

Congress will hold Secretary Peña responsible for the outcome and the consequences of this rulemaking.

Mr. President, I am disturbed by the fact that DOE has changed its position outlined in the August 1996, notice of proposed rulemaking, which established a 2003 standard as its preferred option. This option was supported by manufacturers. DOE has since changed its position and now supports implementing the new standards for refrigerators in the year 2000. As a result of this flip-flop, manufacturers will be required to make costly investments twice—once to comply with the DOE energy standards in 2000, and again when regulations mandate the elimination of HCFC insulation as required in the year 2003.

Mr. President, it is important to note that these burdensome and duplicative regulations are not necessary. Once it was determined that DOE was not going to abide by its preferred option, manufacturers offered a good-faith compromise that would set a more stringent level of energy savings than proposed by DOE to be implemented in 2003. This proposal would save more energy while minimizing the reengineering and regulatory burden, which will add unnecessary costs to manufacturers and consumers.

What is more disturbing is that DOE has ignored its own contractor's analysis in setting these standards. I am informed that the analysis by Lawrence Berkeley Laboratories confirms that the energy savings attributable to the 2003 standard would exceed the benefits of the 2000 standards. Unfortunately, DOE has chosen to ignore this analysis and not include it in establishing these standards.

Mr. President, this is not the only procedural defect in DOE's proposed rule. The Department has failed to comply with the requirements of law regarding the Department of Justice's role in this rulemaking. DOE has failed to obtain an updated competitive impact determination from the Department of Justice that takes into account new evidence of the potential impact of the proposed rule. I believe such analysis is essential to maintaining a competitive marketplace.

Mr. President, considering the latest analysis by DOE's own contractor, it has become apparent to me that this battle is no longer about securing the greatest energy savings. Rather, it seems this is about punishing manufacturers more than a legitimate or responsible basis for regulation. The only regulation that makes sense is one that takes effect in 2003.

This controversy raises fundamental questions about whether DOE will faithfully administer the appliance standards program as currently authorized. I will continue to follow this matter very closely and keep my legislative option open.

I urge Secretary Peña to assume responsibility for assuring that the law is properly applied and the correct decision reached.●

CONFIRMATION OF FEDERICO PEÑA TO BE SECRETARY OF ENERGY

● Mr. GORTON. Mr. President, yesterday the Senate voted to confirm Federico Peña to be Secretary of Energy. As a member of the Senate Committee on Energy and Natural Resources, I have met with Secretary Peña and discussed issues of importance to Washington State, the Northwest, and the Nation. I understand that some Senators had reservations about Secretary Peña because he does not have a great deal of experience on energy related issues. I do not hold this same reservation. I do not necessarily view Secretary Peña's lack of expertise on energy issues as a liability, but rather as an opportunity to educate the new Secretary on issues important to the people of Washington State and the region.

Two issues immediately come to mind—Hanford and electricity deregulation.

I look forward to working with Secretary Peña on the many challenges facing the Hanford Nuclear Reservation in the southeastern part of my State. While there are many difficult issues facing Hanford, there are also many exciting opportunities.

One of these opportunities is the Fast Flux Test Facility [FFTF]. FFTF is a valuable asset for our national security interests and a potential cure for diseases and other medical conditions. Scientists believe FFTF can begin producing tritium—an essential part of our nuclear deterrent—within 5 years. Moreover, nearly 70 of our Nation's leading medical researchers have validated claims that FFTF is essential to the production of medical isotopes which could one day be a valuable weapon in the fight against cancer.

FFTF is by no means the only important issue that Secretary Peña will face at Hanford in his new position. In addition, I look forward to working with him on maintaining an adequate budget to meet the site's cleanup mission.

It's no secret that Hanford has been one of the most contaminated sites owned by the Federal Government. Despite the enormity of the cleanup, I believe we are making real progress due in large part to the extraordinary efforts and talents of the people who work at the site and make up the surrounding Hanford communities.

The DOE, in coordination with Congress, is also playing an important role prioritizing, streamlining, and increasing efficiency at Hanford. I look forward to continuing my already strong working relationship with Secretary Peña in his new role to preserve continuity in funding at Hanford and other DOE sites.

