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Senate

The Senate met at 12 noon and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

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

Majestic God, Creator of many different races and colors in the human family, we ask for love as inclusive as Your love and attitudes as free of prejudice as You have shown in Your care for all people.

This month as we gratefully recognize the importance of African Americans in our history, remind us of the truth in Dr. Martin Luther King's words that "the content of our character" is the highest goal we can achieve. So many outstanding black Americans have risen to prominence in our Nation because of the content of their character.

Along with Dr. King, we thank you for Phillis Wheatley, who in the 18th century at a very young age achieved international fame as the first black woman poet. We also remember Richard Allen, who at the dawning of the 19th century mobilized the black community in Philadelphia and formed the first independent black denomination.

As we work today, may these principled Americans be our examples. Let our words, thoughts, and actions reflect the content of Your character. Thank you for being our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON KYL, a Senator from the State of Arizona, 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.

RESERVATION OF LEADER TIME

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

READING OF WASHINGTON'S FAREWELL ADDRESS

The PRESIDENT pro tempore. Under the previous order, the Senator from Virginia, Mr. ALLEN, is recognized to read Washington's Farewell Address.

(Mr. KYL assumed the chair.)

Mr. ALLEN. I thank the Chair.

Mr. President, Members of the Senate, it is my honor to read George Washington's Farewell Address. As a preface to reading this address, I would like to make a few remarks so that everyone gets the context of the Farewell Address of George Washington.

In September of 1796, worn out by the burdens of the Presidency and attacks of political foes, George Washington announced his decision not to seek a third term. A student of history will see that Alexander Hamilton and James Madison left their fingerprints in helping President Washington compose this Farewell Address which is his political testament to the Nation.

The Farewell Address, which was designed to inspire and guide future generations, set forth Washington's defense of his administration's record and embodied a classic statement of Federalist doctrine.

Washington's principal concern was for the safety of the 8-year-old Constitution, and he believed the stability of the Republic was threatened by the forces of geographical sectionalism, political factionalism, and interference by foreign powers in the Nation's domestic affairs.

George Washington did not publicly deliver his Farewell Address. It first appeared on September 19, 1796, in the Philadelphia Daily American Advertiser and then in papers throughout our country.

On to the address entitled "Washington's Farewell Address."

Mr. ALLEN, at the rostrum, read the Farewell Address, as follows:

To the people of the United States.

FRIENDS AND FELLOW CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far dis-

tant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those out of whom a choice is to be made.

I beg you at the same time to do me the justice to be assured, that this resolution has not been taken without strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country—and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest, no deficiency of grateful respect for your past kindness, but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in the office to which your suffrages have twice called me have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment

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



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of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed towards the organization and administration of the government the best exertions of which a very fallible judgment was capable. Not unconscious in the outset of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and, every day, the increasing weight of years admonishes me more and more that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services, they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is intended to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country for the many honors it has conferred upon me, still more for the steadfast confidence with which it has supported me and for the opportunities I have thence enjoyed of manifesting my inviolable attachment by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise and as an instructive example in our annals, that, under circumstances in which the passions agitated in every direction were liable to mislead, amidst appearances sometimes dubious, vicissitudes of fortune often discouraging, in situations in which not unfrequently, want of success has countenanced the spirit of criticism, the constancy of your support was the essential prop of the efforts and a guarantee of the plans by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave as a strong incitement to unceasing vows that Heaven may continue to you the choicest tokens of its beneficence; that your union and brotherly affection may be perpetual; that the free constitution, which is the work of your hands, may be sacredly maintained; that its administration in every department may be stamped with wisdom and virtue; that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete by so careful a preservation and so prudent a use of this blessing as will acquire to them the glory of recommending it to the applause, the affection, and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger natural to that solicitude, urge me on an occasion like the present to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence, the support of your tranquillity at home, your peace abroad, of your safety, of your prosperity, of that very liberty which you so highly prize. But as it is easy to foresee that, from different causes and from different quarters, much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed, it is of infinite moment that you should properly estimate the immense value of your national Union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth or choice of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have in a common cause fought and triumphed together. The independence and liberty you possess, are the work of joint councils and joint

efforts—of common dangers, sufferings and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here every portion of our country finds the most commanding motives for carefully guarding and preserving the Union of the whole.

The *North*, in an unrestrained intercourse with the *South*, protected by the equal laws of a common government, finds in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry. The *South*, in the same intercourse, benefiting by the same agency of the *North*, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the *North*, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength to which itself is unequally adapted. The *East*, in a like intercourse with the *West*, already finds, and in the progressive improvement of interior communications by land and water will more and more find a valuable vent for the commodities which it brings from abroad or manufactures at home. The *West* derives from the *East* supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the secure enjoyment of indispensable outlets for its own productions to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as *one nation*. Any other tenure by which the *West* can hold this essential advantage, whether derived from its own separate strength or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value! they must derive from union an exemption from those broils and wars between themselves which so frequently afflict neighboring countries not tied together by the same government, which their own rivalships alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues would stimulate and embitter. Hence likewise, they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty.

In this sense it is, that your Union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the Union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who in any quarter may endeavor to weaken its hands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties by *geographical* discriminations—*northern* and *southern*—*Atlantic* and *western*; whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourself too much against the jealousies and heart burnings which spring from these misrepresentations. They tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head. They have seen, in the negotiation by the executive—and in the unanimous ratification by the Senate—of the treaty with Spain, and in the universal satisfaction at that event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic states, unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the Union by which they were procured? Will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can

be an adequate substitute. They must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a Constitution of government, better calculated than your former, for an intimate Union and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government.—But the Constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power, and the right of the people to establish government, presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberation and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency. They serve to organize faction; to give it an artificial and extraordinary force; to put in the place of the delegated will of the nation the will of a party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests. However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people, and to usurp for themselves the reins of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your government and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority but also that you resist with care the spirit of innovation upon its principles, however spe-

cious the pretext. One method of assault may be to effect, in the forms of the Constitution, alterations which will impair the energy of the system and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments as of other human institutions, that experience is the surest standard by which to test the real tendency of the existing constitution of a country, that facility in changes upon the credit of mere hypotheses and opinion exposes to perpetual change from the endless variety of hypotheses and opinion; and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable; liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is indeed little else than a name, where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular reference to the founding of them on geographical discriminations. Let me now take a more comprehensive view and warn you in the most solemn manner against the baneful effects of the spirit of party, generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind, (which nevertheless ought not to be entirely out of sight) the common and continual mischiefs of the spirit of party are sufficient to make it in the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill founded jealousies and false alarms, kindles the animosity of one part against another, forments occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This within certain limits is probably true—and in governments of a monarchical cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be by force of public opinion to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest instead of warming, it should consume.

It is important likewise, that the habits of thinking in a free country should inspire caution in those entrusted with its administration to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominates in the human heart is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments ancient and modern, some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, reli-

gion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked where is the security for property, for reputation, for life, if the sense of religious obligation *desert* the oaths, which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.

It is substantially true, that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that the public opinion should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering, also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of peace to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should cooperate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper objects (which is always a choice of difficulties) ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice towards all nations; cultivate peace and

harmony with all; religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it? Can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachment for others should be excluded and that in place of them just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity, or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity and adopts through passion what reason would reject; at other times, it makes the animosity of the nation's subservient to projects of hostility, instigated by pride, ambition and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations, has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest in cases where no real common interest exists and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions, to the favorite nation of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained and by exciting jealousy, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld. And it gives to ambitious, corrupted or deluded citizens (who devote themselves to the favorite nation) facility to betray or sacrifice the interests of their

own country, without odium, sometimes even with popularity gilding with the appearances of virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils! Such an attachment of a small or weak towards a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence (I conjure you to believe me, fellow citizens) the jealousy of a free people ought to be constantly awake, since history and experience prove, that foreign influence is one of the most baneful foes of republican government. But that jealousy to be useful must be impartial; else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious, while its tools and dupes usurp the applause and confidence of the people to surrender their interests.

The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests, which to us have none or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence therefore it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation, when we may choose peace or war, as our interest guided by justice shall counsel.

Why forgo the advantages of so peculiar a situation? Why quit our own to

stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalry, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world—so far, I mean, as we are now at liberty to do it, for let me not be understood as capable of patronizing infidelity to existing engagements. (I hold the maxim no less applicable to public than private affairs, that honesty is always the best policy)—I repeat it, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves, by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand: neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce but forcing nothing; establishing with powers so disposed, in order to give trade a stable course—in order to give to trade a stable course, to define the rights of our merchants, and to enable the government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another—that is must pay with a portion of its independence for whatever it may accept under that character—that by such acceptance, it may place itself in the condition of having given equivalents for nominal favors and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish—that they will control the usual current of the passions or prevent our nation from running the course which has hitherto marked the destiny of nations. But if I may even flatter myself that they may be productive of some partial benefit, some occasional good, that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pre-

tended patriotism—this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have, at least, believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April 1793 is the index to my plan. Sanctioned by your approving voice and by that of your representatives in both houses of Congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound in duty and interest to take—a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance and firmness.

The considerations which respect the right to hold this conduct it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without anything more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions and to progress, without interruption to that degree of strength and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence and that, after forty-five years of my life dedicated to its service with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it which is so natural to a man who views in it the native soil of himself and his progenitors for several generations, I anticipate with pleasing expectation that retreat, in which I promise myself to realize without alloy the sweet enjoyment of partaking in the midst of my fellow citizens the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors and dangers.

GEO. WASHINGTON.

UNITED STATES,
17th September, 1796.

The PRESIDING OFFICER. The Chair thanks the Senator from Virginia.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

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

Mr. MURKOWSKI. Mr. President, I congratulate my colleague from Virginia on the reading of George Washington's Address. I listened carefully. I think we all share the thought and vision expressed in that address when it was first made. Each year it has been repeated, and being part of that tradition adds to the stature of our new Senator from the State of Virginia. I am pleased to have listened attentively to his reading.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. MURKOWSKI. I am happy to yield.

Mr. BYRD. Mr. President, I wish to associate myself with the remarks of the distinguished junior Senator from the State of Alaska concerning the meaning of the address and its eternal and continuing truths. We would all do well to listen annually to the reading of this address. I thank the distinguished junior Senator from Virginia for his eloquence and for his reading of the message this morning.

I am only sorry more Senators have not attended this important occasion. That is nothing new. I have, I think, attended the reading of the Farewell Address of our first and foremost and greatest President, George Washington, for many years. I try always to attend if I am in the city, and it goes without saying that I am generally here at this time.

I always get something new out of listening to this address. I only hope in the future our colleagues and our joint leadership will attempt to attend and encourage the attendance of all Senators to the reading of this address.

I close by thanking my colleague, Mr. ALLEN, again. I thank the Senator from Alaska.

Mr. MURKOWSKI. Mr. President, let me also comment on the statement of the senior Senator from West Virginia,

who clearly leads the way of all Senators as the historian of this body.

Reminding us that each time he has learned something new and takes a new appreciation of that with him is something we can all reflect on in our own lives so we, through our own contribution, can make things just a little bit better for someone somewhere—even our children and grandchildren.

Mr. BYRD. I thank my friend.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 4 p.m. Under the previous order, the time until 2:30 p.m. shall be under the control of the Senator from Alaska, Mr. MURKOWSKI. The Senator is recognized.

NATIONAL ENERGY SECURITY

Mr. MURKOWSKI. Mr. President, I am going to be introducing today legislation which has been forthcoming for some time. The legislation is the specific energy bill that has been worked on by a number of my colleagues and professional staff on the Energy and Natural Resources Committee. As a consequence, what we have here is a comprehensive bill that will be introduced twice because one version will go to the Energy and Natural Resources Committee and that will be titles 1-8; and another version with the entire text, titles 1-9, will be referred to the Finance Committee.

Mr. President, this legislation is sponsored by myself and Senator BREAUX. It is bipartisan legislation. Included as original cosponsors are Senator LOTT, Senator VOINOVICH, Senator DOMENICI, Senator CRAIG, Senator CAMPBELL, Senator THOMAS, Senator SHELBY, Senator BURNS, and Senator HAGEL.

The purpose of the bill specifically is to protect the energy security of the United States and to decrease America's dependence on foreign oil sources to 50 percent by the year 2001 by enhancing the use of renewable energy resources, conserving energy resources, improving energy efficiency, increasing domestic energy supplies, improving environmental air quality by the reduction of emissions from air pollutants and greenhouse gases, and decreasing the effects of increases in energy prices on the American consumers as well.

I would like to talk at some length this afternoon on what comprises this particular legislation. I am going to be referring specifically to the items in the comprehensive energy bill which is the National Energy Security Act of 2001.

I think it is fair to say we all have taken energy for granted for far too long. Yet now, with a weakening economy, increasing energy costs, and regional shortages, we are much more aware of the reality that we have really not had a real energy policy for

most of the last decade—something we just took for granted—and suddenly we are seeing the spirals, we are seeing the shortages, and we are becoming concerned.

I think it is also fair in most cases to understand that energy is one of those nebulous things that is really so important that it is often overlooked. It grows our food, heats and cools our homes, and powers our electronic world. It is really what keeps us alive.

We have fought over energy. We just came back from the Persian Gulf war. Wars have been fought over energy. Billions of dollars are spent just to ensure that we have access to energy in various forms.

Our continued economic prosperity depends on a clean, secure, and affordable energy supply. It is for this reason that I rise today to introduce the National Energy Security Act of 2001.

What we put before the Senate today is a balanced portfolio of energy options, and to begin debate on these important issues.

Let me advise the President that by no means is this intended to be the package necessarily of comprehensive energy legislation that will ultimately come out of the committees of jurisdiction—the Energy and Natural Resources Committee and the Finance Committee—and onto the floor.

The purpose of the legislation is so that we can begin the debate on the important issues to determine just what kind of energy policy we should have in this country.

I should also mention that this particular legislation as proposed does not have the input of the new administration. They have only been in office for about 5 weeks. It is my understanding that an energy task force has been put together, by the order of the President, with the responsibility given to Vice President CHENEY. They anticipate having an energy policy developed within 45 or 60 days. Undoubtedly, the input from the administration is going to be a necessary additive to the ultimate debate, and legislation will be forthcoming.

During the last decade, the United States has lost control of its energy future. At no time in our history have we relied upon others for more of our energy supplies while producing a smaller percentage of the energy we consume.

Ten years ago, the U.S. imported less than half of the oil it consumed; today, that has increased to nearly 60 percent. Meanwhile, other types of energy have been made more difficult to produce, more difficult to deliver, and more difficult to use.

The rapid growth of the Internet and the "dot-com" economy during the 1990s led to significant increase in demand for energy. Yet, despite this increase in demand, domestic production of all forms of energy has remained flat over the last four years.

The impacts on the American consumer have been clear: higher energy prices, less economic growth, and less prosperity for all.

We can take a lesson from history. The lack of a coherent energy policy has led to the greatest energy price volatility since the energy crises of the 1970's.

For much of the past two years, global supply of crude oil has been nearly equal to global demand. As a result, crude oil prices have increased from \$8.50 two years ago to near \$30 today. We have seen the domestic development of oil in the United States drop proportionately. It is rather interesting to note, however, the development of the OPEC cartel and the discipline that has been evidenced by that group in the last several months as they have dropped the supply from time to time to ensure that the price remains between that ceiling and floor of \$22 to \$28, and by controlling production they can keep that price range.

Last summer, consumers faced gasoline price spikes in the Midwest as refineries were unable to keep up with demand. Gas prices over \$2 per gallon were the norm.

As refineries were operating at capacity to produce gasoline, they were unable to produce the heating oil we needed for the winter. We faced a heating oil shortage, particularly in the Northeast.

Many consumers turned to natural gas to meet their winter heating needs, but expansion in gas-fired power plants has strained supply. We've seen natural gas prices increase from \$1.80 per 1,000 cubic feet two years ago to over \$10.00 in recent weeks.

And most recently, we've seen the consequences of inadequate electricity supply in California—no new power plants in 10 years—blackouts, elevators stuck, traffic lights off; and schools, fertilizer plants, plastic and computer chip makers were all affected.

Fertilizer plants refuse to make urea. They are now selling it. Urea is a by-product of gas. We are seeing aluminum companies, rather than produce aluminum, sell their electricity.

All of these energy "crises" have a common cause: Supply of energy simply isn't keeping pace with demand in spite of our efforts at conservation.

With the economy on its longest joyride in history, policy makers chose not to check the fuel gauge. Our tank now almost empty, and our economic engine is sputtering. It is time to make tough choices. Add fuel to the tank.

The time has come for a sound national energy policy—one that uses the fuels of today to yield the technologies of tomorrow.

Our national energy plan—the National Energy Security Act of 2001—has at its core three fundamental goals:

Increased supply of conventional fuels—oil, coal, gas, nuclear.

We do it more efficiently and with the latest technology that provides cleaner utilization of these sources of energy.

Second, improve energy efficiency and conservation. We have the technology for clean coal. We have the utilization of nuclear. We just need to address what to do with the waste.

Third, expand the use of alternative fuels and renewable energy. We have this capability. Unfortunately, renewables and alternatives take a very small percentage of our energy mix—less than 4 percent. We have spent some \$6 billion in research. We are going to have to spend more. But we simply cannot rely on alternatives and renewables. We have to go back to the basic sources of our energy—our oil, our coal, our gas, and our nuclear.

What does this legislation do? Some have called this an ANWR bill, but it is far more than that. I will talk about that a little later. But I hope my colleagues will look closely at this legislation and see that it is an attempt to have a balanced approach to meet our energy needs.

These new programs and incentives will help us to find, develop, deliver, and conserve all our domestic energy resources. In doing so, we will reduce our reliance on foreign oil to less than 50 percent by the year 2010 to protect our energy security. That is a goal of this legislation. It will not eliminate our dependence, but it will simply reduce it.

How do we do that? We do that by an expansion of our conventional sources of energy—our coal, our oil, our natural gas, and our nuclear, and using our technology to achieve it. Our objective is to provide the energy our economy requires for continued growth.

Again, we can improve the environmental quality of these fuels by investing in advanced research and development programs and providing tax incentives for developing new, cleaner, more efficient technologies. We encourage new investment in energy infrastructure, transmission lines, natural gas pipelines, and drilling equipment. By doing so, we get the best technology out of the market. We have that technological capability, and we take steps to ensure the reliability of the Nation's electric power supply so critical for today's new economy.

We also provide new programs and incentives to expand the supply of renewable energy at home and alternative fuels in our automobiles.

A robust domestic energy industry—both fossil and renewables—helps to keep energy prices stable and affordable. I think you would agree, Mr. President, that is good business. And it is good for the consumer. But it is more than just supply.

Our legislation is not only about supply, as some would have you think. We also focus on using energy more efficiently.

Our legislation expands funding for the weatherization and LIHEAP energy assistance programs. It provides assistance to lower monthly energy bills and protects consumers and low-income

families. We encourage State and regional energy conservation programs to minimize the effects of regional shortages in energy supply like the kinds we have recently seen in California.

This legislation includes several new incentives for energy-efficient homes, appliances, and vehicles to conserve energy resources and improve efficiency.

Finally, we provide new incentives for emerging distributed energy technologies that can provide reliable energy for business needs and combined heat and power technology to use waste energy more efficiently as space heating.

This new national energy strategy makes good economic sense. It protects consumers and low-income families against higher monthly energy bills. It reduces the likelihood of price spikes that can wipe out a company's profits or a family's savings overnight. It keeps the heat and lights on for the Nation's factories, homes, and businesses, and maintains economic growth.

It is also good from the standpoint of the environment. It makes good environmental sense, with cleaner, more efficient use of energy using new technologies and fewer air pollutants and greenhouse gases.

The "wild ride" in energy markets over the past 2 years has made our energy challenge very clear: We need to establish a sound national energy policy to ensure clean, secure, and affordable energy supplies. This policy must use all our fuels—fossil and renewables—to meet those needs, as well as conservation and alternatives.

The legislation we have introduced today is the first attempt to articulate the elements of a sound national energy strategy. Other elements we must also address separately are access issues, regulatory reform, nuclear waste, and climate change. But we must start now. I look forward to working with the President and my Republican and Democratic colleagues to enact this legislation into law.

This morning we opened this effort with a press conference. It was rather interesting to note some of the questions that were posed relative to the legislation Senator BREAUX and I, along with Senator LOTT and others, have introduced.

There was the question of, how much is this bill going to cost? Unfortunately, the Joint Tax Committee has not given us a figure. We expect that within 10 days. But it is a lot cheaper than not doing anything, if you will. And that is where we have been for far too long.

Another question was about, how important is the ANWR, the Arctic National Wildlife Refuge? Developing a national energy strategy is really a team effort. ANWR is one of the best players on that team because it is the one area where the geologists have said there is likely to be a major oilfield of

gigantic proportions, somewhere in the area of 10 billion barrels and perhaps as much as 16 billion barrels. What does that mean? Well, 16 billion barrels would be what we would import from Saudi Arabia for a 30-year period of time. We do not believe we can afford to leave that source on the sidelines. We believe we have the technology to do it safely. Some have asked, how will this bill provide relief in California? There is certainly no immediate solutions to the California situation. California, unfortunately, became dependent on outside sources. I think there is a bit of a parallel there. I understand California is currently importing about 25 percent of its energy from outside the State. As a consequence, California has become vulnerable because they have not developed their own sources of energy. They prefer to buy it from other States that have surpluses.

Without going into the inefficiencies of deregulation—which was really not a true deregulation when you maintain a cap on retail prices—it is fair to say there is a situation where, in the sense of our increased dependence on imported oil, we are too dependent on outside sources. As a consequence of that, I think we are certainly vulnerable to price hikes for oil as well.

So I think that as we look at the California situation, we should recognize the exposure we have here in the United States on our increased dependence on oil, which is about 56 percent.

The question came up: What comments have we gotten from the administration? President Bush recognizes the need for a national strategy. Vice President CHENEY has been leading a task force to develop their own initiatives. It is my understanding that effort is going to be completed in about 45 days. So we look forward to incorporating their comments into our ongoing work at the appropriate time.

We have had meetings with our colleagues over in the House, Congressman TAUZIN and Congressman BARTON. And we have had a very positive response relative to the manner in which we hope to bring this legislation through the House and Senate.

Now, when will we have a vote on this? Obviously, it is going to the committees of jurisdiction for hearings—the Energy Committee and the Finance Committee. But what we wanted to do is get the debate started on the entire bill so we can move through the committee process and, hopefully, to the floor at a later date.

Some have said this bill calls for more nuclear power, and will this require an accelerated program for nuclear waste storage? We need to use all our domestic resources. Inasmuch as nuclear contributes about 20 percent of the total electric energy in this country, it is important that we continue our efforts to try to resolve what to do with the nuclear waste.

As you know, Mr. President, we were one vote short in the last Congress of overriding a Presidential veto. The dif-

ficulty with the nuclear waste issue is no one wants the waste. As a consequence, as we pursue our efforts in Nevada to develop the Yucca Mountain site, there is a noted lack of support from the Nevadans.

That is understandable, yet that waste has to go somewhere. As we look at some of the technology that has developed over the years, we find the French have addressed, through the vitrification process, the recovery of plutonium, putting it back in reactors, burning it, and basically getting rid of that proliferation. We don't seem to be able to do that in this country. Maybe we should give more thought to it.

There has been a question brought up about providing some short-term changes such as increasing CAFE standards in the legislation. We think we have addressed this because we have, as far as CAFE standards, put the burden on the Federal Government to have its vehicles pick up about 3 additional miles to the gallon, and that is a good place to start before we dictate to the American public any mandates with regard to this. It is fair to say that if it works for the Government, then the Government ought to lead the way.

There are some other points I will bring to the attention of the Senate at this time relative to the state we are in. This came about as a release last week from the Center for Strategic and International Studies, a well-renowned defense and foreign policy think tank here in Washington. It includes scholars, both moderates and conservatives, from both parties, and their conclusion in a three-volume, 3-year effort entitled "Geopolitics of Energy into the 21st Century."

The new study predicts that the U.S. and other industrial nations will become increasingly dependent on oil from the Middle East in the next 20 years and will need the region's most unstable countries—Iran, Iraq, and Libya—to raise their output. I wonder, at what price to the U.S.

Furthermore, I refer to a Wall Street Journal article on February 15 and an AP article of February 14 on the same subject, indicating that global demand will grow sharply over the next two decades. The oil will come from areas with increased risk of supply interruptions. Further, it states, by 2020, half of all petroleum used by the world will be met from countries that impose a high risk of internal stability. World energy demand will increase by 50 percent, and at some point developing countries, led by China, will begin to consume more energy than the developed countries.

Mr. LOTT. Mr. President, if the Senator from Alaska will yield, I came to the floor to commend and congratulate the distinguished chairman of the Energy and Natural Resources Committee for his work on this very important legislation. It is overdue. It is very broad, comprehensive legislation that is designed to address this problem. I think he should be recognized for the effort he has put into it.

This is a bill that has been developed in a bipartisan way with all different views and regions of the country reflected in various components of the bill. I acknowledge that.

I ask the Senator, when does he expect there will be some input from the administration, and how does he plan to proceed in terms of committee hearings and when he might actually get legislation ready for the Senate to consider?

Mr. MURKOWSKI. I appreciate that inquiry. As I believe the leader recalls, the President has appointed Vice President CHENEY to form a task force developing an energy policy for the administration. That task force has been at work for some time. My understanding is they should have this ready in about 45 days.

I am most appreciative of the Senator's cosponsorship, along with that of Senator BREAU. This is a bipartisan package. It will go to the two committees of jurisdiction—the one I chair, the Energy and Natural Resources Committee, and the other is the Finance Committee. We will begin hearings as soon as I have had an opportunity to sit down with Senator BINGAMAN and find some mutually compatible dates. We intend to move on this and get the debate started because, as the Senator knows, it is a very comprehensive piece of legislation. There is going to be a lot of input into it. There are certain things we have to get done, and we need an estimate from Joint Tax.

This legislation is meant to stimulate new technology, to provide incentives for the small independents, the stripper wells, so we can keep those people going when the prices decline. It is not addressed to the large oil companies that can fend very well for themselves.

Mr. LOTT. I thank the Senator for his response. I asked so I could have some plan as to when we might bring it to the Senate. I hope that certainly in June or July of this year we would be able to get to it.

Let me ask the Senator another question. I don't want to take up all of his time. I would like to have some brief time to make some remarks of my own. I believe we are importing now 56 percent of the oil needs of this country.

Mr. MURKOWSKI. That is correct. The largest increase is now coming from Iraq, from Saddam Hussein. Remember, we fought a war over there in 1991.

Mr. LOTT. That is right. When I go around the country, I find there are a number of States with additional oil that could be used if we could get it out of the ground. It is not being used. There are a lot of areas of the country, such as my own, where we have a substantial supply of natural gas but there has not been an incentive or incentives for us to convert to natural gas, which is clean burning and has been a cheaper source of energy, even though, because of all the demand, it has been going up.

I found, when I was in Kentucky last week, there is substantial progress being made in clean coal technology that we could make better use of coal. In my own State, we have a nuclear plant but no place to put the nuclear waste. When I go out west, I see other sources being used. Wind is one example. The list is endless of the potential we have in this country. Yet we are not using it.

I wonder if the American people think we have a shortage of energy supply. I ask the distinguished chairman of the Energy and Natural Resources Committee, do we have a shortage? If we don't, why are we importing 56 percent of our energy needs from the OPEC countries of the world? I think this is totally indefensible.

Mr. MURKOWSKI. I think our national energy security interest is at risk. We fought a war over there to keep Saddam Hussein from invading Kuwait or going into Saudi Arabia. At what point do we compromise our national security? I think if we see fit to fight a war over it, it is pretty important. As the Department of Energy predicts, in the year 2006 or 2007, we will be in the high 60s, 60-some-odd-percent dependent on imports.

We have tremendous reserves in the Gulf of Mexico. We have reserves in the overthrust belt in my State of Alaska and tremendous resources of natural gas in Mississippi and Alabama, Texas, Louisiana. We have these resources. We have the technology to develop them safely. We have had a difficult time, perhaps, convincing the environmental community that we can make a smaller footprint. We can do a better job. And we have the American ingenuity and commitment to do it, if given the opportunity.

Many of these areas have been closed for exploration and development.

Mr. LOTT. Mr. President, as I go around the country and around my own State, more and more people are bringing this subject up to me. People are complaining about gasoline prices. They are complaining about their electricity bills or their natural gas bills. Out in the real world people seem to be concerned about it and mad about it, but when I come back here, I don't get the sense of urgency. In fact, there are a lot of people who seem to think all we need to do with our energy problem is provide more incentives to weatherize our houses, which is fine, and provide more money for the Low Income Home Energy Assistance Program, money that we give to low-income individuals to meet their heating and air-conditioning costs.

Now, I emphasize that while those are both fine in this bill, they are not an energy policy. The answer to the energy shortage is not for the Federal Government to pay the additional cost of not having an adequate supply.

So I commend the Senator for including those provisions in his bill. It is comprehensive. He has more incentives for exploration and conservation, for

alternative sources, and for low-income needs. I look forward to us actually getting to the floor and having a full debate and amendments.

If we complete this year not having passed a major national energy policy bill, it is going to be a big mistake, a tragedy. I think it is the biggest threat to our future economic prosperity. If we don't do this now, we could be in danger because there won't be the power to run Silicon Valley or new automobile manufacturing plants or anything else. There will be shortages, and that will be a mistake for our future economy.

I thank the Senator for yielding. I wanted to engage in a little bit of a discussion about when we are going to take this up.

Mr. MURKOWSKI. Mr. President, I appreciate the remarks of the majority leader. I thank him for his commitment and enthusiasm to make sure this legislation is of the importance that it obviously is as we look at the situation in California. We just recognize, for example, we have huge resources of coal in this country—huge resources. We have the technology to clean that coal and reduce emissions. We haven't built a new coal-fired plant since the mid-1990s. Why? We could not get a permit, for all practical purposes. All the emphasis has been on natural gas.

If you are going to generate electricity, you get natural gas. It is becoming short in the sense that our reserves that are attainable are being pulled down very rapidly. So we are going to have to find, if you will, new reserves. We have the Gulf of Mexico, with the technology, drilling in 3,000 to 6,000 feet of water. While there is a risk associated with that, they have new technology virtually reducing that risk to a large degree, so it is manageable. I think we have to convince our environmental friends we do have the technology to make the footprint smaller, to do a better job, and to get on with the reality that we can't conserve our way out of this energy crisis. We have to simply produce more energy and sustain ourselves with new technologies, renewables, alternatives, and we have to conserve.

Nevertheless, when you talk about solar panels, in Alaska, sometimes it gets dark in the winter for a long time. The wind doesn't always blow like it does in Washington, DC, or sometimes in this Chamber. Nevertheless, when you and I leave here, we have to have jet fuel in that airplane, not hot air. I think it affords us the responsibility that we have to come up with some meaningful legislation.

If the majority leader would care to speak at this time, I am happy to yield the floor on this matter. I would appreciate being recognized upon the conclusion of his remarks.

Mr. LOTT. Mr. President, today's fuel prices are a daily reminder that America is now at the mercy of foreign oil producing nations. America's de-

pendence on foreign oil directly threatens our national security and our freedom. However, before you blame your neighbor's SUV, your local fuel distributors, the oil companies, the automakers, or any of the other usual scapegoats, consider this fact—America is one of the leading energy producing countries in the world. This country has the technology, alternative resources and enough oil and natural gas to be much more self-sufficient. America does not have to revert back to the practices of the 1970s.

This country is faced with a very serious problem. Our nation's farmers are being hit hard—due to the cost of home heating bills, farm fuel costs, gasoline, and the impact of the crisis on the fertilizer industry. For obvious reasons, the transportation industry is also seeing a significant hit in air cargo and passenger transportation, intercity bus, trucking, and rail transportation. This in turn affects the tourism industry. Rising oil prices impact more than just energy costs. They are absorbed into a wide variety of goods causing a general increase in consumer prices. This cost increase threatens the engine of the nation's economy, our nation's small businesses.

All of this is simply because of the lack of an energy policy. As a result, U.S. crude oil production is down significantly, as consumption continues to rise. America now imports over 56 percent of the oil it consumes—compared to 36 percent at the time of the 1973 Arab oil embargo. At this rate the Department of Energy predicts America will be at least 65 percent dependent on foreign oil by 2020.

The National Energy Security Act of 2001, which we are introducing today, seeks an overall goal: To enhance national security by reducing dependence on foreign energy sources while protecting consumers by providing stable supplies at affordable prices. It provides incentives for the use of natural gas—a fuel which can burn cleanly in internal combustion engines, and which is abundant within our own borders—especially in the Gulf of Mexico. It also calls on America to utilize other domestic resources through incentives which encourage the use of marginal oil wells, and the billions of barrels of oil we have in Alaska. Likewise, this measure does not ignore the use of renewable energy resources such as solar power, hydro-power, or wind power. However, Congress must acknowledge that America cannot realistically run only on renewable energy resources. Coal, oil, and natural gas remain our most abundant and affordable fuels, and they can be used in environmentally sound ways.

Some 55% of the electricity generated in the United States comes from coal-fired steam generating plants. Coal can make a significant contribution to U.S. energy security, if the environmental challenges of coal-fired plants can be met. This legislation will

provide credits for emissions reductions and efficiency improvements. It will also provide a tax credit on investments in qualifying system of continuous emission control installed on existing coal-based units.

Congress must provide incentives for independent producers to keep their wells pumping, as well. Tax credits for marginal wells will restore our link to existing oil resources, including many in my home state of Mississippi. These wells are responsible for 50% of U.S. production.

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

There has to be a solution to this problem. Some would say that all we need to do is improve energy efficiency and reduce energy consumption. While there is a place for energy efficiency incentives in developing a natural energy policy, we must not starve our economy of the energy it needs to maintain and improve our standard of living. In the long run, a national energy policy that looks at all realistic sources of energy must be developed.

This is not the 1970s, America has better technology, more efficient and cleaner automobiles as well as more energy options. The question is: How long will we forgo these options and be held hostage to nations abroad or extremists at home? Millions of Americans are enduring mandated power outages because of lack of power infrastructure or are stuck with bigger heating bills due to increased demand and limited production of energy. America must tap the vast resources we have. If not, those bills are just going to get bigger, and those outages will occur more frequently. America can solve its energy problems but Congress must act in the interests of the entire nation, rather than a select few. America badly needs a comprehensive, but realistic, national energy policy, and we need it now.

Mr. President, again, as we have been discussing, today's fuel prices are a daily reminder that America is now at the mercy of foreign oil-producing nations. America's dependence on foreign oil directly threatens our national security and our freedom. We need to think about that and recognize it.

The situation we have seen in California is not going to be unique, and it is not just going to apply to the Midwest or the Northeast. This is going to be a national problem. It is going to affect our economy and our future security.

When we have the possibility that Iraq can cut off part of our oil supply, and maybe involve other Arab OPEC countries, that is extremely dangerous. Yes, we have SPR, the Strategic Petro-

leum Reserve, but only enough for a few days—perhaps a few weeks—at which point we would be on our economic knees and in danger from a security standpoint.

A lot of people want to blame something else: Oh, it is your neighbor's SUV; it is your local fuel distributors who are gouging you; or the oil companies are doing it because they want to make more money; or the automobile manufacturers can produce automobiles more fuel efficient. Perhaps they can, and I hope they will continue to make our automobiles better and more fuel efficient all the time, and they have been doing that.

There are any number of scapegoats. Before we do that, we should stop and realize America has plenty of energy sources. It is just that we are not using them or getting them out of the ground, and we are not taking advantage of the alternative fuels the way we should. We have the technology. That is why I specifically mention this clean coal technology. I am sure the distinguished Senator from West Virginia could tell you about it. There is a plant over here in Maryland that is using, I guess, a forward-leaning experimental basis—clean coal technology. We should explore that to the greatest extent possible. That is a resource of which we have a large supply. It is all across the board. Yet there are many in this country who say let's just revert back to the 1970s; let's just go with conservation; let's not worry about supply. I think that is a problem.

Our Nation's farmers are being hit hard. They are paying higher prices for farm fuel costs, heating bills, gasoline. That is affecting the fertilizer industry. For obvious reasons, the transportation industry is seeing a significant hit in air cargo and passenger transportation, intercity buses, trucking, and rail transportation. It has affected the entire economy already. Indications are—and perhaps the Senator from Alaska has already noted this—that the current oil price situation has already spiked up the CPI by four-tenths of a point. That is huge. But you don't have to be a rocket scientist to figure out how that would be happening because of the rising oil prices and the impact they have on energy costs across the board.

