

is what we all strive to do every single day we get up in the morning. But it seems to me that good work such as the Violence Against Women Act is easy to do. We do not have to use it as a train to which we attach different pieces of legislation.

I see Senator WELLSTONE on the floor. He has worked so hard in the area of the trafficking of women worldwide. Yes, we have no objection if we marry these two, if you will, pieces of legislation together because they make sense. One is talking about violence at home; one is talking about taking girls and putting them into sex trafficking. And it is a sin upon the world that this happens. We agreed to do this. It could have been done in a minute. We do not need to come on the floor and have a long period of time to discuss this. I am sure the Senator would agree; we could have a few comments.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mrs. BOXER. I am very disappointed this morning that we haven't been able to do at least one good thing for the women and children of this country, and that is to pass the House bill, the Violence Against Women Act, to get it done.

The PRESIDING OFFICER. Who yields time?

Time runs equally against both sides.

Mr. REID. Mr. President, I would like to ask a question of my friend from California in the minute we have remaining.

Mrs. BOXER. Yes.

Mr. REID. With all this compassionate conservatism around, do you think it would be good if the Governor of Texas interceded in this matter?

Mrs. BOXER. Yes. I would call on the Governor to intercede with our friends on the other side. He was asked about the Violence Against Women Act on the campaign trail. He was unaware of it. He said he had not heard of it, although Texas has received about \$75 million, and they have built battered women shelters. Then when he studied it, he said he supported it, for which I am very grateful. But this is a golden moment for him.

Since we have passed the bill, I want to say to my friend from Nevada, intimate-partner violence has decreased by 21 percent. Again, we have seen the number of battered women shelters increase by 60 percent. Before there were more animal shelters than there were for women and children. So we should act. I hope my friends will reconsider.

The PRESIDING OFFICER. All the time of the minority has expired.

Who yields time?

Time will run on the majority side.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I think we are getting prepared, within a couple minutes now, to have a vote on the

continuing resolution. I simply want to rise again to say I do not disagree at all with what the Senator from California is saying. But the fact is, there is a plan. There is a plan to operate under here. The Senate does not simply react because someone gets up and says it is time to do this. There are negotiations going on between the leader and Senators on the other side.

I am sure this will indeed be done. We have a lot of things that need to be done. I would suggest that we ought to get the whole thing planned a little bit. I am a little surprised that this Senator is talking about objecting to moving forward because I think there have been quite a few objections coming from that side that has gotten us to where we are now. That is not really the point. The point is, we will handle this bill. The leader has prepared to do that.

Mr. THOMAS. Mr. President, I hope we can now proceed to the vote.

The PRESIDING OFFICER. The clerk will read the joint resolution for the third time.

The joint resolution was read the third time.

Mr. INHOFE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been requested.

Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall the joint resolution pass? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) and the Senator from Vermont (Mr. JEFFORDS) are necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER (Mr. BUNNING). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 1, as follows:

[Rollcall Vote No. 264 Leg.]

YEAS—95

Abraham	Chafee, L.	Gorton
Akaka	Cleland	Graham
Allard	Cochran	Gramm
Ashcroft	Collins	Grams
Baucus	Conrad	Grassley
Bayh	Craig	Gregg
Bennett	Crapo	Hagel
Biden	Daschle	Harkin
Bingaman	DeWine	Hatch
Bond	Dodd	Hollings
Boxer	Domenici	Hutchinson
Breaux	Dorgan	Hutchinson
Brownback	Durbin	Inhofe
Bryan	Edwards	Inouye
Bunning	Enzi	Johnson
Burns	Feingold	Kennedy
Byrd	Fitzgerald	Kerrey
Campbell	Frist	Kerry

Kohl	Murkowski	Smith (NH)
Kyl	Murray	Smith (OR)
Landrieu	Nickles	Snowe
Lautenberg	Reed	Specter
Levin	Reid	Stevens
Lincoln	Robb	Thomas
Lott	Roberts	Thompson
Lugar	Rockefeller	Thurmond
Mack	Roth	Torricelli
McCain	Santorum	Torricelli
McConnell	Sarbanes	Voinovich
Mikulski	Schumer	Warner
Miller	Sessions	Wellstone
Moynihan	Shelby	Wyden

NAYS—1

Leahy

NOT VOTING—4

Feinstein  
Helms

Jeffords  
Lieberman

The joint resolution (H.J. Res. 110) was passed.

Mr. FITZGERALD. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

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

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

DEPARTMENT OF THE INTERIOR  
AND RELATED AGENCIES APPROPRIATIONS ACT, 2001—CONFERENCE REPORT—Resumed

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A conference report to accompany H.R. 4578, an act making appropriations for the Department of the Interior and related agencies for fiscal year ending September 30, 2001, and for other purposes.

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

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

SENATE AGENDA

Mr. LEAHY. Mr. President, the situation we are in right now is interesting. It is different from any similar period I can recall in nearly 26 years in the Senate. We are at the end of the fiscal year—we have actually gone beyond the end of the fiscal year—and nothing seems to be happening. I voted against the continuing resolution, not because I do not think we should keep the Government going—of course we should; it is unfortunate to close down the Government—but more to express my concern that we are not doing our business.

We have not passed our appropriations bills as we should. We all talk about how we make Government more efficient or how we make Government better. But imagine if you are running one of these Agencies or one of these Departments and you have to make the decisions for the year, and Congress, which has a mandate under law to pass the appropriations bills by September 30, we are here on October 5 and are nowhere near completing the bills.

Yet in a Congress that spends more time investigating than legislating, we are perfectly willing to have investigations and actually bring a lot of these Departments to a halt while we ask them question after question, even if the questions have already been asked, and yet we are unwilling to do our own work on time. It is not the way it can be done, and it is not the way it should be done.

I strongly urge Senators to consider next year when we come back, no matter who wins the Presidency, no matter who wins seats in the Senate or in the other body, that we spend more time trying to do things that actually help the country, that we set aside some of the partisanship and bitterness that has marked this Senate actually since impeachment time, which in itself was marked by partisanship when impeachment was rushed through in a lame duck House of Representatives and then passed over to this body. It appears in many ways we lost our footing at that time and never got back on course.

There are bills that have bipartisan support. There was one I was discussing on the floor a few minutes ago with the distinguished Senator from Colorado, the Campbell-Leahy bulletproof vest bill. This is a bill that provides money for bulletproof vests for law enforcement officers.

Senator CAMPBELL and I served in law enforcement before we came to Congress. We served at a time when much of law enforcement did not face the danger it does now, but we kept enough of our ties to law enforcement and so we know how difficult it is. We know that the men and women we send out to protect all of us are themselves so often the victims of the same criminals from whom they try to protect us.

Bulletproof vests are a \$500 or \$600 item. They wear out in 5 years. A lot of departments, especially small departments in States such as Vermont or rural areas like Texas, cannot afford these vests. I have letters from hundreds of law enforcement people from around the country who tell me that under the original Campbell-Leahy bill, they finally have a sense of security because they have bulletproof vests. We want to extend that for a couple more years. Yet we cannot even get a vote on it.

This is a bill which, if it is brought to a vote in this Chamber, I am willing to

bet virtually every Senator, Republican and Democrat, will vote for. How can one vote against it? Yet there has been one hold on the Republican side of the aisle, and we cannot bring up this vital law enforcement piece of legislation.

I wanted to be sure—I am hearing from law enforcement agencies all across the country: Why can't you pass it?—so I actually made the point of checking with all 46 Democratic Senators: Do any of you have any objection to voting on this on a second's notice? They said: No, pass it by unanimous consent, if you want.

I ask whoever is holding it up on the other side not to continue to hold it up.

Mr. President, I return to ask the Republican leadership what is holding up enactment of the Bulletproof Vest Partnership Grant Act of 2000? This is a bill I introduced with Senator CAMPBELL and others last April. The Senate Judiciary Committee considered and reported the bill unanimously to the full Senate back in June. I have since been working to get Senate consideration, knowing that it will pass overwhelmingly if not unanimously.

Unfortunately, an anonymous "hold" on the Republican side prevented enactment before the Senate recessed in July. I have been unable to discover which Republican Senator opposes the bill or why, and that remains true today.

We have been working for several months to pass the Bulletproof Vest Partnership Grant Act of 2000. It has been cleared by all Democratic Senators.

That it has still not passed the full Senate is very disappointing to me, as I am sure that it is to our nation's law enforcement officers, who need life-saving bulletproof vests to protect themselves. Protecting and supporting our law enforcement community should not be a partisan issue.

Senator CAMPBELL and I worked together closely and successfully in the last Congress to pass the Bulletproof Vest Partnership Grant Act of 1998 into law. This year's bill reauthorizes and extends the successful program that we helped create and that the Department of Justice has done such a good job implementing.

I have charts here that show how successful the Bulletproof Vests Grant Program has been for individual states. In its first year of operation in 1999, the program funded the purchase of 167,497 vests with \$23 million in federal grant funds.

For the State of Alabama, the program funded the purchase of 2,287 bulletproof vests for law enforcement officers in 1999. For the State of California, the program funded the purchase of 28,106 bulletproof vests for law enforcement officers in 1999. For the State of Colorado, the program funded

the purchase of 1,844 bulletproof vests for police officers in 1999.

For the State of Idaho, the program funded the purchase of 711 bulletproof vests for law enforcement officers in 1999. For the State of Michigan, the program funded the purchase of 2,932 bulletproof vests for law enforcement officers in 1999. For the State of Minnesota, the program funded the purchase of 1,052 bulletproof vests for law enforcement officers in 1999. For the State of Mississippi, the program funded the purchase of 1,283 bulletproof vests for law enforcement officers in 1999. For the State of Missouri, the program funded the purchase of 2,919 bulletproof vests for law enforcement officers in 1999.

For the State of New York, the program funded the purchase of 13,004 bulletproof vests for law enforcement officers in 1999. For the State of Oklahoma, the program funded the purchase of 3,042 bulletproof vests for law enforcement officers in 1999. For the State of Rhode Island, the program funded the purchase of 792 bulletproof vests for law enforcement officers in 1999. For the State of Utah, the program funded the purchase of 1,326 bulletproof vests for law enforcement officers in 1999. For my home State of Vermont, the program funded the purchase of 361 bulletproof vests for police officers in 1999. For big and small states, the program was a success in its first year.

I have a second chart that shows how successful the Bulletproof Vests Grant Program has been for individual states in its second year of operation. In 2000, the program funded the purchase of 158,396 vests with \$24 million in federal grant funds.

For the State of Alabama, the program funded the purchase of 2,498 bulletproof vests for law enforcement officers in 2000. For the State of California, the program funded the purchase of 27,477 bulletproof vests for law enforcement officers in 2000. For the State of Colorado, the program funded the purchase of 2,288 bulletproof vests for police officers in 2000.

For the State of Idaho, the program funded the purchase of 477 bulletproof vests for law enforcement officers in 2000. For the State of Michigan, the program funded the purchase of 3,427 bulletproof vests for law enforcement officers in 2000. For the State of Minnesota, the program funded the purchase of 709 bulletproof vests for law enforcement officers in 2000. For the State of Mississippi, the program funded the purchase of 1,364 bulletproof vests for law enforcement officers in 2000. For the State of Missouri, the program funded the purchase of 1,221 bulletproof vests for law enforcement officers in 2000.

For the State of New York, the program funded the purchase of 11,969 bulletproof vests for law enforcement officers in 2000. For the State of Oklahoma, the program funded the purchase of 3,389 bulletproof vests for law enforcement officers in 2000. For the State of Rhode Island, the program funded the purchase of 313 bulletproof vests for law enforcement officers in 2000. For the State of Utah, the program funded the purchase of 1,326 bulletproof vests for law enforcement officers in 2000. For my home State of Vermont, the program funded the purchase of 175 bulletproof vests for police officers in 2000. For the second year in a row, the program was a great success.

Mr. President, I ask unanimous consent that these two charts listing the number of bulletproof vests purchased and the Federal grant amounts for each state in 1999 and 2000 under the Bulletproof Vest Partnership Grant Program be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. LEAHY. The Bulletproof Vest Partnership Grant Act of 2000 builds on the success of this program by doubling its annual funding to \$50 million for fiscal years 2002–2004. It also improves the program by guaranteeing jurisdictions with fewer than 100,000 residents receiving the full 50–50 matching funds because of the tight budgets of these smaller communities and by making the purchase of stab-proof vests eligible for grant awards to protect corrections officers in close quarters in local and county jails.

We have 20 cosponsors on the new bill, including a number of Democrats and Republicans. This is a bipartisan bill that is not being treated in a bipartisan way. For some unknown reason a Republican Senator has a hold on this bill and has chosen to exercise that right anonymously.

More than ever before, police officers in Vermont and around the country face deadly threats that can strike at any time, even during routine traffic stops. Bulletproof vests save lives. It is essential that we update this law so that many more of our officers who are risking their lives everyday are able to protect themselves.

I hope that the mysterious “hold” on the bill from the other side of the aisle will disappear. The Senate should pass without delay the Bulletproof Vest Partnership Grant Act of 2000 and send to the President for his signature into law.

Before we recessed last July, I informed the Republican leadership that the House of Representatives had passed the companion bill, H.R. 4033, by an overwhelming vote of 413–3. I expressed my hope that the Senate would quickly follow suit and pass the House-passed bill and send it to the President.

President Clinton has already endorsed this legislation to support our Nation’s law enforcement officers and is eager to sign it into law.

I find it ironic that the Senate in July passed the Federal Law Enforcement Animal Protection Act, H.R. 1791. That bill increased the penalties for harming dogs and horses used by federal law enforcement officers. President Clinton signed that bill into law on August 2nd.

The majority acted quickly to protect dogs and horses used by law enforcement officers but has stalled action on legislation to provide life-saving protection for law enforcement officers themselves. The Senate should have moved as quickly in July to pass the Bulletproof Vest Partnership Grant Act of 2000 and sent it to the President for his signature into law.

Several more months have come and gone. Unfortunately, nothing has changed. Not knowing what the misunderstanding of our bill is, I find it is impossible to overcome an anonymous, unstated objection. I, again, ask whoever it is on the Republican side who has a concern about this program to please come talk to me and to Senator CAMPBELL. I hope that the Senate will do the right thing and pass this important legislation without further unnecessary delay.

EXHIBIT 1

BULLETPROOF VEST PARTNERSHIP GRANT ACT—YEAR 1999

State	Total vests	Approved amount
Alabama	2,287	\$230,343.84
Alaska	395	90,309.65
Arizona	1,705	334,099.97
Arkansas	778	180,830.13
California	28,106	2,843,427.56
Colorado	1,844	303,622.83
Connecticut	3,637	547,507.96
Delaware	1,526	69,533.76
District of Columbia	844	44,899.70
Florida	9,641	985,708.59
Georgia	4,067	528,480.98
Guam	145	6,000.00
Hawaii	330	100,865.57
Idaho	711	101,673.49
Illinois	9,035	1,337,252.98
Indiana	5,375	774,582.31
Iowa	1,954	441,262.08
Kansas	1,257	195,605.72
Kentucky	1,510	234,990.82
Louisiana	3,112	330,409.06
Maine	626	161,374.59
Maryland	3,772	329,998.45
Massachusetts	2,255	274,032.76
Michigan	2,932	658,931.12
Minnesota	1,052	146,378.98
Mississippi	1,283	201,931.59
Missouri	2,919	478,933.33
Montana	435	101,647.37
Nebraska	905	127,329.90
Nevada	394	84,441.26
New Hampshire	450	143,632.09
New Jersey	5,336	838,439.10
New Mexico	1,388	321,910.87
New York	13,004	1,240,481.60
North Carolina	5,974	750,998.79
North Dakota	397	81,443.98
Northern Mariana Islands	375	38,000.00
Ohio	5,506	1,084,863.95
Oklahoma	3,042	348,374.03
Oregon	1,847	342,712.74
Pennsylvania	8,360	1,018,781.60
Puerto Rico	1,496	212,091.20
Rhode Island	792	192,873.46
South Carolina	2,286	451,685.53
South Dakota	228	57,206.42
Tennessee	2,576	331,638.90
Texas	9,245	1,350,816.23
Utah	1,326	325,181.42
U.S. Virgin Island	356	6,000.00
Vermont	361	96,386.81

BULLETPROOF VEST PARTNERSHIP GRANT ACT—YEAR 1999—Continued

State	Total vests	Approved amount
Virginia	3,559	426,197.77
Washington	1,840	387,177.81
West Virginia	645	128,878.93
Wisconsin	2,065	441,721.01
Wyoming	221	49,814.46
Total	167,497	22,913,725.04

BULLETPROOF VEST PARTNERSHIP GRANT ACT—YEAR 1999

State	Number vests	BVP funding
Alabama	2,498	333,476.91
Alaska	202	38,435.26
Arizona	2,569	474,444.89
Arkansas	408	164,433.89
California	27,477	2,983,332.71
Colorado	2,288	388,322.15
Connecticut	1,904	308,881.86
Delaware	2,214	216,210.35
District of Columbia	1,580	171,768.76
Florida	11,769	1,433,916.06
Georgia	4,780	749,046.97
Guam		
Hawaii	2,331	388,037.21
Idaho	477	120,627.95
Illinois	6,761	923,328.88
Indiana	3,842	513,415.07
Iowa	1,011	210,632.67
Kansas	1,048	201,192.38
Kentucky	1,363	241,682.86
Louisiana	3,510	421,933.86
Maine	576	120,651.83
Maryland	2,782	265,643.15
Massachusetts	3,582	754,073.82
Michigan	3,427	622,564.00
Minnesota	709	234,776.23
Mississippi	1,364	239,899.81
Missouri	1,221	224,177.96
Montana	271	80,877.76
Nebraska	622	90,276.24
Nevada	1,176	141,612.32
New Hampshire	489	118,470.26
New Jersey	5,579	1,227,933.41
New Mexico	1,195	200,141.76
New York	11,969	1,817,314.92
North Carolina	3,183	530,987.91
North Dakota	352	43,284.36
Northern Mariana Islands	355	107,033.50
Ohio	5,015	950,198.19
Oklahoma	3,389	562,865.11
Oregon	2,456	416,464.24
Pennsylvania	8,260	1,577,238.20
Puerto Rico	1,337	147,861.47
Rhode Island	317	84,417.94
South Carolina	1,727	296,551.50
South Dakota	157	27,845.87
Tennessee	2,154	286,436.37
Texas	5,962	802,886.82
U.S. Virgin Island	341	45,361.11
Utah	837	171,546.50
Vermont	175	43,806.27
Virginia	3,415	446,645.52
Washington	2,690	525,935.54
West Virginia	612	75,650.56
Wisconsin	2,418	437,207.69
Wyoming	159	44,134.89
Total	158,396	24,005,803.78

JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, today is October 5, the first anniversary of an event I hope I will not see again in the Senate. I have spoken many times about the Senate being the conscience of the Nation, and it should be. A year ago today, I believe the country was harmed by a party-line vote. That party-line vote defeated the nomination of Justice Ronnie White to the Federal district court in Missouri. Justice White, on the Missouri Supreme Court, had the highest qualifications. He passed through the Senate Judiciary Committee. He had the highest ABA ratings. He is a distinguished African American jurist. Yet when it came to a vote, every Democrat voted for him and every Republican voted against him. I believe that was a mistake and one we will regret. I spoke on

this nomination on October 15 and 21 of last year and more recently this year.

