

SENATE—Thursday, November 29, 2001

The Senate met at 9 a.m. and was called to order by the Honorable JEAN CARNAHAN, a Senator from the State of Missouri.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, we thank You for the privilege of living in this land You have blessed so bountifully. You have called the United States to be a demonstration of freedom and equality, righteousness and justice, opportunity and hope that You desire for all nations. O God, help us to be faithful to our heritage in this time of war against terrorism.

Today we gratefully remember the memory of Johnny Michael "Mike" Spann, marine and CIA agent who gave his life in the battle in Afghanistan, in his own words, "to make this world a better place in which to live."

Now we praise You for the way that You have blessed this Senate with great leaders in each period of our history. Through them You continue to give Your vision for the unfolding of the American dream. Bless the Senators with a renewed sense of their calling to greatness through Your grace. You have appointed them; now anoint them afresh with Your spirit. As they confront the soul-sized, crucial issues today, give them a spirit of unity and cooperativeness. The workload is great, the pressure is heavy, the challenges formidable, but nothing is impossible for You.

Fill this Chamber with Your presence. You are the judge of all that will be said and done today. Ultimately, we have no one to please or answer to but You. With renewed commitment to You and reignited patriotism, we press on to live the page of American history that will be written today. Through our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEAN CARNAHAN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 29, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEAN CARNAHAN, a Senator from the State of Missouri, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. CARNAHAN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

SCHEDULE

Mr. REID. Madam President, this morning the Senate will resume consideration of the motion to proceed to H.R. 10. There will be 60 minutes of debate equally divided between the two leaders. The Senate will vote on cloture on the motion to proceed at approximately 10 a.m.

MEASURE PLACED ON CALENDAR—H.R. 2983

Mr. REID. Madam President, I understand H.R. 2983 is at the desk and due for its second reading.

The ACTING PRESIDENT pro tempore. The leader is correct.

Mr. REID. I ask that H.R. 2983 be read a second time and then I would object to any further proceedings on this legislation at this time.

The ACTING PRESIDENT pro tempore. The clerk will read the title of the bill.

The legislative clerk read as follows:

A bill (H.R. 2983) to extend indemnification authority under section 170 of the Atomic Energy Act of 1954, and for other purposes.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

COMPREHENSIVE RETIREMENT SECURITY AND PENSION REFORM ACT OF 2001—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the

Senate will now resume consideration of the motion to proceed to H.R. 10, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to the bill (H.R. 10) to provide for pension reform, and for other purposes.

The ACTING PRESIDENT pro tempore. Under the previous order, there shall be 60 minutes of debate prior to the cloture vote.

Who yields time? If neither side yields time, time will be charged equally to both sides.

The Senator from Nevada is recognized.

REPUBLICAN ENERGY PLAN

Mr. REID. Madam President, yesterday there was considerable talk on the Senate floor regarding the Republican energy plan, using that term loosely, talking about the need for us to move forward. The majority leader has announced that we are going to take up an energy bill in February. He has given a date. I guess it is difficult for some to take yes for an answer. We are going to go to an energy bill just as soon as we get back. It is important we do that.

In the meantime, there is this constant harangue from the other side about how important it is that we go to an energy bill right now. We agree that there should be an acknowledged policy in this country. It is very important we do that.

We have to understand that under their plan, an increase in oil import dependence would go from 56 percent today to well over 60 percent by the year 2010.

According to the Energy Information Administration, which is part of the DOE, by 2010, cars, light trucks, and SUVs will use an additional 1.8 million barrels of oil a day. Total oil use will increase by twice that much to about 3.6 million barrels a day. The Republican plan does virtually nothing to address oil consumption. Their mantra is supply, supply, supply.

Nothing the United States does will have any impact on the price of oil. That price is determined in the world market. If we don't address our consumption, we might drive the price higher.

The United States currently uses 25 percent of the world's oil supply.

U.S. oil production has been declining since 1970. Even if ANWR were opened to oil development, the most optimistic scenario would only result in a net increase of less than half a million barrels a day. That is a lot of oil, but certainly it will not do anything to address the major problems we

have in this country. Those problems relate to consumption.

This assumes that oil companies don't shift production from other places in the United States. There are 32 million acres in the Gulf of Mexico that have been leased but not developed.

