

SENATE—Wednesday, October 31, 2001

The Senate met at 10 a.m. and was called to order by the Honorable TIM JOHNSON, a Senator from the State of South Dakota.

PRAYER

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

Almighty God, a day of responsibilities stretches out before us. As we face them, we thank You for Winston Churchill's reminder that the price of greatness is responsibility. Father, You have entrusted the Senators with heavy responsibilities. Thank You that You will not ask more from them than You will give them the strength to carry. Help them to draw on Your artesian wells of wisdom, insight, discernment, and vision. Be with them in the lonely hours of decisionmaking, of conflict over issues, and the ruthless demands of overloaded schedules. Tenderly whisper in their souls the reassurance, "I have placed you here and will not leave you, nor forsake you." In Your grace, be with their families. Watch over them and reassure the Senators that You care for the loved ones of those who assume heavy responsibilities for You. May responsibility come to mean "responsibility," a response of trust in You to carry out what You have entrusted to them. In the name of Him who lifts burdens and carries the load. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TIM JOHNSON 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 31, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TIM JOHNSON, a Senator from the State of South Dakota, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. JOHNSON 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.

EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, there is going to be a period of morning business today. I ask unanimous consent that the time extend past the hour of 10:30 so that Senator STEVENS may have his full 20 minutes and the Democratic designee may have 10 minutes.

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

SCHEDULE

Mr. REID. Mr. President, at approximately 10:35, we will begin again consideration of the Labor-HHS appropriations act. We hope there will be a lot of work on this bill today. We have a finite list of amendments. I have spoken to both managers of the bill and they have indicated that even though there is a finite list of amendments, they are not going to wait around forever for people to offer amendments. Both Senators HARKIN and SPECTER have said that if people don't come and offer amendments, they are going to move to third reading. There will be no one to protect those people who are waiting. Unless there is some type of a problem a Member has coming to offer an amendment, I ask that they do so at the earliest possible time.

We have other things to do. We completed the energy and water conference report last night. I just spoke to the former chairman and ranking member of the Appropriations Committee, Senator STEVENS. With a little bit of luck, we can do three or four more conference reports and send them to the President this week. That would really be good news. He has two.

UNANIMOUS CONSENT AGREEMENT—H.R. 3061

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding the agreement entered with respect to H.R. 3061, the following filed amendments be in order: Senator CHAFEE, No. 2018; and Senator ROCKEFELLER, No. 2028.

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

Mr. REID. Mr. President, these amendments were filed at the appro-

priate time, but they just simply were missed in the list that was submitted to the clerk.

Mr. STEVENS. Will the Senator yield?

Mr. REID. I will.

Mr. STEVENS. Is it still the understanding that there would be an amendment first on the majority side and then back and forth?

Mr. REID. We will be happy to rotate back and forth. In fact, there are more amendments on the Republican side so they will have more offerors than we. But until we run out of amendments over here, we will go back and forth.

Mr. STEVENS. 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 for not to extend beyond the hour of 10:30 a.m. with Senators permitted to speak therein for up to 5 minutes each.

Under the previous order, the Senator from Alaska is recognized to speak for up to 20 minutes.

NATIONAL SECURITY

Mr. STEVENS. Mr. President, I have come to floor this morning to talk about the priority of national security issues. Since the terrorist attacks of September 11, debate in the country has changed. We now focus on issues we used to take for granted. We must look at those issues from the perspective of national security.

Senator FRED THOMPSON has repeatedly called for a review of our export control laws for dual-use technologies. In the past year, as chairman and now as ranking member of the Senate Government Affairs Committee, Senator THOMPSON has repeatedly called for increasing our defenses against cyberterrorism. He has also sought to halt proliferation of nuclear weapons. For all of these issues, export controls, cyberterrorism and nuclear proliferation, he has cited national security concerns—real national security issues. He is right. They are national security issues.

The week before the September 11 attacks, the Senate Foreign Relations Committee heard testimony about terrorism. At that hearing, the committee

heard from former Senator Sam Nunn and the ex-CIA Director James Woolsey. They described in detail the threats of biological and chemical weapons as tools of terrorists. They described the need for more vaccines, stockpiles of drugs and antibiotics, and the new technologies for delivering these medicines. Senator Nunn stated it best when he said: "Public health has become a national security issue."