Fifty-one years ago this month—I was 9 years old—the Senate confirmed President Truman's nomination of William Henry Hastings to the Court of Appeals for the Third Circuit. That was actually the first Senate confirmation of an African American to our Federal courts—only 51 years ago. Thirty-one years ago, the Senate confirmed President Johnson's nomination of Thurgood Marshall to the U.S. Supreme Court. When we rejected Ronnie White, I wonder if we went backward or we moved forward.

This year, the Judiciary Committee has even refused to move forward with a hearing on Roger Gregory or Judge James Wynn to the Fourth Circuit. It is interesting—talk about bipartisanship—one of these men is a distinguished African American, a legal scholar, strongly supported by both the Republican and Democratic Senators from his State. Senator WARNER, a distinguished and respected Member of this body and a Republican, strongly supports him. Senator ROBB, an equally distinguished and respected Member of this body and a Democrat, a decorated war hero, also supports him, and the President nominated him. We cannot even get a vote.

I hope this does not continue. I suggest, again, whoever wins the Presidency, whoever wins seats or loses seats in the Senate, that we not do this next year.

This year, the Judiciary Committee reported only three nominees to the Court of Appeals all year. We denied a committee vote to two outstanding nominees who succeeded in getting hearings. I understand the frustration of Senators who know Roger Gregory, Judge James Wynn, Kathleen McCree Lewis, Judge Helene White, Bonnie Campbell, and others should have been considered and voted on.

There are multiple vacancies on the Third, the Fourth, Fifth, Sixth, Ninth, Tenth, and District of Columbia Circuits; 23 current vacancies. Our appellate courts have nearly half of the judicial vacancies in the Federal court system. That has to change. I hope it will.

I see my distinguished colleague and friend from Texas on the floor. I want to assure her I will yield the floor very soon.

But I hope we can look again and ask ourselves objectively, without any partisanship, can we not do better on judges?

I quoted Gov. George Bush on the floor a couple days ago. I said I agreed with him. On nominations, he said we should vote them up or down within 60 days. If you don't want the person, vote against them. The Republican Party should have no fear of that. They have the majority in this body. They can vote against them if they want, but have the vote. Either vote for them or

vote against them. Don't leave people such as Helene White and Bonnie Campbell—people such as this—just hanging forever without even getting a rollcall vote. That is wrong. It is not a responsible way and besmirches the Senate, this body that I love so much.

I consider it a privilege to serve here. This is a nation of a quarter of a billion people; and only 100 of us can serve at any one time to represent this wonderful Nation. It is a privilege that our States give us. We should use the privilege in the most responsible way to benefit all of us.

When Senators do not vote their conscience, they risk the debacle that we witnessed last October 5th, when a partisan political caucus vote resulted in a fine man and highly qualified nominee being rejected by all Republican Senators on a party-line vote. The Senate will never remove the blot that occurred last October when the Republican Senators emerged from a Republican Caucus to vote lockstep against Justice White. At a Missouri Bar Association forum last week, Justice White expressed concern that the rejection of his nominations to a Federal judgeship will have a "chilling effect" on the desire of other young African American lawyers to seek to serve on our judiciary.

President Clinton has tried to make progress on bringing greater diversity to our federal courts. He has been successful to some extent. With our help, we could have done so much more. We will end this Congress without having acted on any of the African American nominees, Judge James Wynn or Roger Gregory, sent to us to fill vacancies on the Fourth Circuit and finally integrate the Circuit with the highest percentage of African American population in the country, but the one Circuit that has never had an African American judge. We could have acted on the nomination of Kathleen McCree Lewis and confirmed her to the Sixth Circuit to be the first African American woman to sit on that Court. Instead, we will end the year without having acted on any of the three outstanding nominees to the Sixth Circuit pending before us.

This Judiciary Committee has reported only three nominees to the Courts of Appeals all year. We have held hearings without even including a nominee to the Courts of Appeals and denied a Committee vote to two outstanding nominees who succeeded in getting hearings. I certainly understand the frustration of those Senators who know that Roger Gregory, Judge James Wynn, Kathleen McCree Lewis, as well as Judge Helene White, Bonnie Campbell and others should have been considered by this Committee and voted on by the Senate this year.

There continue to be multiple vacancies on the Third, Fourth, Fifth, Sixth, Ninth, Tenth and District of Columbia

Circuits. With 23 current vacancies, our appellate courts have nearly half of the total judicial emergency vacancies in the federal court system. I note that the vacancy rate for our Courts of Appeals is more than 12 percent nationwide. If we were to take into account the additional appellate judgeships included in the Hatch-Leahy Federal Judgeship Act of 2000, S.3071, a bill that was requested by the Judicial Conference to handle current workloads, the vacancy rate on our federal courts of appeals would be more than 17 percent.

The Chairman declares that "there is and has been no judicial vacancy crisis" and that he calculates vacancies at "less than zero." The extraordinary service that has been provided by our corps of senior judges does not mean there are no vacancies. In the federal courts around the country there remain 63 current vacancies and several more on the horizon. With the judgeships included in the Hatch-Leahy Federal Judgeship Act of 2000, there would be over 130 vacancies across the country. That is the truer measure of vacancies, many of which have been longstanding judicial emergency vacancies in our southwest border states. The chief judges of both the Fifth and Sixth Circuits have had to declare their entire courts in emergencies since there are too many vacancies and too few circuit judges to handle their workload.

The chairman misconstrues the lessons of the 63 vacancies at the end of the 103rd Congress in 1994. I would point out that in 1994 the Senate confirmed 101 judges to compensate for normal attrition and to fill the vacancies and judgeships created in 1990. In fact, that Congress reduced the vacancies from 131 in 1991, to 103 in 1992, to 112 in 1993, to 63 in 1994. Vacancies were going down and we were acting with Republican and Democratic Presidents to fill the 85 judgeships created by a Democratic Congress under a Republican President in 1990. Since Republicans assumed control of the Senate in the 1994 election the Senate has not even kept up with normal attrition. We will end this year with more vacancies than at the end of the session in 1994. As I have pointed out, the vacancies are most acute among our courts of appeals. Further, we have not acted to add the judgeships requested by the Judicial Conference to meet increased workloads over the last decade.

According to the Chief Justice's 1999 year-end report, the filings of cases in our Federal courts have reached record heights. In fact, the filings of criminal cases and defendants reached their highest levels since the Prohibition Amendment was repealed in 1933. Also in 1999, there were 54,693 filings in the 12 regional courts of appeals. Overall growth in appellate court caseload last year was due to a 349 percent upsurge

in original proceedings. This sudden expansion resulted from newly implemented reporting procedures, which more accurately measure the increased judicial workload generated by the Prisoner Litigation Reform Act and the Antiterrorism and Effective Death Penalty Act, both passed in 1996.

Let me also set the record straight, yet again, on the erroneous but oft-repeated argument that "the Clinton Administration is on record as having stated that a vacancy rate just over 7 percent is virtual full-employment of the judiciary." That is not true.

The statement can only be alluded to an October 1994 press release. It should not be misconstrued in this manner. That press release was pointing out that at the end of the 103rd Congress if the Senate had proceeded to confirm the 14 nominees then pending on the Senate calendar, it would have reduced the judicial vacancy rate to 4.7 percent, which the press release then proceeded to compare to a favorable unemployment rate of under 5 percent.

Unfortunately, the chairman's assertions are demonstrably false. Contrary to his statement, the Justice Department's October 12, 1994 press release that he cites does not equate a 7.4 percent vacancy rate with "full employment," but rather a 4.7 percent rate. Additionally, the vacancy rate was not reduced to 4.7 percent in 1994, and stands at three times that today.

The Justice Department release was not a statement of administration position or even a policy statement but a poorly designed press release that included an ill-conceived comment. Job vacancy rates and unemployment rates are not comparable. Unemployment rates are measures of people who do not have jobs not of Federal offices vacant without an appointed office holder.

When I learned that some Republicans had for partisan purposes seized upon this press release, taken it out of context, ignored what the press release actually said and were manipulating it into a misstatement of Clinton administration policy, I asked the Attorney General, in 1997, whether there was any level or percentage of judicial vacancies that the administration considered acceptable or equal to "full employment."

The Department responded:

There is no level or percentage of vacancies that justifies a slow down in the Senate on the confirmation of nominees for judicial positions. While the Department did once, in the fall of 1994, characterize a 4.7 percent vacancy rate in the federal judiciary as the equivalent of the Department of Labor 'full employment' standard, that characterization was intended simply to emphasize the hard work and productivity of the Administration and the Senate in reducing the extraordinary number of vacancies in the federal Article III judiciary in 1993 and 1994. Of course, there is a certain small vacancy rate, due to retirements and deaths and the time required by the appointment process, that will always

exist. The current vacancy rate is 11.3 percent. It did reach 12 percent this past summer. The President and the Senate should continually be working diligently to fill vacancies as they arise, and should always strive to reach 100 percent capacity for the Federal bench.

At no time has the Clinton administration stated that it believes that 7 percent vacancies on the federal bench is acceptable or a virtually full federal bench. Only Republicans have expressed that opinion. As the Justice Department noted three years ago in response to an inquiry on this very question, the Senate should be "working diligently to fill vacancies as they arise, and should always strive to reach 100 percent capacity for the federal bench."

Indeed, I informed the Senate of these facts in a statement in the CONGRESSIONAL RECORD on July 7, 1998, so that there would be no future misunderstanding or misstatement of the record. Nonetheless, in spite of the facts and in spite of my July 1998 statement and subsequent statements on this issue over the past three years, these misleading statements continue to be repeated.

Ironically, the Senate could reduce the current vacancy rate to under 5 percent if we confirmed the 39 judicial nominees that remain bottled up before the Judiciary Committee. Instead of misstating the language of a 6-year-old press release that has since been discredited by the Attorney General herself, the chairman would have my support if we were working to get those 39 more judges confirmed.

I regret to report again today that the last confirmation hearing for federal judges held by the Judiciary Committee was in July, as was the last time the Judiciary Committee reported any nominees to the full Senate. Throughout August and September and now into the first week in October, there have been no additional hearings held or even noticed, and no executive business meetings have included any judicial nominees on the agenda. By contrast, in 1992, the last year of the Bush administration, a Democratic majority in the Senate held three confirmation hearings in August and September and continued to work to confirm judges up to and including the last day of the session.

I continue to urge the Senate to meet its responsibilities to all nominees, including women and minorities. So long as the Senate is in session, I will urge action. That highly-qualified nominees are being needlessly delayed is most regrettable. The Senate should join with the President to confirm well-qualified, diverse and fair-minded nominees to fulfill the needs of the Federal courts around the country.

As I noted on the floor earlier this week, the frustration that many Senators feel with the lack of attention this Committee has shown long pend-

ing judicial nominees has simply boiled over. I understand their frustration and have been urging action for some time. This could all have been easily avoided if we were continuing to move judicial nominations like Democrats did in 1992, when we held hearings in September and confirmed 66 judges that Presidential election year.

I regret that the Judiciary Committee and the Senate is not holding additional hearings, that we only acted on 39 nominees all year and that we have taken so long on so many of them. I deeply regret the lack of a hearing and a vote on so many qualified nominees, including Roger Gregory, Judge James Wynn, Judge Helene White, Bonnie Campbell, Enrique Moreno, Allen Snyder and others. And, I regret that a year ago today, the Senate rejected the nomination of Justice Ronnie White to the Federal District Court of Missouri on a partisan, party-line vote.

Mr. REID. Will the Senator yield for a question?

Mr. LEAHY. I yield for a question.

Mr. REID. I say to my friend from Vermont, the bulletproof vest bill that you wrote and that you have spoken about here on the floor this morning—is that right?

Mr. LEAHY. That is right.

Mr. REID. It would greatly benefit rural Nevadans; is that not right?

Mr. LEAHY. There is no question it would benefit rural Nevada. Of course, the distinguished deputy leader was in law enforcement himself. He knows the threat that police officers face. That threat is not exclusive to big cities, by any means.

Mr. REID. I say to my friend, the lead Democrat on the Judiciary Committee, Nevada is an interesting State. Seventy percent of the people in Nevada live in the metropolitan Las Vegas area. Another about 20 percent live in the Reno metropolitan area. The 10 percent who are spread out around the rest of the State cover thousands and thousands of square miles, and there are many small communities that do not have the resources that the big cities have to provide, for example, bulletproof vests.

I say to my friend from Vermont, do you agree that people who work in rural America in law enforcement deserve the same protection as those who work in urban centers throughout America?

Mr. LEAHY. There is no question about it. In fact, in the 1999 bill they were able to purchase nearly 400 vests, many of those in the rural areas. If we get this through, now they can purchase 1,176 vests.

I say this because the Senate moved very quickly to pass a bill that increased the penalties if we harmed dogs or horses used by law enforcement. In other words, we could quickly zip this through and pass a bill saying the penalty will be increased if one harms a

dog or horse used by law enforcement, but, whoops, we can't pass a bipartisan piece of legislation protecting the law enforcement officer himself or herself. I think of Alice in Wonderland, I have to admit, under those circumstances.

Mr. REID. I say to my friend, I am happy we are looking out for animals. I support that and was aware of that legislation, but I think it is about time we started helping some of these rural police departments in Nevada that are so underfunded and so badly in need of this protection.

Mr. LEAHY. I say to my friend from Nevada, I, too, support the bill protecting animals in law enforcement. But I wish we could have added this other part. If you have the police officer out with the police dog, that police officer deserves protection. If you have a police officer out there with a horse—in many parts of both urban and rural areas horses are still used for a number of reasons by police officers—then let's also protect the police officer.

Mr. President, I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent, on behalf of the leader, at 1 o'clock today, the Senator from Illinois, Mr. FITZGERALD, be recognized to make closing remarks on the Interior appropriations conference report for up to 45 minutes, and following the use or yielding back of time, the cloture vote occur, notwithstanding rule XXII, and following that vote, if invoked, the conference report be considered under the following time restraints: 10 minutes equally divided between the two managers, 10 minutes equally divided between the chairman and ranking member of Appropriations; 30 minutes under the control of Senator LANDRIEU, 15 minutes under the control of Senator MCCAIN.

I further ask consent that following the use or yielding back of time, the Senate proceed to vote on adoption of the conference report, without any intervening action or debate.

Mr. REID. Reserving the right to object, I wonder if the Senator would be kind enough to change the time until 2 o'clock. I think that has been agreed to on your side. I did not hear. Senator FITZGERALD is to be given 1 hour rather than 45 minutes.

Mrs. HUTCHISON. Mr. President, that is acceptable. We could change the time to start at 2 o'clock today, with Senator FITZGERALD having 1 hour.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mrs. HUTCHISON. In light of this agreement, Mr. President, the next vote will be at approximately 3 o'clock.

Let me revise, once again, the unanimous consent request to begin at 1 o'clock, leaving the 1-hour timeframe

for Mr. FITZGERALD; therefore, in light of the agreement, the vote would occur at approximately 2 o'clock, with another vote on adoption of the conference report at 3:30 today. If I could wrap all of that in together as a unanimous consent request, that would be my hope. I make that unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Mr. REID. The confusion is not on the part of the Senator from Texas. It is my confusion. I apologize for inserting that 2 o'clock time. There was some confusion on my part. The debate will start at 1 and we will vote around 2.

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

The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent to speak as in morning business for up to 20 minutes.

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

#### JUDICIAL APPOINTMENTS

Mrs. HUTCHISON. Mr. President, having heard my distinguished colleague from Vermont talk about the judicial selection process, I rise to commend Senator HATCH and his leadership of the Judiciary Committee.

It is very difficult to accommodate all of the requests and responsibilities that are entailed in a lifetime appointment to the Federal bench. I think Senator HATCH has done the very best job he possibly could in getting appointments through, appointments that are reflective of Clinton administration priorities. The vast majority of Clinton appointees have gone through. In my home State of Texas, we have had 20 nominations. Senator GRAMM and I have supported 18 of those, and 17 have gone through. There is still one pending that we support.

I think Senator HATCH has bent over backwards to do his due diligence but to respect the wishes of the Democratic side and the administration. I don't want to leave unchallenged some of the comments made that indicate that serious consideration has not been given to every single Clinton appointee and that in most cases those appointees have been put forward.

It is important that a lifetime appointment be scrutinized because there is no accountability of that lifetime appointment. We need to look at all of the factors surrounding a particular nominee, knowing the power that a Federal judge has and that the accountability is limited.

I applaud Senator HATCH. I think he has done a terrific job under very difficult circumstances. I hope he will continue the due diligence and also continue apace with the nominations process.

#### HOSPITAL PRESERVATION ACT

Mrs. HUTCHISON. Mr. President, I rise to discuss the Hospital Preserva-

tion Act that Senator ABRAHAM and I introduced last year. We achieved partial relief for hospitals last year, but we have reintroduced it this year in an attempt to get more relief for the beleaguered hospitals of our country.

Today we have both the House Ways and Means Committee and the Senate Finance Committee working on this very important legislation. We will have legislation that will, at least for this year, restore the cuts that are being made to our hospitals in Medicare payments, but I am hoping we can get more. In fact, there are many areas of our health care system that have been undercut by a combination of the Balanced Budget Act and have actually been cut even more forcefully by the Health Care Financing Administration than was ever intended by Congress.

When we passed the Balanced Budget Act, we said we would look at the effects, and if we needed to refine it in any way, we would do that. Congress has met its responsibility in that regard. We had the Balanced Budget Act Refinement Act passed. We have come back and restored cuts that were too much. That is what we are doing in the bill that is before us or will be before us very soon, that is now being considered by the House Committee on Ways and Means and the Senate Finance Committee. In fact, the legislation would increase payments to hospitals, nursing homes, home health care agencies, managed care organizations, and other health providers that are paid under Medicare.

This legislation is needed especially for our hospitals because they are the front line of our health care delivery system. This legislation builds on legislation Congress passed last year that reversed some of the cuts in provider payments that did result from the Balanced Budget Act and from excessive administrative actions taken by the Health Care Financing Administration.

Last year's bill contained important provisions that have helped preserve the ability of American hospitals to continue to provide the highest level of health care anywhere in the world. The Balanced Budget Refinement Act that Congress passed last year did make the situation a little brighter for some of these struggling hospitals. It eases the transition from cost-based reimbursement to prospective payment for hospital outpatient services. It restores some of the cuts to disproportionate share payments, and it provides targeted relief for teaching hospitals and cancer and rehabilitation hospitals.

I was proud to have been the prime advocate in the Senate for one of the provisions in that bill that restored the full inflation update for inpatient hospital services for sole community provider hospitals, those located primarily in rural areas that provide the only institutional care in a 35-mile geographic area. However, last year's bill was really just a start. I think we have all

heard from hospitals that they are really hurting. Hospitals are actually beginning to close, in Texas and all over the Nation. Independent estimates are that this trend will only get worse unless something is done.

