

SENATE—Thursday, October 18, 2001

The Senate met at 10 a.m. and was called to order by the Honorable EVAN BAYH, a Senator from the State of Indiana.

PRAYER

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

He who dwells in the secret place of the Most High shall abide under the shadow of the Almighty. I will say of the Lord, "He is my refuge and my fortress; my God, in Him I will trust."—Psalm 91:1-2.

Let us pray: Almighty God, we praise You for the wonderful way You have answered our prayers for this great Senate family. Today we end this workweek with heads held high with confidence, faces radiant with resoluteness, hearts filled with courage, and wills fired with galvanized determination. With Your help we will calmly finish our work today and, as usual, look forward to the rest and rejuvenation of the weekend. You have cared for this Senate through dynamic leaders. Thank You for TOM DASCHLE and his strong inspiration for his own staff and the Senate as a whole. We began this week praying for his staff; we end the week with admiration for their patriotism under frightening circumstances. We praise You for the friendship and mutual esteem of TOM DASCHLE and TRENT LOTT as they affirm our oneness and work for unity. And under the immense pressure of the nights and days of this week, we have witnessed the relentless commitment of people like Senate Officers Jeri Thomson and Al Lenhardt, Capitol Physician John Eisold and his team, and our friend and counselor, Senator/Doctor BILL FRIST.

Lord, those who tried to create panic with anthrax letters and threatening phone calls have failed. We are stronger than ever and more determined to press on in the battle against terrorism here and throughout the world. Thank You in advance for victory. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable EVAN BAYH led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 18, 2001.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE ACTING MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, as has been ordered, this morning the Senate will be in a period of morning business until 10:30 a.m. At 10:30, the Senate will begin consideration of the conference report to accompany the Military Construction Appropriations Act. There will be 30 minutes of debate equally divided between Senators HUTCHISON of Texas and Senator FEINSTEIN. The vote on adoption of the conference report will occur at 11 a.m.

I have been asked by the majority leader to announce this will be the last rollcall vote of the day.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I wonder if the Senator will yield for a question.

Mr. REID. I would be happy to yield.

Mr. THOMAS. I am sorry, I did not understand. What is the proposal in terms of being in session, despite the fact there is just one vote?

Mr. REID. There is a lot of activity expected. There are a number of pieces of legislation that need to be introduced. I have several. I have spoken to people on the Republican side throughout the week, and I know they have wanted time to introduce legislation. So I expect there will be activity in this Senate Chamber throughout the afternoon.

Mr. THOMAS. I thank the Senator very much.

Mr. REID. I say to the Senator from Wyoming, the Democrats have an important meeting we are going to have from 12:30 until 2 o'clock. So during part or all of that time, we will ask to be in recess.

Mr. THOMAS. Until 2 o'clock?

Mr. REID. From 12:30 to 2 o'clock.

Mr. THOMAS. Then at 2 o'clock we would go into morning business for as long as people want to speak?

Mr. REID. Yes.

Mr. THOMAS. I thank the Senator.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Minnesota.

(The remarks of Mr. WELLSTONE pertaining to the submission of S. Res. 172 are printed in today's RECORD under "Statements on Submitted Resolutions.")

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. THOMAS. Mr. President, what is the allocation of time between now and 10:30?

The ACTING PRESIDENT pro tempore. Senators may speak for up to 10 minutes each.

Mr. THOMAS. It is not allocated between the two sides?

The ACTING PRESIDENT pro tempore. No.

Mr. THOMAS. I yield 10 minutes to the Senator from Idaho.

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

ENERGY

Mr. CRAIG. Mr. President, I again rise to focus the Senate on an issue that is without question a high priority one for the Congress and for the American people and one I hope we can deal with before we recess or adjourn this first session of the 107th Congress. I am talking about the critical need for a national energy policy.

For over a decade, we have wandered in the energy world without a policy that truly directed our resources and our public policy toward assuring that our Nation was self-reliant on its primary energy sources. Over that time, we have grown increasingly dependent upon foreign sources for those primary resources.

As a result, if what is now going on in the Middle East were to erupt in a

broader shooting war, it is possible we could see a curtailment of supplies out of those oil-rich countries that could not only create a critical crisis here but would drive up fuel prices at the pump dramatically. It is not happening right now. It is not happening largely because of a flat economy, less use, and because the OPEC nations recognize that the world economy is soft at this moment and have chosen not to turn the spigots on their oil wells down; therefore, driving up the price.

It is temporary, and we all know that it is temporary. Over a year and a half ago, they made it very public that it was their intent to drive the world price of crude oil up to \$28 to \$30 a barrel and to try to sustain that price. It is now below that.

It is obvious to me and to all of us who watch this issue that they are intentionally holding the price down because of the world economy and their fear of its softening.

That is one side of the issue. The other side of the issue for us is a quick examination of our infrastructure and the systems of our infrastructure and the failure of that to deliver the kind of energy our growing economy and our growing Nation needs. We saw that for almost a year in California with rolling blackouts that truly crippled the economy of that great State, largely because they had chosen the wrong policy as it related to continuing to develop energy sources and to upgrade the infrastructure that served the public.

