any group—is because I have for 30 years been watching the United States procrastinate. I remember as a young law student sitting in line at gas stations studying my torts and contracts while I was waiting an hour and a half to get gas. That was 1973. We were told: We have to be energy independent; we have to work at this.

Then we imported 30 percent of our oil from other countries. Today we are over 50 percent. The fact is, there is one simple reality that our friends from Alaska avoid: 25 percent of the oil reserves of the world are in other countries. We use 25 percent. The United States of America uses 25 percent of the oil reserves, but we only have 3 percent. Any schoolkid can figure out that if you only have 3 percent of something and you are using 25 percent, you either stop using it or you are going to have to get it from those other people. That is exactly what we are stuck in today.

No matter what figure we give the Senator from Alaska—if I take the top figure of the Department of the Interior—and say it is $16 billion and you amortize that out, 1 million barrels a day, 365 days a year, so it is 1 billion barrels every 3 years or so——

Mr. MURKOWSKI. Will the Senator from Massachusetts yield for a question?

Mr. KERRY. I want to finish what I am saying. We have very little time. We are going to have weeks to debate this when we come back in January, and I look forward to that debate to a great extent because that is when we are going to help America view the possibility of alternatives.

For instance, in Europe, they have diesel engines. Their cars get 60 miles to the gallon with a diesel engine. It is exactly as powerful as many of our cars. The cars can go as fast. If you want to break the speed limit with your 60-miles-per-gallon diesel, you can break the speed limit, but you get 60 miles doing it.

We are going backwards. We used to get 27 miles per gallon. Now we are down to 22. We are doing worse than we were doing in 1973 when we said we would have to be energy independent.

Mr. President, there is a long litany, all the way through the years, that world consumption of oil is about 70 million barrels a day. We produce 8 million barrels. The amount that we produce, even if we included additional oil from Alaska, will never be sufficient to impact the price of oil in the world market. So when my colleagues come to the Chamber and suggest we are going to somehow change the price or increase the supply on a long-term basis, that is not true, and I will document it.

From 1972 to 1975, America produced more than 70 percent of our oil domestically. Oil prices climbed more than 400 percent when we produced it domestically. From 1979 through 1981, America produced more than 50 percent of

its oil, and oil prices more than doubled. That spike was set off by a number of events: OPEC, the Iranian revolution, the Iranian hostage crisis, Middle Eastern production cuts, and the onset of the Iran-Iraq war.

Through all of 1991, we produced 50 percent of our oil domestically. Oil prices doubled. In 1999, we produced slightly less than 50 percent of our oil. Oil prices tripled from the historic flows.

The reverse has also been true. We have had low oil prices, and we have had high imports. When oil reached a near record low in the late 1990s, guess what. Imports climbed over 50 percent.

The fact is that U.S. production will not lower and stabilize the global price. Look at Great Britain. Great Britain is surplus in oil. Great Britain produces enough oil to export. They do not affect the global price as a consequence of even being independent. There is no British market for oil. Prices rise and fall in Britain with the world price, and we all know that for reasons of history, allegiance, economics, and national security, they are enmeshed in global affairs as we are.

I will quote Lee Raymond, chairman and chief executive of ExxonMobile:

> 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.

The conservative Cato Institute has said:

> Even if all the oil we consumed in this country came from Texas and Alaska, every drop of it, assume we didn't import any oil from the Persian Gulf, prices would be just as high today, and the main reason is that domestic prices will rise to the world prices.

That is the Cato Institute. Do not tell us in this Chamber this is going to affect independence. It is not. We cannot produce enough oil. Do not tell us it is going to affect world price because there is not an economist who suggests it will. Then the question is: So why are we doing this?

There is a better way than this alternative. We need to wean ourselves from oil, and we need to engage in a program—H.R. 4 is an extraordinary giveaway program that does not do any of the things we need to do in energy policy to create a truly independent nation.

I suggest this debate is going to be long, it is going to be interesting, and we are going to provide this country with a set of alternatives. I am all for helping the folks in Alaska. I admire the way both Senators are fighting for the people of their State, but we can find a better way to help the people in Alaska. There is an awful lot of oil. We should be building the natural gas pipeline tomorrow. If we want to help the people of Alaska, that is the best way we can create jobs.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I am glad to have been here when the Senator from Massachusetts was speaking. He is a friend. We have visited one another and have shared the privilege of having wives who are great friends.

I say to my friend from Massachusetts, I hope if I ever stand on the floor of the Senate and make a pledge on behalf of the people of Alaska to do something for Massachusetts that my successors will honor that. I stood here and debated with the predecessor of the Senator from Massachusetts for a long period of time in 1977, 1978, and 1979. We finally ended up in Senator Jackson's hideaway for 3 days around the clock, and I mean around the clock.

We reached a conclusion, and that conclusion was an offer from the Senator from Massachusetts to me. It was: We will set aside 1.5 million acres up there so you can go ahead with that oil and gas development, but let us create this system of withdrawals in this State. Almost 100 million acres in Alaska were set aside at that time.

For 9 years in this Chamber we debated what was a national interest of Alaska's land. Nine years, Mr. President, and the Senator from Massachusetts, God rest his soul, Paul Tsongas, said in Senator Jackson's office: We can work this out. If you are willing to be reasonable, we will be reasonable. We will guarantee you that 1.5 million acres will be explored. Look at his record. In fact, when the time comes to get down to debating whether or not this bill will pass, I hope it will be considered by the Senate as the Alaska pipeline was, as that 1980 act was: without filibuster. The pipeline was made available to people in the United States by one vote. Vice President Agnew broke the tie and gave us the Alaska pipeline, which has brought 13 billion barrels of oil to the United States.

I hear the estimates that we have nothing more than a 6-month supply in ANWR. That is ridiculous. At the time we were debating the Alaska pipeline, they told us there would be approximately 1 billion barrels of oil, if you are successful. We have already produced 13 billion barrels of oil, and we have a 15- to 20-year supply at the current rate, but that is not keeping the pipeline full.

People say: Why do you want to go ahead with ANWR now? During the Persian Gulf war, there were 2.1 million barrels a day of oil sent to the south 48 from the Alaska pipeline. Today, it is 1.2. The pipeline is no longer full. The cost of Alaskan oil is going up because it is not full. We know there is oil to be produced.

This 6-month supply theory is a very interesting thing. I will stand on the other side of my chart so my friend can see it perhaps. This is a chart that shows what happens with increased production. If we have no new production in Alaska, this is the flow of oil out to 2050. If we produce in the Central part of Alaska, this is the flow of additional oil. If we go through the National Petroleum Reserve of Alaska—which is another area set aside, by the way, by President Harding after the Teapot Dome. It has never really been produced. Again, my friend does not like to be called a radical environmentalist. I think that is better than extreme environmentalist. In any event, this oil is not available to us because we cannot get in there to drill, either.

The important thing is, this is ANWR. If ANWR comes in, this is the increase in oil over this period between now and 2050 to the United States. Look at it. It is more than what is there now. We believe there is more oil in the Arctic National Wildlife Refuge area which is 1.5 million acres that was set aside for oil and gas production than we have in all of Alaska's remaining lands now.

This area is the most important area for our energy sufficiency. I am not talking about energy independence. It may be we could not get to be energy independent, but think about this: This area is basically not available to us. Access to the major pieces of the Outer Continental Shelf is not available to us. The entire NPRA is not available to us, and ANWR is not available to us. Look what would happen in the next 20 years if we did have it available to us. We would get up to the point where we are producing a great deal more, more than twice as much oil as we have available today from domestic production. Now that is energy sufficiency and it is energy independence in the sense of being able to exist through a period of crisis with our own production.

My friend wants to ask a question. I am glad to answer any question he has.

Mr. KERRY. Mr. President, I ask the Senator, that very large increase of blue is based on the best assumption of what might be findable, am I correct?

Mr. STEVENS. No, that is not correct. That is the medium assumption.

Mr. KERRY. How many billions of barrels does that assume would be present?

Mr. STEVENS. That is 10.3 billion barrels.

Again, I point out to my friend from Massachusetts, the estimate for the existing area of Prudhoe Bay was 1 billion barrels. We have produced 13 billion so far.

The mean estimate is 10.3. We believe it is a lot bigger than that. If oil is there, it is big. It is the biggest sedimentary basin on the North American continent if it contains oil. We do not know yet, but we will not know until we drill.

The real point is, though, we can have a decided improvement in our ability to rely upon our own sources in the event of a crisis if we really go in and open up this area and it is producible. Remember, it takes an act of Congress to open up. It is the only place in the United States where the Mineral Leasing Act was qualified by a provision of Congress, and I agreed to that. That was a Tsongas provision. It will

take an act of Congress, passed by both Houses and signed by the President, to do this oil and gas exploration.

The area remains subject to oil and gas exploration until it has been explored. This will not become part of the Arctic National Wildlife Refuge until it is explored. It is reserved for oil and gas exploration, in effect, until we get permission to go in to see if it is there or not.

Mr. INOUYE. Will my good friend yield for a question?

Mr. STEVENS. Yes.

Mr. INOUYE. When we speak of ANWR, what are we talking about?

Mr. STEVENS. We are talking about the Arctic National Wildlife Refuge.

Mr. INOUYE. How large is that acreage?

Mr. STEVENS. It is 19 million acres. It was 9 million acres before 1980 as the Arctic Wildlife Range.

Mr. INOUYE. Of that, how much is proposed to be set aside?

Mr. STEVENS. This entire 19 million acre area is the size of South Carolina. Of that, 1.5 million acres was set aside as the Coastal Plain for oil and gas exploration. Of that 1.5 million acres area, we need just 2,000 acres to reach the vast amounts of oil and gas.

Mr. INOUYE. It is a small part of it?

Mr. STEVENS. The Senator from Hawaii asked a very good question. At the time that Prudhoe Bay was developed, we did not have today's advanced technologies, such as horizontal drilling. We can access the oil and gas from the entire 1.5 million acre area of this sedimentary basin from just 2,000 acres.

Mr. INOUYE. I recall during the pipeline debate many of my colleagues and friends were suggesting the pipeline would decimate the caribou flock. I gather now that it has increased tenfold.

Mr. STEVENS. In parts of the State, it has increased nearly tenfold. In the area of the pipeline, this 800-mile pipeline, without question every one of the herds has increased by at least a magnitude of 4, some as much as 9 times. In fact, two of the herds now stay nearer to production areas because the food and the improvement of their habitat has been so great.

By the way, because of acts of the oil industry, they went to our university and developed new strains of grasses and new approaches to vegetation, and those caribou herds do not migrate at all. The one that comes to the plain of the Arctic area into this 1002 area each year, it comes in from Canada. It migrates up. It spends 6 weeks up in the summertime. The Senator's question is very pertinent.

Mr. INOUYE. The pipeline has not decimated the caribou flock?

Mr. STEVENS. It has not, and this will not either because we do not do oil and gas exploration in the summertime when they are there. We have committed to be certain there would be no interference with the caribou migration.

Mr. INOUYE. I thank the Senator very much.

Mr. STEVENS. I thank the Senator for his questions.

What I think is important to do is to make sure the people understand that because of the decline in the throughput of that pipeline, the Trans-Alaskan oil pipeline, we now are sending less than half of the amount it was designed to carry on an average day to the Lower 48. It was filled because of the discovery of the great Prudhoe Bay oilfield, and there was a second field discovered at Kuparuk. This area has produced, as I said, 13 billion barrels of oil so far. One of the sadnesses I have, as I have already indicated, is that we had a commitment. That 1980 act would not have become law if the Senators from Alaska had opposed it. The whole Congress knew that. It had almost become law in 1978 and my colleague objected, and we went back through the process. The process came to fruition at the end of 1980. The act passed before the election. President Carter did not sign this bill before the election. After the election but before leaving office, after President Reagan had been elected in the fall of 1980, President Carter signed it. In fact, he invited me to come to the White House at the time. President Carter signed that bill, and he and others now raise objection to the provisions of the law he signed into law.

It is the feeling that one Congress cannot bind another, but the statement of a Senator representing a State and a party ought to be binding upon the Senate. We had exchange after exchange over the 1980 Alaska National Interest Conservation Lands Act, and I thought those commitments were worth believing. I believed it when the Senator from Massachusetts, Senator Tsongas, said he would stand by this concept of a promise that this area would be explored and developed if it proved to have oil and gas. I trusted my late and dear friend Senator Henry Scoop Jackson of Washington when he called us up to his office and said we have to listen to Senator Tsongas because he is making an offer that is real; it was real.

Twenty years later, I am still in the Senate arguing for the Senate to observe the commitments that were made to our State and to the people of the United States.

While I have this chart, I hope everyone will understand—the Senator from Hawaii asked about it—this is the State of Alaska, obviously. Alaska is one-fifth the land mass of the United States, 20 percent. It extends from one end of the Lower 48 to the other. It is almost as wide as the United States, and from Barrow down to Ketchikan it is like going from Duluth to New Orleans. This is an enormous area.

People ask: Why don't they go out here to NPRA and develop leases? Because there is no transportation system. It takes a monstrous development of oil to support an 800-mile pipeline and run it a full 365 days a year. Currently, we are running half full.

The wilderness area is the area colored in brown, the 1002 area on the Coastal Plain is in green. It was guaranteed to Alaska to be available for oil and gas exploration. With new technology, we propose to use just 2,000 acres. It is impossible to believe there is such a battle over that. I point out, in this we call the Arctic National Wildlife Refuge Coastal Plain, set aside for oil and gas exploration, is a native village, the village of Kaktovik. Adjacent is the Sourdough Oil Field. And 100 miles west are the two largest deposits of oil and gas on the North American Continent today and they are both producing.

Why do we do this? What is the national interest now? If ANWR is open, 735,000 jobs will be created throughout the United States to get parts, people, produce—everything that is necessary to develop an area and support its development that far away from what we call the contiguous 48 States.

This is a forecast made and relied upon by the great labor unions of this country that I am proud to say are supporting our position that this area ought to be opened to oil and gas development. The Senator from Massachusetts said we should build a gas pipeline. Yes, we should. However, a gas pipeline is more affected by price than the oil pipeline. Gas in our country fluctuates in great variation. Just 18 months ago we saw rolling blackouts in California and record high natural gas prices. Now that is not going on because of a different price structure and infrastructure for delivering the resource and varying market conditions.

What we do not have is another enormous areas in the United States to explore and develop with the same potential of the Arctic Plain.

Despite everything I have said, I will oppose the cloture vote for this amendment. I believe the underlying bill, the Railroad Retirement Act, is essential to a great portion of the families of our working people who have retired. I deplore the fact we have to have a cloture vote to get this bill acted upon. Having our own bill up there will mean, because of the passage of time, now we have to the end of this Congress. When we first started this we thought we had time to get H.R. 4 considered and the Railroad Retirement Act passed, too. I don't see that happening now. I intend to vote against cloture, although our provision is in it, even though the ANWR provision is in H.R. 4. We ought to get down to the business that is very meaningful to a great number of families. There are some families in Alaska affected by railroad retirement issues, but only a few.

The families of former railroad workers should be assured we are considerate of their needs and understand their position. I hope that bill will pass, go to conference, and be approved after a conference. I understand there are a couple of provisions to which the administration has objected. I hope they can be resolved. I don't think they

affect the basic provision of the retirement system.

I yield the floor.

The PRESIDING OFFICER (Mr. JOHNSON). The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I comment relative to the statement by the senior Senator from the State of Alaska. Our President has asked specifically that the Democratic leadership pass three bills: Trade promotion, energy, and the economic stimulus bill. It seems to me the leadership has been reluctant to do so. The justification for that is beyond me other than, clearly, it is fair to say the objections, to a large degree, are centered around the energy bill.

I will continue my dialog relative to what we are doing. It is Monday afternoon and we have an underlying railroad retirement bill with two amendments: One is cloning and the other is H.R. 4, the energy bill. To make sure anyone that perhaps has misunderstood the statements on the other side relative to the tax portion, in our bill there is no provision for tax increases. That $33 billion in the House bill is not in this version of H.R. 4. The inconsistency is because the Democratic leader has refused to negotiate on the requests of our President: Trade promotion, energy, and the economic stimulus. Instead, he is moving ahead, now with the railroad retirement and the farm bill next.

Is it not rather interesting that we cannot at this time get an energy bill up when, clearly, we have a crisis in the Middle East? It is interesting to reflect on the comments associated with the leadership in the Senate. It is clear that the Senator is blocking a vote precisely for one reason. He knows Alaskans have the votes to pass out an energy bill in this body if given an opportunity. Has he given this opportunity to us? Clearly, he has not. He has indicated in several statements: My comment is we will raise the issue, debate it, and have a good opportunity to consider energy legislation prior to the Founders Day break in mid-February.

If the leader would conclude by suggesting we would resolve it by then, in other words, by Founders' Day, or at some specific time, then I think we could have a fair vote. All we are asking is for a fair vote on the issue.

He indicated further: There will be votes on ANWR, but I'm not at this point ready to commit to an up-or-down vote.

He is saying we will have to overcome a cloture vote. We cannot have a simple majority vote. The inconsistency goes further. Senator STEVENS references several items; I go back to a personal item, the attitude of the people living in the North Slope of Alaska. Those who have gone up there and taken advantage of the invitation have come back with the sincere appreciation and understanding that these people are Americans, they have a right to life, they have a right to look towards a future based on reasonable economic development prospects, health benefits, and so forth.

I ask unanimous consent to have printed in the RECORD upon completion of my statement a letter from the president of the Arctic Slope Corporation.

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

(See Exhibit No. 1.)

Mr. MURKOWSKI. He indicates:

DEAR REPRESENTATIVE: The decision to allow oil and gas development in the Coastal Plain of the Arctic National Wildlife has significant impacts on our effort to make a success of the very directive of Congress in ANCSA. Our self determination is at stake. It is fundamentally unfair, dishonest, and potentially unlawful to deny us the right to see our land and the small area of the Coastal Plain opened to exploration of development. Congress made a deal with our people and we have tried hard to play by the rules.

Now it is denying us that progress.

Here is a picture of a building in Kaktovik, including the community hall. There are two people, the boy on the bicycle and the older man on the snow machine, which represents the significance of the picture. We have some other pictures here showing some of the kids. I do this so we can get a feel for the real, warm, personal association of what this means to the people of Kaktovik.

The letter further states:

By locking up ANWR, the Inupiat people are asked to become museum pieces, not a dynamic and living culture. We are asked to suffer the burdens of locking up our lands forever as if we were in a zoo or on display for the rich tourists that can afford to travel to our remote part of Alaska. This is not acceptable.

I think that is an appropriate comment.

Further:

The Inupiat of the North Slope have lived and subsisted across the Arctic for thousands of years. Learning not only to survive, but to develop a rich culture, in the harsh environment of the Arctic has instilled a deep respect and appreciation in the Inupiat Eskimo people for that environment and the animals that inhabit our area. We don't need outside ''environmentalists'' telling what to do with our homelands. Our own development standards and the controls imposed by our locally controlled borough government will ensure that these lands are protected. It is our people that live in ANWR, particularly the Coastal Plain of ANWR. . . .

He concludes this letter by saying:

I beseech you to search in your heart to do what is right for my people. Do not let the misguided intent of a few do harm to the Inupiat Eskimo. Do not defeat the very Act you passed a generation ago. Support the passage of legislation to open the Coastal Plain of ANWR to oil and gas development. I and my people—the real people—thank you for consideration of our request.

That is the reference in the reflection from the people who are affected by this action.

We have little notes here, many of them supporting opening the ANWR development because it gives them opportunities. These are opportunities that your children and my children perhaps take for granted. What are they supposed to do? Are they supposed to be isolated? They have a landmass of about 95,000 acres I can show you on this chart. There it is, right in the middle of the 1002 area, right in the middle of the 1.9 million acres of land we are talking about. But 95,000 is private land, owned by these Native people. Until Congress gives them the right to initiate exploration, they cannot even drill for natural gas on their own lands to heat their own homes. That is an absolute injustice. None of the speakers talks about the people of the area. They ignore the people. They do not want to acknowledge that there is any existence of a footprint of man up there. That is a rather blatant and I think inappropriate way to simply dismiss this matter.

The assumption is this area has never been touched. It has been touched. There is the village of Kaktovik, the people who live there, their homes, their generators. They have a dependence on a way of life. By putting a fence around them and not allowing the appropriate opening, we clearly are disenfranchising them as some other class of American citizens. I find that terribly offensive.

I think each Member should reflect a little bit on the realities. I have to acknowledge my expertise based on having visited the area, having met with the people, and having an understanding. But my opponents can just generalize and brush it off, that the concerns of the people of the area do not amount to anything.

Furthermore, as we look at some of the statements that have been made about the coastal area—I am going to put up a chart. The statement has been made that 95 percent of the coastal area is open for leasing. That is absolutely wrong. That is absolutely wrong. Mr. President, 14 percent of Alaska's arctic coastal lands are open for oil and gas exploration. There it is. It covers the entire breadth from the Canadian boundary, past Point Barrow, around to Point Wales.

The fact is, only 14 percent of Alaska's arctic coastal lands are open to oil and gas exploration. These are the lands that are owned by the State of Alaska between the Colville and Canning Rivers. If the ANWR Coastal Plain were open to exploration, the total would only rise to 25 percent.

The breakdown on that is that the ANWR Coastal Plain is 11 percent, ANWR is about 5, the National Petroleum Reserve is 52 percent. That area is not open. If you look at the area, you can see numerous lakes. There is legitimate environmental concern associated with activity in those areas, and that is why leases have not been granted by the Department of the Interior.

As we look through the general discussion on this issue, all we want is an up-or-down vote on the issue of an energy bill. That energy bill should contain ANWR.

The position we have been put in is rather extraordinary. As a Senator, I

resent it. The authority has been taken away from the committee of jurisdiction, the Energy and Natural Resources Committee. It has been taken over by the Democratic leadership; they say they will introduce a bill very soon, perhaps this week. But that bill has not had a hearing, it has not gone through the Energy Committee.

We have had 14 years or more of ANWR in the Energy and Natural Resources Committee. We have had over 50 witnesses. We have had over 14 hearings. We are ready to go with a bill that has already passed the House of Representatives. That is H.R. 4. That is what is before us now.

As a consequence, what the Democratic leadership has decided to do is simply take away the authorization from the committee process and direct it simply from the office of the majority leader to the floor of the Senate.

I do not know whether that is the kind of debate he is talking about at a later date, but I am not going to sit by and lose opportunities to object to unanimous consent request until we get some kind of agreement from the Democratic leadership that we can have an up-or-down vote on an energy bill in a time sequence that reflects the ability to complete it.

The idea of coming in when we come back in January and starting a debate on the issue, and then pulling it down, is just not good enough.

I think the support associated with this issue has gained a broad enough base that we could simply demand it, and the political downside to it, from those who are in opposition to it, I think is significant. What you are going to have to do is vote on what is right for America. If we do not develop this area in Alaska, we are going to bring in oil to California, Washington, Oregon—the west coast of the United States. Do you know how it is going to come in? It is going to come in foreign vessels, not come down in U.S. flagged vessels, as Alaska oil must come down under the Jones Act. It is not going to result in 19 new double-hulled tankers being built to bring Alaska's oil down to the west coast. It is going to come down in foreign tankers with foreign crews. So we are looking at a stimulus package. We are looking at jobs.

To suggest it is a 6-month supply, Senator KERRY already acknowledged that was not a fair association. To suggest it is a 10-year process is totally unrealistic. We could have oil flowing within 18 to 24 months because we only have to put in a lateral pipeline. To suggest the Porcupine caribou herd is going to be impoverished is absolutely without foundation, based on our experience with the central arctic herd that has grown from 3,000 to 26,000.

Take them down the line. The emotional arguments used are based on environmental groups that use this issue for membership and dollars, and it has been great for them. The American public is starting to wake up now and say: Hey, wait a minute, why can't we open there? Don't we need the jobs? Don't we have a recession in jobs? This is going to create 240,000 jobs. We need to have jobs in this country. We need to build ships in our shipyards.

I grant we are not going to eliminate our dependence on imported oil, but we can reduce it. Isn't that good for America? Isn't that good for the balance of payments? These are positive. That is why the unions are for it. The environmentalists are saying, no, you can't do it, but they give different reasons, none of which holds water or oil. They simply are a flash in the pan.

When you start looking at the groups that support this, it is a broad group. It is the veterans. It is the unions. It is the senior citizens. It goes right down the line, on and on. These people are saying: Let's wake up to a reality. The reality is we need this action in the United States, and we need it now, and we should have it.

As we look at the general list of those who support it, it is growing all the time. We have all the major Jewish organizations.

Let's reflect on their individual interests. The Jewish organizations look at the future of Israel, as they should. They look at it very meaningfully because of what has happened in that part of the world. They know what funds terrorism. It is oil. The wealth of OPEC and the wealth in areas associated with that part of the world is accumulated primarily by one thing. That is the accumulation of oil. What funds bin Laden? Where did his association with Saudi Arabia and his background with those things come from? Those things came, very frankly, from the association with oil.

As we look at the current situation with Saddam Hussein, how ironic. How inconsistent can we be? I have said this in this Chamber time and time again. I know the Chair recalls it. We are buying a million barrels of oil from Saddam Hussein. We are using his oil to go back and take out his targets. He uses our cash for an obvious purpose: To take care of his Republican Guard, and perhaps develop missile capability and aim it at Israel.

What has happened? This should bear on the conscience of every Member. Within the last 2 weeks, we have lost two American sailors. They were doing their job. They were boarding a ship coming out of one of the ports in Iraq that was smuggling illegal oil. It was apprehended by the U.S. Navy. The ship sank, and two of our sailors drowned.

Talk about connections and interactions. I will not make a direct link. But the pathetic part of this is that should never have happened. We should not be buying oil from Saddam Hussein. The U.N. in their oversight of that particular process should not be allowing blatantly illegal exports of oil out of Iraq. It is happening every day. It has cost us two lives.

When we get down to voting on these measures, we have to look at what is right for the environment, right down the line: Can we open it safely? What is the footprint? It is 2,000 acres out of 19 million acres. It was said the other day Robert Redford has an 11,000-acre farm in Utah, as a matter of comparison. Can we protect the caribou? Yes. Do we need the oil? Yes. Do we need the jobs? Yes. Does it affect the economy of this country? Yes. Does it affect our balance of payments? It is a plus-plus-plus. Almost everybody can figure it out, except some people who are wedded to the dictate of America's environmental community.

The most pathetic part of it is, with one exception, the speakers today have never chosen to visit the area. They have never chosen to talk to the people who live in the area. They have never thought to consider the personal relationship of these people and their own hopes and aspirations.

As we look at the coming situation, I can honestly say I fear for the west coast of the United States because if they don't get their oil from Alaska, California, Oregon, Washington, and Utah are going to get their oil directly from overseas in foreign flagged vessels built in foreign yards with foreign crews. It seems to me the most secure source you can get it from is a little north of the west coast. That happens to be in my State of Alaska.

Mr. President, how much time is remaining on this side?

The PRESIDING OFFICER. Sixteen and one-half minutes.

Mr. MURKOWSKI. I thank the Chair.

I think it is important for Members to recognize just what my position is in this rather awkward situation with railroad retirement and the energy bill.

I regret that the majority leader has placed us in the situation we are now in, but we are here. I want to explain why I will oppose cloture on both the Lott amendment and the substitute amendment the majority leader offered. As a consequence, I will be voting against cloture.

I will oppose cloture on the Lott amendment for two reasons.

First, I have always said our national energy security demands a full, open, and honest debate. We have been precluded from having a full debate on this issue. The time may come when cloture needs to be invoked on the legislature on a particular amendment, but not at the outset. Cloture on the Lott amendment would limit that full, open, and honest debate. I don't believe it should be limited.

Second, the authorization text of H.R. 4 was filed—the House-passed energy measure. This is not the text that I believe the Senate should enact without change.

There are a variety of amendments that I believe the Senate should consider. One is an extension of Price-Anderson. That will be foreclosed as nongermane if cloture is invoked.

As you may know, I am more than a little frustrated that we have been sitting around here when we could have

been debating an energy bill from the Energy Committee. But that opportunity was taken away by the Democratic leader.

I am going to vote against cloture on the Daschle substitute because he has offered no other alternative apparently for the remainder of this year. If cloture is invoked, the Lott amendment falls as nongermane.

Once again, the majority leader has frustrated the Senate and the American people in dealing with the energy policy. When I say ''frustrated,'' I mean not allowing it to come up—taking it away from the authority of the Energy Committee, which has jurisdiction.

Until we get this matter resolved, there is the only way that the Senate can debate energy policy—by defeating both cloture motions. If both cloture motions are defeated, where will we be? H.R. 10, the House pension reform bill, will be before the Senate, and the Daschle substitute on railroad retirement will remain intact. Pending will be the Lott amendment that adds energy legislation to the Daschle substitute, and that amendment will be open to a second-degree amendment.

I fully support dealing with railroad retirement. In fact, I am going to vote for it.

If the majority leader would stop this charade with our national security and provide an opportunity for the Senate to work its will on energy and proceed to conference with the House on H.R. 4, I would be happy to take my charts out of the back office. As it is, the closest we seem to get to the consideration of an energy bill is perhaps a lump of coal in the majority leader's stocking.

The only way for the Senate at this time to have a full, open, and honest debate on energy policy is to defeat both cloture motions and begin that debate, which we are ready to do.

I apologize again for the manner in which this has come up, but the majority leader has given us no alternative. Apparently he intends to proceed that way. We will have to use whatever parliamentary precedents are available to get this bill up, or get a commitment from the majority letter that he will allow an energy bill to be taken up at a certain time and conclude it by a certain time. I will not agree to simply take it up and not giving us some kind of inclusive date on it.

I yield the floor.

EXHIBIT NO. 1

ARCTIC SLOPE REGIONAL CORP.,
Anchorage, AK, July 30, 2001.

DEAR REPRESENTATIVE: I am writing this letter on behalf of my people—the indigenous residents of the North Slope of Alaska. Thirty years ago the U.S. Congress put us on a path to modern corporate development with the passage of the Alaska Native Claims Settlement Act (ANCSA) and establishment of our regional corporation—the Arctic Slope Regional Corporation. Congress essentially told us (we rally had no choice) to take some cash and land, in exchange for our aboriginal land claims, and ''have a go at'' making those assets into an economic enterprise. Despite the fact that most of the potentially valuable lands for resource development were off limits to our initial selection of lands, we made the best of it and put together a land portfolio with resource and habitat values. We now find ourselves with our fate once again in the hands of Congress.

The decision to allow oil and gas development in the Coastal Plain of the Arctic National Wildlife has significant impacts on our effort to make a success of the very directive of Congress in ANCSA. Our self determination is at stake. It is fundamentally unfair, dishonest and potentially unlawful to deny us the right to see our land and the small area of the Coastal Plain opened to exploration and development. Congress made a deal with my people and we have tried to play by the rules—now it is denying us that promise. The corporate model imposed by ANCSA was an intentional decision by Congress to avoid the path pursued with Native American tribes in the lower 48 states and their history of broken treaties. Now, however, we find ourselves in a situation of having the commitments made in the potential benefits of ANCSA for the Inupiat people being ''broken''.

We have tried to keep our side of the bargain, even if we did not have a choice and gave up many, many times the value of what was received in return. The Inupiat people have taken the values of the western culture and corporate America and the traditional values of our people to blend them into a culture that will survive far into the future. Our subsistence lifestyles and ties to the land and sea continue while we also participate in a cash economy. We have made strides in educating our people and providing basic services that simply did not exist in any form in our communities when ANCSA was passed. ANCSA was a great social experiment that has had many successes. But it now appears that Congress does not want to keep its side of the deal; it wants to defeat the very experiment it mandated must be followed. By locking up ANWR, the Inupiat people are asked to become museum pieces, not a dynamic and living culture. We are asked to suffer the burdens of locking up our lands forever as if we were in a zoo or on display for the rich tourists that can afford to travel to our remote part of Alaska. This is not acceptable. But, maybe we shouldn't be surprised.