I and many of my colleagues in Congress continue to hear from hospital administrators, trustees, health professionals that they were struggling to maintain the quality and variety of health services in the face of mounting budget pressures. With the statutory and HCFA-imposed cuts that they were seeing, many efficiently run hospitals began for the first time to run deficits and threaten closure. For many of these hospitals to close, particularly those in rural areas, would mean not only the loss of life-saving medical services to the residents of the area but also the loss of a core component of local communities. Jobs would be lost. Businesses would wither, and the sense of community and stability a local hospital brings would suffer.

My colleague, Senator Spence ABRAHAM of Michigan, and I began the task of looking for the best way to provide significant assistance to these hospitals to make sure the payments they were receiving for taking Medicare patients were fair and adequate to enable them to continue serving our Nation's seniors, and also to have the support they need to run their hospitals. We decided to try to expand the sole community provider hospital provision to all hospitals.

The bill we have introduced will make sure that Medicare payments for inpatient services actually keep up with the rate of hospital inflation. We will restore the full 1.1 percent in scheduled reductions from the annual inflation updates for inpatient services called for by the Balanced Budget Act. Moreover, rather than just applying to a small group of hospitals, this legislation would benefit every hospital in America, providing an estimated \$7.7 billion in additional Medicare payments over the next 5 years.

Now, you may ask, where is that \$7.7 billion going to come from? Well, when we passed the Balanced Budget Act, we projected savings of \$110 billion over the 5-year period that should have occurred from the cuts we put in the Balanced Budget Act. But, in fact, instead of \$110 billion, we are now projecting \$220 billion in savings. So the \$7.7 billion just for this part of the bill has already been saved, and \$100 billion more is estimated when you take into account the whole 5 years.

So the bottom line is, we cut too much; we are going to restore part of those cuts; and we are still going to be approximately \$100 billion ahead. So we will have saved \$100 billion, as we intended to do, but we will restore the cuts that have caused such hardships to the hospitals throughout our country.

The bill that is being considered by the House Ways and Means Committee contains a full 1-year restoration in the inflation update for hospitals. The pending Senate Finance Committee bill would restore the cuts in 2001, but it only delays the 2002 cuts until 2003. This is progress.

I so appreciate Senator ROTH and Senator MOYNIHAN's efforts in the Senate Finance Committee. But I don't want to delay those cuts. I want to restore the cuts for the full 2 years. I hope that in the end we can go ahead and do that because these hospitals need to know that there is a stability in their budgeting, that they will be able to look at the restoration in the cuts for the next 2 years. They need to be able to plan. They need to know they will have the adequate funding for Medicare that they must have to give the services in the community and to support the hospital for all of the people and the health care needs of the community.

So we are not doing anything that would bust the budget or go into deficits. The fact is, this is a refinement. We have cut \$100 billion too much, and we are restoring \$8 billion of that.

In the bill that is being considered by the Senate Finance Committee, we also will strengthen the Medicare payments for the disproportionate share hospitals, for home health care agencies, for graduate medical education, and for Medicare+Choice plans. We are not out of the woods, but we are taking a major step in the right direction.

I commend Senator ROTH for his leadership of the committee, along with Senator MOYNIHAN. I implore Congress to move swiftly on this very important legislation. We cannot go out of session without addressing the issue of keeping our hospitals from suffering disastrous cuts in Medicare—cuts that they cannot absorb and cuts that are not warranted. This is our responsibility, Mr. President.

I thank my colleague, Senator ABRAHAM, for helping me so much on this issue. He has been a leader. After listening to hospital personnel in his home State of Michigan, he came to me and said, "We have to do something; let's do it together," and I said, "Great," because we must act before we leave this year in Congress. We cannot go forward without addressing this very important issue for the hospitals and health care providers of our country.

#### CERTIFICATION OF MEXICO

Mrs. HUTCHISON. Mr. President, I want to speak briefly on a sense-of-the-Senate resolution I have introduced on behalf of myself and Senators GRASSLEY, GRAMM, KYL, DOMENICI, DODD, FEINSTEIN, HOLLINGS, and SESSIONS.

We have submitted this sense-of-the-Senate resolution to deal with the issue of the certification of Mexico. Several of us introduced a bill earlier

in the session after the election of the new President of Mexico, Vicente Fox, to try to address the issue of two new administrations in both of our countries that will be faced with the automatic certification of the issue of how we are dealing with illegal drug trafficking as a bilateral effort in our two countries, but with two administrations that have not had time to sit down and come up with a plan that would cooperate fully in this very important effort.

Since time is so short, we have come up with a sense-of-the-Senate resolution that I think will at least say it is the will of the Senate. If we can pass this before we adjourn sine die, I think it will be a major step in the right direction to give some relief to the two new Presidents who will be sworn in for both of our countries and to say, first of all, we in the Senate take this very seriously. One of the most important issues for our countries is dealing with illegal drug trafficking between Mexico and the United States. Realizing that neither President could be held accountable yet for the programs that should be put in place, we are going to have a 1-year moratorium.

This is the sense-of-the-Senate resolution:

Whereas Mexico will inaugurate a new government on 1 December 2000 that will be the first change of authority from one party to another;

Whereas the 2nd July election of Vincente Fox Quesada of the Alliance for Change marks an historic transition of power in open and fair elections;

Whereas Mexico and the United States share a 2,000 mile border, Mexico is the United States' second largest trading partner, and the two countries share historic and cultural ties;

Whereas drug production and trafficking are a threat to the national interests and the well-being of the citizens of both countries;

Whereas U.S.-Mexican cooperation on drugs is a cornerstone for policy for both countries in developing effective programs to stop drug use, drug production, and drug trafficking; Now, therefore, be it

*Resolved,*

(a) The Senate, on behalf of the people of the United States

(1) welcomes the constitutional transition of power in Mexico;

(2) congratulates the people of Mexico and their elected representatives for this historic change;

(3) expresses its intent to continue to work cooperatively with Mexican authorities to promote broad and effective efforts for the health and welfare of U.S. and Mexican citizens endangered by international drug trafficking, use, and production.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the incoming new governments in both Mexico and the United States must develop and implement a counterdrug program that more effectively addresses the official corruption, the increase in drug traffic, and the lawlessness that has resulted from illegal drug trafficking, and that a one-year waiver of the requirement that the President certify Mexico is warranted to permit both new governments time to do so.

I appreciate very much Senator GRASSLEY working with me on this

sense-of-the-Senate resolution. All of my cosponsors represent a bipartisan effort across the borders and across both sides of the aisle.

Mr. President, I want to just say I went to Mexico leading a delegation of Members of Congress. It was the first congressional delegation to visit Mexico with the new President-elect, and we were able to sit down and visit with both President Zedillo, the President of Mexico, and the President-elect, Vicente Fox. I want to say how encouraged we were with the dynamism of President-elect Fox, with his absolute assurance that this drug issue is one of the most important of all the issues between our two countries, and they promised to work hand in hand with the new administration that will be elected in the United States in November, and with Members of Congress to do everything they can working with us to cooperate in stopping the cancer on both of our countries that this drug trafficking is causing.

When we have a criminal element in Mexico and a criminal element in the United States, that is bad for both of our countries. It is preying on the ability of our country to have full economic freedom, to grow and prosper, and to have friendly relations across our borders. The drug trafficking issue is the big cloud over both of our countries. I believe that President-Elect Fox is going to pursue this vigorously.

I also want to say that President Zedillo has taken major steps in that direction for his country. He, first of all, laid the groundwork for the democracy that clearly was shown in this last election. Instead of handpicking a successor and not allowing free primaries, he did the opposite. He allowed the free primaries and he said in every way they were going to have open and free elections. President Zedillo has made his mark on Mexico. He was a very important President for recognizing that the time had come for free and open elections in Mexico. He is to be commended, and I think he will go down in the history books as one of the great Presidents of Mexico.

In addition, President Zedillo tried very hard to cooperate in the effort that we were making in drug trafficking. I would say that no one believes that we are nearly where we need to be in that regard. But I think he took some very important first steps.

I see a ray of sunshine in Mexico. Our country to the South is a very important country to the United States. They are our friends. We share cultural ties. We share family ties.

It is in all of our interests that we have the strongest bond between Mexico and the United States—just as we have with Canada and the United States. These are our borders. I have always said that I believe the strengthening of our hemisphere is going to be a win for all three of our countries.

I want to go all the way through the tip of South America in our trading relations and in the building of all of our economies because I think that is our future. Our countries depend on each other. We are interdependent, and our friendship and our alliances will be important for the security and viability of all of our countries in the Western Hemisphere.

I am very pleased that we have introduced this sense of the Senate. I urge my colleagues to help us pass this sense of the Senate so that we will be able, next session, to say that the Senate has spoken, and that we want to give some time to certification so that our countries can go forward with our two new Presidents and have a strong working relationship.

Thank you, Mr. President. I yield the floor.

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

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

Mr. CRAIG. Mr. President, I ask unanimous consent I be allowed to speak for no more than 10 minutes as in morning business.

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

#### ENERGY POLICY

Mr. CRAIG. Mr. President, my attention was drawn this morning to an article in the Washington Times where our Secretary of Energy, Bill Richardson, defends energy policy by saying something that I found fascinating, to the point of absurdity. He says, "We are not in an energy crisis."

I am not quite sure how Mr. Richardson defines "crisis," but I do know Mr. Richardson has recognized, at least for 12 months, a problem. Am I to understand that the reason for the absence of an energy policy in the Clinton administration is that we recognize a problem, but we are not going to do anything about it until it becomes a crisis?

Home heating oil last year, in the Northeast, began at 80 cents to 90 cents a gallon. It went to nearly \$2 before that season was over. It was contracted this summer at \$1.19, and it is now selling at \$1.40. I call that a crisis if I am low income and I want a warm home this winter. I call it a crisis if I want to travel cross-country and I can't afford to fill my gas tank. I call it a crisis if I am a trucker and I can't up my contracts to absorb my fuel or energy costs and I must turn my truck back in, as thousands are now doing—turning their trucks back in on the lease programs under which they acquired them when they planned to move the commerce of America across this country.

Mr. Secretary, earlier this year, you flew numerous times to the Middle East with a tin cup in hand, begging the sheiks of the OPEC nations to turn the valve on just a little bit and let out a little more oil, hopefully dropping the price of crude and therefore lowering the cost at the pump. For a moment in time it worked. Then the price started ratcheting up as the markets began to understand that what had happened was pretty much artificial and pretty much rhetorical in nature and that, in fact, the supplies had not increased to offset the demand.

While all of that was going on, underneath the surface of this issue were a few basic facts. We have lost over 30 refineries in the last decade because they couldn't afford to comply with the Clean Air Act; they couldn't retrofit in a profitable way. They were not given tax credits and other tools because it was "big oil" and you dare not cause them any benefits that might ultimately make it to the marketplace so the consumer could ultimately benefit. Those refineries went down.

Here we are at a time when the price of crude oil peaked and the Vice President ran to the President and said please release SPR, and that has been done, or at least it is now being organized to be done, and it may lower prices. Yet that was a Strategic Petroleum Reserve that was destined to be used only for a crisis. And the Secretary of Energy says no crisis. He himself said yesterday before the National Press Club there is no energy crisis in this country. But there was a crisis last week and the President agreed to release the oil out of SPR.

I don't get it. I do not think I am that ignorant. I serve on the Energy Committee. We reviewed this. We have argued for a decade that there is a problem in the making, but this administration will not put down a policy, even though they see a problem, unless the problem becomes a crisis.

But now there is not a crisis, so why are we releasing the Strategic Petroleum Reserve, which was designed not only for a crisis but for a national emergency, one that was inflicted upon us by a reduction or a stoppage of the flow of foreign crude coming into our economy that might put our economy at risk.

The Secretary says we have a short-term problem and we will work it out in time.

Mr. Secretary, what does "working it out" mean? Have you proffered or proposed a major energy policy before the Congress of the United States? No, you have not. Have you suggested an increase in production of domestic resources so we could lower our dependency on foreign oil? No, you have not, Mr. Secretary.

So the American public ought to be asking of this administration, the Vice President, the President, and the Secretary of Energy: Mr. Secretary, Mr.

President, and Mr. Vice President, if there is no crisis, then why are you tapping the very reserves that we have set aside for a time of crisis? Somehow it doesn't fit.

There were political allegations 3 or 4 weeks ago when the Vice President was asking the President to release the petroleum reserve. He was saying there was a crisis, or a near crisis. That got done. And yesterday,

In remarks before the National Press Club, [Secretary] Richardson said the "political campaign" was behind Gore's accusations against [big] oil companies and that a surge in demand for oil in the United States and abroad is the real reason gasoline, heating-oil and natural-gas prices have soared this year. "We are not in an energy crisis."

Mr. Secretary, if you are traveling or if you are not wealthy and you have to pick up the 100 percent increased cost in your energy bills and your heating bills, I am going to tell you that is a crisis. But my guess is, it is typical of this administration, a problem is a problem until there is a crisis, and then you find a solution; 8 years without a solution to this problem spells crisis.

I am sorry, Mr. Secretary, but your rhetoric doesn't fit the occasion, nor does it rectify the problem.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak in morning business for 10 minutes, and I ask to be followed by the Senator from West Virginia, Mr. ROCKEFELLER, who will speak on the same subject.

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

#### THE "CAPTIVE SHIPPER" PROBLEM

Mr. DORGAN. Mr. President, the Senator from West Virginia, Mr. ROCKEFELLER and I, along with the Senator from Montana, Mr. BURNS, have been working on legislation dealing with our railroad service in this country. We have introduced legislation, S. 621, entitled the Railroad Competition and Service Improvement Act which addresses problems associated with shippers who are "captive" or dependent on one railroad for their shipping needs. Mr. President, I have with me a letter from over 280 chief executive officers of American corporations writing about this subject.

I ask unanimous consent it be printed in the RECORD following my presentation.

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

(See Exhibit 1.)

Mr. DORGAN. These CEOs of some of America's largest companies, and companies all across this country, join us expressing concern about what has happened to America's railroads. There is no competition in the railroad industry in this country. The deregulation of the rail industry occurred, now, over

20 years ago. At that point, we had 42 class I railroads. Now we are down to only about four major railroad operations in this country—two in the East and two in the West. Rather than encouraging some competitive framework in the rail industry, the deregulation of the railroad industry has resulted in a handful of regional monopolies. They rely on bottlenecks to exert maximum power over the marketplace.

These megarailroads dominate railroad traffic, generating 95 percent of the gross ton miles and nearly 94 percent of the revenues, and they control 90 percent of all coal movement in this country, 70 percent of all grain movement in America, and 88 percent of all chemical movement in this country.

It is quite clear what consolidation has meant to all Americans. Let me give a practical example. If you are a farmer in my State of North Dakota and you want to send a load of wheat to market and you put that load of wheat on a railcar in Bismarck, ND, and send it to Minneapolis, MN, a little over 400 miles, you will pay \$2,300. If you are going to ship that same carload of wheat from Minneapolis to Chicago, about the same distance, you do not pay \$2,300, you pay less than \$1,000.

Why the difference? Why are we charged more than double as North Dakotans to ship wheat about the same distance? Because there is no competition on the line from Bismarck to Minneapolis, but there is competition between Minneapolis and Chicago, so the prices are competitive. Where there is competition, there are lower rates. Where there is no competition, there are monopoly prices. They say to businesses and farmers: Here's the charge; if you don't like it, don't use our service.

What other service exists? There is only one line, only one railroad. There is a monopoly service, and they are engaged in monopoly pricing, and we have no regulatory authority to say this is wrong.

We have what are called "captive shippers." These are Main Street businesses, family farmers, big companies, small companies, and they are held captive by the railroad companies that say to them: We have the rails, we have the cars, we have the company, and here's what the service is going to cost you; if you don't like it, tough luck.

In the circumstance I just described, the railroad says to a North Dakota farmer: We're going to charge you double what we charge other people. Why? Because we choose to. Why? Because we want to; because we have the muscle to do it, and if you don't like it, take a hike.

That is what is going on in this industry where there is no competition and where we have shippers being held captive all across this country.

Do rail costs matter much to my part of the country? Let me give another example.

Grain prices have collapsed. A farmer does not get much for grain these days. If you take wheat to an elevator in Minot, ND, that elevator pays about \$2.40 a bushel for it, which is a pittance—it is worth a lot more than that—the cost to ship that \$2.40 a bushel wheat to the west coast is nearly \$1.20 a bushel. Half the value of that wheat on the west coast ends up being transportation costs by the railroad industry.

How can they do that? It's pricing gouging and nobody can do much about it because there is no regulatory authority to say it is wrong. They hide behind the Staggers Rail Act which deregulated the railroads, gave them enormous power, and resulted in a substantial concentration. The result is, all across this country we have shippers who are now held captive, they are locked in by an industry that says: This is what we are going to charge you; if you don't like it, that's tough luck.

What happens if someone believes this is really arbitrary, really unfair and they intend to complain about it? We had what was called the Interstate Commerce Commission. That was a group of folks who had died from the neck up. Nobody told them, but they were dead from the neck up and had one big rubber stamp down there. It said: "Approved." They had one big rubber stamp and one big ink pad. Whatever the railroads wanted, the ICC said: "Approved."

We got rid of the ICC. Now we have a Surface Transportation Board, and we have someone at the Surface Transportation Board, Linda Morgan, to whom I pay a compliment. She put a moratorium on mergers. We had another proposal for a merger, and she slapped on a moratorium. That merger fell apart. Good for her. It is the first good sign of life for a long while among regulators. Good for her. But all of the merger damage is pretty well done. Linda Morgan is fighting a lonely battle at the Surface Transportation Board.

Let me show you what happens when somebody files a complaint for unfair rail charges. You file a complaint, and here are the steps. First of all, you need to ante up some money. The filing fee for the standard procedure of complaint will be \$54,000. It differs in some cases. If you have a beef with the railroad, first of all, understand you are talking on somebody with a lot more money and muscle than you have, No. 1. No. 2, you are going to pay a filing fee to file a complaint against the railroad freight rates, and then when you file the complaint, you ought to expect to live a long time because you are not going to get a result for a long, long time. In fact, some folks in Montana filed a complaint against a railroad. It took 17 years—17 years—for the complaint to go through the process, and then it never really got resolved in a

satisfactory way. That is why rail shippers understand it does not make much sense to take the railroads on.

You have the railroad with the muscle to make these things stick, and then you have regulators who have largely been braindead for a long, long time and do not want to do much. The exception again is we have a new Surface Transportation Board. Linda Morgan showed some courage, so there is some hope with the current STB.

What is happening in this country must change. Senator ROCKEFELLER, who has been a leader on this issue, and I have held hearings on it. We both serve on the Senate Commerce Committee. We are joined by Senator BURNS in our efforts. It is a bipartisan effort.

We want to pass the S. 621, but we are not going to get it done by the end of this year. What we are hoping for is that the 280 plus CEOs of companies across this country, large and small, who wrote this letter saying they are sick and tired of being held captive by shipping rates imposed by railroads that are noncompetitive—a rate that does not often relate to value for service—will get the attention in Congress that they deserve. We hope these CEOs continue to weigh in, in a significant way, with those who matter in this Congress to say: "Let's do something serious about this issue." This is a tough issue but it is one Congress has a responsibility to tackle.