It is affecting consumer prices, and small businesses are also being hit. All this is simply because of the lack of a national energy policy. We thought we confronted this problem back in the 1970s when we had the long lines at gasoline stations. Remember, I think they had marathon sessions here in the Senate. We took action and we thought that would not happen again. We didn't do enough. America now imports about 56 percent of the oil we consume compared to 36 percent at the time of the 1973 Arab oil embargo. At this rate, the Department of Energy predicts America will be at least 65-percent dependent on foreign oil by 2020. That is extremely dangerous.

The National Energy Security Act of 2001, which we are introducing today, seeks an overall goal: To enhance national security by reducing dependence on foreign energy sources while protecting consumers by providing stable supplies at affordable prices. It provides incentives for the use of natural gas—a fuel that certainly burns cleaner than some of the types that we have now—where we have an abundance of it within our own borders, especially in my own area of the Gulf of Mexico. It calls on America to utilize other domestic resources through incentives which encourage the use of marginal oil wells.

We have billions of barrels of oil that are available in these marginal wells and certainly up in the Alaska area. There are those who say: No, we can't open up ANWR or some areas on the west coast, areas on the east coast.

We could have everything environmentally pure, but we may not be able to have the energy supplies we need to run this country or to heat our homes or fuel our farmers or our economy generally.

We should also look at alternative sources such as solar power and hydropower, which is something we rely on in this country. We see a problem up in the Northeast, and because it has been a light year for rain and snow in the Northwest and in States such as Idaho, Oregon, and Washington, they have a potential problem there.

Some 55 percent of the electricity generated in the United States comes from these coal-fired, steam-generating plants, as I have indicated. Coal is something we have an abundance of, and with some more tax incentives, we can continue to make progress in coming up with new systems that will provide tremendous rewards for us.

I understand the natural gas area we have in the West is as much as 137 trillion cubic feet. It is estimated that we have 16 billion barrels of domestic crude oil in Alaska. None of these facts really should be surprising. We have known it, but we have not been serious about taking advantage of what we have there. We can do all this while protecting the environment.

I realize this is something you can't apply to every situation, but in the Gulf of Mexico, an area I am familiar with regarding oil and gas exploration—I live right on the gulf. I look out on the Gulf of Mexico. It is a wonderful sight and one of the most peaceful things I do. I sit on my front porch in a rocking chair and look at those gulf waters to my left toward the Alabama State line.

Not long ago, there was a natural gas well pumping away and doing fine. A couple of times they had to flare it, and at night it was a beautiful sight. They have done what they wanted to do with that well and have moved on.

As Senator MURKOWSKI has said, more and more of these oil and gas rigs are moving to deeper and deeper water. They drill now in such a way that they

know what they are going to hit. They know where it is, and they can do it in 2,000, 3,000 feet of water. It is amazing technology.

Have we ever had an incident in my home area? No, never have we had an incident with an oilspill at a rig or with natural gas. The most dangerous thing we have is a Chevron refinery. Big ships come in and have to offload on to smaller ships. They bring those smaller ships into the harbor and port and offload them at the refinery. They, too, have been successful in not having incidents that have caused environmental problems, but there is more of a risk bringing in foreign oil from big boats to smaller boats to the dock than there is to drill for oil and gas.

Also, the best fishing in the gulf is around the rigs. Ask the people who live there. They will tell you it has been a tremendous boon to fishing. You catch the biggest fish right around the oil rigs off the coast of Louisiana and off the coast of Mississippi. This is a personal example.

We can have oil and gas exploration, protect the fish and wildlife, and do it in an environmentally safe way. I hope we will develop this overall policy. We can pick it apart. Some people are going to say: Oh, no, we can't open up ANWR. It is always interesting to me that the people who say we cannot do it are the people who do not live there. The people who live there think we can do it and do it in an environmentally sound way.

There will be those who object to that and maybe try to defeat it. Others will say we shouldn't give incentives to get these margin wells in operation. Others will say the Federal Government should not be involved in paying people's utility bills.

If we pick it apart piece by piece, we will wind up with nothing or a skeleton, and we will not have a national energy policy. If we do that, I predict, today on this floor, within the next 5 years we are going to have a disastrous energy supply situation in this country. We have an opportunity to do something about it this year in a bipartisan way that will be good for every region of the country and every group that might have an interest in energy policy.

I implore my colleagues in the Senate, and I call on this new administration: Let's step up to this. Let's not shrink from our own problems, desires, concerns, or knowledge. One thing that has always bothered me is if you know anything about a subject, if you know anything about energy, in this city you are disqualified; you have to be ignorant to decide what you need to do about the future energy needs of this country. That is a big mistake.

We have an opportunity with regard to our children's economic future. From a security and freedom standpoint, we must do this bill. I look forward to bringing it to the floor of the Senate for consideration by all Senators.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I yield 10 minutes to Senator HAGEL.

Mr. HAGEL. Mr. President, energy touches every facet of our lives. Energy is serious business. America must have a national energy policy that ensures we have a reliable, stable, and affordable source of energy. This cannot be neglected. To do so leaves our Nation vulnerable on all fronts.

Energy policy ties together America's economy, our standard of living, our national security, and our geopolitical strategic interests around the world, and, of course, this Nation's future.

We have entered a period where low energy supply has met high energy demand. Oil prices have tripled over the last 2 years, hitting a high last fall of nearly \$40 a barrel—the highest price since the buildup to the Persian Gulf war in November 1990.

Last Friday, the price of a barrel of oil was \$29. This winter, California has endured severe disruptions in the supply of energy as a result of many factors, mostly a wrong-headed deregulation effort that left the market incapable of adapting to the imbalances between high demand and low supply.

We are also seeing the impact of a combination of record high natural gas prices and a harsh winter. Consumers all across the country are being hit with double and sometimes triple the energy bills they had last winter. It is very difficult for many families to absorb this shock to their budgets, and they cannot go without heat. We have increased the Federal funding for the Low-Income Home Energy Assistance Program, LIHEAP, to assist families in the short term. But the real answer is a long-term change in policy.

High energy costs ripple through the economy. Price spikes send a shock through the economy, increasing prices for everything that uses energy, and that is everything. They drive up inflation.

An analysis last year by the Heritage Foundation found that high oil prices would cost the average American family of four more than \$1,300, decrease consumer spending by nearly \$80 million, and cost our economy almost 500,000 jobs over the next 2 years.

In the United States, a slowdown in economic growth due to higher energy prices will have a negative impact on our Federal budget. The assumptions for projected Federal budget surpluses over the next 10 years do not take into account what would happen if high energy prices, energy shortages, or energy rationing stalled our economy. Where then would be our proposals to finance new prescription drug plans for Medicare recipients, provide more funding for education, grapple with the restructuring of our entitlement programs, and much needed funds to improve our Nation's military? The money needed to fund these areas of

our Federal budget and pay down our national debt would have gone up in smoke—literally gone up in smoke.

Energy policy has broad national security implications for the United States because we are so reliant on foreign sources for our supply of crude oil.

During 1973, at the peak of the energy crisis, we relied on foreign sources of oil for 35 percent of our domestic supply. Since that time, we have become more, not less, dependent on foreign oil. Today we import about 57 percent of the oil used in the United States. Petroleum accounts for one-third of the U.S. total trade deficit. Who are we kidding?

Our reliance on foreign oil leaves the United States vulnerable to the whims of foreign oil cartels. Should something happen to threaten this supply, we cannot turn on the spigots in the United States overnight; we are literally blackmailed; we are literally captive to outside energy sources.

A tight oil market gives additional leverage to individual oil-exporting nations and tyrants. Half the world's spare production capacity right now is in Saudi Arabia. Iraq, whom we bomb by night and who imports oil by day, is now one of the fastest growing sources of U.S. oil imports.

Our allies would be more vulnerable to threats from oil-producing nations because they are even more dependent on foreign oil. America and its allies must never allow themselves to become political hostages of energy supplier nations. This could lead to international blackmail and dangerous, unpredictable world instability.

We drifted through the last 8 years without an energy policy, content to sit back and enjoy a good economy and take credit for that economy, but unwilling to prepare our Nation for the difficult challenges ahead and make the hard choices necessary for energy independence.

When this crisis arose last year, the Clinton administration had no solution or strategy for how to deal with the problem. The policies of the last administration served to discourage and at some points actually completely shut off domestic oil and natural gas production. Over the last 8 years, we have seen millions of acres of possible exploration areas for oil and natural gas completely taken off the table. While oil consumption in the United States has risen by 14 percent since 1992, U.S. crude oil production has declined by 17 percent. Over the last 4 years, 58,000 wells were shut down.

What do we do about this? What can we do to address this problem? We must pursue a comprehensive energy policy that decreases our reliance on foreign oil by increasing the safe and environmentally sound production of our domestic oil and gas resources and by developing a more diversified supply of energy sources.

We cannot wait for the next crisis to decide what we will do. Natural gas demand is estimated to grow by 30 percent over the next decade. Shutting off

the lights and increasing efficiency won't begin to make up for the increased demand. We need a greater supply of energy.

We must develop a national energy policy that meets the present and future needs of our country. I am pleased today to join Chairman MURKOWSKI and my colleagues in introducing the National Energy Security Act. We must increase our production of energy.

This legislation will help ensure an affordable, reliable, and diversified domestic supply of energy. We must also focus on becoming more efficient in our use of energy. Conservation is important. This bill will help make energy prices less volatile and alleviate the impacts that the wild price swings have on the national economy. It will reduce our reliance on foreign oil.

The United States must seek to further diversify its energy resources portfolio. We must all learn the lessons of history and recognize that we should not be focusing our energy needs in one area but must have a diversity of sources of energy to meet those needs. The bill we are introducing today promotes alternative fuels for vehicles, it encourages the production of traditional sources of energy, and advances cleaner technologies for the future. It encourages the development of biofuels, geothermal, hydropower, clean coal, and other energy options. For the United States to protect itself from the whims of international oil cartels and tyrants, we must harness and develop as many of our renewable energy resources as possible. This bill also increases funding for LIHEAP by \$1 billion to ensure that low-income families will not have to choose between heating their homes and feeding their families.

And, yes, part of the solution includes opening the Arctic National Wildlife Refuge to exploration. Drilling in ANWR has been used to portray the Bush administration, and those who support opening ANWR to drilling, as anti-environment. What strikes me odd about that line of argument is that it is faulty. It is faulty for many reasons. One of the most important among them is that most countries from which we import our oil now have very little regard for the environment. You look at some of these foreign oilfields around the world and you see total destruction of the environment, no regulation, no laws, no respect for the wildlife and the land on which they drill.

A study done by the Interstate Oil and Gas Compact Commission found that U.S. producers spend almost \$3 billion annually, or roughly \$2 a barrel, to comply with environmental regulation in the United States. I doubt that one-tenth of this is spent on environmental regulations in all the other oil and gas-producing countries combined. Who is taking care of the environment and who is not taking care of the environment?

So if environmentalists are truly concerned about the worldwide envi-

ronment, it would seem to me they would want every possible drop of that oil and natural gas to be found in the United States to be pumped and drilled under safe environmental regulations imposed by State and local governments, the EPA, the Federal Government, the U.S. Fish and Wildlife Service.

We are all concerned about the environment. We have led our Nation far too long without a comprehensive energy strategy. The President and Congress must immediately address America's need for a strong, defined national energy policy. It underpins our national independence. Energy independence underpins our national security, it underpins our economy, our standard of living, our trade, our role in the world, and the future for our children. Our Nation's future is directly connected to energy capacity. If we fail this great challenge, we will leave the world more dangerous than we found it. That is not our heritage. This will require bold, forceful, and intelligent leadership. We can do this. We will do this. This is America's heritage.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I thank my colleague from Nebraska for his candid statement, particularly when he focused on the lack of sensitivity in the oilfields of much of the world. Yet we depend on the oil coming from there. We don't seem to have any regard for how it is produced or the sense at this time of the environment. We take it for granted and somehow just ignore that we have the responsibility because we are addicted to foreign oil and yet we accept no responsibility for the environment. I commend him for that observation. I thought it was very pertinent.

Mr. President, I ask unanimous consent that a list of the participants in the press conference on the National Energy Security Act of 2001, including the Campaign to Keep America Warm, Interstate Oil and Gas Compact, National Association of Regulatory Utility Commissioners, Small Business Survival Committee, National Association of Manufacturers, Association of Home Appliance Manufacturers, National Association of Neighborhoods, Fertilizer Institute, Edison Electric Institute, Printing Association, United States Combined Heating, American Gas, Washington Gas, Nuclear Institute, American Forestry Society, American Forests, American Institution of Architects, National Association of Home Builders, Air Transport Associates, Society of Independent Gasoline Manufacturers, National Association of Realtors, the Coalition for Affordable Renewable Energy, National Pumping and Heating, American Highway Users, National Restaurant Association, U.S. Oil and Gas Association, National Association of Convenience Stores, the National Refiners Association, the Independent Driver's Associa-

tion, all who were in attendance and represented at the press conference where we discussed the introduction of this legislation this morning, be printed in the RECORD following my remarks relative to the introduction of this legislation. I also ask unanimous consent that a letter of support from the Teamsters be printed in the RECORD following my remarks.

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

(See Exhibit 1.)

Mr. MURKOWSKI. Much has been mentioned of one facet of this legislation. I refer to the ANWR area. I also want to add that while we have not sought cosponsors, there have been many who have come to the floor today or have contacted me. As a consequence, I think it is important to add my senior colleague, Senator STEVENS, even though I have not been able to contact him, so I condition that. But I don't want him to think we haven't thought of him. I add his name.

I will identify on the first map, to get a feeling for ANWR and what it is all about, I will demonstrate what part of Alaska comprises ANWR. It is 2½ times the size of Texas. Nevertheless, it is a big, big piece of real estate. This area on top is called ANWR. It in itself is about the size of South Carolina. It is 19 million acres. Notable on this map are the colored areas which are Federal lands.

The reason it is appropriate to reflect a little bit, I hear the quotation, why can't we have some area of wilderness that is as it always was, with no footprint of any kind? And the justification of ANWR, indeed, is it fits that description.

That is hardly accurate. If we look at another map shown in the scope of reality, we see the small portion of Alaska that is known as ANWR is 19 million acres, and we have set aside 8 million acres in wilderness and 9½ million acres in refuge, leaving 1½ million as a coastal point, which is the only area disturbed if drilling is authorized by the Congress of the United States.

These land designations were made in about 1980. They are permanent. The wilderness will remain the wilderness, 8 million acres, the 9.5 million acres will remain in the refuge, leaving the small area open for exploration.

The difference is the geologists say this is the most likely area where a major oil discovery might be made in North America, and they indicate 10 to 16 billion barrels, equal to what we import from Saudi Arabia.

The other fallacy not noted is there is a footprint there already.

There is a village. There are about 227 Eskimo people who live there. This is their airstrip, hangars, schools. This is a picture of the children going to school, happy, Eskimo children. It is a pretty bleak outlook because it is winter there about 10 months out of the year.

I want to show this major map again. When we talk about this area the size

of the State of South Carolina, 19 million acres, and take it down to 1.5 million acres here—here is Kaktovik. The picture just appeared. To suggest there is nothing there is misleading. This is the radar site. This is the village. The airstrip is over here. The footprint is really there. That is what is in this area of ANWR. The rest of it, as I indicated, is a refuge or wilderness. I might add, we have about 118 refuge or wilderness areas where we are producing oil or gas. To suggest this is unique begs the issue. It is unique, but you have to keep it in perspective.

For those who say, why don't we have some area of wilderness that has not had any footprint, let me show a couple. In our State of Alaska, we have 59 million acres of wilderness. This is the Gates of the Arctic here, which is a little over 8 million acres. That is it. You can wander through it. It is designated "wilderness." You can view it for its beauty or its harshness.

We have another area here in the Wrangell-St. Elias area. We have some almost 11 million acres of wilderness in this area. To suggest this is the last wilderness is hardly respecting reality. I want the record to note that because many of my colleagues are under the opinion this is the only area left.

Let me conclude with a couple of other items that I think are relevant to this particular issue. To give some idea, Wrangell-St. Elias is much bigger in wilderness than is ANWR. The Gates of the Arctic, as I indicated, are about 8 million acres.

To give some idea of the extent of the efforts to accommodate the wildlife, this is an article entitled "Bruins Brewing? Polar bears apparently booming on stretch along Beaufort Sea."

It further states:

Beaufort Sea area's polar [bear] population could be in excess of 2,500.

Some will suggest the polar bear den in ANWR. The polar bear don't den in ANWR, they den on the ice. There are a few that do winter there, but the most significant thing about what we do with the polar bear is we don't allow hunting of the polar bear. If you are a Caucasian, you cannot take a polar bear. You can in Russia or Canada, but you cannot take it in the United States because it is a marine mammal and is protected. The Native people take a few for subsistence. To suggest somehow we are going to decimate the polar bear is again mythical, a story, not made up of any scientific fact.

The idea of spills in the area—let me show the Prudhoe Bay area, because it represents the old technology. The oilfield is here with the caribou. There is the pipeline. There are the caribou. You have seen it before, Mr. President. Those are not stuffed animals. They are browsing around because there is nothing that will harm them.

If you spill a pint of oil from your transmission, it has to be reported. If you spill water, it has to be reported. We have very stringent environmental laws and regulations to ensure we reduce to a minimum the exposure.

I also want to show another picture of the wintertime and what some of the animals are acclimated to. Because it is easier to walk there, they walk on the pipeline. They are walking on the pipeline because it is easier to do that than it is to walk on the snow. These are actual photographs. It is not anything that was put together.

Let me also show pictures of what it looks like building the area in the wintertime where we have the rough and rugged tundra. In the winter, it is very bleak. There are about 10 months of winter a year. Here is the technology used to develop the oilfields. We use winter roads made of ice.

Again, it is new technology. Here is the same picture in the summer. It is about a 2-month summer. You can see the footprint is very manageable.

My point going into this detail is that those who criticize give very little credit to the advanced technology that we have, the ability to find oil and make a very small footprint.

The justification for going into ANWR is that geologists tell us that is where a major find is more likely to be made than any other area. They suggest somewhere in the area of 16 billion barrels.

As we look at what I think are some of our inconsistencies, let me remind you that we are now importing 750,000 barrels from Iraq. We fought a war over there in 1991. We lost 147 lives. The significance of depending on that source, I think, suggests we are compromising our national security. I say that realistically because the other day we noted we took a very aggressive posture, bombing some of the radar sites in Iraq up near Musel to take them out because we thought they were hindering our efforts to enforce a no-fly zone. What they did not tell you was there have been about 20,000 sorties since 1991–1992, at great cost to our Government, enforcing the no-fly zone.

Just what are we doing? If I can simplify our policy, we are importing 750,000 barrels of oil from Saddam Hussein. We give him payment for that oil. We take the oil, put it in our planes, and go bomb him. Maybe I am missing something. What does he do with our money? He takes our money and, in effect, takes care of his Republican Guard, which keeps him alive. He also develops a missile capability and a delivery capability and biological capability. At what is it aimed? At our greatest ally, Israel. Maybe I am being overly simplistic, but if you think about it, that is about what happens.

At what point do we sacrifice our national energy security interests? What we have done in this legislation which we have introduced today—I see Senator CRAIG on the floor—we are attempting to reduce our dependence to 50 percent or less, instead of increasing it. As the Department of Energy says, by the year 2005 or 2006, we will be close to 60 percent. At what point do we compromise totally? At what point are we becoming so dependent on the Mid-

east nations that we no longer have any leverage left? They can control the supply. They can control the price.

We are not going to eliminate our dependence, but we can reduce it. I see the U.S. Coast Guard reducing its mission capability for rescue and fishery patrol because of the increasing costs of fuel, which limits their mission capability. I ask unanimous consent this document be printed in the RECORD.

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

COAST GUARD CUTS BACK ON PATROLS TO SAVE MONEY

KODIAK (AP).—In an effort to save money, the Coast Guard has shaved five days off the cutter Storis next patrol of fishing grounds.

The Storis was due to leave Friday to patrol Alaska's domestic fishing grounds, including the Aleutians and the Bering Sea, and make routine boardings of U.S. fishing vessels. But the 230-foot cutter will not get under way until Wednesday morning, said Cmdr. Ray Massey.

"Our Pacific Area Command decided to go ahead and keep them at the dock as a cost-saving measure," Massey said. "We're concerned that they get under way. They've missed several days of domestic boardings."

The Coast Guard has taken similar measures in the past, Massey said. This time the Alaska command is trying to close a 10 percent cut in the operational budget.

"This budget struggle is based on the high cost of fuel and the mandated increases in salaries," Massey said.

The Department of Defense raised military wages 3.7 percent Jan. 1, but did not adjust the Coast Guard budget.

Cutters spend 45 days at sea when they are on standard patrol duty. It costs roughly \$3,500 an hour when cutters are under way, Massey said. Multiplied by 24 hours, a few days tied to the dock results in savings of about \$84,000 a day.

"We need a supplemental budget increase," Massey said.

The delay does not affect Coast Guard search-and-rescue operations, with helicopters and the 378-foot cutter Mellon on the grounds in the Bering Sea, he said.

The delay also did not disappoint most of the crew on-board the Storis, according to seaman Frances Jiannalone.

"It was like a total surprise. We were just about to get under way, I'm talking 10 minutes, and I answered a call. They asked if we were about to get under way. I said yes, and they said, 'Well, that's all about to change,'" Jiannalone said.

He said the captain announced the delay 10 minutes later.

Mr. MURKOWSKI. When that happens, it affects all of our capability as well.

When we look at the dreaded situation in this country relative to what has happened in California, we realize that some of our aluminum companies are not making aluminum because they have long-term contracts for energy and they are selling the energy. Urea fertilizer factories are no longer selling urea because they can sell the gas for a higher price than if they sold the product. These are inconsistencies that affect the very backbone of our Nation.

As we begin the debate on the energy bill, I encourage my colleagues who have heard from the environmental

community that somehow this can't be done safely to recognize the responsibility on the national security interests of this Nation and to recognize the technological advances that we have made. For heaven's sake, come up and see for yourself. We have extended an invitation to Members of this body to come up to ANWR on the 30th or the 31st of March and the 1st of April. We extended that to spouses as well. Get an appreciation. Keep your mind open until you see it. Many of the Members, of course, tell me: FRANK, we understand you did open it. We really know that. But you know how it is with the environmental community if you argue against them.

What responsibility does the environmental community have relative to their responsibility to come up with some alternatives and recognize that we have an energy crisis? They simply say we can conserve our way out. You simply can't do it. We can do a better job of it. But we are an electronic society. We send e-mail and use our computers. The reality is we have to do better. We have to use alternatives. But you can't conserve your way out of this.

The reason I am going into this at some length is ANWR becomes somewhat of a lightning rod because it is a cause, if you will, for the environmental community. They need a cause. They need a cause that is far away where the American people can't really see it for themselves and that the press really can't afford to go see. As a consequence, it generates great membership, great dollars, and the fear that somehow we can't do this. Yet in Prudhoe Bay, we have had 30 years of experience and 30 years of technology. The footprint now is estimated—as you move from this technology 30 years ago over to this area on the map of ANWR—out of this million and a half acres up here in the Coastal Plain, which is the only thing we are talking about—we are not talking about this because this is a refuge—we are talking a footprint of roughly 2,000 acres. That would be the footprint if the oil is there in the volume.

I encourage my colleagues to keep the discussion and the debate within the parameters of facts as opposed to emotions. To suggest that somehow we do not have the technology to take care of the Porcupine caribou herd is ridiculous. We only allow drilling in the wintertime as a consequence of the caribou calving. We have improved the central Arctic herd.

People ask, Is this energy bill going to be compromised by ANWR? Is that the backbreaker? I hope my friends in this body and in the environmental community recognize that we have a responsibility to address an energy crisis, and by passing this legislation including ANWR, we are going to be able to reduce our dependence on imported oil to less than 50 percent within a reasonable period of time.

Some people say it is going to take you 10 years, if the oil is there. That is

absolutely ridiculous. We have a pipeline 45 miles from Prudhoe Bay. It only needs another 25 miles, and we could have this area open in less than 3 years to have oil flowing, if indeed the oil is there.

Some people say, Senator, it is only a 6-month supply. That is a bogus argument. That assumes there is not going to be any other oil produced in this country for 6 months; all of it will stop.

You can turn that thing around, and say, well, if we don't develop it, then the United States is shortchanging itself with a 6-month supply for all the trains, airplanes, and all the boats. It is a ridiculous argument, if the oil is there.

Remember Prudhoe Bay. This area has been producing 20 percent of the total crude oil produced in the United States for the last 27 years. At one time it was 25 percent. That is the factual record.

Please keep this in mind. If you want wilderness, we have 59 million acres of wilderness in our State, and more than all the States put together. We are proud of it. But to suggest that somehow you are going to jeopardize this 19 million acres by initiating some drilling in 1½ million acres just doesn't fly with reality.

We must have an opportunity to debate some of these environmental groups that put fear in some of my Native people. These people who live in this area, whether they be the Eskimos on the North Slope or the Gwich'in people, are proud people and look for a better way of life and opportunities.

In Barrow, I always recall one friend of mine who said: Senator, I used to come to school to keep warm.

I said: What do you mean?

He said: The first thing I did when I got up and left our sod home was to go out and pick up driftwood. There were no trees. That would be driftwood floating down the McKenzie River and lying around on the beach. He said: I came to the Bureau of Indian Affairs school to keep warm.

Then we look at Barrow today. They have the most beautiful school in the United States. They have an indoor recess area because they have the taxing ability to improve their lives, to give them an alternative lifestyle where every child has an opportunity for a full paid college education, if they wish it. There is no where else in the country with that.

Then we have the Gwich'in people in Old Crow and other areas in Alaska down near the Fort Yukon Arctic village. I have been in the area and have met the people. But there is the group that the Gwich'in Steering Committee has put the fear into that somehow these people will lose the Porcupine caribou herd if, indeed, there is development in this Coastal Plain.

This is kind of interesting. This is the U.S. This is Alaska. This is Canada. This is the migration route of the caribou. They have a wide range. They

come up here and calf sometimes in the Coastal Plain, and sometimes not. But, in any event, they cross a highway, the Dempster Highway. All these little marks are wells that were drilled in their path. They did not find any oil so they made a park out of it. That is fine. But somehow we have seen the environmental groups—the Sierra Club, Friends of the Earth, the Wilderness Society—fund this effort to basically suggest to the Gwich'in people that their lifestyle and their traditions will be lost, and their dependence on the Porcupine caribou herd will be lost if indeed, this development takes place.

There is another group of Gwich'ins who are looking forward to having job opportunities and so forth. Time and time again, they have been invited up to Barrow to meet with the Eskimos to see what the ability to tax oil and oil facilities has meant to their lifestyle. Each time the journey is cut short by the pressure of the Gwich'in Steering Committee. You have to be careful who you are talking to when you talk of the Gwich'ins because there are two different people. One of the groups—the Gwich'in Steering Committee—is funded by a significant portion of America's environmental community. And one more time: For what reason? Because they need a cause. Their cause generates membership, dollars, and is so far away that it can't be evaluated on its own merits.

That basically concludes my remarks on this particular aspect of the energy bill, which I think deserves some special attention since it has been identified time and time again.

I encourage my colleagues to give me a call if they have any further questions. I hope they will accept the invitation of Senator STEVENS and I to come up and visit the area. If not, we would be happy to meet their staffs.

I remind them that all of us have an obligation to meet our legitimate environmental concerns. We also have an obligation to address the national security interests of our Nation as far as our growing dependence on imported oil is concerned. This is an opportunity to relieve that in a very positive and meaningful manner.

I yield the floor.

EXHIBIT 1

NATIONAL ENERGY SECURITY ACT OF 2001— PRESS CONFERENCE PARTICIPANTS

Campaign to Keep America Warm: Jim Benfield.

IOGCC: Christine Hansen, Executive Director.

NARUC President and PA PUC Commissioner: Nora Mead Brownell.

KY Public Service Commissioner and Chair NARUC Gas Committee: Edward J. Holmes.—“As Chairman of Naruc's Committee on Gas, my committee members and state public utility commissioners across the U.S. work with energy matters on a daily basis. I commend Sen. Murkowski's efforts in recognizing the need for federal legislation that institutes a comprehensive national energy policy including balanced reliance on all energy resources.”

Small Business Survival Committee: Karen Kerrigan.—“This legislation, by increasing

access to critical energy supplies and improving the infrastructure to move those supplies to consumers, will make for more reliable and affordable electric power and transportation fuel, which is essential to small business's economic well-being. Affordable energy is particularly important to small businesses which are extremely sensitive to price fluctuations and supply disruptions. For many small businesses, energy costs and reliable supplies are the difference between profits and losses."

Aluminum Association: Robin King.

The Fertilizer Institute: Ford West.

American Forestry and Paper Association: Hansen Moore.

U.S. Chamber of Commerce: Sally Jefferston.

National Association of Manufacturers: Mark Whittenton, Vice-President, Resources, Environment, and Regulation.—"With NAM calculations indicating that the rising price of oil and gas cost our economy more than \$115 billion between 1999 and 2000, it is clear that energy problems will have ripple effects throughout the economy. Congress and the Administration must develop a strategic national energy plan to increase energy supply, improve energy efficiency and optimize all energy resources, including natural gas, oil and coal."

American Farm Bureau: Jon Doggett, Senior Director, Natural Resources and Energy. Business Council on Sustainable Energy: Michael Marvin, President.

Plug Power Inc.: Jennifer A. Schafer, Director of Federal Governmental Affairs.—"Senator Murkowski is to be commended for his foresight in addressing the America's dire energy situation. We look forward to working with the Chairman and his staff to expand his distributed generation provisions to include residential fuel cell systems."

American Methanol Institute: Bailey Condrey, Jr., Director of Communications.—"The current energy situation underscores the need for a comprehensive energy policy that will encourage the use of alternative fuels and alternative fuel vehicles and technologies."

National Association of Neighborhoods: Ricardo Byrd.—"Energy is the lifeblood of America's neighborhoods: it heats, lights and powers our homes, providing for our most basic needs. We are witnessing this winter the devastating impact on our neighborhoods—particularly on seniors, poor and hardworking families—of the failure to have a comprehensive national energy policy."

Edison Electric Institute: Lynn LeMaster, Senior Vice President.—"U.S. energy policy should focus on assuring adequate domestic energy supplies, renewing and expanding our energy transportation infrastructure, assuring adequate electricity generation and a diverse fuel generation mix, improving energy efficiency, encouraging investment in new technology and providing energy assistance to low-income households. The Murkowski bill addresses all these concerns."

Printing Industries Association: Wendy Lechner, Senior Director, Federal Employment Policy.

ASAP Printing, Alexandria, VA.: Joe Brocato, Owner.—"In representing the 14,000 members of the Printing Industries of America (PIA) here today, I strongly support improving and increasing domestic energy sources and encouraging energy conservation. Printing companies like mine are fairly significant users of energy resources. As energy prices continue to increase, I worry about the effects. Do I raise prices and harm my relationship with my customers or will I be forced to let go long-time, loyal employees? Neither choice is a good one. A well thought out national energy policy is needed and needed soon."

United States Combined Heat and Power Association: John Jimison, Executive Director.—"We believe that this is a critical time for Congress to confront comprehensively the nation's energy imperatives—the need for adequate supplies of electric and thermal energy at competitive costs with short lead-times, maximum fuel efficiency, high reliability, and minimal environmental impact, in a market open to all participants."

American Petroleum Institute: Red Cavaney, President.

American Public Gas Association: Burt Kalish.

American Gas Association: Dave Parker, President and CEO.—"To meet consumers' strong demand for natural gas in coming years, we commend Senator Murkowski for sponsoring this important legislation, which calls for a comprehensive review of natural gas resources, expansion of the pipeline delivery system and development of energy-efficient technologies."

Questar Gas: Nick Rose, CEO, Chairman, American Gas Association.

Washington Gas: James H. DeGraffenreidt, Jr., Chairman & CEO.—"Authorization of significant, long-term LIHEAP funds and incentives to improve energy efficiency are clear benefits for our customers. Additionally, a national energy policy will benefit everyone by addressing the supply/demand relationship in a balanced and economically-efficient manner."

Nuclear Energy Institute: Joe Colvin, President.—"The energy policy proposed by Senator Murkowski is a well-crafted framework to build a brighter, better future for the American people. It recognizes the valuable role that nuclear energy plays in our country's diverse mix of energy sources, and it takes positive, practical steps to ensure a broad base of energy sources are available in the decades to come."

Association of Home Appliance Manufacturers (AHAM): Joseph McGuire, President.—"The Association of Home Appliance Manufacturers applauds Sen. Murkowski for his leadership in helping develop a national energy policy. We support efforts to establish such a policy through measures aimed at energy supply, conservation and energy efficiency."

Natural Gas Vehicle Coalition: Paul Kirkhoven.—"We commend Senator Murkowski on his leadership by introducing the National Energy Security Policy Act. This bill, when enacted, will meet the energy needs of today's consumers and will promote the increased use of natural gas as a motor vehicle fuel."

American Propane Gas Association: Lisa Bontempo.

American Institute of Architects: Dan Wilson, Senior Director, Federal Affairs.

Association of Home Appliance Manufacturers: Joseph M. McGuire, President.

American Gas Cooling Center: Tony Occhionero, Executive Director.—"We commend the Chairman for his leadership in moving quickly to address the reliability and adequacy of our nation's energy system. As the legislation makes its way through Congress, we will work to ensure further peak demand reduction measures through inclusion of gas-fired cooling and additional on-site power generation."

Process Gas Consumers: Dena Wiggins.

Building Owners & Managers Association: Gerald Lederer, VP Government & Industry Affairs; Karen Penefiel.—"The federal government needs to enact a national energy policy which ensures all consumers have access to adequate supplies of reasonably priced energy. A building owner's "commodity" is a productive office environment, which is not an "interruptible service." Even a temporary (energy) shutdown can lead to major problems."

National Association of Home Builders: William P. Killmer, SR Staff VP, Government Affairs.

American Chemistry Council: Jim D. McIntire, Vice President.

Society of Independent Gasoline Marketers of America: Greg Scott, Counsel.—"SIGMA represents independent petroleum marketers who are deeply concerned about balkanization of the nation's motor fuels markets, retail price volatility, and the decreased overall supplies of gasoline and diesel fuel. SIGMA members are convinced the country can have clean fuels, environmental protection, and a sound national energy policy that increases overall supplies and competition."

National Association of Realtors: Doug Miller, Commercial Policy Rep, Gov. Affairs.

Competitive Enterprise Institute: Myron Ebel.—"Senator Murkowski's bill if enacted will re-establish the conditions necessary for the energy industries once again to be able to provide Americans with cheap and abundant, reliable energy, upon which our prosperity is based. For example, it will encourage environmentally-responsible oil and gas exploration and production on federal lands closed by Clinton and make it possible to build needed new pipelines and refineries."

National Association of Convenience Stores: John Eichberger, Director of Motor Fuels.—"NACS members sell approximately 60 percent of the motor fuels in the United States every year. NACS members are strongly supportive of a national energy policy that increases motor fuel production, provides clean motor fuels to our customers, and recognizes the important role that motor fuels play in driving our nation's economy."

The Coalition for Affordable and Reliable Energy (CARE): Paul Oakely.—"Senator Murkowski has taken the first step in the process of developing a much needed national energy policy. We support the development of a sound energy policy for America which takes full advantage of diverse domestic energy resources, including its abundant coal reserves, while striking a sensible balance among social, economic, national security, environmental and energy goals."

National Restaurant Association: Lee R. Culpepper, SRVP Government Affairs.

The National Petrochemical and Refiners Association: Bob Slaughter, General Counsel.—"The National Energy Security Act will strengthen America's refining infrastructure by refocusing public policy on the need to maintain and expand the nation's refinery capacity. This will help provide individual consumers with a stable supply of petroleum products at reasonable prices and petrochemical producers with predictable amounts of competitively-priced feedstocks."

American Highway Users Alliance: Bill Fay, Executive Director.

National Plumbing, Heating, and Cooling Contractors: Lake Coulson.—"PHCC is composed of almost 4,000 contracting business, many of whom are small businesses and are affected by the current energy situation. PHCC believes that the country needs an energy policy that will provide reliable energy and affordable prices for American families and businesses. PHCC-National Association supports efforts designed to improve energy efficiency and conservation. PHCC-National Association supports the installation and use of water conserving methods and products."

Owner Operator Independent Drivers Association: Paul Cullen, Government Affairs Representative.

Air Transport Association: Ed Merlis.—"Senior Vice President, Legislative and International Affairs. With jet fuel being our second highest expense item, airlines have felt the serious consequences of escalating

energy prices, which raise airfares, particularly on leisure travelers. It is imperative that we develop a comprehensive national energy policy. Senator Murkowski's legislation is a strong, positive step in that direction."

Mr. CAMPBELL. Mr. President, today I am pleased to join my friend and colleague Senator MURKOWSKI as an original cosponsor of the National Security Act of 2001. This bill represents a significant effort to define our national energy policy and it will be considered shortly.