The Inupiat people that live in ANWR, the residents of the village of Kaktovik, are no stranger to the heavy hand of the federal government. It was not that many years ago that the U.S. military came to the village of Kaktovik and bulldozed homes of people without the smallest amount of human dignity or respect for the people living there. There was no explanation, no compensation and no apology to the families that were literally thrown out of their homes—and it happened more than once. Anecdotal comments after the fact indicated that the officials involved considered the Eskimo people's homes ''just shacks'' anyway and the people themselves hardly due treatment as human beings. These are well documented but seldom told stories. This history hardly gives the Inupiat people faith that they can expect fair treatment at the hands of the federal government. To have the purposes of ANCSA so boldly frustrated only makes this worse.

The Inupiat of the North Slope have lived and subsisted across the Arctic for thousands of years. Learning not only to survive, but to develop a rich culture, in the harsh environment of the Arctic has instilled a deep respect and appreciation in the Inupiat Eskimo people for that environment and the animals that inhabit our area. We don't need outside ''environmentalists'' telling what to do with our homelands. Our own development standards and the controls imposed by our locally controlled borough government will ensure that these lands are protected. It is our people that live in ANWR, particularly the Coastal Plain of ANWR, because we are traditionally a marine coastal and nomadic people. We are fully capable of balancing development and environmental protection for the long term value of the entire nation. For us it's a matter of life or death; we do not eat without the animals. Our life and our culture are tied to the land, the sea and the animals. Even with the changes brought about by ANCSA and a developing cash economy, our people maintain these ties. But, do not ask us to give up all chances for realizing the promises of ANCSA and bear the burden of supposedly preserving an area for the entire nation. That is patently unfair and misguided because it is not threatened by the small amount of development that would actually occur for oil and gas activities. Furthermore, none of this development would take place in the areas of ANWR that are classified already as wilderness where so many of the scenic vistas are located that have been used to cloud the issue about development on the more northern Coastal Plain.

Much has been said about who are the ''real'' people of ANWR that are at risk by potential oil and gas development. It is the residents of Kaktovik that live there. While the Gwichin to the south also use the caribou that migrate through the ANWR area, they are not Inupiat which is literally translated as the ''real people.'' Years ago we might have feared development, but we have learned that development and subsistence can coexist. The Gwichin chose to opt out of the provisions of ANCSA, that was their choice. Their position, which we still feel is fundamentally flawed, should not be allowed to frustrate the commitments of ANCSA that we did choose to accept.

I beseech you to search in your heart to do what is right for my people. Do not let the misguided intent of a few do harm to the Inupiat Eskimo. Do not defeat the very Act you passed a generation ago. Support the passage of legislation to open the Coastal Plain of ANWR to oil and gas development. I and my people—the real people—thank you for consideration of our request. Quanukpuk.

Sincerely,

JACOB ADAMS,
President,
Arctic Slope Regional Corporation.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, today's vote on the Lott amendment will be the beginning of the debate on two very important issues. One of them has to do with an energy bill, which, as we all know, our majority leader has scheduled for debate in less than 60 days.

This particular version contains drilling in the Arctic National Wildlife Refuge, as my colleague has discussed for many days now.

My view is that if there are other ways to have an energy policy that leaves the wildlife refuge intact, I am for it. I will point out ways to avoid drilling in such a refuge.

The second issue that is combined with it deals with stem cell research.

In our vote, we will answer the question: Should we in this single vote not only say yes to drilling in ANWR but also say yes to derailing stem cell research by stopping it dead in its tracks, really, without looking at it?

I don't see any problem in banning human cloning. I think we would get 100 to 0 on that one. It is a very easy thing that we can do. But why would we want to derail stem cell research?

I am certainly willing to vote no on the Lott amendment that contains both of these issues: Drilling in the Alaska wildlife refuge and stopping stem cell research.

The Senator from Alaska is quite open on the point of drilling and makes the case very well.

He brings up a number of issues. First of all, he criticizes people who are for retaining the wildlife refuge if they have not actually gone to see it. Let me say that many of us have and some of us have tried. I sent one of my top environmental aides there and got a full report on it.

The bottom line is, the Senator from Alaska and others have not seen every single national park, have not been into the Sierras in my State, into every little town. Yet they weigh in on logging debates. So that is a bogus issue.

The issue is, How do we have better energy independence? I think I speak with some authority—a little bit, in any event—because in our State of California, we were hit with a horrific shortage of electricity, and it was even predicted we would have brownouts and blackouts and there would be rioting in the streets. The bottom line is, because the people in my State understood this, they began to be energy efficient, making very small changes in their daily lives that never even impacted on their comfort, really. We have saved about 11 percent in our energy use. We avoided all of these problems.

My friend talks about the creation of jobs. This is an important issue. I know some of the unions are backing drilling because of that. Let me say to my friend, the fact is, if you produce energy-efficient appliances, you create many jobs. If you produce energy-efficient automobiles—hybrid vehicles; so many other ideas; electric cars—you will produce jobs. Alternative energy in itself produces jobs, whether it is solar power, wind power, whether it is biomass—all of these create jobs, and not only good jobs, but the whole green technology is a technology that we can export around the world as the whole world looks for ways not to choke on gasoline fumes. We can do it. We can do it and meet our energy needs and become independent of imported oil.

I find it so interesting when my friends from Alaska talk because they fought me when I wanted to make sure there was a ban on exporting Alaskan oil. We used to have that in place because I made the point, as many of my colleagues did at the time, that we needed that oil to stay home in America because we wanted energy independence. But both my friends fought to allow us to export Alaskan oil. I find it very interesting.

So we have so many ways we can win this energy battle. One way is to raise the fuel economy standards of automobiles. Just take SUVs. If the SUVs met the same standard as a regular sedan, in 7 years we would save as much oil as there is in ANWR.

Mr. President, I ask unanimous consent for an additional 5 minutes.

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

Mrs. BOXER. Thank you, Mr. President.

Let me repeat that. If we simply did one thing, and that is, got the SUVs to have the same fuel economy as a sedan—and, by the way, that is quite doable—we would, in 7 years, have ''produced'' enough oil to equal that of ANWR by saving it. By the way, that happens exponentially. In the next 7 years, there is another ANWR. Every 7 years you save another ANWR.

So to stand in this Chamber and say the only way to become energy independent is by drilling in a refuge I just do not think stands the light of scrutiny.

I am looking forward so much to having the debate on the energy bill, as Senator DASCHLE has promised. He is very interested in having that debate, as well, but he does not want to have that debate up against the December timeframe when we have so much to do relative to economic stimulus, when we are looking at bioterrorism. We must get the vaccines in place for smallpox. There is so much we need to deal with, including the appropriations conference reports. So I think Senator DASCHLE has done the right thing by setting aside a time, within 60 days, when we can have this debate.

The President, using his Executive powers, overturned a rule that President Clinton put in place that said that air-conditioners should become more efficient. That particular rule was even supported by many of the people in the industry itself. By canceling that, we are again being beholden to Middle East oil. So there are so many things I want to talk about when that energy bill comes before us.

In California, I drive a hybrid vehicle. If people look at you and say that sounds very strange, well, you fill it up with gas, just the same way you do any other car, and the computer within the car knows when it is more efficient to be running on gas or running on electricity. When you step on the brake, it charges the battery. So we are getting about 50 miles to the gallon.

As someone who has been sharply critical of the increase in oil prices, finally they have come down. I am convinced regulatory agencies will not do a thing about high prices. We had them cold on what I believe was very close to price fixing. We had them cold on harassing independent station owners who wanted to lower prices. We had them cold on that. But we could not move the regulatory agencies.

One way you fight back is you drive a car that gets 50 miles to the gallon. You can do it. You can buy it pretty cheaply. I encourage people to do that. So I do look forward to taking up the energy bill.

On the issue, again, of stem cell research, this is one that is so important. I have seen a list of the groups that oppose Senator BROWNBACK's 6-month moratorium. I think it is very important because sometimes you learn a lot from supporters and opponents.

Let me read to you the list of opponents to the 6-month moratorium on stem cell research: Alliance for Aging Research, Alpha One Foundation, American Academy of Optometry, American Association of Cancer Research, American College of Medical Genetics, American Infertility Association, American Liver Foundation, American Physiological Society, American Society for Reproductive Medicine, American Society for Cell Biology, American Society of Hematology, Association of American Medical Colleges. All of these, and more, oppose, very strongly, a 6-month moratorium on stem cell research.

Here are some others: Association of Professors of Medicine, Biotechnology Industry Organization, Coalition of National Cancer Cooperative Groups, Cure for Lymphoma, Genetic Alliance, Harvard University, Hope for ALS, the International Foundation for Anticancer Drug Discovery—and it goes on—the Juvenile Diabetes Research Foundation International—those folks came to visit many of us in our offices—the Kidney Cancer Foundation, Medical College of Wisconsin, Mount Sinai School of Medicine, National AIDS Treatment Advocacy Project, National Patient Advocate Foundation, Research America, Resolve, Society for Women's Health Research, and it goes on.

So the bottom line is, we have a chance today, by voting against the Lott amendment, to send two very important messages: Yes, we want an energy policy, but we want it to be well thought out. There can be differences on whether the Alaska Wildlife Refuge is pristine, whether it is worth saving. I am willing to get into that debate. That is a fair debate. But wouldn't it be an interesting debate to find out what our other options are and then to decide if it is truly worth the gamble? People I know and respect say it isn't worth the gamble. And on stem cell research, clearly, it is time to continue this research while we ban human cloning. The Brownback amendment does not do that.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. BOXER. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. Mr. President, I am aware that the other side has until 4:45. I ask unanimous consent to speak as though we had reached 4:45, which starts the time running for our side.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

REMEMBER NEW YORK

Mrs. CLINTON. Mr. President, I rise today, as I did several times last week and before, to remind all of us, and especially my colleagues, of the destruction and devastation that took place on September 11, and persists today, nearly 12 weeks after.

Tomorrow will be the 12th week since we were attacked on September 11. The New York City Partnership and Comptroller estimate that the economic impact of the attack will near $100 billion in damage for New York's economy. Today, 83 days after the attacks on our Nation, thousands of the businesses and residents who were physically displaced by the destruction, by the loss of power and telephone access, by the debris removal efforts, by the poor air quality, by the crime scene designation, are still awaiting some help, any help from the Federal Government.

Our Constitution guarantees to protect every State against invasion. The President said in his joint address to Congress just 10 days after the attacks:

We will rebuild New York City.

That same day earlier, my colleague, Senator LOTT said, while visiting New York:

We are here to commit to the people of New York City . . . that we will stand with you.

Congressman GEPHARDT, the House minority leader, said in his weekly radio address:

We will work to make the broken places right again. We will rebuild New York.

Eighty-three days since the terrorists chose to attack America by attacking New York and having lost thousands and thousands of innocent lives, we are still taking stock of the damage that we, as a city, a State, and a country have suffered. We know we can't get those innocent lives back, and every day I and my staff work with the families who lost their loved ones trying to make sure that they do get the help they need.

In addition to the lives that were so brutally taken, those attacks also took many livelihoods. We can do something about that. Yes, we did lose 15 to 20 million square feet of office space; nearly one-third of all space in Lower Manhattan, either completely destroyed or seriously damaged. Yes, we did have extensive damage to our transportation system, and it has been devastating for thousands of people trying to get to work not to have those subway lines, not to have that PATH train coming in right under the river, underneath the World Trade Center. We know the kind of damage that our small business owners have been suffering has been devastating.

What has happened is the attacks, because of the loss of transportation and because of the crime scene designation, have displaced over half a million commuters who travel to Lower Manhattan. We have 10 subway stations that usually handle about 40 percent of the downtown commuters that have been closed throughout most of October. That is why we recognize we can't possibly do this without the help of America.

Estimates to rebuild the 1,700 feet of collapsed tunnel on the 1 and 9 subway lines directly beneath the World Trade Center are in the billions of dollars. The same is true of the estimates to rebuild the PATH train station that brings commuters from New Jersey into Lower Manhattan. We also have been told it will take up to $250 million to repair the damaged streets around the World Trade Center. And still, as we speak, almost one-third of Lower Manhattan permits only restricted vehicular access because of the crime scene designation.

These are cost estimates only of direct impact and damage, not future losses, not lost revenues. These are the costs for hazardous material removal, for site remediation, for capital costs for rebuilding.

New York City, it is estimated, is likely to lose 125,000 jobs in this fourth quarter. We already lost 79,000 jobs in October alone.

These are staggering numbers, but they only tell half the story because I could literally fill this Chamber with people who have seen their businesses devastated, who have lost their jobs. The quotes we see from so many of our leaders have been comforting and very supportive, but we know that we need more than comfort. We need more than rhetoric. We need tangible support. It is imperative that we get as much of that support as possible.

I personally think it is very similar to the other devastating crises that have hit our country. Most of them were natural disasters, but we also can't forget Oklahoma City. We can't forget the New Mexico fires. If you look at past disasters, the Federal Government, through our Congress, responded appropriately and swiftly. The Congress came together in a time of need, whether it was Hurricane Hugo or the Northridge earthquakes or Oklahoma City.

This chart illustrates the level of Federal response after just a few of a sample of major disasters. In each case, the Federal response was nearly 40 percent of the estimated economic loss. In New York City, a comparable amount would be 40 percent of the approximate $100 billion of economic damage. Yet we haven't received, in as timely a manner, the percentage share that others have.

The appropriated assistance that came within 3 to 4 months after the Midwest floods was more than 40 percent. After the Northridge earthquake, 26 days after, more than 30 percent of the total loss had already been appropriated; after the Oklahoma City bombing, within 99 days, more than 40 percent.

What do we have? We have a few billion dollars that have been sent to FEMA to help pay for the costs that have been incurred, and that is it. We don't have a special appropriation that has been passed. We don't have an emergency supplemental. We are counting on getting that in the next few days because we want to be sure that New York gets the money appropriated that we need to have to count on to get about the business of rebuilding and restoring. And 79 days later, when this chart was made—now we are at 83 days—we were below 5 percent, far below the pace of what was done for other major disasters in our country.

If you look at the headlines from other major disasters, ''One Month After Hurricane Andrew''—which I visited in 1992, the site of that devastation, ''Bush,'' the first President Bush, ''approves $11.1 billion in Hurricane Aid.'' It didn't take long at all to get that money flowing. Compare where we are with the damage done to New York.

After the 1993 Midwest floods, 7 months after, ''Families Pour Out Praise For Flood Agencies.'' They not only got the money appropriated, they got the money delivered. And people were satisfied their needs were being met.

The Northridge earthquake, 24 days after that devastating earthquake, ''$8.6 billion Quake Aid Ok'd by Senate.'' We are nowhere near that pace. We are at 83 days, and although we did—and I am grateful for it—appropriate dollars in the immediate aftermath, we haven't gone back to appropriate them to actually get them out and be spent to take care of the problems we have.

The Cerro Grande fire, which was a fire set by the Federal Government, a fire that was meant to stop other fires—of course, we know the results were disastrous—44 days after that fire, ''Los Alamos Welcomes Federal Aid.''

I was pleased, both as a citizen and as an onlooker with a great deal of interest over 8 years, to see how well our country came together to deal with our emergencies. Compare those headlines with where we are right now in New York: ''New York Needs Help Now to Rise from the Ashes,'' November 19; ''New York Financial Core Wobbles from Attacks' Economic Hit,'' November 26; since September 11, ''Vacant Offices and Lost Vigor,'' November 21; ''Terror Attacks Have Left Chinatown's Economy Battered,'' November 25; ''A Nation Challenged: Small Shops Feel Lost in Aid Effort.''

The PRESIDING OFFICER (Mr. CARPER). The time controlled by the majority has expired.

Mrs. CLINTON. Thank you, Mr. President. Again, I hope that we will respond with equal vigor and expeditious treatment to deal with the problems in New York, as our country always has in previous disasters.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. Mr. President, I inquire as to the time agreement. It is my understanding there are 30 minutes on each side remaining; is that correct?

The PRESIDING OFFICER. At this point in time, until 5:10, it is controlled by the minority.

Mr. MURKOWSKI. Until 5:10?

The PRESIDING OFFICER. Yes. The majority leader, then, has 5 minutes with which to close.

Mr. MURKOWSKI. Let's run through that one more time. At 5:10, the minority time expires. Then the vote is set for 5:45?

The PRESIDING OFFICER. 5:15.

ENERGY POLICY

Mr. MURKOWSKI. Mr. President, let me again reflect on where I think we are. We have chosen to try to get an energy bill before this body all year. We introduced an energy bill late in January in the Energy and Natural Resources Committee. Hearings were held. We had a little change of leadership that resulted in a situation where we could not get the bill brought up in committee. In the meantime, of course, the House of Representatives did its work. It passed H.R. 4, which was an energy bill. It was a good energy bill. It had virtually everything that we felt should be addressed in the body of the bill because it addressed, if you will, not only renewables but alternatives, as well as new sources of energy.

H.R. 4 is the bill that is before us right now, but it is coupled with a cloning bill, and it is on a railroad retirement bill. But I think we should focus on the reality here, which is that the President has asked for an energy bill. The House has done its job. The Senate has yet to do its job.

The ultimate disposition of this vote today is not going to be very meaningful because different Members are going to be able to respond in different ways. Those who are particularly attuned to the cloning issue, obviously—and I share the position of Senator BROWNBACK that we should not be rushing into this. There should be some evaluation on its ethical and moral aspects. On the other hand, the fact that it is on the railroad retirement bill, which I happen to support, means there is going to be different interpretations—whether the vote is contrary to support for railroad retirement, support for energy, or support for cloning.

I want to focus on the void that will be left after we are through. We are not going to be able to have resolved getting an energy bill up before the Senate. So we are going to have to search for other means, whether it be the Agriculture bill or stimulus bill or holding up a unanimous consent agreement, which I am prepared to do. We have talked about Christmas Eve, about the stockings, and odds and ends; but we have no assurance that the Democratic leadership which controls this body is going to give us a time certain to take up an energy bill and vote up or down on it. That is within the broad support of America's special interest groups—whether it be the labor unions that we have heard from relative to the value of it as a stimulus, or others.

Mr. President, when we look at stimulus bills, where are you going to find a better stimulus? It would create 250,000 jobs, generating $3 billion in revenues from lease sales, and would not cost the taxpayer a dime. What about the national security interests and America's veterans who fought overseas? I am reminded of my good friend from Oregon who indicated that he would rather vote for an ANWR bill any day than send our men and women overseas to fight a war over oil. That was Senator Mark Hatfield.

So the President has called for an energy bill. We are disregarding our popular President's wish in not addressing it. We have heard from the Secretary of Energy, the Secretary of Veterans Affairs, and the Secretary of Labor, who all recognize the importance of this. The Democratic leadership says, no; we are not going to take it up. We are going to take it up later. When? Will he give us a time certain to conclude it and allow amendments and an up-or-down vote? That is all we want.

What is happening here is they are talking on, if you will, the prevailing attitude of America's veterans, organized labor, Teamsters, senior organizations, Jewish organizations, who all understand what national security is all about in relation to the Mideast. We have a bill—H.R. 4—that reduces demand, increases supply, and enhances infrastructure and energy security. So we are very positive. Yet we are going to go out of here today with another situation where we have not reached a resolve. We have talked about energy, and if there is any plus to this, it is that we got the energy bill up for discussion but in such a convoluted way that it is very difficult to address it on the merits for on an up-or-down, clean vote, which it deserves.

The Democratic leadership has chosen to ignore, if you will, the responsibility that this body has to address a request of the President. We are going to go off now and simply look for another day. Well, I am going to look for another day. I don't want to disrupt the body, but I am telling you that we have to have assurances that we are going to get an energy bill up, under some time agreement of some consequence that would be meaningful to dispose of the issue once and for all. Any Member can justify his vote today, not on the issue of an up-or-down vote on energy but on cloning or his particular position on the issue of railroad retirement.

We need to have the Members stand up and be counted on whether or not it is in our national security interest to have an energy bill and have an up-or-down vote and have amendments and include, if you will, the ANWR issue.

This isn't a vote on an energy bill today. It is not a vote on ANWR. This is a vote to address a procedural process that is very gray in the interpretation because nobody is going to be able to clearly define just what they are for and what they are against.

I see my friend from Kansas who wants to speak on the cloning. We have little time remaining. I will reserve 5 minutes of my remaining time and allow Senator BROWNBACK to have the difference.

I inquire of the time remaining on our side?

The PRESIDING OFFICER. The Senator from Alaska has 11½ minutes remaining.

Mr. MURKOWSKI. Mr. President, I yield 6 minutes to the Senator from Kansas.

MORATORIUM ON CLONING

Mr. BROWNBACK. Mr. President, I am caught in a position similar to that of the Senator from Alaska. I support what he put forward on the energy bill. It is of utmost urgency. We are so dependent upon unreliable sources of energy that we will look back and say we wish we had done something when we had a chance to do it. We are not doing it.

I have put forward the moratorium on cloning. To clarify, where some have said this is about stem cells, it is not about stem cells. It is about cloning—taking a human individual and creating them by cloning technology, similar to what was used with Dolly the sheep. That is not stem cells. That is about cloning. It is a moratorium on cloning—a 6-month timeout. Let's wait a little bit and think about what we are actually getting into as the world contemplates this matter. Yet technology is diving into it in the United States, as we saw announced a week ago the first human clone ever in the world by a Massachusetts company.

Let's think about this. That is why we brought up this issue on this procedural vehicle, saying lets get a clear vote on a 6-month moratorium. It is not an outright ban on everything for all time. It is 6 months where we hold hearings, do a thoughtful process. The House already has voted on the issue by over a 100-vote margin. They voted to ban cloning altogether. The President is pleading for a bill on banning cloning altogether. We weren't even going that far. We are saying a 6-month moratorium while we think about it, instead of letting private companies basically decide a huge issue for humanity.

Right now we are letting private companies decide if they think it is OK to clone humans or not by their own privately hired ethics board. Do they think it is fine we clone humans or not. They are making the decision when this is something that should be in the public purview and public domain after thoughtful conversation.

We are pleading for the time to do that. That is why I put the amendment together with the energy bill. We are getting toward the end of the session, and we need some discussion and clarity on this issue. Where the House has acted and the President is seeking a bill, we are in difficulty getting the bill done.

We are going to look for other vehicles and other ways and means to get this moratorium so we can have that pause, that thoughtful bit of time when we can contemplate this issue of human cloning. It seems to me far superior to say right now: Let's wait for a little bit, rather than wait until there are more clones out there and then say: OK, I guess it is too late; the decision has already been made for us. That is not the way a responsible, deliberative body should act.

I point out to my colleagues as well that this is a broad-based issue. In the House, the vote was broad based. Republicans and Democrats voted for the bill. We have sponsors from the left and the right of various groups—environmental groups, technology groups—that are questioning where some of the technology is taking us. We have sponsors forming conservative groups. There is a broad-based group supporting a moratorium or even an outright ban on human cloning.

I know a number of my colleagues have questions and difficulties about the issue of genetically modified organisms. I count 12 of my colleagues who are opposed to GMOs, genetically modified organisms. That is where one takes two different species and crosses them to get a hybrid of sorts. They are taking a bit of genetic material from one and inserting it into the other. Some of my colleagues have real questions about where this is going.

If some of my colleagues have questions about genetically modified organisms in plants and animals, what do they think about a genetically modified human? Is that something we want to let drift out there?

We put a huge number of regulations on agricultural biotech companies that are developing genetically modified organisms. Yet if someone wants to do that to the human species, fine, go ahead, there is no regulation on it. Is that a thoughtful way for a deliberative body to work?

We put limits on what one can do to eggs in other species. One cannot destroy a bald eagle egg. There is a Federal penalty for doing that. In this legislation, we are talking about creating and destroying. We are saying: Fine, go ahead.

Do we give less weight to the human species than we do an eagle? Is that a way for a thoughtful, deliberative body to work? When we have this technology rushing, should we not be saying let's really consider what this technology is doing and what it means to us and what it means to the future of our country and our species?

This 6-month moratorium seems to me to be a very modest step. I pleaded with the Democratic leadership: Let us bring this up on a separate stand-alone vote. They have not been willing to do so. This body now stands in the way of speaking on this as a country, when many other countries, 28 other countries have put forward laws and rules on human cloning.

That is what we are talking about. Others may call it stem cells, but this is about human cloning. The issue of stem cells has been dealt with by the administration and they have put forward rules and regulations. This is about human cloning.

That is why I sought to put this issue of human cloning on this particular amendment because we will not have any other vehicle to bring this forward. I am a sponsor of the railroad retirement bill. I have signed on to that bill. I am a cosponsor of the bill. I have heard from a number of my colleagues and constituents about it. I support the bill, but I also think we are at a unique point in human history where we need to consider what we are doing about cloning. For that reason, I put forward this particular amendment, and I ask my colleagues to consider it. I still want to find the time for us to consider this issue.

I yield the floor and reserve the remainder of the time.

Mr. FRIST. Mr. President, I rise in support of the 6 month moratorium on human cloning which the Senate is now debating.

In recent years, science has progressed rapidly. In 1997, Ian Wilmut and a team of researchers successfully created an adult cloned sheep, Dolly. With the specter of human cloning on the near horizon, the Senate nonetheless rejected legislation to ban this act based largely on 2 arguments, that anti-cloning legislation would stop stem cell research, and that the science was not advanced enough to clone human beings.

Three years later, history and science have proven these arguments false. Not only are a few scientists moving forward to clone humans, but we also now know conclusively that a human cloning ban will not halt research that could lead to cures for chronic and debilitating illnesses, including promising embryonic stem cell research which I support.

The President has called for a ban on human cloning, and the House of Representatives has passed legislation by an overwhelming bipartisan margin. Now, it is up to the Senate.

The case against human cloning is compelling and comprehensive. But I understand the concerns some of my colleagues have expressed about moving too hastily in this manner, and I therefore believe that the responsible course of action stands before us today: A temporary moratorium on human cloning that will give the Senate the time it needs to diligently consider this issue while ensuring that events do not overtake us.

Let us act now to assure that next year's debate occurs in an environment where science has not moved ahead of the public interest. Let us give ourselves 6 months to deal carefully and responsibly with a matter of profound importance.

The risks of not acting to halt cloning far outweigh any concerns about impeding scientific progress. Cloning—and all its dangers—are upon us. Any possible medical advantage through cloning is far off at best. In fact, such advantages are theoretical only.

Last week, a Massachusetts company claimed to have cloned a human embryo. Moreover, Dr. Severino Antinori has in recent weeks reiterated his plan to produce cloned embryos by the end of the year, with the intent of impregnating up to 200 women.

The problem is simple. Failure to prohibit human cloning now speeds the day that a human being will be cloned. If that idea troubles you, I submit that you must support the moratorium.

Why must we prohibit all human cloning? We need to ban it to prevent the cloning and birth of a human. We need to prohibit it to safeguard the health of the women who will be directly exploited as a side effect of the procedure. And we need to prevent it for the sake of research ethics.

I know these issues can be confusing. Cloning issues intersect with stem cell research issues. It is complicated. One of my colleagues asked me: If I support embryonic stem cell research, can I be opposed to cloning? The short answer is ''yes.''

Human cloning is the use of somatic cell nuclear transfer to create a human embryo genetically identical to a living or dead individual. The terms that are often thrown about, ''reproductive or therapeutic,'' refer only to whether this is intended to create a new person or for research. The act of cloning, however, is the same in both cases.

There is near universal abhorrence to human reproductive cloning. Scientifically, consensus exists that it is unsafe. More significantly, the ethical and moral implications of cloning for ''replacing'' a lost loved one; re-creating persons with special attributes; developing a source of transplantable organs are highly troubling to all of us. Unfortunately, there are scientists working actively to achieve those ends.

Ultimately, if one wishes to prohibit human ''reproductive cloning,'' it is necessary to prohibit all human cloning. Once cloned embryos exist, despite the best intentions to the contrary, there will be no way to prevent a cloned embryo from being implanted in a woman. Once that starts, there is no way to stop it.

We would not know when a cloned embryo is growing in a woman's uterus. Even if we know about such a pregnancy, we would not be able to stop it. We would not know until reproductive cloning experiments lead to spontaneous miscarriages, still births, or severely deformed babies. If this sounds alarmist, consider the fact that Scottish scientists had more than 270 failed pregnancies before they produced the cloned sheep, Dolly.

Some maintain that even placing a short hold on human cloning will halt research necessary to help sick, diseased, and injured persons. These claims are not supported by the facts.

They also say that therapeutic cloning is necessary to develop medical treatments through embryonic stem cell research that will not be rejected by the body's auto-immune response system. But this is by no means certain.

I strongly support embryonic stem cell research. As both a supporter and a scientist, I can tell you that this field remains in its earliest stages of basic research. At a hearing on stem cell research this fall, Secretary Thompson noted that clinical applications are years away. It is simply not the case that a ban on human cloning, particularly the temporary moratorium we are discussing today, would in any way harm the progress of stem cell research.

Perhaps someday a credible case will be made on the need for ''cloned'' tissue. But that day, if it ever comes, will be far in the future.

The justifications to ban human cloning are strong. I have only touched on one of the reasons today, and we will have ample time in the coming months to further develop and explore these arguments, just as we will have ample time to see the clear difference between cloning and stem cell research and understand that promising stem cell research can, and will, go forward without human cloning.

But today's vote is even more simple than all of that. It is a vote to say ''slow down,'' and let us as a Senate have time to adequately investigate and debate this issue. It is a vote to ensure that the science does not race ahead without the input of the public interest. I urge my colleagues to support the moratorium on human cloning. The moratorium will give us breathing space to study a complex and profoundly important matter. Additional time gives us the best chance of doing the right thing. In the meantime, we must take all possible steps to do no harm.

Mr. BAUCUS. Mr. President, I rise today to discuss the Lott amendment to the railroad retirement bill. In addition to other provisions, this amendment would enact a moratorium on a scientific process which holds the potential to save millions of human lives. I cannot support such a provision.

The final chapter of the Lott amendment deals with an issue that cuts to the core of our moral and ethical beliefs: human cloning.

I share the deep concerns that my colleagues and millions of Americans have with the prospect of cloning human beings. These concerns were born in 1997, when scientists in Great Britain announced that they had successfully cloned a sheep. They were stoked again last week, when a biotechnology company in Massachusetts announced that it had taken the first steps towards producing human embryos through cloning.

Let me be perfectly clear on this issue. I am adamantly opposed to any scientific project aimed at creating a clone of a human being. The implications of human reproductive cloning are morally repugnant. I do not know of a single respected scientist, ethicist, or religious leader who disagrees with me on this point.

The Lott amendment would impose a 6-month moratorium on this type of reproductive cloning, and I am fully supportive of this effort.

Unfortunately, the Lott amendment would also place a moratorium on a scientific procedure called somatic cell nuclear transfer. This process is closely related to the subject of stem cell research, which we heard so much about this summer. As you know, stem calls have the unique potential to grow into any tissue or organ in the body. Because of this property, stem cells may finally offer scientists the tools they need to cure diseases that have plagued humankind for centuries.

I strongly support scientific research into stem cells. I was heartened this summer, when President Bush and a bipartisan group of senators joined me in this support.

But while stem cell research offers promising possibilities, it faces many obstacles. One of these obstacles is the problem of rejection. If the stem cells used to treat diseases contain genetic material that is different from the genetic material of the patient, they may be rejected by the patient's body—in much the same manner as organs that are transplanted from one human being to another are often rejected.

Somatic cell nuclear transfer is a technique that may allow scientists to bypass this obstacle. In this process, stem cells are created using genetic material from a patient's own body. Because these new stem cells are genetically identical to a patient's own body, they would not be rejected.

This technique promises to speed up research into the treatment of crippling diseases like juvenile diabetes, cancer, Alzheimer's and Parkinson's. I would venture to guess that all Americans have had friends or family who have struggled with these devastating diseases; and millions of Americans would benefit by medical research that might one day eradicate them.

But the Lott amendment would stop this research in its tracks. It would bring a halt to research aimed at promoting life and relieving unspeakable suffering. For this reason, I cannot support this legislation—no matter how well-intentioned it is.