I pay credit to my colleague from West Virginia, Senator ROCKEFELLER. He has been working on this issue for a long time. I have been privileged to work with him. We know that which is worth doing takes some time to get done often, but we are not going to quit. The message to the 280 companies that have signed this letter, the message to our friends in Congress is: We have a piece of legislation that tries to tackle this issue of monopoly concentration and inappropriate pricing in the railroad industry. It tackles the issue on behalf of captive shippers all across this country—family farmers and Main Street businesses and others—and we are not going to quit.

We hope as we turn the corner at the start of this next Congress that we will be able to pass legislation that will give some help and some muscle to those in this country who are now paying too much. They expect to be able to operate in a system that has competition as a regulator in the free market, and that has not existed in the rail industry for some long while.

I yield the floor, and I believe my colleague from West Virginia will also have some things to say.

Hon. JOHN MCCAIN,  
*Chairman, Senate Commerce Committee,*  
*Washington, DC.*

Hon. ERNEST HOLLINGS,  
*Ranking Member, Senate Commerce Committee,*  
*Washington, DC.*

DEAR CHAIRMAN MCCAIN AND SENATOR HOLLINGS: We are writing to ask that shipper concerns with current national rail policy be given priority for Commerce Committee action next Congress. The Staggers Rail Act was enacted in 1980 with the goal of replacing government regulation of the railroads with competitive market forces. Since that time, the structure of the nation's rail industry has changed dramatically. Where there were 30 Class I railroad systems operating in the U.S. in 1976, now there are only seven. While major railroads in North America appear poised to begin another round of consolidations in the near future, the Surface Transportation Board continues to adhere to policies that hamper rail competition. Structural changes in the rail industry combined with STB policies have stopped the goal of the Staggers Rail Act dead in its tracks.

We depend on rail transportation for the cost-effective, efficient movement of raw materials and products. The quality and cost of rail transportation directly affects our ability to compete in a global marketplace, generate low cost energy, and contribute to the economic prosperity of this nation. Current rail policies frustrate these objectives by allowing railroads to prevent competitive access to terminals, maintain monopolies through "bottleneck pricing," and hamper the growth of viable short line and regional railroads through "paper barriers."

We applaud the Commerce Committee's leadership on behalf of consumers concerning proposed mergers in the airline industry. America's rail consumers also need your support and leadership to respond effectively to the dramatic changes that are underway in the rail industry. Bipartisan legislation is currently pending in both the Senate and House of Representatives that takes a modest, effective approach in attempting to remove some of the most critical impediments to competition. Please work with us and take the steps that are needed to create a national policy that ensures effective, sustainable competition in the rail industry.

Sincerely,

Fred Webber, President and CEO, American Chemistry Council;

Glenn English, CEO, National Rural Electric Cooperative Association;

Alan Richardson, Executive Director, American Public Power Association;

Tom Kuhn, President, Edison Electric Institute;

Henson Moore, President and COE, American Forest and Paper Association;

Kevern R. Joyce, Chairman, President and CEO, Texas-New Mexico Power Company;

Jeffrey M. Lipton, President and CEO, NOVA Chemicals Corporation;

Robert N. Burt, Chairman and CEO, FMC Corporation;

Allen M. Hill, President and CEO, Dayton Power and Light Company;

Paul J. Ganci, Chairman and CEO, Central Hudson Gas & Electric Corporation;

David T. Flanagan, President and CEO, CMP Group, Inc.;

Charles F. Putnik, President, CONDEA Vista Company;

Thomas S. Richards, Chairman, President and CEO, RGS Energy Group, Inc.;

W. Peter Woodward, Senior Vice President, Chemical Operations, Kerr-McGee Chemical LLC;

Phillip D. Ashkettle, President and CEO, M.A. Hanna Company;

Eugene R. McGrath, Chairman, President and CEO, Consolidated Edison, Inc.;

David M. Epler, President and CEO, Cleco Corporation;

Robert B. Catell, Chairman and CEO, KeySpan Energy;

Thomas L. Grennan, Executive VP, Electric Operations, Western Resources, Inc.;

Joseph H. Richardson, President and CEO, Florida Power Corporation;

Wayne H. Brunetti, President and CEO, Xcel Energy, Inc.;

Myron W. McKinney, President and CEO, Empire District Electric Company;

Erle Nye, Chairman, TXU Corporation;

Corbin A. McNeill, Jr., Chairman, President and CEO, PECO Energy Company;

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Robert Edwards, President, Minnesota Power;

William G. Bares, Chairman and CEO, The Lubrizol Corporation;

Stephen M. Humphrey, President and CEO, Riverwood International;

Thomas A. Waltermire, Chairman and CEO, The Geon Company;

James R. Carlson, Vice President, Flocryl Inc.;

John M. Derrick, Jr., Chairman and CEO, Pepco;

David D. Eckert, Executive Committee Member, Rhodia Inc.;

Frederick F. Schauder, Ltd., CFO and HD of Business Service Center, Lonza Group, Ltd.;

Marvin W. Zima, President, OMNOVA Solutions Performance Chemicals;

Simon H. Uffill-Brown, President, and CEO, Haltermann, Inc.;

Thomas A. Sugalski, President, CXY Chemicals, USA;

John L. MacDonald, Chairman and President, JLM Industries Inc.;

David A. Wolf, President, Perstorp Polyols, Inc.;

Roger M. Frazier, Vice President, Pearl River Polymers Inc.;

Yoshi Kawashima, Chairman and CEO, Reichhold, Inc.;

Geroge F. MacCormack, Group Vice President, Chemicals and Polyester, DuPont;

C. Bert Knight, President and CEO, Sud-Chemie Inc.;

James A. Cederna, President and CEO, Calgon Carbon Corporation;

Bernard J. Beaudoin, President, Kansas City Power and Light;

William S. Stavropoulos, President and CEO, The Dow Chemical Company;

Andrew J. Burke, President and CEO, Degussa-Huls Corporation;

Geroge A. Vincent, Chairman, President & CEO, The C.P. Hall Company;

William Cavanaugh, III, Chairman, President and CEC, Carolina Power & Light Company;

Richard B. Priory, Chairman, President and CEO, Duke Energy Corporation;

Howard E. Cosgrove, Chairman, President and CEO, Connecticut;

Gary L. Neale, Chairman, President and CEO, NiSource Inc.;

Robert L. James, President & CEO, Jones-Hamilton Co.;

Vincent A. Calarco, Chairman, President and CEO, Crompton Corporation;

Earnest W. Deavenport, Jr., Chairman and CEO, Eastman Chemical Company;

Reed Searle, General Manager, Intermountain Power Agency;

- Robert Roundtree, General Manager, City Utilities of Springfield, MO;
- Walter W. Hasse, General Manager, Jamestown Board of Public Utilities;
- Glenn Cannon, General Manager, Waverly Iowa Light and Power;
- Jeffrey L. Nelson, General Manager, East River Electric Power Cooperative;
- Mike Waters, President, Montana Grain Growers Association;
- Terry F. Steinbecker, President & CEO, St. Joseph Light & Power Company;
- Hugh T. McDonald, President, Entergy Arkansas, Inc.;
- Dave Westbrook, General Manager, Heartland Consumers Power;
- David M. Radtcliffe, President & CEO, Georgia Power Company;
- Stephen B. King, President and CEO, Tomah3 Products, Inc.;
- Donald W. Griffin, Chairman, President and CEO, Olin Corporation;
- Ian MacMillan, Technical Manager, Octel-Starreon LLC;
- Martin E. Blaylock, Vice President, Manufacturing Operations, Monsanto Company;
- G. Ashley Allen, President, Milliken Chemical, Division of Milliken & Co.;
- Dwain S. Colvin, President, Dover Chemical Corporation;
- Bill W. Waycaster, President and CEO, Texas Petrochemicals LP;
- David C. Hill, President and CEO, Chemicals Division, J.M. Huber Corporation;
- Mark P. Bulriss, Chairman, President and CEO, Great Lakes Chemical Corporation;
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- William J. Corbett, Chairman and CEO, Silbond Corporation;
- Robert Betz, President, Cognis Corporation;
- Arnold M. Nemirow, Chairman and CEO, Bowater Inc.;
- Harry J. Hyatt, President, Sasol North America;
- Eugene F. Wilcauskas, President and CEO, Specialty Products Division, Church & Dwight Co., Inc.;
- Robert C. Buchanan, Chairman and CEO, Fox River Paper Co.;
- David W. Courtney, President and CEO, CHEMCENTRAL Corporation;
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- Ronald Harper, CEO and General Manager, Dakota Coal Company and Dakota Gasification Co.;
- Richard Midulla, Executive VP and General Manager, Seminole Electric Cooperative, Inc.;
- Dan Wiltse, President, National Barley Growers Association;
- William L. Berg, President and CEO, Dairyland Power Cooperative;
- Charles L. Compton, General Manager, Saluda River Electric Cooperative;
- Don Kimball, CEO, Arizona Electric Power Cooperative, Inc.;
- Gary Smith, President and CEO, Alabama Electric Cooperative, Inc.;
- Stephen Brevig, Executive VP and General Manager, NW Iowa Power Cooperative;
- Frank Knutson, President and CEO, Tri-State G and T Association, Inc.;
- Robert W. Bryant, President and General Manager, Golden Spread Electric Cooperative;
- Marshall Darby, General Manager, San Miguel Electric Cooperative, Inc.;
- Thomas W. Stevenson, President and CEO, Wolverine Power Supply Cooperative;
- Kimball R. Rasmussen, President and CEO, Deseret G and T Cooperative;
- Thomas Smith, President and CEO, Oglethorpe Power Corporation;
- Evan Hayes, President, Idaho Grain Producers Association;
- Gary Simmons, Chairman, Idaho Barley Commission;
- Randy Peters, Chairman, Nebraska Wheat Board;
- Terry Detrick, President, National Association of Wheat Growers;
- Leland Swenson, President, National Farmers Union;
- Frank H. Romanelli, President and CEO, Metachem Products, L.L.C.;
- Frederick W. Von Rein, Vice President, GM Fisher Chemical, Fisher Scientific Company LLC;
- Raymond M. Curran, President and CEO, Smurfit Stone Container Corp.;
- Floyd D. Gottwald, Jr., Chairman and CEO, Albarmar Corporation;
- Richard G. Bennett, President, Shearer Lumber Products;
- John Begley, President and CEO, Port Townsend Paper Company;
- Gregory T. Cooper, President and CEO, Cooper Natural Resources;
- Mark J. Schneider, Chief Executive Officer, Borden Chemicals and Plastics;
- Kees Verhaar, President and CEO, Johnson Polymer;
- L. Ballard Mauldin, President, Chemical Products Corporation;
- George M. Simmons, President of First Chemical Corporation, ChemFirst Inc.;
- Christopher T. Fraser, President and CEO, OCI Chemical Corporation;
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- John F. Trancredi, President, North American Chemical Co., IMC Chemicals Inc.;
- Christian Maurin, Chairman and CEO, Nalco Chemical Company;
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- Thomas M. Hahn, President and CEO, Garden State Paper Company;
- Dan F. Smith, President and CEO, Lyondell Chemical Company;
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- Joseph G. Acker, President, Hickson Dan Chemical Corporation;
- James F. Akers, President, The Crystal Tissue Company;
- Lee F. Moio, Executive Vice President, Vertex Chemical Corporation;
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- Helge H. Wehmeier, President and CEO, Bayer Corporation;
- Michael Flannery, Chairman and CEO, Pope and Talbot, Inc.;
- R. P. Wollenberg, Chairman and CEO, Longview Fiber Company;
- Michael T. Lacey, President and COO, Ausimont USA, Inc.;
- Michael J. Kenny, President, Laporte Inc.;
- Jean-Pierre Seeuws, President and CEO, ATOFINA Petrochemicals, Inc.;
- Michael J. Ferris, President and CEO, Pioneer Americas, Inc.;
- Edward A. Schmitt, President and CEO, Georgia Gulf Corporation;
- Peter A. Wriede, President and CEO, EM Industries, Inc.;
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- Richard Connor, Jr., President, Pine River Lumber Co., Ltd.;
- William Wowchuk, President, Eaglebrook, Inc.;
- W. Lee Nutter, Chairman, President and CEO, Rayonier;
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- Robert Strasburg, President, Lyons Falls Pulp & Paper, Inc.;
- J. Edward, CEO, Gulf States Paper Corporation;
- Gorton M. Evans, President and CEO, Consolidated Papers, Inc.;
- John K. Robinson, Group Vice President, BP Amoco p.l.c.;
- David J. D'Antoni, Sr. Vice President and Group Operating Officer, Ashland Inc.;
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- Peter Oakley, Chairman and CEO, BASF Corporation;
- Charles K. Valutas, Sr. Vice President and Chief Administrative Officer, Sunoco, Inc.;
- Leroy J. Barry, President and CEO, Madison Paper Industries;
- Norman S. Hansen, Jr., President, Monadnock Forest Products, Inc.;
- Dan M. Dutton, CEO, Stinson Lumber Company;
- Michael L. Kurtz, General Manager, Gainesville Regional Utilities;
- William P. Schrader, President, Salt River Project;
- Jim Harder, Director, Garland Power and Light;
- Gary Mader, Utilities Director, City of Grand Island, Nebraska;
- Robert W. Headden, Electric Superintendent, City of Escanaba, Michigan;

Darryl Tveitakk, General Manager, North-ern Municipal Power Agency;  
 Steven R. Rogel, Chairman, President and CEO, Weyerhaeuser Company;  
 John T. Dillon, Chairman and CEO, International Paper Company;  
 Roy Thilly, CEO, Wisconsin Public Power, Inc.;  
 Tom Heller, CEO, Missouri River Energy Services;  
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 Larry M. Giustina, General Manager, Giustina Land and Timber Co.;  
 Daniel S. Sanders, President, ExxonMobil Chemical Company;  
 Thomas E. Gallagher, Sr. Vice President, Coastal Paper Company;  
 F. Casey Wallace, Sales Manager, Allegheny Wood Products Inc.;  
 Terry Freeman, President, Bibler Bros Lumber Company;  
 William Mahnke, Vice President, Duni Corporation;  
 Neil Carr, President, Elementis Specialties;  
 Chris A. Robbins, President, EHV Weidmann Industries Inc.;  
 James Lieto, President, Chevron Oronite Company LLC;  
 Marvin A. Pombrantz, Chairman and CEO, Baylord Container Corp.;  
 M. Glen Bassett, President, Baker Petrolite Corporation;  
 Glen Duysen, Secretary, Sierra Forest Products;  
 Kent H. Lee, Senior Vice President of Specialty Chemicals, Ferro Corporation;  
 James L. Burke, President and CEO, SP Newsprint Company;  
 Dana M. Fitzpatrick, Executive Vice President, Fitzpatrick and Weller, Inc.;  
 Bert Martin, President, Fraser Papers Inc.;  
 Carl R. Soderlind, Chief Executive Officer, Golden Bear Oil Specialties;  
 Charles L. Watson, Chairman and CEO, Dynege, Inc.;  
 Alan J. Noia, Chairman, President and CEO, Allegheny Energy;  
 Ronald D. Earl, General Manager and CEO, Illinois Municipal Electric Agency;  
 Steven Svec, General Manager, Chillicothe Municipal Utilities;  
 Michael G. Morris, Chairman, President and CEO, Northeast Utilities;  
 Jay D. Logel, General Manager, Muscatine Power and Water;  
 Robert A. Voltmann, Executive Director & Chief Executive Officer, Transportation Intermediaries Association;  
 Andrew E. Goebel, President and Chief Operating Officer, Vectren Corporation;  
 Bob Johnston, President and CEO, Municipal Electric Authority of Georgia;  
 Rick Holly, President, Plum Creek;  
 A.D. Correll, Chairman and CEO, Georgia-Pacific Corporation;  
 Robert M. Owens, President and CEO, Owens Forest Products;  
 Charles E. Platz, President, Montell North America Inc.;  
 Nirmal S. Jain, President, BaerLocher USA;  
 Will Kress, President, Green Bay Packaging Inc.;  
 Stanley Sherman, President and CEO, Ciba Specialty Chemicals Corporation;  
 Charles A. Feghali, President, Interstate Resources Inc.;  
 Charles H. Blanker, President, Esleack Manufacturing Company, Inc.;

Dennis H. Reilley, President and CEO, Praxair, Inc.;  
 Vohn Price, President, The Price Company;  
 Lawrence A. Wigdor, President and CEO, Kronos, Inc.;  
 Eric Lodewijk, President and Site Manager, Roche Colorado Corporation;  
 James L. Gallogly, President and CEO, Chevron Phillips Chemical Company;  
 Takashi Fukunaga, General Manager, Specialty Chemicals, Mitsui & Co. (USA), Inc.;  
 James A. Mack, Chairman and CEO, Cambrex Corporation;  
 F. Quinn Stepan, Sr., Chairman and CEO, Stepan Company;  
 John R. Danzeisen, Chairman, ICI Americas Inc.;  
 Harold A. Wagner, Chairman and CEO, Air Products and Chemicals, Inc.;  
 Bernard J. Darre, President, The Shepherd Chemical Company;  
 Frank A. Archinaco, Executive Vice President, PPG Industries, Inc.;  
 Gary E. Anderson, President and CEO, Dow Corning Corporation;  
 David S. Johnson, President and CEO, Ruetgers Organics Corporation;  
 Whitson Sadler, President and CEO, Solvay America, Inc.;  
 Peter L. Acton, General Manager, Arizona Chemical Company;  
 Wallace J. McCloskey, President, The Norac Company, Inc.;  
 Gregory Bialy, President and CEO, RohMax USA, Inc.;  
 Arthur R. Sigel, President and CEO, Vel-sicol Chemical Corporation;  
 H. Patrick Jack, President and CEO, Aristech Chemical Corporation;  
 Michael E. Campbell, Chairman and CEO, Arch Chemicals, Inc.;  
 James B. Nicholson, President and CEO, PVS Chemicals, Inc.;  
 D. George Harris, Chairman, D. George Harris and Associates;  
 James E. Gregory, President, Dyneon LLC;  
 Toshihoko Yoshitomi, President, Mitsubishi Chemical America Inc.;  
 William H. Joyce, Chairman, President & CEO, Union Carbide Corporation;  
 Kenneth W. Miller, Vice Chairman, Air Liquide America Corporation;  
 Norman Blank, Senior Vice President, Research & Development, Sika Corporation;  
 Edward W. Kissel, President and COO, OM GROUP, INC.;  
 Mario Meglio, Director of Marketing, Kuehne Chemical Company, Inc.;  
 Jerry L. Golden, Executive Vice President-Americas, Shell Chemical Company;  
 Thomas E. Reilly, Jr., Chairman and CEO, Reilly Industries, Inc.;  
 Joseph F. Raccuia, CEO, Encore Paper Company, Inc.;  
 Alex Kwader, President and CEO, Fibermark;  
 John A. Luke, Jr., Chairman and CEO, Westvaco Corporation;  
 George J. Griffith, Jr., Chairman and President, Merrimac Paper Co.;  
 George Harad, Chairman and CEO, Boise Cascade Corporation;  
 L. Pendleton Siegel, Chairman and CEO, Potlatch Corporation;  
 Monte R. Haymon, President and CEO, Sappi Fine Paper;  
 George D. Jones III, President, Seaman Paper Company, Inc.;  
 Jon M. Huntsman, Sr., Chairman, Huntsman Corporation;  
 Jerry Tatar, Chairman and CEO, The Mead Corporation;  
 Larry L. Weyers, Chairman, President and CEO, WPS Resources Corporation;

Jan B. Packwood, President and CEO, IDACORP, Inc.;  
 E. Linn Draper, Jr., Chairman, President and CEO, American Electric Power;  
 Steven E. Moore, Chairman, President and CEO, OGE Energy Corp.;  
 John MacFarlane, Chairman, President and CEO, Otter Tail Power Company;  
 H. Peter Burg, Chairman and CEO, First Energy Corp.;  
 John Rowe, Chairman, President and CEO, Unicom Corporation;  
 Erroll B. Davis, Jr., Chairman, President and CEO, Alliant Energy Corporation;  
 Alan Richardson, President and CEO, PacifiCorp;  
 William F. Hecht, Chairman, President and CEO, PPL Corporation;  
 Bob Stallman, President, American Farm Bureau Federation;  
 William Rodecker, Director, Occupational Health, Safety & Environmental Affairs, Eli Lilly and Company.

