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Senate

The Senate met at 10 a.m. and was called to order by the Honorable MAX CLELAND, a Senator from the State of Georgia.

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Rev. Kirbyjon Caldwell, Senior Pastor, Windsor Village United Methodist Church, Houston, TX.

PRAYER

The guest Chaplain offered the following prayer:

Almighty God, the supply and supplier of every good and perfect gift, the author and finisher of our faith, we pause now, O God, to acknowledge Your matchless goodness, greatness, and grace. We ask Your blessings upon the distinguished Members of the Senate and their families. We decree and declare that no weapon formed against them shall prosper. And we pray, O Lord, that You will continue to grant them inner peace, outer protection, and power from on high.

As this great country deals with the uncertainty abroad and occasional unpredictability here at home, we find grace, peace, and comfort in knowing that You are a very present help in the time of trouble. Grant the Senators wisdom, discernment, and insight that they will draft and pass legislation which will make America and the world a better place tomorrow than it is today. We reverence and adore You, and we bless Your holy name. Let all who agree say Amen.

PLEDGE OF ALLEGIANCE

The Honorable MAX CLELAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 9, 2002.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE ACTING MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, I will yield momentarily to my colleague, the junior Senator from Texas, whose pastor is our guest Chaplain today.

The Senate will be in a period for morning business until 11 a.m. today. At 11 a.m., we will again begin consideration of the energy reform bill, which will be the 15th day we have been on this legislation. The Senate will recess, as we normally do on Tuesdays, from 12:30 p.m. to 2:15 p.m. for the weekly party conferences.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

THE GUEST CHAPLAIN

Mrs. HUTCHISON. Mr. President, I rise to introduce properly the Pastor

who just gave the wonderful invocation that opened the Senate.

It is my distinct pleasure to introduce our guest Chaplain and fellow Texan, the Rev. Kirbyjon Caldwell. Reverend Caldwell is the Senior Pastor of the Windsor Village United Methodist Church in my hometown of Houston. I thank him for opening with a wonderful prayer this morning.

Reverend Caldwell has led his church of approximately 14,000 members in southwest Houston for nearly 20 years. He also delivered the invocation at the President's inauguration last January.

Reverend Caldwell is an influential and motivational leader in the Houston community. He is well known for his zeal and compassion for people. As an articulate and accomplished businessman, he has utilized his pulpit as well as his business skills to develop successful faith-based community programs throughout Houston. These initiatives provide housing, job training, counseling, and other important services to needy residents throughout the community, truly demonstrating Christian charity and brotherly love.

The social programs fostered by Reverend Caldwell in Windsor Village have become models for faith-based initiatives throughout the United States. Reverend Caldwell came to the ministry truly from a calling and truly from his heart for he earned a master's degree in business at the Wharton School at the University of Pennsylvania, and he was a bond trader with a firm in Houston and was doing well. But something else nudged at him while he was in the business field, and he decided that he wanted to be a minister. So he went back to Southern Methodist University to get yet another master's degree, this time in theology. He serves on the boards of a range of community groups from the Children's Defense Fund to the MD Anderson Cancer Center. Reverend Caldwell is also the author of the book

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



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"The Gospel of Good Success: A Roadmap to Spiritual, Emotional, and Financial Wholeness."

I have known Reverend Caldwell for a long time. He is also a friend to President George W. Bush. He is such an important person in the Houston community, looked to by business leaders, community leaders, and by the people in the community who need help. He is always there when called. I am very proud to welcome him to the Senate this morning.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11 a.m., with Senators permitted to speak therein for up to 10 minutes each and with the time equally divided between the two leaders or their designees.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

TRANSPORTATION OF HAZARDOUS MATERIALS

Mr. REID. Mr. President, if you picked up a paper yesterday, you would have seen stories about a transportation wreck again. It was all over the television. It was all over the newspapers. There was a train wreck on Sunday in Gainesville, VA, not far from Washington. Five cars on the train derailed, including two carrying propane, which is very explosive. Route 29—I have traveled that road many times going to Virginia to watch my boy play soccer—was closed for several miles. This is one of the main arteries bringing people to Washington from Virginia. The train derailment not only closed Route 29, but two nearby elementary schools were closed as workers tried to get the cars back on the track and also put the propane back on the railcars or remove them completely.

An emergency worker said if the train cars had rolled in the opposite direction, they would have hit an above-ground gas line, and there would have been a catastrophe. This is the third train wreck on that stretch of tracks since 1997.

Over the past few weeks, several tragic accidents on highways around

the country have raised the question: What if? Just this weekend, a dust storm reduced visibility to zero on a highway in rural southern Arizona. The result was a 26-car pileup. Another dust storm in Colorado caused a 30-car pileup on Interstate 70.

What if a truck carrying hazardous waste had been involved in one of these accidents? Less than a month ago at least five people were killed in a massive wreck caused by fog on Interstate 75 in northwest Georgia. That accident involved more than 100 vehicles, including 20 tractor-trailers.

In February, three accidents in 1 day claimed the lives of five people in Miami-Dade County, all involving large trucks. The accidents were attributed to human error.

We know accidents involving hazardous waste can and do occur on our highways and railways. We all remember the Baltimore tunnel fire last year which was caused when a train derailed. The resulting fire burned for 1 week, and an extremely dangerous acid was spilled in the tunnel. Baltimore was closed basically for 3 days. We are very fortunate this accident was not worse.

Each year crashes kill over 5,000 people—that is, truck crashes—and injure another 150,000 people. Over 50,000 people are killed in automobile accidents each year. Large trucks are involved in multivehicle fatal crashes at twice the rate of passenger vehicles. What if more of the trucks on our highways carried hazardous waste? How could we ensure the safety of our communities? Are local emergency teams fully prepared to respond when hazardous chemicals are released?

The answer to all of those questions is obvious.

I can remember being in Ely, NV—I have said this before—where I was visiting one of my friends who I went to high school with. He is a police officer in Ely. He picked up a teletype indicating there was going to be a hazardous load coming through his town. He said: Why did they send me this? I would just as soon not know. I cannot do anything if something happens.

He does not know. They do not have the equipment. He is not trained.

Last summer I introduced, and Congress passed, an amendment requiring the Secretary of Transportation to study the hazards and the risks to public health and safety, the environment, and the economy associated with the transportation of hazardous chemicals and radioactive material. This report should come soon. I am told it will be finished in the next couple of months. In the meantime, this is an issue about which we need to be concerned. These accidents are serious. We have a deteriorating infrastructure, and we have more and more pressure being put on this deteriorating infrastructure.

Serious accidents have happened and are going to continue to happen, and we need to be aware of this.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

NEED FOR A DOMESTIC ENERGY POLICY

Mr. THOMAS. Mr. President, we are prepared—I guess at 11—to move back to the issue that has been before us now for 3 weeks, and that is energy policy. It is probably one of the most important issues that has been before the Congress in this session and one of the most important with which we will deal.

Some important things have been with us for a very long time, of course, but now we find it even more important as we have national security issues, as we have a need for economic security, as the situation is changing in the Middle East that is even more pressing than it was before.

One of the issues that has been with us all along is the fact we have not had an energy policy. We have not had a policy that has directed the efforts in the United States, which I think in itself is probably one of the most important things we can do. It is hard to make decisions in the interim when there is no policy that says where we want to be and where we want to go. We need a policy so these interim decisions can add toward reaching the goals we have in mind.

We have a very broad policy before us. We have worked on it some in committee. Of course, the President and Vice President CHENEY have worked on a policy as well, the House has passed an energy policy, and the Senate is the one which has not yet done the job we really need to do. I am very hopeful we will come to the snubbing post and get that done as soon as possible.

A lot of things go into it. This has been covered, but I hope we are kind of reenergizing ourselves—no pun intended—as we come back from the recess to talk about a broad energy policy, one that modernizes and increases conservation. We all want to find ways to make better use of the energy we have, whether it be coal, oil, or electricity. We need to modernize and expand our energy infrastructure, and as things change we have to have an infrastructure, for instance in electricity, as we move towards now having more of a market segment in generation.

If that is going to be done, then there needs to be a transmission system that moves the generation to the market. It is a new thing for us, and we do not have that.

We have to have some diversity and talk about and maintain diversity in our supply so we begin to use renewables. We need to find new ways of doing that.

I will always remember a meeting in Casper, WY, years ago when someone said we have never run out of a source of energy because we continue to find and refine new sources. We will continue to do that and indeed need to do so. We need to improve and accelerate our environmental protection, of course. Maybe most of all now, we need to strengthen our energy security.

We have found ourselves, rightly or wrongly—I think probably it is not right—in a position of depending on foreign imports for almost 60 percent of our oil supply. Much of that oil supply has come from the Middle East, and continues to come from the Middle East, and we find that less secure than in the past.

Certainly that dependency on imported oil changes the decisions we can make, and all these factors go into dealing with that. The one that probably deals with it most directly is the opportunity to increase domestic production, which has been one of the controversial areas on the energy bill.

In fact, the energy bill was taken out of the committee. I happen to be on the Energy Committee. We did not have the opportunity to put together the bill. So the bill that has come to the Senate is basically very oriented toward conservation, toward renewables, toward most everything except an increase in domestic production. Now we have come to a point where we need to take a look at that. It is very clear how much more important that is right now than it was before. We see energy prices going up. We see much more uncertainty in the Middle East.

There are some good things as well. We see some new suppliers. We see more imports coming from Russia, and hopefully some more stability there. At the same time we now see instability in Venezuela. We have seen instability recently in Iraq. So it becomes much more clear that over time we really have to deal with this question of becoming less reliant on imported energy. So that affects not only our ability to carry on what we are committed to do in the war on terrorism—obviously that is one that requires a great deal of energy—but I think it is also very important and vital to our efforts to regenerate and strengthen the economy. The economy cannot function without energy.

I hope we can move more quickly in resolving the issues before Congress. The tax package has been completed by the Finance Committee. There are 150 amendments pending.

Hopefully, we do not have to struggle through all of those. Obviously, the question of ANWR is out there. We need to deal with that. That could be perceived differently now than in the past because of continued pressure on the notion of imported oil.

We have a great deal of work to develop more clean coal technology, as coal is one of the most plentiful domestic resources we have. We have an opportunity to become more efficient and effective in generating energy and electric energy. We dealt with that a year ago, particularly in California.

Wyoming is the largest producer of coal. One of the real opportunities in coal is producing the low-sulfur clean coal, and transporting that energy to other places. We can do more.

We have an opportunity to continue making nuclear energy important. For

anyone interested in clean air, which we all are, nothing is cleaner in producing electricity than nuclear power. We have not figured out a way to deal with the waste. There is controversy on that. There are things we can do. We can find storage. Looking at what is done in Europe, they recycle from time to time. We can work those areas.

There is much that needs to be done; there is much that people need to agree to do to move forward on those goals. We find ourselves tied up over some of the elements. I hope we come together and decide what it is we need to do and get on with it.

I am hopeful we can move quickly, certainly to do the best we can. The House has already passed a bill and is ready to go to conference. We can reconcile the differences. The administration is anxious to have an energy policy, to have an energy bill passed, and is working with Congress to do something to make it work while making our economy and environment stronger. We have a lot of energy in our State.

The idea that if you produce and have access to public lands for multiple use, it suddenly ruins the land, is not the case. We have seen over the years we can have multiple use. We can have production. We can have gas production. We can have oil production. We can continue to have a decent environment.

We completed a study on a portion of land under consideration for wilderness in Wyoming called Jack Morrow Hills. One study showed there were operations there some time ago, and the natural evolution had changed it back to a natural place. We have to be careful. We have to use environmentally sound procedures and techniques. We can do that. We are committed to do that. I am hopeful we can move forward.

We have had support from veterans, from organized labor, from women's groups, from the Hispanic and Jewish community, from Native Alaskans. Almost everyone has been here. I had the pleasure of working with veterans who were here promoting energy policy. I look forward to that.

As we return to energy at 11 a.m., I hope our goal is to complete that as soon as possible and move on to other matters.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. 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 rescinded.

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

MOVING ON THE ENERGY BILL

Mr. MURKOWSKI. Mr. President, I want to take a moment to discuss where we are on the energy bill and

how I see us moving forward. As I think the record will note, prior to the recess I filed an amendment on sanctions against Iraq. The specific justification for that was my belief that, at a time when we are seeing the situation in the Mideast erupt, we find ourselves in a position where we are importing over 800,000 barrels a day from Iraq, a country where we are enforcing a no-fly zone, putting the lives of our men and women at risk. At the same time as we are importing this oil, we put it in our aircraft and use it to enforce the no-fly zone. As a consequence, in Iraq, Saddam Hussein generates a cashflow that allows him to keep his Republican Guard well paid and obviously contributes to Iraq's capability of developing weapons of mass destruction.

The purpose of the amendment is to initiate a sanction against Iraq until such time as we can satisfy ourselves that the U.N. inspectors have evaluated whether, indeed, Saddam is using his oil money to develop weapons of mass destruction. I may bring that up today. I have previously received from the majority leader a commitment that he would allow an up-or-down vote on that particular subject at a point in time. I think this may be an opportune time.

The rationale for that is obvious. We find ourselves in a position now where Iraq has indicated it probably will initiate a curtailment of oil exports from that country for a 30-day period. We can only ponder the results of that, as to what it will mean to the consumers in the United States as we see ourselves continuing to be dependent on foreign sources of oil.

I want to take a moment here to discuss where we are in the energy bill and my commitment to see us move forward on it. As you know, we have had a number of successful amendments. I think we have developed a stronger bill. I think it is appropriate to give a rundown on the current situation in the Mideast before I discuss that, and how that has increased the importance of moving an energy bill off the floor.

There is virtually no way to explain the situation in the Mideast. I will not go into the details, other than to highlight the effects it will have on the United States.

While we were on our Easter recess, clearly the tinderbox in the Mideast exploded. In 2 weeks, we have seen 5 suicide bombers; we have seen some 29 Israelis killed, 100 wounded. The same is true on the other side, the Palestinians. Israelis rolled into Yasser Arafat's headquarters in the Palestine settlement when Prime Minister Sharon declared, "Israel is at war."

What did that do to the price of oil? It jumped, first \$3 a barrel on Monday, March 25, closed at \$24.53; trading at \$28, and it is going up over \$30. The Iraqis are calling on the Arab States to use oil as a weapon—oil as a weapon,

Mr. President. Quoting from a statement issued by the ruling Iraqi Baath Party:

If the oil weapon is not used in the battle to defend our nations and safeguard our lives and dignity against American and Zionist aggression, it is meaningless.

Now Saddam announces a 30-day embargo against U.S. consumption—basically a 30-day reduction of his output.

New reports emerge that Saddam Hussein had planned to ram a suicide tanker into a U.S. warship in the Persian Gulf. That came out of a Christian Science Monitor story, which I ask unanimous consent to have printed in the RECORD.

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

[From the Christian Science Monitor]

EX-SMUGGLER DESCRIBES IRAQI PLOT TO
BLOW UP U.S. WARSHIP
(By Scott Peterson)

Iraq planned clandestine attacks against American warships in the Persian Gulf in early 2001, according to an operative of Iranian nationality who says he was given the assignment by ranking members of Saddam Hussein's inner circle.

The alleged plan involved loading at least one trade ship with half a ton of explosives, and sailing under an Iranian flag to disguise Iraq's role, using a crew of suicide bombers to blow up a U.S. ship in the Gulf.

The operative, who says he smuggled weapons for Iraq through Iran for Al Qaeda during the late 1990s, says he was told that \$16 million had already been set aside for the assignment—the first of “nine new operations” he says the Iraqis wanted him to carry out, which were to include missions in Kuwait.

The first plot, remarkably similar to the attack on the USS *Cole* on Oct. 12, 2000, was never carried out. The status of the other nine operations remains unclear.

The smuggler, Mohamed Mansour Shahab, now in the custody of Kurdish opponents of Mr. Hussein in northern Iraq, says he was first told of the role he was to play in the plan in February 2000—one month after an apparently unrelated attempt in Yemen to target a U.S. destroyer, the USS *The Sullivans*, failed when the bombers' boat, overloaded with explosives, sank. Suicide bombers later succeeded in striking the USS *Cole* in Yemen, leaving 17 U.S. sailors dead and a gaping 40-by-40 foot hole in the side of the warship.

TERROR'S FOOTPRINTS

If this Iranian smuggler is telling the truth, it would represent the first information in nearly a decade directly linking Baghdad to terrorist plans. No evidence has surfaced to date that Iraq was involved in the Sept. 11 attacks or the bombing of the *Cole*. But President George W. Bush has declared Iraq part of an “axis of evil,” and makes no secret of his determination to end the rule of Saddam Hussein as part of his “war on terrorism.”

The last publicly known terrorism involvement by Baghdad was a failed assassination plot against Bush's father, former President George H. W. Bush, during a visit to Kuwait in 1993. The elder Bush orchestrated the 1991 Gulf War against Iraq.

“The Iraqis may have been waging war against the U.S. for 10 years without us even knowing about it,” says Magnus Ranstorp, at the Center for the Study of Terrorism and Political Violence at St. Andrews University in Scotland. “Iraq may have fought, using terrorism as the ultimate fifth column, to

counter U.S. sanctions and bombing. Plausible deniability is something Iraq . . . would want to ensure, putting layer upon layer to hide their role.”

Part of the justification for any future U.S. strike against Iraq may be the kind of information provided by the young-faced, nervous Iranian smuggler, now held in the U.S.-protected Kurdish “safe haven” of northern Iraq.

Mr. Shahab spoke last weekend in an intelligence complex run by the Patriotic Union of Kurdistan (PUK), one of two rival armed Kurdish factions that control northern Iraq. He did not appear coerced to speak, and bore no physical signs that he had been mistreated since his arrest on May 16, 2000.

Still, shaking nervously and swallowing repeatedly, he at first refused to answer questions, saying that he was concerned about his family's safety in Iran. Two days later—after learning that part of his smuggling history and role in several killings had already been made public in the New Yorker magazine—he agreed to describe information that he had previously withheld, about Iraq's plan to target U.S. warships.

“If this information is true, it would be in the interest of the U.S., and of all the world, for the U.S. to be here to find out,” says a senior Kurdish security officer involved in the case. Kurdish investigators were initially skeptical of some parts of Shahab's story. But the investigators say they later independently confirmed precise descriptions of the senior Iraqi officials Shahab says he met, by cross-examining a veteran Iraqi intelligence officer in their custody, and checking other sources.

Wearing a pale-green military jacket, dark-blue sweat pants and worn plastic sandals, Shahab softly recounts how he smuggled arms and explosives for Al Qaeda and the Iraqis. He at times flashes a boyish smile—the same disarming grin he uses in images on a roll of film he was carrying when arrested. Shahab also claims to be an assassin. The photos—shown to the Monitor—show Shahab killing an unidentified man with a knife. He grins at the camera as he holds up the victim's severed ear.

During a two-and-a-half-hour interview, Shahab describes the origin of the plot to blow up U.S. warships, while his hands work nervously. He received an urgent phone call early in 2000, from a longtime Afghan contact named Othman, who told him to go to a meeting in Iraq. In February 2000, Shahab says he was taken to the village of Oujia, the birthplace of Saddam Hussein near Hussein's clan base at Tikrit, in north central Iraq.

At the meeting, he says, were two influential Iraqis, fellow clansmen of Saddam Hussein: Ali Hassan al-Majid—Mr. Hussein's powerful cousin and former defense minister—and Luai Khairallah, a cousin and friend of Hussein's notoriously brutal son Uday. Mr. al-Majid is known among Iraqi Kurds as “Chemical Ali,” for his key role in the genocidal gassing and destruction of villages in northern Iraq that killed more than 100,000 Kurds in 1987 and 1988.

The Iraqis said they considered Shahab to be Arab, and not Persian, and could trust him because he was from Ahvaz, a river city in southwest Iran rich with smugglers and close to the Persian Gulf, Iraq, and Kuwait. It is known as “Arabistan” because of the number of Arabs living there.

NINE MISSIONS

Al-Majid and Mr. Khairallah spoke of the nine operations: We've allocated \$16 million already for you,” Shahab remembers them telling him. “We start with the first one: We need you to buy boats, pack them with 500 kilograms of explosives each, and explode U.S. ships in Kuwait and the Gulf.”

The plan was “long term,” Shahab says, and meant to be carried out a year or so later, in early 2001, after he had carried out another mission to take refrigerator motors to the Taliban. Each motor had a container attached holding an apparently important liquid unknown to Shahab. He says he doesn't know if all nine operations mentioned were similar to the boat plan, or completely different. Some were to take place in Kuwait.

The attack against a U.S. vessel, Shahab recounts al-Majid and Khairallah explaining, was to be “a kind of revenge because [the Americans] were killing Iraqis, and women and children were dying “because of stringent UN sanctions, which the U.S. backed most strongly. “They said: ‘This is the Arab Gulf, not the American Gulf,’” Shahab recalls, referring to the large U.S. naval presence in the area.

The Iraqis knew that Shahab, with his legitimate Iranian passport and wealth of smuggler contacts, would have little trouble purchasing the common 400-ton wooden trading boats. He would have raised few eyebrows sailing under an Iranian flag—the only ships in the area, since UN sanctions prohibit such Iraqi trade.

Shahab was to rent or buy a date farm along the water at Qasba, on the marshy Shatt al-Arab waterway that narrowly divides Iraq and Iran, just a few hundred yards from the Iraqi port city of Fao. Using a powerful small smuggling boat, he says he would have been able to reach Kuwaiti waters from Qasba in just 10 minutes.

Iraqi agents were to provide the explosives and suicides squad; Shahab was to handle the boats and the regular crew. “The group that worked with me would sail the ship, and not know about the explosives,” Shahab says. “When we crossed out of Iranian waters, we were to kill the crew, hand over the ship to the suicide bombers, and then leave by a smuggler's way.”

The job, Shahab said, “was easy for me, I could start at any time.” Shahab said the Iraqis told him they “had a lot of suicide bombers in Baghdad” ready to take part in such an operation.

But the plans were never finalized for Shahab, and after delivering the refrigerator motors to the Taliban, he was arrested in northern Iraq in May 2000, with his roll of film, as he tried to avoid Iranian military exercises going on along the border to the south. Though carrying a false Kurdish identity card, his accent gave him away at the last PUK checkpoint.

Iraqi experts say that such a plot is plausible, since Saddam Hussein's multiple intelligence services are sophisticated and smart.

“Anything is possible,” says Sean Boyne, an Ireland-based Iraq specialist, who writes regularly for Jane's Intelligence Review in London. “Certainly Saddam has gone to great trouble to shoot down [U.S. and British] aircraft” patrolling no-fly zones in northern and south Iraq, Mr. Boyne says. “He has invested heavily in his antiaircraft system. He is eager to have a crack at the Americans.”

That impulse may also help explain the presence of a training camp at Salman Pak, a former biological-weapons facility south of Baghdad. It includes a mock-up Boeing 707 fuselage, which Western intelligence agencies believe has been used for several years to train Islamic militants from across the region in the art of hijacking. A senior Iraqi officer who defected told The New York Times last November that the regime was increasingly getting into the terrorism business. “We were training these people to attack installations important to the United States,” an unnamed lieutenant general said. “The Gulf War never ended for Saddam

Hussein. He is at war with the United States. We were repeatedly told this."

Still, the political situation Saddam Hussein finds himself in today—in light of the example of decisive U.S. military action in Afghanistan—may not be as conducive to a strike at the U.S. as it was when Shahab says he first heard of the plan to blow up a U.S. warship. In recent months, Boyne notes, Iraq has engaged in a region-wide charm offensive to portray itself as a victim, and to build Arab and European support against any U.S. attack. Baghdad is even pursuing warmer ties with Kuwait (at the Arab League summit last week) and with Iran, in an attempt to gain mileage from Iran's anger at being listed as part of Washington's "axis of evil."

While the Bush administration focuses on Iraq's apparent pursuit of weapons of mass destruction—in the absence of UN weapons inspectors, who were kicked out in 1998—clues to Iraq's true role may lie in the credibility of the 29-year-old smuggler from Ahvaz.

Why is he talking now? "Afghanistan is finished, so now I feel free to speak," says Shahab, who was given the name Mohamed Jawad by accomplices in Afghanistan. Asked if he fears the wrath of senior members of the regime in Baghdad, who still hold power, Shahab replies: "I lost everything. For many years I worked with assassinations and killing—it doesn't make a difference to me."

Mr. MURKOWSKI. Mr. President, yesterday major oil producers in Venezuela went on strike. Between Venezuela and Iraq, nearly 30 percent of our oil imports are at risk. And that is nearly 12 million barrels today.

We also learned that Saddam Hussein has indicated a payment to the families of the Palestinian suicide bombers of roughly \$25,000. Previously it was around \$10,000. That is a terrible incentive for terrorism. One has to wonder where he gets the cash. But you don't have to wonder very long because of the \$4-plus billion that the United States paid Saddam Hussein last year for oil.

The Senate needs to remember that Saddam is much more than just a member of the axis of evil. He is an energy partner of the United States.

We now understand that Iraq, Libya, and Iran have called for an OPEC oil embargo—an event that could cripple the world economy.

With each passing hour, the Mideast grows more unstable, and the future grows more uncertain. With each passing day, the United States grows more dependent on foreign sources of energy.

What does tomorrow hold? More chaos and more bloodshed. The United States has a role and an obligation to help lead the region to peace. I applaud the President for sending Secretary Powell to personally supervise these efforts. But now more than ever we should turn our attention to here at home. We need to look at the realities of how we are going to meet our energy needs with or without the Mideast.

Given the choice, will we choose to keep us dependent on foreign oil or will we choose solutions found here at home to lessen our dependence on imported oil, solutions within our borders free from the chaos and uncertainty in the Mideast?

I go back to 1995. If the Senate passed an amendment in the omnibus bill that would have allowed the opening of ANWR, where would we be today? We would be in production. We would be generating at least a million barrels more from domestic sources, eliminating at least a million barrels from imports. Unfortunately, our former President vetoed that bill.

The energy bill before us is one on which we spent nearly 3 weeks. There is some criticism for the delay, but I remind my colleagues that we are taking on an extremely difficult and divisive issue and dealing with it on the floor of the Senate as opposed to the committee process. Since the debate started on this issue, we have disposed of 49 amendments—21 offered by Republicans and 28 by Democrats. Working with my good friend, Senator BINGAMAN, I think we have moved in a responsible manner.

That total, I might add, does not include the two amendments dealing with judicial nominees, or several amendments that have been dealt with off the floor. We have dealt with extremely difficult amendments, including CAFE, and specifically whether Congress should decide on new vehicle standards or leave that decision to experts; whether Congress should impose a renewable portfolio standard on some electric producers or leave the decision on appropriate standards to the States; whether the Federal Government should continue the liability protection on nuclear powerplants—that is the Price-Anderson amendment—the issue of reliability, and how best to ensure reliability on our electricity grid; ethanol; and whether to create a reasonable fuel requirement.

But there are still significant issues left to decide. We need to close out the issues dealing with electricity. We need to reach some agreement on the climate change provision in the bill. Of course, we must address the tax provisions for renewable conservation, alternative fuel efficiency and production. We must decide how best to increase our domestic production of energy sources since there are no real production provisions in the Daschle substitute.

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

EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that morning business be extended until the hour of 11:30 today.

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

Mr. MURKOWSKI. Mr. President, I ask unanimous consent to speak for another 5 minutes to finish my statement.

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

MOVING ON THE ENERGY BILL

Mr. MURKOWSKI. Mr. President, although we have some significant issues left to decide, we need to close out electricity, climate change, tax provisions, and increasing our domestic production.

As I stated in my opening statement, because of the manner in which this legislation has come before the Senate, we have been forced to consider the measure without the benefit of the committee deliberation and action that ordinarily would accompany a bill of this nature. We have had difficult and divisive issues that should and could have been worked out in committee. It is debated here in this Chamber. It is not a question of laying blame on one or the other. The point is, we have to move on from where we are. This bill can only be resolved by the amendment process.

Recently, we have seen statements that the Republicans were stalling this bill because we had not offered an ANWR amendment. It is my intention to offer an ANWR amendment this week. I regret that some on the other side believe there have been delays. But I believe the Feinstein amendment is pending today. Of course, I anticipate that we will proceed and there will be an objection to moving off of it for any other reason. I have always believed the best way to move important legislation is to work through the less controversial issues first and then address the more difficult.

I remind my colleagues that it was the majority leader, not the Senator from Alaska, who decided to spend the entire first day of the debate on various amendment provisions. We saw those amendments which would not necessarily have been resolved with any significant advancing of the process. But, nevertheless, I will not belabor the manner in which this bill has moved forward. We have seen an extremely difficult process on both sides of the aisle in trying to balance a comprehensive and bipartisan bill that balances production, efficiencies, alternative fuels, and conservation.

The problems associated again with the movement of the bill probably need a little identification as we work through the process.

There were no committee reports or committee-approved texts for anyone to work from. The substitute that was brought about by the majority leader was kind of a moving target, and continued to be modified even after introduction. Even with that, we still deal with moving targets.

The renewable portfolio amendment offered by the manager on the other side changed so many times before introduction that the majority whip didn't really know—and I didn't know—whether we were talking about a standard of 8 or 10 percent or whatever. That does not form a basis for any kind of debate, and seriously complicates the ability of Members to draft amendments or know what they are voting on.

But I don't want to belabor this because what we are attempting to do is move this process along and bring up the other amendments. We are certainly not looking to extend the debate on the issue or filibuster this bill through unlimited amendments.

Currently, as I have indicated, there are roughly 150 known potential amendments remaining—roughly 100 on the Democratic side and 50 on the Republican side. Virtually all of them could and would have been dealt with within the committee process. But the staff for both the majority and the minority are working to eliminate this list.

I pledge my support to improve the legislation before us and get a bill to the President as soon as possible. I urge my colleagues to recognize the weight of this task before us as we push through the agenda and do what is right for the Nation.

I hope that as we start afresh after our Easter recess we can come together and recognize the reality that this country is in peril over energy, that the continued escalation of prices is going to hit the consumer and hit our recovery, the prospects associated with the curtailment of imports from Venezuela and Iraq, which constitute 30 percent of our oil imports, and the results of nearly 2 million barrels coming to a halt which we have depended on is going to severely affect our economic recovery.

It has been estimated for every million barrels of oil taken off the world market, crude oil prices rise roughly \$3 per barrel. Today's price is roughly \$27. Obviously, we are looking at somewhere between \$30 and \$33 if, indeed, this curtailment continues.

It is time to recognize that indeed we have some recourse. The recourse is to reduce our dependence, and one way to do that is obviously to look favorably upon the ANWR amendment.

I thank the Chair and my colleagues for the time. I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

CHERRY BLOSSOM QUEEN ELIZABETH O'CONNOR

Mr. DODD. Mr. President, my colleague from Connecticut is joining me on the floor, and we are going to spend a couple minutes talking about two sources of State pride. I will very briefly mention, before I talk about the University of Connecticut women's basketball team, that last Friday night the U.S. Cherry Blossom Queen was crowned in Washington. We are very proud in my office to say Elizabeth O'Connor was chosen, by a random selection process, as the Cherry Blossom Queen of the United States.

She is a staff assistant in my office. She is a wonderful young woman who is very accomplished in many ways. A summa cum laude graduate of Notre Dame University from Farmington, CT, she went to Farmington High

School. She is the daughter of wonderful parents, Fred and Katherine O'Connor in Farmington, CT.

She will be going to Japan for a couple of weeks, meeting with the Prime Minister, the Speaker of the House, as the Cherry Blossom Queen of the United States.

You can understand the source of pride in our office and in Connecticut that Elizabeth has been chosen as Connecticut's society princess crowned the Cherry Blossom Queen. We are very proud of her. I know she will represent the State and the country very admirably. In the last few years we had another queen, Shannon Kula of my office, also chosen the Cherry Blossom Queen. People are beginning to wonder if Connecticut has some fix, a hold on the cherry blossom queen festival. Nothing such as that has occurred. This is good fortune and good luck for the State of Connecticut.

NCAA WOMEN'S BASKETBALL CHAMPIONS

Mr. DODD. Mr. President, I rise today, along with my friend and colleague, Senator LIEBERMAN, to offer a Senate resolution commending the Connecticut women's basketball team. We have had a phenomenal season from start to finish, with the crowning victory at the Alamodome in Texas, defeating the University of Oklahoma just a few weeks ago. Their 82-to-70 victory in the national championship game on March 31 capped one of the most dominant seasons enjoyed by any sports team in recent memory.

The Huskie Women's Basketball Team finished the season undefeated, 39 and 0, becoming only the fourth women's NCAA basketball team in history to do so and one of a few teams that have had multiple national championships. There are only a handful that have had undefeated seasons and national championships.

The margin of victory of the UConn team over the season was astounding. A historical 35 points was the average margin of victory in the 39 victories they had during the regular season. In all my years—I know the Presiding Officer is a fan as well of sports and basketball—I never have seen anything quite like this. Each game was not a question of whether or not they would win but by how much. A phenomenal group of young women, a phenomenal coaching staff, they just did a terrific job during the entire season.

The accomplishments of this team go far beyond their dominance on the hard court. The Huskies have helped contribute to the greater cause of increasing the visibility of women athletes. Nearly 3.5 million people watched the final game on ESPN, which represented the largest audience for a college basketball game, men's or women's, in network history. Imagine, a few years ago, you would have been lucky to have a handful of people that might show up for a women's basketball game.

Not only did they have 3.5 million people watching on television, 30,000 people were packed into the Alamodome to watch the final game. Many people would have predicted that could never have happened only a few years ago. Why shouldn't it be so? Anyone who watched this remarkable team from Connecticut as well as the other top teams across the Nation—Tennessee, Duke, Oklahoma; there are a lot of great women's teams, the number growing each and every year—would certainly be impressed with the quality of the play they have brought to the game.

Theirs is a wonderful, pure style of basketball combining accurate shooting and flashy passing, as we have all seen, and sound all-around play. For the women's team, one of the strengths was the senior leadership. NCAA Player of the Year Sue Bird, along with her senior teammates Asjha Jones, Tamika Williams, and Swin Cash, have played together for 4 years—four remarkable women.

This last victory caps an incredible collegiate career for these four women, including an unbelievable 136-and-9 record and two national championships—rather phenomenal. Throughout the season, their familiarity with each other made it seem as though they could read each other's minds as they played on the court.

All of us in Connecticut are deeply proud. Last Saturday, there was a parade in Hartford, CT. Literally thousands of people on a bitterly cold day showed up to express their admiration and pride in these wonderful players and their coaches.

Coach Geno Auriemma is truly a special individual and deserves some very special recognition. He has led this team to victory after victory and does so with a great deal of style, emotion, and feeling for these young women. He arrived on the Storrs campus in 1985, at which time the Huskie team had experienced only one winning season. He quickly turned the program into one of the leading powerhouses in the Nation, and the pride of the people of Connecticut has been swelling ever since.

Coach Auriemma has compiled over 400 career wins at UConn including an unbelievable 272-and-17 record over the last 8 seasons. This represents a run of dominance possibly unmatched in the history of team sports competition. Under Coach Auriemma's leadership, the Huskies have won 3 national titles, 12 Big East regular season titles, and 11 Big East tournament titles. This year, Coach Auriemma was named National Coach of the Year for the fourth time in his career and the Big East Coach of the Year for the fifth time in his career.

Perhaps the most important example of Coach Auriemma's philosophy is the way he has led these women to be winners on the court and off as well. I know the Presiding Officer will be impressed by this statistic. Coach Auriemma has overseen a program that

boasts a 100-percent graduation rate for the young women of his team. That is something to be emulated across the country. The entire sports world could learn a great deal from Coach Auriemma and his staff and the generation of UConn women's players who have played for him. Athletes do not need to sacrifice an education or other valuable things in life for the sake of winning. If you set your sights on excellence, there is no telling how much you can achieve in life and where excellence will come in every endeavor in which you engage.

Although some Huskies have gone on to excel in the WNBA, many others have gone on to careers as physicians, lawyers, and educators. I know Coach Auriemma is extremely proud of the alumni association that has come from the teams he has coached over the years.

Let me also congratulate everyone involved in this incredible season. I mentioned the four seniors on the team: Sue Bird; Swin Cash; Diana Taurasi, a young woman, not a senior. She was the most junior in age of the starting five. I mentioned Asjha Jones and Tamika Williams. The starting five is the only team in NCAA history where all five starting players are All-Americans. Sue Bird was on the first team, two were on the second team, one on the third team, and one honorable mention. That has never been done before by a starting five on a basketball team. And the other players on the team could easily have been a starting team almost anywhere else, and they contributed successfully to the success and overall efforts. They include: Jessica Moore, Ashley Battle, Maria Conlon, Morgan Valley, Ashley Valley, and Stacey Marron. Thanks go to Geno Auriemma and his associate head coach, Chris Dailey, and Tonya Cardoza and Jamelle Elliott.

Senator LIEBERMAN and I are very proud of this wonderful group of people, these young players. They receive a lot of support around Connecticut. We have always had to export our sports allegiance, on a professional level, and in Connecticut you are either a Boston Red Sox fan or a Yankee fan. Some are now Mets fans. In football, you either support the Giants or the Patriots. In hockey, it is Boston, New York, or New Jersey. At the collegiate level, the UConn men's team, under Jim Calhoun, had a wonderful season, getting to the final eight, losing to Maryland, and the UConn women's team going on to the third national title in the last few years.

While we don't have a professional sports team in our State, we have wonderful college athletics, and you can understand the great sense of pride we all feel over this unique and special accomplishment achieved by the UConn women's basketball team. I know my colleague is here being supportive.

CONGRATULATING THE UNIVERSITY OF CONNECTICUT'S WOMEN'S BASKETBALL TEAM ON WINNING THE NCAA NATIONAL TITLE

Mr. DODD. Mr. President, I send to the desk a resolution, S. Res. 232, and ask for its consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 232) congratulating the Huskies of the University of Connecticut for winning the 2002 NCAA Division I women's basketball championship.

The PRESIDING OFFICER (Mr. CORZINE). Without objection, the Senate will proceed to consider the resolution.

The junior Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, it is with profound pride—and I suppose I should add provincial pleasure—that I join Senator DODD and all of our colleagues from Connecticut in the House of Representatives in introducing this resolution, which is the legislative equivalent of wagging our tails and howling like huskies at the Capitol dome.

We are very proud to salute the 2002 national champion University of Connecticut women's Huskies basketball team, who, on March 31, capped a 39-to-0 season—a perfect season—the ninth undefeated run in the whole history of college basketball, with a victory over Oklahoma in the title game. I suppose we should pay some respect and give some sense of congratulations, even in defeat, to our former colleague, David Boren, who is now the president of the University of Oklahoma.

