

Well, frankly, before that year was out, we pushed somebody. One insurance company finally put out a brochure that said: We will insure children. Do you know what. Very cheap. The thing is, most children are not covered that way. They are covered derivatively through their parents. Right? One of their parents gets a job. Their parent's job covers them and their kids. They buy insurance. They don't buy it only for themselves, they buy it for them and their children.

So, in essence, it is good to say: We need to cover more people. It is hard to say how you are going to do it. I submit if you put what the President is proposing side by side with what the Democratic candidate is saying, you at least have some very positive things you can measure that are being done that the President is proposing. The other one is untried, nice to talk about, beautiful rhetoric. But I think the President's basic ones, with some additional things added to it, will probably be the way we go as a country anyway.

Now, all the other issues that were raised by my good friend on behalf of their nominee could all be answered much the same way. So there are more poor people than there were before. Good statement. Not quite as many as they say, not quite as big a problem as they allege. But the question is, What are you going to do about it? How are you going to fix it?

Most of the time, we are down here on the floor of the Senate talking about education and the inadequacy of our education. It is most compelling to me that about 4 weeks ago, Alan Greenspan, who normally does not have anything to do with education, was being asked a question in one of our committees about the fact that we have a lot of people who are unemployed, we have a lot of people underemployed, we have very tough competition from overseas. What do we do about it, Dr. Greenspan? I say to my colleagues, he did not talk about any single American program. He did not say: Let's increase the Small Business Administration so it would help more small businesses. He did not say: Let's give a tax cut to somebody. Do you know what he said? He said: Well, if that is the case, I guess we better start educating our children better. That will do more for the unemployment, more for the underemployment than anything else: better technical education for children. I am surprised—

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mr. DOMENICI. I ask Senator MURKOWSKI, could I have 2 additional minutes? I say to the Senator, you are next.

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

Mr. DOMENICI. But I am surprised that is not what we are talking about: How do we take that tremendous number of young people walking our streets, who are not educated, who do

not have diplomas, and make them educated so they will get out of poverty? Not just coming down and saying they are but that they will get out of it. How will we be competitive? Because that kind of person will become technologically capable, and they will help make us competitive.

NEED FOR ENERGY LEGISLATION

Mr. DOMENICI. Mr. President, I said a couple weeks ago, 10 days ago, I was going to come to the floor once every day to talk about the Energy bill. I did not do that, but this is my third or fourth time.

We are rudderless, a ship that has no capacity to guide itself, when it comes to energy policy. We have a bill ready to go that can steer us to a better future. But there are still a number of Senators who refuse to hear the warning bells that require our action.

How much louder can those bells be ringing? There was a huge blackout in August in the East. A complete energy meltdown occurred in the West just a few summers ago. Oil prices are surging to record heights. Natural gas demands are increasing.

Prices of coal are higher and going up. Consumers are paying beyond the reasonable price at the gas pump. Our critical infrastructure lacks adequate investment—that is, in electricity and other things that relate to energy, refineries. Our electricity grid has no mandatory reliability rules, meaning we may have blackouts again which we thought Americans would never have again. If we pass the bill, we will be able to tell them that. Efforts to increase efficiency and renewable energy are anemic. The list can continue for a frighteningly long time unless we pass the Energy bill. I am committed to the Energy bill because it is necessary. It is the first step we must take in order to change our economy's destiny.

We can't increase domestic oil and natural gas production overnight. We can't snap our fingers and modernize our Nation's electric transmission grid. We can't expect renewable energy to appear online tomorrow. We can't move away from foreign oil toward a clean, hydrogen future all of a sudden.

We need an energy policy plan to move us forward to reach those goals. We need an energy policy in place so that businesses and investors have regulatory certainty. We need to make having an energy policy a priority.

Today, as we speak, there are events affecting our oil situation.

OPEC has decided to up its quota. Big deal. They were already producing over their last quota and are still over this most recently announced one.

Right now, OPEC is not in charge of how much a barrel of oil costs in the spot market. Why? They don't have enough capacity to weather the demands of the global market.

The weather, on the other hand, can affect the market greatly.