The PRESIDING OFFICER (Mr. FITZGERALD). The Senator from New Jersey.

ALS TREATMENT AND ASSISTANCE ACT

Mr. TORRICELLI. Mr. President, all of us in our public lives on occasion meet an individual under circumstances and remains with us. They are so powerful in their impact that they haunt us and, if we are true to our responsibilities, also lead us to involvement. It could be circumstances of a struggling family attempting to pay their bills. It could be someone in enormous physical or emotional distress.

I rise today because 3 years ago I met a young family from Burlington County, NJ, who had exactly this impact on me, my life, and my own service in the Senate.

Kevin O'Donnell was 31 years old, a devoted father who was skiing with his daughter one weekend, when he noticed a strange pain in his leg. It persisted, which led him to visit his family doctor. Here, he was shocked to learn, despite his apparent good health, the vibrancy of his own life and his young age, that he had been stricken with ALS, known to most Americans as Lou Gehrig's disease.

We are fortunate that ALS is a very rare disorder. It affects 30,000 individuals in our Nation, with an additional 5,000 new cases diagnosed every year. We should be grateful it is so rare because the impact on an individual and their health and their family is devastating. Indeed, there are few diseases that equal the impact of ALS on an individual.

It is, of course, a neurological disorder that causes the progressive degeneration of the spinal cord and the brain. Muscle weakness, especially in the arms and legs, leads to confinement to a wheelchair. In time, breathing becomes impossible and a respirator is needed. Swallowing becomes impossible. Speech becomes nearly impossible. Muscle by muscle, legs to arms to chest to throat, all motor activity of the body shuts down.

While ALS usually strikes people who are over 50 years old, indeed, there

are many cases of young people being afflicted with this disease. Once the disease strikes, life expectancy is 3 to 5 years. But the difficulty is, life expectancy is not measured from diagnosis; it is measured from the first symptoms.

Diagnosing ALS is very difficult. What can appear as a pain in the leg can be overlooked for months. Muscle disorders can be ignored for a year. Doctors have a difficult time diagnosing Lou Gehrig's disease.

Not surprisingly, after diagnosed, the financial burdens are enormous. Work is impossible. Twenty-four hour care is likely. Wheelchairs, respirators, nursing care can easily cost between \$200,000, to a quarter of a million dollars a year.

Families struggle with this financial burden while they are also struggling with the certainty of death at a young age.

This leads me to the responsibilities of this institution.

Patients with ALS must wait 2 years before becoming eligible for Medicare. For 2 years—no help, no funds, no assistance. As a result, 17,000 ALS patients currently are ineligible for Medicare services. And thousands of these individuals will die having never received one penny of Medicare assistance. Their death from ALS is a foregone conclusion. It could come in a year or 2 years or 3, but we are requiring a 2-year waiting period before there is any assistance.

Clearly, ALS, the problems of diagnosis, the certainty of death, the rapid deterioration of the human body, was not considered with this 2-year waiting period.

Nearly 3 years ago, I first introduced legislation that would eliminate the 24-month waiting period for ALS from Medicare. Most of the people who were with me that day here in the Senate when we introduced this legislation are now dead. Most of them never received any Medicare assistance. Only I remain, having been there that day offering this legislation again to bring help to these people.

But their agony and the burdens on their families have now been succeeded by thousands of others, who at the time probably had never heard of ALS disease, certainly did not know that Medicare, upon which their families had come to rely, would be out of reach to them in such a crisis.

The ALS Treatment and Assistance Act, since that day, has enjoyed bipartisan support, with 28 cosponsors in the Senate, 12 Republicans and 16 Democrats. In the House of Representatives, 280 Democrats and Republicans have cosponsored the legislation.

This spring, the Senate unanimously adopted this legislation as part of the marriage penalty tax bill, which, of course, did not become law.

Both Houses, both parties have responded to this terrible situation.

Two weeks ago, when Senator MOYNIHAN and Senator DASCHLE introduced S. 3077, the Balanced Budget Refinement Act of 2000, I was very proud that the ALS provision was included in their legislation. Last Wednesday, the ALS waiver was included in the balanced budget refinement legislation approved by the House Commerce Committee. So there is still hope.

As every Member of this institution knows, the calendar is late. Regrettably, we are again at a time of year when the legislative process ceases to work as it is taught in textbooks across the country. There will not be an opportunity for me to advocate this legislation for ALS patients by offering an amendment on the Senate floor to the Medicare package developed by the Finance Committee. That option is simply not going to exist under the procedures and the calendar of the Senate.

I am, therefore, left with the following circumstances. Having lost many of those ALS patients, on whose behalf I originally began this effort, a new group of families are now helping me across the country. They, too, have a year or two remaining in their lives and need this help.

If I can succeed in getting this provision, with the support of my colleagues, in the balanced budget refinements that ultimately will be passed by this Senate, for those people before their deaths, there is still hope. If I fail, then these people, too, will expire before they get any assistance from the Government.

I do not know of an argument not to pass this legislation. I do not know of a point that any Senator in any party, at any time, could make, to argue on the merits, that these ALS patients should not get a waiver under Medicare, in the remaining months or years of their lives, to get some financial assistance.

The unanimous support of the Senate previously, I think, is testament to the fact that we are of one mind. I simply now would like to ask my colleagues, in these final days, knowing that there will be a Medicare balanced budget refinement bill, that this provision be included.

I also, Mr. President, ask unanimous consent to have printed in the RECORD a copy of the letter that was sent to Chairman ROTH last week, signed by 16 of my colleagues in the Senate, Democrats and Republicans, asking for inclusion of the ALS legislation in a balanced budget refinement package.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, September 25, 2000.

Hon. WILLIAM V. ROTH,  
Chairman, Senate Finance Committee,  
Washington, DC.

DEAR CHAIRMAN ROTH: As the Finance Committee prepares to mark-up a Balanced

Budget Act refinement package for Medicare providers, we urge your support for the inclusion of an important provision of S. 1074, the Amyotrophic Lateral Sclerosis Treatment Act. This provision would eliminate the 24-month waiting period for Medicare which prevents ALS patients from receiving the immediate care they desperately need.

As you know, ALS is a fatal neurological disorder that affects 30,000 Americans. Its progression results in total paralysis, leaving patients without the ability to move, speak, swallow or breathe and therefore totally dependent on care givers for all aspects of life. Without a cure or any effective treatment, the life expectancy of an ALS patient is only three to five years.

A common problem for individuals stricken with ALS is that, due to the progressive nature of the disease and the lack of any diagnostic tests, a final diagnosis is often made after a year or more of symptoms and searching for answers. This delay results in a loss of valuable time that could have been spent in starting treatment early. Once a diagnosis is finally made, the tragedy is needlessly worsened by Medicare's 24-month waiting period which forces ALS patients to wait until the final months of their illness to receive care.

Eliminating this unfair restriction for ALS patients enjoys strong bipartisan support in the Senate and the House. In fact, the House version of this bill has the support of 280 cosponsors. Including this legislation in a BBA refinement package will represent a first real step toward improving the quality of life for Americans stricken with ALS. We look forward to working with you, and appreciate your consideration of this important legislation.

Sincerely,

Mr. TORRICELLI. Mr. President, I thank you for the time and I thank my colleagues for their indulgence. I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. First, I would like to comment on the comments that were made by Senator TORRICELLI from New Jersey. I thought they were profound, moving, and obviously urgent.

What I regret to have to report to him is that the Senate Finance Committee, on which I serve on the minority side, has concluded there will be no markup. There will with no markup on the balanced budget amendment. So this is very sad. This is part of the denigration of the process of this entire institution.

There is no health care legislation that has come out of the Finance Committee, or anywhere else, in the last 2 years. We could go through that litany.

But I want to report my profound discouragement to the Senator that we were told yesterday there would be no markup, no markup on the one thing that we could do to help not only the people you are talking about but all the hospitals and hospices and skilled nursing facilities, home health agencies in our States which are suffering.

So we have to rely on the good will of the President when he meets with leaders, Republican leaders. Hopefully, maybe a Democrat will be included in that meeting. Maybe something can happen.

But this is where we have arrived at in this institution. It is unfortunate. It is wretched. It has a terrible consequence for the people who you so movingly and eloquently talked about.

## RAILROAD COMPETITION

Mr. ROCKEFELLER. Mr. President, I come before the Senate today to speak about an issue—the plight of captive shippers—on which the Senator from North Dakota, Mr. DORGAN, spoke and on which I have been working for 16 years, every day I have been in the Senate, with a complete, absolute, and total lack of success. One doesn't ordinarily admit those things, but I say that because that is how bad the situation is. That is how unwilling the Congress is to address this problem even though it affects every single Senator and every single Congressman in the entire United States of America without a single exception.

How did this happen is the same question as asking why is it that people complain about planes being late but don't take any interest in aviation policy. We are a policy body. We are meant to deliberate; we are meant to discuss issues. We don't. We don't take any interest in aviation. So we complain but don't do anything. We take no interest in railroad policy, and so we don't complain and we don't do anything.

As a result, the American Association of Railroads, which is one of the all-time most powerful lobbying groups in the country, has its way. As Senator DORGAN said, they have their way although there are only really four or five railroads left. When I came here in 1985, as the junior Senator from West Virginia, there were 50 or 60 class I railroads. Those are the big ones. Now there are four or five, probably soon to be two or three.

When the Staggers Act was passed to deregulate the railroads, which unfortunately this Congress did in 1980, they divided it into two parts. They said for those railroads which had competition, the market would set the price. But they said there are about—let's pick the number—20 percent of all railroads which have no competition. In the coal mines, steel mills, granaries, and manufacturing facilities that these railroads serve, there is no competition. Their rates would be determined by the Interstate Commerce Commission at that time. Now it is called the Surface Transportation Board. Very few of my colleagues know anything about the Surface Transportation Board or knew anything about the Interstate Commerce Commission, even though many of their people are suffering vastly from the consequences of the inaction of these two bodies.

We don't have railroad competition in many aspects of our economy. You can't move coal by a pickup truck and you can't fly it in an airplane, you have to move it in a train. Sometimes

you can put it in a truck, but you have to basically put it in a train. The Presiding Officer knows that very well; he comes from a State that produces coal.

I also am going to submit the same letter the Senator from North Dakota did for the RECORD so it appears at the conclusion of my remarks. It is an extraordinary letter to Chairman MCCAIN and Senator HOLLINGS signed by 282 CEOs—not government relations people, not lobbyists, but by CEOs. It is the most extraordinary document of commitment and anger over a subject I have seen in the 16 years I have been in the Senate. I have never seen anything like this before.

This is obviously a matter of enormous importance to my State. Most of what we produce has to be moved by railroad: Chemicals; coal; steel; lumber. It is a place where railroads have an enormous presence and railroads dominate.

This letter seeks to make railroad policy a top concern. These people say it is their top legislative concern. They represent virtually every industry, and all parts of the country.

I don't know how we got to this situation. I think it is ignorance on the part of the Congress, it is inattention, to some degree laziness on the part of the Commerce Committee and the Congress. It doesn't rise to the level of a crisis which hits us one day and grabs all the headlines. It is like the ALS about which the Senator from New Jersey was talking. It just creeps slowly. It just gradually destroys parts of the economy.

Let me explain the situation this way. Imagine if I decided I wanted to fly to Dallas, TX, from Charleston, WV, and I was told I had to go through Atlanta. We don't have a lot of direct connections out of West Virginia. And suppose the airline told me, told this Senator, that they would not tell me how much my ticket would cost from Atlanta to Dallas. I would be outraged. All kinds of people would jump into the action. They couldn't do that. That would be illegal. It would be wrong.

The railroads can do what the airlines are prevented from doing. They can refuse to quote you a price on what is called bottleneck situations, where they will not tell you how much it is going to cost on a monopoly segment. By doing that they control the price of whatever you are shipping, wherever you are shipping it. That is wrong.

One of the reasons they are able to do that is that railroads, unlike virtually every other industry that has been deregulated, have antitrust exemption. Why do railroads have antitrust protection? Can anybody give me a reason they would have antitrust protection? They have been deregulated. No other industry that has been deregulated has an exemption from our antitrust law, but the railroads do, because the American Railroad Association moves very

quietly and skillfully under the radar of attention. It is a huge and powerful group. It doesn't make waves, doesn't cause notice. It hands out tremendous amounts of money, but they do their work below the radar screen.

As a result, when chemicals move out of the Kenawha Valley and the Ohio Valley in West Virginia and when coal moves out of southern West Virginia and northern West Virginia, we are victims in many circumstances to captive shipping. We are captives of the railroads. They can charge our companies whatever they want, and they do. It is illegal, but the railroads have on their side the Surface Transportation Board, which is supposed to "regulate" them, but instead is concerned only with how much money the railroads are making. So why should the railroads do anything other than make the most money they can? And they do.

I know of no other situation like that in America. I come from a family that knew something about monopoly. And, properly and correctly, a President named Theodore Roosevelt came along and ended that because it was wrong. It was done in those times. That is the way those businesses were done, but it was wrong.

Well, it is wrong what the railroads are doing today on captive shipping. For 16 years we have been fighting this—16 years, no progress, nothing. The STB comes up and they say: We need to have rules and regulations from the Congress. The folks in the Commerce Committee say: We are having all kinds of hearings.

We don't have hearings. We technically have hearings, but they are not hearings. They are not probing hearings. A couple people drop in; a couple people drop out. Consumers everywhere suffer from this, and they don't even know about it. We should, because it is our responsibility to protect consumers. Where the law says the railroad companies cannot do something which they are doing, we should be upset by that. And if it is 20 percent of railroad traffic, we should be angry about it. But we don't care. We don't care.

Again, many, if not most, of the products and commodities—coal and chemicals especially—being shipped by companies in West Virginia these products are shipped by companies, are shipped by companies that are captive to a single railroad. Only one line serves most of these plants. The railroads have all power: This is what you are going to pay; if you don't want to pay it, then we won't serve you.

And they use a lot of other strong-arm tactics, which I will not go into, although I am protected on the floor and I could, and I would be happy to, but I won't do it. But they use strong-arm tactics; they know how to use them and they do use them. There are four or five major railroads, and they

can use strong-arm tactics and get away with it. All the others have been merged and eaten up. So the shippers are forced to pay whatever the railroads want to charge. If my colleagues think that is fair, fine.

This is what it's like: When you walk into a grocery store to buy bread, you know what bread is supposed to cost. But no, the grocer says, no, you have to pay three times the usual cost. I don't think my colleagues would stand for that. But my colleagues do put up with this, by continuing to let railroads charge whatever they want—not what the market says the cost should be—even though it costs their constituents and companies in their states more money than it should, and puts people out of work.

Why won't my colleagues get interested in this subject? Why won't they require the STB and the railroads to follow the law? Why doesn't the Commerce Committee take this more seriously?

I cannot remember any significant period of time since I have been in this body that I have not had a steady flow of complaints from my "captive" shippers—large and small companies that are captive to one railroad. They have no alternative but to pay what the railroad says they must. There is only one line going in; what are they going to do? Carry it out by hand? The Staggers Act said the railroads shouldn't exercise this kind of control. The captive shippers cannot set their own price. The railroads set the price on the monopoly segment, often without telling shippers what the price is, and thereby control the price along the entire route. This happens—today and every day—in the American economy. This is free market?

So businesses in my State and in your State, Mr. President, and the State of the Senator from Alaska are hindered from making the kinds of profits and putting a number of people to work because we in Congress choose to ignore an enormous American problem.

I'd like to say a little bit about why this has all happened. I have talked about the diminution of the number of railroads. We have just two railroads on the east coast and two on the west coast, and one running the length of the Mississippi. These five railroads collect 95 percent of all freight revenues, as Senator DORGAN said. Pretty soon, that number may be reduced to just two railroads, period. These railroads are not exactly having a hard time. This level of "competition"—with just a few railroads controlling 95 percent of the traffic—means, *prima facie*, that we really have no competition at all. You just say 95 percent, and there you have it. By definition, there is no competition.

During the last 5 years, the pace of railroad consolidation has been diz-

zing. In 1996, the merger of the Union Pacific and Southern Pacific Railroads threw the entire country into crisis. Did we care? Yes, briefly, for a week or so. There were some stories in the Wall Street Journal—we heard about the Houston railyard being shut down—and some of the rest of the country noticed, too. It was a strange and confusing railroad problem, and we didn't have time to figure it out; that was our attitude. So it came and it went. But it cost endless millions of dollars and endless lost jobs.

But we need to look at what happened. The results of that merger—creating one huge, unresponsive railroad, from two large unresponsive railroads—were major service disruptions, plant closings, thousands of lost workdays, and endless millions of dollars lost by companies all over this country.

We had the same thing on a smaller scale in West Virginia and in the East. We have had our own merger. Conrail was divided kind of piecemeal between CSX and Norfolk Southern Railroads. A period of disruption followed that merger also—perhaps not the scale of the UP-SP debacle—but still devastating and frustrating to my manufacturers in my State and throughout the Northeast. The railroads didn't worry because they knew nobody here was paying any attention.

Rail consolidation isn't the only culprit. Several unjustified and counterintuitive rulings made by the Surface Transportation Board and its predecessor agency, the Interstate Commerce Commission, have stifled railroad competition and made matters much worse.

These agencies have enormous power in our economy. Their key decision was the 1996 "bottleneck" decision to which I have already referred. That allows a railroad to remain in control of its essential facilities, known as "bottle-necks" and effectively prevent a rail customer from getting to a competing railroad, or even getting a price. In other words, where railroads share a line, they won't let you use it. They won't let anybody else use it. They won't tell you what it would cost even if you work out some kind of arrangement. They control the cost of shipping along your whole route, and they shut you down.