On the subject of electricity deregulation, it is critical that Secretary Peña listen and work closely with the Northwest congressional delegation on electricity issues unique to the Northwest. The Northwest has its own pecu-

liar set of challenges—namely the ability of the Bonneville Power Administration to market its power while paying nearly \$500 million in annual fish and wildlife costs. Secretary Peña and I have discussed these issues and he has committed to work with the Northwest members of the Senate Energy Committee on these difficult Northwest issues. I intend to take Secretary Peña up on his offer, and hope that together with my Northwest colleagues that we can work on these issues critical to Northwest ratepayers, and the environment.●

UNANIMOUS CONSENT AGREEMENT—SENATE JOINT RESOLUTION 22

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 24, Senate Joint Resolution 22, at 10 a.m., on Friday, March 14, and no amendments or motions be in order during the pendency of the joint resolution on Friday.

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

Mr. LOTT. I ask unanimous consent that the Senate resume debate on that joint resolution at 1 p.m., on Monday, March 17, and that amendments may be offered beginning at 3 p.m., on Monday.

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

Mr. LOTT. Mr. President, I further ask that immediately following the vote on Senate Joint Resolution 18, which is the constitutional amendment, being debated on Tuesday—and that occurs at 2:45—the Senate resume Calendar No. 24.

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

PROGRAM

Mr. LOTT. Mr. President, for the information of all Senators, this agreement would allow the Senate to begin debate on this very important joint resolution regarding the appointment of an independent counsel at 10 a.m., on Friday. It is my understanding that the Democratic leader is discussing what amendments would be offered to this resolution. Perhaps he is meeting on that at this time. When the Senate resumes its consideration, then, on Monday, we would begin to take up the amendments, if any. In addition, it is my hope that, prior to the close of business on Friday, I will be able to inform the Senate as to not only the number of amendments we can expect, again, if any, on the other side of the aisle, but also I will be able to set a consent time for final passage, potentially as early as Wednesday of next week. It is our hope that we can get a vote on the independent counsel issue by Wednesday of next week. Then we will be able, on Wednesday afternoon or Thursday, to deal with the Mexico certification issue, assuming we have

that worked out in a way we would want to bring it to the floor at that time.

Again, I am still discussing that with the Democratic leader, and there is communication from both sides of the aisle with the administration. So we don't know yet if that will happen, or what form it will be in. I look forward to further discussions with the minority leader on this issue. I hope it will not be necessary to file a cloture motion on this resolution in order to bring it to conclusion by mid-week. I haven't had an indication that that will be the case. I am thankful for the cooperation we have had in getting this agreement worked out.

In light of this agreement, and the agreement reached earlier calling for a vote on the constitutional amendment for campaign expenditures at 2:45 Tuesday, I am pleased to announce there will be no votes during Friday's or Monday's session of the Senate. The next vote will occur 2:45 Tuesday, March 18.

ORDERS FOR FRIDAY, MARCH 14, 1997

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m., Friday, March 14. I further ask consent that on Friday, immediately following the prayer, the routine requests through the morning hour be granted, and that the Senate then proceed immediately to the consideration of Senate Joint Resolution 22, the independent counsel resolution.

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

Mr. LOTT. Mr. President, again, for the information of all Senators, the Senate will begin consideration of Senate Joint Resolution 22 on Friday, and further, no amendments would be in order during consideration of the resolution on Friday. I think it is important that we begin to express our feelings as strong as we can—hopefully in a bipartisan way—that there is a need for independent counsel. I will note that a letter has gone forward now from the majority members of the Judiciary Committee indicating the need

for this independent counsel and their indication that the necessary requirements have been met under the law, so that the process should begin, and will begin as a result of this letter, of looking into the appointment of independent counsel.

It is my hope that we will continue debate on the resolution on Monday. And amendments then would be in order during Monday's session.

I will continue discussions with the minority leader, and hope that we will be able to reach an agreement on this very important resolution so we can complete consideration next week by Wednesday, I hope.

ADJOURNMENT UNTIL 10 A.M.
TOMORROW

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:39 p.m., adjourned until Friday, March 14, 1997, at 10 a.m.