

program next year, I intend to work to fund additional bicycle paths and enhance existing paths as use of these paths increases over time.

#### THE FAILURE TO PASS AN ENERGY BILL

Mr. ROCKEFELLER. Mr. President, it is with a tremendous amount of frustration and disappointment that I come before the Senate to discuss the failure of efforts in the 107th Congress to craft an energy bill. I have been a long-time advocate of a comprehensive national policy that would address the national and economic security aspects of this country's growing demand for energy, as well as the importance of protecting our environment.

I was very proud of the work the Senate had done this year to produce this legislation. Under the leadership of Majority Leader TOM DASCHLE and Senate Energy and Natural Resources Chairman JEFF BINGAMAN, the Senate did what many in Washington thought impossible—we produced balanced and responsible energy legislation combining increased domestic production of conventional fuels, expanded use of alternative and renewable energy sources, and energy conservation and efficiency programs. Unfortunately, in our rush to complete work on a number of pending matters, many Senators chose to not proceed with Conference negotiations, acquiescing in what I would characterize as a strategy to scuttle this worthwhile bill.

Perhaps the thought was that a better bill—or at least one that better met a different set of priorities—could be crafted next year. Candidly, I doubt it. I believe the demise of the Energy bill this year is unfortunate for West Virginia, and for the entire nation. During a nearly year-long debate on the complex components of the energy bill, my position as a senior Majority member of the Senate Finance Committee allowed me to influence the legislation so that its end results would be good for consumers, workers, and industries in my state of West Virginia. I am concerned that a new set of circumstances confronting the 108th Congress will result in a bill that does not serve my state nearly as well.

While the need to grapple with energy issues will not go away, no matter what other factors are to be considered, Congress will be forced to act in a vastly changed budgetary climate. The growing deficit, additional proposed tax cuts, and the need to fund both a war on terrorism and a possible war with Iraq, will inhibit the ability of Congress to make any significant outlays to improve our energy situation.

The 2002 energy bill was a bipartisan effort. Perhaps most significantly for West Virginia, there was general agreement among Senate conferees that the final bill should include meaningful Clean Coal incentives. I worked very hard to see that the Senate-passed bill

included incentives for the installation of Clean Coal technologies on smaller existing coal-burning facilities, such as we have in West Virginia. The version passed by the House would have bypassed existing facilities altogether—putting thousands of West Virginia jobs at risk and jeopardizing the health of all West Virginians downwind of these plants. As a member of the House-Senate Conference Committee reconciling the two versions of the energy bill, I was able to ensure that the final legislation included incentives for existing facilities. If the energy bill is considered again in the 108th Congress, I will likely again be a conferee, but my ability to apply pressure to benefit the people and environment of our state will be lessened.

I also worked closely with a number of colleagues from both parties to see that the bill included incentives to capture coal mine methane, a deadly hazard in coal mines, and a potent greenhouse gas when vented to protect the lives of miners. I was proud to join with members from both sides of the aisle to extend credits for the production of oil and natural gas from non-conventional sources. Without this credit, the natural gas industry in the entire Appalachian Basin would likely cease to exist. Likewise, I was pleased to join in a bipartisan effort to promote the use of alternative fuels and alternative fuel vehicles. Similarly, I joined colleagues from across the political spectrum to further research and development and create tax incentives for the production of electricity from renewable sources, and to increase energy efficiency in homes, commercial buildings, and appliances.

In fact, what most frustrates me is that this product of so much bipartisan cooperation is dead because of what may have been a cynical calculation to reconsider later a few issues with which there will never be truly bipartisan agreement.

If the next Congress does revisit the issue of a national energy policy, I am certain that those in charge will put much-needed emphasis on domestic production. At the same time, I have serious doubts that the incoming congressional majorities will toil quite as hard to balance that priority with the equally necessary issue of protecting the environment. In the same vein, while I suspect that there will be new efforts to exploit the Arctic National Wildlife Refuge and on our other public lands, regardless of the minimal amounts of mineral resources that may be recoverable, I am not confident that a new bill's authors will show the same zeal to expand our domestic energy production from clean and abundant renewable resources.

This has been a hard fight, and while not perfect, the legislation we were so close to producing would have been the truly comprehensive and balanced energy policy that I have been calling for since I came to Congress eighteen years ago. Since then, I have continu-

ously urged my colleagues in the Congress, as well as both Republican and Democratic presidential administrations, to work together on a responsible energy policy for this country. The 107th Congress was prepared to deliver a balanced, comprehensive energy plan for the President's signature. Now, for a number of reasons the energy bill is dead, putting the American economy and the American environment at risk. I find this frustrating, short-sighted, and extremely unfortunate.