The court of appeals upheld the decision of the STB as not being "arbitrary or capricious." So that seems to be on the side of the railroads. In its decision, the court of appeals went out of its way to say that the bottleneck decision was, one, not the only interpretation that the STB could have made under the law; and, two, not necessarily the interpretation the court itself would have made.

Since then, the STB, predictably, has refused to revisit this decision and seems to take the official position that

it does not have the legal authority to reach any other conclusion without specific direction from Congress to put competition first. Well, I don't have any problem with that, except Congress hasn't been paying any attention and probably won't do that anytime soon. There is no chance we will do that in the Commerce Committee now. Public anger hasn't been galvanized, and congressional anger hasn't been galvanized. Congressional passiveness rules.

Under the protective rulings of the Surface Transportation Board, railroads are the only industry in the Nation that have both been deregulated and allowed to maintain monopoly power over its essential facilities. Congress, the Federal agencies, and the Federal courts have specifically prevented telephone companies, airlines, natural gas pipelines, and electric utilities from controlling essential facilities, while at the same time they enjoy the benefits of deregulation.

I reject the notion that the Staggers Rail Act intentionally allowed railroads to use their bottleneck facilities to prevent customers access to competition. That is wildly illogical and wildly untrue. It goes against every principle of the American market economy. Likewise, it makes no sense, and runs counter to the law of the land, for the STB to view protection of the financial health of the railroads as its overriding mission, which they do. In all of their history, they have never found a railroad to be revenue adequate. That is the technical term. In other words, they have never found a railroad which is making enough money. The railroads have to make more money, suppress competition, according to the STB.

So if we in Congress really care about the long-term viability of the freight railroad industry, we have to examine and make fundamental changes to the policy. But first we have to understand it—and we don't, and we won't, until people get motivated.

The railroad industry itself is given unwarranted special treatment, about which I have spoken, regarding the antitrust review. They are totally exempt from review by the Antitrust Division of the Department of Justice. Instead, it is left to the Surface Transportation Board to determine whether a merger or acquisition is "in the public interest."

Now, fortunately, as the Senator from North Dakota indicated, the STB is quite concerned about its merger policy. Hurrah. They see, as I do, the very real and ominous possibility that a final round of railroad mergers could leave us with just two transcontinental railroads carrying 97 percent of all American rail freight.

So the STB responded this year by instituting a 15-month moratorium on major railroad mergers. They are also

conducting a rulemaking on their merger procedures.

I commend this unprecedented and important letter from 282 chief executive officers of huge American companies and small American companies to all of my colleagues. My guess is that very few colleagues will read that letter because we are passive, because this issue is under our radar. Or more accurately, we have decided to ignore it. When it comes to ignoring this problem, we have an unblemished record of success, even though our inaction hurts companies and people in every part of this country.

Their letter sends a compelling message to Congress that the status quo on railroad policy is unacceptable and must be changed. Senator BURNS, Senator DORGAN, and I have a bill to do exactly that, if we can get anybody to pay attention to it.

I thank the Presiding Officer. I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I thank my colleague from West Virginia. I sympathize with the exposure that his State has. Of course, my State, unfortunately, is not connected to the rest of the United States by rail. We have a State-owned railroad and would like to have the opportunity to have a railroad connection. I am sympathetic to his cause.

#### ENERGY CRISIS

Mr. MURKOWSKI. Mr. President, I would like to address a couple of situations that I think are paramount in our consideration of issues before us today. I know most of my colleagues are aware of the current situation in Belgrade and the uprising against the dictatorship of Milosevic. I understand the situation is very grave at this time. I know we are all hopeful there will be no serious loss of life as a result of the uprising. I am sure my colleagues will join me in our prayers and hopes that the opposition's Kostunica will be successful in ousting Milosevic and instituting a democratic and peaceful new government in Yugoslavia. I know the Senate hopes for the best and that the nightmare in Yugoslavia may soon be at an end.

Unfortunately, we have a similar situation in the Middle East and the fighting that is going on between the Israelis and the Palestinians. Over 67 people have been killed.

I think it appropriate at a time when we are facing an energy crisis in this country to recognize the volatility associated with the area where we are most dependent on our oil supply; namely, the Middle East. Fifty-eight percent of our oil is imported primarily from OPEC.

As we look at the situation today, we recognize the fragility, if you will, and the sensitivity associated with relying on that part of the world, particularly

when we see the action by this administration in the last few days of drawing down oil from the Strategic Petroleum Reserve which is set up for the specific purpose of ensuring that we have an adequate supply in storage if, indeed, our supply sources are interrupted.

By drawing that reserve down 30 million barrels, we sent a signal to OPEC that we were drawing down our own savings account making us more vulnerable, if you will, to those who hold the leverage on the supply of oil; namely, OPEC, Venezuela, Mexico, and other countries.

I wanted to make that observation and further identify, if you will, that we have a situation that needs correction. We still have time to do it in this body; that is, to pass the EPCA reauthorization bill.

As a consequence of the effort by the majority leader yesterday to bring that bill up—H.R. 2884—the reauthorization bill, I think it is important that we recognize why we need it.

First, it reauthorizes the Strategic Petroleum Reserve. The authorization expired in March of this year.

It creates a home heating oil reserve with a proper trigger mechanism that is needed.

It provides State-led education programs on "summer fill" and fuel budgeting programs.

It requires the Secretary of Defense to concur with drawdowns and indicate that those drawdowns will not impact national security.

It strengthens weatherization programs by increasing the per-dwelling allowance.

It requires yearly reports on the status of fuel supply prior to the heating season.

We have worked hard at trying to bring this to the floor and get it passed.

Yesterday, the Senator from California indicated there was still opposition to the bill. It is my understanding that comments were made about the bipartisan substitute we have offered. As a consequence, I believe there is a need for a response.

One, the Senator claimed that we could take up and pass the underlying bill—H.R. 2884—without amendment.

This simply can't happen. The underlying bill does not contain responsible trigger mechanisms to protect SPR from inappropriate withdrawal.

The Secretary of Energy has asked for a more responsible trigger mechanism than is contained in the underlying bill. The Secretary is right. We need that. This is our insurance policy if we have a blowup in the Middle East.

Second, by accepting the House bill, we would lose the opportunity to strengthen the weatherization program contained in the substitute and we would also lose the mandate for a yearly report from the Department of En-

ergy on the status of our fuel heading into the winter contained in the substitute.

These are important issues. I am sure the Senator from California would agree that she would support these.

But, as a consequence, to suggest that we can accept the House bill that doesn't include the triggering mechanism is the very point that I want to bring up.

The Senator from California also said the Federal Government should not be in the oil business and that they don't do well in the oil business. I certainly agree. We don't do well with the Strategic Petroleum Reserve. We have bought high and sold low out of that reserve.

But it is even more important now that we have moved some of our oil to build up a heating oil reserve.

Isn't it ironic that the facts are, since the beginning of this year, more than 152,000 barrels of distillate—heating oils, light diesels, and so forth—have been exported each day. We are exporting fuel oils and heating oils that we ought to be holding in our reserve since we have a shortage of heating oil for the Northeast States that are so dependent on it. That is not what we are doing.

According to today's Wall Street Journal, that number is ballooning even higher because of tight supplies and higher prices in Europe. In other words, we need more of it here, but we are sending it over to Europe—as opposed to the administration putting a closure or requiring that crude oil be taken out of SPR and be refined for heating oil and held in this country in reserve.

That isn't in the requirement for the 30 million barrels that went out of SPR. The companies that bid on it can do whatever they wish with it. So we haven't accomplished anything. Where is it going? It is going to Europe.

I agree with the Senator from California that the Federal Government should not be in the oil business. They are doing a lousy job of it, and their SPR withdrawal is strictly a political cover to try to imply that the administration is doing something about the crisis so we don't get too excited about the election that is coming up. It is a charade.

The Senator from California claims the royalty-in-kind provisions are a charade allowing oil companies to pay fair market value—and this Senator is trying to undercut efforts to resolve valuation issues.

While I would like to take credit for all the provisions in our bill, in fairness, they were worked out with the ranking member of the committee, Senator BINGAMAN, and the administration. In fact, the royalty-in-kind program was initiated in 1994 by none other than Vice President GORE as part of the reinvention of government to

test new, more efficient ways of collecting its royalty share.

If the Senator from California is saying that AL GORE's efforts to reinvent government have been a failure and have cost the American taxpayer millions of dollars, I would certainly respect her opinion.

Furthermore, a provision requires that the Government receive benefits "equal to or greater" than it would have received under a royalty evaluation program.

Finally, the Senator accused me—the Senator from Alaska—of trying to move this program "in the dark of night."

Well, I am disappointed by that statement. Prior to even taking this substitute up on the floor, my staff approached the staff of the Senator from California to work to resolve concerns in a good-faith effort.

The staff of Senator BINGAMAN, the ranking member of the Energy Committee, which I chair, spent countless hours answering the Senator's questions and addressing her concerns. Unfortunately, those efforts evidently have been unsuccessful.

So any argument that the RIK language in this bill has not gone through an appropriate process pales in comparison to that alleged lack of process involved in a "rider" on the same subject the Senator from California supports in the Interior appropriations bill.

You cannot have it both ways.

The arguments are simply empty rhetoric premised on the assumption that oil companies are inherently bad and any program dealing with them must be flawed. The implication is that the oil companies are profiteering.

There is no mention that we were selling oil in this country at \$10 a barrel a year ago. Now it is \$33 a barrel.

Who sets the price of oil? Is it "Big Oil" in the United States? No. It is OPEC. OPEC provides 58 percent of the supply. It is Venezuela and Mexico. You pay the price, or you leave it.

I am prepared to bring up this bill under a reasonable time agreement, debate the issue at length, and have the Senator from California offer an amendment to strike the provision if she finds it objectionable. That is her right. I support that right.

But it is time we move the Senate version of this very important bill to reauthorize the Strategic Petroleum Reserve, and establish a home heating oil reserve, and get the administration focused on the reality that the oil they propose to take out of SPR is being refined and sent over to Europe to meet their heating oil demands. That is the reality.

If we don't move this legislation, the Senator from California will have to bear the responsibility. It is unconscionable to me at a time when we face an energy crisis—not only oil and nat-

ural gas but other areas and in our electric industry—that we find some other important bills being held up. We have passed out of the Committee an electric power reliability bill. The purpose was the recognition that we have a shortage of generating capability in this country.

We have not expanded our generating capacity to meet the demand. As a consequence of that, we have not progressed with a distribution system to meet the demand that is growing. So out of the Committee, along with Senator GORTON, we specifically worked to get an electric power reliability bill. It is sitting here waiting for passage. What it does—and the administration wants it—it sets up a way to share the shortage.

That sounds ironic, but we have a shortage of generating capacity. We have seen spiking costs very high, hundreds and thousands of dollars, for short periods of time. The reliability bill administers in a fair manner, to ensure that if there is any surplus in one area, it is moved to other areas without the exposure of spiking. We cannot seem to move that on the floor of the other body. We are going into a timeframe where, if we get a cold winter and higher electric demands, we will need that legislation.

Another bill, of course, that we considered is our electricity deregulation bill, a comprehensive bill. The problem was there was a mandate to have 7½ percent of our energy derived from renewables. That is easy to say. The administration mandated that bill. But there is no way to enforce it because we simply don't have the technical capability to achieve 7½ percent of our energy from non-hydro renewables. It is less than 2 percent now.

They say we haven't spent enough money or been dedicated or made a commitment. I remind my colleagues, we have extended in 5 years \$1.5 billion in direct spending to subsidize development of renewables. We have given tax incentives for renewables of \$4.9 billion. I support renewables, but we just can't pick them up. The wind doesn't always blow outside. In my State of Alaska, it is not always sunny. Solar panels do not always work.

As a consequence, I remind my colleagues, when you fly out of Washington from time to time, you don't leave here on hot air, you need energy. We have a crisis. We have not passed the electric power reliability legislation, we have not passed comprehensive electricity deregulation, and we are in a situation where we have taken oil from SPR and now we are seeing that oil move to Europe.

I want to use the remaining time to do a contrast because I want to emphasize the significance of the energy policies as proposed by our two Presidential candidates. Make no mistake, on energy policy the differences be-

tween Vice President GORE and Governor Bush could not be more clear.

Let's look at costs. We have added up the Bush proposal, \$7.1 billion over 10 years. The Gore proposal, which the newspapers have added up—which are usually somewhat favorable to the Vice President—costs 10 times more than that, somewhere between \$80 and \$125 billion. They are still trying to pin down the figures. The Vice President wants to raise prices and limit supply of fossil energy, which makes up over 80 percent of our energy needs. By discouraging domestic production, the administration has forced us to be more dependent on foreign oil, placing our national security at risk and, of course, raising prices.

The Vice President's only answer in the first debate was to give you solar, wind, biomass technologies, that are not yet available. Again, I remind my colleagues, we have spent \$1.5 billion in direct spending and \$4.9 billion in tax incentives over 5 years trying to develop more renewables.

In contrast, Governor Bush would expand domestic production of oil and natural gas, reduce imports below 50 percent, and ensure affordable and secure supplies by developing resources at home. He would invest ample resources into emerging clean fossil technologies, renewable energy, and energy conservation programs, but, most of all, he won't bet on our energy future. Governor Bush will use the energy of today to yield cleaner, more affordable energy sources for tomorrow.

Now, let's look at the record. The Vice President has said he has an energy plan that focuses not only on increasing the supply but also working on the consumption side. The facts show the Vice President doesn't practice what he preaches. The administration has actually decreased energy supply during the past 7½ years. They have opposed domestic oil production and exploration. We have 17 percent less production since Clinton-Gore took office. We have closed 136,000 oil wells and 57,000 gas wells since 1992. They oppose the use of plentiful American coal and clean coal technology. The EPA makes it uneconomical to have a coal-generating plant. The demand is there for energy, but clearly coal is simply almost off limits because of the process.

We force the nuclear industry to choke on its waste. We are one vote short in this body of passing a veto override, yet the U.S. court of appeals, in a liability case, ruled the Government had the responsibility to take the waste. The cost to the taxpayers here is somewhere between \$40 and \$80 billion in liability due the industry as a consequence of the Federal Government's failure to honor the sanctity of the contract.

They have threatened to tear down hydroelectric dams. Where are they

going to place the traffic that moves on barges? Put it on the highways? That will take away 10 percent of our Nation's electricity.

They ignored electric power reliability and supply concerns. Go out to San Diego and see the price spikes there—no new generation, no new transmission in southern California.

They have claimed to support increased use of natural gas, yet they have kept Federal lands off limits to natural gas production; approximately 64 percent of the overthrust belt in the Midwest—Wyoming, Colorado, Montana—is off limits to exploration. We all remember in this body the Vice President coming and sitting as President of the Senate, utilizing his tie-breaking vote in 1993 to raise the gas tax.

We recall initially he wanted a Btu tax to reduce consumption of energy when the administration first came in. There has been a series of taxes. We heard a lot about it in the debate the other day. The Vice President said the tax plan favors the richest 1 percent. Yet 2 percent of the people pay 80 percent of the taxes. He didn't mention that.

Talking about crude oil and the Vice President, instead of doing something to increase the domestic supply of oil, the Vice President seems to want to blame big oil for profiteering as a cause for high prices. This simply is an effort to distract attention from the real problems, to cover for this Administration's lack of a real energy strategy.

One year ago, oil was being given away at \$10 a barrel. Who was profiteering, Mr. Vice President? Were American oil companies simply being generous? The small U.S. companies—"Small Oil"—were suffering, with 136,000 stripper and marginal oil wells closed. Our domestic energy industry was in real trouble. Stripper wells cannot make it at \$10 a barrel.

The six largest oil companies—AL GORE's "big oil"—only comprise 15 percent of the world oil market. In contrast, OPEC—Saudi Arabia, Iran, Venezuela, Mexico, Iraq—produce 30 million barrels a day and control 41 percent of the world's oil market. OPEC controls the supply. Therefore, they set the price, not the United States.

If we don't like their price, I guess we don't have to buy their oil. But obviously we are addicted to it. By discouraging domestic exploration and increasing our reliance on foreign oil, the Vice President would take away that option, essentially, forcing us to pay OPEC's price for oil, holding us hostage to foreign governments, as the case is now.

What about Governor Bush? He would encourage new domestic oil and gas explorations. As he said Tuesday: The only way to become less dependent on foreign sources of crude oil is to explore at home. Charity begins at home.

Just opening up the ANWR Coastal Plain in my State of Alaska to exploration would increase domestic production by a million barrels a day. I bet it would drop the price of oil \$10 to \$15 a barrel. The same amount, a million barrels a day, is slightly more than what we import from Iraq. Here is a person we don't trust, whom we fought a war against, yet we are dependent on, and that is Saddam Hussein. Shouldn't we produce this oil at home rather than risk our national security by relying on Iraq for energy needs?

Yesterday I gave a few facts, not fiction, about oil exploration and gas exploration in my State. My colleague from Nevada, who is not on the floor today, continued to refer to outdated estimates and recoverable oil from ANWR using oil prices. He said at a price of \$18 a barrel, ANWR was likely to yield a low-end estimate of 2.4 billion barrels, but that still is 1 million barrels a day for 6 years, Mr. President.

And the prices will be much higher than that—they will be \$25 a barrel, or more. According to the U.S. Geological Survey, the ANWR Coastal Plain is likely to yield 10 billion barrels of recoverable oil, nearly as much as Prudhoe Bay. But it is interesting to reflect on Prudhoe Bay because that one area has supplied one-fifth of our oil needs for the last 20 years. ANWR could do the same for the next 20 years. Remember the realities associated with estimates. They estimated Prudhoe Bay would produce 10 billion barrels, and it has produced over 12 billion and is still producing over a million a day.

I want to talk about natural gas because Governor Bush's energy plan is more than just increasing the domestic supply of oil. He would also expand access to natural gas on Federal lands and build more gas pipelines.

The Vice President makes no mention of natural gas, leaving the most critical part of America's energy mix policy simply unsaid. Yet natural gas is vital for home heating and electric power. 50 percent of U.S. homes, 56 million, use natural gas for heating. Natural gas provides 15 percent of our Nation's electric power, and that generating capability has no place to go for more capacity other than natural gas because you can't get permitted. Mr. President, 95 percent of our new electric power plants will be powered by natural gas as the fuel of choice, but this administration refuses to allow the exploration and production of gas, or the construction of pipelines, to increase the supply of gas to customers.

Demand has gone up faster than supply. This yields higher prices. And our demand for gas will only increase. The EIA expects natural gas consumption to increase from 22 trillion cubic feet now to 30 to 35 trillion cubic feet by 2010.

The administration touts natural gas as its bridge to the energy future—our

cleanest fossil fuel—fewer emissions, efficient end use for industrial and residential applications, huge domestic supply, no need to rely on imports. Yet they place Federal lands off limits to new natural gas production. Where are we going to get it? Mr. President, 64 percent of the Rocky Mountain overthrust belt is off limits. The roadless policy of the Foreign Service locks up 40 million acres of public land, and there is a moratorium on OCS drilling until 2012. Where is it going to come from, thin air?

