NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 2001

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

The legislative clerk read as follows:

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

Pending:

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

McCain amendment No. 2979 (to amendment No. 2917), to provide for enhanced safety, public awareness, and environmental protection in pipeline transportation.

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

Bingaman/Domenici amendment No. 2990 (to amendment No. 2917) to promote collaboration between the United States and Mexico on research related to energy technologies.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

AMENDMENT NO. 2979, AS AMENDED, TO AMENDMENT NO. 2917, AS FURTHER MODIFIED

Mr. REID. Madam President, I ask unanimous consent that the 2 minutes for debate be yielded back.

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Louisiana (Mr. BREAUX), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Maryland (Ms. MIKULSKI), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

Mr. NICKLES. I announce that the Senator from Wyoming (Mr. ENZI) is necessarily absent.

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

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 45 Leg.]

YEAS—94

Akaka	Cleland	Fitzgerald
Allard	Clinton	Frist
Allen	Cochran	Graham
Baucus	Collins	Gramm
Bayh	Conrad	Grassley
Bennett	Corzine	Gregg
Biden	Craig	Hagel
Bingaman	Crapo	Harkin
Bond	Daschle	Hatch
Boxer	Dayton	Helms
Brownback	DeWine	Hollings
Bunning	Dodd	Hutchinson
Burns	Domenici	Hutchison
Byrd	Dorgan	Inhofe
Campbell	Durbin	Jeffords
Cantwell	Edwards	Johnson
Carnahan	Ensign	Kerry
Carper	Feingold	Kohl
Chafee	Feinstein	Kyl
Landrieu	Nickles	Specter
Leahy	Reed	Stabenow
Levin	Reid	Stevens
Lieberman	Roberts	Thomas
Lincoln	Rockefeller	Thompson
Lott	Santorum	Thurmond
Lugar	Sarbanes	Torricelli
McCain	Schumer	Voinovich
McConnell	Sessions	Warner
Murkowski	Shelby	Wellstone
Murray	Smith (NH)	Wyden
Nelson (FL)	Smith (OR)	
Nelson (NE)	Snowe	

NOT VOTING—6

Breaux	Inouye	Mikulski
Enzi	Kennedy	Miller

The amendment was agreed to.

Mr. CORZINE. Madam President, I rise today in support of the amendment offered by my distinguished colleagues, Senators MCCAIN and HOLLINGS, to improve pipeline safety. This amendment would add to this legislation the text of S. 235, the Pipeline Safety Improvement Act of 2001, which previously was approved by the Senate.

As Congress debates the direction of our Nation's energy policy, we need to consider the safety of the infrastructure that transmits much of that energy. S. 235 is important legislation that would help to secure the safety and integrity of our Nation's 2.2 million mile-long hazardous liquid and natural gas pipeline system. And I want to thank Senators MCCAIN, HOLLINGS, and MURRAY for the hard work that culminated in this bill.

When S. 235 was considered on the Senate floor early last year, Senator TORRICELLI and I offered four amendments that we felt addressed important issues related to pipeline safety. We agreed with the sponsors of the bill that the most important of these amendments, related to the integrity of pipelines and their frequency of inspection, should be added to the bill. The bill then passed the Senate unanimously, 98–0. Unfortunately that bill remains stuck in the House, which so far has refused to act on the legislation.

The issue of pipeline integrity remains an important issue that must be addressed. I have a special interest in this matter because my own State of New Jersey was the site of a major pipeline explosion. On March 24, 1994, a natural gas pipeline exploded in Edison, NJ, at 12 midnight. Families living in the nearby Durham Woods apartment complex awoke to a deafening roar. They ran out of their homes to see a wall of flame hundreds of feet in the air. These flames were so high that they were seen in both New York City and Pennsylvania.

Miraculously, only one person died that night. However scores of people suffered injuries due either to burns or smoke inhalation. Many more lost their homes and all their possessions. And the explosion itself left a crater that was 60-feet deep.

This explosion was caused by a natural gas pipeline that was buried in the earth. There were no reports of digging in the area, nor were there reports of any other disturbances that could have set off this explosion. It was simply the corrosion that occurred in the pipeline as a result of natural conditions that allowed natural gas to leak, the gas to then ignite and an explosion to happen.