Sam was right.

The Senate Commerce, Science, and Transportation Committee held a hearing to discuss the FAA's response during and after the terrorist attacks. At that hearing, Chairman HOLLINGS properly noted: "Airport and aircraft security are national security issues." He, too, was right.

The Bismarck Tribune in North Dakota reported on September 20 that Robert Carlson, president of the North Dakota Farmers, said food security is an issue that should "become important in the mind of Congress." As head of a farm group from a farm State, this position is understandable. And Senator DORGAN repeated that position here: food security is a national security issue.

On October 11, Representative HENRY WAXMAN called for the regulation of sniper rifles under the National Firearms Act. In his statement, he cited a national security need for such legislation. He was right. Self-defense is a national security issue.

On October 11, Newsday reported that several television networks had discussed screening video footage of Osama bin Laden before airing that footage publicly. Such screening is necessary—it is a national security issue.

In July, the Senate Appropriations, Intelligence, and Armed Services Committees held hearings on terrorism. On October 12, the House Committee on Government Reform held a hearing to assess the threat of bioterrorism in America. Clearly, these are all national security issues.

Just a few days ago, the junior Senator from Washington, Ms. CANTWELL, said the northern border is a national security issue because it controls the flow of people and goods between our country and Canada. Representative MARGE ROUKEMA voiced similar concerns about the northern border and the need to triple the number of border agents patrolling the area. These are national security issues.

Congress is considering a seaport security bill, an economic stimulus package with infrastructure security measures, increased funding for the intelligence communities, and better preparedness within the health community. All of these specific items have been tied to national security.

But none of these national security issues faces the threat of a filibuster. To filibuster any of these actions that involve national security would be

wrong for the country. Amazingly, some Members of this body have now threatened to filibuster specific portions of the comprehensive energy bill.

Tuesday's Baton Rouge Advocate reported the President may direct an additional 70 million barrels of oil be put into the National Strategic Petroleum Reserve. The President realizes that energy is a national security issue.

My colleague, Senator MURKOWSKI of Alaska, the ranking member on the Energy and Natural Resources Committee, has been calling for a comprehensive energy package for over 2 years. He has been joined by Senators BREAUX, LANDRIEU, THOMAS, CRAIG, and others. Most recently, Senator INHOFE took to the floor to make the point that energy should be at the top of the list of national security issues. I agree with my colleagues and countless others who have called energy a national security issue.

Yesterday, several veterans groups called on the Senate to consider an energy bill. In early October, the Printing Industries of America called for an energy plan in response to last year's domestic energy shortages and high fuel costs. Charles Jarvis, chairman and CEO of the United Seniors Association, called on the Senate to consider legislation that would lower our dependence on foreign oil. His members do not want to be held hostage by countries that do not share our interests.

If any issue should be debated along with an economic stimulus package, health preparedness, and airline security, it must be energy. Planes cannot fly without jet fuel. Americans cannot drive without gasoline. Roads cannot be made without crude oil, and many medicines cannot be made without the chemicals that come from crude oil. Many of our everyday products are in fact made from crude oil. Economic stimulus, health care, and transportation are all tied to energy and oil.

In 1973, the Senate debated the amendment to create a right-of-way from Alaska's North Slope to Valdez, which I offered with my then colleague from Alaska. The amendment allowed the transport of 2 million barrels of oil a day, which that pipeline is capable of carrying. At the time there was a tacit understanding in this body that any item dealing with national security would not be filibustered. Perhaps Senator Moss of Utah put it best when he said:

I cannot get overly upset about the ritual mating season for Alaskan caribou when in the city of Denver last weekend it was almost impossible to find gas. How long do you suppose the people of this country will tolerate an empty gas tank while we debate the merit of a pipeline to bring 2 million barrels of oil a day over a right-of-way traversing lands that belong to the people of the United States?