This fantastic season leads me to repeat a pressing question that opponents of the UConn women's basketball team must have been asking all year, which is: Who let the Huskies out? I think the answer might be the great Coach Geno Auriemma and his superb staff, who not only coached but led, inspired, and mentored this extraordinary group of women to this extraordinary season. This marks the third time that UConn women have leapt above the rim of college basketball and the first time in NCAA history that any school has gone unbeaten on two separate occasions.

Mr. President, you may remember—and I certainly do—a similar swell of pride when Rebecca Lobo and Jenn Rizzotti and company ran the table on the way to the national championship in 1995. For years to come, student athletes around the Nation will be striving to approach the perfection of this program, and we in Connecticut are so proud of it.

As Senator DODD indicated, five of these great basketball players won All-American notice. They poured in more points than any other team in the Nation and racked up an NCAA record average margin of victory of more than 35

points a game—a remarkable achievement.

But the true measure of the team, as Senator DODD indicated, can't be distilled in numbers or records. You have to look at the humans involved. The legendary Geno Auriemma, one of the winningest coaches in college basketball history, once again brought together a great group of talented and hard-working young women and imbued that team not just with the skills but with the team spirit and the togetherness that we saw on the court perfectly and gracefully executed time and time again.

Senator DODD referred to the four seniors who are legendary and will remain legendary in Connecticut for a long time to come: Sue Bird, Asjha Jones, Tamika Williams, and Swin Cash; and a great sophomore sensation, Diana Taurasi. They became an unstoppable combination. I will say with pride that the surge of success is starting to feel happily familiar to us, and we are very grateful for that. Over the last 4 years, the UConn women's team has gone 136 and 9, made three Final Four appearances, and claimed four Big East tournament titles in 4 years, along with the Huskies men's basketball team, which this year earned its 15th consecutive trip to national post-season play on the way to the Elite Eight. The two make a truly triumphant tandem, that Huskies men or women have now won the national college basketball championship in 1995, 1999, 2000, and 2002.

This is a great program, and we owe a particular thanks and expression of pride to the athletic director of the University of Connecticut, Lou Perkins, to coaches Geno Auriemma and Jim Calhoun, and to all their staffs.

Mr. President, this may give you some small sense of why Connecticut residents are as loyal to our Huskies as huskies are to their owners. We love the way this team came to play. We love the way they brought out the best in our State. If I may say so, as Americans, every day we pledge allegiance to the red, white, and blue; but during basketball season in Connecticut, we have a special place in our hearts for the white and blue alone. We are proud that the rest of the Nation is catching on. A record crowd of nearly 30,000 fans turned out at the Alamodome in San Antonio to watch the Huskies win the national title. That growing popularity is helping women's college basketball ascend to truly new heights.

I am proud to join with Senator DODD and our colleagues in the House in introducing this resolution and in congratulating the UConn players and coaches on their singular accomplishment and asking the Senate to do the same. We are filled with pride over the honor the Huskies have brought to Connecticut.

Two years ago, when Senator DODD and I were here and I was honored to give a similar speech saluting the UConn men's Huskies, I closed with the

UConn cheer. I believe if I don't do it today, there will be objections raised under various Federal statutes. So here it is: U-C-O-N-N, UConn, UConn, UConn.

Thank you. I yield the floor.

The PRESIDING OFFICER. Without objection, the resolution and the preamble are agreed to.

The resolution (S. Res. 232) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 232

Whereas the University of Connecticut women's basketball team won its second national championship in 3 years by defeating the University of Oklahoma by the score of 82-70;

Whereas NCAA Division I Women's Basketball Coach of the Year Geno Auriemma's team finished the 2002 season with a perfect 39-0 record, becoming only the fourth NCAA Division I women's basketball team to go undefeated;

Whereas Sue Bird was chosen as the national women's player of the year;

Whereas Swin Cash was named the Final Four Most Outstanding Player;

Whereas Sue Bird, Swin Cash, Diana Taurasi, Asjha Jones, and Tamika Williams were selected as All-Americans;

Whereas the Huskies' 35-point average margin of victory during the regular season was the largest in NCAA Division I women's basketball history;

Whereas the Huskies dominated this year's NCAA Division I women's basketball tournament, averaging 83.3 points and a 27-point margin of victory en route to the championship;

Whereas the high caliber of the Huskies in both athletics and academics has significantly advanced the sport of women's basketball and provided inspiration for future generations of young men and women alike; and

Whereas the Huskies' season of unparalleled accomplishment rallied Connecticut residents of all ages, from New London to New Haven, from Hartford to Hamden, behind a common purpose, and triggered a wave of euphoria across the State: Now, therefore, be it

Resolved, That the Senate commends the Huskies of the University of Connecticut for—

- (1) completing the 2001-2002 women's basketball season with a 39-0 record; and
- (2) winning the 2002 NCAA Division I Women's Basketball Championship.

The PRESIDING OFFICER. The Senator from Texas is recognized.

ORDER OF PROCEDURE

Mrs. HUTCHISON. Mr. President, I ask unanimous consent to set the speaking order. I would like to have up to 10 minutes to speak, after which Senator MILLER would like 10 minutes, after which Senator FRIST would like 15 minutes.

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

ENERGY SECURITY

Mrs. HUTCHISON. Mr. President, I rise today to talk about the need for an energy policy for our country. I have

tried ever since I have been in the Senate to get us to plan ahead, to lead our country to be self-sufficient in our energy needs. Unfortunately, the disagreements have been too great and Congress has not been able to come up with a plan that could be signed by the President.

Today we are not only talking about economic security, we are talking about something bigger, and that is national security. We must have an energy policy that begins to make our country self-sufficient because we can no longer allow 60 percent of our energy needs to be imported, especially from countries that may or may not be there for us.

I do not know what it takes for the American people to get it. Iraq has just said they are not going to export oil for 30 days. The United States uses 1 million barrels a day from Iraq and the world market. Every time a country says they are not going to produce, it takes that oil out of the world market and increases the price of gasoline at the pump and the cost to every factory to stay in business.

We are in a war. There is no question we are in a war on terrorism. We are in a war for the very freedoms on which our country was built. Religious diversity in our country has been the beacon in the world for tolerance and respect of people with different views. That has been attacked.

We are in a war, and when we are in a war, it means we must make sure our underlying strength is everything we can make it. Part of our underlying strength is a ready supply of energy. We must have a stable price for the energy we consume in our homes, in our cars, and in our factories to keep the jobs in our country.

We should have done this 6 years ago. We should have done it 4 years ago. We should have done it 2 years ago. But if we do not do it now, we are remiss in our responsibility as leaders of this country. The President has called on Congress to send him an energy package. We are debating an energy package that has been passed by the House. It is a balanced package. It increases production of oil and gas in our country. It has renewable incentives so that we will have wind energy and research into ethanol, soy fuel, and other products we can renew. It encourages the building of more nuclear powerplants which is a clean and safe energy. We will have more clean-burning coal.

There are so many opportunities for us to become self-sufficient, but until we have an energy policy, we will not be self-sufficient and we will be beholden to countries, such as Iraq, that are already cutting us off as I speak. We cannot allow any country, even a supposed friend, to have a veto over our economic stability which, in turn, is a veto over our national security. We cannot allow it, Mr. President. If we do, we are not the leaders of our country that we should be.

I am calling on the Senate to pass an energy bill. Even if it is not a perfect

bill, we need to pass an energy bill. I do not like the bill the Senate is considering. It has some big problems. We are trying to straighten out those problems, and we have made some headway. Some of the amendments that have been adopted have improved the bill.

When the price of gas at the pump goes up 14 cents in the last 14 days, we cannot sit here and twiddle our thumbs. We cannot do it in good conscience. It is time for the Senate to get to work.

There will be an amendment pending in the next 15 to 30 minutes. We need to complete that amendment and go to the next one. It is very important. Part of the bill will give tax incentives for the small drillers, the 15-barrel-a-day drillers, to stay in business so we will have stability if the price goes below \$15 a barrel. These are small business people. They are not going to reopen a well if they do not have some floor to help them stay in business and avoid the cost of closing that well. That is the reason many of the wells, that were closed when prices were \$11 a barrel, have not been reopened.

If we can get all of the marginal wells pumping in this country, we will equal the amount we import from Saudi Arabia every day. If we drill in a very small part of ANWR, we can equal the amount we import from Iraq every day. That would be a significant step toward our stability.

ANWR is an area the size of the State of South Carolina. Part of it has vegetation and is a wildlife preserve. The part we are talking about drilling is 2,000 acres, about the size of Dulles Airport. We are talking about the size of Dulles Airport and the State of South Carolina. I think sometimes when I hear the environmentalists debate this issue, they do not know about the new techniques for drilling. We do not drill all over an area anymore. We used to have an oil well about every 50 feet. We do not do that anymore because we have technology that allows us to go down lower and spread out to get the oil without damaging the surface at all.

We are talking about a very small area that can be drilled, and it happens to be an area that does not have vegetation. Two-thirds of the year it is ice, and the road will not ever hit the dirt because it is an ice road. We will not harm the caribou. There was a study that came out from the Department of the Interior that indicated there would be harm to the caribou, but they were not talking about the bill we are going to address. The assumptions the Department made in the report are not in the bill that the House passed. It is a totally different issue. They assume we will be drilling in other parts of the refuge which we will not.

We will be sensitive to the environment. We should also protect the national security of our country. We can do both. Do we want to protect jobs and security in America, or do we want to be beholden to foreign countries for

our energy needs which could shut down factories, lay off workers, cause lines at the gas pumps, and cause economic hardship in this country? That is our choice, and the choice is before us today: Are we going to choose to be self-reliant, like the greatest country on Earth at war, or are we going to rely on imports from countries that have already said they are going to cut us off? It is a no-brainer, Mr. President. It is a no-brainer. We must look out for the interests of America. If we are going to be the beacon of freedom in the world, this is part of our ability to protect that freedom.

We can do no less than pass an energy bill, go to conference, and work out with the White House the differences we have. Let us put the partisan differences aside and let us make sure America has a balanced energy policy. This includes conservation, renewable energy, electricity deregulation, more production in our own country of oil and gas, and lessening the liability for nuclear powerplants, so we will once again be able to build nuclear powerplants for clean energy.

The United States is not going to walk backward on protection of the environment. We will never do that. We are going to protect the environment, and at the same time we are going to protect the national security of our country, if we do the right thing.

I hope my colleagues, who have come back from 2 weeks at home, have seen the prices rise at the pump, have seen the moms in SUVs who are taking their children to school in carpools saying: My gosh, I cannot afford to fill up my tank and pay \$150; I cannot do it.

No one says: Well, do not have an SUV. If they have five or six children and they are car-pooling, they are saving a lot of money because they are doing something that would take two cars to do. They are also looking out for the safety of their children by having heavier vehicles.

The time is now. We have the opportunity to pass an energy bill and put one more piece of our homeland security in place. It is our responsibility, and I hope the Senate will step up to the plate and do the right thing.

I yield the floor.

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

PRESCRIPTION DRUG LEGISLATION IS NEEDED TO HELP AMERICA'S ELDERLY

Mr. MILLER. Mr. President, there is a little family restaurant in my hometown of Young Harris, GA, that is called Mary Ann's. It is where the locals gather, and often some tourists, to enjoy the north Georgia mountains. It is a good cross-section of folks: Blue-collar laborers who build houses and cut timber; teachers from the little junior college up the street where I once taught, and may do so again;

young folks determined to eke out a living without having to move to Atlanta; retired folks who did go to the city to find work and then came back home as soon as they could.

There is also a percentage of people from States such as New York and Michigan who dreamed of retiring to the sunshine of Florida, and did. Some found it a little crowded and then came on up to our area in north Georgia. We call them halfbacks. They retired to Florida, then moved halfway back home. Nothing wrong with Florida, mind you. They just enjoy the beauty of our mountains.

The point I am making is this is a great cross-section of folks, usually equally divided between Republicans, Democrats, and Independents. It is where I do my focus groups, for free—or not exactly for free: sausage, a biscuit, and a cup of coffee.

I suggest to both parties in Washington who pay those enormous sums of money for focus groups and polling that there is a much cheaper way to do it, and I swear I believe it is just about as accurate.

Anyway, the point I want to make is over the recess I was in Mary Ann's a lot, and I processed a lot of information on the cross-tabs of my brain, you might say.

One day, an old timer, so thin he was mostly breath and britches, followed me out into the parking lot. That is where you can have real private conversations, usually with one leg propped up on the bumper of a pickup. We have known each other all of our lives. He stared deep into my eyes and he said: ZELL, I am worried about Hoyle.

Hoyle Bryson is my uncle, kind of like a father since my dad died when I was a baby. Hoyle has always lived next door. When I was a little boy, he played professional baseball in the minor leagues at far-away and exciting places such as Tallahassee, FL; Tarboro, NC; Portsmouth, VA. Most of his life he was a hunter and a trapper and worked as a lineman for the Rural Electric Association. He is 88 years old now, has lived alone for over 20 years since his wife died. Once, a strong mountain man, he now has diabetes, prostate cancer, recently had angioplasty, and this week was bothered with a kidney infection. That once strong body is gradually growing weaker.

So I am worried about Hoyle. I am worried about Hoyle, even though he still makes his own garden and keeps a passel of hound dogs, as he always has.

I took him to the doctor a few weeks ago and stopped back with him at the drugstore to fill his prescriptions. They came to well over \$100 and will only last him a couple of weeks.

Hoyle, as do most of our elderly, lives below what statistically is known as the lower poverty level threshold. This is the group that is hurt most by taxes and especially by rising health care costs. They are a valuable human re-

source that we must be, as my mountain friend said, worried about. It is not always pleasant and uplifting to see this segment of our society. They make us sad. Many of us—too many—even refuse to see them. We refuse to see them because we fear we may see ourselves to be the lonely elderly waiting, waiting for someone, anyone, to knock on their screen door and, as John Prine sings, say, "Hello in there."

The elderly are waiting for something else, too. They are waiting for us to do something about their needs. So far, they have waited in vain, each day growing older and weaker and many dying.

Do you know who we in Washington are like? We are like those people in the biblical story of the Good Samaritan who passed by the man in the ditch and refused to help him. We are no better than they are.

Our elderly have always been the backbone of our society, and if we do not give them some help soon, this Nation is going to get a permanent curvature of the spine.

Twenty-five centuries ago, Plato said it best: States are as men are. They grow out of the character of man—and woman, I might add.

If we in the Senate are to be called civilized, decent, God-fearing and God-obeying, we who are so richly blessed must meet this stark question of human need. We must have a meaningful prescription drug benefit, and we must have it soon.

I say to my fellow Senators, let us get our priorities in order. Sure, it was important to pass campaign finance reform, to try to take big money out of the political process. But is there anyone who would argue it is more important than a prescription drug benefit?

Election reform, we are going to get back on that. I am for it, too. We need to make the process easier, and we need to make it fairer. Fast-track trade, let's debate it. It is important.

These important time-consuming, well-meaning pieces of legislation that will tie this body in knots and run out the clock, are any of them close to dealing with the clear human need of a prescription drug benefit for our elderly?

If someone tuned in to the debates in this Senate since Christmas, they would conclude we care more about the welfare reform of the caribou than we do about the welfare reform of our elderly. This is a life-and-death issue about our fellow human beings, for goodness' sake. It is not about the fragility of the tundra in some far away isolated place only a very few people will ever see. It is about the fragility of a human being's last days on Earth.

There is absolutely no reason, no reason except cheap political gamesmanship, that we can't have a prescription drug benefit before election day—no good reason, no acceptable reason at all.

There are 11 prescription drug bills pending in this Senate today, all of

which would be better than what we have. With 54 different Senators listed as cosponsors, that says to me a majority of this Senate wants to do something and do it now. All of the budget proposals floating around out there include money for a prescription drug benefit.

Both parties made this promise to our elderly in the 2000 election. So why are we waiting? How much longer must we wait? How long are we going to continue to play this nonproductive, partisan, never ending ping-pong game of retribution and payback that takes up so much valuable time and, frankly, makes us all look silly and petty? How long will we keep using the antiquated rules that slow down everything to a crippled snail's pace, that on a regular basis thwarts the clear will of the majority of this body and instead substitutes the tyranny of a minority? We should stop this dilatory dillydallying and put up a sign around here that says "No Loitering."

We should cut down on some of this Presidential candidate posturing. I know you cannot do away with all of it, of course. But you want to be a contender? Quit preaching and preening and produce. You want the well off to show you the money? Show the not so well off a prescription drug benefit.

To do that, you will have to say no to some of those high-priced political strategists, those consultants who couldn't get elected dogcatcher themselves, whose advice is always the same: Have an issue, not a result. Never compromise, never accept a half of loaf of anything.

Remember FDR once said:

Try something. If it doesn't work, try something else. But for God's sake, try something.

That is what I am trying to say. I want Hoyle and all those millions like him in the land of plenty who have played by the rules and worked hard all of their lives to have some peace and hope in the twilight days of their last years.

If this so-called center of democracy keeps piddling and procrastinating and postponing this issue, I hope the American people will rise up as did those fans at that football game in Cleveland and run both teams off the field.

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

ORDER OF PROCEDURE

Mr. WYDEN. For the purpose of a unanimous consent request, I ask to be recognized after the Senator from Tennessee.

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

Mr. WYDEN. I appreciate the graciousness of the Senator from Tennessee, and I ask unanimous consent that at this time morning business be extended for 10 minutes so at the conclusion of the remarks of the Senator from Tennessee I can speak as if in morning business for up to 10 minutes.

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

The Senator from Tennessee.

HUMAN CLONING

Mr. FRIST. Mr. President, in the coming weeks the Senate will consider legislation to prohibit human cloning. In advance of that important debate, which will center upon this intersection of values, of ethics as it crosses with science, many have begun studying in a very careful way this complex issue.

A number of colleagues have come forward and asked me, personally, about this issue, in part because of my medical background, but also in large part because they know I am a strong advocate for and a strong supporter of stem cell research, as long as that stem cell research is conducted within a framework of a comprehensive, ethical, and moral oversight system.

The question I hear most is the following: Can one truly be an advocate for stem cell research and, at the same time, oppose human cloning experimentation? After an in-depth study of this issue from a policy standpoint, from the standpoint of being a Senator and looking at that legislation as a science, from a medical standpoint, I believe the answer to this question is yes.

Until now, the overall human cloning debate has been presented almost as an absolute choice between, on the one hand, medical science and the hope for cures and, on the other, ethical restraint.

This is an oversimplification that does not do justice to the clinical, scientific, philosophical, moral, ethical, and spiritual complexities underlying this discussion. I am glad to see that a number of my colleagues and people around the country have not locked into this false choice, but rather have stayed back to examine these in our deliberations.

After carefully considering all of the evidence brought forward in hearings and on the floor in support of human embryo research cloning experimentation, after considering the medical progress being made and that will be made through stem cell research, and after considering the overwhelming ethical concerns about human embryo cloning experimentation, I conclude that a comprehensive ban on all human cloning is the right policy at this time. I intend to support legislation consistent with this policy, and I will encourage my colleagues to do likewise.

As we move forward, one must understand the fundamental fact that I hope plays out over the next several days and weeks in the discussion. It is important; that is, embryonic stem cell research and human embryo cloning research are not the same thing. Human embryo research cloning—called therapeutic or research embryo cloning—is an experimental technique often confused with but distinct from stem cell

research. The promise of stem cell research, for Parkinson's disease, Alzheimer's disease, diabetes, spinal cord injuries, autoimmune disorders, cardiovascular disease—the promise of stem cell research and the science can and will progress with a ban on human cloning embryo experimentation.

Most serious observers—I don't want to say all—agree that human reproductive cloning should be banned, must be banned. Indeed the legislation that will come to this floor will ban reproductive cloning. It is dangerous and it is unethical.

The question this body will be debating is whether or not this ban on human reproductive cloning should extend to all human embryo cloning. The issue is not cloning of DNA, that is going to continue no matter what; not cloning of molecules, that is going to continue; not cloning of cells other than cells that become or are an embryo, that is going to continue. That is not yet fully understood and, in truth, we have not debated the legislation on this floor. But that will become apparent.

The House of Representatives has already overwhelmingly passed strong bipartisan legislation comprehensively banning human embryo research cloning experimentation and reproductive cloning. Now is the time for the Senate to do so.

Those who favor human research cloning experiments often point to its potential to develop tissues that will not be rejected. In fact, on the next chart—which I will not deal with today, but will come back to—are the arguments, the overall claims that human research cloning, or human cloning research is necessary to prevent immune rejection and is necessary for other reasons.

As a heart transplant surgeon, one who spent many years of my life transplanting hearts, this immune phenomenon is something I will come back to the floor and talk about because it is very important for us to address. Advocates for human embryo research cloning and so-called therapeutic embryonic cloning experiments say it will increase the number of embryonic stem cells. We will talk about that. They say it will further basic biological knowledge. Again, we will come back and talk about that as the debate proceeds.

There are facts that will need to be presented. But moving away from the scientific standpoint, if you look at the overall ethical and moral concern, it is this: Regardless of our religious background, most of us—maybe I should say many, but I believe most of us—are extremely uncomfortable today with the idea of creating cloned human embryos, doing an experiment on them, and destroying the human embryo. That is the state of the science. That is the state of the art.

If one supports human research or therapeutic cloning, given where we are today—our understanding of science—you are in support of purposefully creating an embryo, of removing

the cells, and thereby destroying that embryo.

The other concerns which people will talk about—although I think this is the concern that most people will start with—will be concerns about women's health. Human cloning clearly will create a market for women's eggs. That is going to create powerful incentives for women to undergo an intense regimen of superovulation drugs and surgery, with potentially devastating side effects.

As a physician and a policymaker who struggles, especially since I have come to Washington, with this inherent tension between scientific progress and ethical concerns, I think there are two fundamental questions that this body needs to answer, and the American people need to answer: No. 1, does the scientific potential of human embryo cloning experimentation justify this purposeful creation of human embryos which must, by definition, be destroyed in the experiments? The second question is: Does the promise of human embryonic stem cell research—and, again, this is separate from cloning—in any way depend on the experimental research cloning, the human cloning research technique or tool? To both of those questions I answer no.

At this point in the evolution of this new science, I believe there is no justification for the purposeful creation and destruction of human embryos in order to experiment with them, especially when the promise and success of stem cell research does not—does not—depend on the experimental research cloning technique. As my colleagues know, I am a strong supporter of stem cell—including embryonic stem cells—research, as long as that stem cell research is conducted within an ethical and moral framework.

Last August, President Bush outlined a scientific and ethically balanced policy that allows Federal funding, through the National Institutes of Health, for embryonic stem cell research, using nearly 80 stem cell lines. This has, indeed, opened the door to a significant expansion of embryonic stem cell research within this ethical and moral framework.

A lot of people do not realize today that there are no restrictions—whether there should be or should not be is not the subject of the legislation that will come to the floor—but it is important to realize there are no restrictions on private research using embryonic stem cells from embryos left over after in vitro fertilization procedures. Thus, when you come to that argument of just having a technique which produces more embryos, I would argue that there is simply no compelling need for any other source of embryonic stem cells today.

The state of the science and the state of the research we will be addressing again on the floor as we go forward. But given the serious ethical concerns on human embryonic cloning research, given the fact that there is a lack of

significant research in animal models—and again most people do not realize that we are talking about human cloning experimentation creating human embryos. This research has not even been conducted in animal models at this juncture. Thus, I find no compelling justification for allowing human cloning, reproductive or research, today.

It is important also—and I will very quickly go through this—to be clear that we are talking about a ban on reproductive cloning along with a ban on what is called research or therapeutic cloning, but it is all human embryo cloning. But the bill allows other types of cloning research to continue—many people do not realize that—whether it is cloning to produce animals, cloning to produce plants, cloning any cell other than a human embryo, cloning of DNA and RNA, proteins or any other molecule. In fact, I will not go through the entire list now.

The point is, the cloning science continues. The ban is on the cloning of the human embryo: the purposeful creation of an embryo for human reproduction or for experimentation and its ultimate destruction, which is what we are banning today.

I would indeed argue that any potential benefit of cloning should be carried out—should be demonstrated in animal models before going to the human model.

I wanted to make the statement today based on my assessment of where we are. There will be plenty of time to debate this later. With that I will close.

I want to say, once again, I will support legislation to ban all forms of human embryo cloning, reproductive, research and therapeutic, when the issue comes before the Senate. I, indeed, will urge my colleagues to do likewise.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Oregon.

FOREST MANAGEMENT

Mr. WYDEN. Mr. President, 6 years ago last month I gave my first speech in the Senate Chamber. It dealt with an especially important forestry issue. I continue to have significant interests in these matters as chairman of the Subcommittee on Forests and Public Land Management.

In particular, as chairman of this key subcommittee, I am committed to ending the tradition of suspicion and disagreement that has characterized so much of forest management over the decades. I am pleased to be able to announce this morning a development that takes a significant step in that direction.

In March of 1996, what brought me to this floor was my opposition to the so-called salvage rider, an approach that allowed timber sales to jeopardize the health of the forests in my home State of Oregon and elsewhere. I believed

then, as I do now, that salvage sales that eliminate public input, prohibit legal appeal, and limit environmental analysis, are anathema to responsible and effective forest management. Now, 6 years later, I rise in this Senate to announce the cancellation of a particularly important salvage rider timber sale and to emphasize that, in my view, salvage riders are no way to do business in the natural resources field.

I am pleased to be able to announce this morning the cancellation of the Eagle Creek timber sale in my home State of Oregon. From its inception, I believed the Eagle Creek salvage sale was not subject to adequate review and that the planned logging would result in excessive environmental damage. For more than 3 years, I have worked to prevent that damage. In July of 2000, I called on the Department of Agriculture to convene an independent review team to analyze the threat. The team found that, indeed, the sale did pose a greater risk than anticipated to the well-being of the Eagle Creek forest.

Today, I offer my thanks to Agriculture Secretary, Ann Veneman, who followed through on her commitment to review the team's findings, for choosing to implement them, and for effectively stopping the timber sale that would have done significant environmental damage.

The Eagle Creek sale is an example of a sale that should never have moved forward in the first place. At the core, section 318 salvage sales are inherently flawed because they take the American people, the public that we represent, out of the process of managing public land. As I thank the Secretary of Agriculture for stopping this flawed sale this morning, I call on the administration to oppose further salvage riders. Those who would follow the failed Eagle Creek effort are no more likely to respect the health of the Nation's forests or the wishes and needs of the Nation's forest communities and stakeholders.

When the Government pursues natural resources issues with no opportunity for public comment, discussion, or appeal, the only result is distrust and dissention. As chairman of the Subcommittee on Forests and Public Lands Management, on my watch I am going to do everything to work with my colleagues on a bipartisan basis to avoid that kind of approach.

I am especially pleased the county payments laws that I authored with our colleague from Idaho, Senator LARRY CRAIG, are an example of how the logjam over forest policy can be broken. That is an approach that provides for the ecological health of forests and also helps to ensure the economic survival for scores of rural communities. Our county payments legislation helps widen the way for a real discussion of forest management policy and an open discussion that must continue.

I come to the floor this morning to reaffirm my commitment to new and

inclusive approaches to addressing the issues of forest management.

The administration has now made the right decision on Eagle Creek. It is time to halt the destructive practice of salvage sales around this country.

I look forward to working on a bipartisan basis with our colleagues and with the Secretary of Agriculture to promote a balanced forest policy that protects the remaining old growth in our national forests.

I yield the floor.

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

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

EXTENSION OF MORNING BUSINESS

Mr. REID. Madam President, I advise Members that we are now working on a unanimous consent agreement to have a vote at probably about a quarter to 3 today. We should have something on that as soon as the Senator from California completes her speech. I ask unanimous consent that morning business be extended until we recess today at 12:30.

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

The Senator from California.

Mrs. FEINSTEIN. Madam President, I ask unanimous consent to speak in morning business for the next half hour.

The PRESIDING OFFICER. The Senator is recognized.

PEACE IN THE MIDDLE EAST

Mrs. FEINSTEIN. Madam President, it has become very clear to me and to others that the linchpin of stabilizing the Middle East and also to developing an allied coalition of Arab nations in the war on terrorism is the resolution of the Israeli-Palestinian conflict. Unfortunately, in the past 2 weeks, while Congress has been on recess, we have seen an escalation of violence. I strongly believe that Yasser Arafat must shut down the suicide bombers or there will be no opportunity for peace in the Middle East.

The Crown Prince of Saudi Arabia expressed a vision for a peace plan. Secretary Powell is in the area to see if he can capitalize on this vision and restore peace and stability, at least to get a cease-fire. His job is, indeed, a difficult one.

The suicide bombings are a potent weapon and they have been precisely calculated to destroy any chance for peace. Again, why? If these suicide bombers cannot be stopped, the situation can only deteriorate and the result will only be full scale military conflagration.

Israel cannot be expected to place a limit on her own self-defense or end her effort to capture terrorists so long as fanatics on the Palestinian side continue to plot and carry out these attacks.

Indeed, some 30 years ago, I recall hearing former Israeli Prime Minister Golda Meir say:

We are not going to die so the world will think well of us.

An overwhelming majority of the Israeli people still feel the same and believe as I do that Israel has a legitimate right to self-defense.

Forces under the control of Yasser Arafat have been directly involved in perpetrating the recent wave of deadly terrorist attacks against Israeli civilians. Many of these attacks have been carried out by Arafat-affiliated groups such as the Al Aqsa Brigade, recently designated by the State Department as a foreign terrorist organization, and the Tanzim. These are parts of his own military apparatus.

During the week of Passover, 46 Israelis were killed and more than 120 wounded. In March alone, 125 Israelis were killed in the attacks which culminated in the bombing of the Passover ceremony in Netanya.

According to documents recently seized by the Israeli military from Palestinian Authority headquarters, one of Arafat's top advisers who works out of his office is directly involved in financing the illegal weapons purchases and the terror activities of the Al Aqsa Brigade. This same Palestinian Authority was directly involved in efforts to illegally smuggle in more than 50 tons of arms from Iran a few months ago.

Arafat resumed using terror as a tactic after he walked away from Israel's historic peace concessions at Camp David in 2000. The offer placed on the table at Camp David may not have been perfect, although I happen to believe it was excellent, giving the Palestinians 96 percent of what they wanted. They have not put an offer on the table. Rather, they have opted for violence.

Since the fall of 2000, Arafat and his forces have engaged in hundreds of acts of terror against Israel, principally targeted at civilians. Arafat and other Palestinian officials have been directly involved in inciting violence against Israel. Arafat and other Palestinian officials have been directly involved in failing to thwart terrorist operations because they know how powerful those operations are.

Arafat and other Palestinian Authority officials have been directly involved in releasing terrorist suspects rather than arresting them. Arafat and other Palestinian Authority officials have been directly involved in failing to confiscate the weapons of terrorist suspects.

All of these actions are required under the terms of peace agreements he signed and to which he claims to be still committed. So why is all of this

happening? I believe there is a hidden agenda, and that hidden agenda is to drive out the Jewish people and create a Palestinian state, which includes Israel. This has been the Palestinians' historic quest. Many of us hoped that through the Oslo process this quest could have been changed. But I am increasingly beginning to believe it has not been changed.

It may be unreasonable to expect that Arafat will be 100 percent successful in bringing Hamas and the Islamic Jihad totally under his control. But he can control Fatah and the Al Aqsa brigades and the Tanzim. So far, it is impossible to make the argument that he has even tried. We must remember that Yasser Arafat has rejected all Israeli peace plans, and he rejected General Zinni's recent cease-fire plan, which Israel accepted.

General Zinni went to the Palestinians and said: What do you need? He then went to the Israelis and said: What do you need? He then put them together and presented each with a cease-fire plan. The Israelis accepted it; the Palestinians did not. So one must believe the Palestinians could stop this violence if they wanted.

Israeli soldiers are now going door to door. If they retreat, I believe it will be back to the suicide bombing as usual. In the past 2 weeks, there have been no suicide bombings, since the last bombing on March 31 at the Haifa restaurant which killed 14 people. The Israeli Defense Forces, IDF, have arrested roughly 1,500 people and placed 500 on the wanted list. The Israeli Defense Forces have captured more than 2,000 weapons of various types, including thousands of guns and ammunition, 44 combat vests and suicide belts, more than 60 pounds of high explosives, and nearly 50 rocket-propelled grenades and launchers. They have captured night vision equipment and sniper rifles. The IDF has also discovered 11 weapons and explosives laboratories.

In the final analysis, if there is to be a peaceful resolution of the crisis, and if there is to be a Palestinian state alongside Israel, Mr. Arafat must make every effort to take the measures necessary to bring the suicide bombing and this kind of violence to an end. That is the responsibility he bears as a leader if he wants to see his people truly live in peace and freedom.

If Secretary Powell is unable to make concrete progress in ending the violence and moving the peace process forward, I intend to move forward shortly on an updated version of the Middle East peace compliance legislation that I introduced with Senator MCCONNELL last fall.

The stakes are enormous. As an editorial last Thursday in the Washington Post—and I find myself strongly agreeing—stated:

It should not be hard to agree that a person who detonates himself in a pizza parlor or a discotheque filled with children, spraying scrap metal and nails in an effort to kill and maim as many of them as possible, has

done something evil that can only discredit and damage whatever cause he hopes to advance. That Muslim governments cannot agree on this is shameful evidence of their own moral and political corruption.

And,

The Palestinian national cause will never recover—nor should it—until its leadership is willing to break definitively with the bombers. And Muslim states that support such sickening carnage will risk not just stigma, but their own eventual self destruction.

So either terror ends or full-scale war begins. This is the way I see it.

Hopefully, the world will respond. Despite all that has happened, the United States can and should encourage Israel to sit down at the negotiating table for one final try. We should be responsible to get the Israelis to that table. But if the United States is to do so, the Arab world must also rise to the occasion and exercise this same control over Arafat and the Palestinian terrorists. That should be the responsibility of the Arab world.

I must say I was struck by the unhelpful nature of Ambassador Bandar bin Sultan's recent op-ed piece in the Washington Post. It seems to me if there is ever a time for responsible Arab governments to shut down suicide bombing as an acceptable tactic for anything and push Yasser Arafat into a cease-fire, real negotiations, and a peace plan, that time is now. Both the Saudis and the Egyptians are well known for seeking and destroying terrorists or others who threaten them. But they fail to allow Israel the right to do the same or to destroy the infrastructure that organizes and arms the suicide bomber and recompenses the bomber's family. Suddenly, those who kill and maim Israeli citizens are heroes, as long as it is only Israelis they kill.

Some believe that the Saudis want to have it both ways—support Americans in our war against terror, and support Yasser Arafat as he wages terror. Ambassador Bandar bin Sultan gives credibility to this argument. Any premature withdrawal of Israeli troops before they are able to seek out and destroy the members of the terrorist network must be replaced by a serious commitment of the United States and all moderate Arab States to stop the terrorist bombing. If it is not, then this country's war against terror will be mortally wounded by hypocrisy.

I suggest that Secretary Colin Powell pick up the Saudi peace plan and place it squarely on the table of world opinion, with the following caveats:

1. Withdrawal of Israel to the 1967 borders and agreement to the creation of a Palestinian State, to be conditioned by: A, defensible borders; and, B, a division of Jerusalem along the lines of that proposed by President Clinton at Camp David.

2. A 5-year phaseout of Israeli settlements in the West Bank and the Gaza Strip. This is a difficult pill to swallow, but it is also one that has to be done if there is going to be true peace and the

ability of an Israeli State to stand side by side with the Palestinian State.

3. No physical Palestinian right of return but just compensation as provided for in United Nations Resolution 194.

4. All suicide bombings stop or the agreement is invalidated.

5. A peacekeeping and monitoring of the agreement by the United Nations and/or the United States over the next 5-year period.

If it is true that all Palestinians want is their own state and government, then they shall have it. If it is also true that what they really want is the destruction of the State of Israel, then this will become crystal clear to the world. Israel has a right to live in peace and security, within internationally recognized borders, and only Arab States committed to peace can bring this to a peaceful end.

The ongoing wave of terror threatens the survival of Israel as a free democratic and civilized society, and it risks engulfing the entire Middle East in chaos and war.

Israel must fight against this terror, just as we do, just as surely as the United States must fight and destroy al-Qaida and the other terrorist groups with global reach. And I firmly believe the United States should stand by Israel's side in the quest for peace and security.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

TERRORISM INSURANCE

Mr. NELSON of Florida. Madam President, I wish to speak about truth in politics. Some people would say that is an oxymoron, but it is very much needed in this town. Truth in this town often gets mixed up with the excessive political partisanship that starts to raise its head when the hot contest on an issue arises, and one such issue arose yesterday. The President took a swipe at the majority leader of the Senate over the fact that the majority leader was not bringing up legislation on terrorism insurance when, in fact, if my memory serves me correctly, in the closing hours before the Christmas recess, it was the majority leader who brought up the terrorism insurance bill, and it was objected to by the minority leadership, specifically the senior Senator from Kentucky.

Then yesterday, the Senator from Nevada offered a unanimous consent request to bring up the terrorism insurance bill, and it was objected to by the minority leadership of the Senate.

I wish we would get our facts correct about who is doing what to whom and who is trying to bring legislation out to the floor of the Senate. The fact is that the majority leader, as a number of Senators, thinks there is a legitimate problem as a result of September 11 with regard to being able to insure high-value structures in uncertain times of terrorism. Therefore, to keep the engines of commerce properly oiled

and lubricated, the commodity that is often misunderstood, known as insurance, needs to be provided.

If we are successful in getting the parties to come together and the legislative branch and the executive branch of Government to come together on a bill—this particular legislation that is being talked about has a gross omission; and that is, the consumer needs to be protected from the rates being jacked up so high using terrorism as an excuse. In fact, that is what we are already beginning to see. We are seeing the rates of a number of liability, property, and casualty policies going through the roof as a result of the uncertainty of the climate set about by terrorism.

There is an easy way to handle that, and if this body does get together on a terrorism insurance bill, then clearly it ought to have the protection that, first, the premiums collected for terrorism insurance not be mixed with the premiums collected for liability, fire, theft, slip and fall, and other activities. Why? If an insurance company needs to charge an additional amount for terrorism, and there is no experience or data save for the September 11 experience, we need to know how much is being charged so that the insurance commissioners of the 50 States will be able to build some data and see clearly whether or not the amount of a premium being charged is, in fact, actuarially sound to support the threat of future insurance losses from terrorism.

The commissioners need data and they need experience and the only way, from an accounting standpoint, they can accurately measure that is the premiums for terrorism insurance are kept separate from all other premiums for the normal property and casualty insurance cost.

A second provision that is absolutely essential for the protection of the consumer is that there be a cap on the amount the premium can be raised. Instead of these gargantuan rate hikes that are now occurring—some double and triple the amount that businesses have paid in the past—there could be a much more modest rate hike. If that is not enough or if that is too much on the basis of the experience—in other words, the payout for terrorism losses in the future—the insurance commissioners of the 50 States will be able to have a record they can then figure out whether that is too much or too little.

