

“(iii) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph such sums as may be necessary for fiscal years 2003, 2004, and 2005.”.

**SA 3139.** Mrs. BOXER (for herself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 204, strike line 15 and all that follows through page 205, line 8 and insert the following:

“Notwithstanding any other provision of federal or state law, a renewable fuel, as defined by this Act, used or intended to be used as a motor vehicle fuel, or any motor vehicle fuel containing such renewable fuel, shall be subject to liability standards no less protective of human health, welfare and the environment than any other motor vehicle fuel or fuel additive.”.

**SA 3140.** Mr. NELSON of Nebraska submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

Strike Title III and insert the following:

**SEC. 301. ALTERNATIVE CONDITIONS AND FISHWAYS.**

(a) ALTERNATIVE MANDATORY CONDITIONS.—Section 4 of the Federal Powers Act (16 U.S.C. 797) is amended by adding at the end the following:

“(h)(1) Whenever any person applies for a license for any project works within any reservation of the United States under subsection (e), and the Secretary of the department under whose supervision such reservation falls (in this subsection referred to the ‘Secretary’) shall deem a condition to such license to be necessary under the first proviso of such section, the license applicant may propose an alternative condition.

“(2) Notwithstanding the first proviso of subsection (e), the Secretary of the department under whose supervision the reservation falls shall accept the proposed alternative condition referred to in paragraph (1), and the Commission shall include in the license such alternative condition, if the Secretary of the appropriate department determines, based on substantial evidence provided by the license applicant, that the alternative condition—

“(A) provides for the adequate protection and utilization of the reservation; and

“(B) with either—

“(i) cost less to implement, or

“(ii) result in improved operation of the project works for electricity production as compared to the condition initially deemed necessary by the Secretary.

“(3) The Secretary shall submit into the public record of the Commission proceeding with any condition under subsection (e) or alternative condition it accepts under this subsection a written statement explaining the basis for such condition, and reason for

not accepting any alternative condition under this subsection, including the effects of the condition accepted and alternatives not accepted on energy supply, distribution, cost, and use, air quality, flood control, navigation, and drinking, irrigation, and recreation water supply, based on such information as may be available to the Secretary, including information voluntarily provided in a timely manner by the applicant and others.

“(4) Nothing in this subsection shall prohibit other interested parties from proposing alternative conditions.”

(b) ALTERNATIVE FISHWAYS.—Section 18 of the Federal Power Act (16 U.S.C. 811) is amended by—

(1) inserting “(a)” before the first sentence; and

(2) adding at the end the following:

“(b)(1) Whenever the Secretary of the Interior or the Secretary of Commerce prescribes a fishway under this section, the license applicant or the licensee may propose an alternative to such prescription to construct, maintain, or operate a fishway.

“(2) Notwithstanding subsection (a), the Secretary of the Interior or the Secretary of Commerce, as appropriate, shall accept and prescribe, and the Commission shall require, the proposed alternative referred to in paragraph (1), if the Secretary of the appropriate department determines, based on substantial evidence provided by the licensee, that the alternative—

“(A) will be no less protective of the fishery than the fishway initially prescribed by the Secretary; and

“(B) with either—

“(i) cost less to implement, or

“(ii) result in improved operation of the project works for electricity production as compared to the fishway initially prescribed by the Secretary.

“(3) The Secretary shall submit into the public record of the Commission proceeding with any prescription under subsection (a) or alternative prescription it accepts under this subsection a written statement explaining the basis for such prescription, and reason for not accepting any alternative prescription under this subsection, including the effects of the prescription accepted or alternative not accepted on energy supply, distribution, cost, and use, air quality, flood control, navigation, and drinking, irrigation, and recreation water supply, based on such information as may be available to the Secretary, including information voluntarily provided in a timely manner by the applicant and others.

“(4) Nothing in this subsection shall prohibit other interested parties from proposing alternative prescriptions.”