Mr. President, one of the arguments put forth by opponents to that right-of-

way was the potential impact of the oil pipeline on caribou. Nearly 30 years and over 13 billion barrels of oil later, there are more than 4 times the number of caribou in that area of Alaska compared to the years before the oil pipeline.

During the debate on the Alaska oil pipeline amendment, Energy Committee Chairman Henry Jackson, my great friend from Washington, said the pipeline "involves a national security issue." He said, "There is no serious question today that it is urgently in the national interest to start north slope oil flowing to markets."

He also said that if he saw any more attempts to delay construction of the pipeline, he would push legislation to have the Federal Government build the project. The national security concerns were that important to Scoop Jackson, and they are important to me.

Even Senator Walter Mondale supported the construction of the Alaska oil pipeline and the transport of oil to the lower 48. He said then, "It has always been my position that we need Alaskan oil and that this oil should flow to the lower 48 as soon as possible, consistent with environmental safeguards and the greatest benefit for the entire country."

In addition to that, Senator Bartlett of Oklahoma said then, "We need every possible drop of crude oil production that can be developed and maintained."

We debated the construction of this 800-mile pipeline when we believed there was a probability we could recover 1 billion barrels of oil from the area near Prudhoe Bay. As I said, last year, Alaskans produced our 13 billionth barrel of oil from Prudhoe Bay.

I want to talk about that same pipeline today being used to transport oil from the Arctic Coastal Plain—an area predicted to contain a minimum estimate of 5 billion barrels of oil, with the possibility of up to 30 billion barrels of oil. This is a resource on Federal land; it is not a State resource. Not to have it available to produce puts us at the mercy of foreign interests who produce the oil we import.

The Alaska oil pipeline carried 2 billion barrels during the Persian Gulf war. It was up as high as 2.1 billion barrels a day. We increased it, through special means, to secure the supply for America and to assure that we had domestic oil to rely upon then. Now our Alaska pipeline is only half filled with oil coming from Prudhoe Bay and other north slope wells. If the remainder of the pipeline is to be filled, it must come from the coastal zone, from the ANWR area. At the minimum estimate of 5 billion barrels, being produced at 1 million barrels per day, that oil supply would last for over 14 years. At the medium estimate of 10 billion barrels it would last for 27 years.

As I stand here, I remember the debate on the oil pipeline. I remember

Alan Bible of Nevada sitting right there across the aisle from me. We were in the minority. Senator Bible then was in the majority. He said to me that he had not made up his mind about the pipeline. I don't think I have seen it since—I had never seen it before. But Senator Bible sat there for the whole time of the debate on the floor, and just before the end of that debate he came to me and said: I am going to vote with you because I know this is a national security issue.

There is no question today, because of the security crisis we face and our dependence upon foreign oil, the oil from Alaska's north slope is a national security issue. We now import nearly 60 percent of our oil daily. We have over 700,000 barrels of oil a day coming from Iraq—Iraq, Mr. President. There was not one barrel of oil coming from Iraq at the time we debated the concept of what we should do during the Persian Gulf war. Obviously, there has been a great change.

It is estimated that we will import nearly 230 million barrels of crude oil from Iraq by the end of this year. Almost 40 million barrels of that will be unloaded in California. Why? It is replacing oil that used to be delivered to California through the Alaska oil pipeline.

As I said, we delivered 2.1 billion barrels a day during the Persian Gulf war. Today, it is 1.2 billion barrels a day. At a rate of \$20 per barrel, we send over \$5 billion a year to Iraq to buy oil that we could produce in our own country.

During peacetime operations, the Department of Defense uses about 300,000 barrels of oil a day. Most of it is jet fuel. That has increased now by over 200,000 barrels a day, as it did during the gulf war. Defense fuel usage is increasing daily because of our activities in the global war against terrorism, particularly the events in Afghanistan.

During the Alaska pipeline debate, Senator Paul Fannin of Arizona gave two reasons for why the pipeline was a national security issue. First, he said it would reduce our dependence on foreign countries. Obviously, that was a valid statement.