For years many Senate Republicans called on the previous administration to define our national energy policy. It is apparent that they never answered our calls. We all know that this bill must now be discussed and specific concerns need to be addressed. But, this is an important step to lay the foundation for our future energy plans.

We are a Nation that uses coal, oil, hydro power, natural gas and nuclear power. This cannot be disputed. But, the previous administration would not accept this reality. And, unfortunately, they tried to stand in the way of domestic oil production by locking up public lands. Now we are in a very good position with the current administration to build a secure energy policy which is long lasting, environmentally friendly and will decrease our dependence on foreign oil.

I am hopeful that this is just the starting point. Some organizations will have concerns with this bill, and I have some as well. For instance, Rural Electric Associations, commonly referred to as Co-ops, have concerns that I would like to see addressed, especially since such a big portion of my home state of Colorado is covered by Co-ops. I am confident, however that we can all come together, resolve our differences and construct a national energy policy that will ensure our future needs.

The National Security Act of 2001 is an important step forward to define our national energy policy, provide relief from our energy problems and promote domestic production so that our Nation can become more self sufficient for our energy needs. I urge my colleagues to come together to build our energy future.

The PRESIDING OFFICER (Mr. NELSON of Florida). The Senator from Idaho is recognized.

Mr. CRAIG. Thank you, Mr. President.

Before I speak to the two pieces of legislation that Senator FRANK MURKOWSKI has introduced today, let me thank the chairman of the Energy and Natural Resources Committee for the leadership that he is demonstrating with the introduction of S. 388 and S. 389.

This country cries out for a clear, well developed policy for both the production and the transmission and/or shipment of energy that we clearly have found ourselves now lacking and in need of.

Every American is finally beginning to feel the pinch of energy; in this case,

the lack thereof—whether it is at the gas pump, or whether it is in the power bill they receive monthly, or their space heating bill, or the cost of the goods that have a major component of energy in them.

The Senator has just concluded speaking about the potential of producing upwards of 16-plus billion barrels of oil domestically in our country in addition to what we already have. I will say—and I am sure I will say it more than once over the course of the next several months of debate—the ANWR issue is not an environmental issue. It never has been, and it never will be. It is a political issue.

The technology of today will protect that environment. When the oil is extracted and the wellheads are gone, it will hardly be noticeable that man, in the form of his modern technology, was there. This is a political issue by interest groups who need a cause. The Senator from Alaska has spelled that out well in the last few moments.

But I rise today in support of national energy and a National Energy Policy Act of the kind that the Senator has introduced today and of which I am a cosponsor. Clearly, this is the year when I hope Americans will insist and that we will respond with the development of a comprehensive energy policy.

We began to look at this anew in 1999. Back then, OPEC cut crude oil production to force up oil prices. We then had the luxury of very inexpensive crude oil. It worked. As you know, we saw our Secretary of Energy rushing off to the Middle East to beg them to turn their valves back on. While they did a little bit, they were destined to move crude oil from \$12 a barrel to, at one point, a high of \$32 a barrel last spring.

Our motorists—all of us—were worried about the increasing cost of gasoline, and truckers were concerned about rising fuel oil costs. Also, residential consumers in the Northeast watched as their home heating oil bills skyrocketed last year and remained extremely high through this winter.

In the past dozen months, the situation has worsened. Gasoline, fuel oil, and home heating oil have remained at a high premium. Natural gas prices have tripled to \$6 per million Btu's from under \$2 only a year ago. That is a tremendous increase in price. Natural gas production has remained static, even though the number of drilling rigs looking for gas has now tripled in the last year, as finally these unbelievable but very market-driven prices have resulted.

Further, natural gas in storage is just about a billion cubic feet—about half of what is usually in storage for this time of year. In other words, in that arena we are only half prepared. We simply cannot build the balance of the storage.

Further, natural gas is clearly costing the residential consumer an astronomical price—but beyond where the

gas line goes, where you have to use bottled gas out in rural America for cooking, heat, and some space heat, there, once again, it has tripled; and even for the poorest of Americans, it is a cost they are finding very difficult to bear. Wholesale electric prices too have risen significantly.

Of course, we have all watched and been a part of—at least by action or by debate—the episode in California and the experimental, but very flawed, electricity deregulation effort that has produced an unbelievable high of nearly \$300 for a megawatt hour in the spot market—\$300 for a megawatt hour in the spot market—compared with just a few dollars at some points in an Idaho market a few years ago. That is a tremendous drive-up in cost. That is about 30 cents per kilowatt hour, or five times what the investor-owned utilities in California are allowed to charge their consumers.

To bring it into perspective, my consumers in Idaho, right now, are paying about 3.6 cents per kilowatt hour against a California market that has peaked at 30 cents per kilowatt. Some folks would say Idahoans are not paying enough. Let me tell you, Californians are not paying what the market would teach them to pay if their policies were different. Then they would dramatically change the politics of their State because, once again, ANWR is a political issue and the energy crisis in California is a political issue—and a political crisis.

Southern California Edison and Pacific Gas and Electric Company are struggling with a \$10 billion unpaid bill for power. They were simply not able to go out and collect the money because California law would not let them collect the money for the very energy they bought to supply Californians. Californians have already consumed the electricity, but they have not paid the full price for it.

California, due to a shortage in the State of power-generating facilities, has been forced to import electricity from as far away as Texas. And up in my State of Idaho, we now produce power for California. Power supplies in the Northwest—my region of the country—have grown increasingly scarce. Competition for supplies and the fear that California utilities will be unable to pay their bills have forced up retail prices in Oregon, Washington, and my State of Idaho.

When the previous administration arrived in 1993, it announced its intent to drastically alter the way the Nation used energy, especially fossil fuels—gas and oil and coal. President Clinton argued that a broad-based Btu tax would force us away from coal and oil and natural gas to renewable energy forms, such as solar, wind, and biomass. That objective has remained a hallmark of that administration's energy policy.

Oh, yes, some of us have argued that the Clinton administration had no policy. Well, they came to town with one. And that one was rapidly rejected by

the American consumer when the President said that the taxes he wanted to raise—nearly \$72 billion out of the consuming public over a 5-year period—would help the market and help the environment. What it ultimately did—because it was rejected—was it caused even greater dependence on foreign oil and, of course, had phenomenal impacts, as we now see, on the consuming public. In fact, it would have unfairly punished energy-intensive States and industries.

Estimates by the American Petroleum Institute and the National Association of Manufacturers, at that time, predicted that the Btu tax, which was the hallmark of the Clinton policy, would reduce the gross domestic product of this country by \$38 billion and that it would destroy nearly 700,000 jobs.

Just in the last 2 quarters, this runup in energy price—which would have been equivalent to raising that kind of a tax, only it is now greater—has cost the gross domestic product almost a half a percentage point. Studies now show at least four-tenths of a percent loss, or nearly half a percentage point, and several hundreds of thousands of jobs. So those estimates way back in 1994 were not very far off.

The administration claimed that the tax was needed to balance the budget and fund large new spending programs to offset the negative impacts of the tax. They also claimed that crude oil imports would decline by 400,000 barrels a day.

At the same time, DOE's own projections predicted the tax would shave oil import growth by less than one-tenth a percent after nearly 10 years under that program. DOE predicted by the year 2000 Americans still would depend on foreign oil for three-fifths of their total crude oil requirements.

DOE was not far off. With or without the tax, obviously with growth in the American economy and the tremendous wealth and advantages to the American consumer that the economy of the last decade has produced, we have grown dramatically more dependent upon foreign oil because we failed to produce our own. The American Petroleum Institute testified at that time that even if imports were to fall by the full 400,000 barrels a day claimed by the administration, the cost of a \$34 billion in lost GDP is excessive relative to the alternatives of improving energy security. The story went on and on, and no energy policy got developed. In fact, quite the opposite occurred. A more restrictive approach to the production of domestic energy began to fill in behind the inability of our past President to force a huge tax increase on the American consumer.

In the end, Congress refused to accept the Clinton administration's efforts to tax our relatively inexpensive energy sources to finance their grandiose tax-and-spend social agenda that Congress rejected. Congress did agree to raise taxes on transportation fuels.

We did that by 4.3 cents per gallon, a move I opposed and believed was wrong at the time. It is wrong now.

The past administration's obsession to reduce fossil fuel use as much as possible has put us in the position we find ourselves today. President Clinton said, on March 7, 2000, at the White House:

... Americans should not want them [oil prices] to drop to \$12 or \$10 a barrel because that ... takes our minds off our business, which should be alternative fuels, energy conservation, reducing the impact of all this on global warming.

Here are the facts: Since 1993, domestic oil production has dropped by 17 percent. Domestic crude oil consumption, though, has gone up by 14 percent. Dependence on foreign sources of crude oil has risen to 56 percent in total crude oil requirements.

The PRESIDING OFFICER. The time allotted to the Senator has expired.

Mr. CRAIG. I ask unanimous consent to continue for no more than 10 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, might I ask the Senator, did he ask for 1 minute or 10 minutes?

Mr. CRAIG. I asked for 10.

Mr. KYL. Mr. President, I will certainly not object, although that will wipe out my opportunity to speak, as I understand it.

Mr. CRAIG. Reclaiming my time, let me ask for no more than 3 minutes. Would that accommodate the Senator from Arizona?

Mr. KYL. I am sure it would. I know there are other Senators who are to follow beginning at a particular time. That would be very helpful. I certainly don't want to interrupt the Senator from Idaho because I know he has very important comments to make.

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

Mr. CRAIG. As I said, I am pleased to rise today to support introduction of the National Energy Security Act of 2001. At the request of the Majority Leader during the last Congress, Senator MURKOWSKI and other Senators began the process of developing a solution to the energy "fix" in which we found ourselves in beginning in late 1999.

Back then, OPEC cut crude oil production to force up world oil prices. It worked—oil prices rose quickly from about \$12 per barrel and hit a high of about \$32 per barrel last spring.

Our motorists were worried about the increasing cost of gasoline and truckers were concerned about rising fuel oil prices. Also, residential customers in the Northeast watched as their home heating oil bills skyrocketed.

In the past dozen months the situation has worsened. Gasoline, fuel oil, and home heating oil prices remain high. Natural gas prices have tripled to about \$6.00 per million Btu's (British Thermal Units). Natural gas production has remained static even though

the number of drilling rigs looking for gas has tripled over the last year. Further, natural gas in storage is just above 1 billion cubic feet, about half of what is usually in storage this time of year. Residential gas customers in some parts of the Nation have seen their winter heating bills triple.

Wholesale electricity prices have risen significantly. In California, which is experimenting with a flawed electricity deregulation effort, electricity prices have been as high as \$300 per megawatt hour (MWh) on the spot market.

That's about 30 cents per kilowatt hour or about 5 times what investor owned utilities in California are allowed to charge their customers.

Southern California Edison and Pacific Gas and Electric Company are staggering under more than \$10 billion in unpaid bills for power.

California, due to a shortage of in-state power generating facilities has been forced to import power from as far away as Texas and the Pacific Northwest. Power supplies in the Northwest are scarce and competition for supplies and fear that the California Utilities will be unable to pay their bills has forced up retail electricity prices in Oregon, Washington and my home state of Idaho.

When the previous administration arrived in 1993 it announced its intent to drastically alter the way the Nation used energy, especially fossil fuels.

President Clinton argued that a broad based Btu tax would force us away from coal, oil and natural gas to renewable energy from solar, wind and biomass—that objective has remained a hallmark of that administration's "energy policy."

The President promised the tax would raise nearly \$72 billion over five years (1994–1998) and marketed it as fair, helpful to the environment, that it would force down our dependence on foreign oil, and would have trivial impacts on consumers.

In fact, it would have unfairly punished energy intensive states and industries. Estimates by the American Petroleum Institute and National Association of Manufacturers at the time predicted the tax would hurt exports, reduce GDP by \$38 billion, and destroy as many as 700,000 American jobs.

The administration claimed the tax was needed to balance the budget and fund large new spending programs to offset the negative impacts of the tax. They also claimed that crude oil imports would decline by 400,000 barrels per day.

At the same time, DOE's own projections predicted the tax would shave oil import growth by less than one-tenth after 10 years. DOE predicted that by the year 2000, Americans still would depend on foreign oil for three-fifths of their total crude oil requirements.

API testified: "... even if imports were to fall by the full 400,000 barrels a day claimed by the administration, the cost of \$34 billion in lost GDP is excessive relative to other alternatives for

improving energy security. Using the administration's optimistic predictions, the cost of the Btu tax works out to about \$230 per barrel."

In the end, Congress refused to accept the Clinton administration's efforts to tax our relatively inexpensive energy sources to finance their grandiose tax and spend social agenda. Congress did agree to raise taxes on transportation fuels by 4.3 cents per gallon, a move Republicans tried to reverse during the 106th Congress.

The past administration's obsession to reduce fossil fuel use as much as possible has put us in the position we find ourselves today. President Clinton said on March 7, 2000 at the White House:

Americans should not want them [oil prices] to drop to \$12 or \$10 a barrel again because that . . . takes our mind off our business, which should be alternative fuels, energy conservation, reducing the impact of all this on global warming.

Since they came to office in 1993: Domestic oil production is down 17 percent; domestic crude oil consumption is up 14 percent; and dependence on foreign sources of crude oil has risen to 56 percent of total crude requirements.

By comparison, in 1973, during the Arab oil embargo, our dependence on foreign crude was 36 percent of our total crude oil requirements.

The past administration's failure to encourage domestic oil production and production of coal and natural gas has lead us to this point. That administration refused to acknowledge that vast reserves of oil and gas offshore, in Alaska and in the Rocky Mountain overthrust area should play a role in reducing our dependence on imported oil.

The Clinton administration in 2000 announced a ban on future exploration on most of the federal outer continental shelf until 2012.

In 1996 the Administration resorted to use the Antiquities Act to create the Grant Staircase/Escalante Monument thereby denying access to about 23 billion tons of mineable coal reserves in Utah.

The U.S. Forest Service has issued road construction policies that are designed to restrict the energy industry's ability to explore for oil and gas on Forest Service lands.

Former President Clinton vetoed legislation in 1995 that would have opened the Coastal Plain of the remote Alaska National Wildlife Reserve denying the nation access to an estimated 16 billion barrels of domestic crude oil—which could amount to production of 1.5 million barrels per day over the next 20 years—about 10 percent of daily U.S. consumption.

The Clinton administration ignored a report prepared by the National Petroleum Council, requested by the Energy Secretary, explaining how the nation can increase production and use of domestic natural gas resources from about 22 trillion cubic feet per year to more than 30 trillion cubic feet per year over the next 10 to 12 years.

The past administration showed little interest in solving our domestic energy problems even as foreign oil producers have forced crude oil prices to over \$30 per barrel and gasoline prices to almost \$2.00 per gallon—double prices of only little more than a year ago.

Mr. President, the past administration has acted in other ways designed to force us away from the use of readily available, relatively inexpensive fossil fuels, nuclear energy and hydropower. It chose especially to vilify and deny the use of our most abundant national energy resource—coal.

The U.S. has the world's largest demonstrated coal reserve base and accounts for more than 90 percent of our total fossil energy reserves.

At present rates of recovery and use, U.S. reserves will last more than 270 years.

Coal is used to generate over 56 percent of our electricity supply—and about 88 percent of the Midwest's electricity needs.

Electricity from hydro represents about 10 to 12 percent of our electricity needs.

Nuclear powerplants meet about 20 percent of our total electricity demand. Yet the past administration had a dim view of these sources and took steps to reduce their use.

For example, former Interior Secretary Bruce Babbitt talked openly about "tearing down dams" in the West to restore habitat for fish, ignoring the power and transportation benefits they provide. And, the past administration imposed new, often impossible criteria that must be met before federal licenses can be reissued. Many existing hydro projects will seek relicensing over the next several decades.

The past administration also vetoed legislation designed to create a permanent nuclear waste storage facility and which fulfills a longstanding promise by the federal government to create such a facility. Without a federal storage facility, U.S. nuclear generating stations, which are running out of on-site storage capacity may be forced to begin shutting down some operations.

There are too many more examples of the past administration's failure to produce a coherent, balanced national energy plan. The result of this failure is tight energy supplies and high prices.

Solving these problems requires tough choices and I suggest that we begin now by pursuing a number of short and long term objectives. I think the bill we are introducing today addresses these challenges.

Mr. President, I want to touch briefly on two aspects that are of great concern to me and my fellow Idahoans. Chairman MURKOWSKI has already gone through it in some detail.

The bill contains provisions of great importance to the future of nuclear energy, which currently accounts for about twenty percent of U.S. electricity demand. Nuclear energy is a

clean, safe, reliable technology which provides baseload power at low cost. The increase in natural gas prices has shown us the danger of relying on natural gas for all of our new electricity generation.

Other countries have adopted the advanced nuclear technologies developed in this country and are putting them to use. In fact there is much excitement in the energy industry over plans to build a new type of nuclear plant—called "pebble bed reactor"—in South Africa. I believe at some point in the future we will once again appreciate the value of non-emitting energy such as nuclear, and choose to construct additional nuclear generating facilities in the U.S. For this reason, I am working with my colleague, Senator DOMENICI, to develop other proposals regarding the nuclear energy option and we hope to have additional legislation soon for the Senate to consider.

The legislation also provides important tax incentives to encourage the use of geothermal energy. I have personal experience with what a wonderful role geothermal can play in our energy mix because the Idaho Statehouse in Boise and other buildings in the downtown area are heated with geothermal energy.

In the right applications, geothermal is a clean, efficient energy source available for our use and because there are no ongoing fuel costs and relatively inexpensive maintenance costs, after the initial capital investment, it is a very low cost energy option.

Finally, Mr. President, I want to address the matter of power from hydroelectric facilities, upon which the Pacific Northwest is highly dependent. The relicensing process for hydroelectric facilities is becoming increasingly costly and time-consuming. It now takes more than five years to relicense a facility—up from only 9 months in 1980 according to the Federal Energy Regulatory Commission.

Hydropower currently accounts for about 12 percent of the electricity generated in the United States and it produces that power without air pollution or the greenhouse gas emissions.

Under current law, several federal agencies are required to set conditions for licenses without regard to the effects those conditions have on project economics, energy benefits, impacts on greenhouse gas emissions and values protected by other statutes and regulations. Far too often the relicensing process is plagued with agency disagreements and inconsistent demands.

A very large number of public and privately owned hydro facilities will be up for relicensing over the next ten years. Some may be abandoned if the relicensing process becomes prohibitively expensive and time-consuming. The legislation being introduced today will help streamline the process and make the involved agencies more fully accountable for their decisions.

The legislation does not change or modify any existing environmental

laws, nor does it remove regulatory authority from various agencies. It does not call for the repeal of mandatory conditions on a FERC issued license.

It is clear to me and many of my colleagues that hydropower is at risk and one of our most important tasks here in the Senate is to develop policies that lead to an energy strategy that will ensure an adequate supply of reasonably priced, reliable energy to all Americans in an environmentally responsible manner. The relicensing of non-federal hydropower can and should continue to be an important strategy.

In addition, we should work with our Western Hemisphere neighbors to help them increase their crude oil and natural gas production.

We should provide relief to consumers by eliminating the 4.3 cents a gallon tax on motor gasoline enacted in 1993.

We need to step away from punitive, command and control environmental regulations and move toward performance based regulatory concepts that offer the regulated community opportunities to find flexible approaches to reducing emissions of legally regulated contaminants.

We must carefully assess the capabilities of our energy production and delivery systems to find opportunities to improve system productivity, efficiency and reliability.

We must ensure that sufficient funds are available to help those with lower incomes to weatherize their homes and pay their energy bills.

While renewable energy sources provide only about 3 percent of total U.S. demand for energy, we should continue to provide incentives for our citizens to use wind, solar, and other renewables.

We should encourage motor vehicle manufacturers to ensure that consumers have access to safe and highly efficient cars and trucks.

We must realize that we are part of the problem. Our unwillingness to develop our own abundant oil, gas and coal resources dooms us to greater dependence on foreign sources, especially for crude oil. We must make the conscious choice to carefully find and develop our resources while protecting our environment.

I conclude by drawing attention to a portion of this bill that is increasingly valuable; that is the area of new technology. Some who will argue against this bill would suggest that it is merely a reason to fall back to our habits of old. That is not true. We want to and will continue to fund the new technology, much of it started in the decade of the 1990s. It is clearly important. We are not always going to have hydrocarbons around, and we should not be that dependent upon them. But in the short term, in the next several decades, as we are using our resources and fueling our economy, we need to look at nuclear technology and new clean coal technology so we can use the abundance of these resources and in an environmentally sound way.

In my State of Idaho, we are dependent on hydropower. There are many, including the past administration and many of their devotees, who would suggest the dams on those rivers that produce that clean source of energy, nonpolluting, nongreenhouse gas-emitting, that those dams ought to be breached. They insist that if the dams are not removed then they ought to be regulated in a much more stringent way. In fact, the licensing process the Federal Energy Regulatory Commission has as a part of its responsibility to renew these hydro facilities is one that I am working on. And within this legislation is a reform of the licensing process, not to change it and take stakeholders or interested parties away from it, but to ask them to perform their responsibilities in a timely fashion and in a responsible fashion.

Why should it take 10 years to relicense a hydro facility and cost millions upon millions of dollars that ultimately the consumer has to pay? If it needs retrofitting, if it needs improvement of technology for environmental reasons, those are conclusions that can be drawn in a reasonably quick way, and managed responsibly, so that we can balance out our energy needs.

The legislation the Senate now has before us will be coupled with the work the Bush administration is doing now through their Cabinet level working group. This administration wants an energy policy, too, and it is their goal to produce one for the American people.

Our economy depends on an abundant supply of environmentally sound, relatively low-cost energy. It is the wealth of our country. It is what drives this marvelous economic engine of ours. And it does something very simple—it puts money in the pocketbook of the worker. It turns the lights on in his or her home. It helps educate our children. It does all of the wonderful things we in America have grown to expect.

Why should we suggest that we ought to have anything less if we can do it with the environment in mind and at a relatively low cost. That can be accomplished in a policy in which the Federal Government promotes the concept of energy production instead of setting up one trip wire after another to disallow it from happening.

I look forward to the coming debate. I think it is critical that all of us get ourselves involved and educated in the issues at hand.

These two pieces of legislation go a long way toward allowing that to happen.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I compliment the Senator from Idaho on the points he was making. I look forward to joining him in tackling this very difficult problem of making some sense out of our national energy policy. Senator CRAIG has the expertise to lead us, along with Senator MURKOWSKI. I will

be looking forward to joining them in that effort.

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

ENERGY POLICY

Mr. BINGAMAN. Mr. President, I rise to speak about the subject of energy, the energy prospects we face as a nation, and the need to develop new energy policies here in this Congress. The United States is currently experiencing unusually high and volatile energy prices. We have seen that in my State of New Mexico, and I assume we have seen that in the State of Florida, where the Presiding Officer lives.

During most of the 1990s, in spite of robust economic growth and increased demand for energy, increased productivity, and reduction in energy use per dollar of gross domestic product, along with the introduction of market competition, all of those factors acted to hold down prices, but now we have finally exhausted the buffer of excess capacity that kept the system functioning with low prices and relatively minor bumps along the way. So that excess capacity is gone, and there are a number of factors and circumstances that have contributed to the current situation we face—the situation of inadequate supply, too much demand.

Remedies are not as apparent as some would argue. The Republican energy package, which was introduced today by my colleague, Senator MURKOWSKI, contains a number of provisions that I and many Democrats, I am sure, would be glad to support. In fact, many of those proposals are similar to, if not the same as, provisions originally introduced by Democrats in the last Congress. Much of what has been introduced today involves proposals to change the tax laws; and in some cases those proposals are meritorious; in other cases, they are not an adequate substitute for changes in actual energy policy.

Just last week, President Bush made a very strong statement about tax policy and his determination not to modify his income tax proposals with other unrelated tax measures. This bill that was introduced today, with over 180 pages of tax proposals, seems to reflect some disconnect between the administration's views on the subject of tax provisions directed or targeted at this particular industry and the views of some of my colleagues on the Republican side in the Senate.

I had hoped, and still hope, we can proceed on a bipartisan and collaborative basis to develop solutions to these critical problems. I strongly believe that a package with equal emphasis on both supply and demand measures, developed with bipartisan support, is the only way we can pass responsible energy legislation in this Congress. I hope we can proceed with the input of this new administration and with the input from the States and various stakeholders to develop such consensus legislation.

It is important to step back and look at the current context. The restructured electricity and natural gas markets of today pose very different public policy challenges from the old regulatory models. Ever-increasing consumer demand for transportation fuels, compounded by the recession in Asia and subsequent determination by OPEC to actively intervene in the market, has increased the volatility and high prices of oil and natural gas.

As the economic growth of recent years has used up the excess capacity in the fuels, power, and natural gas sectors, the frictions and imperfections in those markets have become very apparent.

The old model of split responsibility between States and the Federal Government is no longer adequate. We need new mechanisms and policies to address regional needs and circumstances. We need a new model for ensuring short-term and long-term energy demand and supply needs and managing weather-related and supply emergencies.

There are several regional energy boards and various planning commissions that could be reviewed as models for new legislation in this area. In consultation with the States, we need to determine how to ensure regional entities have adequate authority to do what is needed in those regions. We should evaluate whether an additional grant of authority from the Federal Government or a specific authorization of responsibility should be written into Federal statute.

I will speak for a moment about infrastructure needs. Electric transmission lines, natural gas and oil pipelines, powerplants, and refineries have all become increasingly difficult to site. The No. 1 problem is not environmental permitting, as some persistently argue in public debate today. As our society has become increasingly urbanized and congested, local communities have become increasingly active in opposing the siting of new infrastructure, and tax incentives do not address this major hurdle.

Certainly the environmental rules governing the permitting process could be streamlined to expedite processing and facilitate investments in new technologies not in the marketplace when the existing rules were written. We should consider the possibility of siting new infrastructure on existing rights-of-way or at Federal facilities or on brownfields.

We also need to evaluate whether incentives or different policies at the State or Federal level are necessary to ensure adequate investment in new capacity. Overemphasis on short-term and spot contracts compounded by ongoing uncertainty with respect to the future regulatory environment have had a stifling effect upon investment. We need to develop a consensus on policies that provide greater certainty and a mechanism to address the public's growing resistance to siting new facilities.

On the subject of supply diversity and efficiency, the counter to major new infrastructure projects is to emphasize increasing energy efficiency and development of smaller distributed generation. We need to enact national standards and policies for interconnection of distributed generation technologies to ensure diversity of fuels and technologies for the future. Commercial investment in new technologies and nonconventional fuels will require some degree of additional incentives. I introduced legislation in the last Congress to address these issues, and I am pleased to see similar provisions included in this Republican legislation today.

Increasing the efficient use of energy is the single most effective and least-cost policy for both the short term and the long term. Investments in more energy-efficient lighting, more energy-efficient appliances, and more energy-efficient buildings generate benefits in terms of energy savings, emission reductions, and human health improvements. Improvements to installation practices for heating and cooling systems, including duct work, could take considerable pressure off the power grid and off natural gas supplies in the coming months. Expediting the replacement of older appliances with newer high-efficiency models would not only reduce energy consumption, it would create new manufacturing jobs.

Projections of capacity constraints and high electricity prices in the New York urban area could be mitigated with a concerted effort to upgrade lighting, heating, and cooling systems in commercial buildings even before this summer is upon us. These improvements would immediately reduce pressure on the grid and save businesses money in the process.

The National Conference of Mayors, at its recent meeting here in Washington, called for an increase of 10 percent in the efficient use of energy.

Over the past decade or so, sales of sport utility vehicles and light trucks grew to become fully half the passenger vehicles sold in this country. Meanwhile, a moratorium on even studying increasing fuel efficiency was imposed by the Republican-controlled Congress in the last 2 years. I do not think we can even talk about a comprehensive energy policy without concrete policies to reduce oil demand. We cannot just produce our way to independence from foreign oil supplies.

I call my colleagues' attention to this chart. The chart is entitled: "Petroleum Use Increases Mainly in the Transportation Sector."

This is for the period 1970 to the year 2020, and it shows a history and then a projection for consumption in the transportation sector, consumption in the industrial sector, consumption in the residential-commercial sector, and finally consumption in the electricity generation activity.

The obvious conclusion one draws from this chart is that the growth con-

sumption is in the transportation sector. That is the top line. That is because of the inefficiency of the vehicles we are driving more and more each year in this country. There can be no serious discussion about reducing our dependence on foreign oil without a discussion of what can be done to reverse these trends. I hope that is part of the debate we have over the next few months in this Chamber about our energy policy.

On the subject of supply, I do agree with my Republican colleagues on the need to increase the supply of petroleum products. The U.S. has domestic natural gas and oil resources that can be developed in an efficient and environmentally sensitive manner. In fact, under the previous administration, oil and natural gas production on Federal lands and in the Outer Continental Shelf increased substantially. Let me repeat that, Mr. President, because most people are not aware of that. In the previous administration, oil and natural gas production on Federal lands and on the Outer Continental Shelf increased substantially. Production on State and private lands did not keep pace with production on Federal lands.

Policies should first emphasize maximizing the recovery of resources currently open to development. The North Slope of Alaska in the vicinity of Prudhoe Bay is estimated to contain at least 32 and maybe as much as 38 trillion cubic feet of natural gas that is ready for development. Until now, producing and transporting the gas from the North Slope has not been economical. Producers are currently conducting a feasibility study for a pipeline to bring the gas to market in Canada and also in the lower 48. The U.S. Geological Survey has estimated that with additional exploration in the area, the potential resources could be double the current estimate which I have given of 32 to 38 trillion cubic feet.

Such a project will involve a number of Federal and State agencies, Native groups, the Government of Canada, and many private stakeholders in ensuring the efficient processing of all permitting and certifications necessary to be a top priority of this Congress. I have committed to Senator MURKOWSKI to work with him to facilitate any legislative actions that are appropriate to accomplish this.

Another producing area with great potential is the deep water Gulf of Mexico. The gulf has had an explosion of development in recent years, in part due to royalty incentives to offset the higher costs of developing a frontier area.

The Minerals Management Service is scheduled to hold a lease sale later this year for an area in the eastern planning area of the gulf. This chart shows what I am talking about. The green area is the sale 1881. The lease sale would cover a narrow strip of Federal waters directly south of the Alabama coastline which expands into a broader area 100 miles out in the gulf.

The MMS, the Minerals Management Service, estimates 240 million barrels of oil and 1.8 trillion cubic feet of natural gas will be developed from this area. Those figures could go as high as 370 million barrels of oil and 3.2 trillion cubic feet of natural gas.

Unfortunately, the Governor of Florida, Jeb Bush, the President's brother, has written to the Department of the Interior urging cancellation of this lease sale and any future lease sales in this entire eastern planning region. I certainly understand that Floridians may have concerns about the development close to their beaches, but most of this area is more than 100 miles from the State and in Federal waters.

When the Minerals Management Service prepared the leasing plan for this 5-year-period, they had extensive public meetings and consultations with States. The State of Florida supported proceeding with this sale. This is not a wildlife refuge. It is a huge expanse of Federal water where industry has developed oil and gas for years and has developed it in a safe and environmentally sound manner. This is a sale which we should go forward with in order to meet the needs the country will have for additional supply in the future.

A serious, long-term commitment to research and development of the next generation of powerplants is essential. Such a program should include all feasible fuels and technologies, with an emphasis on a fleet of technologies to ensure fuel diversity while meeting energy supply and emission reduction targets. Development and deployment of more efficient generating and end-use technologies are critical.

Commitment to a coordinated research, development, and deployment program to ensure the safe and reliable operation of pipelines and transmission lines is also essential to restore public confidence in the safety of these systems. The Pipeline Safety Act, S. 235, which passed the Senate by a vote of 98-0 earlier this month, contains the framework for such a program for natural gas and oil pipelines. A parallel program exists within the Department of Energy for the electric transmission system, and I hope we will see a serious commitment to these programs in the budget that the President sends to Congress in the next week or so.

The oil and gas industry has made great strides in increasing productivity and bringing down exploration and production costs. Development of 3D and 4D seismic analysis techniques, horizontal drilling, and deep water production systems are some examples that have enabled the industry to continue producing more oil and gas from the mature fields on shore and to set world records in deep water development in the Gulf of Mexico. A robust R&D program to maximize recovery, to address problems of operations in ultra deep waters, and to evaluate the potential of methane hydrates will be critical to future development of affordable natural gas supplies.

I am concerned that the President maintain a serious commitment to funding critical energy research and development. We have shortchanged ourselves in the past by cutting investment in R&D to meet other budget objectives. We should not make that same mistake again this year.

On tax policy, the Finance Committee will soon begin hearings on the President's budget and tax proposals. These hearings will give the Senate an opportunity to evaluate a range of tax incentives to enhance investment and distribute a generation from combined heat and power systems and fuel cells to renewable technologies and energy-efficient property used in business. Many of these proposals are included in the bill that was introduced today by Senator MURKOWSKI. They have been included in legislation I have introduced and cosponsored in the past.

We need to carefully analyze the need for policy measures versus changes in tax policies as we go through this debate over the next few months. The omnibus Republican energy bill is very generous in its modification of the Tax Code as a solution to many shortfalls, perceived and otherwise, in our energy policy. For example, at a time when oil and gas prices are at such high levels, with the major oil companies reporting record earnings, I believe it is valid to say that the industry does not need additional tax incentives in order to go forward and explore and produce petroleum products. What we do need are well-thought-out, countercyclical measures that give producers incentives to maintain investment in domestic exploration and drilling during a time of extremely low prices as we had a year or two ago.

Top priority should be given to policies that correct market failures and meet major policy goals of increasing efficiency and diversifying technologies.

We need to develop long-term policies, and I have been speaking about some of those long-term policies. In the interim, individuals and families and small businesses are suffering today from energy bills that they cannot pay. President Bush, during his campaign, made clear his support for ensuring adequate funds for the LIHEAP program—that is Low Income Home Energy Assistance Program—and for the low-income efficiency programs.

In addition to the stress on families and individuals, higher energy prices are having an impact on our economy as well. Every dollar spent on these programs will be immediately and completely reinjected into the economy, unlike tax cuts that will not have an impact for months into the future. I urge the President to send those in Congress a request for a supplemental appropriation with his budget for next year, a supplemental appropriation so we can adequately fund the LIHEAP program and adequately fund the weatherization programs that are so important for many in our country.

Our majority leader, earlier this afternoon, indicated we would not be addressing energy policy on the Senate floor until sometime this summer, June or July I believe was his estimate. That may be an appropriate time to address long-term energy policy because it will take several months to develop a good piece of legislation which we can support on a bipartisan basis. But that is too long to wait for attention to these immediate needs, the need to adequately fund the LIHEAP program and the weatherization programs.

We are not at a crossroads where one path or the other needs to be taken in our national energy policy. The supply side only path that some have advocated would be both futile and destructive. The path of maximum efficiency—renewable and emission-free energy—is a very long road with many milestones along the way. It would be foolhardy to put all of our confidence in that path, as well.

We need a commitment to parallel paths, with a focus on maintaining the core values of equity and affordability and environmental integrity. I believe we can do that if we get on with the consideration of the legislation I introduced the week before we had our recess to address our immediate needs for adequate funding of the programs that assist families to deal with the high cost of energy they are facing this winter. And then we need this bipartisan effort to develop some long-term policies.

I am confident with good will on both sides of the political aisle we can come up with a bipartisan piece of legislation that will move our country forward and help us deal with these very real problems. I commend all of my colleagues for their interest in these energy issues. I hope we can work together constructively to address them in the months ahead.

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

The PRESIDING OFFICER (Mr. VOINOVICH). The clerk will call the roll. The legislative clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

Mr. BURNS. Mr. President, we have been talking about energy today. I rise now to talk about this Nation's struggle to deal with a threatening energy situation that is affecting our economy.

I don't think there is any other issue that will come before Congress that will have more to do with our daily lives than this one.

For those of you who do not believe we are in a situation that makes us all very uncomfortable, I ask you to rethink that. The prevailing mind-set must change in order to solve this problem that has reached a crisis proportion.

Don't let anybody tell you differently. We are in the midst of one of the worst energy shortages this Nation has ever experienced. The oil shortage will pale to the one of the 1970s because it entails all forms of energy. I remember the long gas lines and forced reductions in heating energy that we faced in the 1970s. I also remember the financial pain that it placed on all Americans—especially Montanans. We come from a large State. We are very mobile. In fact, if you look at the size of Montana from the northwest corner to the southeast corner, it is farther than the distance from Chicago to Washington, DC.

All of us were hurt during those days. Families of farmers and ranchers, over-the-road truck drivers, manufacturing companies, loggers, and the mining industry were jolted by that energy shortage—jolted to the point where some did not recover at all.