Instead of taking advantage of the trauma of the climate of September 11, we ought to put a cap in any legislation we pass on the amount the rates can be raised by insurance companies.

Mind you, even though we think this is applicable just to large buildings, football stadiums, or public places that might be on a target list of terrorists, just wait. We are going to see in neighborhoods that happen to be near a nuclear plant the rates for homeowner insurance policies and automobile insurance policies jacked up; thus, all the

more reason why we need to separate the premium that applies just to the terrorism risk, as well as cap it for the initial rate increase to pay for the terrorism insurance.

There is a third protection of the consumer that must be included in any legislation the Congress passes, and that is the prevention of redlining or, in other words, the prevention of saying: I am going to give you terrorism insurance, but I am not going to give you terrorism insurance. In other words, there has to be a mandatory obligation that all policies be able to have the terrorism coverage.

Those three particular points of protection of the consumer must be in legislation that comes out of the Senate and was suggested by the White House yesterday but with no details: Point No. 1, separate the funds from an accounting standpoint so we know how much is going in to the insurance company for the terrorism risk; No. 2, cap the amount initially that can be raised until some experience can be built up and data is available to see if the rate being charged for the terrorism risk is actuarially sound; and, No. 3, have a requirement that there be the mandatory coverage of the terrorism risk so that there cannot be cherry-picking, saying: We will cover you, but we will not cover your policy.

Then the public of America would be well served.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Madam President, I ask unanimous consent that I be permitted to proceed for 5 minutes.

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

Ms. COLLINS. I thank the Chair.

(The remarks of Ms. COLLINS pertaining to the introduction of S. 2077 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:36 p.m., recessed until 2:15 p.m., and reassembled when called to order by the Presiding Officer (Mr. DURBIN).

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

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

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

The PRESIDING OFFICER. Yes, we are.

U.S. ENERGY POLICY

Mr. BUNNING. Mr. President, I rise today to talk about the current state of energy in our country.

We desperately need an energy policy that will address the future of our energy use. Now is the time for Congress to get serious about passing a comprehensive energy bill.

I believe that in order to make progress on this energy bill we need to balance conservation and production.

Many of us in the Senate understand that a balanced, sensible energy policy must boost production of domestic energy sources as well as promote conservation. The energy bill before us takes good steps toward striking this balance.

I look forward to the tax ideas coming from the Finance Committee that will further promote conservation and the use of alternative fuels.

However, I still believe that this bill remains too weak on production. More must be done to increase our domestic production if the Senate is going to pass serious energy legislation. Increasing our production of energy is absolutely critical in reducing our dependence on foreign oil.

Right now we depend upon foreign nations and the Middle East for nearly 60 percent of our country's oil supply. As most of us know, gasoline prices have been increasing for the past several weeks. This causes me serious concern especially since the upcoming summer months are when so many families take to the road for their annual vacation.

There are many reasons that gasoline prices are rising. One reason is that OPEC countries have cut their oil production since the end of 2000 by a total of 5 million barrels of oil per day. Another is the increasing volatility in the Middle East.

Gasoline prices have increased more than 25 cents in just the last few weeks. Higher gas prices will place a strain on the American families' budget.

They raise the cost of goods and services, and place an even greater burden on our economy just as it is showing signs of life.

The need to increase our own production of energy is especially true after Saddam Hussein's announcement yesterday that Iraq will cut off oil exports for the next month to protest Israel's actions on the West Bank. He is also calling for an OPEC embargo on all oil sales to America.

Before this announcement, the United States indirectly imported nearly 780,000 barrels of oil a day from Iraq. Saddam's threat pushed the price of oil and gas even higher. I think we need to ask ourselves whether we want to continue our dependence on other countries led by people as dangerous and unpredictable as Saddam Hussein.

Our national security has never been more important, and we must strengthen our energy independence to protect ourselves from madmen like Hussein and the politics of the Middle East.

We are at war, and we continue to face economic uncertainty. Energy is a key factor in both of these struggles, and this means that the Senate absolutely must take a cold, hard look at ANWR.

The issue is too important to play games with. It is too important for politics. Our Nation and our security are at risk.

The rules have changed. We need to stop playing around on this issue and to have a straight up or down vote on ANWR: No bluffs, no posturing, whoever has the most votes wins.

ANWR is the most promising domestic source of energy that we have. I believe it is indispensable to helping reduce our dependence on foreign oil.

Of course there are some in the Senate who are desperate to stop us from opening up ANWR. However, with more than 10 billion barrels of oil recoverable from ANWR, I think we all need to take a clear-headed look at it.

ANWR has the potential to produce over 1 million barrels a day. That is enough oil to replace the volume we currently import from Saudi Arabia or Iraq for more than 25 years. The oil that could be recovered from ANWR could fuel Kentucky's oil needs for the next 80 years.

Drilling in ANWR provisions in the energy bill would make a huge difference for our domestic consumption and would amount to an essential step toward ensuring our national security. We have no choice. We must lessen our reliance on Saddam Hussein and others in the Middle East for our oil by exploring ANWR.

Today the United States produces less than we did in World War II. In 1970, our oil imports constituted only 17 percent of our domestic consumption. That is three-and-a-half times less than what we import today. This dangerous trend must be reversed.

Furthermore, recent advances in technology will enable us to extract oil in ANWR in an environmentally sensitive way.

America's environmental safeguards are the toughest in the world. This means that the drilling operations will be conducted under the most comprehensive environmental regulations.

We all want to protect our environment. If we do not do a better job developing domestic energy, we will continue to rely on foreign oil, oil from other nations. These nations have weaker environmental rules than we do. Under these weaker safeguards, the damage to the environment will be even greater than if we use ANWR.

I also think that our domestic production should be increased through the use of clean coal technology. I am proud to come from a coal state. The energy bill provides a good start at increasing research and development and encouraging the use of clean coal technology.

The proposed tax package will also further increase incentives for the use of clean coal technology. Clean coal is

important to increasing our domestic energy production in an environmentally sensitive way. We have over 275 billion tons of recoverable coal reserves. This is nearly 30 percent of the world's total coal supply. That is enough coal to supply us with energy for another 270 years.

Because of research advances, we now have the know-how to better balance conservation with the need for increased production. Let's use this ability to come up with a good piece of energy legislation.

Yesterday's announcement by Saddam Hussein should remind everyone how vulnerable our economy and national security are to arbitrary decisions made by dangerous foreign dictators.

For over two decades, we've hemmed and hawed about the need for America to follow a sensible, long-term energy strategy. If the threat of Saddam Hussein putting a gun to our head—again—does not help us pass a bill, I do not know what will.

I hope we are on our way to producing a balanced comprehensive energy bill that increases production and conservation and makes a difference for our national security. I hope that we can move quickly to pass an energy bill that will make our economy and national security stronger. The time is now.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, are we on the energy bill at this time?

The PRESIDING OFFICER. We are not.

Mr. REID. Mr. President, I ask for the regular order.

NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 2001

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 517, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes.

Pending:

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

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

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

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

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

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

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

Reid amendment No. 3081 (to amendment No. 2989), in the nature of a substitute.

AMENDMENT NO. 3081

Mr. REID. Mr. President, I understand that under the regular order we would be on the Reid and Feinstein amendments.

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. Mr. President, I have spoken to the senior Senator from California. She is going to move to table my amendment as soon as she completes her remarks. I will, therefore, say just a few things.

I, first of all, commend the Senator from California for her amendment and for her work on this extremely difficult issue dealing with derivatives regulation.

To put this in proper perspective, I think we should look at the predicament in which Senator FEINSTEIN now finds herself. She represents 35 million people, the largest State in the United States. This State's gross domestic product is larger than most nations. She knows specifically, but I think California has the sixth or seventh largest gross national product in the world.

Last year's energy crisis threatened California's prosperity and brought home to all of us that we are in uncharted territory with regard to energy deregulation. The State of Nevada actually passed deregulation legislation. I spoke to the legislature a year ago. Because of my suggestions and others, they rescinded deregulation. But even by that time certain things had been put in place. Nevada suffered, along with California, with this energy crisis.

Enron was the supposed leader in energy trading and markets. It makes me wonder how can we have a company such as Enron in this country—a publicly owned company—that changes in 1 year from a high-flying, worldwide, mega company into a bankrupt loser. In the process, hundreds, if not thousands, of people's lives were ruined. We have many congressional committees now looking at what happened. A prosecutor is also looking into criminal activities that probably took place.

I think we all owe Senator FEINSTEIN a debt of gratitude for her interest in this issue and for the work in process to make changes to the Commodity Exchange Act that will ensure trading and energy derivatives is done in the open with transparency in a way that inspires public confidence in the market.

The amendment I have offered, and which she is going to move to table, would restore metal derivatives trading to exempt commodity status. Senator FEINSTEIN's amendment inadvertently included metals derivatives with

the derivatives that are the intended target of her amendment. Like other metals, metals derivatives markets help companies manage the risk of sudden and large price changes.

In recent years, derivatives and other so-called "hedging transactions" have helped the mining industry—especially in the State of Nevada—cope with the steadily declining gold price by selling mining production forward. The last couple of years illustrate the function and the value in the marketplace of such transactions.

Some companies decided not to hedge, betting that the gold price would rise and that hedging contracts would lock them into below-market prices. Most of these companies were hurt significantly because the gold price stayed relatively low.

In contrast, other companies hedged some or most of their production. These companies have survived, and survived well, and some have even thrived. By choosing to manage their risk, they accepted the risk that the gold price could rise, but they stabilized company performance, continued to provide jobs, and continued to contribute to the communities in Nevada where they are so important.

Unlike energy derivatives, which raise questions because of the recent energy crisis, metal derivatives have been traded over the counter for many years. The 2,000 amendments to the Commodity Exchange Act didn't change this; they only clarified and confirmed the legality of these markets. Lumping metal derivatives together with energy derivatives would impose regulatory burdens that never existed, even before the 2,000 amendments, without any justification.

The amendment I have offered would not allow metals derivatives markets and participants to trade derivatives without accountability and transparency.

I hope, first of all, that my amendment will be accepted. If there is a motion to table, which I understand my friend is going to offer, I hope it will be defeated.

The metal derivatives market has been going on for many years. I repeat that unlike energy derivatives, which raise questions because of the recent energy crisis, metal derivatives have been traded over the counter for many years with absolutely no problem. My amendment is necessary to restore metal derivatives trading to exempt status, which is critical to the health of the mining industry.

Because of the low price of gold, the mining industry has really struggled. We have seen various articles, which I know the Presiding Officer is interested in, which have indicated there is agreement that there needs to be a change in the 1872 mining law, which has absolutely nothing to do with what I am talking about. But the mining industry has agreed that we need to go forward with that. At a National Mining Association meeting, Jack Gerard

stated in the papers over the weekend that he agrees there should be changes. That is something which we have acknowledged and recommended and have worked on for a number of years. The Presiding Officer worked with us on this.

I hope with the many legislative things we have to do that we can move forward on this in a way that would bring about some stability to the mining industry. I look forward to working with not only the Presiding Officer but also with the manager of this bill, Senator BINGAMAN.

AMENDMENT NO. 3081, AS MODIFIED

Mr. REID. Mr. President, I send a modification to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3081 to amendment No. 2989, as modified.

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

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

The amendment (No. 3081), As Modified, is as follows:

At the end of the amendment add the following:

**DIVISION — MISCELLANEOUS
TITLE I—ENERGY DERIVATIVES**

SEC. 1. JURISDICTION OF THE COMMODITY FUTURES TRADING COMMISSION OVER ENERGY TRADING MARKETS.

(a) FERC LIAISON.—Section 2(a)(8) of the Commodity Exchange Act (7 U.S.C. 2(a)(8)) is amended by adding at the end the following:

“(C) FERC LIAISON.—The Commission shall, in cooperation with the Federal Energy Regulatory Commission, maintain a liaison between the Commission and the Federal Energy Regulatory Commission.”.

(b) EXEMPT TRANSACTIONS.—Section 2 of the Commodity Exchange Act (7 U.S.C. 2) is amended—

(1) in subsection (h), by adding at the end the following:

“(7) APPLICABILITY.—This subsection does not apply to an agreement, contract, or transaction in an exempt energy commodity described in section 2(j)(1).”; and

(2) by adding at the end the following:

“(j) EXEMPT TRANSACTIONS.—

“(1) TRANSACTIONS IN EXEMPT ENERGY COMMODITIES.—An agreement, contract, or transaction (including a transaction described in section 2(g)) in an exempt energy commodity shall be subject to—

“(A) sections 4b, 4c(b), 4o, and 5b;

“(B) subsections (c) and (d) of section 6 and sections 6c, 6d, and 8a, to the extent that those provisions—

“(i) provide for the enforcement of the requirements specified in this subsection; and

“(ii) prohibit the manipulation of the market price of any commodity in interstate commerce or for future delivery on or subject to the rules of any contract market;

“(C) sections 6c, 6d, 8a, and 9(a)(2), to the extent that those provisions prohibit the manipulation of the market price of any commodity in interstate commerce or for future delivery on or subject to the rules of any contract market;

“(D) section 12(e)(2); and

“(E) section 22(a)(4).

“(2) BILATERAL DEALER MARKETS.—

“(A) IN GENERAL.—Except as provided in paragraph (6), a person or group of persons that constitutes, maintains, administers, or provides a physical or electronic facility or system in which a person or group of persons has the ability to offer, execute, trade, or confirm the execution of an agreement, contract, or transaction (including a transaction described in section 2(g)) (other than an agreement, contract, or transaction in an excluded commodity), by making or accepting the bids and offers of 1 or more participants on the facility or system (including facilities or systems described in clauses (i) and (iii) of section 1a(33)(B)), may offer or may allow participants in the facility or system to enter into, enter into, or confirm the execution of any agreement, contract, or transaction under paragraph (1) (other than an agreement, contract, or transaction in an excluded commodity) only if the person or group of persons meets the requirement of subparagraph (B).

“(B) REQUIREMENT.—The requirement of this subparagraph is that a person or group of persons described in subparagraph (A) shall—

“(i) provide notice to the Commission in such form as the Commission may specify by rule or regulation;

“(ii) file with the Commission any reports (including large trader position reports) that the Commission requires by rule or regulation;

“(iii) maintain sufficient capital, commensurate with the risk associated with the transaction, as determined by the Commission;

“(iv)(I) consistent with section 4i, maintain books and records relating to each transaction in such form as the Commission may specify for a period of 5 years after the date of the transaction; and

“(II) make those books and records available to representatives of the Commission and the Department of Justice for inspection for a period of 5 years after the date of each transaction; and

“(iv) make available to the public on a daily basis information on volume, settlement price, open interest, opening and closing ranges, and any other information that the Commission determines to be appropriate for public disclosure, except that the Commission may not—

“(I) require the real time publication of proprietary information; or

“(II) prohibit the commercial sale of real time proprietary information.

“(3) REPORTING REQUIREMENTS.—On request of the Commission, an eligible contract participant that trades on a facility or system described in paragraph (2)(A) shall provide to the Commission, within the time period specified in the request and in such form and manner as the Commission may specify, any information relating to the transactions of the eligible contract participant on the facility or system within 5 years after the date of any transaction that the Commission determines to be appropriate.

“(4) TRANSACTIONS EXEMPTED BY COMMISSION ACTION.—Any agreement, contract, or transaction described in paragraph (1) (other than an agreement, contract, or transaction in an excluded commodity) that would otherwise be exempted by the Commission under section 4(c) shall be subject to—

“(A) sections 4b, 4c(b), 4o, and 5b; and

“(B) subsections (c) and (d) of section 6 and sections 6c, 6d, 8a, and 9(a)(2), to the extent that those provisions prohibit the manipulation of the market price of any commodity in interstate commerce or for future delivery on or subject to the rules of any contract market.

“(5) NO EFFECT ON OTHER FERC AUTHORITY.—This subsection does not affect the authority

of the Federal Energy Regulatory Commission to regulate transactions under the Federal Power Act (16 U.S.C. 791a et seq.) or the Natural Gas Act (15 U.S.C. 717 et seq.).

“(6) APPLICABILITY.—This subsection does not apply to—

“(A) a designated contract market regulated under section 5; or

“(B) a registered derivatives transaction execution facility regulated under section 5a.”.

(c) CONTRACTS DESIGNED TO DEFRAUD OR MISLEAD.—Section 4b of the Commodity Exchange Act (7 U.S.C. 6b) is amended by striking subsection (a) and inserting the following:

“(a) PROHIBITION.—It shall be unlawful for any member of a registered entity, or for any correspondent, agent, or employee of any member, in or in connection with any order to make, or the making of, any contract of sale of any commodity in interstate commerce, made, or to be made on or subject to the rules of any registered entity, or for any person, in or in connection with any order to make, or the making of, any agreement, transaction, or contract in a commodity subject to this Act—

“(1) to cheat or defraud or attempt to cheat or defraud any person;

“(2) willfully to make or cause to be made to any person any false report or statement, or willfully to enter or cause to be entered any false record;

“(3) willfully to deceive or attempt to deceive any person by any means; or

“(4) to bucket the order, or to fill the order by offset against the order of any person, or willfully, knowingly, and without the prior consent of any person to become the buyer in respect to any selling order of any person, or to become the seller in respect to any buying order of any person.”.

(d) CONFORMING AMENDMENTS.—The Commodity Exchange Act is amended—

(1) in section 2 (7 U.S.C. 2)—

(A) in subsection (h)—

(i) in paragraph (1), by striking “paragraph (2)” and inserting “paragraphs (2) and (7)”; and

(ii) in paragraph (3), by striking “paragraph (4)” and inserting “paragraphs (4) and (7)”; and

(B) in subsection (i)(1)(A), by striking “section 2(h) or 4(c)” and inserting “subsection (h) or (j) or section 4(c)”; and

(2) in section 4i (7 U.S.C. 6i)—

(A) by striking “any contract market or” and inserting “any contract market,”; and

(B) by inserting “, or pursuant to an exemption under section 4(c)” after “transaction execution facility”;

(3) in section 5a(g)(1) (7 U.S.C. 7a(g)(1)), by striking “section 2(h)” and inserting “subsection (h) or (j) of section 2”; and

(4) in section 5b (7 U.S.C. 7a-1)—

(A) in subsection (a)(1), by striking “2(h) or” and inserting “2(h), 2(j), or”; and

(B) in subsection (b), by striking “2(h) or” and inserting “2(h), 2(j), or”; and

(5) in section 12(e)(2)(B) (7 U.S.C. 16(e)(2)(B)), by striking “section 2(h) or 4(c)” and inserting “subsection (h) or (j) of section 2 or section 4(c)”.

SEC. 2. RECRUITMENT AND RETENTION OF QUALIFIED PERSONNEL AT THE COMMODITY FUTURES TRADING COMMISSION.

(a) IN GENERAL.—Section 2(a)(6) of the Commodity Exchange Act (7 U.S.C. 2(a)(6)) is amended by adding at the end the following:

“(G) PERSONNEL MATTERS.—

“(i) IN GENERAL.—The Chairman may appoint and fix the compensation of any officers, attorneys, economists, examiners, and other employees that are necessary in the execution of the duties of the Commission.

“(ii) COMPENSATION.—

“(I) IN GENERAL.—Rates of basic pay for all employees of the Commission may be set and adjusted by the Chairman without regard to the provisions of chapter 51 or subchapter III of chapter 53 of title 5, United States Code.

“(II) ADDITIONAL COMPENSATION.—The Chairman may provide additional compensation and benefits to employees of the Chairman if the same type and amount of compensation or benefits are provided, or are authorized to be provided, by any other Federal agency specified in section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b).

“(III) COMPARABILITY.—In setting and adjusting the total amount of compensation and benefits for employees under this subparagraph, the Chairman shall consult with, and seek to maintain comparability with, any other Federal agency specified in section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b).”.

(b) CONFORMING AMENDMENTS.—

(1) Section 3132(a)(1) of title 5, United States Code, is amended—

(A) in subparagraph (C), by striking “or”;

(B) in subparagraph (D), by adding “or” at the end; and

(C) by adding at the end the following:

“(E) the Commodity Futures Trading Commission.”.

(2) Section 5316 of title 5, United States Code, is amended—

(A) by striking “General Counsel, Commodity Futures Trading Commission.”; and

(B) by striking “Executive Director, Commodity Futures Trading Commission.”.

(3) Section 5373(a) of title 5, United States Code, is amended—

(A) in paragraph (2), by striking “or” at the end;

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

“(3) section 2(a)(6)(G) of the Commodity Exchange Act.”.

(4) Section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b) is amended by inserting “the Commodity Futures Trading Commission,” after “the Farm Credit Administration.”.

SEC. 3. JURISDICTION OF THE FEDERAL ENERGY REGULATORY COMMISSION OVER ENERGY TRADING MARKETS.

Section 402 of the Department of Energy Organization Act (42 U.S.C. 7172) is amended by adding at the end the following:

“(i) JURISDICTION OVER DERIVATIVES TRANSACTIONS.—

“(1) IN GENERAL.—To the extent that the Commission determines that any contract that comes before the Commission is not under the jurisdiction of the Commission, the Commission shall refer the contract to the appropriate Federal agency.

“(2) MEETINGS.—A designee of the Commission shall meet quarterly with a designee of the Commodity Futures Trading Commission, the Securities Exchange Commission, the Federal Trade Commission, and the Federal Reserve Board to discuss—

“(A) conditions and events in energy trading markets; and

“(B) any changes in Federal law (including regulations) that may be appropriate to regulate energy trading markets.

“(3) LIAISON.—The Commission shall, in cooperation with the Commodity Futures Trading Commission, maintain a liaison between the Commission and the Commodity Futures Trading Commission.”.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I very much appreciate what the distin-

guished Senator from Nevada has done, which is essentially to eliminate metals from the derivatives amendment that is now pending. It is a second-degree amendment. It would continue the exemption for metals.

I want to go into three cases and why I believe metals should be included.

The first is the case called Sumitoma. It goes back to 1996. After nearly a year of complaints by market participants and regulated markets, Sumitoma copper trading irregularities ended up with the company losing a reported \$4 billion and their main copper trader pleading guilty to the Japanese equivalent of market manipulation. The company is paying record fines to the United States and British regulatory authorities.

Sumitoma manipulation efforts occurred in the over-the-counter and cash markets. Although observed by market participants and markets, the Commodity Futures Trading Commission—the CFTC—was nearly powerless to do anything about it without the consent of the British regulator.

In the 30 days following the May 17, 1996, collapse, the market dropped by nearly 60 cents per pound—from \$1.30 to 70 cents by the middle of June.

In just the 8 months prior to the collapse, U.S. consumers were overcharged by nearly \$2.5 billion in copper purchases because of the Sumitoma trader's manipulation.

Once again, had the CFTC had the authority—just modest authority—in our amendment, this fraud could have been detected and dealt with much earlier and without such a devastating economic impact.

We are simply including the anti-fraud and antimanipulation provision of the CFTC, and applying it also to metals as well as energy.

Let me cite a second one having to do with the Metallgesellschaft collapse in 1993. This company was known as MG. It was once a preeminent metals and energy trader. It collapsed in late 1993, losing billions of dollars, costing thousands of employees their jobs, and endangering the energy marketplace. After the collapse, analysis showed that MG's derivative positions, over the counter, in combination with the faulty strategy, contributed to the collapse. If the Commodity Futures Trading Commission, the CFTC, had at that time the authority contained in our amendment to monitor large trader positions and ensure adequate net capital, the debacle could likely have been avoided. It certainly would have been detected far before the collapse occurred. That is point 2. These are actual cases that have taken place.

Point 3: The Hunt brothers and the silver bubble. In 1979, the sons of patriarch H.L. Hunt, Nelson Bunker and William Herbert, together with some wealthy Arabs, formed a silver pool. In a short period of time they had amassed more than 200 million ounces of silver, equivalent to half of the world's deliverable supply. When the

Hunts began accumulating silver back in 1973, the price was in the \$1.95 an ounce range. Early in 1979, the price was about \$5. In late 1979, early 1980, the price was \$50, peaking at \$54.

Once the silver market was cornered, outsiders joined the chase. But a combination of changed trading rules on the New York Metals Market, COMEX, and the intervention of the Federal Reserve put an end to the game. The price began to slide. It culminated in a 50-percent 1-day decline on March 27, 1980, as the price plummeted from \$21.62 to \$10.80.

The collapse of the silver market meant countless losses for speculators. The Hunt brothers declared bankruptcy. By 1987, their liabilities had grown to nearly \$2.5 billion against assets of \$1.5 billion. And in August of 1988, the Hunts were convicted of conspiring to manipulate the market.

This is the point. These things have happened. These are three big metals cases. What we say is, put them within the Commodity Futures Trading Commission antifraud and antimanipulation commission. Why give online trading platforms exemptions from transparency? Why allow a commodity that isn't being delivered from me to you but traded back and forth to have no transparency of any of these trades so that no one can find an audit trail, no one can find the records, and no one can ever know what really happened?

At the end of my remarks, I will move to table the Reid amendment.

I will briefly talk about the energy derivatives amendment cosponsored by Senators FITZGERALD, CANTWELL, WYDEN, CORZINE, LEAHY, and BOXER, and the Presiding Officer. I am very grateful for your support.

Our amendment is currently supported by the National Rural Electric Cooperative Association, the Derivatives Study Center, the Sierra Club, the American Power Association, the American Public Gas Association, the Texas Independent Petroleum Royalty Owners Association, the Mid-American Energy Holdings Company, the New York Mercantile Exchange, the California Municipal Utilities Association, the United States Public Interest Research Group, the Consumers Union, the Consumers Federation of America, the Apache Corporation, Calpine, Southern California Edison, Pacific Gas and Electric, the Silver Users Association—interestingly enough, they are concerned; they want metals in this amendment—the Commodity Futures Trading Commission's Commissioner Tom Erickson, and all four Commissioners of the Federal Energy Regulatory Commission, including its Chairman, Pat Wood.

Because of this support, the amendment has been filibustered by certain Senators who don't want to see it come to a vote. The amendment has now been on the floor for more than a month. The leadership was forced to file cloture last night to try to bring this to a conclusion.

Some of the opponents continue to argue that this amendment is too complicated for them to understand. I once again explain very simply what our amendment does. The amendment provides antifraud and antimanipulation authority to the Commodity Futures Trading Commission for all energy trades and metals where there is no physical delivery.

If I buy energy from you, Mr. President, and you deliver that energy directly to me, the Federal Energy Regulatory Commission has oversight—antifraud, antimanipulation oversight—and you must keep records; I must keep records.

But if there is no delivery—if I buy an energy swap, for instance, to lock in a set price and protect myself from risk—the CFTC does not have oversight, if I use an electronic trading exchange. That is the rub. The electronic trading exchange is exempted. If we go through the Chicago Mercantile, we are not exempted. If we go through New York, we are not exempted. But an online trading platform has no transparency for a derivative not delivered.

In fact, the CFTC may not even be able to investigate fraud or manipulation if the exchange was operated, like Enron Online, where Enron was both a buyer and a seller. This is what is known as a bilateral dealer market. If Enron Online or another company operating a bilateral dealer market wanted to manipulate prices and/or corner the market, regulators might very well be helpless to investigate.

Since more than 90 percent of energy trades do not involve delivery, and since other electronic exchanges are now emulating the Enron model, there is a huge loophole here. I will predict that some of these go down just as Enron did.

Our amendment closes that Enron loophole and makes sure the CFTC has full antifraud, antimanipulation authority over all energy trades where there is no delivery.

The amendment also subjects all dealer markets selling energy and metals derivatives online, including Enron Online, Dynegy Direct, Aquila, to similar requirements as other nonelectronic exchanges. This means these exchanges would have to file with the CFTC, provide some price transparency and price disclosure, and maintain capital commensurate with risk—all the things that Enron Online did not do and did not have to do because of the 2000 Commodity Futures Modernization Act which provided Enron this loophole. How convenient.

Someone buys energy not on an exchange; let's say they pick up the phone and buy an energy derivative, but there is no delivery. The transaction is subject only to antifraud and antimanipulation authority. So if you are trading energy derivatives on an electronic trading platform, that exchange is regulated just as other exchanges.

If you are not using an exchange, the CFTC can investigate allegations of

fraud and manipulation. I don't think this is confusing at all. Either we are going to require energy trades to be transparent or we are going to continue to support loopholes, allowing some energy trading to be done in the dark of night.

I want to point out that on this simple proposal, just to close loopholes in the energy and metals markets, we have now spent 3½ hours more of debate than this body spent considering the entire Commodity Futures Modernization Act of 2000—that's right, 3½ hours more debate than was spent on the entire Commodity Futures Modernization Act.

The Senate did not spend 1 minute debating the Commodity Futures Modernization Act—one of the most sweeping regulatory revisions in several decades. And the loophole for Enron just went through. Yes, the Senate Agriculture Committee held hearings and completed a markup of the Senate version of the CFMA on June 29, 2000; but that is where the process stopped in the Senate.

At the last minute, Enron lobbied the House for an exemption for energy and metals trading. This is what appeared in the appropriations bill for the Department of Labor and Health and Human Services at the very end of the 106th Congress. And this was inconsistent with what the Senate Agriculture Committee marked up in regard to energy and metal.

The amendment we are debating is consistent with the bill that Senator LUGAR and the Agriculture Committee, which he chaired, marked up. What the Agriculture Committee passed was consistent with the recommendations spelled out in the November 1999 President's working group, signed by Fed Chairman Alan Greenspan, Treasury Secretary Larry Summers, SEC Chairman Art Leavitt, and CFTC Chairman William Rainer. That report asserted that there should be two categories of derivatives—financial derivatives and everything else. There was no reason that metal or energy or any other tangible, finite commodity should be entitled to its own category.

So what we are doing in our amendment is entirely consistent with that report. In regard to the electronic trading platforms, we simply return things to the way they were before the President's working group affirmed that we were doing it right. By that standard, this amendment has been subjected to intense scrutiny and infinitely more debate than the comprehensive regulatory legislation adopted in 2000.

Before the recess, at the end of the last floor debate, my colleague from Idaho asked—I think facetiously—why we did not simply try to provide antifraud and antimanipulation authority for all transactions, not just energy and metals. Let me point out that our bill affects about 2 percent of the derivative market that deals with energy and metals. We actually don't know if it is 1 percent or 3 percent because as

a result of the Enron exemption, there is not enough transparency to know.

Our amendment does not affect financial instruments at all. We have cleared that up. Financial derivatives already have a statutory exclusion under the Commodity Exchange Act. Our amendment only deals with derivative transactions that involve energy or metal, the two commodities exempted by the 2000 CFMA.

This lack of transparency had important ramifications for the energy crisis experienced in California and the West, which ended only about 10 months ago. This is what got me interested in this matter. As a result, we still don't know why gas prices at the California border remained significantly higher than neighboring States for more than 5 months. Why don't we know? There is no transparency; there is no audit trail; there are no records. It is impossible to prove what kind of trading back and forth was done, frankly, to increase the price of gas.

Some have asserted that the CFTC already has antifraud authority for over-the-counter trades. If this authority is already there, then our amendment reaffirms that the authority is there. But this is not as easy to determine as one might think.

Let me read two short paragraphs that show you what I mean. This is from the International Swaps and Derivatives Association:

Transactions involving exempt commodities, including commodities such as energy products, chemicals, and metals, are similarly excluded from the Commodity Exchange Act and remain subject to the CFTC's antifraud and antimanipulation authority.

Then they put out another publication, which is the March 11 opposition letter to our amendment, and they say exactly the opposite. They say:

The amendment extends the application of the CFTC's antifraud and antimanipulation provisions to transactions in exempt commodities. The amendment would revise the Commodity Exchange Act, section 2(g), to provide that otherwise exempt transactions in exempt commodities would be subject to antifraud and antimanipulation provisions of the Commodity Exchange Act.

So maybe the authority is there and maybe it is not. If our amendment passes, we know for sure that it is. We take the vagary out of it, we take the game playing out of it, and the same party cannot say different things at different times. That is really why this amendment is necessary.

So that means if someone is cornering the market in energy or metals—or maybe in natural gas, as many suspect Enron did—the CFTC will have the necessary tools to investigate. And 99 times out of 100, the CFTC will find that there is nothing improper. But isn't it good to know that regulators can provide assurance that markets are functioning properly? Isn't that what gives people confidence to invest, that they know there is regulation and that these markets are performing efficiently and with transparency?

I want to make one final point about Enron. As I said before, Enron Online operated completely outside of the CFTC's antifraud and antimanipulation authority because it was operating an online trading forum to conduct trades bilaterally, one to one, where it was both a buyer and a seller. In other words, Enron was buying energy and selling energy, and only Enron knew the price. Enron could have been buying at one price and selling at a much higher price. Because there was no transparency and no oversight authority, we may never know.

Other companies now have stepped up to fill Enron's market void. Some of these energy trading platforms are operating the same way Enron Online did.

Do any of my colleagues truly believe that we should be limiting transparency and regulatory authority in light of all we have just learned about the energy markets and Enron? I think not. So this amendment is really on the side of the angels. It gives certainty, it provides for antifraud, antimanipulation oversight; it says the CFTC must set some capitalization standards based on risk, and it provides that all trades are transparent, records are kept, and audit trails are available.

I know why the banks oppose this. Because they want to do the same thing Enron has done. The banks have set up their own online trading platform which, again, would trade in darkness, which, again, for nondelivered derivatives would have no transparency, have no record, have no capital requirements, and no antifraud and antimanipulation oversight. I believe there are more Enrons coming down. I believe there are going to be more just on this very point.

What I am saying to the Senate is the Senate has to protect the people. The Senate has to provide for regulation. Why should there be regulation of the Nasdaq? Why should there be regulation on the Chicago Mercantile and no regulation online? It is a huge loophole, and we ought to plug it.

Mr. President, I move to table—

Mr. REID. Will the Senator withhold?

Mrs. FEINSTEIN. I will.

Mr. REID. I appreciate the Senator withholding. I ask that the Senator listen to the unanimous consent request I am going to propound and see if she will agree with it. I think it will be in keeping with what she wants.

Mr. President, I ask unanimous consent that the time until 3:45 p.m. today be for debate prior to vote in relation to the Reid second-degree amendment No. 3081, with the time equally divided and controlled between Senators REID and FEINSTEIN, or their designees; that no other amendment be in order prior to a vote in relation to the Reid amendment.

The Senator could move to table now as she indicated she would, and the vote will occur at 3:45 p.m.

Mrs. FEINSTEIN. I have no problem. I agree.

The PRESIDING OFFICER (Mr. CARPER). Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I move to table the Reid amendment.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. The motion to table is not in order until the expiration of the controlled time.

Mr. REID. Mr. President, I ask unanimous consent that the Senator from California be allowed to offer her motion to table at this time. That way she will not have to stay around if she does not want to. The vote will occur on the motion to table at 3:45 p.m.

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

The Senator from Illinois.

Mr. DURBIN. Mr. President, I rise in support of Senator FEINSTEIN's motion to table the Reid amendment. Let me say at the outset, when she came to me with this concept, it struck me as not only fair but good policy. How did we get into this mess with the seventh largest corporation in the United States going bankrupt and dragging down with it thousands of innocent investors, pensioners at Enron, not to mention the employees who lost jobs, or the employees that other companies, like Andersen which is based in Chicago, who stand to lose their jobs.

It all came about because the folks in Houston who worked for Enron Corporation tried to take as many business activities as possible off the books. They did not want the world to see what was going on behind the corporate boardroom doors at Enron. The greatest fear they had was daylight, the possibility that people would know what they were doing. So they created these elaborate pyramid schemes. They created a multitude of corporations. They hid debt. They managed to, in many ways, deceive some well-meaning people into believing they were a prosperous and profitable corporation. One of the instruments and weapons they used in this battle was this whole notion of trading in energy futures, energy derivatives without Government oversight.

I live in the State of Illinois. We are proud of the fact we have many markets in the State of Illinois which average people and businesses use to trade futures, derivatives, and options that give them protection in their business day world. But every step of the way in that process the Government keeps an eye on them, just as it does the stock exchange in New York and in other places around the United States. Why? So the average person who picks up that financial page in the paper every morning and looks at it knows it is on the square, the trade actually took place, the prices are actually moving in these commodities.

What we saw with Enron is that they raced away from those markets where the Government was looking over the shoulders of the traders into this netherworld, if you will, of trading without

regulation and without oversight. That is exactly where they wanted to play. They wanted to get out from the public eye. They did not want people to see what they were doing. They wanted to manage their own affairs without scrutiny, without oversight, without the restrictions of regulations and laws.

The Senator from California has a very simple proposition: If we want to restore the integrity of many corporate activities, we should establish standards for oversight and regulation. We now know better when it comes to Enron. Had there been appropriate oversight and regulation at Enron, we might have avoided the disaster that occurred in that company.

As she offers this amendment, there are special interest groups that oppose her. There are those trading without Government oversight who do not want the Government involved. So they are going to oppose her. The smoothies out there, the future Enrons, that want to use the current system to avoid regulation are opposed to the amendment of the Senator from California as well. They want to have this mechanism available to them.

That, frankly, is the reason why the Senate should take this amendment very seriously and why we should join the Senator from California in tabling the amendment of the Senator from Nevada. There is no reason why we should exempt metals. Why in the world would we say when it comes to energy we want honest, open, transparent trading, but when it comes to metals and their derivatives, we do not? We heard the litany that was read by the Senator from California when companies came in and tried to take control of markets. For the average person going to work every day, you wonder: What difference does it make? It does make a difference. It makes a difference in the commodities they purchase. If there is some illegal activity, if there is some inflation of price, it is going to be felt by consumers and businesses across America and around the world.

When Senator FEINSTEIN comes to us and says, Table the amendment of the Senator from Nevada, Mr. REID, I think she is moving in the right direction. We need more transparency and more oversight.

If you buy the premise of Senator REID that metals should be exempt or you buy the premise of those who oppose Senator FEINSTEIN's amendment, which I am cosponsoring, who say we should not have this Government oversight, how do you rationalize the millions of dollars we spend every year as taxpayers for watchdogs and policemen to keep an eye on so many other industries where there is trading? Listen, one is right and one is wrong.

If we believe there should not be Government oversight, let the Wild West prevail—there may be some who take that point of view. I am not one of them. It is tough for me as an individual; it is tough for many small businesses to judge whether there is an

honest transaction taking place and that is why the Government steps in. They want to make sure that when there is a transaction reported, it actually took place, that there was not self-dealing, there was not the kind of chicanery as we saw in Houston with Enron. That is why we have these regulatory agencies.