Hurricane Ivan is making OPEC look pretty weak. Oil prices have been vola-

tile with each report of Ivan's predicted impact.

Right now, oil prices are just over \$44. This morning the U.S. Minerals Management Service announced that 73 percent of the Gulf of Mexico oil production—that is about 1.25 million barrels of oil—and 41 percent of the gulf's gas production—about 5 billion feet of natural gas—have been shut in.

The longer the storm and its aftermath lasts, the longer imports from Venezuela will take to get to our southern ports. If refineries are shut down in Texas, Mississippi, and Louisiana due to Ivan, a 5-to-7-day delay in products getting to the market could occur.

The warning bells are ringing. We are living on the bleeding edge of supply and demand for oil, natural gas, coal, and renewable fuels. Let's get off the edge of this cliff and focus on achieving some energy security.

Instead of wringing our hands at each crisis and passing political blame around, we need to work together to get an energy policy in place. We have such a policy ready for action. It is called the energy bill. If the Democrats would agree to limit the number of amendments to about 10, we can pass this much-needed legislation. If they will not agree, then I want the American people to know for whom the bell tolls. It tolls for those that refuse to come to the floor and get this energy bill done.

Let's get to work and pass it.

I am quite surprised that when Members come to the floor of the Senate and talk about jobs, about growth, about competition, that they are not talking about energy. But they are not.

We have Hurricane Ivan, which makes OPEC look very weak. Oil prices have become very volatile, and the hurricanes, including "Ivan the Terrible," are causing us to shut in huge amounts of oil all over the coastal areas because they can't leave those deep wells open in the wake of the hurricane. So they are creating another big uncertainty. I don't want to make it sound like I am only worried about energy and hurricanes; I just want to state the facts.

While we do that, I want to say that all of us, whether we come from a State far away from hurricanes, are deeply worried about what has happened and what might happen. We don't know. Nobody knows how heart-felt Americans are from the rest of the United States. We are prayerful. We are worried, and we hope and pray that what we hear about possible damage to parts of Louisiana doesn't happen. It would be without precedent if it happens—just terrible. So let energy set aside for a little bit as we look at that problem and hope we can do something to be helpful.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I appreciate being able to follow the comments of my esteemed colleague

and the chairman of the Energy Committee speaking about the importance of energy. He and I would agree that is a topic we just haven't heard enough of lately on this floor, the Energy bill and an energy policy that this country so desperately needs, whether it is Americans looking at the price they are paying for gasoline at the pump, whether it is Americans looking at our utility statements and realizing the price of natural gas is going beyond a level we feel comfortable with, just recognizing that we as a country do not have a notion, do not have a real solid policy for how our energy supply meets up with our energy demand. That is something we in Alaska have talked about for far too long. We have urged this body to move forward with an energy policy, one that makes sense.

I like to say that Alaska is prepared to be or in effect is the energy bank for the country. All we are waiting for is the opportunity to make a withdrawal from what we have in our incredible resources. But as we know, we have some issues we need to work through. Whether it is permitting issues for a natural gas pipeline, whether it is those financial incentives that make this megaproject, this \$20 billion project possible so we can supply domestic reserves of natural gas to this country, we have the ability to make it happen in Alaska. We just need a little assistance from the Congress in moving forward.

We can't leave this conversation without talking about ANWR and the opportunities for us as a nation, recognizing the known reserves we have up there, recognizing that we are in a position in the State of Alaska to provide for enhanced domestic reserves of oil supplies at a time when we know the supplies are questionable from the sources we are currently receiving them, whether it is because of political instability or just declining reserves. We have an opportunity in the State of Alaska. Again, we just need the ability to move forward.

My purpose today in addressing the body is not to speak to the Energy bill or the importance of the Energy bill; it is to speak to an incident that happened this morning in the Energy Committee when we, as a committee, took up a series of land bills. It was a business meeting this morning that was designed to take up and pass, again, some land issues. It was kind of a cats and dogs type of a hearing. Most of the issues we took up were relatively non-controversial.