Most of the dollars spent on developing new oil supplies are invested outside the United States. Why? Because there is more oil outside the United States. We, who are so proud of our natural resources, must acknowledge, reluctantly but truthfully, that we don't have a lot of oil in the United States. It is estimated that out of 100 percent of the oil reserves in the world, we have 3 percent in the United States. Most of the dollars spent in developing new oil supplies are in places such as Russia, Africa, Brazil, the Caspian and, of course, the Middle East.

Major oil companies, led by Exxon, just committed \$30 billion to develop gas and water projects in Saudi Arabia. This is a picture of the signing of that deal. Mobil has done well. We don't need to cry about how Mobil is doing in the economic world. Let's talk about ExxonMobil. I am glad they are doing well, but let's not cry about how they are doing. Profits in 2000 were \$12.40 billion, total upstream profits. Profits from the U.S. oil and gas production is this much; you can see that. Investment in U.S. production is this much. We have learned how much they are doing with the Saudi Arabia program. The picture is of Lee Raymond of Exxon signing that deal. It was for \$30 billion. The United States is spending that much. Investment in non-U.S. production in Saudi Arabia, Angola, Qatar, and others, is \$5.2 billion. Madam President, we should understand where the money is going.

Natural gas: On the other hand, natural gas is currently being produced from existing oilfields on the North Slope of Alaska, and then reinjected because there is no pipeline to bring the gas to the lower 48 States.

Natural gas demand is projected to increase by 24 percent by 2010. We in the United States have a choice. We can build a pipeline to bring the gas to market. We can do that. It would be expensive, but it would be very productive and good for the consumer. Or we can become dependent on liquefied natural gas from oil and gas exporting countries as we are for our other oil.

So the question is: Arctic gas or liquefied natural gas from OPEC. Eleven of the world's gas-exporting nations gathered in Iran in May of this year for the inaugural meeting of the Gas Exporting Countries Forum. They control two-thirds of the world's natural gas reserves.

According to the OPEC bulletin of June 2001, "Not only was the Gas Exporting Countries Forum born in the capital city of an OPEC member, but

the two groups also have five members in common: Algeria, Indonesia, Iran, Nigeria, and Qatar. They can unite and coordinate their policies in much the same way as OPEC has done in the past four decades." That should give us pause.

We need a stimulus from the energy policy. Some argue that opening ANWR to oil development would be a great economic stimulus. As we now know, the job numbers thrown around have been grossly exaggerated.

CRS estimates job creation from ANWR might be between 60,000 and 130,000. Again, this assumes jobs are not just shifted from the Gulf of Mexico or the Rocky Mountain region.

Construction of an Arctic natural gas pipeline would create between 350,000 and 400,000 jobs in steel production, pipe manufacturing, trucking and shipping, and construction jobs for 3 to 4 years for assembling the pipeline. These projections are derived from the estimated construction costs and the Bureau of Labor Statistics for pipeline construction, and this is the same approach as the CRS analysis used for ANWR.

This pipeline would be a mammoth project, requiring 4 times as much steel as used for all the cars produced globally in 1999. The steel for the pipe would be enough to give each person on Earth enough stainless steel to make cutlery for six elaborate table settings. The potential natural gas resources could supply the American market for 50 to 60 years.

It seems that we have an easy choice to make. We can do it ourselves or we can be dependent on foreign oil. In the speeches we hear from the other side, I hope they will recognize that we can't continue to consume, consume, consume and meet our energy needs. We are going to have to cut back on consumption. We can do that in a number of simple ways. We can make cars more fuel efficient. We can save millions of barrels of oil a day by making our cars more efficient. Also, we need to look at what we are going to do with alternative energy sources, such as sun, wind, geothermal, biomass, and also spend some money—real dollars—in hydrogen development. For example, Senator HARKIN, for years, has worked with me in trying to come up with a hydrogen program in the United States. It can be done, but we can't get the research dollars to do it. We know it is a safe product. If you had a container of hydrogen that started leaking, you would get water vapor. That is what you would get—not the sludge and these terrible messes that we get in the ocean and on land.