A reasonable alternative to the Lott amendment would be to make the reproductive cloning of a human being a criminal offense, subject to severe penalties. Such a solution would prevent the cloning of human beings without standing in the way of promising research aimed at promoting human life.

ENERGY SECURITY

Mr. FEINGOLD. Mr. President, it is with extreme disappointment that I rise to oppose the amendment offered by the Republican leader on behalf of the junior Senator from Alaska Mr. MURKOWSKI, and the senior Senator from Kansas, Mr. BROWNBACK. I urge my colleagues to oppose this amendment.

I am particularly troubled that this amendment was filed as work continues to have a bill drafted by the majority leader and brought to the floor. Those who have said we need urgency in this matter have succeeded. We are working on a bill. But that is not fast enough for some, apparently, and this amendment seek to shortcut the process even further.

Energy security is an important issue for America, and one which my Wisconsin constituents take very seriously. A national debate is unfolding 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 that are raising concerns about this amendment. As other Senators have highlighted, the amendment of the Senator from Alaska's, Mr. MURKOWSKI, is not comprehensive energy legislation. It opens the refuge to oil drilling, subsidizes oil companies, and does little to address serious energy issues that have been raised in the last few weeks.

Though the Senator from Alaska will say that his amendment would only open up drilling on 2,000 acres of the refuge. That is simply not the case. 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 under this language.

The first lease sale, and, I stress for my colleagues that this refers only to the first sale, has to be at least 200,000 acres.

I am assuming that when the Senator means that only 2,000 acres will be drilled he is referring to the language in H.R. 4 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, Mr. President. It does not cover seismic or other exploration activities, which have had significant impacts 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 2,000 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, Mr. President, what would this mean? Two thousand acres, is a sizable development area. The development would be even more troubling if they were located in areas that are 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.

This amendment is controversial. Make no mistake, it will generate lengthy debate. I oppose it because it cuts short both the legitimate debate about drilling for oil in the Arctic Refuge that this country needs and the legitimate energy debate this country needs. Should this amendment be adopted, it would force the national energy legislation to be decided in the conference on pension bill—not in debate on an actual energy bill.

I have also heard concerns from the constituents in my State who have paid dearly for large and significant jumps in gasoline prices. Drilling in the refuge does nothing to address the immediate need of the Federal Government to respond to fluctuations in gas prices and help expand refining capacity. My constituents experienced prices of between $3 to as high as $8 per gallon between September 11 and 12, 2001. The Department of Energy immediately assured me that energy supplies were adequate following the terrorist attacks. These increases are now 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 jumped can be monitored and controlled.

And I, along with many other Senators, have constituents who are concerned about the environmental impacts of this amendment, and what it says about our stewardship of lands of wilderness quality.

I also oppose this amendment for what it lacks. In light of the tragic events of September 11, 2001, a key element of any new energy security policy should be to actually seek 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 power plant 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. Until we can assure them that this existing infrastructure is secure, it seems hasty to add additional structures that we may not be able to protect.

The people of my State, and the people of this country, heard the President's address to Congress and they are willing to help when asked. We also need to have a comprehensive bill to be sure that our national energy conservation plans contemplate such contingencies as a future domestic need to reduce consumption of energy to help support our Armed Forces, if necessary.

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, 2001, were unthinkable at that time. These are issues that the amendment of the Senator from Alaska doesn't address. But we are a changed country in response to these tragedies, and these are very real issues today, issues that must be addressed.

In addition, there have been other significant technological changes in the last few months which energy legislation should consider. On September 19, 2001, a model year 2002 General Motors Yukon which is able to run on either a blend of 85 percent ethanol and 15 percent conventional gasoline or conventional gasoline alone rolled off of the line in 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 which 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 to reducing dependence upon foreign oil by using domestic energy crops and biomass more wisely, and we should develop a bill to reflect our new technological capabilities.

According to the Congressional Research Service, today the only way to isolate the U.S. economy from supply disruptions abroad would be to forbid the exportation of domestic oil to foreign markets and to prohibit domestic oil companies from raising prices. Since net oil imports have accounted for about 50 percent of U.S. consumption in recent years, such a policy, were it to be implemented, would lead to shortages unless domestic oil prices were allowed to rise much higher than at present. This is because oil extraction in the United States on a large enough scale to meet our energy needs is much too costly to compete with foreign producers. For this reason, energy independence in the long run would likely result in a price that may be less volatile, but certainly a price that is even higher than prices at their recent peak.

Even if the United States could implement such a drastic policy, manipulations of oil prices by other oil producing nations could still affect the U.S. economy.

Finally, I oppose this amendment because there is a lingering veil of concern that special corporate interests would benefit over our citizens by this amendment, and I am prepared to speak on that issue at length. I find it particularly troubling that at a time when we face the need to provide financial assistance to workers and to sectors of our economy severely impacted by September 11 events, we would even consider subsidizing the big oil companies. This amendment allows oil companies access to federal resources within a federal wildlife refuge. My constituents paid the high gasoline costs on September 11 and 12, and oil companies profited. Before they get more help from the federal government, I think we should be mindful of the help these industries are already getting.

If the Senate chooses to adopt this amendment behind the veil of tragedy, it will be an act that increases division in the country when we most need unity. The Murkowski amendment should be opposed.

Mr. BIDEN. Mr. President, I rise today in opposition to the pending amendment and pledge my continued support for the protection of the Arctic National Wildlife Refuge from oil drilling. As most of my fellow Senators will attest, preserving the Alaska wilderness was one of the highest priorities of my friend and former colleague from Delaware, Bill Roth, and I was proud to join him in this fight.

Alaska's coastal plain is one of our Nation's last areas of unspoiled wilderness and it must be protected from oil development and all the activity that comes with it. This practically untouched region is home to a wide variety of wildlife, such as polar bears, caribou, and hundreds of species of birds, and there is great concern that development of the area will threaten this fragile habitat. I urge my colleagues to understand the consequences of permanently altering such pristine landscape when at this point in time, the amount of oil that would be economically developed is speculative at best. I do not believe that we should risk potentially irreversible impact on this rich environment for the sake of uncertain oil recovery.

The most recent petroleum assessment report, conducted by the United States Geological Survey in 1998, estimated that there was between 3 billion and 16 billion barrels of oil in the area. But while the numbers alone are promising, the issue is how much oil is economically recoverable. At a market price of $24 per barrel, the United States Geological Survey estimates a 95-percent chance that 2.0 billion barrels or more would be economically recoverable and a 5-percent chance that 9.4 billion barrels or more would be economically recoverable.

In addition, the best estimates are that if we authorized drilling today, oil from ANWR will not be available for at least 7 to 12 years. Leasing agreements, geologic characteristics and transportation constraints will most certainly affect development rates and production levels. Assuming the best case scenario—peak production of oil at an increased development rate—the most promising production rate is 750,000 barrels per day. To put this in perspective, the United States consumes about 19 million barrels of oil and refined petroleum products a day. In the first 9 months of 2001, the United States imported 1.77 million barrels of oil per day from Canada, 1.73 million barrels of oil per day from Saudi Arabia, 1.58 million barrels of oil per day from Venezuela and 1.37 million barrels a day from Mexico.

Despite the fact that I stand here today in opposition to drilling in ANWR, I do recognize the importance of our country moving forward with a thorough review of our energy policy and I look forward to our discussions in the early part of next year. Our energy policy should be comprehensive and balanced. In addition to examining our options for increasing production of fossil fuels and stabilizing our supplies, we need to explore viable conservation initiatives, make important investments into the research and development of renewable and alternative energy sources, and consider adapting our regulatory and tax structures to help achieve these goals. I know that we can modify our energy polices without undermining our longtime environmental objectives.

Ms. CANTWELL. Mr. President, I rise today to join my colleagues in opposition to the Murkowski-Lott-Brownback amendment, which would open up the Arctic National Wildlife Refuge—America's last untouched wildlife refuge—to oil development. It is both untimely to try to include such a controversial issue in an unrelated Railroad Retirement bill, and unwise to exploit this time of economic downturn and national security challenges to open up ANWR for the sake of narrow and divisive interests.

I believe there is no way to justify drilling in ANWR in the name of national security. Oil extracted from the refuge would not reach refineries for seven to ten years and would never satisfy more than two percent of our nation's oil demands at any one time. Therefore, it would have no discernible short- 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 increase our domestic reserves by only one third of one percent, which would not even make a significant dent on our imports, much less influence world prices set by OPEC.

Drilling in the Arctic National Wildlife Refuge would also set a terrible precedent. In the past 35 years, ever since Congress passed the National Wildlife Refuge System Administration Act, the government has not approved a single oil or gas exploration lease on public refuge lands. My concern is that opening up ANWR in the name of a misleading and irresponsible national security argument will not only degrade one of America's national treasures, but will also expose other priceless public lands to new drilling.

Mr. President, rather than drilling in ANWR, we must focus on crafting a deliberative, comprehensive policy that will permanently strengthen our national security. We need a bill that endows America with a strong and independent 21st century energy system by recognizing fuel diversity, energy efficiency, distributed generation, and environmentally sound domestic production as the permanent solutions to our nation's enduring energy needs. The energy provisions included in the Murkowski-Lott amendment fail to meet these goals and would instead prolong our antiquated over-reliance on traditional fossil fuels.

The Energy and Natural Resources Committee on which I serve held a series of hearings earlier this year that highlighted particularly promising ways we can accomplish these crucial goals. For example, these hearings revealed a broad consensus on the need to streamline regulatory approval of a privately funded 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 U.S. 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.

Adopting energy efficient technologies is another way to significantly advance our national and economic security. For example, are my colleagues aware that automakers commonly use low-friction tires on new cars to help them comply with fuel economy standards? Because there are no standards or efficiency labels for replacement tires, however, most consumers unwittingly purchase less efficient tires when their originals wear out, even though low-friction tires would only cost a few dollars more per tire and would save the average American driver $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 three percent, saving our nation over five billion barrels of oil over the next 50 years. That's the same amount the United States Geological Survey says could be economically recovered from ANWR.

I believe that the only way to permanently ensure our nation's security is to look beyond policies that continue our country's century-old reliance on the 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 if today a significant portion of American homes and businesses produced their own electricity from solar panels on their roofs, and powered their cars with home-grown biofuels. Our country would no longer be at the mercy of OPEC, energy bills would be dramatically lower, our air would be cleaner, and our energy system could not be devastated by terrorist attacks on centralized power plants or transmission lines.

Mr. President, the American people know this is the direction our country must take. Just last month a Gallup Poll showed that 91 percent of Americans believe we should invest in new sources of energy such as solar, wind, and fuel cells. Ninety-one percent. How often do we see such universal support in our politically diverse country?

Mr. President, only these policies—which will be well represented in the energy bill Senators DASCHLE and BINGAMAN will bring to the floor early next year—will make our energy system truly secure and independent. I recognize, along with probably all of my colleagues, that inexpensive, reliable energy sources are the lifeblood of our economy and higher standard of living. Because our national, economic, and environmental security depend on the United States becoming less dependent on imported fossil fuels, we must act to develop more diverse and environmentally responsible supplies of domestic energy. Neither drilling in ANWR nor the rest of Murkowski-Lott energy provisions go far enough to accomplish these goals, and I encourage my colleagues to vote against invoking cloture on this amendment.

RAILROAD RETIREMENT

Mr. KERRY. Mr. President, I am proud to come to the floor today as a cosponsor of S. 697, the Railroad Retirement and Survivors Improvement Act. Senator BAUCUS and Senator HATCH have worked hard on this bill with railroad management and labor and have created a final product of which they should be proud. This bill will fundamentally improve the economic situation for more than 400,000 American railroad employees and their survivors, while reducing the tax burden on rail employees and railroads.

After three long years of hard work, rail labor and management have come together to create a new system to provide for rail retirees and their survivors. The Senate should ratify this proposal by adopting the amendment today.

Let me recap quickly what this amendment does: Most importantly, we allow survivors of railroaders to receive 100 percent of the benefits earned by their spouse, or, in some cases, parent. In most cases, that means an immediate doubling of income for employees' survivors. We also reduce the time needed for a worker to become vested in the Railroad Retirement system from 10 years to five years. That's consistent with 401(k) plans and similar retirement packages in other industries. Finally, we lower the tax burden on railroads and employees, while increasing the return on funds invested in the system. That's good for workers, and it's good for business. When income tax is factored in, some of these railroad companies have a combined tax burden of 50 percent. That's unforgivably high for any company, especially for smaller railroads, such as short lines, which are already struggling with huge capital needs.

Unfortunately, some will allege that this legislation is only needed because the Railroad Retirement System needed an economic ''bailout,'' but that is a false claim. Tier One benefits are funded by the same mechanism that we use to fund Social Security, employers and employees each pay a 15.3 percent payroll tax into a trust fund which is used to pay current benefits. Since 1950, assets in the Tier One fund and Social Security Trust Fund have been moved to ensure that railroaders were not disadvantaged by changes in Social Security benefits and also to unify benefits for workers eligible for both Social Security and Railroad Retirement benefits. Unfortunately, between 1950 and 1974, more than $3.5 billion flowed out of the Railroad Retirement Trust fund and into the Social Security Trust Fund. That money was finally repaid last year, and I think it's important that everyone understands that this bill does not in any way change Tier One benefits, which Railroad Retirement's equivalent of Social Security.

When this bill is enacted, more than 400,000 former employees, spouses and children will see an increase in benefits. More than 500 companies will see their overwhelming payroll tax burden decrease. That is a good deal for everyone, and there's no reason not to move forward on this legislation today. I urge my colleagues to support cloture.

The PRESIDING OFFICER. The next 5 minutes is reserved for the Republican leader or his designee.

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

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. LOTT. Mr. President, parliamentary inquiry: I believe there are 5 minutes reserved for the Republican leadership and then there are 5 minutes reserved for Senator DASCHLE and the Democratic leadership, and then we will be ready for a vote; is that correct?

The PRESIDING OFFICER. The Republican leader was to have from 5:05 p.m. to 5:10 p.m. Roughly half of that has been used. Without objection——

Mr. LOTT. I am not asking for additional time. I am trying to clarify how much time I have and the approximate time we will have a vote. I presume we will try to vote by 5:15 p.m.; is that correct?

The PRESIDING OFFICER. That is correct. The Senator has 2 minutes 10 seconds.

Mr. LOTT. I will use a portion of the time I have reserved.

Mr. President, it is unfortunate we are on the underlying bill at this point, the railroad retirement bill. While obviously there can be some arguments made for it and with some amendments it probably could pass by an overwhelming vote because the concept does have a large number of supporters on both sides of the aisle, I wish the Finance Committee had been able to bring this up in regular order, have hearings, have a markup, and report a bill. I believe the problems with the bill could have been addressed. There have been other issues, obviously, that have distracted our attention this year, but I still regret it has come up in this particular way.

ENERGY POLICY

As to the pending issues, I believe there are fewer issues more important facing our Nation today than the fact we do not have a national energy policy. We need to do it now, not later this month, not next month, and not February or March. It needs to be done as soon as possible, and it needs to be broad based.

It needs to provide for additional production. It needs to provide for alternative fuels and conservation. We need incentives for more production. We need to look at the transmission systems. We need to look at nuclear power.

All of it should be done. For that reason, I offered this amendment to the substitute that would allow us to have a full debate and hopefully a direct vote on this issue of a national energy policy.

CLONING

In addition, of course, we have coupled with this amendment the 6-month moratorium on the issue of cloning. We have heard from Senator MURKOWSKI and Senator BROWNBACK about the importance of both of these issues. Whether one thinks we should have some sort of research in this area of cloning, there is no question there is a lot of uncertainty about what this really means and how it would affect this whole question of human cloning. So Senator BROWNBACK—responsibly, I believe, in view of recent developments—has proposed a 6-month moratorium to give us time to sort this out, to talk among ourselves, and to hear from experts, and in the meantime not to have this steady march toward this question of human cloning. That is why these two issues are before us.

I recommend and urge my colleagues to vote against cloture on the energy bill and the cloning issue because we should not cut off debate. We should have full debate. We should have amendments to these issues. I believe with proper debate and with some amendments being offered, we could come up with an energy bill that would pass this Senate overwhelmingly, probably nearly unanimously. Would it be exactly the way I would write it or any Senator on either side of the aisle would write it? Probably not. Would it be a major step forward? Yes, it would. Should we get a direct vote on the cloning issue? We should, in my opinion.

So I urge my colleagues to vote no on cloture, continue this debate, and then vote no on the substitute, because if my colleagues vote yes on the substitute, invoke cloture, then they wipe this issue off the table and they will not have an opportunity to have a full debate and direct votes on the amendments.

Regardless of what happens, at some point we are going to get to the underlying substance. The energy and cloning language does not replace the railroad bill. It is on top of that. We are going to get to the substance, and there are going to be substantial amendments that will be offered to correct some of the concerns or at least address some of the concerns in this legislation. With some participation on both sides, I believe we could reach an agreement to pass this bill, with the energy and cloning parts added, by the middle or the latter part of this week.

The other side of it is, these issues are not going to go away. These are very important issues. In the case of energy, national security is involved. The economy of our country is involved. Supply is involved for the energy needs and for the economy of our country. In the case of the cloning issue, this is certainly a very important, very emotional issue. Both issues need to be addressed, and they will be addressed repeatedly on other bills when the opportunity presents itself if we do not do it. Let us do it on this bill. I believe we could facilitate getting an early completion of these issues and complete our work for the year.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

STATE OF PLAY

Mr. DASCHLE. Mr. President, I have great respect for the Republican leader and appreciate very much his efforts at asserting his ability to bring his caucus's agenda to the Senate. When we were in the minority, we tried to do that on many occasions, and I certainly do not deny him the right to do it.

Let me make sure everybody understands the state of play. The current bill pending is the Railroad Retirement Act. Our Republican colleagues have filed an amendment that actually combines the comprehensive energy bill with the question about whether or not we ought to drill in ANWR with the question on whether or not we ought to allow cloning in this country.

I must say, in all my years, I do not recall a more unusual marriage of issues involving public policy than this one. What the Republicans are saying is not only should they have the right to offer this amendment but they want to extend debate on their own amendment.

They actually are now advocating we not vote for cloture, which is the Democratic position. We had expressed some concern about an amendment of this kind on this bill, and we will have an opportunity to vote on cloture on the bill as soon as we dispose of the cloture motion on this particular amendment. We may have a unanimous vote on this amendment on cloture, which is an extraordinary situation given the complexity of these issues and the unusual juxtaposition of the two issues together.

I am confident there will be those who are going to be confused with our colleagues' strategy, but certainly that is their choice.

Let me simply say three things: First, these are very important questions. Energy policy alone should dictate a debate in the Senate that would require days, if not longer, to ensure we carefully consider all of the ramifications of energy policy, additional production, additional efforts at conservation, additional ways in which to research alternative energy sources, our infrastructure, the environmental questions associated with where we draw our additional production. All of those questions will be addressed. Ought they be addressed as an amendment to the railroad retirement bill? Is this the best forum within which to address something as complex, controversial, and as far-reaching? I think even our Republican colleagues would have to say it is not.

The question of cloning may also fall into that category. As complex, as difficult, as extraordinarily sophisticated as this whole question of public policy is, is this the right place, an amendment to the Railroad Retirement Act, to take up the issue of cloning? I think not.

It is for that reason I have said this Senate will take up, consider carefully, and dedicate whatever time is required to both issues early next year. We are trying to address railroad retirement now. We have to address the farm bill soon. We have the Defense appropriations bill upcoming. We also have the economic stimulus plan in addition to terrorist insurance—all of those issues in what amounts to a few days remaining in this session of Congress.

Our colleagues have been demanding we take up energy, with all of its complexity, and cloning, with the controversies associated with that issue as well. That is virtually an impossibility unless we are in session between Christmas and New Year's, and I do not think anyone is serious about a schedule of that kind.

So I urge my colleagues to vote against cloture on this amendment, vote for cloture on the bill, so we can bring our debate on railroad retirement to closure. That is the way we can address these issues in a careful, constructive, and meaningful way.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I want to engage the two leaders in a brief colloquy.

I have requested an opportunity to bring the two leaders into a short colloquy relative to the urgency of trying to work out a schedule that is compatible with the business at hand of the Senate, and the interests, of course, of our President relative to some of the items he has decided are priorities, including energy and trade promotion, and recognizing the vote we have before us, which is a convoluted vote because we are basically taking up three issues: Cloning, as well as energy and, of course, railroad retirement.

What we had hoped to be able to negotiate was an up-or-down vote on an energy bill. As the leader knows, we had a good deal of debate within the committee prior to the change of majority. The House of Representatives passed H.R. 4. That is what is before us. The Senator from Alaska is now in the position of wanting to work with the majority leader in ensuring we can expedite the business of the Senate, and I do not initiate undue delays by objecting to unanimous consent agreements.

I ask the majority leader, while on the one hand he assures us he is willing to take up an energy bill as a priority sometime when we get back, to give us an indication that we will finish that bill, that we will not be in a situation where he will pull it down because of objection one way or another and we never get to an energy bill.

The rights I have as a Senator are obviously limited. It is not my intent to delay, but I must do whatever parliamentary opportunities I have to encourage this.

As the majority leader knows, in July we entered into a unanimous consent agreement. That was not granted for a time certain—when I say ''time certain,'' I mean a day certain—on the issue of Iraq and whether to terminate under the sanctions our sale of oil from Iraq. I understand the majority leader will respond to me soon. In view of the fact we have lost two American lives over there, with illegal smuggling of oil, this is a bit of a priority.

Can the two leaders perhaps get together and give some assurance we could take up an energy bill when we come back after the first of the year, and take it up in such a way to offer an opportunity for amendments, an up-or-down vote, and resolve it and move on to the other matters the majority leader believes are appropriate and necessary? From the view of broad interest, this matter should be resolved once and for all. Obviously, the House has done their job; the Senate has yet to do its job.

As the majority leader knows, the fact the authority has been taken away from the authorizing committee and left in the hands of the majority leader leaves us in a bit of a bind as far as having any input on whatever energy bill might come up. All I ask is the assurance to take up an energy bill and dispose of it in a reasonable timeframe.

Mr. DASCHLE. Mr. President, if I could respond, I know some of our colleagues are trying to catch airplanes. We need to get on with this vote.

I am very sympathetic to the Senator from Alaska. I have been in exactly his position three times now in the last month. I was in his position when we tried to address the unemployment compensation bill on the airline security legislation. I was in it when we tried to address the firefighters legislation as an amendment. I was in it for the last week as we have attempted to bring closure on an up-or-down vote on this bill, the Railroad Retirement Act. In all three cases, of course, the Senate has worked its will and Senators have used their prerogatives under Senate rules to extend debate. We have not had an up-or-down vote on my three priorities.

We all face these circumstances where as much as we would like to bring a particular bill or amendment to closure with an up-or-down vote, as I have attempted in the last month on those three issues, Senators have used their prerogatives as Senators under the rules to continue the debate. We will have to see how the energy debate plays itself out, especially with regard to ANWR.

I have already stated very emphatically my desire to bring up the energy bill prior to the Founders' Day recess, to have a good debate, to talk about all of the issues, including those which are controversial. It is my expectation we will do just that. We will have a good debate and have many votes on many of the issues that the Senator has so passionately addressed in the Senate Chamber.

I ask for regular order.

COMPREHENSIVE RETIREMENT SECURITY AND PENSION REFORM ACT OF 2001—Resumed

The PRESIDING OFFICER. Under the previous order, the clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 10) to provide for pension reform, and for other purposes.

Pending:

Daschle (for Hatch/Baucus) amendment No. 2170, in the nature of a substitute.

Lott/Murkowski/Brownback amendment No. 2171 (to amendment No. 2170), to enhance energy conservation, research and development, and to provide for security and diversity in the energy supply for the American people.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending Lott amendment:

Trent Lott, Frank H. Murkowski, R.F. Bennett, Phil Gramm, Sam Brownback, Don Nickles, Pat Roberts, Mike Crapo, Larry E. Craig, Jon Kyl, Chuck Grassley, Pete Domenici, Mitch McConnell, Judd Gregg, Conrad Burns, Craig Thomas.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the Lott amendment shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Iowa (Mr. HARKIN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Vermont (Mr. LEAHY), and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY), the Senator from Vermont (Mr. LEAHY), and the Senator from New Jersey (Mr. TORRICELLI) would each vote ''no.''

Mr. NICKLES. I announce that the Senator from Ohio (Mr. VOINOVICH) is necessarily absent.

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

The yeas and nays resulted—yeas 1, nays 94, as follows:

[Rollcall Vote No. 344 Leg.]

YEAS—1

Allen

NAYS—94

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

NOT VOTING—5

Harkin	Leahy	Voinovich
Kennedy	Torricelli	

The PRESIDING OFFICER. On this vote, the yeas are 1, the nays are 94. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Daschle for Hatch and Baucus substitute amendment No. 2170 for Calendar No. 69, H.R. 10, an act to provide for pension reform and for other purposes:

Paul Wellstone, Richard Durbin, Byron Dorgan, Harry Reid, Jon Corzine, Hillary Clinton, Blanche Lincoln, Jack Reed, Jean Carnahan, Mark Dayton, Carl Levin, Tim Johnson, Bill Nelson of Florida, Charles Schumer, Ron Wyden, Debbie Stabenow, Barbara Mikulski, Tom Daschle.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the Daschle for Hatch and Baucus substitute amendment No. 2170 to Calendar No. 69, H.R. 10, an act to provide for pension reform and for other purposes, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Iowa (Mr. HARKIN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Vermont (Mr. LEAHY), and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY), the Senator from Vermont (Mr. LEAHY), and the Senator from New Jersey (Mr. TORRICELLI) would each vote ''aye.''

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

The yeas and nays resulted—yeas 81, nays 15, as follows:

[Rollcall Vote No. 345 Leg.]

YEAS—81

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

NAYS—15

Allard	Gregg	Nickles
Bond	Helms	Smith (NH)
Burns	Kyl	Thomas
Frist	Lott	Thompson
Gramm	Murkowski	Thurmond

NOT VOTING—4

Harkin	Leahy
Kennedy	Torricelli

The PRESIDING OFFICER. On this vote, the yeas are 81, the nays are 15. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DASCHLE. Mr. President, in keeping with our understanding of our current parliamentary circumstances, I make a point of order that amendment No. 2171 is not germane.

The PRESIDING OFFICER. The point of order is sustained. The amendment falls.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period for morning business, with Senators allowed to speak therein for a period not to extend 10 minutes each.

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

Mr. REID. Mr. President, I ask unanimous consent that the time I have just consumed calling off the quorum call and proceeding to morning business be charged against the 30 hours postcloture.

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

The Senator from Rhode Island.

Mr. REED. Mr. President, I would like to be recognized to speak in morning business.

The PRESIDING OFFICER. The Senator may proceed for 10 minutes.

ELEMENTARY AND SECONDARY EDUCATION ACT

Mr. REED. Mr. President, I rise to discuss the current conference on the reauthorization of the Elementary and Secondary Education Act, known as the ESEA. In particular, I bring to the attention of my colleagues the fact that last Friday the conference rejected the Senate's unanimous support for full funding of the Individuals with Disabilities Education Act, IDEA. I am deeply disappointed the conference would reject this very important legislation that has received unanimous support in the Senate.

IDEA has been an extraordinarily important legislative vehicle for students with disabilities throughout this country. Only 15 percent of students with disabilities were receiving any serious education prior to the enactment of IDEA in the mid-seventies. Today a free, excellent public education is the rule of law for all children in America, including those with disabilities.

Today, IDEA serves approximately 6 million children, the majority of whom are taught in regular classrooms in their neighborhoods. They are with their classmates, and they are learning. They are making impressive progress. High school graduation rates for special needs students have also increased dramatically.

In an interesting study between those students who are beneficiaries of IDEA and older adults who did not have this opportunity although they did have disabilities, those younger students with IDEA are in the workforce at a much higher rate. This is not simply a good thing to do in an altruistic sense, it is an important thing to do for our economy, for our workforce.

We have made progress with IDEA. We have increased the number of students who are covered. We have made it a standard that all students, particularly those with disabilities, would have access to classrooms, but we have not lived up to the real promise we made back in the mid-seventies, and that is that we would, in fact, pay 40 percent of the cost of this education for children with disabilities.

Sadly, the Federal share is about 15 percent, leaving it up to the States to make up the difference. As we all know, this has been a constant source of contention between the States and the Federal Government. It is something we have the opportunity to correct in this conference, an opportunity we have not as yet seen, but it is an opportunity I hope in the days ahead we will be able to realize as we return to the conference and, once again, press for full funding of IDEA.

We have been in this body and the other body over the last several years constantly talking about the importance of IDEA, strongly suggesting our unwavering support for IDEA. But those were easy votes because they were simply about the concept.

The hard vote took place last Friday in the conference where we were actually going to put dollars to our words, to match our rhetoric with real resources. Unfortunately, on that real vote, the conference failed.

We have an opportunity to build on what we did in the Senate several months ago. Senator HAGEL and Senator HARKIN offered an amendment that would fully fund IDEA and make it mandatory spending. The amendment would increase in yearly increments of $2.5 billion until the full 40 percent Federal share is realized by the year 2007.

In the process of making IDEA funding mandatory, it would free up anywhere between $28 billion and $52 billion in funds for discretionary educational programs that the Federal Government supports.

This would be a win-win situation, clearly signaling to the States that they can depend upon a robust stream of IDEA funding and at the same time give us the opportunity to support other worthy Federal educational programs such as title I, such as professional development—all those programs that are so important.

The President has rightly made education an important priority in his administration, and he has taken a very aggressive view toward tough accountability standards for testing, but the reality is, without resources, we cannot fully realize the potential of American students. We can test and test and test, but we do not have the resources for professional development, for smaller class size, for better libraries, for a host of programs.

The testing will show us what we know already: There are students who, because of social circumstances, because of income circumstances, because of lack of resources in the schools, are falling behind. We know we can simply divide districts based upon their income, the affluent versus the poorest, and we will see a startling difference in performance of those children. We want to do better. We want to have tough accountability, but without resources we are not going to get the results.

That, again, is why I am so disappointed we did not follow up with the wisdom of the Harkin-Hagel amendment and in the conference adopt the Senate position: full funding of IDEA, mandatory funding of IDEA. That could be the most fundamental education reform we could ever accomplish this year. Again, we missed the opportunity last Friday, but I hope before this conference concludes we will have another chance to revisit this issue and to seize this opportunity and fully fund IDEA.

Just ask every Governor, every legislative leader, superintendents, principals; they will all say the same thing: The biggest thing we can do to help them provide good education for all students is to fully fund IDEA. That is what I hear when I go back to Rhode Island. I do not hear about more testing. I hear something about libraries and professional development, but what I hear consistently and constantly is: Please, fully fund the IDEA program; please. We are rejecting the pleas of those people who are in the front ranks of education, those people who have the most significant responsibility for education.

Again, I think it is a mistake and a missed opportunity. This issue becomes very real in the lives of the children and the families who deal with issues of disability, and the parents who have to deal with this issue. It is not an academic one. It is not a budgetary issue. It is not an issue that is hypothetical we could debate. It is personal because every parent wants the best for their child. Some parents have to fight constantly to get what is owed their child through the special education program.

In Rhode Island, I constantly meet parents and they contact me. One family, the Gulianos from East Greenwich, RI, wrote to me and told me about their struggle, which is typical of families across this country. From their letter:

> Time and time again, we have heard from very well meaning people that there is just not enough personnel or hours available to provide these kinds of services. We are told that they just don't have the funding. Funding that should have come from the legislation that entitles Jamie to receive appropriate educational services in the first place—IDEA.

This school system, one of the best school systems in my State, is not a school system that would do badly on examinations. This is not a school system that lacks professional development or adequate class size or good facilities, but when it comes to IDEA even this district, this affluent community, lacks the resources to fully serve all the children it needs to serve, and this district is a home to families who are themselves typically college educated and very well off, and they can

advocate for their child. But go into a center city where families under more economic stress and sometimes families are with one adult and several children. For these families it is virtually impossible to advocate successfully for the programs as they do in some of the more affluent suburbs. There the crisis is even more severe, the stress of funding more severe. We can alleviate some of those problems and that stress if we go ahead and make IDEA mandatory and free up not only funds for IDEA but also for other educational programs.

