United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, SECOND SESSION

Vol. 148 WASHINGTON, WEDNESDAY, APRIL 10, 2002 No. 38

Senate

The Senate met at 9:16 a.m. and was called to order by the Honorable DANIEL K. AKAKA, a Senator from the State of Hawaii.

PRAYER

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

Gracious God of Hope, we praise You that You have vanquished the forces of death and given those who believe in Your resurrection power the assurance that this life is but a small part of eternity. We join with the British people in profound gratitude for the long life and encouraging inspiration of Queen Elizabeth, the Queen Mother. Her death came as no conqueror in the end; she rose to meet You, her Eternal Friend. She bestrode the twentieth century with charm, and virtue, and principle, and vibrant faith in You. We will never forget her smile, her inclusive affirmation of each person she met, and her courage through the sea of trouble that engulfed a century of two world wars.

Thank You for her wit, steeliness of character, and the way she lived life to the fullest, one day at a time, with unfailing trust in You. May the example of this loyal Scot, Queen Mum, a truly great woman encourage us all as we join with people everywhere in honoring the memory of this woman who royally expressed a common touch and a genuine enjoyment of life. Through the One who is the Resurrection and the Life, now and forever. Amen.

PLEDGE OF ALLEGIANCE

The Honorable DANIEL K. AKAKA led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 10, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DANIEL K. AKAKA, a Senator from the State of Hawaii, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. AKAKA 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, shortly we shall return to debate on the Feinstein derivatives amendment. That debate will take place until a quarter of 10 today. At that time, the Senate will proceed to vote on the motion to invoke cloture on Senator FEINSTEIN'S amendment.

We expect Senator CRAIG this morning we have been told—will offer an amendment relating to the renewables section of the underlying bill. We hope as soon as that measure is fully debated we will vote in relation thereto.

There will be votes during today's proceedings. As has been indicated by the majority leader, he has every hope we can finish this bill soon. This is now the 16th day we have been on this legislation. I certainly hope we can move to conclusion at an early date.

RESERVATION OF LEADER TIME

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

NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 2001

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 517, which the clerk will report.

The 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 and 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 modified amendment No. 3081 (to amendment No. 2989), in the nature of a substitute. (By 40 yeas to 59 nays (Vote No. 60), Senate earlier failed to table the amendment.)

The ACTING PRESIDENT pro tempore. Under the previous order, the

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

time until 9:45 a.m. shall be equally divided and controlled in the usual form.

The Senator from Alaska.

Mr. STEVENS. Mr. President, I yield myself 5 minutes from the time on this side.

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

Mr. STEVENS. Mr. President, the majority leader and the distinguished majority whip have often mentioned the fact that we have not called up the ANWR amendment yet. I am here to say we are almost ready to do that. The reason we have not brought it forth so far, of course, is the stated objective of Members of the other side of the aisle to filibuster this amendment and to require us to have 60 votes in order for its adoption. We will lay it down right now if the leadership will agree we can have an up-or-down vote on the amendment.

This is not a normal procedure where the leader states categorically that there is an intention of the majority to require 60 votes for an amendment to pass.

I intend later today to distribute to every desk a copy of a letter of July 3, 1980 that was signed by Senator Henry M. Jackson, chairman of the Interior and Insular Affairs Committee, and Mark Hatfield, ranking minority member, concerning the Alaska lands bill that was before the Senate at that time.

These two Senators were leaders of the Senate on the Alaska lands legislation and it is important for the Senate to read this letter. I will read a portion of it at this time. The portion I will read concerns the amendment which gives us the right to proceed with development of the Arctic plain. They wrote:

While the bill is a gigantic environmental accomplishment, it also is crucial to the nation's attempt to achieve energy independence. One-third of our known petroleum reserves are in Alaska, along with an even greater proportion of our potential reserves. Actions such as preventing even the exploration of Arctic Wildlife Range, a ban sought by one amendment, is an ostrich-like approach that ill-serves our nation in its time of energy crisis.

They went on to write:

Instability of certain nations abroad repeatedly emphasizes our need for stronger domestic supply of strategic and critical minerals. Each of the five proposed amendments would either restrict mineral areas from development or block access to those areas. Four of the seven world-class mineral finds in Alaska would be effectively barred from development by this amendments. That is simply too high a price for this nation to pay.

Further from the letter:

We urge you to focus on the central fact that the Alaska lands bill is not just an environmental issue. It is an energy issue. It is a national defense issue. It is an economic issue. It is not an easy vote for one constituency that affects only a remote, far-away area. It is a compelling national issue which demands the balanced solution crafted to by the Energy and Natural Resources Committee.

Seven years earlier my colleague, Senator Gravel, and I presented an amendment to authorize the immediate construction of the Alaska pipeline. That amendment first ended up in a vote of 49–48. We had won that amendment. On a reconsideration, the vote was 49–49, and the then Vice President cast a ''yea'' vote, and the amendment was finally agreed to on the second vote.

I yield myself 2 more minutes.

My point in raising this before the Senate this morning is that on the Alaska pipeline there was no threat of a filibuster. Despite the fact that the then majority leader, Senator Mansfield, and the chairman of the committee, Senator Jackson, opposed our amendment for the immediate construction of the pipeline, there was no filibuster.

We should not have a filibuster on the amendment that is going to be offered by my colleague Senator MURKOWSKI and myself on this bill to proceed now to the exploration and development of the 1.5 million acres on the Arctic plain. It is still a national defense issue. I hope to raise that again and again. In times of national security crisis, there should not be a filibuster against a proposal to make available to this Nation additional oil and gas resources.

I ask unanimous consent that the letter I cited of July 3, 1980 and the CONGRESSIONAL RECORD showing the affairs of the Senate on July 17, 1973 on those two votes, 295 and 296, be printed in the RECORD.

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

U.S. SENATE,
COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Washington, DC, July 3, 1980.

DEAR COLLEAGUE: In this year of sharply heightened national concern over the economy, energy and national defense, the Senate is about to consider Alaska lands legislation—an issue which would have a profound effect on each of these vital subjects.

We write to ask for your full support of the Alaska lands bill approved by the Energy and Natural Resources Committee. After extensive hearings, study and mark-up, the Committee approved this bill by an overwhelming and bi-partisan vote of 17–1.

The Committee bill is a balanced, carefully crafted measure which is both a landmark environmental achievement and a means of protecting the national interest in the future development of Alaska and its vital resources. The bill more than doubles the land area designated by Congress as part of the National Park and National Wildlife Refuge systems; it triples the size of the National Wilderness Preservation system. It protects the so-called Crown Jewels of Alaska. At the same time, it preserves the capability of that mammoth state to contribute far beyond its share to our national energy and defense needs.

A series of five major amendments to the bill and an entire substitute for it will be offered on the Senate floor. The amendments in total would make the bill virtually an equivalent of the measure approved last year by the House. Each amendment in its own way would destroy the balance of the bill.

While the bill is a gigantic environmental accomplishment, it also is crucial to the nation's attempt to achieve energy independence. One-third of our known petroleum reserves are in Alaska, along with an even greater proportion of our potential reserves. Actions such as preventing even the exploration of the Arctic Wildlife Range, a ban sought by one amendment, is an ostrich-like approach that ill-serves our nation in this time of energy crisis.

Instability of certain nations abroad repeatedly emphasizes our need for a stronger domestic supply of strategic and critical minerals. Each of the five proposed amendments would either restrict mineral areas from development or block effective access to those areas. Four of the seven world-class mineral finds in Alaska would be effectively barred from development by the amendments. That simply is too high a price for this nation to pay.

Present and potential employment both in Alaska and in the other states would be significantly damaged if the committee bill is amended. Cutting off development of the four mineral finds discussed above would alone cost thousands of potential jobs, many of them in the Lower 48 states. The amendment on national forests would eliminate up to 2,000 jobs in the southeast Alaska timber-related economy.

We urge you to focus on the central fact that the Alaska lands bill is not just an environmental issue. It is an energy issue. It is a national defense issue. It is an economic issue. It is not an easy vote for one constituency that affects only a remote, far-away area. It is a compelling national issue which demands the balanced solution crafted by the Energy and Natural Resources Committee.

We look forward to your support.

Cordially,

MARK O. HATFIELD,
Ranking Minority Member.
HENRY M. JACKSON,
Chairman.

EXCERPT FROM THE CONGRESSIONAL RECORD OF JULY 17, 1973

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alaska (Mr. GRAVEL) No. 226, as modified. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from California (Mr. CRANSTON) is necessarily absent.

I further announce that the Senator from Washington (Mr. MAGNUSON) is absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON) would vote ''nay.''

The yeas and nays resulted—yeas 49, nays 48, as follows:

[No. 295 Leg.]

YEAS—49

Biden	Cotton	Hollings
Baker	Curtis	Hruska
Bartlett	Domenici	Huddleston
Beall	Dominick	Inouye
Bellmon	Eastland	Johnston
Bennett	Ervin	Long
Bentsen	Fannin	McClellan
Bible	Fong	McGee
Brock	Goldwater	Nunn
Brooke	Gravel	Randolph
Byrd, Harry F., Jr.	Griffin	Saxbe
	Hansen	Schweiker
Byrd, Robert C.	Hartke	Scott, Pa.
Cannon	Helms	Scott, Va.

Sparkman	Talmadge	Weicker
Stevens	Thurmond	Young
Taft	Tower	

NAYS—48

Abourezk	Haskell	Moss
Aiken	Hatfield	Muskie
Bayh	Hathaway	Nelson
Biden	Hughes	Packwood
Buckley	Humphrey	Pastore
Burdick	Jackson	Pearson
Case	Javits	Pell
Chiles	Kennedy	Percy
Church	Mansfield	Proxmire
Clark	Mathias	Ribicoff
Cook	McClure	Roth
Dole	McGovern	Stafford
Eagleton	McIntyre	Stevenson
Fulbright	Metcalf	Symington
Gurney	Mondale	Tunney
Hart	Montoya	Williams

NOT VOTING—3

Cranston	Magnuson	Stennis

The VICE PRESIDENT. On this vote, the yeas are 49, the nays 48. The amendment is agreed to.

Mr. GRAVEL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the galleries.

Mr. FANNIN. Mr. President, I move to lay that motion on the table.

The VICE PRESIDENT. The galleries will be in order.

The question is on agreeing to the motion to reconsider (putting the question). The noes appear to have it.

Mr. CASE. Mr. President, I ask for the yeas and nays on the motion.

The yeas and nays were ordered.

Mr. HUMPHREY. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. HUMPHREY. Mr. President, are we voting on a motion to table or on the motion to reconsider?

The VICE PRESIDENT. The Senate is voting on the motion to reconsider.

Mr. HUMPHREY. On the rollcall vote?

Mr. LONG. Mr. President, are we voting on the motion to reconsider or on the motion to lay on the table?

The VICE PRESIDENT. The Senate is voting on the motion to reconsider.

Mr. LONG. Mr. President, I move to table the motion to reconsider.

The VICE PRESIDENT. The question is on agreeing to the motion to table the motion to reconsider.

Mr. CASE. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The VICE PRESIDENT. The question is on agreeing to the motion to table the motion to reconsider. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Washington (Mr. MAGNUSON) is absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON) would vote ''nay.''

The yeas and nays resulted—yeas 49, nays 49, as follows:

[No. 296 Leg.]

YEAS—49

Allen	Bennett	Byrd, Harry F., Jr.
Baker	Bentsen	
Bartlett	Bible	Byrd, Robert C.
Beall	Brock	Cannon
Bellmon	Brooke	Cotton
Curtis	Helms	Schweiker
Domenici	Hollings	Scott, Pa.
Dominick	Hruska	Scott, Va.
Eastland	Huddleston	Sparkman
Ervin	Inouye	Stevens
Fannin	Johnston	Taft
Fong	Long	Talmadge
Goldwater	McClellan	Thurmond
Gravel	McGee	Tower
Griffin	Nunn	Weicker
Hansen	Randolph	Young
Hartke	Saxbe	

NAYS—49

Abourezk	Haskell	Muskie
Aiken	Hatfield	Nelson
Bayh	Hathaway	Packwood
Biden	Hughes	Pastore
Buckley	Humphrey	Pearson
Burdick	Jackson	Pell
Case	Javits	Percy
Chiles	Kennedy	Proxmire
Church	Mansfield	Ribicoff
Clark	Mathias	Roth
Cook	McClure	Stafford
Cranston	McGovern	Stevenson
Dole	McIntyre	Symington
Eagleton	Metcalf	Tunney
Fulbright	Mondale	Williams
Gurney	Montoya	
Hart	Moss	

NOT VOTING—2

Magnuson	Stennis

The VICE PRESIDENT. On this question, the yeas are 49, and the nays are 49. The Vice President votes ''Yea.'' The motion to lay on the table is agreed to.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Nevada.

Mr. REID. Mr. President, I say to my friend, there is not a Senator in the Senate I have more respect for than the senior Senator from Alaska. I consider him a friend and certainly always a worthy advocate. On this issue relating to the energy bill now before the Senate, however, to have my friend and his colleague, the junior Senator from Alaska, say that they are interested in going forward, that they would have had a vote on this immediately if, in fact, we didn't use the rules of the Senate, of course, the rules of the Senate are what have guided this institution for so many years. I really don't know how many votes there are. Each side has around 50 votes. That is the way this will turn out, if there is a vote on the ANWR issue.

Regarding his logic that there should be, in a time of national crisis, nothing done to prevent the Congress from thwarting anything that would bring us more oil, the way to do that would have been to support the CAFE standards legislation we debated on this legislation. That would have brought certainly millions of barrels of new supply to this country by not having us use this oil.

As we have discussed many times, the United States cannot produce its way out of the crisis we are in. We should do everything we can to increase the natural gas and other drilling oil supplies. There is no question about that. But there is a real debate taking place in this country as to whether or not we should drill in the Alaskan wilderness. Although I am from Nevada a State that is very sparsely populated, I think the Senator from Alaska raised some interesting points about certain promises that were made to the Senator from Alaska and the Alaskan delegation many years ago. It is something we all need to take a look at.

But we have a debate that has been ongoing for many years. This isn't something that just came up during this bill. I look forward to the debate on ANWR. I think there are people who honestly have not made up their minds yet. It is a handful of people, but some have not made up their minds yet. So I hope that the Alaskan delegation will offer this amendment as quickly as possible. I think that is the main thing holding up the final movement of this legislation.

I spoke to the junior Senator from Alaska yesterday, and I don't think it would be appropriate for someone else to offer the ANWR amendment—for example, a House version, or some other comparable version. I think it should be done by the Senators from Alaska or Senators with whom they want to join.

So I hope that in the next little bit—whether it is tonight or tomorrow, but in the immediate future—this amendment will be offered. Otherwise, it is my understanding that others who may not be advocates for ANWR will offer it just to move the debate along.

Mr. President, it is my understanding that the vote will occur at 9:45. That will be on the Feinstein amendment.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. REID. I see the Senator from California is here.

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

AMENDMENT NO. 2989

Mrs. FEINSTEIN. Mr. President, I rise to urge my colleagues to support the cloture motion on the amendment that is now pending. This amendment essentially would close what I call the Enron loophole, which allows certain areas of trading to go without any oversight or regulation. The amendment has been out there for 5 weeks now. Hopefully, that was more than enough time for Senators to give it due consideration. There has been lobbying for the amendment on both sides.

This is what the amendment does. It essentially provides antifraud and antimanipulation authority to the Commodity Futures Trading Commission for all energy trades online, when there is no physical delivery. The amendment subjects all energy platforms—trading platforms—to the same levels of oversight they had before the 2000 Commodity Futures Modernization Act, which was changed at the final hour by Enron to include an exemption for energy trading. This means these trades exchanges would, once again, have to file with the CFTC. They would have to provide price transparency, maintain capital commensurate with risk, as decided by the CFTC. All the things that Enron did online essentially provided this giant loophole.

Mr. President, if I trade natural gas to you and deliver it to you, we are

covered by the Federal Energy Regulatory Commission. But if I don't deliver the gas to you but a number of trades take place in the interim, none of these trades are covered by anybody. There is no antifraud; there is no antimanipulation oversight; I don't have to keep any record; there is no audit trail; and I don't have to have sufficient capital based on the risk I am taking. All of these things are covered by this amendment.

This amendment essentially closes a loophole, and that loophole is that if you trade online, there is no oversight, or there is no antifraud or antimanipulation authority. So it is my hope that the Senate will provide cloture. It is my hope that we will be able to close this loophole.

The amendment is supported by a number of groups. It is fair to say there is intense lobbying on both sides. I view this amendment as being on the side of the angels. It is very hard for me to understand why because you trade derivatives on an electronic platform—meaning online—that you are able to escape any form of oversight. I think this kind of situation does not breed security in the marketplace, does not give confidence to investors. So I hope there are 60 votes present for this amendment.

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

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

Mr. GRAMM. Mr. President, I have limited time and I am not going to get into a dispute about facts, or about what is and what isn't a loophole, or whether these instruments have ever been regulated because they have not. But the reason that debate should not be brought to an end here is about as simple as any argument could be for continuing to try to find a compromise. The entire financial sector of the American economy—every bank, every securities company, every insurance company in America—is opposed to this amendment. The Federal Reserve Board and Chairman Alan Greenspan are opposed to this amendment; not to what the Senator is trying to do, but to what the amendment does.

The Securities and Exchange Commission Chairman has spoken out adamantly in opposition to this amendment. The Chairman of the Commodities Futures Trading Commission—the very agency that would be empowered with new authority under this amendment—has spoken out and written letters and argued that these areas represent very complicated financial transactions, and that we need to take a look at unintended consequences.

What I hope will happen today is that we will deny cloture. There has been no filibuster on this amendment. We have continued to process other amendments. There have been two good-faith efforts to reach a compromise. Alan Greenspan has sent a letter to every Member of the Senate saying that he believes the ability to hedge risk through derivatives has been a major factor in preventing our downturn from becoming a recession. He said that this market is a major factor in the underlying strength of the economy, and he believes it could be jeopardized by this amendment.

So I believe we should sit down and try to work out an amendment that Alan Greenspan believes is safe for the American economy. I don't know who we are putting under the heading of angels, in the words of the Senator from California, but when we are talking about jobs, growth, opportunity and responsibility in America, if Alan Greenspan doesn't fall under the heading of angel, I don't know who does. The point is, this amendment needs more work.

Let me tell you what everybody involved in the debate agrees on: Number one, they agree that the CFTC should have access to data, that data should be maintained to allow the reconstruction of individual transactions for up to five years. That is what is required under the Commodity Futures Trading Commission jurisdiction under current law. Everybody agrees that the Commission ought to be able to intervene if there is evidence of fraud or price manipulation. Where the disagreement and differences occur—and these three points represent 95 percent of the things that the proponents of this amendment say they are for—are in other areas that are generally unintended. I understand that this is a very complicated issue. There is one member of this chamber who claims to know what a derivative is. I do not claim to know what a derivative is. I have tried, as former chairman of the Banking Committee, to understand these transactions. But when you have a $75 trillion market out there for very complicated financial instruments, you don't want to tamper with it unless you know what you are doing.

You do not want unintended consequences when you are dealing with $75 trillion of economic underpinning that holds up the very structure of the American economy. That is what this amendment is putting at risk.

I urge my colleagues to vote against forcing a vote on this amendment and give us an opportunity to try to write something that Alan Greenspan, the Chairman of the SEC, and the Chairman of the CFTC—the people we have entrusted to make these decisions—are comfortable with and can support.

I believe we can achieve 95 percent of the objectives of the Senator from California without endangering the very financial underpinnings of the American economy. But I believe they are endangered—as Alan Greenspan says, as the Secretary of the Treasury says, as banks, security companies and insurance companies across the land say—by the amendment as it is now written.

I urge my colleagues to vote no. It would be my full intention if a ''no'' vote prevails to again sit down with the Senator from California and work out a compromise that will solve her problem without creating others.

Mr. GRASSLEY. Mr. President, I rise today to express my opposition to the pending Feinstein amendment concerning modifications to the Commodity Futures Modernization Act of 2000.

The passage of the Commodity Futures Modernization Act only a year and a half ago has provided legal certainties that I believe have resulted in increased market participation, greater transparency and heightened market liquidity.

I agree there are lessons we can learn from Enron's collapse, particularly with respect to accountability issues. I share in my colleagues' outrage over these events, and truly feel for the workers and innocent investors who lost their jobs and life savings.

There are legislative actions that we in Congress can take to ensure that similar corporate failures aren't allowed to fester elsewhere, In fact, as the ranking member on the Senate Finance Committee, I've taken steps to do something about a number of tax and pension related problems that have been exposed by the Enron collapse.

However, as regulatory agencies continue to investigate Enron's over-the-counter derivatives activities, Congress must exercise caution when considering a legislative fix to a problem that has yet to be clearly identified. Without the benefit of the results and recommendations of these investigations, any legislative action will surely be premature.

The Secretary of the Treasury, the Chairman of the Federal Reserve, the Chairman of the Securities and Exchange Commission, and the Chairman of the Commodity Futures Trading Commission oppose adoption of this amendment because of the lack of opportunity for a full review, as well as the absence of any determination that energy derivatives played a role in the collapse of Enron.

I also have concerns that this amendment has not been thoroughly and thoughtfully reviewed by the appropriate committees of jurisdiction. The Senate Agriculture Committee, which I served on when the Commodity Futures Modernization Act was considered, addressed the issue of the uncertainties with respect to over-the-counter derivatives. The lack of hearings and analysis by the Senate Agriculture Committee prior to the consideration of this amendment is unfortunate.

I therefore oppose this hastily drafted amendment, and will formally request that the chairman of the Senate Agriculture Committee thoroughly analyze, and if necessary, conduct hearings on the results and recommendations of the numerous agency investigations concerning the regulation of over-the-counter derivatives.

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

Mrs. FEINSTEIN. Mr. President, how much time is remaining?

The ACTING PRESIDENT pro tempore. Three minutes 50 seconds remain.

Mrs. FEINSTEIN. I yield the remainder of my time to the Senator from New Jersey.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey is recognized.

Mr. CORZINE. Mr. President, I will split the time with the Senator from Illinois if that is OK with the Senator from California.

Mrs. FEINSTEIN. Absolutely.

Mr. CORZINE. Mr. President, I wish to make a couple of simple points. First, this amendment brings forward fairly simple, straightforward oversight functions that are typical in every financial market in which I have ever participated and in which I spent 30 years of my life working, and that is antifraud, price manipulation and transparency rules that are fundamental to making the depth and breadth of the financial markets work. We have great financial markets in America. This amendment accomplishes bringing that to bear in this energy market.

In fact, since this amendment was originally offered, there has been an enormous number of attempts to make sure it does not impact that $75 trillion market about which the Senator from Texas talked. It exempts financial futures, equities, currencies, and debt instruments from any of the legal constraints. I think it has been adjusted to address most of the concerns I certainly have heard from my friends with whom I used to work in the financial sector.

It is very clear in small, confined markets where there is not the depth and breadth that price manipulation is a very real possibility. As a matter of fact, it was cited in the 1999 President's Working Group on Financial Instruments, including Alan Greenspan, that at that point energy markets were narrow enough so as to cause problems. We ought to move forward in response to the kinds of problems we have seen at Enron. I hope Members will vote for cloture.

I thank the Chair.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired. The Senator from Illinois is recognized.

Mr. FITZGERALD. May I inquire how much time remains?

The ACTING PRESIDENT pro tempore. One minute 20 seconds.

Mr. FITZGERALD. I thank the Chair.

Mr. President, I think I can sum up in that short period of time. I urge all my colleagues to support this amendment. It is a very good amendment, and most of the arguments I have heard about it on the other side, in my judgment, are not true. The bill will have no chilling effect on the financial derivatives market.

It does not apply to purely financial derivatives, and there is an important public policy reason for this. We are trying to comport our commodity futures laws in this country to comply with the principles laid down by the President's working group in the last couple of years. Somehow when we passed the Commodity Futures Modernization Act last year, at the end, a mysterious rifleshot exemption that applied to a handful of commodity trading firms that trade online. It is not quite clear where it came from, but it creates an uneven regulatory playing field where certain firms have a narrow exemption, there is no transparency in their markets, and they are not reporting volume or open interest. In my judgment, it is important to consumers of these online exchanges to have that information available to them.

It is possible that a client can be ripped off on an online exchange, and the transparency created by this amendment will solve that problem.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. FITZGERALD. I thank the Chair. I urge my colleagues to vote with Senator FEINSTEIN, Senator CORZINE, and myself in favor of cloture.

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. By unanimous consent, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion which the clerk will state.

The senior assistant bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Feinstein amendment No. 2989 to the substitute amendment for Calendar No. 65, S. 517, the energy bill.

Dianne Feinstein, Byron L. Dorgan, H.R. Clinton, Daniel K. Akaka, Paul D. Wellstone, Edward M. Kennedy, Bob Graham, Carl Levin, Bill Nelson, Debbie Stabenow, Maria Cantwell, Harry Reid, Russell Feingold, Ron Wyden, Richard Durbin, James M. Jeffords.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call under the rule has been waived.

The question is, Is it the sense of the Senate that debate on the Feinstein amendment No. 2989 to S. 517, the Energy Policy Act, shall be brought to a close? The yeas and nays are required. 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.

Mr. NICKLES. I announce that the Senator from Pennsylvania (Mr. SPECTER) is necessarily absent.

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

The yeas and nays resulted—yeas 48, nays 50, as follows:

[Rollcall Vote No. 61 Leg.]

YEAS—48

Akaka	Dodd	Leahy
Bayh	Dorgan	Levin
Biden	Durbin	Lieberman
Bingaman	Edwards	McCain
Boxer	Feingold	Mikulski
Breaux	Feinstein	Murray
Byrd	Fitzgerald	Nelson (FL)
Cantwell	Graham	Reed
Carnahan	Harkin	Reid
Carper	Hollings	Rockefeller
Cleland	Inouye	Sarbanes
Clinton	Jeffords	Schumer
Conrad	Johnson	Stabenow
Corzine	Kennedy	Torricelli
Daschle	Kerry	Wellstone
Dayton	Kohl	Wyden

NAYS—50

Allard	Frist	Murkowski
Allen	Gramm	Nelson (NE)
Bennett	Grassley	Nickles
Bond	Gregg	Roberts
Brownback	Hagel	Santorum
Bunning	Hatch	Sessions
Burns	Helms	Shelby
Campbell	Hutchinson	Smith (NH)
Chafee	Hutchison	Smith (OR)
Cochran	Inhofe	Snowe
Collins	Kyl	Stevens
Craig	Landrieu	Thomas
Crapo	Lincoln	Thompson
DeWine	Lott	Thurmond
Domenici	Lugar	Voinovich
Ensign	McConnell	Warner
Enzi	Miller	

NOT VOTING—2

Baucus	Specter

The PRESIDING OFFICER. On this vote, the yeas are 48, the nays are 50. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. GRAMM. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. REID. It is my understanding the Senator from Idaho is ready to offer an amendment which we have talked about since yesterday—and that is very appropriate. But I am wondering if we could have agreement—I do not see him in the Chamber now—but with the Senator from Alaska, who is working this bill with the Senator from New Mexico, to have a time for filing amendments. I suggest sometime this afternoon or early evening.

The PRESIDING OFFICER. The Senate will be in order. Please give the Senator your attention. The Senate will be in order.

Mr. REID. I have spoken with Senator BINGAMAN. He agrees that would be a good idea. I hope those on the other side also agree it is a good idea. No one cares how many amendments at this stage, but we should have a specific time for filing these amendments. We hope we can offer a unanimous consent agreement in the near future to set that time.

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

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

Mr. CRAIG. Mr. President, I call up amendment No. 3047 and ask for its consideration.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Will my friend withhold?

Mr. CRAIG. Yes.

Mr. REID. If the Senator will withhold just for a brief minute?

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 2989, WITHDRAWN

Mrs. FEINSTEIN. Mr. President, I rise to withdraw the amendment on which we just voted, amendment No. 2989.

The PRESIDING OFFICER. The amendment is No. 2989, as modified. The Senator has that right.

Mrs. FEINSTEIN. Thank you, Mr. President.

The PRESIDING OFFICER. The amendment is withdrawn.

The Senator from Idaho.

AMENDMENT NO. 3047

Mr. CRAIG. Mr. President, I called up the amendment No. 3047. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG] proposes an amendment numbered 3047.

Mr. CRAIG. I ask unanimous consent the reading of the amendment be dispensed with.

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

(The text of the amendment is printed in the RECORD of March 21, 2002, under ''Amendments Submitted.'')

Mr. CRAIG. Mr. President, I rise after a great deal of consideration as to the amount of work that has been done on this energy bill by the chairman of the full committee and by a good number of interests. My colleague from Wyoming is on the floor. He spearheaded a group dealing specifically with title II, the electricity title, of this very large and important bill. He labored mightily over that. I was involved, and my staff was involved, in some of those discussions.

But the reality became clear to me and others that the electrical title of this bill is such a very complicated, extended title—attempting to rework and amend years and years of law and public policy that has built up, that has driven the capitalization of the largest electricity industry in the world and, frankly, one of the best—that without the kinds of detailed hearings that must come before a full committee of energy, we could not effectively and responsibly write this title in this Chamber.

I have opined on many occasions here that this bill did not get the treatment of the committee, it did not get the treatment of the subcommittees, it did not get the treatment of the professional staff and all of those who are interested as stakeholders in dealing with this very critical title.

As a result of that, after several weeks of consideration, I decided it was appropriate that we have a vote on the reality that we cannot get as far as we would want to get. So this amendment today strikes the electricity title and replaces it with consumer protection that is exactly the language currently in the bill, and the reliability provisions of that bill that did have full committee treatment, that has been voted on, on the floor of the Senate, and has been treated and accepted by the Senate as should these kinds of issues.

A good many interest groups recognize the complexity of this problem. The House tried to deal with an electric title and couldn't—after months of consideration with the committee effort. It said: No, it is too complicated and we ought to step back from it. So their energy bill, passed in August, was silent on the issue of electricity.

Whether or not we speak to it going into conference, if this bill ultimately gets to conference, there is a reality that we might not deal with it then. And there are provisions within this title that I strike to which many of us are strongly opposed.

The electric title does need the full attention of the experts—a clear, precise explanation of what the jurisdictional committee intends, and, my guess is, therefore could craft the appropriate language. I think the Senate owes the electric utility industry and the ratepayers nothing less than a full, open, and transparent process to get us there.

We want to reform the electric industry. We need a national interstate transmission system. All of those are realities.

We saw the problems in California when a State failed to deal with restructuring or deregulation in an appropriate fashion and created the disincentives that did not allow the investment in the marketplace.

If we were to create those kinds of disincentives to send a multibillion-dollar industry scurrying trying to understand, but, most importantly, allowing the recentralization of authority and a Federal regulator, then my guess is we will have made a major mistake. I think that question is clearly on the table.

Senator MURKOWSKI, I, and others who work on that Energy Committee, and the chairman who is here in the Chamber—in discussing energy and electric restructuring over the last several years, and the phenomenal amount of hearings that were held on it before any language was attempted—laid down criteria we believed were important if we were going to do no harm to the ratepayer and do no harm to the billions of dollars of investments that are out there already in this industry. Those standards work: Deregulate where possible, streamline when deregulation is not possible, and respect the prerogatives of the States. I have added in the last several weeks of debate a fourth, an elementary principle: Know what we are doing when we legislate. And when we grant new authority, or change our delegation of authority to a regulatory agency, know the consequences.

It is my guess at this time that you could not effectively do a side-by-side comparative of old law and new law in this title and begin to understand what its impact would be on the utilities of Georgia and their investments, their values, and their abilities to compete in a regional or a national market.

That is what we ought to know. We know the importance of sustained, high-quality, reliable power to industry, to the consumer, and to the well-being of the economy of this country.

Last month, we received a landmark Supreme Court decision on the authority of the Federal Energy Regulatory Commission to order transmission restructuring which has significant implications on the remainder of Federal-State responsibility and authority for regulation of public utilities. The Supreme Court's opinion in New York v. FERC demands our thoughtful attention.

What we have not done here, because we have not been allowed to do it, is take this Court decision, lay it before the committee, bring the Federal Energy Regulatory Commission to the Hill, and begin to engage them in questions as to what they might be willing to do and what they sense their new authority is under this Court decision. Was that the intent of the public policy of our country, or do we allow the judicial branch to legislate in a way that grants substantial new Federal authority? It is not clear at this time.

I think it is very understandable to most of us who deal in this phenomenally complicated area that we do not comprehend the reach of the Federal Energy Regulatory Commission as was and is now extended by the Court's decision. How far can the Commission push its authority now that the Court has said it has it? Those are the kinds of questions we ought to ask of ourselves for our ratepayers and for the utility commissions of our respective States and that which was once the responsible authority that created reliability and the stability of the industry historically.

There are several other important questions which have been gnawing at me, and I think probably several of us, since the Court issued its opinion.

For example, should the Senate now examine the need for legislation to protect native load customers? There are many who say: Yes, we should because we have a responsibility to the initial intent of the law and what it has done for the strength of our States' systems. We need to understand. Is FERC going to aggressively start restructuring in

what appears to be a real, lively, unbridled authority granted by the Court? We have not asked the question. FERC has not been before the committee. The committee hasn't functioned. Of course, that decision came just as we were engaging here on the floor, which I believe dramatically shifts the pendulum and the equation as it relates to this issue.

We all know that FERC has pursued an aggressive restructuring program and to establish regional transmission authority—a vital, stand-alone transmission business, as the Commission called it in 1999. Before we enact new law, we need to act to take into account that reality.

How does FERC, through the Supreme Court decision, affect RTO, the regional transmission authority? We have already heard their expression pre-Court decision. Now we need to understand their intent post-Court decision. Why would you, in an effort to restructure the electrical industry of this country, shift all of the power that once rested in many instances in the 50 States' commissions to a central Federal authority with phenomenal power over the ability of an industry to operate and to capitalize and, therefore, provide service to the consuming public? Not one word in the energy bill addresses the issue of the regional transmission organization. How can we enact an electric title without taking RTOs into account? That authority appears at this moment to be sweeping, and with substantial impact on the very title that is currently by amendment and by process here on the floor in this energy bill.

Even if we choose to remain silent on this issue, our choice should be a conscious one clearly expressed and based on a complete record, and at a minimum after hearings in the committee with full jurisdiction. That is what we ought to be doing. That is what we are not doing.

I say it is time we step back and stand down and pass the energy bill absent this—there is a lot of good stuff in it, and I hope there is more to come—and do as we ought to do before committee.

In my March 14 floor statement, I discussed why provisions covering electricity mergers and market-based rates and a refund effective date give me concern.

Are those important issues? You bet your life they are important.

I would like to now address briefly a couple of the provisions that are also of great concern to me—the market transparency rule and civil penalties.

Oh, my goodness, LARRY. What are you talking about here? I am talking about new authority, new power, and real questions being asked that I believe this title moves. We ought to know about it.

Market transparency rules: I find the title of this section a great misnomer. In a nutshell, I consider this section potentially anticompetitive as any piece of legislation we could pass. Yet we are talking about competitive markets. We may be creating a phenomenally anticompetitive incentive within the legislation.

The provision says that as soon as practicable, competitors must release information about price and quality or quantity of sales in interstate commerce.

As far back as 1921, in the American Column and Lumber case, the Supreme Court deemed their practice of contemporaneous release of individual prices and sale volumes by competitors a violation of antitrust law.

That is the law. That is the ruling. That is the understanding; therefore, that is the practice. Have we changed it? It appears we have. Is that anticompetitive? It darn well may be. We ought to know it, and we ought to know how it impacts the capitalization of the economic base of this industry.

Economists say this practice allows a cartel to enforce its rules. Some of my colleagues cry market manipulation at the first sign of price increases. Malefactors in the industry could not think up a better scheme of market manipulation than this one, at least that is my belief.

This section allows the Commission to exempt commercially sensitive information. If we really mean that, we should ask the Commission to repeal the requirements of contemporaneous individual price and volume information. And if not, what do we mean by commercially sensitive? Are we simply going to allow that to be interpreted by the FERC? Some of their interpretations took them well beyond the law or the intent of public policy over the last several years.

The Edwards Dam case: Never did we say in the law they had the right to take down a dam, but they chose to do it—or to at least establish the precedent to do so.

I only cite that as an example because it does show the extreme power and authority of the FERC.

The civil penalties section gives the Commission authority to impose penalties in electric cases beyond what it has now in hydro cases. Unlike refunds, civil penalties have no necessary relationship to economic damage. We need to rest assured that we give this kind of authority to agencies that exercise good judgment. Here, I fear, we have not.

I recall the Commission's use of its civil penalty authority in the hydroelectric arena, and in particular a noteworthy case 10 years ago known as the Wolverine hydro. The U.S. Court of Appeals for the District of Columbia told of a case in which the Commission extracted a penalty of $2 million for a project that operated without a license for a few days a year. I will say that again: a penalty of $2 million for operating for a couple of days a year out of license.

Is that reasonable? Is that right? It does not sound right, but they had that authority, and they did it. Worse, the DC Circuit never reached the issue of whether the $2 million constituted an excessive fine. The court held that the Commission overreached in the first place, so the concept of operating excessively in the area of civil penalties has never been judged. The law said that the Commission's civil penalties authority extended to violators of existing license conditions, not those operating without licenses.

We do not need heavyhanded enforcement in the electricity area lest we scare off investment. Maybe the Commission has changed, but we need to inquire of the Commission's intent and its desire to use this provision in the law. The only way you get that done is for the chairman of the committee to convene a hearing, bring the Commission, and build the public record: What is your intent, Chairman of the FERC? How do you plan to use this title? And what do you think your parameters are in your authority? Is it sweeping? I would suggest that it is. And I would suggest that if that authority is real, as I have interpreted it, and as I think the courts have been silent to it, then do you scare off investment? I think there is a strong possibility you do. All these points collectively explain my grave reservations about moving toward the electrical title.

The Senate's intent, usually expressed in jurisdictional committee reports, is missing. We do not have the Senate's intent, unless you can pick it up haphazardly and piece by piece through the CONGRESSIONAL RECORD. It is missing. And I fear this omission can only be adverse to many States, including my own, that will be affected by this very complex piece of legislation.

FERC, most assuredly, interpreted these provisions in ways that would expand its authority. Few bureaucracies ever attempt to limit their authority. And FERC has shown very recently that it is loathe to limit its authority.

My suggestion is, title II of this bill just hands to the Federal Energy Regulatory Commission new authority, expanded authority. And without our effective interpretation and/or committee reports, and the expression of the intent of this Senate as it relates to the Supreme Court decision, we have set them free, in many instances, to do as they would judge is in the best interest.

I need only to reference, as I did earlier, the Edwards Dam case. That is the one where we gave them no authority in the law to take down a dam, but they did. For almost 80 years, the Commission never saw fit to interpret part 1 of FPA as giving the authority to order a licensee of a hydro project to take down a dam at the end of its original license term, and for good reason.

As I have already stated, there is no authority in the statute for the Commission to do that. Indeed, Congress addressed, in 1968, the very issue of FERC, with attempting to address, in 1999, in the Edwards case, what happens

to dams at the end of the original license term.

Congress amended part 1 of the Federal Power Act, added sections 14 and 15, to allow for the issuance of nonpower licenses in the event a licensee was no longer able to continue operating a power project. In addition, those sections required payment to the licensee for surrendering its right to operate the project.

So it was a bit of a shock to me when the FERC ordered the main licensee in the Edwards Dam proceeding to stop operating its project and pay the huge cost associated with removing the dam. That is what they did. FERC was even shrewd enough to procedurally block an appeal to the Federal court.

So they worked their will outside the law. And here we are giving them vast new authority, without defining, without prescribing, without sideboards, in any way, in my opinion, limiting them, at least in the backwash or the shadow of a court, saying: Regional transmission, FERC, have at it.

How can we ignore these kinds of actions? We should not. And if we are responsible in writing this kind of detailed bill, we will not. But we have.

That is why I am here. That is why the amendment is before us to strike these provisions and allow the chairman to convene the committee, deal with this separately, and deal with it responsibly.

With that knowledge, how can Senators be comfortable with what is available and what may become law in this pending legislation? Does anyone here today seriously doubt that the recent Supreme Court ruling in favor of FERC, in its quest to create a national grid, will not result in serious disagreements between FERC's desire to control restructuring of our electrical system and the individual desire of States to protect the important ratepayer policies within their borders?

This is a major concern of mine. I am not sanguine about all that we have done and the way it has been drafted. That is why I believe that clearly all of us deserve the option, deserve the choice, to make the decision here with this amendment. Do you want it or do you believe that some of what I have said is valid enough that we ought to ask the authorizing committee, the committee of responsibility, and its professional staffs, to openly engage the FERC, and all of those other issues, to allow us to deal with this in an important way?

There are ample reasons for us to deal with other issues, but let me give you a couple of those reasons. I have a list of the organizations that, on examination of my amendment, and over frustration with this title, have agreed that they believe it is important to support my amendment to strike: the American Public Power Association, Consumer Federation of America, International Brotherhood of Electrical Workers, the Electricity Consumers Resource Council, U.S. Conference of Mayors, Consumers for Fair Competition, National Electrical Contractors Association, Plumbing-Heating-Cooling Contractors Association, Air Conditioning Contractors of America, National Association of State Utility Consumer Advocates, Transmission Access Policy Study Group, AARP, Public Citizen, Consumers Union, Citizens for State Power, Conservatives for Balanced Electricity Reform, Americans for Tax Reform, and the Small Business Survival Committee.

Those are ones that have just come to us in the last few weeks, as they had the opportunity to examine the title, what is in it, and the amendment.

There is a good deal more to be said. I see colleagues in the Chamber who are opposed to the amendment. Let me wrap this up with a concluding statement.

My colleague from Wyoming and I are very committed to building an energy policy that allows greater production. My colleague was asked if he would help the administration facilitate trying to bring about an electrical title on which we could agree. He has worked mightily to do so. In some areas, he has succeeded. But in the areas I spoke to, I believed these were areas that he could not go, nor could any of us, because we simply don't know the impact.

It is important that we look at the big picture, as we are trying to define all of the players within that big picture, enter the Supreme Court, extending greater authority or at least clarifying to FERC what FERC thought it already had. Is it not right, most importantly, is it not responsible of us, as public policy crafters, to make sure that which we craft works?

There are billions of dollars riding on this amendment and this bill and this title. The reality that if we do it right, when every consumer throws the light switch, the light will come on; when every consumer touches the on button on their computer, the computer will come on; that moms and dads working will know that their security systems are on and that their children are safe.

The reason I mentioned those things was because when you do it wrong, as they did it in California, all of those things become questioned. When the lights go down or the lights go out, the economy of this country shudders.

Let us not be so irresponsible as to craft a title without the effective vetting of it, without the responsible hearings, knowing where we are going, taking authority away from commissions at the State level and resting it in a central all-powerful Federal agency without clearly understanding its consequences.

What my amendment does is causes us all to take a deep breath, step back, not rush to judgment, leave in the reliability, because we have done that. We have vetted it. We have been heard on it. The committee has operated. The Senate has passed it. Deal with the consumer protection. But on all of this that is so very critical to the long-term stability of the electrical industry and the electric system of our country that we have all created phenomenal reliability on, let us step back for a moment and take a look at what we are doing and make sure we are doing it right. I fear we are not; I fear that we lay a great deal of a very fine industry in jeopardy to central all-powerful authority. Bad mistake, wrong choice.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, let me speak for a few minutes in opposition to this amendment by the Senator from Idaho.

He stated at the beginning of his comments that there is a lot of uncertainty, a lot of question as to how various markets will evolve. I agree with that. There is uncertainty as we go forward. We are trying to craft legislation that will allow for that uncertainty but will move us in the direction we know we need to move.

Why is it important that we retain this section, this title in the bill related to electricity? That is what the amendment offered by the Senator from Idaho purports to do; it purports to strip out of the bill the guts of that section, that title II of our energy bill. That would be a profound mistake for the Senate to go along with. It would be a profound mistake for the Congress. I hope very much his amendment will be defeated.

Let me start by saying that the reason we believe—the reason I strongly believe and I believe many of us believe—that electricity needs to be addressed as part of a comprehensive energy bill is the same reason that the President gave us, and the Vice President when the Vice President issued the report, the energy plan for the country over a year ago now. That is, that our future supply of energy, the reliability of energy supplies in the future, the adequacy of energy supplies in the future, electricity supplies, are legitimately in question unless we do some things to change our basic laws in this regard.

We need to recognize that this command and control approach to electricity generation, which we have relied upon for a century or more, is not going to meet our needs in the future. We need to recognize that a market-based approach makes more sense. We are moving in the direction of permitting that where appropriate.

We did have the lights going out in California. That was over a year ago now. Some people have forgotten about it. Of course, our economy has been in a slow period. Folks are once again assuming we have plenty of electricity and our electricity transmission system is adequate to our needs, and there is no reason for us to be concerned with this issue. It would be a profound mistake to reach that conclusion.

Nobody knows how hot it is going to get this summer. Nobody knows how

much of a demand there will be for electricity, for air-conditioners in major cities. Nobody knows whether the transmission system we have today is adequate to those needs.

What we are trying to do with this legislation is put in place some safeguards so that the transmission system is adequate, so that the additional generation of electricity that is going to be required for this country's economy in the years ahead will be there.

One of the points the Senator from Idaho made is that we haven't had enough hearings on this issue. Let me say, I have been on the Energy Committee for some time, nearly 20 years. I can't think of anything on which we have had more hearings. Let me recount for the Senate the extent of the hearings we have had.

Beginning in 1997, we had a hearing, a subcommittee hearing on competitive change in the electric power industry. That was on August 21, 1997.

In 1998, we had an oversight hearing on the recent Midwest electricity price spikes. In 1999, we had a whole series of hearings, full committee hearings. First, we had one on electricity competition generally. Then we had hearings in June of 1999 on the Electric Utility Restructuring Empowerment and Competitiveness Act of 1999, which was legislation we had introduced at that point. We had hearings on the Federal Power Act amendments of 1999. We had hearings on the Comprehensive Electricity Competition Act of 1999. We had six full committee hearings, according to the records I have, on that set of issues in 1999.

In the year 2000, we had an enormous number of hearings. My colleague, Senator MURKOWSKI, was chairing those hearings. I attended as many of them as I could, but quite frankly, there were more than any Senator could plan to attend. We had hearings on all aspects of this issue.

The Senator from Alaska referred to those as workshops so it wouldn't look as though we were having that many hearings on one subject, but we had well over 15 of these so-called workshops which took testimony, which gave Senators a chance to ask questions.

In 2001, we had again a series of hearings, a great many hearings, quite frankly, at the full committee on this set of issues. In 2002, we have also had hearings related to the effect of Enron's collapse on energy markets, electric infrastructure, and investment needs. That was in August of 2001. We had a hearing, just as recently as February of this year, on the amendments to the Public Utility Holding Company Act.

So we have had hearings. There is no lack of committee attention to this set of issues. That doesn't mean the issues have gotten simple; they have not. But I think we have a good framework here in this legislation for moving the country in the right direction.

Let me just describe, generally, what the legislation now contains as we have amended it on the Senate floor. I believe there are some pro-consumer provisions in this legislation. I believe there are some pro-environment provisions. I believe there are provisions in here that will tend to ensure that we have a greater generation of electricity in the future.

We have a renewable portfolio standard, which many of my colleagues have not favored. But that is in the bill. We have had three or four votes on that issue. The majority of the Senate clearly favors retaining that.

We have strengthened Federal Energy Regulatory Commission authority for market-based rates, including a stronger requirement that FERC act if rates are unjust or unreasonable.

We have strengthened Federal Energy Regulatory Commission authority to scrutinize mergers and acquisitions in the electric utility industry, including expanding that authority to encompass electric utility-gas utility mergers, mergers of holding companies that own utilities, mergers of generation-only companies. FERC currently does not have authority over any of these consolidations. We strengthen the standards by which mergers must be approved to require that FERC determine that mergers are consistent with the public interest, that they do not adversely affect captive customers of utilities. That is a very important provision. We are putting into law a requirement that FERC make a finding that if a merger occurs, it will not adversely affect a captive customer of a utility. We believe that is an important new safeguard. We also require that FERC determine that the merger not impair the ability of regulators to regulate and not lead to any cross-subsidy between the utility and any other business.

The latter three conditions are goals of regulation under the Public Utility Holding Company Act, which is current law. But here in this legislation we give those authorities to FERC, which we believe has a better track record, by far, of being a watchdog over the utility industry. The Public Utility Holding Company Act, which is the current law, is supposed to be administered by the Securities and Exchange Commission, and they have taken the position for the last 20 years that they did not want that authority, they did not believe they were the proper agency to have that authority. So we are transferring, essentially, that same responsibility over to FERC, and we are giving FERC the additional power it needs to actually enforce the provisions of that law—the pro-consumer provisions—to look out for ratepayers in a way that they really never have been in a practical way under the Public Utilities Holding Company Act.

In addition to the renewable portfolio standard, there are a number of other provisions to give renewable energy a stronger role in the market. There is a Federal purchase requirement for renewable electricity, new standards for net metering and real-time pricing, and access to transmission by renewable resources.

I believe very strongly that this bill moves in the right direction. There are a lot of things that this bill is accused of doing—this title to the energy bill—which in fact it does not do. It does not provide any vast new authority to the Federal Government. It does shift authority from the Securities and Exchange Commission to FERC, where we believe it can be much more effectively enforced. The market-based rate section doesn't grant new authority to FERC to order divestiture of facilities. That is a charge that has been made.

On transmission, the provision makes sure that all transmitting utilities are under the same rules. We believe there ought to be a uniform set of rules for utilities that are transmitting energy from one part of the country to the other. This is a national economy we are in today, and we need a national transmission system if we are going to prosper in this national economy.

The reliability section gives FERC some new authority. I am pleased to see that my friend from Idaho does agree that that should be included. The exact provisions of the reliability section—my friend from Wyoming, Senator THOMAS, and I disagreed on that earlier, and he won that argument. The Senate agreed to his provisions relating to reliability. That is in the bill. But it is very important that those provisions stay in the bill and that we not strip out this section of the bill.

I believe very strongly that Senator CRAIG's amendment would be a very major blow to our energy legislation. This is an issue that has been discussed, debated, and talked about at hearings in the Congress for about three Congresses now—three separate 2-year Congresses. The truth is that it is not an easy set of issues to get your arms around. The Senator from Wyoming, Mr. THOMAS, and his staff, I, and my staff have worked hard to come up with a set of provisions that we believe does what should be done and moves the country in the right direction. We had strong support and assistance from the administration.

Everybody likes to highlight the differences between Democrats and Republicans on energy issues. There are some legitimate, valid, and important differences on which we are going to have votes later this week, but this is not one of them. This is an area where we have had a very conscientious effort, on a bipartisan level, to work with the administration to come up with what we thought was good policy. I believe we have done that.

I compliment the Senator from Wyoming for his leadership in this regard, in pulling together provisions that he could support and that others could support. So I believe very strongly that those provisions ought to remain in the bill. Senator CRAIG's amendment would delete those provisions, so it is an amendment I strongly oppose.

I yield the floor, and I know my colleague from Wyoming is here to speak on this issue.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. THOMAS. Mr. President, I appreciate the comments of the chairman of our committee. I rise also to talk about this part of our energy bill, which I think is very important. In many ways, the energy portion of it touches more people than any other part. Of course, everybody relies on electricity. That is what we are talking about here.

I appreciate the comments of my friend from Idaho, who expressed his concern. Many of the concerns he expressed, however, are the same concerns we worked together to try to remedy, and indeed we have made some changes that reflect the things about which the Senator from Idaho talked. I agree that the process is not quite the way I would have had it. I wish we would have had more time in committee. Nevertheless, we took a bill, and I think we have made it better and we have had it on the floor, and by no means is it perfect, nor does it complete all the work that needs to be done in the electrical area. But there is no way you are going to complete that now.

We need to get started and to be moving. Further improvements can be made. I oppose the motion to strike, and even though the reliability—which is important—would remain, I think it is very important that we continue to move forward with making some changes in our electric policy.

It seems to me some of the things that have been talked about here are the very things we have sought to change. For example, in one of the sections there was originally major expansion of FERC's authority over State matters, no time limit on FERC review and action. In our bill, in the solutions we made, we reduced the expansion of FERC authority, raised the threshold of FERC authority from the review of asset sales from $1 million to $10 million, and moved more of the decisionmaking closer to the people.

As to market-based rates, the concern in the original bill is it gave FERC broad authority to take any action to remedy ''unjust'' rates.

We changed that. We said FERC can only fix those rates if it is found to be unjust, and there are six specific criteria and three general criteria. Again, it puts a bridle on FERC.

There were many points the Senator from Idaho talked about that we indeed have moved toward doing, and that is moving more power and beginning to get ready for regional transmission organizations, RTOs, beginning to make the initial move toward having the necessary transmission.

One of the things that has happened, and there have been great changes, is we basically deregulated generation. In the past, if a utility served an area around western Virginia, for example, that utility did the power generation and distribution. The State took care of that. We have changed it so there are many market generators who do not distribute but make it available to distributors, and it has helped reduce the price to consumers. That is a different situation, and we have to deal with it.

Since 1978, Congress has been pursuing Federal electric policies that promote greater competition in wholesale power markets, provide open access to transmission grids, and encourage development of independent power producers that now build most of our powerplants.

These policies were developed in a bipartisan manner and embraced by both Republican and Democratic Presidents. These policies have benefited consumers. Wholesale power prices have fallen 25 percent over the last 10 years. Nothing that happened over the past year changes that. We had problems, of course. We have gotten by those problems. Nothing has changed that.

The electric industry faces tremendous uncertainty. Investment in new transmission is lagging, and powerplant cancellations in recent months raise serious concerns about the adequacy of future electricity supplies.

This uncertainty is due largely to a prolonged transition to competitive electricity markets. This transition will not be complete until the Congress modernizes electricity laws to reflect changes in electricity markets since 1935. This is not a total remedy, of course, but this is a movement toward doing what has to be done.

The time has come to modernize our electricity laws to recognize change in the electricity markets, in much the same way Congress passed legislation to modernize financial services 2 years ago. Congress has been grappling with this legislation for 6 years. We have held more than 100 hearings, as the Senator from New Mexico has pointed out. Six years is long enough. It is time for the Congress to act.

The electricity provisions of S. 517 represent consensus. They are the product of many hours of negotiations between Senators and stakeholders. The Craig amendment would destroy this consensus and delay congressional action on this electricity legislation for years. It will take years to put it back together.

I suggest the Craig amendment is a step backwards. The amendment eliminates consensus transmission open access provisions that represent a bipartisan compromise that will prevent discrimination, promote effective competition, protect small transmission owners such as municipal utilities and cooperatives, and respect States rights.

The amendment preserves PUHCA, a law that is outdated and should be repealed. Every President since 1984 has supported PUHCA repeal. PUHCA repeal will provide FERC with ample authority to protect consumers against inappropriate mergers. State laws would also protect consumers of electricity.

The amendment preserves PURPA, a law that has imposed billions of dollars of above-market costs to consumers. Repealing PURPA has been the consensus for years. We must not continue to mandate that utilities agree to high-cost power contracts. Keeping PURPA is contrary to protecting the consumers.

The amendment limits FERC authority to review mergers.

The amendment will make it harder to increase electricity supply by limiting authority to order interconnections.

The amendment eliminates reforms that will accelerate refunds to consumers.

I think it is true the electricity industry is facing more regulatory uncertainty now than ever before. Investment in new transmission is almost nonexistent, and investment in new electric power supplies has fallen sharply. For the first time last year, powerplant cancellations outpaced new starts. No one wants to invest in new transmission of powerplants until they know what the rules are going to be.

The electricity industry is at an important crossroads. A lot of critical decisions must be made.

Some of these decisions can be made by FERC; many can only be made by Congress.

If the Craig amendment is adopted and Congress does not act on the electricity legislation, the transition to competitive markets will be prolonged, investment in new transmission and electricity supplies will fall sharply, electricity prices will be higher, and reliability will be lower. The electricity crisis in California and the West will probably recur.

The President has called for Senate passage of electricity modernization to protect consumers and ensure reliability. The President's plan to produce more reliable, affordable, and environmentally clean energy is built on three core principles:

The plan is comprehensive and forward looking.

It utilizes 21st century technology to allow us to promote conservation and diversify our energy supplies.

The plan will increase the quality of life of Americans by providing reliable energy and protecting the environment.

We have before us an opportunity to start to move in that direction. Is it the total effort? Of course not, we will have to continue to work on it. We need to do that.

We have made some forward movements. Of course, one of the major parts has been reliability. The other parts contribute a great deal to making it possible and urging people to invest in the infrastructure that has to be there, whether it be transmission or generation. I look forward to a time when we have RTOs, regional transmission organizations, that can come

off an interstate highway movement of generated electricity so that we can indeed have a marketplace.

I suggest we move forward with the bill as it is and not accept the Craig amendment. Now is not the time to retreat from the advances we have made in serving the American people with electric energy.

Mr. President, I yield the floor.

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

Mr. BINGAMAN. Mr. President, I thank my colleague from Wyoming for his comments. Let me raise for the Senate's attention one other voice that has spoken out strongly in behalf of what we are trying to do in our electricity title to the bill and in opposition to the Craig amendment. It is something I seldom quote because I seldom agree with it, but this is the Wall Street Journal editorial page of March 7, 2002. It has an editorial entitled, ''Keep the Lights On.'' It starts out by saying:

It is a $225 billion industry, and it's a horrid mess. We refer to the electric power industry, but the U.S. Supreme Court just took a helpful step toward fixing the messiest part of it—transmission—and keeping your lights on.

They go on to talk about how they believe FERC needs this authority to do what it is trying to do. The Supreme Court has indicated they believe they have that authority. Our legislation, as worked out between myself and Senator THOMAS, does incorporate those provisions.

The last paragraph of that editorial says:

The Bush Administration agrees with FERC, and now the Supreme Court says the agency is acting legally. Congress could also lend a hand here and, as part of its energy bill, give FERC clear jurisdiction over the transmission grid. We believe in federalism as much as anyone, but a national economy needs a better national grid.

Mr. President, I ask unanimous consent this editorial be printed in the RECORD.

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

KEEP THE LIGHTS ON

It is a $225 billion industry, and it's a horrid mess. We refer to the electric power industry, but the U.S. Supreme Court just took a helpful step toward fixing the messiest part of it—transmission—and keeping your lights on.

The High Court ruled unanimously this week that the Federal Energy Regulatory Commission, aka FERC, has the power to force investor-owned utilities to open up their power lines to competitors. Now maybe FERC can go ahead with building a more sensible national power grid.

The problem starts with a system of wires carrying juice that is outdated, inadequate and under increasing stress. The national delivery grid consists of three major systems—one each in the East, the West and Texas (which is another story entirely). But these grids aren't an integrated network. They connect only through tie lines where power must be converted from alternating current to direct current and back again. Until recently the grid handled 20,000 transactions a year; now it's more like 20,000 transfers in a single day during peak periods.

The result is chronic hot spots of congestion that can result in price spikes or even rolling blackouts. FERC estimates the cost of these hot spots the past two summers at $1 billion, and things will only get worse: Transmission use this decade is expected to grow 20% to 25%, but new capability will increase by only 4%.

Why not build more transmission lines? Well, people don't want hideous lines running through their back yards, and the 50 states, which have jurisdiction over siting, aren't eager to force lines on communities if the power those lines carry is going elsewhere. Second, new lines are expensive and firms don't want to make huge investments because of the political uncertainty of electricity deregulation. Third, utilities say the rate of return allowed on transmission lines is too low.

The current mess has also generated all sorts of anti-competitive behavior. Since local utilities have control over their transmission lines, they can favor their own generation over cheaper power coming from the outside. Plus, the very possibility of cheaper power makes it less likely that utilities will build more lines if those newer lines can be used by outsiders.

The good news is that FERC has proposed a sensible step toward straightening out this bird's nest. FERC's idea is to collect all this transmission into four big, regional areas—in the Northeast, Southeast, Midwest and West—make these regional grids independent of local utilities and give them the authority to manage electricity flow across these larger areas. Some conservatives are afraid this will result in a fiendish ''federalization'' of transmission. Nonsense. FERC's plan will make it possible to rationalize service and permit greater competition.

The Bush Administration agrees with FERC, and now the Supreme Court says the agency is acting legally. Congress could also lend a hand here and, as part of its energy bill, give FERC clear jurisdiction over the transmission grid. We believe in federalism as much as anyone, but a national economy needs a better national grid.

Mr. BINGAMAN. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I will give my colleagues a little history and background because I do not think there has been an awful lot of identification as to the credit and penalty costs associated with the renewable portfolio standard.

I commend the majority leader for his work, our staff, and the Senator from Wyoming as well. What I think we have done is, first of all, we have made some progress. We have debated an amendment that would have mandated a 20 percent renewable. I believe that was by Senator JEFFORDS. We have, I think, by amendment, strengthened the energy bill, and I think it is time, in view of the amendment offered by Senator CRAIG, to again highlight some of the specifics so each Member's office and each Member understands the significance of what this renewable portfolio means to them or their own individual constituents.

Oftentimes we get enamored with the reality that the renewable is free; it is a renewable. Therefore, it really does not cost us anything, and as a consequence we ought to get aboard and support it.

Senator CRAIG's amendment proposes striking the electricity title of the Daschle-Bingaman amendment, as modified by the bipartisan amendment, and replacing it with the Senate-adopted reliability provision and the consumer protections of the underlying Daschle amendment. I think a couple of comments are in order relative to the title that Senator CRAIG proposes to delete.

When the original Daschle amendment was introduced, I was concerned, as I indicated, about its electricity provisions. They were seriously flawed. We gave some examples of those concerns. As originally written, the Daschle amendment would have empowered the Federal regulators to micromanage the marketplace. I think most Members were fearful that was not in the best order of the marketplace nor appropriate for the Federal regulators to dwell in that area.

As originally written, the Daschle amendment would have allowed the FERC, the Federal Energy Regulatory Commission, to order electric utilities to divest assets. Further, as originally written, the Daschle amendment would have preempted the States, giving FERC the authority to regulate the many aspects of retail matters instead of State public utility commissions. So again, it would have given FERC broad authority on many aspects of retail matters, instead of the State public utility commissions. For those of us who believe local control and regulation is more responsive than one size fits all, that was troublesome.