The Senator from California is correct; we should apply that to energy and metal derivatives. There is no reason to make exceptions. I can tell you what is going on—and I know the Senator is aware of this. What she is fighting is growing in size and volume across the world. These unregulated online markets are starting to appear everywhere, and woe be to the consumer or those involved who go into them believing the Government is watching what is going on. In many instances, there is no oversight; there is no review; there is no accountability.

I stand not only as a cosponsor of the amendment of the Senator from California but in strong support of the Senator from California.

I close by saying I sincerely hope we adopt this amendment. This started off as a debate on an energy bill. It certainly is a timely debate, but as I have listened to this debate transpire, as I have watched special interest groups come in and destroy every meaningful and credible part of this bill, I am beginning to believe this is the most anemic energy bill ever considered by Congress.

Consider for a minute that we are about to embark on a debate as to whether or not to drill for oil in the Arctic National Wildlife Refuge. This wildlife refuge was not created by any liberal President; it was created by President Dwight Eisenhower in 1960. He said: There is a piece of Alaska we ought to protect. It is a frontier we ought to preserve because we may never get that chance again, and when it comes to the wildlife, when it comes to the resources there, we ought to make certain that America takes a stand and says we are going to leave this for future generations in perpetuity. This is our legacy to our children.

President Eisenhower was right. What President Eisenhower did not anticipate was that the oil companies would come into this region, discover what they consider to be substantial reserves, put their money interests behind those reserves, and then come to Congress and start twisting arms in every direction in order to try to beg us to allow them to come and drill for oil in a wildlife refuge.

How much oil is involved? First, even the rosier scenario suggests we will not see the first barrel of oil from ANWR for 5 years. The one more realistic scenario says 10 years. As we consider all the problems in the Middle East facing us today, ANWR is certainly not the answer. Not for 5 years at least, or 10, will we see the first barrel of oil coming out of this wildlife refuge.

How much oil is involved? They talk in terms of millions and billions. But put it in this perspective: Over a 10-year period of time, if we draw from ANWR, the oil that the U.S. Geological Survey says is there will account for a 6-month supply of oil for the United States in that 10-year period. Put it in this perspective as well: By the year 2020, if ANWR were in full production, ANWR would reduce our importation of foreign oil from 62 percent of our national need to 60 percent, a 2-percent reduction.

Some have said it takes a great deal of political courage to stand up for drilling in the Arctic National Wildlife Refuge on behalf of the oil companies that own those rights for minerals to be derived. I am not sure it takes a great deal of courage. Does it take a great deal of courage for us to spoil the frontier of a wildlife refuge, to endanger species that currently live there and may never be replicated? That does not take a great deal of courage.

The courage is in standing up and protecting them. The courage is in saying if you want to do something about energy security and independence, if you want to try to break the chains between the Mideast and the United States so we can make our own decisions and not have to wait for a nod of approval from Saudi Arabia and the gulf states, the courage is in saying to the American people we have to change the way we do business and live in America.

We had a chance to do that several weeks ago. What we were going to do—here is a radical suggestion—we were going to say to the big three automakers, they have to make their cars and trucks more fuel efficient. Oh, no, the Senate said, by almost a margin of two-to-one, we could not do anything that radical. We could not do anything that demands that kind of sacrifice, no way.

We are going to show courage by drilling in a wildlife refuge. The Porcupine caribou do not vote in the Senate. They do not elect anybody. Run them off. We have lost 30 percent of them in the last 10 years, so if they disappear, we will show our kids pictures and videos. But to ask the Big Three to come up with more fuel-efficient cars and trucks, oh, no, no way.

The special interests swamped those of us who believe fuel efficiency should be part of our debate on our energy security. We did not have a chance in the Senate. The special interests won, and won big. We did not have the courage to say to the Big Three or to consumers across America, we have to do business differently. We have not improved the fuel efficiency of vehicles in America since 1985—17 years of neglect.

So they talk about the Middle East and the challenge we face and how we have to show courage and determination as Americans. Let us start it by showing some honesty in our energy policy. We need more fuel efficiency, and we need more renewable fuels. For

goodness' sake, I think 3 or 4 percent of all the electricity generated in America comes from renewable fuels. When Senator JEFFORDS of Vermont wanted to raise this to 20 percent over a 20-year period of time, I was ready to support him and was a cosponsor, but he did not have a chance. We lost.

But we will show courage by drilling in the Arctic National Wildlife Refuge and we will show courage in standing behind the special interest groups that want to stop Senator FEINSTEIN from bringing transparency and regulation to the trading in energy derivatives.

I am afraid this energy bill is going in the wrong direction if we do not include in it fuel efficiency, fuel economy, conservation, renewable fuels, and a sensible pricing of energy. Look at what happened in the State of California. I cannot imagine what life is like for the Senator, going home every weekend to see families and businesses trying to cope with something totally beyond their control. They responded heroically showing that they could, if challenged, dramatically conserve energy in the State of California. The Senator must have felt like the most helpless victim in America because these energy companies were running circles around her.

When the Senator says they ought to be held accountable, these energy companies and energy derivative markets ought to have government regulation, they are the first ones to scream bloody murder. They cannot stand that notion. The Senator is right. She ought to proceed on that, and I am happy to support her in that effort.

Mrs. FEINSTEIN. Will the Senator yield?

Mr. DURBIN. I am happy to yield.

Mrs. FEINSTEIN. I mentioned in my remarks what really kind of clued me on to this was the price of natural gas. Right after CFMA passed, we noticed the price of gas at the southern California border was \$50 a decatherm—a decatherm is about enough for 900 homes—whereas in San Juan, NM, it was \$8, and the transportation cost was \$1. Nobody knew why it had spiked that way.

So I picked up the phone. I called what is called ISO, the independent system operator, and said: Why is gas spiking this way? They did not know.

Now I do not know whether Enron was doing this or not, but as soon as Enron went belly up, the next day the price of gas dropped dramatically. So it has to have been the trading that was being done that did not have a delivery directly related to it.

Now people say the SEC will step in and look at this. The fact is there are no records for the SEC to look at now because there is no audit trail. There are no records kept of these trades. Somehow it is very difficult to get that across to our Members. It would get across if they were trading on the Chicago Mercantile.

Mr. DURBIN. That is right, it would be transparent.

I am holding in my hand the energy bill we are debating. On at least four separate occasions now, we have had the chance to do something sensible for energy security and energy independence—to lessen our dependence on Middle-eastern oil. We had a chance to do it with the fuel efficiency of the trucks and cars that we want to drive in America for years to come, and we failed. The special interests won. We could have done it by improving and increasing the renewable fuels used across America that are environmentally friendly, which give us a chance toward independence. The special interests opposed us. We lost.

Now we see the battle that is being joined: Whether or not we are going to have full disclosure of these energy trades, whether we are going to have the kind of openness that Americans want. And the special interests oppose it.

I stand in complete support of the efforts of the Senator from California, and I thank her for her leadership.

I yield the floor.

The PRESIDING OFFICER. The assistant majority leader.

Mr. REID. Mr. President, my friend from Illinois and my friend from California are right in most everything they have said about the need for a good energy policy. I agree with the Senator from Illinois. I think it is too bad we did not pass fuel efficiency standards. The Presiding Officer, I hope, is going to try to rectify that and offer something in the near future to set some fuel efficiency standards.

The Senator from Illinois is right when he speaks about the need to not drill in ANWR, but my friend from Illinois and my friend from California are wrong about transactions involving metal derivatives because they lack necessary information. The Commodity Exchange Act already requires record keeping for transactions in metal derivatives markets.

The Feinstein amendment includes metal derivatives, citing fraud in the metals market in the past decade. In fact, my friend from California uses two specific examples of high-profile cases. She talked about the Hunt brothers in silver and Sumitomo in copper. Neither of these fraud cases would be addressed with the Feinstein amendment. It has nothing to do with the Feinstein amendment. The Feinstein amendment could already be in effect, and the Hunt problem would still be there, and that related to copper would still be there. Why do I say that?

The attempt by the Hunt brothers in 1979 to corner the silver market involved manipulation of the physical silver market. They bought all the silver they could, which reminds me of a Nevada resident by the name of Forest Mars, of the Mars empire. He owned it. He was a great man. He died in the last couple of years. He was a wonderful man. He lived above his candy store in Las Vegas. This billionaire had a little apartment above his candy store.

When the Hunt brothers tried to corner the silver market, he said they should have talked to him first. You cannot have a monopoly. He tried on two separate occasions. You cannot do it. Keep in mind, Mars was one of the richest men in the world. His family is still rich, with Uncle Ben's Rice and most of the candy in the world. He was very rich. He thought in his younger days they would buy all the pepper. He wanted to control pepper. He spent some time going out and buying all the black pepper he could find. He controlled black pepper in the world. But he said: In the end, I could not control the black pepper market, because people who had white pepper dyed their pepper black, and I no longer had control of the market.

The Hunt brothers tried to corner the silver market and went out and bought all the silver. Her amendment would have nothing to do with that. The Hunt silver trading scandal involved trading on regulated exchanges, not in the over-the-counter derivatives market. The trading abuses involved the physical accumulation of more than 200 million ounces of silver. It did not involve over-the-counter derivatives in any way.

The Sumitomo situation involved the manipulation of the copper market by a Japanese company operating through a rogue trader acting in London and Tokyo.

The abuses occurred on a fully regulated exchange, not in the over-the-counter derivatives market. It involved manipulation of the price of copper on the London Metal Exchange, which is fully regulated by the United Kingdom's Financial Services Authority. Further, the manipulation took place overseas, not in the U.S. markets.

I urge my colleagues to not support the motion to table that strikes metal derivatives from the Feinstein amendment. Derivatives are essential to the health of the metals market, and today they are regulated, controlled. Record-keeping is now in place. Fraud in the metals market did not involve over-the-counter derivatives.

With all due respect to my friend from California, using the Hunt brothers example and the Sumitomo example, they simply do not apply. I believe wherever that information came from, it was misguided and simply wrong. I suggest we would be better off going forward with her legislation, which I have indicated on a number of occasions I support. But I am saying that having the metals industry involved in this does not do anything except make the mining industry in America weaker than it is.

Mining as an industry exports gold. It is one of the few places we have a favorable balance of trade. We should be happy about that.

The motion to table is ill advised, based on wrong facts. It is not in keeping with what I think is the direction of the underlying Feinstein amendment. I ask for the yeas and nays on the motion of the Senate to table.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mrs. FEINSTEIN. Mr. President, I take a moment to respond to the statement of the Senator from Nevada.

The point I was trying to make, to the Senator from Nevada, is that manipulation does occur in metals. Clearly, it did. Obviously, there was no online trading at that time. Everybody knows that. The fact is, these remain three major cases of market manipulation. It doesn't only happen in energy; it can happen in metals as well.

The key point is, if the Reid amendment is successful, metals will be the only exemption. Why should metals be the only exemption? I don't think they should. We know you are covered if you deliver the commodity directly to another individual. We know FERC covers that. We know you are not covered if you are swapping or trading against risk. We also know there is great uncertainty as to whether, with energy, there is coverage.

I purposely read the letters from the Swaps and Derivatives Association because they say two different things. In one statement they say these areas do remain within the CFTC jurisdiction; they turn around in a March 11 opposition letter and say exactly the opposite.

The time has come to have certainty, to see that energy and metals are covered. Let me say once again, who can object to there being antifraud and antimanipulation oversight? No one. Who can object to saying you have to keep records of trades, online trades, even if you are not directly delivering the product, if you are swapping to hedge against risk, for example? Why shouldn't you keep a record and have an audit trail on what you are doing so that people know? Why shouldn't there be some provision for capitalization of these trades based on risk, and the CFTC would decide a level of risk and the level of capitalization?

This past week, I was just reading another article of a company that would go down because it was swapping. There was no capitalization, Peter came home to pay Paul, and there was nothing there. So the company is going to go bankrupt. It was another major company.

It seems to me, rather than create uncertainty, our amendment creates certainty. It says to the world, to everybody, energy and metals are not the only two that enjoy an exemption. Energy and metals, for derivative online trading, are covered by the CFTC. It is a small amendment. I have been so surprised at the amount of opposition. It convinces me more that something must be going on. There has to be a reason that people want to do this trading in the darkness. There has to be a reason that they do not want to keep records. There has to be a reason they do not want to subject themselves to any kind of capitalization requirement.

That was the situation with Enron. Enron went bankrupt. Enron lobbied for this amendment. Enron lobbied the House to be excluded, to have metals and energy excluded from the bill passed in 2000. Immediately after the bill passed in 2000, gas began to spike in California. That says volumes to me.

Once again, I think we are on the side of the angels, to let consumers see what is going on. If the consumers buy through the Chicago Mercantile, there is a record. If the consumers buy through the New York Mercantile, there is a record. With any other kind of transaction, there is a record. Why should this huge, burgeoning new area of online trading have an exception and not keep these records?

Again, let me be specific. If the product is delivered, if I buy gas from you, and you deliver that natural gas to me, we are covered by the Federal Energy Regulatory Commission. If we are trading or swapping and there is no delivery, there is no record kept.

Why does FERC support this amendment? Why do all of the FERC Commissioners support this amendment, including the Chairman? They know this is a loophole. They know it should see the light of day.

I control time until 3:45, if I understood correctly.

The PRESIDING OFFICER. The time is equally divided.

Mr. REID. I am happy to yield.

The PRESIDING OFFICER. The Senator from Nevada controls 14½ minutes.

Mr. REID. The Senator is welcome to take some of my time.

Mrs. FEINSTEIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada has yielded?

Mr. REID. Mr. President, it is my understanding the Senator from Louisiana wishes to speak on another amendment she hopes to offer subsequently. I think that would be appropriate. I see no one here wishing to speak. How much time does the Senator need?

Ms. LANDRIEU. I need about 15 minutes, if I could?

Mr. REID. We are going to vote at quarter till, but how about 10 minutes?

Ms. LANDRIEU. Ten minutes is fine.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

Ms. LANDRIEU. I thank the Senator from Nevada, and I thank the Senator from California for allowing me to interject a few thoughts on a related subject but not the same as the pending amendment.

The subject is about energy independence. Let me put up my first chart to talk about this issue.

Before I begin with that, let me say this: There are a lot of issues such as the issue Senator FEINSTEIN has raised, and other issues, that I suggest are maybe not the exact heart of our problem when it comes to energy security or energy dependence. The heart of our problem is simply that we consume much more than we produce. When you

consume more than you produce, and when you do not have an electric grid in this system that can move power from the places where it is produced to the places, such as California and Florida, that consume a lot—and also California does produce a great deal—you have blackouts.

You have power shortages. You have price hikes. It is the natural end result of demand outstripping supply. It works that way every time. There is no surprise about it. It works that way today. It worked that way yesterday. It will work that way tomorrow.

The core of this debate is energy security. We cannot have energy security in this Nation unless we have energy independence. I know people hear this and they say: Senator, it is not possible. We could never be energy independent.

I want to say: Yes, we can. Maybe not tomorrow. Maybe not in 5 years. But if we set our mind to it and make some very wise strategic decisions in this body this week and in this Congress this year, this country most certainly could be energy independent in the next decade or so. Not in my grandchild's lifetime but in my children's lifetime, and in my lifetime, we could be energy independent. But it is going to take a lot of work.

One of the things we are going to have to do is produce more oil and gas and fuel domestically. It is not just oil and gas. It is oil, gas, clean coal, hydro—and particularly new and exciting fuels such as solar and wind. We are not doing nearly enough with that. And we are not doing enough on the production side.

When we think oil, we think automobiles. We think oil, we think gasoline. While oil in the transportation sector consumes most of our oil, let me name a few other things that we need oil for to produce household items: toothpaste, footballs, ink, lifejackets, tents, sunglasses, house paints, shampoos, lipsticks—maybe we could find alternative sources, some other ways to produce these items. I am sure there are scientists and researchers doing that at this time, but we need oil in this Nation to run our automobiles the way we have the engines structured right now, as well as to produce all these products which Americans use every single day.

Can we reduce our consumption? Can we conserve? Absolutely. But should we continue to import 67 percent of our oil from other places in this world? I don't think so.

Let me share with you where we are, the outstripping of production by demand. Oil consumption will continue to exceed production. This red area of this chart is our problem. It is our problem. You can see it very clearly. It is the shortfall. This is basically what we produce. This is what we consume. And this is what causes, in many instances, blackouts or shortages or high prices—this shortfall. We have to correct that. We can correct it by con-

serving. There are very good suggestions, mostly by Senator BINGAMAN, about how to do that. And we must increase our production.

Let me show you where our production is, currently, in the United States. Our production is currently in the Gulf of Mexico and in Texas and in Alaska. Should we drill in Alaska, and more? Absolutely. Should we drill in the Gulf of Mexico? Absolutely. Should we drill in Texas more? Absolutely. Should we drill more in California and places in other States? Absolutely.

The reason is these States consume. They need to produce. Our whole Nation consumes and we need to produce more. But we want, in America, to have a policy where we basically do not have oil wells anywhere except off the coast of Louisiana, Mississippi, and Texas. We expect this area then to supply all the needs of our Nation.

We need to have a stronger policy about drilling domestically, and to acknowledge the States that do drill and can drill in a more environmentally sensitive way, minimizing the risk to the environment, should be compensated for the impacts that are associated. It is not always negative environmental impacts; it is infrastructure impacts.

On each oil rig off the State of Louisiana, we have about 6,000 people. It is almost like a city out in the gulf.

I know a lot of people have never been to an oil rig, but I have, many times. Senator BREAUX and others have visited many times. These men and women consume water, they consume food, there are transportation requirements, and there are roads and bridges that need to help this offshore development.

One of the things we can do—and I hope we will do, Democrats and Republicans, regardless of how we may vote on many of these amendments—is to cast favorable votes when it comes to more domestic drilling. It is important for us to close the gap of conservation and drilling in places where we can. We have rich reserves in Alaska, in the Gulf, and in the central part of this Nation. It is misleading to say otherwise.

Let me also give you another reason why domestic production is so important. This is from the Sierra Club's executive director, Doug Wheeler, who said:

The exploration and development of energy resources in the United States is governed by the world's most stringent environmental constraints, and to force development elsewhere is to accept the inevitability of less rigorous oversight.

Let me repeat this, because this is the Sierra Club.

The exploration and development of energy resources in the United States is governed by the world's most stringent environmental constraints, and to force development elsewhere is to accept the inevitability of less rigorous oversight.

What we do by not allowing more drilling in the United States is exactly this: We force development elsewhere,

and we wreak environmental havoc. Why? Because in many parts of the world there are no democracies, and there are big oil importers, which is very problematic. In other countries, they do not have rigorous rules. There is no transparent rule of law. There are no court systems. There are no investigators to find the polluters. There are no systems of fines. They have no consequences for pollution. It happens day after day. In our country, if a company violates a local or Federal rule, they are prosecuted. They are fined. They can be put out of business for destroying the environment. Do you think that happens in some places in Africa, South America, or the Mideast? I don't think so.

Let me make a statement. People will say Senator LANDRIEU just gets on the floor and talks about big oil issues. She is a supporter of big oil.

Let me say for the record that big oil is maybe not that interested, frankly, primarily in more domestic production. Leaders of some of the environmental organizations want to push production off of our shores because they do not want production anywhere. They are absolutely totally against fossil fuels and think we can run the country and the world can run on something other than fossil fuels. I hope that happens in the future, but it is not going to happen today or tomorrow. It is in their interest to push production off the shores of the United States and use their self-interest to basically push development in places where regulations are less; where, if you do something wrong, you can't get caught, and where it is cheaper to produce.

There is sort of an unholy alliance, if you will—I say this with great respect—between the industry and the environmental movement. I understand this is an unholy alliance that sometimes pushes us to a place we don't want to go. I will tell you why we don't want to go there. Because it is dangerous.

If the headlines in the newspapers don't convince people that we are on a collision course, I don't know what is. In the paper this morning, we read about the escalation of war in the Mideast. We see our foreign policy compromised. Why? Because we can't really fight terrorism in a way that we know we should. We know that we could be effective. We have beaten every foe that has stood before us. We can certainly beat the foe of terrorism.

It would be hard. It would be expensive. But the American people are willing to give their time and their treasure to do it. But we can't because we are compromised by the fact that the countries we are trying to negotiate with are large exporters of oil.

We sent Colin Powell, our Secretary of State, over to the Mideast with one hand tied behind his back. He cannot negotiate as strongly as he might because of our dependency on oil from other places in the world.

I know my time has expired. I am going to stay on the floor after the vote and ask for some additional time.

I thank the Senator for yielding. If the clerk is ready to call the roll, I will yield the floor.

The PRESIDING OFFICER (Mr. MILLER). The question is on agreeing to the motion. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Montana (Mr. BAUCUS) is necessarily absent.

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

The result was announced—yeas 40, nays 59, as follows:

[Rollcall Vote No. 60 Leg.]

YEAS—40

Akaka	Dorgan	Levin
Biden	Durbin	Lieberman
Boxer	Edwards	Lugar
Breaux	Feingold	Miller
Byrd	Feinstein	Murray
Cantwell	Fitzgerald	Nelson (FL)
Carnahan	Graham	Reed
Chafee	Harkin	Sarbanes
Clinton	Hollings	Schumer
Conrad	Inouye	Stabenow
Corzine	Kennedy	Wellstone
Daschle	Kerry	Wyden
Dayton	Kohl	
Dodd	Leahy	

NAYS—59

Allard	Frist	Nelson (NE)
Allen	Gramm	Nickles
Bayh	Grassley	Reid
Bennett	Gregg	Roberts
Bingaman	Hagel	Rockefeller
Bond	Hatch	Santorum
Brownback	Helms	Sessions
Bunning	Hutchinson	Shelby
Burns	Hutchison	Smith (NH)
Campbell	Inhofe	Smith (OR)
Carper	Jeffords	Snowe
Cleland	Johnson	Specter
Cochran	Kyl	Stevens
Collins	Landrieu	Thomas
Craig	Lincoln	Thompson
Crapo	Lott	Thurmond
DeWine	McCain	Torricelli
Domenici	McConnell	Voinovich
Ensign	Mikulski	Warner
Enzi	Murkowski	

NOT VOTING—1

Baucus

The motion was rejected.

Mr. REID. I move to reconsider the vote.

Mr. MURKOWSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Louisiana.

Ms. LANDRIEU. I thank the Chair. Mr. President, I thought I would take this time, as we are still debating and proceeding with consideration of amendments to the energy bill, to finish the comments I started before the vote.

I hope Members on both sides can understand the importance of this debate. It always has been important. But I think there has to be some renewed urgency given what has happened over the last 2 weeks—the unfortunate escalation of violence in the Mideast, the pressure that has now come to bear on our Nation in terms of the diplomacy underway to try to find a peaceful and certain way out of the situation in the Mideast. All of this has a direct bearing on the discussion we are having in the Senate about energy and the underlying policy and our dependency on this oil that comes in large measure—not solely—from Middle Eastern countries or from foreign sources. It has a direct impact, I believe, on whether we are ultimately going to be successful in the short and long run in our negotiations for peace and in combating terrorism.

I wish to finish my remarks along those lines and to start with a chart. I know people in Louisiana understand this.

I am hoping to share this chart with the other Members in the Senate. As Americans everywhere went to the gas stations over this weekend and the last few weeks, they really began to feel this. They not only understand it but they actually feel it, and it is hurting right in their pocketbooks.

This chart shows us clearly what happens when the price of oil, which is demonstrated by this blue line, goes up and what happens to our gross domestic product, which is represented by the red line, when that price goes up. It is very easy to read this chart. It reminds me of one of the charts my colleague, Senator CONRAD, brings to explain complicated budget issues, and it really helps to clarify it. This clarifies the situation to me, and I hope to people who are seeing this chart.

When oil prices are low, then the U.S. gross domestic product is high. When the price of oil begins to rise, as it has precipitously in the last 2 weeks, the growth of the U.S. economy dives. When the economy takes a dive like this, what this means is there are more people who are out of work.

When this red line goes down, it means children do not go to college. This red line means somebody has to walk into their house and look in their kids' eyes and tell them they lost their job. This means a guy who worked his whole life—when he was 45 years old and started a business and took his life's savings and his wife's savings and said: Honey, I am going to go out and start a business—has to come back and tell her he could not make it. Not because they did not have a good product, not because he was not a hard worker, not because his spouse did not do everything she should and could do, but because we cannot get a handle on the price of gasoline and it drove him out of business. That is what this line means when the gross domestic product in our country goes down. It means pain. It means suffering.

We could stop the pain and stop the suffering if we could get an energy policy that would stabilize this price and reduce our dependency on oil that comes from outside of this Nation.

One way to do it, not the only way to do it, is to drill more in the United States of America. We have oil reserves in many of our States, if not most of our States. We have reserves onshore and offshore, and we have technologies unlike 50 years ago, 40 years ago, or 25 years ago, that we can produce and find those reserves at less financial risk and less environmental risk.

I am in the Senate because I promised the people of my State I would try to keep this red line up as high as possible, because I have a promise to send as many kids to college as I can possibly help get there and give them the skills they need to function. I have made a lot of promises to them about giving them an atmosphere where they can take their dream of starting a business and actually make it work. I have made promises to my school boards and my public officials back home to try to help improve the highway system, which is not very good in our State. I have hospitals that cannot keep their doors open, and there is a Senate that has the resources and the opportunity to pass an energy bill that could produce more but for some reason will not.

Let me show what the Sierra Club says about domestic production because I have sometimes been accused of having an anti-environmental position. I actually think this position is a pro-environmental position, it is the right environmental position, and I will say why. The director of the Sierra Club evidently agrees with that line of thinking, although I do not want to indicate he agrees with the exploration in ANWR or my amendment, but he agrees with the principle. He says exactly what I would say:

The exploration and development of energy resources in the United States is governed by the world's most stringent environmental constraints, and to force development elsewhere is to accept the inevitability of less rigorous oversight.

I could even go further to say: To develop elsewhere is to accept the inevitability of wholesale environmental destruction, because that is what happens when you do not have good laws. That is what happens when you do not have good regulations. That is what happens when you do not have good court systems where polluters are determined not to follow the rules if they had them, or to go ahead even without the rules and proceed to extract those resources. That is what happens when you drive production off the shores of the United States of America. The environment is harmed more than if you could drill in a country that had the strongest rules, the best courts, the highest fines, and the ability to vigorously prosecute polluters.

We do not want to do that. We want to get oil from countries—and we use

18 million barrels of oil every day from places such as Saudi Arabia, Iraq; and from such stable governments in a lot of trouble now such as Colombia, Angola, Kuwait, and Yemen, just to name a few.

If we drilled more in Alaska, in Louisiana, off the coast, on the gulf coast, in other interior States, and we did it in the right ways, we could make the lines in that chart I showed earlier move in a different direction, in a direction of hope for the American people.

Let me also say we need to do it for the purposes of our economy. We also need to drill more in the United States for the purposes of our security and for the purposes of long-term domestic and international security for our Nation.

We call the underlying bill we are debating, and on which Senator BINGAMAN and Senator MURKOWSKI have worked exceedingly hard, the Energy Policy Act. It could be the energy security act, but I would really like it to be named the energy independence act because only by energy independence will America ever be secure.

Let me say that again: Only with energy independence will we ever really be secure. If we and our democratic allies—not countries that do not believe in democratic principles, not countries that do not allow women to vote, not countries that do not have high standards when it comes to child protection and the rights of children and families. I am talking about democratically elected governments. When we and our allies, such as in Europe and in other places of the world, can diversify our portfolio of energy, then we can relieve ourselves of being dependent on countries that do not share our values, that are not democratic nations, and that do not compromise.

When I see statements that are in the press—and I have been reading a lot of things about the Mideast—it is very concerning to me when I hear anyone say the people who have strapped dynamite and other explosives to themselves, who have gone into places such as hotels where people are eating a meal or into daycare centers, or in pubs where mothers might take their daughters or sons out for an afternoon cup of tea or a rest, and people refer to these individuals as freedom fighters. These are not freedom fighters. These are terrorists. That is what terrorism is. That is what the definition and embodiment of terrorism is.

It is not fighting army to army or armed person to armed person. It is an individual, desperate, strapping explosives to their body, giving up their life and harming innocent men and women and children for the purposes of terrorizing a nation and either bringing it to its knees, or bringing it to a negotiating table, or forcing it to do something that is against its will or its long-term best interests.

We are fighting terrorism here with all the strength and breath we can in our Nation. We had two of our mighti-

est buildings collapse. We don't call the people who got in the airplanes freedom fighters. We call them terrorists. But we can't call some of these other people exactly what we need to be calling them. Why? Because we are too dependent on oil from that region. We are debating an energy bill and we will not make the decision to produce more oil in the United States because we would rather compromise our foreign policy.

I will be for more drilling in the United States, when and wherever possible. And I don't believe we can drill everywhere. But where there are reserves, where our technology shows we can drill, the more oil we can drill here the better.

In addition, what we can do, and Senator BINGAMAN has led this fight so ably and so well, is to diversify our portfolio so we are not held hostage by oil, period. I am from an oil-producing State. But do you know what my own producers tell me? They don't want our Nation to be held hostage by fossil fuels, even though we produce a lot of oil and produce a lot of gas. Louisiana believes, as an oil- and gas-producing State, that we need to develop alternative sources. As an investor with your life savings, you don't invest it in just one company, in the event that company goes belly up and you lose everything you worked for. With investments, investors want a diverse portfolio. Why? To spread the risk. Any good investor knows that spreading risk is very important for long-term security.

Why, then, do we have an energy policy, or the lack of an energy policy, that allows all of our eggs to be in one basket. It is too much in oil, and in some ways too much in gas, and not enough in other developing technologies such as wind, solar, hydropower, and other ways of generating energy.

The most promising technology we have discussed on the floor is in the transportation sector, in hydrocells, for our automobiles. It is the transportation sector that uses most of the oil. Our industrial sector and our electric generators use a lot of gas, a lot of coal, and a lot of nuclear. The bottom line is, while we have to reduce our dependency on foreign oil, particularly from nondemocratic nations, particularly from nations that do not have stable governments, particularly from nations that do not believe in the rule of law, that do not allow women the right to vote, that do not allow children, girls in particular, to go to school, why do we compromise our foreign policy because we need that resource when we could drill more domestically? In addition, not only do we have to drill more in the United States, but we have to wean ourselves off of fossil fuels over time and try to come up with renewable resources because all of these resources are finite.

To broaden our pool, to diversify our portfolio of sources is good for the consumer and good for business because it

will keep prices very competitive. If gas is too high, people could switch to nuclear. If nuclear is too high, producers of energy could switch to hydro. If hydro is too high, they could move to coal. If coal is too high, we can move to biomass.

We need more diverse sources of fuel, homegrown, and limit our imports of fuel from nations that are not democratic nations. I am not speaking about Canada. Canada is a great ally of the United States. We import a lot of gas from Canada. Let's continue to do it. Canada is a democracy. It is our ally. We can rely on it. That is smart politics.

Relying on other countries that do not share those values, that do not have democratic values, gets us dealing with places where people tie dynamite to themselves and blow up themselves and innocent people. It confuses us whether it is a terrorist or freedom fighter. We have freedom fighters in America. Martin Luther King, Jr., was a freedom fighter. That is the kind of freedom fighter who we believe in in this Nation. Gandhi was a freedom fighter. That is the kind of freedom fighter who ultimately wins peace and security and justice and changes when things are unjust. Not suicide bombers and not terrorists. It must be rejected every day, every month, every year, every time—in the United States, in Israel, and in the Middle East.

Our energy policy puts us in a position where that gets foggy; it does not get clear. It is dangerous. It is not going to serve us well, not this week, not next week, and not in the near future. Our dependency on oil imports from places that are not democratic nations, our refusal to broaden our portfolio of sources of energy, and our inability to separate this from our negotiations is not good for America.

Let us begin by supporting Senator MURKOWSKI's amendment on ANWR. Let us go further and support drilling. Let us fight very hard with Senator BINGAMAN to try to put dollars into research and technologies for new alternatives. Let's be careful with the tax credits we give so we build a domestic industry, creating new jobs and keeping our environment clean and investing in the States and the localities so when they are impacted, we can fix them. When we lose wetlands, we can restore them. When some places are disrupted, we can do our very best to fix them and have the kind of infrastructure necessary so we can have a good, solid, and clean industry.

That is why, in conclusion, this is getting a lot of momentum. This is why the President is receiving a tremendous amount of support in some areas of his policy, and why, today, there was a great meeting and press conference of some of the major Jewish organizations throughout this Nation. B'nai B'rith, the oldest and largest Jewish organization, has finally and eloquently stated why it is so important to join this fight, along with vet-

erans, along with our military, particularly the veterans who have been there. They have been to Europe; they have been to Korea; they have been to Vietnam. They know the price that is paid when American foreign policy is based on anything outside of our core values of freedom and democracy.

When we start fighting over oil and sacrificing the lives of our young men and women, it is just not worth the fight. Let me say again, it is not worth the fight: democracy, freedom, and justice. Oil is not worth the fight, especially when we could have energy security by drilling in our own country. It is too high of a price to pay. I don't think we should pay it.

We should continue the effort to get a good, strong bill out of the Senate and get it into conference so we can have a bill that produces, that encourages more domestic drilling, expands our portfolio of energy to include other things, that invests in research and development. This country leads the world in technology. When we make up our minds to create anything, we can do it. And we hardly ever fail. I can't think of a time we failed. We most certainly would be successful in new technologies and getting us off, eventually, fossil fuels, a finite resource, and getting us to renewables, so we are truly independent and our people can have hope.

In addition, I hope we can then balance this bill in conference. I urge the President to take as balanced an approach as possible in helping shape a bill that works for our economy, that works for our foreign policy, and, most importantly, a bill that is true to values that America has stood for now for 225 years. It does not cause us to have to be hypocritical or to turn our eye or to be foggy in our outlook. We want to see clearly, to be honest with ourselves, about this issue.

It is very serious. It is a very serious issue. Now it is affecting our national security. People at home would like to see strong steps taken in that regard.

I am going to be offering an amendment for energy independence in the morning. I have a series of amendments that I will be offering over the course of this debate. I will lay that out to my colleagues for their consideration and I hope we will be strong enough to take the actions necessary to set our Nation on the course for independence.

I yield the remainder of my time.

The PRESIDING OFFICER. The Chair recognizes the Senator from Missouri.

Mrs. CARNAHAN. I ask unanimous consent to proceed as in morning business for 10 minutes.

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

(The remarks of Mrs. CARNAHAN are printed in today's RECORD under "Morning Business.")

Mrs. CARNAHAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. MURKOWSKI. Madam President, for the last several days—since we have been following the Mideast crisis—clearly I think we are all aware that what was a tinderbox has now ignited into a firestorm.

This chart gives us an update of what happened while we were out for our Easter recess. It is a memorandum to the American people.

Let me identify the urgency because over the last few days Saddam Hussein of Iraq has imposed a 30-day oil embargo on the United States. We have seen the price of oil jump about \$3 a barrel. We have seen Saddam Hussein offer to pay the families of the Palestinian suicide bombers up to \$25,000. If that isn't an incentive to stimulate those who are inclined to give up their life for the cause of Saddam Hussein, I don't know what is.

Further, Iraq and Iran call on countries to use oil as a weapon against the United States and Israel. And Libya agrees.

Think of that—using oil as a weapon.

When was the last time we talked about a weapon around here? It was on September 11th when we were confronted with the first reality that an airplane would be used as a weapon. Obviously, we saw that at the Pentagon and the two towers of the World Trade Center. This goes beyond our previous comprehension of what weapons are. But Iraq and Iran are calling on countries to use oil as a weapon.

What do they mean? They mean, obviously, that with the money and the cashflow of oil, they can motivate people to give up their lives as suicide bombers if their families can generate \$25,000, or thereabouts. Where does their money come from? It comes from the cashflow of oil. Make no mistake about it.

Further, a Christian Science Monitor article indicates that there is information relative to Iraq carrying out a plot to blow up a U.S. warship. That was exposed by the article. The theory was a little more significant because what they proposed to do was target a tanker, probably in the Straits of Hormuz, and then go after a U.S. warship.

We are also seeing here at home a skyrocketing increase in gasoline.

Who is responsible for that? It is our good friend, Saddam Hussein.

Iraq is the fast-growing source of U.S. oil imports—1.1 million barrels; the Persian Gulf, almost 3 million barrels; and, OPEC countries, 5.5 million barrels.

When Saddam Hussein indicates he was going to terminate production for 30 days, that means somebody else is

going to have to pick up their oil. Maybe OPEC will do it. They have indicated that Saudi Arabia has the capacity. But will they? Clearly, when 1 million barrels are taken off the world market, prices are going to increase, and shortages are going to increase. That is reality.

Make no mistake about it. Saddam Hussein is not doing any favors for the United States.

In announcing an oil embargo, he has effectively caused the spiraling in prices and an indicated shortage in production.

We have some other charts that I think show you the vulnerability of the United States. This is, again, while we were away on our Easter recess.

As the Mideast crisis worsens, the price of oil rises. This is the statement by Iraq's ruling party.

If the oil weapon is not used in the battle to defend American and Zionist [Israel] aggression, it is meaningless.

That is a statement by Iraq's ruling party.

This is the timeframe from March 25 until our return.

If the oil weapon is not used in the battle to defend our nations and safeguard our lives and dignity against American and Zionist aggression, it is meaningless.

That is a pretty strong message. They are saying: We are going to use oil as a weapon.

Make no mistake about it. What does that translate to? Our economy, and perhaps increased prices.

I do not know how many times we have to go to the well around here before we understand that some of these folks mean business. We are already well aware of bin Laden. We are well aware of the aftermath of al-Qaida.

We wish we would have taken steps to avoid those actions. But where are we today as we look at Saddam Hussein? We have every reason to believe that he is developing weapons of mass destruction. We haven't had the U.N. inspections in several years.

Are we putting off the inevitable? What is the inevitable? Is it some kind of an action that is perpetrated as a consequence of Saddam Hussein's weapons that he has developed over a period of time? What are those weapons? We don't know because we haven't had inspectors in there in over 2 years.

What we know is that we have been taking his oil. We know that we have been enforcing a no-fly zone over Iraq since 1992. We do know that we have bombed him three times this year. We do know that we put our young men and women's lives at risk as we enforce the no-fly zone. We also know as he takes our money, he develops weapons capability and weapons of mass destruction—biological weapons—aimed at our ally, Israel. We know those things.

Where is the logic? How do we close the loop? What is the message? How are we going to respond?

I do not know how many times we have to reflect on weapons. We saw an

aircraft used as a weapon three times on September 11. It could have been much worse but for that heroic event in Pennsylvania.

Here is an article from Reuters of April 1.

Iraq urges use of oil as a weapon against Israel and U.S.

It states:

Use oil as a weapon in the battle with the enemy, Israel.