We have a history in the Energy Committee of working in a very good, strong, solid bipartisan way. The committee works well together. The chairman and the ranking member work well together. We move forward on issues, it is fair to say, in a good and enviable manner. We accomplish things. So this morning was a bit of a surprise when, instead of doing the business that was before us, we had members of the Democratic Party

leave, essentially stage a walkout on a business meeting of the Energy Committee.

As an individual Senator coming from my State, working on legislation that is important and, quite honestly, isolated to my State, as I am working through issues that affect Alaskans, I would ask for certain consideration from my colleagues on Alaska-related issues as we work through them. Today's episode or incident in the Energy Committee doesn't allow Alaska to move forward with a series of our issues.

So what exactly happened? We had 22 bills move through the markup without question or controversy. I had an agenda item that was a bill to resolve certain conveyances and provide for alternative land selection under the Alaska Native Claims Settlement Act related to Cape Fox Corporation and Sealaska Corporation and for other purposes, with an amendment in the nature of a substitute. I read that from this morning's agenda.

I indicated to the chairman that I had an amendment in the nature of a substitute and moved to discuss those portions of the amended bill, and the minority members of the committee proceeded to leave the committee, which left us without a quorum and no ability to move forward on the business. The business remaining were two bills I had been working, this Cape Fox bill as well as another very specific Alaska lands-related issue.

As we discussed in the committee, after our Democratic colleagues had left, one of my Republican colleagues informed me that in his 24 years on the committee, it had been the first time members of the committee had walked out, which left me, as the Republican Senator for Alaska working on these very specific Alaska pieces, to wonder: Wait a minute, I am here to represent my State on very specific Alaska issues. If I can't have my colleagues debate back and forth on the merits of the amendment, if we don't have the opportunity in these sessions to do the business that needs to be done to allow my State to move forward on these land issues, how do I move forward with legislation?

So it causes me to look back and say: Well, was there a failing on my part, on my staff's part, or on the committee's part? As we had attempted to move this legislation forward, had we failed to work in a bipartisan manner, failed to reach out in an attempt to accommodate on issues that had caused concern?

Let me speak to the two different bills we had before us. The first one related to the Cape Fox Land Entitlement Adjustment Act. Essentially, what this act is destined to do is an equity issue for an Alaska Native corporation. It allows for an exchange to resolve an inequity to the Cape Fox shareholders through a land selection process. This is a land selection process authorized under our Native Claim Set-

tlement Act. The shareholders were denied the ability to select certain lands within 6 miles of their area. It created an inequity.

The only way this inequity can be resolved is through Federal legislation. So what we have done is created logical boundaries that improve Forest Service management. Essentially, this is a land exchange that would allow the Cape Fox shareholders to receive certain lands. It consolidated private ownership and increased the role of State government in the environmental regulatory process. It created economic opportunities for Cape Fox and Sealaska through certain leasing agreements that would be made possible. It allowed for native hire and vocational education in an area where, as I recall, the unemployment rate in that very small community is 25.6 percent, almost 420 percent of the State's unemployment rate. This is an area that can definitely use some equitable economic assistance.

So the legislation itself is good. It is sound. So the question must be, OK, did we fail to reach out? Were we not working with the other side on this?

This is not legislation that is new to the process. This is legislation that was actually passed in the 107th Congress. This is legislation that was passed through the House committee with unanimous support earlier this year.

I introduced this legislation in June of last year. In August of 2003, the Subcommittee on Public Lands and Forests held a hearing in Anchorage, AK. Subsequent to that time, we held a public hearing in Juneau, AK—a town-hall meeting—in September to hear the comments and concerns of Alaskans who are located down in the area where this exchange is to take place.

After that, in March of 2004, we held another subcommittee hearing here in Washington, DC. We were then placed on the agenda in mid-March for markup—it was March 24. But there was no consensus so we began to attempt to work out a compromise to address the concerns that had been expressed by some of the environmental community, by Alaskans, and by some of our Democratic colleagues; and so what we did was we had prepared an amendment that was the amendment we were prepared to offer as a complete substitute today. That amendment would maintain the view shed in an area where we have recreational opportunities for kayakers and boaters, so we inserted an amendment to provide for view shed protection, an amendment to provide for public access; and we provided a provision that would ensure that all exchanged lands would be based on appraisal reports in accordance with the uniform appraisal standards of the Federal Land Acquisition Act.