Further, as originally written, the Daschle amendment did not deregulate and allow the market to work. Instead, it had government pick winners and government pick losers and decide what is in the consumers' best interest.

In short, as originally written, the Daschle amendment was a return to the old-fashioned Federal command and control of the market. But we have come some way since the introduction of the Daschle amendment, and what we have now is the reality that the Senate has agreed to a series of amendments authored by my good friend Senator THOMAS, most of which was done by unanimous consent. I appreciate working with the majority on that.

Senator THOMAS's amendments address many of the key problems with the Daschle bill, including reliability. So I think we have made progress. Had those not been adopted, I very possibly would have found it necessary to offer a motion to strike the electric title. With these amendments, we now have a

bill which, No. 1, protects consumers; No. 2, it streamlines regulation; and, No. 3, it enhances competition while preserving State authority. It ensures reliability of the grid, allows regional flexibility, and promotes renewable energy and other types of generation.

One might ask, with the adoption of these amendments: Are the electricity provisions perfect? Well, the answer is no. They are better, but there is a lot of work that needs to be done. Where is it going to be done? In conference or other places, or perhaps on the Senate floor. I think that is one of the reasons we should take a look at this matter one more time.

For example, the reliability still contains, in my opinion, an unrealistic renewable portfolio mandate that is going to cost consumers more than $12 billion per year and which undercuts the ability of States to craft a renewable portfolio program that protects their consumers and recognizes local needs and concerns.

With regard to the cost to consumers of the renewable portfolio standard of 10 percent, if we take one area of the country, Connecticut Light and Power, the customers of that particular utility are going to have to pay another $9.5 million per year. That is going to be split up.

Florida Power and Light, of interest to the present Presiding Officer: That is going to cost the consumers of Florida $264 million per year. That is going to be spread out.

To suggest this renewable mandate is free is not only misleading but totally inaccurate.

Georgia Power: It is going to cost the consumers of that utility $223 million per year.

Out West, Hawaiian Power, far West: $22 million more a year.

Commonwealth Edison in Chicago: $232 million more a year.

Now, that is what the mandate covers. I could go on into each utility and break it down because we have that information. So if we recognize, as each Member and as each office should, the cost to the consumer and the realism that the consumer is not going to be motivated to respond to the Members until such time as they see it on their utility bill, they are going to say: Hey, what happened? Is this a surcharge? What is this? This is going to be the cost associated with the renewable mandate.

Again, I think it undercuts the ability of the States to craft their own renewable portfolio programs and protect their consumers and recognize local needs and concerns, because this is a one-size-fits-all.

I would have preferred to have seen the States have the ability to address their responsibility on renewables, but the majority prevailed and that amendment did not carry.

In addition, the electric title still does not address the need for new electric generation and transmission. We saw the California blackout situation. We saw the price spikes that occurred because there was not enough power, not because there are not enough windmills in California. So as it currently stands, the electric title is greatly improved from where it started. However, it still needs considerable work.

I have a chart behind me, and hopefully we have a pointer, but I want to explain a little bit about this cost because I think it is paramount to the discussion. What we have over a period of time from the year 2005 is the escalating costs per year of renewables. It basically runs, starting in the year 2005, roughly $12 billion a year. So if we go from 2005 to 2017 or 2018, the overall cost accumulated over 13 years is about $88 billion. That is what it will cost. It is $12 billion, roughly, per year.

The red on the chart indicates the penalty payments which will cost an additional $12 billion. So we are looking somewhere in the area of roughly a $100 billion cost to the consumers as a consequence of the mandate of a 10 percent renewable portfolio standard being dictated by the Congress of the United States.

Maybe many Members believe it is worth that. I don't think we should have mandated this from the standpoint of one size fits all. Many States have addressed the renewable matter with their own proposals. That would have been much better. However, this is what the consumer faces.

Make no mistake, when the calls start coming in, each Member's office had better be prepared for an explanation of why the rates are higher to counter the presumption that somehow renewables are basically available at no cost to the consumer.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. MURKOWSKI. Mr. President, some remarks were made by the majority leader last night that I think need to be countered. I will take a moment to respond to some of the statements he made last evening.

Last night, some members of the majority accused the Republican side of the aisle of attempting to filibuster the energy bill. Nothing could be further from the truth. Since the debate on this issue began, we have disposed of 49 amendments, 21 offered by Republicans and 27 offered by the Democratic side. Countless other amendments have been worked out off the floor with the majority, and I compliment the majority leader and the chairman, Senator BINGAMAN, as well as the staffs who have been working on these amendments.

Prior to the recess, the cloakroom asked for a potential list of amendments from each side of the aisle. There were fewer than 50 amendments on the Republican side and over double that amount on the Democratic side. Republican amendments were all energy related; Democratic amendments included Medicaid and voting rights.

Over the recess, this side of the aisle worked to pare down its list of amendments and is reducing it dramatically to a realistic number of only a handful which should require votes. As I understand, there are nearly 85 to 95 amendments on the Democratic side of the aisle. The only filibuster I know of is on the other side of the aisle, being pledged by Senator LIEBERMAN and Senator KERRY.

I want my colleagues to know, and the majority leader specifically, that I am willing to enter into a time agreement with the majority leader this morning or any other time, to secure an up-down vote on the ANWR amendment which I intend to offer later this week. Again, so my colleagues understand, I am willing to enter into a time agreement with the majority this morning to secure an up-down vote on the ANWR amendment which I intend to offer later this week. I am inclined, unfortunately, to assume that the majority leader would not agree, but I offer it anyway.

This legislation is certainly a priority from our side of the aisle. It is a priority for the administration. I am willing to stay night and day to get the bill done, get it to conference, and on to the President as soon as possible. With the issues emanating from the Middle East, clearly there is justification for moving as rapidly as possible. I don't want anyone to be fooled by any musing that we are filibustering this bill. The facts simply do not support this.

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

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

Mr. BINGAMAN. Mr. President, I will propound a unanimous consent request in a minute, but before I do, let me indicate I think this is the 15th day we have been on this bill. Frankly, we are not able to move to conclude debate on this bill because we have so many Senators with amendments that they are not willing to bring to the Senate floor to file as amendments and to call those amendments up and offer them. We are not trying to keep anyone from offering an amendment, but we clearly need to begin to narrow down the number of amendments that are potentially going to be offered on this bill.

Let me make my unanimous consent request and see if we can get agreement.

I ask unanimous consent the list that I will send to the desk be the only first-degree amendments remaining in order

to S. 517, except for any first-degree amendments which have been offered and laid aside; that these first-degree amendments be subject to relevant second-degree amendments; that upon the disposition of all amendments, the bill be read the third time and the Senate proceed to the consideration of Calendar No. 145, H.R. 4, the House-passed energy bill, and all after the enacting clause be stricken and the text of S. 517, as amended, be inserted in lieu thereof; that the bill be advanced to third reading and the Senate proceed to vote on passage of the bill; that upon passage, the Senate insist on its amendments, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate; providing further that S. 517 be returned to the calendar, with this action occurring with no further intervening action or debate.

Mr. THOMAS. Mr. President, on behalf of the floor leader, I object at this time.

The PRESIDING OFFICER. The objection is heard.

Mr. BINGAMAN. I indicate for all Senators we will undoubtedly have to renew this request later today or perhaps tomorrow.

We are fast approaching that point where the majority leader is going to have to move to other legislation. We cannot devote the entire year on the Senate floor to consideration of an energy bill where Senators refuse to offer their amendments.

I do not accuse anyone of filibustering, but I certainly do believe Senators have been slow to define precisely what they want to offer by the way of amendments to bring them to the floor and to let us vote.

Senator CRAIG from Idaho has offered an amendment with which I strongly disagree, with which my colleague from Wyoming strongly disagrees. We are going to have a vote on that. I compliment the Senator from Idaho for offering an amendment and letting the Senate express its will on this important issue.

We will renew this unanimous consent request later today or tomorrow, so we put all Senators on notice that we are anxious to see their amendments and we are anxious to conclude work on this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I rise to say I agree with my friend. We do need to move forward. We have someone currently who is in the process. Hopefully, we can do it in a little later time.

I observe also there are a whole list of amendments on both sides. This is not a partisan issue. We need to move forward.

Further, let me comment a little on the remarks of the Senator from Alaska. I certainly agree with him. I am delighted he is in support of maintaining this electricity title. He does mention he thinks there needs to be some change in this renewable aspect which is in this title. I do not argue with that, but I certainly do not think that ought to keep us moving forward with our general approach in electricity. If there were to be an amendment—there are amendments filed that would deal with that specifically. We should do that. But that ought not be the criterion for us eliminating the things that will help us move forward with the electric title.

I have had occasion in past years to work quite closely on electricity and energy. I am very anxious that we do move towards modernizing the system. For example, we need to move towards more transmission in a State such as Wyoming where we have the highest production of coal of any State in the country. Coal is one of our best sources, of course. However, if you have mine-mouth generation, which is the most efficient, then you have to have a way to get it to market.

Clearly, there are things we need to do. But, clearly, we cannot wait. We have to get going and move on and begin to really deal with an issue that is difficult. I have been around here a while. I talked a lot about electricity. I have been on the committee. Also, as I said, I worked on this in the private sector. It is very complicated and for everything you seek to do, there are different views, and I understand that.

But as the President said and the administration said, it is time to move forward and make some progress. There will be other ideas. There will be other bills. There will be other hearings. There will be other considerations. But we have the basis here for moving more of the authority to the States. We have the basis here for making it less complicated. We have the basis for moving forward toward making it a more modern system. By trying to do away with that title, we remove the progress we are making. I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I want to speak on the amendment, but I ask unanimous consent to first devote 5 minutes as in morning business.

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

(The remarks of Mr. WELLSTONE are printed in today's RECORD under ''Morning Business.'')

Mr. WELLSTONE. Mr. President, Brian Baenig works for me. He does great work for me. He is on the floor. I might not get a chance to speak again. Brian is working up some great talking points for me. I could be more specific. I apologize. I wish to spell out my position on this amendment.

First of all, I said to the Senator from New Mexico before that I would try not to get into too much of the sort of flowery oratory where it seems as if it is insincere. I think he is probably one of the best Members of the Senate and is very substantive. He rarely speaks without a whole lot of knowledge. But I don't agree with him about an amendment that was agreed to by a quick unanimous consent basically repealing PUHCA. I think it was a big mistake. I would like to see at least FERC beef it up so we make sure we have some protection against more mergers, vis-a-vis more acquisitions, and more monopoly power. I don't wish to see just a few companies dominating these markets. I think it is very much to the detriment of ordinary citizens and consumers.

The problem with the Craig amendment is—and the reason I am not going to support it, and I will come back with an amendment to try to deal with where I think we still have some gap. I know that there are some provisions in the bill that try to maintain the consumer protection. But with the PUHCA repeal, I think we have some big gaps. I would like to come back with an amendment to fill some of those.

But I can't support this amendment. This amendment basically repeals the whole section of the bill. Albeit, I would rather have 20 percent, but somewhere around 10 percent or 8.5 percent on a renewable portfolio for electricity is really important. That is very important for my State of Minnesota.

I was in East Grand Forks the other day. You should never do these cafe visits—I am being facetious—because there is no control. People show up. There might be television. You never know what people are going to say to you. You might not like what they say. That is probably why it is the best place to be. It is certainly not controllable.

This one farmer wanted to debate me about ANWR: We should be drilling for oil. I said: We are in Minnesota. What are you talking about oil for? We are not oil rich. We don't produce any oil. As a matter of fact, we are a cold-weather State. When we import oil and natural gas, we export our dollars. We export over $10 billion a year. But we are rich in wind.

I was at Dan Jewels' Woodstock wind farm. It is incredible. There is so much excitement in farm country and rural Minnesota about wind, about biomass, about electricity, about renewable fuels, that portfolio about saving energy, efficient energy use, clean technology, small businesses, more jobs; keep capital in communities and be respectful of the environment; don't keep barreling down the same old fossil fuel path; we don't need more global warming.

I come from a State where we love the outdoors. We don't need more warnings, if you are a woman expecting a child, about being very careful when eating walleye—a great eating fish, by the way—from our lakes; or, if you have small children, you should be careful. It is outrageous—air toxins, mercury poisons, acid rain. We don't need more of it.

There is a baby step in the bill. Senator BINGAMAN has done a masterful

job of trying to deal with lots of different viewpoints and politics. One person's solution is another person's horror. People just have different views.

But for my part, I don't want to completely eliminate this renewable portfolio for electricity. It is too important for my State.

I can't vote for this amendment. I think it would be a mistake. I hope it will be defeated. I hope we can do something about figuring out perhaps just some stronger consumer provision in relation to the PUHCA repeal.

I will finish by saying we will come back to this. We will come back to this again if there is an amendment out here for oil drilling in ANWR. It will be the same issue. I don't even think the debate is whether or not it is only 6 months of oil or whether or not it is not recoverable for 10 years. I know all of those statistics. I think it is simply a matter of another issue, which is, what path we want to go down. I think we have a different path now before us, a different future. Renewables is part of it. I don't want to repeal this whole section because it is too darned important to my State of Minnesota. I am not just being Mr. Politician. I also happen to think it is too important for our country.

Every time somebody comes to the floor and says, my God, the Middle East; now we should drill for oil in ANWR, or do this or that, it is as if we have no other alternative. We have a lot of alternatives. Probably about 80 percent of the people in the country agree. I think the big problem is some of the oil producer interests still have lots of power.

I do not think we should eliminate the whole section. I think the Craig amendment is mistaken for that reason. I think my colleague from Idaho is right to address the problems with PUHCA but wrong to also eliminate some very good work, albeit a small start that Senator BINGAMAN and others have done, and of which I am very proud.

There are two things which are important for me: Renewable portfolio electricity, and also the renewable fuels part, which I think for all of us is a win-win.

I will support the chairman of the Energy Committee in opposition to this amendment.

I yield the floor.

Mr. BINGAMAN. Mr. President, 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.

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

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

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Craig amendment No. 3047 be set aside, to recur at 1:45 p.m.; that the time between 1:45 and 2 p.m. be for debate with respect to that amendment prior to a vote in relation to the amendment, and that no second-degree amendment be in order to the amendment prior to a vote in relation to the amendment, with the time equally divided and controlled in the usual form.

The PRESIDING OFFICER. Is there an objection?

Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THOMAS. 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.

Mr. THOMAS. Madam President, I ask unanimous consent to speak as in morning business.

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

(The remarks of Mr. THOMAS are located in today's RECORD under ''Morning Business.'')

Mr. THOMAS. 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. MURKOWSKI. 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. MURKOWSKI. Madam President, I call attention this afternoon to an article that appeared in the New York Times. It is entitled ''The Missing Energy Strategy.'' I want to quote it. The paper details what they describe as: Washington's sorry failure to devise a balanced strategy to reduce America's reliance on gulf imports and give itself greater maneuvering room in the war on terrorism and other foreign policy issues as well.

I think the paper is correct. We desperately need to reduce our dependence on foreign oil and free ourselves from the dangerous influence that leaders such as Saddam Hussein have over the future of American families.

Let me refer to the New York Times specifically because they have a mixed message on relief. They are criticizing Washington's sorry failure to devise a balanced strategy to reduce America's reliance on gulf imports.

This chart shows a chronology of the editorial position of the New York Times over time. In 1987, they said:

> Alaska's Arctic National Wildlife Refuge . . . the most promising untapped source of oil in North America.

They further state:

> A decade ago, precautions in the design and construction of the 1,000-mile-long Alaska pipeline saved the land from serious damage. They are quite specific. They say that ''precautions in the design saved the land from serious damage.''

They further state:

> If oil companies, government agencies and environmentalists approach the development of the refuge with comparable care, disaster should be avoidable.

They acknowledge, if you will, that we completed an 800-mile pipeline from the Arctic Ocean to Valdez. They say 1,000 miles, but it is obviously less than that. The significance of that is the acknowledgment that it was done safely. It is now about 28 years old. It continues to be one of the construction wonders of the world and continues to supply this Nation with about 20 percent of the total crude oil produced by the United States. The New York Times, obviously, supported that.

Then in an editorial in June of 1988, they said:

> . . . the potential is enormous and the environmental risks are modest . . . the likely value of the oil far exceeds plausible estimates of the environmental cost.
>
> . . . the total acreage affected by development represents only a fraction of 1 percent of the North Slope wilderness.

Then they further state:

> . . . But it is hard to see why absolutely pristine preservation of this remote wilderness should take precedence over the nation's energy needs.

Let me repeat that. They say:

> . . . But it is hard to see why absolutely pristine preservation of this remote wilderness should take precedence over the nation's energy needs.

Then March 30, 1989, they say:

> . . . Alaskan oil is too valuable to leave in the ground
>
> . . . The single most promising source of oil in America lies on the north coast of Alaska, a few hundred miles east of the big fields at Prudhoe Bay.

They are talking about ANWR:

> . . . The single most promising source of oil in America lies on the north coast of Alaska, a few hundred miles east of the big fields at Prudhoe Bay.

Furthermore:

> . . . Washington can't afford to treat the *[Exxon Valdez]* accident as a reason for fencing off what may be the last great oilfield in the nation.

Here they are in 1987, in 1988, and again in 1989. One would assume the New York Times would be consistent. As I indicated in their editorial of yesterday, they said:

> Washington's sorry failure to devise a balanced strategy to reduce America's reliance on Gulf imports and give itself greater maneuvering room in the war on terrorism and other foreign policy issues as well.

Madam President, as we look at where we are today and recognize the tremendous vulnerability this Nation has undertaken as a consequence of increasing our dependence on imported oil, and we realize that within the last few days with the announcement by Saddam Hussein that he will terminate for 30 days oil production from Iraq and then with the followup activity in Venezuela by PDVSA, which is a government-owned oil company, that has gone on strike, this Nation is now devoid of 30 percent of its total oil imports.

If we add up what we get from Saddam Hussein, Iraq, nearly 1 million barrels a day, plus the production from Venezuela, that constitutes 30 percent—Madam President, 30 percent—of this country's imported oil.

Where are we going to pick up the difference? It is interesting because the Saudis have indicated they have unused capacity. So the Saudis are preparing, at least we understand, to make up the difference. I wonder how that is going to set with the Arab world. I wonder how that is going to set with Iran, Libya, and clearly Saddam Hussein.

Furthermore, isn't it rather ironic that on the one hand we find ourselves dealing with a nation such as Iraq, a nation where we have been, for all practical purposes, in a standoff enforcing a no-fly zone since 1992. We have maintained almost what would be compared to an aerial blockade. We have put the lives of our men and women at risk since 1992. We have bombed Iraq three times already this year. He has attempted to take our aircraft down. We have put the lives of our men and women at risk.

The quid pro quo for that is an inconsistency in foreign policy. On the one hand, we import his oil, we put it in our planes and bomb him, and he takes our money and keeps his Republican Guard alive and develops weapons of mass destruction and aims them at our ally Israel. He may have biological weapons. He clearly has a delivery system.

Then where are we with our relationship with the United Nations? We had an understanding in the U.N. Oil for Food Program that we would have inspectors in Iraq and we would be able to observe just what Saddam Hussein was up to. We have not had any inspectors there for over 2 ½ years. As a consequence, we are left with the reality that we really do not know what he has.

Let's take this chronology a little further. We had reason to believe that terrorism was a threat to the United States. We had some reason to believe that al-Qaida, Afghanistan, and bin Laden were potential threats to our Nation, but we do not have any solid evidence that they were about to undertake those events on September 11, events which utilized for the first time an aircraft as a weapon.

We see this pattern unfolding where clearly had we had the intelligence, we might have been able to intervene in preventing that disaster that changed America.

Do we have the same exposure, the same potential with Saddam Hussein? If he is developing weapons of mass destruction, as we have every reason to believe he is, the question is, When is he going to use them and who is he going to use them on?

Let's take this a little further as we advance the realities of just what Saddam Hussein is up to. He has announced he is going to increase from $10,000 to $25,000 the payment to survivors of anyone who, as a target of terrorism, gives up their lives to take out other lives associated with the activities in Israel. He will pay that family $25,000.

That is certainly an incentive for those willing to give up their lives and make a sacrifice in their religious belief associated with consideration or payment for taking the lives of other individuals.

What is funding that? Where does Saddam Hussein get the money to pay survivors of those who initiate an action taking their own lives and taking the lives of many others? It is obvious. It comes from oil. That is the cashflow that Saddam Hussein has, and every time we go to the pump, we are adding to Saddam Hussein's cashflow indirectly because while Saddam Hussein is initiating the export from Iraq of about 1.1 million barrels a day, it is the fastest growing source of United States oil imports. So American families are counting on Saddam Hussein for energy, and in so counting on Saddam Hussein, we are basically furthering the incentive for those who want to sacrifice their lives to initiate a terrorist attack such as using themselves as a human bomb.

Maybe I am missing something, but I do not know what it is, and nobody has pointed it out to me specifically.

Going back to the New York Times, there was a recommendation back in 1987, 1988, and 1989, and today we have a criticism from the New York Times that Washington is a sorry failure because we have not devised a balanced strategy.

The current position of the New York Times is contrary to that as expressed in editorials of March of 2001 and January of 2001, and it is rather ironic. I will share the current position as late as March of last year and in January of last year. I quote from the January 1 New York Times: The country needs a rational energy strategy but the first step in that strategy should not be to start punching holes in the Arctic Refuge.

Finally, as this page has noted many times before, the relative trivial amounts of recoverable oil in the refuge cannot possibly justify the potential corruption of a unique and irreplaceable natural area.

They say the ''relative trivial amounts.'' What are we talking about? Does anybody know how much oil is in ANWR? If we look at this large chart, we can get somewhat of a picture and get an understanding because over in the black there is this 800-mile pipeline. That infrastructure is already in place. It was built in the 1970s. That particular pipeline, when Prudhoe Bay was operating at full capacity, was about 2 million barrels a day. Today it is a little over a million barrels a day. So the capacity for increased oil development is clearly there.

This is the ANWR area. It is 19 million acres. It is the size of the State of South Carolina. It is a very large piece of real estate. This is the area that is in question because out of this 19 million acres, this is the only area that Congress has the authority to open because the rest of the area is in two classes. One is a wilderness and the other is a wildlife refuge. There is 8.5 million acres in a wilderness set aside in perpetuity, and that is this light color. The darker buff color is a refuge, and that is about 9 million acres. This 1.5 million acres is what is at risk, and the New York Times now says the ''relative trivial amounts of recoverable oil.''

We may have some indication of what amount of oil there might be, but it is a guess because the geologists have never been allowed into this area and they have never been able to determine through the 3D seismic what this area might contain. They have estimates based upon 2D geological advanced efforts prior to 1980, but we do know we have a new technology that makes the footprint smaller. I might add, this came out of the New York Times. This is their science. This gives an idea of the new technology. When one used to drill, they drilled straight down and either hit or did not hit. With 3D seismic and directional drilling, the footprint from one well can be many derivatives. One could poke out here through directional drilling, down here, or down here, pick up all of these other areas, which makes the latest drilling technology applicable to reduce environmental damage.

The technology that is used is very different. We use ice drills, and I will show a picture of that in a minute, but before I do, I want to take this chart down because I want to reflect a little bit on the issue of trivial amounts. All we know is that the estimate of reserves is between 3.5 and 16 billion barrels. That is what the USGS has indicated, somewhere in between. How do we relate to that? The only way we can relate to it is in comparison to what we have produced in Prudhoe Bay.

Prudhoe Bay has been online 27 years. Its production was estimated to be 10 billion barrels. That was all. Today it is producing its 13 billionth barrel. It is still producing a million barrels a day. It is still the largest producing field in the United States.

So if we say Prudhoe Bay was supposed to be 10 billion and it is now 13 billion, the reason it is still producing at a high rate is the new technology that did not exist 27 years ago for oil recovery. So they are getting greater utilization out of the field.

Back to what this trivial amount might be, 3.5 to 16 billion. If it is in the middle, it is as big as Prudhoe Bay. That would be 10 billion barrels. How big was Prudhoe Bay? Twenty-five percent of our total crude oil production for the last 27 years.

So I did a little press report today on the so-called reserves. One of my friends from the State of Oregon indicated it was only a 6-month supply. I

had thought we had put that argument to rest. A 6-month supply is what some of those on the other side have indicated is what this reserve is. Well, okay, let us look at it. If this reserve is somewhere between 3.5 and 16 billion barrels, and let us say it is 10, and they say it is a 6-month supply, then what is Prudhoe Bay? It was supposed to be 10. Now it is 13. Was it a 6-month supply? No. It has been producing for 27 years, producing 25 percent of the total crude oil produced in the United States.

This 6-month supply is only valid—and I wish my colleagues on the other side who want to debate this issue would debate it from a factual and not a misleading point of view that is promulgated by America's extreme environmental lobby. If there were no oil produced in the United States and no oil imported, why, then, it might be a 6-month supply, but that is not a feasible or conceivable argument.

We have a response to the New York Times that it is a trivial amount, compared to their former statement that ''it is the most promising untapped source of oil.'' That was April 1987; 1988, ''the potential is enormous''; March 30, 1989, ''Alaskan oil is too valuable to leave in the ground.''

What the editorial board of the New York Times does obviously is their business. I talked with them about it. It was a rather interesting conversation, as a matter of fact. They said they have a new editorial editor and the former one went to California. I suppose that is a reasonable explanation.

My colleagues should know what they said in March of 2000:

> Mr. MURKOWSKI's stated purpose is to reduce the Nation's use of foreign oil from 56 to 50 percent partly through tax breaks.

Obviously, they think tax breaks is a motivation. They further say:

> But mainly by opening up more tracts of land for exploration, the centerpiece of that strategy in turn is to open up the coastal plain of the Arctic National Wildlife for exploration. This page has addressed the folly of trespassing on a wildlife preserve for what by official estimates is likely to be a modest amount of recoverable oil.

Boy, isn't that the way things go. One minute they are with you and the next minute they are against you.

What were they thinking in 1987 when they said it was a promising source of untapped source of oil? Or where were they when they said potential is enormous or risks are modest? Or where were they when they said Alaskan oil is too valuable to leave in the ground?

Today, they say:

> . . . Washington's sorry failure to devise a balanced strategy to reduce America's reliance on gulf imports and give itself greater maneuvering room in the war on terrorism and other foreign policy issues as well.

I ask unanimous consent the editorials of April 23, 1987, June 2, 1988, and March 30, 1989, when they supported it, as well as today's newspaper saying we are a sorry failure because we have not devised a strategy to reduce our dependence, be printed in the RECORD.

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

[From the New York Times, Apr. 10, 2002]

THE MISSING ENERGY STRATEGY

The events of the past year—prominently, a power crisis in California and the terrorist attacks on Sept. 11—gave the nation many reasons to re-examine its energy strategy. Now comes another: Saddam Hussein's decision to halt oil imports to the United States, at least temporarily, in retaliation for Washington's support of Israel.

In an interview with The Wall Street Journal earlier this week, President Bush warned that the recent 20 percent jump in oil prices could threaten economic recovery. While Iraq accounts for about 8 percent of America's imports, according to Washington's estimates, there is spare oil capacity in the system, and thus there should be no petroleum shortage if other Middle Eastern producers refuse to follow Baghdad. Even so, Mr. Hussein's action draws attention once again to America's dependence on imported oil, including oil supplied by the troubled countries of the Persian Gulf. It also points to Washington's sorry failure to devise a balanced strategy to reduce America's reliance on gulf imports and give itself greater maneuvering room in the war on terrorism and other foreign policy issues as well. The Senate, which has resumed debate on the energy bill, is the last hope for such a strategy. Admittedly, the prospects are dimmer than they were a month ago, when the Senate took up an imperfect but honorable measure cobbled together by Jeff Bingaman of New Mexico and Tom Daschle, the majority leader. The bill included a mix of incentives for new production of fossil fuels, largely natural gas, along with provisions aimed at increasing energy efficiency and the use of renewable energy sources. As such it stood in stark contrast to a grievously one-sided House bill that provided $27 billion in incentives for the oil, gas and coal industries and less than one-quarter that amount for efficiency. The House bill also authorized the opening of the Arctic National Wildlife Refuge to oil exploration and drilling.

On its first big test, however, the Senate collapsed under industry and union pressure and rejected a provision requiring the first increase in fuel economy standards since 1985. To Mr. Daschle's dismay, Democrats deserted the cause of fuel conservation in droves; New York's senators, Charles Schumer and Hillary Rodham Clinton, were among the honorable exceptions. The only bright moment in a dismal two weeks of debate and defeat was the approval of a ''renewable portfolio standard'' that would require utilities to generate between 5 and 10 percent of their power from wind, solar and other forms of renewable energy.

There are several things the Democrats and their moderate Republican allies can do to produce a respectable bill. First, they must defeat any amendment aimed at opening the Arctic refuge to drilling. Such an amendment is almost certain to be offered by Frank Murkowski of Alaska, but the facts are not on his side. Every available calculation—including those that accept Mr. Murkowski's inflated estimates of the amount of oil underneath the refuge—show that much more oil can be saved by fuel efficiency than by drilling.

Next, they must resist efforts to weaken the renewable energy provision, while defending energy efficiency measures that have yet to be voted on—chiefly a provision that would increase efficiency standards for air-conditioners by 30 percent. The Senate should also preserve a useful provision that would require companies to give a public accounting of their production of carbon dioxide and other so-called greenhouse gases. On the supply side, it can take steps to improve the reliability of the nationwide electricity grid, while increasing incentives for smaller and potentially more efficient producers of power.

These are modest measures, less ambitious than the Senate's original agenda. But at least they point in the right direction, toward a strategy that includes conservation as well as production.

[From the New York Times, Apr. 23, 1987]

IN ALASKA: DRILL, BUT WITH CARE

Alaska's Arctic National Wildlife Refuge is an untouched and fragile place that supports rare mammals and myriad species of birds. It is also the most promising untapped source of oil in North America. Should America drill for it?

What Congress decided, in 1980, was not to decide. It ordered a long study. The assessment is now in, and for Interior Secretary Hodel the decision isn't even close: leasing drilling rights to oil companies is ''vital to our national security'' because it ''would reduce America's dependence on unstable sources of foreign oil.''

Mr. Hodel is guilt of oversell. A single discovery can't save us from increasing dependence on Persian Gulf oil. But the potential economic benefit of development—perhaps tens of billions of dollars of oil—outweighs the risks. The unanswered question is whether environmentalists and developers can cooperate to minimize damage to the refuge.

The Interior Department estimates that between 600 million and 9.2 billion barrels of oil are recoverable from a 20-by-100-mile strip along the Arctic coast. But no matter how carefully done, development of the coastal strip would displace animals and scar land permanently. Tracks of vehicles that crossed the tundra decades ago are still visible. No one knows whether the caribou herd that bears its young near the coast would stop reproducing or simply move elsewhere.

Adversaries in this battle view development as ecological catastrophe or energy salvation. Outsiders can wonder why such apocalyptic fuss. An unusual environment would surely be damaged, but the amount of land involved is modest and the animals at risk are not endangered species. A lot of oil might be pumped, but probably not enough to keep America's motors running for an entire year. Ultimately, policy makers must weigh the dollar value of the oil against the intangible value of an unspoiled refuge.

The most likely net value of the oil, after accounting for costs and assuming a future world price of $33 a barrel, is about $15 billion.

How much an untouched refuge is worth is anyone's guess—but it's hard to see how it could realistically be judged worth such an enormous sum. If America had an extra $15 billion to spend on wilderness protection, it wouldn't be spent on this one sliver of land.

That doesn't mean, however, that developers should be permitted to treat the refuge as another Bayonne. Elaborate, necessarily expensive precautions are needed to contain the disruption. Human and machine presence can and should be kept to a bare minimum until test wells are completed. Dense caribou calving grounds should be left alone until the animals' response to change is gauged.

A decade ago, precautions in the design and construction of the 1,000-mile-long Alaska pipeline saved the land from serious damage. If oil companies, government agencies

and environmentalists approach the development of the refuge with comparable care, disaster should be avoidable.

[From the New York Times, June 2, 1988]

RISKS WORTH TAKING FOR OIL

Can Big Oil and its Government regulators be trusted with the fragile environment of Alaska's Arctic Wildlife Refuge? Congress, pressed by the Reagan Administration to allow exploratory drilling in what maybe North America's last great oil reserve, has been wrestling with the question for years. Then, last month, opponents' skepticism was heightened by a leaked report from the Fish and Wildlife Service saying that environmental disruption in the nearby North Slope oil fields is far worse than originally believed.

The North Slope development has been America's biggest test by far of the proposition that it is possible to balance energy needs with sensitivity for the environment. The public therefore deserves an independent assessment of the ecological risks and an honest assessment of the energy rewards.

No one wants to ruin a wilderness for small gain. But in this case, the potential is enormous and the environmental risks are modest. Even if the report's findings are confirmed, the likely value of the oil far exceeds plausible estimates of the environmental cost.

The amount of oil that could be recovered from the Wildlife Refuge is not known. But it seems likely that the coastal plain, representing a small part of the acreage in the refuge, contains several billion barrels, worth tens of billions of dollars. But drilling is certain to disrupt the delicate ecology of the Arctic tundra.

Some members of Congress believe that no damage at all is acceptable. But most are ready to accept a little environmental degradation in return for a lot of oil. Hence the relevance of the experience at Prudhoe Bay, which now yields 20 percent of total U.S. oil production. Last year, Representative George Miller, a California Democrat and opponent of drilling within the refuge, asked the Fish and Wildlife Service to compare the environmental impact predicted in 1972 for Prudhoe Bay with the actual impact. The report from the local field office, never released by the Administration, offers a long list of effects, ranging from birds displaced to tons of nitrous oxide released into the air.

According to the authors, development used more land, damaged more habitat acreage and generated more effluent than originally predicted. The authors also argue that Government monitoring efforts and assessment of long-term effects have been inadequate.

It's important to find out whether these interpretations are sensible and how environmental oversight could be improved. The General Accounting Office, a creature of Congress, is probably the most credible agency to do the job.

But even taken at face value, the report's findings hardly justify putting oil exploration on hold.

No species is reported to be endangered. No dramatic permanent changes in ecology are forecast. Much of the unpredicted damage has arisen because more oil has been produced than originally predicted. Even so, the total acreage affected by development represents only a fraction of 1 percent of the North Slope wilderness.

The trade-off between energy and ecology seems unchanged. If another oil field on the scale of Prudhoe Bay is discovered, developing it will damage the environment. That damage is worth minimizing. But it is hard to see why absolutely pristine preservation of this remote wilderness should take precedence over the nation's energy needs.

[From the New York Times, Mar. 30, 1989]

OIL ON THE WATER, OIL IN THE GROUND

Does the Exxon tanker spill show that Arctic oil shipping is being mismanaged? Should the industry have been better prepared to cope with the accident? Should the spill deflect President Bush from his plan to open more of Alaska to oil exploration?

Six days after the Exxon Valdez dumped 240,000 barrels of crude into the frigid waters of Prince William Sound, questions come more easily than answers. But it is not too early to distinguish between the issue of regulation and the broader question of exploiting energy resources in the Arctic. The accident shouldn't change one truth: Alaskan oil is too valuable to leave in the ground.

Exxon has much to explain. The tanker captain has a history of alcohol abuse. The officer in charge of the vessel at the time of the spill was not certified to navigate in the sound. THe company's cleanup efforts have been woefully ineffective. Local industries, notably fishing, face potentially disastrous consequences, and the Government needs to hold the company to its promise to pay. More important, Washington has an obligation to impose and enforce rules strict enough to reduce the risks of another spill.

That said, it's worth putting the event in perspective. Before last Friday, tens of thousands of tanker runs from Valdez has been completed without a serious mishap. Alaska now pumps two million barrels through the pipeline each day. And it would be almost unthinkable to restrict access to one-fourth of the nation's total oil production.

The far tougher question is whether the accident is sufficient reason to slow exploration for additional oil in the Arctic. The single most promising source of oil in America lies on the north coast of Alaska, a few hundred miles east of the big fields at Prudhoe Bay. But this remote tundra is part of the Arctic National Wildlife Refuge, and since 1980 Congress has been trying to decide whether to allow exploratory drilling.

Environmental organizations have long opposed such exploration, arguing that the ecology of the refuge is both unusual and fragile. This week they used the occasion of the tanker spill to call for further delays while the damage from the Exxon Valdez spill is assessed.

More information is always better than less. But long delay would have a cost, too: Prudhoe Bay production will begin to tail off in the mid-1990's. If exploration is permitted in the refuge and little oil is found, development will never take place and damage to the environment will be insignificant. If development does prove worthwhile, the process will undoubtedly degrade the environment. But the compensation will be a lot of badly needed fuel.

Environmentalists counter that, at most, the refuge will add one year's supply to America's reserves. They are right, but one year of oil is a lot of oil. The 3.2 billion barrels, if found, would be worth about $60 billion at today's prices, enough to generate at least $10 billion in royalties for Alaska and the Federal Government. By denying access to it, Congress would be saying implicitly that the absolute purity of the refuge was worth at least as much as the forgone $10 billion.

Put it another way. Suppose the royalties were dedicated to buying and maintaining parkland in the rest of the nation—a not unthinkable legislative option. Would Americans really want to pass by, say, $10 billion worth of land in order to prevent oil companies from covering a few thousand acres of the Arctic with roads, drilling pads and pipelines?

Washington can't afford to assume that the Exxon Valdez accident was a freak that will never happen again. But neither can it afford to treat the accident as a reason for fencing off what may be the last great oilfield in the nation.

Mr. MURKOWSKI. I would like to have an explanation from the New York Times, as a consequence of where they were in 1987 and 1998 and 1999 and in 2001 being against it and now they are critical when we are trying to do something about it. Yet they don't accept the responsibility of proposing a way to reduce that dependence.

I believe we need to reduce our dependence, free ourselves from the Saddam Husseins.

We have talked about CAFE standards. Do you know what the debate on CAFE standards was all about? It was about safety. We could have increased mileage, but we were concerned about the safety of our automobiles in relationship to families moving our children. We were ready to trade off. And we did, by majority vote, increase CAFE standards with the belief that we would be stripped of some of the safety features. The indication was we would lose hundreds, perhaps thousands of lives.

As we address where we are today, we ought to look at some of the facts. We saw an article that appeared in the USGS about 10 days ago indicating if we opened up this area, somehow we would risk the Porcupine caribou. Another chart shows caribou relative to the renewability of what amounts to a natural resource. This is the caribou frolicking in Prudhoe Bay. The reason they are frolicking is nobody shoots them. They become very accustomed to a modest amount of activity as long as they are not threatened. If they hear the snow machines, they bolt like cattle on a rampage.

This is the western herd. It is the herd that frequents the oilfields of Prudhoe Bay. The important thing to recognize with this herd is they have grown dramatically from 3,000 animals to 26,000 animals. There are few predators and very few wolves. As a consequence, the herd has grown dramatically.

The Porcupine herd is in a different part of the State. I will show the migration pattern of this herd. It bears some semblance to reality. My critics who say USGS indicated in its report that the caribou might be affected by oil activity did not reflect on a knowledge of certain migratory movements of this particular Porcupine herd.

This chart shows the boundary between the United States and Canada. We can see the northwest territories. This happens to be a Canadian highway called the Dempster Highway. This is the general path of the migration of the Porcupine caribou herd in purple. It goes into the 1002 area. The point is there is no fence between Canada and Alaska.

In their migratory path they cross the highway. The highest incidence of

the mortality of this particular herd is crossing the Dempster Highway, not getting hit by trucks and cars. That is where the people hunt. That is where they take them. They are very easy to get through. Drive the highway.

This is the Arctic Highway. It is pretty rugged, but it is accessible. If you are concerned about the effect on the caribou, consider the number of caribou taken for subsistence and other reasons in that area. They come in the summertime and calf. The question is, Do they calf in the 1002 area, the area where we have at risk, the potential of caribou that might be lost as a result of calving?

We have a chart that shows, over a period from 1983 to 2000, the general calving area. Green is the calving area. This chart was put together by the Department of Interior. This is the 1002 area. This is what is at risk. In 1999, there was some calving in the area; some calving in the area in other years. The good news is there will not be any activity there during that time.

Let me show you what the area looks like for about 10½ months of the year. It is a harsh environment of ice and snow with virtually no wildlife activity in this severe time. This is generally a fair picture of the Arctic Coastal Plain in the 1002 area in the wintertime. This happens to be a clear day in the wintertime. To see what it looks like most of the time in the winter with what is called whiteouts, where you have absolutely no relationship between the snow and the clouds, it looks just white. Pilots fly into it only on instruments because you cannot see the ground.

If you turn the picture back you can see what it looks like on a clear day, which is not most of the time. On a clear day, there is a difference between the ground and the sky. When it is a whiteout condition, cloudy and snowy, it is all white. There are a lot of flying accidents when people lose their horizon and are not proficient on instruments.

As we consider the debate and recognize we have specialized technology now—development occurs only in the wintertime—we can put aside some of the USGS estimate that somehow we are going to have a significant impact. This activity is only going to occur in the wintertime. When the short summer comes up—and it looks somewhat like this photo. This is the tundra. This is a well that was drilled. As you can see, there are no roads because we use ice roads. There will be no activity during the time that the caribou calve in this area.

Then, of course, we have the continued debate as to the validity of one report vis-a-vis another report. The USGS confirmed this week that the caribou would not be affected by exploration because the House bill, which is what is before the Senate, only allows 2,000 acres out of 19 million acres to be developed.

As we debate this issue on the energy bill, even though we have not offered the amendment, I did want to reflect a little bit on the New York Times' inconsistency. On the one hand, they supported it in 1978 and 1979, and then rejected it in 2001, and now are criticizing the Congress for not coming up with some methodology to reduce our dependence on imports.

If you are going to reduce it, you might as well go where you are most likely to find a substantial reserve of oil and that happens to be this area of Alaska. For those who say this is some kind of a pristine area, where there has been no development of any kind, let me remind you there is a village there. It is the village of Kaktovik. Real people live there. There are kids there. This is a little community hall. There are about 300 kids there. There are people who live there. They are on the snow machine there. We have some other pictures of the village itself.

This will give you some idea. This is in the 1002. This is Kaktovik. There are people who live there. There is an airstrip there, a radar station, a school. Here are some kids going to school in the morning. Nobody shovels their snow. These are happy kids, looking forward to a future.

What is that future? Does anybody around here know what a honey bucket is? A honey bucket is what you have when you don't have indoor plumbing and you need indoor plumbing because outdoor plumbing doesn't work in the wintertime. You and I and everybody else, we are used to water, sewer, the conveniences. These people have the same dreams and aspirations. How do they achieve those dreams and aspirations? By a better lifestyle, by a tax base, by jobs, by opportunities. Do these people support opening this area? I think we all know the answer to that. The answer is a very affirmative yes.

Are they entitled to have development on their own land, over which they have some control, the State of Alaska, or the Federal Environmental Protection Agency?

This may be a little stark. I am not commenting on the reality. But this is what a honey bucket looks like. That is what they cost, about $20. You empty it yourself. It is not what we are used to. But when you do not have sewer and water, that is what you get. I don't know how long that has to stay up to make the impression, but that is real. If you have not tried one, it is not the most gratifying experience. But if there is no other alternative, that is what you have.

I bring this to relate to those who are somewhat above that, a higher echelon, who somehow do not consider how real people out there live. They assume we all live kind of alike and the dreams and aspirations of an aboriginal people should not be considered in this debate.

Why shouldn't they? They have rights. They have representation. They elected me to the Senate and I am representing their interests. They want a better life and I think they are entitled to it. They should enjoy, at least to a degree of attainability, some of the things we take for granted.

We will be having an extended debate on this ANWR issue. For the people of my State, let's once and for all try to keep the arguments accurate. Let's not mislead people by saying it is a 6-month supply. That is absolutely ludicrous, and I assume most of my colleagues have the intelligence and fairness to recognize that argument doesn't hold oil. Not only are we not talking about a 6-month supply, some say it will take 10 years.

This is the other chart that shows the infrastructure that is already in suggests we can expedite permitting if the oil is, indeed, there, in the volume it would have to be.

I might add, this little red thing is the footprint of what 2,000 acres would be out of this 1.5 million acres in green. This is the footprint authorizing the 2,000 acres, and this whole area is 19 million acres.

Make no mistake about it, it is a very small footprint in an area that already has the development of Kaktovik and the Eskimo people who support it.

As we look at the issue of a 6-month supply—we have countered that. Can it be open in a reasonable period of time? What we have here—it doesn't show on this particular chart—we have a discovery here called Badame. It is a British Petroleum discovery. It has not proven out. But there is a pipeline from the existing 800-mile pipeline over to Badame so we would only need about 45 miles of pipeline to get to ANWR. Once the discoveries were made, and the discoveries would have to be substantive or we would never be able to afford the development, a pipeline could be run over there in a very expeditious manner in my opinion—one winter construction season—and we could have ANWR online in 2.5 to 3 years.

Let's remember, in 1995 we passed ANWR. It was vetoed by our President in the omnibus package. So we would today at least have oil flowing. To suggest we cannot do it safely, to suggest it is going to take 10 years is totally unrealistic. To suggest with the new technology it would have a detrimental effect on the wildlife is, again, without any scientific foundation.

We have some other characters here. We call them bears. We have polar bears and we have brown bears. The significance of the polar bear—these are not polar bears; these happen to be brown bears. Grizzles is their common denomination. These guys are walking the pipeline because it is easier than walking in the snow. You and I would do the same thing if we were out for a walk. The point is, these are not disturbing because there is no threat.

People say: What about the polar bears? We do not have many polar bears in this area, but we have a few. This is from the Washington Post. It is kind of an interesting, I guess, comparison, because this was a new field found over at Alpine. It came in initially about 100,00 barrels a day. That

is a lot of oil for one little field. The footprint is just that much, probably 20 acres.

This particular picture down here shows some polar bears, but they do not indicate where that picture was taken. This picture was not taken in ANWR. It was taken way over on the Arctic area known as Barrow, probably 600 or 700 miles west. But the point I want to make with regard to the polar bear—and it is legitimate—is the greatest contribution we made to the polar bear is the Marine Animal Act because you can't take polar bear as a trophy. You can't hunt them. You can in Russia or Canada, but you cannot do it in the United States; so they are protected. To suggest somehow that a mild amount of activity associated with development of ANWR is going to jeopardize the polar bear—the greatest jeopardy to the polar bear is somebody going out and shooting them. I hate to be so crass, but that is the factual reality.

What we have here, again, is America's extreme environmental community using this, lobbying it very heavily. At a time when clearly we have a lot of unrest in the Middle East, the New York Times is proposing Congress hasn't done anything to relieve our dependence, and there is the recognition that now we are starting a debate, very soon, on the issue of opening ANWR.

I encourage Members to try to sort out fact from fiction, as this debate goes on; recognizing that America stands to gain an awful lot from opening this area up.

There would be significant job creation. It is in the interest of our economy. It is estimated that somewhere in the area of 250,000 jobs would be created. America's unions are virtually 100 percent behind opening up this area because they know it can be done safely. They know it is a jobs issue. Not only are they convinced it is in the interest of our economy, but America's veterans are virtually unanimous in support of opening it. The reason the veterans support it is quite obvious to all. It would forestall the possibility that American troops would have to go overseas and fight a war over oil in a foreign land.

In conclusion, I hope Members really relate to doing what is right for America, what is right for jobs, and what is right for the veterans. I might add that the Israeli lobbying group is virtually 100 percent supportive of developing the Coastal Plain and relieving our dependence on Mideast oil.

When you start looking down the list of supporters on the other side, it is the environmental groups. There is no sound science to support their contention because we can do it safely. It is an extraordinary resource available for this country. It can be developed in a relatively short period of time. It can be done without jeopardizing animal life. For those who claim to be experts, I suggest they go up there, talk to the people, take a look at it, and recognize the significance of the dreams and aspirations of those people who have to depend on this kind of living when there are alternatives that you and I take for granted. This is the hard reality of the lifestyle of some of my people who want a better lifestyle, and they expect that the Senate will protect their interests.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

(The remarks of Mr. FEINGOLD are printed in today's RECORD under ''Morning Business.'')

Mr. FEINGOLD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. STABENOW). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

THE MIDEAST

Mr. SPECTER. Madam President, I have sought recognition to comment briefly about a trip I made to the Mideast and to the efforts being made at getting a cease-fire and a truce.

Two weeks ago yesterday, I arrived in Jerusalem and met with General Zinni, and then with Israel's Prime Minister, Ariel Sharon, and then with the Palestinian Authority's Chairman, Yasser Arafat.

On that day, I was told by all three of those men that they were very close to finding agreement on security arrangements under the so-called Tenet Plan put forward by CIA Director George Tenet.

Then the next day there was the massacre, the suicide bomber at the Passover Seder where 22 people were killed and several hundred were wounded. Then the whole situation in the Mideast exploded.

The Israelis then undertook a military operation to try to root out the suicide bombers. And following the initiation of that military operation, the suicide bombers stopped for a few days. Then they started again yesterday.

I am glad to say that Secretary of State Colin Powell has gone to the Mideast at the President's direction. I know the Secretary would have preferred to have gone after all of the arrangements had been worked out and it could be a triumphant tour, but I do believe it is necessary to make an effort even where success is not assured. Nobody hits a home run, we can't expect someone to hit a home run every time they go to bat.

The risks for the United States of doing nothing are much greater than the risks if we try, even if there is not immediate success.

On the wave of the suicide bombings, it is very difficult to ask the Israelis to stop their efforts in self-defense to root out the terrorists and to stop the suicide bombers. It is very hard to do. We cannot allow, the world cannot allow suicide bombings to become an epidemic. What happened to the United States on 9–11 involved suicide bombers, just a little bit more sophisticated. They hijacked airplanes that they crashed into the trade towers. One was headed to the White House which hit the Pentagon, and another was headed to the Capitol which went down in Somerset County, PA.

If suicide bombers are not stopped, they are going to become an epidemic and a way of life; no one is going to be safe. It is very difficult to expect Israel not to act in its own self-defense in rooting out the suicide bombers.

The evidence came to light last week, or the purported evidence, that documents were found which bore the signature of Chairman Arafat on paying money to terrorists who were involved against the State of Israel. It seemed to me that when that evidence came to light, we had to check it out thoroughly to see if in fact it was true. There has not been conclusive authentication, although from all appearances it seems to be accurate.

The Palestinian Authority did not directly deny the accuracy but said, somewhat tangentially, that Israel sometimes concocted the documents and said further that Israel was using this issue for propaganda purposes. Both of those responses are really beside the point. The point is, are those documents authentic?

There yet ought to be a determination, perhaps made by a U.S. official, perhaps by the Federal Bureau of Investigation, or perhaps by the CIA or some impartial agency, to see for sure if that is in fact Chairman Arafat's signature and his handwriting.

When I saw him 2 weeks ago yesterday, I asked him a great many questions. One of the questions I asked him involved the Iranian shipment of arms to the Palestinian Authority which was documented. At that time, there was not conclusive proof linking Arafat personally, but there was conclusive proof that it went to the Palestinian Authority. When I talked to Chairman Arafat and his advisers in the face of their denials that it ever happened, it seemed to me not credible and not worthy of belief.

When I saw Chairman Arafat, I conveyed General Zinni's message that Chairman Arafat ought to make an emphatic, unequivocal statement in Arabic to stop the suicide bombings. Chairman Arafat refused to do that.

If it turns out that these documents do in fact bear Arafat's handwriting and if it is conclusive that Arafat has paid off terrorists, then it seems to me very difficult to deal with Arafat or to ask Israel to deal with Arafat.

I am not unmindful of the grave difficulty as to how we negotiate with the Palestinian Authority if we do not negotiate with Arafat. But the ultimate question is, what is an arrangement, what is an agreement with Arafat,

worth if in fact he has been paying off terrorists? You have a sequence of events that would be most damning. The Iranian arms deal is very problematic. His refusal to make an unequivocal statement in Arabic to stop the suicide bombings is also obviously very problematic.

I am glad to see Secretary of State Powell talking to moderate Arab leaders first. The reports were that when he met with Mohamed VI, the leader in Morocco, Mohamed VI challenged the Secretary on why he had waited so long to come to the Mideast and why he had gone to Morocco instead of going to Jerusalem where the war problem existed. I think Secretary of State Powell was correct in going to Morocco first and then talking to the Crown Prince of Saudi Arabia who happened to be in Morocco as well, then proceeding to Egypt, and then to talk to King Abdullah of Jordan—to go to the moderate Arabs first.

I frankly like King Mohamed VI's spunk in challenging the United States. I think that kind of independence and that kind of directness is very refreshing, even though I believe Secretary of State Powell is correct and had a good answer for Mohamed VI. I have had a chance to meet him on prior trips to the Mideast. He is a man in his late thirties. I think it shows great promise of leadership in the moderate Arab world. He follows his father who had good relations with Israel and had an open mind. He has the real potential for leadership.

On the trip to the Mideast a week ago last Thursday, I had a chance to talk to King Abdullah of Jordan. There is another young moderate leader of the Arab world who has real potential.

I have been a little disappointed lately in what President Mubarak has had to say and a little surprised to see in the morning's press that it is the Egyptian Foreign Minister who had a press conference with Secretary of State Powell as opposed to President Mubarak.

When President Mubarak was visiting here a few weeks ago and a number of Senators met with him in the Foreign Relations Room downstairs in the Capitol, the question was raised about an editor of a newspaper reportedly very close to President Mubarak who had spread false rumors or printed a false report that the United States was engaged in providing tainted food in Afghanistan which is totally untrue. The question arises as to why that is going on. It may be that it can't be controlled by President Mubarak. But when that question was posed, there was not a satisfactory answer given to it.

President Mubarak has been a strong moderate leader for many years. The United States has responded with $2 billion a year since the late 1970s, or in the range of $50 billion in United States aid to Egypt in recognition of their leadership.

It may be that what we will have to look for ultimately is some other representative, if Chairman Arafat is disqualified because of what he has done, it may be that the moderate leaders such as Mohamed, or Abdullah, or Mubarak, will have to step forward. It is very troublesome as to what may be accomplished. I am hopeful that Secretary of State Powell will be able to broker a truce. As I said, 2 weeks ago yesterday they were very close to security arrangements and to an agreement among Chairman Arafat, General Zinni, and Prime Minister Sharon. But beyond the truce, I think Secretary of State Powell is correct. As he commented yesterday, there has to be an immediate action toward a political settlement.

There has been agreement that there will be a Palestinian State. Prime Minister Sharon has acknowledged that, and that is understood in Israel. Those are the terms of the Oslo agreement President Bush talked about. I do think there are ways to move ahead to see to it that the issues of boundaries, the issues of settlements, and all the other issues in the political mixture can be worked out.

During our trip, we also had an opportunity to meet with President Bashar al-Asad of Syria, another young man—a new generation—in his thirties. He is 36 years of age. I had occasion to get to know his father, Hafez al-Asad. I have been traveling to Syria almost every year since 1984 and had many meetings—more than a dozen—with President Hafez al-Asad, and I had an opportunity to meet President Bashar al-Asad when I attended the funeral in June of 2000.

In a meeting I had with President Asad a week ago Saturday, we talked about a great many subjects. It is my hope, as matters evolve, that President Bashar Asad will present a new image for Syria. I know in today's press it is reported that Vice President CHENEY has contacted President Bashar Asad about not opening up a second front in Lebanon. It is my hope that Syria will be cooperative in that respect.

When I talked to President Asad a week ago Saturday, I raised a number of issues with him. He had been quoted at the Arab summit, saying it was acceptable to target civilians. I commented to him that I thought that was not appropriate, that you simply cannot target civilians. Civilians might be injured and they might be casualties, as civilians were injured when the United States bombed Yugoslavia, but to target civilians is unacceptable. We had a discussion about that. He responded there were thousands of settlers in the Golan who were armed, and I replied that if that situation was unsatisfactory to Syria, President Asad should pick up what his father did and try to negotiate a settlement on an arrangement brokered by President Clinton back in the mid-1990s, when Syria and Israel were very close to agreement, with Prime Minister Rabin and President Hafez al-Asad.

I commented about President Asad's speech last summer where he equated Naziism with Zionism. I told him that that not only was unacceptable and problematic for the international Jewish community, but for the international community generally. President Asad responded that if you talked to the man in the street in Damascus, he or she would not know very much about Naziism, but they would be very unhappy with Israel. I said equating Zionism and Naziism is very repugnant, that the principal reason for the Jewish nation in Israel was the Holocaust and the incineration of 6 million Jews, and that kind of equation is unacceptable.

In conclusion, I see colleagues coming to the floor, so I will not take up any more floor time. I think we have to pursue new avenues. I think we have to look to moderate Arabs such as Mohamed of Morocco, Abdullah of Jordan, and Mubarak of Egypt to lead the way. And if we find this evidence as to Yasser Arafat's complicity in paying terrorists, we have to face up to that head on.

President Bush has been very emphatic that you can't deal with terrorists, you can't deal with anybody who harbors terrorists. In moving forward with negotiations, before there is a truce, there is a real problem there on the appearance of rewarding terrorism by having negotiations before there is a truce. Prime Minister Sharon had insisted on 7 days of quiet before he would negotiate, and in the interest of trying to move the process forward, he has abandoned that precondition. But we have to be very careful in our dealings here that we do not reward terrorists, which will only encourage more terrorism.

I ask unanimous consent that my trip report be printed in the RECORD.

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

SENATOR ARLEN SPECTER, REPORT ON FOREIGN TRAVEL, ENGLAND, NETHERLANDS, GREECE, SAUDI ARABIA, ISRAEL, JORDAN, SYRIA, MARCH 22–APRIL 1, 2002

ENGLAND

We arrived in London on the evening of Friday, March 22, 2002. On Saturday morning, Glyn Davies, Deputy Chief of Mission (Charge d' Affairs), and Mr. Ethan Goldrich, First Secretary, of the U. S. Embassy staff provided a briefing. We discussed the British reaction to a host of issues, including Iraq, Iran, Russia, China, steel, anti-terrorism coalitions, NATO, England's Jewish population, and embassy security.

The U.S. decision imposing tariffs on steel imports has been of great concern to British officials. The issue appears to be less of a bilateral one between the U.S. and the U.K., and more of a concern about increased dumping of steel from countries excluded from U.S. markets that could affect the British steel industry.

Domestically, Mr. Davies noted that the political landscape is dominated by Prime Minister Tony Blair. Tory power is low currently. Domestic problems such as crime and health care remain unsolved. England's bureaucratic structure is very powerful, and is about equal to the political establishment. Mr. Davies shared a story about the bureaucratic heads preparing separate memos immediately before the election outlining different initiatives depending on who won.

I asked about the solidity of the U.S.-led coalition. The embassy staff noted that five nations have troops on the ground in support of the Afghanistan action and that fourteen countries are members of the assistance force. There is a general feeling that even Great Britain's support for the U.S. has somewhat diminished. Immediately after the September 11, 2001 attacks, the British people showed an outpouring of support through letters, telephone calls and acts of kindness. Many people drove to Heathrow Airport to take home stranded Americans. Further, over 50,000 people came to the Embassy to sign condolence books in the rain. Despite this overwhelming support, the British people and officials are often concerned about the use of their troops. They fear an ''overstretch problem'' with commitments around Europe and elsewhere and are skeptical of further military actions, including one against Iraq.

On the issue of Iran, there appears to be a real divergence between the U.S. and U.K. positions. England opened an Embassy in the hopes of improving communication between the two nations. They are appealing to the moderates in Iran, who are known to exist, but are not in positions of power yet. President Bush's inclusion of Iran in the '' Axis of Evil'' is reportedly viewed as inappropriate and the British are treading lightly with regard to Iranian issues.

We discussed the security of the U.S. Embassy. Protective actions have been taken, but more work is reportedly warranted.

That evening, we had dinner with the Rt. Ron. Geoffrey Johnson Smith, a former Member of Parliament who recently retired. Geoffrey and I debated in November 1949 when he represented Oxford and I was on the University of Pennsylvania team. We discussed the wide range of U.S./British relations, including our 1949 debate topic: ''Resolved that the British Empire is Decadent.''

NETHERLANDS

From London, we traveled to The Hague, Netherlands, and met, dined and stayed with U.S. Ambassador Clifford M. Sobel and his wife Barbara with whom we discussed a wide range of issues.

On Monday, March 25th, we met at the headquarters of the International Criminal Tribunal for the former Yugoslavia (ICTY). The attendees at the meeting were Carla Del Ponte, Chief Prosecutor; Mark Ierace, Senior Trial Attorney; Gavin Ruxton, Senior Legal Advisor; Mark B. Harmon, Senior Trial Attorney; Michael Johnson, Chief of Prosecutions; Anton Nikifozov, Special Advisor; Jean Jacques Joris, Diplomatic Advisor; and Graham Blewitt, Deputy Prosecutor.

The Tribunal has six ongoing trials in two types of cases: leadership and criminal. There are three courtrooms with morning and afternoon sessions. The U.N. has provided a budget of $200 million for two years, which forced the ICTY to eliminate two full trial teams. The ICTY now has six trial teams. Efficiency has been reportedly questions by the U.N., but Ms. Del Ponte and her staff feel that these criticisms are unfounded. The workload for the ICTY is immense, with one case producing a quarter of a million documents, which require translation into three languages. Overall, twenty-five cases have been completed.

We had planned to view the Slobodan Milosevic trial; however, it was postponed due to Milosevic' s having the flu. That trial has attracted much international attention, and the ICTY staff is concerned that the trial is an opportunity for Milosevic to make political statements. The prosecutors are confident that another view will be taken by the public once the prosecution has a chance to expose Milosevic's weaknesses.

Former Ambassador Holbrooke has been called to testify. We were told that the U.S. Government has invoked Rule 70 for any Americans testifying, which would require a closed session. Ms. Del Ponte fears that this may provide Milosevic an opportunity to announce through the media his version of the closed sessions. Ms. Del Ponte said she discussed the likelihood of the U.S. waiving the rule with Secretary of State Colin Powell who said he would consider it.

I asked about the status of the Radovan Karadzic and Ratko Mladic cases. Karadzic has been sought for six years with reports that he travels with impunity. Two raids have been made recently related to his case. Similarly, Mladic is not the type of person who is able to hide in his country. There are reports that Mladic has been seen in a Belgrade Park with 60 guards. The Tribunal's work is hampered by the fugitive status of these two men.

