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