In short, we are no longer going to stand by and let the other side speak about what a terrible thing is happening and that we are not doing something about energy policy. We want to do something. We want to have a full

and complete debate, recognizing that the answer to the problems of America is not drilling in the Arctic pristine wilderness.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey is recognized.

Mr. CORZINE. Madam President, I rise this morning to offer my strong support for the Railroad Retirement Survivor Improvement Act of 2001. It is a piece of legislation that truly will modernize the railroad retirement system and help ensure that our railroad retirees are offered benefits that are consistent with what is made available in the private sector to other industrial workers throughout our economy.

Quite frankly, this is simply a fairness issue, to which I think we need to attend. It is strongly supported on both sides of the aisle, and I think we ought to do away with the procedural hang-ups that are keeping us from addressing this issue and moving forward.

Today's railroad retirement system is deeply outmoded, badly in need of reform. Unlike most pension plans, the current pension system for railroad workers has tied the hands of those who have the fiduciary responsibility to manage it. It can't invest in private market assets, bonds, or equities. Instead, under the current law, the railroad retirement system is required to invest only in Government securities. That is whether it is the tier 1 benefits, which are like Social Security, or tier 2 programs, which are very consistent or the moral equivalent of a private pension system.

The result is that railroad retirees and their families are being placed at a significant and, I believe, unfair disadvantage relative to their peers in the economy.

Throughout modern pension activities, we have a different result than what happens for rail workers because they are not able to retire with the same certainty and security that other workers are, and their families are prejudiced as well because of the lack of effectiveness in their investment programs and retire programs. We need to do something about it.

This program is very simple and very straightforward. The legislation before us also represents a political compromise that enjoys broad support, as I suggested, by Republicans and Democrats, labor and management. It has wide sponsorship throughout all interested parties. It makes sense from an economic standpoint, a consistency standpoint, and certainly a political standpoint. After all, most people in this Chamber—putting this into a personal perspective—are not being forced to invest in pension plans that are limited only to Government securities.

Under the Thrift Savings Plan, Government employees, like most in the private sector, can invest in the private market, stock index funds, debt

index funds—a whole host of options that improve the performance profile of the assets involved in the pension funds.

These funds historically have done better, and the academic history and testing objective data show private pension funds need more opportunities than just being limited to Government securities. I do not understand why we are denying to railroad workers the same opportunity that we have as public employees.

Because private debt and equities generally provide these higher returns, this also would allow for significant improvement in the retirees' benefits: For example, a simple concept such as reducing the retirement age from 62 to 60 after 30 years of service. It is a pretty straightforward, simple, common-sense view and is very consistent with what goes on in the private sector.

Also, widows and widowers would be guaranteed benefits at an amount no less than the amount of the annuity that the retiree received. If one works all their life to build up an annuity that is sensible, the widow or widower should receive more than 50 percent of the retiree's annuity. That is also pretty consistent with actions in the private sector.

This legislation will allow a retirement system to reduce its vesting requirement from 10 years to 5 years, a very standard feature in all private sector pensions. We ought to take advantage of this opportunity to modernize the railroad retirement system and put it in a consistent format with other elements in our society's retirement programs.

I am concerned that the reason this legislation is not moving is because there are those who believe we somehow are going to pilfer the money. The opposite is true. I believe when we do not properly manage, as a fiduciary, retirees' money, we are actually limiting their ability, and the pilfering is really our fault, not theirs. We ought to do something about that.

I am concerned about what is really happening. I believe it is sometimes the view of some that we are trying to limit our options in managing retirement funds. It is quite possible people are presuming that if we make this kind of move with respect to railroad retirement activities and pension investments, we must have an analogy that works for Social Security. There is reason to believe we ought to be thinking about how we manage our Social Security trust funds so that we secure their actuarial responsibility over the long run.

I hope we are not standing against doing something that makes sense for railroad workers because we have this great desire to resist modernizing our practices in how we handle our pension funds.

It is time for us to move forward with this legislation. It was over-

whelmingly supported in the House. There is something approaching 75 cosponsors in the Senate. This is 21st century investing—actually, it is 20th century investing practices, and we need to make sure our railroad workers have that same right. I hope we will avoid all this haggling about procedure and move forward to protect their retirement the way we expect others in the economy to proceed.