**SA 3141.** Mr. DORGAN (for himself, Ms. CANTWELL, and Mr. BAYH) submitted an amendment intended to be proposed to amendment SA 2917 by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 213, after line 10, insert:

**SEC. 824. FUEL CELL VEHICLE PROGRAM.**

Not later than one year from date of enactment of this section, the Secretary shall develop a program with timetables for developing technologies to enable at least 100,000 hydrogen-fueled fuel cell vehicles to be available for sale in the United States by 2010 and at least 2.5 million of such vehicles to be

available by 2020 and annually thereafter. The program shall also include timetables for development of technologies to provide 50 million gasoline equivalent gallons of hydrogen for sale in fueling stations in the United States by 2010 and at least 2.5 billion gasoline equivalent gallons by 2020 and annually thereafter. The Secretary shall annually include a review of the progress toward meeting the vehicle sales of Energy budget.”

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON INDIAN AFFAIRS**

Mr. REID. Mr. President, I seek the unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, April, 17, 2002, at 2 p.m., in room 485 of the Russell Senate Office Building to conduct an oversight hearing on subsistence hunting and fishing issues in the State of Alaska.

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

**SELECT COMMITTEE ON INTELLIGENCE**

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, April 17, 2002, at 2:30 p.m., to hold an open hearing on the nomination of John L. Helgeson to be Inspector General of the Central Intelligence Agency.

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

**SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS**

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Administrative Oversight and the Courts be authorized to meet to conduct a hearing on “Should the Office of Homeland Security Have More Power? A Case Study in Information Sharing” on Wednesday, April 17, 2002, at 9:30 a.m., in Dirksen 226.

**Witness List**

Panel I: Mr. Vance Hitch, Chief Information Officer, Department of Justice, Washington, DC; Mr. Eugene O’Leary, Acting Assistant Director for the Information Resource Division, Federal Bureau of Investigation, Washington, DC; and Mr. Scott Hastings, Deputy Associate Commissioner for Information Resources, Immigration and Naturalization Service, Washington, DC.

Panel II: Mr. Leon Panetta, Director, Panetta Institute, Monterey Bay, California; Mr. George J. Terwilliger III, Partner, White & Case, Washington, DC; Mr. Philip Anderson, Senior Fellow, International Security Program, Center for Strategic and International Studies, Washington, DC; and Mr. Paul C. Light, Vice President and Director, Governmental Studies, Brookings Institute, Washington, DC.

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

**SUBCOMMITTEE ON THE CONSTITUTION, FEDERALISM AND PROPERTY RIGHTS**

Mr. REID. Mr. President, I ask unanimous consent that the Committee on

the Judiciary Subcommittee on the Constitution, Federalism & Property Rights be authorized to meet to conduct a hearing on "Applying the War Powers Resolution to the War on Terrorism," on Wednesday, April 17, 2002, at 2 p.m., in SD-226.

Panel: Mr. John Yoo, Deputy Assistant Attorney General, Office of Legal Counsel, U.S. Department of Justice, Washington, DC; Mr. Louis Fisher, Senior Specialist in Separation of Powers, Congressional Research Service, Library of Congress, Washington, DC; Mr. Alton Frye, Presidential Senior Fellow and Director, Program on Congress and Foreign Policy, Council on Foreign Relations, Washington, DC; Mr. Michael Glennon, Professor of Law and Scholar in Residence, The Woodrow Wilson International Center for Scholars, Washington, DC; Mr. Douglas Kmiec, Dean of the Columbus School of Law, The Catholic University of America, Washington, DC; Ms. Jane Stromseth, Professor of Law, Georgetown University Law Center, Washington, DC; and Ms. Ruth Wedwood, Edward B. Burling Professor of International Law and Diplomacy, Yale Law School and The Paul H. Nitze School of Advanced International Studies, Washington, DC.

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

#### PRIVILEGES OF THE FLOOR

Mr. WELLSTONE. I ask unanimous consent an intern in my office, Tanya Balsky, be allowed privileges on the floor for the day.

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

Mrs. MURRAY. I ask unanimous consent that Christopher Jackson, a fellow in my office, be granted the privilege of the floor for the duration of the debate on the energy bill, S. 517.

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

#### ORDER FOR ADJOURNMENT

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment following the statement of the Senator from Alaska, which is for debate only, as we have discussed.

Mr. MURKOWSKI. Mr. President, reserving the right to object, I have been notified there may be another Republican who will speak.

Mr. REID. I am going to include that. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order following the statements of the Senator from Alaska, Mr. MURKOWSKI, and the Senator from Texas, Mr. GRAMM, and that their statements be for debate only.