We essentially had worked through the process. We had worked with the committee. After that markup that didn't happen in March of 2004, we had discussions with minority staff, which

had occurred prior to that intended markup date, as well as after. Those discussions continued through the third week in July of this year. We were making every effort to accommodate the concerns and considerations of the minority on this legislation yet still maintain the integrity and meet the needs of the Cape Fox Corporation and the Sealaska Corporation.

In looking at the bill and what we were intending to do, the entire intent of the Cape Fox legislation was to correct this inequity to this small southeast village, which has 431 residents, where the unemployment rate is 25.6 percent, as I indicated. So we were prepared to move forward with this legislation today. We had shared the amendment with the minority in July and, quite honestly, were stunned when the minority members walked out of that committee hearing.

I need to point out that not only did minority members walk out, which put us in a situation where we no longer had a quorum, but another minority member attempted to enter the committee room to join us in committee, when that individual was literally pushed back out of the committee room so a quorum would not be had. So not only was there a walkout but there was a lockout.

Again, it causes one to wonder. If the legislation that I am working on as a Senator from Alaska is so Alaska-specific, so Alaska-germane, and I cannot get the cooperation of colleagues to move it through even the committee process, it causes you to wonder what is going on.

Let's look at the second bill that was on the calendar this morning. Was this what was being objected to? The second piece of legislation that was before the committee was S. 1466, "a bill to facilitate the transfer of land in the State of Alaska, and for other purposes."

Again, what we are talking about here is entirely Alaska-specific. This legislation relates to no other State. What we are faced with in the State of Alaska, through multiple land acts, through statehood we were promised certain lands. We were promised certain lands under the Alaska Claims Settlement Act. We are a young State, only 45 years old, but we are still waiting for vast amounts of our land to be conveyed to us—the land promised at statehood.

We still have some 89 million acres of land yet to be conveyed to the State of Alaska, promised some 45 years ago. We had a hearing on this legislation—a subcommittee hearing—in Anchorage last year. I asked the agency people at the time: Given how long it has taken the Federal agencies to work through the conveyance process and kind of estimating forward, how long do you figure it will take for the State of Alaska to receive conveyance of all the land to which it is entitled? The response that I received was: Anywhere from 30 years to 300 years.

Thirty years to 300 years to get the lands that were promised to us at statehood.

Mr. President, it is absolutely unacceptable. Any other State would have said, no, this is wrong and you have to deliver on your promises.

So what are we doing? I have introduced this legislation to say: Hey, Federal Government, hey, agencies, you have a promise, you made the promise. Do the job you are required to do by law. Move through the conveyance process. I know it is complicated. I know we have overlapping land issues. It is a complicated process, but do what you need to do, and if you need additional assistance, let us know how. This is essentially legislation that helps speed up, if you will, helps expedite the process.

Let's look at a few of the provisions we are talking about here. We are clarifying and streamlining the conveyance process. We have technical amendments that move forward filing deadlines. We have a situation right now where if there is any survey that is not exactly accurate, even by a tiny amount if you are exceeded, then you basically have to start all over in terms of completing your surveys.

What we have done is get the survey down to the last hundredths of an acre and if, in fact, it is not exactly entirely precise, you do not have to start all over again.

We set final acreage for the 10 regional Native corporations.

We allow the Secretary to make certain withdrawals for two of the regional corporations which right now do not have sufficient land selection.

We are attempting to solve the problems of old ACSA-related withdrawals that closed public lands in Alaska to full operation of public land laws.

We provide that the Natives in Kaktovik are allowed to receive their full entitlement under the agreement made in 1983.

There are some people who have said: Oh, my gosh, you are opening up ANWR for oil and gas development. The authorization does not change or lift the prohibitions on oil and gas development in the refuge. This is not what this is about. This is all about the Natives in this community being able to complete their selections as all Alaska Natives should be allowed to do.