I hear the same thing from school principals who say if they get more IDEA funding, they can have additional teachers, enhanced technology, all those things that we say are important to the educational process. Throughout my State, superintendents and principals have consistently and constantly come forward to say, give us more resources for IDEA.

I believe strongly and emphatically this is something we have to do. It is not an option. We cannot put it off until next year or the following year. If we truly want to make an impact on education in the United States today, fund IDEA, provide strict accountability, provide resources for other programs such as professional development and libraries, and we will have educational progress. If we do not do that, then I think all the testing and all the accountability and all the evaluation will simply tell us what we know already: Some students are failing; other students are doing exceptionally well.

The other problem we face is the reality that our brave words about IDEA, and our brave words and authorization about what we want to do with respect to funding education, will shortly collide with reality. Last week, OMB Director Daniels announced we have locked ourselves into several years of deficits, and in those deficits I do not think we are going to see the commitment in dollars to education we are hearing today in rhetoric. That is another very important reason why today we should make IDEA funding mandatory, and I hope we do.

In my State of Rhode Island, our board of regents for elementary and secondary education has asked for a 4.4-percent increase. Frankly, the Governor is resisting because he has ordered every other department in the State to cut spending 6 percent. That is the reality of the States. If we want educational reform, if we want to assist and support every educational organization in the States, then we have to put real resources into the mix of educational reform.

I argue again that our task in the next several days as we conclude this conference should be to, once again, bring to the conference the issue of IDEA, bring forth the Harkin-Hagel amendment, mandatory funding, a full Federal share by 2007. If we do that, we will have educational reform that works, that is robust, that is well funded, and that will make a huge difference in the lives of every student in America, particularly in the lives of those students with disabilities.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

THE CONFERENCE REPORT TO H.R. 2299, THE DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT FOR FISCAL YEAR 2002

Mr. CONRAD. Mr. President, I rise to offer for the RECORD the Budget Committee's official scoring for the conference report to H.R. 2299, the Department of Transportation and Related Agencies Appropriations Act for Fiscal Year 2002.

The conference report provides $15.3 billion in discretionary budget authority, including $440 million for defense spending. That budget authority, when coupled with the report's new limitations on obligational authorities, will result in new outlays in 2002 of $20.076 billion. When outlays from prior-year budget authority and obligation limitations are taken into account, discretionary outlays for the conference report total $52.744 billion in 2002. Of that total, $28.489 billion in outlays counts against the allocation for highway spending and $5.275 billion counts against the allocation for mass transit spending. The remaining $18.980 billion in outlays, including those for defense spending, counts against the allocation for general purpose spending.

By comparison, the Senate-passed version of the bill provided $15.575 billion in discretionary budget authority, which, when combined with the bill's obligation limitations, would have resulted in $52.925 billion in total outlays, or $181 million more than the conference report. H.R. 2299 is within the subcommittee's Section 302(b) allocations for budget authority and outlays for general purpose, defense, highways, and mass transit spending. It does not include any emergency designations.

I would like to commend Chairwoman MURRAY and Senator SHELBY for their bipartisan efforts in completing this important legislation. I ask unanimous consent that a table displaying the budget committee scoring of the conference report to H.R. 2299 be printed in the RECORD.

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

H.R. 2299, CONFERENCE REPORT TO THE DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2002, SPENDING COMPARISONS—CONFERENCE REPORT

[(In millions of dollars]

	General purpose	Defense [1]	Highway	Mass Transit [2]	Mandatory	Total
Conference report:						
Budget Authority	14,860	440	0	0	−915	14,385
Outlays	18,568	412	28,489	5,275	801	53,545
Senate 302(b) allocation: [3]						
Budget Authority	14,884	695	0	0	−915	14,664
Outlays	19,164	0	28,489	5,275	801	53,729
President's request:						
Budget Authority	14,552	340	0	0	−915	13,977
Outlays	18,543	332	28,489	5,275	801	53,440
House passed:						
Budget authority	14,552	340	0	0	−915	13,977
Outlays	18,500	332	28,489	5,275	801	53,397
Senate-passed:						
Budget Authority	14,880	695	0	0	−915	14,660
Outlays	18,545	616	28,489	5,275	801	53,726
CONFERENCE REPORT COMPARED TO:						
Senate 302(b) allocation: [3]						
Budget Authority	−24	−255	0	0	0	−279
Outlays	−184	0	0	0	0	−184
President's request:						
Budget Authority	308	100	0	0	0	408
Outlays	25	80	0	0	0	105
House-passed:						
Budget Authority	308	100	0	0	0	408
Outlays	68	80	0	0	0	148
Senate-passed:						
Budget Authority	−20	−255	0	0	0	−275
Outlays	23	−204	0	0	0	−181

[1] The 2002 budget resolution includes a contingent ''firewall'' in the Senate between defense and nondefense spending. Because the contingent firewall is for budget authority only, the appropriations committee did not provide a separate allocation for defense outlays. This table combines defense and nondefense outlays together as ''general purpose'' for purposes of comparing the conference report outlays with the Senate subcommittee's allocation.

[2] Mass transit budget authority is not counted against the appropriations committee's allocation and is therefore excluded from the above numbers.

[3] For enforcement purposes, the budget committee compares the conference report to the Senate 302(b) allocation.

Notes.—Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

NORTH KOREA AND EGYPT

Mr. MCCONNELL. Mr. President, let me begin my remarks on North Korea and Egypt with an expression of sympathy and solidarity with the people of Israel following the weekend's brutal violence that killed and injured scores of innocent civilians. My thoughts and prayers are with the victims and their families.

The fanatical suicide bombings by Palestinian extremists must end today. PLO Chairman Yasser Arafat must immediately and unequivocally prove that he embraces peace with Israel, and he can do this by taking concrete action against those responsible for organizing and committing these heinous attacks. Israel has already appropriately responded to the Palestinian terrorism, and I do not doubt that further retaliation is possible.

North Korea today is a failed state. Its centrally planned economy is in shambles, and the people of North Korea are, at best, oppressed and, at worst, starving and dying. Borrowing a page from Mao Zedong and Pol Pot, North Korean leader Kim Jong-Il recently launched a new revolutionary movement to build ''a people's paradise on this land at an early date.'' I would remind my colleagues that in the jargon of dictators, ''paradise'' is synonymous with ''purgatory.''

While the North Korean leadership poses a clear and present danger to the welfare of its own people, state sponsorship of international terrorism and news reports of North Korean missile sales to Egypt present wider challenges to democracies around the world, from Japan to Israel.

I have stood on the Senate floor several times this year to express my concern with reports of Egyptian insistence on buying North Korean missiles and weapons technology. Last week, this issue surfaced once again at the State Department's daily press briefing. When asked whether the Department has concluded that a missile deal between Pyongyang and Cairo has not occurred, Spokesman Richard Boucher stated ''No, I wouldn't go that far.''

This should give pause to all of us who follow events in the Middle East closely. According to a November 16 article in the Washington Post, Egyptian President Hosni Mubarak publicly warned of an arms race between Israel and its Arab neighbors. The danger posed by North Korean weapons sales to the region is double-edged: hostile arsenals are bolstered while Pyongyang receives much-needed infusions of cash. Deny both, and stability is strengthened in Asia and the Middle East.

Egypt must immediately and honestly answer whether the purchase of Nodong missiles, that have a range of 1,000 kilometers, is the beginning of that arms race. If this is the case, America has no choice but to review new foreign military sales to Egypt. I know some of my colleagues will disagree with me on this issue, but, to paraphrase that old car repair commercial, we can pay for our inaction now, or we can really pay for it later.

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 this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred January 9, 1993 in Laguna Beach, CA. A gay Vietnamese man was assaulted behind a string of beachside gay bars. Jeff Michael Raines, 18, and Christopher Michael Cribbins, 22, both of San Clemente, and a 16-year-old from San Juan Capistrano were arrested in connection with the incident.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

THE GREATEST GENERATION

Mrs. HUTCHISON. Mr. President, I rise today to honor members of ''the greatest generation''—those men and women who were at Pearl Harbor on the infamous day of December 7, 1941. Those who followed coined this nickname we all widely recognize, for the men and women who fought in the Second World War did not think they were committing acts of heroism, they only believed they were doing what was right by serving our Nation.

The generation of men and women, who survived the Second World War, epitomize the characteristics we all, as Americans, hold in such high esteem. As children of the Depression, these men and women grew up knowing the meaning of sacrifice. And during the war, they readily went without luxuries, ready to give up whatever it took to help in the war effort. These men and women are also some of the bravest that our Nation has ever seen. For they gave more than just material goods to the war effort: they offered their husbands, their sons, their brothers, their fathers, and themselves. Without hesitation they enlisted to help our Nation fight the good fight, to rid the world from cruel and aggressive tyrants, and to secure the freedom and liberty on which our Nation was founded.

It was 60 years ago that these men and women unselfishly risked their lives to begin the defense of our country and to fight for freedom in the world. The terrorist attacks of September 11, 2001 gave Americans a glimpse into the tragedy that the men and women of Pearl Harbor survived. Now, more than ever, our entire country appreciates the heroism and leadership embodied by the men and women who served in the Pacific. The courage they displayed is now a more tangible concept for us all, as we can now more fully realize the rarity of their instinct to charge forward and fight in the face of danger. We can only believe that the actions displayed by these members of ''the greatest generation'' laid the foundation for the heroism and leadership we are seeing in the aftermath of the September 11 attacks.

An important part of honoring the men and women of Pearl Harbor is preserving the stories of their experiences. We must record the experiences of those who survived the attack as well as preserve the stories of those 2,403 men and women who did not live to tell of their encounters on December 7, 1941. I commend the National Museum of the Pacific War in Fredericksburg, TX, for its continuing devotion to educating current and future generations of Americans on the grim realities of war. It is the only museum in the world dedicated to telling the entire story of the conflict in the Pacific during World War II. Not only does this museum tell the complete story, it also provides a thorough understanding of the causes, sacrifices, and resolutions of World War II in the Pacific. The men and women of this museum continue to keep the story of the attack on Pearl Harbor alive. It is truly a National treasure with an outstanding collection of artifacts from the Pacific War.

While there are many ceremonies and events to commemorate this 60th anniversary of the attack on Pearl Harbor, this one, in Fredericksburg, TX, stands out for several reasons. To begin, this commemoration ceremony is one of only two National events being staged by the Pearl Harbor Survivors Association. And of the two, it is the only one open to the public to join in the observance of this milestone anniversary. This ceremony is particularly special because of the guests in attendance. The museum will host more than 300 survivors of the Pearl Harbor attack, and their families, who have traveled from their homes throughout the United States to be here today. The location of this ceremony is also of important note: Fredericksburg, TX, is the birthplace of Admiral Chester W. Nimitz, who was Commander-in-Chief Pacific during World War II. The location of the National Museum of the Pacific War, previously known as the Admiral Nimitz Museum, was chosen to pay tribute to this great man.

Texas is honored to have as the keynote speaker former President George Bush. As the youngest pilot to fly in the Navy during World War II, Lieutenant Junior Grade George Bush flew TBM Avengers in combat off the aircraft carrier U.S.S. *San Jacinto*.

Sunday, December 7, 1941 will forever live as an infamous day in our Nation's history. But the response of the men and women we will honor on December 7, 2001 to the surprise attack will also forever be ingrained in the memory of America. Their bravery and heroism in the face of mortal danger, and their continuous determination to fight for the existence of freedom in the world shaped our Nation and, indeed, the world. To the men and women of Pearl Harbor we can only say thank you. Thank you for preserving the tenants on which this country was founded, thank you for risking your lives so that those who lived after you could enjoy the same freedom and democracy that you knew, and thank you for being at this commemorative ceremony so that we may show you our appreciation and admiration.

ADDITIONAL STATEMENTS

WHITE KNOLL STUDENTS BUY NEW YORK CITY A NEW FIRE TRUCK

• Mr. HOLLINGS. Mr. President, I rise today to recognize White Knoll Middle School in Lexington, South Carolina for their wonderful donation of a fire truck for the New York City Fire Department.

You might ask why, Mr. President, would Lexington, South Carolina be interested in purchasing a fire truck for New York City. In 1867, after fire from the Civil War devastated our state capital of Columbia located just across the county line from Lexington, a group of New York City firefighters raised money to buy Columbia a new fire truck, known then as a hose reel wagon. Because the hose reel wagon was so much more effective in putting out fires than the bucket brigade, Columbia officials pledged to return the favor some day.

With the devastation in New York City and the loss of dozens of rescue vehicles in the September 11th attacks, the students of White Knoll learned of the all but forgotten pledge and decided to take matters into their own hands. They started raising money by selling patriotic buttons, T-shirts, and baked goods. They also solicited help from area businesses. The students' goal of $354,000 was the minimum needed to purchase a new fire truck without any additional equipment.

Four students were selected to take the two day trip to New York City to award Mayor Rudolph Giuliani with an oversized check with the amount of $354,411. Thomas Dunn, Maurice Hallman, Staci Smith, and Leigh Tyson also rode in the Macy's Thanksgiving Day Parade with Mayor Giuliani and Yankees manager Joe Torre.

South Carolina and New York have been reunited by generosity in the midst of tragedy. I commend all the students at White Knoll Middle School for their inspiring community service and hard work.•

HONORING WILMINGTON ROTARY FOR PEACE CENTER INITIATIVE

• Mr. BIDEN. Mr. President, it is with tremendous pride that I rise today to salute the Rotary Club of Wilmington, DE, for its leadership in the worldwide initiative of Rotary International to establish eight Centers for International Studies in Peace and Conflict Resolution.

Recently, the Chairman of the International Rotary Foundation, Luis Giay, visited Delaware and presented an award to the Wilmington Rotary Club for being among the very first Rotary Clubs in the world to raise, sua sponte, $50,000 for the International Studies in Peace and Conflict Resolution project. The funds will be used to pay the two-year tuition costs for a graduate student to attend one of the newly-formed Rotary Peace Centers.

In this time of war and strife, my colleagues might find it interesting to learn more about these new Centers. The goals of the Rotary Peace Centers are: Mediation, Conflict Resolution, and Peace where there is war; understanding where there is disharmony; food security where there is hunger; health Care where there is disease; education where there is illiteracy; conservation where there is environmental degradation; sustainable Economic Development where there is poverty.

As Rotary's major educational priority in the 21st Century, the Rotary Centers for International Studies will provide opportunities for our next generation of leaders and scholars to focus on dealing effectively with obstacles to international cooperation and peace.

Educating such promising future leaders will help Rotary fulfill its longstanding mission to promote global peace and understanding.

The Rotary Centers have partnered with some of the leading universities in the world. The eight Rotary Peace Centers are located at: Duke University and the University of North Carolina, Chapel Hill in North Carolina; the University of California-Berkeley in California; Sciences Po in Paris, France; the University of Bradford in West Yorkshire, England; the University of Queensland in Brisbane, Queensland, Australia; the International Christian University in Tokyo, Japan; and, Universidad del Salvador in Buenos Aires, Argentina.

Like most big ideas, the fundraising initiative grew from a seed, in this case a seed planted by a small group of Wilmington Rotarians. Past Presidents Joe Melloy and Bruce Beardwood knew that with the Wilmington Rotary Club's 86-year history of service that its members would want to be pioneers in the Rotary Peace Center project. Wilmington Rotarians then set out to meet the $50,000 goal. They held a very successful silent auction to raise nearly half of the money. Generous, individual contributions put them over the top.

Even more impressive, the Wilmington Rotary Club then challenged the other 43 Clubs and 2,000 Rotarians in the Rotary District that encompasses Delaware and the Eastern Shore of Maryland to raise money for the Rotary Centers for International Studies. I am proud to say, challenge issued, challenge met.

I think it is appropriate and important to publicly recognize the efforts of the Rotary Club of Wilmington to do its part to help make our world a better, safer place to live. Not only is the Wilmington Rotary Delaware's oldest and largest Rotary Club with about 250 members, it continues to be among the leading Rotary Clubs in the United States. Its leadership as a pioneer Club for the Rotary Centers for Peace and International Studies is a great example of the Rotary tradition of service and of the part each one of us can play in advancing the goal of world peace.

To the members of the Rotary Club of Wilmington, congratulations and thank you.•

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar.

H.R. 3210. An act to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism.

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.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–4784. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Changes to Definition of Major Source'' (FRL7107–4) received on November 20, 2001; to the Committee on Environment and Public Works.

EC–4785. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Pollutant Discharge Elimination System—Regulations Addressing Cooling Water Intake Structures for New Facilities'' (FRL7105–4) received on November 20, 2001; to the Committee on Environment and Public Works.

EC–4786. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''New York: Final Authorization of

State Hazardous Waste Management Program Revision'' (FRL7101–9) received on November 20, 2001; to the Committee on Environment and Public Works.

EC–4787. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Montana Transportation Conformity; Correction'' (FRL7102A–5) received on November 20, 2001; to the Committee on Environment and Public Works.

EC–4788. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Utah: Final Authorization of State-Initiated Changes and Incorporation by Reference of State Hazardous Waste Management Program'' (FRL7092–1) received on November 20, 2001; to the Committee on Environment and Public Works.

EC–4789. A communication from the Acting Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Final Rule to Designate Critical Habitat for the Oahu Elepaio'' (RIN1018–AG99) received on November 27, 2001; to the Committee on Environment and Public Works.

EC–4790. A communication from the Acting Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Final Rule to List the Vermillion Darter as Endangered'' (RIN1018–AE51) received on November 26, 2001; to the Committee on Environment and Public Works.

EC–4791. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled ''Issuance of Revised Model Administrative Order on Consent for Removal Action'' received on November 27, 2001; to the Committee on Environment and Public Works.

EC–4792. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled ''Special Accounts: Guidance on Key Decision Points in Using Special Account Funds'' received on November 27, 2001; to the Committee on Environment and Public Works.

EC–4793. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled ''Clean Air Act Full Approval of Operating Permit Program; District of Columbia; Withdrawal of Direct Final Rule'' (FRL7107–2) received on November 27, 2001; to the Committee on Environment and Public Works.

EC–4794. A communication from the Acting Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Emergency Rule to List the Carson Wandering Skipper as Endangered'' (RIN1018–AI18) received on November 27, 2001; to the Committee on Environment and Public Works.

EC–4795. A communication from the Acting Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Emergency Rule and Proposed Rule to List the Columbia Basin Pygmy Rabbit as Endangered'' (RIN1080–AG17) received on November 27, 2001; to the Committee on Environment and Public Works.

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. GRAHAM (for himself and Mrs. LINCOLN):

S. 1755. A bill to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services and Foreign Service, and other employees, in determining the exclusion of gain from the sale of a principle residence; to the Committee on Finance.

By Mr. JEFFORDS:

S. 1756. A bill to amend title XVIII to establish a comprehensive centers for medical excellence demonstration program; to the Committee on Finance.

By Mr. CRAIG:

S. 1757. A bill to authorize an additional permanent judgeship in the district of Idaho, and for other purposes; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself, Mr. KENNEDY, Mrs. BOXER, Mr. MILLER, Mr. CORZINE, Mr. DURBIN, and Mrs. CLINTON):

S. 1758. A bill to prohibit human cloning while preserving important areas of medical research, including stem cell research; to the Committee on the Judiciary.

By Mr. KERRY:

S. 1759. A bill to provide a short-term enhanced safety net for Americans losing their jobs and to provide our Nation's economy with a necessary boost; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 267

At the request of Mr. AKAKA, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 267, a bill to amend the Packers and Stockyards Act of 1921, to make it unlawful for any stockyard owner, market agency, or dealer to transfer or market nonambulatory livestock, and for other purposes.

S. 612

At the request of Mr. FEINGOLD, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 612, a bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to develop and implement an annual plan for outreach regarding veterans benefits, and for other purposes.

S. 673

At the request of Mr. HAGEL, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 673, a bill to establish within the executive branch of the Government an interagency committee to review and coordinate United States nonproliferation efforts in the independent states of the former Soviet Union.

S. 804

At the request of Mrs. FEINSTEIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 804, a bill to amend title 49, United States Code, to require phased increases in the fuel efficiency standards applicable to light trucks; to required fuel economy standards for automobiles up to 10,000 pounds gross vehicle weight; to raise the fuel economy of the Federal fleet of vehicles, and for other purposes.

S. 839

At the request of Mrs. HUTCHISON, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 839, a bill to amend title XVIII of the Social Security Act to increase the amount of payment for inpatient hospital services under the medicare program and to freeze the reduction in payments to hospitals for indirect costs of medical education.

S. 926

At the request of Mr. HARKIN, the names of the Senator from New Hampshire (Mr. SMITH), the Senator from Virginia (Mr. ALLEN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Michigan (Mr. LEVIN), and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 926, a bill to prohibit the importation of any article that is produced, manufactured, or grown in Burma.

S. 1140

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

S. 1209

At the request of Mr. BINGAMAN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1209, a bill to amend the Trade Act of 1974 to consolidate and improve the trade adjustment assistance programs, to provide community-based economic development assistance for trade-affected communities, and for other purposes.

S. 1258

At the request of Mr. DEWINE, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1258, a bill to improve academic and social outcomes for teenage youth.

S. 1482

At the request of Mr. HARKIN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1482, a bill to consolidate and revise the authority of the Secretary of Agriculture relating to protection of animal health.

S. 1499

At the request of Mr. KERRY, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1499, a bill to provide assistance to small business concerns adversely impacted by the terrorist attacks perpetrated against the United States on September 11, 2001, and for other purposes.

S. 1500

At the request of Mr. SMITH of New Hampshire, his name was added as a cosponsor of S. 1500, a bill to amend the

Internal Revenue Code of 1986 to provide tax and other incentives to maintain a vibrant travel and tourism industry, to keep working people working, and to stimulate economic growth, and for other purposes.

S. 1572

At the request of Mr. SANTORUM, his name was added as a cosponsor of S. 1572, a bill to endorse the vision of further enlargement of the NATO Alliance articulated by President George W. Bush on June 15, 2001, and by former President William J. Clinton on October 22, 1996, and for other purposes.

S. 1578

At the request of Mr. DORGAN, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Louisiana (Mr. BREAUX) were added as cosponsors of S. 1578, a bill to preserve the continued viability of the United States travel industry.

S. 1617

At the request of Mrs. CLINTON, her name was added as a cosponsor of S. 1617, a bill to amend the Workforce Investment Act of 1998 to increase the hiring of firefighters, and for other purposes.

S. 1655

At the request of Mr. BIDEN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1655, a bill to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals.

S. 1678

At the request of Mr. MCCAIN, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1678, a bill to amend the Internal Revenue Code of 1986 to provide that a member of the uniformed services or the Foreign Service shall be treated as using a principal residence while away from home on qualified official extended duty in determining the exclusion of gain from the sale of such residence.

S. 1680

At the request of Mr. WELLSTONE, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from New Hampshire (Mr. GREGG) were added as cosponsors of S. 1680, a bill to amend the Soldiers' and Sailors' Civil Relief Act of 1940 to provide that duty of the National Guard mobilized by a State in support of Operation Enduring Freedom or otherwise at the request of the President shall qualify as military service under that Act.

S. 1707

At the request of Mr. SMITH of New Hampshire, his name was added as a cosponsor of S. 1707, a bill to amend title XVIII of the Social Security Act to specify the update for payments under the medicare physician fee schedule for 2002 and to direct the Medicare Payment Advisory Commission to conduct a study on replacing the use of the sustainable growth rate as a factor in determining such update in subsequent years.

At the request of Mr. JEFFORDS, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from Ohio (Mr. VOINOVICH), and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. 1707, supra.

S. 1717

At the request of Mr. DOMENICI, the names of the Senator from New Jersey (Mr. CORZINE) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 1717, a bill to provide for a payroll tax holiday.

S. 1745

At the request of Mrs. LINCOLN, the names of the Senator from Minnesota (Mr. WELLSTONE) and the Senator from Georgia (Mr. MILLER) were added as cosponsors of S. 1745, a bill to delay until at least January 1, 2003, any changes in medicaid regulations that modify the medicaid upper payment limit for non-State Government-owned or operated hospitals.

S. RES. 109

At the request of Mr. REID, the names of the Senator from Virginia (Mr. ALLEN), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Oklahoma (Mr. INHOFE), the Senator from South Dakota (Mr. JOHNSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Michigan (Mr. LEVIN), the Senator from New Jersey (Mr. TORRICELLI), and the Senator from Ohio (Mr. VOINOVICH) were added as cosponsors of S .Res. 109, a resolution designating the second Sunday in the month of December as ''National Children's Memorial Day'' and the last Friday in the month of April as ''Children's Memorial Flag Day.''

S. RES. 185

At the request of Mr. ALLEN, the name of the Senator from New Hampshire (Mr. SMITH) 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.

AMENDMENT NO. 2157

At the request of Mr. MCCAIN, the names of the Senator from Nebraska (Mr. NELSON) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of amendment No. 2157 intended to be proposed to H.R. 3090, a bill to provide tax incentives for economic recovery.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRAHAM (for himself and Mrs. LINCOLN):

S. 1755. A bill to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services and Foreign Service, and other employees, in determining the exclusion of gain from the sale of a principal residence; to the Committee on Finance.

Mr. GRAHAM. Mr. President, I along with Senator LINCOLN am proud to sponsor this bill to allow members of the military service, Foreign Service, and employees serving on assignment abroad to qualify for the same tax relief on the profit generated when they sell their main residence as other Americans. This bill does not create a new tax benefit, it merely modifies current law to exclude the time living abroad when calculating the number of years the homeowner has lived in their primary residence. This bill will treat members of the military, foreign service officers and civilians living abroad fairly, by treating them like all other Americans.

The Taxpayer Relief Act of 1997 gives taxpayers who sell their principal residence a much-needed tax break. Prior to the 1997 act, taxpayers received a one-time exclusion on the profit they made when they sold their principal residence, but the taxpayer had to be at least 55 years old and live in the residence for two of the five years preceding the sale. This provision primarily benefited older Americans, while not providing any relief to younger taxpayers and their families.

The 1997 act corrected this flaw. Now, a taxpayer who sells his or her principal residence is not taxed on the first $250,000 of profit from the sale. Joint files are not taxed on the first $500,000 of profit they make from selling their principal residence. The taxpayer must meet two requirements to qualify for this tax relief: One, they must own the home for at least two of the five years preceding the sale; and two, they must live in the home as their main home for at least two of the last five years.

Unfortunately, the second part of this eligibility text unintentionally and unfairly prohibits men and women in the Armed Forces, Foreign Service, and U.S. employees working abroad from qualifying for this beneficial tax relief. This was not the intent of the 1997 Taxpayer Relief Act of 1997.

This bill remedies the inequality in the 1997 law. The bill amends the Internal Revenue Code so that military members, Foreign Service members, and U.S. employees working abroad are not penalized by suspending the five-year determination period. The member is still required to own and live in the home for at least two years. This change was previously passed by Congress as part of the 1999 Taxpayer Relief and Refund Act, which was vetoed by President Clinton for unrelated reasons.

The 1997 home sale provision unintentionally discourages home ownership for U.S. members serving abroad which is bad fiscal policy. Home ownership has numerous benefits for communities and individual homeowners. Owning a home provides Americans with a sense of community and adds stability to our nation's neighborhoods. Home ownership also generated valuable property taxes for our nation's communities.

We cannot afford to discourage U.S. citizens from working and living abroad by penalizing them with higher taxes merely because they are doing

their job. Enacting this remedy will grant equal and fair tax relief to those U.S. citizens working abroad.

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. 1755

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

SECTION 1. SPECIAL RULE FOR MEMBERS OF UNIFORMED SERVICES AND FOREIGN SERVICE, AND OTHER EMPLOYEES, IN DETERMINING EXCLUSION OF GAIN FROM SALE OF PRINCIPAL RESIDENCE.

(a) IN GENERAL.—Subsection (d) of section 121 of the Internal Revenue Code of 1986 (relating to exclusion of gain from sale of principal residence) is amended by adding at the end the following new paragraphs:

''(9) MEMBERS OF UNIFORMED SERVICES AND FOREIGN SERVICE.—

''(A) IN GENERAL.—The running of the 5-year period described in subsection (a) shall be suspended with respect to an individual during any time that such individual or such individual's spouse is serving on qualified official extended duty as a member of the uniformed services or of the Foreign Service.

''(B) QUALIFIED OFFICIAL EXTENDED DUTY.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'qualified official extended duty' means any period of extended duty as a member of the uniformed services or a member of the Foreign Service during which the member serves at a duty station which is at least 50 miles from such property or is under Government orders to reside in Government quarters.

''(ii) UNIFORMED SERVICES.—The term 'uniformed services' has the meaning given such term by section 101(a)(5) of title 10, United States Code, as in effect on the date of the enactment of this paragraph.

''(iii) FOREIGN SERVICE OF THE UNITED STATES.—The term 'member of the Foreign Service' has the meaning given the term 'member of the Service' by paragraph (1), (2), (3), (4), or (5) of section 103 of the Foreign Service Act of 1980, as in effect on the date of the enactment of this paragraph.

''(iv) EXTENDED DUTY.—The term 'extended duty' means any period of active duty pursuant to a call or order to such duty for a period in excess of 90 days or for an indefinite period.

''(10) OTHER EMPLOYEES.—

''(A) IN GENERAL.—The running of the 5-year period described in subsection (a) shall be suspended with respect to an individual during any time that such individual or such individual's spouse is serving as an employee for a period in excess of 90 days in an assignment by such employee's employer outside the United States.

''(B) LIMITATIONS AND SPECIAL RULES.—

''(i) MAXIMUM PERIOD OF SUSPENSION.—The suspension under subparagraph (A) with respect to a principal residence shall not exceed (in the aggregate) 5 years.

''(ii) MEMBERS OF UNIFORMED SERVICES AND FOREIGN SERVICE.—Subparagraph (A) shall not apply to an individual to whom paragraph (9) applies.

''(iii) SELF-EMPLOYED INDIVIDUAL NOT CONSIDERED AN EMPLOYEE.—For purposes of this paragraph, the term 'employee' does not include an individual who is an employee within the meaning of section 401(c)(1) (relating to self-employed individuals).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales and exchanges after the date of the enactment of this Act.

By Mr. CRAIG:

S. 1757. A bill to authorize an additional permanent judgeship in the district of Idaho, and for other purposes; to the Committee on the Judiciary.

Mr. CRAIG. Mr. President, I rise to introduce legislation, on behalf of myself and my fellow Idaho Senator, MIKE CRAPO, creating a new Federal judgeship for the State of Idaho. This is a matter of great urgency to the citizens of Idaho, and our bill is aimed at heading off a looming crisis for the Federal bench in our State.

Idaho has two Federal district judgeships, created in 1890 and 1954. It is one of only three States in the Union with two Federal District judgeships. Because of he State's sheer size, its extraordinary increase in population, and tremendous growth in caseload over nearly five decades, the current situation is becoming increasingly unworkable.

For that reason, Senator CRAPO and I are seeking an additional judgeship to ensure that there are adequate resources for the administration if justice in our State. I am gratified to note that we have the strong support of Idaho's sitting Federal judges in this effort.

Let me take a moment to explain my State's problem in greater detail. Idaho has three distinct and widely distant geographical areas: the Southeast, the Southwest, and the North. A district judge must travel up to 450 miles between division offices. This distance is greater than that traveled in other rural district courts, including those Montana, Wyoming, North Dakota, South Dakota, or eastern Washington. In fact, only a district judge in Alaska has a greater distance to travel, when comparing these rural district courts.

The sheer size of Idaho, the geographical barriers, and the distribution of population make it a time-consuming, expensive and physically draining process for two judges to serve the entire State. As our current Chief District Judge B. Lynn Winmill has pointed out, if there is a trial in southwest Idaho and a trial in southeast Idaho, ''there is no district judge to serve the needs of northern Idaho.'' In addition, as Judge Winmill has stated, the ''mountainous terrain and two-land highway system in northern Idaho make [that] area particularly difficult to serve.''