When coupled with high interest rates at that time and runaway inflation, it was truly a double whammy. I do not want to see that happen again. But little did I know, although I should have, that our memories are very short on our understanding of energy and the role it plays in our everyday lives. We took it for granted too long, even though the signs of the impending dangers were there. It is still talked about in the Halls here, but the message fell on ears that did not want to listen.

In Montana, we have already seen the impact. Columbia Falls Aluminum Company, one of the largest users of electrical power, closed its doors for a year. Montana Resources in Butte, MT, closed its doors, and we don't know when that will ever be open. Many others will have to do the same if price signals on the cost of commodities or the cost of power does not change. I am told that farmers placing orders for their spring fertilizer needs are stunned when they hear the price. Any increase in the cost of production would be devastating to grain growers in Montana.

As you know, natural gas is used in the production of nitrogen for urea and fertilizer that is used across the country.

Facing this problem is something within itself. We are in the midst of a crisis. We must use caution. We cannot succumb to the knee-jerk reactions that are of a temporary nature. Usually, that leads to a long-term nightmare.

While I know the challenge that faces us, I plan to approach it with a great deal of caution.

First off, there are some folks who are promulgating the idea that we impose Federal price caps on electricity. That will not work in the Northwestern United States at this time. Price caps discourage investment, generation and transmission at a time when we need all three.

The National Energy Security Act of 2001 introduced by Senator MURKOWSKI today is a piece of legislation that is

pretty well thought out and is supposed to stabilize energy prices as we see them today.

That is why I am adding my name as a cosponsor to that bill. But as with any bill, there are portions I would like to work on with Senator MURKOWSKI, the administration, and the Energy Committee when we begin the debate. But I am generally comfortable that the legislation is a positive move in the right direction for our country and American consumers.

The bill aims to protect the energy security of the United States and decrease America's dependency on foreign oil sources to less than 50 percent by the year 2010 by enhancing the use of renewable energy sources, conserving energy resources, improving energy efficiencies, and increasing domestic energy supplies. As written, it will improve environmental quality by reducing emissions of air pollutants, greenhouse gases, and it will, in effect, stunt the increased costs of energy to the American consumer.

But let's take a closer and intensive look at what I perceive are the reasons we are in this energy situation today. Electricity prices are skyrocketing. We are seeing high gasoline prices, oil prices, natural gas prices, and heating oil prices as well. In fact, the price per barrel of oil has gone from \$15.99 in 1992 to well over \$30 this year. Natural gas prices have gone from \$1.74 per thousand cubic feet at the wellhead to nearly \$5 per thousand cubic feet today. Electricity prices in the Northwest have gone from roughly \$20 per megawatt hour in 1992 to nearly \$250 per megawatt hour right now. I don't have a high enough math degree to figure how much of an increase that really is. Gasoline prices were around 93 cents per gallon in 1992 and now sit at nearly a \$1.40 or \$1.50 per gallon today. And these prices are before taxes are added. So prices have gone up across the board for all forms of energy.

The policies of the past 8 years, or as some would say the lack of a clear national energy policy, has contributed to this predicament we find ourselves in today.

In the Northwest, we have seen a 24 percent increase in electricity consumption since 1992, while generation has only increased 4 percent. If you add the California situation into the mix, the discrepancy grows even larger. Further, the Electric Power Research Institute recently found that there is going to be a 20 to 25 percent growth in electricity demand in the next 10 years, but, again, only a 4 percent increase in generation and also the transmission lines to carry that electricity, that power. The stats speak for themselves. If we do not see more generation and the ability to transmit it—if those do not come on-line—high energy prices are here to stay. We must lose the mentality that electricity comes from a switch like the mentality that milk comes from a jug.

Commonsense tells us that our regulation policies should allow the supply to meet the demand.

We can and must identify and reform or, in some cases, remove some of the regulatory burdens. We now have a mandate to assess and improve agency performance, which could lead to more timely processing of permits and applications to produce power.

Public lands in the West, what role do they play? Or should they play a role? They do have a role to play. They may hold the key to the dependency of foreign sources of oil and natural gas. We can and must improve the usage and management of our public lands, which means better coordination with local citizens affected by agency action. And there needs to be consistency within the agencies so that investors have some kind of idea about when they may see a return on their investment.

We have seen that oil and gas exploration increased with the previous administration. That is true. It is a true statement. It is also true that more lands were withdrawn from exploration than in any other administration. Exploration might have increased but, I would ask, did production?

Finally, we must reduce the time and cost for approving exploration and management of development projects. Our Federal agencies need to help ease the pain of regulatory burdens that have been placed on America's energy consumers.

Next, we need to be able to access those vast resources on our public lands. The Federal Government currently manages—now listen to this figure—650 million acres of land. More than 90 percent of this land is west of the Mississippi River. In fact, 52 percent of the land in the West is managed by Federal and State Governments. In Montana, nearly 50 percent of our land is owned by the Federal Government. Folks, 95 percent of the undiscovered oil and 40 percent of the undiscovered gas is estimated to be located under these public lands. It is obvious to me that herein lies a part of our solution to energy dependence on foreign sources. We have the ways and means to manage our natural resources on public lands so that the environment is treated like we would treat our own homes.

I am confident that the new administration, working with Energy Committee Chairman FRANK MURKOWSKI and the rest of the Congress, will develop a comprehensive plan that will take the step to solve the problems that we are facing. As I stated before, we must look at our regulations and regulatory burdens. We must be able to site generation facilities in a timely manner. We, as policymakers and acting in the best interests of all Americans, should be able to site transmission lines in a timely manner.

Finally, we must remove the barriers that stifle incentives for investment in our power markets, while at the same

time providing incentives to do the same. We have worked ourselves out of crisis situations in the past. American ingenuity and imagination will again, in a free market, take its role and provide us again with affordable energy, but it must be allowed to do so. It must be allowed in our shared American values.

REMEMBERING DALE EARNHARDT

Mr. KYL. Mr. President, I rise to speak today about Dale Earnhardt. During this past week, millions of racing fans all around the country have been mourning the death of this stock car great. He was killed on the last turn of the last lap of the prestigious Daytona 500 just a week ago Sunday.

I rise today not only to eulogize Dale Earnhardt but to try to explain to those who are not racing fans why his life and death means so much to those of us who are. I believe there are some lessons of life here that have relevance to all of us and, indeed, to the health of our country.

Why is Dale Earnhardt's death an occasion for such reflection? The first reason has to do with the man himself. I did not know him well. His closest friends talked not just about Dale Earnhardt the race car driver but about Dale Earnhardt the man, a family man, a man who was intensely loyal to his friends, a man who went out of his way to do thoughtful favors, who took great care of his employees, and who helped younger drivers.

Ironically, he died at almost the precise moment that Michael Waltrip took the checkered flag at the Daytona 500 race. It was Waltrip's first victory ever in a very long racing career, well over 400 starts. Dale Earnhardt believed in Michael Waltrip. He believed he could win if he had the right equipment. So he hired him; he provided him a car that could win, and Michael Waltrip did the rest.

In private, Earnhardt always seemed to me to be quiet; in fact, even shy. But on the track he was anything but shy. He was known as "the Intimidator." That is precisely because of the way he raced. He was tough. It seemed he would always find a way to win, even if his car was not as good that day as some of the others.

Sometimes, especially earlier in his career, he was perhaps too aggressive. But he didn't see racing as a sport for the weak. Indeed, I don't think there is anything wrong with having a very strong desire to be the very best you can be. That seemed to be Dale Earnhardt's motivation in life. As racing fans, as sports fans of any kind, we all have our favorites, but no real NASCAR fan would deny that he was the greatest driver of his time.

It takes away nothing from the other great drivers to acknowledge that Dale Earnhardt was the best. He had enormous natural talent and courage. It takes courage to drive a car right on the edge, at 200 miles per hour. He had

experience, racing smarts, and he had an intangible will—the will to win. He won seven NASCAR championships, tied only by Richard Petty. He had a lot of other racing victories as well. One of the racing series is called IROC, International Race of Champions, where everybody is given an identical car and it is up to the drivers to show who is the best using identically prepared cars. Earnhardt frequently won because of his skill.

It may simply be a sport, but we can all appreciate excellence. Whether in art, music, business, or sport, it is a joy to watch the very best perform. That is one of the reasons Dale Earnhardt will be so sorely missed. His peers will miss him as well as his fans.

Why was he so tough? It had to do with respect. One of the highest accomplishments for a race car driver was to have the respect of Dale Earnhardt. In NASCAR racing, you knew you had made it when Dale Earnhardt said so.

Some wonder how well NASCAR will fare with the death of its greatest driver. But Dale Earnhardt would scoff at that thought. It was always his dream to drive a NASCAR. NASCAR was a great sports organization before he got there, and it will continue to grow. It is the Nation's fastest-growing sport. Just as Richard Petty's 200 wins and 7 championships earned him the moniker "The King," NASCAR will add Dale Earnhardt to its great history and tradition, and it will continue.

Back to the original question: Why do so many millions of Americans mourn his death? I think it has to do with the very nature of NASCAR itself. It is a family affair, and all NASCAR fans consider themselves part of that family. You start with NASCAR itself, the National Association of Stock Car Racing, which was started by Bill France, from Daytona Beach, FL. His family took it over. His son Bill France, Jr., has been the head of NASCAR during its great growth period.

I pray for Bill France, Jr.'s health. He has, in effect, turned most of the business over to other members of his family now and also to the CEO of NASCAR, Mike Helton. The crews, the owners, the sponsors, the drivers, the owners of the tracks, and the media that cover the sport are all a very close-knit unit. They race hard against each other, but they will always come to each other's aid in times of difficulty.

Not only is there a strong sense of values within the people who participate in the sport, but also strong values within the family, starting with a firm belief in God. When the race is over, ordinarily when the driver maneuvers himself out of the car and claims victory, first of all he will thank God for a safe race and for the talent, he will thank his crew for preparing the car, and he will thank a lot of other people for enabling him to win. At the races, each Sunday morning before the race starts there is a chapel service and a prayer before the race.

A lot of these things don't characterize typical sports events. These are good people. They are not prima donnas like some other sports figures. They provide interviews and give autographs and do appearances. They appeal to young people. They are really normal people doing very extraordinary things. Fans can relate to them. They look at them not as role models but as people who, in a sense, are like them. Many came up the hard way, as Earnhardt did. He didn't even graduate from high school. His father was a great driver in his own right. Now Dale Earnhardt's son, Dale Jr., will have to do the same.

In the end, Dale Earnhardt is mourned because his life is an example of the American dream. He came from very humble beginnings—in his case, from the small town of Kannapolis, NC—worked hard, and ended up a success. Dale Earnhardt is mourned because he embodied the qualities not only personifying NASCAR but, in a sense, life in general, and humility, loyalty, caring, hard work, pride in one's work, and the competitive spirit. Most of all, he was a lover of family and friends.

Today, I join the millions of Americans who are praying for Dale's wife Theresa, his children, and all of the good people who are fans of NASCAR.

Mr. EDWARDS. Mr. President, I rise today to note with sadness the tragic death of Dale Earnhardt.

For the past week, the Nation has mourned the loss of a racing legend.

But in my home State of North Carolina, his death has a special significance because we have lost a cherished native son.

Dale Earnhardt was a hero to countless NASCAR fans in North Carolina and across our country.

His success on the track helped elevate stock-car racing from a regional pastime to a national sport.

Racing brought Dale fame and wealth, but he never forgot his roots in Kannapolis, North Carolina or the hometown fans who backed him from the beginning.

He never let them down. They always knew they could count on Dale to give it his all every time.

Dale Earnhardt was a champion from the start, winning NASCAR rookie-of-the-year honors back in 1975.

In 26 years of racing, Dale won 7 Winston Cup Series titles, 76 races in all, including the 1998 Daytona 500, and became the leading all-time money winner in racing history.

His fans and his fellow racers called him "The Intimidator"—not just because he won so many races—but because he was a fierce competitor.

Dale Earnhardt was more than a great race car driver. He was also a great American success story, rising from poverty and a ninth-grade education to become a racing legend and extraordinarily successful businessman.

He was also a great husband to his wife Teresa, and a great father to his

children, Taylor, Dale Jr., Kelley, and Kerry. Our hearts go out to them.

North Carolina has lost one of her favorite sons, and NASCAR has lost perhaps its greatest champion. Our prayers go out to his family, friends, and fans.

Mr. HELMS. Mr. President, I was so glad to hear my distinguished colleague from North Carolina talking about Dale Earnhardt. Dale was a remarkable citizen and individual. I knew him well. In fact, when the news came that he had died in the accident, I immediately arranged for a flag to be flown at half-mast over the Capitol to be sent to his widow for use at the funeral.

Dale had a good sense of humor, and he was not unaware of the risk involved in the business in which he chose to participate. I remember when he came to a dinner in Charlotte when I was running for reelection, and he and others had arranged for me to get a "Winston Cup" jacket, I think they called it. It was a thing that only race car drivers can wear with impunity. But I wear it every once in a while because I am so grateful for this industry—and that is what it is in North Carolina, a big business.

Dale Earnhardt was—how do you put it—an authentic American. There was no pretense about him. He was a hero to millions of stock car racing fans who followed his remarkable career as a seven-time Winston Cup champion when that fatal crash occurred on the last lap of the Daytona 500 on February 18.

North Carolina has lost a son and America has lost an incredible hero. Dale Earnhardt touched people whether or not they were fans of the motor sports. Growing up in North Carolina and working at what he loved, he was indeed remarkable. The passion he had for life did not end when he left the track. He carried it over to his family. He lived life to its fullest and loved every second of it.

Race fans throughout the world felt as if they had lost a member of their family—and they had. Known as "The Intimidator" for his aggressive driving style, Dale Earnhardt was a legend not only for his racing career, but for his having guided thousands of young people into useful, meaningful adulthoods. Dale Earnhardt is an inspiration to millions for allowing them to realize that a dream can be achieved.

The United States Senate family extends their deepest sympathy to Mrs. Earnhardt, their two sons and two daughters, and their other loved ones.

Mr. CAMPBELL. Mr. President, it is with great sorrow that I am recognizing today the loss of one of the greatest NASCAR drivers ever to get behind the wheel, Dale Earnhardt, who tragically died at this year's Daytona 500. The Nation not only lost an icon of the racing world, but also a great man.

Dale Earnhardt's career achievements are vast, better than most teams of drivers. In his 26 years of racing,

Dale won 76 races and secured seven Winston Cup Championships. But, the biggest accomplishment Dale earned is the respect and admiration of his fellow drivers and his fans through his hard work and dedication to the sport he loved. Everyone involved in racing will never forget what Dale has done for the sport and how his accomplishments have forever turned racing into a way of life.

He had an aggressive driving style that was rivaled by none, and revered by all. Dale Earnhardt set the standard by which every driver was measured. On the race track it was all business. Off the track he was a man with a huge heart and a tender way who always had time for fans and other racers. You can never replace a driver like Dale Earnhardt, but his legend will live on.

As a motorsports enthusiast myself and co-chair of the Congressional Motorsports Caucus, it is with regret for me to make this Senate floor statement. Today I invite my Senate colleagues to join me in sending my sincere condolences to the Earnhardt family and everyone that has been touched by the man known as the Intimidator on the race track. The number 3 car will be missed on the track. But, racing will go on, Dale would have wanted it that way.

BOARD OF TRUSTEES OF THE UNIVERSITY OF ALABAMA V. GARRETT SUPREME COURT CASE

Mr. THURMOND. Mr. President, during the Congressional recess last week, the Supreme Court issued an extremely important decision regarding the Americans with Disabilities Act and the principles of federalism. The decision, Board of Trustees of the University of Alabama v. Garrett, is one in a series of cases that is helping reassert the role of the States in our Federal system of Government.

The eleventh amendment to the Constitution prohibits States from being sued in Federal court by private citizens for money damages, unless the State consents. In the Garrett case, the Supreme Court said that based on this provision it is unconstitutional for the Congress to hold the States liable for private lawsuits under the ADA. The Congress did not or could not create a record of a pattern of discrimination by the States sufficient to meet the heavy burden required by the Constitution.

While the case referred to Title I of the ADA, which concerns employment discrimination, the reasoning of the Court should apply equally to all of the ADA and well beyond the ADA.

I would like to note just one example. In 1998, the Supreme Court held that the language of the ADA was clear enough to cover state and local prisons. I immediately introduced legislation to exclude State and local prisons from the ADA because I do not believe that the Congress considered the ADA applying to these institutions when it

passed the legislation. After all, the housing of prisoners is a core State function, with about 94 percent of prisoners being maintained in State and local facilities.

I have reintroduced the legislation, S. 34, in this Congress. However, this Supreme Court decision should be very beneficial in limiting the application of the ADA in the prison context on the State level even without the Congress amending the ADA. This is just an example of how this case will help keep the Federal Government out of areas that traditionally have been reserved to the States.

Far too often, the Congress ignores the principles of federalism and acts as though the States are subdivisions of the Federal Government. Decisions such as Garrett remind the Congress that this is simply not the case. The Constitution created a Federal Government of limited, enumerated powers, and those powers that the Constitution does not provide for the Federal Government are reserved to the States and to the people.

The Congress must do more to recognize the separation of powers between the Federal Government and the States. I am pleased that the Supreme Court is showing a renewed respect for the principles of federalism.

RULES OF THE FOREIGN RELATIONS COMMITTEE

Mr. HELMS. Mr. President, pursuant to the requirements of paragraph 2 of Senate rule XXVI, I ask to have printed in the RECORD the rules of the Committee on Foreign Relations for the 107th Congress adopted by the committee on February 7, 2001.

RULES OF THE COMMITTEE ON FOREIGN RELATIONS

(Adopted February 7, 2001)

RULE 1—JURISDICTION

(a) *Substantive.*—In accordance with Senate Rule XXV.1(j), the jurisdiction of the Committee shall extend to all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Acquisition of land and buildings for embassies and legations in foreign countries.
2. Boundaries of the United States.
3. Diplomatic service.
4. Foreign economic, military, technical, and humanitarian assistance.
5. Foreign loans.
6. International activities of the American National Red Cross and the International Committee of the Red Cross.
7. International aspects of nuclear energy, including nuclear transfer policy.
8. International conferences and congresses.
9. International law as it relates to foreign policy.
10. International Monetary Fund and other international organizations established primarily for international monetary purposes (except that, at the request of the Committee on Banking, Housing, and Urban Affairs, any proposed legislation relating to such subjects reported by the Committee on Foreign Relations shall be referred to the Committee on Banking, Housing, and Urban Affairs).

11. Intervention abroad and declarations of war.

12. Measures to foster commercial intercourse with foreign nations and to safeguard American business interests abroad.

13. National security and international aspects of trusteeships of the United States.

14. Ocean and international environmental and scientific affairs as they relate to foreign policy.

15. Protection of United States citizens abroad and expatriation.

16. Relations of the United States with foreign nations generally.

17. Treaties and executive agreements, except reciprocal trade agreements.

18. United Nations and its affiliated organizations.

19. World Bank group, the regional development banks, and other international organizations established primarily for development assistance purposes.

The Committee is also mandated by Senate Rule XXV.1(j) to study and review, on a comprehensive basis, matters relating to the national security policy, foreign policy, and international economic policy as it relates to foreign policy of the United States, and matters relating to food, hunger, and nutrition in foreign countries, and report thereon from time to time.

(b) *Oversight*.—The Committee also has a responsibility under Senate Rule XXVI.8, which provides that “. . . each standing Committee . . . shall review and study, on a continuing basis, the application, administration, and execution of those laws or parts of laws, the subject matter of which is within the jurisdiction of the Committee.”

(c) *“Advice and Consent” Clauses*.—The Committee has a special responsibility to assist the Senate in its constitutional function of providing “advice and consent” to all treaties entered into by the United States and all nominations to the principal executive branch positions in the field of foreign policy and diplomacy.

RULE 2—SUBCOMMITTEES

(a) *Creation*.—Unless otherwise authorized by law or Senate resolution, subcommittees shall be created by majority vote of the Committee and shall deal with such legislation and oversight of programs and policies as the Committee directs. Legislative measures or other matters may be referred to a subcommittee for consideration in the discretion of the Chairman or by vote of a majority of the Committee. If the principal subject matter of a measure or matter to be referred falls within the jurisdiction of more than one subcommittee, the Chairman or the Committee may refer the matter to two or more subcommittees for joint consideration.

(b) *Assignments*.—Assignments of members to subcommittees shall be made in an equitable fashion. No member of the Committee may receive assignment to a second subcommittee until, in order of seniority, all members of the Committee have chosen assignments to one subcommittee, and no member shall receive assignments to a third subcommittee until, in order of seniority, all members have chosen assignments to two subcommittees.

No member of the Committee may serve on more than four subcommittees at any one time.

The Chairman and Ranking Member of the Committee shall be ex officio members, without vote, of each subcommittee.

(c) *Meetings*.—Except when funds have been specifically made available by the Senate for a subcommittee purpose, no subcommittee of the Committee on Foreign Relations shall hold hearings involving expenses without prior approval of the Chairman of the full Committee or by decision of the full Com-

mittee. Meetings of subcommittees shall be scheduled after consultation with the Chairman of the Committee with a view toward avoiding conflicts with meetings of other subcommittees insofar as possible. Meetings of subcommittees shall not be scheduled to conflict with meetings of the full Committee.

The proceedings of each subcommittee shall be governed by the rules of the full Committee, subject to such authorizations or limitations as the Committee may from time to time prescribe.

RULE 3—MEETINGS

(a) *Regular Meeting Day*.—The regular meeting day of the Committee on Foreign Relations for the transaction of Committee business shall be on Tuesday of each week, unless otherwise directed by the Chairman.

(b) *Additional Meetings*.—Additional meetings and hearings of the Committee may be called by the Chairman as he may deem necessary. If at least three members of the Committee desire that a special meeting of the Committee be called by the Chairman, those members may file in the offices of the Committee their written request to the Chairman for that special meeting. Immediately upon filing of the request, the Chief Clerk of the Committee shall notify the Chairman of the filing of the request. If, within three calendar days after the filing of the request, the Chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, a majority of the members of the Committee may file in the offices of the Committee their written notice that a special meeting of the Committee will be held, specifying the date and hour of that special meeting. The Committee shall meet on that date and hour. Immediately upon the filing of the notice, the Clerk shall notify all members of the Committee that such special meeting will be held and inform them of its date and hour.

(c) *Hearings, selection of witnesses*.—To ensure that the issue which is the subject of the hearing is presented as fully and fairly as possible, whenever a hearing is conducted by the Committee or a subcommittee upon any measure or matter, the Ranking Member of the Committee or subcommittee may request that an equal number of public witnesses selected by the Ranking Member be called to testify at that hearing.

(d) *Public Announcement*.—The Committee, or any subcommittee thereof, shall make public announcement of the date, place, time, and subject matter of any meeting or hearing to be conducted on any measure or matter at least one week in advance of such meetings or hearings, unless the Chairman of the Committee, or subcommittee, in consultation with the Ranking Member, determines that there is good cause to begin such meeting or hearing at an earlier date.

(e) *Procedure*.—Insofar as possible, proceedings of the Committee will be conducted without resort to the formalities of parliamentary procedure and with due regard for the views of all members. Issues of procedure which may arise from time to time shall be resolved by decision of the Chairman, in consultation with the Ranking Member. The Chairman, in consultation with the Ranking Member, may also propose special procedures to govern the consideration of particular matters by the Committee.

(f) *Closed Sessions*.—Each meeting of the Committee on Foreign Relations, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the Committee or a subcommittee on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go

into closed session to discuss only whether the matters enumerated in paragraphs (1) through (6) would require the meeting to be closed followed immediately by a record vote in open session by a majority of the members of the Committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of Committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct; to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person, or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

A closed meeting may be opened by a majority vote of the Committee.

(g) *Staff Attendance*.—A member of the Committee may have one member of his or her personal staff, for whom that member assumes personal responsibility, accompany and be seated nearby at Committee meetings.

Each member of the Committee may designate members of his or her personal staff, who hold a Top Secret security clearance, for the purpose of their eligibility to attend closed sessions of the Committee, subject to the same conditions set forth for Committee staff under Rules 12, 13, and 14.

In addition, the Majority Leader and the Minority Leader of the Senate, if they are not otherwise members of the Committee, may designate one member of their staff with a Top Secret security clearance to attend closed sessions of the Committee, subject to the same conditions set forth for Committee staff under Rules 12, 13, and 14. Staff of other Senators who are not members of the Committee may not attend closed sessions of the Committee.

Attendance of Committee staff at meetings shall be limited to those designated by the Staff Director or the Minority Staff Director.

The Committee, by majority vote, or the Chairman, with the concurrence of the Ranking Member, may limit staff attendance at specified meetings.

RULE 4—QUORUMS

(a) *Testimony*.—For the purpose of taking sworn or unsworn testimony at any duly scheduled meeting a quorum of the Committee and each subcommittee thereof shall consist of one member.

(b) *Business*.—A quorum for the transaction of Committee or subcommittee business, other than for reporting a measure or

recommendation to the Senate or the taking of testimony, shall consist of one-third of the members of the Committee or subcommittee, including at least one member from each party.

(c) *Reporting*.—A majority of the membership of the Committee shall constitute a quorum for reporting any measure or recommendation to the Senate. No measure or recommendation shall be ordered reported from the Committee unless a majority of the Committee members are physically present. The vote of the Committee to report a measure or matter shall require the concurrence of a majority of those members who are physically present at the time the vote is taken.

RULE 5—PROXIES

Proxies must be in writing with the signature of the absent member. Subject to the requirements of Rule 4 for the physical presence of a quorum to report a matter, proxy voting shall be allowed on all measures and matters before the Committee. However, proxies shall not be voted on a measure or matter except when the absent member has been informed of the matter on which he is being recorded and has affirmatively requested that he or she be so recorded.

RULE 6—WITNESSES

(a) *General*.—The Committee on Foreign Relations will consider requests to testify on any matter or measure pending before the Committee.

(b) *Presentation*.—If the Chairman so determines, the oral presentation of witnesses shall be limited to 10 minutes. However, written statements of reasonable length may be submitted by witnesses and other interested persons who are unable to testify in person.

(c) *Filing of Statements*.—A witness appearing before the Committee, or any subcommittee thereof, shall file a written statement of his proposed testimony at least 48 hours prior to his appearance, unless this requirement is waived by the Chairman and the Ranking Member following their determination that there is good cause for failure to file such a statement.

(d) *Expenses*.—Only the Chairman may authorize expenditures of funds for the expenses of witnesses appearing before the Committee or its subcommittees.

(e) *Requests*.—Any witness called for a hearing may submit a written request to the Chairman no later than 24 hours in advance for his testimony to be in closed or open session, or for any other unusual procedure. The Chairman shall determine whether to grant any such request and shall notify the Committee members of the request and of his decision.

RULE 7—SUBPOENAS

(a) *Authorization*.—The Chairman or any other member of the Committee, when authorized by a majority vote of the Committee at a meeting or by proxies, shall have authority to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials. At the request of any Member of the Committee, the Committee shall authorize the issuance of a subpoena only at a meeting of the Committee. When the Committee authorizes a subpoena, it may be issued upon the signature of the Chairman or any other member designated by the Committee.

(b) *Return*.—A subpoena, or a request to an agency, for documents may be issued whose return shall occur at a time and place other than that of a scheduled Committee meeting. A return on such a subpoena or request which is incomplete or accompanied by an objection constitutes good cause for a hearing on shortened notice. Upon such a return,

the Chairman or any other member designated by him may convene a hearing by giving 2 hours notice by telephone to all other members. One member shall constitute a quorum for such a hearing. The sole purpose of such a hearing shall be to elucidate further information about the return and to rule on the objection.

(c) *Depositions*.—At the direction of the Committee, staff is authorized to take depositions from witnesses.

RULE 8—REPORTS

(a) *Filing*.—When the Committee has ordered a measure or recommendation reported, the report thereon shall be filed in the Senate at the earliest practicable time.

(b) *Supplemental, Minority and Additional Views*.—A member of the Committee who gives notice of his intentions to file supplemental, minority, or additional views at the time of final Committee approval of a measure or matter, shall be entitled to not less than 3 calendar days in which to file such views, in writing, with the Chief Clerk of the Committee, with the 3 days to begin at 11:00 p.m. on the same day that the Committee has ordered a measure or matter reported. Such views shall then be included in the Committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report. In the absence of timely notice, the Committee report may be filed and printed immediately without such views.

(c) *Rollcall Votes*.—The results of all rollcall votes taken in any meeting of the Committee on any measure, or amendment thereto, shall be announced in the Committee report. The announcement shall include a tabulation of the votes cast in favor and votes cast in opposition to each such measure and amendment by each member of the Committee.

RULE 9—TREATIES

(a) The Committee is the only Committee of the Senate with jurisdiction to review and report to the Senate on treaties submitted by the President for Senate advice and consent. Because the House of Representatives has no role in the approval of treaties, the Committee is therefore the only congressional committee with responsibility for treaties.

(b) Once submitted by the President for advice and consent, each treaty is referred to the Committee and remains on its calendar from Congress to Congress until the Committee takes action to report it to the Senate or recommend its return to the President, or until the Committee is discharged of the treaty by the Senate.

(c) In accordance with Senate Rule XXX.2, treaties which have been reported to the Senate but not acted on before the end of a Congress "shall be resumed at the commencement of the next Congress as if no proceedings had previously been had thereon."

(d) Insofar as possible, the Committee should conduct a public hearing on each treaty as soon as possible after its submission by the President. Except in extraordinary circumstances, treaties reported to the Senate shall be accompanied by a written report.

RULE 10—NOMINATIONS

(a) *Waiting Requirement*.—Unless otherwise directed by the Chairman and the Ranking Member, the Committee on Foreign Relations shall not consider any nomination until 6 calendar days after it has been formally submitted to the Senate.

(b) *Public Consideration*.—Nominees for any post who are invited to appear before the Committee shall be heard in public session, unless a majority of the Committee decrees otherwise.

(c) *Required Data*.—No nomination shall be reported to the Senate unless (1) the nominee has been accorded a security clearance on the basis of a thorough investigation by executive branch agencies; (2) in appropriate cases, the nominee has filed a financial disclosure report and a confidential statement with the Committee; (3) the Committee has been assured that the nominee does not have any interests which could conflict with the interests of the government in the exercise of the nominee's proposed responsibilities; (4) for persons nominated to be chief of mission, ambassador-at-large, or minister, the Committee has received a complete list of any contributions made by the nominee or members of his immediate family to any Federal election campaign during the year of his or her nomination and for the 4 preceding years; and (5) for persons nominated to be chiefs of mission, a report on the demonstrated competence of that nominee to perform the duties of the position to which he or she has been nominated.

RULE 11—TRAVEL

(a) *Foreign Travel*.—No member of the Committee on Foreign Relations or its staff shall travel abroad on Committee business unless specifically authorized by the Chairman, who is required by law to approve vouchers and report expenditures of foreign currencies, and the Ranking Member. Requests for authorization of such travel shall state the purpose and, when completed, a full substantive and financial report shall be filed with the Committee within 30 days. This report shall be furnished to all members of the Committee and shall not be otherwise disseminated without the express authorization of the Committee. Except in extraordinary circumstances, staff travel shall not be approved unless the reporting requirements have been fulfilled for all prior trips. Except for travel that is strictly personal, travel funded by non-U.S. Government sources is subject to the same approval and substantive reporting requirements as U.S. Government-funded travel. In addition, members and staff are reminded of Senate Rule XXXV.4 requiring a determination by the Senate Ethics Committee in the case of foreign-sponsored travel.

Any proposed travel by Committee staff for a subcommittee purpose must be approved by the subcommittee chairman and ranking member prior to submission of the request to the Chairman and Ranking Member of the full Committee.

When the Chairman and the Ranking Member approve the foreign travel of a member of the staff of the committee not accompanying a member of the Committee, all members of the Committee shall be advised, prior to the commencement of such travel of its extent, nature, and purpose.

(b) *Domestic Travel*.—All official travel in the United States by the Committee staff shall be approved in advance by the Staff Director, or in the case of minority staff, by the Minority Staff Director.

(c) *Personal Staff*.—As a general rule, no more than one member of the personal staff of a member of the Committee may travel with that member with the approval of the Chairman and the Ranking Member of the Committee. During such travel, the personal staff member shall be considered to be an employee of the Committee.

(d) *Personal Representatives of the Member (PRM)*.—For the purposes of Rule 11 as regards staff foreign travel, the officially-designated personal representative of the member (PRM) shall be deemed to have the same rights, duties, and responsibilities as members of the staff of the Committee on Foreign Relations. Furthermore, for the purposes of this section, each Member of the Committee

may designate one personal staff member as the "Personal Representative of the Member."

RULE 12—TRANSCRIPTS

(a) *General.*—The Committee on Foreign Relations shall keep verbatim transcripts of all Committee and subcommittee meetings and such transcripts shall remain in the custody of the Committee, unless a majority of the Committee decides otherwise. Transcripts of public hearings by the Committee shall be published unless the Chairman, with the concurrence of the Ranking Member, determines otherwise.

(b) *Classified or Restricted Transcripts.*—

(1) The Chief Clerk of the Committee shall have responsibility for the maintenance and security of classified or restricted transcripts.

(2) A record shall be maintained of each use of classified or restricted transcripts.

(3) Classified or restricted transcripts shall be kept in locked combination safes in the Committee offices except when in active use by authorized persons for a period not to exceed 2 weeks. Extensions of this period may be granted as necessary by the Chief Clerk. They must never be left unattended and shall be returned to the Chief Clerk promptly when no longer needed.

(4) Except as provided in paragraph 7 below, transcripts classified secret or higher may not leave the Committee offices except for the purpose of declassification.

(5) Classified transcripts other than those classified secret or higher may leave the Committee offices in the possession of authorized persons with the approval of the Chairman. Delivery and return shall be made only by authorized persons. Such transcripts may not leave Washington, DC, unless adequate assurances for their security are made to the Chairman.

(6) Extreme care shall be exercised to avoid taking notes or quotes from classified transcripts. Their contents may not be divulged to any unauthorized person.

(7) Subject to any additional restrictions imposed by the Chairman with the concurrence of the Ranking Member, only the following persons are authorized to have access to classified or restricted transcripts.

(i) Members and staff of the Committee in the Committee rooms;

(ii) Designated personal representatives of members of the Committee, and of the Majority and Minority Leaders, with appropriate security clearances, in the Committee's Capitol office;

(iii) Senators not members of the Committee, by permission of the Chairman in the Committee rooms; and

(iv) Members of the executive departments involved in the meeting, in the Committee's Capitol office, or, with the permission of the Chairman, in the offices of the officials who took part in the meeting, but in either case, only for a specified and limited period of time, and only after reliable assurances against further reproduction or dissemination have been given.

(8) Any restrictions imposed upon access to a meeting of the Committee shall also apply to the transcript of such meeting, except by special permission of the Chairman and notice to the other members of the Committee. Each transcript of a closed session of the Committee shall include on its cover a description of the restrictions imposed upon access, as well as any applicable restrictions upon photocopying, note-taking or other dissemination.

(9) In addition to restrictions resulting from the inclusion of any classified information in the transcript of a Committee meeting, members and staff shall not discuss with anyone the proceedings of the Committee in

closed session or reveal information conveyed or discussed in such a session unless that person would have been permitted to attend the session itself, or unless such communication is specifically authorized by the Chairman, the Ranking Member, or in the case of staff, by the Staff Director or Minority Staff Director. A record shall be kept of all such authorizations.

(c) *Declassification.*—

(1) All restricted transcripts and classified Committee reports shall be declassified on a date twelve years after their origination unless the Committee by majority vote decides against such declassification, and provided that the executive departments involved and all former Committee members who participated directly in the sessions or reports concerned have been consulted in advance and given a reasonable opportunity to raise objections to such declassification.

(2) Any transcript or classified Committee report, or any portion thereof, may be declassified fewer than twelve years after their origination if:

(i) the Chairman originates such action or receives a written request for such action, and notifies the other members of the Committee;

(ii) the Chairman, Ranking Member, and each member or former member who participated directly in such meeting or report give their approval, except that the Committee by majority vote may overrule any objections thereby raised to early declassification; and

(iii) the executive departments and all former Committee members are consulted in advance and have a reasonable opportunity to object to early declassification.

RULE 13—CLASSIFIED MATERIAL

(a) All classified material received or originated by the Committee shall be logged in at the Committee's offices in the Dirksen Senate Office Building, and except for material classified as "Top Secret" shall be filed in the Dirksen Senate Building offices for Committee use and safekeeping.

(b) Each such piece of classified material received or originated shall be card indexed and serially numbered, and where requiring onward distribution shall be distributed by means of an attached indexed form approved by the Chairman. If such material is to be distributed outside the Committee offices, it shall, in addition to the attached form, be accompanied also by an approved signature sheet to show onward receipt.