Mr. ROCKEFELLER. Madam President, I am proud to have been an original cosponsor of the bipartisan Railroad Retirement and Survivors' Improvement Act of 2001 when it was introduced this spring. This legislation has strong bipartisan support and it deserves action before Congress adjourns this year.

In West Virginia, we have over 11,000 retirees and their families currently depending on railroad retirement, and almost 3,500 West Virginians working for the railroads who will need their railroad retirement in the future. These hardworking railroad employees have done tough jobs for years, and because of the physical work and often harsh outdoor working conditions, they deserve a good retirement package, at an earlier age than current benefits allow.

Nationwide, there are currently about 673,000 railroad retirees and families, and about 245,000 active rail workers. They, too, deserve a better retirement program, and I want to work with them to promote this historic package supported by both rail labor and rail management.

There can be no doubt that improving retirement benefits for railroad workers, retirees, and their families must be one of our top priorities. Right now, it takes 10 years of service before a railroad worker becomes vested in the retirement plan, while private companies covered by the Employee Retirement Income Security Act, ERISA, vest their employees in just 5 to 7 years.

The need to dramatically improve benefits for railroad widows and widowers is also obvious and has gone unaddressed for far too long. It is cruel to slash the benefits of the widow of a railroad retiree at the death of her spouse, as the current policy does. Railroad widows have called my offices and pleaded with me at West Virginia town meetings to understand how essential this legislation is for them.

A railroad widow living in Hinton, WV, recently told me that her current railroad pension benefit is too small for her to pay the premium for railroad health insurance. This widow's husband died when he was just 56, and she was only 46. She has been struggling to maintain her home and pay her bills, and can just barely do that, but she cannot afford to buy health insurance. She deserves a better deal. Railroad widows in my state and across our

country living on fixed incomes face a tough challenge to maintain their homes and their dignity. Increasing pension benefits for railroad widows should be a priority before this Congress adjourns.

Today, experts predict that the Railroad Trust Funds are solvent for the next 25 years, and existing policy offers guaranteed benefits to railroad retirees and their families. Under the new plan, the railroads would pay less taxes into the Railroad Retirement Trust Funds, but the fund would create an investment board to invest its reserves in private equities, so the increased rate of returns would cover the expanded benefits. Under the plan, there is a provision to increase railroad taxes in the future when necessary to fully fund the railroad retirement benefits.

As a member of the Senate Finance Committee, I have been pushing hard to enact this legislation to improve benefits for railroad retirees and their families. I will be working with Finance Chairman BAUCUS and Senate Majority Leader DASCHLE to achieve our goal of improving railroad retirement. Our railroad workers, our retirees, and their widows have been waiting too long for a better retirement package. It would be wrong for Congress to leave without acting on this vital program.

Mr. REID. Madam President, I suggest the absence of a quorum and ask that the time be charged equally.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE ENERGY BILL MUST BE DEBATED

Mr. BURNS. Madam President, I have heard several comments this morning with regard to energy, yet I am still in a fog about why we are even discussing this legislation.

Americans should know that September 11 not only changed the entire Nation but it also changed the mindset in Washington, DC. I can remember that morning because we were in a press conference talking about enhanced 9-1-1, legislation that was passed and signed by President Clinton. Basically what it did was it allowed the technology to move forward in our wireless communications that when someone used their cell phone and they hit 9-1-1, they got the nearest first responder or emergency responder.

In a State such as Montana where we have large rural areas, this is very important. I held a safety conference in Helena during the August break. We had around 200 people attending, saying we need to locate people whenever

an emergency comes in on a cell phone because we have great distances to cover.

With the technology of triangulation of the towers and enhanced GPS, we can now locate the 9-1-1, or the emergency caller, just as we can when we pick up a phone in our own home where it is wired.

We were taking a look at the deployment of that technology in a news conference on that morning of September 11 when the terrorists decided to take their bite out of the United States of America. It was a shocking thing when we saw the second airplane go into the second tower and then the one that hit the Pentagon in Washington, DC. It changed our perspective on everything.

I bring that up because we are in a war, and the only defense against terrorists who will forfeit their lives to carry out a mission, the only way to prevent those people from doing great harm to our country, is to keep them on the run where they do not have a lot of time to plan to do bad things to us.