Some Federal districts have the advantage of being able to call upon senior judges to help out by taking half-caseloads. Idaho has no senior judges and therefore does not have the flexibility that other districts have in relation to managing cases. Consequently, for example, when district Judge Edward J. Lodge was involved in a 6-month trial on a complex matter, Idaho was forced to request that the Ninth Circuit Judicial Council authorize the use of judges from the Eastern District of Washington. These judges assisted our district by handling close to 50 cases in the last year. While this action may have eased Idaho's crisis temporarily, it cannot reasonably be considered an acceptable permanent solution to borrow judges from another state and district.

The population of Idaho has increased 28.5 percent in the past decade, giving Idaho the third fastest-growing population in the country. In the past year alone, Idaho was the fifth fastest-growing State in the Nation. Population growth is traditionally a controlling factor in increasing a district's judgeships, and yet Idaho has not gained a judge in nearly half a century.

The District of Idaho's caseload continues to grow. During the 12-month period ending September 30, 2000, the District of Idaho's civil filings increased 26.9 percent, ranking second in the country in the percentage increase. Our district also ranks 25th in the Nation in the number of trials completed. The gap between the number of new civil filings and the number completed is spreading ever wider, and is already a broad chasm into which too many cases are already dropping.

There are currently 23 assistant U.S. attorneys in Idaho, which is more than Montana, Wyoming, Alaska, North Dakota, South Dakota, and eastern Washington. With filings for the period ending September 30, 2000 weighted at 447 cases per judge, this number exceeds the 430 which the Judicial Conference uses to indicate the need for additional judgeships. Combining this excess number of cases with the travel distances in Idaho makes the caseload even more burdensome for Idaho's two judges.

Additionally, according to Idaho's new U.S. Attorney Tom Moss, there has been an increase in criminal cases initiated, and he is expecting the ''caseloads to increase significantly,'' especially in Idaho's five Indian reservations.

Although this bill is being introduced late in the year, the effort to secure an additional judgeship has been underway for many months. We have had member-to-member and staff-to-staff discussions with the Senate Judiciary Committee about including an additional judgeship for Idaho in any legislation that the committee considers, creating new judgeships. Indeed, Idaho's chief district judge even traveled to Washington, DC, to visit personally with members of the committee and make the case for a new Idaho district judgeship.

I greatly appreciate the advice that we have received in this effort from Chairman LEAHY, Senator HATCH, and their staff, as well as other Judiciary Committee members, and it is because they suggested it that we are taking the step of filing this very simple bill, to put the issue formally before the Judiciary Committee and the Senate.

There should not be a waiting list for people to obtain justice in our courts, but there is in Idaho. This will continue to be the case until relief arrives

in the form of a third judge. I hope the Senate will support this measure and protect the interests of justice in the State of Idaho.

By Mrs. FEINSTEIN (for herself, Mr. KENNEDY, Mrs. BOXER, Mr. MILLER, Mr. CORZINE, Mr. DURBIN, and Mrs. CLINTON):

S. 1758. A bill to prohibit human cloning while preserving important areas of medical research, including stem cell research; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today Senators KENNEDY, BOXER, MILLER, CORZINE, DURBIN, CLINTON, and I are introducing legislation to make the cloning of a human being a crime. Unlike other bills, our bill would not criminalize cloning that could provide treatments for diseases, known as therapeutic cloning.

On November 25, scientists at Advanced Cell Technology, a Massachusetts biotechnology firm, announced that they had created the first human embryos ever produced by cloning. I believe that this announcement raises serious concerns and we are proposing a bill to address this development.

The bill we introduce today would: 1. permanently ban human reproductive cloning, the cloning of a human being; and 2. allow therapeutic cloning, that is, allow the use of somatic cell nuclear transfer or other cloning technologies to create stem cells for treating diseases.

I support a ban on the cloning of human beings because I believe it is scientifically unsafe, morally unacceptable, and ethically flawed.

Our bill would allow cloning for therapeutic or treatment purposes. It would not allow cloning for reproductive purposes, for creating a human being. Specifically, it prohibits the implantation of the product of nuclear transplantation into a uterus. Nuclear transplantation is also known as somatic cell nuclear transfer.

There is broad agreement in the public, in the Congress, in the scientific community, in the medical community, and in the religious community that the cloning of a human being should be prohibited. This bill does just that.

The view that we should not clone human beings is held by many groups and authorities, including the National Bioethics Advisory Commission, NBAC, which concluded that it is unacceptable for anyone in the public or private sector to create a child using somatic cell nuclear transfer technology. The Commission said,

> At this time, it is morally unacceptable for anyone in the public or private sector, whether in a research or clinical setting, to attempt to create a child using somatic cell nuclear transfer cloning.

The difference between our bill and several others including H.R. 2505, the bill passed by the House of Representatives is whether the bills protect valuable medical research that some day could provide cures for many dreaded diseases, diseases like cancer, diabetes, cystic fibrosis, and heart disease; and conditions like spinal cord injury, liver damage, arthritis, and burns. This research may some day develop replacement cells and tissues to restore bodily function and treat diseases. Therapeutic cloning is particularly promising because the rejection of implanted tissues is less likely since the tissues would exactly match those of the person who donated the somatic cell nucleus.

To criminally prohibit this kind of research would be a big setback for science. Here's what some of the experts say about the promise of therapeutic cloning: The Association of American Medical Colleges:

> Therapeutic cloning technology could provide an invaluable approach to studying how cells become specialized, which in turn could provide new understanding of the mechanisms that lead to the development of the abnormal cells responsible for cancers and certain birth defects. Improved understanding of cell specialization may also provide answers to how cells age or are regulated—leading to new insights into the treatment of cure of Alzheimer's and Parkinson's diseases, or other incapacitating degenerative diseases of the brain and spinal cord. The technology might also help us understand how to activate certain genes to permit the creation of customized cells for transplantation or grafting. Such cells would be genetically identical to the cells of the donor and could therefore be transplanted into that donor without fear of immune rejection, the major biological barrier to organ and tissue transplantation at this time.

The Society for Women's Health Research wrote me on November 28:

> Barring all therapeutic cloning would more likely drive research underground and guarantee that only the most unscrupulous would advance these technologies.

The National Health Council said:

> Making reproductive human cloning unlawful must be done in a way that does not deprive those suffering from debilitating chronic diseases, potential relief and possible cures.

The Alliance for Aging Research wrote on November 28,

> Scientists who utilized therapeutic cloning techniques in the conduct of important scientific research would be labeled as criminals. The consequence would be that important research, research intended to save lives and reduce suffering of tens of millions Americans, would be stopped in its tracks.

The American College of Obstetricians and Gynecologists wrote on November 1, 2001:

> Therapeutic cloning may hold the key for repairing or creating new tissues or organs that could alleviate myriad medical conditions: diabetes, heart disease, spinal cord injury and Parkinson's, to name just a few. This technology is key to the ability to create ''customized tissues'' using a patient's own DNA to avoid rejection problems, and at this time, appears promising.

Other bills would make it a crime to clone cells that are used for therapeutic purposes that some day will save lives and suffering. I cannot support that approach, to criminalize legitimate medical research that could some day treat diseases and save human lives. That would be very shortsighted.

In summary, I believe that the cloning of human beings is wrong and should be outlawed. I believe that therapeutic cloning holds great medical promise and should not be prohibited. This bill will make it a crime to create human beings, but protect important scientific research that can save human lives and relieve human suffering.

I urge my colleagues to support this bill.

Mr. President, I ask unanimous consent that a summary of the bill be printed in the RECORD.

There being no objection, the summary was ordered printed in the RECORD.

SUMMARY OF THE HUMAN CLONING PROHIBITION ACT OF 2001

Findings: Cites findings by the National Bioethics Advisory Commission and other respected bodies, which have recommended that Congress enact legislation prohibiting anyone from conducting or attempting human cloning but not unduly interfering with important areas of research, such as somatic cell nuclear transfer or nuclear transplantation.

Prohibitions: Makes it unlawful for any person: To conduct or attempt to conduct human cloning; to ship the product of nuclear transplantation in interstate or foreign commerce for the purpose of human cloning; or to use federal funds for these activities.

Definitions: ''Human cloning'' is asexual reproduction by implanting or attempting to implant the product of nuclear transplantation into a uterus.

''Nuclear transplantation'' is transferring the nucleus of a human somatic (body) cell into an oocyte (egg) from which the nucleus or all chromosomes have been or will be removed or rendered inert.

Penalties: Makes violators liable for a criminal fine and/or up to 10 years in prison as well as a civil penalty of $1,000,000 or three times the gross profits resulting from the violation, whichever is greater.

Protection of Medical Research: Clarifies that the bill does not restrict therapeutic cloning, stem cell research or other forms of biomedical research such as gene therapy.

Ethics Requirements: Applies to nuclear transplantation research the ethics requirements currently used by the National Institutes of Health. These include informed consent, an ethics board review, and protections for the safety and privacy of research participants. Imposes a $250,000 civil penalty for violation of the ethics requirements.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2214. Mr. KYL submitted an amendment intended to be proposed to amendment SA 2171 submitted by Mr. LOTT and intended to be proposed to the amendment SA 2170 proposed by Mr. DASCHLE to the bill (H.R. 10) to provide for pension reform, and for other purposes; which was ordered to lie on the table.

SA 2215. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 10, supra; which was ordered to lie on the table.

SA 2216. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 10, supra; which was ordered to lie on the table.

SA 2217. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 10, supra; which was ordered to lie on the table.

SA 2218. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 10, supra; which was ordered to lie on the table.

SA 2219. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 10, supra; which was ordered to lie on the table.

SA 2220. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 10, supra; which was ordered to lie on the table.

SA 2221. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 10, supra; which was ordered to lie on the table.

SA 2222. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 10, supra; which was ordered to lie on the table.

SA 2223. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 10, supra; which was ordered to lie on the table.

SA 2224. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 10, supra; which was ordered to lie on the table.

SA 2225. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 10, supra; which was ordered to lie on the table.

SA 2226. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 10, supra; which was ordered to lie on the table.

SA 2227. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 10, supra; which was ordered to lie on the table.

SA 2228. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 10, supra; which was ordered to lie on the table.

SA 2229. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 10, supra; which was ordered to lie on the table.

SA 2230. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 10, supra; which was ordered to lie on the table.

SA 2231. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 10, supra; which was ordered to lie on the table.

SA 2232. Mr. SMITH, of New Hampshire submitted an amendment intended to be proposed to amendment SA 2171 submitted by Mr. LOTT and intended to be proposed to the amendment SA 2170 proposed by Mr. DASCHLE to the bill (H.R. 10) supra; which was ordered to lie on the table.

SA 2233. Mr. VOINOVICH submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) supra; which was ordered to lie on the table.

SA 2234. Mr. CRAIG submitted an amendment intended to be proposed to amendment SA 2171 submitted by Mr. LOTT and intended to be proposed to the amendment SA 2170 proposed by Mr. DASCHLE to the bill (H.R. 10) supra; which was ordered to lie on the table.

SA 2235. Mr. CRAIG submitted an amendment intended to be proposed to amendment SA 2171 submitted by Mr. LOTT and intended to be proposed to the amendment SA 2170 proposed by Mr. DASCHLE to the bill (H.R. 10) supra; which was ordered to lie on the table.

SA 2236. Mr. DOMENICI submitted an amendment intended to be proposed to amendment SA 2171 submitted by Mr. LOTT and intended to be proposed to the amendment SA 2170 proposed by Mr. DASCHLE to the bill (H.R. 10) supra; which was ordered to lie on the table.

SA 2237. Mr. DOMENICI submitted an amendment intended to be proposed to amendment SA 2171 submitted by Mr. LOTT and intended to be proposed to the amendment SA 2170 proposed by Mr. DASCHLE to the bill (H.R. 10) supra; which was ordered to lie on the table.

SA 2238. Mr. DOMENICI submitted an amendment intended to be proposed to amendment SA 2171 submitted by Mr. LOTT and intended to be proposed to the amendment SA 2170 proposed by Mr. DASCHLE to the bill (H.R. 10) supra; which was ordered to lie on the table.

SA 2239. Mr. DOMENICI submitted an amendment intended to be proposed to amendment SA 2171 submitted by Mr. LOTT and intended to be proposed to the amendment SA 2170 proposed by Mr. DASCHLE to the bill (H.R. 10) supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2214. Mr. KYL submitted an amendment intended to be proposed to amendment SA 2171 submitted by Mr. LOTT and intended to be proposed to the amendment SA 2170 proposed by Mr. DASCHLE to the bill (H.R. 10) to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ___—ELECTRIC POWER INDUSTRY TAX MODERNIZATION

SEC. ___01. TAX-EXEMPT BOND FINANCING OF CERTAIN ELECTRIC FACILITIES.

(a) RULES APPLICABLE TO ELECTRIC OUTPUT FACILITIES.—Subpart A of part IV of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to tax exemption requirements for State and local bonds) is amended by adding after section 141 the following new section:

"SEC. 141A. ELECTRIC OUTPUT FACILITIES.

''(a) ELECTION TO TERMINATE TAX-EXEMPT BOND FINANCING FOR CERTAIN ELECTRIC OUTPUT FACILITIES.—

''(1) IN GENERAL.—A governmental unit may make an irrevocable election under this paragraph to terminate the issuance of certain obligations described in section 103(a) for electric output facilities. If the governmental unit makes such election, then—

''(A) except as provided in paragraph (2), on or after the date of such election the governmental unit may not issue with respect to any electric output facility any bond the interest on which is excluded from gross income under section 103, and

''(B) notwithstanding paragraph (1) or (2) of section 141(a) or paragraph (4) or (5) of section 141(b), no bond—

''(i) which was issued by such unit with respect to an electric output facility before the date of enactment of this subsection, the interest on which was exempt from tax on such date,

''(ii) which is an eligible refunding bond that directly or indirectly refunds a bond issued prior to the date of enactment of this section, or

''(iii) which is described in paragraph (2)(D), (E), or (F),

shall be treated as a private activity bond.

''(2) EXCEPTIONS.—If an election is made under paragraph (1), paragraph (1)(A) does not apply to any of the following bonds:

''(A) Any qualified bond (as defined in section 141(e)).

''(B) Any eligible refunding bond (as defined in subsection (d)(6)).

''(C) Any bond issued to finance a qualifying transmission facility or a qualifying distribution facility owned by the governmental unit.

''(D) Any bond issued to finance equipment or facilities necessary to meet Federal or State environmental requirements applicable to an existing generation facility owned by the governmental unit.

''(E) Any bond issued to finance repair of any existing generation facility owned by the governmental unit. Repairs of facilities may not increase the generation capacity of the facility by more than 3 percent above the greater of its nameplate or rated capacity as of the date of enactment of this section.

''(F) Any bond issued to acquire or construct—

''(i) a qualified facility (as defined in section 45(c)(3)) if such facility is owned by the governmental unit and is placed in service during a period in which a qualified facility may be placed in service under such section, or

''(ii) any energy property (as defined in section 48(a)(3)) that is owned by the governmental unit.

This subparagraph shall not apply to any facility or property that is constructed, acquired or financed for the principal purpose of providing the facility (or the output thereof) to nongovernmental persons.

''(3) FORM AND EFFECT OF ELECTION.—

''(A) IN GENERAL.—An election under paragraph (1) shall be made in such a manner as the Secretary prescribes and shall be binding on any successor in interest to, or any related party with respect to, the electing governmental unit. For purposes of this paragraph, a governmental unit shall be treated as related to another governmental unit if it is a member of the same controlled group.

''(B) TREATMENT OF ELECTING GOVERNMENTAL UNIT.—A governmental unit which makes an election under paragraph (1) shall be treated for purposes of section 141 as a person which is not a governmental unit and which is engaged in a trade or business, with respect to its purchase of electricity generated by an electric output facility placed in service after such election, if such purchase is under a contract executed after such election.

''(4) DEFINITIONS.—For purposes of this subsection:

''(A) EXISTING GENERATION FACILITY.—The term 'existing generation facility' means an electric generation facility owned by the governmental unit on the date of enactment of this subsection and either in service on such date or the construction of which commenced prior to June 1, 2000.

''(B) QUALIFYING DISTRIBUTION FACILITY.—The term 'qualifying distribution facility' means a distribution facility over which open access distribution services described in subsection (b)(2)(C) are available.

''(C) QUALIFYING TRANSMISSION FACILITY.—The term 'qualifying transmission facility' means a local transmission facility (as described in subsection (c)(3)(A)) over which open access transmission services described in subparagraph (A) or (B) of subsection (b)(2) are available.

''(b) PERMITTED OPEN ACCESS ACTIVITIES AND SALES TRANSACTIONS NOT A PRIVATE BUSINESS USE FOR BONDS THAT REMAIN SUBJECT TO PRIVATE USE RULES.—

''(1) GENERAL RULE.—For purposes of this section and section 141, the term 'private business use' shall not include a permitted open access activity or a permitted sales transaction.

''(2) PERMITTED OPEN ACCESS ACTIVITIES.—For purposes of this section, the term 'permitted open access activity' means any of

the following transactions or activities with respect to an electric output facility owned by a governmental unit:

''(A) Providing nondiscriminatory open access transmission service and ancillary services—

''(i) pursuant to an open access transmission tariff filed with and approved by FERC, including an acceptable reciprocity tariff but, in the case of a voluntarily filed tariff, only if the governmental unit voluntarily files a report with the FERC within 90 days of the date of enactment of this section relating to whether or not the issuer will join a regional transmission organization,

''(ii) under an independent system operator or regional transmission organization agreement approved by FERC, or

''(iii) in the case of an ERCOT utility (as defined in section 212(k)(2)(B) of the Federal Power Act (16 U.S.C. 824k(k)(2)(B))), pursuant to a tariff approved by the Public Utility Commission of Texas.

''(B) Participation in—

''(i) an independent system operator agreement, or

''(ii) a regional transmission organization agreement,

which has been approved by FERC, or by the Public Utility Commission of Texas in the case of an ERCOT utility (as so defined). Such participation may include transfer of control of transmission facilities to an organization described in clause (i) or (ii).

''(C) Delivery on a nondiscriminatory open access basis of electric energy sold to end-users served by distribution facilities owned by such governmental unit.

''(D) Delivery on a nondiscriminatory open access basis of electric energy generated by generation facilities connected to distribution facilities owned by such governmental unit.

''(3) PERMITTED SALES TRANSACTION.—For purposes of this subsection, the term 'permitted sales transaction' means any of the following sales of electric energy from existing generation facilities (as defined in subsection (a)(4)(A)):

''(A) The sale of electricity to an on-system purchaser, if the seller makes available open access distribution service under paragraph (2)(C) and, in the case of a seller that owns or operates transmission facilities, if such seller makes available open access transmission under subparagraph (A) or (B) of paragraph (2).

''(B) The sale of electricity to a wholesale native load purchaser or in a wholesale stranded cost mitigation sale—

''(i) if the seller makes available open access transmission service described in subparagraph (A) or (B) of paragraph (2), or

''(ii) if the seller owns or operates no transmission facilities and transmission providers to the seller's wholesale native load purchasers make available open access transmission service described in subparagraph (A) or (B) of paragraph (2).

''(4) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection:

''(A) ON-SYSTEM PURCHASER.—The term 'on-system purchaser' means a person whose electric facilities or equipment are directly connected with transmission or distribution facilities which are owned by such governmental unit, and such person—

''(i) purchases electric energy from such governmental unit at retail and either was within such unit's distribution area in the base year or is a person as to whom the governmental unit has a service obligation, or

''(ii) is a wholesale native load purchaser from such governmental unit.

''(B) WHOLESALE NATIVE LOAD PURCHASER.—The term 'wholesale native load purchaser' means a wholesale purchaser as to whom the governmental unit had—

''(i) a service obligation at wholesale in the base year, or

''(ii) an obligation in the base year under a requirements contract, or under a firm sales contract that has been in effect for (or has an initial term of) at least 10 years,

but only to the extent that in either case such purchaser resells the electricity (I) directly at retail to persons within the purchaser's distribution area or (II) indirectly through one or more intermediate wholesale purchasers (each of whom as of June 30, 2000, was a party to a requirements contract or a firm power contract described in clause (ii)) to retail purchasers in the ultimate wholesale purchaser's distribution area.

''(C) WHOLESALE STRANDED COST MITIGATION SALE.—The term 'wholesale stranded cost mitigation sale' means one or more wholesale sales made in accordance with the following requirements:

''(i) A governmental unit's allowable sales under this subparagraph during the recovery period may not exceed the sum of its annual load losses for each year of the recovery period.

''(ii) The governmental unit's annual load loss for each year of the recovery period is the amount (if any) by which—

''(I) sales in the base year to wholesale native load purchasers which do not constitute a private business use, exceed

''(II) sales during that year of the recovery period to wholesale native load purchasers which do not constitute a private business use.

''(iii) If actual sales under this subparagraph during the recovery period are less than allowable sales under clause (i), the amount not sold (but not more than 10 percent of the aggregate allowable sales under clause (i)) may be carried over and sold as wholesale stranded cost mitigation sales in the calendar year following the recovery period.

''(D) RECOVERY PERIOD.—The recovery period is the 7-year period beginning with the start-up year.

''(E) START-UP YEAR.—The start-up year is whichever of the following calendar years the governmental unit elects:

''(i) The year the governmental unit first offers open transmission access.

''(ii) The first year in which at least 10 percent of the governmental unit's wholesale customers' aggregate retail native load is open to retail competition.

''(iii) The calendar year which includes the date of the enactment of this section, if later than the year described in clause (i) or (ii).

''(F) PERMITTED SALES TRANSACTIONS UNDER EXISTING CONTRACTS.—A sale to a wholesale native load purchaser (other than a person to whom the governmental unit had a service obligation) under a contract which resulted in private business use in the base year shall be treated as a permitted sales transaction only to the extent that sales under the contract exceed the lesser of—

''(i) in any year the private business use that resulted from the contract during the base year, or

''(ii) the maximum amount of private business use which could occur (absent the enactment of this section) without causing the bonds to be private activity bonds.

This subparagraph shall only apply to the extent that the sale is allocable to bonds issued prior to the date of enactment of this section (or bonds issued to refund such bonds).

''(G) TIME OF SALE RULE.—For purposes of paragraphs (C)(ii) and (F), private business use shall be determined under the law in effect in the year of the sale.

''(H) JOINT ACTION AGENCIES.—A joint action agency, or a member of (or a wholesale native load purchaser from) a joint action agency, which is entitled to make a sale described in subparagraph (A) or (B) in a year, may transfer the entitlement to make that sale to the member (or purchaser), or the joint action agency, respectively.

''(c) CERTAIN BONDS FOR TRANSMISSION AND DISTRIBUTION FACILITIES NOT TAX EXEMPT.—

''(1) GENERAL RULE.—For purposes of this title, no bond the interest on which is exempt from taxation under section 103 may be issued on or after the date of enactment of this subsection if any of the proceeds of such issue are used to finance—

''(A) any transmission facility which is not a local transmission facility, or

''(B) a start-up utility distribution facility.

''(2) EXCEPTIONS.—Paragraph (1) shall not apply to—

''(A) any qualified bond (as defined in section 141(e)),

''(B) any eligible refunding bond (as defined in subsection (d)(6)), or

''(C) any bond issued to finance—

''(i) any repair of a transmission facility in service on the date of the enactment of this section, so long as the repair does not increase the voltage level over its level in the base year or increase the thermal load limit of the transmission facility by more than 3 percent over such limit in the base year,

''(ii) any qualifying upgrade of a transmission facility in service on the date of the enactment of this section, or

''(iii) a transmission facility necessary to comply with an obligation under a shared or reciprocal transmission agreement in effect on the date of enactment of this section.

''(3) LOCAL TRANSMISSION FACILITY DEFINITIONS.—For purposes of this subsection—

''(A) LOCAL TRANSMISSION FACILITY.—The term 'local transmission facility' means a transmission facility which is located within the governmental unit's distribution area or which is, or will be, necessary to supply electricity to serve retail native load or wholesale native load of 1 or more governmental units. For purposes of this subparagraph, the distribution area of a public power authority which was created in 1931 by a State statute and which, as of January 1, 1999, owned at least one-third of the transmission circuit miles rated at 230 kV or higher in the State, shall be determined under regulations of the Secretary.

''(B) RETAIL NATIVE LOAD.—The term 'retail native load' with respect to a governmental unit (or an entity other than a governmental unit that operates an electric utility) is the electric load of end-users in the distribution area of the governmental unit or entity.

''(C) WHOLESALE NATIVE LOAD.—The term 'wholesale native load' is—

''(i) the retail native load of such unit's wholesale native load purchasers (or of an ultimate wholesale purchaser described in subsection (b)(4)(B)(ii)), and

''(ii) the electric load of purchasers (not described in clause (i)) under wholesale requirements contracts which—

''(I) do not constitute private business use under the rules in effect absent this subsection, and

''(II) were in effect in the base year.

''(D) NECESSARY TO SERVE LOAD.—For purposes of determining whether a transmission or distribution facility is, or will be, necessary to supply electricity to retail native load or wholesale native load—

''(i) the governmental unit's available transmission rights shall be taken into account,

''(ii) electric reliability standards or requirements of national or regional reliability organizations, regional transmission organizations and the Electric Reliability

Council of Texas shall be taken into account, and

''(iii) transmission, siting and construction decisions of regional transmission organizations or independent system operators and State and Federal regulatory and siting agencies, after a proceeding that provides for public input, shall be presumptive evidence regarding whether transmission facilities are necessary to serve native load.

''(E) QUALIFYING UPGRADE.—The term 'qualifying upgrade' means an improvement or addition to transmission facilities of the governmental unit in service on the date of enactment of this section which is ordered or approved by a regional transmission organization, by an independent system operator, or by a State regulatory or siting agency, after a proceeding that provides for public input.

''(4) START-UP UTILITY DISTRIBUTION FACILITY DEFINED.—For purposes of this subsection, the term 'start-up utility distribution facility' means any distribution facility to provide electric service to the public that is placed in service—

''(A) by a governmental unit that did not operate an electric utility on the date of the enactment of this section, and

''(B) during the first ten years after the date such governmental unit begins operating an electric utility.

A governmental unit is treated as having operated an electric utility on the date of the enactment of this section if it operates electric output facilities which were operated by another governmental unit to provide electric service to the public on such date.

''(d) DEFINITIONS; SPECIAL RULES.—For purposes of this section—

''(1) BASE YEAR.—The term 'base year' means the calendar year which includes the date of the enactment of this section or, at the election of the governmental unit, either of the 2 immediately preceding calendar years.

''(2) DISTRIBUTION AREA.—The term 'distribution area' means the area in which a governmental unit (or an entity other than a governmental unit that operates an electric utility) owns distribution facilities.

''(3) ELECTRIC OUTPUT FACILITY.—The term 'electric output facility' means an output facility that is an electric generation, transmission, or distribution facility.

''(4) DISTRIBUTION FACILITY.—The term 'distribution facility' means an electric output facility that is not a generation or transmission facility.

''(5) TRANSMISSION FACILITY.—The term 'transmission facility' means an electric output facility (other than a generation facility) that operates at an electric voltage of 69 kV or greater, except that the owner of the facility may elect to treat any output facility that the FERC determines is a transmission facility under standards applied by FERC under the Federal Power Act as a transmission facility for purposes of this section.

''(6) ELIGIBLE REFUNDING BOND.—The term 'eligible refunding bond' means any State or local bond issued after an election described in subsection (a) that directly or indirectly refunds any bond described in section 103(a) (other than a qualified bond) issued before such election, if the weighted average maturity of the issue of which the refunding bond is a part does not exceed the remaining weighted average maturity of the bonds issued before the election. In applying such term for purposes of subsection (c)(2)(B), the date of election shall be deemed to be the date of the enactment of this section.

''(7) FERC.—The term 'FERC' means the Federal Energy Regulatory Commission.

''(8) GOVERNMENT-OWNED FACILITY.—An electric output facility shall be treated as 'owned by a governmental unit' if it is an electric output facility that either is—

''(A) owned or leased by such governmental unit, or

''(B) a transmission facility in which the governmental unit acquired before the base year long-term firm capacity for the purposes of serving customers to which the unit had at that time either—

''(i) a service obligation, or

''(ii) an obligation under a requirements contract.

''(9) REPAIR.—The term 'repair' shall include replacement of components of an electric output facility, but shall not include replacement of the facility either at one time or incrementally.

''(10) SERVICE OBLIGATION.—The term 'service obligation' means an obligation under State or Federal law (exclusive of an obligation arising solely under a contract entered into with a person) to provide electric distribution services or electric sales service, as provided in such law.

''(11) CONTRACT MODIFICATIONS.—A contract is treated as a new contract if it is substantially modified.

''(e) SAVINGS CLAUSE.—Subsection (b) does not affect the applicability of section 141 to (or the Secretary's authority to prescribe, amend or rescind regulations respecting) (1) any transaction that is not a permitted open access transaction or permitted sales transaction, or (2) any facilities other than electric output facilities.''.

(b) REPEAL OF EXCEPTION FOR CERTAIN NONGOVERNMENTAL ELECTRIC OUTPUT FACILITIES.—Section 141(d)(5) of the Internal Revenue Code of 1986 is amended by inserting ''(except in the case of an electric output facility that is a distribution facility),'' after ''this subsection''.

(c) CONFORMING AMENDMENT.—The table of sections for subpart A of part IV of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 141 the following new item:

''Sec. 141A. Electric output facilities.''

(d) EFFECTIVE DATE; APPLICABILITY.—

(1) EFFECTIVE DATE.—The amendments made by this section take effect on the date of enactment of this Act, except that a governmental unit may elect to apply paragraphs (1) and (2) of section 141A(b), as added by subsection (a), with respect to permitted open access activities entered into on or after April 14, 1996.

(2) CERTAIN EXISTING AGREEMENTS.—The amendment made by subsection (b) (relating to repeal of the exception for certain nongovernmental output facilities) does not apply to any acquisition of facilities made pursuant to an agreement that was entered into before the date of the enactment of this Act.

(3) APPLICABILITY.—References in this Act to sections of the Internal Revenue Code of 1986, shall be deemed to include references to comparable sections of the Internal Revenue Code of 1954.

SEC. ___02. INDEPENDENT TRANSMISSION COMPANIES.

(a) SALES OR DISPOSITIONS TO IMPLEMENT FEDERAL ENERGY REGULATORY COMMISSION OR STATE ELECTRIC RESTRUCTURING POLICY.—

(1) IN GENERAL.—Section 1033 of the Internal Revenue Code of 1986 (relating to involuntary conversions) is amended by redesignating subsection (k) as subsection (l), and by inserting after subsection (j) the following new subsection:

''(k) SALES OR DISPOSITIONS TO IMPLEMENT FEDERAL ENERGY REGULATORY COMMISSION OR STATE ELECTRIC RESTRUCTURING POLICY.—

''(1) IN GENERAL.—For purposes of this subtitle, if a taxpayer elects the application of this subsection to a qualifying electric transmission transaction and the proceeds received from such transaction are invested in exempt utility property, such transaction shall be treated as an involuntary conversion to which this section applies. The part of the gain, if any, on a sale or exchange to which section 1033 is not applied by reason of section 1245 shall nevertheless not be recognized, if the taxpayer so elects, to the extent that it is applied to reduce the basis for determining gain or loss on sale or exchange of property, of a character subject to the allowance for depreciation under section 167, remaining in the hands of the taxpayer immediately after the sale or exchange, or acquired in the same taxable year. The manner and amount of such reduction shall be determined under regulations prescribed by the Secretary. Any election made by the taxpayer under this section shall be made by a statement to that effect in his return for the taxable year in which the sale or exchange takes place, and such election shall be binding for the taxable year and all subsequent taxable years.

''(2) EXTENSION OF REPLACEMENT PERIOD.—In the case of any involuntary conversion described in paragraph (1), subsection (a)(2)(B) shall be applied by substituting '4 years' for '2 years' in clause (i) thereof.