I asked for an update on the Rwanda prosecutions. On the cases, the Tribunal has 53 detainees, including 17 on trial and 32 awaiting trial. Ms. Del Ponte frequently visits Rwanda as a part of her oversight duties. Each Tribunal—for the former Yugoslavia and Rwanda—has roughly the same staff of 70 attorneys each, although the vacancy rate is high in the Rwanda office.

GREECE

En route to Saudi Arabia, we stopped briefly in Souda Bay, Crete in Greece. We met with U.S. Ambassador Thomas Miller and discussed many issues. First, we spoke about Greek support of the U.S.-led war on terrorism, as well as threats in Greece by a group known as November 17th. They have reportedly killed twenty-two U.S. and other foreign personnel in Greece since 1975. We also discussed trade, which balances fairly heavily in favor of the U.S., primarily through military equipment sales.

We touched on the Cypress issue, which the Ambassador thinks is close to being resolved. On U.S. action in Iraq, the Greeks urge diplomacy over military action. The Ambassador recommends the U.N. as the best forum to discuss Iraq with Greece and other hesitant nations. Moving onto the Israeli-Palestinian crisis, the Greeks appear to be supportive of the Saudi plan. Further, the Greeks see potential in Iran as part of the solution to tensions in the Middle East, as evidenced by the Greeks hosting Iranian President Khatemi recently.

SAUDI ARABIA

From Greece, we continued on to Jeddah, Saudi Arabia. Before leaving Washington, D.C., we were told we would meet with Crown Prince Abdullah Monday night or Tuesday morning. Upon arriving there, we were told to await a call setting the meeting time on Monday evening. Shortly thereafter, we were advised there would be no meeting because the Crown Prince was preparing for the Beirut summit and would be departing for Beirut early the next morning.

ISRAEL

We left Saudi Arabia on the morning of Tuesday, March 26th and stopped briefly in Amman, Jordan, as required by Saudi regulations, on our way to Tel Aviv, Israel.

That afternoon, we met with General Anthony Zinni, U.S. envoy to the Middle East. General Zinni said the Israelis and Palestinians were very close to an agreement on the Tenet plan. He had been in negotiations with the leaders of both sides and reported progress at every meeting. The plan proposed by Director of Central Intelligence George Tenet in June 2001 was Zinni's working draft. That plan is focused on security issues. The process would then lead directly into the George Mitchell plan on political matters and end with resolving final status issues.

General Zinni stressed that a plan would have to be given time to work on the ground. He believes Israelis will be satisfied if they believe Yasser Arafat and the Palestinian Authority are making a 100% effort to end the violence. He suggests the use of outside monitors, including some U.S. personnel, to evaluate the situation after an agreement is reached. Under the Tenet plan, they would monitor arrests, including the use of proper procedures; weapons confiscation, including disposal; and actions of incitement of violence.

When I asked about his reaction to the Saudi proposal, the General said it was a remarkable plan, because of the mere fact that it was offered and that it appears to have strong Arab support from around the region. He said the Saudi plan could further political discussions.

There is a great deal of speculation as to whether Yasser Arafat can control the violence. His forces have been weakened by Israeli attacks. Upon learning of my meeting later that evening with Arafat, General Zinni asked me to make a few points. First, Arafat needs to sign and follow the Tenet agreement. Second, Arafat must make a clear declaration to end the violence in Arabic and English. Chairman Arafat has been accused of saying one thing in Arabic and the opposite in English.

General Zinni told me that the Israelis are very concerned about the Syrian connection to Hezbollah in Southern Lebanon, which reportedly has about 8,000 rockets that could be used against Israel. We discussed the need for more pressure on countries to stop funding terrorism. These countries allow organizations to operate, exploit children as suicide bombers, and funnel cash for arms. The General suggested that an Arab non-governmental organization or cooperation with the U.S. Agency for International Development (USAID) and other humanitarian groups from around the world could help address the poverty from which terrorist groups recruit young terrorists.

Late that afternoon, I met with Prime Minister Sharon and U.S. Ambassador Daniel Kurtzer. Prime Minister Sharon was generally upbeat and in a good mood notwithstanding the pressures and problems. He asked our Ambassador what had happened on his (Sharon's) request to attend the Beirut Arab summit. The Ambassador replied that the inquiry had, not unexpectedly, been turned down. Prime Minister Sharon expressed appreciation that an effort had been made.

There was then an extended discussion over the U.S. request to let Chairman Arafat attend the Beirut summit. Sharon said Arafat shall not be rewarded since he had done nothing to stop the violence. At least, Sharon said, Arafat should have made some statement about ending the violence.

Sharon then asked the U.S. Ambassador if the U.S. would back up Israel in refusing to allow Arafat back in if violence occurred in his absence. As events developed, Arafat was not permitted to leave Ramallah and nothing came of the issue.

I asked Sharon what would occur if the suicide bombings continued after Arafat made an adequate statement for terrorists to end the violence. Sharon replied that all Arafat could do was give 100% of his best efforts. It was apparent from Sharon's tone that he did not trust or expect anything positive or productive to come from Arafat.

At 7:00 p.m., Joan and I had a pre-Passover Seder dinner with my sister and brother-in-law Hilda and Arthur Morgenstern who live in Jerusalem.

At 8:30 p.m., we embarked in an armored car for the 40–minute drive to Ramallah. Our security officer advised that many weapons

commonly used by Palestinian terrorists could destroy our vehicle. To say the least, it was an uneasy ride.

When we came to the line of demarcation between Israeli and Palestinian territory, we noted a tall cement barrier to shield Israeli soldiers from Palestinian snipers. We were advised that there were Israeli snipers a block away in a high-rise abandoned hotel.

Starting at 9:30 p.m., we spent about an hour and a half with Chairman Arafat at his compound in Ramallah. Also attending were Sa'eb Erekat, Minister of Local Government; Nabil Abu Rudeinch, Chief de Cabinet; and Jeff Feltman from the U.S. Consulate.

Chairman Arafat said he thought General Zinni was correct that a deal was close. He said the most recent meeting was very positive. Mr. Erekat stated that they are one-hundred percent committed to the Tenet plan. Generally, we were told that the deal is acceptable, with some specific items still in negotiation.

I told Arafat that General Zinni is asking for his public denouncement to end the violence to be in English and Arabic. Arafat said he has made these statements in the past, sometimes at the request of American officials like Secretary of State Colin Powell, and that he will agree to do it again. Arafat said, confirmed by Erekat, that he will follow the precise script agreed to with Zinni and Israeli officials in Arabic as well as English.

Regarding Arafat's control of terrorist groups, he said he could control them if he has help to rebuild his forces, buildings, and infrastructure. He said that with every Israeli strike, his power to stop the violence is diminished.

I brought up the subject of the Iranian arms shipment destined for Palestinian groups that was seized recently. Chairman Arafat became very animated, denied that the Palestinian Authority had received arms from Iran, claimed he did not need weapons and said the Iranians have called for his death, so he questions why anyone would think he would be dealing with them. His denials of dealing for Iranian arms were totally unpersuasive in view of the conclusive evidence to the contrary.

I also asked his opinion on possible action against Iraq. He urged extreme caution, arguing that it would greatly strengthen Iran. He warns that the Shiite Muslim areas, accounting for as much as half of Iraq' s total population, would be taken over by Iran, and that Iran's borders would expand. Further, he claimed that Iran and Turkey would argue over control of the Kurds.

On Wednesday, March 27th, we met with Israeli Foreign Minister Shimon Peres. He said the Tenet plan must be expanded to deal with political issues. He is not convinced that a solution is close. He stated there are a number of items that he feels are necessary for a successful peace proposal, including: recognition of a Palestinian state; determining borders; no ''right of return'' for Palestinian refugees; Jewish settlements; Jerusalem as a holy place without sovereignty; and security.

He has urged General Zinni not to ask Arafat for things he cannot do and recommends making private requests of Arafat, instead of open demands. It is Peres' sense that Arafat feels he is winning and wants to be seen as a moderate ruler to the world and as a popular leader with his people. He reiterated concerns that Arafat delivers different messages for different audiences and is careful not to issue orders, so as to protect himself. He thinks the Saudi plan is psychologically significant, because it recognizes the Israeli state and pulls the whole Arab world together.

On potential U.S. action against Saddam Hussein, it is Peres' opinion that the Arab leaders would publicly condemn the action, but be relieved privately.

We spoke of the future of the region and Mr. Peres believes that Arab nations must realize that poverty does not create terror; terror creates poverty. They must also realize that nobody can help them transition into modern states but themselves. Scientific and technological research and advances provide the key to a stable, prosperous future. However, a major impediment to these activities is a closed society. He said there are no more excuses for backward societies now that empires and foreign rule are over. Only an open, free society will allow for this innovation.

Threatening the future of the region is the close association with religion and terrorism. He said that so many people in the Arab world consider attacks on civilians a religious obligation to attain justice. This Machiavellian idea that the end justifies the means, is very difficult to reverse and leaves no room for compromise. Groups such as Hezbollah threaten Israel, but they also threaten countries like Lebanon, which has been a supporter of the group.

JORDAN

On the afternoon of Wednesday, March 27th, we traveled from Tel Aviv, Israel, to Amman, Jordan. On Thursday morning, March 28th, we met with U.S. Ambassador Edward ''Skip'' Gnehm and his staff who briefed us on the regional issues.

The U.S. provides annual foreign aid to Jordan in the amount of $150 million for water, health care, and economic assistance, as well as $75 million in military assistance. The Ambassador was pleased that the President's Fiscal Year 2002 supplemental appropriations request includes $100 million for economic assistance and funds to help Jordan purchase a $60.5 million radar system.

The Ambassador noted that Jordan has a ''warm peace'' relationship with Israel. Many Jordanians visited Israel regularly before the violence erupted 18 months ago. Many businesses also participate in the Qualifying Industrial Zone program, which provides exports to the U.S. of products produced by Jordan with Israeli input. The U.S. is Jordan's top importer.

Further, Jordanian intelligence is seen as a partner with the Israelis and has helped foil many terrorist attacks. There is a geographical interest for Jordan, because Israel provides an outlet to the Mediterranean. However, there is an internal Jordanian effort to end the relationship with Israel.

We next met with Jordan's King Abdullah bin Hussein at his residence. We talked about the ongoing Arab summit and he confirmed that there were security concerns for himself and President Mubarak. They have many enemies, including Hezbollah and al-Qaeda. He stated that the Lebanese were making things difficult at the summit. He expressed surprise at Syrian President Asad's speech that called on Arab nations to sever ties with Israel.

The King has been working closely with Saudi Crown Prince Abdullah on the peace plan and emphasized the importance of a general proposal that would offer peace from the Arabs to Israel and send a message to Arab populations on the street that it is time to change. He expected the peace plan to be passed at the summit.

He expressed concern about Arafat's not attending the summit. The King did express optimism that General Zinni will get something accomplished, but did note that Arafat's control on the ground has diminished.

With regard to Iraq, the King was much more hesitant and argues that the timing is important. He feels the region is too unstable to handle the Israeli-Palestinian crisis and a move against Saddam Hussein in Iraq. However, he could not give a timetable for such an action and questioned the ability of the U.S. to form a coalition. He does believe that Saddam is pursuing weapons of mass destruction.

SYRIA

On Thursday, March 28th, we left Amman, Jordan, and arrived in Damascus, Syria, where we were briefed by U.S. Ambassador Theodore Kattouf, a native of Altoona, Pennsylvania, and his staff.

We discussed Syrian President Asad's statement at the Arab summit, in which he justified attacks against civilians. The Ambassador said the Syrians charge the U.S. with using a double standard on U.N. Resolutions by urging strict enforcement on Arabs and being lax on Israelis. He also said the Syrians feel they have no hope for leverage against Israel and its military might without Arab cooperation. Further, Syrian leaders do not see any U.S. action to resolve the issue of most concern to them, the Golan Heights. Vice President Cheney did not visit Syria, which was seen as a slight.

On March 30th, we met with Syrian President Bashar al-Asad and Deputy Prime Minister/Foreign Minister Farouk al-Shara. I had previously met President Bashar al-Asad at his father's funeral.

President Asad told me that dialogue with Americans is very important to him. He said he met with the American media in Beirut two days prior. I thanked him for condemning the September 11th attacks by al-Qaeda.

He said the war in Afghanistan will not solve the problem, rather a need for moderation is called for. Terrorism is built on ideological extremism. He was sharply critical of U.S. support for Israel and claimed that the terrorism experienced by Israel is merely a reaction to terrorism inflicted by Israel on the Palestinians.

After praising President Asad's support for the Saudi proposal to normalize relations with Israel, I expressed disagreement with his speech at the Beirut summit where he condoned terrorist attacks against Israeli citizens. He sought to justify that approach saying there are thousands of armed settlers holding Syrian territory in the Golan.

I responded that he should resume negotiations with Israel over the Golan Heights issue, which his father had pursued and had come very close to resolving in negotiations brokered by President Clinton. I said I thought President Bush might well be willing to help on that matter.

I urged President Asad to come to visit the U.S. with his wife who has received significant public acclaim. I noted King Abdullah's successful visit to the U.S. where the King and his wife had made a public impact with their views.

In the course of our one hour fifteen minute meeting, I told President Asad that his 2001 speech at the Arab summit equating Zionism with Nazism was offensive to a much larger audience than the international Jewish community. I emphasized that reference to Nazism was especially repugnant since the Nazis had murdered six million Jews in crematoria during World War II, which has been a major factor in world Jewry's determination to establish Israel as a Jewish state and homeland.

President Asad replied that if the average citizen in Damascus was asked about ''Nazism'' he would not know much about it, but if asked about Israel, he would be very opposed.

Moving to Iraq, I told him of my concerns about Saddam's weapons of mass destruction and his refusal to comply with UN inspections. He said that it would be impossible for

Iraq to obtain nuclear weapons. He said Arabs would strongly oppose U.S. action against Iraq and believes the matter should be handled by the UN.

He said that President Bush's inclusion of Iran in the ''Axis of Evil'' was a mistake and was not acceptable to the region.

I told President Asad that I would like to see Syria take action to warrant removal from the U.S. terrorism list. He defended Hezbollah and other terrorist groups in Damascus and was clearly disinclined to take any action against them. He expressed the hope that the U.S. would deal with Syria on matters other than only Israel. I replied that I would explore the possibility of more U.S. trade and Syrian membership in the World Trade Organization to the extent that was not precluded by Syria's being on the U.S. terrorist list.

I brought to the President's attention the case of a U.S. woman who had married a man from Lebanon who abducted their two children to Syria after their divorce. President Asad expressed his concern and advised that he would personally look into the matter to try to determine the whereabouts of the children.

Following our meeting with President Asad, we departed for Rome, Italy on the afternoon of March 30th where we were hosted and met by Ambassador Mel Sembler and his wife Betty. At each stop, we were greeted, briefed, and taken care of by very competent and hospitable Ambassadors and their staffs.

We remained in Rome on March 31st for an interview on ''Face the Nation'' and departed Rome on April 1, 2002, for the U.S.

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

Mr. SCHUMER. Madam President, I thank my colleague from Pennsylvania for his usual erudition which spans many topics. I enjoyed listening to him on this subject, and on Syria in particular, which remains quite an enigma to many of us. Bashar Assad, as he said, is untested at this point.

Mr. SPECTER. I thank my colleague for his kind comments. He and I have worked on many subjects together.

Mr. SCHUMER. Madam President, I want to speak for a brief time about the Middle East as well. I guess I am addressing my speech, in a certain sense, to the President and the Secretary of State because many of us—certainly I and many of my constituents in New York and many colleagues in the Senate—are confused. I believe that in making this war on terrorism the No. 1 goal America faces, our President has done a great job. I support not only his concept but the execution. He has just been fabulous in this regard.

My enthusiasm was not simply limited to the area of Afghanistan, southern Asia, and central Asia, but also to the Middle East because I have spent time talking to the President on numerous occasions about the Middle East. I have carefully followed his statements. What he has stated has been crystal clear, and that is that terrorism is terrorism is terrorism—whether it be in Afghanistan, or Iraq, or directed at Israel.

The President has stated unequivocally that Yasser Arafat is engaged in terrorism and that until he is able to curb terrorism, we are not going to have peace in the Middle East. This administration even had the courage to put the Al Aqsa Brigade, a part of Fatah controlled by Yasser Arafat, on our Nation's terrorism list. Documents that were subsequently made public showed that Al Aqsa was engaging in terrorism and Yasser Arafat was fully aware.

So the last few days have come as a shock, and so many of us are just totally perplexed. So this is an open question to both Colin Powell and the President because sending Colin Powell to the Middle East I don't have a problem with, if someone can help make peace. I think it is difficult, and I think the tone in the Palestinian territories is decidedly against peace. I think the nihilism is enormous. I think the failure to deal with truth throughout the Arab world, with no free press, is incredible when an American Ambassador is vilified for asking that people stand up and remember it is not only Palestinian victims but also Israelis. For Colin Powell to come into the area and to try to bring the sides together, I do not have a problem with that.

What is totally perplexing is this: Given the President's strong stands against terrorism wherever it rears its ugly head, given his view—and I say this as someone who, as you know, Madam President, has been pretty much up and down the line a supporter of the President's policies thus far, in Afghanistan, in the war against terrorism, and in the Middle East; I have said some very laudatory things—all of a sudden it seems the President's previous statements are being ignored.

For instance, we are doing two things at once: Yasser Arafat, whom we acknowledge as an aider and abettor of terrorism—I believe he perpetrates terrorism—is going to meet with Colin Powell. Despite the fact that both the President and the Secretary of State have said repeatedly that they will not meet with Yasser Arafat until he renounces terrorism and takes some steps to end the violence, now we are meeting with him without any preconditions and, at the same time, Israel, which is acting defensively to prevent the kind of suicide bombings which no society can endure, is being restrained. Arafat, the terrorist, the perpetrator of terrorism, is given a pat on the back and a green light—''We will meet with him''—which is a reversal of administration policy because they were not going to meet with him until he did something—not just words but did something.

Secretary Powell himself asked him to say things in English and Arabic which is a basic statement saying: You do not tell the truth; you talk with forked tongue. At the same time, we are telling Israel, which is simply trying to defend herself: Pull back.

It seems as if the policy in the Middle East has had a 180-degree turn without any explanation, without understanding its inconsistency with even the President's speech last week, which I thought was a tour de force, without letting us understand as Americans who support the war on terrorism how we can sit down with someone who perpetrates terrorism, and at the same time chastise and put handcuffs around the country trying to defend itself against terrorism. It is very perplexing.

I would like the administration to explain itself. What has brought about the 180-degree turn? Why is Colin Powell now meeting with Yasser Arafat without any preconditions? Why isn't America giving Israel the chance to get these suicide bombers, to take their weapons away? We all know we are not going to have peace if in a democracy its leaders can do nothing when a bomb goes off every day in a hotel or a pizza parlor or on the street or in a bus.

The policy seems to be muddled, confused, and inconsistent with what seemed to be a crystal clear direction which I think the vast majority of Americans, whatever one's views are on other issues, supported.

I fail to understand how we can reverse policy so quickly and so dramatically without any change. Has Yasser Arafat renounced terrorism? Has he arrested any of the suicide bombers in the last few days? What has changed? Is the word of what we say not to be believed, that we will change our views on a dime?

This speech pains me because I was so enthusiastic about the President's policy in the Middle East until this past week. I would like to be enthusiastic again. I would like to believe there is something that none of us knows that justifies this reversal, but so far silence.

I urge the Secretary of State and I urge our President to reconsider what they are doing. Make Yasser Arafat come clean; make him renounce the violence—the very same violence that we are fighting in Afghanistan and that we must fight in America has to be fought in Israel as well—and give Israel a little bit of the space that it needs—a week—to get after these engineers—terrorist if there ever was one—who make these evil bombs filled with explosives, nails, and ball bearings that are exploded amid innocent men, women, and children—civilians. Give them a chance to curb them. Then Colin Powell should come into the area and cause the sides to sit down and create peace. Maybe we will have a chance to succeed.

I yield the floor.

NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 2001—Continued

AMENDMENT NO. 3047

The PRESIDING OFFICER. Under the previous order, the time between now and 2 p.m. is to be equally divided and controlled before a vote in relation to the Craig amendment No. 3047.

Who yields time? The Senator from Idaho.

Mr. CRAIG. Madam President, I yield 5 minutes to my colleague from the State of Washington.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Madam President, I rise today in support of the Craig amendment which would strike this bill's electricity title, with the exception of its reliability and the Federal Trade Commission related consumer protection provisions. I thank the Senator for offering this amendment.

Because of the truly unique nature of the Northwest energy system—and the historic Federal presence, predominance of public power and our hydroelectric base, to name a few distinguishing characteristics—I believe the electricity title of this legislation is possibly the single most important part of this bill to consumers in Washington State and, frankly, I believe the electricity title falls short of what is necessary to protect our Nation's consumers in this inevitable challenge that we have had in Washington State.

What is at stake here, I believe—and I appreciate the chairman's efforts to try to craft a compromise electricity title. However, my position on the importance of consumer protection provisions has me concerned about the impact that this particular title will have on the State of Washington where the electricity market has gone awry.

Consumers in my State are suffering from rate increases of up to 88 percent on account of the market dysfunction that unfolded in the West last year. I believe the western electricity crisis was really precipitated by two factors: Obviously, California adopted a restructuring plan without adequate thought and deliberation, and the fact that FERC, the Federal Energy Regulatory Commission, signed off on it. Then FERC allowed generators in the West to charge market-based rates without first ensuring that those markets were sufficient in their competition and that they were adequately monitoring those markets over time.

What that meant is that many industries in my State could not afford those high electricity prices, but nothing was being done to determine whether they were just and reasonable. Many people lost their jobs, and many children were not allowed to go to college because their families were without income. Many consumers paid very high electricity rates.

I believe the provisions contained in the electricity title will do nothing to prevent another western electricity crisis from occurring. What is more, and what my colleagues should be concerned about, is that this is an electricity title that will do nothing to prevent FERC from making those same mistakes again in other regions.

The electricity title contained in this bill restructures the entire utility industry without giving the Senate ample opportunity to consider the implications of this action. In fact, these very amendments were brought up on the floor without anyone knowing they were being brought up.

This bill does not direct FERC to establish clear rules for when market rates can be charged, nor does it establish effective measures to police the market and provide needed remedies for any abuses or market imperfections. Again, these are very important issues for consumers.

This electricity title repeals PUCHA, the Public Utility Company Holding Act, and moves merger approval authority from the Securities and Exchange Commission to FERC. In doing so, it weakens the burden of proof standard that companies must meet before they are allowed to merge.

In the aftermath of everything that has occurred in California, everything that has occurred with Enron, why would we take one policy in which we have a standard by which the merger of companies and prices are impacted and remove that standard and make it a lesser degree? I do not believe that is in the interest of consumer protection.

I support the Craig amendment to strike the electricity title because I believe these provisions do push the Northwest closer to a regional transmission organization. As some of my colleagues may know, FERC has repeatedly said the Northwest ought to join a westwide RTO. So, again, to Northwest consumers who have lost jobs because of the electricity crisis or are paying higher rates because of the electricity crisis who were forced under emergency order to send our power down to California and consequently paid a higher price, the fact that we might be hitching our fortunes to California does not sound like a very good issue for Washingtonians.

I am very concerned because even FERC's own cost-benefit analysis suggests that consumers in the Northwest might suffer from the establishment of an RTO organization on a westwide basis.

It is very important, although there are some other things such as the renewable portfolio standard which I think is really a subpar issue, and I think we need to improve on that, we think of the consumer interests. I support the Craig amendment, and I hope we will be able to change some of these issues and protect consumers in the future.

I yield back the remainder of my time.

Mrs. MURRAY. Mr. President, I rise to lend my support for Senator CRAIG'S amendment to strip the electricity title from the energy bill. I believe that addressing electricity in major legislation, at this time, would not be good for the Nation.

The electricity title does not protect consumers the way it should. We have not fully evaluated the effects of this bill on energy consumers, particularly small consumers.

I am uncomfortable with the direction of the electricity title in moving authority away from State regulators to the FERC.

Last year, the west went through a terrible electricity crisis which consumers are still paying for and workers still remain out of work.

Also, in this past year we saw the collapse of Enron.

We are still trying to fully understand the causes and effects of these two events. Hearings are occurring and legal proceedings are ongoing. House and Senate committees as well as numerous Federal and local government agencies are still trying to find out what happened with Enron and why. Many people lost their jobs and many more people lost their savings and retirement accounts.

I do not believe we should move forward on major electricity market restructuring legislation before we completely understand what happened. Enacting broad, far reaching electricity market restructuring legislation before we understand what occurred would be a big mistake.

FERC has been forcing the development of Regional Transmission Organizations around the country in recent years. I have spoken with Chairman Wood and the other commissioners about my concern that their vision of RTOs may not fit with the structure of the Northwest electricity operations and market.

As I have stated earlier FERC is already exercising its broad authority and the national electricity market is rapidly changing. Enron, a major electricity market participant, collapsed late last year. We are still trying to sort out what occurred.

In the Pacific Northwest, energy isn't just a commodity. It is a resource that affects everything from our economy to our air, our water, agriculture, salmon recovery, and our quality of life.

We should not make the same mistake California made, by restructuring the electricity markets, before all the issues have been thoroughly explored and resolved.

Nearly everything I am hearing from people in my State is that they do not like this electricity title. They do not feel it is in their best interests. They are concerned about the direction FERC will take.

I am also concerned that all market participants have not had an opportunity to review this legislation and have not had an opportunity to provide meaningful input. We need to make sure the legislation is thoroughly reviewed and discussed before we enact major legislation.

This is a $200 billion industry. If bad legislation is passed, the consequences will be significant.

The amendment is not perfect. I am unhappy to see the good provisions of the electricity title removed. I am particularly unhappy that the amendment does not promote renewable and diverse electricity sources. However, Senator CRAIG'S amendment is preferable to the existing provisions in the electricity title.

Mr. JEFFORDS. Mr. President, allow me to state briefly that I will be voting against the amendment offered by Senator CRAIG. I do so not because I feel good about the existing provisions in the electricity title of this bill, but because I believe they are a starting point from which we ought to try to move forward.

It is no secret that I am a strong supporter of renewable energy and a meaningful renewable energy production requirement. I admit to disappointment in the provision currently contained in this legislation. While it nominally contains a 10 percent renewable requirement, the various exemptions and carve-outs bring it down effectively to a roughly five percent requirement by the year 2020.

This level of Federal commitment to renewable energy is painfully inadequate and I must express my concern and disappointment at this low number.

I will also point out that, despite the assertions of my colleague from Alaska earlier today, a 10 percent requirement by the year 2020 would not raise consumer energy costs. According to the Department of Energy, a 10 percent Federal renewable portfolio standard would reduce overall consumer energy costs by $3 billion per year by the year 2020.

The figures the Senator from Alaska was referring to were the gross price of renewable energy, not the increased costs to consumers of using renewable energy versus other forms of energy. The relevant figure is not what the renewable energy itself will cost, but the increased costs, if any, to consumers, from using renewable energy. As I have stated, the Department of Energy says under a 10 percent renewable energy mandate, consumer costs will actually go down, compared to energy costs with no renewable energy mandate.

So even a 10 percent renewable energy requirement will benefit consumers, and I hope we can get to a point where this Congress can actually implement that required level. However, while I am disappointed in the provision currently in the bill, I do believe it is a starting point, and one upon which I hope we can improve. Senator CRAIG's amendment to strike it entirely is not moving forward, but backsliding to where we are right now, which is nothing.

As to other portions of the bill, I have long held the position that we should not move forward with repeal of PUHCA and PURPA without substantial consumer protections, and substantial new investments in renewable energy, including net metering, strong interconnection standards and substantial investments by Federal agencies in renewable energy. Again, I am disappointed in the provisions currently in the bill, but would hope that we could improve these provisions as the bill moves forward, rather that just dropping everything.

For that reason, I will not support Senator CRAIG's amendment, but urge my colleagues to make the needed improvements in this bill.

The PRESIDING OFFICER. Who yields time?

The Senator from New Mexico.

Mr. BINGAMAN. Madam President, I yield myself 3 minutes of the time that is reserved in opposition to the amendment.

I understand the concerns that have been expressed by the Senator from Idaho. I understand the concerns expressed by the Senator from Washington. There is no question there is a lot of uncertainty about the future of electricity markets, and we are doing our best in this legislation on a bipartisan basis to point in a direction we know we need to move, a direction away from command and control and toward more of a market based system. I think all experts who have looked at it agree that is the general direction in which we ought to go.

This legislation before us is the result of a lot of cooperation between myself, the Senator from Wyoming, other interested Members, and, of course, the administration as well since they have a vital interest in seeing the comprehensive bill we are considering, the energy bill, contain a title related to electricity that helps to ensure we have adequate electricity for our needs in the future, helps to ensure that the proper authority is there at the Federal Energy Regulatory Commission to ensure that mergers occur when consolidations occur, as they inevitably will, and that ratepayers are not harmed.

We have a provision in the bill. We are taking the authority under the Public Utility Holding Company Act and its requirements, the ones we believe make good sense and protect consumers, and we are shifting that responsibility to the Federal Energy Regulatory Commission. We are requiring them to ensure four things in order to approve a merger or an acquisition. No. 1, that captive ratepayers are not harmed by the acquisition or the merger; that the capacity of regulators to regulate is not in any way interfered with. That is another requirement. They are required to find there is no cost subsidy between the utility that is the subject of the merger and any other company so ratepayers are not being asked to subsidize any other business.

Of course, they are also required to find that it is in the best interest to go ahead with this merger before they can approve a merger. We believe this will be more effective regulation, more effective oversight of this industry than we have had in the past. We believe this language is a modernization.

Title II of the energy bill represents a modernizing of the law that is in the best interest of consumers and the best interest of our economy long term. I believe it is strongly supported by most of those who are interested in this issue and who have studied it.

I compliment my colleague from Wyoming for his hard work on this issue, which has led us to the language we now have in the bill, which my friend from Idaho, Senator CRAIG, would have us strip out with his amendment. I hope Senators will vote against the amendment of the Senator from Idaho.

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

Mr. CRAIG. Madam President, may I inquire how much time is remaining on my side?

The PRESIDING OFFICER. One minute twelve seconds.

Mr. CRAIG. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. CRAIG. I yield 1 minute to the Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I am going to be supporting this amendment and I want to explain why. I am not happy with the part that strips out the renewables. We can put that back in. What I like about this amendment is that it really protects the States.

I have great respect for my friend from New Mexico, but I have to tell him that California's experience with FERC has been nothing less than dismal. FERC is supposed to protect against unjust and unreasonable prices. They have done nothing to help us. They have been unfriendly to us, and the Senator is giving them more power. PUCHA, which is the Public Utility Holding Company Act, which the SEC is responsible for enforcing, is being repealed.

I would rather keep the issue of mergers with the SEC any day of the week than give it over to FERC which has not shown itself in any way that I can tell to be particularly friendly to consumers.

So I thank the Senator. I know everyone comes at this a little bit differently, but the bottom line is, on the whole I think this is a good amendment and I will be supporting it.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from New Mexico controls the remainder of the time.

Mr. BINGAMAN. I yield the remainder of our time to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Madam President, I ask unanimous consent that I be allowed 30 seconds to close.

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

The Senator from Wyoming.

Mr. THOMAS. Madam President, I thank the Senator, and I appreciate the chance we have had to work together. Certainly, it is interesting. I have a couple of things I want to say. First of all, regarding the comments about FERC, that is exactly the way

we are going, to remove some of the authority of FERC. This has nothing to do with California and Washington, which had their own problems, but it certainly reduces the authority of FERC and that is what we want to do.

I have a letter from NARUC, the National Association of Regulatory Utility Commissioners. It came in when the bill was in its initial stage. They point out there is an admirable compromise between Federal and State jurisdictions, including the issues they can support, and then they suggested some other changes which exist in the current bill because of this.

Utility mergers sections, they support that; electric reliability standards, they support that. They support the PUCHA substitute and the PURPA substitute, and the net metering and consumer protection subtitle. This is the National Association of Regulatory Utility Commissioners which is in favor of the changes that have been made and would be opposed to the Craig amendment.

This is a letter from the Secretary of Energy and represents the position of the administration. It says:

I am writing to express my support for the electricity amendment package agreed to by the Senate last week following bipartisan negotiations. . . . These negotiations, between Senate Republicans and Senate Democrats, resulted in a fair, balanced and bipartisan consensus regarding several electricity provisions of the energy bill—a consensus that the administration endorses. Those negotiations also set forth a process to debate and vote on reliability and renewable portfolio standard provisions where consensus could not be reached. As we have discussed on several occasions, I believe that an electricity title is a fundamental component of comprehensive energy legislation. The administration has repeatedly stressed that appropriate electricity legislation is necessary to protect consumers, make wholesale power markets more competitive, strengthen the transition grid, increase electric supply and improve reliability. Any such legislation must also balance these ends with consideration to the role of States. These goals are reflected in the electricity amendments agreed to by the Senate last week.

I think certainly this is something on which we have come together. The fact is, we have not done anything in electricity for years. It is time to get it. Is it a complete answer? Absolutely not. We will have to come back and do some more with it. It is responsible to pass this bill now. The energy industry needs stability. Now is not the time to retreat. I urge opposition to the amendment.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Madam President, let me close by reminding my colleagues that reliability and consumer protection remain in this bill. Electrical advocacy groups, consumer groups, and utilities, some 18 across the country, strongly support the amendment to take down the majority of this title. Why? Because it has not been reviewed. It has not been vetted. It has not been brought up to the Federal Energy Regulatory Commission.

What is your authority? How do you plan to use it? We are extending tremendous new authority to a central, Federal, regulatory body. That should not be where this Senate goes at this time. The House could not deal with it. It was much too frustrating and much too complicated. We did not deal with it in committee in an appropriate, comprehensive way.

Yes, there have been deals made. Yes, there has been discussion. Let's step back, take a deep breath, and review this, as we should. I ask my colleagues to support me and the repeal of this title, leaving in place the reliability and the consumer protection.

I yield the floor.

The PRESIDING OFFICER (Mr. CARPER). The question is on agreeing to amendment No. 3047. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from 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 32, nays 67, as follows:

[Rollcall Vote No. 62 Leg.]

YEAS—32

Allard	Crapo	McCain
Bennett	Dayton	Miller
Bond	DeWine	Murray
Boxer	Feingold	Roberts
Breaux	Feinstein	Sessions
Burns	Hatch	Shelby
Campbell	Helms	Smith (OR)
Cantwell	Hollings	Stabenow
Chafee	Inhofe	Thurmond
Cleland	Kyl	Voinovich
Craig	Levin	

NAYS—67

Akaka	Fitzgerald	Mikulski
Allen	Frist	Murkowski
Bayh	Graham	Nelson (FL)
Biden	Gramm	Nelson (NE)
Bingaman	Grassley	Nickles
Brownback	Gregg	Reed
Bunning	Hagel	Reid
Byrd	Harkin	Rockefeller
Carnahan	Hutchinson	Santorum
Carper	Hutchison	Sarbanes
Clinton	Inouye	Schumer
Cochran	Jeffords	Smith (NH)
Collins	Johnson	Snowe
Conrad	Kennedy	Specter
Corzine	Kerry	Stevens
Daschle	Kohl	Thomas
Dodd	Landrieu	Thompson
Domenici	Leahy	Torricelli
Dorgan	Lieberman	Warner
Durbin	Lincoln	Wellstone
Edwards	Lott	Wyden
Ensign	Lugar	
Enzi	McConnell	

NOT VOTING—1

Baucus

The amendment (No. 3047) was rejected.

Mr. BINGAMAN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, there are a couple of amendments that I believe are now ready to be considered and can be approved by all Senators. As I understand it, the Senator from North Dakota, Mr. DORGAN, has one.

I yield the floor to allow the Senator from North Dakota to talk about his amendment.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, for the information of colleagues, I will just be a matter of 2, 3 minutes. I intend to offer an amendment on behalf of myself and Senator MURKOWSKI from Alaska. We have worked on this amendment and have cleared it on both sides of the aisle.

AMENDMENT NO. 3087 TO AMENDMENT NO. 2917

Mr. President, I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself and Mr. MURKOWSKI, proposes an amendment numbered 3087.

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

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

The amendment is as follows:

On page 11, strike lines 9 through 14, and insert the following:

''(1) identifying the areas with the greatest energy resource potential, and assessing future supply availability and demand requirements.

''(2) planning, coordinating, and siting additional energy infrastructure, including generating facilities, electric transmission facilities, pipelines, refineries, and distributed generation facilities to maximize the efficiency of energy resources and infrastructure and meet regional needs with the minimum adverse impacts on the environment.''.

Mr. DORGAN. Mr. President, the amendment I offer today is on behalf of myself and Senator MURKOWSKI from Alaska. It deals with the issue of siting future transmission infrastructure in areas that have the greatest energy resource potential to maximize energy efficiency. This amendment would have the Department of Energy provide technical assistance to the States and to regional organizations to help them identify areas with the greatest energy resource potential, and then coordinate the development of these energy resources and future facilities so that we can transmit this energy to the greatest extent possible.

We have, in my State, for example, and in other areas of the country, the potential to develop additional energy resources, but we lack the facilities to transmit those resources.

Our transmission capabilities are not keeping up with the ability to create this energy. We can address that in a few basic ways: by improving the planing, siting, and development of transmission infrastructure and corridors. We can also develop new transmission technologies that can increase

the efficiency and, in some cases, perhaps double or triple the capacity of existing transmission lines. One example of this type of technology is the composite conductor wire, which offers great promise.

We would like the Department of Energy to provide the technical assistance to States and regional organizations that are interested in moving in these directions. We think there needs to be some opportunities made available to States and regional organizations to access technical assistance from the Department of Energy to help facilitate and achieve these goals. Our amendment will simply do that.

I thank Senator MURKOWSKI for working with me on the amendment. I think it is an amendment that will add to this bill and help us address some of the transmission issues as we plan for greater capabilities in the future to produce and to transmit energy through a grid across the country where energy is needed.

Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on this amendment?

If not, the question is on agreeing to amendment No. 3087.

Without objection, the amendment is agreed to.

The amendment (No. 3087) was agreed to.

Mr. BINGAMAN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3088 TO AMENDMENT NO. 2917

Mr. BINGAMAN. Mr. President, I send another amendment to the desk on behalf of Senator CONRAD and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for Mr. CONRAD, proposes an amendment numbered 3088.

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

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

The amendment is as follows:

(Purpose: To direct the Secretary of Energy to conduct an assessment of wind energy resources and transmission capacity for wind energy)

On page 64, on line 7, strike ''resource,'' and insert ''resource, together with an identification of any barriers to providing adequate transmission for remote sources of renewable energy resources to current and emerging markets, recommendations for removing or addressing such barriers, and ways to provide access to the grid that do not unfairly disadvantage renewable or other energy producers.''

Mr. BINGMAN. Mr. President, this amendment relates to a renewable energy assessment.

This amendment is to section 262 of amendment No. 2917. That section requires an annual resource assessment by the Secretary of Energy that reviews available assessments of renewable energy resources within the U.S. The report must contain an inventory of available amount and characteristics of renewable resources and such information as the Secretary believes would be useful in developing such resources, including terrain, population and load centers, location of resources and estimates of cost.

The amendment adds to the report identification of barriers to providing adequate transmission, and recommendations for removing such barriers, and ways to provide access to the grid that do not unfairly disadvantage renewable resources.

I think the amendment is agreeable to everyone. I urge the amendment be agreed to.

The PRESIDING OFFICER. Is there further debate on the amendment?

The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, the amendment is agreed to on this side.

I want to also speak relative to Senator DORGAN's amendment. Obviously, we cosponsored that together. I am pleased it has been accepted.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3088.

Without objection, the amendment is agreed to.

The amendment (No. 3088) was agreed to.

The PRESIDING OFFICER. The Senator from Texas is recognized.

J.C. PENNEY'S 100TH ANNIVERSARY

Mrs. HUTCHISON. Mr. President, since we are at a lull in the debate on this very important bill, I take this opportunity to congratulate a company headquartered in Texas that is celebrating its 100th anniversary: the J.C. Penney Company.

I think it is incredible, when you think of a company that was started in 1902, that it is still going strong today. I think it is worthy of note.

The founder of J.C. Penney, James Cash Penney, was fond of saying to his workers that they were not building a business but a community. This is the kind of business philosophy I hope more businesses in America will adopt because businesses supporting communities means people are supporting communities, and that is what makes our country so strong.

J.C. Penney encourages its employees to volunteer in the community. They contribute to the local United Way across the country, which is so helpful in the quality of life for every community.

They are especially doing something that I want to point out because I know so many working parents worry about what happens with their children from the time school is out until they can get home. J.C. Penney has made a tremendous effort to ease their employees' fears and anxieties by providing more places and more opportunities for children in afterschool programs across our country. This is the kind of thing that really makes a contribution to our way of life in America.

So I thank the employees of J.C. Penney for their commitment to building America's communities and for making a place for Americans to work to be a good place to work. I wish them the best and not only congratulate them on the last 100 years but for another 100 years of making the quality of life better for families throughout America.

Mr. President, I will yield to my friend, the Senator from Wyoming, where J.C. Penney actually started until they had the good sense to move to Texas to make their headquarters.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

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

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

Mr. ENZI. I thank the Senator from Texas.

Mr. President, it is with great pleasure that I get to bring you the rest of the story.

I have always said you can tell a lot about a country by learning about the leaders of that country. One of the areas of leadership on which this country can pride itself, worldwide, is its leadership in small business and in retailing. And we have a Wyoming boy who has done well. I want to share with you, for just a moment, his history and the history of the company he started.

I also have to tell you about a young man of 83 who has just taken up a career in writing in Wyoming. Since his retirement, he has written a book called ''Pride, Power, Progress.'' His name is John ''Ace'' Bonar. He had a distinguished career and, as I say, has now taken up writing. He has written a very short history of an important man that I want to share with you.

To quote him:

The year was 1902. With the blessing of President Teddy Roosevelt the Panama Canal was being built. Roosevelt, who said, ''Speak softly and carry a big stick,'' was also sending the United States Navy around the world to demonstrate its effectiveness.

And back in the states an unheralded project had started. In the tiny mining town of Kemmerer, Wyoming (population 1,000), a 27-year-old man had opened a dry goods store. James Cash Penney was his name. Son of an unordained Baptist minister father in Missouri, Penny, like his father was a strict disciplinarian. He adhered to honesty, thriftiness and hard work. ''Jim,'' his father admonished, ''you have no right to make money if you take advantage of people!''

At the age of 8, the younger Penney ran errands for a nickel. The $2.50 that he saved was invested in pigs. On complaints of neighbors, he sold out. But he made $60. At 12 years old he was horse trading and raising

watermelons on the family farm. He soon joined Hale Brothers Dry Goods Store in Hamilton at a $2.27-a-month salary. His income increased to $300 a year. But he left on doctor's orders. He had to go to a higher and dryer climate for his bronchial trouble. Arriving in Colorado he tried the butcher business in the town of Longmont. He soon sold out.

Against the advice of people Penney borrowed $1,500 from a bank and used $500 of his own hard-earned money to start a Golden Rule Store in Kemmerer. In Mr. Penney's words, ''It was on April the 14th we opened our doors. I was assisted by my wife, a local girl, and a Methodist minister. Our sales that day were $466.59, of which $89.90 was shoes. I was warned that a cash business such as our could not succeed. The miners received pay once a month and most spent it before the next day. And then business dropped as low as $25 a day.''

''I got new fight in my blood.'' James Cash Penney catered to the needs of a rural and ''blue collar'' clientele. Trade revived. He opened another store 75 miles away in Rock Springs, Wyoming. In 1913 the Golden Rule Stores became the J.C. Penney Company. By 1917 there were 175 stores in the United States. Penney operated on a cash basis. The coal company stores had offered only credit. He studied the market and concentrated only on necessary items for his customers.

A plain and devout man, Mr. Penney, as the story goes, was waiting on a man and his family in a Midwestern store. He took great pains in getting the family a perfect fit. They liked to buy at the friendly Penney stores. ''I'd sure like to meet Mr. Penney someday!'' Whereupon the salesman smiled and said quite simply while offering a handshake, ''I am Mr. Penney!''

Mr. Penney at times would literally ''pop up'' unexpected at one of his growing chain of stores which was the nation's first chain store. There is an account of his encounters in a Milwaukee store where strolling down an aisle he noticed a display of men's corduroy pants marked $3.98. He called the store manager on the carpet.

''These pants,'' said Mr. Penney, ''sell at $2.98!.''

But Mr. Penney,'' pleaded the manager, ''they are an excellent buy at this price!''

''You violate company policy!'' the owner exploded. ''You must give the customer the best value and make a reasonable profit!''

Penney's memory was remarkable, according to all accounts.

At the opening of a new Penney store in Minneapolis in 1970, it is told that a man came up to Mr. Penney and asked, ''Do you remember me?''

Penney regarded the man for a moment, and smiled.

''Your name is Severt Tendall. I last saw you when you worked in the Cumberland, Wyoming, store in 1902.''

About the only thing James Cash Penney didn't accomplish during his lifetime was to live to be 100 years old. He came very close to his wish. He was still a board member of his company until his death in 1971. He was 95 years old.

Does the Golden Rule, ''Do unto others as you would have other do unto you,'' work today? Ask any of the managers of the 2,080 JCPenney outlets in Europe and across the nation.

Today the little Golden Rule Store in Kemmerer, Wyoming, stands as a National Historic Landmark. A tribute to James Cash Penney and his faith in his fellow man.

Back in Wyoming we have dedicated that historic location, the start of chain store retailing in the United States and the home of J.C. Penney.

The principles on which he built that store are important principles for this country, ones that keep retailing going. I am pleased to say that my dad worked as a shoe salesman for a while in the Golden Rule store in Thermopolis, WY. My mom repeated some phrases to me that were a part of that culture and are a part of my mission statement in the Senate; that is, do what is right; do your best; and treat others as you want to be treated.

I want to mention in more detail the Penney idea. Here are some of the statements that are made to all employees of the company, the challenge, the mission of Penney: To serve the public as nearly as we can to its complete satisfaction; to expect for the service we render a fair remuneration and not all the profit the traffic will bear; to do all in our power to pack the customer's dollar full of value, quality, and satisfaction; to continue to train ourselves and our associates so that the service we give will be more and more intelligently performed; to improve constantly the human factor in our business; to reward men and women in our organization through participation in what the business produces; to test our every policy, method, and act in this wise: ''Does it square with what is right and just?''

J.C. Penney was the pioneer of retailing, the pioneer of chain stores, and one of the pioneers of catalogs. Catalogs were the way the West was served when distances were too great to get to stores. Some of it is still that way.

His principles are just as true for business today as they are for life. Adhering to these great principles actually usually leads to great success. That is one of the lessons we learned from J.C. Penney on this 100th anniversary of the effort he started that set him apart from his competitors and made him one of America's most famous and successful businessmen, a person who gives us guidelines for ways we should operate today, ways that will keep the United States in the forefront of free enterprise.

I yield the floor.

NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 2001—Continued

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I wonder if I could enter into a colloquy with Senator BINGAMAN to try to move the energy bill along. I have a list of the pending amendments. We have had our staffs working together to try to clear amendments. I think we have done a pretty good job, but there are a significant number remaining.

I know some Members have indicated their intent to bring them up, but we would like to have them come up. We are certainly ready. Perhaps we can identify some that we anticipate.

Mr. BINGAMAN. Mr. President, let me say in response to my colleague from Alaska, I agree with him. We are trying very hard to persuade Senators to come to the floor and offer their amendments. Of all the potential amendments that might be offered by various Senators, we are trying to determine which they actually feel obligated to offer.

We have not been able to do that as yet. Maybe at a time when the Senator was not on the floor earlier today, I propounded a unanimous consent request that we specify a time or that we limit the amendments to those that are on our list. There was objection raised to that unanimous consent request.

I suggest again that perhaps we could work together over the next hour or so to get that list pared down and then once again propound that unanimous consent request and see if we couldn't get it agreed to at that time. That would at least give us a finite list of amendments so that we could then know what is the potential universe of amendments. But it is very important that we get some other amendments up and vote on them this afternoon. I think Senators are on notice that we are anxious to do that. I look forward to working with my colleague to get the list pared down so we can complete this bill.

Mr. MURKOWSKI. Mr. President, I certainly agree and am anxious to work with Senator BINGAMAN in moving this matter along. My list currently shows 73 amendments pending on the other side, many of which, I am sure, can be addressed without a vote and simply dispatched—if Members would come over and discuss them with the professional staff in an effort to try to respond to the interests of the individual Senators. We probably have 18 amendments that I have identified over here on which Republican Senators have indicated they want to try to work out something.

The generalization was made last night that we are filibustering the bill on this side. I want the record to reflect that clearly is not the case. In response to my friend's proposal that we limit amendments, I hope we get that agreement and that I can address the concerns of some of our Members. If there are any Members who want to add amendments to it, this is the time to do it. Then we can close out the amendment list and proceed to wind up this bill.

I want to make sure everybody understands that we are not filibustering this bill or attempting to hold it up. The only way to move it along is by the amendment process. We want to move it along. It is my intention to work with our side to get an agreement on amendments and encourage Members to come over here. I understand we may be setting this aside again this evening to go on election reform, when we can clearly continue to be on energy. But if that is the wish of the leadership, obviously, that is what we will do. I assure my friend from New

Mexico of my interest in moving along on the energy bill.

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

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, I have been advised that Senator SCHUMER is on his way to offer an amendment. This amendment, I assume, should require a vote. This is an amendment he is offering along with Senator CLINTON, and he should be in the Chamber within the next few minutes.

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

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

AMENDMENT NO. 3093 TO AMENDMENT NO. 2917

(Purpose: To prohibit oil and gas drilling activity in Finger Lakes National Forest, New York)

Mr. SCHUMER. Mr. President, I call up amendment No. 3093 offered by myself and Senator CLINTON, which I believe is at the desk.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER], for himself and Mrs. CLINTON, proposes an amendment numbered 3093:

At the end of title VI, add the following:

SEC. 6. . PROHIBITION OF OIL AND GAS DRILLING IN THE FINGER LAKES NATIONAL FOREST, NEW YORK.

No Federal permit or lease shall be issued for oil or gas drilling in the Finger Lakes National Forest, New York.

Mr. SCHUMER. Mr. President, I rise with my colleague, Senator CLINTON, to offer an amendment to permanently ban oil and gas drilling in the Finger Lakes National Forest in central New York. The Finger Lakes National Forest is the only national forest in our State. It is the smallest in the country. It is about 16,000 acres. It is the size of Manhattan. It is in the middle of one of the few uninhabited areas in one of most beautiful parts of our State—there are many beautiful parts of course—the Finger Lakes.

In 1998, two out-of-State firms offered a joint proposal to the U.S. Forest Service to lease the land for drilling. Subsequently, the Forest Service conducted an environmental impact study on the proposed drilling plan and decided to reject the proposal in December of last year.

Paul Brewster, the Forest Service supervisor, said the following about the strong public input they received during the EIS process:

Many [citizens] stated that public lands, such as those on the Finger Lakes National Forest, are scarce in the region. They point to its uniqueness as New York's only national forest and its small size. They also feel the need for oil and gas should not outweigh other resource values such as recreation, grazing, sustainable timber harvesting, and wildlife. They believe that this development would disrupt the balance of uses that had previously been struck on this national forest.

There are a number of Members from the West, a number of my colleagues who came over to me and said: We have national forests, and they are drilling all the time. I point out to them the large difference between our situation and theirs. We don't have hundreds and hundreds and hundreds of square miles of national forests. This one is 16,000 acres. I don't know how many square miles that is, but it is probably less than 100. Am I right on that? I see my colleague from New Mexico shaking his head ''yes.''

It is the only national forest we have. It is one of the very few areas in a rather heavily populated part of our State. New York State has the third largest rural population in the country. To allow drilling there—and there is only a negligible, if any, amount of gas and oil there—wouldn't seem to make much sense.

This is not a partisan issue. Both our Governor, George Pataki, and the area's Congress member, AMO HOUGHTON, both members of the other party, are in support of our proposal. They know the tremendous environmental risks posed by allowing 130-foot rigs to drill in the Finger Lakes National Forest outweigh the limited benefits of doing so.

As I said, this is not Alaska. This is not the Gulf of Mexico. This is not the great wilderness we have out West, beautiful wilderness that every summer my family traverses. It is, rather, a postage-stamp size park. And we have such beauty in our State, but we are so crowded that preserving this area from drilling makes a great deal of sense. It is one of central New York's main tourist attractions. It draws tens of thousands of visitors each year.

There is no question of oil here. It is an almost unnoticeable amount of gas that could despoil this precious little pocket of wilderness and drive people away at a time when they are sorely needed to bolster the area's economy.

The Finger Lakes area is starting to grow. Upstate New York has been one of the few areas in America that is shrinking in population. But wineries have developed on the shores of the Finger Lakes. Tourists are coming to the Finger Lakes. This forest is an attraction. A day of hiking undisturbed by manmade developments is a wonderful thing. For the small amount of natural gas that might be there, to allow rigs, to allow forest land to be despoiled, doesn't make much sense.

I visited this forest and I can tell you, if every one of my colleagues would want to take a visit there—I know that won't happen; you have many places to go in your own States. But if you were to visit the region, you would agree. All you have to do is go there and take one look and you know it is the wrong place.

With this amendment, we are not trying to comment in any way about drilling in other places. We don't want to get embroiled in that. Our only national forest, a tiny little 16,000-acre place, one of the few not-built-upon parts of our State, please let us keep it for the people of the Finger Lakes region and the new tourism industry that has started to grow there. Let them breathe a little easier, which this amendment would allow.

I ask that this amendment be supported. I had hoped maybe we could work something out between the majority and minority. I don't think there are many requests like this, one that we haven't made before. But with the advent of somebody who is interested in trying to drill for whatever gas is there, the amendment is called for.

I yield back my time. I believe my colleague from New York is here, with that bright orange, lovely outfit. I usually see her as she comes. I missed her today. Let me now yield the floor to my colleague and partner in this and so many other issues as we work for the Empire State together, Senator CLINTON.

Mrs. CLINTON. Mr. President, I rise to join my colleague in offering this amendment which is very important to our State and would permanently protect the only national forest in New York State and the smallest national forest in our country from drilling. The Finger Lakes National Forest is a part of New York that I wish everyone could see, as Senator SCHUMER so eloquently stated.

We would love to invite everyone in the Senate to come and see these lakes, which were named from an old Indian legend that says the Great Spirit had put his hand down on the land and when he lifted it up, he left behind these Finger Lakes. These lakes are so beautiful and special that, in and of themselves, they provide not only a tremendous amount of recreational visitation for the area, but they are beautiful places to live and to farm and to work.

The U.S. Forest Service sought public comment last year on a draft environmental impact statement on a proposal to lease 13,000 acres of the 16,000-acre national forest. Among the consequences of the proposed drilling action identified in the Forest Service's statement were soil erosion, contamination at or near well sites due to the construction of access roads, well paths and pipelines, and the use of trucks and heavy equipment in drilling activity. The report predicted that such construction would require several acres for each particular drilling site of vegetation clearing, including tree cutting.

In addition, the quality of local water rights would be put at risk.

There is also concern about the loss of habitat for birds and animals that call the forest home, and it would be a very difficult problem for us to figure out how to accommodate drilling at such a relatively small area.

That is why Senator SCHUMER and I believe, because of the potentially dire environmental consequences, the relatively small amount of energy that would be secured, assuming such drilling was successful, it is not a sufficient reason to take a chance on this very precious resource. We think it is our responsibility to protect our State's precious natural resources, and that is why, once again, we offer this amendment to permanently prohibit such drilling.

We also have on our side the U.S. Department of Agriculture, which, as both Senator SCHUMER and I remind colleagues on a regular basis, has a very prominent place in our State—certainly in the Finger Lakes region—where not only dairy farms but increasingly wine vineyards and other products are grown, but in its final environmental impact statement, the USDA recommended a no-action alternative. In other words, the USDA does not support drilling in the Finger Lakes National Forest. So that is why we are offering this amendment. We don't believe drilling in the national forest, in the Finger Lakes, would be sensible energy policy. It is certainly not sound environmental policy. It is not good agricultural policy, and it would undermine a lot of the progress we have made in bringing people to enjoy this very beautiful area.

So I am proud to join my colleague in asking for support in prohibiting drilling in this very small national forest that we are very proud to have in our State. I yield back the time to Senator SCHUMER.

Mr. SCHUMER. I thank my colleague for her fine words in support of this amendment. I think we have said everything that has to be said. It is a very small national forest, so it requires only small speeches.

I yield back our time and hope we can move this amendment without any problems. Maybe we can figure out something. I know there is some opposition, but I will yield to my colleague, the chairman of the Energy Committee, the Senator from New Mexico, who is working real hard on this bill, and we all appreciate that very much.

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

Mr. BINGAMAN. Mr. President, let me make a couple of comments. I know we would not, of course, try to go to a vote on this matter without providing opportunity for Senator MURKOWSKI and other Members to come to the floor and express their views.

This is an issue about which I have spoken to Senator SCHUMER and Senator CLINTON. I know they feel very strongly about it. It is the kind of issue that we address, as they are well aware, in the Energy Committee through specific legislation that is designed to provide a special level of protection for a particular area, a particular national park, a particular section of national forest; and I think that might be another alternative for them.

I am not trying to discourage them from going ahead now if they wish to do that. Certainly, I don't intend to state a position on the bill on their amendment. I know some Members have expressed concern that we would not have the opportunity to consider this as legislation designating a particular area for special protection. That is another way to get to the same end result that they have proposed to get to with this amendment. So I mention that and I know that is something they might consider as an alternative to their amendment.

The amendment is pending, and I understand other Members will come to the Chamber if the amendment remains pending and speak to it. With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I have spoken to Senator BINGAMAN. It is my understanding from the Senator from New Mexico—and I haven't spoken to the Senator from Illinois—when this matter is resolved, Senator DURBIN is going to offer an amendment relating to the Consumer Energy Commission; is that the Senator's understanding?

Mr. BINGAMAN. That is correct.

Mr. REID. It is my further understanding that the Senators from New York, at a subsequent time, will offer an amendment—maybe this evening—dealing with air-conditioners. I say to my friend from New York, is there sometime this evening the Senator might be in a position to offer his amendment on air-conditioners?

Mr. SCHUMER. Yes. This is the amendment that would have the Federal Government augment a State program for people who would turn in their old air-conditioners and get some new ones. I think we would be willing to offer that sometime in the early evening, maybe at 5 o'clock or 5:15.

Mr. REID. That would be very good. We don't know how long the amendment of the Senator from Illinois will take. The minority will make that determination. The Senator from Illinois will not speak too long. He will offer his amendment very shortly.

For the information of Members, possibly there could be two votes within the near future on two amendments. The leader has indicated that sometime tonight he will move to a different piece of legislation. So we are going to be working somewhat late tonight.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, is it appropriate for me to send an amendment to the desk?

The PRESIDING OFFICER. It requires unanimous consent.

Mr. DURBIN. I ask unanimous consent that the pending amendments be temporarily laid aside.

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

AMENDMENT NO. 3094 TO AMENDMENT NO. 2917

Mr. DURBIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 3094 to amendment No. 2917.

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

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

The amendment is as follows:

(Purpose: To establish a Consumer Energy Commission to assess and provide recommendations regarding energy price spikes from the perspective of consumers)

On page 523, between lines 16 and 17, insert the following:

SEC. 1704. CONSUMER ENERGY COMMISSION.

(a) ESTABLISHMENT OF COMMISSION.—There is established a commission to be known as the ''Consumer Energy Commission''.

(b) MEMBERSHIP.—

(1) IN GENERAL.— The Commission shall be comprised of 11 members.

(2) APPOINTMENTS IN THE SENATE AND THE HOUSE.—The majority leader and the minority leader of the Senate and the Speaker and minority leader of the House of Representatives shall each appoint 2 members—

(A) 1 of whom shall represent consumer groups focusing on energy issues; and

(B) 1 of whom shall represent the energy industry.

(3) APPOINTMENTS BY THE PRESIDENT.—The President shall appoint 3 members

(A) 1 of whom shall represent consumer groups focusing on energy issues;

(B) 1 of whom shall represent the energy industry; and

(C) 1 of whom shall represent the Department of Energy.

(4) DATE OF APPOINTMENTS.—The appointment of a member of the Commission shall be made not later than 30 days after the date of enactment of this Act.

(c) TERM.—A member shall be appointed for the life of the Commission.

(d) INITIAL MEETING.—Not later than 20 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

(e) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall select a Chairperson and Vice Chairperson from among the members of the Commission.

(f) ADMINISTRATIVE EXPENSES.—The Department of Energy will pay expenses as necessary to carry out this section, with the expenses not to exceed $400,000.

(g) DUTIES.—

(1) STUDY.—

(A) IN GENERAL.—The Commission shall conduct a nationwide study of significant price spikes since 1990 in major United States consumer energy products, including electricity, gasoline, home heating oil natural gas and propane.

(B) MATTERS TO BE STUDIED.—The study shall focus on the causes of large fluctuations and sharp spikes in prices, including insufficient inventories, supply disruptions, refinery capacity limits, insufficient infrastructure, regulatory failures, demand growth, reliance on imported supplies, insufficient availability of alternative energy

sources, abuse of market power, market concentration and any other relevant market failures.

(2) REPORT.—Not later than 180 days after the date of the first meeting of the Commission, the Commission shall submit to Congress a report that contains—

(A) a detailed statement of the findings and conclusions of the Commission; and

(B) recommendations for legislation, administrative actions, and voluntary actions by industry and consumers to protect consumers (including individuals, families, and businesses) from future price spikes in consumer energy products.

(3) CONSULTATION.—In conducting the study and preparing the report under this section, the Commission shall consult with the Federal Trade Commission, the Federal Energy Regulatory Commission, the Department of Energy and other Federal agencies as appropriate.

(h) SUNSET.—The Commission shall terminate within 30 days after the submission of the report to Congress.

