

the DTV transition and ultimately has the responsibility for finding responsible solutions. The proposal before the FCC that enables broadcasters to further capitalize on the spectrum giveaway by allowing the broadcasters to negotiate to vacate the spectrum by 2006 for a price, is not, I note, a responsible solution.

In closing, I would like to read a quote from an article that appeared in *Business Week* last year.

Congress should also make broadcasters pay for their valuable real estate by attaching a price tag to the spectrum they now occupy. When they approached Congress hat-in-hand, broadcasters promised something they have yet to deliver. Now that this has become abundantly clear, they shouldn't get a free ride on taxpayers' backs. What they should do is fork over the going rate for whatever airspace they occupy. That's what cellphone companies are doing.

It has been almost 5 years since the spectrum giveaway and the transition to digital television has barely materialized. The American taxpayers first lost the auction value of the spectrum. Now, they have no real certainty of what they're likely to get in return, or when they are likely to get it. The situation is a mess, characterized by more finger pointing than progress. Regardless of who is to blame, this much is clear: By 2006, this country will not have the transmission facilities, the digital content, nor the reception equipment necessary to ensure that 85 percent of the population will be able to receive digital television.

In fact, recent statistics show that consumers have yet to embrace digital television. The Consumer Electronics Association reports that 1.4 million DTV sets were sold last year, of which 97,000 were integrated units containing digital tuners. However, we received testimony before the Senate Commerce Committee last year that over 33 million analog sets had been sold in 2000 alone. While DTV sales have been increasing each year, an overwhelming majority of Americans are still purchasing analog sets.

Given the uncertainty surrounding the return of the spectrum currently occupied by broadcasters, the administration has proposed shifting the auction for TV channels 60-69 from the elapsed 2000 deadline to 2004. Additionally, the proposal would shift the auction of TV channels 52-59 from 2002 to 2006. According to OMB projections, shifting the auctions to later dates would increase expected revenues by \$6.7 billion. The administration has concluded that if legislative action is not taken to shift the auction dates, potential auction participants may hesitate to bid for this spectrum without certainty of when the broadcasters may actually vacate it.

At the same time, however, even if we act to change the dates, I also believe that years from now Congress is likely to again find itself attempting to shift the auction dates because the broadcasters will still occupy the spectrum. I hold this view because last

year, the Commerce Committee held hearings on the transition to digital television. During that hearing I asked the National Association of Broadcasters, NAB, whether or not they believed they were going to reach 85 percent of the homes in America by 2006. The NAB's response, "Originally, the expectations and the projections that [we] looked at, was for that transition to take as long as possibly 2015."

I believe that there's not a snowball's chance in Gila Bend, AZ, that the broadcasters will vacate this spectrum by 2006, or that, despite my best efforts, that broadcasters will be penalized for squatting, as the President has proposed, if they occupy this spectrum after 2006. Some broadcasters have suggested that they may use their digital spectrum to multicast standard definition signals and provide other "ancillary" services, competing against companies and technologies that had to pay for the spectrum they use. I worry that if broadcasters provide "ancillary" services using the spectrum they received for free, they will have a distinct competitive advantage over wireless companies who pay the public for the use of its spectrum.

I yield the floor.

#### NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 2001—Continued

The PRESIDING OFFICER. Who seeks recognition?

Mr. MURKOWSKI. Mr. President, the Senator from Idaho is prepared to offer a second-degree amendment clarifying Senator BINGAMAN's amendment No. 3016. I am in support of his amendment.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I thank my colleague, the ranking member of the Energy Committee, Senator MURKOWSKI.

Mr. President, I ask unanimous consent to set the pending amendment aside for the purpose of consideration of this amendment.

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

AMENDMENT NO. 3049 TO AMENDMENT NO. 3016

Mr. CRAIG. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report. The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG] proposes an amendment numbered 3049 to amendment No. 3016.