Iraq's ruling Baath Party said in a statement published by the Baghdad media:

If the oil weapon is not used in the battle to defend our nations and safeguard our lives and dignity against American and Zionist aggression, it is meaningless.

That is the ruling party of Iraq.

"If Arabs want to put an end to Zionism, they are able to do so in 24 hours," Saddam told a group of Iraq's religious dignitaries Sunday night.

Another quote:

The world understands the language of economy, so why do not Arabs use this language? He asked.

Saddam said if only two Arab states threatened to use economic measures against western countries if Israel did not withdraw from the Palestinian-ruled territory, "you will see they (Israelis) will pull out the next day."

Madam President, do we believe that? Saddam Hussein is one of two Arab States that has already used its economic measure against the Western countries by terminating its oil production for 30 days.

What else happened today that deserves consideration? In our own hemisphere, South America certainly, Venezuela, PDVSA, one of the largest conglomerates in the world, went on strike. What does that mean to the United States? It means that roughly 30 percent of our imports are no longer available. Saddam Hussein stopped his production, and Venezuela, PDVSA, is on strike. We don't know the ramifications of that.

The threat is clearly here. I have been coming to the Chamber for a long time talking about the blatant inconsistency of our foreign energy policy. We have other charts here. I will stay on this subject a little more because I think many Members assume this is oil that is coming in from overseas. So it is Iraqi oil. So what? We probably don't get it.

Here is a chart that shows where it goes. What we did was, we went to the importers and asked where this oil went. And we got some idea of where it is refined: Washington State, California, Texas, Oklahoma, Arkansas, Mississippi, Louisiana, Missouri, Illinois, Indiana, Ohio, Kentucky, Minnesota, New Jersey. This constitutes roughly Iraqi oil imports from January to December of the year 2001, a total of 287.3 million barrels consumed in these States. It is pretty well spread around the geography of the United States.

We have another chart that shows very vividly crude oil imports from Iraq to the United States in the year

2001—283 million barrels. This is by month. June was an all-time high. Then down in July. In September it bounced up again, in October, November, December. So here we are, clearly identifying where the oil comes from and where it goes.

We could show another chart that shows you what is happening in the United States today. That is the increase in retail gasoline prices per gallon. This is \$1, \$1.05, \$1.15, up to \$1.40. Here we are, April 1: \$1.34. Make no mistake about it. These are factual realities associated with what is happening. The American public is modestly inconvenienced, but there is no consensus on what kind of relief.

I suggest there is an energy plan out there that has been proposed by some. This is kind of it. Unless the crisis is too bad, we just stick our head in the sand. Is this an energy plan? I don't think so. We have an energy bill before us. It is absolutely necessary that we proceed with this bill. As a consequence of the extended discussion about how we are going to reduce our dependence, one of the issues that comes up is obviously to produce more oil in the United States. How can we do that?

One of the more contentious amendments that will be debated on the floor is the ANWR amendment. What is so significant about ANWR? The significance is that it is the most likely area in North America for a major oil discovery. We had ANWR passed in the omnibus bill back in 1995. In December, it passed out of the Senate. It was vetoed by President Clinton. We would know today and have production from the area and we wouldn't be beholden to Saddam Hussein, who suddenly decides he is going to cut 1 million barrels of production, his production, away from the market. We anticipate that ANWR would exceed 1 million barrels a day.

We have been paying Saddam Hussein roughly \$25 million a day for Iraqi oil for the last year. That is a lot of money, \$25 million a day. This is the same dictator who actively fired on our pilots, who is developing weapons of mass destruction, funding terrorism against Israel, yet is our fastest growing source of imported oil.

Saddam Hussein is paying bounties of \$25,000 to each suicide bomber who murders Israeli citizens. The suicide bombers terrorizing Israel are the proxy soldiers of Saddam Hussein. Think about that. They are proxy soldiers. Yet we rely on Saddam Hussein for our energy needs each day.

Every time we go to the gas pump, a portion of what we pay funds Saddam Hussein in his war on the United States and Israel; on his war, if you will, to encourage individuals to sacrifice their lives as suicide bombers and commit funds to the relatives of some \$25,000.

Enough is enough. We need to end this inconsistency once and for all.

Among the considerations that come to mind to end this would be the President's certification that Iraq is complying with U.N. Security Council Resolution 687 which demands that the Iraqi weapons program be destroyed, destroyed and certified by inspectors, that we have the satisfaction of knowing that Saddam Hussein is no longer smuggling oil in circumvention of the Oil for Food Program. We have already lost lives. We lost the lives of two American Navy men when they intercepted one of Saddam Hussein's smuggling ships. In the process of boarding the ship, the ship sank and these two American sailors lost their lives. Little was said about it, but Saddam Hussein is still taking American lives.

Further, one could consider a stipulation that Saddam Hussein would not subsidize the action of the suicide bombers.

As I indicated earlier, some people don't have a second thought about where we get our oil. Some think that drilling in Alaska is too risky. That is poppycock. We have drilled in Alaska for 30 years in the Arctic and developed the largest field in North America, Prudhoe Bay. You might not like oil fields. That is your own business. But Prudhoe Bay is the best oilfield not only in the United States but in the world. It has more environmental oversight by Federal and State officials, laws, and regulations.

So it is interesting to reflect, if you don't get the oil from here, where are you going to get it? Do you want to go to Colombia where they are blowing up Colombian pipelines and kidnapping American oil workers? Some of the oil fields of Russia are an absolute disgrace from the standpoint of environmental oversight.

Nobody seems to care where it comes from. Why can't it come from an area where we have the oversight, where we have the safety, and we can do it right?

We have a situation today where Israeli and Palestinian citizens are dying in the streets. They are certainly at risk. Yet they say it is too risky to open up the Arctic. I wonder if channeling funds to Saddam Hussein to allow him to carry out his vicious campaigns is not risky. Our men and women in uniform are in harm's way today. Yet many Members in this body live in some fantasyland, a world of ivory towers, an image of pristine wilderness.

Well, I have been there, Madam President. It is a harsh reality. The aboriginal residents of the area of Kaktovic support the development. I have felt like a voice in the wilderness on this issue for some time. We have a lot of wilderness—about 56 million acres, which is the size of the State of California.

It is time for some of us to face the facts. It is time to stop contributing to Saddam Hussein's campaign of terror. How bad do things have to get before we have the fortitude to recognize that we can reduce our dependence and send

Saddam Hussein a very strong signal—and the rest of the Mideast, such as Iran, Libya, and the other countries, including Saudi Arabia—a message that we mean business?

Remember what Saddam Hussein says at the end of every speech. His last words are—think about this—“death to Israel. Death to America.” From what I have seen in Israel in the last 2 months, with all the suicide bombers, we ought to know what he means. How long does this have to go on before we come to grips with reality and make a commitment that we can open up this area safely, that it will significantly recuse our dependence on imported oil? I think that time has come, and I urge my colleagues to make commitments to America's environmental community to recognize that you are going to have to be counted here and do what is right for America, not necessarily what is right to placate some of the extreme environmental groups that have used this as a cash cow; they have milked it for all it is worth.

It is kind of interesting to hear the mischaracterizations of a recent study by the Department of the Interior, the USGS. They indicated in the first study the supposition that the entire area was at risk. What is the entire area? It is 1.5 million acres that was somehow at risk. It was the assumption that the entire area would be put up for lease. Of course, the House bill, and what is in the amendment that we intend to offer, is that the footprint will be limited to 2,000 acres. There will not be international airports, or airports of any significance. There will not be any activity during the caribou calving season when the Porcupine herd is in the area. Drilling and exploration will be limited to wintertime activities. There will be no roads built. There will just be ice roads.

This is the technology we have now. Make no mistake about it, from the standpoint of conservation, we have learned how to take care of the caribou. There are two major actions we have done to protect them. We allow no hunting. You can't run them down in a snow machine. The herd, known as the western Arctic herd, in the Prudhoe Bay area was about 3,000 in the early 1970s. It is over 26,000 today. You can't hunt in the area; you can't take those animals.

The Porcupine herd is something else. The aboriginal people depend upon them, and the herd is quite healthy. Remember where that herd goes. It crosses the Dempster Highway in Canada. That is probably where it receives the most intense pressure from human predators, who take the caribou for subsistence and sport purposes. That doesn't happen in Alaska; it happens in Canada.

So I hope my colleagues will be ready to recognize the significance of their votes. Not only is this a major issue for the veterans of this country who have said time and time again that we want

to reduce our dependence on foreign oil. We don't want to send our men and women overseas to fight another war on foreign soil.

I am reminded of Mark Hatfield's statement; he is a former Senator from the State of Oregon. He said:

I will vote for ANWR any day rather than send our young men or women overseas to fight a war over oil on foreign soil.

Well, we did it in 1992 and we lost 147 lives. Let's get on with the issue at hand and let's reflect on the issues. American labor is on board because they see it as a jobs issue—somewhere in the area of 250,000 new jobs. People talk about stimulus. That is the largest single stimulus that anybody has been able to identify in this entire year of debate on the floor of the Senate. What does it mean? It means 250,000 jobs. But these are private sector, well-paying jobs, union jobs that will not cost the taxpayer one red cent. This is win-win-win-win. It is win for America, win for jobs, win for reducing our dependence on imported oil, and win for our scientific community and our environmental community—to ensure that we have the technology to do this right.

I look forward to the debate in the coming days, but I think it is appropriate to highlight what has happened in just the last 2 days. Saddam Hussein has determined he is going to stop oil production for 30 days. Venezuela is on strike. We have, overnight, lost nearly 30 percent of our imports, and each day you are going to hear more bad news: higher prices at the gas station and higher prices to fill your heating oil tanks. You are going to see it represented in the economy—on the stock market as it affects our growth and, God knows what we can expect from the Mideast crisis that is underway in that area today, as our vulnerability becomes more intense.

I will have more to say about this topic each day. I wanted to bring to my colleagues' attention the highlights of the pending crisis. When we left here on our recess, we had a threat. Today we have a crisis. Here it is: a 30-day oil embargo, \$3-a-barrel increase, and Saddam pays suicide bombers \$25,000. Iraq and Iran call on countries to use oil as a weapon. If that isn't a threat against the United States and Israel, I don't know what is. Iraq plots to blow up U.S. warships, and the price of gasoline is skyrocketing.

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

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

Mr. DASCHLE. Madam President, it is 5:45 in the afternoon. We had one vote today. Obviously, there will be no

more rollcall votes today. I say "obviously"; I should probably say "unfortunately." This is the fourth week now we have been on this bill. This is the 15th day we have been on this bill. We have scores, if not hundreds, of amendments that ought to be offered and ought to be debated. We listened to countless speeches all last year from many of our Republican colleagues about how critical it was we bring up this bill. I think Senator MURKOWSKI on several occasions said: Let's let the chips fall where they may; let's offer amendments; let's take up ANWR; let's get this legislation done.

The Senator from Alaska talked today about this being another crisis, given the Iraqi situation. Here it is, 5:45 this afternoon, and we are facing a Republican filibuster on the Feinstein amendment, the so-called derivatives amendment. We are hopeful we can at long last reach a cloture vote tomorrow. They have been filibustering the derivative amendment now for some time. I don't understand why we have yet to take up the ANWR amendment. As I said, after 15 long days of debate, we have yet to debate one of the central issues involving energy policy from the Republicans' perspective, and that is the debate on ANWR.

It is critical we have that debate sooner rather than later. And if need be, I know some of my colleagues have actually suggested maybe they will raise the issue, that they take it up, that they offer the amendment. We would probably offer the House language.

We want to accomplish as much as possible during this work period. I have laid out, on several occasions now, our hope and expectation with regard to the legislative agenda for this work period. It is ambitious. But our Republican friends in the administration, and Republican friends in the Senate, talk about how they are unable to take up other very important pieces of legislation, including trade promotion authority and terrorist insurance.

But we find ourselves here with a Republican filibuster on the energy bill, a Republican reluctance to take up the ANWR amendment, and, at 5:45 in the afternoon, no one to offer amendments in spite of the fact that we have been on this bill now for 15 days and over 200 amendments are still pending.

So, I must say, it is a situation that has to be rectified sooner or later. There is no way we can take up all of the other important bills during this very critical work period if we do not have more cooperation and ability to address the remaining issues in this bill than what has been demonstrated so far.

It is unfortunate. It is frustrating to be at a point, after this long on the energy bill, that in my view is so far from closure on a bill that both sides have acknowledged must be completed.

I want to complete it. I know Senator REID has been working very hard to try to work on both sides to see if

we can come up with a list of amendments. But, as I say, a Republican filibuster on the derivative amendment has to end. The ANWR amendment has to be debated. We have to find some way to resolve whatever other outstanding questions there are and bring this bill to a close so we can move on to other important pieces of legislation, including border security, which, as I understand it, is supported by the administration; Republicans and Democrats support it.

We also have the election reform bill. We have nominations we would like to take up—judicial nominations. We have heard a lot about that in recent days. So there is no lack of work required of this body. Yet there are such limits on our ability to deal with all of those and other priorities, simply because we have been unable to move this bill any further along than we are this afternoon.

Mr. REID. Will the Senator yield for a question?

Mr. DASCHLE. I will be happy to yield to the Senator from Nevada.

Mr. REID. I ask my friend from South Dakota, the majority leader, if he is aware that we have had speeches here in the past several weeks—we had one earlier this afternoon—of Senators saying, Why don't we vote on ANWR? Why don't we have an up-or-down vote on ANWR?

Is the Senator aware these speeches are being made by the other side often but no amendment is offered? Have you ever seen a procedure such as that where they complain about not having a vote but they have not offered the amendment?

Mr. DASCHLE. It is mystifying to me. We have been told for months, if not years, how critical ANWR is to some of our colleagues on the other side. Yet after 15 days we are told we still have to wait for an ANWR amendment on this energy bill.

So something doesn't connect here. Either ANWR is not important or there is a slow-walking of the bill—inexplicably. There is an emergency, as some of our colleagues have indicated today, but there is an inability here to connect the dots. It seems to me we have to rectify that situation.

The Senator is right. You cannot give speeches and say it is important for us to finish the bill and take up ANWR and we need a vote but then fail to offer the amendment to get the vote.

I ask my colleagues to recognize how precious our time is. This is Tuesday. I have already had two or three requests for early evenings and early departure this weekend. I suspect we will get more of those throughout the week. We have to make the most of the days we are here. Let's make the most of Wednesday, the most of Thursday. Let's resolve these outstanding issues, let's end the filibuster, and let's get this job done.

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

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

Mr. REID. Madam President, I ask unanimous consent that at 9:15 on Wednesday, April 10, the Senate resume consideration of S. 517; that the time until 9:45 a.m. be for debate prior to the cloture vote with respect to the Feinstein amendment numbered 2989, with the time equally divided and controlled in the usual form; that at 9:45 tomorrow morning the Senate proceed to vote on the motion to invoke cloture; and that Senators have until 9:30 a.m. for filing second-degree amendments to the Feinstein amendment.

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

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein for a period of up to 5 minutes each.

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

THE MIDEAST CRISIS

Mrs. CARNAHAN. Madam President, last week, as people of many faiths celebrated holy days of peace, our television screens were filled with visions of horror. Young Palestinian men and women, strapping explosives to their bodies and detonating themselves in crowds of Israeli civilians, destroyed dozens of lives and with them exploded the hopes and dreams for a peaceful resolution of the Middle East crisis.

The words used to acclaim these acts are deeply troubling. The murderous bomber who killed celebrants at the Passover meal was deemed "a glorious martyr." Such a proclamation is a cruel hoax, perpetrated by those dedicated to the destruction of the Jewish state. It comes from those who have never admitted in their hearts—and will never admit that Israel has the right to exist within secure and peaceful borders.

They unleash their hate under the banner of such groups as Hamas, and Hezbollah, the Fatah and the Al Asqa Mosque Martyrs' Brigade.

Unfortunately, the leader of the Palestinian Authority, Yasser Arafat, is unwilling or unable to prevent the wave of assaults against Israeli civilians. For far too many years he has talked the talk of peace; but he has never walked the walk for peace.

When it has served his interest to speak of reconciliation, of compromise, of security for Israel—he has done so. But days, or even hours, later when speaking to his people, or the Arab world, he uses language that urges armed struggle, a war of liberation, and a return to conquered lands.

He has not prepared his people for peace. He has not explained the need for compromise. In fact, maps in school books do not even show the State of Israel.

On the White House lawn, President Clinton urged both sides to take a chance for peace. Israel was willing to do just that. Israel traded land in the hope for peace. Israel promised even more land, and a Palestinian state.

What did the Palestinians do? They did not create a government to serve the best interests of their people. Yasser Arafat created a gulag on Israel's back doorstep—one riddled by corruption and bent on crushing dissent. The Palestinian leader built an infrastructure for terror and then incited his people telling them that Palestine would run from the Jordan River to the Mediterranean Sea.

When the parties met at Camp David, Israel did what it had never done before. It put the issue of Jerusalem on the table. But the most generous offer Israel could possibly make, was not only rejected, it was brutalized by violence. That violence has intensified for 18 months, mutating into waves of suicidal terror.

In the minds of most Israelis, this cruel response has undermined Yasser Arafat as a genuine partner in search of peace, for Israel now has to question whether land for peace is actually an equation for more violence.

Israel has an obligation to its citizens to respond. When al Qaeda attacked America, we sent our military across the globe to seek out the terrorists in training camp by camp, cave by cave. Israel has terrorist's cells just a couple miles from its largest cities. It had no choice but to take them out—root and branch.

America is conducting her own war on global terrorism in the wake of attacks on our country and to address the threat of Saddam Hussein acquiring weapons of mass destruction. But the United States must at the same time devote its full resources to resolving the Israeli-Palestinian conflict. We must do so in a way, however, that does not undermine the core principle of our war against terrorism. There must be zero tolerance for terrorism. Such deeds cannot have, or be perceived to have, any political benefit.

Those who seek a political solution to conflict must first rebuild trust by rejecting terror. Unfortunately, both the Arab League and Islamic Conference have failed to do so. Nonetheless, Secretary Powell's mission takes place against the backdrop of a new Arab initiative.

This initiative has many flaws, but it is significant. Arab governments have now demonstrated a desire to play a constructive role in resolving the conflict. Since the Palestinian leadership has been totally discredited as peace partners, the path to peace goes through Amman, Cairo, and Riyadh.

If these governments are serious peace-seekers, other steps must follow.

They must denounce terror against Israel with the same strength and passion as they denounce actions taken against Palestinians. They must halt their financial backing for terrorist groups dedicated to the destruction of Israel. They must put an end to the anti-semitic, anti-Israel, and anti-American rhetoric in their state sponsored media. Finally, they must convince Yasser Arafat, and more importantly the Palestinian people, to abandon their self-destructive behavior.

Had the Passover ceremony in Netanya not been violated by a murderous bomber, those present, together with Jews around the world, would have ended the ceremony by saying: "next year in Jerusalem."

The Jerusalem to which they aspire, however, is not the city we see today—a city stricken with fear; a city of shattered windows and shattered lives where calls to worship have been replaced by sirens and ambulances.

No, the Jerusalem to which they aspire, is a Jerusalem of tolerance, of faith, and of peace.

While that vision seems remote at the moment, we are reminded of the words of Louis Pasteur, who said:

Never let yourselves be discouraged by the sadness of certain hours which pass over nations.

For those who earnestly seek peace, even dark days can be the harbingers of brighter tomorrows.

Our prayers today are for a brighter tomorrow for all in the Mideast, for all people of goodwill.

NEVADA VETO OF YUCCA MOUNTAIN SITE

Mr. MURKOWSKI. Madam President, I advise my colleagues that yesterday another significant step was taken in the process to address relief for nuclear energy by the approval of the Yucca Mountain process—and I emphasize process because it is a step-by-step effort.

The Governor of Nevada came to Washington to deliver his veto over the President's recommendation to site this Nation's high-level waste repository at Yucca Mountain in Nevada.

Further, Chairman BINGAMAN, chairman of the Energy and Natural Resources Committee, today took yet another step in introducing a resolution, S.J. Res. 34, to override the Nevada veto. Senator BINGAMAN's action sets in motion the congressional fast-track procedure in both the House and Senate to approve this resolution, which is done by a simple majority. We finally may approve a safe, remote, central facility for our Nation's nuclear waste. Without this repository, our nuclear plants would have to shut down, and I do not think we can address that risk, recognizing nearly 20 percent of our Nation's energy is generated by nuclear power.

Without Yucca Mountain, the cold-war legacy sites throughout the U.S. will not get cleaned up because we will

have no place to put the waste. The Federal Government has an obligation for the spent fuel and the DOE waste, and to meet this obligation we must open that repository, and we must do it soon.

To date, we have spent over 20 years and over \$4 billion to investigate and characterize the site. The science tells us this is the place.

I join Senator BINGAMAN in urging my colleagues to vote for this resolution when it comes before the Senate.

TRIBUTE TO THE GIRL SCOUTS OF AMERICA

Mr. DASCHLE. Madam President, I would like to take this opportunity to recognize the 90th Anniversary of the Girl Scouts of the United States of America. In March, this vital organization celebrated an important milestone in its efforts to encourage girls and young women from communities across our nation to enjoy scouting activities that nurture their mental, physical, and spiritual well-being. Congratulations to the 3.8 million members throughout the United States.

I am pleased to tell you that more than 9,000 girls across the State of South Dakota actively participate in Girl Scouts. In particular, I want to commend the Girl Scouts of Nyoda Council for their outstanding accomplishments in the areas of leadership, community service and personal development in our state. For over 35 years, this chapter has offered a spiritually motivated, values-based program that encourages every girl to reach her highest potential. The Girl Scouts of Nyoda Council adhere to the vision statement of the Girl Scout movement: "to inspire girls with the highest ideals of character, conduct, patriotism, and service, that they may become happy and resourceful citizens."

On April 13, the Nyoda Council will hold their Girl Scout Gold Award ceremony in honor of those who have achieved the highest honor a Senior Girl Scout can attain. They deserve recognition for their outstanding work, perseverance, leadership, and community involvement. I applaud their "can-do" spirit, determination, and dedication to the betterment of their community.

Congratulations to the Girl Scouts of Nyoda Council on this very special occasion. May they enjoy this celebration of their efforts, and keep up the great work.

Mr. BINGAMAN. Madam President, I rise today to speak on behalf of the Girl Scouts. In honor of their 90th anniversary, I would like to congratulate this extraordinary group for their many years of excellence and service to this Nation. This organization has provided great opportunities for many girls and young women, helping them to develop to their full potential and to become good citizens and great leaders. The Girl Scout Law states that each girl will strive to possess honesty,

courage, responsibility, and respect both for themselves and others. These ideals demonstrate the high standards this organization sets in encouraging the development of young girls.

Currently in New Mexico, approximately 8,000 girls and 3,000 women participate in Girl Scouts. Chapparral Council, one of the three New Mexican Girl Scout councils, covers counties in northwestern New Mexico and parts of Southwestern Colorado. The 6,000 members of that council contribute their time and effort to better their communities. These girls, along with countless other women who once pledged the Girl Scouts' promise have and will receive the many benefits from this organization.

The Girl Scouts' new initiative "For Every Girl, Everywhere" highlights the diversity of this fine group, attempting to reach out to every girl in every community, regardless of race, ethnicity, or geographic boundaries. The Girl Scouts have given girls from every socioeconomic background an equal opportunity to become successful adults through the exploratory and intellectual activities in which they participate. This has especially played an important role in New Mexico.

Throughout New Mexico, girls have been changing their lives in a positive way that will no doubt benefit them in their future endeavors. By focusing on health and fitness, appreciating diversity, and community service, the Girl Scouts have inspired girls with high ideas of character, conduct, and patriotism. Girls participate in many events throughout their community such as providing help to those in need and working to improve the environment. They organize donation drives for needy families, plan activities for senior citizens, hold flag ceremonies throughout the State, plant trees and clean up local parks.

Although the Girl Scouts are primarily community based, the ideals of caring and helping others are also demonstrated on a national level. After the tragedy of September 11th, Girl Scouts from the Zia Council in New Mexico made dream catchers, a Native American work of art symbolizing peaceful sleep, and had them blessed and sent to New York in memory of the victims and their families as a way of reaching out to those in need of inspiration.

Through this organization, girls learn to set high standards and develop qualities that will benefit them throughout their lives. They are able to learn self-confidence, responsibility, and leadership skills, and are encouraged to think creatively. Through the hard work of this organization over 50 million women have been touched by the positive impact of Girl Scouts. As the world's largest girls' organization with currently 2.7 million girl members and just under 1 million adult members, I would like to once again commend past, current and future Girl Scouts for their valuable contributions and dedication over the last 90 years.

Mr. SMITH of New Hampshire. Madam President, I rise today to show my support for the 90th anniversary of the Girl Scouts. Through the Girl Scouts, girls acquire self-confidence, a sense of responsibility, life skills and integrity. In each level of the Scouts, young girls learn skills that will assist them as they enter adulthood, including science and technology education, money management, sports training, engaging in community services, art education, and much more. The Girl Scouts encourage their members to engage in a wide variety of activities such as field trips, sports camps, and cultural exchanges. I am proud to note that members of my staff were Girl Scouts when they were younger.

The mission of the Girl Scouts is to help all girls grow strong and prepare for adulthood by empowering them to develop their full potential, get along well with others, and to work together to contribute to their communities. Today, the organization boasts a membership of 3.8 million members, 2.7 million girls and over 900,000 adults.

I would like to take just a moment to commend the activities that the Girl Scouts are involved with in my State of New Hampshire. I would like to specifically thank the Girl Scouts of Swift Water Council for their numerous contributions toward the development of young women in our state. For a single organization to reach over 15,000 girls in New Hampshire alone is extraordinary. There are three programs that fall under the Swift Water Council that I want to commend. The Cool Connections program at Sanders Cottage in Manchester, and the Antrim Girls Shelter both help young girls in crisis by teaching them how to make positive decisions and boosting their self-esteem. The Swift Water Council also established an activity center for young refugee girls at the International Institute in Manchester. This Institute helps refugees from wartorn nations seek asylum in the United States. These activities provide young girls with socialization, group cooperation skills, and the tools they need to acclimate successfully into the community. I am grateful for the contributions that the Girl Scouts have made in my state.

In closing, I want to commend the Girl Scouts for 90 years of positive influence on the lives of young girls all across this nation. I especially want to thank the Girl Scouts of New Hampshire and the adult volunteers who support them. Keep up the good work.

REVISION IN ENERGY TAX INCENTIVES REPORT

Mr. BAUCUS. Madam President, on March 1, 2002, I filed Report 107-140 to accompany S. 1979, the Energy Tax Incentives Act of 2002. Since that time, the Congressional Budget Office has revised its estimate to reflect changes resulting from enactment of Public Law 107-147, the Job Creation and Worker

Assistance Act of 2002, plus direct spending effects that were not in the previous estimate. I ask unanimous consent that the revised CBO estimate, dated April 1, 2002, be printed in the RECORD.

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 1, 2002.

Hon. MAX BAUCUS,
Chairman, Committee on Finance, U.S. Senate,
Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed revised cost estimate for S. 1979, the Energy Tax Incentives Act of 2002. The estimate includes direct spending effects on the Tennessee Valley Authority, loans issued by the Rural Utilities Service, and crop subsidies provided by the Department of Agriculture that were not in the previous estimate. Review estimates reflect changes in current law resulting from enactment of Public Law 107-147, the Job Creation and Worker Assistance Act of 2002, which was signed on March 9, 2002. This estimate supersedes the estimate that CBO provided for this bill on February 27, 2002.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Erin Whitaker (for revenues), who can be reached at 226-2720, and Lisa Cash Driskill (for direct spending), who can be reached at 226-2860.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST
ESTIMATE, REVISED APRIL 1, 2002

[S. 1979: Energy Tax Incentives Act of 2002, as ordered reported by the Senate Committee on Finance on February 13, 2002]

SUMMARY

S. 1979, the Energy Tax Incentives Act, would amend numerous provisions of tax law relating to energy. The bill would enhance and create credits for the use and development of energy-efficient technologies, amend tax rules to provide deductions for certain devices and credits for businesses that provide energy, and enhance and create credits and deductions for the production of oil, gas, and other types of fuel. Certain tax credits would be available to the Tennessee Valley Authority (TVA) and rural electric cooperatives in the form of credits that could be used to pay sums owed to the Treasury. The bill also would provide tax credits for the production of biodiesel fuels, which would result in a reduction in the subsidies provided by the Department of Agriculture (USDA) for certain crops. Most provisions of S. 1979 would take effect in 2003, but some would take effect in 2002.

The Congressional Budget Office (CBO) and the Joint Committee on Taxation (JCT) estimate that enacting the bill would decrease governmental receipts by \$80 million in 2002, by \$8.3 billion over the 2002-2007 period, and by \$14.4 billion over the 2002-2012 period. CBO estimates that provisions in the bill affecting TVA, rural electric cooperatives, and USDA would result in an increase in direct spending of \$20 million in 2002, a decrease of about \$75 million over the 2002-2007 period, and a decrease of about \$200 million over the 2002-2012 period. CBO also estimates that certain provisions requiring studies and reports would have an insignificant impact on spending subject to appropriation. Since S. 1979 would affect direct spending and receipts, pay-as-you-go procedures would apply.

CBO has determined that provisions of the bill requiring the Secretary of the Treasury and the General Accounting Office to report the results of certain studies contain no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA)

and would not affect the budgets of state, local, or tribal governments. JCT has determined that the remaining provisions of the bill contain no intergovernmental mandates as defined in UMRA. The bill contains no

new private-sector mandates as defined in UMRA.

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of the bill is shown in the following table.

		By Fiscal Year, in Millions of Dollars					
		2002	2003	2004	2005	2006	2007
CHANGES IN REVENUES							
Estimated Revenues		-80	-312	-1,237	-2,259	-2,583	-1,869
CHANGES IN DIRECT SPENDING							
Credits for Clean Coal and Renewable Technologies Used by TVA:							
Estimated budget Authority				10	10	10	10
Estimated Outlays				10	10	10	10
Credits for Clean Coal and Renewable Technologies Used by Rural Electric Cooperatives:							
Estimated Budget Authority		20	0				
Estimated Outlays		20	0				
Effect of Biodiesel Tax Credits on Spending for Farm Programs:							
Estimated Budget Authority			-13	-22	-28	-33	-38
Estimated Outlays			-13	-22	-28	-33	-38
Total Changes in Direct Spending:							
Estimated Budget Authority		20	-13	-12	-18	-23	-28
Estimated Outlays		20	-13	-12	-18	-23	-28

BASIS OF ESTIMATE

Revenues

All revenue estimates were provided by JCT except for one provision. For the years 2006-2012, CBO estimated the revenue effects of the provision providing a tax credit and excise tax rate reduction for biodiesel fuel mixtures.

Five provisions would compose a significant portion of the effect on revenues if enacted. Those provisions would extend the credit for producing energy from certain sources, extend the credit for purchase of alternative motor vehicles, and modify the credit for purchase of electric vehicles. They also would establish a statutory 15-year recovery period for natural gas distribution lines, expand the credit for certain qualifying fuels produced from coal to fuels produced in facilities placed in service after the date of enactment, and modify the rules governing certain requirements for contributions to, and transfers of, qualified nuclear decommissioning funds. These provisions would, if enacted, reduce revenues by \$57 million in 2002, \$3.3 billion over the 2002-2007 period, and \$6.8 billion over the 2002-2012 period.

Section 209 of the bill would provide for an income tax credit and a reduction in the excise tax rate on purchases of biodiesel fuel mixtures (a combination of diesel fuel and vegetable oil). These provisions would expire on December 31, 2005. The JCT assumes that they would expire at that time and estimates that they would reduce revenue by \$74 million through fiscal year 2006. CBO extends those revenue losses beyond 2006, however, based on the rules governing CBO's revenue baseline. Those rules require CBO to treat excise taxes dedicated to trust funds as permanent, even if they expire during the projection period. The excise taxes on motor fuels are dedicated to the Highway Trust Fund and are scheduled to expire on September 30, 2005. The biodiesel provision would reduce the excise tax rate on certain motor fuels. Because CBO's baseline extends the excise taxes at the rate existing at time of expiration, the biodiesel provision would,

for budgetary scoring purposes, be treated as if it were extended permanently. On that basis, CBO estimates that the biodiesel provision would reduce revenues by \$448 million from 2006 through 2012. In all, CBO and JCT estimate that the provision would reduce revenues by \$552 million from 2002 through 2012.

Direct Spending

Effect of Biodiesel Tax Credits on Farm Programs. Because of the bill's incentives to sell and use biodiesel fuels, JCT and CBO have estimated that use of these fuel mixtures would increase. Because the vegetable oil in the mixtures is expected to be primarily derived from soybeans and a few other oilseeds, the price of these oilseeds would increase. (Qualifying vegetable oils may be derived from corn, soybeans and a list of other oil seeds.) Higher commodity prices would result in lower costs of farm price-support and income-support programs administered by the Agriculture Department. CBO estimates these changes in the demand for soybeans and other grains would reduce federal spending by \$308 million over the 2002-2002 period.

Use of Credits for Federal Payments by TVA and Rural Electric Cooperatives. The bill would establish tax credits for electric power producers using certain coal and renewable technologies. Although exempt from taxation, TVA and rural electric cooperatives would be eligible to take such credits in the form of cash-equivalent credits that could be used to repay amounts they owe to the Treasury. We estimate that the provisions would cost \$20 million in 2002 and \$110 million over the 2002-2012 period.

CBO expects that TVA will make significant investments in pollution control and clean coal technologies over the next 10 years and thus would be eligible for the cash-equivalent credits authorized by the bill. TVA could use such credits to reduce its payments to the Treasury for past appropriations. TVA could then pass such savings on to its customers by lowering the price it charges for electricity. We estimate that this price adjustment would reduce TVA's power revenues by an average of \$10 million

a year beginning in 2004, when we expect the agency would revise its rates. Hence, CBO estimates that this provision would cost a total of about \$90 million over the 2002-2012 period.

Rural electric cooperatives would be eligible for both the clean coal technology and renewable energy tax credits offered under the bill. Based on information from industry analysts, CBO expects that rural electric cooperatives would make investments in technologies that would qualify for such credits over the next several years. The bill would allow the credits to be sold or traded to certain other taxable entities, or used to prepay loans held by the federal spending. For this estimate, we assume that around 15 percent of eligible cooperatives would prepay their federal loans with the Rural Utilities Service, rather than trade the credits.

The authority provided by the bill to prepay federal loans with non-cash credits would be considered a loan modification. Under the Credit Reform Act, the cost of a loan modification is the change in the subsidy cost of the cost of this provision would be about \$20 million and would be recorded in 2002, when the modification would be authorized.

Spending Subject to Appropriation

The bill would require the General Accounting Office and the Department of the Treasury to provide annual reports on energy tax incentives. Based on information from these agencies, CBO expects that preparing the reports would cost less than \$500,000 per year, assuming appropriation of the necessary amounts.

PAY-AS-YOU-GO CONSIDERATIONS

The Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. The net changes in outlays and governmental receipts that are subject to pay-as-you-go procedures are shown in the following table. For the purposes of enforcing those procedures, only the effects through 2006 are counted.

		By Fiscal Year, in Millions of Dollars										
		2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Changes in outlays		20	-13	-12	-18	-23	-28	-29	-31	-22	-26	-16
Changes in receipts		-80	-312	-1,237	-2,259	-2,583	-1,869	-1,234	-1,181	-1,174	-1,214	-1,289

PREVIOUS CBO COST ESTIMATES

This revised cost estimate supersedes the CBO cost estimate for this bill prepared on February 27, 2002. Revenue estimates have changed because Public Law 107-147, the Job

Creation and Worker Assistance Act of 2002, signed on March 9, 2002 extends certain tax credits that would also be extended by S. 1979. In addition, CBO has increased the estimate of revenue losses by about \$448 million

to account for the impact on baseline projections of the reduction in excise tax rates for biodiesel fuels.

The revised estimate also includes an estimate of direct spending effects on TVA, loans issued by the Rural Utilities Service to

rural electric cooperatives, and crop subsidies provided by the USDA. The effect of these changes would be to increase direct spending by \$20 million in 2002 and decrease direct spending by about \$200 million over the 2002-2012 period.

INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT

CBO has determined that provisions of the bill requiring the Secretary of the Treasury and the General Accounting Office to report the results of certain studies contain no intergovernmental mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments. JCT has determined that the remaining provisions of the bill contain no intergovernmental mandates as defined in UMRA. The bill contains no private-sector mandates as defined by UMRA.

Estimate prepared by: Revenues: Erin Whitaker (226-2720); Federal Costs: Lisa Cash Driskill, and Dave Hull (226-2860); Impact on State, Local, and Tribal Governments: Susan Sieg Tompkins (225-3220); and Impact on the Private Sector: Paige Piper/Bach (226-2940).

Estimate approved by: G. Thomas Woodward, Assistant Director for Tax Analysis and Robert A. Sunshine, Assistant Director for Budget Analysis.

LET US REMEMBER THE CHILDREN

Mrs. CARNAHAN. Madam President, nearly 2,000 years ago, a "poll" was taken on the road between Jericho and Jerusalem. We are told that only one out of three was willing to turn from their personal pursuits to help someone who had been physically assaulted and left without care. This story of the Good Samaritan is an ancient and familiar teaching. We must be the people today who will pause in our own pursuits to help heal the wounds in our society.

April is Child Abuse Prevention Month. Today I want to challenge all of us to face this horrific national tragedy head on. We should never lose sight of the pressing needs of our most precious resource, our children. Across the nation, neglect and abuse figures reach 2.5 million. Not only has the reported number of abused and neglected children increased, but their problems are more severe and difficult to treat. Abuse is not new, nor is it likely to go away, but I believe we are lowering the tolerance for this kind of behavior. Policy makers, community leaders, educators and parents came together on April 1st in Kansas City to demonstrate their commitment to the issue. These are the types of actions we need to help build strong families and eliminate the circumstances leading to abuse.

As legislators, we are making significant strides in our crusade against abuse. I supported \$82.6 million in continued funding of the Child Abuse Prevention and Treatment Act during the appropriations process. President Bush signed the appropriations bill into law on January 10, 2002.

I was pleased to support the Promoting Safe and Stable Families Amendments Act that the President also recently signed into law. This bill

reauthorizes and expands several programs designed to help children and families in high-risk situations. Specifically, the bill established grants for programs for mentoring children of prisoners, and amends the Foster Care Independent Living program to provide for educational and training vouchers for youths aging out of foster care. It also extends adoption assistance eligibility and prevents states from opting out of criminal background checks for foster and adoptive parents.