Mr. DURBIN. Mr. President, I rise to offer this amendment that will establish a Consumer Energy Commission. It is a pretty simple amendment; yet I think it has the potential to be of great benefit to families and businesses across America.

I am pleased that the Senate is turning to this debate on the energy bill to address our Nation's energy challenges. This debate really marks the first time that Congress has taken up the whole question of energy since 1992. As we consider the elements of this important topic, let us not forget what has happened to energy in our country during the last decade. One word you will often hear to describe energy during the past decade—especially in the last few years—is the word ''crisis.'' The California electricity experience has been cast in the terms of a crisis. Many point to Enron as an indication of problems in our energy policy.

While we may disagree with the extent of the energy crisis, as well as ways to address it, I think we can all appreciate the fact that one energy challenge our Nation faces is the price spike that consumers face in so many of our energy sources.

Let's take an example of gasoline. We all know when you buy gasoline in America, prices fluctuate widely at the pump. We are seeing some of the highest prices now in the Midwest that we have seen in a year. Gasoline is reported at $1.60 a gallon in some areas, and it is even higher in others. This has become what I characterize in my part of the world as the ''Easter phenomenon.'' This is the third straight year when we have seen, at about Easter time, the price of gasoline spiking across the Midwest, sometimes over $2 a gallon, and even higher from those who are exploiting and ripping off consumers and businesses.

The administration's energy policy indeed cites the dramatic increases in gasoline prices as one of the challenges we face. The Consumer Federation of America and Public Citizen have also called attention to energy price spikes, explaining American consumers spent roughly $40 billion more on gasoline in the year 2000 than the year 1999. In the spring of 2000, the cost of gasoline in Chicago shot up to $2.13 a gallon, well above the unusually high national average of $1.67 per gallon at that time.

Gasoline is not the only energy product for which consumers have had to pay dramatically fluctuating costs in recent years. Residential heating oil, residential natural gas, commercial natural gas, industrial natural gas, and motor gasoline have all had fluctuating prices, dramatically fluctuating over the last 15 years.

I can recall a year or so ago my wife called me at my apartment in Washington on Capitol Hill. She lives back in Springfield, IL. She called me and said: Senator? And I knew I was in trouble when she said that.

I said: What is it?

She said: I just got the heating bill on our house. What is going on here?

The natural gas prices had gone through the roof. Every home across the Midwest saw it. Some people could afford to pay it—we could—and others could not. We are seeing that more and more. Consumers are saying: I can understand prices going up here and down there, but why these wild price fluctuations?

If we break down the numbers on a month-to-month basis, we can see incredible price spikes. In the matter of 1 month, the national average price of gasoline jumped by 20 cents a gallon, residential heating oil rose by 10 cents a gallon, and residential natural gas led with 50 cents per 1,000 cubic feet.

In some sectors of the economy, price spikes were greater and had a more drastic impact. Home heating and cooling bills crippled family budgets in the Midwest and Northeast.

It is not just a matter of residences, homes, and families. Farmers, small businesses, and industries dependent on natural gas for the production of fertilizer, chemical products, and other services and products suffered economically.

I can recall trucking businesses coming to me when the price of gasoline was fluctuating out of control in the Midwest and saying: We have to lay off people; there is no way we can keep this business going.

For a month or two at a time while this was happening, people were on the unemployment rolls, if they were lucky. Some of them were just out of work, trying to keep their families together, not because they were not willing to work hard or have a business but because one of the commodities of that business was fluctuating out of control.

There is a way to demonstrate these problems. Let me demonstrate on this chart some of the fluctuation of prices. This chart shows motor gasoline retail prices from 1999 to the end of 2001. You will see the cost per gallon across America, U.S. city averages. Imagine starting back in January 1999, the cost per gallon was around 95 cents a gallon. Look at the spring of the year 2001. The price is up to $1.60. There is a fluctuation in price from 95 cents a gallon to $1.60 per gallon.

To some it is a pinch on their pocketbook. To a business that has to meet a bottom line, that kind of fluctuation means: I can't put as many trucks on the road or hire as many people for our messenger service. We have to cut back on employment. This shows the price spikes that consumers have been faced with over that 2-year period.

Let me show another chart: heating oil prices by region, and we can see the wild spikes. The cost per gallon in January 1996 was about $1 a gallon. Then we saw this price spike to about $1.50 a gallon in January of the year 2000, and then it dips and spikes again.

Is this the natural operation of a market economy or is it something else? That is the question I have asked time and again. I understand supply and demand. I passed that course in my sophomore year in college, not with a great grade but a good one. I understand what the market economy is all about, supply and demand, but it struck me as odd that year after year with great repetition we would see gasoline prices go skyrocketing for a matter of weeks and months during certain periods of the year.

That is why I brought this amendment to the floor. I think we can address the chronic national problem of significant energy price fluctuations, and we ought to do it by putting together a commission that is balanced.

Whenever we get into debates about these price fluctuations, people say: We are going to get the captains of industry and Government heads of agencies and they are going to come together and talk this through. I thought to myself: Isn't it interesting these people talk about a problem that does not touch them personally as families, individuals, small businesses, and farmers. Why are we not bringing consumers into this discussion? Why shouldn't they be part of this analysis to make sure the market truly is working and nothing else is involved?

That is why I am offering an amendment to establish the Consumer Energy Commission. This would be an 11-member Commission which would bring together bipartisan appointees and representatives from consumer groups, energy industries, and the Department of Energy to study the causes of energy price spikes and make recommendations on how to avert them.

It is true the Federal Trade Commission took a look at the gasoline price spikes in the Midwest recently. Indeed, a lot of studies have investigated potential abuses of market power in the energy industry. I salute CARL LEVIN of Michigan who serves with me on the Governmental Affairs Committee. He is having a hearing very soon looking into the specific problems that have hit the Midwest.

Other studies have looked at long-range supply and demand projections for energy products, but previous studies have tended to focus on a small set

of issues and on the perspective of big industry or big Government. I think the best approach is not to look at these issues narrowly but consider the big picture and, in particular, from the consumer's point of view.

We need to give consumers a voice and opportunity to participate in this process. When consumers pay their grocery bills or tuition bills for their kids or even their residential utility bills in most States, and when businesses pay for raw materials and supplies, prices are usually rather predictable. But when they pay for heating and cooling, natural gas, gasoline for trucks and autos, families and businesses face the frustrating reality of wild price swings.

We need to bring consumers to the table with representatives of the energy industry and Government to study these price spikes. We need these groups to work collectively to consider a range of possible causes of energy price spikes. We need them to look at both the supply and the demand side, including such potential causes as maintenance of inventory, delivery of supply, consumption behavior, implementation of efficiency technologies, and export-import patterns.

After the Consumer Energy Commission studies energy price spikes comprehensively, its charge will be to develop options for ways we can avert and mitigate these terrible price spikes.

These recommendations can range from legislative and administrative actions to voluntary industry and consumer actions that can help protect consumers from the fluctuating cost of energy products.

This Commission will be well balanced, not only to reflect all groups with a stake in energy price spikes but also to reflect both political parties. No commission has ever before brought together such a diverse group to study such a complex problem in a comprehensive way. No commission has ever promised to see things from the perspective of consumers, families, and businesses that routinely face energy price spikes.

The Consumer Energy Commission is long overdue, and I urge my colleagues to support it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I compliment the Senator from Illinois on his amendment. I reviewed it. It deals with a very important set of issues about which we have all been concerned. His description of what this Commission would look at as the causes of large fluctuations and sharp spikes in prices, including insufficient inventories, supply disruptions, refinery capacity limits, insufficient infrastructure, regulatory failures, demand growth, reliance on imported supplies, insufficient availability of alternative energy sources, abuse of market power, market concentration, and other relevant market failures, are the exact kinds of issues we are trying to deal with in this comprehensive energy bill.

Obviously, we need as much wisdom as we can find on these issues and how to address them. I believe this amendment would be a source of good advice to us, and I support the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I want to enter into a general discussion with my friend from Illinois relative to the substantive effect of his proposed Commission because while I certainly concur we are entitled to have this information, I am wondering why an inquiry by letter to the Department of Energy, the Federal Trade Commission, the GAO, or the Energy Information Agency would not suffice for the same purpose.

The Senator from Illinois indicates the Commission shall conduct a nationwide study of significant price spikes since 1990 in major consumer energy products. I think we are all familiar with the situation in California relative to what happened when California chose not to pass on the full cost of energy to the retail customer. As a consequence, the price hikes associated with that activity were certainly evident when the wholesalers went out of business.

I wonder if my friend could indicate if indeed there is not a little duplicity in the availability of this information. I do not have a problem with the amendment, but I do not want to build up a bureaucracy.

Mr. DURBIN. If I might respond, I thank the Senator from Alaska because I think it is a good faith question and I think it is one that deserves an answer. I say to my friend from Alaska, what we are trying to do in this effort is to perhaps bring new perspective to this issue. The Senator's State of Alaska really prides itself on its individualism and its own special character. What we are trying to do is say we think it is not unreasonable, in fact it is valuable, to have consumers represented in this discussion. I know what I am going to get if I write a letter to the major Federal agencies in town. I know what I will get if I write to most of the investigative branches of the Government. Would it not be refreshing to have a new perspective with a Commission that really at least includes some honest-to-goodness consumers who take a look at this from the small business perspective, from the farmers' perspective, from the family's perspective? I do not think we have anything to lose. We may have a lot to gain, and I hope in doing that maybe we will convince some of the larger industries and utilities and even Government agencies that they ought to every once in awhile take a fresh look at things.

I do not think this piles on to bureaucracy. It might open up a window and bring in some fresh air.

Mr. MURKOWSKI. My concern is whether or not the proposal would really create another study panel to study what has already been studied many times. Quite frankly, we already knew with what price hikes were associated; namely, a shortage. I often find it makes us feel good to bring in consumers and participate in a townhall meeting, but we have to educate the consumers on the factual information because they are the ones who are affected by the results oftentimes. A price hike obviously hits the consumers, and sometimes they are not knowledgeable.

I refer back to the first page of the amendment of the Senator from Illinois; (A)1, and I quote: Of whom shall represent consumer groups focusing on energy issues.

I gather that would be four members from the congressional appointees. Is that correct?

Mr. DURBIN. The suggestion in this amendment is the majority leader and the minority leader of the Senate will each appoint two members, one from the consumer side, one from the energy industry side. So there would be two who would come from the Senate and the House, the majority and minority leaders. So there would be four altogether, and then a fifth would be appointed by the President. So 5 of the 11—not even a majority—would be consumer voices.

Mr. MURKOWSKI. The consumer voices come out of that appointment?

Mr. DURBIN. Yes. Five of the eleven appointees to this Commission would be from consumer groups focusing on energy issues.

Mr. MURKOWSKI. Ordinarily, the problems we have relative to energy are not enough electricity, not enough electric transmission in some areas, not enough oil and gas production in other areas, not enough refining capacity in other areas. Consumer protection obviously is involved in virtually every facet of our lifestyle. I do not have a particular objection to the information the Senator from Illinois is trying to generate. I am concerned we not duplicate this.

Would the Senator allow us to put this aside and get back to it perhaps tomorrow after we have had a chance to look at it? We had not seen the amendment previously to have a chance to make a determination whether or not indeed there is another agency that has a responsibility that can provide the information the Senator believes is in the national interest.

Mr. DURBIN. I am happy to accommodate my colleague from Alaska. I hope when he takes a look at it, he will support it. I certainly want to give him a chance to review it.

Mr. MURKOWSKI. If we expand this to consumer groups, would we not want to have some consideration or environmental input, too? Oftentimes if you have one and do not have the other, then the other wants to be heard. And if we are talking about more electricity or more transmission, this also

could have some environmental concerns.

Mr. DURBIN. It is hard for me to quarrel with the Senator's suggestion, but I think the focus of this Commission is to really talk about the pocketbook impact of these energy price spikes. There are critical and important environmental issues, the Senator knows well because he studied it as much if not more than any other Senator. But really what I am trying to focus on is what the Senator has heard at home and what I have heard at home, that when the price of one of these energy suppliers goes out of control, we get calls from consumers and their families, as well as small businesses, who say: Senator, what is going on? Why does this happen every spring in the Midwest?

So I ask the Senator from Alaska to take a look at it and join me in focusing on these price spikes and the consumer side of it, and I will gladly join him on any environmental aspect of another amendment. In this amendment, if we could try to confine ourselves to the economics of this issue, I think that was the reason I offered the amendment, and I hope the Senator will support it.

Mr. MURKOWSKI. What I would encourage is that the professional staff take a good look at this and see if indeed there is not some other agency that would have this information. I think it is important for the Senator from Illinois to recognize on renewability, which we passed, the 10 percent, that is going to cost roughly $100 billion to the consumers of this country by the year 2020. That is pretty much the agreed-upon, recognized cost of achieving a 10 percent reliability.

I am sure the Senator from Illinois is also aware that within the last couple of days this Nation has lost about 25 percent, almost 30 percent, of the capacity to import oil with the determination by Iraq to initiate a moratorium for 30 days, coupled with the strike in Venezuela. Clearly, that shortage has resulted in at least a $3-per-barrel increase in the price of oil.

These things seem to have a world application. If we look at Saudi Arabia and the OPEC nations which operate their cartel, by reducing the supply of oil they can clearly motivate and initiate the price. I think they advised us perhaps a year ago they were going to, as an objective, hold the cartel within a $22 to $28 framework, and they have done a pretty good job of it.

Mr. DURBIN. May I respond to the Senator?

Mr. MURKOWSKI. Surely.

Mr. DURBIN. I say to the Senator, he has made the point because he understands, as I do, how beholden we are to foreign interest sources. If there is a problem in Venezuela or a decision by gulf state oil producers that they are going to withhold supply from the United States, it has a direct impact on the price and certainly on consumers. That is one of the elements we raised and studied, the reliance on imported supplies. As we become less dependent and more energy secure, we are less susceptible to price fluctuations, which I would like to have studied as part of this Consumer Energy Commission.

The Senator has made the point, and made it well, as to why we should look at this more closely. There are a dozen ways to go after this, as Senator MURKOWSKI and Senator BINGAMAN know so well, having spent so much time on this bill. I hope we never lose sight of the ultimate consumer who ends up paying the bill. It is the mom and pop back home who end up with the natural gas bill to heat their home—or gasoline or heating oil. They are the ones who ought to be in on this discussion. That is what we tried to do with this Commission.

Mr. MURKOWSKI. Mr. President, in responding, the examples I cited are beyond the control of the Senate, beyond the control of the consumer groups. It is just a world market that dictates, when somebody chooses to reduce the supply. As we increase our dependence on the Middle East, on OPEC, we increase our vulnerability. The other example I cited, our interest in stimulating renewables, does not come without a cost.

I suggest to the majority as we look at the creation of this Commission—which as I understand would have an authorization of about $400,000, with no staff and no specific definition of powers—see if we can jointly work together and perhaps with the Comptroller General or others undertake this study. If it is not feasible, I will not reject the amendment necessarily. I am just a little sensitive to expanding bureaucracies.

If the Senator allows us to work together, maybe we can work out something.

Mr. DURBIN. I am happy to share this with the Senator's staff. I want to give them ample time to look at it. I thank Senator MURKOWSKI and Senator BINGAMAN. I don't know if I need to withdraw the amendment.

Mr. BINGAMAN. Mr. President, I suggest we set the amendment aside to consider other amendments as Senators offer amendments.

Before yielding the floor, the study called for in this amendment by the Senator from Illinois is very time limited. It is 180 days. The report has to be concluded within 180 days after the Commission is appointed. Then the Commission goes out of existence. As my colleague from Alaska pointed out, the maximum amount this could cost is $400,000 in expense funds that the Department of Energy would cover. There may be some way to improve the language, but I think it is a meritorious amendment and I hope we can adopt it. I thank the Senator from Illinois for offering it.

Mr. DURBIN. I yield the floor.

AMENDMENT NO. 3093

Mr. MURKOWSKI. Mr. President, unfortunately, I was absent when the two Senators from New York proposed an amendment authorizing funding for prohibition on oil and gas drilling in the Finger Lakes National Forest in New York.

My first reaction was that it was precisely in the wrong direction. At a time when we are increasing our dependence on imported sources of energy, oil and gas, this amendment prohibits oil and gas drilling in the Finger Lakes National Forest of New York.

I am not knowledgeable as to the extent of interest to drill in this area. However, I am sensitive to Senator SCHUMER and Senator CLINTON with regard to what they believe is best for their State. We have an amendment to put additional Federal lands off limits to oil and gas development. That is clearly what we are doing.

The irony in this as far as my State is concerned is we happen to support opening ANWR, opening the area for oil and gas exploration, and we find a reluctance of some Senators to recognize that while I am certainly not going to take issue with the attitude prevailing of the two New York Senators who want this area put off limits, I find it a bit inconsistent that other Senators will not respect our views in Alaska relative to our support, which is nearly 70 percent of the population. Clearly, virtually the entire population of the North Slope, with the exception of the Gwich' in people, support opening ANWR.

I take the opportunity to point out we have an amendment to put additional Federal lands off limits to oil and gas development at a time when we are increasing our dependence on imported oil, at a time when we have an opportunity to open domestic sources, specifically ANWR and Alaska.

I respect the views of the Senators from New York. They have introduced this legislation. The legislation itself should be considered in the committee of jurisdiction. I am speaking for myself now, but I believe it should be brought to the committee before it comes directly to the floor for action. Otherwise, obviously, we bypass the committee process and the rules—which is the rule rather than the exception.

I tell the Senators from New York I may very well support their legislation. I voted with and supported other colleagues on wilderness designation, from time to time, that put oil and gas development off limits. So this is not the first for me, in spite of the fact some may question that. But it is fact. I have supported and voted for wild and scenic rivers designations that foreclosed future FERC licensing.

That is why we have a committee process, to understand the significance of the legislation's applicability. I do not think we should come to the floor on a bill that ostensibly is designed to increase our energy security and put more Federal lands off limits without the benefit of the committee review.

I certainly have great respect for the views of the State delegation, and I

have regularly deferred to their views through the committee process. This is not a large area. It is a very small area of Federal land, with no existing leases, as far as I know. I am not aware of any pending proposal to create an emergency. I encourage the Senators from New York to allow us to let this go through the committee process and not send the legislation further down the road with increased Federal dependence. I encourage that consideration. Again, I have indicated I very likely would accept it in the traditional process.

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

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

Mr. GRAMM. Mr. President, it is my understanding that the Democrat floor leader will be coming to the floor in a moment to ask unanimous consent that we bar further first-degree amendments; that is, further as compared to a list already assembled.

I see he has arrived, and so I will be brief, but I believe we have put together a bill that is an energy bill largely in name only. It will have a series of tax incentives, many of which are expensive and targeted to things which can never be reliable, significant energy sources for America. We will impose additional regulation and inefficiency in the market.

As you have in any bill, you end up with a balance between good and bad from each individual point of view. But the key ingredient that is missing in this so-called energy bill is a commitment to open the one resource that can be developed on an environmentally sound basis and that can give us energy to turn the wheels of industry and agriculture here at home: the Arctic National Wildlife Refuge.

I have been frustrated throughout this debate in that we haven't had an opportunity to vote on ANWR. It is my understanding that there is a movement afoot in the body to deny us an up-or-down vote on ANWR.

I hope it doesn't inconvenience my colleagues, but I wish to reserve my right to offer additional amendments until we have had an opportunity to vote on ANWR. When we have had an opportunity to vote on ANWR, I think at that point I would be prepared to lock in a list of amendments.

It is my understanding that we could reach that point maybe by next Wednesday, but I would have to object now to limiting my ability or anybody else's ability to offer additional amendments until we know what is going to happen in the part of the bill that will most directly impact on energy production here in the United States—and that is the opening of ANWR.

I also believe it is important that we preserve our ability to offer additional amendments in case there is an effort to deny us at least a chance to vote yes or no on ANWR. I think I will be unhappy if we can't get 51 Members to vote for ANWR, but at least if we have an up-or-down vote, the Senate has basically had its say on the issue. I have been on the losing side on many issues in my career in the Senate, and I have learned to live with each one of them, but I would like to have an opportunity to have that vote.

I was going to say this before the distinguished Democrat leader came to the floor. But until we have this chance to deal with ANWR, I wish to preserve my right and every other Member's right to offer amendments.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, this unanimous consent agreement would not prevent my friend from Texas from offering amendments. But we have been on this bill now for 16 days. My friend from Texas says that he wants to vote on ANWR. We have been waiting for 16 days to have them offer the ANWR amendment. For my friend and others to say they want an up-or-down vote on this issue is somewhat interesting because, for example, on the Feinstein amendment, which was under consideration for about 2 weeks, we couldn't get an up-or-down vote as a result of a number of people, not the least of whom was the very astute Senator from Texas, Mr. GRAMM.

We are proceeding through this bill by the rules of the Senate. Sometimes the rules of the Senate are not convenient for some. But they are very consistent. That is why the Senate works so well for the American people.

We have done everything but beg the proponents of drilling in ANWR to offer that amendment. We are coming to a point—and the majority leader will have to make that decision—where if they do not offer the amendment we are going to take the ANWR provision out of the House bill and offer it. Then that will be before us.

We believe that energy legislation is important, and at this stage, of course, it is imperfect. But there are things in the bill which I personally like. I like renewables. It is not as much as I wanted. There are things in this bill that are good. The Senator from New Mexico has worked very hard on this bill as has the Senator from Alaska.

I understand but disagree very much with my friend from Texas.

Therefore, I ask unanimous consent that the list that I will send to the desk be the only first-degree amendments remaining in order to S. 517, except for any first-degree amendments which have been offered and laid aside; that these first-degree amendments be subject to relevant second-degree amendments; that upon the disposition of all amendments the bill be read the third time and the Senate then proceed to Calendar No. 145, H.R. 4, which is the House-passed energy bill; that all after the enacting clause be stricken and the text of S. 517, as amended, be inserted in lieu thereof; that the bill be advanced to third reading, and the Senate proceed to vote on passage of the bill; that upon passage the Senate insist on its amendments and request a conference with the House on the disagreeing votes of the two Houses, and the Presiding Officer be authorized to appoint conferees on the part of the Senate; provided further that S. 517 be returned to the calendar, with this action occurring with no further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, I ask that the unanimous consent request that I have propound stand on the RECORD. Before my friend reserves his right to object—and he probably will object—I also say to my friend that one of the things I have trouble understanding is if this bill goes out of here to the House—the Republicans control the House and we have a Republican President—I can't understand why people are afraid to go to conference on this bill. Senator BINGAMAN, of course, would be the person we would look to for leadership in that conference. We have great confidence in him. But he is up against the President and the Republican majority of the House.

I don't understand why people are afraid to let us vote up or down on ANWR. It is not in the bill. There is certainly a procedure in conference for it to be in the final bill coming before the Senate.

I think this is fair. We need to move this along. It is not as if there are no amendments. There are lots of amendments that people could offer.

I hope my friend from Texas will reconsider his objection because I think from all I have been able to determine the Senator from Texas is the only individual Senator stopping us from going forward with having a finite list of amendments.

The PRESIDING OFFICER (Mr. JOHNSON). Is there objection?

Mr. GRAMM. Mr. President, reserving the right to object, first of all, I thank our colleague for his kindness to me. I think the criticism about the delay in offering an ANWR amendment is valid. I wanted to offer ANWR as the first amendment on the bill. That was not the collective decision on our side of the aisle. I respect that.

The rules of the Senate are very clear. One of the things that makes this the most important deliberative body in the world is the ability of Members at any point to offer an amendment. I wish to preserve that right.

I believe once we have had an up-or-down vote on ANWR I can take the position at that point that I am willing to join others who are willing to lock in a list of amendments and no others as first-degree amendments. But until we have had a chance to vote on ANWR, I feel constrained to object.

I was a little bit confused as to whether the Senator was saying there

was a willingness on his side of the aisle to give us an up-or-down vote on ANWR. I think perhaps if we could have a commitment for that up-or-down vote perhaps we could work out an agreement on amendments before that vote occurs. But I would want to know that we have that commitment.

In terms of the Feinstein amendment, 50 people voted against it today, and 48 voted for it. Senator FEINSTEIN withdrew the amendment. I had hoped that we could work out a compromise. I intend to approach her to try to work out a compromise. But given the absence of an agreement to an up-or-down vote on ANWR in this unanimous consent request, I would feel constrained to object. And I do object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Nevada.

Mr. REID. Mr. President, I understand the objection has been made, and I appreciate the Senator from Texas having the right to do that.

I would say, I hope—well, I don't hope, because if the amendment is not offered pretty soon, we are going to offer it—somebody over here. I will offer it. But I hope when that matter is resolved—and it may have to be resolved the same way the Feinstein amendment was resolved, by filing cloture on that amendment—I say to my friend, if that in fact is the case, I hope the Senator then will allow us to have a finite list of amendments after that matter is voted on through cloture or otherwise.

Mr. GRAMM. If the Senator will yield, I think once we have had a vote on ANWR, then my reservations about limits on the ability to offer other amendments will largely be eliminated. I might want to file some amendments, but I simply go back to the earlier vote on the Feinstein amendment. No one required that Senator FEINSTEIN pull her amendment down. It was still the pending business of the Senate. I did not encourage her to do it. I had hoped we could work out a compromise. I still hope we can.

I think there is a very big difference in voting on cloture on ANWR, where we are simply trying to bring debate to an end and having an opportunity to vote yes or no on ANWR. I think that is going to be a very critical factor with me, perhaps with others.

But if next week we can move the process forward—and we can't offer the amendment soon enough to suit me—if we can have a debate on it, however long that takes, I am for it. But once we have had an up-or-down vote on ANWR, then I will be ready to lock down the amendments and move toward passage and toward this conference. But I do believe it is important, on an issue that has profound national security implications, for the Senate to take a position yes or no on ANWR. I think that is very important.

I am just one Member. Other people can disagree. But that is what I think. And I think the people of my State believe the same. So that is what I am trying to promote. I thank the Senator for his kindness.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, Senator FEINSTEIN withdrew her amendment because she had taken up enough of the Senate's time. We discussed this, and she believed, in that she did not have enough votes to invoke cloture, it would be in the best interest of the Senate to move this legislation down the road. That is the case.

I say, as I said to the senior Senator from Alaska this morning, I am concerned about national security. We are all concerned about national security. But if we start talking about energy, I think one of the ways we can sustain national security very quickly is to increase the fuel efficiency of cars. That isn't something we have to drill under the ground for to find out how much is there. You don't have to build pipelines to move that oil around the country.

What we simply have to do is make our cars more efficient. We have not done that in some 20 years. It would save millions of barrels of fuel a day. I think that is what we should do. So if we are talking about national security, let's look at fuel-efficient vehicles.

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

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

Mr. STEVENS. Mr. President, I have been involved in other matters, obviously, as all other Senators are. I understand that, once again, my friend, the minority whip, has mentioned the problem of CAFE and the CAFE standards. We had a discussion on that this morning in relationship to the ANWR problem that we seek to pursue.

The Senate has voted twice on the CAFE standards. The first vote was on amendment 2997, and the vote was 62 to 38 to give the National Highway Traffic Safety Administration 2 years to establish standards. That vote was not filibustered. It did not need 60 votes. It was an up-or-down vote. There was not a motion to table. Neither Senator MURKOWSKI nor I filibustered or threatened to filibuster that issue.

The second vote on CAFE was on prohibiting an increase in the average fuel standard for pickup trucks. Amendment No. 2998 passed on a vote of 56 to 44. Again, there was no filibuster on CAFE. It was an up-or-down vote requiring only 51 votes on what my friend, the majority whip, said should be an issue of national security and is an issue of national security.

During the debate on the Alaska pipeline, the then-leader, as I pointed out this morning, Senator Mansfield, and Chairman Jackson did not vote for the amendment that authorized the right of way but they did realize it was an issue of national security and it should receive an up-or-down vote. They allowed an up-or-down vote on the Alaska pipeline without filibuster. As a matter of fact, it became a part of the right-of-way bill at that time only by the vote of the then-Vice President breaking a tie in the Senate.

In fact, Senator Jackson was so incensed at the thought of a filibuster on an issue he opposed that concerned national security that he threatened to have the Federal Government build the Alaska pipeline itself. At that time he said:

> Mr. President, I have come to the regretful conclusion that if we are stalled here, early next year I give my pledge that I am going to push legislation for the Federal Government to build this line. It does involve a national crisis. It is urgent, and I shall do everything in my power to move that oil.

We did not filibuster the CAFE votes, which the majority says are national security issues. But the majority says the ANWR issue is not a national security issue.

I hope the Senate will come to the position that my great, late friend, Senator Mansfield, came to as leader—that there should be no filibuster on an issue involving a matter of national security, something that is seriously involved in the national defense, particularly at this time when the gas price in this city alone has gone up from $1.15 to $1.51 in 3 days.

We face a national crisis. It is not dissimilar from the one we faced in the 1970s. And I believe those who oppose getting us to the point where we can determine whether or not we can produce substantial quantities of oil and gas from that million and a half acres, set aside by Congress in 1980 for that exploration and development—we are not drilling in the wildlife refuge. It was set aside and will not become a permanent part of the wildlife refuge until the drilling is over.

This chart depicts one of the things we found recently. I want people to see it. That is my commander, General Eisenhower, pictured on this chart. It is a poster that was put up by the Petroleum War Council during World War II. It is a statement to workers in the oil fields. Here is the commanding general of our forces at the time of the invasion of Europe saying to those people in the oil fields: Your work is vital to our victory . . . our ships . . . our planes . . . our tanks must have oil. Stick to your job—oil is ammunition.

Our generation knew that oil was related to national security. I don't know how anybody today can say this is not a national security issue when we bring the ANWR issue before the Senate. We should have an up-or-down vote. We should not have to prove we have 60 votes. The reason the amendment is not here is we are trying our best to get 60 votes. If I have anything to do with it, we will find a way to get them, but it should not be required. The requirement should be only that we come

to the Chamber and demonstrate it is a national security issue, and that issue should not be subject to a filibuster.

I believe those who filibuster against this amendment will be committing a grave error. The American public should know that. Anybody out there who is interested should look at this. This is the National Interest Land Conservation Act of December 2, 1980, section 1002, the Jackson-Tsongas amendment. It says:

The purpose of this section is to provide for a comprehensive and continuing inventory and assessment of the fish and wildlife resources of the coastal plain of the Arctic National Wildlife Refuge; an analysis of the impact of oil and gas exploration, development, and production, and to authorize exploratory activity within the coastal plain in a manner that avoids significant adverse effects on fish and wildlife and other resources.

It has been 21 years since that bill was passed. I got this out of my archives, for anybody who is interested. That was one of my favorite photos. That is Senator Scoop Jackson, this is Paul Tsongas, and that is a younger Ted Stevens. Senator Tsongas has in his hand, and I have a copy, the final version that Senator Jackson and I agreed to with regard to that bill in 1980. That 1980 bill gives us the authority to proceed with the exploration in the Coastal Plain. It was the intention of these people—they made a commitment to us that we would be able to proceed with exploratory activity and development in the Arctic Plain, provided there was an environmental impact statement made that showed there would be no adverse impact on the fish and wildlife resources of that Arctic Plain, the million and a half acres set aside for exploration activity by the Tsongas-Jackson amendment.

We have twice prepared these statements—twice. It was during the Reagan-Bush administration, and the first Bush administration. The President asked the Congress to approve proceeding on the basis of the finding of those environmental impact statements that there would be no adverse impact by gas exploration and development on the Coastal Plain. But twice the Congress, then under the control of the current majority party, refused to approve that request.

During the Clinton administration, twice the Congress sent to President Clinton a bill that would authorize the commencement of this exploration and development activity in the Arctic Plain, and the President vetoed it.

So there has been a stalemate now for 21 years. Had we started this development, we would not be under the threat of Iraq today; and had we started this development, we would not be importing from Iraq a million barrels of oil a day.

We are sending to Iraq billions of dollars that they are using now to pay stipends to suicide bombers' families. Our money that is buying oil from Iraq is paying the suicide bombers' families.

I cannot understand a Senate that would refuse to carry out the existing law that was a commitment made to my State. We are not a very old State, Mr. President. As a matter of fact, I had been here then all but 9 years that Alaska had been a State. This is a basic commitment to the developmental area of Alaska. This was set aside—the first 9 million acres—during the period of time when I was at the Department of the Interior. At that time, it was the Arctic Wildlife Range. The wildlife range was subject to oil and gas development under stipulations to protect the fish and wildlife. It was never closed. It has never been closed to oil and gas development. It is not closed now. The 1980 act did not close this area to oil and gas development. On the contrary, it set aside specifically 1½ million acres in that 1002 area, the amendment offered by Senators Tsongas and Jackson, as I indicated.

I have here a history of the dates of Federal land activities with regard to this area. I want to put them in the RECORD so that there is a very clear statement that, from 1923 until now, this area has never been closed to oil and gas development. It has never been made part of the Arctic Wildlife Refuge that was closed to such development. It has never been wilderness. There is wilderness in the rest of the refuge, but this is not wilderness.

I hear people saying we are proposing to drill in a wilderness area every day. That is not true.

I ask unanimous consent this statement of select dates and Federal public land history in Alaska be printed in the RECORD.

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

SELECT DATES IN FEDERAL PUBLIC LANDS HISTORY IN ALASKA

Feb. 27, 1923—Executive Order 3797–A (President Warren Harding)—creates National Petroleum Reserve with six year reservation for classification, examination and preparation of plans for oil and gas development.

Jan. 22, 1943—Public Land Order 82 (Abe Fortas, Acting Secretary of the Interior)—(1) All public lands in Alaska withdrawn from sale, location, selection, and entry under the public-land laws of the United States, including the mining laws, and from leasing under the mineral-leasing laws; and (2) the minerals in such lands reserved under the jurisdiction of the Secretary of the Interior for use in connection with the prosecution of the war.

Included public lands:

(1) Alaska Peninsula in South-Central Alaska.

(2) Katalla-Yaktaga region around the Copper River and Chugach National Forest regions.

(3) All lands within the Chugach National Forest.

(4) 48 million acres of public and non-public lands in Northern Alaska from Cape Lisburne to Canada (includes today's ANWR).

The order did not affect or modify existing reservations of any of the lands involved except to the extent necessary to prevent the sale, location, selection, or entry of the described lands under the public-land laws, including the mining laws, and the leasing of lands under the mineral leasing laws.

July 31, 1945—Public Land Order 289—(Abe Fortas, Acting Secretary of the Interior) Amended Executive Order 3797–A by deleting the six-year limit for classification, examination, and preparation for oil and gas development of NPRA.

April 22, 1958—Public Land Order 1621—(Secretary of the Interior Fred Seaton) Amended Public Land Order 82 by allowing oil and gas exploration of approximately 16,000 acres within the known geological structure of the Gubik gas field.

Paragraph 3 of PLO 1621 established lands east of the Canning River along the coast as the Arctic Wildlife Range (approximately 5 million acres).

Paragraph 3 specifically states in regard to the Range: As provided by the regulations in 43 CFR 295.11, the lands shall remain segregated from leasing under the mineral leasing laws and from location under the mining laws to the extent that the withdrawals applied for, if effected would prevent such leasing or locations, until action on the application for withdrawal has been taken.

Paragraph 4 states: None of the released lands shall become subject to oil and gas leasing until approved leasing maps for such lands, or portions thereof, are from time to time prepared, and notices of the time and place of filing thereof and of the availability of lands for leasing have been published in the Federal Register by the Bureau of Land Management. These notices will describe the lands subject to noncompetitive lease and will provide for a simultaneous filing period of offers to lease. The leasing maps will not describe any lands within two miles of the Naval Petroleum Reserve No. 4.

September 4, 1959—Public Land Order 1965—(Secretary of the Interior Fred Seaton) Amended PLO 1621 to permit the preparation and filing of leasing maps affecting all lands situated within the Gubik gas field, and lying within the two-mile buffer zone adjacent to NPRA.

December 8, 1960—Public Land Order 2214—Secretary of the Interior Fred Seaton) Establishment of the Arctic National Wildlife Range.

Paragraph 1: For the purpose of preserving unique wildlife, wilderness and recreational values, all of the hereinafter described area in northeastern Alaska, containing approximately 8.9 million acres is hereby, subject to valid existing rights, and the provisions of any existing withdrawals, withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws, nor disposal of materials under the Act of July 31, 1947, as amended, and reserved for the use of the United States Fish and Wildlife Service as the Arctic National Wildlife Range.

December 2, 1980—ANILCA—Section 1002—(pertinent subsections of 1002)—(a) Purpose—The purpose of this section is to provide for a comprehensive and continuing inventory and assessment of the fish and wildlife resources of the coastal plain of the Arctic National Wildlife Refuge; an analysis of the impacts of oil and gas exploration, development, and production, and to authorize exploratory activity within the coastal plain in a manner that avoids significant adverse effects on the fish and wildlife and other resources.

(i) Effect of other laws—Until otherwise provided for in law enacted after December 2, 1980, all public lands within the coastal plain are withdrawn from all forms of entry or appropriation under the mining laws, and from operation of the mineral leasing laws, of the United States.

Mr. STEVENS. I am perfectly willing at any time to start the debate on ANWR. I prefer to start it when we

know we can have an up-or-down vote. We had one on CAFE. We opposed that. I opposed that. I said at the time one of the reasons I did is I come from a State where every person who has a car has an SUV. Until they show me they are not going to outlaw them, we cannot support that. We can support reasonable restrictions on the use of automobiles that will lead us to have some savings, but savings doesn't produce oil.

Oil is a lot more than gasoline, by the way. As I have repeatedly told people, everything from frisbees to panty hose comes out of the barrel of oil, in addition to gasoline. It is time we got down to discussing this amendment. But it ought to be discussed in a manner in which the national security issue is considered. Oil is a national security item for this country—more right now than at any other time except in the 1970s when we had an embargo. We are as near to an embargo as we have been since that time. As I said yesterday, I think we are very close to embargo now.

Mr. President, the question of what happens to a barrel of oil has been very interesting. I showed this to the Senate some time ago. These are the items made from oil: Toothpaste, footballs, ink, lifejackets, tents, dyes, balloons, cameras, cranes, vitamin capsules, soft contacts, panty hose, fertilizer, photographs, roofing material, compact discs, shaving cream, perfumes, umbrellas, golf balls, aspirins, house paint, lipstick, dentures, glue, clothing, deodorant. Thousands of products come from oil.

People keep talking about CAFE standards being able to produce savings and lead to somebody having oil—no, they are talking about gasoline. A barrel of oil is what we are talking about. We produce oil, the gasoline is produced in refineries in the south 48.

Let me add this. One barrel of oil makes 44.2 gallons of economic essentials. Everyday products consume 56 percent, such as those I have mentioned. Gasoline takes 44 percent of the barrel. During the time of the Persian Gulf war, at my request, as a matter of fact, the oil industry increased the throughput to 2.1 million barrels a day. When I was home last week, there were 950,000 barrels a day going through the pipeline. Do you know why? The reserves are going down. It is uneconomic to produce at the rate we used to because reserves are going down—our reserves over in the Arctic Plain. If we had that producing now, we would not be buying a million barrels of oil a day from Iraq.

The only reason he can use oil as a weapon now is we have decreased the throughput in the Alaskan pipeline. When it was running at full tilt, that pipeline carried, as I said, 2.1 million barrels a day. That was 25 percent of the domestic oil produced in the United States. Today we produce about 12 percent of the oil produced in the United States because we have been unable to get in there as was committed to us in 1980, that we would be able to explore and develop the oil and gas in that area, provided there would be no permanent harm to the fish and wildlife in the area.

The House bill—it is not before us now—set down a limit of 2,000 acres out of the 1.5 million acres. Only 2,000 acres on the surface can be used for oil and gas development.

I hope we can get down to the point where we are discussing reality and we are discussing issues and not the issue of whether we have to have 60 votes. The 60-vote requirement is only a requirement that comes from a leadership decision that a filibuster will be allowed.

I wish to God Senator Mansfield was still with us so he could come and say to us why he did what he did. He prohibited a filibuster on the oil pipeline amendment. The same forces were opposed to it then that are opposed to ANWR now. In fact, the ads in the paper look almost the same: caribou, mountains, D–8 Caterpillars.

One time I came to the floor after my good friend, Gaylord Nelson, left the Senate and showed the Senate a brochure that came out of the Wilderness Society. It had a picture of a D–8 Caterpillar over the top of a mountain out of a forest looking down with a beautiful lake with caribou, bears, and everything standing around it, and that was purported to be the North Slope.

In the first place, there are no trees there. In the second place, all those animals are not there. In the third place, there is nothing there except tundra. There is fish and wildlife, we agree to that. We have had the studies made twice now that there will not be permanent harm to fish and wildlife, particularly the caribou.

I invite the majority—let's get a couple planes and fly up there and I will show you that place right now. Oil and gas activity only takes place in the wintertime, not in the summertime. The caribou are there for a maximum of 6 weeks and for 3 of the last 5 years they did not come up there at all.

This idea that somehow we are going to ruin anything about my State by allowing this development of oil and gas to continue is absolutely wrong.

It is time we came down to the decision that there ought to be an up-or-down vote. I go right back to where we started. The Senate voted twice on CAFE. It was not filibustered by this side. It was not filibustered by this side because we agreed the whole issue of foreign oil dependence and oil availability in this country is a national security issue.

I hope the majority party will see fit to recognize that as such before we are through. If we live under the paradigm of getting 60 votes, then I am willing to keep the Senate around until we get 60 votes. It is time we really stood up for this. It is a national issue. It is absolutely necessary, I believe, for the future of this country to have that oil produced. It can be produced and the gas can be produced out of that area.

I might also say in passing that this is just a preliminary. We are going from this issue to the natural gas pipeline. The natural gas pipeline will carry gas that has been produced in the process of the production of oil at Prudhoe Bay. Gas was produced with the oil and then it was separated from the oil and reinjected into the ground. We know there are trillions of cubic feet of gas down there because it has been produced and put back in the ground. There has been no transportation mechanism.

We are very close to a decision now from the producers and the pipeline companies to bring that gas down to markets in the Midwest. It will be a 3,000-mile pipeline, maybe up to 1,500 miles of gathering pipelines, buried gaslines running through Alaska, through Canada, all the way down into Chicago. It will be the largest project in the history of man financed by private enterprise.

It will require over 400,000 workers to complete that project. It will require new trucks, new backhoes, all kinds of new equipment to improve the roads so trucks can run on the roads up in the north country. It is a massive project. The gas pipeline cannot be completed until about 2009. I hope to God I live to see it done. I thank the Chair.

AMENDMENTS NOS. 3098 THROUGH 3102, EN BLOC, TO AMENDMENT NO. 2917

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I send a series of five amendments to the desk, and I ask for their immediate consideration en bloc.

The PRESIDING OFFICER. Without objection, the pending amendments are laid aside. The clerk will report.

Mr. STEVENS. May we see the amendments.

Mr. BINGAMAN. Mr. President, the amendments have been cleared on both sides. I will be glad to put in a quorum call until the Senator from Alaska has had a chance to review them. 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. DAYTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The clerk will report the amendments.

The legislative clerk read as follows:

The Senator from New Mexico (Mr. BINGAMAN) proposes amendments numbered 3098 through 3102, en bloc, to amendment No. 2917.

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

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

The amendments are as follows:

AMENDMENT NO. 3098

(Purpose: To require a National Academy of Sciences Study of renewable resources on the Outer Continental Shelf)

On page 80, line 21, strike ''development; and'' and all that follows through page 81, line 2, and insert the following:

''development.

''(h) NATIONAL ACADEMY OF SCIENCES STUDY.—Within 90 days after the enactment of this Act, the Secretary of the Interior shall contract with the National Academy of Sciences to study the potential for the development of wind, solar, and ocean energy on the Outer Continental Shelf; assess existing federal authorities for the development of such resources; and recommend statutory and regulatory mechanisms for such development. The results of the study shall be transmitted to Congress within 24 months after the enactment of this Act.''

AMENDMENT NO. 3099

(Purpose: To promote energy efficiency in small businesses)

On page 292, line 18, insert after the word ''label'' the following: '', including special outreach to small businesses;''.

AMENDMENT NO. 3100

(Purpose: To include units of local government in energy efficiency pilot program)

On page 252, strike section 904 and insert the following:

SEC. 904. LOW INCOME COMMUNITY ENERGY EFFICIENCY PILOT PROGRAM.

(a) GRANTS.—The Secretary of Energy is authorized to make grants to units of local government, private, non-profit community development organizations, and Indian tribe economic development entities to improve energy efficiency, identify and develop alternative renewable and distributed energy supplies, and increase energy conservation in low income rural and urban communities.

(b) PURPOSE OF GRANTS.—The Secretary may make grants on a competitive basis for—

(1) investments that develop alternative renewable and distributed energy supplies;

(2) energy efficiency projects and energy conservation programs;

(3) studies and other activities that improve energy efficiency in low income rural and urban communities;

(4) planning and development assistance for increasing the energy efficiency of buildings and facilities; and

(5) technical and financial assistance to local government and private entities on developing new renewable and distributed sources of power or combined heat and power generation.

(c) DEFINITION.—For purposes of this section, the term ''Indian tribe'' means any Indian tribe, band, nation, or other organized group or community, including any Alaskan Native Village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(d) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of this section there are authorized to be appropriated to the Secretary of Energy an amount not to exceed $20 million for fiscal year 2003 and each fiscal year thereafter through fiscal year 2005.

AMENDMENT NO. 3101

(Purpose: To set a funding goal of $100 million for research and development on wind power)

On page 408, line 20, strike ''2006.'' and insert the following: ''2006, of which $100,000,000 may be allocated to meet the goals of subsection(b)(1).''.

AMENDMENT NO. 3102

(Purpose: To clarify the requirement for the use of advanced meters in federal facilities)

On page 258, line 1, strike Sec. 912 in its entirety and insert the following:

SEC. 912. ENERGY USE MEASUREMENT AND ACCOUNTABILITY.

Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is further amended by adding at the end the following:

''(e) METERING OF ENERGY USE.—

''(1) DEADLINE.—By October 1, 2004, all Federal buildings shall, for the purposes of efficient use of energy and reduction in the cost of electricity used in such buildings, be metered or submetered in accordance with guidelines established by the Secretary under paragraph.

(2) Each agency shall use, to the maximum extent practicable, advanced meters or advanced metering devices that provide data at least daily and that measure at least hourly consumption of electricity in the Federal buildings of the agency. Such data shall be incorporated into existing federal energy tracking systems and made available to federal facility energy managers.

''(2) GUIDELINES.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary, in consultation with the Department of Defense, the General Service Administration and representatives from the metering industry, utility industry, energy services industry, energy efficiency industry, national laboratories, universities and federal facility energy managers, shall establish guidelines for agencies to carry out paragraph (1).

''(B) REQUIREMENTS FOR GUIDELINES.—The guidelines shall—

''(i) take into consideration—

''(I) the cost of metering and submetering and the reduced cost of operation and maintenance expected to result from metering and submetering;

''(II) the extent to which metering and submetering are expected to result in increased potential for energy management, increased potential for energy savings and energy efficiency improvement, and cost and energy savings due to utility contract aggregation; and

''(III) the measurement and verification protocols of the Department of Energy;

''(ii) include recommendations concerning the amount of funds and the number of trained personnel necessary to gather and use the metering information to track and reduce energy use;

''(iii) establish 1 or more dates, not later than 1 year after the date of issuance of the guidelines, on which the requirements specified in paragraph (1) shall take effect; and

''(iv) establish exclusions from the requirements specified in paragraph (1) based on the de minimus quantity of energy use of a Federal building, industrial process, or structure.

''(3) PLAN.—No later than 6 months after the date guidelines are established under paragraph (2), in a report submitted by the agency under section 548(a), each agency shall submit to the Secretary a plan describing how the agency will implement the requirements of paragraph (1), including (a) how the agency will designate personnel primarily responsible for achieving the requirements and (b) demonstration by the agency, complete with documentation, of any finding that advanced meters or advanced metering devices, as defined in paragraph (1), are not practicable.''.

AMENDMENT NO. 3099

Mr. KERRY. Mr. President, I thank Senator BINGAMAN for offering an amendment for me and Senator LANDRIEU to the energy bill regarding small business and energy efficiency. Quite simply, this amendment says that as the Department of Energy and the Department of Environmental Protection work together to raise public awareness of the Energy Star Program, they must make a special effort to reach out to small business.

What is the Energy Star Program? It is an initiative that identifies and promotes energy-efficient products and buildings in order to reduce energy consumption, improve energy security, and reduce pollution. Because small businesses have little time and few resources to learn about options for energy efficiency, within Energy Star there is a voluntary and free program for small businesses that enables owners to calculate the costs of energy efficiency upgrades, estimate payback periods and explore providers of products, services, and financing.

It only makes sense to focus on small businesses. America's 25 million small businesses make up half the economy and, according to a report by E SOURCE, entitled ''The Forgotten Majority: Small Business, Hidden Opportunities,'' small businesses account for more than half of all the commercial energy used in North America. Small businesses represent significant buying power for energy efficient technologies, many of which are developed and manufactured by small businesses. By promoting the development and use of energy efficient products and practices in our small businesses, we will not only help reduce energy use and pollution, but we will also help small businesses cut costs, saving billions of dollars, according to the Center for Small Business and the Environment. By reducing their bottom lines, small businesses increase their competitiveness in the market.

In the last few years, I have held three hearings on small businesses, energy and the environment. Testimony after testimony from policy experts to small business owners validated that investing in energy-efficient and environmentally friendly technologies is a good business, returning far more than compliance with environmental regulations.

While energy efficiency is a major cost-cutting option for small businesses, too few know about it or the Energy Star Program and endorsed Energy Star products. In addition to this amendment, there are other steps we can take to increase awareness. One, enlist the Small Business Administration to spread the word and coordinate efforts with the EPA and DoE. Right now, in spite of a hearing we held last August regarding the business of environmental technology and the benefits of Energy Star services to small businesses, SBA continues to bury Energy Star within its website. The three

agencies should coordinate their efforts, SBA has contact with thousands of small businesses daily, and is in a unique position to reach them compared to DoE and EPA.

Another step we should take is to have SBA's disaster loan program and Federal Emergency Management Agency promote Energy Star products when small businesses rebuild or replace equipment. Billions of dollars each year go to rebuilding businesses and homes, and it presents an excellent opportunity to invest in products that are good for the economy and the environment.

Last, for small businesses that do want to make upgrades, the upfront cost is often a deterrent, even with rebates from local utility companies. Small businesses typically don't have a lot of extra cash lying around to finance the purchases. SBA should find a way to work with the DoE and EPA to facilitate upgrades by getting financing for qualified businesses through the SBA's loan programs. Because we know energy efficient products increase profits, that should help lenders approve loans because there will be money for repayment.

I thank Senator LANDRIEU for joining me in offering this amendment. I thank Byron Kennard of the Center for Small Business and the Environment and his colleague Carol Werner for educating the public and policy makers about the significance of small businesses to energy and environmental policy. And, lastly, I thank Senators BINGAMAN and MURKOWSKI and their staff for making this amendment possible.

Ms. LANDRIEU. Mr. President, as a member of the Small Business Committee, I just want to echo the remarks of my chairman and colleague, Senator KERRY, concerning the amendment that we have proposed today. I also want to thank Chairman BINGAMAN for offering this amendment for us. I know he has been exceptionally busy with the energy bill the past few weeks, and I am grateful that he took the time to allow us to raise this issue.

I am proud to join Senator KERRY in support of this important amendment. The Energy Star Program is an excellent program which can provide a great deal of assistance to small businesses; but to participate in the program, these same businesses must be aware of the program. That is why coordinated outreach efforts by agencies like the Small Business Administration, the Department of Energy, and the Environmental Protection Agency is so important.

Of particular importance, as Senator KERRY stated, is to get SBA involved in this effort. We need to provide for both the financial assistance and the information that our small businesses need to upgrade to more energy-efficient products. Because for every dollar that these businesses spend on energy efficient products now, several dollars will be saved down the road. So this is something that makes good economic sense.

As a member of the Energy and Natural Resources Committee, I also believe that this amendment is important in the context of an overall energy policy. After all, one of our priorities in the energy bill is to make our Nation more energy efficient, and less dependent on foreign sources of oil. If small businesses use more than half of all commercial energy in North America, it makes a great deal of sense from a national security perspective to help these businesses become more efficient.

So this is much more than a one-time purchase; this is a long-term investment. And the Federal Government, through the SBA in particular, has a clear role in helping these small businesses make these investments, both through financing assistance and the dissemination of relevant information. Again, I am happy to join Senator KERRY in support of this amendment.

Mr. BINGAMAN. Mr. President, these are five amendments that have been cleared on both sides: one by Senator KENNEDY, one by Senator KERRY, one by Senator WELLSTONE, one by Senator CONRAD, and one by myself. I believe there is no objection to them. I urge the Senate to adopt them at this time.

The PRESIDING OFFICER. Is there further debate on the amendments? If not, the question is on agreeing to the amendments.

The amendments (Nos. 3098 through 3102) were agreed to en bloc.

Mr. BINGAMAN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BINGAMAN. Mr. President, I yield the floor.

AMENDMENT NO. 3097 TO AMENDMENT NO. 2917

Mr. DAYTON. I send to the desk amendment No. 3097.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. DAYTON], for himself, Mr. WELLSTONE, and Mr. FEINGOLD, proposes an amendment numbered 3097 to amendment No 2917.

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

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

The amendment is as follows:

(Purpose: To require additional findings for FERC approval of an electric utility merger)

At the appropriate place in title II, insert the following:

SEC. 2___. ADDITIONAL ELECTRIC UTILITY MERGER PROVISIONS.

Section 203(a) of the Federal Power Act (16 U.S.C. 824b(a)) (as amended by section 202) is amended by striking paragraph (4) and inserting the following:

''(4) APPROVAL.—

''(A) IN GENERAL.—After notice and opportunity for hearing, if the Commission finds that the proposed transaction will advance the public interest, the Commission shall approve the transaction.

''(B) MINIMUM REQUIRED FINDINGS.—In making the finding under subparagraph (A) with respect to a proposed transaction, the Commission shall, at a minimum, find that the proposed transaction will—

''(i)(I) enhance competition in wholesale electricity markets; and

''(II) if a State commission requests the Commission to consider the effect of the proposed transaction on competition in retail electricity markets, enhance competition in retail electricity markets;

''(ii) produce significant gains in operational and economic efficiency; and

''(iii) result in a corporate and capital structure that facilitates effective regulatory oversight.''.

Mr. DAYTON. I am pleased, along with Senator WELLSTONE, to present this amendment. I certainly want to thank the chairman of the committee and the manager of the bill, Senator BINGAMAN, for his extraordinary efforts over the last weeks in regard to this regulation. It is difficult because it reflects the varied interests of different parts of the country and, frankly, within my own State of Minnesota some very different perspectives on how utility policies should be directed.

The electricity title is one that is of concern to the smaller utilities in Minnesota, particularly the municipal and cooperative electric utilities because of its repeal of PUHCA and then because of the lack of any regulatory oversight and control over the mergers of these utilities. I remember when I was a youngster playing the game of monopoly, the utility companies existed because they were monopolies and also that they were regulated because they were monopolies. I am concerned and have been for some time—I saw this starting when I was Commissioner of Energy and Economic Development in Minnesota—as the regulations are taken off, they still, in many respects, have the same monopoly control over markets and geographical regions they had before.

Because of the lessons of Enron, it seems to me we are going in the opposite direction if we are saying we are now going to remove any Government oversight before these mergers take place. We have seen in the instance of telephone companies, the mergers of smaller companies into larger local companies. I called my local telephone company in Minnesota and asked for a number in Bloomington, meaning Bloomington, MN, and they asked me: What State? I am asking for directory assistance. That is hardly your local telephone company.

We have seen in Minnesota a merger of our largest utility, formerly Northern States Power, with another company, to make Xcel Energy. We see these utilities having more and more control over the markets, and we do not have a way, if we eliminate PUHCA, of looking out for the public interest and the consumer interest. These mergers ought to go forward if they are going to benefit the public interest, but we have learned over and over again that the lack of competition inevitably works against the consumer

interest, and that is where this amendment steps in.

If this bill were to pass in its present form, it would mean the repeal of PUHCA. That is why this amendment, which I coauthored with my colleague Senator WELLSTONE, would improve the language in the bill, in my view, because it requires that these proposed utility mergers advance the public interest. It spells out specific standards for the Federal Energy Regulatory Commission to consider in determining if a proposed merger advances the public interest.

It says FERC shall find at a minimum that, first, the merger enhances competition in wholesale electricity markets; second, that the merger produces significant gains in operational and economic efficiency; and, third, that the merger results in a corporate and capital structure that facilitates effective regulatory oversight.

In the aftermath of Enron, I think it is particularly important that we know this entity that is going to be coming out of this merger is one which still exists in a way that can be overseen in a regulatory way, and that it is a genuine company; that it has a genuine financial underpinning for the sake of investors, for the sake of consumers.

I think this amendment will fill a void which otherwise leaves this title decidedly neglectful of the protection of many of the residents in Minnesota, businesses, and particularly those in more rural parts of our State who still depend upon the smaller electricity and other energy providers that, in this case, run the risk, if we are not careful, of being swamped, driven out of business, and then underserved by those that come in as very large entities to take their place.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I am pleased to join Senator DAYTON in this effort. I think there are some other Senators who also want to join in the debate. There are others who have some ideas about additional consumer protection provisions, and we will see later on in the debate whether or not we further modify the amendment.

I say to the Presiding Officer this amendment basically would strengthen the underlying merger review standard that FERC would undertake, and I say with a smile to the Presiding Officer that basically this is all about PUHCA. I mean, who the heck knows what PUHCA means? Public Utility Holding Company Act.

This is legislation that was actually in this bill and was basically repealed, although the chair of the committee, Senator BINGAMAN has tried mightily to kind of work out a compromise arrangement to try to provide some protection.

In Minnesota, the little people, the little interests, the smaller businesses, the smaller companies, they are really worried about this because we see the way in which we have had this wave of mergers.

In the last 3 years, there have been 30 major utility mergers and acquisitions. Everybody is really worried. It is a little bit like the packers and what we were trying to do to make sure our independent livestock producers had some honest to goodness free enterprise, real competition. It is kind of analogous because a lot of the smaller companies and smaller businesses, much less a lot of rural citizens, are just real worried that without the protection we had with PUHCA on these mergers, albeit it was not ever really enforced like it should have been, that we are going to see a wave of more mergers, which are not always bad. I want to get to that in a moment. That could very well be to the detriment of consumers and some of the smaller companies that are driven out of existence.

I do not know whether or not we can win on this amendment. I have no idea, but I will say this, and I make this prediction tonight in this Chamber: This decade there is going to be a lot of discussion and debate and more focus on the whole problem of concentration of economic power in our economy. It is going to go in that direction. It is everywhere.

The Telecommunications Act in 1996 was supposed to be great for everybody. Cable rates were supposed to go down. They have not. It was supposed to lead to all kinds of positive benefits.

One of the things that has happened is all of these local radio stations have been driven out of existence, and we have a few large conglomerates that are now controlling the flow of information in a representative democracy. The same thing with banks, with the health insurance industry, with the food industry and agriculture, and with energy companies and utility companies. There comes a point in time where I think people in coffee shops in Minnesota are saying: Where is Teddy Roosevelt when we need him?

Let us talk about putting some free enterprise back into the free enterprise system.÷ Let's have some protection for ordinary citizens. That is what this amendment is about.

What this amendment does is simply apply the same merger review standard under the Public Utility Holding Company Act to the FERC review of electricity mergers. That is what we are worried about. That is why I think this bill is a step backwards. We have taken away this important review standard.

The electric utility industry is undergoing rapid consolidation. Again, we are not speaking to a small issue. In the past 3 years, 30 major utility mergers and acquisitions have taken place. Not all of these mergers are inherently bad. Some should not be prevented. Some of the mergers can produce efficiencies, economies of scale, cost savings, and more. However, a merger can also reduce competition, increase costs, and frustrate regulatory oversight.

Federal merger review policy should distinguish between those mergers that promote the public interest and those mergers that do not. That is what we are saying. I think the ordinary people—which I don't mean in a pejorative sense but in a positive way—ordinary citizens have a right to make sure their interests as consumers are protected.

This amendment improves the base language of the bill by doing a few things:

One, requiring that proposed mergers promote the public interest in order to secure Federal regulatory approval. That is the threshold. If you are going to do a merger, it could be it is good, but at least it ought to be a standard that you are advancing the public interest.

Two, spelling out specific standards for assessing the impact on the public interest. In other words, we spell that out in this amendment, including what will be the effect of this merger on competition, what is going to be its effect on operational efficiency, what is its effect on regulatory oversight.

Three, expanding that all mergers between electric and gas utilities are reviewed. Given, by the way, the rather unpleasant experience we all had last year with natural gas prices, there is a real need to look at the natural gas utilities. That is part of what this amendment is about.

Finally, preventing utilities from skirting Federal review by using partnerships or other corporate forms to avoid classification as a merger.

Colleagues, this amendment does not impose new regulatory requirements on the proposed utility mergers. Rather, the standards contained in this amendment mirror those that have been in PUHCA, which the bill would repeal. While the standards are comparable, the amendment actually provides greater flexibility than under PUHCA. We are just trying to restore some consumer protection. PUHCA requires that utilities be physically integrated in order to merge. The amendment waives that requirement. PUHCA prevents the merger of multistate electric and gas utilities. The amendment waives that requirement. But we do provide for FERC review of such mergers.

Colleagues, I said on the Craig amendment, I think they were right in their concern about the repeal of PUHCA. The amendment was wrong because it basically also eliminated a section of the bill, which was the renewable portfolio for electricity, which, as the Presiding Officer knows, is important to our State—very important. From my point of view as a Senator from Minnesota, I did not vote for that amendment. However, I believe the part of the Craig amendment that was right on target was that we basically repeal PUHCA. Mr. BINGAMAN, the Senator from New Mexico, has put some good language in here and has taken some positive steps.

But, again, the key point is we have a threshold which is the same threshold we have had with PUHCA which goes back to the 1920s or 1930s. If Senators think we do not need it anymore because there are no mergers or acquisitions, quite to the contrary; we ought not be giving up on the consumer protection. At the very minimum, we should have the language that requires that the proposed mergers promote the public interest. Then we get FERC approval. At the very minimum, we ought to do that. Let's make sure they promote competition, make sure they are good for consumers, make sure they add to economic efficiency.