Mr. CRAIG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To clarify the definition of biomass)

On page 6, strike line 9 and all that follows through line 15 and insert the following:

"The term 'biomass' means any organic material that is available on a renewable or recurring basis, including dedicated energy

crops, trees grown for energy production, wood waste and wood residues, plants (including aquatic plants, grasses, and agricultural crops), residues, fibers, animal wastes and other organic waste materials, and fats and oils, except that with respect to material removed from National Forest System lands the term includes only organic material from—

"(A) thinnings from trees that are less than 12 inches in diameter;

"(B) slash;

"(C) brush; and

"(D) mill residues."

Mr. CRAIG. Mr. President, I rise today to introduce an amendment that would modify the definition of biomass from national forests by clarifying that biomass may come from slash, brush, or mill residue from any size tree that may be harvested, as well as from thinning trees that are less than 12 inches in diameter.

The Bingaman amendment defines the term "biomass" on national forest lands as only that material generated from tree commercial thinning or slash or brush.

Our respective staffs have worked out language that is acceptable to the managers. I appreciate his staff's cooperation in addressing these concerns.

Both Senator MURKOWSKI and I have been concerned that mill residue, slash and brush from normal harvest activities did not qualify under the construct of Bingaman amendment No. 3016.

I have also expressed concern about smaller logs that are sold as commercial timber that could be utilized as biomass in some market conditions but would not qualify under Bingaman amendment No. 3016.

This amendment I am now offering addresses all of our concerns.

We have 39 million acres of national forest land at high risk of catastrophic fire. We have an additional 24 million acres that have suffered insect and disease attacks making them highly susceptible to fire as well.

There are over 49.5 million acres of trees in the 9- to 12-inch diameter class that need to be thinned to reduce the risk of catastrophic fires and to allow those trees to grow to full and productive maturity.

I am pleased that we have addressed the fundamental problems that cause so many of my constituents concern. I have several biomass co-gen operations in my State that are fed largely from hog fuel off the public lands—the national forest land.

I think this clarifies the issue. I thank the chairman for his cooperation.

Mr. BINGAMAN. Mr. President, this does clarify the intent on both sides. I think this additional definitional language is useful. We have no objection to the amendment.

Mr. MURKOWSKI. Mr. President, I thank Senator BINGAMAN for his cooperation.

I want to make sure that we all understand some of the terminology used, and the words "hog fuel." I know what it is. It is the waste.

The significant aspects of recognizing the way this portion of the Bingham amendment bill was originally stated is that it would have excluded waste from public land—namely, the national forests—unless it is specifically identified as slashings, second growth, and so forth.

It would very narrowly bring into question the residue associated with milling of timber and timber products from national forests as to whether or not that waste could be used in biomass.

For example, in my State of Alaska, it would exclude the development of any biomass as an alternative because we don't have, for all practical purposes, anything other than public land.

That is why it is so important that this change be made. I want to make sure that in the language the intention is, if you have a tree that comes off public land that has rot in it that would be basically determined not to be sufficient for milling—and, in the terminology, this would be a mill residue—indeed that would be included in the definition of what would be allowed.

Clearly, no one takes prime, quality timber and uses it for biomass. It has a higher value. So there is a check and balance in it.

Mr. CRAIG. If the Senator will yield, he makes an important point. In commercial logging operations that are qualified under the U.S. Forest Service—the legitimate timber sales—some of those logs, once cut, and beyond the 12-inch diameter size that get to the mill, that are deteriorating or have, as you call it, the rot of the center and cannot be milled, put on a mill head rig and moved, fall apart, I think that is residue by anyone's definition when it is determined, at least in the mill yard, that no commercial value can come from it. Clearly, I think that falls under that definition. But I appreciate the Senator mentioning it.

What we are doing, along with passing legislation, is establishing, by the record of the floor, what is the intent of Congress. And I think that is the intent of this legislation.

I thank the Senator for yielding.

Mr. MURKOWSKI. I certainly agree with that. I appreciate the colloquy. I think this is good utilization in the sense of biomass. But I would like to remind my colleagues that biomass just does not create energy. Somebody has to burn it. When you burn it, you generate emissions. And when you generate emissions, obviously, you have a tradeoff.

I am pleased the amendment will be accepted.