''(3) QUALIFYING ELECTRIC TRANSMISSION TRANSACTION.—For purposes of this subsection, the term 'qualifying electric transmission transaction' means any sale or other disposition of property used in the trade or business of electric transmission, or an ownership interest in a person whose primary trade or business consists of providing electric transmission services, to another person that is an independent transmission company.

''(4) INDEPENDENT TRANSMISSION COMPANY.—For purposes of this subsection, the term 'independent transmission company' means—

''(A) a regional transmission organization approved by the Federal Energy Regulatory Commission,

''(B) a person—

''(i) who the Federal Energy Regulatory Commission determines in its authorization of the transaction under section 203 of the Federal Power Act (16 U.S.C. 823b) is not a market participant within the meaning of such Commission's rules applicable to regional transmission organizations, and

''(ii) whose transmission facilities to which the election under this subsection applies are placed under the operational control of a Federal Energy Regulatory Commission-approved regional transmission organization within the period specified in such order, but not later than the close of the replacement period, or

''(C) in the case of facilities subject to the exclusive jurisdiction of the Public Utility Commission of Texas, a person which is approved by that Commission as consistent with Texas State law regarding an independent transmission organization.

''(5) EXEMPT UTILITY PROPERTY.—For purposes of this subsection, the term 'exempt utility property' means—

''(A) property used in the trade or business of generating, transmitting, distributing, or selling electricity or producing, transmitting, distributing, or selling natural gas, or

''(B) stock acquired in the acquisition of control of a corporation whose primary trade or business consists of generating, transmitting, distributing, or selling electricity or producing, transmitting, distributing, or selling natural gas.

''(6) SPECIAL RULES FOR CONSOLIDATED GROUPS.—

''(A) INVESTMENT BY QUALIFYING GROUP MEMBERS.—

''(i) IN GENERAL.—This subsection shall apply to a qualifying electric transmission transaction engaged in by a taxpayer if the proceeds are invested in exempt utility property by a qualifying group member.

''(ii) QUALIFYING GROUP MEMBER.—For purposes of this subparagraph, the term 'qualifying group member' means any member of a consolidated group within the meaning of section 1502 and the regulations promulgated thereunder of which the taxpayer is also a member.

''(B) COORDINATION WITH CONSOLIDATED RETURN PROVISIONS.—A sale or other disposition of electric transmission property or an ownership interest in a qualifying electric transmission transaction, where an election is made under this subsection, shall not result in the recognition of income or gain under the consolidated return provisions of subchapter A of chapter 6. The Secretary shall prescribe such regulations as may be necessary to provide for the treatment of any exempt utility property received in a qualifying electric transmission transaction as successor assets subject to the application of such consolidated return provisions.

''(7) ELECTION.—Any election made by a taxpayer under this subsection shall be made by a statement to that effect in the return for the taxable year in which the qualifying electric transmission transaction takes place in such form and manner as the Secretary shall prescribe, and such election shall be binding for that taxable year and all subsequent taxable years.''

(2) SAVINGS CLAUSE.—Nothing in section 1033(k) of the Internal Revenue Code of 1986, as added by subsection (a), shall affect Federal or State regulatory policy respecting the extent to which any acquisition premium paid in connection with the purchase of an asset in a qualifying electric transmission transaction can be recovered in rates.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to transactions occurring after the date of the enactment of this Act.

(b) DISTRIBUTIONS OF STOCK TO IMPLEMENT FEDERAL ENERGY REGULATORY COMMISSION OR STATE ELECTRIC RESTRUCTURING POLICY.—

(1) IN GENERAL.—Section 355(e)(4) of the Internal Revenue Code of 1986 is amended by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively, and by inserting after subparagraph (B) the following new subparagraph:

''(C) DISTRIBUTIONS OF STOCK TO IMPLEMENT FEDERAL ENERGY REGULATORY COMMISSION OR STATE ELECTRIC RESTRUCTURING POLICY.—

''(i) IN GENERAL.—Paragraph (1) shall not apply to any distribution that is a qualifying electric transmission transaction. For purposes of this subparagraph, a 'qualifying electric transmission transaction' means any distribution of stock in a corporation whose primary trade or business consists of providing electric transmission services, where such stock is later acquired (or where the assets of such corporation are later acquired) by another person that is an independent transmission company.

''(ii) INDEPENDENT TRANSMISSION COMPANY.—For purposes of this subsection, the term 'independent transmission company' means—

''(I) a regional transmission organization approved by the Federal Energy Regulatory Commission,

''(II) a person who the Federal Energy Regulatory Commission determines in its authorization of the transaction under section 203 of the Federal Power Act (16 U.S.C. 824b) is not a market participant within the meaning of such Commission's rules applicable to regional transmission organizations, and whose transmission facilities transferred as a part of such qualifying electric transmission transaction are placed under the operational control of a Federal Energy Regulatory Commission-approved regional transmission organization within the period specified in such order, but not later than the close of the replacement period (as defined in section 1033(k)(2)), or

''(III) in the case of facilities subject to the exclusive jurisdiction of the Public Utility Commission of Texas, a person that is approved by that Commission as consistent with Texas State law regarding an independent transmission organization.''

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to distributions occurring after the date of the enactment of this Act.

SEC. ___03. CERTAIN AMOUNTS RECEIVED BY ELECTRIC UTILITIES EXCLUDED FROM GROSS INCOME AS CONTRIBUTIONS TO CAPITAL.

(a) IN GENERAL.—Subsection (c) of section 118 of the Internal Revenue Code of 1986 (relating to contributions to the capital of a corporation) is amended—

(1) by striking ''WATER AND SEWAGE DISPOSAL'' in the heading, and inserting ''CERTAIN'',

(2) by striking ''water or,'' in the matter preceding subparagraph (A) of paragraph (1) and inserting ''electric energy, water, or'',

(3) by striking ''water or'' in paragraph (1)(B)and inserting ''electric energy (but not including assets used in the generation of electricity), water, or'',

(4) by striking ''water or'' in paragraph (2)(A)(ii) and inserting ''electric energy (but not including assets used in the generation of electricity), water, or'',

(5) by inserting ''such term shall include amounts paid as customer connection fees (including amounts paid to connect the customer's line to an electric line or a main water or sewer line) and'' after ''except that'' in paragraph (3)(A), and

(6) by striking ''water or'' in paragraph (3)(C) and inserting ''electric energy, water, or''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts received after the date of the enactment of this Act.

SEC. ___04. TAX TREATMENT OF NUCLEAR DECOMMISSIONING FUNDS.

(a) INCREASE IN AMOUNT PERMITTED TO BE PAID INTO NUCLEAR DECOMMISSIONING RESERVE FUND.—Subsection (b) of section 468A of the Internal Revenue Code of 1986 (relating to special rules for nuclear decommissioning costs) is amended to read as follows:

''(b) LIMITATION ON AMOUNTS PAID INTO FUND.—

''(1) IN GENERAL.—The amount which a taxpayer may pay into the Fund for any taxable year during the funding period shall not exceed the level funding amount determined pursuant to subsection (d), except—

''(A) where the taxpayer is permitted by Federal or State law or regulation (including authorization by a public service commission) to charge customers a greater amount for nuclear decommissioning costs, in which case the taxpayer may pay into the Fund such greater amount, or

''(B) in connection with the transfer of a nuclear powerplant, where the transferor or transferee (or both) is required pursuant to the terms of the transfer to contribute a greater amount for nuclear decommissioning costs, in which case the transferor or transferee (or both) may pay into the Fund such greater amount.

''(2) CONTRIBUTIONS AFTER FUNDING PERIOD.—Notwithstanding any other provision of this section, a taxpayer may make deductible payments to the Fund in any taxable year between the end of the funding period and the termination of the license issued by the Nuclear Regulatory Commission for the nuclear powerplant to which the Fund relates provided such payments do not cause the assets of the Fund to exceed the nuclear decommissioning costs allocable to the taxpayer's current or former interest in the nuclear powerplant to which the Fund relates. The foregoing limitation shall be applied by taking into account a reasonable rate of inflation for the nuclear decommissioning costs and a reasonable after-tax rate of return on the assets of the Fund until such assets are anticipated to be expended.''

(b) DEDUCTION FOR NUCLEAR DECOMMISSIONING COSTS WHEN PAID.—Paragraph (2) of section 468A(c) of the Internal Revenue Code of 1986 (relating to income and deductions of the taxpayer) is amended to read as follows:

''(2) DEDUCTION OF NUCLEAR DECOMMISSIONING COSTS.—In addition to any deduction under subsection (a), nuclear decommissioning costs paid or incurred by the taxpayer during any taxable year shall constitute ordinary and necessary expenses in carrying on a trade or business under section 162.''

(c) LEVEL FUNDING AMOUNTS.—Subsection (d) of section 468A of the Internal Revenue Code of 1986 is amended to read as follows:

''(d) LEVEL FUNDING AMOUNTS.—

''(1) ANNUAL AMOUNTS.—For purposes of this section, the level funding amount for any taxable year shall equal the annual amount required to be contributed to the Fund in each year remaining in the funding period in order for the Fund to accumulate the nuclear decommissioning costs allocable to the taxpayer's current or former interest in the nuclear powerplant to which the Fund relates. The annual amount described in the foregoing sentence shall be calculated by taking into account a reasonable rate of inflation for the nuclear decommissioning costs and a reasonable after-tax rate of return on the assets of the Fund until such assets are anticipated to be expended.

''(2) FUNDING PERIOD.—The funding period for a Fund shall end on the last day of the last taxable year of the expected operating life of the nuclear powerplant.

''(3) NUCLEAR DECOMMISSIONING COSTS.—For purposes of this section—

''(A) IN GENERAL.—The term 'nuclear decommissioning costs' means all costs to be incurred in connection with entombing, decontaminating, dismantling, removing, and disposing of a nuclear powerplant, and shall include all associated preparation, security, fuel storage, and radiation monitoring costs. Such term shall include all such costs which, outside of the decommissioning context, might otherwise be capital expenditures.

''(B) IDENTIFICATION OF COSTS.—The taxpayer may identify nuclear decommissioning costs by reference either to a site-specific engineering study or to the financial assurance amount calculated pursuant to section 50.75 of title 10 of the Code of Federal Regulations.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid after June 30, 2000, in taxable years ending after such date.

SA 2215. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 10, to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. . EFFECTIVE DATE.

Notwithstanding any other provision of this Act, this Act and the amendments made by this Act shall take effect on October 1, 2004.

SA 2216. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 10, to provide for pension reform, 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. . EFFECTIVE DATE.

Notwithstanding any other provision of this Act, this Act and the amendments made by this Act shall take effect on October 1, 2004.

SA 2217. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 10, to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . EFFECTIVE DATE.

Notwithstanding any other provision of this Act, this Act and the amendments made by this Act shall take effect on October 1, 2003.

SA 2218. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 10, to provide for pension reform, 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. . EFFECTIVE DATE.

Notwithstanding any other provision of this Act, this Act and the amendments made by this Act shall take effect on October 1, 2003.

SA 2219. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 10, to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page ____ of the amendment, strike line ____ and all that follows through line ____ on page ____, and insert the following:

TITLE ____—HUMAN CLONING PROHIBITION

SEC. ___01. SHORT TITLE.

This title may be cited as the ''Human Cloning Prohibition Act of 2001''.

SEC. ___02. FINDINGS.

Congress finds that—

(1) the National Bioethics Advisory Commission (referred to in this title as the ''NBAC'') has reviewed the scientific and ethical implications of human cloning and has determined that the cloning of human beings is morally unacceptable;

(2) the NBAC recommended that Federal legislation be enacted to prohibit anyone from conducting or attempting human cloning, whether using Federal or non-Federal funds;

(3) the NBAC also recommended that the United States cooperate with other countries to enforce mutually supported prohibitions on human cloning;

(4) the NBAC found that somatic cell nuclear transfer (also known as nuclear transplantation) may have many important applications in medical research;

(5) the Institute of Medicine has found that nuclear transplantation may enable stem cells to be developed in a manner that will permit such cells to be transplanted into a patient without being rejected;

(6) the NBAC concluded that any regulatory or legislative actions undertaken to prohibit human cloning should be carefully written so as not to interfere with other important areas of research, such as stem cell research; and

(7)(A) biomedical research and clinical facilities engage in and affect interstate commerce;

(B) the services provided by clinical facilities move in interstate commerce;

(C) patients travel regularly across State lines in order to access clinical facilities; and

(D) biomedical research and clinical facilities engage scientists, doctors, and other staff in an interstate market, and contract for research and purchase medical and other supplies in an interstate market.

SEC. ___03. PURPOSES.

It is the purpose of this title to prohibit any attempt to clone a human being while protecting important areas of medical research, including stem cell research.

SEC. ___04. PROHIBITION ON HUMAN CLONING.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 15, the following:

''CHAPTER 16—PROHIBITION ON HUMAN CLONING

''Sec.
''301. Prohibition on human cloning.

''§ 301. Prohibition on human cloning

''(a) DEFINITIONS.—In this section:

''(1) HUMAN CLONING.—The term 'human cloning' means asexual reproduction by implanting or attempting to implant the product of nuclear transplantation into a uterus.

''(2) HUMAN SOMATIC CELL.—The term 'human somatic cell' means a mature, diploid cell that is obtained or derived from a living or deceased human being at any stage of development.

''(3) NUCLEAR TRANSPLANTATION.—The term 'nuclear transplantation' means transferring the nucleus of a human somatic cell into an oocyte from which the nucleus or all chromosomes have been or will be removed or rendered inert.

''(4) NUCLEUS.—The term 'nucleus' means the cell structure that houses the chromosomes, and thus the genes.

''(5) OOCYTE.—The term 'oocyte' means the female germ cell, the egg.

''(b) PROHIBITIONS ON HUMAN CLONING.—It shall be unlawful for any person or other legal entity, public or private—

''(1) to conduct or attempt to conduct human cloning;

''(2) to ship the product of nuclear transplantation in interstate or foreign commerce for the purpose of human cloning in the United States or elsewhere; or

''(3) to use funds made available under any provision of Federal law for an activity prohibited under paragraph (1) or (2).

''(c) PROTECTION OF MEDICAL RESEARCH.—Nothing in this section shall be construed to restrict areas of biomedical and agricultural research or practices not expressly prohibited in this section, including research or practices that involve the use of—

''(1) nuclear transplantation to produce human stem cells;

''(2) techniques to create exact duplicates of molecules, DNA, cells, and tissues;

''(3) mitochondrial, cytoplasmic or gene therapy; or

''(4) nuclear transplantation techniques to create nonhuman animals.

''(d) PENALTIES.—

''(1) IN GENERAL.—Whoever intentionally violates any provision of subsection (b) shall be fined under this title and imprisoned not more than 10 years.

''(2) CIVIL PENALTIES.—Whoever intentionally violates paragraph (1), (2), or (3) of subsection (b) shall be subject to a civil penalty of $1,000,000 or three times the gross pecuniary gain resulting from the violation, whichever is greater.

''(3) CIVIL ACTIONS.—If a person is violating or about to violate the provisions of subsection (b), the Attorney General may commence a civil action in an appropriate Federal district court to enjoin such violation.

''(4) FORFEITURE.—Any property, real or personal, derived from or used to commit a violation or attempted violation of the provisions of subsection (b), or any property traceable to such property, shall be subject to forfeiture to the United States in accordance with the procedures set forth in chapter 46 of title 18, United States Code.

''(5) ADVISORY OPINIONS.—The Attorney General shall, upon request, render binding advisory opinions regarding the scope, applicability, interpretation, and enforcement of this section with regard to specific research projects or practices.

''(e) COOPERATION WITH FOREIGN COUNTRIES.—It is the sense of Congress that the President should cooperate with foreign countries to enforce mutually supported restrictions on the activities prohibited under subsection (b).

''(f) RIGHT OF ACTION.—Nothing in this section shall be construed to give any individual or person a private right of action.

''(g) PREEMPTION OF STATE LAW.—The provisions of this section shall preempt any State or local law that prohibits or restricts research regarding, or practices constituting, nuclear transplantation, mitochondrial or cytoplasmic therapy, or the cloning of molecules, DNA, cells, tissues, organs, plants, animals, or humans.''.

(b) ETHICAL REQUIREMENTS FOR NUCLEAR TRANSPLANTATION RESEARCH.—Part H of title IV of the Public Health Service Act (42 U.S.C. 289 et seq.) is amended by adding at the end the following:

''SEC. 498C. ETHICAL REQUIREMENTS FOR NUCLEAR TRANSPLANTATION RESEARCH.

''(a) DEFINITIONS.—In this section:

''(1) HUMAN SOMATIC CELL.—The term 'human somatic cell' means a mature, diploid cell that is obtained or derived from a living or deceased human being at any stage of development.

''(2) NUCLEAR TRANSPLANTATION.—The term 'nuclear transplantation' means transferring the nucleus of a human somatic cell into an oocyte from which the nucleus or all chromosomes have been or will be removed or rendered inert.

''(3) NUCLEUS.—The term 'nucleus' means the cell structure that houses the chromosomes, and thus the genes.

''(4) OOCYTE.—The term 'oocyte' means the female germ cell, the egg.

''(b) APPLICABILITY OF FEDERAL ETHICAL STANDARDS TO NUCLEAR TRANSPLANTATION RESEARCH.—Research involving nuclear transplantation shall be conducted in accordance with the applicable provisions of part 46 of title 45, Code of Federal Regulations (as in effect on the date of enactment of the Human Cloning Prohibition Act of 2001).

''(c) CIVIL PENALTIES.—Whoever intentionally violates subsection (b) shall be subject to a civil penalty of not more than $250,000.

''(d) ENFORCEMENT.—The Secretary of Health and Human Services shall have the exclusive authority to enforce this section.''.

SA 2220. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 10, to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

''SEC. . Notwithstanding any other provision of this Act, the $15,000,000,000 transfer authorized under section 107(a) shall not take effect unless the Secretary of the Treasury finds that no portion of the transferred funds are attributable to the surplus in Social Security.''.

SA 2221. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 10, to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

''SEC. . Notwithstanding any other provision of this Act, the $15,000,000,000 transfer authorized under section 107(a) shall not take effect unless the Secretary of the Treasury finds that no portion of the transferred funds are attributable to the surplus in Social Security or in Medicare.''.

SA 2222. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 10, to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

''SEC. . Notwithstanding any other provision of this Act, the reduction in the retirement age authorized by section 102 shall not take effect until the Secretary of the Treasury finds that there has been a comparable reduction in the Social Security retirement age.''.

SA 2223. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 10, to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

''SEC. . Notwithstanding any other provision of Act, the Board of Trustees created under section 105 shall invest the funds of the Trust only in a manner that maximizes return on investment, consistent with prudent risk management. Any railroad employee, retiree, survivor, or company may bring a civil action to enforce this section.''.

SA 2224. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 10, to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

''SEC. . Notwithstanding any other provision of Act, in the table in Section 3241(b) of the Internal Revenue Code of 1986 (as added by this Act) strike 22.1 and insert 'such percentage as the Secretary determines necessary to restore the average account benefit ratio to 2.5'.''.

SA 2225. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 10, to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

''SEC. . Notwithstanding any other provision of this Act, the Secretary of the Treasury shall not make the transfers authorized under Sec. 107(c)(1).''.

SA 2226. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 10, to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

''SEC. . Notwithstanding any other provision of this Act, any reduction in tax or increase in benefits shall take effect only to the degree that the Secretary of the Treasury finds that the actual earnings of the Railroad Retirement Investment Trust Fund are sufficient to fund them.''.

SA 2227. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 10, to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

At end end of the amendment, insert the following:

''SEC. . Notwithstanding any other provision of this Act, section 105(c) shall not apply.''.

SA 2228. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 10, to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

At the of the amendment, insert the following:

''SEC. . Notwithstanding any other provision of this Act, any reduction in tax under section 204 shall be null and void in any year that the combined balances of the Railroad Retirement trust funds have been depleted by more than 10 percent as compared to the combined balances of the Railroad Retirement trust funds projected by the Railroad Retirement Board under employment assumption II as of the day before the date of enactment of this Act, and the Secretary of the Treasury shall apply the rate of tax necessary to restore the depleted funds.''.

SA 2229. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 10, to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

''SEC. . Notwithstanding any other provision of this Act, any reduction in tax under section 204 shall be null and void in any year that the combined balances of the Railroad Retirement trust funds have been depleted by more than 20 percent as compared to the combined balances of the Railroad Retirement trust funds projected by the Railroad Retirement Board under employment assumption II as of the day before the date of enactment of this Act, and the Secretary of the Treasury shall apply the rate of tax necessary to restore the depleted funds.''.

SA 2230. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 10, to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

''SEC. . Notwithstanding any other provision of this Act, any reduction in tax under section 204 shall be null and void in any year that the combined balances of the Railroad Retirement trust funds have been depleted by more than 40 percent as compared to the combined balances of the Railroad Retirement trust funds projected by the Railroad Retirement Board under employment assumption II as of the day before the date of enactment of this Act, and the Secretary of the Treasury shall apply the rate of tax necessary to restore the depleted funds.''.

SA 2231. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 10, to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

''SEC. . Notwithstanding any other provision of this Act, any reduction in tax under section 204 shall be null and void in any year that the combined balances of the Railroad Retirement trust funds have been depleted by more than 75 percent as compared to the combined balances of the Railroad Retirement trust funds projected by the Railroad Retirement Board under employment assumption II as of the day before the date of enactment of this Act, and the Secretary of the Treasury shall apply the rate of tax necessary to restore the depleted funds.''.

SA 2232. Mr. SMITH of New Hampshire submitted an amendment intended to be proposed to amendment SA 2171 submitted by Mr. LOTT and intended to be proposed to the amendment SA 2170 proposed by Mr. DASCHLE to the bill (H.R. 10), to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

TITLE ___—METHYL TERTIARY BUTYL ETHER

SEC. ___1. SHORT TITLE.

This title may be cited as the ''Federal Reformulated Fuels Act of 2001''.

SEC. ___2. LEAKING UNDERGROUND STORAGE TANKS.

(a) USE OF LUST FUNDS FOR REMEDIATION OF MTBE CONTAMINATION.—Section 9003(h) of the Solid Waste Disposal Act (42 U.S.C. 6991b(h)) is amended—

(1) in paragraph (7)(A)—

(A) by striking ''paragraphs (1) and (2) of this subsection'' and inserting ''paragraphs (1), (2), and (12)''; and

(B) by inserting ''and section 9010'' before ''if''; and

(2) by adding at the end the following:

''(12) REMEDIATION OF MTBE CONTAMINATION.—

''(A) IN GENERAL.—The Administrator and the States may use funds made available under section 9011(1) to carry out corrective actions with respect to a release of methyl tertiary butyl ether that presents a threat to human health, welfare, or the environment.

''(B) APPLICABLE AUTHORITY.—Subparagraph (A) shall be carried out—

''(i) in accordance with paragraph (2); and

''(ii) in the case of a State, in accordance with a cooperative agreement entered into by the Administrator and the State under paragraph (7).''.

(b) RELEASE PREVENTION AND COMPLIANCE.—Subtitle I of the Solid Waste Disposal

Act (42 U.S.C. 6991 et seq.) is amended by striking section 9010 and inserting the following:

"SEC. 9010. RELEASE PREVENTION AND COMPLIANCE.

''Funds made available under section 9011(2) from the Leaking Underground Storage Tank Trust Fund may be used for conducting inspections, or for issuing orders or bringing actions under this subtitle—

''(1) by a State (pursuant to section 9003(h)(7)) acting under—

''(A) a program approved under section 9004; or

''(B) State requirements regulating underground storage tanks that are similar or identical to this subtitle; and

''(2) by the Administrator, acting under this subtitle or a State program approved under section 9004.

"SEC. 9011. AUTHORIZATION OF APPROPRIATIONS.

''In addition to amounts made available under section 2007(f), there are authorized to be appropriated from the Leaking Underground Storage Tank Trust Fund—

''(1) to carry out section 9003(h)(12), $200,000,000 for fiscal year 2002, to remain available until expended; and

''(2) to carry out section 9010—

''(A) $50,000,000 for fiscal year 2002; and

''(B) $30,000,000 for each of fiscal years 2003 through 2007.''.

(c) TECHNICAL AMENDMENTS.—

(1) Section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is amended by striking the item relating to section 9010 and inserting the following:

''Sec. 9010. Release prevention and compliance.
''Sec. 9011. Authorization of appropriations.''

(2) Section 9001(3)(A) of the Solid Waste Disposal Act (42 U.S.C. 6991(3)(A)) is amended by striking ''sustances'' and inserting ''substances''.

(3) Section 9003(f)(1) of the Solid Waste Disposal Act (42 U.S.C. 6991b(f)(1)) is amended by striking ''subsection (c) and (d) of this section'' and inserting ''subsections (c) and (d)''.

(4) Section 9004(a) of the Solid Waste Disposal Act (42 U.S.C. 6991c(a)) is amended in the second sentence by striking ''referred to'' and all that follows and inserting ''referred to in subparagraph (A) or (B), or both, of section 9001(2).''.

(5) Section 9005 of the Solid Waste Disposal Act (42 U.S.C. 6991d) is amended—

(A) in subsection (a), by striking ''study taking'' and inserting ''study, taking'';

(B) in subsection (b)(1), by striking ''relevent'' and inserting ''relevant''; and

(C) in subsection (b)(4), by striking ''Evironmental'' and inserting ''Environmental''.

SEC. ___3. AUTHORITY FOR WATER QUALITY PROTECTION FROM FUELS.

(a) IN GENERAL.—Section 211(c) of the Clean Air Act (42 U.S.C. 7545(c)) is amended—

(1) in paragraph (1)(A)—

(A) by inserting ''fuel or fuel additive or'' after ''Administrator any''; and

(B) by striking ''air pollution which'' and inserting ''air pollution, or water pollution, that'';

(2) in paragraph (4)(B), by inserting ''or water quality protection,'' after ''emission control,''; and

(3) by adding at the end the following:

''(5) BAN ON THE USE OF MTBE.—Not later than 4 years after the date of enactment of this paragraph, the Administrator shall ban use of methyl tertiary butyl ether in motor vehicle fuel.''.

(b) NO EFFECT ON LAW REGARDING STATE AUTHORITY.—The amendments made by subsection (a) have no effect on the law in effect on the day before the date of enactment of this Act regarding the authority of States to limit the use of methyl tertiary butyl ether in gasoline.

SEC. ___4. WAIVER OF OXYGEN CONTENT REQUIREMENT FOR REFORMULATED GASOLINE.

Section 211(k)(1) of the Clean Air Act (42 U.S.C. 7545(k)(1)) is amended—

(1) by striking ''Within 1 year after the enactment of the Clean Air Act Amendments of 1990,'' and inserting the following:

''(A) IN GENERAL.—Not later than November 15, 1991,''; and

(2) by adding at the end the following:

''(B) WAIVER OF OXYGEN CONTENT REQUIREMENT.—

''(i) AUTHORITY OF THE GOVERNOR.—

''(I) IN GENERAL.—Notwithstanding any other provision of this subsection, a Governor of a State, upon notification by the Governor to the Administrator during the 90-day period beginning on the date of enactment of this subparagraph, or during the 90-day period beginning on the date on which an area in the State becomes a covered area by operation of the second sentence of paragraph (10)(D), may waive the application of paragraphs (2)(B) and (3)(A)(v) to gasoline sold or dispensed in the State.

''(II) OPT-IN AREAS.—A Governor of a State that submits an application under paragraph (6) may, as part of that application, waive the application of paragraphs (2)(B) and (3)(A)(v) to gasoline sold or dispensed in the State.

''(ii) TREATMENT AS REFORMULATED GASOLINE.—In the case of a State for which the Governor invokes the waiver described in clause (i), gasoline that complies with all provisions of this subsection other than paragraphs (2)(B) and (3)(A)(v) shall be considered to be reformulated gasoline for the purposes of this subsection.

''(iii) EFFECTIVE DATE OF WAIVER.—A waiver under clause (i) shall take effect on the earlier of—

''(I) the date on which the performance standards under subparagraph (C) take effect; or

''(II) the date that is 270 days after the date of enactment of this subparagraph.

''(C) MAINTENANCE OF TOXIC AIR POLLUTANT EMISSION REDUCTIONS.—

''(i) IN GENERAL.—As soon as practicable after the date of enactment of this subparagraph, the Administrator shall—

''(I) promulgate regulations consistent with subparagraph (A) and paragraph (3)(B)(ii) to ensure that reductions of toxic air pollutant emissions achieved under the reformulated gasoline program under this section before the date of enactment of this subparagraph are maintained in States for which the Governor waives the oxygenate requirement under subparagraph (B)(i); or

''(II) determine that the requirement described in clause (iv)—

''(aa) is consistent with the bases for performance standards described in clause (ii); and

''(bb) shall be deemed to be the performance standards under clause (ii) and shall be applied in accordance with clause (iii).

''(ii) PADD PERFORMANCE STANDARDS.—The Administrator, in regulations promulgated under clause (i)(I), shall establish annual average performance standards for each Petroleum Administration for Defense District (referred to in this subparagraph as a 'PADD') based on—

''(I) the average of the annual aggregate reductions in emissions of toxic air pollutants achieved under the reformulated gasoline program in each PADD during calendar years 1999 and 2000, determined on the basis of the 1999 and 2000 Reformulated Gasoline Survey Data, as collected by the Administrator; and

''(II) such other information as the Administrator determines to be appropriate.

''(iii) APPLICABILITY.—

''(I) IN GENERAL.—The performance standards under this subparagraph shall be applied on an annual average importer or refinery-by-refinery basis to reformulated gasoline that is sold or introduced into commerce in a State for which the Governor waives the oxygenate requirement under subparagraph (B)(i).

''(II) MORE STRINGENT REQUIREMENTS.—The performance standards under this subparagraph shall not apply to the extent that any requirement under section 202(l) is more stringent than the performance standards.

''(III) STATE STANDARDS.—The performance standards under this subparagraph shall not apply in any State that has received a waiver under section 209(b).

''(IV) CREDIT PROGRAM.—The Administrator shall provide for the granting of credits for exceeding the performance standards under this subparagraph in the same manner as provided in paragraph (7).

''(iv) STATUTORY PERFORMANCE STANDARDS.—

''(I) IN GENERAL.—Subject to subclause (IV), if the regulations under clause (i)(I) have not been promulgated by the date that is 270 days after the date of enactment of this subparagraph, the requirement described in subclause (III) shall be deemed to be the performance standards under clause (ii) and shall be applied in accordance with clause (iii).

''(II) PUBLICATION IN FEDERAL REGISTER.—Not later than 30 days after the date of enactment of this subparagraph, the Administrator shall publish in the Federal Register, for each PADD, the percentage equal to the average of the annual aggregate reductions in the PADD described in clause (ii)(I).

''(III) TOXIC AIR POLLUTANT EMISSIONS.—The annual aggregate emissions of toxic air pollutants from baseline vehicles when using reformulated gasoline in each PADD shall be not greater than—

''(aa) the aggregate emissions of toxic air pollutants from baseline vehicles when using baseline gasoline in the PADD; reduced by

''(bb) the quantity obtained by multiplying the aggregate emissions described in item (aa) for the PADD by the percentage published under subclause (II) for the PADD.

''(IV) SUBSEQUENT REGULATIONS.—Through promulgation of regulations under clause (i)(I), the Administrator may modify the performance standards established under subclause (I) to require each PADD to achieve a greater percentage reduction than the percentage published under subclause (II) for the PADD.''.

SEC. ___5. PUBLIC HEALTH AND ENVIRONMENTAL IMPACTS OF FUELS AND FUEL ADDITIVES.

Section 211(b) of the Clean Air Act (42 U.S.C. 7545(b)) is amended—

(1) in paragraph (2)—

(A) by striking ''may also'' and inserting ''shall, on a regular basis,''; and

(B) by striking subparagraph (A) and inserting the following:

''(A) to conduct tests to determine potential public health and environmental effects of the fuel or additive (including carcinogenic, teratogenic, or mutagenic effects); and''; and

(2) by adding at the end the following:

''(4) ETHYL TERTIARY BUTYL ETHER.—

''(A) IN GENERAL.—Not later than 2 years after the date of enactment of this paragraph, the Administrator shall—

''(i) conduct a study on the effects on public health, air quality, and water resources of increased use of, and the feasibility of using

as substitutes for methyl tertiary butyl ether in gasoline—

''(I) ethyl tertiary butyl ether; and

''(II) other ethers, as determined by the Administrator; and

''(ii) submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing the results of the study.