Senator Fannin's second point was the construction of the pipeline would create tens of thousands of jobs. It did. Economic reports show that a small pipeline connecting the Alaska pipeline to transport oil out of the Coastal Plain will create several hundred thousand jobs nationwide.

Just yesterday I was given a study completed by the American Petroleum Institute. It stated that oil transported from the Coastal Plain down the pipeline to the Valdez terminal would require the construction of an additional 19 tankers to transport that oil to the coastline of the United States, particularly the west coast.

It will take 19, as I said, new tankers, with 2,000 direct construction jobs and

3,000 support jobs for each tanker. That is 5,000 jobs per tanker resulting in over 90,000 new jobs just in the shipbuilding industry by opening the coastal plain of ANWR for exploration and production.

During the debate on the Alaska pipeline issue in this body, I said, "We cannot afford to bury our heads in the snow and freeze, nor must we allow our economy and the jobs of thousands to be endangered while we stand idly by." That was true then, and it is even more true now.

Drilling on the Arctic coast and going forward with production of oil in the United States will help stimulate this economy. I intend to raise this issue again and again as we talk about stimulus for the economy.

I hope we will not hear the threat of filibuster against this measure to bring oil from the Arctic coast to the United States. It is a national security issue, and it must not be filibustered. No national security issue has ever been filibustered on the floor of the Senate. To do so now would be not only a violation of tradition, it would be a travesty of justice during a time of war.

I intend to speak often on this issue in the days to come. We cannot end this session of Congress without a national security energy plan which includes Alaska's North Slope oil and gas potential, particularly the oil and gas from the coastal plain.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BINGAMAN. Mr. President, I wish to speak in morning business for up to 5 minutes.

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

SEASONAL ENERGY EFFICIENCY RATING

Mr. BINGAMAN. Mr. President, I am here to address another aspect of the energy issue that will come before us as comprehensive energy legislation, hopefully either this fall or early next year. It may seem to be an unusual item to address on Halloween as we are going into the colder months of the year, but it is one which I think deserves attention.

There was a development 10 days ago that I think needs to be called to the attention of colleagues in the Senate. About 10 days ago, the Environmental Protection Agency transmitted formal comments to the Department of Energy—that is one agency of the Federal

Government commenting to another Agency or Department of the Federal Government—on the proposed standard for efficiency in central air conditioners. The Clinton administration had finalized a rule that mandated a 30-percent increase in efficiency for those central air conditioners. It was a so-called 13 SEER standard. SEER stands for seasonal energy efficiency rating.

Shortly after the current administration took office, they proposed to back off this mandate and reduce it to only a 20-percent increase or a 12 SEER standard. The argument used by the new administration in rolling back the air-conditioning standard struck many of us in Congress as being based on outdated price data and a faulty analysis.

The Committee on Energy and Natural Resources, where the distinguished Presiding Officer and I both serve, had a hearing on this topic. We had expert testimony that demonstrated these analytical problems in the decisionmaking which the new administration had gone through.

This EPA filing 10 days ago capsulized those concerns eloquently. In the Agency's own words, the new proposed standard—that is, the 12 SEER standard, the lesser standard this administration embraced—"overstates the regulatory burden," it "understates the savings benefits of the 13 SEER standard, over and underestimates certain distributional inequalities," and "mischaracterizes the number of manufacturers that already produce at the 13 SEER level or could produce at the 13 SEER level through modest changes to the product. . . ."

I will read one other quotation from the explanation of the EPA position. It says:

EPA believes there is a strong rationale to support a 13 SEER standard.

That is what the previous administration adopted.

EPA also believes that the more stringent standard will be more representative of the long term goals of the administration's energy policy and will do more to reduce both the number of new power plants that need to be constructed, as well as the emissions resulting from these plants. . . .

While these comments by the Environmental Protection Agency have received some attention, I believe they deserve broader attention by the public and certainly deserve to be recognized by people in the Senate.

I ask unanimous consent that the text of the EPA letter to the Department of Energy and their explanation which they attached to that be printed in the RECORD following my statement.

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

(See exhibit 1.)

Mr. BINGAMAN. Mr. President, getting to a more efficient air-conditioning standard is an important part of a national energy strategy. This