AL GORE would even cancel existing leases. He made a statement in Rye, NH, on October 21, 1999:

I'll make sure there is no new oil leasing off the coasts of California and Florida. And then I would go much further: I will do everything in my power to make sure that there is no new drilling off these sensitive areas—even in areas already leased by previous administrations.

The American people ought to wake up. Where is our energy going to come from? Now there is no strategic natural gas reserve, is there, like we have for an oil, for the Vice President to fall back on in the case of natural gas prices. This administration simply ignored energy, and now we are in trouble and they are covering their behind.

Natural gas is now over \$5.30 per thousand cubic feet. Less than 10 months ago it was \$2.16.

The differences are clear. The Vice President would limit new natural gas production and force higher prices for consumers. Governor Bush would encourage domestic production of natural gas and the construction of pipelines to get it there.

We talked, finally, about renewables. The Vice President said Tuesday that:

We have to bet on the future and move beyond the current technologies to have a whole new generation of more efficient, cleaner energy technologies.

That sounds fine, but how are we going to get there? I think we all agree in this case our energy strategy should include improved energy efficiency, as well as expanded use of alternative fuels and renewable energy and a mix of fuel oil, natural gas, nuclear, and hydro.

But the critical question is how do you get there from here? The Vice President would make a bet. He would bet that by diminishing supply of conventional fuels such as oil and natural gas, you will be more willing to pay higher prices and make renewables competitive. He will support higher energy taxes, just as he did in 1993 when he cast the tie-breaking vote to raise gas taxes. And he will favor more regulations, more central controls on energy use standards for each part of our everyday life.

The Vice President will tell you what kind of energy you could use, how much of it you could use, and how much you would have to pay for it.

In contrast, Governor Bush would harness America's innovative technological capability and give us the technologies of tomorrow by using the American "can do" spirit. Governor Bush would set aside the up-front funds from leasing Federal lands from ANWR, for oil and gas—the "bid bonuses"—to be earmarked for basic research into renewable energy. He has a plan. It is a workable plan. It is not smoke and mirrors. The production royalty from oil and gas leases would be invested in energy conservation and low-income family programs such as LIHEAP or weatherization assistance. Using tax incentives, Governor Bush would expand use of renewable energy in the marketplace—building on successful experience in the State of Texas. As a result of Governor Bush's efforts on electricity restructuring, Texas will be one of the largest markets for renewable energy, about 2000 new megawatts.

Finally, Governor Bush would also maintain existing hydroelectric dams and streamline the Federal relicensing process. AL GORE would breach the dams in the Pacific Northwest.

The Vice President will try to lay the blame on Congress. He said we have only approved about 10 percent of their budget requests for renewable energy. Here again the Vice President is twisting the facts. According to the Congressional Research Service, we have provided \$2.88 billion in funding for renewable energy since 1992; 86 percent of their request.

The conclusion, the bottom line, is the contrast between the candidates and their energy policies could not be more clear. The Vice President wants to raise prices and limit the supply of fossil energy which makes up over 80 percent of our energy needs, replacing it with solar, wind, and biomass technologies which are just not widely available or affordable today.

Governor Bush would expand the domestic production of oil and natural gas, ensuring affordable and secure supplies. He won't bet on our energy future. Governor Bush will use the energy of today to yield cleaner more affordable energy sources for tomorrow.

The choice for the American consumers on November 7 is clear. Support a candidate with a positive plan to reduce dependence on Saddam Hussein, the Middle East, and other areas; produce here at home and use all our energy resources, our coal, our oil, our hydro, our nuclear, and natural gas because we are going to need them all to keep the U.S. economy going.

Remember, you can't fly out of here on hot air.

I yield the floor.

The PRESIDING OFFICER (Mr. VOINOVICH). The time until 2 o'clock is under the control of the Senator from Illinois.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent I be allowed to

speak for up to 5 minutes, with the consent from the Senator from Illinois.

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

YUGOSLAVIA

Mrs. HUTCHISON. Mr. President, it is my intention to speak for a couple of minutes, and then I will suggest the absence of a quorum and ask if the distinguished Chair would also like to say a few words. And if he indicates such, I will step aside.

I want to speak about something that is happening that is very important to our country and to the rest of the world. As we speak, hundreds of thousands of Yugoslavian people are demonstrating in the streets, saying they want the election result to be declared. It was an election. There is a question about how free it was.

Certainly President Milosevic is trying to have a runoff, to have time to get his troops back together. But it is clear the people of Yugoslavia are standing up for their rights. During all the time the United States has been dealing with the issue of President Milosevic and his wife continuing to keep down the people of Yugoslavia and the satellite countries—Montenegro, Macedonia, Kosovo—to keep them from having the opportunity to express their free will, we in America have said to the people of Yugoslavia: Please, make your voices heard.

We will be supportive of what the people of that country want to happen. Clearly, there has been somewhat of a revolution in this last election period.

I hope and pray for the people of Yugoslavia that they will get their voice, that they will have their voices heard, that they will have representation in Parliament, and that the truly elected President of Yugoslavia will be able to take office.

It is impossible for us to know if the election was fair. It is impossible for us to know if there should be a runoff. Certainly the people have taken matters into their own hands, and they have shown a spirit that cannot be denied.

The hearts and prayers of the people of America are with the people of Yugoslavia today, hoping they will be able to have a free and fair Presidential election; that they will be able to have a Parliament that is truly representative of the people of Yugoslavia. That extends to the people of Montenegro, the people of Macedonia, the people of Kosovo, that they, too, will have their free will to be in control of their countries.

We are watching in our country and we wish them the best. We hope the people of Yugoslavia can take control of their own destiny. That is what we would wish for every person in the world, for every country in the world, and no less certainly for Yugoslavia.

I yield the floor and 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. FITZGERALD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. FITZGERALD. Mr. President, I express my appreciation to all the Members of this distinguished body and, in particular, our Senate leaders on both sides of the aisle for the opportunity they have given me over the last couple days to speak to a matter of great importance, in my mind, a matter which, though it concerns only a relatively small portion of the Interior conference committee report that is before the Senate, I think nonetheless is a matter that goes to the heart of the Government's appropriations process.

I want to review and describe the filibuster I have conducted since about 2 days ago. It has had four major parts.

First, I explained the project about which I was concerned: The Abraham Lincoln Presidential Library to be built in Springfield, IL. This is a project I support, and I am working to help make sure the project is adequately funded over the next couple years in the Senate.

Second, I explained our insistence on Federal competitive bidding and described the bill the Senate supported which detailed the competitive bid provision. This body, on its own, when focused on the narrow issue of whether the Federal funding the Congress is approving for the Abraham Lincoln Library would require that the project be competitively bid in accordance with Federal bidding guidelines, all Members from all 50 States, agreed that the Federal competitive bid guidelines should be attached.

However, the Interior conference committee report that is before us has stripped out that competitive bidding requirement, and since the project now is in the heart of this Appropriations Committee report, which has many other projects and appropriations for programs and Departments of the Federal Government all over the country, it is now in a bill that will no doubt pass the Senate.

Third, I compared the State versus the Federal procurement process and procedure.

Finally, I gave the context in which these concerns arise. I read a series of articles from publications from throughout the State of Illinois that discussed, first, the various contexts in which the issues of competitive bidding have come up in the State of Illinois and, second, the potential for insider abuse when there are not tight requirements that competitive bidding be applied to a government construction project or a government lease or to

practically any kind of project in which the Federal or State government is involved.

It has been my effort to make the best possible case that Federal competitive bidding rules should be attached to the Lincoln Library.

I began by reviewing the time line of this project. This project was first discussed 2 years ago, or more, under the administration of then Gov. Jim Edgar of the State of Illinois. In the first few months of February 1998, Governor Edgar at that time was proposing a \$40 million library. Later, we saw how, by March of 1999 in a new administration, the project had grown to a \$60 million project. Then we saw how, by April of 1999, they were discussing \$148 million project to construct the Abraham Lincoln Presidential Library in Springfield, IL.

Since then, I think the numbers have fallen back down, and we are really talking about a \$115 million to \$120 million project: \$50 million will come from the Federal Government, \$50 million will come from the State, and the rest will come from private sources.

I also talked about the specific language in the Interior conference committee report that is before us.

I noted that that authorization for \$50 million in funding, coupled with an appropriation for \$10 million that would be distributed in this fiscal year, does not specify who is to get the \$50 million authorization. The authorization language does not require that the money be delivered to the State of Illinois. It says the money will be delivered to an entity that will be selected later by the Department of the Interior in consultation with the Governor of the State of Illinois.

I have been concerned by the wide open nature of that language. When you think about wording a bill that money will be funneled to an entity that is going to be selected later, we do not know what that entity is. That raises cause for concern. What happens if that money falls outside of the hands of State or Federal officials altogether and is in private hands? Will there be any controls on it at all?

I also mentioned that I was concerned, if this money did go to the State of Illinois—it may well go to the State of Illinois—the State would probably hand it over to its Capital Development Board.

I noted that the Illinois Capital Development Board, which builds many of the State's buildings, such as prisons, built the State of Illinois Building in the city of Chicago, IL. They have an unusual provision in the general State procurement code, a highly irregular and unusual provision, that allows the Capital Development Board to establish "by rule construction purchases that may be made without competitive sealed bidding and the most competitive alternate method of source selection that shall be used."

I pointed out that with this lack of a hard and fast requirement, if the money were to flow to the State of Illinois, and the Capital Development Board were to construct this library, the Capital Development Board, by their own statute, would have the authority to opt out of competitively bidding this project.

I do not think a project of any magnitude, paid for by the taxpayers, should be done without competitive bidding. Obviously, there is too much potential for abuse. We want to make sure we get the best value for the taxpayers. It would be irresponsible for the Congress to not require competitive bidding, in my judgment, and not just on a small project but most particularly for a very large project such as this, a \$120 million project.

I also want to note—to give some scale to the size of a \$120 million building—we have some Illinois structures and cost comparisons. The source for this is the State Journal-Register, the newspaper in Springfield, IL, from a May 1, 2000, article.

They said that the estimated cost, adjusted for inflation, of building the Illinois State Capitol in today's dollars would be \$70 million. So \$120 million is much more expensive. The Lincoln Library would be much more expensive than the State capital.

There is another building in Springfield that is worth \$70 million. That is the Illinois State Revenue Department building, the Willard Ice Building, built in 1981 to 1984. It would probably cost about \$70 million to build. That is a huge building.

The Prairie Capital Convention Center: It is estimated to have cost \$60 million in today's dollars.

The Abraham Lincoln Library will be much more expensive than all of these very major buildings in Springfield, IL. On a project of this magnitude, obviously we need to have the construction contracts competitively bid.

In discussing the State procurement code, I noted that the State Capital Development Board had the ability to opt out of competitively bidding projects. It was for that reason, when I saw the language of this measure that originally came over to us from the House, I decided we ought to look at attaching tougher guidelines.

We compared the State procurement code to the Federal procurement code, and I determined that in order that we not have to worry about the State opting out of competitive bidding, and in order that we not have to worry about some other flaws in the State procurement code, we would instead attach the Federal guidelines.

When I was in Springfield as a State senator for 6 years, back in 1997 I voted for the current State procurement code. It is indeed some improvement over the old State procurement laws. Nonetheless, it does have some prob-

lems and it could be better. I regret that I missed the loophole that allows the Capital Development Board to opt out of competitively bidding a project.

I also discussed, at length, yesterday how the Capital Development Board was sending around a letter saying they would competitively bid this project, no matter what. They also suggested that their rules require them to competitively bid this project.

That contention is conclusively demolished by the language of the State statute, which shows that they do not have to competitively bid. They are sending out a letter saying they would competitively bid. Obviously, that does not create a legal requirement. They sent the letter to me. Maybe it creates a contractual obligation to me, but it does not make them legally accountable in the bidding process. How can you hold someone accountable if the code is optional? That is the problem with the State procurement code.

Furthermore, I noted, when I had a discussion with Senator DURBIN—he, of course, along with all other Senators in this body, supported the passage of the Senate provision which required competitive bidding in accordance with the Federal guidelines. However, he did raise the question, How would the State be able to adapt itself so it would apply the Federal competitive bidding guidelines?

I pointed out that the State code contemplates, in fact, that from time to time Federal guidelines will be attached on grants from the Federal Government and that the State has statutory authority to adopt all its forms and procedures in order to make sure they can comply with guidelines imposed by the Federal Government, much in the same way the State would have to comply with any guidelines the Federal Government gave along with funding for education, for health care for the indigent, for Medicaid dollars, or the like. Absolutely, there is nothing wrong with that, nor is there anything unusual about that. That is why the State contemplates it in its procurement code.

I also reviewed, at length, the context in which this debate has occurred. I read a series of articles from publications throughout the State of Illinois into the RECORD. Those articles discuss the various contexts in which competitive bidding had come up before in the awarding of construction contracts, of leases for State buildings, of licenses for riverboats.

I also discussed loans the State had given out back in the early 1980s to build luxury hotels, loans that never were repaid, and it seemed the borrowers had never really been held fully accountable.

I told you that from my experience of several years in the Illinois State legislature, I could not casually dismiss this history. It is seared in my memory

from many bruising battles I had when I was a State senator in the Illinois State Senate from 1993 to the end of 1998.

Finally, we asked the question whether the Lincoln Library is another one of those insider deals, such as the ones we discussed when we read into the RECORD stories of leases of State buildings to the State in which it seemed the people who owned the property made out real well but the State seemed to be paying very exorbitant rental rates, and also mishaps that we had with construction projects in the past.

We described how, with the very lucrative Illinois riverboat licenses, some of which could be worth in the hundreds of millions of dollars each, the minute you got one of those riverboat licenses, you would have the ability to earn in some cases \$100 million a year, and that these licenses could be considered extremely valuable. They would probably sell on the open market for many times the amount of annual earnings that would accrue to one of those licenses.

We described how those very valuable licenses were given out in the State of Illinois on a no-bid basis for a total consideration of \$85,000 apiece. I described how I thought that was wrong, that those licenses, instead of being handed out as political bonbons to connected political insiders who happen to be longtime, big-dollar contributors to both sides of the aisle, that we should not have just given them away like that. They should have been competitively bid, and the people who wanted those lucrative licenses should not have been going through the legislature or through a gaming board made up of officials handpicked by the Governor to see who would become the next multimillionaire in the State of Illinois.

Had we had competitive bidding for those riverboat licenses, then we might not have had all the articles written about how it was that only a handful of politically connected people just happened to wind up being the ones who got these phenomenally lucrative gambling licenses.

They were lucrative licenses not only because they were gambling licenses but because they were monopoly licenses. There could be only 10 riverboats in the State of Illinois. If there could only be 10 restaurants or 10 hotels in the State of Illinois, then the license to operate one of those restaurants or hotels would be very valuable as well.

We reviewed at length all the problems that happened and all the questions that get raised when a governmental body gives out privileges or contracts or leases without tight procedures to make sure that political favoritism does not enter into the equation and without tight guidelines to

make sure there is a fair and equitable competitive bidding process.

After this whole discussion, in which some names of prominent political people seemed to be coming up again and again and again in many of the articles, we finally arrived at the question, is this Abraham Lincoln Library to be built in Springfield—the construction has not started yet; it is scheduled to start on Lincoln's birthday next year, 2001; they have awarded some architecture and engineering contracts and some design contracts—just another insider deal? We concluded that it may or may not be. We won't know until it is done, until we see how it is done. But we concluded that, clearly, given the whole history of problems we have seen again and again and again in recent State history with the awarding of construction contracts, leases, privileges, licenses, that we ought to do our very best to prevent this project from becoming just one more insider deal. And we noted what a horrible, ugly irony it would be if a monument to "Honest Abe" Lincoln, arguably our country's greatest President, wound up having any taint at all.

That is what we are seeking to avoid. We should do our very best to prevent it from becoming an insider deal.

Moreover, we have many red flags that have to be taken into account. We have the price increases from \$40 to \$60 to now \$120 million. We have the location of the library. The library site has recently been selected. This is a map of Springfield. This is the State Capitol complex. This is where Abraham Lincoln's home is. It is now run by the National Park Service. There is, in fact, an entire neighborhood that has been renovated and kept up to look as we think it looked in the day and age that Abraham Lincoln and his family lived there.

This is where the Capital Convention Center is. This is where the Abraham Lincoln Library is now planned. That was the site selected. Maybe that is the best site. I don't know. One may never know. It is close to the old State Capitol, which Abraham Lincoln actually served in and spoke in when he was a State legislator. It is near the Abraham Lincoln law office. Is it the best site? I don't know. Did political favoritism come into consideration in selecting that site? I don't know. We don't know.

One thing is interesting, though. This hotel, the Renaissance Springfield Hotel, is very close to the proposed library. That is the hotel that, as we discussed yesterday, was built with taxpayer money in the form of a State loan given out back in the early 1980s. The loan was never paid back, though some payments were made on the loan. The people who got the loan still own the hotel and still manage it. Presumably if the Lincoln Library results in increased tourism revenue and more

people coming to visit the city of Springfield, there will be a lot of tourist dollars. Some projections estimate as much as \$140 million in tourist revenue will be added by the construction of the library in Springfield. Certainly some of that would probably accrue to the benefit of those who have the Renaissance Springfield Hotel.

The price increases, the location of the library, we note these things. We note the involvement of individuals whose names have come up in the past and were described again and again in many of the articles read into the RECORD. And we note the general problem that the State has had with projects such as this in the past.

Given all these red flags, isn't it appropriate that we be extra careful and that we do everything we can to ensure that the project be appropriately competitively bid? It is for that reason that I attached the Federal competitive bid guidelines when the authorization bill came into the Senate. These guidelines were adopted unanimously in the Senate Energy Committee and, ultimately, the whole Senate unanimously adopted these guidelines and sent the bill back to the House.

We are here today because we have to vote on the Interior conference committee report which has appropriations for the project tucked in, but with the Senate requirements for competitive bidding in accordance with Federal guidelines stripped out. It is the fact that those competitive bid guidelines are not contained within the authorization and appropriations for the library in this Interior conference committee report that I am here on the floor of the Senate.

Mr. President, this debate, as I have said, goes to the very heart of the appropriations process itself. We need to take great care with the taxpayers' money. The money represents precious hours of hard work, sweat, and time away from their families. The American people are fundamentally generous and they will permit reasonable expenditures for the good of their country and their communities. The people of Springfield, IL, are as generous as any, and they are as fine a people as any.

I have heard more from the people of Springfield, IL, than from anywhere else in my State about the importance to them of having an honest and ethical bidding process on this library that they hope will be a credit to their community for ages to come. But while the people are generous and they are willing to permit us to make reasonable expenditures in support of our States and communities, the taxpayers do expect that they not be abused. We need to do our best to make sure there are sufficient safeguards so that the people can know their hard work is not being trampled on, that politically connected individuals are not deriving

private profit at the expense of the taxpayers, all under the guise of a public works project.