As harrowing as this tragedy was—it was not the only one. There have been natural gas pipeline explosions in other States, including New Mexico, which have been severe enough to cause loss of life. In New Mexico, 12 members of a family were incinerated when the natural gas pipeline they were camped next to exploded in August of 2000.

From 1986 to 2000, there have been 366 fatalities due to pipeline accidents around our Nation. Three hundred and forty of these were due to natural gas pipeline accidents.

This concerns me because there is currently no requirement for the regular inspection of natural gas pipelines in this country. The Office of Pipeline Safety already requires hazardous liquid pipelines to be inspected on a regular basis. But it has not yet promulgated a rule regarding natural gas pipelines. And we have waited long enough.

That is why I sponsored language requiring a 5-year inspection period for all pipelines, liquid and natural gas. It was this language which was added to the version of S. 235 that is included in this amendment. And it is this language, along with the rest of S. 235, that I hope we will include in the energy bill to move this matter forward and help ensure that this legislation gets to the President's desk and becomes law.

PRICE-ANDERSON ACT

Mr. KERRY. Madam President, I would like to make a brief statement about the Price-Anderson Act and our vote yesterday. The Price-Anderson Act, which was first enacted in 1957, limits the nuclear industry's liability in the case of an accident. Under current law, that limitation applies to all existing nuclear powerplants and would have continued to apply to all existing nuclear powerplants had the Senate not acted. The amendment the Senate passed yesterday extended the Price-Anderson Act's liability limitation to new nuclear powerplants. As I have said before, I support Price-Anderson for our existing fleet of reactors, and I support extending the life of those plants. However, I do question whether or not we need to extend this liability to new plants. I know that we are making progress in developing new, more economic and safer plants, such as the pebble bed reactors. Nevertheless, the jury is out. We don't know if these plants will be economical. We don't know whether they will need or should receive liability caps. We don't know what that liability cap should be. And we still have not solved the fundamental question of what we will do with nuclear waste. I believe we should answer that question before we build new plants and not simply leave that problem to future generations.

Mr. REID. The Senator from Idaho is here to offer an amendment on the bill.

We thought previously it would be something we could do in about 5 minutes. I don't think we can do that, although we may be able to do it quickly on Monday or Tuesday.

I ask the Senator to be his usual gracious self and not offer the amendment today until we have a chance to look at it.

Mr. CRAIG. Madam President, the Senator from Nevada chairs the appropriating subcommittee on this issue. It is an authorization. I certainly want him to understand it. I will step back. I would like to move it as quickly as possible. Monday or Tuesday of next week would be fine.

MORNING BUSINESS

Mr. REID. I ask unanimous consent that the Senate proceed to a period of morning business, with Senators allowed to speak for a period not to exceed 10 minutes.

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

The Senator from Connecticut.

THE STIMULUS PACKAGE

Mr. DODD. Madam President, I will not take more than 10 minutes. I see my colleague from New Hampshire here as well. I voted against the so-called stimulus package a few moments ago. I didn't have a chance before the vote occurred to explain why I was going to cast that ballot, voting no.

Obviously, there are provisions that I strongly endorse and support, including: The extension of unemployment benefits; teacher expenses which is an item we argued about a number of years ago that I thought would be very worthwhile; and the New York recovery package—certainly I would like to see us do what we can to help New York City as a result of what happened September 11.

If those were the only issues, this would have been an easy vote. They were not the only issues. In fact, they were minor issues by comparison to what else was included in this package. Based on whatever estimates you want to rely on, at least over the next 10 years, there are $42 billion in revenue losses to the Federal Treasury.

Yesterday, the Presiding Officer, I, and others who sit on the Senate Banking Committee had the pleasure of listening to the Chairman of the Federal Reserve Board say their analysis at the Federal Reserve was that we are on our way out of this recession. The worrisome figures that indicated this recession could be deeper or be a double-dip recession apparently will not bear out. The country is getting stronger, the economy is getting much stronger.

While there may have been a strong case for this bill that just went through by 85–9—it is becoming the law of the land—and a strong case could have been made for it 2 or 3 years ago or even a number of months ago, but I do not think the case could be made for it today. Using the most conservative number, the $42 billion, that is $42 billion more to the deficits with which we are grappling, which according to the CBO, may be $120 billion in this coming fiscal year. The administration had initially said $80 billion. We are now told that over 10 years it is $1.8 trillion.