There are other technical amendments streamlining the process, the deadline for Native corporations in the State of Alaska to identify their final land priorities. There is a title that directs the Secretary of Interior to speed up the hearings appeals and probates. It establishes an Alaska-based branch office and requires the Secretary to report on the progress in implementing these land exchanges within 3 years of enactment.

It is very clear how Alaska-specific this legislation is.

Again, the question must be asked: Was there a failure, was there a prob-

lem in how we worked the committee process? Was this being rushed through the committee? Did we fail to reach out to the minority and the staff on this?

Again, I refer to the timeline. The bill was introduced last year. We held a subcommittee hearing on public lands and forest in Anchorage. We had a further subcommittee hearing in Washington, DC, in February of this year, and within a few days of that hearing, my staff met with both minority and majority committee staff members, and everyone agreed they were going to meet 1 day a week for as long as it took to work out a joint staff substitute.

We were told at that time by the minority that they were working on another Member's bill, and once they completed that, they would turn their full attention to 1466.

We made repeated requests in May, June, and the first part of July to the minority staff, and it did not result in any meetings. Meetings were later held in the latter part of July, and we made substantial progress with the assignments agreed to by the committee staff.

The minority had a number of requests for changes and concessions, looking for additional information and analysis. They offered to provide assistance with technical edits and even to draft at least one provision.

We continued to work on the bill throughout the August recess. We were incorporating all this that we were working through the committee process. We had taken massive comments from Alaskan organizations and individuals and Native organizations, working the process as the process should be worked.

We truly did make substantial headway. We were prepared this morning to move forward with a committee substitute and put forward the substance of that substitute to the minority staff on September 2. It was a good-faith effort to accommodate all the requested changes without sacrificing the goal of completing these land transfers by our 50th anniversary of statehood, or the year 2009.

As of last Friday, less than a week ago, we were hearing very positive reports about the progress we were making on both sides and truly believed we were going to be in a position to offer a joint staff substitute at today's meeting.

It was not until yesterday that we were abruptly informed no such substitute would be possible. So I proceeded with an amendment on my own, an amendment that really does reflect the very bipartisan effort that was going on in this very important bill.

Again, I need to stress the importance of this legislation: land conveyances owed to the State of Alaska since statehood, land conveyances owed to Alaska Natives since passage of the Native Claims Settlement Act, promises made by the Federal Government to Alaska that need to be promises kept.

I am very committed to my work in the Senate. I am very committed to doing my utmost best for the people of the State of Alaska. These two pieces of legislation we were prepared to take up this morning and that we were thwarted in our efforts to move forward are very important to Alaskans. They do make a difference in how we move forward with our lands.

Put your State in this position. If you do not have the ability to move forward with your lands, if you do not even know what the status of your land title is, how complicated the future is for your State. We need to get these issues resolved.

All I ask for is the ability to do my job, and my job, as we all know, requires a cooperative process. We cannot move legislation through this body if we do not have cooperation, and cooperation begins at that very beginning level, working through the committees, as we have with both of these legislations. It then moves forward to that next step—to move the legislation through the committee—so we can move it to the floor.

I am happy to engage in debate on the merits. If you do not like the amendments, if you think they can be made better, wonderful, let's make it happen, but let's at least allow the process to work. When we fail, when we as Senators abdicate the duty and say, Alaska, or whatever State, you are on your own, nothing is going to move forward, we are not doing our job.

I know this is a contentious time. We are in the middle of all the hot political debates. I am a Senator who is standing for election now. We know that causes interesting things to happen within the process. But I would certainly like to think that what we do here in the course of our work should not harm our constituents. We ought to be able to do the business that needs to be done in a cooperative manner.

I am very hopeful we will be able to move forward with not only these bills and hopefully see them on the floor of this body, but other legislation that pertains to all of us. We all come to this body with our very unique issues. They are very particular to our home States. I ask that we all respect one another in our efforts to accomplish those things that are truly very local to our States.

So I look forward to next week and an opportunity to again bring forward very important issues for my State.

I suggest the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

MR. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

THE PRESIDING OFFICER (Mr. CORNYN). Without objection, it is so ordered.