I know that in this Chamber our remarks go out to the entire country. I am well aware of it in this debate because our office is receiving correspondence from people all over the United States who find interesting what has happened in Illinois. But I want to address these remarks now exclusively to the people of my State—the land of Lincoln—Illinois.

In a very short time now, the Senate will soon take a vote on the Interior appropriations conference report. This is the vehicle that contains the Lincoln Library provisions we have been talking about in this filibuster.

When the Senate votes, we will lose because the Interior bill itself is a bill with considerable support for projects around the country—it is an \$18 billion bill that literally has implications for every State in the Nation—my colleagues will vote for it. Even those who, along with me, believe the Lincoln Library should have Federal competitive bidding rules attached to the money that will be appropriated today will do so.

As I have noted, all Members of this body, earlier this week, voted in favor of Federal competitive bidding guidelines for this project when we had a vote just on that narrow issue. We cannot have a vote to take out the language that is in the conference committee report that does not require the competitive bidding. These are the rules of the Senate. However, when the vote is called and we lose, I do not want the people of Illinois to be discouraged by the difficulties we have encountered. If nothing else, from the materials we have introduced into the RECORD, it is clear that the political culture of Illinois is entrenched and formidable—so entrenched and formidable that a simple provision such as competitive bidding could become controversial.

Our effort in these last couple of days is just a baby step. Real change can only come as the people of Illinois see more, know more, and gradually come to realize that they do indeed have the power to make it different. Real change comes from the bottom, from the people up. All those of us in this body can do is observe, think, exercise our very best judgment, and then make the case.

Today and yesterday, we have made the case. In a little while, the opponents of our simple competitive bid requirement will prevail. But the next time you hear of leases, or loans, or capital projects, or riverboat licenses going to political insiders, you will remember this debate; and together we will rejoin the fight and redouble our efforts for the next time.

Mr. President, I yield the floor.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak as in morning business for 10 minutes.

The PRESIDING OFFICER. Is there objection? I object.

Mr. GRASSLEY. May I speak just on the bill?

The PRESIDING OFFICER. Can we suggest the absence of a quorum?

Mr. GRASSLEY. I don't want to go through that if I don't have to.

Mr. FITZGERALD. Mr. President, I yield the remainder of my time to the occupant of the chair, Senator VOINOVICH from Ohio.

(Mr. FITZGERALD assumed the chair.)

#### ELECTIONS IN THE BALKANS

Mr. VOINOVICH. Mr. President, as my colleagues are well aware, I have a keen interest in what happens in the Balkans because I believe what happens in Southeastern Europe impacts on our national security, our economic well-being in Europe, the stability of Europe and yes, world peace.

For the better part of the 20th Century, Western Europe and the U.S. have had an enormous stake in what has occurred in Southeastern Europe.

However, we have not done enough to pay attention to what is happening there, dating back to the time when former Secretary of State, Jim Baker, said of Yugoslavia that “we don't have a dog in this fight.”

Unfortunately, that line of thinking has prevailed, and we've allowed Slobodan Milosevic to wreak havoc. Over the last decade, he has spread death and destruction to the people of Serbia, Kosovo and Croatia and we all know that U.S. troops now are in Kosovo and Bosnia because of him.

Even a U.S. and NATO led air war last year was not sufficient to bring an end to the Milosevic regime.

Since the end of the war, I have been working hard on three essential items that I believe will bring peace and stability to the region. First, I have been working with leaders here and abroad to help stop the ethnic cleansing in Kosovo; second, to try and make sure that we keep our promises to the Stability Pact of Southeast Europe. To that end, I recently met with Bodo Hombach, the head of the Stability Pact to underscore the importance of the Stability Pact; and third, I have been working tirelessly to support democracy in Serbia, a cause I took on when I was governor of the State of Ohio.

When I was in Bucharest at the Organization for the Security and Cooperation of Europe, OSCE, in July of this year, I introduced a resolution on Southeastern Europe that called to the attention of the OSCE's Parliamentary Assembly the situation in Kosovo and Serbia, and made clear the importance of democracy in Serbia.

I pointed out to my OSCE colleagues in that resolution that Milosevic was a

threat to the stability, peace and prosperity of the region. I argued that in order for the nations of that region to become fully integrated into Europe—for the first time in modern history—Milosevic's removal from office was absolutely essential.

My resolution put the OSCE, as a body, on record as condemning the Milosevic regime and insisting on the restoration of human rights, the rule of law, free press and respect for ethnic minorities in Serbia. I was pleased that my resolution passed, despite strong opposition by the delegation from the Russian Federation.

Many people had become resigned to the fact that if the NATO bombing and the hardships that followed the end of the air war did not produce widespread anti-Milosevic sentiment, the prospect for Milosevic's removal from office by the Serbian people would not happen any time soon. Even Milosevic himself felt confident enough in his rulership of Yugoslavia to call for general elections nine months earlier than they were supposed to occur.

On Sunday, September 24th, historic elections took place in Yugoslavia in spite of the worst type of conditions that could possibly hamper free and fair elections, including military and police presence at polling places; ballots counted by Milosevic appointees; reports of “ballot stuffing;” intimidation of voters during the election process; and the refusal to allow independent observers to monitor election practices and results.

In spite of all that, the people won. They won because of the old Serbian slogan—Samo, Sloga, Srbina, Spasava—which translates into “only unity can save the Serbs”, or, “in unity there is strength for the Serbs.”

And I might say the opposition finally got its act together with prayers to St. Sava, and with enlightenment from the Holy Spirit.

It was the political force of the people that propelled law professor, and political unknown, Vojislav Kostunica, to victory.

This monumental victory over an indicted war criminal proves that the Serb people strongly desire positive change. They want to see their country move beyond the angry rhetoric and nationalistic fires fanned by Milosevic.

And let me make this point clear: Mr. Kostunica's victory and his support are not the result of Western influence.

And although Milosevic had previously acknowledged that Mr. Kostunica had more votes, we learned yesterday afternoon that his pawns on the constitutional court declared that the September 24th elections were unconstitutional.

This latest and most blatant attempt by Milosevic to thwart the will of the people is the final insult to the citizens of Yugoslavia.

The citizens of Yugoslavia—through a constitutional election—have spoken. They have elected a new President.

The Serb people, driven by a desire to live free from the dictatorship of Milosevic, have been pushed to take their election mandate by force. They are, at this very moment, engaged in a struggle to throw off the shackles of oppression.

In light of these developments, I am prayerful that the Serb people will be able to enforce their will, and that they will remember their slogan—Samo, Sloga, Srbina, Spasava—and remain united at this very important time for freedom.

I also pray that the Serb military and police forces will avoid bloodshed, recognizing that their brothers and sisters only seek the freedom that a tyrant has denied them.

Let me be clear, Mr. President: this is not a revolution. The Serb people are enforcing the mandate of their election because this man who has been beaten refuses to relinquish power.

He ought to understand that he's either going to walk out of there or go out on a stretcher or in a body bag.

Mr. President, we in the United States must render our support to the Serb people immediately, and convince our allies and the nations of the world that Vojislav Kostunica is the new and legitimately elected leader of Serbia, and we need to convince Russia that they should immediately tell Milosevic that the game is over; it's time to go.

Mr. President, we also need to assure the Serbian people—who have been long-standing friends of this nation and also our allies in World War II—that we are still their friends and that it is Milosevic who has been the problem, not the Serbian people.

The Serb people need to know that with their new leader, Vojislav Kostunica, we will remove our sanctions against Serbia and help them reinvigorate their economy and re-establish their self-respect and the United States will welcome them into the light of freedom and a bright new chapter in Serbian history.

Thank you Mr. President. I yield the floor.

Mr. McCAIN. Mr. President, once again, we are witness to the belated if inevitable fall of a tyrannical regime that failed to convince the population under its control that its worst enemy lay outside that nation's borders. As I speak, the Serbian people are storming Yugoslavia's Parliament building and seizing television stations. In the town of Kolubara, coal miners and tens of thousands of supporters have openly and peacefully defied the Milosevic regime's efforts at stemming the tide of history. A regime that stands accused of crimes against humanity is on its deathbed, and the United States must not hesitate to declare its unequivocal support for those brave enough to defy that regime.

The people of Yugoslavia have spoken very clearly. They turned out to elect a new President, and Slobodan Milosevic's efforts to manipulate the democratic process has not succeeded. The formidable internal security apparatus that Milosevic and his supporters in the Socialist Party, as well as the Yugoslav United Left, the Communist organization led by his wife Mirjana Markovic, have established cannot save him.

The new defense doctrine President Milosevic approved just 2 months ago listed as its highest priority preservation of the regime that today finds itself under the gravest threat to its survival. While the United States must exercise care in how its role in developments in Serbia are perceived, it must not fail to lend its moral support to those fighting for democracy.

Since 1992, the Balkans have been the scene of the bloodiest fighting in Europe since World War II. The wars that have ravaged Bosnia-Herzegovina and Kosovo produced a list of war criminals that will take years to try, in the event they are brought to justice. A tremendous amount of the blame for that situation resides in one man—Slobodan Milosevic. He was instrumental in creating the environment in which those atrocities occurred and presided over military campaigns that gave the world a new and onerous phrase: ethnic cleansing.

There are those who believe the United States did not have a role to play in supporting democratization in Serbia. Those of us who supported S.720, the Serbia Democratization Act, however, have remained firm in our conviction that U.S. support for democracy in that troubled nation was something to be proud of and could play a positive role in facilitating positive change in Yugoslavia. That S.720 has remained stuck in the House is unfortunate, but the message that it sent merely by its introduction was powerful. We cannot selectively stand for freedom and should not be ashamed that it provides the moral foundation of our foreign policy. Ongoing events in Serbia illustrate vividly the intense desire for democracy in Serbia and the United States should not hesitate to state its strong support for the election of Vojislav Kostunica and for the forces of change in Yugoslavia.

The Balkan powderkeg is facing its most promising period of change since the end of the Cold War. We should not be idle witnesses to that change. I urge the House to speak forcefully on this issue by passing the Serbia Democratization Act at once. The symbolism of U.S. support for democratic change will not play into the hands of a discredited regime in its death throes. On the contrary, it will tell the people of Yugoslavia that we stand with them on the verge of a new era.

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

## CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the conference report to accompany H.R. 4578, the Department of the Interior appropriations bill.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the conference report to accompany H.R. 4578, the Interior appropriations bill, shall be brought to a close? The yeas and nays are required under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Vermont (Mr. JEFFORDS) is necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 89, nays 8, as follows:

## [Rollcall Vote No. 265 Leg.]

Abraham	Edwards	Mikulski
Akaka	Enzi	Miller
Allard	Frist	Moynihan
Ashcroft	Gorton	Murkowski
Baucus	Gramm	Murray
Bayh	Grams	Nickles
Bennett	Grassley	Reed
Biden	Gregg	Reid
Bingaman	Hagel	Robb
Bond	Harkin	Roberts
Boxer	Hatch	Rockefeller
Brownback	Helms	Roth
Bryan	Hollings	Santorum
Bunning	Hutchinson	Sarbanes
Burns	Hutchison	Schumer
Byrd	Inouye	Sessions
Campbell	Johnson	Shelby
Chafee, L.	Kennedy	Smith (OR)
Cleland	Kerrey	Snowe
Cochran	Kerry	Specter
Collins	Kohl	Stevens
Conrad	Kyl	Thomas
Craig	Lautenberg	Thompson
Crapo	Leahy	Thurmond
Daschle	Levin	Torricelli
DeWine	Lincoln	Voinovich
Dodd	Lott	Warner
Domenici	Lugar	Wellstone
Dorgan	Mack	Wyden
Durbin	McConnell	

## NAYS—8

Breaux	Graham	McCain
Feingold	Inhofe	Smith
Fitzgerald	Landrieu	

## NOT VOTING—3

Feinstein	Jeffords	Lieberman
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The PRESIDING OFFICER. On this vote, the yeas are 89, the nays are 8.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from Washington.

Mr. GORTON. Will the Presiding Officer state what the order of business is now?

The PRESIDING OFFICER. There is a time limit on the conference report, 10 minutes equally divided between the two managers, 10 minutes equally divided between the chairman and ranking member of the Appropriations Committee, 30 minutes under the control of Senator LANDRIEU, and 15 minutes under the control of Senator MCCAIN.

Mr. GORTON. I thank the Presiding Officer, and I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I rise in opposition to the bill.

I ask unanimous consent that a list of the unauthorized and unrequested earmarks, earmarks added in conference, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OBJECTIONABLE PROVISIONS IN H.R. 4578, CONFERENCE REPORT FOR FY 2001, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS

*Bill Language*

Additional \$1,762,000 for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of Public Law 96-487.

Earmark of \$2,000,000 provided to local governments in southern California for planning associated with the Natural Communities Conservation Planning (NCCP) program.

Earmark of \$1,607,000 for security enhancements in Washington, D.C.

Earmark of \$1,595,000 for the acquisition of interests in Ferry Farm, George Washington's Boyhood Home and for management of the home.

An additional \$5,000,000 for Save America's Treasures for various locale-specific projects.

Earmark of \$650,000 for Lake Champlain National Historic Landmarks.

Earmark of \$300,000 for the Kendall County Courthouse.

Earmark of \$365,000 for the U.S. Grant Boyhood Home National Historic Landmark which should be derived from the Historic Preservation Fund.

Earmark of \$1,000,000 of the total of the grants made available to the State of Maryland under Title IV of the Surface Mining Control and Reclamation Act of 1977 if the amount is set aside in an acid mine drainage abatement and treatment fund established under a State law.

Earmark of \$300,000 shall be for a grant to Alaska Pacific University for the development of an ANILCA training curriculum.

Provision stating that none of the funds in this Act may be used to establish a new National Wildlife Refuge in the Kankakee River basin that is inconsistent with the United States Army Corps of Engineers' efforts to control flooding and siltation in that area.

Provision stating that notwithstanding any other provision of law, the Secretary of the Interior shall designate Anchorage, Alas-

ka, as a port of entry for the purpose of section 9(f)(1) of the Endangered Species Act of 1973.

Provision stating that notwithstanding any other provision of law, the Secretary of the Interior shall convey to Harvey R. Redmond of Girdwood, Alaska, at no cost, all right, title, and interest of the United States in and to United States Survey No. 12192, Alaska, consisting of 49.96 acres located in the vicinity of T. 9N., R., 3E., Seward Meridian, Alaska.

Provision which requires a land exchange regarding the Mississippi River Wildlife and Fish refuge.

Provision which authorizes a land exchange in Washington between the Fish and Wildlife Service and Othello Housing Authority.

Provision which authorizes the establishment of the First Ladies National Historic Site in Canton, Ohio.

Provision which authorizes the Palace of Governors in New Mexico.

Provision which authorizes the Southwestern Pennsylvania Heritage Preservation Commission.

Provision which redesignates the Cuyahoga Valley National Recreation Area as a National Park.

Provision which authorizes the Wheeling National Heritage Area in West Virginia.

Earmark of \$500,000 to be available for law enforcement purposes on the Pisgah and Nantahala National Forests.

Earmark of \$990,000 for the purpose of implementing the Valles Caldera Preservation Act, which shall be available to the Secretary for the management of the Valles Caldera National Preserve, New Mexico.

Earmark of \$5,000,000 to be allocated to the Alaska Region, in addition to its normal allocation for the purposes of preparing additional timber for sale, to establish a 3-year timber supply and such funds may be transferred to other appropriations accounts as necessary to maximize accomplishment.

Earmark of \$700,000 shall be provided to the State of Alaska for monitoring activities at Forest Service log transfer facilities, in the form of an advance, direct lump sum payment.

Earmark of \$5,000,000 is appropriated and shall be deposited into the Southeast Alaska Economic Disaster Fund without further appropriation or fiscal year limitation. The Secretary of Agriculture shall distribute these funds to the City of Craig in fiscal year 2001.

Notwithstanding any other provision of law, 80 percent of the funds appropriated to the Forest Service in the National Forest System' and 'Capital Improvement and Maintenance' accounts and planned to be allocated to activities under the 'Jobs in the Woods' program for projects on National Forest land in the State of Washington may be granted directly to the Washington State Department of Fish and Wildlife for accomplishment of planned projects.

Language stating that funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area.

Language stating that the Secretary of Agriculture is authorized to enter into grants, contracts, and cooperative agreements as appropriate with the Pinchot Institute for Conservation, as well as with public and other private agencies, organizations, institutions, and individuals, to provide for the development, administration, maintenance, or restoration of land, facilities, or Forest Service programs, at the Grey Towers National Historic Landmark.

Language stating that funds appropriated to the Forest Service shall be available, as determined by the Secretary, for payments to Del Norte County, California.

Earmark of \$5,000,000 to be designated by the Indian Health Service as a contribution to the Yukon-Kuskokwim Health Corporation (YKHC) to start a priority project for the acquisition of land, planning, design and construction of 79 staff quarters at Bethel, Alaska, subject to a negotiated project agreement between the YKHC and the Indian Health Service.

Provision stating that notwithstanding any other provision of law, for fiscal year 2001 the Secretaries of Agriculture and the Interior are authorized to limit competition for watershed restoration project contracts as part of the 'Jobs in the Woods' component of the President's Forest Plan for the Pacific Northwest or the Jobs in the Woods Program established in Region 10 of the Forest Service to individuals and entities in historically timber-dependent areas in the States of Washington, Oregon, northern California and Alaska that have been affected by reduced timber harvesting on Federal lands.

Provision which continues a provision regulating the export of Western Red Cedar from National Forest System Lands in Alaska.

Provision which continues to limit mining and prospecting on the Mark Twain National Forest in Missouri.

Provision limiting competition for fire and fuel treatment and watershed restoration contracts in California.

Provision that amends the Columbia River Gorge National Scenic Area Act to expedite the acquisition of critical lands within the NSA dealing with land appraisal assumptions utilized by the Forest Service to acquire land within the Columbia River Gorge National Scenic Area.

Provision that adds the "Boise Laboratory Replacement Act of 2000" that permits the sale of the Forest Service Boise, ID, laboratory site, occupied by the Rocky Mountain Research Station, and the use of the proceeds to purchase interests in a multi-agency facility at the University of Idaho.

*Conference Report Language*

*Bureau of Land Management*

Earmark of \$500,000 for Montana State University weed program.

Earmark of \$750,000 for Idaho weed control.

Earmark of \$900,000 for Yukon River salmon.

Earmark of \$1,000,000 for Missouri River activities associated with the Lewis and Clark Bicentennial celebration.

Earmark of \$500,000 for the Missouri River undaunted stewardship program.

Earmark of \$700,000 for the development of a mining claim information system in Alaska.

Earmark of \$500,000 for a coalbed methane EIS in Montana.

Earmark of \$650,000 for the Montana cadastral project.

Earmark of \$300,000 for the Utah geographic reference project.

Earmark of \$2,400,000 for Alaska conveyance.

Earmark of \$500,000 to prepare an EIS for future coal bed methane and conventional oil and gas development in the Montana portion of the Power River Basin.

Earmark of \$500,000 for the Undaunted Stewardship program, which will allow for local input and participation in grants to protect historic sites along the Lewis and Clark Trail. This program is to be cooperatively administered by the Bureau and Montana State University.