In addition, I have cosponsored a bill, which would restore the Social Services Block Grant (SSBG) funding. Missouri uses its Social Services Block Grant funds to provide aid to families and children with identified problems in the areas of child abuse and neglect, and services to juvenile offenders committed to the custody of the State's Division of Youth Services as well as other services to our most vulnerable citizens. I am committed to increasing funding for this important program.

Yes, we have had significant victories, but there is much left to do. As long as there is one child that needs our help, we must remain committed.

In closing, let me share a few lines from a poem I ran onto recently. I hope you will keep its vivid imagery before you as we continue to search for solutions.

Let us remember the children
who can't bound down the streets in a new
pair of sneakers,
who never go to the circus,
who live in an X-rated world.
Let us remember the children
who have no safe blanket to drag behind
them,
whose pictures aren't on anybody's dresser,
whose monsters are real.
And let us remember the children who want
to be carried and for those who must,
for those we never give up on and for those
who don't get a second chance,
for those who cling to the shadows and for
those who will grab the hand of any-
body kind enough to offer it.

VA RESEARCHERS IDENTIFY ORAL TREATMENT FOR SMALLPOX

Mr. ROCKEFELLER. Madam President, as the Chairman of the Committee on Veterans' Affairs, I am committed to focusing a spotlight on findings by researchers at the Department of Veterans Affairs, VA. For too long, VA researchers have labored with only the recognition of their peers to acknowledge the excellent caliber of VA research into the treatment of a wide range of diseases.

A recent finding—the discovery of a drug that might help us fight smallpox, the most feared weapon in bioterrorists' arsenal—offers real hope for protecting our Nation against the threat of bioterrorism. This discovery demonstrates again how integral VA's efforts are not only to public health and research, but to domestic security.

VA's Medical Research Service may not support as many projects as the NIH, but its work has yielded effective

treatments for diseases that include schizophrenia, diabetes, cancer, depression, heart disease and stroke. Some of my colleagues may know that VA's expertise in prosthetics and spinal cord injury research is unparalleled; fewer may be aware that VA researchers pioneered the concepts that allowed development of the CAT scan and MRI, the cardiac pacemaker, and safe kidney and liver transplants. VA researchers have demonstrated the best clinical practices for detecting high cholesterol and colon cancer, launched a large-scale study to determine the best way to treat HIV infection, and started a landmark clinical trial to treat Parkinson's disease.

In March, VA researchers announced another breakthrough finding. Two VA researchers, Dr. Karl Hostetler and Dr. James Beadle of the VA San Diego Healthcare System, worked with military and academic colleagues to develop a drug that could be the best tool we have yet to protect the public from the threat of smallpox.

Until recently, only vaccination could be used to stop the spread of a smallpox epidemic. Because doctors eradicated naturally occurring smallpox in the 1960's, the smallpox vaccine has been neither manufactured nor used regularly in decades, leaving the American population vulnerable to a deliberate attack by terrorists. Although HHS recently accelerated and expanded a plan to vaccinate the U.S. population, the vaccine doses will not be ready for some time, and are not without risk of potentially serious side-effects.

Although researchers proved several years ago that an existing drug called cidofovir could prevent smallpox from multiplying and spreading, this drug had to be administered intravenously, over the course of at least an hour. In the case of an epidemic, it would simply be impossible to treat every person at risk.

Drs. Hostetler and Beadle and their colleagues developed a powerful form of this drug that can be taken as a pill or a capsule. Although this research is still in its early stages, VA and military scientists showed that a few oral doses of this drug each day protected animals completely against a virus closely related to smallpox. In the near future, we may be able to contain any potential outbreak of smallpox using this simple medication, rendering smallpox useless as a biological weapon.

This research promises to bear fruit not only for emergency medical preparedness, but for those who must take cidofovir to treat more common but still devastating viral infections.

This work grew from a collaboration between VA, military, NIH, and academic researchers. As I have said many times, we cannot in these times neglect any resource available to us when confronting potentially catastrophic threats to this nation's health, whether in offering medical care or developing

new technologies and treatments to protect the public.

I am proud to recognize the insight that these researchers and VA have shown, and continue to show, in exploring cutting-edge research. This is yet another contribution that the VA health care system has made, not only to the health of our nation's veterans, but to our national safety and well-being.

CONFIRMATION OF MELANIE SABELHAUS

Mr. KERRY. Madam President, I speak today to congratulate Melanie Sabelhaus, who was confirmed by the Senate last evening as the Deputy Administrator for the U.S. Small Business Administration.

The U.S. Senate Committee on Small Business and Entrepreneurship held a hearing on Mrs. Sabelhaus' nomination on February 27, 2002. On March 12, 2002, the Committee voted unanimously in support of her nomination and recommended her favorably to the full Senate, which approved her nomination by unanimous consent on April 8, 2002. I would like to thank the Senate floor staffs for their assistance in moving Mrs. Sabelhaus' nomination so quickly.

Mrs. Sabelhaus has had an excellent career that has provided her with both the necessary management and small business experience required of a Deputy Administrator at the SBA. Having chaired her nomination hearing and known her from her volunteer work with the Nantucket Historical Association, I can report that President Bush has made a qualified choice in selecting Mrs. Sabelhaus for the critical post of Deputy Administrator at the U.S. Small Business Administration.

I believe calling this position critical in no way overemphasizes its importance, for the Deputy Administrator has historically served as the day-to-day manager of the SBA in the Administrator's absence. In fact, the Deputy Administrator position was made subject to Senate confirmation a little over ten years ago, with the passage of the Small Business Reauthorization and Amendments Act of 1990, precisely because the Congress recognized its importance to the management of the Agency. During the nomination process, the Committee received assurances from Mrs. Sabelhaus and Administrator Barreto that one or both would be on hand to run the SBA on a daily basis, barring extraordinary circumstances.

The SBA's role is vital to our continuing economic well-being, especially now as we seek to improve our economy. Loan programs, technical assistance programs and contracting programs are just a few of the tools the SBA has to help small businesses—and a small sample of the issues Mrs. Sabelhaus will face on a daily basis as she seeks to aid the Administrator in implementing the President's policies

and congressional initiatives. It is my hope that as a former small business owner and innovative thinker Mrs. Sabelhaus will steer the agency toward our bipartisan goal: to cultivate the entrepreneurial spirit of this country and provide all—including women and minorities in the small business world with adequate and equal access to capital and opportunities and the resources and counseling that often determine a business's success or failure.

I look forward to working with Mrs. Sabelhaus, the new Deputy Administrator for the U.S. Small Business Administration, as we seek to assist the small business community.

ADDITIONAL STATEMENTS

IN CELEBRATION OF THE CITY OF SANTA CLARA'S 150TH ANNIVERSARY

• Mrs. BOXER. Madam President, I would like to take this opportunity to recognize the 150th Anniversary of the City of Santa Clara in my home state of California.

As early as 4000 BC, Ohlone Indian settlements were found in the area. The City of Santa Clara began in 1852 as a small Spanish mission. After Santa Clara was incorporated as a city, the fertile valley became a magnet for farmers and Santa Clara was soon filled with bountiful orchards and farms. Today, Santa Clara is located in the heart of California's Silicon Valley, the technology capital of the world. From Indian settlement to Spanish mission, from orchard country to high tech mecca, Santa Clara has been part of the rich history of California.

Last year, the National Civic League bestowed the prestigious "All-America City" award on Santa Clara. Santa Clara was one of only 10 cities in the U.S. to be given this award for successful community collaboration. Santa Clara has also recently been given top marks as a "2001 Kid-Friendly City." I am delighted that Santa Clara is such an outstanding place for children and families. And Santa Clara's Code of Ethics and Values has been getting national attention as a model for using shared values to guide a city.

While Santa Clara receives national attention, a 2000 public opinion survey found that the residents of Santa Clara feel their city is one of the best places in America to live. This local pride is one of the things that makes this city such a California treasure.

Santa Clara is home to California's first school of higher learning, Santa Clara University, established in 1851. At the center of campus is the beautiful Mission Santa Clara de Asis, the eighth of the original 21 California missions.

I am thrilled that the City of Santa Clara, its local government and its residents maintain such a strong community spirit while its high-tech companies provide new products to change

the way we live. Santa Clara's sesquicentennial slogan, "150 years of democracy, diversity, distinction," could not be more appropriate. I hope the people of Santa Clara enjoy this yearlong celebration and I wish them another 150 years of success.●

THE 30TH ANNIVERSARY OF THE NATIONAL COMMITTEE FOR EMPLOYER SUPPORT OF THE GUARD AND RESERVE

• Mr. BOND. Madam President, today I wish to congratulate the National Committee for Employer Support of the Guard and Reserve, ESGR, its 4,200 volunteers and Department of Defense, DOD, staff, in celebrating 30 years of service to this Nation.

The National Committee for Employer Support of the Guard and Reserve was established in 1972, the year the United States ended the Selective Service System and established an all-volunteer military force. DOD realized that support from employers and communities would be instrumental in maintaining Reserve component membership. ESGR was created to obtain employer and community support for the National Guard and Reserve and to promote the role of Reserve forces in the national defense.

ESGR has lived up to the task and accomplished much more. Since 1972, with the help of the Advertising Council, Inc., ESGR has benefitted from nearly \$1 billion in pro bono advertising reaching the six million employers with one or more employees in the United States.

Employers have, in turn, signed ESGR Statements of Support, publicly committing to support the National Guard and Reserve. The former Chairman of the Board and CEO of General Motors, Mr. James H. Roche signed the first Statement of Support in the Office of the Secretary of Defense on December 13, 1972. The next day, President Richard Nixon signed a Statement of Support covering all Federal civilian employees. Since the inception of this program, Presidents Ford, Carter, Reagan, Bush, Clinton and President George W. Bush have all signed Statements of Support, along with hundreds of thousands of employers, including Dell Computer Corporation, Xerox, the Society for Human Resource Management and the U.S. Chamber of Commerce. To date, over 300,000 employers have signed statements of support. Additionally, the strategic alliance formed in 1998 between ESGR and the U.S. Chamber of Commerce resulted in more than 1,200 chambers of commerce nationwide signing a Statement of Support for the Guard and Reserve.

ESGR offers Ombudsman services designed to provide information to employers and Reservists regarding their rights and responsibilities under the law, and to resolve conflicts through informal mediation. These services operate in cooperation with the Department of Labor. ESGR volunteers in 54 U.S. States and territories contribute

thousands of hours of effort representing millions of dollars of volunteer service in support of ESGR programs, its services, and the men and women of our nation's Reserve forces.

The National Committee for Employer Support of the Guard and Reserve is smart government in action. The small ESGR staff in Arlington, VA under the direction of the Assistant Secretary of Defense for Reserve Affairs provides guidance and support to a network of 4,200 volunteer business, civic, and community leaders.

ESGR educates employers on their rights and obligations under the law and recognize employers who actively support employee participation in the Guard and Reserve. ESGR also educates members of the National Guard and Reserve in regards to their rights and responsibilities to the value of their employers support. Committees can be found in all 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, and Guam.

With the end of the cold war, the Reserve components have been called with increasing frequency. During the Gulf War in 1990–1991, more than 250,000 Reserve component members were called to active duty to support military operations in the Persian Gulf. Since the start of Operation Noble Eagle and Enduring Freedom, more than 80,000 National Guard and Reserve troops have been activated and are playing a critical role.

Thousands of employers, local and State government officials, Active and Reserve component leaders, and military members from across the Nation and around the world request ESGR's employer support expertise on a daily basis. When Guardsmen and Reservists return home following mobilization, ESGR committee members are there to provide information and support services to those in need.

The U.S. Congress passed the Uniformed Services Employment and Reemployment Rights Act, USERRA, of 1994, and updated it in 1996. This law completely revised the Veterans Reemployment Rights Act of 1940. USERRA articulates the rights and responsibilities of Guard and Reserve members with regard to job protection and explains employer rights under Federal law. ESGR helps employers and Reservists understand this law and helps them informally resolve any employment conflicts that may arise.

Again, I want to congratulate ESGR and its 54 ESGR committees on their 30 years of service and commend this network of over 4,200 volunteer patriots for their time and talent. They are serving their country and maintaining the much needed support of our employers and communities for the Guard and Reserve. Through the efforts of agencies like ESGR, we can call on our Reserve forces to answer the Nation's call without the fear of job loss.

Thank you Madam President, and thank you ESGR.●

WE THE PEOPLE COMPETITION

● Mr. HOLLINGS. Madam President, I want to recognize the 20 students of Wilson High School in Florence, SC, who will be visiting the Capitol in early May to compete in the national finals of the "We The People . . . The Citizen and the Constitution" program. Right now the students are conducting research and preparing for the contest, which will test their knowledge of the Constitution and the Bill of Rights against 1,200 students from across the country. They have earned the trip by showing they were the best of the best in a statewide contest in February.

Obviously, I hope my fellow South Carolinians win it all, but whatever happens, we are all winners in this country. When young people, on their own, want to understand the fundamental principles and values of our democracy, they are more likely to vote. They are more likely to participate in political life. They are more likely to take serious the civic duties that this nation needs of our citizens in the new century.

I wish the very best to the Wilson Tigers: Jessica Anderson, Whitney Benjamin, Carol Chen, Cameron Coker, Katherine Collar, Joshua Croteau, Matthew Daniels, Leon Dock, Cara Dowling, Christine Gonzales, Latrese McElveen, Matthew Meggs, Philip Miller, Virginia Munson, Ashley Neel, Dacey Riley, Elinor Rooks, Gregory Schuetz, Priscilla Suggs, and Jingtian Yu.●

TRIBUTE TO RHONA CHARBONNEAU

● Mr. SMITH of New Hampshire. Madam President, I rise today to pay tribute to Rhona Charbonneau, of Hudson, NH. Charbonneau has been named the Greater Hudson Chamber of Commerce Citizen of the Year for her outstanding devotion and positive influence to the community.

I commend her active role in both the local and State governments. By serving as Town Selectman, and as Selectmen's Representative to the planning Board, Charbonneau has been able to serve her community in many capacities. Aside from these positions, she currently serves as a member of the Board for the Salvation Army as well as the Advisory Board to the Community Council. Even more eager to serve the community of Hudson, she also works as a representative on the State level, serving on the Hillsborough County Board of Commissioners and the New Hampshire Finance Authority.

Aside from serving in advisory capacities for numerous organizations and boards, Charbonneau has worked hard to improve the Lion's Hall. Under her request, the Department of Corrections sent a community service group to paint and do repairs, leaving the Lion's Hall with a fresh face. Because of her creative thinking, other departments

came together to make considerable improvements to the facility.

Rhona Charbonneau has set a positive example for not only the community of Hudson, but for the entire Granite State. By consistently working to improve her community she has shown a tremendous dedication to the community in which she and her family have lived for more than 50 years. She has brought high profile political figures to the town, whereby she allowed a forum for candidates to share their beliefs as well as bringing the spotlight to the ever growing town of Hudson. I applaud her commitment and congratulate her on being named this year's Citizen of the Year. It is truly an honor to represent her in the U.S. Senate.●

THE 110TH ANNIVERSARY OF THE DAILY CARDINAL

● Mr. KOHL. Madam President, I am proud to rise today to honor the Daily Cardinal, one of the student newspapers at the University of Wisconsin-Madison, on this the occasion of its 110th anniversary. For 110 years, Cardinal reporters, photographers, and editors have educated and entertained their peers. As one of the nation's oldest student-run papers, it is truly a treasure of the State and its university.

Since the newspaper's establishment in 1892 by a University of Wisconsin-Madison student, thousands of young journalists have covered some of the most important issues and events facing the university, the community, and the country. Cardinal contributors have simultaneously developed strong journalistic skills and informed their community by covering such important events as the United States' declaration of war in 1941 to the assassination of Dr. Martin Luther King Jr., and most recently, the events and aftermath of September 11. Furthermore, the staffs of the Cardinal have served their journalistic role as public watchdog throughout its history, and have undoubtedly made their university, community, and State better for it.

As an alumni of the University of Wisconsin, it is my great honor to congratulate the Daily Cardinal for 110 years of dedicated and quality student journalism, and I wish them all the best as they extend this tradition.●

CONGRATULATIONS TO THE FRANKLIN ELECTRIC PLANT BOARD

● Mr. BUNNING. Madam President, today I rise to congratulate the Franklin Electric Plant Board for winning the Public Power Association's 2001 Electric Utility Safety Award for safe operating practices. The Franklin Plant Board earned this top honor in the category for utilities with 25,000 worker-hours of annual worker exposure.

The Franklin Plant was one of more than 200 utilities to enter the contest,

which has been held annually for the last 42 years. The various entrants were placed into separate categories based on their size and were judged according to their 2001 incident rate. This rate is based on the number of worker-related reportable injuries or illnesses and the number of worker-hours during 2001, as defined by the Occupational Safety and Health Administration.

I ask that my fellow colleagues join me in recognizing the Franklin Electric Plant Board for its ongoing and unwavering commitment to safety and the community. Not only is the Franklin Plant focused on serving the electric needs of its 4,680 customers, but it has proven its dedication to providing a safe atmosphere where employees can work without fear of serious injury or illness.●

TRIBUTE TO ROBERT L. TUNSTALL

● Mr. WYDEN. Madam President, Mr. Robert L. Tunstall of Oregon has spent a lifetime in service to his fellow Americans—as a member of the U.S. Marine Corps, as a U.S. postal worker, and as a dedicated representative of his many colleagues in the Postal Service.

In November 1998, Mr. Tunstall was elected to the third-highest office of the American Postal Workers Union AFL-CIO, becoming the organization's secretary-treasurer. Prior to that election, Mr. Tunstall was twice chosen as director of the union's clerk division, serving from 1992 to 1998.

Mr. Tunstall's illustrious service record with the APWU spans more than three decades. He became president of the Portland, OR local in 1974 and served until 1976. He followed that service as a national representative from 1976–1978, national vice-president for the Seattle region from 1978–1985, and as assistant clerk division director from 1985 until 1992. Mr. Tunstall also represented APWU members as a member of the rank and file bargaining advisory committee in 1975 and as chairman of the appeals committee in 1982.

Mr. Tunstall's employment with the U.S. Postal Service began nearly 40 years ago. In 1963, after completing four years in the U.S. Marine Corps, Mr. Tunstall was hired as a distribution clerk. He went on to hold numerous positions, including stamp supply clerk, bulk mail clerk, postage due clerk, box section clerk and pouch rack clerk.

Mr. Tunstall was born in Sioux Falls, SD, but raised and educated in Portland, OR. After graduating from Portland's Jefferson High School, he attended Multnomah Junior College, where he made the dean's list in 1967; he earned a Bachelor of Arts degree at Portland State University in 1969. Later, in 1977, Mr. Tunstall earned a law degree at Northwestern School of Law at Lewis and Clark College. Mr. Tunstall has taught at the Labor Education Research Center of the University of Oregon.

In addition to a career of honorable service, Robert Tunstall has built a fine family as well. He is married to Rae Ann; they have a son, Brett, a daughter, Brooke, and a grandson, Matthew Martinez. I am proud to honor this fellow Oregonian today and I hope that Oregon and the nation benefit from many more years of his public service.●

TRIBUTE TO DR. JOAN R. LIETZEL

● Mr. SMITH of New Hampshire. Madam President, I rise today to pay tribute to Dr. Joan R. Lietzel, President of the University of New Hampshire. President Lietzel has been named this year's recipient of The Charles Holmes Pettee Medal for outstanding accomplishment and distinguished service to the State of New Hampshire.

The Pettee Medal was established in 1940 by the University of New Hampshire Alumni Association and the University Board of Trustees, in memory of the late Dean Pettee. This medal is awarded annually to a resident or former resident of the State of New Hampshire in recognition of outstanding accomplishment or distinguished service of any form to the State, Nation, or world. The Pettee Medal represents a rare devotion of service as was expressed by the life commitment and service of Dean Pettee.

I applaud the contributions that Dr. Lietzel has made to the University of New Hampshire since her appointment in 1996 as the President of the university. Since her arrival, Lietzel has worked tirelessly to raise the level of excellence in academic programs as well as the day to day operation of the university. During her tenure, Lietzel has successfully run the most aggressive capital campaign in the history of the university, as well as implementing new financial and fiscal management policies. Her vision and commitment have taken the university's academic standard to a higher level, as well as successfully increasing the amount of research funding the university receives.

Previous to her stay at UNH, Dr. Lietzel served as the Senior Vice-Chancellor for Academic Affairs at the University of Nebraska-Lincoln, where she was an accomplished educator and worked to improve the program and budget planning. Dr. Lietzel also served as a professor at Ohio State University, in the Department of Mathematics.

On behalf of the citizens of New Hampshire, I would like to thank Dr. Joan Lietzel for her endless dedication to academic excellence. She has set a positive example for educators across the Granite State, as well as the Nation. My congratulations to Dr. Lietzel as she accepts this year's Pettee Medal for her distinguished service in the State of New Hampshire. It is truly an honor to represent her in the U.S. Senate.●

EULOGY FOR LORAL JOHNSON

● Mr. NELSON of Nebraska. Madam President, while I was home in Nebraska, a great Nebraska citizen passed away. Loral Johnson was a newspaper publisher in southwestern Nebraska and a pillar of his community.

He began working in the newspaper business at age 9 as a "printer's devil." He started at the Imperial Republican newspaper as a linotype operator following graduation from high school in 1952. He purchased the paper with his wife, Elna, in 1968.

Loral Johnson was well respected and known by his colleagues as an innovative newspaperman. Johnson's editorial pages were often positive and progressive, calling on community members to move forward and always striving to make Imperial a better place for current and future generations. He was inducted into the Nebraska Journalism Hall of Fame and was named a master-editor publisher, the highest award of the Nebraska Press Association. Johnson's Imperial Republican was also among the first weekly papers to print on an offset press and to use computers.

However, Loral Johnson will be remembered as far more than just a newspaper publisher. He was also a key leader in his community and his church. He was a member of the school board for 28 years, a co-founder and board member of the local nursing home for 33 years, and secretary for the Imperial Planning Commission for 21 years. His important contributions to education and health care will be remembered for many years to come.

While we will miss Loral Johnson greatly, it is comforting to know that his two daughters and a son-in-law are continuing the tradition of excellent journalism in Imperial. His family and the devotion to community that he has passed on to them and so many others are his greatest legacy.●

TRIBUTE TO RAY BURKE

● Mr. JEFFORDS. Madam President, I rise today to congratulate and thank Ray Burke of Berlin, Vermont, for over 30 years of service as Vermont's highway dispatcher. Ray retires at the end of this month from the Vermont Agency of Transportation and he will be missed heartily.

Humorist Kin Hubbard once said, "Don't knock the weather; nine-tenths of the people couldn't start a conversation if it didn't change once in a while." I suppose then that the art of conversation is easiest for Vermonters, especially during the winter months. For most of us, that conversation often turns into complaining futilely about the weather, except, of course, when Ray was talking. And Ray, as dispatcher, is known for his talking.

For 32 years, Vermonters have relied on Ray's constant updates and information on which roads were being treated with salt and sand, which

routes we should avoid altogether, and how serious driving conditions were or were likely to become. And, of course, most importantly, Ray always reminded us to drive safely. Snow and ice can be unpredictable and dangerous at their worst; Ray, at his best and always on the job, kept Vermonters' safety as his top priority.

Heavy snowfalls, black ice, sleet, and freezing rain made Ray's work important and difficult. More challenging than Vermont's natural arsenal of inclement weather, however, was Ray's ability to always be there when we needed him. This is extraordinary because Ray has a disease that has slowly taken away his sight, although it has never disrupted his sense of service to Vermonters or his spirit.

Ray has never stopped. His disability has never beaten him; his disability has never even slowed him. Aside from dispatching trucks and plows to deal with winter weather, Ray plays the saxophone in his band, Stretch and the Limits, along with drummer Conrad "Stretch" Normandeau and keyboardist Jim Thompson.

I would like to close with a personal message to Ray. You will be missed dearly by every Vermonter who listened to you update conditions on the news, by the plow drivers who relied on your information, and by everyone who has learned to live with Vermont's weather with the help of your advice and forecasts.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT DETAILING THE PROGRESS OF SPENDING BY THE EXECUTIVE BRANCH DURING THE LAST TWO QUARTERS OF FISCAL YEAR 2001 IN SUPPORT OF PLAN COLOMBIA—PM 79

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

Pursuant to section 3204(e), of Public Law 106-246, I am providing a report prepared by my Administration detailing the progress of spending by the executive branch during the last two

quarters of Fiscal Year 2001 in support of Plan Colombia.

GEORGE BUSH.
THE WHITE HOUSE, April 9, 2002.

REPORT PREPARED BY THE NATIONAL SCIENCE BOARD ENTITLED "SCIENCE AND ENGINEERING INDICATORS—2002"—PM 80

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

As required by 42 U.S.C. 1863(j)(1), I am pleased to submit to the Congress a report prepared by the National Science Board entitled, "Science and engineering Indicators—2002." This report represents the fifteenth in the series examining key aspects of the status of science and engineering in the United States.

GEORGE BUSH.
THE WHITE HOUSE, April 9, 2002.

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-6369. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report on the allocation of Department of Defense resources to mission and support activities, as required by Section 915 of the National Defense Authorization Act for Fiscal Year 1999; to the Committee on Armed Services.

EC-6370. A communication from the Under Secretary of Defense, Comptroller, transmitting, pursuant to law, a report specifying the projects and accounts to which funds provided in Chapter 3 (in the Defense Emergency Response Fund) are to be transferred; to the Committee on Armed Services.

EC-6371. A communication from the Under Secretary of Defense, Acquisition, Technology and Logistics, transmitting, the annual Selected Acquisition Reports (SARs) for the quarter ending December 31, 2001; to the Committee on Armed Services.

EC-6372. A communication from the Assistant to the Federal Reserve Board, transmitting, pursuant to law, the report of a rule entitled "Amendments to Official Staff Commentary for Truth in Lending (Regulations Z) and Technical Amendments to Regulation Z" received on April 4, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC-6373. A communication from the Director of the Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Increase of the Immigration User Fee From \$6 to \$7" ((RIN115-AG 46) (INS No. 2179-01)) received on April 3, 2002; to the Committee on the Judiciary.

EC-6374. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the Commission's Annual Report for Fiscal Year 2001; to the Committee on Energy and Natural Resources.

EC-6375. A communication from the Regulations Coordinator, Health Resources and Services Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Compliance Alternatives for Provision of Uncompensated Services" (RIN0906-AA52) received on April 1, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC-6376. A communication from the Assistant Secretary, Occupational Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "29 CFR 1979, Procedures for the Handling of Discrimination Complaints under Section 519 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century" (RIN1218-AB99) received on April 4, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC-6377. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revocation of Certain Obsolete Tolerance Exemptions" (FRL6833-3) received on April 3, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6378. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Furilazole; Pesticide Tolerance" (FRL6828-4) received on April 3, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6379. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Raisins Produced from Grapes Grown in California; Extension of Redemption Date for Unsold 2001 Diversion Certificates" (Doc. No. FV02-989-3 FIR) received on April 3, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6380. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Sweet Cherries Grown in Designated Counties in Washington; Order Amending Marketing Agreement and Order No. 923" (Doc. No. 99AMS-FV-923-A1; FV00-923-1) received on April 3, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6381. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tart Cherries Grown in the State of Michigan, et al.; Suspension of Provisions Under the Federal Marketing Order for Tart Cherries" (Doc. No. FV01-930-5 FIR) received on April 3, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6382. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tart Cherries Grown in States of Michigan, et al.; Temporary Suspension of a Provision Regarding a Continuation Referendum Under the Tart Cherry Marketing Order" (Doc. No. FV01-930-4 FR) received on April 3, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6383. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Walnuts Grown in California; Decreased Assessment Rate" (Doc. No. FV01-984-1 IFR) received on

April 3, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6384. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Raisins Produced from Grapes Grown in California; Final Free and Reserve Percentages for 2001-02 Crop Natural (sun-dried) Seedless and Other Seedless Raisins" (Doc. No. FV02-989-4 IFR) received on April 3, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6385. A communication from the Administrator, Rural Housing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Guaranteed Rural Rental Housing (7 CFR 3565)" (RIN0575-AC26) received on April 4, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6386. A communication from the Regulations Coordinator, Center for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Negotiated Rulemaking; Coverage and Administrative Policies for Clinical Diagnostic Laboratory Services" (RIN0938-AL03) received on April 1, 2002; to the Committee on Finance.

EC-6387. 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 "Time for Eligible Air Carriers to File the Third Calendar Quarter 2001 Form 720" ((RIN1545-BA42)(TD 8983)) received on April 3, 2002; to the Committee on Finance.

EC-6388. 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: Dollar-Value LIFO Earliest Acquisition Value" (UIL 472.08-10) received on April 3, 2002; to the Committee on Finance.

EC-6389. 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 "IRS Announces New Position With Regard to Consolidated Return Loss Disallowance Rule" (Notice 2002-11, 2002-7 IRB) received on April 3, 2002; to the Committee on Finance.

EC-6390. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "Definition of Soil Sample"; to the Committee on Environment and Public Works.

EC-6391. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "Use of ASTM Standards"; to the Committee on Environment and Public Works.

EC-6392. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "Definition of Wipe Sample"; to the Committee on Environment and Public Works.

EC-6393. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "Lead and Copper Monitoring and Reporting Guidance for Public Water Systems"; to the Committee on Environment and Public Works.

EC-6394. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Designation of Areas

for Air Quality Planning Purposes; Nevada" (FRL7167-3) received on April 3, 2002; to the Committee on Environment and Public Works.

EC-6395. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans Commonwealth of Kentucky: Approval or Revision to the 1-Hour Ozone Maintenance State Implementation Plans for the Edmonson County and the Owensboro-Daviess County Area; Correction" (FRL7168-6) received on April 3, 2002; to the Committee on Environment and Public Works.

EC-6396. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Paint Production Wastes; Land Disposal Restrictions for Newly Identified Wastes; and CERCLA Hazardous Substances Designation and Reportable Quantities; Final Determination" (FRL7167-8) received on April 3, 2002; to the Committee on Environment and Public Works.

EC-6397. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Interim Final Determination that the State of California Has Corrected Deficiencies and Stay of Sanctions, South Coast Air Quality Management District" (FRL7158-9) received on April 3, 2002; to the Committee on Environment and Public Works.

EC-6398. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry" (FRL7168-1) received on April 3, 2002; to the Committee on Environment and Public Works.

EC-6399. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District" (FRL7164-6) received on April 3, 2002; to the Committee on Environment and Public Works.

EC-6400. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, South Coast Air Quality Management District" (FRL7158-7) received on April 3, 2002; to the Committee on Environment and Public Works.

EC-6401. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, South Coast Air Quality Management District" (FRL7165-2) received on April 3, 2002; to the Committee on Environment and Public Works.

EC-6402. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Monterey Bay Unified Air Pollution Control District" (FRL7160-8) received on April 3, 2002; to the Committee on Environment and Public Works.

EC-6403. A communication from the Principal Deputy Associate Administrator of the

Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans: Kentucky: Nitrogen Oxides Budget and Allowance Trading Program" (FRL7169-7) received on April 5, 2002; to the Committee on Environment and Public Works.

EC-6404. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans: Revision to the Alabama Department of Environmental Management (ADEM) Administrative Code for the Air Pollution Control Program" (FRL7169-1) received on April 5, 2002; to the Committee on Environment and Public Works.

EC-6405. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Washington: Final Authorization of State Hazardous Waste Management Program Revision" (FRL7168-8) received on April 5, 2002; to the Committee on Environment and Public Works.

EC-6406. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "EPA Policy Towards Privately-Owned Formerly Used Defense Sites"; to the Committee on Environment and Public Works.

EC-6407. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "Guidance Document on Determination of the Appropriate Fqpa Safety Factor(s) in Tolerance Assessment"; to the Committee on Environment and Public Works.

EC-6408. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Quino Checkerspot Butterfly (*Euphydryas editha quino*)" (RIN 1018-AH03) received on April 8, 2002; to the Committee on Environment and Public Works.

EC-6409. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airspace Actions Modification of Class E Airspace; Ashland, OH" ((RIN2120-AA66) (2002-0051)) received on April 5, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6410. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Portsmouth, OH" ((RIN2120-AA66) (2002-0050)) received on April 5, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6411. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Washington Court House, OH" ((RIN2120-AA66) (2002-0049)) received on April 5, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6412. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Twentynine Palms, CA" ((RIN2120-AA66) (2002-0048)) received on April 5, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6413. 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; Flint, MI" ((RIN2120-AA66)(2002-0047)) received on April 5, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6414. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Cedar City, UT" ((RIN2120-AA66)(2002-0046)) received on April 5, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6415. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737-600, -700, -700C, and -800 Series Airplanes" ((RIN2120-AA64)(2002-0178)) received on April 5, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6416. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A319 Series Airplanes and A320-200 Series Airplanes" ((RIN2120-AA64)(2002-0179)) received on April 5, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6417. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (40); Amdt. No. 2097" ((RIN2120-AA65)(2002-0021)) received on April 5, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6418. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (52); Amdt. No. 2098" ((RIN2120-AA65)(2002-0022)) received on April 5, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6419. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bell Helicopter Textron Inc. Manufactured Model OH-13E, OH-13H, and OH-13S Helicopters" ((RIN2120-AA64)(2002-0176)) received on April 5, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6420. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A300, A300 B4-600, B4-600R, and F4-600R; and A310 Series Airplanes" ((RIN2120-AA64)(2002-0177)) received on April 5, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6421. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Hillsboro, ND; CORRECTION" ((RIN2120-AA66)(2002-0057)) received on April 5, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6422. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation,

transmitting, pursuant to law, the report of a rule entitled "IFR Altitudes; Miscellaneous Amendments (24); Amdt. No. 434" ((RIN2120-AA63)(2002-0002)) received on April 5, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6423. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (65); Amdt. No. 2093" ((RIN2120-AA65)(2002-0019)) received on April 5, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6424. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (9); Amdt. No. 2095" ((RIN2120-AA65)(2002-0020)) received on April 5, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6425. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Zanesville, OH" ((RIN2120-AA66)(2002-0053)) received on April 5, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6426. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Youngstown-Warren Regional Airport, OH; CORRECTION" ((RIN2120-AA66)(2002-0054)) received on April 5, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6427. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation of Class E Airspace; Umat, AK" ((RIN2120-AA66)(2002-0055)) received on April 5, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6428. 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; Stanley, ND; CORRECTION" ((RIN2120-AA66)(2002-0056)) received on April 5, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6429. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Mount Vernon, OH" ((RIN2120-AA66)(2002-0052)) received on April 5, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6430. 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; Kanab, UT" ((RIN2120-AA66)(2002-0045)) received on April 5, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6431. A communication from the Attorney-Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Light Truck Average Fuel Economy Standard; Final Rule" ((RIN2127-A168)) received on April 5, 2002; to

the Committee on Commerce, Science, and Transportation.

EC-6432. A communication from the Deputy Assistant Chief Counsel for Safety, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Locomotive Cab Working Conditions" (RIN2130-AA89) received on April 5, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6433. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment; End-of-Train Devices" (RIN2130-AB52) received on April 5, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6434. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Service's Annual Surplus Property Report for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC-6435. A communication from the Chairman of UNICOR, Federal Prison Industries, Inc. Department of Justice, transmitting, pursuant to law, the Annual Report entitled "Securing the Future" for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC-6436. A communication from the Secretary of the Department of Housing and Urban Development, transmitting, pursuant to law, the Department's Performance and Accountability Report for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC-6437. A communication from the Chief Judge, Superior Court of the District of Columbia, transmitting, pursuant to law, the report of the Family Court Transition Plan dated April 5, 2002; to the Committee on Governmental Affairs.

EC-6438. A communication from the Chairman of the Federal Regulatory Commission, transmitting, pursuant to law, the Commission's Annual Performance Report for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC-6439. A communication from the President and Chief Executive Officer, Overseas Private Investment Corporation (OPIC), transmitting, pursuant to law, OPIC's Management Report, the Annual Performance Plan, and the Annual Program Performance Report for Fiscal Year 2001; OPIC's Report on Development and U.S. Effects of Fiscal Year 2002 Projects, and a Report on Cooperation with Private Insurers; OPIC's Annual Report on the Environment, a Review of the Environmental Impact of OPIC's Fiscal Year 2001 Projects; to the Committee on Governmental Affairs.

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. BAUCUS:

S. 2075. A bill to facilitate the availability of electromagnetic spectrum for the deployment of wireless based services in rural areas, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DORGAN:

S. 2076. A bill to prohibit the cloning of humans; to the Committee on the Judiciary.

By Ms. COLLINS:

S. 2077. A bill to make grants to improve public safety in order to prepare for and respond to terrorist threats; to the Committee on Environment and Public Works.

By Mrs. HUTCHISON (for herself, Mr. LIEBERMAN, Mr. MCCAIN, Mr. FEINGOLD, and Mr. LEVIN):

S. 2078. A bill to amend section 527 of the Internal Revenue Code of 1986 to eliminate notification and return requirements for State and local political committees and candidate committees and avoid duplicate reporting by certain State and local political committees of information required to be reported and made publicly available under State law, and for other purposes; to the Committee on Finance.

By Mr. ROCKEFELLER:

S. 2079. A bill to amend title 38, United States Code, to facilitate and enhance judicial review of certain matters regarding veteran's benefits, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. BOXER:

S. 2080. A bill to designate a United States courthouse to be constructed in Fresno, California, as the "Robert E. Coyle United States Courthouse"; to the Committee on Environment and Public Works.

By Mr. BINGAMAN (by request):

S.J. Res. 34. A joint resolution approving the site at Yucca Mountain, Nevada, for the development of a repository for the disposal of high-level radioactive waste and spent nuclear fuel, pursuant to the Nuclear Waste Policy Act of 1982; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. Res. 232. A resolution congratulating the Huskies of the University of Connecticut for winning the 2002 NCAA Division I Women's Basketball Championship; considered and agreed to.

By Mr. SARBANES (for himself and Ms. MIKULSKI):

S. Res. 233. A resolution congratulating the University of Maryland Terrapins for winning the 2002 NCAA National Basketball Championship; considered and agreed to.

ADDITIONAL COSPONSORS

S. 205

At the request of Mrs. HUTCHISON, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 205, a bill to amend the Internal Revenue Code of 1986 to waive the income inclusion on a distribution from an individual retirement account to the extent that the distribution is contributed for charitable purposes.

S. 627

At the request of Mr. GRASSLEY, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 627, a bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs.

S. 682

At the request of Mr. MCCAIN, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of

S. 682, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 885

At the request of Mr. CLELAND, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 885, a bill to amend title XVIII of the Social Security Act to provide for national standardized payment amounts for inpatient hospital services furnished under the medicare program.

At the request of Mr. HUTCHINSON, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. 885, supra.

S. 946

At the request of Ms. SNOWE, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 946, a bill to establish an Office on Women's Health within the Department of Health and Human Services.