(c) Distribution of classified material among offices shall be by Committee members or authorized staff only. All classified material sent to members' offices, and that distributed within the working offices of the Committee, shall be returned to the offices designated by the Chief Clerk. No classified material is to be removed from the offices of the members or of the Committee without permission of the Chairman. Such classified material will be afforded safe handling and safe storage at all times.

(d) Material classified "Top Secret," after being indexed and numbered shall be sent to the Committee's Capitol office for use by the members and authorized staff in that office only or in such other secure Committee offices as may be authorized by the Chairman or Staff Director.

(e) In general, members and staff undertake to confine their access to classified information on the basis of a "need to know" such information related to their Committee responsibilities.

(f) The Staff Director is authorized to make such administrative regulations as may be necessary to carry out the provisions of these regulations.

RULE 14—STAFF

(a) *Responsibilities.*—

(1) The staff works for the Committee as a whole, under the general supervision of the Chairman of the Committee, and the immediate direction of the Staff Director; provided, however, that such part of the staff as is designated Minority Staff, shall be under the general supervision of the Ranking Member and under the immediate direction of the Minority Staff Director.

(2) Any member of the Committee should feel free to call upon the staff at any time for assistance in connection with Committee business. Members of the Senate not members of the Committee who call upon the staff for assistance from time to time should be given assistance subject to the overriding responsibility of the staff to the Committee.

(3) The staff's primary responsibility is with respect to bills, resolutions, treaties, and nominations.

In addition to carrying out assignments from the Committee and its individual members, the staff has a responsibility to originate suggestions for Committee or subcommittee consideration. The staff also has a responsibility to make suggestions to individual members regarding matters of special interest to such members.

(4) It is part of the staff's duty to keep itself as well informed as possible in regard to developments affecting foreign relations and in regard to the administration of foreign programs of the United States. Significant trends or developments which might otherwise escape notice should be called to the attention of the Committee, or of individual Senators with particular interests.

(5) The staff shall pay due regard to the constitutional separation of powers between the Senate and the executive branch. It therefore has a responsibility to help the Committee bring to bear an independent, objective judgment of proposals by the executive branch and when appropriate to originate sound proposals of its own. At the same time, the staff shall avoid impinging upon the day-to-day conduct of foreign affairs.

(6) In those instances when Committee action requires the expression of minority views, the staff shall assist the minority as fully as the majority to the end that all points of view may be fully considered by members of the Committee and of the Senate. The staff shall bear in mind that under our constitutional system it is the responsibility of the elected Members of the Senate to determine legislative issues in the light of as full and fair a presentation of the facts as the staff may be able to obtain.

(b) *Restrictions.*—

(1) The staff shall regard its relationship to the Committee as a privileged one, in the nature of the relationship of a lawyer to a client. In order to protect this relationship and the mutual confidence which must prevail if the Committee-staff relationship is to be a satisfactory and fruitful one, the following criteria shall apply:

(i) members of the staff shall not be identified with any special interest group in the field of foreign relations or allow their names to be used by any such group;

(ii) members of the staff shall not accept public speaking engagements or write for publication in the field of foreign relations without specific advance permission from the Staff Director, or, in the case of minority staff, from the Minority Staff Director. In the case of the Staff Director and the Minority Staff Director, such advance permission shall be obtained from the Chairman or the Ranking Member, as appropriate. In any event, such public statements should avoid the expression of personal views and should not contain predictions of future, or interpretations of past, Committee action; and

(iii) staff shall not discuss their private conversations with members of the Committee without specific advance permission from the Senator or Senators concerned.

(2) The staff shall not discuss with anyone the proceedings of the Committee in closed session or reveal information conveyed or discussed in such a session unless that person would have been permitted to attend the session itself, or unless such communication is specifically authorized by the Staff Director or Minority Staff Director. Unauthorized disclosure of information from a closed session or of classified information shall be cause for immediate dismissal and may, in the case of some kinds of information, be grounds for criminal prosecution.

RULE 15—STATUS AND AMENDMENT OF RULES

(a) *Status*.—In addition to the foregoing, the Committee on Foreign Relations is governed by the Standing Rules of the Senate which shall take precedence in the event of a clear inconsistency. In addition, the jurisdiction and responsibilities of the Committee with respect to certain matters, as well as the timing and procedure for their consideration in Committee, may be governed by statute.

(b) *Amendment*.—These Rules may be modified, amended, or repealed by a majority of the Committee, provided that a notice in writing of the proposed change has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken. However, Rules of the Committee which are based upon Senate Rules may not be superseded by Committee vote alone.

RULES OF THE SELECT COMMITTEE ON ETHICS

Mr. ROBERTS. Mr. President, in accordance with rule XXVI(2) of the Standing Rules of the Senate, I ask that the Rules of Procedure of the Select Committee on Ethics, which were adopted February 23, 1978, and revised November 1999, be printed in the CONGRESSIONAL RECORD for the 107th Congress.

SELECT COMMITTEE ON ETHICS JURISDICTION AND AUTHORITY, S. RES. 338, 88TH CONG., 2D SESS. (1964)

Resolved, That (a) is hereby established a permanent select committee of the Senate to be known as the Select Committee on Ethics (referred to hereinafter as the "Select Committee") consisting of six Members of the Senate, of whom three shall be selected from Members of the majority party and three shall be selected from Members of the minority party. Members thereof shall be appointed by the Senate in accordance with the provisions of Paragraph 1 of Rule XXIV of the standing rules for the Senate at the beginning of each Congress. For purposes of paragraph 4 of Rule XXV of the Standing Rules of the Senate, service of a Senator as a Member or chairman of the Select Committee shall not be taken into account.

(b) Vacancies in the Membership of the Select Committee shall not affect the authority of the remaining Members to execute the functions of the committee, and shall be filled in the same manner as original appointments thereto are made.

(c)(1) A majority of the members of the Select Committee shall constitute a quorum for the transaction of business involving complaints or allegations of, or information about, misconduct, including resulting preliminary inquiries, adjudicatory reviews, recommendations or reports, and matters relating to Senate Resolution 400, agreed to May 19, 1976.

(2) Three Members shall constitute a quorum for the transaction of routine business of the Select Committee not covered by the first paragraph of this subparagraph, in-

cluding requests for opinions and interpretations concerning the Code of Official Conduct or any other statute or regulation under the jurisdiction of the Select Committee, if one Member of the quorum is a Member of the Majority Party and one Member of the quorum is a Member of the minority Party. During the transaction of routine business any Member of the Select Committee constituting the quorum shall have the right to postpone further discussion of a pending matter until such time as a majority of the Members of the Select Committee are present.

(3) The Select Committee may fix a lesser number as a quorum for the purpose of taking sworn testimony.

(d)(1) A member of the Select Committee shall be ineligible to participate in—

(A) any preliminary inquiry or adjudicatory review relating to—

(i) the conduct of—

(I) such member;

(II) any officer or employee the member supervises; or

(III) any employee of any officer the member supervises; or

(ii) any complaint filed by the member, and

(B) the determinations and recommendations of the Select Committee with respect to any preliminary inquiry or adjudicatory review described in subparagraph (A). For purposes of this paragraph, a member of the Select Committee and an officer of the Senate shall be deemed to supervise any officer or employee consistent with the provisions of paragraph 12 of rule XXXVII of the Standing Rules of the Senate.

(2) A member of the Select Committee may, at the discretion of the member, disqualify himself or herself from participating in any preliminary inquiry or adjudicatory review pending before the Select Committee and the determinations and recommendations of the Select Committee with respect to any such preliminary inquiry or adjudicatory review. Notice of such disqualification shall be given in writing to the President of the Senate.

(3) Whenever any member of the Select Committee is ineligible under paragraph (1) to participate in any preliminary inquiry or adjudicatory review or disqualified himself or herself under paragraph (2) from participating in any preliminary inquiry or adjudicatory review, another Senator shall, subject to the provisions of subsection (d), be appointed to serve as a member of the Select Committee solely for purposes of such preliminary inquiry or adjudicatory review and the determinations and recommendations of the Select Committee with respect to such preliminary inquiry or adjudicatory review. Any Member of the Senate appointed for such purposes shall be of the same party as the Member who is ineligible or disqualified himself or herself.

SEC. 2. (a) It shall be the duty of the Select Committee to—

(1) receive complaints and investigate allegations of improper conduct which may reflect upon the Senate, violations of law, violations of the Senate Code of Official Conduct and violations of rules and regulations of the Senate, relating to the conduct of individuals in the performance of their duties as Members of the Senate, or as officers or employees of the Senate, and to make appropriate findings of fact and conclusions with respect thereto;

(2)(A) recommend to the Senate by report or resolution by a majority vote of the full committee disciplinary action to be taken with respect to such violations which the Select Committee shall determine, after according to the individual concerned due notice and opportunity for a hearing, to have occurred;

(B) pursuant to subparagraph (A) recommend discipline, including—

(i) in the case of a Member, a recommendation to the Senate for expulsion, censure, payment of restitution, recommendation to a Member's party conference regarding the Member's seniority or positions of responsibility, or a combination of these; and

(ii) in the case of an officer or employee, dismissal, suspension, payment of restitution, or a combination of these; and

(3) subject to the provisions of subsection (e), by a unanimous vote of 6 members, order that a Member, officer or employee be reprimanded or pay restitution, or both, if the Select Committee determines, after according to the Member, officer, or employee due notice and opportunity for a hearing, that misconduct occurred warranting discipline less serious than discipline by the full Senate;

(4) in the circumstances described in subsection (d)(3), issue a public or private letter of admonition to a member, officer, or employee, which shall not be subject to appeal to the Senate;

(5) recommend to the Senate, by report or resolution, such additional rules or regulations as the Select Committee shall determine to be necessary or desirable to insure proper standards of conduct by Members of the Senate, and by officers or employees of the Senate, in the performance of their duties and the discharge of their responsibilities;

(6) by a majority vote of the full committee, report violations of any law, including the provision of false information to the Select Committee, to the proper Federal and State authorities; and

(7) develop and implement programs and materials designed to educate Members, officers, and employees about the laws, rules, regulations, and standards of conduct applicable to such individuals in the performance of their duties.

(b) For the purposes of this resolution—

(1) the term "sworn complaint" means a written statement of facts, submitted under penalty of perjury, within the personal knowledge of the complainant alleging a violation of law the Senate Code of Official Conduct, or any other rule or regulation of the Senate relating to the conduct of individuals in the performance of their duties as Members, officer, or employees of the Senate;

(2) the term "preliminary inquiry" means a proceeding undertaken by the Select Committee following the receipt of a complaint or allegation of, or information about, misconduct by a Member, officer, or employee of the Senate to determine whether there is substantial credible evidence which provides substantial cause for the Select Committee to conclude that a violation within the jurisdiction of the Select Committee has occurred; and

(3) the term "adjudicatory review" means a proceeding undertaken by the Select Committee after a finding, on the basis of a preliminary inquiry, that there is substantial credible evidence which provides substantial cause for the Select Committee to conclude that a violation within the jurisdiction of the Select Committee has occurred—

(c)(1) No—

(A) adjudicatory review of conduct of a Member or officer of the Senate may be conducted;

(B) report, resolution, or recommendation relating to such a adjudicatory review of conduct may be made; and

(C) letter of admonition pursuant to subsection (d)(3) may be issued, unless approved by the affirmative recorded vote of not fewer than 4 members of the Select Committee.

(2) No other resolution, report, recommendation, interpretative ruling, or advisory opinion may be made without an affirmative vote of a majority of the Members of the Select Committee voting.

(d)(1) When the Select Committee receives a sworn complaint or other allegation or information about a Member, officer, or employee of the Senate, it shall promptly conduct a preliminary inquiry into matters raised by that complaint, allegation, or information. The preliminary inquiry shall be of a duration and scope necessary to determine whether there is substantial credible evidence which provides substantial cause for the Select Committee to conclude that a violation within the jurisdiction of the Select Committee has occurred. The Select Committee may delegate to the chairman and vice chairman the discretion to determine the appropriate duration, scope, and conduct of a preliminary inquiry.

(2) If, as a result of a preliminary inquiry under paragraph (1), the Select Committee determines by a recorded vote that there is not such substantial credible evidence, the Select Committee shall dismiss the matter. The Select Committee may delegate to the chairman and vice chairman the authority, on behalf of the Select Committee, to dismiss any matter that they determine, after a preliminary inquiry, lacks substantial merit. The Select Committee shall inform the individual who provided to the Select Committee the complaint, allegation, or information, and the individual who is the subject of the complaint, allegation, or information, of the dismissal, together with an explanation of the basis for the dismissal.

(3) If, as a result of a preliminary inquiry under paragraph (1), the Select Committee determines that a violation is inadvertent, technical, or otherwise of a de minimis nature, the Select Committee may dispose of the matter by issuing a public or private letter of admonition, which shall not be considered discipline. The Select Committee may issue a public letter of admonition upon a similar determination at the conclusion of an adjudicatory review.

(4) If, as a result of a preliminary inquiry under paragraph (1), the Select Committee determines that there is such substantial credible evidence and the matter cannot be appropriately disposed of under paragraph (3), the Select Committee shall promptly initiate an adjudicatory review. Upon the conclusion of such adjudicatory review, the Select Committee shall report to the Senate, as soon as practicable, the results of such adjudicatory review together with its recommendations (if any) pursuant to subsection (a)(2).

(e)(1) Any individual who is the subject of a reprimand or order of restitution, or both, pursuant to subsection (a)(3) may, within 30 days of the Select Committee's report to the Senate on its action imposing a reprimand or order of restitution, or both, appeal to the Senate by providing written notice of the basis for the appeal to the Select Committee and the presiding officer of the Senate. The presiding officer of the Senate shall cause the notice of the appeal to be printed in the Congressional Record and the Senate Journal.

(2) A motion to proceed to consideration of an appeal pursuant to paragraph (1) shall be highly privileged and not debatable. If the motion to proceed to consideration of the appeal is agreed to, the appeal shall be decided on the basis of the Select Committee's report to the Senate. Debate on the appeal shall be limited to 10 hours, which shall be divided equally between, and controlled by, those favoring and those opposing the appeal.

(f) The Select Committee may, in its discretion, employ hearing examiners to hear

testimony and make findings of fact and/or recommendations to the Select Committee concerning the disposition of complaints.

(g) Notwithstanding any other provision of this section, no adjudicatory review shall be initiated of any alleged violation of any law, the Senate Code of Official Conduct, rule, or regulation which was not in effect at the time the alleged violation occurred. No provisions of the Senate Code of Official Conduct shall apply to or require disclosure of any act, relationship, or transaction which occurred prior to the effective date of the applicable provision of the Code. The Select Committee may initiate an adjudicatory review of any alleged violation of a rule or law which was in effect prior to the enactment of the Senate Code of Official Conduct if the alleged violation occurred while such rule or law was in effect and the violation was not a matter resolved on the merits by the predecessor Select Committee.

(h) The Select Committee shall adopt written rule setting forth procedures to be used in conducting preliminary inquiries and adjudicatory reviews.

(i) The Select Committee from time to time shall transmit to the Senate its recommendation as to any legislative measures which it may consider to be necessary for the effective discharge of its duties.

SEC. 3. (a) The Select Committee is authorized to (1) make such expenditures; (2) hold such hearings; (3) sit and act at such times and places during the sessions, recesses, and adjournment periods of the Senate; (4) require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents; (5) administer such oaths; (6) take such testimony orally or by deposition; (7) employ and fix the compensation of a staff director, a counsel, an assistant counsel, one or more investigators, one or more hearing examiners, and such technical, clerical, and other assistants and consultants as it deems advisable; and (8) to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, by contract as independent contractors or, in the case of individuals, by employment at daily rates of compensation not in excess of the per diem equivalent of the highest rate of compensation which may be paid to a regular employee of the Select Committee.

(b)(1) The Select Committee is authorized to retain and compensate counsel not employed by the Senate (or by any department or agency of the executive branch of the Government) whenever the Select Committee determines that the retention of outside counsel is necessary or appropriate for any action regarding any complaint or allegation, which, in the determination of the Select Committee is more appropriately conducted by counsel not employed by the Government of the United States as a regular employee.

(2) Any adjudicatory review as defined in section 2(b)(3) shall be conducted by outside counsel as authorized in paragraph (1), unless the Select Committee determines not to use outside counsel.

(c) With the prior consent of the department or agency concerned, the Select Committee may (1) utilize the services, information and facilities of any such department or agency of the Government, and (2) employ on a reimbursable basis or otherwise the services of such personnel of any such department or agency as it deems advisable. With the consent of any other committee of the Senate, or any subcommittee thereof, the Select Committee may utilize the facilities and services of the staff of such other committee or subcommittee whenever the chairman of the Select Committee determines

that such action is necessary and appropriate.

(d)(1) Subpoenas may be authorized by—

(A) the Select Committee; or
(B) the chairman and vice chairman, acting jointly.

(2) Any such subpoena shall be issued and signed by the chairman and the vice chairman and may be served by any person designated by the chairman and vice chairman.

(3) The chairman or any member of the Select Committee may administer oaths to witnesses.

(e)(1) The Select Committee shall prescribe and publish such regulations as it feels are necessary to implement the Senate Code of Official Conduct.

(2) The Select Committee is authorized to issue interpretative rulings explaining and clarifying the application of any law, the Code of Official Conduct, or any rules or regulation of the Senate within its jurisdiction.

(3) The Select Committee shall render an advisory opinion, in writing within a reasonable time, in response to a written request by a Member or officer of the Senate or a candidate for nomination for election, or election to the Senate, concerning the application of any law, the Senate Code of Official Conduct, or any rules or regulation of the Senate within its jurisdiction to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

(4) The Select Committee may in its discretion render an advisory opinion in writing within a reasonable time in response to a written request by an employee of the Senate concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

(5) Notwithstanding any provision of the Senate Code of Official Conduct or any rule or regulation of the Senate, any person who relies upon any provision or finding of an advisory opinion in accordance with the provisions of paragraphs (3) and (4) and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of any such act, be subject to any sanction by the Senate.

(6) Any advisory opinion rendered by the Select Committee under paragraphs (3) and (4) may be relied upon by (A) any person involved in the specific transaction or activity with respect to which such advisory opinion is rendered; Provided, however, that the request for such advisory opinion included a complete and accurate statement of the specific factual situation; and, (B) any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such advisory opinion is rendered.

(7) Any advisory opinion issued in response to a request under paragraph (3) or (4) shall be printed in the Congressional Record with appropriate deletions to assure the privacy of the individual concerned. The Select Committee shall, to the extent practicable, before rendering an advisory opinion, provide any interested party with an opportunity to transmit written comments to the Select Committee with respect to the request for such advisory opinion. The advisory opinions issued by the select Committee shall be compiled, indexed, reproduced, and made available on a periodic basis.

(8) A brief description of a waiver granted under paragraph 2(c) [NOTE: Now Paragraph 1] of Rule XXXIV or paragraph 1 of Rule XXXV of the Standing Rules of the Senate shall be made available upon request in the select Committee office with appropriate deletions to assure the privacy of the individual concerned.

SEC. 4. The expenses of the Select Committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the Select Committee.

SEC. 5. As used in this resolution, the term "officer or employee of the Senate" means—

(1) an elected officer of the Senate who is not a Member of the Senate;

(2) an employee of the Senate, any committee or subcommittee of the Senate, or any Member of the Senate;

(3) the legislative Counsel of the Senate or any employee of his office;

(4) an Official Reporter of Debates of the Senate and any person employed by the Official Reporters of Debates of the Senate in connection with the performance of their official duties;

(5) a Member of the Capitol Police force whose compensation is disbursed by the Secretary of the Senate;

(6) an employee of the Vice President if such employee's compensation is disbursed by the Secretary of the Senate; and

(7) an employee of a joint committee of the Congress whose compensation is disbursed by the Secretary of the Senate.

PART II: SUPPLEMENTARY PROCEDURAL RULES

RULE 1. GENERAL PROCEDURES

(a) Officers: In the absence of the Chairman, the duties of the Chair shall be filled by the Vice Chairman or, in the Vice Chairman's absence, a Committee member designated by the Chairman.

(b) Procedural Rules: The basic procedural rules of the Committee are stated as a part of the Standing Orders of the Senate in Senate Resolution 338, 88th Congress, as amended, as well as other resolutions and laws. Supplementary Procedural Rules are stated herein and are hereinafter referred to as the Rules. The Rules shall be published in the Congressional Record not later than thirty days after adoption, and copies shall be made available by the Committee office upon request.

(c) Meetings:

(1) The regular meeting of the Committee shall be the first Thursday of each month while the Congress is in session.

(2) Special meetings may be held at the call of the Chairman or Vice Chairman if at least forty-eight hours notice is furnished to all members. If all members agree, a special meeting may be held on less than forty-eight hours notice.

(3)(A) If any member of the Committee desires that a special meeting of the Committee be called, the member may file in the office of the Committee a written request to the Chairman or Vice Chairman for that special meeting.

(B) Immediately upon the filing of the request the Clerk of the Committee shall notify the Chairman and Vice Chairman of the filing of the request. If, within three calendar days after the filing of the request, the Chairman or the Vice Chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, any three of the members of the Committee may file their written notice in the office of the Committee that a special meeting of the Committee will be held at a specified date and hour; such special meeting may not occur until forty-eight hours after the notice is filed. The Clerk shall immediately notify all members of the Committee of the date and hour of the special meeting. The Committee shall meet at the specified date and hour.

(d) Quorum:

(1) A majority of the members of the Select Committee shall constitute a quorum for the transaction of business involving complaints or allegations of, or information about, mis-

conduct, including resulting preliminary inquiries, adjudicatory reviews, recommendations or reports, and matters relating to Senate Resolution 400, agreed to May 19, 1976.

(2) Three members shall constitute a quorum for the transaction of the routine business of the Select Committee not covered by the first subparagraph of this paragraph, including requests for opinions and interpretations concerning the Code of Official Conduct or any other statute or regulation under the jurisdiction of the Select Committee, if one member of the quorum is a Member of the Majority Party and one member of the quorum is a Member of the Minority Party. During the transaction of routine business any member of the Select Committee constituting the quorum shall have the right to postpone further discussion of a pending matter until such time as a majority of the members of the Select Committee are present.

(3) Except for an adjudicatory review hearing under Rule 5 and any deposition taken outside the presence of a Member under Rule 6, one Member shall constitute a quorum for hearing testimony, provided that all Members have been given notice of the hearing and the Chairman has designated a Member of the Majority Party and the Vice Chairman has designated a Member of the Minority Party to be in attendance, either of whom in the absence of the other may constitute the quorum.

(e) Order of Business: Questions as to the order of business and the procedure of the Committee shall in the first instance be decided by the Chairman and Vice Chairman, subject to reversal by a vote by a majority of the Committee.

(f) Hearings Announcements: The Committee shall make public announcement of the date, place and subject matter of any hearing to be conducted by it at least one week before the commencement of that hearing, and shall publish such announcement in the Congressional Record. If the Committee determines that there is good cause to commence a hearing at an earlier date, such notice will be given at the earliest possible time.

(g) Open and Closed Committee Meetings: Meetings of the Committee shall be open to the public or closed to the public (executive session), as determined under the provisions of paragraphs 5 (b) to (d) of Rule XXVI of the Standing Rules of the Senate. Executive session meetings of the Committee shall be closed except to the members and the staff of the Committee. On the motion of any member, and with the approval of a majority of the Committee members present, other individuals may be admitted to an executive session meeting for a specific period or purpose.

(h) Record of Testimony and Committee Action: An accurate stenographic or transcribed electronic record shall be kept of all Committee proceedings, whether in executive or public session. Such record shall include Senators' votes on any question on which a recorded vote is held. The record of a witness's testimony, whether in public or executive session, shall be made available for inspection to the witness or his counsel under Committee supervision; a copy of any testimony given by that witness in public session, or that part of the testimony given by the witness in executive session and subsequently quoted or made part of the record in a public session shall be made available to any witness if he so requests. (See Rule 5 on Procedures for Conducting Hearings.)

(i) Secrecy of Executive Testimony and Action and of Complaint Proceedings:

(1) All testimony and action taken in executive session shall be kept secret and shall not be released outside the Committee to

any individual or group, whether governmental or private, without the approval of a majority of the Committee.

(2) All testimony and action relating to a complaint or allegation shall be kept secret and shall not be released by the Committee to any individual or group, whether governmental or private, except the respondent, without the approval of a majority of the Committee, until such time as a report to the Senate is required under Senate Resolution 338, 88th Congress, as amended, or unless otherwise permitted under these Rules. (See Rule 8 on Procedures for Handling Committee Sensitive and Classified Materials.)

(j) Release of Reports to Public: No information pertaining to, or copies of any Committee report, study, or other document which purports to express the view, findings, conclusions or recommendations of the Committee in connection with any of its activities or proceedings may be released to any individual or group whether governmental or private, without the authorization of the Committee. Whenever the Chairman or Vice Chairman is authorized to make any determination, then the determination may be released at his or her discretion. Each member of the Committee shall be given a reasonable opportunity to have separate views included as part of any Committee report. (See Rule 8 on Procedures for Handling Committee Sensitive and Classified Materials.)

(k) Ineligibility or Disqualification of Members and Staff:

(1) A member of the Committee shall be ineligible to participate in any Committee proceeding that relates specifically to any of the following:

(A) a preliminary inquiry or adjudicatory review relating to (i) the conduct of (I) such member; (II) any officer or employee the member supervises; or (ii) any complaint filed by the member; and

(B) the determinations and recommendations of the Committee with respect to any preliminary inquiry or adjudicatory review described in subparagraph (A).

For purposes of this paragraph, a member of the committee and an officer of the Senate shall be deemed to supervise any officer or employee consistent with the provision of paragraph 12 of rule XXXVII of the Standing Rules of the Senate.

(2) If any Committee proceeding appears to relate to a member of the Committee in a manner described in subparagraph (1) of this paragraph, the staff shall prepare a report to the Chairman and Vice Chairman. If either the Chairman or the Vice Chairman concludes from the report that it appears that the member may be ineligible, the member shall be notified in writing of the nature of the particular proceeding and the reason that it appears that the member may be ineligible to participate in it. If the member agrees that he or she is ineligible, the member shall so notify the Chairman or Vice Chairman. If the member believes that he or she is not ineligible, he or she may explain the reasons to the Chairman and Vice Chairman, and if they both agree that the member is not ineligible, the member shall continue to serve. But if either the Chairman or Vice Chairman continues to believe that the member is ineligible, while the member believes that he or she is not ineligible, the matter shall be promptly referred to the Committee. The member shall present his or her arguments to the Committee in executive session. Any contested questions concerning a member's eligibility shall be decided by a majority vote of the Committee, meeting in executive session, with the member in question not participating.

(3) A member of the Committee may, at the discretion of the member, disqualify himself or herself from participating in any

preliminary inquiry or adjudicatory review pending before the Committee and the determinations and recommendations of the Committee with respect to any such preliminary inquiry or adjudicatory review.

(4) Whenever any member of the Committee is ineligible under paragraph (1) to participate in any preliminary inquiry or adjudicatory review, or disqualifies himself or herself under paragraph (3) from participating in any preliminary inquiry or adjudicatory review, another Senator shall be appointed by the Senate to serve as a member of the Committee solely for purposes of such preliminary inquiry or adjudicatory review and the determinations and recommendations of the Committee with respect to such preliminary inquiry or adjudicatory review. Any member of the Senate appointed for such purposes shall be of the same party as the member who is ineligible or disqualifies himself or herself.

(5) The President of the Senate shall be given written notice of the ineligibility or disqualification of any member from any preliminary inquiry, adjudicatory review, or other proceeding requiring the appointment of another member in accordance with subparagraph (k)(4).

(6) A member of the Committee staff shall be ineligible to participate in any Committee proceeding that the staff director or outside counsel determines relates specifically to any of the following:

(A) the staff member's own conduct;

(B) the conduct of any employee that the staff member supervises;

(C) the conduct of any Member, officer or employee for whom the staff member has worked for any substantial period; or

(D) a complaint, sworn or unsworn, that was filed by the staff member. At the direction or with the consent of the staff director or outside counsel, a staff member may also be disqualified from participating in a Committee proceeding in other circumstances not listed above.

(1) Recorded Votes: Any member may require a recorded vote on any matter.

(m) Proxies; Recording Votes of Absent Members:

(1) Proxy voting shall not be allowed when the question before the Committee is the initiation or continuation of a preliminary inquiry or an adjudicatory review, or the issuance of a report or recommendation related thereto concerning a Member or officer of the Senate. In any such case an absent member's vote may be announced solely for the purpose of recording the member's position and such announced votes shall not be counted for or against the motion.

(2) On matters other than matters listed in paragraph (m)(1) above, the Committee may order that the record be held open for the vote of absentees or recorded proxy votes if the absent Committee member has been informed of the matter on which the vote occurs and has affirmatively requested the Chairman or Vice Chairman in writing that he be so recorded.

(3) All proxies shall be in writing, and shall be delivered to the Chairman or Vice Chairman to be recorded.

(4) Proxies shall not be considered for the purpose of establishing a quorum.

(n) Approval of Blind Trusts Between Sessions and During Extended Recesses: During any period in which the Senate stands in adjournment between sessions of the Congress or stands in a recess scheduled to extend beyond fourteen days, the Chairman and Vice Chairman, or their designees, acting jointly, are authorized to approve or disapprove blind trusts under the provision of Rule XXXIV.

(o) Committee Use of Services or Employees of Other Agencies and Departments: With the prior consent of the department or agen-

cy involved, the Committee may (1) utilize the services, information, or facilities of any such department or agency of the Government, and (2) employ on a reimbursable basis or otherwise the services of such personnel of any such department or agency as it deems advisable. With the consent of any other committee of the Senate, or any subcommittee, the Committee may utilize the facilities and the services of the staff of such other committee or subcommittee whenever the Chairman and Vice Chairman of the Committee, acting jointly, determine that such action is necessary and appropriate.

RULE 2: PROCEDURES FOR COMPLAINTS, ALLEGATIONS, OR INFORMATION

(a) Complaint, Allegation, or Information: Any member or staff member of the Committee shall report to the Committee, and any other person may report to the Committee, a sworn complaint or other allegation or information, alleging that any Senator, or officer, or employee of the Senate has violated a law, the Senate Code of Official Conduct, or any rule or regulation of the Senate relating to the conduct of any individual in the performance of his or her duty as a Member, officer, or employee of the Senate, or has engaged in improper conduct which may reflect upon the Senate. Such complaints or allegations or information may be reported to the Chairman, the Vice Chairman, a Committee member, or a Committee staff member.

(b) Source of Complaint, Allegation, or Information: Complaints, allegations, and information to be reported to the Committee may be obtained from a variety of sources, including but not limited to the following:

(1) sworn complaints, defined as a written statement of facts, submitted under penalty of perjury, within the personal knowledge of the complainant alleging a violation of law, the Senate Code of Official Conduct, or any other rule or regulation of the Senate relating to the conduct of individuals in the performance of their duties as members, officers, or employees of the Senate;

(2) anonymous or informal complaints;

(3) information developed during a study or inquiry by the Committee or other committees or subcommittees of the Senate, including information obtained in connection with legislative or general oversight hearings;

(4) information reported by the news media; or

(5) information obtained from any individual, agency or department of the executive branch of the Federal Government.

(c) Form and Content of Complaints: A complaint need not be sworn nor must it be in any particular form to receive Committee consideration, but the preferred complaint will:

(1) state, whenever possible, the name, address, and telephone number of the party filing the complaint;

(2) provide the name of each member, officer or employee of the Senate who is specifically alleged to have engaged in improper conduct or committed a violation;

(3) state the nature of the alleged improper conduct or violation;

(4) supply all documents in the possession of the party filing the complaint relevant to or in support of his or her allegations as an attachment to the complaint.

RULE 3: PROCEDURES FOR CONDUCTING A PRELIMINARY INQUIRY

(a) Definition of Preliminary Inquiry: A "preliminary inquiry" is a proceeding undertaken by the Committee following the receipt of a complaint or allegation of, or information about, misconduct by a Member, officer, or employee of the Senate to determine whether there is substantial credible evidence which provides substantial cause

for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred.

(b) Basis For Preliminary Inquiry: The Committee shall promptly commence a preliminary inquiry whenever it has received a sworn complaint, or other allegation of, or information about, alleged misconduct or violations pursuant to Rule 2.

(c) Scope of Preliminary Inquiry:

(1) The preliminary inquiry shall be of such duration and scope as is necessary to determine whether there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred. The Chairman and Vice Chairman, acting jointly, on behalf of the Committee may supervise and determine the appropriate duration, scope, and conduct of a preliminary inquiry. Whether a preliminary inquiry is conducted jointly by the Chairman and Vice Chairman or by the Committee as a whole, the day to day supervision of a preliminary inquiry rests with the Chairman and Vice Chairman, acting jointly.

(2) A preliminary inquiry may include any inquiries, interviews, sworn statements, depositions, or subpoenas deemed appropriate to obtain information upon which to make any determination provided for by this Rule.

(d) Opportunity for Response: A preliminary inquiry may include an opportunity for any known respondent or his or her designated representative to present either a written or oral statement, or to respond orally to questions from the Committee. Such an oral statement or answers shall be transcribed and signed by the person providing the statement or answers.

(e) Status Reports: The Committee staff or outside counsel shall periodically report to the Committee in the form and according to the schedule prescribed by the Committee. The reports shall be confidential.

(f) Final Report: When the preliminary inquiry is completed, the staff or outside counsel shall make a confidential report, oral or written, to the Committee on findings and recommendations, as appropriate.

(g) Committee Action: As soon as practicable following submission of the report on the preliminary inquiry, the Committee shall determine by a recorded vote whether there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred. The Committee may make any of the following determinations:

(1) The Committee may determine that there is not such substantial credible evidence and, in such case, the Committee shall dismiss the matter. The Committee, or Chairman and Vice Chairman acting jointly on behalf of the Committee, may dismiss any matter which, after a preliminary inquiry, is determined to lack substantial merit. The Committee shall inform the complainant of the dismissal.

(2) The Committee may determine that there is such substantial credible evidence, but that the alleged violation is inadvertent, technical, or otherwise of a de minimis nature. In such case, the Committee may dispose of the matter by issuing a public or private letter of admonition, which shall not be considered discipline and which shall not be subject to appeal to the Senate. The issuance of a letter of admonition must be approved by the affirmative recorded vote of no fewer than four members of the Committee voting.

(3) The Committee may determine that there is such substantial credible evidence and that the matter cannot be appropriately disposed of under paragraph (2). In such case, the Committee shall promptly initiate an

adjudicatory review in accordance with Rule 4. No adjudicatory review of conduct of a Member, officer, or employee of the Senate may be initiated except by the affirmative recorded vote of not less than four members of the Committee.

RULE 4: PROCEDURES FOR CONDUCTING AN ADJUDICATORY REVIEW

(a) Definition of Adjudicatory Review: An "adjudicatory review" is a proceeding undertaken by the Committee after a finding, on the basis of a preliminary inquiry, that there is substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred.

(b) Scope of Adjudicatory Review: When the Committee decides to conduct an adjudicatory review, it shall be of such duration and scope as is necessary for the Committee to determine whether a violation within its jurisdiction has occurred. An adjudicatory review shall be conducted by outside counsel as authorized by section 3(b)(1) of Senate Resolution 338 unless the Committee determines not to use outside counsel. In the course of the adjudicatory review, designated outside counsel, or if the Committee determines not to use outside counsel, the Committee or its staff, may conduct any inquiries or interviews, take sworn statements, use compulsory process as described in Rule 6, or take any other actions that the Committee deems appropriate to secure the evidence necessary to make a determination.

(c) Notice to Respondent: The Committee shall give written notice to any known respondent who is the subject of an adjudicatory review. The notice shall be sent to the respondent no later than five working days after the Committee has voted to conduct an adjudicatory review. The notice shall include a statement of the nature of the possible violation, and description of the evidence indicating that a possible violation occurred. The Committee may offer the respondent an opportunity to present a statement, orally or in writing, or to respond to questions from members of the Committee, the Committee staff, or outside counsel.

(d) Right to a Hearing: The Committee shall accord a respondent an opportunity for a hearing before it recommends disciplinary action against that respondent to the Senate or before it imposes an order of restitution or reprimand (not requiring discipline by the full Senate).

(e) Progress Reports to Committee: The Committee staff or outside counsel shall periodically report to the Committee concerning the progress of the adjudicatory review. Such reports shall be delivered to the Committee in the form and according to the schedule prescribed by the Committee, and shall be confidential.