''(B) CONTRACTS FOR STUDY.—In carrying out this paragraph, the Administrator may enter into 1 or more contracts with nongovernmental entities.''.

SEC. ___6. ANALYSES OF MOTOR VEHICLE FUEL CHANGES.

Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended—

(1) by redesignating subsection (o) as subsection (p); and

(2) by inserting after subsection (n) the following:

''(o) ANALYSES OF MOTOR VEHICLE FUEL CHANGES AND EMISSIONS MODEL.—

''(1) ANTI-BACKSLIDING ANALYSIS.—

''(A) DRAFT ANALYSIS.—Not later than 4 years after the date of enactment of this subsection, the Administrator shall publish for public comment a draft analysis of the changes in emissions of air pollutants and air quality due to the use of motor vehicle fuel and fuel additives resulting from implementation of the amendments made by the Federal Reformulated Fuels Act of 2001.

''(B) FINAL ANALYSIS.—After providing a reasonable opportunity for comment but not later than 5 years after the date of enactment of this subsection, the Administrator shall publish the analysis in final form.

''(2) EMISSIONS MODEL.—For the purposes of this subsection, as soon as the necessary data are available, the Administrator shall develop and finalize an emissions model that reasonably reflects the effects of fuel characteristics or components on emissions from vehicles in the motor vehicle fleet during calendar year 2005.''.

SEC. ___7. ELIMINATION OF ETHANOL WAIVER.

Section 211(h) of the Clean Air Act (42 U.S.C. 7545(h)) is amended—

(1) by striking paragraph (4); and

(2) by redesignating paragraph (5) as paragraph (4).

SEC. ___8. ADDITIONAL OPT-IN AREAS UNDER REFORMULATED GASOLINE PROGRAM.

Section 211(k)(6) of the Clean Air Act (42 U.S.C. 7545(k)(6)) is amended—

(1) by striking ''(6) OPT-IN AREAS.—(A) Upon'' and inserting the following:

''(6) OPT-IN AREAS.—

''(A) CLASSIFIED AREAS.—

''(i) IN GENERAL.—Upon'';

(2) in subparagraph (B), by striking ''(B) If'' and inserting the following:

''(ii) EFFECT OF INSUFFICIENT DOMESTIC CAPACITY TO PRODUCE REFORMULATED GASOLINE.—If'';

(3) in subparagraph (A)(ii) (as so redesignated)—

(A) in the first sentence, by striking ''subparagraph (A)'' and inserting ''clause (i)''; and

(B) in the second sentence, by striking ''this paragraph'' and inserting ''this subparagraph''; and

(4) by adding at the end the following:

''(B) NONCLASSIFIED AREAS.—

''(i) IN GENERAL.—In accordance with section 110, a State may submit to the Administrator, and the Administrator may approve, a State implementation plan revision that provides for application of the prohibition specified in paragraph (5) in any portion of the State that is not a covered area or an area referred to in subparagraph (A)(i).

''(ii) PERIOD OF EFFECTIVENESS.—Under clause (i), the State implementation plan shall establish a period of effectiveness for applying the prohibition specified in paragraph (5) to a portion of a State that—

''(I) commences not later than 1 year after the date of approval by the Administrator of the State implementation plan; and

''(II) ends not earlier than 4 years after the date of commencement under subclause (I).''.

SEC. ___9. MTBE MERCHANT PRODUCER CONVERSION ASSISTANCE.

Section 211(c) of the Clean Air Act (42 U.S.C. 7545(c)) (as amended by section ___3(a)(3)) is amended by adding at the end the following:

''(6) MTBE MERCHANT PRODUCER CONVERSION ASSISTANCE.—

''(A) IN GENERAL.—The Administrator may make grants to merchant producers of methyl tertiary butyl ether in the United States to assist the producers in the conversion of eligible production facilities described in subparagraph (B) to the production of other fuel additives that—

''(i) will be consumed in nonattainment areas;

''(ii) will assist the nonattainment areas in achieving attainment with a national primary ambient air quality standard;

''(iii) will not degrade air quality or surface or ground water quality or resources; and

''(iv) have been registered and tested in accordance with the requirements of this section.

''(B) ELIGIBLE PRODUCTION FACILITIES.—A production facility shall be eligible to receive a grant under this paragraph if the production facility—

''(i) is located in the United States; and

''(ii) produced methyl tertiary butyl ether for consumption in nonattainment areas during the period—

''(I) beginning on the date of enactment of this paragraph; and

''(II) ending on the effective date of the ban on the use of methyl tertiary butyl ether under paragraph (5).

''(C) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph $250,000,000 for each of fiscal years 2002 through 2004.''.

SA 2233. Mr. VOINOVICH submitted an amendment intended to be proposed to amendment SA 2170 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 10) to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

On page 51, insert the following after Section 301 and redesignate accordingly:

SEC. . PRICE-ANDERSON REAUTHORIZATION.

(a) INDEMNIFICATION OF LICENSEES.—Section 170c. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(c)) is amended—

(1) in the subsection heading, by striking ''LICENSES'' and inserting ''LICENSEES''; and

(2) in the first sentence, by striking ''August 1, 2001'' and inserting ''August 1, 2012''.

(b) REPORTS TO CONGRESS.—Section 170p. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(p)) is amended by striking ''August 1, 1998'' and inserting ''August 1, 2008''.

(c) APPLICABILITY.—The amendments made by this section apply with respect to nuclear incidents occurring on or after the date of enactment of this Act.

SEC. . ELIMINATION OF FOREIGN OWNERSHIP RESTRICTIONS.

(a) COMMERCIAL LICENSES.—Section 103d. of the Atomic Energy Act of 1954 (42 U.S.C. 2133(d)) is amended by striking the second sentence.

(b) MEDICAL THERAPY AND RESEARCH AND DEVELOPMENT.—Section 104d. of the Atomic Energy Act of 1954 (42 U.S.C. 2134(d)) is amended by striking the second sentence.

SEC. . SCOPE OF ENVIRONMENT REVIEW.

(a) IN GENERAL.—Chapter 10 of title I of the Atomic Energy Act of 1954 (42 U.S.C. 2131 et seq.) is amended—

(1) by redesignating sections 110 and 111 as sections 111 and 112, respectively; and

(2) by inserting after section 109 the following:

SEC. 110. SCOPE OF ENVIRONMENTAL REVIEW.

''In conducting any environmental review (including any activity conducted under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332)) in connection with an application for a license or a renewed license under this chapter, the Commission shall not give any consideration to the need for, or any alternative to, the facility to be licensed.''.

(b) CONFORMING AMENDMENTS.—

(1) The Atomic Energy Act of 1954 is amended—

(A) in the table of contents (42 U.S.C. prec. 2011), by striking the items relating to section 110 and inserting the following:

''Sec. 110. Scope of environmental review.
''Sec. 111. Exclusions.
''Sec. 112. Licensing by Nuclear Regulatory Commission of distribution of certain materials by Department of Energy.'';

(B) in the last sentence of section 57b. (42 U.S.C. 2077(b)), by striking ''section 111 b.'' and inserting ''section 112b.''; and

(C) in section 131a.(2)(C), by striking ''section 111 b.'' and inserting ''section 112b.''.

(2) Section 202 of the Energy Reorganization Act of 1974 (42 U.S.C. 5842) is amended—

(A) by striking ''section 110 a.'' and inserting ''section 111a.''; and

(B) by striking ''section 110 b.'' and inserting ''section 111b.''.

SEC. . ELIMINATION OF DUPLICATIVE ANTITRUST REVIEW.

Section 105 of the Atomic Energy Act of 1954 (42 U.S.C. 2135) is amended by striking subsection c. and inserting the following:

''(c.) CONDITIONS.—

''(1) IN GENERAL.—A condition for a grant of a license imposed by the Commission under this section shall remain in effect until the condition is modified or removed by the Commission.

''(2) MODIFICATION.—If a person that is licensed to construct or operate a utilization or production facility applies for reconsideration under this section of a condition imposed in the person's license, the Commission shall conduct a proceeding, on an expedited basis, to determine whether the license condition—

''(A) is necessary to ensure compliance with subsection a.; or

''(B) should be modified or removed.''.

On page 52, insert the following after Section 304 and redesignate accordingly:

SEC. . HEARING PROCEDURES.

Section 189a.(1) of the Atomic Energy Act of 1954 (42 U.S.C. 2239(a)(1)) is amended by adding at the end the following:

''(C) HEARINGS.—A hearing under this section shall be conducted using informal adjudicatory procedures unless the Commission determines that formal adjudicatory procedures are necessary—

''(i) to develop a sufficient record; or

''(ii) to achieve fairness.''.

SEC. . AUTHORITY OVER FORMER LICENSEES FOR DECOMMISSIONING FUNDING.

Section 161i. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(i)) is amended—

(1) by striking ''and (3)'' and inserting ''(3)''; and

(2) by inserting before the semicolon at the end the following: '', and (4) to ensure that sufficient funds will be available for the decommissioning of any production or utilization facility licensed under section 103 or

104b., including standards and restrictions governing the control, maintenance, use, and disbursement by any former licensee under this Act that has control over any fund for the decommissioning of the facility''.

SEC. . ELIMINATION OF PENSION OFFSET.

Section 161 of the Atomic Energy Act of 1954 (42 U.S.C. 2201) is amended by adding at the end the following:

''(y)'' exempt from the application of sections 8344 and 8468 of title 5, United States Code, an annuitant who was formerly an employee of the Commission who is hired by the Commission as a consultant, if the Commission finds that the annuitant has a skill that is critical to the performance of the duties of the Commission.''.

On page 53, insert the following after Section 308 and redesignate accordingly

SEC. . CONTRACTS WITH THE NATIONAL LABORATORIES.

Section 170A of the Atomic Energy Act of 1954 (42 U.S.C. 2210a) is amended by striking subsection c. and inserting the following:

''(c) CONTRACTS, AGREEMENTS, AND OTHER ARRANGEMENTS WITH THE NATIONAL LABORATORIES.—Notwithstanding subsection b. and notwithstanding the potential for a conflict of interest that cannot be avoided, the Commission may enter into a contract, agreement, or other arrangement with a national laboratory if the Commission takes reasonable steps to mitigate the effect of the conflict of interest.''.

On page 108, insert the following after Section 2302 and redesignate accordingly:

SEC. . NRC TRAINING PROGRAM.

(a) IN GENERAL.—In order to maintain the human resources investment and infrastructure of the United States in the nuclear sciences, health physics, and engineering fields, in accordance with the statutory authorities of the Commission relating to the civilian nuclear energy program, the Nuclear Regulatory Commission shall carry out a training and fellowship program to address shortages of individuals with critical safety skills.

(b) AUTHORIZATION OF APPROPRIATIONS—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2002 through 2005.

(2) AVAILABILITY.—Funds made available under paragraph (1) shall remain available until expended.

SA 2234. Mr. CRAIG submitted an amendment intended to be proposed to amendment SA 2171 submitted by Mr. LOTT and intended to be proposed to the amendment SA 2170 proposed by Mr. DASCHLE to the bill (H.R. 10) to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

Strike sections 401 and 402 and insert the following:

SEC. 401. ALTERNATIVE CONDITIONS.

(a) ALTERNATIVE MANDATORY CONDITIONS.—Section 4 of the Federal Power 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 as 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 that will either—

''(A) cost less to implement, or

''(B) result in improved operation of the project works for electricity production.

''(2) Notwithstanding the first proviso of subsection (e), the Secretary shall accept the alternative condition proposed by the license applicant, and the Commission shall include in the license such alternative condition, if the Secretary determines that the alternative condition provides for the adequate protection and utilization of the reservation.

''(3) In making the determination set forth in subsection (2), the Secretary shall consult with and obtain the view of the Commission.

''(4) The Secretary shall submit to the Commission with any condition under subsection (e) or alternative condition it accepts under paragraph (2) a written statement explaining the basis for such condition and, if he determines not to accept an alternative condition proposed by the license applicant under paragraph (1), the basis for not accepting such alternative condition, along with all studies, data, and other information on which the Secretary based his decision.

''(5) The Commission shall place any statement, study, data, or other information received from the Secretary under paragraph (4) on the public record of the licensing proceeding.

''(6) The Secretary shall establish schedules for the submission of proposed conditions under paragraph (1) and the expedited review of the acceptance or rejection of proposed conditions under paragraph (2) that will enable the Secretary to submit conditions to the Commission in accordance with the Commission's license application review schedule.''.

(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 Commission shall require a licensee to construct, maintain, or operate a fishway prescribed by the Secretary of the Interior or the Secretary of Commerce under this section, the licensee may propose an alternative that will either—

''(A) cost less to implement, or

''(B) result in improved operation of the project works for electricity production.

''(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 alternative proposed by the licensee, if the Secretary of the appropriate department determines that the alternative will be no less effective than the fishway initially prescribed by the Secretary.

''(3) In making the determination set forth in subsection (2), the Secretary shall consult with and obtain the view of the Commission.

''(4) The Secretary of the appropriate department shall submit to the Commission with any fishway prescription under subsection (a) or alternative prescription it accepts under paragraph (2) a written statement explaining the basis of such prescription and, if it determines not to accept an alternative prescription proposed by the licensee under paragraph (1), the basis for not accepting such alternative prescription, along with all studies, data, and other information on which the Secretary based his decision.

''(5) The Commission shall place any statement, study, data or other information received from the Secretary under paragraph (3) on the public record of the licensing proceeding.

''(6) The Secretary of the appropriate department shall establish schedules for the submission of proposed conditions under paragraph (1) and the expedited review of the acceptance or rejection of proposed conditions under paragraph (2) that will enable the Secretary to submit conditions in accordance with the Commission's license application review schedule.''.

SA 2235. Mr. CRAIG submitted an amendment intended to be proposed to amendment SA 2171 submitted by Mr. LOTT and intended to be proposed to the amendment SA 2170 proposed by Mr. DASCHLE to the bill (H.R. 10) to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following and redesignate accordingly:

SEC. 1. SHORT TITLE.

This Act may be cited as the ''Climate Change Risk Management Act of 2001''.

SEC. 2. FINDINGS.

Congress finds that—

(1) human activities, namely energy production and use, contribute to increasing concentrations of greenhouse gases in the atmosphere, which may ultimately contribute to global climate change beyond that resulting from natural variability;

(2) although the science of global climate change has been advanced in the past ten years, the timing and magnitude of climate change-related impacts on the United States cannot currently be predicted with any reasonable certainty;

(3) furthermore, a recent National Research Council review of climate change science suggests that without an understanding of the sources and degree of uncertainty regarding climate change and its impacts, decision-makers could fail to define the best ways to manage the risk of climate change;

(4) despite this uncertainty, the potential impacts from human-induced climate change pose a substantial risk that should be managed in a responsible manner;

(5) given that the bulk of greenhouse gas emissions from human activities result from energy production and use, national and international energy policy decisions made now and in the longer-term future will influence the extent and timing of any climate change and resultant impacts from climate change later this century;

(6) the characteristics of greenhouse gases and the physical nature of the climate system require that stabilization of atmospheric greenhouse gas concentrations at any future level must be a long-term effort undertaken on a global basis;

(7) the characteristics of existing energy-related infrastructure and capital suggest that effective greenhouse gas management efforts will depend on the development of long-term, cost-effective technologies and practices that can be demonstrated and deployed commercially in the United States and around the world;

(8) environmental progress, energy security, economic prosperity, and satisfaction of basic human needs are interrelated, particularly in developing countries;

(9) developing countries will constitute the major source of greenhouse gas emissions in the 21st century and the major source of increases in such emissions;

(10) any program to address the risks of climate change that does not fully include developing nations as integral participants will be ineffective;

(11) a new long-term, technology-based, cost-effective, flexible, and global strategy to ensure long-term energy security and manage the risk of climate change is needed, and should be promoted by the United States in its domestic and international activities in this regard.

SEC. 3. DEFINITIONS

Title XVI of the Energy Policy Act of 1992 (42 U.S.C. 13381, et seq.) is amended by inserting before section 1601 the following:

''SEC. 1600. DEFINITIONS.

(1) AGRICULTURAL ACTIVITY.—The term ''agricultural activity'' means livestock production, cropland cultivation, biogas and other waste material recovery and nutrient management.

(2) CLIMATE SYSTEM.—The term ''climate system'' means the totality of the atmosphere, hydrosphere, biosphere and geosphere and their interactions.

(3) CLIMATE CHANGE.—The term ''climate change'' means a change in the state of the climate system attributed directly or indirectly to human activity which is in addition to natural climate variability observed over comparable time periods.

(4) EMISSIONS.—The term ''emissions'' means the net release of greenhouse gases and/or their precursors into the atmosphere over a specified area and period of time, after taking into account any reductions due to greenhouse gas sequestration.

(5) GREENHOUSE GASES.—The term ''greenhouse gases'' means those gaseous and aerosol constituents of the atmosphere, both natural and anthropogenic, that absorb and re-emit infrared radiation.

(6) SEQUESTRATION.—The term ''sequestration'' means any process, activity or mechanism which removes a greenhouse gas or its precursor from the atmosphere or from emissions streams.

(7) FOREST PRODUCTS.—The term ''forest products'' means all products or goods manufactured from trees.

(8) FORESTRY ACTIVITY.—

(A) IN GENERAL.—The term ''forestry activity means any ownership or management action that has a discernible impact on the use and productivity of forests.

(B) INCLUSIONS.—Forestry activities include, but are not limited to, the establishment of trees on an area not previously forested, the establishment of trees on an area previously forested if a net carbon benefit can be demonstrated, enhanced forest management (including thinning, stand improvement, fire protection, weed control, nutrient application, pest management, and other silvicultural practices), forest protection or conservation if a net carbon benefit can be demonstrated, and production or use of biomass energy (including the use of wood, grass or other biomass in lieu of fossil fuel).

(C) EXCLUSIONS.—The term ''forest activity'' does not include a land use change associated with—

(i) an act of war; or

(ii) an act of nature, including floods, storms, earthquakes, fires, hurricanes, and tornadoes.''.

SEC. 4. NATIONAL CLIMATE CHANGE STRATEGY.

(a) IN GENERAL.—Section 1601 of the Energy Policy Act of 1992 (42 U.S.C. 13381) is amended to read as follows:

''SEC. 1601. NATIONAL CLIMATE CHANGE STRATEGY.

(a) IN GENERAL.—The President, in consultation with appropriate Federal agencies and the Congress, shall develop and implement a national strategy to manage the risks posed by potential climate change.

(b) GOAL.—The strategy shall be consistent with the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992, in a manner that—

(1) does not result in serious harm to the U.S. economy;

(2) adequately provides for the energy security of the U.S.;

(3) establishes and maintains U.S. leadership with respect to climate change-related scientific research, development and deployment of advanced energy technology; and

(4) will result in a reduction in the ratio that the net U.S. greenhouse gas emissions bears to the U.S. gross domestic production.

(c) ELEMENTS.—The strategy shall include short-term and long-term strategies, programs and policies that—

(1) enhance the scientific knowledge base for understanding and evaluation of natural and human-induced climate change, including the role of climate feedbacks and all climate forcing agents;

(2) improve scientific observation, modeling, analysis and prediction of climate change and its impacts, and the economic, social and environmental risks posed by such impacts;

(3) assess the economic, social, and environmental costs and benefits of current and potential options to reduce, avoid, or sequester greenhouse gas emissions.

(4) develop and implement market-directed policies that reduce, avoid or sequester greenhouse gas emissions, including

(i) cost-effective Federal, State, tribal, and local policies, programs, standards and incentives;

(ii) policies and incentives to speed development, deployment and consumer adoption of advanced energy technologies in the U.S. and throughout the world; and

(iii) removal of regulatory barriers that impede the development, deployment and consumer adoption of advanced energy technologies in the U.S. and throughout the world; and

(iv) participation in international institutions, or the support of international activities, that are established or conducted to facilitate effective measures to implement the United Nations Framework Convention on Climate Change.

(5) advance areas where bilateral or multilateral cooperation and investment would lead to adoption of advanced technologies for use within developing countries to reduce, avoid or sequester greenhouse gas emissions;

(6) identify activities and policies that provide for adaptation to natural and human-induced climate change;

(7) recommend specific legislative or administrative activities, giving preference to cost-effective and technologically feasible measures that will—

(A) result in a reduction in the ratio that the net U.S. greenhouse gas emissions bears to the U.S. gross domestic product;

(B) avoid adverse short-term and long-term economic and social impacts on the United States; and

(C) foster such changes in institutional and technology systems as are necessary to mitigate or adapt to climate change and its impacts in the short-term and the long-term;

(8) designate federal, state, tribal or local agencies responsible for carrying out recommended activities and programs, and identify interagency entities or activities that may be needed to coordinate actions carried out consistent with this strategy.

(d) CONSULTATION.—This strategy shall be developed in a manner that provides for meaningful participation by, and consultation among, Federal, State, tribal, and local government agencies, non-governmental organizations, academia, scientific bodies, industry, the public, and other interested parties.

(e) BIANNUAL REPORT.—No later than one year after the date of enactment of this section, and at the end of each second year thereafter, the President shall submit to Congress a report that includes—

(1) a description of the national climate change strategy and its goals and Federal programs and activities intended to carry out this strategy through mitigation, adaptation, and scientific research activities;

(2) an evaluation of Federal programs and activities implemented as part of this strategy against the goals and implementation dates outlined in the strategy;

(3) a description of changes to Federal programs or activities implemented to carry out this strategy, in light of new knowledge of climate change and its impacts and costs or benefits, or technological capacity to improve mitigation or adaptation activities;

(4) a description of all Federal spending on climate change for the current fiscal year and each of the five years previous, categorized by Federal agency and program function (including scientific research, energy research and development, regulation, education and other activities);

(5) an estimate of the budgetary impact for the current fiscal year and each of the five years previous of any Federal tax credits, tax deductions or other incentives claimed by taxpayers that are directly or indirectly attributable to greenhouse gas emissions reduction activities; and

(6) an estimate of the amount, in metric tons, of greenhouse gas emissions reduced, avoided or sequestered directly or indirectly as a result of each spending program or tax credit, deduction or other incentive for the current fiscal year and each of the five years previous.

(f) REVIEW BY NATIONAL ACADEMIES.—

(1) IN GENERAL.—Not later than 90 days after the date of publication of the each biannual report as directed by this section, the President shall commission the National Academies to conduct a review of the national climate change strategy and implementation plan required by this section.

(2) CRITERIA.—The National Academies' review shall evaluate the goals and recommendations contained in the national climate change strategy report in light of—

(A) new or improved scientific knowledge regarding climate change and its impacts;

(B) new understanding of human social and economic responses to climate change, and responses of natural ecosystems to climate change;

(C) advancements in energy technologies that reduce, avoid, or sequester greenhouse gases or otherwise mitigate the risks of climate change;

(D) new or revised understanding of economic costs and benefits of mitigation or adaptation activities; and

(E) the existence of alternative policy options that could achieve the strategy goals at lower economic, environmental, or social cost.

(3) REPORT.—The National Academies shall prepare and submit to Congress and the President a report concerning the results of such review, along with any recommendations as appropriate. Such report shall also be made available to the public.

(4) DEFINITION.—For the purposes of this Section, the term ''National Academies'' means the National Research Council, the National Academy of Sciences, the National Academy of Engineering, and the Institute of Medicine.''

(b) CONFORMING AMENDMENT.—Section 1103(b) of the Global Climate Protection Act of 1987 (15 U.S.C. 2901) is amended by inserting '', the Department of Energy, and other Federal agencies as appropriate'' after ''Environmental Protection Agency''.

SEC. 5. CLIMATE TECHNOLOGY RESEARCH, DEVELOPMENT, DEMONSTRATION AND DEPLOYMENT PROGRAM.

(a) IN GENERAL.—Section 1604 of the Energy Policy Act of 1992 (42 U.S.C. 13384) is amended to read as follows:

''SEC. 1604. CLIMATE TECHNOLOGY RESEARCH, DEVELOPMENT, DEMONSTRATION AND DEPLOYMENT PROGRAM.

(a) IN GENERAL.—The Secretary, in consultation with the Advisory Board established under section 2302, shall establish a long-term Climate Technology Research, Development, Demonstration, and Deployment

Program, in accordance with sections 3001 and 3002.

(b) PROGRAM OBJECTIVES.—The program shall conduct a long-term research, development, demonstration and deployment program to foster technologies and practices that—

(1) reduce or avoid anthropogenic emissions of greenhouse gases;

(2) remove and sequester greenhouse gases from emissions streams; and

(3) remove and sequester greenhouse gases from the atmosphere.

(c) PROGRAM PLAN.—Not later than 1 year after the date of enactment of this Act, the Secretary shall prepare and submit to the Congress a 10-year program plan to guide activities under this section. Thereafter, the Secretary shall biennially update and resubmit the program plan to the Congress. In preparing the program plan, the Secretary shall:

(1) include quantitative technology performance and carbon emissions reduction goals, schedule milestones, technology approaches, Federal funding requirements, and non-Federal cost sharing requirements;

(2) consult with appropriate representatives of industry, institutions of higher education, Department of Energy national laboratories, and professional, scientific and technical societies;

(3) take into consideration how the Federal Government, acting through the Secretary, can be effective in ensuring the availability of such technologies when they are needed and how the Federal Government can most effectively cooperate with the private sector in the accomplishment of the goals set forth in subsection (b); and

(4) consider how activities funded under the program can be complementary to, and not duplicative of, existing research and development activities within the Department.

(d) SOLICITATION.—Not later than 1 year after the date of submission of the 10-year program plan, the Secretary shall solicit proposals for conducting activities consistent with the 10-year plan and select one or more proposals not later than 180 days after such solicitations.

(e) PROPOSALS.—Proposals may be submitted by applicants or consortia from industry, institutions of higher education, or Department of Energy national laboratories. At minimum, each proposal shall also include the following:

(1) a multi-year management plan that outlines how the proposed research, development, demonstration and deployment activities will be carried out;

(2) quantitative technology goals and greenhouse gas emission reduction targets that can be used to measure performance against program objectives;

(3) the total cost of the proposal for each year in which funding is requested, and a breakdown of those costs by category;

(4) evidence that the applicant has in existence or has access to—

(i) the technical capability to enable it to make use of existing research support and facilities in carrying out the research objectives of the proposal;

(ii) a multi-disciplinary research staff experienced in technologies or practices able to sequester, avoid, or capture greenhouse gas emissions;

(iii) access to facilities and equipment to enable the conduct of laboratory-scale testing or demonstration of technologies or related processes undertaken through the program; and

(iv) commitment for matching funds and other resources from non-Federal sources, including cash, equipment, services, materials, appropriate technology transfer activities, and other assets directly related to the cost of the proposal;

(5) evidence that the proposed activities are supplemental to, and not duplicative of, existing research and development activities carried out, funded, or otherwise supported by the Department;

(6) a description of the technology transfer mechanisms and industry partnerships that the applicant will use to make available research results to industry and to other researchers;

(7) a statement whether the unique capabilities of Department of Energy national laboratories warrant collaboration with those laboratories, and the extent of any such collaboration proposed; and

(8) demonstrated evidence of the ability of the applicant to undertake and complete the proposed project, including the successful introduction of the technology into commerce.

(f) SELECTION OF PROPOSALS.—From the proposals submitted, the Secretary shall select for funding one or more proposals that will best accomplish the program objectives outlined in this section.

(g) ANNUAL REPORT.—The Secretary shall prepare and submit an annual report to Congress that—

(1) demonstrates that the program objectives are adequately focused, peer-reviewed for merit, and not unnecessarily duplicative of the science and technology research being conducted by other Federal agencies and programs,

(2) states whether the program as conducted in the prior year addresses an adequate breadth and range of technologies and solutions to address anthropogenic climate change; and

(3) evaluates the quantitative progress of funded proposals towards the program objectives outlined in this section, and the technology and greenhouse gas emission reduction, avoidance or sequestration goals as described in their respective proposals.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subtitle $200,000,000 for each of fiscal years 2002 through 2011, to remain available until expended.''.

(b) CONFORMING AMENDMENTS.—Section 6 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5905) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking ''and'' at the end;

(B) in paragraph (3) by striking the period at the end and inserting '', and''; and

(C) by adding at the end of the following:

''(4) solutions to the effective management of greenhouse gas emissions in the long term by the development of technologies and practices designed to—

(A) reduce or avoid anthropogenic emissions of greenhouse gases;

(B) remove and sequester greenhouse gases from emissions streams; and

(C) remove and sequester greenhouse gases from the atmosphere.''; and

(2) in subsection (b)—

(A) in paragraph (2), by striking ''subsection (a)(1) through (3)'' and inserting ''paragraphs (1) through (4) of subsection (a)''; and

(B) in paragraph (3)—

(i) in subparagraph (R), by striking ''and'' at the end;

(ii) in subparagraph (S), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(T) to pursue a long-term climate technology strategy designed to demonstrate a variety of technologies by which stabilization of greenhouse gases might be best achieved, including accelerated research, development, demonstration and deployment of—

(i) renewable energy systems;

(ii) advanced fossil energy technology;

(iii) advanced nuclear power plant design;

(iv) fuel cell technology for residential; industrial and transportation applications:

(v) carbon sequestration practices and technologies, including agricultural and forestry practices that store and sequester carbon;

(vi) efficient electrical generation, transmission and distribution technologies; and

(vii) efficient end use energy technologies.''.

SEC. 6. INTERNATIONAL ENERGY TECHNOLOGY DEPLOYMENT PROGRAM.

Section 1608 of the Energy Policy Act of 1992 (42 U.S.C. 13387) is amended by striking subsection (l) and inserting the following:

''(l) INTERNATIONAL ENERGY TECHNOLOGY DEPLOYMENT PROGRAM.—

(l) DEFINITIONS.—In this subsection:

(A) INTERNATIONAL ENERGY DEPLOYMENT PROJECT.—The term ''international energy deployment project'' means a project to construct an energy production facility outside the United States—

(i) the output of which will be consumed outside the United States; and

(ii) the deployment of which will result in a greenhouse gas reduction per unit of energy produced when compared to the technology that would otherwise be implemented of—

(I) 10 percentage points or more, in the case of a unit placed in service before January 1, 2010;

(II) 20 percentage points or more, in the case of a unit placed in service after December 31, 2009, and before January 1, 2020; or

(III) 30 percentage points or more, in the case of a unit placed in service after December 31, 2019, and before January 1, 2030.

(C) QUALIFYING INTERNATIONAL ENERGY DEPLOYMENT PROJECT.—The term ''qualifying international energy deployment project'' means an international energy deployment project that—

(i) is submitted by a United States firm to the Secretary in accordance with procedures established by the Secretary by regulation;

(ii) uses technology that has been successfully developed or deployed in the United States, or in another country as a result of a partnership with a company based in the United States;

(iii) meets the criteria of subsection (k);

(iv) is approved by the Secretary, with notice of the approval being published in the Federal Register; and

(v) complies with such terms and conditions as the Secretary establishes by regulation.

(D) UNITED STATES.—The term ''United States'', when used in a geographical sense, means the 50 States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(2) PILOT PROGRAM FOR FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall, by regulation, provide for a pilot program for financial assistance for qualifying international energy deployment projects.

(B) SELECTION CRITERIA.—After consultation with the Secretary of State, the Secretary of Commerce, and the United States Trade Representative, the Secretary shall select projects for participation in the program based solely on the criteria under this title and without regard to the country in which the project is located.

(C) FINANCIAL ASSISTANCE.—

(i) IN GENERAL.—A United States firm that undertakes a qualifying international energy deployment project that is selected to participate in the pilot program shall be eligible

to receive a loan or a loan guarantee from the Secretary.