HOMELAND SECURITY APPROPRIATIONS

MR. FEINGOLD. Mr. President, I want to add my thoughts to the debate on the Department of Homeland Security appropriations bill for fiscal year 2005.

First, I want to preface my remarks by thanking the chairman and ranking member of the Homeland Security Appropriations Subcommittee for working so diligently on this bill despite the constraints they have faced. The fight against terrorism is our number one priority, and this appropriations bill is a key component in that fight.

I also thank the Nation's first responders and the employees of the Department of Homeland Security, DHS, who work daily to protect this Nation. They are on the front lines of the fight against terrorism. They are the ones who are called on to stop and respond to any future attack upon our Nation. This bill includes important resources these brave men and women need to perform their critical tasks.

The Senate bill is a vast improvement over the President's proposed budget. It increases funding for such important things as port security, FIRE Act grants, Federal air marshals, Emergency Management Performance Grants, and the SAFER program. The Senate bill also includes funding for research and development on next generation explosive detection equipment, a priority identified by the 9/11 Commission. These are just a few examples of the many areas where the Senate bill is far superior to the administration's request.

I was also pleased that the Senate bill includes a number of amendments I sponsored. The Senate adopted my amendment requiring DHS to create a strategic transportation security plan and to base future transportation security budgets on that plan. This amendment will make sure that taxpayer dollars are spent efficiently and effectively to meet our Nation's most pressing transportation security needs, rather than the current well-intended but ad hoc method of spending. This amendment was based on one of the recommendations of the 9/11 Commission and, it is one of the first of the Commission's recommendations to be adopted by the Senate.

The Senate also adopted my amendment to extend to the Department of Homeland Security for fiscal year 2005 a provision included in the fiscal year 2004 omnibus appropriations law that requires all departments and agencies to report to Congress on purchases of foreign-made goods. It is important that the government make every effort to purchase American-made goods and that it explain to the public whenever it fails to do so.

I was also pleased that the Senate adopted my amendment requiring the Department of Homeland Security to report to Congress on its use of data-mining in fiscal year 2005. This amendment will provide the American people

with critical information about the use of data-mining technology and the way highly personal information, like credit reports, travel records and other personal information, is obtained and used by our government. Periodically, after millions of dollars have been spent, we learn about a new data-mining program under development by the Federal Government. This amendment will not stop any data-mining. It simply requires the Department of Homeland Security to report to Congress on any data-mining programs it is using or developing and how these programs implicate the civil liberties and privacy of all Americans. With complete information, the American people will be able to make considered judgments about which programs should and should not go forward.

Although this bill does a lot to help protect this Nation, including providing much-needed resources for our first responders, it does not do enough. I was disappointed that many good amendments were not adopted by the Senate. For example, an amendment offered by Senator BYRD, which I cosponsored, would have canceled purchases of oil to the Strategic Petroleum Reserve and directed the \$470 million in savings to critical homeland security needs. Yet the Senate rejected this amendment even though it would have helped to ease gas prices by freeing more oil for the market and provided important funding for our homeland security programs.

I also regret that this bill was so severely limited by a budget allocation that did not provide adequate funding for homeland security, choosing instead to make tax cuts its highest priority. That is why I supported several amendments that would have added funding for critical security needs. I want to point out to my colleagues that I do not take lightly my decision to vote in favor of spending more money. Fiscal responsibility is one of my highest priorities and I constantly look for ways to limit government spending. I am honored that the Concord Coalition and others have recognized me for my efforts in this regard. Although fiscal responsibility remains one of my top priorities, it is imperative that we provide the resources needed to combat terrorism.

I voted for this bill because it provides necessary funding. However, our Nation's vulnerabilities demand more, and I will continue to work to ensure that our vital homeland security needs are met.

INTELLIGENCE REFORM

MR. KENNEDY. Mr. President, last night, the Republican majority in the Senate voted 49-45 to table an amendment I offered on intelligence reform. The amendment would have required the President to give Congress a copy of the 2001 report by the Scowcroft Commission on intelligence reform. A classified annex could be provided if necessary.