(f) Final Report of Adjudicatory Review to Committee: Upon completion of an adjudicatory review, including any hearings held pursuant to Rule 5, the outside counsel or the staff shall submit a confidential written report to the Committee, which shall detail the factual findings of the adjudicatory review and which may recommend disciplinary action, if appropriate. Findings of fact of the adjudicatory review shall be detailed in this report whether or not disciplinary action is recommended.

(g) Committee Action:

(1) As soon as practicable following submission of the report of the staff or outside counsel on the adjudicatory review, the Committee shall prepare and submit a report to the Senate, including a recommendation or proposed resolution to the Senate concerning disciplinary action, if appropriate. A report shall be issued, stating in detail the Committee's findings of fact, whether or not disciplinary action is recommended. The report

shall also explain fully the reasons underlying the Committee's recommendation concerning disciplinary action, if any. No adjudicatory review of conduct of a Member, officer or employee of the Senate may be conducted, or report or resolution or recommendation relating to such an adjudicatory review of conduct may be made, except by the affirmative recorded vote of not less than four members of the Committee.

(2) Pursuant to S. Res. 338, as amended, section 2 (a), subsections (2), (3), & (4), after receipt of the report prescribed by paragraph (f) of this rule, the Committee may make any of the following recommendations for disciplinary action or issue an order for reprimand or restitution, as follows:

(i) In the case of a Member, a recommendation to the Senate for expulsion, censure, payment of restitution, recommendation to a Member's party conference regarding the Member's seniority or positions of responsibility, or a combination of these;

(ii) In the case of an officer or employee, a recommendation to the Senate of dismissal, suspension, payment of restitution, or a combination of these;

(iii) In the case where the Committee determines, after according to the Member, officer, or employee due notice and opportunity for a hearing, that misconduct occurred warranting discipline less serious than discipline by the full Senate, and subject to the provisions of paragraph (h) of this rule relating to appeal, by a unanimous vote of six members order that a Member, officer or employee be reprimanded or pay restitution or both;

(iv) In the case where the Committee determines that misconduct is inadvertent, technical, or otherwise of a de minimis nature, issue a public or private letter of admonition to a Member, officer or employee, which shall not be subject to appeal to the Senate.

(3) In the case where the Committee determines, upon consideration of all the evidence, that the facts do not warrant a finding that there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred, the Committee may dismiss the matter.

(4) Promptly, after the conclusion of the adjudicatory review, the Committee's report and recommendation, if any, shall be forwarded to the Secretary of the Senate, and a copy shall be provided to the complainant and the respondent. The full report and recommendation, if any, shall be printed and made public, unless the Committee determines by the recorded vote of not less than four members of the Committee that it should remain confidential.

(h) Right of Appeal:

(1) Any individual who is the subject of a reprimand or order of restitution, or both, pursuant to subsection (g)(2)(iii), may, within 30 days of the Committee's report to the Senate of its action imposing a reprimand or order of restitution, or both, appeal to the Senate by providing written notice of the appeal to the Committee and the presiding officer of the Senate. The presiding officer shall cause the notice of the appeal to be printed in the Congressional Record and the Senate Journal.

(2) S. Res. 338 provides that a motion to proceed to consideration of an appeal pursuant to paragraph (1) shall be highly privileged and not debatable. If the motion to proceed to consideration of the appeal is agreed to, the appeal shall be decided on the basis of the Committee's report to the Senate. Debate on the appeal shall be limited to 10 hours, which shall be divided equally between, and controlled by, those favoring and those opposing the appeal.

RULE 5: PROCEDURES FOR HEARINGS

(a) Right to Hearing: The Committee may hold a public or executive hearing in any preliminary inquiry, adjudicatory review, or other proceeding. The Committee shall accord a respondent an opportunity for a hearing before it recommends disciplinary action against that respondent to the Senate or before it imposes an order of restitution or reprimand. (See Rule 4(d)).

(b) Non-Public Hearings: The Committee may at any time during a hearing determine in accordance with paragraph 5(b) of Rule XXVI of the Standing Rules of the Senate whether to receive the testimony of specific witnesses in executive session. If a witness desires to express a preference for testifying in public or in executive session, he or she shall so notify the Committee at least five days before he or she is scheduled to testify.

(c) Adjudicatory Hearings: The Committee may, by the recorded vote of not less than four members of the Committee, designate any public or executive hearing as an adjudicatory hearing; and any hearing which is concerned with possible disciplinary action against a respondent or respondents designated by the Committee shall be an adjudicatory hearing. In any adjudicatory hearing, the procedures described in paragraph (j) shall apply.

(d) Subpoena Power: The Committee may require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such correspondence, books, papers, documents or other articles as it deems advisable. (See Rule 6.)

(e) Notice of Hearings: The Committee shall make public an announcement of the date, place, and subject matter of any hearing to be conducted by it, in accordance with Rule 1(f).

(f) Presiding Officer: The Chairman shall preside over the hearings, or in his absence the Vice Chairman. If the Vice Chairman is also absent, a Committee member designated by the Chairman shall preside. If an oath or affirmation is required, it shall be administered to a witness by the Presiding Officer, or in his absence, by any Committee member.

(g) Witnesses: (1) A subpoena or other request to testify shall be served on a witness sufficiently in advance of his or her scheduled appearance to allow the witness a reasonable period of time, as determined by the Committee, to prepare for the hearing and to employ counsel if desired.

(2) The Committee may, by recorded vote of not less than four members of the Committee, rule that no member of the Committee or staff or outside counsel shall make public the name of any witness subpoenaed by the Committee before the date of that witness's scheduled appearance, except as specifically authorized by the Chairman and Vice Chairman, acting jointly.

(3) Any witness desiring to read a prepared or written statement in executive or public hearings shall file a copy of such statement with the Committee at least two working days in advance of the hearing at which the statement is to be presented. The Chairman and Vice Chairman shall determine whether such statements may be read or placed in the record of the hearing.

(4) Insofar as practicable, each witness shall be permitted to present a brief oral opening statement, if he or she desires to do so.

(h) Right To Testify: Any person whose name is mentioned or who is specifically identified or otherwise referred to in testimony or in statements made by a Committee member, staff member or outside counsel, or any witness, and who reasonably believes

that the statement tends to adversely affect his or her reputation may—

(1) Request to appear personally before the Committee to testify in his or her own behalf; or

(2) File a sworn statement of facts relevant to the testimony or other evidence or statement of which he or she complained. Such request and such statement shall be submitted to the Committee for its consideration and action.

(i) Conduct of Witnesses and Other Attendees: The Presiding Officer may punish any breaches of order and decorum by censure and exclusion from the hearings. The Committee, by majority vote, may recommend to the Senate that the offender be cited for contempt of Congress.

(j) Adjudicatory Hearing Procedures:

(1) Notice of hearings: A copy of the public announcement of an adjudicatory hearing, required by paragraph (e), shall be furnished together with a copy of these Rules to all witnesses at the time that they are subpoenaed or otherwise summoned to testify.

(2) Preparation for adjudicatory hearings:

(A) At least five working days prior to the commencement of an adjudicatory hearing, the Committee shall provide the following information and documents to the respondent, if any:

(i) a list of proposed witnesses to be called at the hearing;

(ii) copies of all documents expected to be introduced as exhibits at the hearing; and

(iii) a brief statement as to the nature of the testimony expected to be given by each witness to be called at the hearing.

(B) At least two working days prior to the commencement of an adjudicatory hearing, the respondent, if any, shall provide the information and documents described in divisions, (i), (ii) and (iii) of subparagraph (A) to the Committee.

(C) At the discretion of the Committee, the information and documents to be exchanged under this paragraph shall be subject to an appropriate agreement limiting access and disclosure.

(D) If a respondent refuses to provide the information and documents to the Committee (see (A) and (B) of this subparagraph), or if a respondent or other individual violates an agreement limiting access and disclosure, the Committee, by majority vote, may recommend to the Senate that the offender be cited for contempt of Congress.

(3) Swearing of witnesses: All witnesses who testify at adjudicatory hearings shall be sworn unless the Presiding Officer, for good cause, decides that a witness does not have to be sworn.

(4) Right to counsel: Any witness at an adjudicatory hearing may be accompanied by counsel of his or her own choosing, who shall be permitted to advise the witness of his or her legal rights during the testimony.

(5) Right to cross-examine and call witnesses:

(A) In adjudicatory hearings, any respondent and any other person who obtains the permission of the Committee, may personally or through counsel cross-examine witnesses called by the Committee and may call witnesses in his or her own behalf.

(B) A respondent may apply to the Committee for the issuance of subpoenas for the appearance of witnesses or the production of documents on his or her behalf. An application shall be approved upon a concise showing by the respondent that the proposed testimony or evidence is relevant and appropriate, as determined by the Chairman and Vice Chairman.

(C) With respect to witnesses called by a respondent, or other individual given permission by the Committee, each such witness shall first be examined by the party who called the witness or by that party's counsel.

(D) At least one working day before a witness's scheduled appearance, a witness or a witness's counsel may submit to the Committee written questions proposed to be asked of that witness. If the Committee determines that it is necessary, such questions may be asked by any member of the Committee, or by any Committee staff member if directed by a Committee member. The witness or witness's counsel may also submit additional sworn testimony for the record within twenty-four hours after the last day that the witness has testified. The insertion of such testimony in that day's record is subject to the approval of the Chairman and Vice Chairman acting jointly within five days after the testimony is received.

(6) Admissibility of evidence:

(A) The object of the hearing shall be to ascertain the truth. Any evidence that may be relevant and probative shall be admissible, unless privileged under the Federal Rules of Evidence. Rules of evidence shall not be applied strictly but the Presiding Officer shall exclude irrelevant or unduly repetitious testimony. Objections going only to the weight that should be given evidence will not justify its exclusion.

(B) The Presiding Officer shall rule upon any question of the admissibility of testimony or other evidence presented to the Committee. Such rulings shall be final unless reversed or modified by a recorded vote of not less than four members of the Committee before the recess of that day's hearings.

(C) Notwithstanding paragraphs (A) and (B), in any matter before the Committee involving allegations of sexual discrimination, including sexual harassment, or sexual misconduct, by a Member, officer, or employee, within the jurisdiction of the Committee, the Committee shall be guided by the standards and procedures of Rule 412 of the Federal Rules of Evidence, except that the Committee may admit evidence subject to the provisions of this paragraph only upon a determination of not less than four members of the full Committee that the interests of justice require that such evidence be admitted.

(7) Supplementary hearing procedures: The Committee may adopt any additional special hearing procedures that it deems necessary or appropriate to a particular adjudicatory hearing. Copies of such supplementary procedures shall be furnished to witnesses and respondents, and shall be made available upon request to any member of the public.

(k) Transcripts:

(1) An accurate stenographic or recorded transcript shall be made of all public and executive hearings. Any member of the Committee, Committee staff member, outside counsel retained by the Committee, or witness may examine a copy of the transcript retained by the Committee of his or her own remarks and may suggest to the official reporter any typographical or transcription errors. If the reporter declines to make the requested corrections, the member, staff member, outside counsel or witness may request a ruling by the Chairman and Vice Chairman acting jointly. Any member or witness shall return the transcript with suggested corrections to the Committee offices within five working days after receipt of the transcript, or as soon thereafter as is practicable. If the testimony was given in executive session, the member or witness may only inspect the transcript at a location determined by the Chairman and Vice Chairman, acting jointly. Any questions arising with respect to the processing and correction of transcripts shall be decided by the Chairman and Vice Chairman, acting jointly.

(2) Except for the record of a hearing which is closed to the public, each transcript shall be printed as soon as is practicable after receipt of the corrected version.

The Chairman and Vice Chairman, acting jointly, may order the transcript of a hearing to be printed without the corrections of a member or witness if they determine that such member or witness has been afforded a reasonable time to correct such transcript and such transcript has not been returned within such time.

(3) The Committee shall furnish each witness, at no cost, one transcript copy of that witness's testimony given at a public hearing. If the testimony was given in executive session, then a transcript copy shall be provided upon request, subject to appropriate conditions and restrictions prescribed by the Chairman and Vice Chairman. If any individual violates such conditions and restrictions, the Committee may recommend by majority vote that he or she be cited for contempt of Congress.

RULE 6: SUBPOENAS AND DEPOSITIONS

(a) Subpoenas:

(1) Authorization for issuance: Subpoenas for the attendance and testimony of witnesses at depositions or hearings, and subpoenas for the production of documents and tangible things at depositions, hearings, or other times and places designated therein, may be authorized for issuance by either (A) a majority vote of the Committee, or (B) the Chairman and Vice Chairman, acting jointly, at any time during a preliminary inquiry, adjudicatory review, or other proceeding.

(2) Signature and service: All subpoenas shall be signed by the Chairman or the Vice Chairman and may be served by any person eighteen years of age or older, who is designated by the Chairman or Vice Chairman. Each subpoena shall be served with a copy of the Rules of the Committee and a brief statement of the purpose of the Committee's proceeding.

(3) Withdrawal of subpoena: The Committee, by recorded vote of not less than four members of the Committee, may withdraw any subpoena authorized for issuance by it or authorized for issuance by the Chairman and Vice Chairman, acting jointly. The Chairman and Vice Chairman, acting jointly, may withdraw any subpoena authorized for issuance by them.

(b) Depositions:

(1) Persons authorized to take depositions: Depositions may be taken by any member of the Committee designated by the Chairman and Vice Chairman, acting jointly, or by any other person designated by the Chairman and Vice Chairman, acting jointly, including outside counsel, Committee staff, other employees of the Senate, or government employees detailed to the Committee.

(2) Deposition notices: Notices for the taking of depositions shall be authorized by the Committee, or the Chairman and Vice Chairman, acting jointly, and issued by the Chairman, Vice Chairman, or a Committee staff member or outside counsel designated by the Chairman and Vice Chairman, acting jointly. Depositions may be taken at any time during a preliminary inquiry, adjudicatory review or other proceeding. Deposition notices shall specify a time and place for examination. Unless otherwise specified, the deposition shall be in private, and the testimony taken and documents produced shall be deemed for the purpose of these rules to have been received in a closed or executive session of the Committee. The Committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness's failure to appear, or to testify, or to produce documents, unless the deposition notice was accompanied by a subpoena authorized for issuance by the Committee, or the Chairman and Vice Chairman, acting jointly.

(3) Counsel at depositions: Witnesses may be accompanied at a deposition by counsel to advise them of their rights.

(4) Deposition procedure: Witnesses at depositions shall be examined upon oath administered by an individual authorized by law to administer oaths, or administered by any member of the Committee if one is present. Questions may be propounded by any person or persons who are authorized to take depositions for the Committee. If a witness objects to a question and refuses to testify, or refuses to produce a document, any member of the Committee who is present may rule on the objection and, if the objection is overruled, direct the witness to answer the question or produce the document. If no member of the Committee is present, the individual who has been designated by the Chairman and Vice Chairman, acting jointly, to take the deposition may proceed with the deposition, or may, at that time or at a subsequent time, seek a ruling by telephone or otherwise on the objection from the Chairman or Vice Chairman of the Committee, who may refer the matter to the Committee or rule on the objection. If the Chairman or Vice Chairman, or the Committee upon referral, overrules the objection, the Chairman, Vice Chairman, or the Committee as the case may be, may direct the witness to answer the question or produce the document. The Committee shall not initiate procedures leading to civil or criminal enforcement unless the witness refuses to testify or produce documents after having been directed to do so.

(5) Filing of depositions: Deposition testimony shall be transcribed or electronically recorded. If the deposition is transcribed, the individual administering the oath shall certify on the transcript that the witness was duly sworn in his or her presence and the transcriber shall certify that the transcript is a true record of the testimony. The transcript with these certifications shall be filed with the chief clerk of the Committee, and the witness shall be furnished with access to a copy at the Committee's offices for review. Upon inspecting the transcript, within a time limit set by the Chairman and Vice Chairman, acting jointly, a witness may request in writing changes in the transcript to correct errors in transcription. The witness may also bring to the attention of the Committee errors of fact in the witness's testimony by submitting a sworn statement about those facts with a request that it be attached to the transcript. The Chairman and Vice Chairman, acting jointly, may rule on the witness's request, and the changes or attachments allowed shall be certified by the Committee's chief clerk. If the witness fails to make any request under this paragraph within the time limit set, this fact shall be noted by the Committee's chief clerk. Any person authorized by the Committee may stipulate with the witness to changes in this procedure.

RULE 7: VIOLATIONS OF LAW; PERJURY; LEGISLATIVE RECOMMENDATIONS; EDUCATIONAL MANDATE; AND APPLICABLE RULES AND STANDARDS OF CONDUCT

(a) Violations of Law: Whenever the Committee determines by the recorded vote of not less than four members of the full Committee that there is reason to believe that a violation of law, including the provision of false information to the Committee, may have occurred, it shall report such possible violation to the proper Federal and state authorities.

(b) Perjury: Any person who knowingly and willfully swears falsely to a sworn complaint or any other sworn statement to the Committee does so under penalty of perjury. The Committee may refer any such case to the Attorney General for prosecution.

(c) Legislative Recommendations: The Committee shall recommend to the Senate

by report or resolution such additional rules, regulations, or other legislative measures as it determines to be necessary or desirable to ensure proper standards of conduct by Members, officers, or employees of the Senate. The Committee may conduct such preliminary inquiries as it deems necessary to prepare such a report or resolution, including the holding of hearings in public or executive session and the use of subpoenas to compel the attendance of witnesses or the production of materials. The Committee may make legislative recommendations as a result of its findings in a preliminary inquiry, adjudicatory review, or other proceeding.

(d) Educational Mandate: The Committee shall develop and implement programs and materials designed to educate Members, officers, and employees about the laws, rules, regulations, and standards of conduct applicable to such individuals in the performance of their duties.

(e) Applicable Rules and Standards of Conduct:

(1) Notwithstanding any other provision of this section, no adjudicatory review shall be initiated of any alleged violation of any law, the Senate Code of Official Conduct, rule, or regulation which was not in effect at the time the alleged violation occurred. No provisions of the Senate Code of Official Conduct shall apply to or require disclosure of any act, relationship, or transaction which occurred prior to the effective date of the applicable provision of the Code.

(2) The Committee may initiate an adjudicatory review of any alleged violation of a rule or law which was in effect prior to enactment of the Senate Code of Official Conduct if the alleged violation occurred while such rule or law was in effect and the violation was not a matter resolved in the merits by the predecessor Committee.

RULE 8: PROCEDURES FOR HANDLING COMMITTEE SENSITIVE AND CLASSIFIED MATERIALS

(a) Procedures for Handling Committee Sensitive Materials:

(1) Committee Sensitive information or material is information or material in the possession of the Select Committee on Ethics which pertains to illegal or improper conduct by a present or former Member, officer, or employee of the Senate; to allegations or accusations of such conduct; to any resulting preliminary inquiry, adjudicatory review or other proceeding by the Select Committee on Ethics into such allegations or conduct; to the investigative techniques and procedures of the Select Committee on Ethics; or to the information or material designated by the staff director, or outside counsel designated by the Chairman and Vice Chairman.

(2) The Chairman and Vice Chairman of the Committee shall establish such procedures as may be necessary to prevent the unauthorized disclosure of Committee Sensitive information in the possession of the Committee or its staff. Procedures for protecting Committee Sensitive materials shall be in writing and shall be given to each Committee staff member.

(b) Procedures for Handling Classified Materials:

(1) Classified information or material is information or material which is specifically designated as classified under the authority of Executive Order 11652 requiring protection of such information or material from unauthorized disclosure in order to prevent damage to the United States.

(2) The Chairman and Vice Chairman of the Committee shall establish such procedures as may be necessary to prevent the unauthorized disclosure of classified information in the possession of the Committee or its staff. Procedure for handling such information shall be in writing and a copy of the

procedures shall be given to each staff member cleared for access to classified information.

(3) Each member of the Committee shall have access to classified material in the Committee's possession. Only Committee staff members with appropriate security clearances and a need-to-know, as approved by the Chairman and Vice Chairman, acting jointly, shall have access to classified information in the Committee's possession.

(c) Procedures for Handling Committee Sensitive and Classified Documents:

(1) Committee Sensitive documents and materials shall be stored in the Committee's offices, with appropriate safeguards for maintaining the security of such documents or materials. Classified documents and materials shall be further segregated in the Committee's offices in secure filing safes. Removal from the Committee offices of such documents or materials is prohibited except as necessary for use in, or preparation for, interviews or Committee meetings, including the taking of testimony, or as otherwise specifically approved by the staff director or by outside counsel designated by the Chairman and Vice Chairman.

(2) Each member of the Committee shall have access to all materials in the Committee's possession. The staffs of members shall not have access to Committee Sensitive or classified documents and materials without the specific approval in each instance of the Chairman, and Vice Chairman, acting jointly. Members may examine such materials in the Committee's offices. If necessary, requested materials may be hand delivered by a member of the Committee staff to the member of the Committee, or to a staff person(s) specifically designated by the member, for the Member's or designated staffer's examination. A member of the Committee who has possession of Committee Sensitive documents or materials shall take appropriate safeguards for maintaining the security of such documents or materials in the possession of the Member or his or her designated staffer.

(3) Committee Sensitive documents that are provided to a Member of the Senate in connection with a complaint that has been filed against the Member shall be hand delivered to the Member or to the Member's Chief of Staff or Administrative Assistant. Committee Sensitive documents that are provided to a Member of the Senate who is the subject of a preliminary inquiry, adjudicatory review, or other proceeding, shall be hand delivered to the Member or to his or her specifically designated representative.

(4) Any Member of the Senate who is not a member of the Committee and who seeks access to any Committee Sensitive or classified documents or materials, other than documents or materials which are matters of public record, shall request access in writing. The Committee shall decide by majority vote whether to make documents or materials available. If access is granted, the Member shall not disclose the information except as authorized by the Committee.

(5) Whenever the Committee makes Committee Sensitive or classified documents or materials available to any Member of the Senate who is not a member of the Committee, or to a staff person of a Committee member in response to a specific request to the Chairman and Vice Chairman, a written record shall be made identifying the Member of the Senate requesting such documents or materials and describing what was made available and to whom.

(d) Non-Disclosure Policy and Agreement:

(1) Except as provided in the last sentence of this paragraph, no member of the Select Committee on Ethics, its staff or any person

engaged by contract or otherwise to perform services for the Select Committee on Ethics shall release, divulge, publish, reveal by writing, word, conduct, or disclose in any way, in whole, or in part, or by way of summary, during tenure with the Select Committee on Ethics or anytime thereafter, any testimony given before the Select Committee on Ethics in executive session (including the name of any witness who appeared or was called to appear in executive session), any classified or Committee Sensitive information, document or material, received or generated by the Select Committee on Ethics or any classified or Committee Sensitive information which may come into the possession of such person during tenure with the Select Committee on Ethics or its staff. Such information, documents, or material may be released to an official of the executive branch properly cleared for access with a need-to-know, for any purpose or in connection with any proceeding, judicial or otherwise, as authorized by the Select Committee on Ethics, or in the event of termination of the Select Committee on Ethics, in such a manner as may be determined by its successor or by the Senate.

(2) No member of the Select Committee on Ethics staff or any person engaged by contract or otherwise to perform services for the Select Committee on Ethics, shall be granted access to classified or Committee Sensitive information or material in the possession of the Select Committee on Ethics unless and until such person agrees in writing, as a condition of employment, to the non-disclosure policy. The agreement shall become effective when signed by the Chairman and Vice Chairman on behalf of the Committee.

RULE 9: BROADCASTING AND NEWS COVERAGE OF COMMITTEE PROCEEDINGS

(a) Whenever any hearing or meeting of the Committee is open to the public, the Committee shall permit that hearing or meeting to be covered in whole or in part, by television broadcast, radio broadcast, still photography, or by any other methods of coverage, unless the Committee decides by recorded vote of not less than four members of the Committee that such coverage is not appropriate at a particular hearing or meeting.

(b) Any witness served with a subpoena by the Committee may request not to be photographed at any hearing or to give evidence or testimony while the broadcasting, reproduction, or coverage of that hearing, by radio, television, still photography, or other methods is occurring. At the request of any such witness who does not wish to be subjected to radio, television, still photography, or other methods of coverage, and subject to the approval of the Committee, all lenses shall be covered and all microphones used for coverage turned off.

(c) If coverage is permitted, it shall be in accordance with the following requirements:

(1) Photographers and reporters using mechanical recording, filming, or broadcasting apparatus shall position their equipment so as not to interfere with the seating, vision, and hearing of the Committee members and staff, or with the orderly process of the meeting or hearing.

(2) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(3) Personnel providing coverage by the television and radio media shall be currently accredited to the Radio and Television Correspondents' Galleries.

(4) Personnel providing coverage by still photography shall be currently accredited to

the Press Photographers' Gallery Committee of Press Photographers.

(5) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and the coverage activities in an orderly and unobtrusive manner.

RULE 10: PROCEDURES FOR ADVISORY OPINIONS

(a) When Advisory Opinions Are Rendered:

(1) The Committee shall render an advisory opinion, in writing within a reasonable time, in response to a written request by a Member or officer of the Senate or a candidate for nomination for election, or election to the Senate, concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within the Committee's jurisdiction, to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

(2) The Committee may issue an advisory opinion in writing within a reasonable time in response to a written request by any employee of the Senate concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within the Committee's jurisdiction, to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

(b) Form of Request: A request for an advisory opinion shall be directed in writing to the Chairman of the Committee and shall include a complete and accurate statement of the specific factual situation with respect to which the request is made as well as the specific question or questions which the requestor wishes the Committee to address.

(c) Opportunity for Comment:

(1) The Committee will provide an opportunity for any interested party to comment on a request for an advisory opinion.

(A) which requires an interpretation on a significant question of first impression that will affect more than a few individuals; or

(B) when the Committee determines that comments from interested parties would be of assistance.

(2) Notice of any such request for an advisory opinion shall be published in the Congressional Record, with appropriate deletions to insure confidentiality, and interested parties will be asked to submit their comments in writing to the Committee within ten days.

(3) All relevant comments received on a timely basis will be considered.

(d) Issuance of an Advisory Opinion:

(1) The Committee staff shall prepare a proposed advisory opinion in draft form which will first be reviewed and approved by the Chairman and Vice Chairman, acting jointly, and will be presented to the Committee for final action. If (A) the Chairman and Vice Chairman cannot agree, or (B) either the Chairman or Vice Chairman requests that it be taken directly to the Committee, then the proposed advisory opinion shall be referred to the Committee for its decision.

(2) An advisory opinion shall be issued only by the affirmative recorded vote of a majority of the members voting.

(3) Each advisory opinion issued by the Committee shall be promptly transmitted for publication in the Congressional Record after appropriate deletions are made to insure confidentiality. The Committee may at any time revise, withdraw, or elaborate on any advisory opinion.

(e) Reliance on Advisory Opinions:

(1) Any advisory opinion issued by the Committee under Senate Resolution 338, 88th Congress, as amended, and the rules may be relied upon by—

(A) Any person involved in the specific transaction or activity with respect to which

such advisory opinion is rendered if the request for such advisory opinion included a complete and accurate statement of the specific factual situation; and

(B) any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such advisory opinion is rendered.

(2) Any person who relies upon any provision or finding of an advisory opinion in accordance with the provisions of Senate Resolution 338, 88th Congress, as amended, and of the rules, and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of any such act, be subject to any sanction by the Senate.

RULE 11: PROCEDURES FOR INTERPRETATIVE RULINGS

(a) Basis for Interpretative Rulings: Senate Resolution 338, 88th Congress, as amended, authorizes the Committee to issue interpretative rulings explaining and clarifying the application of any law, the Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction. The Committee also may issue such rulings clarifying or explaining any rule or regulation of the Select Committee on Ethics.

(b) Request for Ruling: A request for such a ruling must be directed in writing to the Chairman or Vice Chairman of the Committee.

(c) Adoption of Ruling:

(1) The Chairman and Vice Chairman, acting jointly, shall issue a written interpretative ruling in response to any such request, unless—

(A) they cannot agree,

(B) it requires an interpretation of a significant question of first impression, or

(C) either requests that it be taken to the Committee, in which event the request shall be directed to the Committee for a ruling.

(2) A ruling on any request taken to the Committee under subparagraph (1) shall be adopted by a majority of the members voting and the ruling shall then be issued by the Chairman and Vice Chairman.

(d) Publication of Ruling: The Committee will publish in the Congressional Record, after making appropriate deletions to ensure confidentiality, any interpretative rulings issued under this Rule which the Committee determines may be of assistance or guidance to other Members, officers or employees. The Committee may at any time revise, withdraw, or elaborate on interpretative rulings.

(e) Reliance on Rulings: Whenever an individual can demonstrate to the Committee's satisfaction that his or her conduct was in good faith reliance on an interpretative ruling issued in accordance with this Rule, the Committee will not recommend sanctions to the Senate as a result of such conduct.

(f) Rulings by Committee Staff: The Committee staff is not authorized to make rulings or give advice, orally or in writing, which binds the Committee in any way.

RULE 12: PROCEDURES FOR COMPLAINTS INVOLVING IMPROPER USE OF THE MAILING FRANK

(a) Authority To Receive Complaints: The Committee is directed by section 6(b) of Public Law 93-191 to receive and dispose of complaints that a violation of the use of the mailing frank has occurred or is about to occur by a Member or officer of the Senate or by a surviving spouse of a Member. All such complaints will be processed in accordance with the provisions of these Rules, except as provided in paragraph (b).

(b) Disposition of Complaints:

(1) The Committee may dispose of any such complaint by requiring restitution of the cost of the mailing, pursuant to the franking statute, if it finds that the franking violation was the result of a mistake.

(2) Any complaint disposed of by restitution that is made after the Committee has formally commenced an adjudicatory review, must be summarized, together with the disposition, in a report to the Senate, as appropriate.

(3) If a complaint is disposed of by restitution, the complainant, if any, shall be notified of the disposition in writing.

(c) Advisory Opinions and Interpretative Rulings: Requests for advisory opinions or interpretative rulings involving franking questions shall be processed in accordance with Rules 10 and 11.

RULE 13: PROCEDURES FOR WAIVERS

(a) Authority for Waivers: The Committee is authorized to grant a waiver under the following provisions of the Standing Rules of the Senate:

(1) Section 101(h) of the Ethics in Government Act of 1978, as amended (Rule XXXIV), relating to the filing of financial disclosure reports by individuals who are expected to perform or who have performed the duties of their offices or positions for less than one hundred and thirty days in a calendar year;

(2) Section 102(a)(2)(D) of the Ethics in Government Act, as amended (Rule XXXIV), relating to the reporting of gifts;

(3) Paragraph 1 of Rule XXXV relating to acceptance of gifts; or

(4) Paragraph 5 of Rule XLI relating to applicability of any of the provisions of the Code of Official Conduct to an employee of the Senate hired on a per diem basis.

(b) Requests for Waivers: A request for a waiver under paragraph (a) must be directed to the Chairman or Vice Chairman in writing and must specify the nature of the waiver being sought and explain in detail the facts alleged to justify a waiver. In the case of a request submitted by an employee, the views of his or her supervisor (as determined under paragraph 12 of Rule XXXVII of the Standing Rules of the Senate) should be included with the waiver request.

(c) Ruling: The Committee shall rule on a waiver request by recorded vote with a majority of those voting affirming the decision. With respect to an individual's request for a waiver in connection with the acceptance or reporting the value of gifts on the occasion of the individual's marriage, the Chairman and the Vice Chairman, acting jointly, may rule on the waiver.

(d) Availability of Waiver Determinations: A brief description of any waiver granted by the Committee, with appropriate deletions to ensure confidentiality, shall be made available for review upon request in the Committee office. Waivers granted by the Committee pursuant to the Ethics in Government Act of 1978, as amended, may only be granted pursuant to a publicly available request as required by the Act.

RULE 14: DEFINITION OF "OFFICER OR EMPLOYEE"

(a) As used in the applicable resolutions and in these rules and procedures, the term "officer or employee of the Senate" means:

(1) An elected officer of the Senate who is not a Member of the Senate;

(2) An employee of the Senate, any committee or subcommittee of the Senate, or any Member of the Senate;

(3) The Legislative Counsel of the Senate or any employee of his office;

(4) An Official Reporter of Debates of the Senate and any person employed by the Official Reporters of Debates of the Senate in connection with the performance of their official duties;

(5) A member of the Capitol Police force whose compensation is disbursed by the Secretary of the Senate;

(6) An employee of the Vice President, if such employee's compensation is disbursed by the Secretary of the Senate;

(7) An employee of a joint committee of the Congress whose compensation is disbursed by the Secretary of the Senate;

(8) An officer or employee of any department or agency of the Federal Government whose services are being utilized on a full-time and continuing basis by a Member, officer, employee, or committee of the Senate in accordance with Rule XLI(3) of the Standing Rules of the Senate; and

(9) Any other individual whose full-time services are utilized for more than ninety days in a calendar year by a Member, officer, employee, or committee of the Senate in the conduct of official duties in accordance with Rule XLI(4) of the Standing Rules of the Senate.

RULE 15: COMMITTEE STAFF

(a) Committee Policy:

(1) The staff is to be assembled and retained as a permanent, professional, non-partisan staff.

(2) Each member of the staff shall be professional and demonstrably qualified for the position for which he or she is hired.

(3) The staff as a whole and each member of the staff shall perform all official duties in a nonpartisan manner.

(4) No member of the staff shall engage in any partisan political activity directly affecting any congressional or presidential election.

(5) No member of the staff or outside counsel may accept public speaking engagements or write for publication on any subject that is in any way related to his or her employment or duties with the Committee without specific advance permission from the Chairman and Vice Chairman.

(6) No member of the staff may make public, without Committee approval, any Committee Sensitive or classified information, documents, or other material obtained during the course of his or her employment with the Committee.

(b) Appointment of Staff:

(1) The appointment of all staff members shall be approved by the Chairman and Vice Chairman, acting jointly.

(2) The Committee may determine by majority vote that it is necessary to retain staff members, including staff recommended by a special counsel, for the purpose of a particular preliminary inquiry, adjudicatory review, or other proceeding. Such staff shall be retained only for the duration of that particular undertaking.

(3) The Committee is authorized to retain and compensate counsel not employed by the Senate (or by any department or agency of the Executive Branch of the Government) whenever the Committee determines that the retention of outside counsel is necessary or appropriate for any action regarding any complaint or allegation, preliminary inquiry, adjudicatory review, or other proceeding, which in the determination of the Committee, is more appropriately conducted by counsel not employed by the Government of the United States as a regular employee. The Committee shall retain and compensate outside counsel to conduct any adjudicatory review undertaken after a preliminary inquiry, unless the Committee determines that the use of outside counsel is not appropriate in the particular case.

(c) Dismissal of Staff: A staff member may not be removed for partisan, political reasons, or merely as a consequence of the rotation of the Committee membership. The Chairman and Vice Chairman, acting jointly, shall approve the dismissal of any staff member.

(d) Staff Works for Committee as a Whole: All staff employed by the Committee or housed in Committee offices shall work for the Committee as a whole, under the general

direction of the Chairman and Vice Chairman, and the immediate direction of the staff director or outside counsel.

(e) Notice of Summons To Testify: Each member of the Committee staff or outside counsel shall immediately notify the Committee in the event that he or she is called upon by a properly constituted authority to testify or provide confidential information obtained as a result of and during his or her employment with the Committee.

RULE 16: CHANGES IN SUPPLEMENTARY PROCEDURAL RULES

(a) Adoption of Changes in Supplementary Rules: The Rules of the Committee, other than rules established by statute, or by the Standing Rules and Standing Orders of the Senate, may be modified, amended, or suspended at any time, pursuant to a recorded vote of not less than four members of the full Committee taken at a meeting called with due notice when prior written notice of the proposed change has been provided each member of the Committee.

(b) Publication: Any amendments adopted to the Rules of this Committee shall be published in the Congressional Record in accordance with Rule XXVI(2) of the Standing Rules of the Senate.

TRIBUTES TO ALAN CRANSTON

● Mr. CONRAD. Mr. President, I rise today to join my colleagues in mourning the death of our former colleague from California, Senator Alan Cranston. The nation lost a truly remarkable man last December.

Senator Alan Cranston had a long and effective career of public service spanning six decades, including 24 years as a United States Senator. He first entered public service in 1942 as Chief of the Foreign Language Division of the Office of War Information in the Executive Offices of the President. This began his very productive life of public service.

I served side-by-side with Senator Cranston for six years. In those six years alone he had his hand in many fundamental pieces of legislation. For example he produced the Cranston-Gonzales National Affordable Housing Act of 1990, the first major piece of housing legislation in a decade. He was also the original author of the California Desert Protection Act, which was enacted in 1993. Throughout his long career, Senator Cranston was a true advocate for the environment, civil rights, and world peace.

Whether one agreed or disagreed with Alan Cranston's views, we here in the Senate will always remember him for his integrity and dedication. Alan Cranston fought tirelessly for his beliefs, no matter what the consequence. Yet he was also kind, energetic, and thoughtful.