Well, $42 billion in a $1.8 trillion deficit may not sound like much, but it is when we are trying to see if we can do more, for instance, with the Securities and Exchange Commission, where we need maybe $100 million to $200 million to beef up enforcement and accounting divisions to deal with an Enron-type situation. It is a lot when we know, as a result of increasing the workload of working mothers, we need additional funding for child care, that we ought to do more on the child abuse treatment and prevention programs—to mention a couple. In transportation, we have an $8.6 billion shortfall. I don't know a section of the country that will not be hurt by that budget decision.

Yet we just took $42 billion off the table this morning by a 85–9 vote. State budget shortfalls will total more than $42 billion for the current fiscal year. A few months ago, we had a stimulus proposal on the table that would have included State assistance. The previous House version of this bill contained capped assistance for State Medicaid Programs and also provided dollars back to the States as a result of the revenue losses on the bonus depreciation. My State just lost $240 million this morning. New York lost more than $2 billion.

So on one hand we are giving money for relief and providing assistance on the September 11 tragedy, yet we will take $2 billion away from the State of New York. And again, in my state, this bill is taking $240 million! The Governor and others are wrestling with how to provide needed resources to our area.

I mentioned the $8.6 billion deficit reduction in the administration's budget for transportation. That is a huge issue in my State, as I know it is in the State of the Presiding Officer and others. Listen to what we have done and the analysis of this. The most expensive component of this bill that we just passed is the 3-year bonus depreciation provision that will costs close to $97 billion during the next three years, according to the Joint Committee on Taxation. The Congressional Budget Office, CBO, a nonpartisan budget office, concluded that allowing depreciation bonus for 3 years rather than 1 year—which is what we should have done—would sharply reduce the effectiveness of this proposal as an economic stimulus. These are their words. With a 3-year provision, firms can delay investment until well after the economy has recovered. This provision will worsen the financial situation in States which are facing cumulative budget deficits of more than $42 billion.

Unlike the last two stimulus bills the House passed and the stimulus bill the Senate Finance Committee approved last fall, this bill we adopted includes no fiscal assistance whatsoever to States to offset the State revenue offices that the depreciation provision would cost.

As I said, this bill might have been fine 5 months ago, but today it is a mistake. The provision calls for 3 years at 30 percent, but the 3-year period begins on September 11. So all investments since September 11 will qualify; new investments have to be made by September 10, 2004, long after the recession is over. This is overreaching and it goes too far. We have to learn to have a sense of balance about these things when we take these steps. In 2002, the bonus depreciation provision will cost $35 billion. This is unfortunate when I know there are many great demands. How do you not have interest rates go up if the deficit continues to mount?

On the net operating loss, I am sympathetic to some of the issues, but this provision allows a carryback to 1996—1996, as a stimulus package? It is overreaching, way overreaching.

There is a lot we did not include: There are no health care tax provisions. No rebates—the bill drops the $14 billion included earlier. No small business expensing. No general increase in small business expensing. And no State assistance.

I know there are provisions that Members did not want to be seen voting against, such as extension of unemployment benefits. I know we wanted to help out in the case of September 11 and what happened in New York. But typically what happens is we list all of these things as if they were of equal wait in the budget. They are not.

We just voted for a huge addition to the fiscal deficit of this country at a time when we are struggling to find payments for transportation, health care, child care, and education. We have a 2-percent reduction in the elementary and secondary education accounts, and the President's budget. We may change it. We just passed a bill with additional reforms for which we are going to have to pay.

This stimulus bill results in a tax increase for people at the local level. Local communities are going to raise taxes. States are going to have to raise taxes. We just made, I think, a mistake by voting for this so-called stimulus package.

Those are the reasons I cast a ''no'' vote this morning on that proposal.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

JUDICIAL NOMINATIONS

Mr. SPECTER. Madam President, I have sought recognition to comment briefly on the pending nomination of Judge Charles Pickering for the circuit court of appeals, which was heard by the Judiciary Committee yesterday, with the vote postponed until next week.

I support Judge Pickering because I think Judge Pickering, in the year