(ii) RATE OF INTEREST.—The rate of interest of any loan made under clause (i) shall be equal to the rate for Treasury obligations then issued for periods of comparable maturities.

(iii) AMOUNT.—The amount of a loan or loan guarantee under clause (i) shall not exceed 50 percent of the total cost of the qualified international energy deployment project.

(iv) DEVELOPED COUNTRIES.—Loans or loan guarantees made for projects to be located in a developed country, as listed in Annex I of the United Nations Framework Convention on Climate Change, shall require at least a 50% contribution towards the total cost of the loan or loan guarantee by the host country.

(v) DEVELOPING COUNTRIES.—Loans or loan guarantees made for projects to be located in a developed country (those countries not listed in Annex I of the United Nations Framework Convention on Climate Change) shall require at least a 10% contribution towards the total cost of the loan or loan guarantee by the host country.

(vi) CAPACITY BUILDING RESEARCH.—Proposals made for projects to be located in a developing country may include a research component intended to build technological capacity within the host country. Such research must be related to the technologies being deployed and must involve both an institution in the host country and an industry, university or national laboratory participant from the United States. The host institution must contribute at least 50% of funds provided for the capacity building research.

(D) COORDINATION WITH OTHER PROGRAMS.—A qualifying international energy deployment project funded under this section shall not be eligible as a qualifying clean coal technology under section 415 of the Clean Air Act (42 U.S.C. 7651n).

(E) REPORT.—Not later than 5 years after the date of enactment of this section, the Secretary shall submit to the President and the Congress a report on the results of the pilot projects.

(F) RECOMMENDATIONS.—Not later than 60 days after receiving the report under subparagraph (E), the Secretary shall submit to Congress a recommendation concerning whether the financial assistance program under this section should be continued, expanded, reduced, or eliminated.

(G) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $100,000,000 for each of fiscal years 2002 through 2011, to remain available until expended.''.

SEC. 7. NATIONAL GREENHOUSE GAS EMISSIONS REGISTRY.

Section 1605 of the Energy Policy Act of 1992 (42 U.S.C. 13385) is amended—

(1) by amending the second sentence of subsection (a) to read as follows:

''The Secretary shall annually update and analyze such inventory using available data, including, beginning in calendar year 2001, information collected as a result of voluntary reporting under subsection (b). The inventory shall identify for calendar year 2001 and thereafter the amount of emissions reductions attributed to those reported under subsection (b)'';

(2) by amending subsection (b)(1)(B) and (C) to read as follows—

''(B) annual reductions or avoidance of greenhouse gas emissions and carbon sequestration achieved through any measures, including agricultural activities, co-generation, appliance efficiency, energy efficiency, forestry activities that increase carbon sequestration stocks (including the use of forest products), fuel switching, management of crop lands, grazing lands, grasslands and drylands, manufacture or use of vehicles with reduced greenhouse gas emissions, methane recovery, ocean seeding, use of renewable energy, chlorofluorocarbon capture and replacement, and power plant heat rate improvement; and

(C) reductions in, or avoidance of, greenhouse gas emissions achieved as a result of voluntary activities domestically, or internationally, plant or facility closings, and State or Federal requirements.''.

(3) by striking in the first sentence of subsection (b)(2) the word ''entities'' and inserting ''persons or entities'' and in the second sentence of such subsection, by inserting after ''Persons'' the words ''or entities'';

(4) by inserting in the second sentence of subsection (b)(4) the words ''persons or'' before ''entity'';

(5) by adding after subsection (b)(4) the following new paragraphs—

''(5) RECOGNITION OF VOLUNTARY GREENHOUSE GAS EMISSIONS REDUCTION, AVOIDANCE, OR SEQUESTRATION.—To encourage new and increased voluntary efforts to reduce, avoid, or sequester emissions of greenhouse gases, the Secretary shall develop and establish a program of giving annual public recognition to all reporting persons and entities demonstrating voluntarily achieved greenhouse gases reduction, avoidance, or sequestration, pursuant to the voluntary collections and reporting guidelines issued under this section. Such recognition shall be based on the information certified, subject to section 1001 of title 18, United States Code, by such persons or entities for accuracy as provided in paragraph 2 of this subsection, and shall include such information reported prior to the enactment of this paragraph. At a minimum such recognition shall annually be published in the Federal Register.

(6) REVIEW AND REVISION OF GUIDELINES.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this subparagraph, the Secretary of Energy, acting through the Administrator of the Energy Information Administration, shall conduct a review of guidelines established under this section regarding the accuracy and reliability of reports of greenhouse gas reductions and related information.

(B) CONTENTS.—The review shall include the consideration of the need for any amendments to such guidelines, including—

(i) a random or other verification process using the authorities available to the Secretary under other provisions of law;

(ii) a range of reference cases for reporting of project-based activities in sectors, including the measures specified in subparagraph (1)(B) of this subsection, and the inclusion of benchmark and default methodologies and best practices for use as reference cases for eligible projects;

(iii) issues, such as comparability, that are associated with the option of reporting on an entity-wide basis or on an activity or project basis; and

(iv) safeguards to address the possibility of reporting, inadvertently or otherwise, of some of all of the same greenhouse gas emissions reductions by more than one reporting entity or person and to make corrections where necessary;

(v) provisions that encourage entities or persons to register their certified, by appropriate and credible means, baseline emissions levels on an annual basis, taking into consideration all of their reports made under this section prior to the enactment of this paragraph;

(vi) procedures and criteria for the review and registration of ownership of all or part of any reported and verified emissions reductions relative to a reported baseline emissions level under this section; and

(vii) accounting provisions needed to allow for changes in registration of ownership of emissions reductions resulting from a voluntary private transaction between reporting entities or persons.

For the purposes of this paragraph, the term ''reductions'' means any and all activities taken by a reporting entity or person that reduce, avoid or sequester greenhouse gas emissions, or sequester greenhouse gases from the atmosphere.

(C) ECONOMIC ANALYSIS.—The review should consider the costs and benefits of any such amendments, the effect of such amendments on participation in this program, including by farmers and small businesses, and the need to avoid creating undue economic advantages or disadvantages for persons or entities in the private sector. The review should provide, where appropriate, a range of reasonable options that are consistent with the voluntary nature of this section and that will help further the purposes of this section.

(D) PUBLIC COMMENT AND SUBMISSION OF REPORT.—The findings of the review shall be made available in draft form for public comment for at least 45 days, and a report containing the findings of the review shall be submitted to Congress and the President no later than one year after date of enactment of this section.

(E) REVISION OF GUIDELINES.—If the Secretary, after consultation with the Administrator, finds, based on the study results, that changes to the program are likely to be beneficial and cost effective in improving the accuracy and reliability of reported greenhouse gas reductions and related information, are consistent with the voluntary nature of this section, and further the purposes of this section, the Secretary shall propose and promulgate changes to program guidelines based with such findings. In carrying out the provisions of this paragraph, the Secretary shall consult with the Secretary of Agriculture and the Administrator of the Small Business Administration to encourage greater participation by small business and farmers in addressing greenhouse gas emission reductions and reporting such reductions.

(F) PERIODIC REVIEW AND REVISION OF GUIDELINES.—The Secretary shall thereafter review and revise these guidelines at least once every 5 years, following the provisions for economic analysis, public review, and revision set forth in subsections (C) through (E) of this section.''

(6) in subsection (c), by inserting ''the Secretary of the Department of Agriculture, the Secretary of the Department of Commerce, the Administrator of the Energy Information Administration, and'' before ''the Administrator''; and

(7) by adding at the end the following:

''(d) PUBLIC AWARENESS PROGRAM.—

(1) IN GENERAL.—The Secretary shall create and implement a public awareness program to educate all persons in the United States of—

(A) the direct benefits of engaging in voluntary greenhouse gas emissions reduction measures and having the emissions reductions certified under this section and available for use therein; and

(B) the case of use of the forms and procedures for having emissions reductions certified under this section.

(2) AGRICULTURAL AND SMALL BUSINESS OUTREACH.—The Secretary of Agriculture and the Administrator of the Small Business Administration shall assist the Secretary in creating and implementing a targeted public awareness program to encourage voluntary participation by small businesses and farmers.''

SEC. 8. REVIEW OF FEDERALLY FUNDED ENERGY TECHNOLOGY RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—Title XVI of the Energy Policy Act of 1992 (42 U.S.C. 13381 et seq.) is amended by adding the following new section:

''SEC. 1610. REVIEW OF FEDERALLY FUNDED ENERGY TECHNOLOGY RESEARCH AND DEVELOPMENT.

(a) DEPARTMENT OF ENERGY REVIEW.—

(1) IN GENERAL.—The Secretary shall review annually all federally funded research and development activities carried out with respect to energy technology; and submit to a report to Congress by October 15 of each year.

(2) ASSESSMENT OF TECHNOLOGY READINESS AND BARRIERS TO DEPLOYMENT.—As part of this review, the Secretary shall—

(A) assess the status and readiness (including the potential commercialization) of each energy technology and any regulatory or market barriers to deployment;

(B) consider—

(i) the length of time it will take for deployment and use of the energy technology and for the technology to have a meaningful impact on emission reductions;

(ii) the cost of deploying the energy technology; and

(iii) the safety of the energy technology;

(C) assess the available resource base for any energy resources used by the energy technology, and the potential for expanded sustainable use of the resource base; and

(D) recommend to Congress any changes in law or regulation deemed appropriate by the Secretary to hasten deployment and use of the energy technology.

(b) ENERGY TECHNOLOGY RESEARCH AND DEVELOPMENT CLEARINGHOUSE.—The Secretary shall establish an information clearinghouse to facilitate the transfer and dissemination of the results of federally funded research and development activities being carried out on energy technology subject to any restrictions or safeguards established for national security or the protection of intellectual property rights (including trade secrets and confidential business information protected under section 552(b)(4) of title 5, United States Code).''

(c) TECHNICAL AMENDMENT.—The table of contents of the Energy Policy Act of 1992 (106 Stat. 2776) is amended by inserting after the item relating to section 1609 the following:

''Sec. 1610. Review of federally funded energy technology research and development.''.

SEC. 9. OFFICE OF APPLIED ENERGY TECHNOLOGY AND GREENHOUSE GAS MANAGEMENT.

Section 1603 of the Energy Policy Act of 1992 (42 U.S.C. 13383) is amended to read as follows:

''SEC. 1603. OFFICE OF APPLIED ENERGY TECHNOLOGY AND GREENHOUSE GAS MANAGEMENT.

(a) ESTABLISHMENT.—There is established by this section in the Department of Energy an Office of Applied Energy Technology and Greenhouse Gas Management.

(b) FUNCTION.—The Office shall—

(1) establish appropriate quantitative performance and deployment goals for energy technologies that reduce, avoid, or sequester emissions of greenhouse gases, provided that such goals are consistent with any national climate change strategy;

(2) manage domestic and international energy technology demonstration and deployment programs for energy technologies that reduce, avoid or sequester emissions of greenhouse gases, including those authorized under this title; provided that such programs supplement and do not replace existing energy research and development activities within the Department;

(3) facilitate the development of domestic and international cooperative research and development agreements (as that term is defined in section 12(d)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(1))), or similar cooperative, cost-shared partnerships with non-Federal organizations to accelerate the rate of domestic and international demonstration and deployment of energy technologies that reduce, avoid or sequester emissions of greenhouse gases;

(4) conduct necessary programs of monitoring, experimentation, and analysis of the technological, scientific, and economic viability of energy technologies that reduce, avoid, or sequester greenhouse gas emissions; and

(5) coordinate issues, policies, and activities for the Department regarding climate change and related energy matters pursuant to this title, and coordinate the issuance of such reports as may be required under this title.

(c) DIRECTOR.—The Secretary shall appoint a director of the Office, who—

(1) shall report to the Secretary;

(2) shall be compensated at no less than level IV of the Executive Schedule; and

(3) at the request of the Committees of the Senate and House of Representatives with appropriation and legislative jurisdiction over programs and activities of the Department of Energy, shall report to Congress on the activities of the Office.

(d) DUTIES.—The Director shall, in addition to performing all functions necessary to carry out the functions of the Office—

(1) in the absence of the Secretary, serve as the Secretary's representative for interagency and multilateral policy discussions of global climate change, including the activities of the Committee on Earth and Environmental Sciences as established by the Global Change Research Act of 1990 (15 U.S.C. 2921 et seq.);

(2) participate, in cooperation with other federal agencies, in the development and monitoring of domestic and international policies for their effects on any kind of climate change globally and domestically and on the generation, reduction, avoidance, and sequestration of greenhouse gases;

(3) develop and implement a balanced, scientific, non-advocacy educational and informational public awareness program on—

(A) potential climate change, including any known adverse and beneficial effects on the United States and the economy of the United States and the world economy, taking into consideration whether those effects are known or expected to be temporary, long-term, or permanent;

(B) the role of national energy policy in the determination of current and future emissions of greenhouse gases, particularly measures that develop advanced energy technologies, improve energy efficiency, or expand the use of renewable energy or alternative fuels; and

(C) the development of voluntary means and measures to mitigate or minimize significant adverse effects of climate change and, where appropriate, to adapt, to the greatest extent practicable, to climate change.

(4) provide, consistent with applicable provisions of law, public access to all information on climate change, effects of climate change, and adaptation to climate change; and

(5) in accordance with all law administered by the Secretary and other applicable Federal law and contracts, including patent and intellectual property laws, and in furtherance of the United Nations Framework Convention on Climate Change—

(i) identify for, and transfer, deploy, diffuse, and apply to, Parties to such Convention, including the United States, any technologies, practices, or processes which reduce, avoid, or sequester emissions of greenhouse gases if such technologies, practices or processes have been developed with funding from the Department of Energy or any of its facilities or laboratories; and

(ii) support reasonable efforts by the Parties to such convention, including the United States, to identify and remove legal, trade, financial, and other barriers to the use and application of any technologies, practices, or processes which reduce, avoid, or sequester emissions of greenhouse gases.''.

SEC. 10. COORDINATION OF GLOBAL CHANGE RESEARCH.

(A) DEFINITIONS.— As used in this Section, the term—

(1) ''Committee'' means the Committee on Earth and Environmental Sciences established under Section 102 of the Global Change Research Act of 1990 (15 U.S.C. 2933).

(2) ''Program'' means the United States Global Change Research Program established under Section 103 of the Global Change Research Act of 1990 (15 U.S.C. 2933).

(b) COORDINATION OF CLIMATE OBSERVATION ACTIVITIES.—At the direction of the Committee, the Director of the Program shall develop and implement activities within the Program that—

(1) coordinate system design and implementation and operation of a multi-user, multi-purpose long-term climate observing system for the measurement and monitoring of relevant climatic variables;

(2) carry out basic research, development and deployment of innovative scientific techniques and instruments (both in-situ and space-based) for measurement and monitoring of relevant climatic variables;

(3) coordinate Program activities to ensure the integrity and continuity of data records; including—

(i) calibration and inter-comparison of multiple instruments that measure the same climatic variable or set of variables;

(ii) backup instruments to ensure data record continuity; and

(iii) documentation of changes in instruments, observing practices, observing locations, sampling rates, processing algorithms and other changes;

(4) establish ongoing activities for the development, implementation, operation and management of climate-specific observational programs with special emphasis on activities that seek the most efficient and reliable means of observing the climate system;

(5) coordinate activities of the Program that contribute to the design, implementation, operation, and data management activities of international climate system observation networks; and

(6) establish and maintain a free and openly accessible national data management system for the storage, maintenance, and archival of climate observation data, with an emphasis on facilitating access to, use of and interpretation of such data by the scientific research community and the public.

(c) COORDINATION OF CLIMATE MODELING ACTIVITIES.—At the direction of the Committee, the Director of the Program shall develop and implement activities within the Program that—

(1) establish and periodically revise a national climate system modeling strategy designed to position the United States as a world leader in all aspects of climate system modeling;

(2) coordinate Program activities designed to carry out such a national climate system modeling strategy;

(3) carry out basic research, development and deployment of innovative computational techniques for climate system modeling;

(4) develop the intellectual and computational capacity to carry out climate system

modeling activities to assess the potential consequences of climate change on the United States;

(5) carry out the continued development and inter-comparison of United States climate models with special emphasis on activities that—

(i) establish the ability of United States climate models to successfully reproduce the historical climate observational record;

(ii) incorporate new climate system processes or improve spatial temporal resolution of climate model simulations;

(iii) develop standardized tools and structures for climate model output, evaluation and programming design;

(iv) improve the accuracy and completeness of supporting data sets used to drive climate models; and

(v) reduce uncertainty in assessments of climate change and its impacts on the United States.

(6) coordinate activities of the Program that contribute to the design, implementation, operation, and data analysis activities of international climate system modeling inter-comparisons and assessments; and

(7) establish and maintain a free and openly accessible national data management system for the storage, maintenance, and archival of climate model code, auxiliary data, and results, with an emphasis on facilitating access to, use of and interpretation of such data by the scientific research community and the public.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years 2002 through 2004, to remain available until expended, and thereafter such sums as are necessary.

(e) USE OF EXISTING INFRASTRUCTURE.—In carry out new activities under subsections (b) and (c) of this section, the Program shall, where possible, use and incorporate existing Program activities and resources, such as Program Working Groups.

SA 2236. Mr. DOMENICI submitted an amendment intended to be proposed to amendment SA 2171 submitted by Mr. LOTT and intended to be proposed to the amendment SA 2170 proposed by Mr. DASCHLE to the bill (H.R. 10) to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the amendment, insert the following:

Subtitle —Price-Anderson Act Reauthorization

SEC. 101. SHORT TITLE.

This subtitle may be cited as the ''Price-Anderson Act Reauthorization Act of 2001''.

SEC. 102. INDEMNIFICATION AUTHORITY.

(a) MULTIPLE REACTORS.—Section 170 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(b)(1)) is amended by adding after the first proviso and before: ''Such primary financial protection. . . .'': ''And provided further, That for multiple modular reactors located at a single site, a combination of such reactors (irrespective of whether they are licensed jointly or singly) having a total rated capacity between 100,000 and 950,000 electrical kilowatts shall, exclusively and only for the purpose of this section, be denominated a single facility having a rated capacity of 100,000 electrical kilowatts or more.''

(b) INDEMNIFICATION OF NRC LICENSEES.—Section 170 c. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(c)) is amended by striking ''August 1, 2002'' each place it appears and inserting ''August 1, 2012''.

(c) INDEMNIFICATION OF DOE CONTRACTORS.—Section 170 d.(1)(A) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)(1)(A)) is amended by striking '', until August 1, 2002,''.

(d) INDEMNIFICATION OF NONPROFIT EDUCATIONAL INSTITUTIONS.—Section 170 k. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(k)) is amended by striking ''August 1, 2002'' each place it appears and inserting ''August 1, 2012''.

SEC. 103. DOE LIABILITY LIMIT.

(a) AGGREGATE LIABILITY LIMIT.—Section 170 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)) is amended by striking subsection (2) and inserting the following:

''(2) In agreements of indemnification entered into under paragraph (1), the Secretary—

''(A) may require the contractor to provide and maintain financial protection of such a type and in such amounts as the Secretary shall determine to be appropriate to cover public liability arising out of or in connection with the contractual activity, and

''(B) shall indemnify the persons indemnified against such claims above the amount of the financial protection required, in the amount of $10,000,000,000 (subject to adjustment for inflation under subsection t.), in the aggregate, for all persons indemnified in connection with such contract and for each nuclear incident, including such legal costs of the contractor as are approved by the Secretary.''.

(b) CONTRACT AMENDMENTS.—Section 170 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)) is further amended by striking subsection (3) and inserting the following:

''(3) All agreements of indemnification under which the Department of Energy (or its predecessor agencies) may be required to indemnify any person, shall be deemed to be amended, on the date of the enactment of the Price-Anderson Amendments Act of 2001, to reflect the amount of indemnity for public liability and any applicable financial protection required of the contractor under this subsection on such date.''.

SEC. 104. INCIDENTS OUTSIDE THE UNITED STATES.

(a) AMOUNT OF INDEMNIFICATION.—Section 170 d.(5) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)(5)) is amended by striking ''$100,000,000'' and inserting ''$500,000,000''.

(b) LIABILITY LIMIT.—Section 170e.(4) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(e)(4)) is amended by striking ''$100,000,000'' and inserting ''$500,000,000''.

SEC. 105. REPORTS.

Section 170 p. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(p)) is amended by striking ''August 1, 1998'' and inserting ''August 1, 2008''.

SEC. 106. INFLATION ADJUSTMENT.

Section 170 t. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(t)) is amended—

(a) by renumbering paragraph (2) as paragraph (3); and

(b) by adding after paragraph (1) the following new paragraph:

''(2) The Secretary shall adjust the amount of indemnification provided under an agreement of indemnification under subsection d. not less than once during each 5-year period following the date of the enactment of the Price-Anderson Amendments Act of 2001, in accordance with the aggregate percentage change in the Consumer Price Index since—

''(A) such date of enactment in the case of the first adjustment under this subsection; or

''(B) the previous adjustment under this subsection.''.

SEC. 107. CIVIL PENALTIES

(a) REPEAL OF AUTOMATIC REMISSION.—Section 234A b.(2) of the Atomic Energy of 1954 (42 U.S.C. 2282a(b)(2)) is amended by striking the last sentence.

(b) LIMITATION FOR NONPROFIT INSTITUTIONS.—Section 234A of the Atomic Energy Act of 1954 (42 U.S.C. 2282(a) is further amended by striking subsection d. and inserting the following:

''d. Notwithstanding subsection a., no contractor, subcontractor, or supplier considered to be nonprofit under the Internal Revenue Code of 1954 shall be subject to a civil penalty under this section in excess of the amount of the performance fee paid by the Secretary to such contractor, subcontractor, or supplier under the contract in the fiscal year under which the violation or violations occur.''.

SEC. 108. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by this subtitle shall become effective on the date of the enactment of this subtitle.

(b) INDEMNIFICAITON PROVISIONS.—The amendments made by sections 2103, 2104, and 2105 shall not apply to any nuclear incident occurring before the date of the enactment of this subtitle.

(c) CIVIL PENALTY PROVISIONS.—The amendments made by section 2108 to section 234A of the Atomic Energy Act of 1954 (42 U.S.C. 2281a(b)(2)) shall not apply to any violation occurring under a contract entered into before the date of the enactment of this subtitle.

SA 2237. Mr. DOMENICI submitted an amendment intended to be proposed to amendment SA 2171 submitted by Mr. LOTT and intended to be proposed to the amendment SA 2170 proposed by Mr. DASCHLE to the bill (H.R. 10) to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the Amendment, insert the following:

SEC. . OFFICE OF SPENT NUCLEAR FUEL RESEARCH.

(a) FINDINGS.—Congress finds that—

(1) before the Federal Government takes any irreversible action relating to the disposal of spent nuclear fuel, Congress must determine whether the spent fuel in the repository should be treated as waste subject to permanent burial or should be considered an energy resource that is needed to meet future energy requirements; and

(2) national policy on spent nuclear fuel may evolve with time as improved technologies for spent fuel are developed or as national energy needs evolve.

(b) DEFINITIONS.—In this section:

(1) ASSOCIATE DIRECTOR.—The term ''Associate Director'' means the Associate Director of the Office.

(2) OFFICE.—The term ''Office'' means the Office of Spent Nuclear Fuel Research within the Office of Nuclear Energy Science and Technology of the Department of Energy.

(c) ESTABLISHMENT.—There is established an Office of Spent Nuclear Fuel Research within the Office of Nuclear Energy Science and Technology of the Department of Energy.

(d) HEAD OF OFFICE.—The Office shall be headed by the Associate Director, who shall be a member of the Senior Executive Service appointed by the Director of the Office of Nuclear Energy Science and Technology, and compensated at a rate determined by applicable law.

(e) DUTIES OF THE ASSOCIATE DIRECTOR.—

(1) IN GENERAL.—The Associate Director shall be responsible for carrying out an integrated research, development, and demonstration program on technologies for treatment, recycling, and disposal of high-level nuclear radioactive waste and spent nuclear fuel, subject to the general supervision of the Secretary.

(2) PARTICIPATION.—The Associate Director shall coordinate the participation of national laboratories, universities, the commercial nuclear industry, and other organizations in the investigation of technologies for the treatment, recycling, and disposal of spent nuclear fuel and high-level radioactive waste.

(3) ACTIVITIES.—The Associate Director shall—

(A) develop a research plan to provide recommendations by 2015;

(B) identify promising technologies for the treatment, recycling, and disposal of spent nuclear fuel and high-level radioactive waste;

(C) conduct research and development activities for promising technologies;

(D) ensure that all activities include as key objectives minimization of proliferation concerns and risk to the health of the general public or site workers, as well as development of cost-effective technologies;

(E) require research on both reactor- and accelerator-based transmutation systems;

(F) require research on advanced processing and separations;

(G) include participation of international collaborators in research efforts, and provide funding to a collaborator that brings unique capabilities not available in the United States if the country in which the collaborator is located is unable to provide for their support; and

(H) ensure that research efforts are coordinated with research on advanced fuel cycles and reactors conducted by the Office of Nuclear Energy Science and Technology.

(f) GRANT AND CONTRACT AUTHORITY.—The Secretary may make grants, or enter into contracts, for the purposes of the research projects and activities described in this section.

(g) REPORT.—The Associate Director shall annually submit to Congress a report on the activities and expenditures of the Office that describes the progress being made in achieving the objectives of this section.

SA 2238. Mr. DOMENICI submitted an amendment intended to be proposed to amendment SA 2171 submitted by Mr. LOTT and intended to be proposed to the amendment SA 2170 proposed by Mr. DASCHLE to the bill (H.R. 10) to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the Amendment, insert the following:

SEC. . UNIVERSITY NUCLEAR SCIENCE AND ENGINEERING SUPPORT.

(a) ESTABLISHMENT.—The Secretary shall support a program to maintain the nation's human resource investment and infrastructure in the nuclear sciences and engineering and related fields (including health physics and nuclear and radiochemistry), consistent with departmental missions related to civilian nuclear research and development.

(b) DUTIES.—In carrying out the program under this section, the Secretary shall—

(1) develop a graduate and undergraduate fellowship program to attract new and talented students;

(2) assist universities in recruiting and retaining new faculty in the nuclear sciences and engineering through a Junior Faculty Research Initiation Grant Program;

(3) support fundamental nuclear sciences and engineering research through the Nuclear Engineering Education Research Program;

(4) encourage collaborative nuclear research between industry, national laboratories and universities through the Nuclear Energy Research Initiative; and

(5) support communication and outreach related to nuclear science and engineering.

(c) MAINTAINING UNIVERSITY RESEARCH AND TRAINING REACTORS AND ASSOCIATED INFRASTRUCTURE.—Activities under this section may include:

(1) converting research reactors to low-enrichment fuels, upgrading operational instrumentation, and sharing of reactors among universities;

(2) providing technical assistance, in collaboration with the U.S. nuclear industry, in relicensing and upgrading training reactors as part of a student training program;

(3) providing funding for reactor improvements as part of a focused effort that emphasizes research, training, and education.

(d) UNIVERSITY-NATIONAL LABORATORY INTERACTIONS.—The Secretary shall develop—

(1) a sabbatical fellowship program for university professors to spend extended periods of time at National Laboratories in the areas of nuclear science and technology; and

(2) a visiting scientist program in which National Laboratory staff can spend time in academic nuclear science and engineering departments. The Secretary may provide for fellowships for students to spend time at National Laboratories in the area of nuclear science with a member of the Laboratory staff acting as a mentor.

(e) OPERATING AND MAINTENANCE COSTS.—Funding for a research project provided under this section may be used to offset a portion of the operating and maintenance costs of a university research reactor used in the research project, on a cost-shared basis with the university.

(f) AUTHORIZATION OF APPROPRIATIONS.—From amounts authorized under section 4401, the following amounts are authorized for activities under the section—

(1) $19,000,000 for fiscal year 2002;
(2) $33,000,000 for fiscal year 2003;
(3) $37,900,000 for fiscal year 2004;
(4) $43,600,000 for fiscal year 2005; and
(5) $50,100,000 for fiscal year 2006.

SA 2239. Mr. DOMENICI submitted an amendment intended to be proposed to amendment SA 2171 submitted by Mr. LOTT and intended to be proposed to the amendment SA 2170 proposed by Mr. DASCHLE to the bill (H.R. 10) to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the Amendment, insert the following:

SEC. . ADVANCED ACCELERATOR APPLICATIONS PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program to be known as the ''Advanced Accelerator Applications Program''.

(b) MISSION.—The mission of the program is research, development and demonstration of comprehensive spent fuel management strategies, which emphasize avoidance of proliferation issues and have minimal environmental impact, along with reasonable economic prospects that include efficient utilization of the energy resource of spent nuclear fuel and of repositories for the final waste products.

(c) GOALS.—The Office of Nuclear Energy, Science, and Technology of the Department of Energy, called the Office in this section, shall develop goals for the overall program that lead to final waste forms derived from spent nuclear fuel that significantly decrease the long-term toxicity to levels well below that of the original spent fuel. Secondary goals may be developed by the Office to efficiently utilize resources developed within this program, such as production of radio isotopes for medical applications and production of tritium for defense missions.

(d) ADMINISTRATION.—The program shall be administered by the Office—

(1) in consultation with the Office of Civilian Radioactive Waste Management, for all activities relating to the impact of waste transmutation on repository requirements of transmutation or reprocessing of spent fuel; and

(2) in consultation with the National Nuclear Security Administration, for any activities related to tritium production.

(e) PARTICIPATION.—The Office shall encourage participation of international collaborators, industrial partners, national laboratories, and universities.

(f) PROGRAM.—The Office shall pursue research, development and demonstration programs consistent with the goals of the program. The program shall include evaluation of strategies that involve combinations of current or innovative reactor designs and/or accelerator-driven facilities.

(g) FACILITIES.—The Program shall utilize existing facilities, either domestic or international, whenever possible, and develop plans as required for new facilities required to demonstrate key aspects of a final system.

(h) ADDITIONAL GOALS.—The Secretary is empowered to add additional goals to the program that increase the efficient utilization of the resources required for the primary mission. Production of tritium by accelerator-based systems may be one of these additional goals.

(i) AUTHORIZATION OF APPROPRIATIONS.—From amounts authorized under section 4401, there are authorized to be appropriated $70,000,000 in fiscal year 2002 and such sums as are required in subsequent years.

PRIVILEGES OF THE FLOOR

Mr. HATCH. Mr. President, I request unanimous consent that Jim Byrne, a staff fellow in my office, be given privileges of the floor during the pendency of consideration of the Railroad Retirement bill, as well as the Defense Authorization bill, S. 1438, and the Defense Appropriations bill, H.R. 3338.

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

Mr. DORGAN. Mr. President, I ask unanimous consent that Mark Zaineddin, a fellow in my office from the U.S. Department of Commerce, be granted floor privileges for the day.

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

UNANIMOUS CONSENT REQUEST—H.R. 2299

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding rule XXII, at 9:30 a.m., Tuesday, December 4, the Senate proceed to the conference report to accompany H.R. 2299, the Transportation appropriations bill; that the time be reduced to 60 minutes and divided as follows: 10 minutes each for the chair and ranking member of the subcommittee, Senator MURRAY and Senator SHELBY, as well as 10 minutes each for Senator DORGAN, Senator MCCAIN, and Senator GRAMM, and 5 minutes each for the chair and

ranking member of the full committee; that the vote on adoption of the conference report occur on Tuesday at a time to be determined by the majority leader, following consultation with the Republican leader, without further intervening action.

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

ORDERS FOR TUESDAY, DECEMBER 4, 2001

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m., Tuesday, December 4; that immediately 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 begin consideration of the Transportation appropriations conference report; further, that the Senate recess from 12:30 p.m. until 2:15 p.m. for the weekly party conferences, and that the time be charged against cloture on the Daschle substitute amendment, and that the time during the adjournment of the Senate also be charged against cloture.

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

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

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 under the previous order.

There being no objection, the Senate, at 6:39 p.m., adjourned until Tuesday, December 4, 2001, at 9:30 a.m.