Put simply, I admired and respected Senator Alan Cranston. I would now like to take this opportunity to extend my thoughts and prayers to his sister Eleanor Cranston, his son Kim, his daughter-in-law Collette Penne Cranston, his granddaughter Evan Cranston, and to his remaining friends, family and staff. We will all miss him.●

Mr. HARKIN. Mr. President, when I heard that my friend, Alan Cranston,

passed away this New Year's Eve, I couldn't quite believe it. I remember Alan as a man in a constant state of motion, always pressing on for the causes he cared for, plotting the next steps, pondering how he could do more. It is hard to reconcile the finality of death with the endless, focused energy that defined his life.

Alan's record of service spans the better part of the twentieth century. He was a journalist who covered World War II, an author who warned Americans about the threat of Hitler, a leader of an organization that opposed discrimination against immigrants, long before that was fashionable.

He revived the California Democratic party in the 1950's, was the California state controller in the 1960's, and served his first term in the United States Senate in the 1970's. He was a Senator for 24 years, including seven consecutive terms as Democratic whip, and he even made a run for the Presidency in 1984. And since his retirement from the Senate in 1993, Alan had dedicated himself to the cause he cared about most; eliminating nuclear weapons.

If you didn't know Alan, his impressive list of accomplishments might lead you to think that he must have been a man of great showmanship and obvious charisma. But that wasn't Alan.

Alan believed in the philosophy of Lao-tzu: "A leader is best when people barely know that he exists. But of a good leader, when his work is done, his aim fulfilled, they will all say, 'We did this ourselves.'" Accordingly, Alan did a lot of his work behind the scenes. He had neither the time nor the patience for back-slapping and schmoozing; he liked to cut to the chase, let you know what was what, and move on to the next thing.

Alan was never loud or arrogant or flashy. He didn't have to be. His authority came from a force deeper than personality. It came from his conscience.

The anti-war activist, Father Daniel Berrigan, once talked about the danger of "verbalizing . . . moral impulses out of existence." That was never within the realm of possibility for Alan. Whether he was standing up for veterans, working to save millions of acres of desert and wilderness, or speaking out for nuclear disarmament, Alan steadfastly followed his conscience, even when it led him to the uncharted paths or difficult places where no one else would go.

I don't know whether it was the result of this active conscience or his fierce intellect or some combination of the two, but Alan had this extraordinary prescience, this ability to predict with startling accuracy what the future would bring. He understood the threat of Adolf Hitler long before many others, and he worked to warn us before it was too late. He fought discrimination against immigrants, long before most of us realized that was the right

thing to do. He spoke out about nuclear weapons long before the disarmament movement took root in the popular imagination.

And he believed in the notion of uniform world law decades before the rise of the global age. In fact, many decades ago, he was the leader of the World Federalist Association, a group dedicated to the idea of establishing a uniform world law. Back then, the WFA must have seemed like a somewhat eccentric organization, oddly out of synch with the times.

But it was vintage Alan, just another manifestation of his profound idealism. Alan really believed that people of all different nationalities and races and ethnicities could rise to meet the standard of a just rule of law.

Alan once said of nuclear deterrence: "This may have been necessary during the cold war; it is not necessary forever. It is not acceptable forever. I say it is unworthy of our nation, unworthy of any nation; it is unworthy of civilization."

Alan had the highest hopes for our world. We owe it to him to try to live up to them and to carry out his legacy of peace in the new millennium he did not live to see.

In conclusion, I ask that a recent article from Roll Call on Alan Cranston by Daniel Perry appear in the RECORD at the end of my remarks.

Dan Perry, a former staffer for Alan Cranston, is a leader in his own right. For years he has been on the forefront of aging and health policy as head of the Alliance for Aging Research. His remarks reflect his deep admiration for Senator Cranston and his commitment to the Senator's lofty ideals.

The article is as follows:

[From Roll Call, Jan. 4, 2001]

CRANSTON LEGACY SERVES AS MODEL FOR MEMBERS OF THE 107TH CONGRESS

(By Daniel Perry)

The sharply divided 107th Congress would do well to ponder the quiet but enduringly effective political skills of the late Sen. Alan Cranston (D) of California. His 24-year Senate career, during tumultuous and partisan times, showed that strong beliefs make good politics, but success begins with respecting the motives and sincerity of others, including your opponents.

Cranston's sudden death, just hours before the first day of 2001, ended a life devoted to issues about which he was passionate: International peace and arms control, human rights and protection of the environment. For this Californian the quest for high public office—even the United States Senate—was never a simple pursuit of power nor an end in itself.

Politics and policy were the means by which he could help make the human passage on earth fairer, safer and more serene. His commitment to halting future use of nuclear weapons began when he was introduced to Albert Einstein in 1946. He was still working tirelessly toward that goal when he died, at age 86, eight years after he left the Senate.

In the shorthand of the obituary writer, Cranston is remembered for winning four Senate elections, serving seven consecutive terms as Democratic Whip, for having run for president as the champion of a nuclear

freeze and for being tarred by the so-called Keating Five scandal. While all true, that doesn't begin to describe a political career of amazing productivity and accomplishment, showing just how much one person quietly can do to shape his or her times.

By one count, there were 2,500 tallies in the Senate between 1969 and 1989 that were decided by fewer than five votes, and often by a single vote. Cranston was often a crucial player, not only for his vote alone but as a behind-the-scenes strategist, head counter, marshaler of forces and shrewd compromiser who always lived to fight another day.

He was frequently one-half of various Senate odd-couple pairings, meshing his principles with pragmatism. He teamed with conservative Senators such as Strom Thurmond (R-S.C.) to improve veterans programs, Alfonse D'Amato (R-N.Y.) on public housing measures and the legendary Barry Goldwater (R-Ariz.) to protect press freedoms guaranteed under the First Amendment.

Cranston was liberal and an idealist to the core, but never an ideologue or blindly partisan. That balance enabled him to become one of the most durable and successful California politicians of the 20th century. He was elected six times to statewide office from California.

Representing the West Coast megastate in the Senate meant skillfully balancing myriad insistent and often conflicting home-state interests. Even as California changed politically and demographically, Cranston managed to steer a delicate course between the state's giant agribusiness interests and those of consumers, family farmers and farm workers; he weighed the claims of home builders and growing communities against the need to preserve open spaces and wildlife habitats.

Amazingly, he helped end the Vietnam War and was a major figure in the nation's arms control and peace movements, even as he effectively represented the epicenter of the nation's defense and aerospace industries.

It is a measure of the man that he was able to separate the warriors of Vietnam from the war itself. From 1969 to 1992 all legislation concerning America's veterans bore his stamp, especially measures improving health care and mental health services for those who fought in the nation's most unpopular war.

Teaming up with the late Rep. Phillip Burton (D) of San Francisco on environmental issues, the two Californians managed to place under federal protection as much acreage as all the national park lands created earlier in the 20th century combined.

Today there is a catalog of thousands of bills and amendments he personally authored affecting virtually every aspect of national life: civil rights, adoption and foster care reform, wild rivers, research to improve aging and longevity, workplace safety, emergency medical services and much more.

He lived by the maxim that a leader can accomplish great things if he doesn't mind who gets the credit.

The Cranston style has not been much in evidence in Washington during recent years. However, Members in the 107th Congress—where many a cause will be determined by one or very few votes—would do well to consider the lessons of his enabling career. If they study the Cranston legacy and seek to emulate it, the nation and the world will be better for it.

Mr. KENNEDY. Mr. President, Kim, Colette, Evan, R.E.—let me begin by saying I loved Alan too. I will never forget the 24 years of friendship and leadership and achievement with which he graced the Senate and the nation. So it's a special privilege and honor for

me to be part of this tribute today. Alan is profoundly missed by his family and friends, his colleagues in the Congress, and by all those around the world who pursue the great goals of hope and progress and peace.

I must say, I grew up thinking Cranston was a city in Rhode Island. But Alan taught each of us that Cranston stands for something else as well, the very best in public service.

Alan loved to lead behind the scenes, for 14 of those 24 Senate years with us, he was our Democratic whip, and he wrote the book about the job. In those great years, we used to tease Alan about the position, because so few people outside Congress knew what it involved. Since Alan was from California, a lot of people thought the Minority Whip was the name of a Leather Bar in Malibu.

But seriously, Alan was a giant of his day on many issues, and his concern for social justice made him a leader on them all. We served together for many years on the Labor Committee and especially the Health Subcommittee, and his insights were indispensable. I always felt that if we'd had another Alan Cranston or two in those years, we'd have actually passed our Health Security Act, and made health care the basic right for all that it ought to be, instead of just an expensive privilege for the few.

Perhaps the greatest legacy that Alan left us was his able and tireless work for democracy and world peace. Every village in the world is closer to that goal today because of Alan. No one in the Senate fought harder or more effectively for our nuclear weapons freeze in the 1980's, or for nuclear arms control. His hope for a nuclear-free future still represents the highest aspiration of millions, even billions, throughout the world.

I also recall Alan's pioneering efforts to press for Senate action to end the war in Vietnam, and his equally able leadership for civil rights at home and human rights around the world. We know how deeply he felt about injustice to anyone anywhere. His leadership in the battle against apartheid in South Africa was indispensable.

Throughout his brilliant career, the causes of civil rights and human rights were central to Alan's being and his mission—and America and the world are better off today because Alan Cranston passed this way.

A key part of all his achievements was his unique ability to translate his ideals into practical legislation. Few if any Senators have been as skilled as Alan in the art of constructive legislative compromise that fairly leads to progress for the Nation.

He was a vigorous supporter of the Peace Corps, a strong overseer of its performance, and a brilliant advocate for all the Peace Corps Volunteers. He was a champion for health coverage of returning Volunteers, and one of the first to understand that good health coverage had to include mental health services too.

In many ways, his first love was the Peace Corps, and I know that President Kennedy would have been very proud of him. Even before he came to the Senate, he had his first contact with the Corps, as a consultant for Sargent Shriver. As Alan often said, he became involved because he was so inspired by my brother's vision of a world where Americans of all ages could work side-by-side with peoples throughout the world to put an end to poverty.

Because of Alan, the Peace Corps today is thriving as never before—free of the partisan tensions that divide us on other issues, spreading international understanding of Alan's and America's best ideals, educating new generations of young Americans about our common heritage as travelers on spaceship earth, teaching us about the beauty, the richness, and the diversity of other peoples, other languages, and other cultures and about the enduring importance of the greatest pursuit of all, the pursuit of peace.

Near the end of John Bunyan's "Pilgrim's Progress," there is a passage that tells of the death of Valiant:

Then, he said, I am going to my Father's. And though with great difficulty I am got hither, yet now I do not regret me of all the trouble I have been at to arrive where I am. My sword I give to him that shall succeed me in my pilgrimage, and my courage and skill to him that can get it. My marks and scars I carry with me, to be a witness for me, that I have fought his battle who now will be my rewarder.

When the day that he must go hence was come, many accompanied him to the river-side, into which as he went, he said, 'Death, where is thy sting?' and as he went down deeper, he said, 'Grave, where is thy victory?' So he passed over, and all the trumpets sounded for him on the other side.

We loved you, Alan. We miss you. And we always will.

Mr. KERRY. Mr. President, it is a special privilege to join all of you today to honor the life and extraordinary accomplishments of Alan Cranston.

As we all know, Alan was a sprinter and—always with an incredible mischievous twinkle in his eye he sprinted through life. I think one of the most enduring images of him is of Alan on the eve of the Iowa caucuses in 1984 at the Holiday Inn in Keokuk, Iowa, sprinting barefooted down the 40-meter hallway, walking back and repeating the exercise for about 40 minutes. It was no coincidence that Alan's favorite hotel in the country, Chicago's O'Hare Hilton, boasts 250-meter hallways.

Three weeks ago in California we shared a goodbye to our friend, this sprinter, at a memorial service—calling to mind the many ways he enriched public lives and personal relationships.

There in the Grace Cathedral, we heard Colette Cranston say that in death Alan Cranston "has become my Jiminy Cricket—that little voice in her conscience that says, 'Colette, think before you leap.'" It would not be an exaggeration to say that warning was characteristic of Alan when he

served here in the United States Senate. He wanted us to look, and he wanted us to leap. He implored us to put a human face on public policy—to think not in statistics and numbers and programs alone, but in terms of people: and the people he spoke of most often were senior citizens, children, those without decent housing, immigrants, and those in need of a helping hand regardless of race or religion. He was a moral voice, a voice of conscience, someone who understood that even as he remained vigilant defending the needs of the homefront in California, he was also a global citizen who knew this institution had global responsibilities.

Through four terms as a United States Senator, he remained a man of enormous humility on his answering machine he was simply "Alan"—as he was to so many who knew him. This personal sense of place and restraint made it easy to underestimate the contributions he made to the Senate, and to our country. Certainly he never paused long enough to personally remind us of the impact of his service, of the history he was a part of and the lives he touched.

I first met Alan in 1971 when I had returned from Vietnam and many of our veterans were part of an effort to end a failed American policy in Vietnam. In Alan Cranston we found one of the few Senators willing not just to join in the public opposition to the war in Vietnam, but to become a voice of healing for the veterans of the war a statesman whose leadership enabled others, over time, to separate their feelings for the war from their feelings for the veterans of the war. At a time when too many wanted to disown its veterans, Alan offered Vietnam veterans a warm embrace. He was eager to do something all too rare in Washington: listen—and he listened to veterans who had much to say, much of it ignored for too long. He honored their pride and their pain with sensitivity and understanding.

That's when I first saw the great energy and commitment Alan brought to the issues affecting veterans, especially those of the Vietnam era. He was deeply involved on veterans' health care issues, among the first to fight for recognition of post-Vietnam stress syndrome, and a leader in insisting on coverage under the V.A. for its treatment. When the Agent Orange issue came to the fore, Alan insisted on getting answers from an unresponsive government about the consequences of exposure to dioxin, making sure that veterans and their families got the health care they needed. Under his leadership Congress grudgingly increased GI Bill benefits for Vietnam veterans—veterans who too often had to fight for benefits they should have been guaranteed without question—indeed, for veterans who had to fight if only to have a memorial and if only to have the government recognize that they fought in a war and not a police conflict Alan's leadership made all the difference. It is

a sad truth in our country's history that a weary Nation seemed eager to turn its back on so many Vietnam veterans who simply sought their due; it should forever be a source of pride to the Cranston family that Alan was chief among those who insisted that America honor that service and keep faith with sons who left pieces of themselves and years of their lives on the battlefield in that far-away Nation.

This was a man who fought with the greatest of passion for those who had fought in a difficult war—even as he was also the Senator who fought against all that war represents—remembering that war, brutality, and killing are the ultimate failure of diplomacy.

Alan Cranston was above all a man of peace. With him it was not just a policy but a passion. Remember: This was a man who, in 1934, found himself in the same room as Adolf Hitler. Five years later, he wrote a critical English translation of Adolf Hitler's "Mein Kampf" in an effort to reveal the German leader's true plans. He wore Hitler's ensuing lawsuit as a badge of honor, proud that he had stood up to try and warn the English-speaking world about the evils of Nazism.

Throughout the rest of his service he used public office to force Americans to listen to other prescient warnings—about nuclear arms, about a dangerous arms race spiraling beyond our control, and about hopes for peace that he refused to give up even as others chose to beat the drums for war.

Senator Cranston came to his famous commitment to arms control after meeting with Albert Einstein in 1946. He left that meeting convinced that the threat of atomic weapons had to be stemmed—and he spent the balance of his life arguing that conviction before the Nation.

As a member of the Senate leadership and a senior voice on the Democratic side of the Foreign Relations Committee he worked to reduce the nuclear threat. One of his most important efforts was one of the least publicized. Throughout the 1970s and the 1980's, Alan convened a unique arms control study group the "SALT Study Group". This senators-only gathering met monthly in his office, off the record, and face to face to define common ground. He knew the impact quiet diplomacy could have on the issues he cared about most of all.

He loved what the Peace Corps does, and he fought for it. He fought to attach human rights conditions on aid to El Salvador and to halt contra aid. He was a leading national advocate for a mutual verifiable nuclear freeze. He was always an idealist whose increase in political power was always met by progress for the issues he cared about so deeply. It was not just the work of a career, but of a lifetime—after he left the Senate he chaired the State of the World Forum and joined with former Soviet leader Mikhail Gorbachev as chairman of the Gorbachev Founda-

tion/USA and in 1999, he founded the Global Security Institute.

He did that because he sensed that the end of the Cold War, with all the opportunity it afforded, created a more dangerous world, with aging nuclear weapons in increasingly disparate and unreliable hands. He was haunted by the threat of nuclear terrorism. He was passionate about the nuclear test ban treaty and was angry when it went down to a shallow and partisan defeat in the Senate. We missed his voice in that debate; we miss him still more today.

When he left the Senate, Alan reflected upon his service and his accomplishments. Of his lasting legacy, he said simply: "Most of all, I have dedicated myself to the cause of peace."

That dedication was real and lasting—a legacy of peace for a good and peaceful man who gave living embodiment to Culbertson's simple, stubborn faith that "God and the politicians willing, the United States can declare peace upon the world, and win it." That belief was Alan Cranston and it is a belief worth fighting for.

HOME HEALTH CARE STABILITY ACT

Mr. BURNS. Mr. President, I rise today to add my name as a cosponsor to the Home Health Care Stability Act of 2001. I commend the leadership of my friends Senator COLLINS and Senator BOND and I am pleased to join my many other colleagues in support of this very important piece of legislation.

This bill is two-fold, it will permanently eliminate the automatic 15 percent reduction in Medicare payments to home health agencies that is currently scheduled to go into effect on October 1, 2002 and will also extend the temporary 10 percent add-on payment for home health patients in rural areas to ensure that these patients continue to have access to much-needed care.

Times are rapidly changing. Today more than ever, patients are spending less time in the hospital. More and more, we are seeing procedures done on an outpatient basis, with recovery and care for patients with chronic conditions taking place in the home. In addition, in my State of Montana, for example, the number of elderly who are chronically ill or disabled continues to grow. How do we care properly and compassionately for these individuals? As our population ages, the answer to this question becomes more and more important.

Increasingly, the answer for many is home health care. Home health care is an important part of Medicare in which seniors and the disabled can get the care they need, where they want it: in the comfort and security of their own homes. Additionally, home health care is a necessity because, for many, their health or physical condition makes it almost impossible to leave home. Not only is it convenient, but much more

importantly, patients love it. They love it because home health care allows seniors and others with disabilities a feeling of independence and dignity, despite their illnesses. Often home health is an alternative to more expensive services in hospitals, and, thus, is a cost-effective alternative to providing care.

However, folks, there is a home health care crisis—too many seniors and disabled who should be receiving health care services at home are not getting it. This is wrong. Many of our most frail and vulnerable have had to be repeatedly hospitalized with problems that could have been avoided had they been continuing to receive their home health benefits. Others are trying to pay for the care themselves, often on very limited means. Some are going without care altogether.

By the late 1990s, home health care was the fastest growing component of Medicare spending, growing at an average of 26 percent annually. We all know what happened next—in an effort to balance the budget and make the home health program more cost-effective and efficient, Congress in the Balanced Budget Act of 1997, BBA, tried to cut the growth in Medicare spending. Unfortunately, the real results of this action went much farther than we intended, in large part because of faulty implementation and excessive regulatory requirements of the Health Care Financing Administration, HCFA. As the cuts and regulations spun out-of-control, health care providers struggled to survive, while many were forced to close their doors entirely. Ultimately, patients suffered the most. This story applies to patients and providers in all parts of Medicare, hospitals, nursing homes, home health care providers, everyone.

Now, on the horizon, is yet another 15-percent cut that would put many of our already struggling home health agencies at risk and would seriously jeopardize access to critical home health services for millions of our Nation's seniors. In my State of Montana, access to home health care is already a problem for many, we cannot make this problem worse. Home health and, most importantly, the patients who depend on its services cannot afford this. We must act now.

I am indeed proud that last year we passed legislation, the Medicare, Medicaid, and S-CHIP Benefits Improvement and Protection Act, which provided some relief to struggling home health agencies. However, I do not think that it went far enough. First, we must eliminate the 15 percent cut completely. The simple fact is that an additional 15 percent cut in Medicare home health payments would spell death for those low-cost agencies which are currently struggling to hang on, and it would further reduce seniors' access to critical home care services. We have already delayed this 15 percent cut three times—the time has come to do away with it once and for all. Secondly, we must also make permanent

the temporary 10 percent add-on for home health services furnished patients in rural areas. This, too, was included in last year's legislation, this bill would make it permanent.

In Montana, we know too well how very expensive it is for home health agencies to deliver services to rural patients. They have to travel long distances, and it takes a long time to reach those patients. That all adds to the cost.

The Home Health Care Stability Act will provide essential relief for our home health agencies that are struggling to make ends meet. I am proud to add my name as a cosponsor of this important piece of legislation. I hope we can get quick action on this bill to ensure that seniors and the disabled have appropriate access to quality home health care.

PUBLIC MEDAL OF VALOR ACT

Mr. LEAHY. Mr. President, I am pleased to cosponsor the Public Safety Officer Medal of Valor Act, S. 39, which was introduced by Senator STEVENS. I thank him for his hard work on this important piece of legislation.

I supported and cosponsored the Public Safety Officer Medal of Valor Act in the last Congress as well. I was disappointed that this legislation did not become law then. In April and May, 1999, I made sure that the Senate acted on this bill. On April 22, 1999, the Senate Judiciary Committee took up that measure in regular order and reported it unanimously. At that time I congratulated Senator STEVENS for introducing the measure and thanked him for his leadership. I noted that we had worked together on a number of law enforcement matters and that the senior Senator from Alaska is a stalwart supporter of the men and women who put themselves at risk to protect us all. I said that I looked forward to enactment of this measure and to seeing the extraordinary heroism of our police, firefighters and correctional officers recognized with the Medal of Valor.

On May 18, 1999, I was privileged to be on the floor of the Senate when we proceeded to consider S. 39 and passed it unanimously. I took that occasion to commend Senator STEVENS and all who had worked so hard to move this measure in a timely way. That was during National Police Week nearly two years ago. The measure was sent to the House of Representatives where it lay dormant for the remainder of the 106th Congress.

Instead, the House, in the last Congress, insisted that the Senate take up, fix and pass the House-passed version of this measure, H.R. 46, if it were to become law. House members indicated that they were prepared to accept most of the Senate-passed text, but insisted that it be enacted under the House bill number. In order to get this important measure to the President, we did that on December 15, 2000. We discharged

the House-passed version of that bill from the Judiciary Committee, adopting a complete substitute, and sent it back to the House. Unfortunately, the House failed to act on our good faith effort last year, and the Public Medal of Valor was never enacted.

This year, I have again worked with Senator STEVENS, Senator HATCH, and others to get this important bill passed. I urge my colleagues to work towards improvements to ensure that the Medal of Valor Board will work effectively and efficiently with the National Medal of Valor Office within the Department of Justice. Our legislation should establish both of these entities. It is essential that they work well together to design the Medal of Valor and to create the criteria and procedures for recommendations of nominees for the award. The men and women who will be honored by the Medal of Valor for their brave deeds deserve nothing less. I hope the Senate will quickly act on these changes to this important measure.

BLACK HISTORY MONTH

Mr. KERRY. Mr. President, I'd like to make a few comments today in recognition of Black History Month. For a quarter-century, our country has held the month of February in special regard as a time to remember and reflect on the rich history and extraordinary achievements of African Americans. Today, I would like to speak about some important and influential African Americans from my home State of Massachusetts.

The diversity we celebrate during this month encompasses many areas. African-American leaders should be recognized not only for their achievements in the face of racial discrimination, but for the accomplishments they have made in a wide variety of occupations. Diversity stretches beyond race and crosses into gender, age, and occupation. The following men and women cover a wide spectrum of interests, eras, and accomplishments, and each has made a significant contribution to the Massachusetts community.

In 1845, Macon B. Allen became the first African American officially admitted to the bar, and he practiced law for many years in Worcester, Massachusetts before moving to South Carolina, where he became one of the first black Federal judges in the Nation. Mr. Allen set a precedent that opened many doors for the minority attorneys and judges who followed in his footsteps.

Dr. W.E.B. DuBois has long been recognized as a figure of leadership in African-American history. Dr. DuBois fought racism through words, writing in such publications as the National Association for the Advancement of Colored People journal. He approached civil rights boldly, advocating the eradication of all distinctions on the basis of race or color. Throughout the early half of the 20th century, DuBois

sought this ideal, in his words, "to obtain without compromise such rights and privileges as belonged to members of civilization of which he was a part."

John Thomas, an athlete from Massachusetts, truly soared above his competition. As a freshman at Boston University, Thomas established a new world record for the high jump at 7 feet, 1¼ inches in 1959. As the first athlete to consistently jump more than 7 feet, Thomas went on to break his own record twice. He represented America in the 1960 Summer Olympics in Rome, medaling in the high jump. In addition to his athletic activities, Thomas served his local community as a leader in several organizations, including the Boy Scouts of America and the National Multiple Sclerosis Society.

Dorothy West was heralded as "the last living member of the Harlem Renaissance" until her death in 1998. Despite her ties to the New York artists' movement, her roots in Massachusetts run deep. Ms. West was born near Martha's Vineyard and spent nearly her entire life there. Ms. West became an award-winning writer when she was still a teenager, and she started and edited several literary magazines that focused on black writers of the era. She returned to Martha's Vineyard to finish her first novel, *The Living is Easy*, published in 1948, and to write her second novel, *The Wedding*, later published in 1995.

These stories provide meaningful snapshot of how African Americans have contributed greatly to Massachusetts and our Nation. Their triumphs, along with the everyday achievements of African-Americans in my state, should be applauded. I am proud that my State has such a richly diverse history and I'm pleased we have set aside this month to commemorate these accomplished individuals. I hope as a Nation we will remember these achievements not only this month, but everyday.

Mr. WELLSTONE. Mr. President, I rise today to speak on behalf of this year's Black History Month theme, "Creating and Defining the African American Community: Family, Church, Politics and Culture." I would like to note that while we take time in February to recall the contributions, accomplishments and services that our fellow citizens have rendered, it is important to remember that the contributions of African Americans to America happen everyday in every walk of life.

Moreover, in our review of these vital contributions, we are called upon to acknowledge the courage, talent, determination, leadership and vision of those men, women and children who made an impact in the face of incredible obstacles.

This year's theme, I believe, is fundamental not only in defining the African American community, but the American community at large. The struggle for a better America begins with each individual and his or her call to civic

duty. The historical context of building a better America begins with gaining a deeper understanding of our history and how our social environment has been shaped.

The civil rights movement helped our Nation, and particularly our government, recognize that universal participation and rights are enjoined upon all citizens, regardless of the color of their skin. One of the many lessons that can be gleaned from this movement is that it is our duty as Americans to embrace the diverse elements of our society so that future generations can see themselves in our Nation's past and realize that they have a role to play in seizing the future's countless opportunities.

In acknowledging the various elements of the African American community of Family, Church, Politics and Culture, I would like to acknowledge a few of the outstanding contributions of African Americans in the state of Minnesota. Their efforts have helped shape the social, economic and political landscape of that vibrant community as well as the community at large.

Just recently, the United States Postal Service issued a stamp in its Postal Service's Black Heritage commemorative series. This stamp commemorates the life and accomplishments of one of the great leaders of the civil rights movement, Mr. Roy Wilkins, who grew up in St. Paul and attended the University of Minnesota. In 1931 he was appointed assistant executive secretary of the National Association for the Advancement of Colored People, NAACP, the largest civil rights organization in the U.S. From 1934 to 1949 he was editor of *The Crisis*, the official magazine of the NAACP. Wilkins served as a consultant to the War Department on black employment during World War II. After the war he continued his service to the NAACP; he was executive secretary from 1955 to 1965 and executive director from 1965 until his retirement in 1977. He played a major role in the preparation of *Brown versus Board of Education of Topeka*, 1954, and was one of the organizers of the March on Washington in 1963. It is only fitting that the legacy of a man of such integrity, vision, and deep conviction is given tribute through this special recognition. His leadership and dedication to the civil rights cause is exemplary.

I am proud to honor the religious community not only for their spiritual guidance of the African American community, but also for their unwavering efforts to improve the quality of life in our cities and state. The Coalition of Black Churches in Minneapolis and the St. Paul Ministerial Alliance truly have made a difference in the community with their outreach on behalf of their congregations and community, through their experience and sacrifice, through their political will with their legislative agendas, and most importantly, through their leadership and exemplary behavior. They are not simply preaching the meaning of values,

family and community service, they are also showing us.

In the arena of politics, Ms. Neva Walker became the first African American woman to be elected to the Minnesota Legislature just last fall. Given the dispiriting level of civic participation in our society today, I truly am appreciative of the vision and leadership that Representative Walker brings to her constituents and our state. I am honored to know and work with Representative Walker. As the first African American woman legislator in our state I know she will make important changes, provide needed leadership, and introduce legislation that will greatly help many people.

Our community also is extremely privileged to have an organization with the capacity and outreach of African American Family Services. For 25 years, this organization has reached out to the community to provide culturally specific services and programs ranging from providing critical services in clinical health, family preservation, domestic violence, and adolescent violence prevention and anger management. In addition, this organization provides its clients and the community with a resource center, which includes a resource library and a technical assistance center, which creates training programs to educate human resource professionals on enhancing service delivery to African American clients.

A tribute to some of the heroes of the community would not be complete without a mention of two men who brought so much joy to the fans of the Minnesota Twins. Mr. Kirby Puckett and Mr. Dave Winfield, who were both inducted into Major League Baseball's Hall of Fame, provided Twins fans in Minnesota and around the country with some spectacular plays which will forever be in our memories. Aside from their outstanding professional accomplishments, both players continue to be exemplary role models and community leaders.

Let us take this opportunity to rededicate and re-invigorate ourselves, as Americans, to the cause of working together to create a society which not only understands the concept of unity in diversity, but lives it; which not only preaches economic justice, but implements it; that not only espouses equality of opportunity, but ensures it.

JUNIOR RESERVE OFFICERS' TRAINING CORPS

Mr. GRAHAM. Mr. President, on February 15th, I was pleased to join Senator THURMOND in introducing a bill that would remove current restrictions preventing the expansion of the Junior Reserve Officers Training Corps, JROTC. This bill would also address the shortage of JROTC instructors by expanding the qualifying criteria to National Guard and Reserve Officers. There is nearly unanimous agreement that JROTC is turning today's children into tomorrow's leaders. Additionally,

high school performance measures consistently indicate that JROTC cadets attend class more frequently, are responsible for fewer disciplinary infractions, and are more likely to graduate. JROTC's blend of local, State, and Federal involvement has also been a model for good government, and it has sponsored teamwork not just in its cadets but also in the agencies responsible for the program. As many members know, I have long been a supporter of the JROTC program, having secured \$27 million in supplemental appropriation for JROTC in 1999. By removing the current limitations on its expansion, we are enabling more students to participate in what has proven to be an exemplary program. The legislation would remove the congressionally-mandated ceiling of 3,500 JROTC units. It would also allow the Marine Corps to continue to expand their program which had previously been capped at 210 units. All together the Army, Air Force, Navy, and Marine Corps have more than 2,700 school units totaling over 425,000 cadets, with hundreds of schools nationwide on waiting lists for a JROTC program. JROTC has carried bipartisan support since Congress established it in 1926.

I urge my colleagues to support this legislation.

NAVAL RESERVE'S 86TH BIRTHDAY

Ms. LANDRIEU. Mr. President, on March 3rd we honor the 86th birthday of the United States Naval Reserve. Since 1915 the Naval Reserve has exemplified the highest virtues of loyalty, service, and sacrifice. They have served and fought alongside their active duty comrades from the Atlantic to the far reaches of the Pacific, to the jungles of Vietnam and across the vast expanse of the Arabian desert as a battle-tested and skilled force that is the envy of the world.

Back in 1915, no one could have imagined the role that fledgling naval reserve would play in supporting the Navy today. The term "Weekend Warrior" no longer applies to these citizen-soldiers. As a trained, professional and well-equipped cadre of dedicated men and women, they are a key component of everything the Navy does, both in peacetime and in war. Many of them have made the ultimate sacrifice in the cause of freedom and we honor their memory.

They serve on ships, in squadrons, on staffs, and in hospitals performing a myriad of tasks essential to mission accomplishment. Seamlessly integrated alongside their active-duty shipmates you cannot tell the difference between them. This is the reality of today's total force and what enables our marvelous military to remain engaged around the world.

They have a proud heritage and a bright future. In the spirit of the Minutemen of Lexington and Concord these great Americans stand ready to answer their Nation's call at any time,

and the world is a better place because of the sacrifice they and their families make.

In my hometown of New Orleans, we are fortunate enough to be rich in Naval history and tradition. We are the proud home of the Naval Reserve Headquarters where Rear Admiral John Totushek commands more than 88,000 reservists across the United States and around the world.

As we set out in this new century, the importance of the Naval Reserve has never been more clear. Tomorrow, as today and for generations past, the razor sharp readiness of the United States Navy serves as a beacon to America's friends and a warning to our enemies, promising swift action, great victories and richer traditions yet to come.

On this day, I offer warmest regards to all members of the Naval Reserve, and to the families who also serve by supporting them. You represent all that is wonderful about our Nation.

ADDITIONAL STATEMENTS

TRIBUTE TO LEON KENISON UPON HIS RETIREMENT

• Mr. SMITH of New Hampshire. Mr. President, I rise today to honor Leon Kenison, an exemplary public official who dedicated himself to serving the people of New Hampshire for almost four decades. As Commissioner of the Department of Transportation since 1996, he has brought to the office the professional skills and knowledge of the politics and practice of road building so vital to an agency that touches the lives of every person who lives in or visits the Granite State.

Leon began his career with the Department of Transportation in 1963, a week before graduating from the University of New Hampshire. He is widely respected for his transportation expertise at state, regional and national levels, and has chaired several key committees for the American Association of State Highway Transportation Officials. During his tenure with the DOT, Leon approached his work with a can-do attitude, and balanced what needs to be done with what can be done.

Throughout his career, Leon accomplished a great deal for transportation in New Hampshire. The people of this state look upon him with tremendous gratitude and admiration for all that he has done. I have often sought Leon's support and expertise on transportation issues. We worked closely together to make sure that New Hampshire's needs were met in the Transportation Equity Act for the 21st Century. Under his leadership, the DOT not only secured funding to complete major highway projects including Route 101 and I-93, but also placed more emphasis on environmental protection, car pools, express bus, rail and other new programs.

It is an honor and a privilege to serve Leon Kenison in the U.S. Senate and I

wish him and his family godspeed in his retirement and in all of their future endeavors. •

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Finance.

(The nomination received today is printed at the end of the Senate proceedings.)

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-681. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update" (Notice 2001-15) received on February 13, 2001; to the Committee on Finance.

EC-682. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Disclosure of Return Information to the Bureau of the Census" (RIN1545-AY51)(TD8943) received on February 13, 2001; to the Committee on Finance.

EC-683. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "CPI Adjustment for Below-market Loans for 2001; Correction" (Ann. 2001-19) received on February 13, 2001; to the Committee on Finance.

EC-684. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Purchase Price Allocations in Deemed and Actual Asset Acquisitions" ((RIN1545-AY73)(TD8940)) received on February 13, 2001; to the Committee on Finance.

EC-685. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Electronic Payee Statements" (RIN1545-AY00) received on February 13, 2001; to the Committee on Finance.

EC-686. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, the Annual Report of the Administration of the Government in the Sunshine Act for Calendar Year 2000; to the Committee on Governmental Affairs.

EC-687. A communication from the Chairman of the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the semiannual Monetary Policy Report for the period from July 2000 through February 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-688. A communication from Deputy Associate Administrator of the Environmental

Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Further Revisions to the Clean Water Act Regulatory Definition of 'Discharge of Dredged Material': Delay of Effective Date" (FRL6945-3) received on February 12, 2001; to the Committee on Environment and Public Works.

EC-689. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Lead and Lead Compounds; Lowering of Reporting Thresholds; Community Right-to-Know Toxic Chemical Release Reporting; Delay of Effective Date" (FRL6722-10) received on February 13, 2001; to the Committee on Environment and Public Works.

EC-690. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the annual report concerning internal accounting and financial controls for Fiscal Year 2000; to the Committee on Energy and Natural Resources.

EC-691. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Albia, IA; docket no. 00-ACE-33" ((RIN2120-AA66)(2001-0049)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-692. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Cape Lisburne, AK; docket no. 00-AAL-11" ((RIN2120-AA66)(2001-0035)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-693. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Visas: Aliens Ineligible to Transit Without Visas (TWOV)" (RIN1400-AA48) received on February 13, 2001; to the Committee on Foreign Relations.