Right now in this legislation, I am sad to say, we do not have that standard. We are going to make a huge mistake if we do not have a stronger consumer protection standard and a stronger competition standard. That is what this amendment is about.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I ask unanimous consent I be permitted to proceed as in morning business for up to 5 minutes.

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

The Senator from Maine is recognized.

Ms. COLLINS. I thank the Chair.

(The remarks of Ms. COLLINS pertaining to the introduction of S. 2085 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

EQUAL PROTECTION OF VOTING RIGHTS ACT OF 2001

Mr. REID. Mr. President, on behalf of the majority leader, under the authority granted to the majority leader on March 22, and with the concurrence of the Republican leader, I now ask unanimous consent the Senate resume consideration of Calendar No. 239, S. 565, the election reform bill.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 565) to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes.

Pending:

Clinton amendment No. 2906, to establish a residual ballot performance benchmark.

Dodd (for SCHUMER) modified amendment No. 2914, to permit the use of a signature or personal mark for the purpose of verifying the identity of voters who register by mail.

Dodd (for KENNEDY) amendment No. 2916, to clarify the application of the safe harbor provisions.

Hatch amendment No. 2935, to establish the Advisor Committee on Electronic Voting and the Electoral Process, and to instruct the Attorney General to study the adequacy of existing electoral fraud statutes and penalties.

Hatch amendment No. 2936, to make the provisions of the Voting Rights Act of 1965 permanent.

Smith of New Hampshire amendment No. 2933, to prohibit the broadcast of certain false and untimely information on Federal elections.

Mr. REID. I ask unanimous consent the previous agreement with respect to S. 565 be modified to provide that all amendments remaining in order to the bill, first and any second-degree, must be offered and debated during today's session; and that any votes ordered to occur with respect to these amendments be stacked to occur at a time to be determined by the two leaders, in the sequence in which the amendments were offered; that prior to each vote there be 2 minutes of closing debate with the time equally divided and controlled in the usual form without further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. On behalf of the majority leader, let me say, while the minority leader is here, the two managers of this bill, Senator DODD and Senator MCCONNELL, are to be applauded. What they have done is extraordinary. They should know that. This is tremendous for the country. It has been done on a bipartisan basis. These two Senators are to be congratulated.

There will be no more rollcall votes tonight. I have been advised by the majority leader to announce that.

The PRESIDING OFFICER. The Republican leader.

Mr. LOTT. If the Senator from Nevada will yield, just for a comment—and also to agree with him. I want to say to the Senator from Connecticut, Mr. DODD, and Senator MCCONNELL, they have been persistent. It would have been very easy to just let this reform effort slide off the end of the table, like so much else has, unfortunately, in the Senate. But they continued to work together. They continued to try to find substantive agreements and also a procedural process to get this done on sort of a second-track process. So I am pleased we have this unanimous consent agreement, and I commend them both. I think we are going to wind up with a product that the Senate can be proud to support.

Let me just ask Senator REID if he will yield to clarify how we proceed. Under the agreement, there were a number of amendments that were identified with time limits. All those amendments will be considered tonight under this unanimous consent agreement, and then tomorrow, at a time we will agree to and announce later, all votes, if any—either on final passage or the amendments—would be stacked?

So that would occur in the morning and Senators need to know, if they are interested in these amendments, they will need to come to the Chamber in the next couple of hours to deal with them. Is that correct? Is that your understanding?

Mr. REID. That is right, I say to the leader.

Mr. LOTT. Mr. President, if I could be recognized before we begin, now, under leader time?

The PRESIDING OFFICER. The Republican leader.

NATIONAL ENERGY POLICY

Mr. LOTT. Mr. President, I wish to talk a little bit about the energy bill, and then the managers of the election reform will be ready to go and we will take up that important legislation.

Mr. President, we need a national energy policy. I think the Congress knows that. I think the American people support that. I know the President of the United States supports that.

Right now we see the difficulties with which we are having to deal around the world: The instability in Venezuela with regard to oil supply from that country, our concerns about the Middle East, the threats from Saddam Hussein. We need our own national energy policy. We need our own energy supplies. We need to encourage conservation, alternative fuels. We need the whole package. And we need to do it now.

This is a critical time. This is a matter of our economy, it is a matter of the creation of more jobs, and it is national security. So we need to do this.

I have not come to the Chamber and really pushed on this legislation. Because of the way it was brought to the floor, which is not through the Energy and Natural Resources Committee, I thought we were going to have to do a lot of writing of the bill in the Senate. That is what has been happening. That is what has occurred. That is why it took so much time. But we have spent 2 weeks on it now. This is the third week. It is obvious to me we are going over to next week. But I think it is time for the leadership on both sides of the aisle to begin to press for this legislation to be completed.

It would be a mistake for the leaders of either party to allow this legislation to collapse after this amount of time, and on this important an issue. It is going to be very easy for Members on both sides of the aisle to say: I don't like it because of this reason; I don't want it for that reason; I don't like this particular provision.

I don't care for the electricity section, but I just voted not to strike it because I think we made some improvements. We ought to go to conference and see if we can improve it even more.

I think it is time that we bring up the ANWR amendment. Let's have a debate. I am all for it. I think we need it. I think it is a source of supply that

we can get safely and in a reliable and affordable way that will help us with our future energy needs. But let's have the debate. Let's get it done. Let's have a vote.

Then we still have the tax provisiono. I think Senator DASCHLE and I are going to have to both be supportive of completing this legislation. I think we are going to have to come to the floor and encourage our managers to make progress and to make more progress than has occurred. If we do not do it, we are not going to finish it next Tuesday or Wednesday; it will be later, and then everything else is moved down the line—border security, the immigration reform known as the 245(i) issue, trade legislation, the cloning issue.

We have other work we need to do. So it is approaching that time when we need to begin to be serious about amendments and be serious about getting to final passage.

No formal unanimous consent agreement was exchanged or agreed to back when we went out for the Easter recess, but we did exchange some lists prior to that recess so we could get a look at about what number of amendments we were talking. I understand there are about 160 amendments that were indicated by the Democrats, and probably over 100 by the Republicans—260 amendments? Nobody really believes that. We have numerous Senators who have five or six or seven amendments that they want. We are not going to have that. We are not going to leave that. A lot of these amendments are nonrelevant amendments. We could turn this energy bill into a debate over tax policy or over agriculture policy or you name it. But we need to keep it focused on energy.

The truth of matter is that I believe on our side of the aisle we are down to 7 to 10 serious amendments. I don't know what the situation is on the other side of the aisle. I know Senator REID is doing his usual due diligence, and he is working to try to get the list narrowed down. We don't have locked in an agreement on the list. I am worried about what appears to be a slow rolling still going on. Look at what we have done here today. We had a vote on one amendment. This afternoon, we had a couple of quorum calls. We have an amendment pending, and I guess it is possibly going to be modified.

I understand we are going to have to have some debate about ethanol. Does anybody think we are going to do that in 30 minutes? Does anybody think we are really going to change what is in this bill on ethanol? Not really. You can debate about whether it is wrong or right, but the fact is the die is cast on that issue. We need to begin to deal with reality in this area.

I don't know where these amendments are. But I was very disturbed to hear it suggested yesterday that Republicans are slow rolling this bill when, as a matter of fact, we have been offering amendments. We have been getting votes. We have been working to narrow down our list.

We need a little help on the other side if we are going to complete this legislation. I have been encouraging Senator MURKOWSKI to go forward with the ANWR amendment. Let us have the amendment. Let us have the debate. Let us get started. After we complete that, let us move to lock in the amendment list and begin to move toward finishing this bill. In order for that to occur, we will have to make a lot more progress tomorrow, Friday, Monday, and Tuesday than we saw today.

Let us quit pointing fingers about who is not doing what. Let us quit thinking about what we might do if this bill doesn't work just to suit our particular desires. Let us get this legislation completed.

The Senate has a lot of work before it. We have over 50 bills that have been sent over here from the House of Representatives with which we haven't dealt. If we get to the middle of next week and we have not completed our work on this energy bill, or if we have this energy bill pulled for whatever reason and we have another goose egg on our ledger, shame on us.

At this time in our history and what is going on in the world, if the Senate cannot pass an energy policy for our Nation, then I really just have to wonder what we are going to be able to do together in a bipartisan way for our country.

I encourage my colleagues on both sides of the aisle. This is not intended to be partisan. I don't want it to be that way. I am saying to everybody it is time now that we begin to move to finish this bill and produce a bill that can go to conference, which hopefully can be worked out, the President can sign it, and then in the future hopefully we will have more national security and economic security than we will have without it.

I thank my colleagues for allowing me to have this moment to encourage a result. Maybe we can follow the example of what we are about to see on election reform.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

EQUAL PROTECTION OF VOTING RIGHTS ACT OF 2001—Continued

Mr. DODD. Mr. President, I am going to send three amendments to the desk: A managers' amendment offered by myself and Senator MCCONNELL, an amendment offered by Senator WYDEN, which I will be offering on his behalf, and an amendment I will be offering on behalf of Mr. ROCKEFELLER. I ask unanimous consent that those three amendments, along with an amendment that my colleague and friend from Kentucky will offer on behalf of Senator HATCH, be considered en bloc.

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

AMENDMENTS NOS. 3104, 3105, AND 3106 EN BLOC

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD] proposes amendments numbered 3104, 3105, and 3106 en bloc.

The amendments are as follows:

AMENDMENT NO. 3104

(Purpose: To modify the requirements for voters who register by mail, and for other purposes)

On page 15, between lines 2 and 3, insert the following:

(b) VOTERS WHO VOTE AFTER THE POLLS CLOSE.—Any individual who votes in an election for Federal office for any reason, including a Federal or State court order, after the time set for closing the polls by a State law in effect 10 days before the date of that election may only vote in that election by casting a provisional ballot under subsection (a).

On page 18, strike lines 17 through 19, and insert the following:

(B)(i) the individual has not previously voted in an election for Federal office in the State; or

(ii) the individual has not previously voted in such an election in the jurisdiction and the jurisdiction is located in a State that does not have a computerized list that complies with the requirements of section 103(a).

On page 21, strike lines 19 through 23, and insert the following:

(2) REQUIREMENT FOR VOTERS WHO REGISTER BY MAIL.—

(A) IN GENERAL.—Each State and locality shall be required to comply with the requirements of subsection (b) on and after January 1, 2004, and shall be prepared to receive registration materials submitted by individuals described in subparagraph (B) on and after the date described in such subparagraph.

(B) APPLICABILITY WITH RESPECT TO INDIVIDUALS.—The provisions of section (b) shall apply to any individual who registers to vote on or after January 1, 2003.

On page 22, strike line 17, and insert the following:

brought under this Act against such State or locality on the basis

On page 22, after line 25, insert the following:

SEC. ___. MINIMUM STANDARDS.

The requirements established by this title are minimum requirements and nothing in this title shall be construed to prevent a State from establishing election technology and administration requirements, that are more strict than the requirements established under this title, so long as such State requirements are not inconsistent with the Federal requirements under this title or any law described in section 402.

On page 25, strike line 20, and insert the following:

existing Federal laws, as such laws relate to the provisions of this Act, including the following:

On page 27, strike line 11, and insert the following:

(c) SAFE HARBOR.—No action may be brought under this Act

On page 33, strike line 12, and insert the following:

the following laws, as such laws relate to the provisions of this Act:

On page 34, strike line 23, and insert the following:

(d) SAFE HARBOR.—No action may be brought under this Act

On page 44, strike line 1, and insert the following:

(d) SAFE HARBOR.—No action may be brought under this Act

On page 53, between lines 15 and 16, insert the following:

(1) STUDY OF FIRST TIME VOTERS WHO REGISTER BY MAIL.—

(A) STUDY.—

(i) IN GENERAL.—The Commission shall conduct a study of the impact of section 103(b) on voters who register by mail.

(ii) SPECIFIC ISSUES STUDIED.—The study conducted under clause (i) shall include—

(I) an examination of the impact of section 103(b) on first time mail registrant voters who vote in person, including the impact of such section on voter registration;

(II) an examination of the impact of such section on the accuracy of voter rolls, including preventing ineligible names from being placed on voter rolls and ensuring that all eligible names are placed on voter rolls; and

(III) an analysis of the impact of such section on existing State practices, such as the use of signature verification or attestation procedures to verify the identity of voters in elections for Federal office, and an analysis of other changes that may be made to improve the voter registration process, such as verification or additional information on the registration card.

(B) REPORT.—Not later than 18 months after the date on which section 103(b)(2)(A) takes effect, the Commission shall submit a report to the President and Congress on the study conducted under subparagraph (A)(i) together with such recommendations for administrative and legislative action as the Commission determines is appropriate.

On page 68, strike lines 19 and 20, and insert the following:

(a) IN GENERAL.—Except as specifically provided in section 103(b) of this Act with regard to the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.), nothing in this Act may be construed to authorize

---

AMENDMENT NO. 3105

(Purpose: To modify the requirements for individuals who register to vote by mail)

On page 19, strike lines 20 through 24, and insert the following:

(B) FAIL-SAFE VOTING.—

(i) IN PERSON.—An individual who desires to vote in person, but who does not meet the requirements of subparagraph (A)(i), may cast a provisional ballot under section 102(a).

(ii) BY MAIL.—An individual who desires to vote by mail but who does not meet the requirements of subparagraph (A)(ii) may cast such a ballot by mail and the ballot shall be counted as a provisional ballot in accordance with section 102(a).

On page 20, between lines 12 through 13, insert the following:

(B)(i) who registers to vote by mail under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–4) and submits with such registration either—

(I) a driver's license number; or

(II) at least the last 4 digits of the individual's social security number; and

(ii) with respect to whom a State or local election official certifies that the information submitted under clause (i) matches an existing State identification record bearing the same number, name and date of birth as provided in such registration; or

AMENDMENT NO. 3106

(Purpose: To meet the needs of both military and civilian overseas voters by providing treatment more nearly equal to that of at-home voters)

On page 68, between lines 2 and 3, insert the following:

SEC. ___. STUDY AND REPORT ON PERMANENT REGISTRATION OF OVERSEAS VOTERS; DISTRIBUTION OF OVERSEAS VOTING INFORMATION BY A SINGLE STATE OFFICE; STUDY AND REPORT ON EXPANSION OF SINGLE STATE OFFICE DUTIES.

(a) STUDY AND REPORT ON PERMANENT REGISTRATION OF OVERSEAS VOTERS.—

(1) STUDY.—The Election Administration Commission established under section 301 (in this subsection referred to as the ''Commission''), shall conduct a study on the feasibility and advisability of providing for permanent registration of overseas voters under section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–3), as amended by section 1606(b) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1279) and this title.

(2) REPORT.—The Commission shall submit a report to Congress on the study conducted under paragraph (1) together with such recommendations for legislative and administrative action as the Commission determines appropriate.

(b) DISTRIBUTION OF OVERSEAS VOTING INFORMATION BY A SINGLE STATE OFFICE.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 1606(a)(1) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1278) and the preceding provisions of this title, is amended by adding at the end the following new subsection:

''(c) DESIGNATION OF SINGLE STATE OFFICE TO PROVIDE INFORMATION ON REGISTRATION AND ABSENTEE BALLOT PROCEDURES FOR ALL VOTERS IN THE STATE.—Each State shall designate a single office which shall be responsible for providing information regarding voter registration procedures and absentee ballot procedures to be used by absent uniformed services voters and overseas voters with respect to elections for Federal office (including procedures relating to the use of the Federal write-in absentee ballot) to all absent uniformed services voters and overseas voters who wish to register to vote or vote in any jurisdiction in the State.''.

(c) STUDY AND REPORT ON EXPANSION OF SINGLE STATE OFFICE DUTIES.—

(1) STUDY.—The Election Administration Commission established under section 301 (in this subsection referred to as the ''Commission''), shall conduct a study on the feasibility and advisability of making the State office designated under section 102(c) of the Uniformed and Overseas Citizens Absentee Voting Act (as added by subsection (b)) responsible for the acceptance of valid voter registration applications, absentee ballot applications, and absentee ballots (including Federal write-in absentee ballots) from each absent uniformed services voter or overseas voter who wishes to register to vote or vote in any jurisdiction in the State.

(2) REPORT.—The Commission shall submit a report to Congress on the study conducted under paragraph (1) together with such recommendations for legislative and administrative action as the Commission determines appropriate.

SEC. ___. REPORT ON ABSENTEE BALLOTS TRANSMITTED AND RECEIVED AFTER GENERAL ELECTIONS.

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by the preceding provisions of this title, is amended by adding at the end the following new subsection:

''(d) REPORT ON NUMBER OF ABSENTEE BALLOTS TRANSMITTED AND RECEIVED.—Not later than 120 days after the date of each regularly scheduled general election for Federal office, each State and unit of local government that administered the election shall (through the State, in the case of a unit of local government) submit a report to the Election Administration Commission (established under the Martin Luther King, Jr. Equal Protection of Voting Rights Act of 2002) on the number of absentee ballots transmitted to absent uniformed services voters and overseas voters for the election and the number of such ballots that were returned by such voters and cast in the election, and shall make such report available to the general public.''.

(b) DEVELOPMENT OF STANDARDIZED FORMAT FOR REPORTS.—The Election Administration Commission shall develop a standardized format for the reports submitted by States and units of local government under section 102(d) of the Uniformed and Overseas Citizens Absentee Voting Act (as added by subsection (a)), and shall make the format available to the States and units of local government submitting such reports.

SEC. ___. OTHER REQUIREMENTS TO PROMOTE PARTICIPATION OF OVERSEAS AND ABSENT UNIFORMED SERVICES VOTERS.

Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by the preceding provisions of this title, is amended by adding at the end the following new subsection:

''(e) REGISTRATION NOTIFICATION.—With respect to each absent uniformed services voter and each overseas voter who submits a voter registration application or an absentee ballot request, if the State rejects the application or request, the State shall provide the voter with the reasons for the rejection.''.

SEC. ___. STUDY AND REPORT ON THE DEVELOPMENT OF A STANDARD OATH FOR USE WITH OVERSEAS VOTING MATERIALS.

(a) STUDY.—The Election Administration Commission established under section 301 (in this section referred to as the ''Commission''), shall conduct a study on the feasibility and advisability of—

(1) prescribing a standard oath for use with any document under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq) affirming that a material misstatement of fact in the completion of such a document may constitute grounds for a conviction for perjury; and

(2) if the State requires an oath or affirmation to accompany any document under such Act, to require the State to use the standard oath described in paragraph (1).

(b) REPORT.—The Commission shall submit a report to Congress on the study conducted under subsection (a) together with such recommendations for legislative and administrative action as the Commission determines appropriate.

SEC. ___. STUDY AND REPORT ON PROHIBITING NOTARIZATION REQUIREMENTS.

(a) STUDY.—The Election Administration Commission established under section 301 (in this section referred to as the ''Commission''), shall conduct a study on the feasibility and advisability of prohibiting a State from refusing to accept any voter registration application, absentee ballot request, or absentee ballot submitted by an absent uniformed services voter or overseas voter on the grounds that the document involved is not notarized.

(b) REPORT.—The Commission shall submit a report to Congress on the study conducted

under subsection (a) together with such recommendations for legislative and administrative action as the Commission determines appropriate.

The PRESIDING OFFICER. If there is no further debate the question is on agreeing to the amendments?

The amendments (Nos. 3104, 3105, and 3106) were agreed to en bloc.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3107

Mr. MCCONNELL. I send an amendment to the desk on behalf of Senator HATCH.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 3107.

Mr. MCCONNELL. 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 is printed in today's RECORD under ''Amendments Submitted''.)

Mr. HATCH. Mr. President, I rise in support of my amendment to the bipartisan Equal Protection and Voting Rights Act of 2002. First let me thank my colleagues Senators DODD, MCCONNELL, SCHUMER, MCCAIN, TORRICELLI, and BOND for all the hard work that they have put into this bill. I also want to thank Senator LEAHY and Senator CANTWELL for cosponsoring this amendment, which will lay the groundwork for integrating new technology into the political process. Their expertise on technological issues made their input invaluable.

Why is voter turnout so low? According to a recently released Census Bureau report, of the 19 million people who registered but did not vote in the 200 election, more than one in five reported that they did not vote because they were too busy. Despite the close nature of the 2000 election, the 55 percent voter turnout rate was just barely better than the 1996 record low. Registration rates also dropped significantly between the 1996 and 200 Presidential elections. Can technological advances, like the Internet, increase participation in the electoral process by making voter registration easier or by simplifying the method of voting itself? As the elected representatives of the people, we should consider every option available that might help involve more of our country's citizens in America's democratic process. Federal, State, and local governments are duty bound to encourage all eligible Americans to exercise their right to vote.

As many of us have seen in the recent past, more and more State are looking at ways to utilize the Internet in the political process. Proposals include online voter registration, online access to voter information, and online voting. State and local officials around the country are anxious to use the Internet to foster civic action. I think that this is a positive step. Real questions remain, however, as to the feasibility of securely using the Internet for these functions. How can we be sure that the person who registers to vote online is whom he or she claims to be? How can we ensure that an Internet voting process is free from fraud? How much will this technology cost? There are also important sociological and political questions to consider. For example, will options like online registration and voting increase political participation, or could the Internet be equitably used in the political process? These and other questions deserve our attention.

The Hatch-Leahy amendment neutrally addresses these issues in two ways: one, it establishes a bipartisan advisory committee that will provide a necessary framework for discussing the possible uses and abuses of the Internet in the voting process; and two, it directs the Attorney General to review existing criminal statutes and penalties and report to the Senate and the advisory committee whether additional penalties for interfering with online registration and voting are needed.

No American who has exercised his or her right to vote should ever have to wonder if their properly cast vote will be counted. We must preserve the integrity of the voting process and I commend the efforts of those who have drafted this bill. The Hatch-Leahy amendment complements the bill and will help ensure the legitimacy of the voting process. As we continue to address the current problems with our voting process, we can and should take this opportunity to examine the impact of new technologies on our elections.

Mr. MCCONNELL. Mr. President, this amendment has been approved on both sides.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 3107) was agreed to.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. MCCONNELL. Mr. President, the Senator from Kansas is here and prepared to offer an amendment.

Mr. DODD. Mr. President, I ask unanimous consent that at the completion of the remarks by the Senator from Kansas, the Senator from New York, Mrs. CLINTON, be recognized to debate her amendment, if that would be appropriate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 2907

Mr. ROBERTS. Mr. President, I have at the desk an amendment numbered 2907, and I ask for its consideration at this time.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. ROBERTS] proposes anamendment numbered 2907.

Mr. ROBERTS. 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 is as follows:

(Purpose: To eliminate the administrative procedures of requiring election officials to notify voters by mail whether or not their individual vote was counted)

On page 12, beginning with line 20, strike through page 14, line 2, and insert the following:

(5) At the time that an individual casts a provisional ballot, the appropriate State or local election official shall give the individual written information that states that any individual who casts a provisional ballot will be able to ascertain through a free access system (such as a toll-free telephone number or an Internet website) whether the vote was counted, and, if the vote was not counted, the reason that the vote was not counted.

(6) The appropriate State or local election official shall establish a free access system (such as a toll-free telephone number or an Internet website) that any individual who casts a provisional ballot may access to discover whether the vote of that individual was counted, and, if the vote was not counted, the reason that the vote was not counted.

Mr. ROBERTS. Mr. President, this amendment is offered by myself and the distinguished Senator from California, Mrs. FEINSTEIN, and the distinguished Senator from Michigan, Mr. LEVIN.

I also ask unanimous consent that the distinguished Senator from Kentucky, Mr. MCCONNELL, be added as a cosponsor.

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

Mr. ROBERTS. Mr. President, I rise today, along with my friend from California to offer an amendment to the provisional voting section under the election reform bill.

This amendment improves on the voting requirement found on Section 102 (page 13.) Specifically, current language requires—emphasize the word ''requires''—election officials to notify voters in writing by mail, within 30 days after the election as to whether their provisional vote was counted.

Our amendment eliminates the 30 day mail notification requirement. Instead, it requires states to implement a free-access system so the voter can find out quickly and efficiently whether his or her vote was counted. This can be done through an Internet web site, a toll-free number, or by any means available, so long as voters have access to this information.

We think the current language on provisional voting is restrictive. By communicating through mail, we run the risk of voters never knowing whether a vote was counted. Incorrect

addresses and lost mail are all factors to consider.

Let us also remember that the Senate's own mail system was in turmoil 3 months after the anthrax attacks. So you really don't know what to expect. As we painfully discovered, the mail is very vulnerable. It is not unlikely that a similar scenario could take place during an election year.

Secondly, the whole purpose of this debate is to improve the election process. Now, I have been told, with some very good advice by my good friend, Secretary Ron Thornburg, the secretary of state in Kansas and the president of the National Association of Secretaries of State, representing all secretaries of state all throughout the country, that sending out mass mailings within 30 days of an election or primary is very burdensome and costly. He writes:

I do not believe it is reasonable or expedient to require the election officer to formally notify the voter by mail as to the disposition of the ballot. If written into law, this provision will cause unnecessary burden and expense to election officers who are very busy after the election finalizing vote tabulations and preparing for official certification of election results.

What am I talking about?

Let's just examine the duties that are performed by election officers during the 30-day period after an election all across the country. They must—and I am going to itemize some things right now—conduct campaign finance report deadlines. They must prepare a national/State election abstract for submission to the secretary of state. They must prepare ballots, and the tabulation of results, and other election materials. They must research the provisional ballots to determine whether or not they are valid. They must conduct recounts of primaries if requested. They must begin to prepare for the general election, including the finalizing of the candidate lists and ballot forms and precinct election board worker appointments. They also have to update the voter registration rolls.

Now, that is a lot of work to do immediately after an election. And those are just a few duties in a laundry list of obligations that all election officers must complete after an election. Further, in the 2000 general election, over 22,000 provisional votes were cast in the State of Kansas alone. Sending out a 30-day mass mailing is another burden added for these election officials—22,000.

We do not advocate—we do not advocate—a prohibition on anyone from obtaining information as to whether a vote was counted or not—that is absolutely essential—but let's not ignore what I call common sense. Having a free access system is not burdensome on voters.

If this is a problem in small States, it is magnified a thousand times in the larger States. Take California. This is why the distinguished Senator from California, Mrs. FEINSTEIN, is a cosponsor of the bill. Bradley J. Clark, president of the California Association of Clerks and Election Officials, wrote a letter expressing concern with these requirements. He wrote:

We specifically oppose the section that would establish rigid requirements and time lines for notifying hundreds of thousands of provisional voters whether or not their provisional ballots were counted. The provisional voter notification provisions currently written in the bill would do nothing more than antagonize those voters who were determined ineligible.

Election officials can make better use of their time in improving the election process rather than exerting energy and resources on mass mailings. This amendment does not eliminate the use of mass mailings. Let me repeat this: We are not saying you can't use a mass mailing. States can do this if they want. I would advise the distinguished Senator from Connecticut, who has a lot of concern about this, that States can go ahead and use the mass mailing provision if they want. It does not eliminate it. Nor does it eliminate the 10-day notification requirement. If a State wishes to contact voters by mail, they can retain that right. Our amendment simply gives the election officials that option or the State that option.

Now, some might ask, What is wrong with requiring the 30-day mailing along with the free access system? Why don't we retain both? The answer to that is very simple. It gives provisional voters a false sense of reliance that they will be notified by mail. In other words, if they believe they will receive a mailing, why would they then make an effort to check any other means of communication—either a toll-free number or, say, by simply using a Web site?

Again, change of address, loss in the mail, and the ever looming threat of some kind of attack on our postal system make mail a less reliable means of communication.

A centralized calling system does not—does not—in any form disenfranchise voters. We need to have faith in a voter's ability to make a simple phone call or visit their local library to use their computer facilities. This does not create an undue burden. Rather, it is an undue burden if we give voters false reliance that they may or may not receive any notification through the mail.

Here is something else I would really bring to the attention of the distinguished Senator from Connecticut. It is important that we register voters. Under this amendment, a voter will know within 10 days whether their vote was counted or whether they need to register. Let me repeat that. A voter is going to be informed within 10 days. With the mail, they may not know for 3 or even 4 weeks the status of their vote cast in a primary, giving them less time to register for a general election.

If we adopt this amendment, we are going to have more people registered, more people taking part in the election process.

Finally, the goal of this bill is to improve the election process. Let's give election officials more time to improve administration, rather than burden them with more mass mailings that may or may not be received by the voter. This is a simple, commonsense approach that gives voters a greater chance of knowing whether their vote was counted. It has support from the other side of the aisle, from all election officials, all secretaries of state. I ask for its adoption.

I yield the floor.

Mr. MCCONNELL. Mr. President, This is a very simple amendment that addresses a serious concern raised by State and local election officials.

The underlying bill provides a mechanism for voters to ascertain the disposition of their ballot—through a free access system, such as a telephone or internet site or another means which they can create.

The bill goes further to require State or local officials to notify in writing if a provisional ballot is not counted. This is the provision which has caused a great deal of angst among those who administer our elections.

The administrative task and cost involved with implementing this requirement could be enormous in heavily populated States. It also will subject the individual who signs the letter to a great deal of criticism, scrutiny and potential legal action.

This amendment makes sense and does not undermine a voter's ability to determine whether their provisional ballot was counted. The free access system will provide unfettered access to this information.

I urge my colleagues to join with the bipartisan cosponsors in support of this amendment.

The PRESIDING OFFICER. The Senator from New York.

AMENDMENT NO. 3108

Mrs. CLINTON. Mr. President, I send an amendment to the desk and ask that it be called up for its immediate consideration.

The PRESIDING OFFICER. Is there objection to laying aside the pending amendment?

Without objection, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New York [Mrs. CLINTON] proposes an amendment numbered 3108.

Mrs. CLINTON. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To establish a residual ballot performance benchmark)

Beginning on page 8, line 19, strike through page 9, line 3, and insert the following:

(5) ERROR RATES.—

(A) IN GENERAL.—The error rate of the voting system in counting ballots (determined by taking into account only those errors

which are attributable to the voting system and not attributable to an act of the voter) shall not exceed the error rate standards established under the voting systems standards issued and maintained by the Director of the Office of Election Administration of the Federal Election Commission (as revised by the Director of such Office under subsection (c)).

(B) RESIDUAL BALLOT PERFORMANCE BENCHMARK.—In addition to the error rate standards described in subparagraph (A), the Director of the Office of Election Administration of the Federal Election Commission shall issue and maintain a uniform benchmark for the residual ballot error rate that jurisdictions may not exceed. For purposes of the preceding sentence, the residual vote error rate shall be equal to the combination of overvotes, spoiled or uncountable votes, and undervotes cast in the contest at the top of the ballot, but excluding an estimate, based upon the best available research, of intentional undervotes. The Director shall base the benchmark issued and maintained under this subparagraph on evidence of good practice in representative jurisdictions.

(C) HISTORICALLY HIGH INTENTIONAL UNDERVOTES.—

(i) The Senate finds that there are certain distinct communities in certain geographic areas that have historically high rates of intentional undervoting in elections for Federal office, relative to the rest of the Nation.

(ii) In establishing the benchmark described in subparagraph (B), the Director of the Office of Election Administration of the Federal Election Commission shall—

(I) study and report to Congress on the occurrences of distinct communities that have significantly higher than average rates of historical intentional undervoting; and

(II) promulgate for local jurisdictions in which that distinct community has a substantial presence either a separate benchmark or an exclusion from the national benchmark, as appropriate.

Mrs. CLINTON. Mr. President, the amendment I offer today is very similar to the amendment I offered a number of weeks ago at the beginning of this important debate. I appreciate the great support and good suggestions my colleagues have provided. And I particularly thank a colleague who suggested that this amendment should be entitled—rather than the ''Residual Vote Error Rates'' amendment, which is a mouthful—the ''Leave No Vote Behind'' amendment.

So that is how I shall refer to it. Why? Because this amendment is about ensuring that we do just that: Leave no vote behind, that we do everything we reasonably can to ensure that everyone's vote is counted.

This amendment is neither liberal nor conservative. It is neither Democrat nor Republican. But it goes to the very heart of the reliability and accountability of our electoral system.

Every voter who goes to the polls or votes by absentee or votes in any other manner that is appropriate under our laws should know that that effort was not in vain. It is truly American to ensure that we give every one of our citizens the confidence to believe our Federal election system is the best it can be. Therefore, this amendment is critical to our deliberations because year after year—not just in 2000 but in every year—in every State, ballots were not counted because of so-called residual votes. There are overvotes. There are undervotes. There are spoiled votes. According to the Caltech/MIT Report:

Over the past four presidential elections [going back, therefore, 16 years] the rate of residual votes in presidential elections was slightly over two percent. This means that in a typical presidential election over 2 million voters did not have a presidential vote recorded for their ballots.

The percentage of discarded ballots is even higher in a Senate election, which, I suppose, should get us all thinking.

But it is imperative we recognize that some of these are legitimate errors. Some of these are the problems that elderly people have in punching the little chad through the hole. Some of it is confusion with respect to the appropriate place to make the mark which is made.

For all the reasons that lie behind these uncounted votes, the Commission, headed by former Presidents Ford and Carter, recommended, unanimously, that Congress needs to focus not just on the machine or mechanical errors in improving our election system, but on the unintentional human errors as well. The Commission did so because only by measuring the rate of these residual vote errors will we be able to assess effectively whether the voting process as a whole is giving all of our citizens the equal opportunity to have their votes counted.

That is why I have offered this amendment, which would require the newly established Office of Election Administration to establish a residual vote error rate, a standard or benchmark with which voting systems will have to comply. It is a transfer of authority and expertise to the body that we are setting up to make determinations about our mechanical and machine errors.

Since I offered this amendment back in February, it has been improved, thanks to the suggestions made by Senator BINGAMAN, who asked to be shown as an original cosponsor. He proposed and now included in the leave no vote behind amendment language that would give the Office of Election Administration even greater flexibility in setting the residual error rate standard.

Senator BINGAMAN pointed out there are certain distinct communities in some parts of our country that have a historically high rate of intentional undervoting in elections for Federal office compared to the rest of the country. Therefore, the language added by Senator BINGAMAN requires the Office of Election Administration to report to Congress on the extent to which this is happening and permits the office either to set a separate benchmark or exclude whole areas. This gives us the requisite flexibility that the office requires, and I certainly hope our colleagues will support this amendment because, in the absence of taking some action on this issue, we are not going to be responding to what were the most serious questions raised in the past election.

This is also in keeping with the other voting system standards in the bill. The mechanical rate standard, as important as that is, does not address this human error rate.

Before I lose my voice and leave it behind, I would certainly urge my colleagues' support of this important amendment that would leave no vote behind and give greater assurance to voters no matter where they live that their votes truly will be counted.

I yield back my time.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I rise in strong opposition to the amendment offered by the Senator from New York. The bill currently provides for benchmark error rates for voting systems used in Federal elections. This bill appropriately provides that, in determining the error rate, only those errors which are attributable to voting machines are included. Errors attributable to an act of the voter, such as an overvote, spoiled vote, or undervote, are not included in the benchmark. This amendment would wrongly require a second benchmark error rate for voter errors. In other words, ballots intentionally or unintentionally spoiled by a voter would be included in the error rate.

As long as there have been elections, there has been voter error. State and local officials will tell you that they see voter error in every single election.

As the Ford-Carter commission acknowledged, some portion of the residual vote number comes from intentional undervotes which can vary considerably from place to place, along with local cultures and tradition. I can say for myself, I frequently have not voted in every single race on the ballot, particularly for races where I felt I didn't know enough about the candidates to cast a vote. It is an intentional act on my part.

A State can't force people to follow directions. A State can't force people to vote as we would like them to or as we think they should. This amendment will do just that.

Let's look at what the review of uncounted Florida ballots in the 2000 election revealed about intentionally spoiled ballots. Nearly 1,000 people voted for all 10 Presidential candidates in 2000. More than 3,600 people voted for every Presidential candidate except Bush, and more than 700 people voted for every Presidential candidate except Gore.

More recently, in Palm Beach, FL made infamous in the 2000 elections county election officials spent $14 million upgrading voting equipment to touch screen computers. In an election held last month, the undervote was 3 percent. No matter what you do, some people are simply not going to participate or are going to participate in a way that we might find somewhat odd.

Primaries held in Chicago last month showed that the undervote varies widely. In Chicago, new ballot machines

give voters the chance to fix a voting mistake. The machines inform voters if they have undervoted or overvoted, and they are offered the option of correcting that ballot or casting a new one.

The Chicago Tribune reported that even with these new machines, in the Democratic primary for Governor, 6.1 percent of the voters did not vote for the race at the top of the ticket. They just chose not to. The undervote in the Republican attorney general's race was a whopping 12.5 percent. They didn't like these guys. They chose not to vote in that race.

This amendment proposes to set a number of so-called residual votes or voter errors that would be allowed. What would happen when the so-called benchmark is exceeded? The Department of Justice would sue States and localities which have residual rates above those which are permitted by the Federal Government. The practical effect is that States will calculate how many residual votes they are permitted in an election, divide those by precinct, and notify those poll workers how many residual votes they are allowed. In calculating this allowance, officials will have to account for errors on absentee ballots as there is nothing that can be done to change those ballots.

Poll workers will monitor how many residual votes they have. And when they approach their limit under threat of Department of Justice prosecution, they will force voters to vote, or change how they voted in an election. This is exactly the wrong approach.

This bill focuses our efforts on the right approach. It provides a benchmark for measuring the reliability of voting machines. It provides for increasing voter education and encouraging voter responsibility. If a voter has a question, they should ask it. If they are unsure about the voting process, they should seek assistance. We must preserve a system that values and respects the secrecy of the ballot.

Therefore, I urge my colleagues to vote against the Clinton amendment.

AMENDMENT NO. 3109

Mr. MCCONNELL. Mr. President, there is an amendment by Senator NICKLES that has been cleared on both sides. I send that amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. NICKLES, proposes an amendment numbered 3109.

Mr. MCCONNELL. 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 is as follows:

On page 18 between lines 7 and 8; insert: (4) technological security of computerized list. The appropriate state or local official shall provide adequate technological security measures to prevent the unauthorized access to the computerized list established under this section.

Mr. NICKLES. Mr. President, I compliment Senator MCCONNELL, Senator DODD, Senator BOND, and Senator SCHUMER on their hard work on this election reform bill. I would also like to thank them for adding what I think is a very important provision to this bill.

The bill mandates that States implement a computerized statewide voter registration list, creating a central database that will allow State and local election officials continuous access to ensure that new registered voters are added and that individuals whose names should be removed from the list are removed. This computerized list will prove to be an important tool in ensuring that only registered eligible voters be allowed to vote. In creating this interactive computerized list, though, it is important that only those officials who are authorized be granted access to this list. In furtherance of this goal, my amendment directs State and local election officials to establish and maintain reasonable procedures to protect the security and integrity of the computerized list.

As interactive computer programs become more prevalent and more personal information is transmitted and stored via such programs, we must constantly seek to protect personal information secure from theft. In our effect to create a system that allows for easier maintenance of voter rolls, we must make sure that we don't make available information that will allow computer hackers to manipulate voter rolls as well as access our bank accounts, charge accounts or other personal information.

This amendment seeks to strengthen the security and confidentiality of information displayed via the interactive computerized list. The amendment's purpose is to keep the interactive list secure. It is not meant to limit information to the public that is otherwise available. Again, I thank Senators DODD and MCCONNELL for their hard work on this bill.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 3109) was agreed to.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3110

Mr. DODD. Mr. President, I send an amendment to the desk on behalf of Senator LEVIN.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for Mr. LEVIN, proposes an amendment numbered 3110.

Mr. DODD. 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 is as follows:

(Purpose: To permit voter information contained in a written affirmation to be used to verify the eligibility of an individual to vote in an election for Federal office, rather than the provisional ballot, for the purpose of determining whether that provisional ballot should be counted as a vote in that election)

On page 12, strike lines 9 through 19, and insert the following:

(3) An election official at the polling place shall transmit the ballot cast by the individual or voter information contained in the written affirmation executed by the individual under paragraph (2) to an appropriate State or local election official for prompt verification under paragraph (4).

(4) If the appropriate State or local election official to whom the ballot or voter information is transmitted under paragraph (3) determines that the individual is eligible under State law to vote in the jurisdiction, the individual's provisional ballot shall be counted as a vote in that election.

Mr. LEVIN. Mr. President, my amendment will ensure that the Michigan system of provisional voting, a highly progressive system, will not be disturbed or disrupted by the language of this bill.

Michigan is often cited as an example of a ''best practices'' state in terms of elections. Provisional voting works like this in Michigan: on election day, if a voter's name does not appear on the precinct polling list; the election workers verify whether the voter is actually registered in the jurisdiction. This means that the election workers check with the computerized statewide voter file, in Michigan; this is called the Qualified Voter File, or QVF. The voter signs an affidavit asserting that a voter registration was submitted prior to the close of state registration and identifies himself or herself. The voter than completes a new voter registration application and is issued a ballot. The ballot is cast and counted on election day; however, the ballot is tagged in a manner that permits a court of law in a contested election case to connect the voter to the specific ballot if it is later determined the voter was not qualified to cast the ballots.

This provisional voting system works well in Michigan and I would like to ensure that Michigan is able to maintain its system under the pending legislation. I have spoken with several county and statewide election officials in Michigan, who have raised concerns that Michigan might be inadvertently required under the pending bill to alter the way Michigan currently conducts provisional voting.

My amendment will ensure that will not happen and I greatly appreciate the managers accepting this amendment.

Mr. DODD. Mr. President, this amendment has also been cleared on both sides. I urge its adoption.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 3110) was agreed to.

AMENDMENT NO. 2907

Mr. DODD. Mr. President, if I may take a minute or so—I know Senator BOND is here; we are waiting for a couple of other Senators who may come over—for just a brief comment on Senator ROBERTS' amendment.

I don't know if there is anyone in this Chamber for whom the body has more affection than PAT ROBERTS of Kansas, let me say very loudly and clearly, having described him as the Senator from Nebraska. I apologize to him and his State for that—not that Nebraska is not a fine State, I quickly add.

Let me say to my colleague and to others on the Roberts amendment—there are a couple of other people who have joined with him on the amendment—my concern about it. We worked on this bill with provisional balloting which is a very important and significant part of this bill.

People who go in to vote are going to cast a ballot even when there is a debate about whether or not they have a right to be there. Setting aside that provisional ballot, if in fact there is that debate, if the voter is correct, that ballot will be counted; if not, it will not be counted. We will never again be faced with a system, once this provision becomes part of the law in 2004, where a person will be thrown out of line without casting a provisional ballot. In a sense, all eligible voters will be able to exercise your franchise.

The issue is this. I understand my colleague's point. The question is, once that ballot has been cast, the State or the locality can then inform the voter whether or not the provisional ballot actually was counted or not, and if it was not counted, why not, so the voter can then correct that mistake. The point Senator BOND made—and we have constantly quoted him on this—that ''this bill is designed to make it easier to vote and harder to cheat.''

The particular point I am trying to make goes to the first part of that sentence—''easier to vote.'' When a person goes to the poll, casts a ballot, and believe they are registered when it turns out, in fact the State or local election official has not registered the voter, then there is a 1–800 number, or something else they might call in on. I think such access is essential. It may help alleviate the need for a piece of mail going out. It may help eliminate the responsibility to notify the voter that there is a problem, that his or her vote did not count because proper action was not taken and this is what needs to be done. These kinds of mechanisms can help break the chain of continuous disenfranchisement.

I think this goes to the heart of the purpose of provisional balloting. This means that the voter does not show up again at the next election and say: I voted the last time. And they would say: That is true, but your vote didn't count. They might say: You could have called me. You could argue which side has the responsibility. However, I don't think it is asking too much to let the voter know the circumstances. As a result, the voter can correct his or her mistake and become a fully franchised participant in the elections process. That is the heart of this matter.

For those reasons, I will be urging our colleagues to vote against the Roberts amendment when it comes up for consideration tomorrow. Again, I have great respect for my colleague from Kansas. He makes a point that is not without merit. I will not suggest this is totally without merit since because there is an attempt to try to at least stay on track with ensuring the constitutionally guaranteed right to vote to each eligible voter and to make it easier to cast a provisional ballot. However, the amendment would not serve the goal of helping such eligible voters overcome circumstances that preserve their status as a provisional voters and would not permit such voters to easily correct mistakes. That is the reason I will, with some degree of reluctance, urge defeat of the amendment. Others want to be heard.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I want to address, very briefly, the amendment of the Senator from New York. We put too much time and effort into this without taking just a moment to express my thanks to the Senator from Connecticut, the Senator from Kentucky, and their staffs for a lot of work that has gone into this effort. It is with great pride and much relief to be back on the floor today, we hope, completing work on election reform.

The 2000 election opened the eyes of many Americans to the flaws and failures of the election machinery, our voting systems, and how we determine what a vote is. We learned of hanging chads and inactive lists. We discovered our military's votes were mishandled and lost and not counted. We learned of legal voters who were turned away, while dead voters cast ballots. We discovered that many people voted twice, while too many people were not counted even once. Finally, that is why we are here today.

This final compromise bill—and it is a compromise in the truest sense of the word. I have never seen any more effort to reach a compromise, to try to accommodate the legitimate concerns on all sides, than I have seen in this effort. I believe that, while nothing we do is perfect, we have gone a long way toward meeting those concerns.

The $3.5 billion in this bill provided in funding over the next 5 years should make a significant improvement for States and localities to improve and update their voting systems. We also provide specific minimum requirements for the voting systems so that we can be assured that the machinery meets minimum error rates and the voters are given the opportunity to correct any errors they have made prior to their votes being cast.

The bill also provides funding to help ensure that the disabled have access to the polling place and the voting system is fully accessible to those with disabilities. Nobody has been a greater champion for assuring the ability of those with disabilities to vote than the Senator from Connecticut; his passion for this is unmatched. I believe and trust that we will see a significant improvement that will be a great benefit to all of our citizens with disabilities.

A new election administration commission is created to be a clearinghouse for the latest technologies and improvements. The Senator from Kentucky worked long and hard on that. We incorporate several recommendations by the Carter-Ford commission, and particularly the requirement that States set up a statewide voter registration system. That is going to help solve a lot of problems, from confused registration lists that lose voters' registrations to ineligible voters. It should keep the registration lists more up to date, and it will eliminate the duplicates and assist voters who move within a State.

Then the bill also goes on to address one of my key concerns, and that is the issue of fraud. Much has been said about the issue. Much more will be said, but as the Senator from Connecticut noted when we began this long journey 10 months ago, we agreed on the basic principle—we must make it easier to vote and tougher to cheat. That ought to be everybody's goal in election reform. I think this bill meets the test and the conference report will need to meet this simple test, too.

I have heard some critics—and unfortunately, it has been out there so long we have generated a backlash. Some of the critics say it is going to require every voter in America to show a photo identification before they are allowed to vote each time.

Well, I have been involved in politics for a number of years, so I know the art of the big deception, as in the belief that the bigger the deception, the greater the chance you will get away with it. So to give the public, or anybody who may be watching or listening, a fighting chance to get the facts—and I hope that somebody in the media is listening today as well—let me just go through the compromise.

First, as most of you know, in my home State of Missouri, in St. Louis, we have seen a number of interesting figures registering to vote recently. There was Albert ''Red'' Villa, Joline Joyce, the mother of the prosecuting attorney, or circuit attorney in St. Louis, and, of course, the famous Ritzy Meckler. Each of these people, and dogs, pulled off their remarkable feat because they were able to register by mail. Even in St. Louis it would have been hard to believe they would have gotten on the voter rolls if they registered in person. Red Villa died 10

years ago, and Ms. Joyce died slightly more recently than that. Ritzy Meckler, of course, is a lovable spaniel, a dog, that is registered to vote. All three of them signed ''their names'' on the registration rolls.

So to some who say that all we need is a signature, I say that has been the source of a lot of fraud in St. Louis and, I believe, elsewhere.

All we say is, if you choose to register by mail, you will need to provide some proof of identity to an election official at some point in the process before you vote the first time. Dead people and dogs need not apply. The proof of identity requirement only applies one time—the first time—to those who choose to register by mail. What does the individual need to provide? A photo identification. This will obviously be the simplest and easiest for many. Student identification, driver's licenses, and government identification all qualify.

As we know, requiring an identification has become a norm for Amtrak, airline passengers, buying beer or cigarettes, or to write a check at the grocery store, or to cash a check.

We recognize that everybody does not have photo identification. So we created an expansive list of alternatives: A bank statement, a paycheck, a government check, a transfer payment, a utility bill, or any other government document that is current and shows the name and address of the voter.

We have made significant dollars available to States and localities to use their best efforts to find out, if there are some people who do not have any of those documents, how they can get them registered. They can go out and help people who need help who do not have the required photo identification or an official document with their name and address on it.

Money is also available to expunge from the list those who are dead, who have moved, or who do not have any business voting in that State.

We simply do not want the names to be registered by mail and then voted in an election with no one checking to see if they are a live human being qualified to vote in that State.

It has always been a simple proposition. We must recognize that vote fraud cheats all other voters. It is a denial of a basic civil right to lose your vote because somebody not qualified to vote has cast a vote that wipes yours out. Those who took time to follow the rules, stand in line, wait their turn, and then cast their votes should not have to fear their vote will be diluted or canceled by an illegal vote.

There are those who do not believe vote fraud exists. There was a political science professor in New York who told us in that great wisdom that only academics have that vote fraud is a myth:

> Stuffing the ballot box happens only in cartoons and old movies.

Perhaps you would like to talk to three recently indicted individuals in St. Louis, indicted as a result of fraud prior to the mayoral primary in St. Louis city. Three people were charged with a combined 17 counts. They cheated by registering dead people and nonexistent people by mail. I will be happy to show it to my colleagues. I ask unanimous consent that a news release from the Office of Attorney General Jennifer M. Joyce be printed in the RECORD.

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

[From the Office of the St. Louis Circuit Attorney, Mar. 4, 2002]

CIRCUIT ATTORNEY ANNOUNCES CHARGES AGAINST VOTE FRAUD OFFENDERS

ST. LOUIS, Mar. 4.—St. Louis Circuit Attorney Jennifer M. Joyce announced that her office has charged three individuals with committing class one election offenses by completing and, in most instances, signing Missouri Voter Registration Application cards in the names of others. All of these charges are related to false voter registration cards submitted for the March 2001 mayoral primary.

Joyce said that the United States Attorney's Office for the Eastern District of Missouri, the Federal Bureau of Investigation, the United States Postal Inspector's Office, the St. Louis Metropolitan Police Department and the Circuit Attorney's Office all collaborated on this investigation that has culminated in charging three different individuals with a combined 17 counts.

''As Circuit Attorney and a life-long resident of this City, I am committed to upholding the integrity of the election process. The people of this community deserve fair and clean elections. We will do whatever we can to protect the voting rights of all citizens of the City of St. Louis,'' Joyce said.

The Circuit Attorney's Office has charged Eliza Julion, 29, with seven felony counts of voter fraud. More specifically, the complaint asserts that Eliza Julion completed and signed voter registration cards in the names of two individuals who she made-up or manufactured. Further, she also filled out a voter registration card in the name of another fictitious person and completed and signed a voter registration card in the name of another individual, who was in prison at the time, the complaint asserts. Also, the Circuit Attorney charges that Eliza Julion completed and signed two different voter application cards for the same individual and signed the card belonging to another individual.

The Circuit Attorney has also charged Michelle Robinson, 32, with nine felony counts of vote fraud. More specifically, the complaint asserts that she completed and signed nine voter registration cards in the names of mostly former elected officials, including some of whom are deceased.

The Circuit Attorney has also charged Paul Julion, 26, with one count of felony vote fraud. The complaint asserts that Paul Julion completed and signed a voter registration card in the name of a fictitious person, a name that he manufactured.

All 17 counts are class one election offenses, which are felonies. The range of punishment for each offense is up to five years in jail or a fine between $2,500 and $10,000. If convicted, Eliza Julion could face a maximum punishment of up to 35 years in jail or up to $70,000 in fines. If convicted, Michelle Robinson could face up to 45 years in jail or up to $90,000 in fines. If convicted, Paul Julion could face up to 5 years in jail or up to $10,000 in fines.

The charges as set forth in the complaints are merely accusations and each defendant is presumed innocent until, and unless, proven guilty.

Mr. BOND. Mr. President, this news release will give a small idea of some of the work that has been done by law enforcement officials.

I also point out the Missouri secretary of state reviewed 1,300 judge-ordered registrations on election day in Missouri. Of those 1,300, 97 percent of them were illegal.

We have set up a provisional voting system that allows the election authorities, if somebody is not registered and believes they are registered, to cast a provisional vote. This provisional voting system should help those who are legitimate voters who registered where the election authority messed up. It will help make sure their votes are counted.

Those who try to vote without being properly registered will be discovered and their vote will not be counted; it will not be placed in the ballot box.

For those who say vote fraud does not occur, the April 4, 2002, Houston Chronicle headline reads: ''2,000 Voted Illegally in City Polling'':

> More than 2,000 people voted illegally in the local November elections in the Houston mayoral runoff in December, including 712 who cast ballots in city races and don't live in the city. . . . There could be a major impact in close elections.

That is my point. We want to make sure the system works for those who have difficulty getting registered and those who have voted in the past have an opportunity to vote and those who have voted once do not try to vote twice.

With the amendment presented by the Senator from New York, I am afraid it oversimplifies the issue and offers a remedy which will create far more problems than it solves. She has indicated that 2 million people in each of the last four Presidential elections did not have their votes counted because of unintentional voter error. From that, we are to conclude with this fix all those votes might be counted. The problem is that this 2 million number cited is the residual vote rate for those elections, meaning those ballots which are unmarked, spoiled, or where the intent of the voter could not be determined.

There are people, as I believe the Senator has mentioned, who choose not to vote in races. The Carter-Ford commission estimates that is about .77, or almost eight-tenths of 1 percent, who chose not to cast a vote in a Presidential race. An MIT study says it is about half a percent. Clearly, it fluctuates from election to election.

This underlying bill takes significant steps to address the problems coming from machinery, the equipment, in voter errors, and sets a national standard for error rates. The Commission will assist the States in identifying the best equipment available.

Standards for notification and voter education, which is very important, are established, and there is $3.5 billion authorized to purchase machines that

will comply with the standards and provide voter education.

The problem we have is that some people just plain make mistakes. If it is not a voting machine problem or a voting system problem, we know there are people who just choose not to vote. They may not vote for a President or they may not vote for other races down the line. If we establish some kind of standard that says if you do not meet this standard, then the Justice Department is going to come in and sue you, you have, unfortunately, created an incentive for election poll workers to look at every ballot. Ballot secrecy goes out the window because if you know you are going to get sued and your election is going to be called off because there were too many errors, the pressure is going to be on to make sure everybody voted right.

The voting officials may not be so bold as to walk into the polls and look over the voters' shoulders as they are punching the punchcard or filling out the ballot, but there is certainly a strong temptation for them to look at the ballots when they come out and to say: Excuse me, you made a mistake; you didn't vote here or you voted in too many places.

Once we do that, once we try to account for a voter error, a human error, I am afraid we are going down the road of destroying the secrecy of the ballot and saying that people who are election judges and election officials are going to have to look at the ballots of each voter. We will have poll workers reviewing ballots.

Under no circumstances do we want poll workers reviewing ballots before they are cast, destroying the secrecy and the privacy of the ballot. To make sure you do not violate the voter error standard, you would be forced into that position.

We have dealt with bringing down the error rate the best way possible in this bill—new machines, voter education, which is extremely important. We are already seeing an increase in mail voting which does offer a compromise of a secret ballot. But with this amendment, we could see the end of the secret ballot.

I am afraid it goes the wrong way. I urge my colleagues to agree to a study to determine how we can improve voter efficiency and effectiveness, but let us not set a standard that might force poll workers to reach out and touch somebody's ballot before they put it in the ballot box.

I thank the Chair, and I particularly thank my colleagues who worked on this so long and so diligently. I urge all of our colleagues to support this measure, move it to conference, and get a bill back from conference that we can send to the President so that in the shortest possible time, we will have a measure in law that will make it easier to vote and tougher to cheat.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Kentucky.

Mr. MCCONNELL. Madam President, before the Senator from Missouri leaves, I wish to thank him for his absolutely indispensable contribution to this whole process from beginning to end. The Senator from Missouri is not on the Rules Committee, but he developed an interest in this issue. His interest and passion is a direct result of the voter fraud issues in his home State, which he has skillfully sought to make much more difficult to happen in the future.

The parts of this bill related to fraud are entirely the result of the tireless efforts of the Senator from Missouri, and I wanted to express my gratitude to him for his intelligence, tenacity, and effectiveness in turning this into a bill I can enthusiastically and wholeheartedly support. I wish to assure him that we are going to try very hard at the conference to make sure this bill still has the important features he has worked to have included.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Madam President, I rise in support of this bill. The bill we consider today on election reform, I believe, is the most important legislation we will consider all year. Congress has a responsibility to ensure every registered American who goes to vote gets to vote and that every vote cast counts.

There are few concepts more fundamentally American than choosing our leaders, which means that even in our Nation's Capitol, in this very seat of democracy, this may truly be the great American bill.

Despite the strength of our democracy, if we do not do a good job maintaining the actual mechanism that drives it, our voting systems, we fail the voters and undermine our values, the values our Founding Fathers fought and died for, as did so many subsequent generations of Americans. That is why it is so important we pass this legislation.

I thank our chairman, Senator DODD, for his indefatigable leadership and his continuing fight for this bill. It can truly be said about certain legislation that without a single person, it would not have happened. In this case, Senator DODD's leadership clearly puts him in that category.

I also thank Senator MCCONNELL from Kentucky who worked hard on this bill. Since he and I originally put in a proposal to deal with the core of the bill, which is funding these new voting systems, he has always been a pleasure to work with and he has been steadfast. I thank Senator BOND for his contribution and Senator WYDEN for his commitment to improving the Nation's election system as well.

This bill will make voting easier and more accurate. It allows many more people to participate in our democratic processes and that is what this country is all about. As with most bipartisan legislation, which is the only way we really get anything passed, this bill is a compromise. There are some things in this bill that, if it were up to me entirely, I would change, but that is not what the people in our States sent us to do, to say it is my way or no way.

This bill is a good and fair compromise, and I am proud of it. The most important result is that, after more than 200 years, we are finally giving our democracy the resources it needs and the respect it deserves.

I voted for the first time in 1969 and I used the same type of machine when I voted in 2001, some 32 years later. Instead of being faced with deciding between good candidates, voters are faced with a host of problems ranging from out of date machines and inadequately maintained registration lists, confusingly designed ballots, and phone lines that are so busy the voters cannot get through to confirm their registration status.

In New York, we use these pretty clunky, old voting machines. They are cumbersome. They take a long time. As I have told my colleagues before, to see the painful look on the face of someone who is coming out of the factory, going to vote, waiting in line for an hour, finally doing their duty and finding they are not on the right list or that the machine does not work or that it was so confusing they missed an important part of the ballot, their disappointment has stayed with me throughout my career, and I am glad we are able to do something about it.

The fact is, just because we are the oldest democracy in the world does not mean we have to use the oldest technology in the world. The problem does not end with machines. In my home State of New York, November 2000, as I mentioned, people waited in line for hours to vote. Many voters, those who could not afford to be late for work, had to get home to the children or go on to a second job and vote in between the two, ultimately left the polling place without being able to participate in one of the most critical and closest elections in our time. Others waited and waited only to be confronted with the cruel reality that the machine in their precinct was broken or that the polling place had run out of emergency ballots.

Voting should be accessible, accurate, and speedy in all places, all of the time. This bill provides the funds and standards to make sure that is exactly what happens. There are also provisions we have agreed to that address some of the concerns raised by my and Senator WYDEN's amendment. Most importantly, we have aligned the effective dates of the photo identification, provisional voting, and computerized statewide voter registration database requirements. This means that first-time voters who do not have photo identification will be able to vote provisionally, and that is really important.

This change also allows us to define first-time voters as people moving

from State to State rather than jurisdiction to jurisdiction, which means that many fewer people will trigger the photo identification requirement, and this was possible because States with databases will be able to track voters across jurisdictions.

We have agreed also to allow voters to provide their drivers license number, at least the last four digits of their Social Security number, when they register. If these numbers match an existing State record that confirms the voter's identity, then they are exempted from the photo identification provisions.

Ultimately, these changes mean many of the people we were worried about would have been adversely affected by the identification provision, and they will be OK one way or the other. Is that 100 percent? No, but we cannot let the perfect be the enemy of the good, especially not when the alternative is allowing our democracy to sputter along, disappointed voter after disappointed voter.

I strongly urge my colleagues to support the bill. We often have the opportunity to support legislation that makes things better, and that is why we are here, but today we have an opportunity to make a little bit of history, and that is something we will never forget.

I also thank my staff who worked so long and hard on this legislation.

I yield back my time.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. We have a couple more amendments that may be agreed to. In the meantime, I wish to make a point. While I did not get an opportunity to do so when he was in the Chamber, I would like to commend our colleague from Missouri, Senator BOND. I have said this on numerous occasions, and I will say it again, without Senator BOND's participation and contribution we would not be on the brink of passing this bill. He brought a very important issue to the table, one that is not a part of the House-passed bill, not because they opposed it, they did not consider it. Had it not been for Senator BOND, I am not sure it would be in this particular product. So we owe him a very deep sense of gratitude concerning a very legitimate issue that I think complements the bill in a very fine way. I will later add further remarks about his contribution, but I wanted to publicly thank him.

I also commend my dear friend and colleague from New York. Senator SCHUMER was, again, a very long and valiant participant in extensive negotiations on this bill, bringing us to the point we are this evening. I wish to thank him publicly for his work.

Early on, he and Senator MCCONNELL offered one of the very first measures to deal with election reform. He immediately saw the need to do something, as the Senator from Kentucky did. His willingness to back up and to work with us on a slightly different version is something I will always be very grateful to him for. His contribution has been significant.

Mr. SCHUMER. Will the Senator yield?

Mr. DODD. I am happy to yield.