The PRESIDING OFFICER. Is there further debate?

If not, without objection, the amendment is agreed to.

The amendment (No. 3049) was agreed to.

Mr. MURKOWSKI. I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BINGAMAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### TRADE PROMOTION AUTHORITY

Mr. DASCHLE. Mr. President, as I understand it, we are working on an arrangement that will accommodate further progress on this part of the energy bill. I appreciate the cooperation of all those involved.

I want to take a moment to talk about a strong interest I have—and I know it is shared by the Presiding Officer and many other of our colleagues—in trade promotion authority, trade adjustment assistance, and the Andean Trade Preference Expansion Act. We will be dealing with all three of those issues in the next work period. I reemphasize the importance that I, as one Senator, put on getting that package passed during that time.

I think we all saw yesterday that the January trade deficit swelled to \$28.5 billion. That is a 15 percent increase over December and sharply higher than the consensus forecast. That alone caused some analysts to lower their projections for first quarter growth by a full percentage point.

That set of numbers indicates pretty clearly how important trade is to the American economy, and it graphically demonstrates why we need to provide trade promotion authority.

Today, nearly one in every 10 U.S. jobs—an estimated 12 million jobs—is directly linked to the export of U.S. goods and services. These are good jobs that pay 13–18 percent more than the national average.

The benefits are even more pronounced in agriculture. Since passage of NAFTA in 1993, U.S. agricultural exports to Mexico have doubled.

Agricultural exports today account for one in every three U.S. acres planted; nearly 25 percent of gross cash sales in agriculture; and more than three-quarters of a million U.S. jobs.

The U.S. Trade Representative's office estimates that the average American family of four saves between \$1,260 and \$2,040 a year as a result of the two major trade agreements we entered into in the 1990s—NAFTA and the Uruguay Round.

And in my view, the benefits of trade today are even greater for the United States because no Nation in the world is better positioned to thrive in a global, information-based economy.

Expanding trade also offers national security and foreign policy benefits because trade opens more than new markets. When it is done correctly, it

opens the way for democratic reforms. It also increases understanding and interdependence among nations, and raises the cost of conflict.

Senators BAUCUS and GRASSLEY deserve great credit for getting a bipartisan TPA proposal out of the Finance Committee with an overwhelming vote of support—18 to 3.

Their proposal not only gives the President that authority he needs to negotiate good trade agreements for the United States. It also addresses critical labor and environmental concerns. Under their proposal, labor and environmental concerns are central issues, not side issues.

The fundamental reality is that expanded trade raises living standards generally, but some people lose. That is inevitable.

Last year, we passed an important education reform bill. We agreed then that we would “leave no child behind.” Now we need to make sure we leave no worker behind. And that's why the package will include expanded trade adjustment assistance.

This is not a partisan idea. It's an American idea.

It was also the one clear area of agreement among the recommendations of the bipartisan U.S. Trade Deficit Review Commission, which was established by Congress in 1998.

Among the key members of the commission were President Bush's trade representative, Robert Zoellick; Defense Secretary Donald Rumsfeld; and George Becker, the former president of the United Steelworkers.

Nor is trade adjustment assistance a new idea. It has been part of American trade policy for 40 years.

The current program, however, covers too few people. And it does not address some of the most serious problems displaced workers have in finding productive new employment.

I commend Senators BAUCUS and BINGAMAN for their leadership in putting together a proposal that corrects both of those shortcomings.

I also thank Senator SNOWE, who has been working closely with us on this effort.

We already have 47 cosponsors.

There are some reasons why we need a new, expanded program of trade adjustment assistance. I want to cite a few.

Today, if your employer's plant moves to Mexico, you are eligible for a year of additional unemployment benefits, plus education and training. But if your plant moves to Brazil—or any other nation besides Mexico—you get none of these benefits.

The new proposal says that no matter where your company moves, you get help.

Today, workers whose company moves to another country are eligible for trade adjustment assistance. But let's say your employer provides parts to another company, and that company moves to another country. If you lose your job in that case, you are not eligible for assistance.