#### U.S. LEADERSHIP IN AEROSPACE—TODAY AND TOMORROW

Mr. AKAKA. Mr. President, I rise to discuss a core factor in America's leadership and strength in the new century: aerospace. The aerospace industry dominates the telecommunication and transportation world, while military aerospace expertise has defended the Nation and served as the eyes and ears of our forces overseas.

Congress established an Aerospace Commission last year to study the state of the American aerospace industry in the global economy and national security and to assess the importance of the domestic aerospace industry for the future security of the Nation. It is appropriate that the Aerospace Commission released its report on the future of the aerospace industry this Monday during the final debate on homeland security, an area only beginning to appreciate what aerospace can offer.

The Aerospace Commission reviewed the range of military, civil, and commercial aspects of aviation and space and studied the key components of the aerospace community—government, industry, labor, and academia. The Commission benefited from the broad range of expertise and experience among its Commissioners, including former Astronaut Buzz Aldrin, former Defense Under Secretary John Hamre, and Director of the Hayden Planetarium Dr. Neil Tyson.

The Commission offered several recommendations to correct the weakening of the aerospace sector. Each recommendation addressed a different critical factor that is showing signs of fatigue. I would like to discuss the Commission's recommendations relating to the aerospace workforce and education.

The aerospace industry, like many of our high-tech sectors, has a workforce crisis. According to the Commission report, our Nation has lost over 600,000 scientific and technical aerospace jobs in the past 13 years. These job losses, first due to reduced spending in defense, then due to acquisitions and mergers of aerospace companies, and later to foreign competition in the commercial aerospace market, represent a significant loss of skill and expertise. Many of the talented people

who remain are approaching retirement. How will industry and the Government restore the aerospace workforce and make aerospace a field that attracts new and qualified talent?

Unfortunately, even the Aerospace Commission could not arrive at any short-term solutions to this problem. The solution will only come from the Government's and the private sector's long-term attention and commitment. The Commission stressed that a long-term solution must begin with improved math and science education across the entire education range, from kindergarten to graduate school. Many of the Commission's recommendations in this regard mirror my own work on science and math education and the federal workforce. The Commission found that scholarship and internship programs to encourage more students to study and work in math, science, and engineering are vital if the aerospace community is to have a pool of scientifically and technologically trained applicants.

The Commission stressed that Congress needs to renew its focus on national aerospace needs and priorities. Indeed, some of the Commission's recommendations are unconventional and will require the Senate's attention and deliberation to determine if they are the best solution. The Commission's nine recommendations were:

Given the real and evolving challenges that confront our Nation, Government must commit to increased and sustained investment and must facilitate private investment in the national aerospace sector. The Commission recommends that the United States pioneer new frontiers in aerospace technology, commerce, and exploration.

The Commission concludes that superior mobility afforded by air transportation is a huge national asset and competitive advantage for the United States. The Commission recommends transforming the U.S. air transportation system as a national priority. Specifically, the Commission recommends rapid deployment of a new, highly automated air traffic management system that is robust enough to efficiently, safely, and securely accommodate an evolving variety and growing number of aerospace vehicles and civil and military operations.

The Commission concludes that the Nation will have to be a space-faring nation in order to be the global leader in the 21st century and that America must exploit and explore space to assure national security, economic benefit, and scientific discovery. The Commission recommends that the United States create a space imperative and a partnership between NASA, DOD, and industry to develop aerospace technologies, especially in the areas of propulsion and power.

The Commission concludes that aerospace capabilities and the supporting defense industrial base are fundamental to U.S. economic and national security. The Commission recommends that the Nation adopt a policy that invigorates and sustains the aerospace industrial base. Specifically, the Commission recommends new procurement policies to include prototyping and spiral development to allow the continuous exercise of design and production skills; removing barriers to defense procurement of commercial products and services; and stable funding for core capabilities.

The Commission concludes that the Government needs to create an environment

that fosters innovation in the U.S. aerospace industry. The Commission recommends that the Federal Government establish a national aerospace policy and promote aerospace by creating a Government-wide management structure. This would include a White House policy coordinating council, and aerospace management office in OMB, and a joint committee in Congress.