Mr. SCHUMER. I thank the Senator for his kind words. It has been a pleasure to work with him. I mentioned while he was out of the room, it is rare to say on an important piece of legislation without a single person this legislation would not have passed. In the case of the Senator from Connecticut, that is true. Everyone tips their hat to the Senator for the great job he has done.

I also mentioned the Senator from Kentucky has been steadfast and principled in this effort. We didn't always agree on exactly what was the right thing to do, but he wanted to get this bill done and he played a valuable part.

I thank both the Senator from Connecticut and the Senator from Kentucky. They are in large part responsible for the fine improvement in voting we will have when this bill becomes law.

Mr. MCCONNELL. If I could speak briefly, one of the wonderful things that happen in putting together legislation: You get to know people better. I had not known the Senator from New York very well. He came to the Senate in the beginning of 1999. I enjoyed getting to know him in the process. I enjoyed working with him.

This legislation is a classic example, with Senator DODD's leadership, and Senator TORRICELLI was deeply involved; the five of us had a bonding experience here. We managed to come together on a very worthwhile piece of legislation which I anticipate will pass tomorrow by a very large margin, if not unanimously.

I thank the Senator from New York for his friendship and on this bill.

Mr. DODD. I will have more kind comments about my friend from Kentucky, but I will wait until tomorrow so we can clean up some of the amendments.

AMENDMENT NO. 3111

Mr. MCCONNELL. I have an amendment by Senator GRASSLEY which I send to the desk and ask for its immediate consideration. It is cleared on both sides.

The PRESIDING OFFICER. Without objection the clerk will report.

The assistant bill clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. GRASSLEY, proposes an amendment numbered 3111.

Mr. MCCONNELL. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To permit States to coordinate the computerized statewide voter registration list with Federal records relating to death and identity)

On page 18, between lines 7 and 8, insert the following:

(4) INTERACTION WITH FEDERAL INFORMATION.—

(A) ACCESS TO FEDERAL INFORMATION.—

(i) IN GENERAL.—Notwithstanding any other provision of law, the Commissioner of Social Security shall provide, upon request from a State or locality maintaining a computerized centralized list implemented under paragraph (1), only such information as is necessary to determine the eligibility of an individual to vote in such State or locality under the law of the State. Any State or locality that receives information under this clause may only share such information with election officials.

(ii) PROCEDURE.—The information under clause (i) shall be provided in such place and such manner as the Commissioner determines appropriate to protect and prevent the misuse of information.

(B) APPLICABLE INFORMATION.—For purposes of this subsection, the term ''applicable information'' means information regarding whether—

(i) the name and social security number of an individual provided to the Commissioner match the information contained in the Commissioner's records; and

(ii) such individual is shown on the records of the Commissioner as being deceased.

(C) EXCEPTION.—Subparagraph (A) shall not apply to any request for a record of an individual if the Commissioner determines there are exceptional circumstances warranting an exception (such as safety of the individual or interference with an investigation).

Mr. GRASSLEY. Mr. President, there is a very serious issue concerning the proper functioning of elections—the integrity of voter lists.

All eligible voters should be given every opportunity to vote.

In fact, much of this bill is aimed at doing just that.

However, without integrity in our voting lists, the door is wide open to many kinds of voting irregularities.

Every ineligible vote denigrates the efforts of every eligible voter to cause participatory democracy to work.

When votes are cast by individuals who are not legally entitled to vote, whether it be because they are using a false identity or because they are dead, the value of all properly cast votes is diminished.

We have all heard reports of people who are registered to vote and should not be or who voted illegally.

Senator BOND has already mentioned during the debate on this bill an investigation by the Missouri secretary of state which determined that, in the 2000 election, votes were cast in the St. Louis area by 14 dead people.

Senator BOND has also told us about troubling instances in St. Louis where large numbers of voter registration forms were submitted to election officials using false identities.

In Georgia, the Atlanta Journal-Constitution conducted a study comparing voting records and death records from the state Department of Human Resources and the Social Security Administration.

The investigation revealed that 5,412 dead people voted over the past 20 years and that the number of registered dead voters has increased dramatically in recent years.

As of November 2000, 15,000 dead people remained on the active voting rolls in Georgia.

Sometimes we hear these anecdotes about instances of voter fraud and they take on the character of a cynical joke, but I don't think it is very funny.

Such cases erode public confidence in the electoral process and are an affront to all those who cast votes legally.

The bill before us already takes an important step in ensuring the integrity of States' voter rolls by providing for interactive, computerized, statewide voter registration lists.

This will enable States to check for duplicates and coordinate with State agencies to verify that registered voters are legally able to vote under State law.

However, more can and should be done.

My amendment would give States a much needed tool to check the accuracy of their voter roles against information possessed by the Social Security Administration.

Specifically, my amendment allows a State to coordinate its statewide voter registration list with social security records to check identity, and to see if a voter has died.

The commissioner of Social Security would be required to provide, upon request from a State, applicable information for the purpose of determining the eligibility of an individual to vote.

This amendment would not require States to undertake any action nor would it affect State laws governing eligibility of individuals to vote.

It simply gives the States a valuable tool in their efforts to maintain clean and accurate lists of eligible voters.

The State decides when and whether to use this tool.

Over the last decade, it has become increasingly easy for people to register and vote due in large part to the National Voter Registration Act of 1993, also called the motor voter law.

This trend has increased voter registration across the board, including registrations by individuals who are not eligible to vote.

Along with the relaxation of voter registration requirements comes the responsibility to provide for safeguards to preserve the integrity of the voter rolls.

I can think of no reason why individuals who are not eligible to vote should be allowed to remain untouched on State voter lists.

A State can decide to do that.

But, today, if States want to be extra careful in preserving the integrity of their voter lists, they lack some very important information.

Give them the tools!

This amendment is just one more way that we can help the States maintain the most accurate, reliable list possible of eligible voters.

This is a commonsense, good government reform and I would urge my colleagues to join me in this effort.

Mr. MCCONNELL. This amendment has been cleared on both sides.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3111) was agreed to.

Mr. DODD. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

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

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

AMENDMENT NO. 3112

Mr. MCCONNELL. Madam President, I send an amendment, which has been cleared, by Senator BOB SMITH to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. SMITH of New Hampshire, proposes an amendment numbered 3112.

Mr. MCCONNELL. Madam President, I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide for a study into the broadcasting of false election information)

At the appropriate place, add the following:

SEC. . BROADCASTING FALSE ELECTION INFORMATION.

In carrying out its duty under section 303(a)(1)(G), the Commission, within 6 months after its establishment shall provide a detailed report to the Congress on issues regarding the broadcasting or transmitting by cable of federal election results including broadcasting practices that may result in the broadcast of false information concerning the location or time of operation of a polling place.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 3112) was agreed to.

Mr. MCCONNELL. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3113

Mr. MCCONNELL. Madam President, I have another amendment that has been cleared by Senator CRAIG THOMAS of Wyoming. I send it to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. THOMAS, proposes an amendment numbered 3113.

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

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

The amendment is as follows:

(Purpose: To express the sense of the Senate regarding changes made to the electoral process and how such changes impact States)

At the end, add the following:

SEC. ___. SENSE OF THE SENATE REGARDING CHANGES MADE TO THE ELECTORAL PROCESS AND HOW SUCH CHANGES IMPACT STATES.

It is the sense of the Senate that—

(1) the provisions of this Act, shall not prohibit States to use curbside voting as a last resort to satisfy the voter accessibility requirements under section 101(a)(3);

(2) the provisions of this Act, permit States—

(A) to use Federal funds to purchase new voting machines; and

(B) to elect to retrofit existing voting machines in lieu of purchasing new machines to meet the voting machine accessibility requirements under section 101(a)(3);

(3) nothing in this Act requires States to replace existing voting machines;

(4) nothing under section 10(a) of this Act specifically requires States to install wheelchair ramps or pave parking lots at each polling location if the State otherwise provides for the accessibility needs of individuals with disabilities; and

(5) the Election Administration Commission, the Attorney General, and the Architectural and Transportation Barriers Compliance Board should the differences that exist between urban and rural areas with respect to the administration of Federal elections under this Act.

The PRESIDING OFFICER. If there is no further debate, without objection the amendment is agreed to.

The amendment (No. 3113) was agreed to.

Mr. MCCONNELL. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

NEW TECHNOLOGIES

Mr. DODD. Mr. President, I rise in support of this measure and to thank my colleagues for their hard work on this bill that will make voting in many States easier and more accurate. Before we pass this legislation, I would like to address one additional point. In drafting legislation, it is often very difficult to look to the future and anticipate the impact that legislation will have on new technologies. To truly reform the Federal election process, this legislation must remedy the infirmities of the present system. However, it also must be forward-looking in its approach. It should welcome the implementation of new election technologies. The flexibility of this legislation to accommodate innovation will be the ultimate strength of Federal election reform.

I firmly believe that voting by computer, whether by internet or some other remote electronic system, is likely to happen in many states in the near future. In fact, Arizona has already held a party caucus in which voters were permitted to vote over the

internet. At the same time, I believe that the security concerns are such that most states, mine included, are not yet ready to provide this option to voters.

However, in the interests of looking to the future, I would like to seek clarification from the chairman of the Rules Committee about how this legislation would affect internet or other forms of remote electronic voting.

Ms. CANTWELL. Mr. President, is it the Chairman's understanding that the bill as it is currently written would not prevent States from offering voters the option of voting on by the Internet, so long as the State could show that the internet voting system complied with the security protocol standards written by the new Election Administration Commission, and that the voting system also complied with the requirements of the legislation on accessibility for the disabled, providing an audit trail of ballots, and by providing voters a means to make certain they had not made a mistake?

Mr. DODD. Senator CANTWELL, I agree with you that very serious concerns remain about voting by internet. As you know, this legislation specifically requests that the new organization, the Election Administration Commission, study internet voting. I am looking forward to seeing what it learns. However, I hope very much that states will think very carefully before moving to internet voting, and will make sure that the security concerns are fully addressed.

That said, the Senator is correct that nothing is this bill prohibits states from implementing voting on a remote electronic system like the internet, as long as the system is certified by the new Election Administration Commission, and complies with the other standards in the legislation.

I agree with the Senator that it is important to welcome the development of new election technologies and it was my intent, and my cosponsors' intent to provide the states as much flexibility as possible to accommodate innovation while still implementing necessary minimum standards that will ensure that all our citizens' right to vote is protected.

Ms. CANTWELL. I agree that it is very important that any voting system, particularly an electronic voting system have very good security. However, I believe that it is likely that in the near future we will in fact have the necessary security, the necessary assurances of secrecy, and of voter authentication, to make internet voting workable and I am pleased that this bill leaves the decision about moving forward with internet voting up to the individual States.

I appreciate all the Chairman's efforts on this legislation, and I agree that this bill is drafted in a manner that will not limit the development and implementation of new election technologies so long as the new technologies satisfy security protocols and meet the requirements of the minimum standards. I also hope that this legislation will in fact spur the development of new election technologies that are more voter friendly and more cost efficient.

Mr. DODD. Madam President, I thank my colleague from Kentucky. I thank his staff.

As I understand it, we will frame this with the two leaders' consent. We will have a period of maybe 20 or 30 minutes divided equally between my friend from Kentucky and I to make any final comments on the bill, and then there would be three votes: The amendment by Senator ROBERTS of Kansas, Senator CLINTON of New York, and final passage. All other amendments have been dealt with. We have accepted all of them here with the modifications that staffs have worked out this evening.

We can report to our leaders that we are down to two amendments and final passage, which is what we projected and promised would be the case if we could get the job done.

With that, I am unclear whether there is going to be a unanimous consent request on the time. In any event, we will take care of that.

I thank my friend from Kentucky and his staff. Of course, I thank my staff as well for working very hard tonight and the staffs of the respective Senators that worked out these agreements and made it possible to accept these remaining amendments. I look forward to final passage tomorrow.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Madam President, I echo the remarks of the Senator from Connecticut. We will save our pats on each other's backs for tomorrow. I thank him for his great work and we will see everyone in the morning.

I yield the floor.

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

The PRESIDING OFFICER (Mr. SCHUMER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

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

The Senator from Alabama is recognized.

TRIBUTE TO A GREAT TEACHER—DR. GORDON T. CHAPPELL

Mr. SESSIONS. Mr. President, there are persons of great importance in the lives of each of us. Outside our families, it is often teachers that have played key roles in our lives. One teacher of mine, Dr. Gordon T. Chappell was such a person. He awakened in his students a great love of history. He taught the importance of rigorous thought, and helped us understand our heritage. On February 6, 2002, Dr. Chappell passed away.

His death was a cause for sadness for the thousands who were his students at our alma mater, Huntingdon College. Although he had lived a rich, active and happy life, the recent years had not been easy. A year ago, Dr. Chappell was preceded in death by his beloved wife, Winn Chappell. The two of them lived in a modest home on the campus, and frequently invited students over for tea, discussion or work. Mrs. Chappell was a magnificent teacher in her own right, and was loved by her students as much as any teacher who ever served at Huntingdon. I took her British Literature course and it was a rich experience, indeed.

There can be little doubt that I would not be in the Senate today but for the inspiration of Dr. Chappell. In those days, the mid '60s, all freshman students were required to take Western Civilization. Dr. Chappell, though head of the History Department, always taught one freshman class and he hand picked his students. I was by chance, or perhaps as a result of having a historical sounding name, selected for the challenge and adventure that was his class. It was taught in the basement of the oldest building on campus, Flowers Hall. Ever since that experience, I have deeply understood that a great teacher in a poor room is far to be preferred to a lesser teacher in a room with the best of everything. With his small moustache, he was constantly thought to be the very image of Clark Gable playing Rhett Butler.

Dr. Chappell, first and foremost, knew his subject. Attaining his doctorate in history at Vanderbilt during some of that department's glory days, he was exceedingly well trained. Without, I am sure, one course in ''how to teach'', Dr. Chappell dominated his class, commanded respect, and imparted knowledge to students in an exceptional but not flamboyant way. This was primarily because he was prepared in subject matter and because he had great wisdom. He lectured, asked questions periodically, and insisted on attention and on timeliness. This was not a class that endeavored to teach self-esteem by being easy. His students developed self-esteem as a result of mastery of difficult subjects.

In addition to the substantial textbook, each student was required to read an additional five significant books each semester. The good news was that book reports were not required. The bad news was that upon completion of the book, the student was required to get an appointment with Dr. Chappell, in his basement office, laden with books and memorabilia, to discuss the reading. Make no

mistake, everyone knew he could tell instantly whether the student had read the book. He was held in such respect that no one made the appointment without trepidation. Many could not sleep for days in advance. It was a brilliant way for him to teach and to know his students.

As a result of this exceptional teaching, I became a history major. Being a history major opened a broad world to me, a world that was exciting and inspiring. It allowed an already existing interest in government and politics to grow.

Dr. Chappell's freshman class, his upper level courses, and his friendship and advice over the years have played an important role in my life and career. For thousands of his respectful students, his teaching was equally formative. Small liberal arts colleges, like Huntingdon, with an emphasis on classical learning, respect for faith and philosophy, liberal in concepts and disciplines, and with love of country and region, have shaped for the better the lives of millions. The death of Dr. Chappell not long after the death of Mrs. Chappell, drives that fact home to me in a forceful way. Their lives, committed to faith, humanity and learning bloomed like beautiful flowers and enriched the lives of many young people.

As United Methodist minister, Dr. Charles C. Hays, Jr., a Huntingdon history major who was also a student and long time friend of Dr. Chappell, stated in his eulogy:

> He was an architect of the psyche who, through the medium of history, shaped and molded the lives of countless hundreds of students.

Indeed he did. Though we have been sad, we should all remember that, at best, our lives are short—''like a vapor'', the scripture says. Dr. Chappell's life, along with his beloved partner, Winn, was rich, full and long. He spent it doing what he loved and wonderfully enriched the lives of all he touched. What more can one ask.

He is survived by two exceptional children, Rick and Wendy. May God's comfort and blessing be with them at this sad time. Let us, out of this sadness, lift our heads and celebrate Dr. Chappell's beautiful life so well lived.

THE 100TH DEATH ROW INMATE EXONERATION

Mr. FEINGOLD. Mr. President, this Monday, Mr. Ray Krone walked out of an Arizona state prison a free man. In doing so, he became the 100th innocent person to be released from death row in the modern death penalty—era that is, since the Supreme Court found the death penalty unconstitutional in 1972.

At about 5 pm on Monday, Krone ''traded his orange prison jumpsuit for blue jeans and a T-shirt,'' then walked away from a prison in Yuma, AZ, according to the Arizona Republic. Krone had spent the last 10 years of his life in prison for a crime it is now almost certain he did not commit.

In 1992, Krone was sentenced to death for the gruesome sexual assault and murder of Kim Acona, a cocktail waitress at a Phoenix lounge. After his conviction was overturned on a technicality, Krone received a re-trial but was convicted again in 1996 and, this time, sentenced to life in prison.

The key to his release was DNA testing that pointed not to Krone, but to Kenneth Phillips. It just so happens that Phillips is serving time in another Arizona prison for an unrelated sex crime. Prosecutors are now deciding whether to charge Phillips.

''There's tears in my eyes,'' Krone said upon his release. ''Your heart's beating. You can't hardly talk.''

At a press conference announcing that the prosecutor and Phoenix Police Chief would seek Krone's release, the prosecutor said, ''[Krone] deserves an apology from us, that's for sure.'' He continued, ''A mistake was made here. . . . what do you say to him? An injustice was done and we will try to do better. And we're sorry.''

But, there is more that the American people can say to Krone. We can do more than just talk or apologize. An apology is the first step. But we can also act. We can act to ensure that not another innocent person faces execution. We can do so by conducting a thorough review of the death penalty system. And while this review is taking place, we can and should suspend executions.

Congress has the opportunity to do just that. We can act by passing my bill, the National Death Penalty Moratorium Act. Together we can say enough is enough. Together we can say that one mistake too many has been made. Together we can say let us pause and have an independent, top-to-bottom review of the administration of the ultimate punishment our society can exact, the death penalty. This review should include the death penalty systems of Arizona and all states that authorize the use of the death penalty, as well as the use of the death penalty by our Federal Government.

An innocent man, who at one time faced certain death at the hands of his government, today walks free. If we can call that luck, how many others in Mr. Krone's shoes have not been and will not be so lucky?

How many innocent Americans today sit in their prison cells wrongly accused, counting down the days until there are no more?

There have now been 100 exonerations and 766 executions since the early 1970s. In other words, for every seven to eight death row inmates executed by the States or Federal government, one has been found innocent and released from death row. Now, this does not bode well for the fairness and effectiveness of a government program.

Some have said that exonerations are proof that the system is working. But how can they be proof that the system is working when, in at least some cases, it is not the lawyers or judges, but newspaper reporters and college students—people clearly outside the justice system—who have done the work of uncovering evidence of innocence? That is not proof the system is working. Quite the opposite. When the justice system must rely on outside actors, it is further, disturbing evidence that the system is broken.

I also fear that 100 exonerations is probably a conservative estimate. How many innocent people were not freed before being executed? How many mistakes did we miss? How many times were we too late to correct mistakes? I don't think anyone really has an answer to these questions. And that is precisely why we should have a pause and review. Before sending yet another person to the execution chamber, we should be sure that the system is fair, just and error-free.

The risk of errors is troubling to an increasing number of Americans. From Supreme Court Justice Sandra Day O'Connor, to Republican Illinois Governor George Ryan, to even Reverend Pat Robertson, a growing number of Americans are expressing grave concerns about the fairness of the administration of the death penalty.

And it is not just a question of access to modern DNA testing. A number of factors have resulted in unfair or even wrongful convictions. Incompetent counsel. Too many times, sleeping lawyers, drunk lawyers, or lawyers who are later suspended or disbarred are the lawyers representing people facing the death penalty. Sometimes there is prosecutorial or police misconduct—like failing to share evidence that might be helpful to the defendant's case or coerced confessions. These problems also plague the administration of the death penalty. We have also seen that testimony from jailhouse informants produce a high risk of unreliable convictions.

Now, Governor Ryan took a very important first step in 2000 when he had the courage to recognize these flaws, declared a moratorium on executions, and created a blue ribbon panel to review the fairness of the Illinois death penalty system. The results of the Illinois commission are set for release any day now.

If we are prepared to admit, as Illinois has, that there may be flaws with the death penalty system, it is then really unconscionable that we should continue with executions without a thorough, nationwide review.

Ray Krone's exoneration provides us all with another opportunity to take a moment and ask ourselves ''what if?'' What if we hadn't caught this mistake? What if an innocent man ate his final meal, took his last breath, said goodbye to his family and was put to death, alone, silenced by a failing system? The most important of these ''what ifs,'' however, is this: What if we don't ask ourselves these questions? What if we could have saved a life and we didn't? What if we acknowledged that the system is unfair, and yet we didn't do anything about it at all?

One risk, one error, one mistake, is one too many. But 100 mistakes, proven mistakes, qualifies as a crisis. And a crisis calls for action.

My distinguished colleague and chairman of the Judiciary Committee, Senator LEAHY, has introduced the Innocence Protection Act. This bill would reduce the risk of executing the innocent by allowing for post-conviction DNA testing and establishing certain minimum competency standards for defense counsel. And I support this bill and hope the Senate acts on it without delay.

But I submit that Congress can and must do more. For, if we recognize that the system is broken, that innocent people have been freed based on DNA testing, then it is only logical and right that we suspend executions while these reforms can be implemented and while all steps are taken to conduct a top-to-bottom review of the death penalty system.

My bill would do just that. The National Death Penalty Moratorium Act would create a National Commission on the Death Penalty to review the fairness of the administration of the death penalty at the State and Federal levels. The bill would also suspend executions of Federal inmates and urges the States to do the same, while the commission does its work.

I am pleased that Senators LEVIN, WELLSTONE, CORZINE and DURBIN have joined me as cosponsors of this important legislation.

The expansion of the death penalty and increase in death penalty prosecutions during the last two decades have had literally life-or-death consequences. The people of Illinois have learned a serious lesson that the administration of the death penalty is plagued with errors. And as the events in Arizona just showed us, the people of Illinois are certainly not alone. But Illinois and Arizona account for only 19 of the 100 exonerations nationwide. The remaining 81 mistakes have occurred in other death penalty States. These 100 mistakes tell us, loudly and clearly, that it is past time for our Nation to have a thoughtful debate on capital punishment.

A commission, and pause in executions while the Commission does its work, is the only right and just response.

And, so, I urge my colleagues to join me in supporting the National Death Penalty Moratorium Act.

SNOW MACHINES IN NATIONAL PARKS

Mr. THOMAS. Mr. President, I rise to discuss an issue that is very important to those of us in Wyoming and to all of us who have an interest in national parks; that is, the winter use of snow machines in Yellowstone Park and Grand Teton Park.

As some of my colleagues may know, for a number of years we have had an opportunity in the wintertime for people to go into the park, to engage in and tour the park in individual snow machines on a route that has been set forth. Of course, there has been a good deal of talk about it over the last several years and contentious debate over how that should be handled.

Some people believe we should not be in the park at all in the wintertime with snow machines. Others believe it ought to continue as it is.

We ended up about a year ago before the last administration moved out with a rule put into place that in 2 years the individual use of snow machines would be outlawed and eliminated.

That brought about a considerable response, particularly from people who live close to the park and have occasion to use it from time to time. The outcome was that we had an EIS underway. There was a suit brought, and we also passed in the Congress an extension of 1 year so we would have an opportunity for study. That has been underway, a supplemental EIS, to see how that could be handled and what could be done.

Of course, there are at least two primary missions of a national park; that is, to preserve the resource on the one hand, and then to let the owners enjoy it on the other hand. So we have to find some balance between protecting the resource and allowing people to enter the park and use it.

For a number of years, snow machines have been used. I don't think anyone suggests that they continue as they have in the past because there are some impacts both from noise and from exhaust.

One of the things that has changed and can change are improvements made to the machines. Some of them now go to four-cycle engines which are quieter, less exhaust oriented, and have been proven that way. In Jackson, WY, every year they have a contest to see who can improve the machines more. That has been a successful endeavor. We are in the process now of doing that.

I don't think anyone who is realistic suggests that we continue to do it as we have in the past. Certainly, we could apply some rules and regulations: No. 1, manage it; separate the cross-country skiers from the snow machines on the one hand. That can be done. I suspect if it were necessary, you could limit the number of passes that were made available. Sometimes the collection at Old Faithful gets pretty large. Nevertheless, that could be handled.

There have been suggestions that we limit the use in the night when animals are perhaps on the move. One of the arguments is that it distresses and disturbs the buffalo and the elk. I have been through the park with a machine and have ridden from here to the table from a big buffalo who paid no attention to me and had his nose down in about 3 feet of snow pushing along trying to find a little grass. So I suppose there might be instances. But the fact is, they really don't disturb the wildlife.

There has been now a regulation put into place, or an amendment that gives us another year to go through the supplemental EIS which is not yet completed. Then there would be, of course, probably about five alternatives that would be laid out in public. That is supposed to happen in November. We will have an opportunity to make some choices.

I am just saying I hope we can make the changes that will protect the environment, can protect the environment. I am persuaded that can be done. At the same time, I hope we can allow people to continue to enjoy the park. Quite frankly, if you didn't have this opportunity with the snow machine, there would be very little use of the park in wintertime because it is large. And, of course, you can't ski clear across the whole area, or very few people can.

That is in the process. I wanted to say I hope we do keep a couple of things in mind as we deal with our parks and our Federal lands.

One is that, of course, we should take care of the environment. No. 2, people ought to have access to these lands. It is really too bad if we set them aside so that people can't enjoy them and have access to them. Another is to manage it so that it really doesn't have an impact. Much of that is the result of management, and, quite frankly, we have not done as much of that and some of the park officials would rather not have any. So, therefore, they have not made an effort to manage their existence very well.

I hope we proceed on that and come out with a reasonable compromise that still allows access, and we can at the same time take care of the environment, both in Yellowstone and in Grand Teton, as well as other places where snow machines are used.

THE MIDDLE EAST

Mr. WELLSTONE. Mr. President, with a suicide bomber killing eight innocent Israeli civilians and wounding more than a dozen in Haifa today, and Palestinian gunmen and Israeli soldiers locked in battle in the Jenin refugee camp, the Middle East is under an intolerable siege of violence. The horrific practice of targeting innocent civilians must end. Even in this time of horrendous violence we cannot lose hope.

I spoke at Temple Israel back in Minnesota on Sunday. I was trying to figure out what to say. I remembered the story of an Israeli man murdered at a Seder meal. ''Murdered'' is the right word. An organ of his was given to save the life of a Palestinian woman. His children said that he would have been proud.

There is hope. We cannot lose hope, for the sake of both the Israeli and the Palestinian children. We have to continue to seek a pathway to peace. President Bush said this in a number of statements.

Last week President Bush made the right decision to send Secretary Powell

to seek a cease-fire and progress toward a political settlement. Over and over again I was saying to Tony Zinni, for some time: We should be there. I think this was the right decision. We can go back and forth about whether it should have been done earlier, but I support the President. I think the President is pursuing a courageous approach which seeks both to meet the critical need of the Israeli people to be free from terrorism and violence and acknowledges the legitimate aspirations of the Palestinian people for their own state.

Even in this horrific time we must not lose sight of what is the ultimate goal: Israel and a new Palestinian state living side by side, in peace, with secure borders.

Secretary Powell is now in Madrid and he will return to the region later today. On Friday he will arrive in Jerusalem. He has the unenviable task of seeking to persuade leaders in the Middle East to take very painful but very necessary steps.

He has been traveling to Arab capitals to persuade Arab leaders to condemn Palestinian suicide bombings and other acts of violence. This was a step they inexcusably refused to take last month in Beirut. Palestinian leaders will only be able to establish their credibility as legitimate diplomatic partners by condemning violence and doing all in their power to combat it.

Secretary Powell is also simultaneously pressing Prime Minister Sharon to immediately withdraw his military from cities in the West Bank and to link a political solution to a ceasefire. This is all so complicated and hard.

Further, I also believe he will and should urge the Prime Minister to respect the dignity and human rights of ordinary, innocent Palestinian civilians, and to address the emerging humanitarian crisis in the West Bank.

Secretary Powell's mission involves great risk, and he himself has said he is unsure he will return to Washington with a cease-fire in hand. This process is not going to be easy and it is not going to be fast. In fact, it will require enormous patience and work by all parties, including a sustained effort by the Bush administration for many months, if not years.

I am grateful for Secretary Powell's efforts. I said to Dick Armitage, in a number of conversations last week, that I support this effort, and I pray for the success of his mission and for a prompt end to the violence which has wracked this region and threatens its future, and I am not at all sure that I am being melodramatic when I say perhaps the future of the world.

I apologize to my colleague from New Mexico. I now will speak to the amendment, but I really believe—as a Senator, as a first-generation American, as the son of a Jewish immigrant who fled persecution from Ukraine—that it was important to speak on this matter.

I think when we speak, you are not going to hear any acrimonious debate. There are different ideas about what needs to be done. It is not as if we can take what is happening in the Middle East and put it in parentheses.

I also will tell you that I was impressed—I hope people do not mind my saying this—at Israel Temple. I was relieved there was very little shrillness. People are feeling tremendous anguish and pain and are wanting to come together as a community.

Recently, I met with an Israeli man and a Palestinian father—two fathers, both of whom lost children. They came here, and I want them to come back. Rabbi Sapperstein called the office and said: I would like for you to meet with them. They have formed a parent organization—parents who have lost their loved ones and who are saying we have to somehow figure out how to move from where we are to some kind of a framework for peace. How wide of a river of blood has to be spilled before we do that? I believe as long as there are ''leaders'' like that, there is hope.

MINNESOTA NATIONAL CHAMPIONSHIP TEAMS

Mr. DAYTON. Mr. President, I am here today with my distinguished colleague, the senior Senator from Minnesota. It is a very special and exciting occasion for us to talk about three national championship teams in Minnesota: the University of Minnesota Golden Gophers hockey team won the men's national championship for the first time in 23 years last Saturday night. It was one in which over 19,000 fans in St. Paul's Excel Center were able to enjoy. I think about 19,002 of them were Minnesota fans. But the University of Maine put on a spirited contest.

We are very fortunate that the one North Dakotan on the team, a non-Minnesota man, scored the winning goal in overtime to lead Minnesota to the national championship.

Also, we are delighted that the University of Minnesota Duluth women's hockey team was also in the national championship for the second consecutive year—the only winner of that tournament—which has now been held for 2 years—in the history of this country. We are very proud of their accomplishment as well.

We are ideally constituted because I am a hockey player from high school and college, and my distinguished colleague is a member of the Wrestling Hall of Fame in the United States. So he is going to carry on the honors for the next resolution. I yield the floor.

Mr. WELLSTONE. Mr. President, I will be very brief. Senator DAYTON talked about the men's hockey team, the University of Minnesota, the Gophers winning the NCAA championship which, as my colleague said, I think was the first time in 23 years; then the University of Minnesota Duluth, second straight year; and then the University of Minnesota wrestling team also won the NCAA championship for the second straight year as well.

Senator DAYTON and I will have a chance to send those resolutions back home. We want to congratulate everybody. I think everybody in Minnesota is very proud of these three teams. In one winter, there were three NCAA championships: men's hockey, women's hockey, and wrestling.

I say to Senator DAYTON, I actually do have a 5-hour speech I want to give about the importance of wrestling, but I will not do it tonight.

REVIVAL OF THE ANCIENT LIBRARY OF ALEXANDRIA

Mr. SARBANES. Mr. President, on April 23, in Alexandria, Egypt, the Library of Alexandria (Bibliotheca Alexandrina) will be formally and joyfully inaugurated. This is a signal event in the history of world culture. The new library has been built on the site of the ancient Library of Alexandria, not in imitation of its renowned predecessor but rather, as its first Chief Librarian, Dr. Ismail Seragaldin, has observed, to recapture the spirit and emulate the ideals, scholarship and research of the Ancient Library. It is also, significantly, the first major library to open anywhere in the world in the third millennium.

From the time of its establishment in the 4th century B.C.E. until its destruction by fire some 1,600 years ago, the Ancient Library stood as a preeminent center of learning. It brought together the Pharaonic and Hellenistic cultures, reflecting and reinforcing Egypt's pivotal role as a cradle of civilization. Alexandria was a magnificent city, a great center of both commerce and intellectual endeavor, and the library was its anchor indeed, the library was emblematic of the city. With its collection of some 700,000 manuscripts and its phalanx of scholars, Euclid and Archimedes among them, it was also, effectively, the world's first university. And although the library was lost many centuries ago, it has remained a lustrous symbol of scholarship and intellectual inquiry.

A clear and steady vision, intense dedication, and many years of planning and hard work have brought the new library into being. In 1990, under the leadership of Mrs. Suzanne Mubarak, a group of distinguished men and women from many different countries came together to sign the Aswan Declaration for the Revival of the Ancient Library of Alexandria, which proclaimed the Library's mission to be, in part, to ''bear witness to an original undertaking that, in embracing the totality and diversity of human experience, became the matrix for a new spirit of critical inquiry, for a heightened perception of knowledge as a collaborative process.'' Now, 12 years after the signing of the Aswan Declaration, the modern Bibliotheca Alexandrina is a reality. It will provide scholars and researchers with unique collections and facilities focusing on the ancient civilizations of Egypt and Alexandria as well as on contemporary subjects. It will

house resource materials in science and technology to assist in studies of Egypt and the Mediterranean region, and it will sponsor studies of the region's historical and cultural heritage. At the same time, it will serve as a major depository library, and it will take its place alongside the world's major scholarly institutions, like the Library of Congress, in using technology to make available to scholars the whole range of information resources, wherever they may be found.

The stunning architectural design of the building that houses the library is congruent with the library's mission. It is, as Mrs. Mubarak has put it, ''a great dazzling building,'' ''a fourth pyramid,'' its ''inclined round shape similar to the sun rising at dawn.'' Yet it is simple in concept: a circle sloping toward the Mediterranean Sea, partly submerged in water. A wall of Aswan granite, with calligraphy representing inscriptions from the world's civilizations, surrounds the building, which is connected to Alexandria's famous Corniche by an elevated passageway.

This magnificent project could not have been completed without the generous support and leadership of President Hosni Mubarak, Mrs. Suzanne Mubarak, and the Egyptian people, and it has benefited enormously from the support of UNESCO, of many governments and non-governmental organizations, and of committed men and women around the world. I am especially pleased that the sister-city partnership joining Baltimore and Alexandria has contributed to the library through a committee called the Baltimore Friends of Bibliotheca Alexandrina; under the chairmanship of Dr. Raouf Boules, who came to this country from Alexandria and who serves as Assistant Dean of the College of Science and Mathematics at Towson University in Maryland, the committee has been very successful in collecting books and raising funds for the Library.

The Ancient Library of Alexandria ''was and is one of the greatest and most inspiring creations of the human intellect,'' as Mrs. Mubarak has observed. The New Library of Alexandria will surely carry forward that tradition. On the day of its inauguration we celebrate the New Library, we pay tribute to those who have made its establishment possible, and we express deep gratitude for the contributions it will surely make to greater knowledge and understanding worldwide.

IRAQ'S MISSILES

Mr. AKAKA. Mr. President, I rise today to discuss the danger of Iraq's development of medium range ballistic missiles in violation of United Nations Resolution 687. I recently chaired a hearing of the Governmental Affairs Subcommittee on International Security, Proliferation, and Federal Services on Iraq's weapons of mass destruction programs. Two of our witnesses were weapon inspectors in Iraq during the 1990s as part of United National Special Commission, UNSCOM, Inspection Teams. Their candid statements painted a dark picture and outlined some difficult decisions we have to make.

When the gulf war ended, and the United National Security Council passed Resolution 687, Iraq agreed to destroy, remove or render harmless all ballistic missiles, related parts, and repair and production facilities with a range greater than 150 kilometers. Further, Iraq agreed to not develop or acquire them in the future. The dedicated men and women of UNSCOM and the International Atomic Energy Agency ferreted out and destroyed a large share of Iraq's prohibited weapons and related infrastructure in the 1990s. Despite the remarkable job they did, significant disarmament tasks and compliance issues continued through UNSCOM's departure from Iraq in December 1998.

Before the gulf war, Iraq had a variety of missile programs. These programs were more than missile components and hardware. Iraq had a trained team of missile experts, capable of reverse engineering a Soviet SCUD missile and moving into indigenous production of an Iraqi version 2 years after initial acquisition. Their indigenous production capability depended upon low reliability, low technology, low safety, and a sophisticated foreign assistance and supplier network.

Iraq has retained a great deal of this knowledge. Its team remains largely intact working on permitted U.N. missile programs, which provide cover for proscribed missile development. The liquid-fueled Al-Samoud missile most likely is capable of exceeding the range threshold set by U.N. resolutions and is widely believed to be a precursor for longer-range missiles. The short-range Abhabil-100 missile program is providing Iraq with a solid-propellant infrastructure and other important technologies that could be applied to a longer-range missile in the future.

At what point do allowed programs fall under the heading of related parts or production capability for longer-range missiles? I think the answer in Iraq's case is, now.

Likewise, Iraq maintains expertise in converting aircraft to unmanned aerial vehicles, lately demonstrated in modifications to L–29 trainer aircraft. These unmanned aerial vehicles could be used to attack Israel or American forces in the region.

Iraq has persistently deceived, evaded, and concealed its weapon programs. In spite of this, UNSCOM believed that it had accounted for the elimination of all but a handful of Iraq's SCUD missiles. So why are we faced with this on-going threat to American security? It is true that Iraq was able to hide some assets. More importantly, though, Iraq was able to maintain its technical expertise and industrial base under the guise of U.N. permitted missile programs.

Iraq built its missile programs over a number of years with assistance from companies in many countries. We must work with our allies and international partners to contain the missile program. We must get inspectors back into Iraq and re-establish the U.N. monitoring program, and we must keep Saddam Hussein bottled up and force him to confront obstacles in every direction. An U.N. inspection team with full international support and access can complicate, constrain, and slow Iraq's clandestine efforts and give us a better understanding of what Iraq can do. But an inspection team, at its best, can contain or manage, not eliminate, the threat.

We are now faced with the possibility that Saddam Hussein could deploy weapons of mass destruction against his neighbors. We also must consider under what conditions would Hussein give a biological or chemical agent or short-range ballistic missile to a terrorist group? This January marked the 11th anniversary since the start of the gulf war. As the war on terrorism evolves, we cannot forget our past attempts, successes, and failures in Iraq.

President Bush is right to continue to make Iraq an issue for the international community. We will need international support if we are going to have an effective strategy for eliminating Saddam Hussein as a threat to world peace.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred in November 1997 in Asheville, NC. A gay man was assaulted with a deadly weapon. The assailant, Jeremi Dwayne Milling, 16, was sentenced to five years in prison for conspiracy to commit armed robbery, assault with a deadly weapon inflicting serious injury, and attempted armed robbery. Mr. Milling said that he targeted the victim because he was gay.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

U.S. ARMY STRYKER COMBAT VEHICLE

Mr. SESSIONS. Mr. President, I want to take this opportunity to address the importance of the Army's Stryker

combat vehicle, what used to be called the Interim Armored Vehicle, being developed at Anniston Army Depot.

The Stryker is a new generation family of highly transportable wheeled combat vehicles capable of rapidly deploying anywhere in the world. The Stryker vehicles roll onto a C–130 aircraft and roll off ready to fight anywhere and anytime including complex and urban warfare contingencies. They are lethal, survivable and will be engaged in the War on Terrorism in the months to come.

If they were available today, Stryker vehicles would be deployed in the mountains of Afghanistan and ably assisting in the elimination of al-Qaida and other enemies of this country. They would be providing ground-based firepower and protection for our soldiers on the frontlines.

The Stryker family embodies Army Transformation. It is the foundation of the Army's Interim Brigade Combat Teams that will be the spearhead of most conflicts envisioned in the next decade. The Army intends on procuring 2,131 Strykers and this Congress must do everything it can to ensure the Army is able to deliver on its promise to our soldiers.

Let me tell you, we cannot get these vehicles in the soldiers' hands fast enough. As it is, the Army and the joint venture designing and developing the Stryker family have done an incredible job delivering the initial vehicles this past February less than a year after the start of work. I believe such a rapid delivery may be unprecedented in modern times for a military program of this scope. The Army and the Joint Venture are to be commended.

In the fiscal year 2003 defense budget, the President has requested $812 million in procurement and $124 million in research and development for the Stryker vehicle. I hope this Congress will fully support this request and throw its support behind a program critical to our national security today and tomorrow.

The Army recently named the vehicles Stryker in honor of two fallen enlisted soldiers who died 20 years apart but shared the same name. Both won the Medal of Honor. Specialist 4th Class Robert Stryker died in Vietnam when he threw himself onto a claymore mine as it detonated thus saving the lives of his comrades nearby. Stuart Stryker died in World War II when he led a platoon into an assault on Nazi headquarters near the end of the war. Though he was killed in the raid, three members of an American bombing crew were rescued from the building.

We should not let those who serve this great Nation down. We must support ably and strongly the Stryker combat vehicle program.

VOTE EXPLANATION

Mr. BAUCUS. Mr. President, I submit this statement to explain my absence today on the rollcall vote regarding the amendment offered by my good friend from Nevada, Senator REID. Unfortunately, I am absent for medical reasons and was unable to vote today. However, I wanted to express my support for Senator REID's amendment and had I been here, my intention to vote not to table the amendment.

Senator REID's amendment just made sense. This is a debate over energy legislation and it is logical to limit Senator FEINSTEIN's amendment to energy derivatives. If this body feels there is a need to extend the provisions in Senator FEINSTEIN's amendment to metals, which I am not convinced that we need to do, then we should take that issue up at the appropriate time and in the appropriate vehicle. For that reason, I would have voted not to table Senator REID's amendment.

DAY OF SILENCE

Mrs. FEINSTEIN. Mr. President, students have fallen silent in schools all across the country today to bring attention to the discrimination and harassment of our gay, lesbian, bisexual and transgender, GLBT, youth.

The voices that won't be heard today belong to the participants of a national project called the Day of Silence.

The Day of Silence was conceived more than 6 years ago by Maria Pulzetti, then a student at the University of Virginia, after she wrote a paper on nonviolent protest and grassroots organizing. It encourages students to take a nine-hour pledge of silence to represent the silence that GLBT students face because of harassment, discrimination and prejudice at their schools.

Since the first-ever Day of Silence at the University of Virginia in 1996, the event has grown in size each year. This year, thousands of students will be participating from more than 1,776 middle schools, high schools, colleges and universities in 49 States, Puerto Rico and the District of Columbia, including at least 136 schools in my State of California. This year's effort will easily be the largest in its history.

Instead of speaking, participants of the Day of Silence will hand out cards that explain why they have chosen not to talk. The cards read:

Please understand my reasons for not speaking today. I am participating in the Day of Silence, a national youth movement protesting the silence faced by lesbian, gay, bisexual and transgender people and their allies. My deliberate silence echoes that silence, which is caused by harassment, prejudice, and discrimination. I believe that ending the silence is the first step toward fighting these injustices. Think about the voices you are not hearing today. What are you going to do to end the silence?

Some participants will also be wearing t-shirts that spell out why they have chosen not to speak today. Others will wear buttons or stickers. And still others will offer ribbons to those who are not ready to take a vow of complete silence but who want to show their support.

In some cases, teachers will even join the effort by taping their lessons for the day, screening movies, or writing on the blackboard instead of speaking to their classes.

In fact, students who have organized the event in the past say that the broad participation of their friends and teachers has elevated the Day of Silence from ''a bunch of gay kids complaining about discrimination'' to a formidable student-led movement for civil rights.

But, regardless of which participant you ask, they all agree that they can speak loudest by not saying a word. And, even though they will be silent, their message will get across loud and clear.

I would also like to give special recognition to two California students that have helped organize this year's Day of Silence:

Sumiko Braun, 17, of Carson, CA, is the California State Organizer. She is currently a senior at the California Academy of Mathematics and Science, and is also the founder and president of her school's Gay-Straight Alliance. Although the Gay-Straight Alliance has faced much adversity, the group has remained one of the most active on the school's campus.

Nikira Hernandez, 15, of Santa Cruz, CA, is one of the National Team Co-Advisors. She currently attends Santa Cruz High School, and is a member of her school's Rainbow Alliance. Before organizing Santa Cruz High School's first Day of Silence last spring, Nikira said her school's Rainbow Alliance counted about half a dozen students as members—and they weren't very motivated. Then, when more than 200 people fell silent on their behalf last year, she couldn't believe how much her life changed. She said, ''Seeing how many allies we had made me feel much more accepted at my school.''

I am encouraged that these two talented and dedicated young ladies have taken the initiative to help end the silence of GLBT students that, unfortunately, has become the norm in our Nation's schools. These outstanding Californians are not only giving support to other young people who are participating in the Day of Silence effort, they are helping to make their schools and their communities more accepting in the process.

The effects of today's silence will last much longer than just one day. This experience will offer students an opportunity to think about how powerful silencing can be and to focus on how they can make their own voices stronger.

Long after this day has ended, I hope students will continue to speak out against discrimination and harassment so that everyone can feel accepted at their schools, and we can overcome the forces that impose silence on our youth.

ADDITIONAL STATEMENTS

COMMENDING IDAHO NATIONAL GUARD

• Mr. CRAPO. Mr. President, I rise today to commend the contributions of the Idaho National Guard who are providing support for in Operation Enduring Freedom and other military operations now underway in the war against terrorism. While many of our military troops are serving our country far away, many others are working hard here at home to keep us safe. Idaho National Guard members have played key roles in several events and efforts here at home and I wanted to take this time to thank them and their families for those efforts. Their assignments have been varied.

From September until the end of May, Idaho National Guard members have augmented airport security and civilian screening efforts in at least six airports in Idaho. They have provided a trained, armed, and highly visible military presence in airports in Boise, Lewiston, Idaho Falls, Pocatello, Twin Falls, and Hailey. For the most part, these assignments have not required Guard members to be away from home, although some have had to leave their families to rotate through the assignments.

During the Olympics, the Boise Airport served as one of four gateway airports to Salt Lake City, and Idaho Guard members assisted in a variety of efforts, including screening of aircrafts and passengers. Guard members also participated in security screening efforts at the venues during the Games in Salt Lake City, working closely with the Secret Service. Additionally, the Idaho Guard provided aircraft and personnel to facilitate moving people and equipment around various locations in the Salt Lake area. And just this week, a couple of dozen of Idaho Guard members returned from assisting at the Paralympics.

Members of the Idaho National Guard were on hand for several weeks from October to January to help the state police with increased security at the Idaho State Capitol, providing an extra set of eyes and ears.

Right now, there are more than 40 Idaho Guard personnel who have just been deployed to Bosnia for a six-month assignment. While there, they will assist in the peace-making missions outlined in the 1995 Dayton Peace Accord.

As we continue to fight this war on terrorism, it is important to remember not only those who are serving in far-off places, but to recognize those who are serving at home to keep us safe. This is a war like no other we have fought, and we are reminded every day of the value of military service. The vigilance of the Idaho Guard members and many others like them throughout the country is most appreciated, and I want to make certain that they know their efforts have not gone unnoticed. I salute the men and women of the Idaho National Guard and the following units:

124th Wing, Idaho Air National Guard; Det 35 OSAR; HQS STARC; 216th Military Intelligence Company; 145th Support Battalion; HHC 116th Cavalry Brigade; 2nd Battalion 116th Calvalry; 1st Battalion 183rd Aviation; B Co 1st 189th Aviation Battalion; 116th Engineer Battalion; 938th Engineer Detachment; 1st Battalion 148th Field Artillery.•

HONORING REVEREND DR. CARL F. SCHULTZ, JR.

• Mr. LIEBERMAN. Mr. President, I rise today to honor the Reverend Dr. Carl F. Schultz, Jr., Senior Pastor of the First Church of Christ, Congregational, in Glastonbury, CT. Dr. Schultz will be retiring on June 9, 2002, after 43 years of ministry, 34 of which have been with First Church of Christ.

This is a significant milestone for Dr. Schultz and his congregation, for he has been the longest serving pastor in the more than 300-year history of First Church of Christ in Glastonbury. Since 1968 when Dr. Schultz joined this congregation, the church has greatly expanded it facilities, programs, and outreach. Under his leadership, First Church of Christ has expanded its sanctuary, classroom and office space and raised more than a million dollars for building improvements, a new pipe organ, and television production facilities which have allowed the church to broadcast its services.

Dr. Schultz has been very active in the Glastonbury community through his service with the Glastonbury Pastoral Counseling Center, the Glastonbury Conference of Churches, the Glastonbury Clergy Association, and as Chaplin to the Police and Fire Departments. He has also served in several capacities with the Connecticut Conference of the United Church of Christ, lending his knowledge and expertise to the growth of the church throughout the State.

On the national level, Dr. Schultz has been a delegate to the General Synod of the United Church of Christ on several occasions, and last, but certainly not least, in 1994 and 1999, at my invitation, he served as Chaplain for a day here in the U.S. Senate, offering a prayer to start our day as we serve here in the Nation's Capitol.

For his devoted service to the members of his congregation, the First Church of Christ, Congregational, and for the many contributions he has made to the citizens of our state, the people of Connecticut thank Dr. Schultz and wish him well in his retirement. On a personal level, I consider Dr. Schultz and his dear wife, Della, to be my friends, and I pray that his retirement may be a time of rebirth and new life for them both. May God bless him and his family in the years to come.•

TRIBUTE TO STEWART VERDERY

• Mr. WARNER. Mr. President, today I recognize a former member of my staff, C. Stewart Verdery, who is leaving the Senate staff after several years of providing valuable counsel for many of us here.

Stewart first came to the Senate as a legislative counsel in my office and, because of his good work, when I assumed the chairmanship of the Committee on Rules and Administration, I asked him to join the committee staff and serve as counsel. In addition to his excellent work on legislation and other issues before the Rules Committee, Stewart served the committee at a time when we faced an unusual challenge—that of conducting the first major investigation of a contested Senate election since the 1970s and the first involving allegations of fraud since the 1950s. Stewart played a key role coordinating the onsite investigations and then worked with outside counsel in questioning of witnesses both onsite and here in Washington. He had a major role in drafting a committee report on the investigation which now takes its place with other historic documents in the 213-year history of the Senate to uphold standards and guide procedures for handling contested elections. His wise counsel and steady hand were invaluable to me and to the Senate.

After his outstanding work on the Rules Committee, Stewart went on to serve with the Senate's Assistant Republican Leader, DON NICKLES, as General Counsel. In his duties there, he worked directly with many Senators in this body. Stewart was widely respected for his knowledge of facts and sound political judgement.

As he leaves the Senate, we wish him well. I am confident he will go on to add new successes to the many he has chalked up during his years here.•

TRIBUTE TO LAWRENCE LONGLEY

• Mr. FEINGOLD. Mr. President, I would like to take a moment to honor the life of a dear friend of mine, Lawrence Longley. Larry passed away at the end of last month after a long battle with cancer.

Larry was a professor at Lawrence University in Appleton, WI, for 37 years. He taught in the University's government program and quickly gained the respect and admiration of his colleagues, the administration, and his students. In addition to his work at Lawrence, he served as a visiting scholar at Northwestern University and as a guest lecturer in politics at Imperial College in London. Additionally, he taught in the Washington Semester Program of American University.

A strong influence in the political process and government, Larry's writings were widely published and read by students and scholars alike. He was the author or co-author of more than 100 books, including ''The People's President'' and ''The Electoral College Primer 2000.'' Larry was a strong critic of the electoral college. The fictional opening chapter his ''The Electoral College Primer 2000,'' written

in 1999, told the story of a Presidential election crisis not unlike the real one that transpired during the 2000 elections.

His sphere of influence was not limited to academia. Larry was an active member of the Democratic Party. He was part of the Democratic National Committee and served on the Executive Committee in 1996–1997. He was among the 538 electors in the Electoral College in 1988 and 1992. At the local and State levels, Larry headed many area campaigns for nationally elected officials.

His expertise on the electoral college and its process made him an invaluable consultant to this body's Judiciary Committee throughout the 1970s and 1990s. Often called to testify before U.S. Senate hearings, his research and findings on the electoral college contributed a great deal to public debates on this important issue. His legacy will be long remembered in the halls surrounding this chamber as well as across the country.

Larry was a true friend and one of my best supporters. He was an intelligent observer of and an active and loyal participant in our democracy. He will be remembered for his honesty, his diligence, and his kindness. We will dearly miss him.●

HONORING MARLOW McCULLOUGH

● Mr. BUNNING. Mr. President, today I am afforded the opportunity to rise amongst my colleagues to honor Mrs. Marlow McCullough of Taylor County, KY. Mrs. McCullough was recently named Woman of the Year for the Taylor County community.

When Marlow McCullough was informed that she had been named Woman of the Year for Taylor County, she was completely shocked and surprised. In fact, she did not have any idea that she had even been nominated for the contest. In an extremely thoughtful and loving gesture, David McCullough, Marlow's husband, nominated her for the award. Marlow was one of 40 women to be considered for this honor.

In my experiences in sports, business, and politics, I have discovered that the most difficult part of being successful is balancing responsibilities and commitments. Trying to find adequate and ample time to satisfy all of our wants and needs can be quite an overwhelming and intimidating task. For most of us, this task is something we work toward for a lifetime. Marlow McCullough has skillfully mastered this seemingly impossible balancing act.

Mrs. McCullough is not just a loving wife of 24 years and devoted mother of 4 wonderful children. She also is a full-time and highly respected instructor of mathematics at Campbellsville University. As if these accolades would not suffice to earn her the title of Woman of the Year, Mrs. McCullough is an accomplished musician, an active and devout member of the Campbellsville Baptist Church, an organizer of local youth soccer, and an active and visible participant in many of her children's school activities. Mrs. McCullough stated it best when she said, ''Planning and partnerships are the keys to success.''

I applaud Mrs. McCullough for her commitment to church, family, career, and community, and congratulate her on being named Woman of the Year for Taylor County. I believe we all can learn something from her exemplary behavior.●

TRIBUTE TO MAJOR GENERAL PATRICK D. SCULLEY

● Mrs. HUTCHISON. Mr. President, I rise today to pay tribute to a fellow Texan, Major General Patrick D. Sculley of the U.S. Army Dental Corps. Major General Sculley has served our country for 29 years in a number of senior positions. His distinguished career culminated with his appointment to be Deputy Surgeon General of the Army and Chief, U.S. Army Dental Corps.

As the deputy surgeon general, Major General Sculley provided exceptional leadership and oversight of all Army healthcare facilities and biomedical research activities. His efforts facilitated the highest quality healthcare for military beneficiaries while ensuring health readiness and a deployable medical force.

As the chief of the U.S. Army Dental Corps, he implemented a worldwide Dental Care Optimization Program that significantly increased the dental readiness of military personnel and improved the dental health of America's Army. While still a colonel, he was integral to the establishment of the U.S. Army Dental Command and was its first commander. Throughout the nearly three decades of service to our country, Major General Sculley emphasized personal involvement with his junior officers. His leadership by example has been instrumental in the retention of quality dental officers.

I would like to commend Pat and his wife, Peggy, for their unwavering dedication to the United States and the Army and thank them for their service. They have served our Nation with distinction and in the finest traditions of the U.S. Army. I wish them well in future endeavors as they enter a new phase of their lives in Texas. May God continue to bless Major General Sculley and his family and may God bless America.●

MESSAGE FROM THE HOUSE

At 11:07 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1009. An act to repeal the prohibition on the payment of interest on demand deposits.

H.R. 2937. An act to provide for the conveyance of certain public land in Clark County, Nevada, for use as a shooting range.

H.R. 3480. An act to promote Department of the Interior efforts to provide a scientific basis for the management of sediment and nutrient loss in the Upper Mississippi River Basin.

H.R. 3848. An act to provide funds for the construction of recreational and visitor facilities in Washington County, Utah, and for other purposes.

H.R. 3921. An act to amend the Clinger-Cohen Act of 1996 to extend until January 1, 2005, a program applying simplified procedures to the acquisition of certain commercial items, and to require the Comptroller General to submit to Congress a report regarding the effectiveness of such program.

H.R. 3958. An act to provide a mechanism for the settlement of claims of the State of Utah regarding portions of the Bear River Migratory Bird Refuge located on the shore of the Great Salt Lake, Utah.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2937. An act to provide for the conveyance of certain public land in Clark County, Nevada, for use as a shooting range; to the Committee on Energy and Natural Resources.

H.R. 3480. An act to promote Department of the Interior efforts to provide a scientific basis for the management of sediment and nutrient loss in the Upper Mississippi River Basin; to the Committee on Environment and Public Works.

H.R. 3848. An act to provide funds for the construction of recreational and visitor facilities in Washington County, Utah, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3921. An act to amend the Clinger-Cohen Act of 1996 to extend until January 1, 2005, a program applying simplified procedures to the acquisition of certain commercial items, and to require the Comptroller General to submit to Congress a report regarding the effectiveness of such program; to the Committee on Governmental Affairs.

H.R. 3958. An act to provide a mechanism for the settlement of claims of the State of Utah regarding portions of the Bear River Migratory Bird Refuge located on the shore of the Great Salt Lake, Utah; to the Committee on Environment and Public Works.

NOMINATION DISCHARGED

The following nomination was discharged from the Committee on Government Affairs pursuant to the order of the Senate of January 5, 2001:

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Robert Watson Cobb, of Maryland, to be Inspector General, National Aeronautics and Space Administration.

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. BROWNBACK (for himself and Mr. ROBERTS):

S. 2081. A bill to amend the Caribbean Basin Economic Recovery Act relating to

certain import-sensitive articles; to the Committee on Finance.

By Mr. HATCH (for himself and Mr. SCHUMER):

S. 2082. A bill to modify the application of the antitrust laws to permit collective development and implementation of a standard contract form for playwrights for the licensing of their plays; to the Committee on the Judiciary.

By Mr. DODD (for himself and Mr. DEWINE):

S. 2083. A bill to authorize the Secretary of Education to make grants to educational organizations to carry out educational programs about the Holocaust; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BOND:

S. 2084. A bill to amend the Internal Revenue Code of 1986 to clarify the exemption from tax for small property and casualty insurance companies; to the Committee on Finance.

By Ms. COLLINS (for herself, Mr. CLELAND, Mr. BOND, and Mr. HUTCHINSON):

S. 2085. A bill to amend title XVIII of the Social Security Act to clarify the definition of homebound with respect to home health services under the medicare program; to the Committee on Finance.

By Mr. BAUCUS:

S. 2086. A bill to provide emergency agricultural assistance; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BINGAMAN (for himself and Ms. COLLINS):

S. 2087. A bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax for the provision of independent investment advice to employees; to the Committee on Finance.

By Mr. BAYH (for himself, Mr. DURBIN, and Mr. DAYTON):

S. 2088. A bill to provide for industry-wide certification for trade adjustment assistance, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SMITH of Oregon (for himself, Mrs. CLINTON, Mr. HARKIN, Ms. MIKULSKI, Mr. WARNER, Mr. WELLSTONE, Mr. SESSIONS, Mr. BAYH, Mr. HATCH, Mr. MCCONNELL, Mr. DURBIN, Mr. CLELAND, Mr. LIEBERMAN, Mr. ALLEN, Mr. HAGEL, Mr. NELSON of Florida, Mr. REID, Mr. NICKLES, Mr. SCHUMER, Mr. FEINGOLD, Mr. CONRAD, Mr. LEAHY, Mr. GRAHAM, Mrs. FEINSTEIN, Mr. REED, Mr. CORZINE, Mr. WYDEN, and Mr. JOHNSON):

S. Res. 234. A resolution reiterating the sense of the Senate that religious freedom is a priority of the United States Senate in the bilateral relationship with the Russian Federation, including within the context of the Jackson-Vanik Amendment; to the Committee on Finance.

By Mr. WELLSTONE (for himself, Mrs. BOXER, and Mrs. FEINSTEIN):

S. Res. 235. A resolution expressing the sense of the Senate with respect to the protection of Afghan refugees, and for other purposes; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 550

At the request of Mr. DASCHLE, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 550, a bill to amend part E of title IV of the Social Security Act to provide equitable access for foster care and adoption services for Indian children in tribal areas.

S. 812

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 812, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmaceuticals.

S. 830

At the request of Mr. CHAFEE, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 830, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 839

At the request of Mrs. HUTCHISON, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. 839, a bill to amend title XVIII of the Social Security Act to increase the amount of payment for inpatient hospital services under the medicare program and to freeze the reduction in payments to hospitals for indirect costs of medical education.

S. 885

At the request of Mr. HUTCHINSON, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor 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.

S. 946

At the request of Ms. SNOWE, the name of the Senator from South Dakota (Mr. JOHNSON) 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. 1022

At the request of Mr. WARNER, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1022, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 1379

At the request of Mr. KENNEDY, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1379, a bill to amend the Public Health Service Act to establish an Office of Rare Diseases at the National Institutes of Health, and for other purposes.

S. 1476

At the request of Mr. CLELAND, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1476, a bill to authorize the President to award a gold medal on behalf of the Congress to Reverend Doctor Martin Luther King, Jr. (posthumously) and his widow Coretta Scott King in recognition of their contributions to the Nation on behalf of the civil rights movement.

S. 1572

At the request of Mr. HELMS, the names of the Senator from Michigan (Ms. STABENOW), the Senator from Illinois (Mr. FITZGERALD), the Senator from Indiana (Mr. BAYH), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 1572, a bill to endorse the vision of further enlargement of the NATO Alliance articulated by President George W. Bush on June 15, 2001, and by former President William J. Clinton on October 22, 1996, and for other purposes.

S. 1605

At the request of Mr. CONRAD, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1605, a bill to amend title XVIII of the Social Security Act to provide for payment under the Medicare Program for four hemodialysis treatments per week for certain patients, to provide for an increased update in the composite payment rate for dialysis treatments, and for other purposes.

S. 1615

At the request of Mr. SCHUMER, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1615, a bill to provide for the sharing of certain foreign intelligence information with local law enforcement personnel, and for other purposes.

S. 1676

At the request of Mr. KERRY, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1676, a bill to amend the Internal Revenue Code of 1986 to provide tax relief for small business, and for other purposes.

S. 1749

At the request of Mr. KENNEDY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1749, a bill to enhance the border security of the United States, and for other purposes.