S. 999

At the request of Mr. BINGAMAN, the names of the Senator from Alabama (Mr. SHELBY) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 999, a bill to amend title 10, United States Code, to provide for a Korea Defense Service Medal to be issued to members of the Armed Forces who participated in operations in Korea after the end of the Korean War.

S. 1132

At the request of Mr. CRAPO, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1132, a bill to amend the Federal Food, Drug, and Cosmetic Act relating to the distribution chain of prescription drugs.

S. 1208

At the request of Mr. GRAHAM, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 1208, a bill to combat the trafficking, distribution, and abuse of Ecstasy (and other club drugs) in the United States.

S. 1258

At the request of Mr. DORGAN, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 1258, a bill to improve academic and social outcomes for teenage youth.

S. 1339

At the request of Mr. CAMPBELL, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 1339, a bill to amend the Bring Them Home Alive Act of 2000 to provide an asylum program with regard

to American Persian Gulf War POW/MIAs, and for other purposes.

S. 1346

At the request of Mr. SESSIONS, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 1346, a bill to amend the Federal Food, Drug, and Cosmetic Act with regard to new animal drugs, and for other purposes.

S. 1408

At the request of Mr. ROCKEFELLER, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 1408, a bill to amend title 38, United States Code, to standardize the income threshold for copayment for outpatient medications with the income threshold for inability to defray necessary expense of care, and for other purposes.

S. 1516

At the request of Mr. SANTORUM, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1516, a bill to remove civil liability barriers that discourage the donation of fire equipment to volunteer fire companies.

S. 1707

At the request of Mr. JEFFORDS, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1707, a bill to amend title XVIII of the Social Security Act to specify the update for payments under the medicare physician fee schedule for 2002 and to direct the Medicare Payment Advisory Commission to conduct a study on replacing the use of the sustainable growth rate as a factor in determining such update in subsequent years.

S. 1708

At the request of Mr. MCCONNELL, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 1708, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to ensure the continuity of medical care following a major disaster by making private for-profit medical facilities eligible for Federal disaster assistance.

S. 1749

At the request of Mr. KENNEDY, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Georgia (Mr. MILLER) were added as cosponsors of S. 1749, a bill to enhance the border security of the United States, and for other purposes.

S. 1822

At the request of Mr. AKAKA, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1822, a bill to amend title 5, United States Code, to allow certain catchup contributions to the Thrift Savings Plan to be made by participants age 50 or over.

S. 1828

At the request of Mr. LEAHY, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1828, a bill to amend subchapter III of chapter 83 and chapter 84

of title 5, United States Code, to include Federal prosecutors within the definition of a law enforcement officer, and for other purposes.

S. 1922

At the request of Mr. HUTCHINSON, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1922, a bill to direct the Secretary of Health and Human Services to expand and intensify programs with respect to research and related activities concerning elder falls.

S. 1945

At the request of Mr. JOHNSON, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1945, a bill to provide for the merger of the bank and savings association deposit insurance funds, to modernize and improve the safety and fairness of the Federal deposit insurance system, and for other purposes.

S. 2003

At the request of Mr. NELSON of Florida, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from Idaho (Mr. CRAIG) were added as cosponsors of S. 2003, a bill to amend title 38, United States Code, to clarify the applicability of the prohibition on assignment of veterans benefits to agreements regarding future receipt of compensation, pension, or dependency and indemnity compensation, and for other purposes.

S. 2026

At the request of Mr. LUGAR, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2026, a bill to authorize the use of Cooperative Threat Reduction funds for projects and activities to address proliferation threats outside the states of the former Soviet Union, and for other purposes.

S. 2051

At the request of Mr. REID, the names of the Senator from Washington (Ms. CANTWELL), the Senator from Delaware (Mr. BIDEN), the Senator from Idaho (Mr. CRAIG), the Senator from North Dakota (Mr. DORGAN), the Senator from North Carolina (Mr. HELMS), and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. 2051, a bill to remove a condition preventing authority for concurrent receipt of military retired pay and veterans' disability compensation from taking affect, and for other purposes.

S. RES. 109

At the request of Mr. REID, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. Res. 109, a resolution designating the second Sunday in the month of December as "National Children's Memorial Day" and the last Friday in the month of April as "Children's Memorial Flag Day."

S. RES. 209

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. Res. 209, a

resolution to express the sense of the Senate regarding prenatal care for women and children.

S. RES. 219

At the request of Mr. GRAHAM, the name of the Senator from Tennessee (Mr. THOMPSON) was added as a cosponsor of S. Res. 219, a resolution expressing support for the democratically elected Government of Colombia and its efforts to counter threats from United States-designated foreign terrorist organizations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BAUCUS:

S. 2075. A bill to facilitate the availability of electromagnetic spectrum for the deployment of wireless based services in rural areas, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. BAUCUS. Madam President, I rise today to introduce the Rural Spectrum Access Act, RESA, of 2002. Wireless communications is revolutionizing the way we communicate. It allows us to place calls from anywhere in the world to anywhere in the world. We can check our favorite websites, and even stay in touch with family and friends through email, all without a phone line. It's empowering to know that we can do all this and more while sitting on top of a mountain in Montana.

However, these services require spectrum, the wireless waves that give us this freedom. Due to the way the FCC distributes spectrum, rural America is finding it more and more difficult to get quality wireless service. The current system distributes spectrum on very large geographic areas, which in effect, inhibits certain carriers from participating in wireless auctions. Since the geographic licensing areas are so large and the price for the spectrum is equally as large, rural carriers often find it difficult bidding on the spectrum. My legislation will correct this inequity.

RESA requires the Federal Communications Commission, in future auctions, to distribute spectrum on smaller geographic levels. It does not favor one type of carrier over another, or pick which carrier can serve which areas. Rather, it simply allows carriers to bid on spectrum that they find difficult under today's system.

It is my hope that this bill will allow more of our rural telecommunication carriers to participate in future auctions. The RESA Act will bring more choices, better service and lower prices for those of us living in rural America.

By Mr. DORGAN:

S. 2076. A bill to prohibit the cloning of humans; to the Committee on the Judiciary.

Mr. DORGAN. Madam President, the Senate will soon start debating the issue of human cloning. I want to state unequivocally that I am against the cloning of a human being. The cloning

of a human being raises serious moral and ethical questions about society's perception of human life.

Today, I am introducing legislation that prohibits the cloning of a human being. It is a simple bill, but it reflects my view and a view that is held by almost everyone. My bill reflects the common ground that we can all agree to in this debate. My legislation makes it illegal to clone a human being and imposes strict penalties against anyone who violates this prohibition.

I urge my colleagues to support a ban on the cloning of a human being, and encourage their cosponsorship of my legislation.

By Ms. COLLINS:

S. 2077. A bill to make grants to improve public safety in order to prepare for and respond to terrorist threats; to the Committee on Environment and Public Works.

Ms. COLLINS. Madam President, today I am introducing the Securing Our States Act. As the tragic terrorist attacks of September 11 taught us all too well, our Nation is not as prepared for widespread emergencies as it should be. The legislation I am introducing today, Securing Our States Act, or SOS Act, will help make our Nation more secure by strengthening our first line of defense, the first responders in our States and communities.

As the Presiding Officer is well aware, when a terrorist attack or other disaster occurs, it is the State and local police, firefighters, and emergency medical personnel who are first on the scene. Nearly 2 million State and local police, firefighters, emergency medical personnel, and others are closest to these challenges. They understand best what is needed to respond effectively, and they tell me they need improved training, more and better equipment, greater coordination, and more exercises. They need them as soon as possible. They are the ones who are always on the front lines when disaster strikes.

Properly trained and equipped, first responders have the greatest potential to save lives and limit casualties after a terrorist attack. Currently, however, our capabilities for responding to a terrorist attack vary widely from community to community, State to State, across this great country. Many areas simply have very little capacity to respond to a terrorist attack. In fact, most localities could not respond effectively to a terrorist attack if weapons of mass destruction were used. Even the best prepared States and communities do not possess adequate resources to respond to the full range of possible terrorist attacks.

This legislation I am introducing will help by providing much needed resources. The SOS Act, which is consistent with the first responders proposal in President Bush's budget, will provide \$4 billion in critically needed funding, an increase of more than 1,000 percent in Federal resources that will flow to State and local governments.

This bill is designed to accomplish the following objectives: First, more resources to States and communities to conduct important planning and exercises, purchase equipment, and better train their personnel.

Second, it would provide flexibility for States and localities to address whatever the needs of their particular locality may be. States differ in their preparedness, and this would allow flexibility in the use of funds.

Third, another important feature of this bill is its simplicity. We need to speed the disbursement of Federal funds to States and communities without further delay.

Fourth, this legislation is designed to promote cooperation across the Nation so local, State, Federal, and volunteer networks can operate together effectively.

To achieve these objectives, the Federal Emergency Management Agency, known as FEMA, will implement a streamlined and simple procedure designed to speed the flow of resources to States and communities. The funds may be used for a variety of activities, including planning to develop comprehensive plans to prepare for and respond to a terrorist attack; equipment to respond more effectively to terrorist attack, including personal protective equipment, chemical, and biological detectors and interoperable communications gear.

We want to make sure our emergency personnel can communicate with one another. We have learned from the lessons of September 11 that can be a devastating problem.

The legislation would also allow funds to be used for more training to enable firefighters, police officers, and emergency medical professionals to respond and operate in a chemical or biological environment, even a very dangerous environment.

We need to have more exercises to improve response capabilities, practice mutual aid and assess operational improvements and deficiencies.

The legislation I am introducing will help make our Nation safer. Nearly 2 million first responders are always there, willing to put their lives at risk to save the lives of others and to make our country safer. This bill will help these brave men and women do their jobs better and will help all of our communities be more secure. The benefits of the Securing Our States Act are immediate and widespread and the goal is one we can all embrace, the goal of making our Nation safer from terrorist attacks while also bolstering everyday response capabilities.

I urge my colleagues to join me in supporting this legislation.

I yield the floor.

By Mrs. HUTCHISON (for herself, Mr. LIEBERMAN, Mr. MCCAIN, Mr. FEINGOLD, and Mr. LEVIN):

S. 2078. A bill to amend section 527 of the Internal Revenue Code of 1986 to eliminate notification and return re-

quirements for State and local political committees and candidate committees and avoid duplicate reporting by certain State and local political committees of information required to be reported and made publicly available under State law, and for other purposes; to the Committee on Finance.

Mrs. HUTCHISON. Madam President, today I am pleased to again be offering legislation that will solve a significant issue for State and local legislators and candidates across the country and which I know is of serious concern.

Two years ago, Congress enacted the Full and Fair Political Activities Disclosure Act of 2000, Public Law 106-230, a law that imposed new IRS reporting requirements on political organizations claiming tax-exempt status under Section 527 of the Internal Revenue Code. The purpose of this law was to uncover so-called "stealth PACs," tax-exempt groups which, prior to the enactment of this law, did not have to disclose any contributions or expenditures and were free to influence elections in virtual anonymity. While Public Law 106-230 was intended to target "stealth PACs," it has had the unintended consequence of imposing burdensome and duplicative reporting requirements on State and local candidates who are not involved in any federal election activities. In many States like Texas, state and local candidates already file detailed reports with their state election officials.

To correct this problem, I have worked closely with Senator LIEBERMAN, among others, to develop legislation that would exempt state and local candidates from some of the IRS reporting requirements of Public Law 106-230. We have done this in a way that solves the problem but without creating new loopholes that would allow "stealth" organizations to re-emerge. This legislation is the product of bipartisan and I would like to thank those who have supported our efforts, including Senator MCCAIN, Senator FEINGOLD, and Senator LEVIN who join me and Senator LIEBERMAN on this bill today. I originally offered legislation on this issue last year and it was included in the tax cut bill, the Economic Growth and Tax Relief Reconciliation Act of 2001. Unfortunately, our provision was dropped from the bill in conference.

Since then, P.L. 106-230 has created an increasingly heavy burden on local and State candidates. This is exacerbated by the fact that many candidates were not aware of the notification requirements and could now face severe penalties. It is time to take action and get this issue resolved. The bill we introduce today solves this problem while also addressing some issues that have been raised since we first made this effort last year. The deadline for the most burdensome reporting requirements is fast approaching in May. Congress has delayed too long. I again urge my colleagues to support this bill

and to solve the problem that we created and to do so now.

By Mr. ROCKEFELLER:

S. 2079. A bill to amend title 38, United States Code, to facilitate and enhance judicial review of certain matters regarding veterans' benefits, and for other purposes; to the Committee on Veterans' Affairs.

Mr. ROCKEFELLER. Madam President, I am today introducing legislation which responds to concerns relating to judicial review of VA benefits expressed by the authors of the Independent Budget for Veteran's Programs for fiscal year 2003. I am doing this in order to provide a vehicle for further discussion on these and related matters.

The Independent Budget, the IB, is the collaborative effort of a coalition of four veterans service organizations, AMVETS, Disabled American Veterans, Paralyzed Veterans of America, and Veterans of Foreign Wars, which is endorsed by dozens of other veterans' groups and others. This is the sixteenth year that the these organizations have drafted an independent budget to advocate for the funding that they feel is necessary to properly provide care and benefits to our veterans.

This bill proposes three amendments to title 38, United States Code, and a free-standing provision relating to the Equal Access to Justice Act. Section 1 of this legislation would amend section 502 of title 38 to allow the United States Court of Appeals for the Federal Circuit, the Federal Circuit, to review and set aside VA changes to the schedule for rating disabilities found to be arbitrary and capricious or in violation of statute. Section 2 would amend section 7261 of title 38 to specify that the United States Court of Appeals for Veteran Claims, the CAVC, shall apply a preponderance of the evidence standard when reviewing findings of fact made by the Board of Veterans Appeals. Section 3 would amend section 7292 of title 38 to permit the Federal Circuit to review CAVC decisions on questions of law. The final section of this legislation would allow the CAVC, when awarding attorneys fees under the Equal Access to Justice Act to award compensation to qualified non-attorney representatives before the CAVC.

Current section 502 of title 38, provides for judicial review of VA rules and regulations in the Federal Circuit, but expressly precludes review of VA actions relating to the adoption or revision of the so called "rating schedule" made pursuant to section 1155 of title 38. This rating schedule is the system by which VA categorizes types and levels of disability by percentages and, as noted by the IB authors, this preclusion of review was based on the view that VA has specific expertise in this area, an expertise not found in most courts. However, while the IB authors recognize the importance of VA's particularly informed judgment in this

area, they are concerned that, "without any constraints or oversight whatsoever, VA is free to promulgate rules to rating disabilities that do not have as their basis reduction in earning capacity." To remedy this concern, the authors of the IB propose an amendment to section 502 of title 38 which would authorize Federal Circuit review of rating schedule decisions. This is the intent of section 1 of this bill.

A second concern of the authors of the IB relates to the scope of review applied by the CAVC to factual determinations of the Board of Veterans' Appeal. Under current law, section 5107(b) of title 38, VA is required to give a claimant the benefit of the doubt when "there is an approximate balance of positive and negative evidence regarding the merits" of an issue material to the claim. However, as noted in the IB for fiscal year 2003, the CAVC, in reviewing a VA decision on a factual issue, is required to apply a "clearly erroneous" standard. Under this standard, which is the same as applied by Federal appellate courts in their review of factual determinations of trial courts, if there is a plausible basis for a factual finding, it can not be clearly erroneous. This results in the CAVC having to accord significant deference to findings of fact made by the Board. As the IB authors note, this approach of requiring the CAVC to uphold a Board decision based on only the lower "plausible basis" undermines the statutory "benefit of the doubt" rule. Section 2 of this legislation would protect the "benefit of the doubt" rule by amending section 7261 of title 38 to specify that the CAVC is to apply a preponderance of the evidence standard when reviewing factual determinations of the Board.

Another concern of the IB authors is the present limit on Federal Circuit's authority to review CAVC precedential decisions on questions of law. Under section 7292 of title 38, the Federal Circuit is authorized to review CAVC findings on questions of statutory or regulatory interpretation, but is not authorized to review such decisions based on questions of law not rooted on a constitutional, statutory, or regulatory interpretation. In a 1992 case, *Livingston v. Derwinski*, 959 F.2d 224, the Federal Circuit has described this limitation as follows: "The interpretation of the board's decision is unquestionably a matter of law, but that is not enough to bring the appeal within this court's statutory jurisdiction. In the absence of a challenge to the validity of a statute or a regulation, or the interpretation of a constitutional or statutory provision or a regulation, we have no authority to consider the appeal." The IB authors express the concern that this "unavailability of Federal Circuit review, has, in many instances, undesirable consequences" and urge that the law be amended to give the Federal Circuit jurisdiction to review all CAVC decisions on questions of law. Section 3 would modify section

7292 of title 38 to accomplish that result.

A final issue raised by the authors of the Independent Budget is not one of procedural fairness, but rather of equality of access to the administrative and judicial structures of the veterans' appeals process. Currently, veterans who enlist the aid of attorneys, and non-attorney practitioners supervised by attorneys, who are successful in their claims and satisfy the other requirements, can avail themselves of the benefits of the Equal Access to Justice Act, the EAJA. The EAJA shifts the burden of attorney fees from the citizen to the government in cases where the citizen successfully challenges an unreasonable government action. In the case of VA claims, however, claimants often turn to qualified, non-attorney representatives of the many veterans service organizations to represent them, up to and through the CAVC. Based upon the prior long standing limitation on paying attorney fees in veterans' benefits cases, there had not been an active veterans' bar. As a result, veterans service organizations developed expertise to enable them to effectively represent claimants before VA. VA does not require that these representatives be attorneys, only credentialed by a VA-recognized veterans service organization. Therefore, when the court was created, certain non-attorney practitioners were allowed to represent appellants at the court. However, as currently interpreted, these non-attorney practitioners are not eligible to receive compensation under the EAJA, despite the fact that they are doing the same work as their attorney counterparts. The authors of the Independent Budget, representatives of the organizations which are affected by this limitation, ask that unsupervised, non-attorneys be given access to fee compensation under the EAJA. They believe that this change would allow veterans organizations to represent even more veterans. Section 4 of the bill would provide for this change.

As a new generation is called to sacrifice in service of our country it is imperative that we ensure the fairness and accessibility of the benefits that they so richly deserve and it is for this reason that I introduce this bill. As I noted earlier in my statement, I am doing so in order to provide a vehicle for detailed discussion of these and other issues related to the judicial review of VA claims. I look forward to working with my colleagues on these matters in the months ahead.

By Mrs. BOXER:

S. 2080. A bill to designate a United States courthouse to be constructed in Fresno, California, as the "Robert E. Coyle United States Courthouse"; to the Committee on Environment and Public Works.

Mrs. BOXER. Madam President, I am pleased to introduce legislation to name the Federal courthouse building

to be constructed at Tulare and "O" Streets in downtown Fresno, CA the "Robert E. Coyle United States Courthouse."

It is fitting that the Federal courthouse in Fresno be named for Senior U.S. District Judge Robert E. Coyle, who is greatly respected and admired for his work as a judge and for his foresight and persistence which contributed so much to the Fresno Courthouse project. Since prior to 1994, Judge Coyle has been a leader in the effort to build a new courthouse in Fresno. In the course of his work, Judge Coyle, working with the Clerk of the United States District Court for the Eastern District, conceived and founded a program called "Managing a Capitol Construction Program" to help others understand the process of having a courthouse built. This Eastern District program was so well received by national court administrators that it is now a nationwide program run by Judge Coyle. In addition to meeting the needs of the court for additional space, the courthouse project has become a key element in the downtown revitalization of Fresno. Judge Coyle's efforts, and those in the community with whom he worked, produced a major milestone when the groundbreaking for the new courthouse took place earlier this month.

Judge Coyle has had a distinguished career as an attorney and on the bench. Appointed to California's Eastern District bench by President Ronald Reagan in 1982, Judge Coyle has served as a judge for the Eastern District for 20 years, including 6 years as senior judge. Judge Coyle earned his law degree from University of California, Hastings College of the Law in 1956. He then worked for Fresno County as a Deputy District Attorney before going into private practice in 1958 with McCormick, Barstow, Sheppard, Coyle & Wayte, where he remained until his appointment by President Reagan. He is very active in the community and has served in many judicial leadership positions, including: Chair, Space and Security Committee; Chair, Conference of the Chief District Judges of the Ninth Circuit; President of the Ninth Circuit District Judges Association; Member of the Board of Governors of the State Bar of California and President of the Fresno County Bar. My hope is that, in addition to serving the people of the Eastern District as a courthouse, this building will stand as a reminder to the community and people of California of the dedicated work of Judge Robert E. Coyle.

By Mr. BINGAMAN (by request):

S.J. Res. 34. A joint resolution approving the site at Yucca Mountain, Nevada, for the development of a repository for the disposal of high-level radioactive waste and spent nuclear fuel, pursuant to the Nuclear Waste Policy Act of 1982; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Madam President, yesterday, the Governor of the State of

Nevada submitted to the Senate and to the House of Representatives a notice of disapproval of the proposed nuclear waste repository at Yucca Mountain, pursuant to section 116 of the Nuclear Waste Policy Act. The notice was duly referred in the Senate to the Committee on Energy and Natural Resources under rule XXV of the Standing Rules of the Senate. Under section 115 of the Nuclear Waste Policy Act, it is my duty, as the chairman of the committee to which the notice of disapproval was referred, to introduce, by request, a resolution of repository siting approval not later than the first day of session following the day on which the Governor's notice of disapproval was submitted.

In accordance with the statutory requirement, I am today introducing the resolution of repository siting approval. The text of the resolution is prescribed by the Nuclear Waste Policy Act. The resolution will be referred to committee for a period of up to 60 days. Under the terms of the Nuclear Waste Policy Act, the Governor's notice of disapproval will stand, and the Department of Energy will be prohibited from applying for a license to develop a nuclear waste repository at Yucca Mountain, unless both Houses of Congress pass the resolution of repository siting approval and it becomes law within 90 days from yesterday.

This is an extraordinary process. The 97th Congress, which prescribed this process for us to follow 20 years ago, did not do so lightly. The Members of the 97th Congress only arrived at this procedure after considerable debate. Representative Morris K. Udall, who was the principal architect of the Nuclear Waste Policy Act, explained the thinking of our predecessors. "We are all agreed that the States ought to have a veto," Chairman Udall said. "If you are going to put something as important, as a nuclear waste repository, in a State, then the State, through its Governor or legislature, ought to be able to say no thanks." But, he continued, "we are also agreed that once the State has made that veto, that there ought to be mechanism so that, in the national interest, it could be overridden, as we do in war when we need an air base or at other times when we need Federal eminent domain."

The process upon which we are embarking today was designed to serve those two goals. It will afford the State of Nevada a fair hearing on its objections to the repository and will ensure that those objections stand unless the administration can persuade both Houses of Congress to override them. At the same time, it will give the administration an opportunity to present its case and to override the State's objections if it can show its decision was sound and in the national interest.

It is my intention, once the Senate completes action on the energy bill, to schedule hearings before the Committee on Energy and Natural Resources to consider the President's rec-

ommendation of the Yucca Mountain site and the objections of the State of Nevada to the use of the site for the nuclear waste repository and to report the committee's recommendation to the Senate within the prescribed 60-day period as the 97th Congress envisioned.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 232—CONGRATULATING THE HUSKIES OF THE UNIVERSITY OF CONNECTICUT FOR WINNING THE 2002 NCAA DIVISION I WOMEN'S BASKETBALL CHAMPIONSHIP.

Mr. DODD (for himself and Mr. LIEBERMAN) submitted the following resolution; which was considered and agreed to:

S. RES. 232

Whereas the University of Connecticut women's basketball team won its second national championship in 3 years by defeating the University of Oklahoma by the score of 82-70;

Whereas NCAA Division I Women's Basketball Coach of the Year Geno Auriemma's team finished the 2002 season with a perfect 39-0 record, becoming only the fourth NCAA Division I women's basketball team to go undefeated;

Whereas Sue Bird was chosen as the national women's player of the year;

Whereas Swin Cash was named the Final Four Most Outstanding Player;

Whereas Sue Bird, Swin Cash, Diana Taurasi, Asjha Jones, and Tamika Williams were selected as All-Americans;

Whereas the Huskies' 35-point average margin of victory during the regular season was the largest in NCAA Division I women's basketball history;

Whereas the Huskies dominated this year's NCAA Division I women's basketball tournament, averaging 83.3 points and a 27-point margin of victory en route to the championship;

Whereas the high caliber of the Huskies in both athletics and academics has significantly advanced the sport of women's basketball and provided inspiration for future generations of young men and women alike; and

Whereas the Huskies' season of unparalleled accomplishment rallied Connecticut residents of all ages, from New London to New Haven, from Hartford to Hamden, behind a common purpose, and triggered a wave of euphoria across the State: Now, therefore, be it

Resolved, That the Senate commends the Huskies of the University of Connecticut for—

(1) completing the 2001-2002 women's basketball season with a 39-0 record; and

(2) winning the 2002 NCAA Division I Women's Basketball Championship.

SENATE RESOLUTION 233—CONGRATULATING THE UNIVERSITY OF MARYLAND TERRAPINS FOR WINNING THE 2002 NCAA NATIONAL BASKETBALL CHAMPIONSHIP

Mr. SARBANES (for himself and Ms. MIKULSKI) submitted the following resolution; which was considered and agreed to:

S. RES. 233

Whereas the 2002 University of Maryland Terrapins men's basketball team won 32 games, a school record for wins in a season;

Whereas the 2002 Maryland Terrapins were undefeated at home in the last year of play at historic Cole Field House, compiling a home record of 15-0;

Whereas the 2002 Maryland Terrapins continued their dominance over nonconference opponents at home, extending their NCAA record nonconference home winning streak to 84 wins;

Whereas the 2002 Maryland Terrapins won their first, outright Atlantic Coast Conference regular season championship in 22 years;

Whereas the Maryland Terrapins qualified for a 9th consecutive NCAA tournament under Coach Gary Williams, being awarded a number 1 seed in the East Region;

Whereas the Maryland Terrapins handily defeated the Siena College Saints in the first round of the NCAA tournament by a score of 85-70;

Whereas in the second round, the Maryland Terrapins ousted the Wisconsin Badgers by a score of 87-57;

Whereas in the Sweet Sixteen, the Maryland Terrapins overpowered the tough Kentucky Wildcats by a score of 78-68;

Whereas in the final game of the East Regional, the Maryland Terrapins earned a 2d straight bid to the Final Four by defeating the Connecticut Huskies by a score of 90-82;

Whereas in the Final Four, the Maryland Terrapins achieved a 97-88 victory over the potent Kansas Jayhawks;

Whereas in the NCAA championship game, the Maryland Terrapins came away with a 64-52 victory over the storied Indiana Hoosiers;

Whereas on April 1, 2002 the University of Maryland won the NCAA men's basketball championship, the first ever for the University of Maryland;

Whereas the 2002 Maryland Terrapins, by winning the 2002 NCAA men's basketball championship, became only the 5th NCAA Division I athletic program to have won national championships in both basketball and football;

Whereas senior Juan Dixon was named the most outstanding player of the 2002 NCAA tournament, first team all-American, and Atlantic Coast Conference player of the year;

Whereas senior Lonny Baxter was named the most valuable player in regional play for the second year in a row; and

Whereas in game number 2002 of the University of Maryland men's basketball program, the Terrapins achieved the title of 2002 national champion: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the mighty University of Maryland Terrapins for winning the 2002 NCAA national men's basketball championship on April 1, 2002;

(2) commends the Maryland Terrapins for their outstanding performance in the 2002 NCAA national tournament, the Atlantic Coast Conference, and the entire 2002 season;

(3) applauds the Maryland Terrapins for their commitment to high standards of character, perseverance, and teamwork;

(4) congratulates the Maryland Terrapins on reaching their goal of an NCAA championship, an achievement that no previous Maryland men's basketball team had been able to accomplish;

(5) recognizes the achievements of the players, coaches, and support staff who were instrumental in helping the University of Maryland Terrapins win the 2002 NCAA championship;

(6) congratulates all of the 65 outstanding teams who participated in the 2002 NCAA Tournament;

(7) congratulates the National Collegiate Athletic Association for its continuing excellence in providing a supportive arena for college athletes to display their talents and sportsmanship; and

(8) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to—

(A) Dr. C.D. "Dan" Mote, the President of the University of Maryland;

(B) Deborah Yow, the Athletic Director at the University of Maryland; and

(C) Gary Williams, the head coach of the University of Maryland Terrapins men's basketball team.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3082. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table.

SA 3083. Mr. BOND submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3084. Mr. BOND submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3082. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . SALE OF GASOLINE AND DIESEL FUEL AT DUTY-FREE SALES ENTERPRISES.

(a) PROHIBITION.—Section 555(b) of the Tariff Act of 1930 (19 U.S.C. 1555(b)) is amended—

(1) by redesignating paragraphs (6) through (8) as paragraphs (7) through (9), respectively; and

(2) by inserting after paragraph (5) the following:

“(6) Any gasoline or diesel fuel sold at a duty-free sales enterprise shall be considered to be entered for consumption into the customs territory of the United States.”.

(b) CONSTRUCTION.—The amendments made by this section shall not be construed to create any inference with respect to the interpretation of any provision of law as such provision was in effect on the day before the date of enactment of this Act.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

SA 3083. Mr. BOND submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through

technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 307, after line 3, insert the following new section at the end of Subtitle E:
SEC. 946. LIMITATION ON APPROPRIATION OF FUNDS.

No funds may be appropriated under subtitle E of title IX unless all programs and authorities contained in this subtitle have been approved in legislation within the appropriate committees of jurisdiction and enacted thereafter.

SA 3084. Mr. BOND submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 307, after line 3, strike “Secretary of Housing and Urban Development” wherever it appears in Subtitle E, and insert in lieu thereof the following “Secretary of Energy.”

On page 307, after line 3, strike “Secretary” wherever it appears by itself without explicit reference to an agency or department and insert in lieu thereof “Secretary of Energy.”

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, April 9, 2002, at 9:30 a.m., in open session to receive testimony on Department of Defense policies and programs to transform the force to meet the challenges of the twenty-first century.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, April 9, 2002, at 2:30 p.m. to hold a hearing titled, ‘Weak States in Africa—U.S. Policy Options in the DRC.’

Agenda

Witness

Panel 1: Mr. William Bellamy, Acting Assistant Secretary for African Affairs, Department of State, Washington, DC.

Panel 2: Ms. Fabienne Hara, Co-Director of the Africa Program, International Crisis Group, Brussels, Belgium; Mr. Learned Dees, Program Office for Africa, National Endowment for Democracy, Washington, DC; and Ms. Anne Edgerton, Advocate, Refugees International, Washington, DC.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on the reauthorization of the Corporation for National and Community Service during the session of the Senate on Tuesday, April 9, 2002, at 10 a.m.

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

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on “FBI Reforming the 21st Century: The Lessons of the Hanssen Espionage Case” today, Tuesday, April 9, 2002, in Dirksen room 628 at 10 a.m.

Agenda

Witnesses

Panel I: The Honorable William Webster, Milbank, Tweed, Hadley & McCoy, LLP, Washington, DC.

Panel II: Mr. Dale Watson, Executive Assistant Director for Counterterrorism/Counterintelligence, Federal Bureau of Investigation, Washington, DC; Mr. Dave Szady, Assistant Director for Counterintelligence Division, Federal Bureau of Investigation, Washington, DC; and Mr. Kenneth Senger, Assistant Director for Security Division, Federal Bureau of Investigations, Washington, DC.

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

SUBCOMMITTEE ON SEAPOWER

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Seapower of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, April 9, 2002, at 2:30 p.m., in open session to receive testimony on Navy equipment required for fielding a 21st century capabilities-based Navy in review of the Defense authorization request for fiscal year 2003.

Agenda

Witnesses

Panel I: Admiral Vernon E. Clark, USN, Chief of Naval Operations.

Panel II: Major General William A. Whitlow, USMC, Director, Expeditionary Warfare Division, Department of the Navy; Rear Admiral Phillip M. Balisle, USN, Director, Surface Warfare Division, Department of the Navy; Rear Admiral Paul F. Sullivan, USN, Director, Submarine Warfare Division, Department of the Navy; and Rear Admiral Michael J. McCabe, USN, Director, Air Warfare Division, Department of the Navy.

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

CONGRATULATING THE UNIVERSITY OF MARYLAND TERRAPINS

Mr. REID. Madam President, I ask unanimous consent that the Senate

proceed to S. Res. 233 submitted earlier today by Senators SARBANES and MIKULSKI.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 233) congratulating the University of Maryland Terrapins for winning the 2002 NCAA National Basketball Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SARBANES. Madam President, one of Aesop's fables tells of the race between the tortoise and the hare. As the story goes, the hare took off at the start of the race at a very swift pace but soon tired, stopped and fell fast asleep. The tortoise, on the other hand, maintained a slow and steady pace and passed the sleeping hare en route to a victory. The moral of the story is "slow but steady wins the race."

Such was the pace to the 2002 NCAA Basketball Championship for the University of Maryland Terrapins. Following a Final Four appearance in last year's NCAA Tournament, expectations were high for this year's team. From the first tip-off last October during Midnight Madness to the final buzzer of this year's championship game, the entire Terrapin team, led by head coach and University of Maryland alumnus Gary Williams, pursued a deliberate and determined course. Their journey culminated on the night of April 1, 2002, when the team won the NCAA Men's Division 1 Basketball Championship.

It is with a deep sense of Maryland pride and pleasure that I rise as the chairman of the Maryland congressional delegation to submit a resolution congratulating the University of Maryland Terrapins for winning the 2002 NCAA National Basketball Championship. My Maryland colleague, Senator BARBARA MIKULSKI, is joining me in this effort and the Maryland House delegation, led by University of Maryland alum, STENY HOYER, is also submitting a similar resolution.

As our resolution highlights, this has been a remarkable run for the men's basketball team. The team won a school record 32 games. They went undefeated at home, including their impressive win over Duke University by a score of 97-73. This year was the last year that the team will play in historic Cole Field House and the season was a fitting tribute to a building that has witnessed so many remarkable games over the years. This year's team continued its home court dominance over non-conference opponents, extending its winning streak to 84 wins, the current longest winning streak in the Nation.

Madam President, please join me in congratulating the Maryland Terrapin team members: senior guard Juan Dixon, the 2002 NCAA Tournament's Most Outstanding Player, the ACC Player of the Year, a First-Team All-American, and a member of the ACC

All-Defensive Team; senior center Lonny Baxter, Most Valuable Player of the East Region, Second Team All-ACC, honorable mention All-American, and a member of the ACC All-Defensive Team; senior forward Byron Mouton, Honorable Mention All-ACC; senior guard Earl Badu; junior guard Steve Blake, named to the Third Team All-ACC, and Honorable Mention All-American; junior forward Tahj Holden; junior guard Drew Nicholas; junior center Ryan Randle; junior guard Calvin McCall; sophomore forward Chris Wilcox, named to the Third Team All-ACC; freshman guard Andre Collins; and freshman forward Mike Grinnon.

On behalf of the State of Maryland, the Maryland congressional delegation and the University of Maryland, I ask my colleagues to join me in acknowledging the outstanding efforts of this amazing group of basketball players, coaches and staff.

Ms. MIKULSKI. Madam President, I rise to pay tribute to the nation's premier men's college basketball team, the University of Maryland Terrapins. I am so proud that our Terps are our national champions. Their victory shows the hard work, perseverance and experience of an amazing team—and the support of an outstanding university. This resolution seeks to celebrate the Terps' victory.

Our Terps have worked so hard to reach these heights, shaping college basketball history as they got here. They are led by a Terrapin who learned about much more than basketball as a student and graduate-assistant in five years at College Park. Coach Gary Williams is that Terrapin—a true leader, a true teacher, and a true Marylander at heart. As ACC Coach of the Year, Coach Williams led the Terps to the regular season ACC title, and their first national championship. But even more important, he has continued to shape the lives of the young men he coaches.

He cares about his players on and off the court. That meant encouraging them in their studies as well as in their sport. He helped them understand the importance of getting their degrees. His success is shown in the fact that four of his players are serious—more than any of their competitors.

These men include this year's dynamic senior class of Earl Badu, Byron Mouton, Lonny Baxter, and Juan Dixon. I am so proud of them because they will all graduate this year, proving that Coach Williams' philosophy of hard work on and off the court works here in Maryland. Their experience was a key factor in their victory.

When Coach Williams recruits and teaches players, he doesn't always look for the flashiest prospects. He works with men he can make into champions. Our Terrapins show that championship spirit on and off the court. And that is what a Maryland education is all about.

The Terrapins' court successes have mirrored the University of Maryland's

rise to the pinnacle of the academic world. Our university is a national leader in science, engineering and business.

The Terps had a perfect season during their last year at Cole Field House. The University of Maryland and the entire State is grateful for everything this basketball team has given us.

I ask my colleagues to join me in commending the University of Maryland's Terrapins for being such great winners—both on and off the court.

Mr. REID. Madam President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements related thereto be printed in the RECORD.

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

The resolution (S. Res. 233) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 233

Whereas the 2002 University of Maryland Terrapins men's basketball team won 32 games, a school record for wins in a season;

Whereas the 2002 Maryland Terrapins were undefeated at home in the last year of play at historic Cole Field House, compiling a home record of 15-0;

Whereas the 2002 Maryland Terrapins continued their dominance over nonconference opponents at home, extending their NCAA record nonconference home winning streak to 84 wins;

Whereas the 2002 Maryland Terrapins won their first, outright Atlantic Coast Conference regular season championship in 22 years;

Whereas the Maryland Terrapins qualified for a 9th consecutive NCAA tournament under Coach Gary Williams, being awarded a number 1 seed in the East Region;

Whereas the Maryland Terrapins handily defeated the Siena College Saints in the first round of the NCAA tournament by a score of 85-70;

Whereas in the second round, the Maryland Terrapins ousted the Wisconsin Badgers by a score of 87-57;

Whereas in the Sweet Sixteen, the Maryland Terrapins overpowered the tough Kentucky Wildcats by a score of 78-68;

Whereas in the final game of the East Regional, the Maryland Terrapins earned a 2d straight bid to the Final Four by defeating the Connecticut Huskies by a score of 90-82;

Whereas in the Final Four, the Maryland Terrapins achieved a 97-88 victory over the potent Kansas Jayhawks;

Whereas in the NCAA championship game, the Maryland Terrapins came away with a 64-52 victory over the storied Indiana Hoosiers;

Whereas on April 1, 2002 the University of Maryland won the NCAA men's basketball championship, the first ever for the University of Maryland;

Whereas the 2002 Maryland Terrapins, by winning the 2002 NCAA men's basketball championship, became only the 5th NCAA Division I athletic program to have won national championships in both basketball and football;

Whereas senior Juan Dixon was named the most outstanding player of the 2002 NCAA tournament, first team all-American, and Atlantic Coast Conference player of the year;

Whereas senior Lonny Baxter was named the most valuable player in regional play for the second year in a row; and

Whereas in game number 2002 of the University of Maryland men's basketball program, the Terrapins achieved the title of 2002 national champion: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the mighty University of Maryland Terrapins for winning the 2002 NCAA national men's basketball championship on April 1, 2002;

(2) commends the Maryland Terrapins for their outstanding performance in the 2002 NCAA national tournament, the Atlantic Coast Conference, and the entire 2002 season;

(3) applauds the Maryland Terrapins for their commitment to high standards of character, perseverance, and teamwork;

(4) congratulates the Maryland Terrapins on reaching their goal of an NCAA championship, an achievement that no previous Maryland men's basketball team had been able to accomplish;

(5) recognizes the achievements of the players, coaches, and support staff who were instrumental in helping the University of Maryland Terrapins win the 2002 NCAA championship;

(6) congratulates all of the 65 outstanding teams who participated in the 2002 NCAA Tournament;

(7) congratulates the National Collegiate Athletic Association for its continuing excellence in providing a supportive arena for college athletes to display their talents and sportsmanship; and

(8) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to—

(A) Dr. C.D. "Dan" Mote, the President of the University of Maryland;

(B) Deborah Yow, the Athletic Director at the University of Maryland; and

(C) Gary Williams, the head coach of the University of Maryland Terrapins men's basketball team.