As a result of all of that, we had a new President come to town not quite a year ago and say that without question one of the most critical needs of this Nation is a national energy policy. He established that as a very high priority.

Well, while he was doing that, we in the Senate, and our colleagues on the other side of the rotunda in the House, were busily working at the crafting of such a policy. We have spent countless hours and over 3 years in the Senate, with literally 100 or more very detailed investigative kinds of committee gatherings for the purpose of trying to determine how that policy ought to look, how we ought to shape it, and how we ought to present it to the American people.

All of that work has been done. In fact, the House worked rather quickly. They sensed the urgency, as we did, and before the August recess they had produced their version of a national energy policy. It appeared to me—and I think to all of us—that by late fall we would have a similar bill and we would be voting on it on the floor of the Senate because the Energy Committee, under the guidance of Chairman BINGAMAN, was working its will, starting a markup. Our attempt was going to be considerably more extensive than that of the House. But that work was well underway.

Then comes September 11. We are refocused for a moment, as you know, and for all the right reasons. But this Senate is not a single-action Senate. There are 100 Senators, and there are multiples of committees and lots of chairmen, and there are hundreds of staff people. Clearly, the Energy Committee of the Senate should have been, and could have been, continuing its work toward the production of a bill to come to the floor of the Senate.

Then, in a rather unprecedented move, over a week and a half ago, the majority leader of the Senate basically told the chairman of the Energy Committee to cease and desist. No longer was he to mark up a bill and get it to the floor. Why? The argument was that it was politically too divisive. Too divisive to talk about a national energy policy, to tell the citizens that this Senate was going to work with the President to develop a policy to move us toward energy self-sufficiency, that is divisive? I don't think so. I think that is leadership. I think that is what our country calls out for at this moment, and people certainly are getting it in most instances.

But in the area of national energy policy, the leader of the Senate is not leading at this moment. Now he says he has instructed the chairman of the Energy Committee to craft a bill that they will build up through the office of the majority leader and it will come to the floor, or it could come to the floor, or it is possible to have a vote on it prior to a recess or adjournment of the first session.

Well, that is not good enough. I don't believe so. I believe a strong majority of the Senate agrees with me that it is time we dealt with a national energy policy and let the chips fall where they may, let the votes fall where they may. As a result of that, FRANK MURKOWSKI, our ranking member of the committee, I, having served on the committee for a good number of years, and a lot of other folks are engaged in trying to craft an energy bill. It won't be as broad or expansive as it might have been had we had the will to work the committee and had the committee not been instructed to stand down and desist, but we will introduce that bill. We believe that can be done on Monday.

We are working with the administration. Now we are asking in a very straightforward way, and I think an honest and responsible way, for the majority leader of the Senate to give us time to bring his bill to the floor; let us bring our bill to the floor and let us work out our differences. Everyone knows the issues at hand and all of us have a pretty good idea of what a national energy policy ought to look like. Then we can work with the House. Prior to adjournment, or following adjournment, we can rest assured that a national energy policy bill will be on the desk of the President of the United

States, so that if there is a dramatic energy shock in the future, we will have done the right thing. We will have prepared the country, directed our resources, directed the infrastructure of this country toward the development of a greater sense of self-reliance because my guess is that if we fail and gas lines mount in a time of crisis, this Senate will be scrambling to make up politically what they are now trying to dodge.

It is not a time for politics. We have worked very cooperatively together on a lot of issues since September 11. Energy should not be one issue that is politicized. But by the very action of the majority leader himself, he is on the verge of risking that possibly happening. So I ask him to honor his commitment that he made publicly—and I have no reason to believe he would not—to get an energy bill to the floor, allow us to get ours to the floor, allow us to offer amendments, and let the Senate work its will. Two or three days of debate, don't we have time to do that when we are standing idle, waiting for decisions to be made, waiting for judicial nominees to come to the floor, and waiting for appropriations bills to come to the floor?

Remember, there are 100 Senators. There are numerous chairmen. This Senate can work in multiples of ways beyond just a single issue and a single action. I think it is time that we as Senators insist that the leadership of the Senate allow us to bring what I believe is one of the top issues in America today, a national energy policy, to the floor so that the American people will know we did the right thing in trying to protect them and their future and the economy of this country from any major shock, should we ever get into a situation in the Middle East, or in those primary production areas on which we are now so reliant, which are well beyond our border and well out of our control.

With those comments, I yield the floor.

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

CONTINUING THE WORK OF THE SENATE

Mr. LEAHY. Mr. President, I commend Senator DASCHLE for having us in session today. I think he has done the right thing. A great deal of work will get done that needs to be done and can be done quickly. Frankly, I believe we should be here. I hope we will very soon have these galleries open to all tourists. I hope very soon we can have the Capitol Building open to all tourists. I was in my office on Saturday. I came through this building and it was empty. I asked one of the guards why tourists are blocked out.

I remember as a teenager coming to Washington for the first time with my