S. 1839

At the request of Mr. ALLARD, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 1839, a bill to amend the Bank Holding Company Act of 1956, and the Revised Statutes of the United States to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes.

S. 1860

At the request of Mr. DORGAN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as

a cosponsor of S. 1860, a bill to reward the hard work and risk of individuals who choose to live in and help preserve America's small, rural towns, and for other purposes.

S. 1924

At the request of Mr. LIEBERMAN, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1924, a bill to promote charitable giving, and for other purposes.

S. 1966

At the request of Mr. BIDEN, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 1966, a bill to educate health professionals concerning substance abuse and addiction.

S. 1977

At the request of Mr. THURMOND, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1977, a bill to amend chapter 37 of title 28, United States Code, to provide for appointment of United States marshals by the Attorney General.

S. 1991

At the request of Mr. HOLLINGS, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1991, to establish a national rail passenger transportation system, reauthorize Amtrak, improve security and service on Amtrak, and for other purposes.

S. RES. 109

At the request of Mr. REID, the name of the Senator from Michigan (Ms. STABENOW) 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. CON. RES. 17

At the request of Mr. SARBANES, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. Con. Res. 17, a concurrent resolution expressing the sense of Congress that there should continue to be parity between the adjustments in the compensation of members of the uniformed services and the adjustments in the compensation of civilian employees of the United States.

AMENDMENT NO. 2907

At the request of Mr. MCCONNELL, his name was added as a cosponsor of amendment No. 2907 proposed to S. 565, a bill to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes.

AMENDMENT NO. 3032

At the request of Mrs. LINCOLN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of amendment No. 3032 intended to be proposed to S. 517, a bill to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUITIONS

By Mr. HATCH (for himself and Mr. SCHUMER):

S. 2082. A bill to modify the application of the antitrust laws to permit collective development and implementation of a standard contract form for playwrights for the licensing of their plays; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, I rise today to introduce the Playwrights' Licensing Relief Act of 2002. I thank Senator SCHUMER, my cosponsor on this bill, for his interest and leadership on this important legislation.

This bill is necessary both to ensure the continued vitality of American live theater and to protect the intellectual property and artistic rights of playwrights. When the theater is crowded and the curtain rises, it is easy to forget that the entire show began with one person: the lone playwright who put the pen to paper.

Playwrights and their voluntary peer membership organization, the Dramatists Guild, operate under the shadow of the antitrust laws, and substantially without the ability to coordinate their actions in protecting their interests. This has impeded playwrights' ability to act collectively in dealing with highly-oranized and unionized groups, such as actors, directors, and choreographers, on the one hand, and the increasingly consolidated producers and investors on the other.

I am proud that this legislation enables playwrights to act collectively without violating the antitrust laws. It lets them develop standard form contracts as well as provisions ensuring that certain artists' rights are respected in the production of their plays. These steps will help support playwrights, especially young playwrights, as they enter this increasingly sophisticated and consolidated market. By helping playwrights in the way we encourage the continued vibrance of our American theater and culture.

I am pleased to introduce this bill and look forward to working with Senator SCHUMER on this important legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2082

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Playwrights Licensing Relief Act of 2002''.

SEC. 2. NONAPPLICATION OF ANTITRUST LAWS.

(a) IN GENERAL.—Subject to subsection (c), the antitrust laws shall not apply to any joint discussion, consideration, review, action, or agreement for the express purpose of, and limited to, the development of a standard form contract containing minimum terms of artistic protection and levels of compensation for playwrights by means of—

(1) meetings, discussions, and negotiations between or among playwrights or their representatives and producers or their representatives; or

(2) joint or collective voluntary actions for the limited purposes of developing a standard form contract by playwrights or their representatives.

(b) ADOPTION AND IMPLEMENTATION.—Subject to subsection (c), the antitrust laws shall not apply to any joint discussion, consideration, review, or action for the express purpose of, and limited to, reaching a collective agreement among playwrights adopting a standard form contract developed pursuant to subsection (a) as the participating playwrights sole and exclusive means by which participating playwrights shall license their plays to producers.

(c) AMENDMENT OF CONTRACT.—A standard form of contract developed and implemented under subsections (a) and (b) shall be subject to amendment by individual playwrights and producers consistent with the terms of the standard form contract.

SEC. 3. DEFINITIONS.

In this Act:

(1) ANTITRUST LAWS.—The term ''antitrust laws'' has the meaning given it in section (a) of the first section of the Clayton Act (15 U.S.C. 12) except that such term includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that such section applies to unfair methods of competition.

(2) PLAYWRIGHT.—The term ''playwright'' means the author, composer, or lyricist of a dramatic or musical work intended to be performed on the speaking stage and shall include, where appropriate, the adapter of a work from another medium.

(3) PRODUCER.—The term ''producer''—

(A) means any person who obtains the rights to present live stage productions of a play; and

(B) includes any person who presents a play as first class performances in major cities, as well as those who present plays in regional and not-for-profit theaters.

By Mr. DODD (for himself and Mr. DEWINE):

S. 2083. a bill to authorize the Secretary of Education to make grants to educational organizations to carry out educational programs about the Holocaust; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today with my friend and colleague from Ohio, Senator DEWINE, to introduce the Holocaust Education Assistance Act. This legislation provides for grants to support Holocaust education programs that teach the lessons that

the Holocaust provides for all people, including developing curriculum guides and providing training to help teachers incorporate those lessons in their classes. This bill is especially timely this week, as we observe the Holocaust Days of Remembrance. The Holocaust has always been a difficult issue to teach; the complexities and the sheer horror of what occurred in Nazi Germany can seem overwhelming. But, I am confident that this bill will help educators to undertake the difficult but vital task of helping this and future generations understand the meaning of the Holocaust.

In the wake of the events of September 11, it is more important than ever to understand the damage and suffering that acts of hatred and racism can reap. The Holocaust was one of history's darkest moments and it must be remembered in order to prevent its repetition. Indeed, we are constantly reminded of why we must be vigilant against ethnic hatred and violence. In the past 10 years, for example, we have seen ethnic cleansing in the former Yugoslavia and Rwanda. The old axiom remains true: ''those who do not learn from history are doomed to repeat it.''

Yet, even today, there are some who not only refuse to learn from the Holocaust, but who refuse even to accept that it happened. The Holocaust, of course, did happen. We saw the remains of the camps at Treblinka and Auschwitz; we read letters sent among Nazi leaders discussing the ''final solution,'' and we hear the eloquent words of countless survivors such as Elie Wiesel and Primo Levi describing the atrocities they witnessed and were forced to endure. In the face of all that, it is our responsibility to educate ourselves and our children about the horrors of the Holocaust and help to build a world in which such events never happen again.

Knowledge is the most effective tool in breaking down the barriers between groups and creating more inclusive and tolerant societies. This legislation will help with the critical task of spreading such knowledge through education.

By Mr. BOND:

S. 2084. A bill to amend the Internal Revenue Code of 1986 to clarify the exemption from tax for small property and casualty insurance companies; to the Committee on Finance.

Mr. BOND. Mr. President, I rise today to introduce a bill that addresses an inequity facing an important segment of the small business community. This legislation is simple and straight forward, it adjusts the current tax exemption that has existed since 1942 for small property and casualty, (P&C), insurance companies so that it keeps pace with inflation.

As the ranking member of the Committee on Small Business and Entrepreneurship, I have heard from many small P&C insurers in Missouri and across the Nation that they are having to consider raising their premiums simply because the tax laws have not kept pace with inflation. Under current law, mutual and stock P&C insurance companies are exempt from Federal income taxes if the greater of their direct or net written premiums in a taxable year do not exceed $350,000.

For companies that grow above the $350,000 threshold, current law permits electing P&C insurance companies to be taxed only on their investment income, provided their premiums do not exceed $1.2 million. Unfortunately, these thresholds, which were last updated in the Tax Reform Act of 1986, have not been adjusted for inflation.

This situation has created an unintended outcome. Take, for instance, a small P&C insurer in my State that started insuring the local farmers in the late 1980s. Over the ensuring years, the company's client base changed very little, but the insurance premiums increased gradually to keep pace with inflationary pressures. As a result, while the business itself has not grown, its premium base has and with it the loss of the tax exemption, (or the alternative tax on investment income).

For the farmers and ranchers covered by the small P&C insurer, this loss is certain to mean higher insurance premiums, leaving the client with the choice of cutting coverage or paying higher costs, neither of which is a real option. And for our agricultural community over the past few years, this choice is about the last thing they need.

The bill I introduce today would correct this problem by simply adjusting the $350,000 and $1.2 million thresholds to bring them up to the level they would have been this year if the 1986 tax code had included an inflation adjustment. Accordingly, the tax exemption would apply to P&C insurers with premiums that do not exceed $551,000, and the alternative for taxation of investment income would apply to companies with premiums above $551,000 but not more than $1,890,000. The bill would apply for taxable years beginning in 2002 and would index both thresholds for inflation thereafter.

According to the National Association of Mutual Insurance Companies, this legislation will help at least 652 small P&C insurance companies nationwide. In my State, at least 62 small insurance companies will continue to be covered under the current tax provisions, thereby enabling them to continue providing critical insurance coverage to small businesses across Missouri.

With this legislation, we have an opportunity to infuse some fairness into our tax code and at the same time help the thousands of farmers, ranchers, and entrepreneurs covered by small P&C insurers in this country. I ask my colleagues to support this legislation, and I look forward to working with the Finance Committee to see it enacted into law.

I ask unanimous consent that the text of the bill be provided in the RECORD.

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

S. 2084

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLARIFICATION OF EXEMPTION FROM TAX FOR SMALL PROPERTY AND CASUALTY INSURANCE COMPANIES.

(a) PREMIUM LIMITATIONS INCREASED TO REFLECT INFLATION SINCE FIRST IMPOSED.—

(1)(A) Subparagraph (A) of section 501(c)(15) of the Internal Revenue Code of 1986 is amended by striking ''$350,000'' and inserting ''$551,000''.

(B) Paragraph (15) of section 501(c) of such Code is amended by adding at the end the following new subparagraph:

''(E) In the case of any taxable year beginning in a calendar year after 2001, the $551,000 amount set forth in subparagraph (A) shall be increased by an amount equal to—

''(i) $551,000, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting 'calendar year 2000' for 'calendar year 1992' in subparagraph (B) thereof.

If the amount as adjusted under the preceding sentence is not a multiple of $1,000, such amount shall be rounded to the next lowest multiple of $1,000.''

(2)(A) Clause (i) of section 831(b)(2)(A) of such Code is amended to read as follows:

''(i) the net written premiums (or, if greater, direct written premiums) for the taxable year exceed the amount applicable under section 501(c)(15)(A) but do not exceed $1,890,000, and''.

(B) Paragraph (2) of section 831(b) of such Code is amended by adding at the end the following new subparagraph:

''(C) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2001, the $1,890,000 amount set forth in subparagraph (A) shall be increased by an amount equal to—

''(i) $1,890,000, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting 'calendar year 2000' for 'calendar year 1992' in subparagraph (B) thereof.

If the amount as adjusted under the preceding sentence is not a multiple of $1,000, such amount shall be rounded to the next lowest multiple of $1,000.''

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

By Ms. COLLINS (for herself, Mr. CLELAND, Mr. BOND, and Mr. HUTCHINSON):

S. 2085. A bill to amend title XVIII of the Social Security Act to clarify the definition of homebound with respect to home health services under the medicare program; to the Committee on Finance.

Ms. COLLINS. Mr. President, I am pleased to introduce today legislation that is cosponsored by Senators CLELAND, BOND, and HUTCHINSON, that would modernize the current outdated homebound requirement that has impeded access to needed home health care services for far too many of our Nation's frail, elderly, and disabled Medicare beneficiaries. I thank former Senator Bob Dole, one of our Nation's

leading advocates, on behalf of individuals with disabilities, for bringing this issue to my attention.

The highly skilled and often technically complex care that our home health care agencies provide has enabled millions of our most vulnerable older and disabled citizens to receive health care just where they want to be: in the security, comfort, and privacy of their own homes.

Under current law, a Medicare patient must be considered homebound to be eligible for home health services. While an individual is not actually required to be bedridden in order to qualify, his or her condition must be such that ''there exists a normal inability to leave home.'' Moreover, leaving home must require ''a considerable and taxing effort by the individual.'' The law does allow for absences from the home of ''infrequent'' or ''relatively short duration.''

Unfortunately, the law does not define precisely what this means. It leaves it to the fiscal intermediaries to interpret just how many absences qualify as ''frequent'' and just how short these absences must be. The result is that interpretations of the law vary widely from region to region. As a consequence, there have been far too many instances where an overzealous or arbitrary interpretation of the definition has turned elderly or disabled Medicare beneficiaries who are dependent on Medicare home health services and medical equipment into virtual prisoners in their own homes. We have heard disturbing accounts of individuals on Medicare who have had their home health care benefits terminated for leaving their homes briefly to visit a hospitalized spouse or to attend a major family gathering, including in one case, to attend the funeral of their own child.

Another mother did not attend the funeral of her own child out of fear that by doing so, she would jeopardize her home health benefits. This does not make sense, and it is just cruel.

The current homebound requirement is particularly hard on younger, disabled Medicare patients. For example, People magazine reported a story last year about a Georgia resident, David Jayne, a 40-year-old man with Lou Gehrig's disease, who was confined to a wheelchair and could not swallow, speak, or even breathe on his own. Obviously, he needed skilled nursing visits several times per week in order for him to remain at home and not at an inpatient facility.

Despite his disability, however, Mr. Jayne meets frequently with youth and church groups. He is an inspirational person. He speaks using a computerized voice synthesizer and gives inspirational talks about how the human spirit can endure and even overcome great hardship.

The Atlantic Journal Constitution ran a feature article on Mr. Jayne and his activities, including a report about how he had, with great effort and help from his family and friends, attended a football game to root for the University of Georgia Bulldogs.

A few days later, unbelievably, at the direction of the fiscal intermediary, his home health agency—which had been sending a home health nurse to his home for 2 hours, 4 mornings a week—notified him that he was no longer considered homebound and terminated his benefits. His benefits were subsequently reinstated due to the enormous amount of media attention to this case, but this experience motivated him to launch a crusade to modernize the homebound definition and led him to found the National Coalition to Amend the Medicare Homebound Restriction.

So even out of this terrible experience, once again this inspirational individual who is suffering so greatly from Lou Gehrig's disease has managed to launch a crusade to try to prevent what happened to him from happening to other severely disabled individuals who are dependent on home health care.

The fact is, the current requirement that Medicare beneficiaries be homebound in order to be eligible for home health benefits reflects an outmoded view of life for persons who are elderly or live with disabilities. The legislation I am introducing attempts to correct this problem. I hope my colleagues will join me in supporting it.

I hope we can make this change, which will make a real difference for millions of disabled and elderly Medicare beneficiaries.

The homebound criteria for home health may have made sense thirty years ago, when an elderly or disabled person might expect to live in the confines of their home, perhaps cared for by an extended family. The current definition, however, fails to reflect the technological and medical advances that have been made in supporting individuals with significant disabilities and mobility challenges. It also fails to reflect advances in treatment for seriously ill individuals—like Mr. Jayne—which allows them brief periods of relative wellness. It also fails to recognize that an individual's mental acuity and physical stamina can only be maintained by use, and that the use of the body and mind is encouraged by social interactions outside the four walls of a home.

The legislation that we are introducing today will amend the homebound definition to base eligibility for the home health benefit on the patient's functional limitations and clinical condition, rather than on an arbitrary limitation on absences from the home. It would retain the requirements in current law that the individual must have either a condition, due to illness or injury, that restricts the ability of the individual to leave his or her home except with the assistance of another individual or the aid of a supportive device; or a condition such that leaving his or her home is medically contraindicated.

In addition, the condition of the individual must still be such that ''there exists a normal inability to leave home'' and that ''leaving home requires a considerable and taxing effort.'' Under our legislation, however, the current arbitrary requirement that patients be allowed ''only infrequent absences of short duration'' from the home would be dropped. Our legislation builds upon major improvements in the definition of homebound that were initiated in the last Congress by Senator Jeffords, Reed and others which specifically allow Medicare patients to leave the home to attend religious services and participate in adult day care.

Our proposal is supported by the Leadership Council of Aging Organizations, the National Association for Home Care, and the Visiting Nurses Association of America. It is also consistent with President Bush's ''New Freedom Initiative,'' which has, as its goal, the removal of barriers that impede opportunities for those with disabilities to integrate more fully into the community. By allowing reasonable absences from the home, our legislation will bring the Medicare home health benefit into the 21st century, and we encourage all of our colleagues to join us as cosponsors.

By Mr. BINGAMAN (for himself and Ms. COLLINS):

S. 2087. A bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax for the provision of independent investment advice to employees; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today with my colleague from Maine, Senator COLLINS, to introduce legislation that will facilitate the flow of investment advice by providing businesses with a Federal income tax credit for small businesses of up to $30 per participant, $20 for larger businesses, for providing qualified independent investment advice. This legislation is a continuation of our efforts to help 401(k) participants better understand their investment options and enable them to make sound financial decisions. Last year, Senator COLLINS and I introduced S. 1677, ''The Independent Investment Advice Act of 2001'' that will create a safe harbor for employers to relieve them of liability for the selection and monitoring of qualified independent investment advisers. Combined, these pieces of legislation will facilitate the flow of investment advice to all plan participants regardless of their income or net worth.

As introduced, this legislation will provide small businesses, as defined as having 50 employees or less, with a 60 percent tax credit on the first $50 of the cost associated with providing qualified independent investment advice. All other employers will be eligible for a 40 percent credit on the same amount of expenses. This legislation will limit the benefit for any plan sponsor to a total of $50,000 of credits per year under this provision.

I look forward to working with my colleagues on both sides of the aisle in advancing this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as folllows:

S. 2087

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EMPLOYER-PROVIDED INDEPENDENT INVESTMENT ADVICE.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business-related credits) is amended by adding at the end the following new section:

''SEC. 45G. EMPLOYER-PROVIDED INDEPENDENT INVESTMENT ADVICE.

''(a) GENERAL RULE.—For purposes of section 38, the employer-provided independent investment advice credit determined under this section for the taxable year is an amount equal to 40 percent (60 percent in the case any small employer (as defined in section 220(c)(4))) of the qualified independent investment advice services paid for by the taxpayer in such taxable year.

''(b) LIMITATIONS.—For purposes of this section—

''(1) SERVICES TAKEN INTO ACCOUNT PER EMPLOYEE.—The amount of qualified independent investment advice services which may be taken into account for any taxable year with respect to each employee shall not exceed $50.

''(2) TOTAL CREDIT ALLOWED PER TAXPAYER.—The amount of the employer-provided independent investment advice credit which is allowable under subsection (a) in any taxable year (when added to such credits allowed for all preceding taxable years) may not exceed $50,000.

''(b) QUALIFIED INDEPENDENT INVESTMENT ADVICE SERVICES.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified independent investment advice services' means, with respect to any employee, individualized independent investment advice services provided by an independent investment adviser who certifies to the taxpayer that such employee received such services.

''(2) NONDISCRIMINATION.—Independent investment advice services shall not be treated as qualified unless the provision of such services (or the eligibility to receive such services) does not discriminate in favor of employees of the taxpayer who are highly compensated employees (within the meaning of section 414(q)).

''(c) APPLICATION OF RULES.—For purposes of this section, the rules of section 45F(e) shall apply.''.

(b) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Subsection (b) of section 38 of the Internal Revenue Code of 1986 is amended by striking ''plus'' at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting '', plus'', and by adding at the end the following new paragraph:

''(16) the employer-provided independent investment advice credit determined under section 45G(a).''.

(c) DENIAL OF DOUBLE BENEFIT.—Section 280C of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(d) CREDIT FOR EMPLOYER-PROVIDED INDEPENDENT INVESTMENT ADVICE.—No deduction shall be allowed for that portion of the expenses otherwise allowable as a deduction for the taxable year which is equal to the amount of the credit determined for the taxable year under section 45G(a).''.

(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''Sec. 45G. Employer-provided independent investment advice.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to expenses paid or incurred in the taxable years ending after the date of the enactment of this Act.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 234—REITERATING THE SENSE OF THE SENATE THAT RELIGIOUS FREEDOM IS A PRIORITY OF THE UNITED STATES SENATE IN THE BILATERAL RELATIONSHIP WITH THE RUSSIAN FEDERATION, INCLUDING WITHIN THE CONTEXT OF THE JACKSON-VANIK AMENDMENT

Mr. SMITH of Oregon (for himself, Mrs. CLINTON, Mr. HARKIN, Ms. MIKULSKI, Mr. WARNER, Mr. WELLSTONE, Mr. SESSIONS, Mr. BAYH, Mr. HATCH, Mr. MCCONNELL, Mr. DURBIN, Mr. CLELAND, Mr. LIEBERMAN, Mr. ALLEN, Mr. HAGEL, Mr. NELSON of Florida, Mr. REID, Mr. NICKLES, Mr. SCHUMER, Mr. FEINGOLD, Mr. CONRAD, Mr. LEAHY, Mr. GRAHAM, Mrs. FEINSTEIN, Mr. REED, Mr. CORZINE, Mr. WYDEN, and Mr. JOHNSON) submitted the following resolution; which was referred to the Committee on Finance.

S. RES. 234

Whereas religious freedom and minority rights have always been a priority of the United States Congress and the American people;

Whereas the Russian Federation has experienced a miraculous revival of religious life since the Soviet collapse ten years ago, especially with respect to the historically persecuted Russian Jewish community;

Whereas the Russian Government has publicly welcomed the participation of faith communities in national life;

Whereas the Department of State's International Religious Freedom Report (October 2001), submitted to Congress in compliance with Section 102(b) of the International Religious Freedom Act (IRFA) of 1998, details numerous and widespread restrictions upon minority faiths under Russia's 1997 Religion Law;

Whereas Deputy Prime Minister Valentina Matvienko said on 23 October that the Russian government is working on amendments to the Religion Law to further restrict still the activities of foreign religious groups on Russian territory;

Whereas the International Religious Freedom Report also details a series of Russian Government actions during the past year that have interfered with the functioning of Jewish community institutions;

Whereas ''Izvestiya'' reported on 6 November that no one in Russia's Federal Security Service (FSB) is assigned to handle extremist and racist movements, while nationalist and anti-Semitic extremists continue to spread propaganda and incite violence in incidents across Russia;

Whereas Russia has accepted international obligations, including those specified in the 1990 Copenhagen Document of the Organization for Security and Cooperation in Europe, to allow ethnic and religious minorities ''to establish and maintain their own educational, cultural and religious institutions, organizations or associations'';

Whereas 98 Senators wrote to President Vladimir Putin of the Russian Federation on 3 August 2001, recognizing individual instances of progress but expressing concern over the anti-Semitic rhetoric heard at both the national and local levels of Russian society and politics;

Whereas, on 24 October 2001, by Unanimous Consent, the Senate passed Amendment SA 1948 to the Foreign Operations FY 2002 Appropriations Bill (H.R. 2506), instructing that funds for the Government of the Russian Federation be conditioned upon the President's certification to Congress that the Russian Government ''has not implemented any statute, executive order, regulation, or other similar government action that would discriminate, or would have as its principal effect discrimination, against religious groups or religious communities in the Russian Federation in violation of accepted international agreements on human rights and religious freedoms to which the Russian Federation is a party'';

Whereas the Congress passed Title IV of the Trade Act of 1974 (''the Jackson-Vanik Amendment'') ''to assure the continued dedication of the United States to fundamental human rights'';

Whereas the Jackson-Vanik Amendment focuses on free emigration as a condition for granting Normal Trade Relations to nonmarket economies, including authority for the President to waive this restriction upon certifying that a country was permitting free emigration;

Whereas the President stated on 13 November 2001, that Russia has made important strides on emmigration and the protection of religious and ethnic minorities, ''including Russia's Jewish community. On this issue, Russia is in a fundamentally different place than it was during the Soviet era. President Putin told me that these gains for freedom will be protected and expanded;''

Whereas the President further stated: ''Our Foreign Ministers have sealed this understanding in an exchange of letters. Because of this progress, my administration will work with Congress to end the application of Jackson-Vanik Amendment to Russia;''

Whereas the exchange of letters between the Secretary of State and the Minister of Foreign Affairs of Russia underscored Russian and U.S. commitments on human rights and religious freedoms, including restitution of communal properties seized during the Soviet era, the revival of minority communities, and combating xenophobia and anti-Semitism;

Whereas, in meeting with Senate leadership on 13 November 2001, President Putin reiterated his commitment to working with the United States and with the Congress on advancing civil society and human rights in this country;

Whereas the President of the United States issued a ''Religious Freedom Day 2002'' Proclamation on 16 January 2002, saying, ''I encourage all Americans to renew their commitment to protecting the liberties that make our country a beacon of hope for people around the world who seek the free exercise of religious beliefs and other freedoms;''

Whereas the Russian Federation has proven to be a critical ally in the war on international terrorism in which the civilized world is currently engaged; Now, therefore, be it

Resolved by the Senate, That it is the sense of the Senate that—

(1) within the context of productive and constructive relations between the governments and peoples of the United States and the Russian Federation, religious freedom and the protection of minority rights must remain as priority issues on the bilateral agenda of both countries; and

(2) any actions by the United States Government to ''graduate'' or terminate the application of the Jackson-Vanik Amendment to any individual country must take into account the progress already achieved through the application of the Amendment as well as appropriate assurances regarding the continued commitment of that government to enforcing and upholding the fundamental human rights envisioned in the Amendment; and

(3) the United States Government must demonstrate how, in ''graduating'' individual countries, the ''continued dedication of the United States'' to these fundamental rights will be assured.

Mr. SMITH of Oregon. Mr. President, I rise today to submit an important resolution regarding the Jackson-Vanik Amendment and the Russian Federation. I am joined by my colleague Senator CLINTON of New York and 26 other cosponsors in submitting this resolution. This legislation recognizes the progress made by the Russian Federation regarding religious freedom issues and the Jewish community, as well as the impact the Jackson-Vanik Amendment has had even before it was signed into law in 1975.

Over one million Israelis, hundreds of thousands of Americans and countless thousands across the world are living free because of Jackson-Vanik and the American commitment it reflects to religious freedom and freedom of emigration. At the same time, countless Jews and others in Russia live in relative freedom thanks in part to the very Jackson-Vanik Amendment that U.S. and Soviet leaders once decried as a ''Cold War relic''. Rather than a relic, it is a lesson for us today.

The legacy of Jackson-Vanik goes far beyond its impact on those living freer today. Jackson-Vanik has actualized the notion that human rights are not the province of any country's ''domestic internal policy''. Since the exchange of letters last November 13 between the U.S. and Russian governments, there can never again be a doubt that religious freedom has earned a prominent place on the U.S.-Russian bilateral agenda.

The achievements of President Bush and his administration in this regard have carried out the spirit of previous administrations. In addition to recent letters from President Bush to the Congressional leadership, the President wrote last November 19 to Harold Paul Luks, Chairman of NCSJ: ''The Jewish community has helped write a proud chapter in the history of American foreign relations, but the work is not complete. We need your continued advocacy and support, and my Administration looks forward to working closely with you on these challenges.''

Clearly, Senate and citizen involvement is not an impediment to U.S. foreign policy. As the President's letter underscores, such activism is an underpinning of our approach to foreign governments. While this Resolution takes no position on ''graduating'' Russia from Jackson-Vanik, the test should not be the total elimination of xenophobia or the completion of democratic civil society. Never before has religious activity in Russia been so varied and widespread. And yet the threats to freedom of religion remain. We now have many channels for addressing our deep concerns.

If the legislation to graduate Russia does incorporate these channels and the commitments of the Russian and U.S. governments, then future leaders of Russia will know the context in which the United States Congress has considered the extension of Normal Trade Relations. And if our colleagues join in support of this Resolution, regardless of their position on Russia's graduation, then the sense of the Senate will be an explicit part of the permanent record of this process.

The legacy of Jackson-Vanik vis-à-vis Russia is a proud one, and one that can best be sealed through appropriate legislation and through messages such as the resolution we introduce today. I want to thank the 28 cosponsors of this resolution and ask that all my colleagues join me on this important legislation.

SENATE RESOLUTION 235—EXPRESSING THE SENSE OF THE SENATE WITH RESPECT TO THE PROTECTION OF AFGHAN REFUGEES, AND FOR OTHER PURPOSES

Mr. WELLSTONE (for himself, Mrs. BOXER, and Mrs. FEINSTEIN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 235

Whereas more than 3,500,000 Afghan citizens are currently refugees in Pakistan and Iran, displaced by decades of civil war and conflict, and at least 1,000,000 Afghans are internally displaced within their own country;

Whereas, since the overthrow of the Taliban, thousands have continued to flee Afghanistan or have been displaced inside the country, including ethnic Pashtuns escaping persecution in the north, and others are fearful of returning home due to unstable, violent conditions in various parts of Afghanistan;

Whereas only the creation of a secure, stable Afghanistan that protects the rights of all citizens, including women and ethnic minorities, can provide the conditions in which refugees and displaced persons can safely and voluntarily return to their home communities;

Whereas, until conditions warrant the safe, voluntary return of Afghans, neighboring countries should uphold their international humanitarian and legal obligations to provide refugees with adequate protection and humanitarian assistance, and to uphold the right of refugees to cross international borders in order to seek asylum;

Whereas the Governments of Pakistan and Iran have allowed Afghan refugees to remain in those countries of asylum, despite the enormous economic and social costs this involves;

Whereas the United States and other members of the international community should continue to offer expanded financial and other assistance to internally displaced Afghans and to governments hosting large Afghan refugee populations;

Whereas in November 2000, Iran and Pakistan officially closed their borders to new incoming refugees, and as of February 2002, at least 10,000 Afghans were stranded in camps near the Iran border inside Afghanistan and were blocked from gaining entry into Iran, and several thousand were awaiting entry to Pakistan at the Chaman border crossing;

Whereas authorities of Pakistan and Iran have forcibly returned some Afghans in violation of international legal norms of nonrefoulement, and both governments began repatriating refugees in March 2002, despite the clear dangers many of them face in their home areas;

Whereas Australia, Indonesia, Tajikistan, and Dubai have expressed their desire to begin returning refugees as soon as possible or, in the case of Dubai, have already deported hundreds of Afghans;

Whereas law enforcement authorities in Pakistan have subjected Afghan refugees to physical violence, harassment, extortion, and arbitrary detention because of their undocumented status;

Whereas some refugee camps in the Federally Administered Tribal Areas of Pakistan are located close to the Afghan border in unsafe and unhealthy locations; and

Whereas the United Nations High Commissioner for Refugees (UNHCR) and the interim authority of the Afghan government established in December 2001, are responsible for developing a repatriation program that fully meets international standards, working with governments in the region, when conditions are appropriate: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President and the Secretary of State should—

(1) urge the Government of Pakistan and other governments in the region—

(A) to fully cooperate with the United Nations High Commissioner for Refugees (UNHCR) in providing protection to Afghan refugees; and

(B) to allow open access to refugees by nongovernmental organizations and international agencies offering humanitarian assistance;

(2) call on the governments of Pakistan and Iran to immediately cease any forcible return of Afghan refugees and to take action to end the harassment, detention, and other mistreatment of Afghan refugees;

(3) strongly condemn any actions by Pakistan, Iran, or other governments to prematurely return refugees to Afghanistan against their will;

(4) support the provision of detailed, impartial information about human rights, the presence of landmines, and humanitarian conditions in their areas of origin to all refugees, and especially to women, to ensure that any decision to return is truly voluntary;

(5) fully support repatriation of Afghan refugees only when conditions in Afghanistan allow their voluntary return, in safety and dignity, with full respect for their human rights and an adequate screening process in place to identify those who are still in need of protection; and

(6) establish a resettlement program for Afghans whose needs for protection require resettlement in a third country.

Mr. WELLSTONE. Mr. President, I rise today with my colleagues Senators BOXER and FEINSTEIN to submit a resolution calling for protection and assistance for Afghan refugees, as they

struggle to find their way home and rebuild their lives amid so much uncertainty.

Today more than 3.5 million Afghan citizens are refugees in Pakistan and Iran, having been displaced by decades of civil war and conflict. Since the overthrow of the Taliban, thousands have continued to flee Afghanistan, including ethnic Pashtuns escaping persecution in the North. Many have been subjected to physical violence, harassment, extortion, and arbitrary detention because of their undocumented status.

Unfortunately, many also now live under the threat of repatriation to Afghanistan against their will. In clear violation of international legal norms, authorities in Pakistan and Iran have forcibly returned some Afghans and have stated a desire to begin a large scale repatriation effort of Afghan refugees, despite the clear dangers many of them would face in Afghanistan.

Like most observers, I believe that the United Nations High Commissioner for Refugees, UNHCR, is well-prepared for a massive repatriation of refugees to Afghanistan this spring and also to assist large numbers of internally displaced Afghans return to their farms and homes. That said, it is imperative that UNHCR and other U.N. agencies, donors, and the international security force work closely together to make the repatriation program as successful as possible.

According to UNHCR, each day, more and more Afghans come forward to participate in the voluntary return programs. Since the start of the joint Afghan Government and UNHCR assisted return program on March 1, more than 200,000 Afghans have repatriated from Pakistan. However, these efforts have been and likely will continue to be hampered by a number of factors. The peaceful transition to normalcy requires a certain set of conditions for success. The main factors influencing the number of Afghan refugees and displaced who return home are security, economic opportunity, and economic ties in countries of asylum.

As our G.I.'s in Afghanistan know all too well, many area in Afghanistan are still very dangerous. Military operations will undoubtedly continue in southeastern Afghanistan and elsewhere. In other areas, renewed strife among bandits, warlords and the government are likely to continue to break out. Accordingly, security is perhaps the greatest challenge for the young Afghan nation, as well as for those charged with the task of relief and repatriation.

While these fears make return to Afghanistan a daunting prospect, Afghan refugees are also experiencing increasingly hostile treatment in Iran and Pakistan and pressure to leave. Mistreatment at the hands of Pakistani or Iranian law enforcement authorities and violence in refugee camps are just some of the problems Afghan refugees face on a daily basis.

Refugees interviewed by Human Rights Watch in Pakistan described the human toll caused by that government's treatment of the refugee population: With borders closed, most refugees had to resort to dangerous and unofficial routes into Pakistan. Refugees were beaten at unofficial checkpoints when they could not afford to pay extortionate bribes. At official crossing points, families were beaten back, or languished in squalor without food, water or latrines, hoping to be let in. Once inside Pakistan, refugees were subjected to harassment and detention, while others endured beatings by Pakistani police when lining up for food in camps.

According to Human Rights Watch, Iran also has been an egregious offender of international humanitarian law. Its border closure policies run directly contrary to international standards, most fundamentally because they interfere with the right to seek asylum. By closing its borders, conducting systematic and large scale push-backs, and by insisting on the establishment of camps for displaced persons inside Afghanistan, the Government of Iran has violated its obligations under numerous international conventions.

Today, I join with human rights and refugee organizations to strongly urge the governments of Pakistan and Iran to identify those refugees who continue to be in need of protection, to provide them with documentation and legal status, and to end persistent abuses of the rights of refugees in both countries. The governments of Pakistan and Iran as well as UNHCR must ensure that Afghan refugees have access to full and objective information about conditions inside Afghanistan before deciding whether or not to return. Moreover, refugees should not be forced to return prematurely because of insecurity or lack of assistance in neighboring countries.

Economic opportunity also will determine whether or not refugees and internally displaced persons, IDPs, return to their homes or villages. Jobs and economic opportunities for Afghans wishing to return home are sparse. In addition, many long-term Afghan refugees are earning a livelihood in their countries of asylum and their willingness to return home has not yet been determined. Despite these uncertainties, most refugees surveyed want to go home.

A successful return program also will require long-term economic development assistance to help returnees and their communities become economically self-sufficient. Many of the returnees will be going back to the poorest, drought-impacted, and strife-ridden areas of Afghanistan. Longer-term development aid should be factored into the services available for returnees and their communities from the outset to help ensure that they become economically self-sufficient and self-sustaining.

I will continue to call on the United States and other donor governments to provide adequate funding to the Afghan Interim Authority's Ministry for the Return of Refugees, and for the voluntary return of refugees under conditions of safety and with full respect for their human rights. The key to success in any repatriation is voluntariness. Iran and Pakistan must respect this mandate.

While the governments of Pakistan, Iran, and others have consistently allowed Afghan refugees to remain in those countries despite the enormous economic and social costs this involves, and Pakistan must be commended for its extraordinary efforts in the campaign against terrorism over the last 6 months, Iran and Pakistan should not now turn their backs on these vulnerable people. They must fully cooperate with the UNHCR in providing protection to Afghan refugees. They must allow open access to refugees by nongovernmental organizations and international agencies offering humanitarian assistance. They must also immediately cease any forcible return of Afghan refugees and take action to end their harassment, detention, and other mistreatment.

To address these concerns, a significant refugee repatriation agreement was signed last week in Geneva by the governments of Iran, Afghanistan and the UNHCR. I am confident that the Tripartite Agreement, which lays down the main legal and operational framework for the voluntary return of Afghan refugees in Iran, will address many of these concerns.

I ask that the Senate show unanimous support for Afghanistan in its time of greatest need. This resolution highlights the uncertain and dangerous situation faced by Afghan refugees and calls upon the President to urge countries in the region to abide by well-established norms of international refugee and humanitarian law. A vote for this resolution is a vote for the millions of displaced Afghans, and a test case of our willingness to secure Afghanistan's peace.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3085. Mr. CRAPO (for himself and Mr. MILLER) submitted an amendment intended to be proposed to amendment SA 2989 proposed by Mrs. FEINSTEIN (for herself, Ms. CANTWELL, Mr. WYDEN, Mrs. BOXER, Mr. LEAHY, Mr. DURBIN, Mr. FITZGERALD, and Mr. CORZINE) to the amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table.

SA 3086. Mrs. LINCOLN (for herself and Mr. HUTCHINSON) 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 3087. Mr. DORGAN (for himself and Mr. MURKOWSKI) proposed an amendment to amendment SA 2917 proposed by Mr.

DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3088. Mr. BINGAMAN (for Mr. CONRAD) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3089. Mr. MCCAIN 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 3090. Mr. KENNEDY 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 3091. Mr. KENNEDY 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 3092. Mr. KENNEDY (for himself and Mr. SMITH of Oregon) 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 3093. Mr. SCHUMER (for himself and Mrs. CLINTON) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3094. Mr. DURBIN (for himself and Mr. SMITH of Oregon) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3095. Mr. CONRAD (for himself and Mr. DORGAN) 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 3096. Mr. ROCKEFELLER 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 3097. Mr. DAYTON (for himself, Mr. WELLSTONE, and Mr. FEINGOLD) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3098. Mr. BINGAMAN (for Mr. KENNEDY) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3099. Mr. BINGAMAN (for Mr. KERRY (for himself and Ms. LANDRIEU)) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3100. Mr. BINGAMAN (for Mr. WELLSTONE) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3101. Mr. BINGAMAN (for Mr. CONRAD) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3102. Mr. BINGAMAN proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3103. Mr. KENNEDY (for himself and Mr. SMITH of Oregon) 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 3104. Mr. DODD (for himself and Mr. MCCONNELL) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes.

SA 3105. Mr. DODD (for Mr. WYDEN) proposed an amendment to the bill S. 565, supra.

SA 3106. Mr. DODD (for Mr. ROCKEFELLER) proposed an amendment to the bill S. 565, supra.

SA 3107. Mr. MCCONNELL (for Mr. HATCH) proposed an amendment to the bill S. 565, supra.

SA 3108. Mrs. CLINTON proposed an amendment to the bill S. 565, supra.

SA 3109. Mr. MCCONNELL (for Mr. NICKLES) proposed an amendment to the bill S. 565, supra.

SA 3110. Mr. DODD (for Mr. LEVIN) proposed an amendment to the bill S. 565, supra.

SA 3111. Mr. MCCONNELL (for Mr. GRASSLEY) proposed an amendment to the bill S. 565, supra.

SA 3112. Mr. MCCONNELL (for Mr. SMITH of New Hampshire) proposed an amendment to the bill S. 565, supra.

SA 3113. Mr. MCCONNELL (for Mr. THOMAS) proposed an amendment to the bill S. 565, supra.

TEXT OF AMENDMENTS

SA 3085. Mr. CRAPO (for himself and Mr. MILLER) submitted an amendment intended to be proposed to amendment SA 2989 proposed by Mrs. FEINSTEIN (for herself, Ms. CANTWELL, Mr. WYDEN, Mrs. BOXER, Mr. LEAHY, Mr. DURBIN, Mr. FITZGERALD, and Mr. CORZINE) to the amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

Strike the text of amendment no. 2989 and in lieu thereof at the end of the bill, add the following:

"SEC. . AMENDMENTS TO COMMODITY EXCHANGE ACT.

"(a) STUDY REQUIRED.—The Chairman of the Federal Reserve Board, the Chairman of the Commodity Futures Trading Commission, and the Chairman of the Securities and Exchange Commission, within 45 days of the date of enactment of this Act, shall conduct a study and report to the Congress recommendations, if any, for legislative changes in the regulation under the Commodity Exchange Act of those commodities described in section 1a(14) of such Act (7 U.S.C. 1a)." The report shall be transmitted to the Chairman and Ranking Minority Members of the Senate Committee on Banking, Housing and Urban Affairs and the Senate Committee on Agriculture Nutrition and Forestry.

SA 3086. Mrs. LINCOLN (for herself and Mr. HUTCHINSON) 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 end of subtitle B of title V, add the following:

SEC. 5 . DECOMMISSIONING PILOT PROGRAM.

(a) AUTHORIZATION.—The Secretary shall establish a decommissioning pilot program to decommission and decontaminate the sodium-cooled fast breeder experimental test-site reactor located in northwest Arkansas in accordance with the decommissioning report dated August 31, 1998, issued by the Department of Energy.

(b) FUNDING.—Of funds made available to the Department of Energy for fiscal year 2003, $16,000,000 shall be made available to carry out the decommissioning pilot program under subsection (a)

SA 3087. Mr. DORGAN (for himself, and Mr. MURKOWSKI) proposed an amendment 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 year 2002 through 2006, and for other purposes; as follows:

On page 11, strike lines 9 through 14, and insert the following:

"(1) identifying the area with the greatest energy resource potential, and assessing future supply availability and demand requirements.

"(2) planning, coordinating, and siting additional energy infrastructure, including generating facilities, electric transmission facilities, pipelines, refineries, and distributed generation facilities to maximize the efficiency of energy resources and infrastructure and meet regional needs with the minimum adverse impacts on the environment.".

SA 3088. Mr. BINGAMAN (for Mr. CONRAD) proposed an amendment 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; as follows:

On page 64, on line 7, strike "resource" and insert "resource, together with an identification of any barriers to providing adequate transmission for remote sources of renewable energy resources to current and emerging markets, recommendations for removing or addressing such barriers, and ways to provide access to the grid that do not unfairly disadvantage renewable or other energy producers."

SA 3089. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

Beginning with line 5 on page 564, strike through line 4 on page 568.

SA 3090. Mr. KENNEDY 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 80, line 21 strike ''and'' and all that follows through page 81, line 2, and insert:

''(h) NATIONAL ACADEMY OF SCIENCES STUDY.—Within 90 days after the enactment of this Act, the Secretary of the Interior shall contract with the National Academy of Sciences to study the potential for the development of wind, solar, and ocean energy on the Outer Continental Shelf, assess existing federal authorities for the development of such resources; and recommend statutory and regulatory mechamisms for such development. The results of the study shall be transmitted to Congress within 24 months after the enactment of this Act.''

SA 3091. Mr. KENNEDY 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 is 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 185, between lines 8 and 9, insert the following:

SEC. 816A. CLEANER SCHOOL BUSES.

(a) ANTI-IDLING.—

(1) DEFINITION OF IDLING.—In this subsection, the term ''idling'' means not turning off an engine while remaining stationary for more than approximately 3 minutes.

(2) POLICY.—Each local educational agency (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) that receives Federal funds under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) is encouraged to develop a policy to reduce the incidence of school buses idling at schools when picking up and unloading students.

(b) PURCHASING COOPERATIVES AND ULTRA-LOW SULFUR DIESEL FUEL.—The Secretary of Education, in collaboration with the Secretary of Transportation, the Secretary of Energy, and the Administrator of the Environmental Protection Agency, shall provide information and model examples to States on purchasing cooperatives for—

(1) new school buses; and

(2) ultra-low sulfur diesel fuel for all diesel school buses.

(c) LOCAL EDUCATIONAL AGENCY GRANT PROGRAM FOR CLEANER SCHOOL BUSES.—

(1) ESTABLISHMENT.—From amounts appropriated under paragraph (10), the Secretary of Energy, in collaboration with the Secretary of Transportation, the Secretary of Education, and the Administrator of the Environmental Protection Agency, shall establish a program (referred to in this subsection as the ''program'') to award grants to local educational agencies to reduce emissions from diesel school buses by retrofitting existing diesel school buses with the most appropriate control technology that has been recognized by the Environmental Protection Agency or the California Air Resources Board (referred to in this section as the ''most appropriate control technology'') to ensure the highest possible reduction in harmful emissions and the greatest benefits to human health and the environment.

(2) CONSORTIA.—A local educational agency may work in collaboration with other local educational agencies to establish a consortia to apply for a grant under this subsection.

(3) APPLICATION.—

(A) SUBMISSION.—A local educational agency, or consortia of such agencies, that desires to receive a grant under this subsection shall submit an application to the Secretary of Energy at such time, in such manner, and containing such information as the Secretary of Energy, in collaboration with the Secretary of Education, the Secretary of Transportation, and the Administrator of the Environmental Protection Agency, may require.

(B) CONTENTS.—An application submitted under subparagraph (A) shall include a grant proposal with—

(i) information on the population the applicant intends to target as beneficiaries of retrofitting existing diesel school buses with the most appropriate control technology;

(ii) the age of the existing diesel school bus fleet in the geographical area in which the local educational agency, or consortia of such agencies, operates;

(iii) information on the type of technology that will be used and the expected cost of retrofitting existing diesel school buses with the most appropriate control technology;

(iv) documentation that the applicant will use ultra-low sulfur diesel fuel if the applicant intends to retrofit existing diesel school buses with pollution control devices that are sensitive to sulfur; and

(v) information on the plans for continuing activities under this section after completion of the grant period.

(4) AWARDING OF GRANTS.—The Secretary of Energy, in collaboration with the Secretary of Education, the Secretary of Transportation, and the Administrator of the Environmental Protection Agency, shall consider the following factors when awarding a grant under this subsection:

(A) Ambient air quality in the geographical area in which the local educational agency, or consortia of such agencies, operates.

(B) Age of the existing diesel school bus fleet in the geographical area in which the local educational agency, or consortia of such agencies, operates.

(C) Population density in the geographical area in which the local educational agency, or consortia of such agencies, operates.

(D) Approximate amount of time children spend on existing diesel school buses in the geographical area in which the local educational agency, or consortia of such agencies, operates.

(5) USE OF FUNDS.—Each local educational agency, or consortia of such agencies, awarded a grant under this subsection may use the grant funds for—

(A) purchasing the most appropriate control technology for existing diesel school buses, through a purchasing cooperative or other mechanism;

(B) the costs to buy and the labor costs to install and maintain the most appropriate control technology on existing diesel school buses; and

(C) if the local educational agency, or consortia of such agencies, intends to retrofit existing diesel school buses with pollution control devices that are sensitive to sulfur, costs incurred in the purchase of ultra-low sulfur diesel fuel that are above the costs that would be incurred in the purchase of non-ultra-low sulfur diesel fuel.

(6) CONDITIONS FOR GRANTS.—Each local educational agency, or consortia of such agencies, awarded a grant under this subsection shall demonstrate, in a manner that the Secretary of Energy (in collaboration with the Secretary of Education, the Secretary of Transportation, and the Administrator of the Environmental Protection Agency) shall specify, that the local educational agency, or consortia of such agencies, has retrofitted a sufficient number of existing diesel school buses with the most appropriate control technology in a given geographic area such that significant data can be gathered to monitor and assess improvements in air quality.

(7) STATE OR LOCAL ENVIRONMENTAL DEPARTMENTS.—A local educational agency, or consortia of such agencies, may receive assistance from State or local environmental departments—

(A) when applying for a grant under this subsection; and

(B) in carrying out activities authorized under this subsection if awarded a grant under this subsection.

(8) EVALUATION.—

(A) CONTRACT.—The Administrator of the Environmental Protection Agency, in collaboration with the Secretary of Energy, the Secretary of Transportation, and the Secretary of Education, shall enter into a contract with an appropriate independent research entity to conduct an evaluation of the program throughout the program period that includes the testing of individual school buses.

(B) ANALYSIS.—The evaluation under subparagraph (A) shall include an analysis of any improvements in air quality as a result of the program.

(9) STUDY.—

(A) IN GENERAL.—From amounts appropriated under paragraph (10), the Administrator of the Environmental Protection Agency, in collaboration with the Secretary of Education, the Secretary of Energy, and the Secretary of Transportation, shall—

(i) enter into a contract with an appropriate independent research entity to conduct a study to explore the health, environmental, and economic costs and benefits of a national program to retrofit existing diesel school buses with the most appropriate control technology; and

(ii) submit a report to Congress on the study conducted under clause (i) not later than 1 year after the date of enactment of this section.

(10) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There are authorized to be appropriated to carry out this subsection—

(i) $80,000,000 for fiscal year 2003;

(ii) $70,000,000 for fiscal year 2004;

(iii) $60,000,000 for fiscal year 2005; and

(iv) $50,000,000 for fiscal year 2006.

(B) AMOUNTS TO REMAIN AVAILABLE.—Amounts appropriated under this subsection shall remain available until expended.

SA 3092. Mr. KENNEDY (for himself and Mr. SMITH of Oregon) 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 end of title XXV, add the following:

SEC. ___. BROADBAND INTERNET ACCESS TAX CREDIT.

(a) IN GENERAL.—Subpart E of part IV of chapter 1 (relating to rules for computing investment credit), as amended by this Act, is

amended by inserting after section 48A the following:

"SEC. 48B. BROADBAND CREDIT.

''(a) GENERAL RULE.—For purposes of section 46, the broadband credit for any taxable year is the sum of—

''(1) the current generation broadband credit, plus

''(2) the next generation broadband credit.

''(b) CURRENT GENERATION BROADBAND CREDIT; NEXT GENERATION BROADBAND CREDIT.—For purposes of this section—

''(1) CURRENT GENERATION BROADBAND CREDIT.—The current generation broadband credit for any taxable year is equal to 10 percent of the qualified expenditures incurred with respect to qualified equipment providing current generation broadband services to qualified subscribers and taken into account with respect to such taxable year.

''(2) NEXT GENERATION BROADBAND CREDIT.—The next generation broadband credit for any taxable year is equal to 20 percent of the qualified expenditures incurred with respect to qualified equipment providing next generation broadband services to qualified subscribers and taken into account with respect to such taxable year.

''(c) WHEN EXPENDITURES TAKEN INTO ACCOUNT.—For purposes of this section—

''(1) IN GENERAL.—Qualified expenditures with respect to qualified equipment shall be taken into account with respect to the first taxable year in which—

''(A) current generation broadband services are provided through such equipment to qualified subscribers, or

''(B) next generation broadband services are provided through such equipment to qualified subscribers.

''(2) LIMITATION.—

''(A) IN GENERAL.—Qualified expenditures shall be taken into account under paragraph (1) only with respect to qualified equipment—

''(i) the original use of which commences with the taxpayer, and

''(ii) which is placed in service,

after December 31, 2002.

''(B) SALE-LEASEBACKS.—For purposes of subparagraph (A), if property—

''(i) is originally placed in service after December 31, 2002, by a person, and

''(ii) sold and leased back by such person within 3 months after the date such property was originally placed in service,

such property shall be treated as originally placed in service not earlier than the date on which such property is used under the leaseback referred to in clause (ii).

''(d) SPECIAL ALLOCATION RULES.—

''(1) CURRENT GENERATION BROADBAND SERVICES.—For purposes of determining the current generation broadband credit under subsection (a)(1) with respect to qualified equipment through which current generation broadband services are provided, if the qualified equipment is capable of serving both qualified subscribers and other subscribers, the qualified expenditures shall be multiplied by a fraction—

''(A) the numerator of which is the sum of the number of potential qualified subscribers within the rural areas and the underserved areas which the equipment is capable of serving with current generation broadband services, and

''(B) the denominator of which is the total potential subscriber population of the area which the equipment is capable of serving with current generation broadband services.

''(2) NEXT GENERATION BROADBAND SERVICES.—For purposes of determining the next generation broadband credit under subsection (a)(2) with respect to qualified equipment through which next generation broadband services are provided, if the qualified equipment is capable of serving both qualified subscribers and other subscribers, the qualified expenditures shall be multiplied by a fraction—

''(A) the numerator of which is the sum of—

''(i) the number of potential qualified subscribers within the rural areas and underserved areas, plus

''(ii) the number of potential qualified subscribers within the area consisting only of residential subscribers not described in clause (i),

which the equipment is capable of serving with next generation broadband services, and

''(B) the denominator of which is the total potential subscriber population of the area which the equipment is capable of serving with next generation broadband services.

''(e) DEFINITIONS.—For purposes of this section—

''(1) ANTENNA.—The term 'antenna' means any device used to transmit or receive signals through the electromagnetic spectrum, including satellite equipment.

''(2) CABLE OPERATOR.—The term 'cable operator' has the meaning given such term by section 602(5) of the Communications Act of 1934 (47 U.S.C. 522(5)).

''(3) COMMERCIAL MOBILE SERVICE CARRIER.—The term 'commercial mobile service carrier' means any person authorized to provide commercial mobile radio service as defined in section 20.3 of title 47, Code of Federal Regulations.

''(4) CURRENT GENERATION BROADBAND SERVICE.—The term 'current generation broadband service' means the transmission of signals at a rate of at least 1,000,000 bits per second to the subscriber and at least 128,000 bits per second from the subscriber.

''(5) MULTIPLEXING OR DEMULTIPLEXING.—The term 'multiplexing' means the transmission of 2 or more signals over a single channel, and the term 'demultiplexing' means the separation of 2 or more signals previously combined by compatible multiplexing equipment.

''(6) NEXT GENERATION BROADBAND SERVICE.—The term 'next generation broadband service' means the transmission of signals at a rate of at least 22,000,000 bits per second to the subscriber and at least 5,000,000 bits per second from the subscriber.

''(7) NONRESIDENTIAL SUBSCRIBER.—The term 'nonresidential subscriber' means a person who purchases broadband services which are delivered to the permanent place of business of such person.

''(8) OPEN VIDEO SYSTEM OPERATOR.—The term 'open video system operator' means any person authorized to provide service under section 653 of the Communications Act of 1934 (47 U.S.C. 573).

''(9) OTHER WIRELESS CARRIER.—The term 'other wireless carrier' means any person (other than a telecommunications carrier, commercial mobile service carrier, cable operator, open video system operator, or satellite carrier) providing current generation broadband services or next generation broadband service to subscribers through the wireless transmission of energy through radio or light waves.

''(10) PACKET SWITCHING.—The term 'packet switching' means controlling or routing the path of a digitized transmission signal which is assembled into packets or cells.

''(11) PROVIDER.—The term 'provider' means, with respect to any qualified equipment—

''(A) a cable operator,

''(B) a commercial mobile service carrier,

''(C) an open video system operator,

''(D) a satellite carrier,

''(E) a telecommunications carrier, or

''(F) any other wireless carrier,

providing current generation broadband services or next generation broadband services to subscribers through such qualified equipment.

''(12) PROVISION OF SERVICES.—A provider shall be treated as providing services to a subscriber if—

''(A) a subscriber has been passed by the provider's equipment and can be connected to such equipment for a standard connection fee,

''(B) the provider is physically able to deliver current generation broadband services or next generation broadband services, as applicable, to such subscribers without making more than an insignificant investment with respect to any such subscriber,

''(C) the provider has made reasonable efforts to make such subscribers aware of the availability of such services,

''(D) such services have been purchased by one or more such subscribers, and

''(E) such services are made available to such subscribers at average prices comparable to those at which the provider makes available similar services in any areas in which the provider makes available such services.

''(13) QUALIFIED EQUIPMENT.—

''(A) IN GENERAL.—The term 'qualified equipment' means equipment which provides current generation broadband services or next generation broadband services—

''(i) at least a majority of the time during periods of maximum demand to each subscriber who is utilizing such services, and

''(ii) in a manner substantially the same as such services are provided by the provider to subscribers through equipment with respect to which no credit is allowed under subsection (a)(1).

''(B) ONLY CERTAIN INVESTMENT TAKEN INTO ACCOUNT.—Except as provided in subparagraph (C) or (D), equipment shall be taken into account under subparagraph (A) only to the extent it—

''(i) extends from the last point of switching to the outside of the unit, building, dwelling, or office owned or leased by a subscriber in the case of a telecommunications carrier,

''(ii) extends from the customer side of the mobile telephone switching office to a transmission/receive antenna (including such antenna) owned or leased by a subscriber in the case of a commercial mobile service carrier,

''(iii) extends from the customer side of the headend to the outside of the unit, building, dwelling, or office owned or leased by a subscriber in the case of a cable operator or open video system operator, or

''(iv) extends from a transmission/receive antenna (including such antenna) which transmits and receives signals to or from multiple subscribers, to a transmission/receive antenna (including such antenna) on the outside of the unit, building, dwelling, or office owned or leased by a subscriber in the case of a satellite carrier or other wireless carrier, unless such other wireless carrier is also a telecommunications carrier.

''(C) PACKET SWITCHING EQUIPMENT.—Packet switching equipment, regardless of location, shall be taken into account under subparagraph (A) only if it is deployed in connection with equipment described in subparagraph (B) and is uniquely designed to perform the function of packet switching for current generation broadband services or next generation broadband services, but only if such packet switching is the last in a series of such functions performed in the transmission of a signal to a subscriber or the first in a series of such functions performed in the transmission of a signal from a subscriber.

''(D) MULTIPLEXING AND DEMULTIPLEXING EQUIPMENT.—Multiplexing and

demultiplexing equipment shall be taken into account under subparagraph (A) only to the extent it is deployed in connection with equipment described in subparagraph (B) and is uniquely designed to perform the function of multiplexing and demultiplexing packets or cells of data and making associated application adaptions, but only if such multiplexing or demultiplexing equipment is located between packet switching equipment described in subparagraph (C) and the subscriber's premises.

''(14) QUALIFIED EXPENDITURE.—

''(A) IN GENERAL.—The term 'qualified expenditure' means any amount—

''(i) chargeable to capital account with respect to the purchase and installation of qualified equipment (including any upgrades thereto) for which depreciation is allowable under section 168, and

''(ii) incurred after December 31, 2002, and before January 1, 2004.

''(B) CERTAIN SATELLITE EXPENDITURES EXCLUDED.—Such term shall not include any expenditure with respect to the launching of any satellite equipment.

''(C) LEASED EQUIPMENT.—Such term shall include so much of the purchase price paid by the lessor of equipment subject to a lease described in subsection (c)(2)(B) as is attributable to expenditures incurred by the lessee that otherwise would be described in subparagraph (A).

''(15) QUALIFIED SUBSCRIBER.—The term 'qualified subscriber' means—

''(A) with respect to the provision of current generation broadband services—

''(i) a nonresidential subscriber maintaining a permanent place of business in a rural area or underserved area, or

''(ii) a residential subscriber residing in a dwelling located in a rural area or underserved area which is not a saturated market, and

''(B) with respect to the provision of next generation broadband services—

''(i) a nonresidential subscriber maintaining a permanent place of business in a rural area or underserved area, or

''(ii) a residential subscriber.

''(16) RESIDENTIAL SUBSCRIBER.—The term 'residential subscriber' means an individual who purchases broadband services which are delivered to such individual's dwelling.

''(17) RURAL AREA.—The term 'rural area' means any census tract which—

''(A) is not within 10 miles of any incorporated or census designated place containing more than 25,000 people, and

''(B) is not within a county or county equivalent which has an overall population density of more than 500 people per square mile of land.

''(18) RURAL SUBSCRIBER.—The term 'rural subscriber' means a residential subscriber residing in a dwelling located in a rural area or nonresidential subscriber maintaining a permanent place of business located in a rural area.

''(19) SATELLITE CARRIER.—The term 'satellite carrier' means any person using the facilities of a satellite or satellite service licensed by the Federal Communications Commission and operating in the Fixed-Satellite Service under part 25 of title 47 of the Code of Federal Regulations or the Direct Broadcast Satellite Service under part 100 of title 47 of such Code to establish and operate a channel of communications for distribution of signals, and owning or leasing a capacity or service on a satellite in order to provide such distribution.

''(20) SATURATED MARKET.—The term 'saturated market' means any census tract in which, as of the date of the enactment of this section—

''(A) current generation broadband services have been provided by one or more providers to 85 percent or more of the total number of potential residential subscribers residing in dwellings located within such census tract, and

''(B) such services can be utilized—

''(i) at least a majority of the time during periods of maximum demand by each such subscriber who is utilizing such services, and

''(ii) in a manner substantially the same as such services are provided by the provider to subscribers through equipment with respect to which no credit is allowed under subsection (a)(1).

''(21) SUBSCRIBER.—The term 'subscriber' means a person who purchases current generation broadband services or next generation broadband services.

''(22) TELECOMMUNICATIONS CARRIER.—The term 'telecommunications carrier' has the meaning given such term by section 3(44) of the Communications Act of 1934 (47 U.S.C. 153(44)), but—

''(A) includes all members of an affiliated group of which a telecommunications carrier is a member, and

''(B) does not include a commercial mobile service carrier.

''(23) TOTAL POTENTIAL SUBSCRIBER POPULATION.—The term 'total potential subscriber population' means, with respect to any area and based on the most recent census data, the total number of potential residential subscribers residing in dwellings located in such area and potential nonresidential subscribers maintaining permanent places of business located in such area.

''(24) UNDERSERVED AREA.—The term 'underserved area' means any census tract which is located in—

''(A) an empowerment zone or enterprise community designated under section 1391,

''(B) the District of Columbia Enterprise Zone established under section 1400,

''(C) a renewal community designated under section 1400E, or

''(D) a low-income community designated under section 45D.