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

Mr. REID. Mr. President, let me take a minute and say I appreciate very

much the courtesy of the Senator from Alaska. He has been here for days. With his courtesy, I can go home a couple hours before he can, and I appreciate that very much.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

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

Mr. MURKOWSKI. I thank my good friend, the majority whip from Nevada. I am sure at some point in time the situation will be reversed, and we will be on a Nevada issue of some torturous nature, Yucca Mountain or some such issue, and he will be here through the evening time.

I recognize the hour is late, and I also recognize the issue before us is the crux of the energy debate. It is the so-called lightning rod known as ANWR.

It has been interesting to be here today and participate with a number of Senators, almost all of whom have never been to my State and visited ANWR. They certainly had some strong opinions about it. One has to question where those opinions may have come from, but I am sure they meant well and their own convictions as they stated them were reflective of information they had.

I am going to spend a little time tonight on information and education. Make no mistake about it, Mr. President, you and I both know we are speaking to an empty Chamber. On the other hand, I appreciate the courtesy of your attention and that of the staff who is still with us.

We have a different audience out there, and we do not know who they are, but I think it is fair to say that from the debate here, a lot of Members of this body are not too well informed on the factual issues in my State of Alaska. Senator STEVENS and I have attempted to change that by a characterization that we think is representative of the facts associated with resource development in our State.

I hope as we address whatever audience may be out there, that they, too, recognize certain realities of those of us who have been elected by our constituents to represent their interests. It is in that vein that I speak to you tonight, Mr. President.

I guess this all started in the sense of a slippery slope when Republicans lost control of this body. We had a vote on ANWR in 1995. It passed in the omnibus bill. President Clinton vetoed it. At that time, control of the Senate was in Republican hands, 55 to 45. Now it is 50 to 49 in favor of the Democrats. This is a clear reality, and I am sure it will be reflected in the cloture votes tomorrow.

One could say that the salvation of ANWR is pretty much directed by the Republican Party. That certainly has been the case in the past, and it appears to be the case today. We will see where it is tomorrow.

The last time we had an ANWR vote, it was a simple majority. We were not faced with a cloture vote. We were not faced with having to overcome 60 votes. Equity is equity and rules are rules, and I understand that. But the manner in which this occurred is particularly offensive to me because I happened to be at the beginning of this year the chairman of the Energy and Natural Resources Committee. One of my goals, of course, was to present before that committee that I chaired the ANWR amendment, debate it, and vote it out.

Then we had a little change of structure in the Senate in June and, as a consequence, the Republicans lost control of the Senate. I still had hopes because some of my Democratic friends had actually visited ANWR and they were convinced it could be opened up safely. As a consequence of the chronology of that, I had assumed we would take up the energy bill in the committee of jurisdiction, debate it, come up with amendments, and present it on the floor of the Senate.

Had that been done, we would not have been required to have a 60-vote point of order on a cloture vote, and we all know that, but that was not the case because I can only assume through a recognition of the exposure that the Republicans had lost control of the Senate and the recognition of the availability of the rules that the Democratic leadership found a way to get around that.

What they did is they simply took the energy bill away from the committee of jurisdiction and proceeded to introduce it on the floor of the Senate, as is the prerogative of the majority leader.

Whether it is crooked or not, whether you feel bad or not, it is within the rules of this body and, as a consequence, it was done.

That presented the dilemma that Senator STEVENS and I faced in proceeding. It was a little more complex than that because it put a burden on other Members, as well, because the other Members clearly, as we got into the intricacies of the energy bill, were faced with an educational process of electricity, alternative energy sources, some relatively complex issues that ordinarily would be addressed in the vein of the committee process, and go to the floor with specific recommendations and block bases of support.

In any event, to get to the bottom line, we are faced with the reality that we now need 60 votes because it was structured that way. There was no other way to avoid it because we simply could not get a simple majority vote for the reason we had to add the ANWR amendment in, and in so doing, we were under the exposure of cloture.

Had it been in the bill, we would have been faced with the much more favorable alternative of a simple majority. So that is where we are today.

I think it is important to reflect a little bit on where the amendments are relative to what is before us. As I think