ORDERS FOR WEDNESDAY, APRIL 10, 2002

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until tomorrow morning at 9:15 a.m.; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the energy reform bill.

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

ADJOURNMENT UNTIL 9:15 A.M. TOMORROW

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:03 p.m., adjourned until Wednesday, April 10, 2002, at 9:15 a.m.

NOMINATIONS

Executive nominations received by the Senate April 9, 2002:

COMMODITY FUTURES TRADING COMMISSION

SHARON BROWN-HRUSKA, OF VIRGINIA, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING APRIL 13, 2004, VICE WILLIAM J. RAINER, RESIGNED.

ENVIRONMENTAL PROTECTION AGENCY

JOHN PETER SUAREZ, OF NEW JERSEY, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE STEVEN ALAN HERMAN, RESIGNED.

BROADCASTING BOARD OF GOVERNORS

STEVEN J. SIMMONS, OF CONNECTICUT, TO BE MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR THE REMAINDER OF THE TERM EXPIRING AUGUST 13, 2003, VICE ALBERTO J. MORA.

OVERSEAS PRIVATE INVESTMENT CORPORATION

NED L. SIEGEL, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2003, VICE MIGUEL D. LAUSELL.

DEPARTMENT OF STATE

JACK C. CHOW, OF PENNSYLVANIA, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS SPECIAL REPRESENTATIVE OF THE SECRETARY OF STATE FOR HIV/AIDS.

MERIT SYSTEMS PROTECTION BOARD

STUART D. RICK, OF MARYLAND, TO BE A MEMBER OF THE MERIT SYSTEMS PROTECTION BOARD FOR THE TERM OF SEVEN YEARS EXPIRING MARCH 1, 2007, VICE BARBARA J. SAPIN.

LEGAL SERVICES CORPORATION

LILLIAN R. BEVIER, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2004, VICE HULETT HALL ASKEW, TERM EXPIRED.

ROBERT J. DIETER, OF COLORADO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2002, VICE F. WILLIAM MCCALPIN, TERM EXPIRED.

ROBERT J. DIETER, OF COLORADO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2005. (REAPPOINTMENT)

THOMAS A. FUENTES, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2002, VICE THOMAS F. SMEGAL, JR., TERM EXPIRED.

THOMAS A. FUENTES, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2005. (REAPPOINTMENT)

MICHAEL MCKAY, OF WASHINGTON, TO BE A MEMBER OF THE BOARD DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2004, VICE NANCY HARDIN ROGERS, TERM EXPIRED.

FRANK B. STRICKLAND, OF GEORGIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2004, VICE JOHN N. ERLÉNBOHN, TERM EXPIRED.

DEPARTMENT OF JUSTICE

RAY ELMER CARNAHAN, OF ARKANSAS, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF ARKANSAS FOR THE TERM OF FOUR YEARS, VICE CONRAD S. PATTILLO, TERM EXPIRED.

WALTER ROBERT BRADLEY, OF KANSAS, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF KANSAS FOR THE TERM OF FOUR YEARS, VICE RICHARD RAND ROCK II, TERM EXPIRED.

THERESA A. MERROW, OF KENTUCKY, TO BE UNITED STATES MARSHAL FOR THE MIDDLE DISTRICT OF GEORGIA FOR THE TERM OF FOUR YEARS, VICE LAWSON CARY BITTICK, TERM EXPIRED.

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. MARK D. HARNITCHEK, 0000
CAPT. MICHAEL S. ROESNER, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. BRIAN G. BRANNMAN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. THOMAS K. BURKHARD, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. RICHARD E. CELLON, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) CHARLES H. JOHNSTON JR., 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED SERVICE MEMBER FOR APPOINTMENT TO THE TEMPORARY GRADE INDICATED IN

THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C. SECTION 6222:

To be first lieutenant

JASON K. PETTIG, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED STUDENTS FOR A REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 2114.

To be captain

SAMUEL E AIKELE, 0000
ANDREW T ALLEN, 0000
JONATHAN L ARNHOLT, 0000
ERIKA S BEARD, 0000
MICHAEL J BENCA, 0000
GLENN D BURNS, 0000
YOVANNI CASABLANCA, 0000
MARC A CHILDRESS, 0000
JARED A CHUGG, 0000
STEVEN D DEMARTINI, 0000
ELIZABETH DUNCAN, 0000
ROBERT L EMERY, 0000
TRAVIS W GERLACH, 0000
ANNE GRAY, 0000
ALAN D GUHLKE, 0000
GREGORY D GUTKE, 0000
DAVID J HOOPES, 0000
JONATHAN C JACKSON, 0000
NORRIS J JACKSON, 0000
KEITH J JOE, 0000
GARY S KIM, 0000
SCOTT A KING, 0000
JEFFREY M LAMMERS, 0000
DANIEL R LAMOTHE, 0000
WAYNE A LATACK, 0000
PAUL E LEWIS III, 0000
KENNETH A MARRIOTT III, 0000
BRYANT R MARTIN, 0000
CASSANDRA T MCDANIEL, 0000
JOSEPH H MCDERMOTT, 0000
JANELLE L MOORE, 0000
THOMAS O MOORE, 0000
JOHN J MURDOCK, 0000
SEAN P OBRIEN, 0000
GILBERTO PATINO, 0000
ERIC V PLOTT, 0000
IAN C RIDDICK, 0000
JON M ROBITSCHEK, 0000
TREVOR J SCHAR, 0000
CARRIE A SCHMID, 0000
CHRISTIAN J SMITH, 0000
DREW N SWASEY, 0000
ARLO M TAN, 0000
CECELIA M TATSUMI, 0000
MONICA J TILLMAN, 0000
JUSTIN J TINGY, 0000
MARISSA M VALENCIA, 0000
GUY C VENUTI, 0000
CHRISTINA M WAITE, 0000
SUK C WHANG, 0000
BRYAN M WHITE, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

WILLIAM K.C. PARKS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

MICHAEL J. BENNETT, 0000
JERRY D. DELACRUZ, 0000
JEFFREY GONSECKI, 0000
LEONARD C. HAWKINS, 0000
ROBERT S. HOUGH, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

FRANK E. BATTS, 0000
PAUL J. CIERVO, 0000
WAYNE L. HILL, 0000
JEFFREY A. JENKINS, 0000
CHRISTIAN JUBOK, 0000
EUNICE PATXOT, 0000
DANIEL J. SCHMICK, 0000
EVELYN M. WILSON, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

BAMIDELE J ABOGUNRIN, 0000
CHRISTOPHER C ABRAMS, 0000
JOHN C ALLEE, 0000
ROBERT J ALLEN, 0000
GARY V ALLISON, 0000
OSCAR M ALVAREZ II, 0000
JOHN F AMERICA, 0000
LEONARD F ANDERSON IV, 0000
CHARLES M ANDREWS JR., 0000
PHILIP G ANTEKEIER, 0000

JON J ANTONELLI, 0000
VINCENT D APPLEWHITE, 0000
ERIC M ARBOGAST, 0000
STEPHEN P ARMES, 0000
MITCHELL K ARNZEN, 0000
KENNETH L ASBRIDGE III, 0000
HUGH L ATKINSON, 0000
JOHN B ATKINSON, 0000
STEPHEN C AUGUSTIN, 0000
GAMAL F AWAD, 0000
WILLIAM L BABCOCK JR., 0000
TERRY L BAGGETT, 0000
CHRISTOPHER R BAIRD, 0000
THOMAS P BAJUS II, 0000
WILLIAM G BALESTRETRI, 0000
RICHARD S BARNES, 0000
CRAIG P BARNETT, 0000
JOHN M BARNETT, 0000
TIMOTHY E BARRICK, 0000
MICHAEL B BARRY, 0000
ARA E BARTON, 0000
WENDELL BAZEMORE, 0000
GEORGE B BEACH, 0000
CHRISTOPHER C BEAVERS, 0000
THOMAS J BEIKIRCH, 0000
GABRIEL BELTRAN, 0000
WILLIAM D BEN SCH, 0000
CHARLES T BERRY, 0000
JOHN R BINDER III, 0000
CHARLES N BLACK, 0000
HAYNESLY R BLAKE, 0000
PETER S BLAKE, 0000
TIMOTHY H BOETTCHER, 0000
DAVID H BOHN, 0000
ANTHONY C BOLDEN, 0000
RAPHAEL E BONITA, 0000
STEFAN J BOOTH, 0000
DAVID C BORKOWSKI, 0000
FARRISH M BOULWARE, 0000
STEVEN R BOWERS, 0000
ROBERT J BRAATZ, 0000
ROBERT G BRACKNELL, 0000
RICHARD T BRADY, 0000
DAVID R BRAMAN, 0000
JULIE B BRANDEN, 0000
ROLLIN D BREWSTER III, 0000
PAUL B BRICKLEY, 0000
BRUCE L BRIDGEWATER, 0000
SCOTT A BRINK, 0000
VAN P BRINSON III, 0000
SCOTT E BROBERG, 0000
HENRY D BROWN, 0000
PETER J BROWN, 0000
RALPH E BRUBAKER JR., 0000
ROBERT J BRUDER, 0000
DOUGLAS J BRUNDE, 0000
MICHAEL R BRUNNSCHWEILER, 0000
TIMOTHY R BRYANT, 0000
ANDREW S BURCHFIELD, 0000
KENNETH A BURGER, 0000
WILLIAM S BURGER, 0000
ROBERT A BURGIN, 0000
HAROLD E BURKE, 0000
JOHN P BURTON, 0000
ALBERT J BUSENBARK, 0000
GEORGE CADWALADER JR., 0000
TODD R CALHOUN, 0000
JEFFREY R CALLAGHAN, 0000
SHAWN P CALLAHAN, 0000
MICHAEL J CALLANAN, 0000
DANIEL T CANFIELD JR., 0000
JUDE F CAREY JR., 0000
CURTIS W CARLIN, 0000
GLEN M CARLSON, 0000
JAMES C CARROLL III, 0000
JOHN D CARROLL, 0000
MATTHEW J CARROLL, 0000
JOHN F CARSON JR., 0000
MICHAEL T CARSON, 0000
RONNIE A CARSON JR, 0000
JENNIFER E CARTER, 0000
MELVIN G CARTER, 0000
JOSEPH MARTIN K CASADO, 0000
ERIC R CASEY, 0000
MICHAEL J CASTAGNA, 0000
STEPHEN L CASTORA, 0000
MICHAEL V CAVA, 0000
MATTHEW G CHALKLEY, 0000
BENJAMIN D CHAPMAN, 0000
CLINTON J CHLEBOWSKI, 0000
BRIAN S CHRISTMAS, 0000
ROBERT M CLARK, 0000
TROY L CLARK, 0000
WILLIAM P CLARK, 0000
GREGORY J CLARKE, 0000
TIMOTHY L CLARKE, 0000
JOSEPH R CLEARFIELD, 0000
SCOTT B CLIFTON, 0000
ERIN D COADY, 0000
ERIK E COBHAM, 0000
DOUGLAS L CODY, 0000
JEFFREY L COKER, 0000
KEITH A COLEMAN, 0000
LAWRENCE C COLEMAN, 0000
WAYNE E COLLINS, 0000
CHRISTOPHER J CONNELLY, 0000
FRANK P CONWAY, 0000
DAVID S COOK, 0000
SAMUEL C COOK, 0000
CARL E COOPER JR., 0000
MATTHEW D COOPER, 0000
ROBERT D COOPER, 0000
SCOTT A COOPER, 0000
DAVID M COOPERMAN, 0000
JAMES R COPPERSMITH, 0000
ERIC M CORCORAN, 0000
MARC D COSTAIN, 0000

JOSEPH M COUREY, 0000
PAUL T COURTAWAY JR., 0000
JOHN H COVINGTON JR., 0000
KENNETH L CRABTREE, 0000
DARYL G CRANE, 0000
TIMOTHY S CRONIN, 0000
ALAN F CROUCH, 0000
PAUL D CUCINOTTA, 0000
DREW E CUKOR, 0000
MATTHEW C CULBERTSON, 0000
CORY M CUNNINGHAM, 0000
WILLIAM H CUPPLES, 0000
MATTHEW DALKIEWICZ, 0000
KEVIN J DALY, 0000
ROGER P DALZIEL, 0000
CHARLES E DANIEL, 0000
ROMIN DASMALCHI, 0000
BRENT R DAVIS, 0000
MADELEINE DAVIS, 0000
MICHAEL A DAVIS, 0000
NICHOLAS E DAVIS, 0000
YOLANDA DAVIS, 0000
SARAH M DEAL, 0000
JOHN E DEATON, 0000
MICHAEL E DEHNER, 0000
GARY E DELGADO, 0000
WILLIAM L DEPUY JR., 0000
SCOTT T DERKACH, 0000
PAUL T DEUTSCH, 0000
CHRISTOPHER P DEVER, 0000
GERT J DEWET, 0000
JORGE DIAZ, 0000
DAVID I DIERSEN, 0000
ANDREW L DIETZ, 0000
DANIEL J DIMICCO, 0000
SEAN R DOBECK, 0000
THOMAS J DODDS, 0000
JANET M DOERNING, 0000
JOHN J DONAHOE, 0000
JONATHAN M DONIGAN, 0000
LANCE S DORMAN, 0000
DARRYL W DOTSON, 0000
CRAIG R DOTY, 0000
PETER M DOUGHTY, 0000
ROBERT D DOZIER, 0000
ANDREW J DRAKE, 0000
JOHN G DUCOTE, 0000
KEVIN C DUGAN, 0000
STEVEN E DUKE, 0000
FRANKLIN C DUNN, 0000
BRIAN M DWYER, 0000
KURT G EBAUGH, 0000
CURTIS V EBITZ JR., 0000
BRIAN W ECARIUS, 0000
BEN T EDWARDS JR., 0000
HAROLD B EGGERS, 0000
JAY M EGOFF, 0000
BRIAN D EHRICH, 0000
JEFFREY A EICHHOLZ, 0000
CHRISTIAN T ELLINGER, 0000
JAMES B ELLIS, 0000
KYLE B ELLISON, 0000
DOUGLAS J ENGEL, 0000
DAREN J ERICKSON, 0000
JEFFREY R ERTWINE, 0000
ANTHONY C FABIANO, 0000
IAN M FACEY SR, 0000
PETER C FAERBER, 0000
THOMAS M FAHY JR., 0000
JAMAL P FALLON, 0000
RONALD M FARRIS JR., 0000
CHRISTOPHER M FEARS, 0000
FREDERICK G FERARES, 0000
GREG A FEROLDI, 0000
TODD W FERRY, 0000
TIMOTHY J FETSCH, 0000
CHRISTOPHER A FEYEDELEM, 0000
JOHN M FIELD, 0000
DANNY R FIELDS, 0000
ANDREW T FITZPATRICK, 0000
BRIAN G FITZPATRICK, 0000
ERIC C FLEMING, 0000
ANDREW J FLOYD, 0000
VINCENT H FONTENOT JR., 0000
KEITH A FORKIN, 0000
MATTHEW J FOWLER, 0000
WESLEY A FRASARD JR., 0000
ERIK G FRECHETTE, 0000
THOMAS J FREEL, 0000
ROBERT A FREELAND, 0000
LOYD D FREMAN, 0000
JAMES W FRY, 0000
KEITH A FRY, 0000
BRYON J FUGATE, 0000
ALEX K FULFORD, 0000
ROBERT C FULFORD, 0000
DARYL M FULLER, 0000
JAMES H FULLER, 0000
MARK R FULLER, 0000
JAMES R FULLWOOD JR., 0000
THOMAS M GAINOR, 0000
CHRISTOPHER J GALFANO, 0000
EDWARD A GARLAND, 0000
DANIEL W GEISENHOF, 0000
JASON S GERIN, 0000
WILLIAM W GERST JR., 0000
STEPHEN P GHOLSON, 0000
ROBERT R GICK, 0000
JOSEPH C GIGLIOTTI, 0000
ERIC M GILLARD, 0000
DEREK E GILLETTE, 0000
ERIC A GILLIS, 0000
WILLIAM E GLASER IV, 0000
DOUGLAS V GLASGOW, 0000
TIMOTHY C GOLDEN, 0000
HENRY L GONZALES, 0000
DANIEL F GOODWIN, 0000

PAUL A GOSDEN, 0000
ADRIAN C GOSS, 0000
WENDY J GOYETTE, 0000
JEFFREY M GRAHAM, 0000
DAVID P GRANT, 0000
JERAMY GREEN, 0000
MICHAEL T GREENO, 0000
DANIEL Q GREENWOOD, 0000
JUSTIN T GREINER, 0000
SEAN M GRENIER, 0000
THOMAS C GRESSER II, 0000
MICHAEL D GRICE, 0000
DAVID M GRIESMER, 0000
JOHN C GRIDDALE, 0000
JOSEPH S GROSS, 0000
THOMAS A GRUNDHERR, 0000
PATRICK M GUINEE, 0000
CHRISTOPHER R HAASE, 0000
TERRY D HAGEN, 0000
WILLIAM T HAGEROTT, 0000
WILLIAM G HALL, 0000
JOSHUA P HALLETT, 0000
JON L HALVERSON, 0000
PATRICK H HANDLEY, 0000
MARK P HANEY, 0000
MICHAEL J HARMON, 0000
STUART M HARNESS, 0000
KEVIN C HARRIS, 0000
CHRISTIAN D HARSHBERGER, 0000
CARLTON W HARLE, 0000
JOHN W HATALA, 0000
ROBERT A HAUGHTON, 0000
MARK D HAWKINS, 0000
SEAN D HAYES, 0000
WESLEY T HAYES, 0000
DANIEL P HEALEY, 0000
KEVIN M HEARTWELL, 0000
RONALD E HEATH, 0000
CHAD T HEDLESTON, 0000
LEE G HELTON, 0000
CARL C HENGER, 0000
BRENT S HEPFNER, 0000
RHPHAEL HERNANDEZ, 0000
JOHN B HICKS, 0000
KARL E HILL, 0000
JOHN G HINSON, 0000
DANIEL P HINTON, 0000
PATRICK R HITTLE, 0000
MICHAEL O HIXSON, 0000
MICHAEL R HODSON, 0000
TIMOTHY H HOGAN, 0000
MITCHELL L HOINES, 0000
JOHN G HOLBROOK, 0000
SEANAN R HOLLAND, 0000
PIERRE G HOLLIS, 0000
RENEE A HOLMES, 0000
EVAN N HOLT, 0000
JEFFREY C HOLT, 0000
WILLIAM W HOOPER, 0000
PATRICK S HOULAHAN, 0000
JAMES E HOWARD, 0000
COLT J HUBBELL, 0000
MIKEL R HUBER, 0000
LAWRENCE E HUGGINS JR., 0000
BRIAN G HUGHES, 0000
THOMAS P HUMANN, 0000
NATHAN E HUNTINGTON, 0000
MICHAEL J IRONS, 0000
CHRISTOPHER B JACKSON, 0000
JEFFREY J JACKSON, 0000
THOMAS C JARMAN, 0000
DAVID K JARVIS, 0000
JEFFREY R JOHNSON, 0000
KARL E JOHNSON, 0000
JASON A JOHNSTON, 0000
CHARLES E JONES JR., 0000
DAVID E JONES, 0000
BRIAN P KALK, 0000
MICHAEL T KAMINSKI, 0000
KENNETH D KARIKA, 0000
JEFFREY S KAWADA, 0000
DANIEL R KAZMIER, 0000
PATRICK J KEANE III, 0000
AARON P KEENAN, 0000
HUNTER R KELLOGG, 0000
HOLLIE D KELLY, 0000
MATTHEW G KELLY, 0000
THOMAS E KERLEY, 0000
MILLER J KERR, 0000
ASLAM G KHAN, 0000
KYLE T KIMBALL, 0000
ROBERT L KIMBRELL II, 0000
PATRICK S KIRCHNER, 0000
SCOTT J KISH, 0000
CHRISTOPHER L KOELZER, 0000
WILLIAM KOHLMUENCH, 0000
FRANKLIN P KOLBE, 0000
STEVEN J KOTANSKY, 0000
BRYAN K KRAMER, 0000
ADAM R KUBICKI, 0000
DOUGLAS V KUHN, 0000
WALTER W KULAKOWSKI, 0000
ALEXANDER J KUZMA, 0000
SCOTT S LACY, 0000
JOHN P LAGANA JR., 0000
TROY D LANDRY, 0000
EDWARD T LANG, 0000
DARYL J LANING, 0000
STUART C LANKFORD, 0000
WILLIAM F LAPRATT, 0000
ERIC R LARSON, 0000
TERRENCE H LATORRE, 0000
FRANK N LATT, 0000
BRUCE W LAUGHLIN, 0000
PATRICK T LAVIGNE, 0000
GARY P LEE, 0000
WALTER S LEE JR., 0000

RAYMOND H LEGALL, 0000
 MICHAEL T LEGENS JR., 0000
 JASON D LEIGHTON, 0000
 WENDELL B LEIMBACH JR., 0000
 MARK J LENNERTON, 0000
 MICHAEL D LEPSON, 0000
 REGINALD LEWIS, 0000
 RODNEY L LEWIS, 0000
 RAUL LIANEZ, 0000
 MARK D LIGHT, 0000
 ROBERT S LIST, 0000
 MARK A LISTER, 0000
 ERIC S LIVINGSTON, 0000
 ERIK A LLUFRIO, 0000
 CURTIS T LOBERGER, 0000
 DANIEL C LOGAN, 0000
 JOSEPH A LORE, 0000
 MELVIN L LOVE, 0000
 MICHAEL W LOWES, 0000
 JOHN M LOZANO, 0000
 DAVID W LUCAS, 0000
 JOSEPH A LUCIA III, 0000
 RICHARD J LUCIER, 0000
 JOSHUA L LUCK, 0000
 HENRY W LUTZ III, 0000
 JOHN J LUZAR, 0000
 WILLIAM R LYNCH, 0000
 JOSEPH F LYONS, 0000
 JOHN F MACEIRA, 0000
 JASON R MADDOCKS, 0000
 SCOTT A MADZIARCZYK, 0000
 MICHAEL S MAGEE, 0000
 GEORGE G MALKASIAN, 0000
 DENNIS A MANACO, 0000
 MICHAEL P MANDEL, 0000
 ROBB P MANSFIELD, 0000
 SHAWN E MANSFIELD, 0000
 RUSSELL W MANTZEL, 0000
 LEONARD F MARTIN, 0000
 HERIBERTO A MARTINEZ, 0000
 DEMETRIUS P MAXEY, 0000
 JOSEPH E MAYBACH, 0000
 DAVID H MAYHAN, 0000
 CLYDE D MAYS, 0000
 THOMAS G MCCANN II, 0000
 MATTHEW J MCCORMACK, 0000
 MATTHEW J MCDIVITT, 0000
 ROGER T MCDUFFIE, 0000
 GARY D MCGEE, 0000
 PATRICK M MCGEE, 0000
 ALAN G MCKINNON, 0000
 MARIA S MCMILLEN, 0000
 WILLIAM J MCWATERS, 0000
 JEFFREY W MEGARGEL, 0000
 FRANCISCO J MELERO, 0000
 ELDON E METZGER, 0000
 RALPH B MEYERS, 0000
 SAMUEL L MIDDLETON, 0000
 DAVID M MIKKOLA, 0000
 CHARLES J MILES, 0000
 ALEXANDER H MILLER, 0000
 BOYD A MILLER, 0000
 DANIEL E MILLER, 0000
 DAUL W MILLER, 0000
 LYNE H MILLS, 0000
 TERRY S MILLER, 0000
 THOMAS P MITALSKI, 0000
 ROBBY J MITCHELL, 0000
 JOHN V MILOKO, 0000
 MICHAEL C MONTI, 0000
 BRIAN P MONTOYA, 0000
 MICHAEL J MOONEY, 0000
 SEAN P MOONEY, 0000
 CURTIS E MOORE II, 0000
 KEITH F MOORE, 0000
 JUAN J MORENO, 0000
 JERRY R MORGAN, 0000
 PAUL T MORGAN, 0000
 ROBERT S MORGAN, 0000
 DAVID C MORRIS, 0000
 JASON L MORRIS, 0000
 JOE H MORRIS, 0000
 CHRISTOPHER D MORTON, 0000
 HAROLD M MOSLEY, 0000
 MICHAEL L MULLER, 0000
 LANCE D MUNIZ, 0000
 MAUREEN B MURPHY, 0000
 JOSEPH C MURRAY, 0000
 MICHAEL D MYERS, 0000
 THOMAS J NAUGHTON JR., 0000
 JAMES D NEAL JR., 0000
 NATHAN G NEBLETT, 0000
 BRIAN W NEIL, 0000
 CHANDLER S NELMS, 0000
 DOUGLAS B NELSON, 0000
 MARCUS J NELSON, 0000
 GEORGE J NEMES JR., 0000
 JULIE L NETHERCOT, 0000
 JOHN M NEVILLE JR., 0000
 ANDREW M NIEBEL, 0000
 EDWARD W NOVACK, 0000
 BERNARD J NOWNES II, 0000
 PAUL J NUGENT, 0000
 CLINT J NUSSBERGER, 0000
 CHRISTOPHER A OBALLE, 0000
 DAVID M O'CONNELL, 0000
 KENNETH A OLDHAM, 0000
 ERIC G OLSON, 0000
 MICHAEL J ONEIL, 0000
 GEORGE R OPRIL, 0000
 PLACIDO C ORDONA JR., 0000
 JOHNJOHN E ORILLE, 0000
 JOHN C OSBORNE JR., 0000
 MICHAEL S OSHAUGHNESSY, 0000
 JOHN J OTTOOLE III, 0000
 SOUTSANASO OUNKHAM, 0000
 DAVID S OWEN, 0000

KEITH E OWENS, 0000
 PATRICK R OWENS, 0000
 LOUIS J PALAZZO, 0000
 SEAN D PARKER, 0000
 TERRY L PATTERSON, 0000
 CHRISTOPHER D PATTON, 0000
 JEFFERY S PAULL, 0000
 CLARKE A PAULUS, 0000
 GEORGE L PAYEY, 0000
 JOHN S PAYNE II, 0000
 SCOTT A PAYNE, 0000
 SCOTT B PEARSON, 0000
 THOMAS A PECINA, 0000
 ERIC A PECK, 0000
 JACQUES T PELLETIER, 0000
 DANIEL K PENCE, 0000
 TODD E PERRY, 0000
 JOHN PERSANO III, 0000
 PHILLIP E PETERS II, 0000
 RICHARD E PETERSEN, 0000
 DAVID S PETERSON, 0000
 JOHN D PETERSON, 0000
 RONALD J PETERSON, 0000
 ANDREW J PETRUCCI, 0000
 DAVID H PETTERSSON, 0000
 CHRISTOPHER L PHELPS, 0000
 LLOYD G PHILLIPS JR., 0000
 MICHAEL A PHILLIPS, 0000
 RAYMOND J PLACIENTE, 0000
 DARRELL W PLATZ, 0000
 RICARDO T PLAYER, 0000
 JOHN R POLIDORO JR., 0000
 THOMAS E PRENTICE, 0000
 TODD E PRESCOTT, 0000
 CHARLES P PRESTON IV, 0000
 JOHN J PRIFF, 0000
 JAMES A PRITCHARD, 0000
 MICHAEL J PROUTY, 0000
 JOHN A PRYCE, 0000
 MICHAEL A PURCELL, 0000
 ERIC A PUTMAN, 0000
 SCOTT C RAINVILLE, 0000
 KELLY C RAMSHULT, 0000
 CARLOS C RAMSON, 0000
 RICHARD R RAY JR., 0000
 MICHAEL T RECCE, 0000
 ROBERT D REDMOND II, 0000
 MARVIN REED, 0000
 KEVIN P RELLY, 0000
 NORMAN L RETTTER, 0000
 DAVID S RENTZ, 0000
 TIMOTHY D RENZ, 0000
 THOMAS J REPETTI SR., 0000
 MATTHEW B REUTER, 0000
 DAVID A REYNOLDS, 0000
 GREGORY F RHODEN, 0000
 ROBERT C RICE, 0000
 WILLIAM G RICE IV, 0000
 RODNEY A RICHARDSON, 0000
 CHRISTOPHER S RICHIE, 0000
 RYAN S RIDGUT, 0000
 SEAN R RIGGS, 0000
 SEAN M RIORAN, 0000
 PHILLIP R ROBERSON JR., 0000
 BENJAMIN A ROBERTSON, 0000
 BRIAN P ROBINS, 0000
 GEORGE M ROBINSON, 0000
 STEVEN ROBINSON, 0000
 EDWARD J RODGERS, 0000
 CARLOS R RODRIGUEZ JR., 0000
 FRANCISCO J RODRIGUEZ, 0000
 CRAIG D ROGERSON, 0000
 ERIC J ROPELLA, 0000
 ERIC S ROTH JR., 0000
 GARY D ROTSCH, 0000
 JAMES K ROUDEBUSH, 0000
 CARLOS O ROWE, 0000
 GEORGE B ROWELL IV, 0000
 HAROLD J RUDDY, 0000
 JEFFREY N RULE, 0000
 JOSEPH J RUSSO, 0000
 RONALD J RUX JR., 0000
 MICHAEL V SAMAROV, 0000
 BRIAN G SANCHEZ, 0000
 ELEAZAR O SANCHEZ, 0000
 DAVID B SANDVOLD, 0000
 OWEN A SANFORD, 0000
 FREDERICK G SCHENK, 0000
 KURT J SCHERER, 0000
 RICHARD A SCHILKE, 0000
 JAMES A SCHNELLE, 0000
 ROBERT W SCHRODER, 0000
 ROBERT E SCHUBERT JR., 0000
 JASON C SCHUETTE, 0000
 JEFFERY SCHULMAN, 0000
 MICHAEL E SCHUTTE, 0000
 GEORGE A SCHWEIGHARDT, 0000
 MICHAEL A SCHWEIGHARDT, 0000
 EDWIN L SCOGGIN, 0000
 DOUGLAS J SCOTT, 0000
 KEVIN R SCOTT, 0000
 DANIEL D SEIBEL, 0000
 JONATHAN W SELBY, 0000
 KEITH E SHAFFER, 0000
 WILLIAM D SHANNON, 0000
 GLEN F SHALUN, 0000
 PETER J SHELBY, 0000
 MARK W SHELLEYBARGER, 0000
 DANIEL L SHIPLEY, 0000
 DALE E SHORT, 0000
 MARK T SILCOX, 0000
 TIMOTHY A SILKOWSKI, 0000
 TODD P SIMMONS, 0000
 TY A SIMMONS, 0000
 THOMAS K SIMPERS, 0000
 MICHAEL S SIMS, 0000
 WALTER S SKRZYNSKI, 0000

WILLIAM M SLOAN, 0000
 MARK E SLUSHER, 0000
 DAVID W SMITH, 0000
 DUNCAN D SMITH JR., 0000
 MARCUS C SMITH, 0000
 MARK D SMITH, 0000
 SAMUEL H SMITH, 0000
 MICHAEL J SOBKOWSKI JR., 0000
 ALAN W SOLTER, 0000
 JOHN H SORENSON, 0000
 DAVID B SOSA, 0000
 KURT J SPACKMAN, 0000
 ANTHONY M SPARAGNO JR., 0000
 PHILLIP E STACKHOUSE, 0000
 SEAN R STALLARD, 0000
 ROBERT T STANFORD, 0000
 JAMES L STANLEY, 0000
 MARK J STANTON, 0000
 MICHAEL C STARLING, 0000
 MICHAEL J STEELE, 0000
 JEFFREY A STIVERS, 0000
 JAMES B STONE IV, 0000
 DAVID E STRAUB, 0000
 BRIAN L STROBEL, 0000
 SCOTT P SUCKOW, 0000
 MICHAEL J SUTHERLAND, 0000
 TRAVIS L SUTTON, 0000
 CHAD D SWAN, 0000
 SHAWN M SWIER, 0000
 DAVID S SYLVESTER, 0000
 PATRICIO A TAPOYA, 0000
 GLENN K TAKABAYASHI, 0000
 CHRISTOPHER P TANSEY, 0000
 MICHAEL J TARGOS III, 0000
 EDWARD R TAYLOR, 0000
 JOHN E TAYLOR, 0000
 MONTE D TENKLEY, 0000
 BRADFORD J TENNEY, 0000
 ROBERT E THIEN, 0000
 IVAN G THOMAS, 0000
 MICHAEL A THOMAS, 0000
 TIMOTHY W THOMASON, 0000
 MARK C THOMPSON, 0000
 JOHN D THURMAN, 0000
 ROBERT B TIFFT, 0000
 CLAY C TIPTON, 0000
 BRIAN F TIVNAN, 0000
 JEFFERY J TLAPA, 0000
 KRIS A TLAPA, 0000
 TODD S TOMKO, 0000
 WILLIAM H TORRICO, 0000
 SCOTT M TOUNEY, 0000
 JOHN C TREPKA, 0000
 DAVID W TURNER, 0000
 LARRY E TURNER JR., 0000
 STEPHEN A TYNAN, 0000
 SCOTT E UKEILEY, 0000
 WILLIAM A ULLMARK JR., 0000
 CARLOS O URBEINA, 0000
 TONY UZZLE, 0000
 GABRIEL L VALDEZ III, 0000
 HENRY E VANDERBORCHT, 0000
 MICHAEL K VANNEST, 0000
 STEPHEN K VANRIEP, 0000
 MICHAEL C VARICK, 0000
 LUIS E VELAZQUEZ, 0000
 LUIS E VILLALOBOS, 0000
 SALVATORE VISCUSO III, 0000
 GLENN C VOGEL, 0000
 ROBERT M VOITH, 0000
 DEAN J VRABEL, 0000
 RHETT J VRANISH, 0000
 WILLIAM N WAINWRIGHT, 0000
 JASON E WALDRON, 0000
 TODD S WALDRON, 0000
 CHRISTOPHER K WALES, 0000
 RICHARD E WALKER III, 0000
 TYRONE WALLS, 0000
 BENNETT W WALSH, 0000
 DAVID C WALSH, 0000
 CHRISTOPHER B WALTERS, 0000
 WILLIAM M WANDO, 0000
 ROBERT Q WARD, 0000
 JAMES W WATERS, 0000
 MCLENDON N WATERS III, 0000
 CLARK E WATSON, 0000
 TIMOTHY C WATTS, 0000
 PAUL R WEAVER, 0000
 HENRY D WEDE, 0000
 AARON D WEISS, 0000
 JAMES B WELLONS, 0000
 MARTIN F WETTERAUER III, 0000
 WILLIAM L WHEELER JR., 0000
 EDWARD J WHITE, 0000
 JOSEPH K WHITE, 0000
 STEVEN J WHITE, 0000
 TERENCE H WHITE, 0000
 ZACHARY M WHITE, 0000
 KEITH E WHITEHOUSE, 0000
 RICHARD W WHITMER, 0000
 BENJAMIN D WILB, 0000
 JOSEPH D WILLIAMS, 0000
 ROCKY W WILLIAMS III, 0000
 ROBERT H WILLIS JR., 0000
 JUSTIN W WILSON, 0000
 PETER C WILSON, 0000
 CARL D WINGO, 0000
 CRAIG C WIRTH, 0000
 STEVEN M WOLF, 0000
 CRAIG R WONSON, 0000
 BRYAN K WOOD, 0000
 RONALD S WOOD, 0000
 KEVIN S WOODARD, 0000
 JOSEPH B WOODS, 0000
 ERIK G WOODSON, 0000
 BENJAMIN Z WOODWORTH, 0000
 JASON G WOODWORTH, 0000

April 9, 2002

GREGORY T WRIGHT, 0000
TROY V WRIGHT, 0000
JOSEPH A WRONKOWSKI, 0000
WILLIAM WROTEN JR., 0000
JAY D WYLIE, 0000
DANIEL L YAROSLASKI, 0000
DAVID J YOST, 0000
DEVIN C YOUNG, 0000
PAUL F ZADROZNY JR., 0000
SIDNEY G ZELLER, 0000
PHILLIP M ZEMAN, 0000
ANTHONY M ZENDER, 0000
JAY K ZOLLMANN, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT
TO THE GRADE INDICATED IN THE UNITED STATES NAVY
UNDER TITLE 10, U.S.C., SECTION 624:

CONGRESSIONAL RECORD — SENATE

S2423

To be captain

BRUCE R. CHRISTEN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT
TO THE GRADE INDICATED IN THE UNITED STATES NAVY
UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

COLE J. KUPEC, 0000

THE FOLLOWING NAMED OFFICER FOR REGULAR AP-
POINTMENT IN THE GRADE INDICATED IN THE UNITED
STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be commander

JAMES E. LAMAR, 0000

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY
APPOINTMENT TO THE GRADE INDICATED IN THE
UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION
5721:

To be lieutenant commander

PROBERT E BEBERMEYER, 0000
THOMAS A BUSHAW, 0000
JOSHUA B ELKINS, 0000
JORGE R FLORES, 0000
RANDALL R HARRIS, 0000
TIMOTHY I MIKLUS, 0000
ANDREW T MILLER, 0000
JOHN J MOLINARI, 0000
JAMES L MUNIZ, 0000
THOMAS J PETRUCCI JR., 0000
CHRISTOPHER D ARDON, 0000
BENJAMIN A SHUPP, 0000