''(25) UNDERSERVED SUBSCRIBER.—The term 'underserved subscriber' means a residential subscriber residing in a dwelling located in an underserved area or nonresidential subscriber maintaining a permanent place of business located in an underserved area.

''(f) DESIGNATION OF CENSUS TRACTS.—The Secretary shall, not later than 90 days after the date of the enactment of this section, designate and publish those census tracts meeting the criteria described in paragraphs (17), (20), and (24) of subsection (e). In making such designations, the Secretary shall consult with such other departments and agencies as the Secretary determines appropriate.''.

(b) CREDIT TO BE PART OF INVESTMENT CREDIT.—Section 46 (relating to the amount of investment credit), as amended by this Act, is amended by striking ''and'' at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting '', and'', and by adding at the end the following:

''(5) the broadband credit.''

(c) SPECIAL RULE FOR MUTUAL OR COOPERATIVE TELEPHONE COMPANIES.—Section 501(c)(12)(B) (relating to list of exempt organizations) is amended by striking ''or'' at the end of clause (iii), by striking the period at the end of clause (iv) and inserting '', or'', and by adding at the end the following:

''(v) from the sale of property subject to a lease described in section 48B(c)(2)(B), but only to the extent such income does not in any year exceed an amount equal to the credit for qualified expenditures which would be determined under section 48B for such year if the mutual or cooperative telephone company was not exempt from taxation and was treated as the owner of the property subject to such lease.''.

(d) CONFORMING AMENDMENT.—The table of sections for subpart E of part IV of subchapter A of chapter 1, as amended by this Act, is amended by inserting after the item relating to section 48A the following:

''Sec. 48B. Broadband credit.''.

(e) REGULATORY MATTERS.—

(1) PROHIBITION.—No Federal or State agency or instrumentality shall adopt regulations or ratemaking procedures that would have the effect of confiscating any credit or portion thereof allowed under section 48B of the Internal Revenue Code of 1986 (as added by this section) or otherwise subverting the purpose of this section.

(2) TREASURY REGULATORY AUTHORITY.—It is the intent of Congress in providing the broadband credit under section 48B of the Internal Revenue Code of 1986 (as added by this section) to provide incentives for the purchase, installation, and connection of equipment and facilities offering expanded broadband access to the Internet for users in certain low income and rural areas of the United States, as well as to residential users nationwide, in a manner that maintains competitive neutrality among the various classes of providers of broadband services. Accordingly, the Secretary of the Treasury shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of section 48B of such Code, including—

(A) regulations to determine how and when a taxpayer that incurs qualified expenditures satisfies the requirements of section 48B of such Code to provide broadband services, and

(B) regulations describing the information, records, and data taxpayers are required to provide the Secretary to substantiate compliance with the requirements of section 48B of such Code.

Until the Secretary prescribes such regulations, taxpayers may base such determinations on any reasonable method that is consistent with the purposes of section 48B of such Code.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures incurred after December 31, 2002, and before January 1, 2004.

SA 3093. Mr. SCHUMER (for himself and Mrs. CLINTON) proposed an amendment 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; as follows:

At the end of title VI, add the following:

SEC. 6. PROHIBITION OF OIL AND GAS DRILLING IN THE FINGER LAKES NATIONAL FOREST, NEW YORK.

No Federal permit or lease shall be issued for oil or gas drilling in the Finger Lakes National Forest, New York.

SA 3094. Mr. DURBIN (for himself and Mr. SMITH of Oregon) proposed an amendment 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; as follows:

On page 523, between lines 16 and 17, insert the following:

SEC. 1704. CONSUMER ENERGY COMMISSION.

(a) ESTABLISHMENT OF COMMISSION.—There is established a commission to be known as the ''Consumer Energy Commission''.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be comprised of 11 members.

(2) APPOINTMENTS IN THE SENATE AND THE HOUSE.—The majority leader and the minority leader of the Senate and the Speaker and minority leader of the House of Representatives shall each appoint 2 members—

(A) 1 of whom shall represent consumer groups focusing on energy issues; and

(B) 1 of whom shall represent the energy industry.

(3) APPOINTMENTS BY THE PRESIDENT.—The President shall appoint 3 members.

(A) 1 of whom shall represent consumer groups focusing on energy issues;

(B) 1 of whom shall represent the energy industry; and

(C) 1 of whom shall represent the Department of Energy.

(4) DATE OF APPOINTMENTS.—The appointment of a member of the Commission shall be made not later than 30 days after the date of enactment of this Act.

(c) TERM.—A member shall be appointed for the life of the Commission.

(d) INITIAL MEETING.—Not later than 20 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

(e) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall select a Chairperson and Vice Chairperson from among the members of the Commission.

(f) ADMINISTRATIVE EXPENSES.—The Department of Energy will pay expenses as necessary to carry out this section, with the expenses not to exceed $400,000.

(g) DUTIES.—

(1) STUDY.—

(A) IN GENERAL.—The Commission shall conduct a nationwide study of significant price spikes since 1990 in major United States consumer energy products, including electricity, gasoline, home heating oil, natural gas and propane.

(B) MATTERS TO BE STUDIED.—The study shall focus on the causes of large fluctuations and sharp spikes in prices, including insufficient inventories, supply disruptions, refinery capacity limits, insufficient infrastructure, regulatory failures, demand growth, reliance on imported supplies, insufficient availability of alternative energy sources, abuse of market power, market concentration and any other relevant market failures.

(2) REPORT.—Not later than 180 days after the date of the first meeting of the Commission, the Commission shall submit to Congress a report that contains—

(A) a detailed statement of the findings and conclusions of the Commission; and

(B) recommendations for legislation, administrative actions, and voluntary actions by industry and consumers to protect consumers (including individuals, families, and businesses) from future price spikes in consumer energy products.

(3) CONSULTATION.—In conducting the study and preparing the report under this section, the Commission shall consult with the Federal Trade Commission, the Federal Energy Regulatory Commission, the Department of Energy and other Federal agencies as appropriate.

(h) SUNSET.—The Commission shall terminate within 30 days after the submission of the report to Congress.

SA 3095. Mr. CONRAD (for himself and Mr. DORGAN) 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:

In section 2310, insert the following:

(b) EXTENSION FOR CERTAIN FUEL PRODUCED AT EXISTING FACILITIES.—Paragraph (2) of section 29(f) (relating to application of section) is amended by inserting ''(January 1, 2008, in the case of qualified fuel described in subsection (c)(1)(C))'' after ''January 1, 2003''.

SA 3096. Mr. ROCKEFELLER 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 end of title XXIII insert the following:

SEC. ___. CLARIFICATION OF CREDIT FOR PRODUCING FUEL FROM A NONCONVENTIONAL SOURCE.

(a) DEFINITIONS RELATED TO COAL.—Subsection (c) of section 29 (relating to definition of qualified fuels) is amended by adding at the end the following new paragraph:

''(4) DEFINITIONS RELATED TO COAL.—

''(A) SOLID SYNTHETIC FUELS PRODUCED FROM COAL.—The term 'solid synthetic fuels produced from coal' includes a solid synthetic fuel produced from coal and coal waste sludge.

''(B) COAL WASTE SLUDGE.—The term 'coal waste sludge' means the tar decanter sludge and related byproducts of the coking process that are treated as hazardous wastes under applicable Federal environmental rules, absent processing with coal into a solid synthetic fuel.''.

(b) FACILITY DEFINITION.—Subsection (g) of section 29 (related to extension for certain facilities) is amended by adding at the end the following new paragraph:

''(3) FACILITY.—For purposes of paragraph (1), the term 'facility' includes a plant that processes coal and coal waste sludge into a solid synthetic fuel for use as a feedstock for the manufacture of coke, except to the extent that a credit would otherwise be allowed under this section for the production of the coke.''.

(c) EFFECTIVE DATES.—

(1) The amendment made by subsection (a) shall apply as if included in section 231 of the Crude Oil Windfall Profits Tax Act of 1980.

(2) The amendment made by subsection (b) shall apply as if included in section 1918 of the Energy Policy Act of 1992.

SA 3097. Mr. DAYTON (for himself Mr. WELLSTONE and Mr. FEINGOLD) proposed an amendment 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; as follows:

At the appropriate place in title II, insert the following:

SEC. 2___. ADDITIONAL ELECTRIC UTILITY MERGER PROVISIONS.

Section 203(a) of the Federal Power Act (16 U.S.C. 824b(a)) (as amended by section 202) is amended by striking paragraph (4) and inserting the following:

''(4) APPROVAL.—

''(A) IN GENERAL.—After notice and opportunity for hearing, if the Commission finds that the proposed transaction will advance the public interest, the Commission shall approve the transaction.

''(B) MINIMUM REQUIRED FINDINGS.—In making the finding under subparagraph (A) with respect to a proposed transaction, the Commission shall, at a minimum, find that the proposed transaction will—

''(i)(I) enhance competition in wholesale electricity markets; and

''(II) if a State commission requests the Commission to consider the effect of the proposed transaction on competition in retail electricity markets, enhance competition in retail electricity markets;

''(ii) produce significant gains in operational and economic efficiency; and

''(iii) result in a corporate and capital structure that facilitates effective regulatory oversight.''.

SA 3098. Mr. BINGAMAN (for Mr. KENNEDY) proposed an amendment 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; as follows:

On page 80, line 20 and 21, strike ''development; and'' and all that follows through page 81, line 2, and insert the following:

''development.

''(h) NATIONAL ACADEMY OF SCIENCES STUDY.—Within 90 days after the enactment of this Act, the Secretary of the Interior shall contract with the National Academy of Sciences to study the potential for the development of wind, solar, and ocean energy on the Outer Continental Shelf; assess existing federal authorities for the development of such resources; and recommend statutory and regulatory mechanisms for such development. The results of the study shall be transmitted to Congress within 24 months after the enactment of this Act.''

SA 3099. Mr. BINGAMAN (for Mr. KERRY (for himself and Ms. LANDRIEU) proposed an amendment 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; as follows:

On page 292, line 18, insert after the word ''label'' the following: '', including special outreach to small businesses;''.

SA 3100. Mr. BINGAMAN (for Mr. WELLSTONE) proposed an amendment 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; as follows:

On page 252, strike section 904 and insert the following:

SEC. 904. LOW INCOME COMMUNITY ENERGY EFFICIENCY PILOT PROGRAM.

(a) GRANTS.—The Secretary of Energy is authorized to make grants to units of local

government, private, non-profit community development organizations, and Indian tribe economic development entities to improve energy efficiency, identify and develop alternative renewable and distributed energy supplies, and increase energy conservation in low income rural and urban communities.

(b) PURPOSE OF GRANTS.—The Secretary may make grants on a competitive basis for—

(1) investments that develop alternative renewable and distributed energy supplies;

(2) energy efficiency projects and energy conservation programs;

(3) studies and other activities that improve energy efficiency in low income rural and urban communities;

(4) planning and development assistance for increasing the energy efficiency of buildings and facilities; and

(5) technical and financial assistance to local government and private entities on developing new renewable and distributed sources of power or combined heat and power generation.

(c) DEFINITION.—For purposes of this section, the term ''Indian tribe'' means any Indian tribe, band, nation, or other organized group or community, including any Alaskan Native Village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(d) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of this section there are authorized to be appropriated to the Secretary of Energy an amount not to exceed $20 million for fiscal year 2003 and each fiscal year thereafter through fiscal year 2005.

SA 3101. Mr. BINGAMAN (for Mr. CONRAD) proposed an amendment 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; as follows:

On page 408, line 20, strike ''2006.'' and insert the following: ''2006, of which $100,000,000 may be allocated to meet the goals of subsection (b)(1).''.

SA 3102. Mr. BINGAMAN proposed an amendment 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; as follows:

On page 258, line 1, strike Sec. 912 in its entirety and insert the following:

SEC. 912. ENERGY USE MEASUREMENT AND ACCOUNTABILITY.

Section 543 of the National Energy Conservation Policy Act (42 U.s.C. 8253) is further amended by adding at the end the following:

''(e) METERING OF ENERGY USE.—

''(1) DEADLINE.—By October 1, 2004, all Federal buildings shall, for the purposes of efficient use of energy and reduction in the cost of electricity used in such buildings, be metered or submetered in accordance with guidelines established by the Secretary under paragraph (2). Each agency shall use, to the maximum extent practicable, advanced meters or advanced metering devices that provide data at least daily and that measure at least hourly consumption of electricity in the Federal buildings of the agency. Such data shall be incorporated into existing federal energy tracking systems and made available to federal facility energy managers.

''(2) GUIDELINES.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary, in consultation with the Department of Defense, the General Service Administration and representatives from the metering industry, utility industry, energy services industry, energy efficiency industry, national laboratories, universities and federal facility energy managers, shall establish guidelines for agencies to carry out paragraph (1).

''(B) REQUIREMENTS FOR GUIDELINES.—The guidelines shall—

''(i) take into consideration—

''(I) the cost of metering and submetering and the reduced cost of operation and maintenance expected to result from metering and submetering:

''(II) the extent to which metering and submetering are expected to result in increased potential for energy management, increased potential for energy savings and energy efficiency improvement, and cost and energy savings due to utility contract aggregation; and

''(III) the measurement and verification protocols of the Department of Energy;

''(ii) include recommendations concerning the amount of funds and the number of trained personnel necessary to gather and use the metering information to track and reduce energy use;

''(iii) establish 1 or more dates, not later than 1 year after the date of issuance of the guidelines, on which the requirements specified in paragraph (1) shall take effect; and

''(iv) establish exclusions from the requirements specified in paragraph (1) based on the de minimus quantity of energy use of a Federal building, industrial process, or structure.

''(3) PLAN.—No later than 6 months after the date guidelines are established under paragraph (2), in a report submitted by the agency under section 548(a), each agency shall submit to the Secretary a plan describing how the agency will implement the requirements of paragraph (1), including (a) how the agency will designate personnel primarily responsible for achieving the requirements and (b) demonstration by the agency, complete with documentation, of any finding that advanced meters or advanced metering devices, as defined in paragraph (1), are not practicable.''.

SA 3103. Mr. KENNEDY (for himself and Mr. SMITH of Oregon) 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 end of title XXV, add the following:

SEC. ___. BROADBAND INTERNET ACCESS TAX CREDIT.

(a) IN GENERAL.—Subpart E of part IV of chapter 1 (relating to rules for computing investment credit), as amended by this Act, is amended by inserting after section 48A the following:

''SEC. 48B. BROADBAND CREDIT.

''(a) GENERAL RULE.—For purposes of section 46, the broadband credit for any taxable year is the sum of—

''(1) the current generation broadband credit, plus

''(2) the next generation broadband credit.

''(b) CURRENT GENERATION BROADBAND CREDIT; NEXT GENERATION BROADBAND CREDIT.—For purposes of this section—

''(1) CURRENT GENERATION BROADBAND CREDIT.—The current generation broadband credit for any taxable year is equal to 10 percent of the qualified expenditures incurred with respect to qualified equipment providing current generation broadband services to qualified subscribers and taken into account with respect to such taxable year.

''(2) NEXT GENERATION BROADBAND CREDIT.—The next generation broadband credit for any taxable year is equal to 20 percent of the qualified expenditures incurred with respect to qualified equipment providing next generation broadband services to qualified subscribers and taken into account with respect to such taxable year.

''(c) WHEN EXPENDITURES TAKEN INTO ACCOUNT.—For purposes of this section—

''(1) IN GENERAL.—Qualified expenditures with respect to qualified equipment shall be taken into account with respect to the first taxable year in which—

''(A) current generation broadband services are provided through such equipment to qualified subscribers, or

''(B) next generation broadband services are provided through such equipment to qualified subscribers.

''(2) LIMITATION.—

''(A) IN GENERAL.—Qualified expenditures shall be taken into account under paragraph (1) only with respect to qualified equipment—

''(i) the original use of which commences with the taxpayer, and

''(ii) which is placed in service,

after December 31, 2002.

''(B) SALE-LEASEBACKS.—For purposes of subparagraph (A), if property—

''(i) is originally placed in service after December 31, 2002, by a person, and

''(ii) sold and leased back by such person within 3 months after the date such property was originally placed in service,

such property shall be treated as originally placed in service not earlier than the date on which such property is used under the leaseback referred to in clause (ii).

''(d) SPECIAL ALLOCATION RULES.—

''(1) CURRENT GENERATION BROADBAND SERVICES.—For purposes of determining the current generation broadband credit under subsection (a)(1) with respect to qualified equipment through which current generation broadband services are provided, if the qualified equipment is capable of serving both qualified subscribers and other subscribers, the qualified expenditures shall be multiplied by a fraction—

''(A) the numerator of which is the sum of the number of potential qualified subscribers within the rural areas and the underserved areas which the equipment is capable of serving with current generation broadband services, and

''(B) the denominator of which is the total potential subscriber population of the area which the equipment is capable of serving with current generation broadband services.

''(2) NEXT GENERATION BROADBAND SERVICES.—For purposes of determining the next generation broadband credit under subsection (a)(2) with respect to qualified equipment through which next generation broadband services are provided, if the qualified equipment is capable of serving both qualified subscribers and other subscribers, the qualified expenditures shall be multiplied by a fraction—

''(A) the numerator of which is the sum of—

''(i) the number of potential qualified subscribers within the rural areas and underserved areas, plus

''(ii) the number of potential qualified subscribers within the area consisting only of residential subscribers not described in clause (i),

which the equipment is capable of serving with next generation broadband services, and

''(B) the denominator of which is the total potential subscriber population of the area which the equipment is capable of serving with next generation broadband services.

''(e) DEFINITIONS.—For purposes of this section—

''(1) ANTENNA.—The term 'antenna' means any device used to transmit or receive signals through the electromagnetic spectrum, including satellite equipment.

''(2) CABLE OPERATOR.—The term 'cable operator' has the meaning given such term by section 602(5) of the Communications Act of 1934 (47 U.S.C. 522(5)).

''(3) COMMERCIAL MOBILE SERVICE CARRIER.—The term 'commercial mobile service carrier' means any person authorized to provide commercial mobile radio service as defined in section 20.3 of title 47, Code of Federal Regulations.

''(4) CURRENT GENERATION BROADBAND SERVICE.—The term 'current generation broadband service' means the transmission of signals at a rate of at least 1,000,000 bits per second to the subscriber and at least 128,000 bits per second from the subscriber.

''(5) MULTIPLEXING OR DEMULTIPLEXING.—The term 'multiplexing' means the transmission of 2 or more signals over a single channel, and the term 'demultiplexing' means the separation of 2 or more signals previously combined by compatible multiplexing equipment.

''(6) NEXT GENERATION BROADBAND SERVICE.—The term 'next generation broadband service' means the transmission of signals at a rate of at least 22,000,000 bits per second (or its equivalent when the data rate is measured before being compressed for transmission) to the subscriber and at least 5,000,000 bits per second (or such equivalent) from the subscriber .

''(7) NONRESIDENTIAL SUBSCRIBER.—The term 'nonresidential subscriber' means a person who purchases broadband services which are delivered to the permanent place of business of such person.

''(8) OPEN VIDEO SYSTEM OPERATOR.—The term 'open video system operator' means any person authorized to provide service under section 653 of the Communications Act of 1934 (47 U.S.C. 573).

''(9) OTHER WIRELESS CARRIER.—The term 'other wireless carrier' means any person (other than a telecommunications carrier, commercial mobile service carrier, cable operator, open video system operator, or satellite carrier) providing current generation broadband services or next generation broadband service to subscribers through the wireless transmission of energy through radio or light waves.

''(10) PACKET SWITCHING.—The term 'packet switching' means controlling or routing the path of a digitized transmission signal which is assembled into packets or cells.

''(11) PROVIDER.—The term 'provider' means, with respect to any qualified equipment—

''(A) a cable operator,

''(B) a commercial mobile service carrier,

''(C) an open video system operator,

''(D) a satellite carrier,

''(E) a telecommunications carrier, or

''(F) any other wireless carrier,

providing current generation broadband services or next generation broadband services to subscribers through such qualified equipment.

''(12) PROVISION OF SERVICES.—A provider shall be treated as providing services to a subscriber if—

''(A) a subscriber has been passed by the provider's equipment and can be connected to such equipment for a standard connection fee,

''(B) the provider is physically able to deliver current generation broadband services or next generation broadband services, as applicable, to such subscribers without making more than an insignificant investment with respect to any such subscriber,

''(C) the provider has made reasonable efforts to make such subscribers aware of the availability of such services,

''(D) such services have been purchased by one or more such subscribers, and

''(E) such services are made available to such subscribers at average prices comparable to those at which the provider makes available similar services in any areas in which the provider makes available such services.

''(13) QUALIFIED EQUIPMENT.—

''(A) IN GENERAL.—The term 'qualified equipment' means equipment which provides current generation broadband services or next generation broadband services—

''(i) at least a majority of the time during periods of maximum demand to each subscriber who is utilizing such services, and

''(ii) in a manner substantially the same as such services are provided by the provider to subscribers through equipment with respect to which no credit is allowed under subsection (a)(1).

''(B) ONLY CERTAIN INVESTMENT TAKEN INTO ACCOUNT.—Except as provided in subparagraph (C) or (D), equipment shall be taken into account under subparagraph (A) only to the extent it—

''(i) extends from the last point of switching to the outside of the unit, building, dwelling, or office owned or leased by a subscriber in the case of a telecommunications carrier,

''(ii) extends from the customer side of the mobile telephone switching office to a transmission/receive antenna (including such antenna) owned or leased by a subscriber in the case of a commercial mobile service carrier,

''(iii) extends from the customer side of the headend to the outside of the unit, building, dwelling, or office owned or leased by a subscriber in the case of a cable operator or open video system operator, or

''(iv) extends from a transmission/receive antenna (including such antenna) which transmits and receives signals to or from multiple subscribers, to a transmission/receive antenna (including such antenna) on the outside of the unit, building, dwelling, or office owned or leased by a subscriber in the case of a satellite carrier or other wireless carrier, unless such other wireless carrier is also a telecommunications carrier.

''(C) PACKET SWITCHING EQUIPMENT.—Packet switching equipment, regardless of location, shall be taken into account under subparagraph (A) only if it is deployed in connection with equipment described in subparagraph (B) and is uniquely designed to perform the function of packet switching for current generation broadband services or next generation broadband services, but only if such packet switching is the last in a series of such functions performed in the transmission of a signal to a subscriber or the first in a series of such functions performed in the transmission of a signal from a subscriber.

''(D) MULTIPLEXING AND DEMULTIPLEXING EQUIPMENT.—Multiplexing and demultiplexing equipment shall be taken into account under subparagraph (A) only to the extent it is deployed in connection with equipment described in subparagraph (B) and is uniquely designed to perform the function of multiplexing and demultiplexing packets or cells of data and making associated application adaptions, but only if such multiplexing or demultiplexing equipment is located between packet switching equipment described in subparagraph (C) and the subscriber's premises.

''(14) QUALIFIED EXPENDITURE.—

''(A) IN GENERAL.—The term 'qualified expenditure' means any amount—

''(i) chargeable to capital account with respect to the purchase and installation of qualified equipment (including any upgrades thereto) for which depreciation is allowable under section 168, and

''(ii) incurred after December 31, 2002, and before January 1, 2004.

''(B) CERTAIN SATELLITE EXPENDITURES EXCLUDED.—Such term shall not include any expenditure with respect to the launching of any satellite equipment.

''(C) LEASED EQUIPMENT.—Such term shall include so much of the purchase price paid by the lessor of equipment subject to a lease described in subsection (c)(2)(B) as is attributable to expenditures incurred by the lessee that otherwise would be described in subparagraph (A).

''(15) QUALIFIED SUBSCRIBER.—The term 'qualified subscriber' means—

''(A) with respect to the provision of current generation broadband services—

''(i) a nonresidential subscriber maintaining a permanent place of business in a rural area or underserved area, or

''(ii) a residential subscriber residing in a dwelling located in a rural area or underserved area which is not a saturated market, and

''(B) with respect to the provision of next generation broadband services—

''(i) a nonresidential subscriber maintaining a permanent place of business in a rural area or underserved area, or

''(ii) a residential subscriber.

''(16) RESIDENTIAL SUBSCRIBER.—The term 'residential subscriber' means an individual who purchases broadband services which are delivered to such individual's dwelling.

''(17) RURAL AREA.—The term 'rural area' means any census tract which—

''(A) is not within 10 miles of any incorporated or census designated place containing more than 25,000 people, and

''(B) is not within a county or county equivalent which has an overall population density of more than 500 people per square mile of land.

''(18) RURAL SUBSCRIBER.—The term 'rural subscriber' means a residential subscriber residing in a dwelling located in a rural area or nonresidential subscriber maintaining a permanent place of business located in a rural area.

''(19) SATELLITE CARRIER.—The term 'satellite carrier' means any person using the facilities of a satellite or satellite service licensed by the Federal Communications Commission and operating in the Fixed-Satellite Service under part 25 of title 47 of the Code of Federal Regulations or the Direct Broadcast Satellite Service under part 100 of title 47 of such Code to establish and operate a channel of communications for distribution of signals, and owning or leasing a capacity or service on a satellite in order to provide such distribution.

''(20) SATURATED MARKET.—The term 'saturated market' means any census tract in which, as of the date of the enactment of this section—

''(A) current generation broadband services have been provided by one or more providers to 85 percent or more of the total number of potential residential subscribers residing in dwellings located within such census tract, and

''(B) such services can be utilized—

''(i) at least a majority of the time during periods of maximum demand by each such subscriber who is utilizing such services, and

''(ii) in a manner substantially the same as such services are provided by the provider to subscribers through equipment with respect to which no credit is allowed under subsection (a)(1).

''(21) SUBSCRIBER.—The term 'subscriber' means a person who purchases current generation broadband services or next generation broadband services.

''(22) TELECOMMUNICATIONS CARRIER.—The term 'telecommunications carrier' has the meaning given such term by section 3(44) of the Communications Act of 1934 (47 U.S.C. 153(44)), but—

''(A) includes all members of an affiliated group of which a telecommunications carrier is a member, and

''(B) does not include a commercial mobile service carrier.

''(23) TOTAL POTENTIAL SUBSCRIBER POPULATION.—The term 'total potential subscriber population' means, with respect to any area and based on the most recent census data, the total number of potential residential subscribers residing in dwellings located in such area and potential nonresidential subscribers maintaining permanent places of business located in such area.

''(24) UNDERSERVED AREA.—The term 'underserved area' means any census tract which is located in—

''(A) an empowerment zone or enterprise community designated under section 1391,

''(B) the District of Columbia Enterprise Zone established under section 1400,

''(C) a renewal community designated under section 1400E, or

''(D) a low-income community designated under section 45D.

''(25) UNDERSERVED SUBSCRIBER.—The term 'underserved subscriber' means a residential subscriber residing in a dwelling located in an underserved area or nonresidential subscriber maintaining a permanent place of business located in an underserved area.

''(f) DESIGNATION OF CENSUS TRACTS.—The Secretary shall, not later than 90 days after the date of the enactment of this section, designate and publish those census tracts meeting the criteria described in paragraphs (17), (20), and (24) of subsection (e). In making such designations, the Secretary shall consult with such other departments and agencies as the Secretary determines appropriate.''.

(b) CREDIT TO BE PART OF INVESTMENT CREDIT.—Section 46 (relating to the amount of investment credit), as amended by this Act, is amended by striking ''and'' at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting '', and'', and by adding at the end the following:

''(5) the broadband credit.''

(c) SPECIAL RULE FOR MUTUAL OR COOPERATIVE TELEPHONE COMPANIES.—Section 501(c)(12)(B) (relating to list of exempt organizations) is amended by striking ''or'' at the end of clause (iii), by striking the period at the end of clause (iv) and inserting '', or'', and by adding at the end the following:

''(v) from the sale of property subject to a lease described in section 48B(c)(2)(B), but only to the extent such income does not in any year exceed an amount equal to the credit for qualified expenditures which would be determined under section 48B for such year if the mutual or cooperative telephone company was not exempt from taxation and was treated as the owner of the property subject to such lease.''.

(d) CONFORMING AMENDMENT.—The table of sections for subpart E of part IV of subchapter A of chapter 1, as amended by this Act, is amended by inserting after the item relating to section 48A the following:

''Sec. 48B. Broadband credit.''.

(e) REGULATORY MATTERS.—

(1) PROHIBITION.—No Federal or State agency or instrumentality shall adopt regulations or ratemaking procedures that would have the effect of confiscating any credit or portion thereof allowed under section 48B of the Internal Revenue Code of 1986 (as added by this section) or otherwise subverting the purpose of this section.

(2) TREASURY REGULATORY AUTHORITY.—It is the intent of Congress in providing the broadband credit under section 48B of the Internal Revenue Code of 1986 (as added by this section) to provide incentives for the purchase, installation, and connection of equipment and facilities offering expanded broadband access to the Internet for users in certain low income and rural areas of the United States, as well as to residential users nationwide, in a manner that maintains competitive neutrality among the various classes of providers of broadband services. Accordingly, the Secretary of the Treasury shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of section 48B of such Code, including—

(A) regulations to determine how and when a taxpayer that incurs qualified expenditures satisfies the requirements of section 48B of such Code to provide broadband services, and

(B) regulations describing the information, records, and data taxpayers are required to provide the Secretary to substantiate compliance with the requirements of section 48B of such Code.

Until the Secretary prescribes such regulations, taxpayers may base such determinations on any reasonable method that is consistent with the purposes of section 48B of such Code.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures incurred after December 31, 2002, and before January 1, 2004.

SA 3104. Mr. DODD (for himself and Mr. MCCONNELL) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

On page 15, between lines 2 and 3, insert the following:

(b) VOTERS WHO VOTE AFTER THE POLLS CLOSE.—Any individual who votes in an election for Federal office for any reason, including a Federal or State court order, after the time set for closing the polls by a State law in effect 10 days before the date of that election may only vote in that election by casting a provisional ballot under subsection (a).

On page 18, strike lines 17 through 19, and insert the following:

(B)(i) the individual has not previously voted in an election for Federal office in the State; or

(ii) the individual has not previously voted in such an election in the jurisdiction and the jurisdiction is located in a State that does not have a computerized list that complies with the requirements of section 103(a).

On page 21, strike lines 19 through 23, and insert the following:

(2) REQUIREMENT FOR VOTERS WHO REGISTER BY MAIL.—

(A) IN GENERAL.—Each State and locality shall be required to comply with the requirements of subsection (b) on and after January 1, 2004, and shall be prepared to receive registration materials submitted by individuals described in subparagraph (B) on and after the date described in such subparagraph.

(B) APPLICABILITY WITH RESPECT TO INDIVIDUALS.—The provisions of section (b) shall apply to any individual who registers to vote on or after January 1, 2003.

On page 22, strike line 17, and insert the following:

brought under this Act against such State or locality on the basis

On page 22, after line 25, insert the following:

SEC. ___. MINIMUM STANDARDS.

The requirements established by this title are minimum requirements and nothing in this title shall be construed to prevent a State from establishing election technology and administration requirements, that are more strict than the requirements established under this title, so long as such State requirements are not inconsistent with the Federal requirements under this title or any law described in section 402.

On page 25, strike line 20, and insert the following:

existing Federal laws, as such laws relate to the provisions of this Act, including the following:

On page 27, strike line 11, and insert the following:

(c) SAFE HARBOR.—No action may be brought under this Act.

On page 33, strike line 12, and insert the following:

the following laws, as such laws relate to the provisions of this Act:

On page 34, strike line 23, and insert the following:

(d) SAFE HARBOR.—No action may be brought under this Act.

On page 44, strike line 1, and insert the following:

(d) SAFE HARBOR.—No action may be brought under this Act.

On page 53, between lines 15 and 16, insert the following:

(1) STUDY OF FIRST TIME VOTERS WHO REGISTER BY MAIL.—

(A) STUDY.—

(i) IN GENERAL.—The Commission shall conduct a study of the impact of section 103(b) on voters who register by mail.

(ii) SPECIFIC ISSUES STUDIED.—The study conducted under clause (i) shall include—

(I) an examination of the impact of section 103(b) on first time mail registrant voters who vote in person, including the impact of such section on voter registration;

(II) an examination of the impact of such section on the accuracy of voter rolls, including preventing ineligible names from being placed on voter rolls and ensuring that all eligible names are placed on voter rolls; and

(III) an analysis of the impact of such section on existing State practices, such as the use of signature verification or attestation procedures to verify the identity of voters in elections for Federal office, and an analysis of other changes that may be made to improve the voter registration process, such as verification or additional information on the registration card.

(B) REPORT.—Not later than 18 months after the date on which section 103(b)(2)(A)

takes effect, the Commission shall submit a report to the President and Congress on the study conducted under subparagraph (A)(i) together with such recommendations for administrative and legislative action as the Commission determines is appropriate.

On page 68, strike lines 19 and 20, and insert the following:

(a) IN GENERAL.—Except as specifically provided in section 103(b) of this Act with regard to the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.), nothing in this Act may be construed to authorize

---

SA 3105. Mr. DODD (for Mr. WYDEN) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

On page 19, strike lines 20 through 24, and insert the following:

(B) FAIL-SAFE VOTING.—

(i) IN PERSON.—An individual who desires to vote in person, but who does not meet the requirements of subparagraph (A)(i), may cast a provisional ballot under section 102(a).

(ii) BY MAIL.—An individual who desires to vote by mail but who does not meet the requirements of subparagraph (A)(ii) may cast such a ballot by mail and the ballot shall be counted as a provisional ballot in accordance with section 102(a).

On page 20, between lines 12 through 13, insert the following:

(B)(i) who registers to vote by mail under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–4) and submits with such registration either—

(I) a driver's license number; or

(II) at least the last 4 digits of the individual's social security number; and

(ii) with respect to whom a State or local election official certifies that the information submitted under clause (i) matches an existing State identification record bearing the same number, name and date of birth as provided in such registration; or

---

SA 3106. Mr. DODD (for Mr. ROCKEFELLER) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

On page 68, between lines 2 and 3, insert the following:

SEC. ___. STUDY AND REPORT ON PERMANENT REGISTRATION OF OVERSEAS VOTERS; DISTRIBUTION OF OVERSEAS VOTING INFORMATION BY A SINGLE STATE OFFICE; STUDY AND REPORT ON EXPANSION OF SINGLE STATE OFFICE DUTIES.

(a) STUDY AND REPORT ON PERMANENT REGISTRATION OF OVERSEAS VOTERS.—

(1) STUDY.—The Election Administration Commission established under section 301 (in this subsection referred to as the ''Commission''), shall conduct a study on the feasibility and advisability of providing for permanent registration of overseas voters under section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–3), as amended by section 1606(b) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1279) and this title.

(2) REPORT.—The Commission shall submit a report to Congress on the study conducted under paragraph (1) together with such recommendations for legislative and administrative action as the Commission determines appropriate.

(b) DISTRIBUTION OF OVERSEAS VOTING INFORMATION BY A SINGLE STATE OFFICE.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 1606(a)(1) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1278) and the preceding provisions of this title, is amended by adding at the end the following new subsection:

''(c) DESIGNATION OF SINGLE STATE OFFICE TO PROVIDE INFORMATION ON REGISTRATION AND ABSENTEE BALLOT PROCEDURES FOR ALL VOTERS IN THE STATE.—Each State shall designate a single office which shall be responsible for providing information regarding voter registration procedures and absentee ballot procedures to be used by absent uniformed services voters and overseas voters with respect to elections for Federal office (including procedures relating to the use of the Federal write-in absentee ballot) to all absent uniformed services voters and overseas voters who wish to register to vote or vote in any jurisdiction in the State.''.

(c) STUDY AND REPORT ON EXPANSION OF SINGLE STATE OFFICE DUTIES.—

(1) STUDY.—The Election Administration Commission established under section 301 (in this subsection referred to as the ''Commission''), shall conduct a study on the feasibility and advisability of making the State office designated under section 102(c) of the Uniformed and Overseas Citizens Absentee Voting Act (as added by subsection (b)) responsible for the acceptance of valid voter registration applications, absentee ballot applications, and absentee ballots (including Federal write-in absentee ballots) from each absent uniformed services voter or overseas voter who wishes to register to vote or vote in any jurisdiction in the State.

(2) REPORT.—The Commission shall submit a report to Congress on the study conducted under paragraph (1) together with such recommendations for legislative and administrative action as the Commission determines appropriate.

SEC. ___. REPORT ON ABSENTEE BALLOTS TRANSMITTED AND RECEIVED AFTER GENERAL ELECTIONS.

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by the preceding provisions of this title, is amended by adding at the end the following new subsection:

''(d) REPORT ON NUMBER OF ABSENTEE BALLOTS TRANSMITTED AND RECEIVED.—Not later than 120 days after the date of each regularly scheduled general election for Federal office, each State and unit of local government that administered the election shall (through the State, in the case of a unit of local government) submit a report to the Election Administration Commission (established under the Martin Luther King, Jr. Equal Protection of Voting Rights Act of 2002) on the number of absentee ballots transmitted to absent uniformed services voters and overseas voters for the election and the number of such ballots that were returned by such voters and cast in the election, and shall make such report available to the general public.''.

(b) DEVELOPMENT OF STANDARDIZED FORMAT FOR REPORTS.—The Election Administration Commission shall develop a standardized format for the reports submitted by States and units of local government under section 102(d) of the Uniformed and Overseas Citizens Absentee Voting Act (as added by subsection (a)), and shall make the format available to the States and units of local government submitting such reports.

SEC. ___. OTHER REQUIREMENTS TO PROMOTE PARTICIPATION OF OVERSEAS AND ABSENT UNIFORMED SERVICES VOTERS.

Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by the preceding provisions of this title, is amended by adding at the end the following new subsection:

''(e) REGISTRATION NOTIFICATION.—With respect to each absent uniformed services voter and each overseas voter who submits a voter registration application or an absentee ballot request, if the State rejects the application or request, the State shall provide the voter with the reasons for the rejection.''.

SEC. ___. STUDY AND REPORT ON THE DEVELOPMENT OF A STANDARD OATH FOR USE WITH OVERSEAS VOTING MATERIALS.

(a) STUDY.—The Election Administration Commission established under section 301 (in this section referred to as the ''Commission''), shall conduct a study on the feasibility and advisability of—

(1) prescribing a standard oath for use with any document under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq) affirming that a material misstatement of fact in the completion of such a document may constitute grounds for a conviction for perjury; and

(2) if the State requires an oath or affirmation to accompany any document under such Act, to require the State to use the standard oath described in paragraph (1).

(b) REPORT.—The Commission shall submit a report to Congress on the study conducted under subsection (a) together with such recommendations for legislative and administrative action as the Commission determines appropriate.

SEC. ___. STUDY AND REPORT ON PROHIBITING NOTARIZATION REQUIREMENTS.

(a) STUDY.—The Election Administration Commission established under section 301 (in this section referred to as the ''Commission''), shall conduct a study on the feasibility and advisability of prohibiting a State from refusing to accept any voter registration application, absentee ballot request, or absentee ballot submitted by an absent uniformed services voter or overseas voter on the grounds that the document involved is not notarized.

(b) REPORT.—The Commission shall submit a report to Congress on the study conducted under subsection (a) together with such recommendations for legislative and administrative action as the Commission determines appropriate.

SA 3107. Mr. MCCONNELL (for Mr. HATCH) proposed an amendment to the

bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes.

On page 68, strike lines 3 and 4, and insert the following:

Subtitle C—Advisory Committee on Electronic Voting and the Electoral Process

SEC. 321. ESTABLISHMENT OF COMMITTEE.

(a) ESTABLISHMENT.—There is established the Advisory Committee on Electronic Voting and the Electoral Process (in this subtitle referred to as the ''Committee'').

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Committee shall be composed of 16 members as follows:

(A) FEDERAL REPRESENTATIVES.—Four representatives of the Federal Government, comprised of the Attorney General, the Secretary of Defense, the Director of the Federal Bureau of Investigation, and the Chairman of the Federal Election Commission, or an individual designated by the respective representative.

(B) INTERNET REPRESENTATIVES.—Four representatives of the Internet and information technology industries (at least 2 of whom shall represent a company that is engaged in the provision of electronic voting services on the date on which the representative is appointed, and at least 2 of whom shall possess special expertise in Internet or communications systems security).

(C) STATE AND LOCAL REPRESENTATIVES.—Four representatives from State and local governments (2 of whom shall be from States that have made preliminary inquiries into the use of the Internet in the electoral process).

(D) PRIVATE SECTOR REPRESENTATIVES.—Four representatives not affiliated with the Government (2 of whom shall have expertise in election law, and 2 of whom shall have expertise in political speech).

(2) APPOINTMENTS.—Appointments to the Committee shall be made not later than the date that is 30 days after the date of enactment of this Act and such appointments shall be made in the following manner:

(A) SENATE MAJORITY LEADER.—Two individuals shall be appointed by the Majority Leader of the Senate, of whom 1 shall be an individual described in paragraph (1)(B) and 1 shall be an individual described in paragraph (1)(C).

(B) SENATE MINORITY LEADER.—Two individuals shall be appointed by the Minority Leader of the Senate, of whom 1 shall be an individual described in paragraph (1)(B) and 1 shall be an individual described in paragraph (1)(C).

(C) SPEAKER OF THE HOUSE.—Two individuals shall be appointed by the Speaker of the House of Representatives, of whom 1 shall be an individual described in paragraph (1)(B) and 1 shall be an individual described in paragraph (1)(C).

(D) HOUSE MINORITY LEADER.—Two individuals shall be appointed by the Minority Leader of the House of Representatives, of whom 1 shall be an individual described in paragraph (1)(B) and 1 shall be an individual described in paragraph (1)(C).

(E) SENATE MAJORITY AND HOUSE MINORITY JOINTLY.—Two individuals described in paragraph (1)(D) shall be appointed jointly by the Majority Leader of the Senate and the Minority Leader of the House of Representatives.

(F) HOUSE MAJORITY AND SENATE MINORITY JOINTLY.—Two individuals described in paragraph (1)(D) shall be appointed jointly by the Speaker of the House of Representatives and the Minority Leader of the Senate.

(3) DATE.—The appointments of the members of the Committee shall be made not later than the date that is 30 days after the date of enactment of this Act.

(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Committee. Any vacancy in the Committee shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) INITIAL MEETING.—Not later than 30 days after the date on which all of the members of the Committee have been appointed, the Committee shall hold its first meeting.

(e) MEETINGS.—

(1) IN GENERAL.—The Committee shall meet at the call of the Chairperson or upon the written request of a majority of the members of the Committee.

(2) NOTICE.—Not later than the date that is 14 days before the date of each meeting of the Committee, the Chairperson shall cause notice thereof to be published in the Federal Register.

(3) OPEN MEETINGS.—Each Committee meeting shall be open to the public.

(f) QUORUM.—Eight members of the Committee shall constitute a quorum, but a lesser number of members may hold hearings.

(g) CHAIRPERSON.—The Committee shall select a Chairperson from among its members by a majority vote of the members of the Committee.

(h) ADDITIONAL RULES.—The Committee may adopt such other rules as the Committee determines to be appropriate by a majority vote of the members of the Committee.

SEC. 322. DUTIES OF THE COMMITTEE.

(a) STUDY.—

(1) IN GENERAL.—The Committee shall conduct a thorough study of issues and challenges, specifically to include the potential for election fraud, presented by incorporating communications and Internet technologies in the Federal, State, and local electoral process.

(2) ISSUES TO BE STUDIED.—The Committee may include in the study conducted under paragraph (1) an examination of—

(A) the appropriate security measures required and minimum standards for certification of systems or technologies in order to minimize the potential for fraud in voting or in the registration of qualified citizens to register and vote;

(B) the possible methods, such as Internet or other communications technologies, that may be utilized in the electoral process, including the use of those technologies to register voters and enable citizens to vote online, and recommendations concerning statutes and rules to be adopted in order to implement an online or Internet system in the electoral process;

(C) the impact that new communications or Internet technology systems for use in the electoral process could have on voter participation rates, voter education, public accessibility, potential external influences during the elections process, voter privacy and anonymity, and other issues related to the conduct and administration of elections;

(D) whether other aspects of the electoral process, such as public availability of candidate information and citizen communication with candidates, could benefit from the increased use of online or Internet technologies;

(E) the requirements for authorization of collection, storage, and processing of electronically generated and transmitted digital messages to permit any eligible person to register to vote or vote in an election, including applying for and casting an absentee ballot;

(F) the implementation cost of an online or Internet voting or voter registration system and the costs of elections after implementation (including a comparison of total cost savings for the administration of the electoral process by using Internet technologies or systems);

(G) identification of current and foreseeable online and Internet technologies for use in the registration of voters, for voting, or for the purpose of reducing election fraud, currently available or in use by election authorities;

(H) the means by which to ensure and achieve equity of access to online or Internet voting or voter registration systems and address the fairness of such systems to all citizens; and

(I) the impact of technology on the speed, timeliness, and accuracy of vote counts in Federal, State, and local elections.

(b) REPORT.—

(1) TRANSMISSION.—Not later than 20 months after the date of enactment of this Act, the Committee shall transmit to Congress and the Election Administration Commission established under section 301, for the consideration of such bodies, a report reflecting the results of the study required by subsection (a), including such legislative recommendations or model State laws as are required to address the findings of the Committee.

(2) APPROVAL OF REPORT.—Any finding or recommendation included in the report shall be agreed to by at least ⅔ of the members of the Committee serving at the time the finding or recommendation is made.

(3) INTERNET POSTING.—The Election Administration Commission shall post the report transmitted under paragraph (1) on the Internet website established under section 303(a)(5).

SEC. 323. POWERS OF THE COMMITTEE.

(a) HEARINGS.—

(1) IN GENERAL.—The Committee may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Committee considers advisable to carry out this subtitle.

(2) OPPORTUNITIES TO TESTIFY.—The Committee shall provide opportunities for representatives of the general public, State and local government officials, and other groups to testify at hearings.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Committee may secure directly from any Federal department or agency such information as the Committee considers necessary to carry out this subtitle. Upon request of the Chairperson of the Committee, the head of such department or agency shall furnish such information to the Committee.

(c) POSTAL SERVICES.—The Committee may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) GIFTS.—

(1) IN GENERAL.—The Committee may accept, use, and dispose of gifts or donations of services or property.

(2) UNUSED GIFTS.—Gifts or grants not used at the expiration of the Committee shall be returned to the donor or grantor.

SEC. 324. COMMITTEE PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Committee shall serve without compensation.

(b) TRAVEL EXPENSES.—The members of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Committee.

(c) STAFF.—

(1) IN GENERAL.—The Chairperson of the Committee may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Committee to perform its duties. The employment of an executive director shall be subject to confirmation by the Committee.

(2) COMPENSATION.—The Chairperson of the Committee may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(3) PERSONNEL AS FEDERAL EMPLOYEES.—

(A) IN GENERAL.—The executive director and any personnel of the Committee who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(B) MEMBERS OF COMMITTEE.—Subparagraph (A) shall not be construed to apply to members of the Committee.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Committee without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Committee may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 325. TERMINATION OF THE COMMITTEE.

The Committee shall terminate 90 days after the date on which the Committee transmits its report under section 322(b)(1).

SEC. 326. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this subtitle not less than $2,000,000 from the funds appropriated under section 307.

(b) AVAILABILITY.—Any sums appropriated under the authorization contained in this subtitle shall remain available, without fiscal year limitation, until expended.

TITLE IV—CRIMINAL PENALTIES; MISCELLANEOUS

SEC. 401. REVIEW AND REPORT ON ADEQUACY OF EXISTING ELECTORAL FRAUD STATUTES AND PENALTIES.

(a) REVIEW.—The Attorney General shall conduct a review of existing criminal statutes concerning election offenses to determine—

(1) whether additional statutory offenses are needed to secure the use of the Internet for election purposes; and

(2) whether existing penalties provide adequate punishment and deterrence with respect to such offenses.

(b) REPORT.—The Attorney General shall submit a report to the Judiciary Committees of the Senate and the House of Representatives, the Senate Committee on Rules and Administration, and the House Committee on Administration on the review conducted under subsection (a) together with such recommendations for legislative and administrative action as the Attorney General determines appropriate.

SEC. 402. OTHER CRIMINAL PENALTIES.

SA 3108. Mrs. CLINTON proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

Beginning on page 8, line 19, strike through page 9, line 3, and insert the following:

(5) ERROR RATES.—

(A) IN GENERAL.—The error rate of the voting system in counting ballots (determined by taking into account only those errors which are attributable to the voting system and not attributable to an act of the voter) shall not exceed the error rate standards established under the voting systems standards issued and maintained by the Director of the Office of Election Administration of the Federal Election Commission (as revised by the Director of such Office under subsection (c)).

(B) RESIDUAL BALLOT PERFORMANCE BENCHMARK.—In addition to the error rate standards described in subparagraph (A), the Director of the Office of Election Administration of the Federal Election Commission shall issue and maintain a uniform benchmark for the residual ballot error rate that jurisdictions may not exceed. For purposes of the preceding sentence, the residual vote error rate shall be equal to the combination of overvotes, spoiled or uncountable votes, and undervotes cast in the contest at the top of the ballot, but excluding an estimate, based upon the best available research, of intentional undervotes. The Director shall base the benchmark issued and maintained under this subparagraph on evidence of good practice in representative jurisdictions.

(C) HISTORICALLY HIGH INTENTIONAL UNDERVOTES.—

(i) The Senate finds that there are certain distinct communities in certain geographic areas that have historically high rates of intentional undervoting in elections for Federal office, relative to the rest of the Nation.

(ii) In establishing the benchmark described in subparagraph (B), the Director of the Office of Election Administration of the Federal Election Commission shall—

(I) study and report to Congress on the occurrences of distinct communities that have significantly higher than average rates of historical intentional undervoting; and

(II) promulgate for local jurisdictions in which that distinct community has a substantial presence either a separate benchmark or an exclusion from the national benchmark, as appropriate.

SA 3109. Mr. MCCONNELL (for Mr. NICKLES) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

On page 18 between lines 7 and 8, insert:

(4) TECHNOLOGICAL SECURITY OF COMPUTERIZED LIST.—The appropriate State or local official shall provide adequate technological security measures to prevent the unauthorized access to the computerized list established under this section.

SA 3110. Mr. DODD (for Mr. LEVIN) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

On page 12, strike lines 9 through 19, and insert the following:

(3) An election official at the polling place shall transmit the ballot cast by the individual or voter information contained in the written affirmation executed by the individual under paragraph (2) to an appropriate State or local election official for prompt verification under paragraph (4).

(4) If the appropriate State or local election official to whom the ballot or voter information is transmitted under paragraph (3) determines that the individual is eligible under State law to vote in the jurisdiction, the individual's provisional ballot shall be counted as a vote in that election.

SA 3111. Mr. MCCONNELL (for Mr. GRASSLEY) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

On page 18, between lines 7 and 8, insert the following:

(4) INTERACTION WITH FEDERAL INFORMATION.—

(A) ACCESS TO FEDERAL INFORMATION.—

(i) IN GENERAL.—Notwithstanding any other provision of law, the Commissioner of Social Security shall provide, upon request from a State or locality maintaining a computerized centralized list implemented under paragraph (1), only such information as is necessary to determine the eligibility of an individual to vote in such State or locality under the law of the State. Any State or locality that receives information under this clause may only share such information with election officials.

(ii) PROCEDURE.—The information under clause (i) shall be provided in such place and such manner as the Commissioner determines appropriate to protect and prevent the misuse of information.

(B) APPLICABLE INFORMATION.—For purposes of this subsection, the term ''applicable information'' means information regarding whether—

(i) the name and social security number of an individual provided to the Commissioner match the information contained in the Commissioner's records; and

(ii) such individual is shown on the records of the Commissioner as being deceased.

(C) EXCEPTION.—Subparagraph (A) shall not apply to any request for a record of an individual if the Commissioner determines there are exceptional circumstances warranting an exception (such as safety of the individual or interference with an investigation).

SA 3122. Mr. MCCONNELL (for Mr. SMITH of New Hampshire) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant programs under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

At the appropriate place, add the following:

SEC. . BROADCASTING FALSE ELECTION INFORMATION.

In carrying out its duty under section 303(a)(1)(G), the Commission, within 6 months after its establishment shall provide a detailed report to the Congress on issues regarding the broadcasting or transmitting by cable of federal election results including broadcasting practices that may result in the broadcast of false information concerning the location or time of operation of a polling place.

SA 3113. Mr. MCCONNELL (for Mr. THOMAS) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

At the end, add the following:

SEC. . SENSE OF THE SENATE REGARDING CHANGES MADE TO THE ELECTORAL PROCESS AND HOW SUCH CHANGES IMPACT STATES.

It is the sense of the Senate that—

(1) the provisions of this Act, shall not prohibit States to use curbside voting as a last resort to satisfy the voter accessibility requirements under section 101(a)(3);

(2) the provisions of this Act permit States—

(A) to use Federal funds to purchase new voting machines; and

(B) to elect to retrofit existing voting machines in lieu of purchasing new machines to meet the voting machine accessibility requirements under section 101(a)(3);

(3) nothing in this Act requires States to replace existing voting machines;

(4) nothing under section 101(a) of this Act specifically requires States to install wheelchair ramps or pave parking lots at each polling location for the accessibility needs of individuals with disabilities; and

(5) the Election Administration Commission, the Attorney General, and the Architectural and Transportation Barriers Compliance Board should recognize the differences that exist between urban and rural areas with respect to the administration of Federal elections under this Act.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, April 10, 2002, at 9:30 a.m., to hear testimony on ''Issues in TANF Reauthorization: Requiring and Supporting Work.''

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

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS

Mr. BINGAMAN. 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 Museum and Library Services Act during the session of the Senate on Wednesday, April 10, 2002, at 10 a.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, April 10, 2002, at 2:30 p.m., to hold a closed hearing on intelligence matters.

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

SPECIAL COMMITTEE ON AGING

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on Wednesday, April 10, 2002, from 9:30 a.m.–12:00 p.m., in Dirksen 628 for the purpose of conducting a hearing.

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

SUBCOMMITTEE ON EMERGING THREATS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, April 10, 2002, at 9 a.m., in open session to receive testimony on technology for combating terrorism and weapons of mass destruction, in review of the Defense authorization request for fiscal year 2003.

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

SUBCOMMITTEE ON STRATEGIC

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Subcommittee Strategic of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, April 10, 2002, at 2:30 p.m., in open session to receive testimony on the Department of Energy's Environmental Management Program and the National Nuclear Security Administration's Defense Program and other weapons activities in review of the Defense authorization request for fiscal year 2003.

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

SUBCOMMITTEE ON SUPERFUND, TAXIES, RISK AND WASTE MANAGEMENT

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works, Subcommittee on Superfund, Toxics, Risk, and Waste Management be authorized to meet on Wednesday, April 10, 2002, at 10 a.m., to hold an oversight hearing on the Superfund program. The hearing will be held in SD–406.

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

PRIVILEGE OF THE FLOOR

Mr. DAYTON. Mr. President, I ask unanimous consent that my assistant, Erin McGuire, be granted the privilege of the floor during consideration of amendment No. 3097.

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

UNANIMOUS CONSENT AGREEMENT—S. 565

Mr. REID. Mr. President, with respect to S. 565, I ask unanimous consent that the vote sequence occur as previously ordered and that the Senate vote on or in relation to the amendments in order without further intervening action.

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

COMMENDING COURAGE AND PROFESSIONALISM FOLLOWING THE RELEASE OF ANTHRAX

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 342, S. Res. 187.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 187) commending the staffs of Members of Congress, the Capitol Police, the Office of the Attending Physician and his health care staff, and other members of the Capitol Hill community for their courage and professionalism during the days and weeks following the release of anthrax in Senator DASCHLE's office.

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on Governmental Affairs without amendment and with amendments to the preamble, as follows:

[Omit the part in black brackets and insert the part printed in italic.]

Whereas there are approximately 30,000 legislative branch employees who work on Capitol Hill including approximately 6,200 Senate employees, 11,500 House employees, and 12,800 staff from other entities;

Whereas the Capitol Complex consists of approximately 285 acres comprised of 3 Senate office buildings, 3 House office buildings, 2 House annex buildings, 3 Library of Congress buildings, and several other facilities;

Whereas on October 15, 2001, a letter containing anthrax spores was opened in Senator Daschle's office;

Whereas approximately 6,000 individuals were tested for exposure to anthrax and 28 of those individuals tested positive;

Whereas approximately 1000 individuals received a 60-day supply of antibiotics as a precautionary measure;

Whereas the House of Representatives closed the Rayburn and Cannon House Office Buildings for 7 days and the Longworth House Office building for 19 days;

[Whereas the Senate closed the Russell Senate Office Building for 6 days, the Dirksen Senate Office Building for 8 days, and the Hart Senate Office Building remains closed;]

Whereas the Senate closed the Russell Senate Office Building for 6 days, the Dirksen Senate Office Building for 8 days, and the Hart Senate Office Building for 96 days;

Whereas during the closure of the Senate and House Office Buildings, Members and staff were forced to find alternative office space or to work from their homes;

[Whereas Members and staff whose offices are located in the Hart Senate Office Building continue to utilize alternative office space, including office space donated by other Members;]

Whereas Members and staff whose offices are located in the Hart Senate Office Building utilized alternative office space, including office space donated by other Members;

Whereas Senate, House, and support staff continued and still continue to perform their duties and serve the public with courage and professionalism in spite of the threat of anthrax exposure;

Whereas Capitol Hill police officers have worked 12 hour shifts in response to the September 11, 2001, attacks and have been working additional overtime due to anthrax contamination in the Capitol Complex to ensure the safety of Members, staff, and visitors within the Capitol Complex; and

Whereas the release of anthrax in Senator Daschle's office, and the contamination of 2 Senate office buildings and 1 House office building, has further disrupted the daily routines of Congressional Members and their staffs and caused frustration due to dislocated offices: Now, therefore, be it

Resolved, That the Senate—

(1) commends the staffs of Members of Congress, the Capitol Police, the Office of the Attending Physician and his health care staff, and other members of the Capitol Hill community for their courage, professionalism, and dedication to serving the public in the aftermath of the September 11, 2001, attacks and the release of anthrax in Senator Daschle's office;

(2) recognizes the Congressional leadership, Congressional employees, the Capitol Police, and the Office of the Attending Physician and the health care professionals in his office, in particular, who by their quick actions and early intervention prevented actual cases of anthrax within the Capitol Complex; and

(3) requests that the President recognize the courage and professionalism of Congressional staff, the Capitol Police, and other members of the Capitol Hill community for their public service in continuing to do the public's business in defiance of terrorist attacks.

Mr. REID. Mr. President, it is late tonight, but I want to underline this resolution. The staff did tremendous work. I can remember the first morning after they found the letter containing anthrax. Everyone was very professional.

I also want to make sure everyone understands the great work that was done by the Secretary of the Senate and the Sergeant at Arms, Jeri Thomson and General Lenhardt, respectively. Their actions were exemplary. General Lenhardt had only briefly been working for the Senate. He was faced immediately with 9–11 and then this anthrax situation. His being a general has certainly paid us dividends. He really knew how to react under fire.

Mr. President, I ask unanimous consent that the resolution be agreed to; that the amendments to the preamble be agreed to; that the preamble, as amended, be agreed to; and that the motion to reconsider be laid upon the table without intervening action or debate.

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

The resolution (S. Res. 187) was agreed to.

The amendments to the preamble were agreed to.

The preamble, as amended, was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 187

Whereas there are approximately 30,000 legislative branch employees who work on Capitol Hill including approximately 6,200 Senate employees, 11,500 House employees, and 12,800 staff from other entities;

Whereas the Capitol Complex consists of approximately 285 acres comprised of 3 Senate office buildings, 3 House office buildings, 2 House annex buildings, 3 Library of Congress buildings, and several other facilities;

Whereas on October 15, 2001, a letter containing anthrax spores was opened in Senator Daschle's office;

Whereas approximately 6,000 individuals were tested for exposure to anthrax and 28 of those individuals tested positive;

Whereas approximately 1000 individuals received a 60-day supply of antibiotics as a precautionary measure;

Whereas the House of Representatives closed the Rayburn and Cannon House Office Buildings for 7 days and the Longworth House Office building for 19 days;

Whereas the Senate closed the Russell Senate Office Building for 6 days, the Dirksen Senate Office Building for 8 days, and the Hart Senate Office Building for 96 days;

Whereas during the closure of the Senate and House Office Buildings, Members and staff were forced to find alternative office space or to work from their homes;

Whereas Members and staff whose offices are located in the Hart Senate Office Building utilized alternative office space, including office space donated by other Members;

Whereas Senate, House, and support staff continued and still continue to perform their duties and serve the public with courage and professionalism in spite of the threat of anthrax exposure;

Whereas Capitol Hill police officers have worked 12 hour shifts in response to the September 11, 2001, attacks and have been working additional overtime due to anthrax contamination in the Capitol Complex to ensure the safety of Members, staff, and visitors within the Capitol Complex; and

Whereas the release of anthrax in Senator Daschle's office, and the contamination of 2 Senate office buildings and 1 House office building, has further disrupted the daily routines of Congressional Members and their staffs and caused frustration due to dislocated offices: Now, therefore, be it

Resolved, That the Senate—

(1) commends the staffs of Members of Congress, the Capitol Police, the Office of the Attending Physician and his health care staff, and other members of the Capitol Hill community for their courage, professionalism, and dedication to serving the public in the aftermath of the September 11, 2001, attacks and the release of anthrax in Senator Daschle's office;

(2) recognizes the Congressional leadership, Congressional employees, the Capitol Police, and the Office of the Attending Physician and the health care professionals in his office, in particular, who by their quick actions and early intervention prevented actual cases of anthrax within the Capitol Complex; and

(3) requests that the President recognize the courage and professionalism of Congressional staff, the Capitol Police, and other members of the Capitol Hill community for their public service in continuing to do the public's business in defiance of terrorist attacks.

ORDERS FOR THURSDAY, APRIL 11, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 o'clock tomorrow morning; that immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have 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; further, that at 11:30 a.m., the Senate resume consideration of S. 565, with 30 minutes of debate equally divided between Senators DODD and MCCONNELL, or their designees.

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

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. 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 8:24 p.m., adjourned until Thursday, April 11, 2002, at 10 a.m.