EC-694. A communication from the Acting Assistant Secretary of the Division of Transportation, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Distribution of Fiscal Year 2001 Indian Reservation Roads Funds" (RIN1076-AE09) received on February 16, 2001; to the Committee on Indian Affairs.

EC-695. A communication from the Assistant Chief Counsel for Legislation and Regulations, Federal Transit Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Major Capital Investment Projects; Delay of Effective Date" ((RIN2132-AA63)(2001-0001)) received on February 12, 2001; to the Committee on Environment and Public Works.

EC-696. A communication from the Regulations Officer of the Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Intelligent Transportation System Architecture Standards; Delay of Effective Date" ((RIN2125-AE65)(2001-0001)) received on February 12, 2001; to the Committee on Environment and Public Works.

EC-697. A communication from the Assistant to the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Credit by Brokers and Dealers (Regulation T); List of Foreign Margin Stocks" received on February 20, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-698. A communication from the Acting Administrator of Transportation and Marketing, Department of Agriculture, transmitting, pursuant to law, the report of a rule

entitled "National Organic Program" (RIN0581-AA40) received on February 21, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-699. A communication from the Congressional Review Coordinator of Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Specifically Approved States Authorized to Receive Mares and Stallions Imported from Regions where CEM Exists" (Docket No. 00-115-3) received on February 21, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-700. A communication from the Deputy Assistant Secretary of Fish, Wildlife and Parks, Ranger Activities Division Regulations Program, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Special Regulations: Areas of the National Park System; Winter Use in Yellowstone National Park, Grand Teton National Park, and Rockefeller Parkway" (RIN1024-AC82) received on February 12, 2001; to the Committee on Energy and Natural Resources.

EC-701. A communication from the Assistant Secretary of Land and Minerals Management, Economics Division, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Outer Continental Shelf Oil and Gas Leasing" (RIN1010-AC69) received on February 21, 2001; to the Committee on Energy and Natural Resources.

EC-702. A communication from the Chief of the Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Duty-Free Treatment for Certain Beverages Made with Caribbean Rum" (RIN1515-AC78) received on February 12, 2001; to the Committee on Finance.

EC-703. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Deductibility of ESOP Redemption Proceeds" (Revenue Rule 2001-6) received on February 12, 2001; to the Committee on Finance.

EC-704. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Intermediary Transactions Tax Shelter" (Notice 2001-16, 2001-9) received on February 12, 2001; to the Committee on Finance.

EC-705. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Contingent Liability Tax Shelter" (Notice 2001-17, 2001-9) received on February 12, 2001; to the Committee on Finance.

EC-706. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Appeals Settlement Guidelines: Retroactive Adoption of an Accident and Health Plan" (UL105.06-05) received on February 12, 2001; to the Committee on Finance.

EC-707. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Modification of Revenue Procedure 99-18 (Debt Substitutions)" (Rev. Proc. 2001-21, 2001-9) received on February 12, 2001; to the Committee on Finance.

EC-708. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule

entitled "Guidance Under Section 472 Regarding the Dollar-Value LIFO Inventory Method—Used Cars" (Rev. Proc. 2001-23) received on February 12, 2001; to the Committee on Finance.

EC-709. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Update of Employee Plans Correction Procedures in Revenue Procedure 2000-16" (Rev. Proc. 2001-17) received on February 12, 2001; to the Committee on Finance.

EC-710. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Application of Employment Taxes to Statutory Options" (Notice 2001-14) received on February 12, 2001; to the Committee on Finance.

EC-711. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—February 2001" (Rev. Rule 2001-7) received on February 12, 2001; to the Committee on Finance.

EC-712. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Earnings and Profits Adjustments on Exercise of Option" (Rev. Rule 2001-1, 2001-9) received on February 12, 2001; to the Committee on Finance.

EC-713. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Modification of Revenue Rule 2001-4" (Notice 2001-23) received on February 21, 2001; to the Committee on Finance.

EC-714. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Repeal of Installment Sale Restriction for Accrual Taxpayers" (Notice 2001-22) received on February 21, 2001; to the Committee on Finance.

EC-715. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Modification of Section 13.02 of the Appendix to Revenue Procedure 99-49" (Rev. Proc. 2001-25, 2001-12) received on February 21, 2001; to the Committee on Finance.

EC-716. A communication from the Acting Vice President of Government Affairs, National Railroad Passenger Corporation, transmitting, pursuant to law, Amtrak's Annual Report, Legislative Report, and Grant Request for Fiscal Year 2001; to the Committee on Commerce, Science, and Transportation.

EC-717. A communication from the Trial Attorney of the Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Track Safety Standards Amendment to Address Gage Restraint Measurement Systems: Delay of Effective Date" ((RIN2130-AB32)(2001-0002)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-718. A communication from the Deputy Chief Counsel of the Research and Special Programs Administration, Office of Pipeline Safety, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Pipeline Safety: Pipeline Integrity Management in High Consequence Areas (Hazardous Liquid Operators with 500 or more miles of pipelines): Delay of Effective Date" ((RIN2137-AD45)(2001-0002)) re-

ceived on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-719. A communication from the Deputy Chief Counsel of the Research and Special Programs Administration, Office of Pipeline Safety, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Areas Unusually Sensitive to Environmental Damage: Delay of Effective Date" ((RIN2137-AC34)(2001-0002)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-720. A communication from the Regulations Officer of the Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Federal Motor Carrier Safety Regulations: Definition of Commercial Motor Vehicle (CMV) Requirements for Operators of Small Passenger—Carrying CMV's" (RIN2126-AA51) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-721. A communication from the Attorney of the National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Electric Vehicle Safety: Delay of Effective Date" ((RIN2127-AF43)(2001-0001)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-722. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regattas and Marine Parades (CGD 95-054): Delay of Effective Date" ((RIN2115-AF17)(2001-0002)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-723. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision to Federal Blood Alcohol Concentration (BAC) Standards for Recreational Vessel Operators (USCA-1998-4593): Delay of Effective Date" ((RIN2115-AF72)(2001-0002)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-724. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Harlem River, NY (CGD01-01-008)" ((RIN2115-AE47)(2001-0013)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-725. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Sanibel Causeway Bridge (CGD07-01-005)" ((RIN2115-AE47)(2001-0012)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-726. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Chelsea River, MA (CGD01-01-013)" ((RIN2115-AE47)(2001-0011)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-727. A communication from the Chief of the Office of Regulations and Administrative

Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Brorein Street Bridge, across the Hillsborough River, Tampa, FL (CGD07-01-009)" ((RIN2115-AE47)(2001-0010)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-728. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Sacramento River, CA (CGD11-01-001)" ((RIN2115-AE47)(2001-0015)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-729. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Hillsborough River, Tampa, FL (CGD07-01-003)" ((RIN2115-AE47)(2001-0014)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-730. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision to Federal Blood Alcohol Concentration (BAC) Standard for Recreational Vessel Operators (USCG-1998-4593)" ((RIN2115-AF72)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-731. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Elizabeth River, Eastern Branch, Norfolk, Virginia (CGD05-98-090)" ((RIN2115-AE47)(2001-0009)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-732. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Wrangell Narrows, Petersburg, AK (COTP Southeast Alaska 01-001)" ((RIN2115-AA97)(2001-0002)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

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. MURKOWSKI (for himself, Mr. BREAUX, Mr. LOTT, Mr. VOINOVICH, Mr. DOMENICI, Mr. CRAIG, Mr. CAMPBELL, Mr. THOMAS, Mr. SHELBY, Mr. BURNS, Mr. HAGEL, Mr. STEVENS, and Mr. HUTCHINSON):

S. 388. A bill to protect the energy and security of the United States and decrease America's dependency on foreign oil sources to 50% by the year 2011 by enhancing the use of renewable energy resources conserving energy resources, improving energy efficiencies, and increasing domestic energy supplies; improve environmental quality by reducing emissions of air pollutants and greenhouse gases; mitigate the effect of increases in energy prices on the American

consumer, including the poor and the elderly; and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MURKOWSKI (for himself, Mr. BREAUX, Mr. LOTT, Mr. VOINOVICH, Mr. DOMENICI, Mr. CRAIG, Mr. CAMPBELL, Mr. THOMAS, Mr. SHELBY, Mr. BURNS, Mr. HAGEL, Mr. STEVENS, and Mr. HUTCHINSON):

S. 389. A bill to protect the energy and security of the United States and decrease America's dependency on foreign oil sources to 50% by the year 2011 by enhancing the use of renewable energy resources conserving energy resources, improving energy efficiencies, and increasing domestic energy supplies; improve environmental quality by reducing emissions of air pollutants and greenhouse gases; mitigate the effect of increases in energy prices on the American consumer, including the poor and the elderly; and for other purposes; to the Committee on Finance.

By Mr. INOUE:

S. 390. A bill for the relief of Jim K. Yoshida; to the Committee on Veterans' Affairs.

By Mr. SPECTER:

S. 391. A bill to establish the Steel Industry National Historic Park in the Commonwealth of Pennsylvania; to the Committee on Energy and Natural Resources.

ADDITIONAL COSPONSORS

S. 29

At the request of Mr. BOND, the names of the Senator from New Mexico (Mr. DOMENICI) and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 29, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for 100 percent of the health insurance costs of self-employed individuals.

S. 39

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 39, a bill to provide a national medal for public safety officers who act with extraordinary valor above and beyond the call of duty, and for other purposes.

At the request of Mr. STEVENS, the names of the Senator from Utah (Mr. BENNETT), the Senator from Alabama (Mr. SHELBY), the Senator from Kentucky (Mr. MCCONNELL), the Senator from North Carolina (Mr. HELMS), the Senator from Tennessee (Mr. FRIST), the Senator from Iowa (Mr. HARKIN), the Senator from Massachusetts (Mr. KERRY), and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 39, *supra*.

S. 60

At the request of Mr. BYRD, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Tennessee (Mr. THOMPSON) were added as cosponsors of S. 60, a bill to authorize the Department of Energy programs to develop and implement an accelerated research and development program for advanced clean coal technologies for use in coal-based electricity generating facilities and to amend the Internal Revenue Code of 1986 to provide financial incentives to encourage the retrofitting, repowering, or replacement of coal-based electricity generating facilities to protect

the environment and improve efficiency and encourage the early commercial application of advanced clean coal technologies, so as to allow coal to help meet the growing need of the United States for the generation of reliable and affordable electricity.

S. 99

At the request of Mr. KOHL, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 99, a bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for employers who provide child care assistance for dependents of their employees, and for other purposes.

S. 120

At the request of Mrs. FEINSTEIN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 120, a bill to establish a demonstration project to increase teacher salaries and employee benefits for teachers who enter into contracts with local educational agencies to serve as master teachers.

S. 123

At the request of Mrs. FEINSTEIN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 123, a bill to amend the Higher Education Act of 1965 to extend loan forgiveness for certain loans to Head Start teachers.

S. 135

At the request of Mrs. FEINSTEIN, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 135, a bill to amend title XVIII of the Social Security Act to improve payments for direct graduate medical education under the medicare program.

S. 154

At the request of Mr. SHELBY, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from Georgia (Mr. MILLER) were added as cosponsors of S. 154, a bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to ensure uniform treatment by States of Federal overseas absentee ballots, to amend titles 10 and 18, United States Code, and the Revised Statutes to remove the uncertainty regarding the authority of the Department of Defense to permit buildings located on military installations and reserve component facilities to be used as polling places in Federal, State, and elections for public office, and for other purposes.

S. 170

At the request of Mr. REID, the names of the Senator from Arkansas (Mrs. LINCOLN), the Senator from Maine (Ms. COLLINS), and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. 170, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 216

At the request of Mr. SPECTER, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 216, a bill to establish a Commission for the comprehensive study of voting procedures in Federal, State, and local elections, and for other purposes.

S. 278

At the request of Mr. JOHNSON, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 278, a bill to restore health care coverage to retired members of the uniformed services.

S. 281

At the request of Mr. HAGEL, the names of the Senator from Virginia (Mr. WARNER), the Senator from Maine (Ms. SNOWE), and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 281, a bill to authorize the design and construction of a temporary education center at the Vietnam Veterans Memorial.

S. 289

At the request of Mr. SESSIONS, the names of the Senator from Tennessee (Mr. THOMPSON) and the Senator from Georgia (Mr. CLELAND) were added as cosponsors of S. 289, a bill to amend the Internal Revenue Code of 1986 to provide additional tax incentives for education.

S. 295

At the request of Mr. KERRY, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 295, a bill to provide emergency relief to small businesses affected by significant increases in the prices of heating oil, natural gas, propane, and kerosene, and for other purposes.

S. 325

At the request of Mr. FRIST, the names of the Senator from Hawaii (Mr. INOUE) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 325, a bill to establish a congressional commemorative medal for organ donors and their families.

S. 326

At the request of Ms. COLLINS, the names of the Senator from Montana (Mr. BURNS) and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 326, a bill to amend title XVIII of the Social Security Act to eliminate the 15 percent reduction in payment rates under the prospective payment system for home health services and to permanently increase payments for such services that are furnished in rural areas.

S. 343

At the request of Mr. CAMPBELL, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 343, a bill to establish a demonstration project to authorize the integration and coordination of Federal funding dedicated to the community, business, and economic development of Native American communities.

S. 379

At the request of Mr. SCHUMER, the name of the Senator from Indiana (Mr.

BAYH) was added as a cosponsor of S. 379, a bill to establish the National Commission on the Modernization of Federal Elections to conduct a study of Federal voting procedures and election administration, to establish the Federal Election Modernization Grant Program to provide grants to States and localities for the modernization of voting procedures and election administration, and for other purposes.

S.CON.RES. 4

At the request of Mr. NICKLES, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S.Con.Res. 4, a concurrent resolution expressing the sense of Congress regarding housing affordability and ensuring a competitive North American market for softwood lumber.

S.CON.RES. 7

At the request of Mr. KERRY, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S.Con.Res. 7, a concurrent resolution expressing the sense of Congress that the United States should establish an international education policy to enhance national security and significantly further United States foreign policy and global competitiveness.

S.CON.RES. 11

At the request of Mrs. FEINSTEIN, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from Washington (Mrs. MURRAY), the Senator from Delaware (Mr. BIDEN), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Nevada (Mr. ENSIGN) were added as cosponsors of S.Con.Res. 11, a concurrent resolution expressing the sense of Congress to fully use the powers of the Federal Government to enhance the science base required to more fully develop the field of health promotion and disease prevention, and to explore how strategies can be developed to integrate lifestyle improvement programs into national policy, our health care system, schools, workplaces, families and communities.

S.RES. 19

At the request of Mr. SPECTER, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S.Res. 19, a resolution to express the sense of the Senate that the Federal investment in biomedical research should be increased by \$3,400,000,000 in fiscal year 2002.

S.RES. 20

At the request of Mr. SPECTER, the names of the Senator from Ohio (Mr. VOINOVICH) and the Senator from Rhode Island (Mr. CHAFEE) were added as cosponsors of S.Res. 20, a resolution designating March 25, 2001, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

S.RES. 22

At the request of Mr. HUTCHINSON, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Sen-

ator from Alabama (Mr. SESSIONS) were added as cosponsors of S.Res. 22, supra.

At the request of Mr. WELLSTONE, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S.Res. 22, a resolution urging the appropriate representative of the United States to the United Nations Commission on Human Rights to introduce at the annual meeting of the Commission a resolution calling upon the Peoples Republic of China to end its human rights violations in China and Tibet, and for other purposes.

S.RES. 27

At the request of Mr. HELMS, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S.Res. 27, a resolution to express the sense of the Senate regarding the 1944 deportation of the Chechen people to central Asia, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER:

S. 391. A bill to establish the Steel Industry National Historic Park in the Commonwealth of Pennsylvania; to the Committee on Energy and Natural Resources.

Mr. SPECTER. Mr. President, I have sought recognition to introduce legislation that will honor the importance of the steel industry in the Commonwealth of Pennsylvania and the nation by creating the "Steel Industry National Historic Park" to be operated by the National Park Service in southwestern Pennsylvania.

The importance of steel to the industrial development of the United States cannot be understated. A national park devoted to the history of the steel industry will afford all Americans the opportunity to celebrate this rich heritage, which is symbolic of the work ethic endemic to this great nation. There is no better place for such a site than in southwestern Pennsylvania, which played a significant role in early industrial America.

I have long supported efforts to preserve and enhance this historical steel-related heritage through the Rivers of Steel Heritage Area, which includes the City of Pittsburgh, and seven southwestern Pennsylvania counties: Allegheny, Armstrong, Beaver, Fayette, Greene, Washington and Westmoreland. I have been very pleased with congressional support for the important work within the Rivers of Steel Heritage Area expressed through appropriations levels of \$1 million annually since Fiscal Year 1998. I am hopeful that this support will continue however, more than just resources are necessary. That is why I am introducing this important legislation today.

It is important to note why southwestern Pennsylvania should be the home to the national park that my legislation authorizes. The combination of a strong workforce, valuable natural

resources, and Pennsylvania's strategic location in the heavily populated northeastern United States allowed the steel industry to thrive. Today, the remaining buildings and sites devoted to steel production are threatened with further deterioration or destruction. Many of these sites are nationally significant and perfectly suited for the study and interpretation of this crucial period in our nation's development. Some of these sites include the Carrie Furnace complex, the Hot Metal Bridge, and the Unites States Steel Homestead Works, which would all become a part of the Steel Industry National Historic Park under my legislation.

Highlights of such a national park would commemorate a wide range of accomplishments and topics for historical preservation and interpretation from industrial process advancements to labor-management relations. It is important to note that the site I seek to become a national park under this bill includes the location of the Battle of Homestead, waged in 1892 between steelworkers and Pinkerton guards. The Battle of Homestead marked an important period in our nation's workers' rights movement. The Commonwealth of Pennsylvania, individuals, and public and private entities have attempted to protect and preserve resources such as the Homestead battleground and the Hot Metal Bridge. For the benefit and inspiration of present and future generations, it is time for the federal government to join this effort to recognize their importance with the additional protection I provide in this bill.

I would like to commend my colleague, Representative MIKE DOYLE, who has been a longstanding leader in this preservation effort and who will sponsor the companion legislation in the House of Representatives. I look forward to working with southwestern Pennsylvania officials and Mr. August Carlino, Executive Director of the Steel Industry Heritage Corporation, in order to bring this national park to fruition. I urge my colleagues in the United States Congress to cosponsor this legislation and I will work for its swift passage. I ask unanimous consent that the bill be printed in the RECORD.

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

S. 391

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Steel Industry National Historic Park Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) certain sites and structures in the Commonwealth of Pennsylvania symbolize in physical form the heritage of the United States steel industry;

(2) a large proportion of the buildings and other structures in the Commonwealth are nationally significant historical resources, including the United States Steel Homestead

Works, the Carrie Furnace complex, and the Hot Metal Bridge; and

(3) despite substantial efforts by the Commonwealth, as well as individuals and public and private entities in the Commonwealth, to preserve and interpret these significant historical and cultural buildings and structures, such buildings and structures may be lost without the assistance of the Federal Government.

(b) PURPOSES.—The purposes of this Act are to provide for the preservation, development, interpretation, and use of the nationally significant historical and cultural buildings, structures, and sites described in subsection (a) for the benefit and inspiration of present and future generations.

SEC. 3. DEFINITIONS.

In this Act:

(1) COMMONWEALTH.—The term "Commonwealth" means the Commonwealth of Pennsylvania.

(2) PARK.—The term "park" means the Steel Industry National Historic Park established by section 4.

(3) PLAN.—The term "plan" means the management plan for the park required under section 7.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 4. STEEL INDUSTRY NATIONAL HISTORIC PARK.

(a) ESTABLISHMENT.—There is established as a unit of the National Park System the Steel Industry National Historic Park in the Commonwealth.

(b) COMPONENTS.—The park shall consist of land and interests in land comprising the former United States Steel Homestead Works, including—

(1) the Battle of Homestead site in the borough of Munhall, Pennsylvania, consisting of approximately 3 acres of land, including the pumphouse and water tower and related structures, within the property bounded by the Monongahela River, the CSX railroad, Waterfront Drive, and the Damascus-Marcegaglia Steel Mill;

(2) the Carrie Furnace complex in the boroughs of Swissvale and Rankin, Pennsylvania, consisting of approximately 35 acres of land, including blast furnaces 6 and 7, the ore yard, the cast house, the blowing engine house, the AC power house, and related structures, within the property bounded by the proposed southwesterly right-of-way line needed to accommodate the Mon/Fayette Expressway and the relocated CSX railroad right-of-way, the Monongahela River, and a property line drawn northeast to southwest approximately 100 yards east of the AC power house;

(3) the Hot Metal Bridge, consisting of the Union railroad bridge and its approaches, spanning the Monongahela River and connecting the mill sites in the boroughs of Rankin and Munhall; and

(4) all other property included in the park—

(A) by Federal law; or

(B) acquired by the Secretary for inclusion in the park under section 5 or other Federal law.

SEC. 5. ACQUISITION OF PROPERTY.

(a) REAL PROPERTY.—The Secretary may acquire—

(1) land and interests in land described in paragraphs (1), (2), or (3) of section 4(b); and

(2) not more than 10 acres of land adjacent to, or in the general vicinity of, the property described in paragraphs (1), (2), or (3) of section 4(b), for the development of visitor, administrative, museum, curatorial, and maintenance facilities.

(b) PERSONAL PROPERTY.—The Secretary may acquire personal property associated with, and appropriate for, the interpretation of the park.

(c) MEANS.—An acquisition of real property or personal property shall be made by donation.

SEC. 6. ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall administer the park in accordance with this Act and the provisions of law generally applicable to units of the National Park System, including—

(1) the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (16 U.S.C. 1 et seq.); and

(2) the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes", approved August 21, 1935 (16 U.S.C. 461 et seq.).

(b) COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—The Secretary may enter into cooperative agreements with interested public and private entities and individuals to carry out this Act.

(2) REIMBURSEMENT.—A payment made by the Secretary under the terms of a cooperative agreement entered into under this subsection shall be subject to an agreement that if at any time the project assisted is converted, used, or disposed of in a manner that is contrary to the purposes of this Act, as determined by the Secretary, the interested entity or individual shall reimburse the Secretary for the greater of—

(A) the amount of assistance provided for the project; or

(B) the portion of the increased value of the project that is attributable to that assistance, determined as of the date of the conversion, use, or disposal.

(c) TECHNICAL ASSISTANCE.—The Secretary may provide to any person technical assistance for—

(1) preserving historic structures of the park;

(2) maintaining the cultural landscape of the park; and

(3) local preservation planning for the park.

SEC. 7. GENERAL MANAGEMENT PLAN.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall—

(1) prepare a plan for the park; and

(2) submit the plan to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

(b) CONSULTATION WITH LOCAL OFFICIALS.—In preparing the plan under subsection (a)(1), the Secretary shall consult with—

(1) a representative of each political subdivision of the Commonwealth that has jurisdiction over all or a portion of the park; and

(2) a representative of the Steel Industry Heritage Corporation.

NOTICE OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will meet on March 1, 2001 in SH-216 at 9:00 a.m. The purpose of this hearing will be to review the status of conservation programs in the current farm bill.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will meet on February 28, 2001 in

SR-328A at 9:00 a.m. The purpose of this hearing will be to review the status of conservation programs in the current farm bill and to conduct a committee business meeting to discuss the committee rules and budget.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, February 28, 2001 at 9:00 a.m. in room 485 of the Russell Senate Office Building to conduct a hearing to receive the views of the Department of the Interior on matters of Indian Affairs.

Those wishing additional information may contact Committee staff at 202/224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Monday, February 26, 2001. The purpose of this hearing will be to review the Farm Credit Administration's proposed regulation on national charters.

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

PRIVILEGE OF THE FLOOR

Mr. KYL. Mr. President, I ask unanimous consent that John Barth, a fellow in my office, be granted the privilege of the floor during the time of my remarks pertaining to the death of Dale Earnhardt.

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

LEADING NORTH CAROLINA EXECUTIVE CALLS FOR WELL-DEFINED TV PUBLIC SERVICE

Mr. HELMS. Mr. President, a leading citizen of my State of North Carolina is a young man named Jim Goodman. Jim is president and CEO of Capital Broadcasting Company in my hometown of Raleigh. Capital Broadcasting owns and operates several leading broadcast entities—TV stations, radio stations, and networks serving all of North Carolina and some bordering States.

James F. Goodman is president and CEO of Capital Broadcasting Company, where more than a quarter of a century ago I had the privilege of serving as an officer. When I was elected to the Senate in 1972, I shortly thereafter, as a Senator, divested myself of all ownership in the company because Senators are often called upon to vote on legislation affecting broadcasting and broadcasters.

At that time, in 1972-73, Jim Goodman had just completed his studies at Duke University and had just

married a lovely and very bright young Tennessee lady—who, by the way, is herself prominent for her tireless work in literally saving the lives of down-on-their-luck people who have no place to go. She makes a place for them to go to rebuild themselves and reshape their character.

Having said all that, my purpose in speaking in the Senate is a profile on Jim Goodman published in the December 13 edition of TV Technology. That is the name of it. It is an industry publication whose specialty is digital television. The headline on that article was "Jim Goodman: Mayberry Values Collide With Harsh DTV Reality."

Now, this article, in my view, speaks well of Jim Goodman, not merely regarding his business acumen, nor about the kind of businessman Jim is. I think it is, instead, a measurement of Jim Goodman's sense of personal responsibility. In that regard, the article speaks for itself, and I encourage Senators and all other readers of the CONGRESSIONAL RECORD to review it.

I will refer to a couple of paragraphs in this publication, TV Technology, written by Frank Beacham. It says, under the dateline of New York:

Soft-spoken Jim Goodman—like the mythical Sheriff Andy Taylor of TV's Mayberry has a comforting way of tackling the most intractable problems with common sense and good humor. How else could he have done the seemingly impossible task of making broadcast cynics feel warm and fuzzy about digital television?

After hearing Goodman explain his philosophy of broadcasting, one can just imagine Andy, Barney, Thelma Lou, and Aunt Bea sitting around their HDTV set enjoying the local coverage of North Carolina's State Fair on WRAL, Goodman's Raleigh, N.C., station.

A third-generation North Carolina broadcaster whose first job was giving free TV antennas to WRAL viewers in the 1950s, Goodman comes off as a radical reformer in Norman Rockwell clothing. Unlike FCC Chairman Bill Kennard, who draws lightning for saying many of the same things, Goodman gets nods of respect even from those who disagree with him.

"He represents what broadcasting ought to be," commented an audience member moments after hearing Goodman speak in New York City at the Consumer Electronic Association's DTV Summit.

Unlike many of his broadcasting industry contemporaries, Goodman not only embraces the opportunities of digital television but insists that all broadcasters should be required to air some HDTV programming every evening. Eyebrows inch up further when he advocates that broadcasters should be held to a well-defined public service obligation enforced by a new NAB code of conduct.

I ask unanimous consent that the entire article be printed in the RECORD.

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

[From TV Technology, Dec. 13, 2000]

JIM GOODMAN: MAYBERRY VALUES COLLIDE
WITH HARSH DTV REALITY
(By Frank Beacham)

Soft-spoken Jim Goodman—like the mythical Sheriff Andy Taylor of TV's Mayberry has a comforting way of tackling the most intractable problems with common sense and good humor. How else could he have done the

seemingly impossible task of making broadcast cynics feel warm and fuzzy about digital television?

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A third-generation North Carolina broadcaster whose first job was giving free TV antennas to WRAL viewers in the 1950's, Goodman comes off as a radical reformer in Norman Rockwell clothing. Unlike FCC Chairman Bill Kennard, who draws lightning for saying many of the same things, Goodman gets nods of respect even from those who disagree with him.

"He represents what broadcasting ought to be," commented an audience member moments after hearing Goodman speak in New York City at the Consumer Electronic Association's DTV Summit.

Unlike many of his broadcasting industry contemporaries, Goodman not only embraces the opportunities of digital television, but insists that all broadcasters should be required to air some HDTV programming every evening. Eyebrows inch up further when he advocates that broadcasters should be held to a well-defined public service obligation enforced by a new NAB code of conduct.

AGAINST THE TIDE

As president and CEO of Capitol Broadcasting Company, Goodman is swimming against the tide in an era when media corporations that own large station groups spend millions of dollars to lobby Congress against such regulation.

A genuine broadcast pioneer, Goodman guided WRAL as it became the first station in the United States to broadcast an HDTV signal. Now, four years later, the station is about to become the first to begin all-HDTV newscasts.

Goodman's business plan is simple: "Our plan is to stay in business. Period."

"What we are talking about here is the future of broadcasting. How do we remain competitive in the future? The way we do it is digital," he said in his address at the DTV Summit.

Rejecting a recent mantra from many of his industry colleagues, Goodman said the DTV transition is not about new revenue streams.

"This is not about sending e-mail to watches or selling our spectrum to high-speed data providers," he said. "This is about how we stay competitive. About how we can be good local broadcasters in the future."

He cited WRAL's motto: "The main thing is to keep the main thing the main thing." The main thing, Goodman said, is local news. "That's why in January we are going to start doing five hours a day of local news in high definition."

HDTV: LIKE BEING THERE

It was IID coverage of Sen. John Glenn's space shuttle flight, Goodman said, that convinced him news would benefit from high-resolution video and Dolby Digital sound.

"What is television news? It's being there," Goodman said. "Putting the viewer there. There is no better way to put the viewer there than high definition."

Goodman said viewers like the widescreen 16:9 aspect ratio and Dolby digital sound that HD provides.

"Sound and 16:9 are a big deal. We're talking about creating an experience here . . . getting wrapped up in it."

He said, as a result of experiences in local HD production over the past four years, the station sees HD bringing significant enhancements to hockey, auto racing, football,

basketball, baseball, outdoor symphonies, art exhibits and documentaries.

Multicasting has also benefited WRAL, Goodman said, by giving the station the opportunity to respond to new programming opportunities.

"We were broadcasting a basketball game and had some flood news in North Carolina. We interrupted the game, did the flood coverage and then said: 'If you want to watch the basketball game, stay on Channel 5.1. We are going to do continuous flood coverage on Channel 5.2 and we'll have our weather radar on all the time on Channel 5.3.' What you can do with this technology is limited only by your imagination."

Goodman said he sees multicasting as a way to expand the station's brand with a broader array of programming.

"We don't see multicasting as an opportunity to start a new full-time channel or something like that."

Ditto for datacasting. WRAL now has 200 volunteers with PCs equipped to receive its data broadcasts.

"We send IP traffic 24 hours a day. We ask users to allot about 500 Mb on their hard drive and dedicate it to the data."

A key application is local news. The station is working toward a service where viewers can watch a newscast on-demand on their PC, either in its entirety or on an interactive story-by-story basis.

Currently, WRAL has about 700 HD viewers in its 23-county market. As in the early days of his career, Goodman now makes sure every new DTV set owner in the Raleigh-Durham area gets an outdoor television antenna, courtesy of the station.

"We know most of our viewers and get lots of comments from them."

The station uses an e-mail group conference to stay in touch with digital set owners.

As for fellow broadcasters who see no business model for an immediate return on their investment from digital television, Goodman offers another homily: "Sometimes you have to spend money just to stay in business."

MUST-CARRY A MUST-HAVE

Though Goodman's aggressive use of digital technology in his local market is impressive, even he acknowledges the national DTV transition is facing some big obstacles.

One of the largest stumbling blocks is digital must-carry, something FCC Chairman Kennard has cautioned broadcasters not to depend upon. Even if enacted, a new must-carry requirement would face an uncertain future with years of legal battles and appeals. But, to Goodman, it's a make or break issue.

"Cable has 70 percent of the homes," he said. "How are we going to get digital into the homes if they are not on cable? I think we need full digital must-carry on satellite as well. And I mean full digital must-carry—everything, including our data."

Goodman proposes coupling digital must-carry with a now elusive public service requirement.

"How can we ask for digital must-carry if we don't agree to public service standards? To me, the two go together."

"Along with getting this digital license comes a commitment to serve the public interest, whatever that is," he continued. "That's not a very defined notion. It needs to be defined as a minimum standard. We need this standard set and then we need to return to a broadcasting code of conduct. I'm really showing my age talking about the NAB code, but that was a great thing."

Also essential for a successful transition, said Goodman, is a requirement for an integrated digital tuner in all new DTV receivers, preferably by 2003, and a requirement

that every digital station air at least two hours of HDTV programming each night between 6 p.m. and 11 p.m.

"We broadcasters asked Congress to do high definition," reminded Goodman. "If you take a digital license, you should be required to do HD each night. The networks need to push primetime HD. If they do that, the stations will have to carry it."

Finally, he called on television receiver manufacturers to come forward with public assurance of a fix for multipath problems that can block reception in urban areas. Though he said WRAL has had no problems with the 8-VSB transmission standard and that he favors retaining it, a strong message of assurance either through a technical standard or other objective method must be sent to calm fears over the technology.

"Broadcasters need assurance," Goodman insisted. "Tell us we don't have to worry about the multipath problem."

In addition, he said the consumer electronics industry has "to stand up and say this receiver thing is not a problem. It can be with a standard or some other way. But it must be said."

SENATOR PAUL COVERDELL

Mr. HELMS. Mr. President, President George Bush summoned Paul Coverdell to Washington one day in 1989 to ask Paul to consider serving as the 11th Director of the Peace Corps.

It will come as no surprise that Paul's tenure at the Peace Corps was marked by intense effort, positive results, and commitment to American interests. He gave a high priority to the well-being of the volunteers he sent out, who were, after all, the face of young America to other countries around the world.

There were significant hurdles to overcome at the Peace Corps, including flagging morale and limited resources. Nonetheless, Paul Coverdell recognized the need to respond to the high international historic drama of sweeping changes, for example, the fall of communism in Europe.

He found the necessary resources to send Peace Corps volunteers to countries struggling to emerge from the weight of communist rule. Under Paul Coverdell's leadership, the first volunteers were sent to Hungary, Poland, Romania, and the Czech and Slovak Republics.

Paul Coverdell took great pride in the Peace Corps; for example, he unfailingly referred to it as "The United States Peace Corps" and he described the Peace Corps as "a vibrant, vital part of United States foreign policy."

In tribute to our esteemed and beloved departed colleague and friend, today we are approving legislation to designate the Washington office of the Peace Corps as the "Paul D. Coverdell Peace Corps Headquarters."

I know Senators will unhesitatingly support this fitting tribute to a remarkable gentleman who was without question a committed public servant, a statesman, and a friend.

Mr. President, seeing nobody seeking recognition, 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. HELMS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 9355(a), appoints the Senator from Colorado (Mr. ALLARD), from the Committee on Armed Services, to the Board of Visitors of the U.S. Air Force Academy.

The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 4355(a), appoints the Senator from Pennsylvania (Mr. SANTORUM), from the Committee on Armed Services, to the Board of Visitors of the U.S. Military Academy.

The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 6968(a), appoints the Senator from Arizona (Mr. MCCAIN), from the Committee on Armed Services, to the Board of Visitors of the U.S. Naval Academy.

The Chair, on behalf of the majority leader, pursuant to Public Law 105-341, announces the appointment of the following individual to the Women's Progress Commemoration Commission: Becky Norton Dunlop, of Virginia, vice Elaine L. Chao.

ORDERS FOR TUESDAY, FEBRUARY 27, 2001

Mr. HELMS. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m. on Tuesday, February 27. I further ask unanimous consent that on Tuesday, immediately following the prayer, 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 then begin a period for morning business, with Senators allowed to speak for up to 10 minutes each, with the following exceptions: Senator THOMAS, or his designee, 10 to 11 a.m.; Senator DURBIN, or his designee, 11 a.m. to 12 p.m. Further, I ask unanimous consent that if the leader time is used during the controlled time, the controlled time be extended accordingly.

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

Mr. HELMS. Further, I ask unanimous consent that the Senate stand in recess from the hours of 12:30 p.m. to 2:15 p.m. tomorrow for the weekly policy conferences to meet.

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

PROGRAM

Mr. HELMS. Madam President, for the information of all Senators, the

Senate will be in a period for morning business prior to the 12:30 p.m. recess tomorrow. Upon reconvening at 2:15 p.m., the Senate is expected to resume morning business for the remainder of the afternoon. Senators are reminded to be in the Senate Chamber by 8:30 p.m. to proceed at 8:40 p.m. to the Hall of the House of Representatives for the President's address.

Madam President, I ask unanimous consent that when the Senate completes its business on Tuesday after-

noon, it recess until the hour of 8:30 p.m. for the joint session of Congress to hear the President's address.

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

ADJOURNMENT UNTIL TOMORROW
AT 10 A.M.

Mr. HELMS. Madam President, if there be no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 4:05 p.m., adjourned until Tuesday, February 27, 2001, at 10 a.m.

NOMINATION

Executive nomination received by the Senate February 26, 2001:

DEPARTMENT OF THE TREASURY

MARK A. WEINBERGER, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE JONATHAN TALISMAN, RESIGNED.