The Commission concludes that U.S. aerospace companies must have access to global consumers, suppliers, and partners in order to achieve economies of scale in production needed to integrate that technology into their products and services. The Commission recommends that U.S. and multilateral regulations and policies be reformed to enable the movement of products and capital across international borders on a fully competitive basis, and establish a level playing field for U.S. industry in the global market place. This would include substantial overhaul of U.S. export control regulation and efforts by the U.S. Government to neutralize foreign government market intervention in areas such as subsidies, tax policy, export financing and standards.

The Commission recommends a new business model for the aerospace sector, designed to promote a healthy and growing U.S. aerospace industry. This model is driven by increased and sustained Government investment and the adoption of innovative Government and industry policies that stimulate the flow of capital into new and established public and private companies.

The Commission recommends the Nation immediately reverse the decline in, and promote the growth of, a scientifically and technologically trained U.S. aerospace workforce. This would include efforts by the administration and Congress to create an interagency task force that develops a national strategy on the aerospace workforce to attract public attention to the importance and opportunities within the aerospace industry; establish lifelong learning as key elements of education reform; and make long-term investment in education and training with major emphasis in math and science.

The Commission concludes that Government policies must be proactive and sustain public investments in long-term research and RDT&E infrastructure to get new breakthroughs in aerospace capabilities. The Commission recommends that the Federal Government significantly increase its investment in basic aerospace research, which enhances U.S. national security, enables breakthrough capabilities, and fosters an efficient, secure, and safe aerospace transportation system.

I was one of the first members of the House Space Caucus and understand the importance aerospace plays in our economy, security, and education. The Governmental Affairs Subcommittee on International Security, Proliferation, and Federal Services, which I chair, released a report last year detailing how Federal civilian agencies use data collected by satellites and planes to carry out their missions. My own State of Hawaii is at the forefront of using aerospace technology and research to help Hawaii's fragile ecosystem and agriculture.

I hope that my colleagues will take note of the information and recommendations in the Aerospace Commission report so that we can work together to sustain and strengthen our aerospace community. To quote the report, "It is imperative that the U.S.

aerospace industry remains healthy to preserve the balance of our leadership today and ensure our continued leadership tomorrow."

#### INDIAN PROBATE REFORM ACT OF 2002

Mr. INOUE. Mr. President, I ask unanimous consent that the Congressional Budget Office letter to accompany S. 1340, which was reported out today and a letter from the Department of the Interior, be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

CONGRESSIONAL BUDGET OFFICE,

U.S. CONGRESS,

Washington, DC, November 4, 2002.

Hon. DANIEL K. INOUE,  
Chairman, Committee on Indian Affairs, U.S. Senate, Washington, DC.,

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1340, the Indian Probate Reform Act of 2002.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Lanette J. Walker (for federal costs), who can be reached at 226-2860, and Cecil McPherson (for the impact on the private sector), who can be reached at 226-2940.

Sincerely,

BARRY B. ANDERSON

(For Dan L. Crippen, Director).

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE  
S. 1340—*Indian Probate Reform Act of 2002*

S. 1340 would amend laws that govern how an individual's interest in Indian allotments (certain parcels of land that are owned by individuals or groups of individuals) is transferred upon the death of the owner. Based on information for the Bureau of Indian Affairs (BIA), CBO estimates that implementing S. 1340 would cost about \$1 million in fiscal year 2003, assuming the availability of appropriated funds, to train BIA estate planning assistants and to notify individual allotment interest owners and Indian tribes of the changes in this law. CBO estimates that enacting S. 1340 would not affect direct spending or revenues.

S. 1340 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

S. 1340 would impose new private-sector mandates, but CBO estimates that the total direct costs of those mandates would not exceed the annual threshold established in UMRA (\$115 million in 2002, adjusted annually for inflation) for any of the first five years that the mandates are in effect.

By placing new eligibility and distribution requirements on the inheritance of interests in Indian trust and restricted lands, S. 1340 would impose new private-sector mandates on those persons who might otherwise inherit such interests under current law. The loss of inheritance (or a portion of an inheritance) would impose direct costs on people who would otherwise receive an interest in such property. CBO expects that the mandates would affect only a limited number of such people in the near term. At the earliest, mandates in the bill would take effect only upon the death of an owner of land interests. Further, the mandates would only apply to interest in trust or restricted land of someone who died without a will. Although requirements in the bill would affect some