I congratulate the President this morning because we are taking out the al-Qaida and the terrorists who perpetrated this act of war on our country.

We are also in a recession. We have an agricultural sector that is hurting, and we are talking about something that affects none of the things that are affecting our country today. Nothing in this legislation, with the time we think we have left of this year, the first half of the 107th Congress, will stimulate the economy. It has nothing to do with the economy.

I am a cosponsor on the bill. We have farmers who are walking into their banks to renew their operating loans, and what are the bankers telling them? We have to have some concrete evidence this Government is going to be in your corner next year. We have been every year, but now they want to tie it down a little tighter. Yes, that is a stimulus. Agriculture is about 20 percent of the GDP in this country. It is very important, and it all starts at the production level. We do not hear anybody talking about that.

Yesterday morning I brought up the fact that energy is a part of this, and we hear speeches even this morning on energy, but we only hear speeches. Put a bill on the floor. Allow a bill to come to the Senate. We will debate conservation. We will debate the economy. We will debate production. The President had a task force put together headed by Vice President CHENEY, and a lot of the actions he wants taken are not allowed to be debated. Make no doubt about it. We are at war, and then we hear speeches. We have an energy crisis, but we hear speeches. The economy continues to slip; we continue to hear speeches. Put the bill before the Senate. That is all I say.

The Railroad Retirement Act probably has as many cosponsors as have

ever cosponsored a bill in this body. Some folks would say fairness. Fairness to whom? Fairness with the rest of the country? It does nothing that would heal some of the ills that are afflicting our country right now.

What I am saying is let us get our work done. If we want to talk about energy, put an energy bill before the Senate. That is all we ask. Then we will let the chips fall where they may. That is what we should be doing this morning if we move forward on anything.

Let us do something substantive. Let us complete the appropriations. I serve on the Appropriations Committee. The assistant minority leader serves on that committee. We have worked together on a lot of issues, and I think he will agree that it is not going to take a lot of work or a lot of time to finish. As soon as we get the Defense appropriations and complete a stimulus bill, then let us go home and let us recharge the batteries. Let us talk to the people back home. Let us find out what their agenda is, what they want to see this Government and this Congress do as we complete the year 2001.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

UNANIMOUS CONSENT REQUEST—H.R. 3090

Mr. REID. Madam President, the junior Senator from Montana, my good friend, and I have worked together on a number of issues. We were the two who handled military construction appropriations for many years. He is a pleasure to work with. I enjoyed working with him this year on the Interior appropriations bill. In answer to my friend, the reason we are talking about energy this morning, it has been talked about so much from the other side, I must reply.

Regarding the railroad retirement bill, it is important legislation. For the widows, it is an important piece of legislation. I acknowledge we should move these appropriations conference reports as quickly as we can. Transportation was resolved yesterday. That is big news. We hope to complete that this week as soon as the House does.

Yesterday it was noted that if we moved to the House bill, which will be the vehicle for the railroad retirement legislation, the stimulus bill would be displaced. We agreed that the stimulus bill should not be displaced. We did not raise a point of order to knock it off the calendar. We could have raised a point of order against a Republican vehicle and then the stimulus bill would be gone forever from this session of the legislature. We chose not to do that. We agreed the stimulus bill should not be displaced. That is the reason we asked to call the railroad bill up by unanimous consent, but that was objected to by a Republican colleague.

To ensure again that the stimulus bill is not displaced by the railroad retirement bill, I ask unanimous consent

the stimulus bill, H.R. 3090, recur as the pending business immediately upon the disposition of the railroad retirement bill.

The ACTING PRESIDENT pro tempore. The Senator from Idaho.

Mr. CRAIG. On behalf of the Republican leadership, I object.

The ACTING PRESIDENT pro tempore. The objection is heard.

SENATE WORK PRIORITIES

Mr. CRAIG. Madam President, let me speak for a few moments on the issue of railroad retirement, the stimulus package, and the business before the Senate. Our assistant Republican leader is on the floor and wants to speak to the motion to proceed, so I will be brief.

I rise in support of railroad retirement and have been a cosponsor of that legislation for the last several years. There is adequate time to deal with this issue. We can deal with it now following the stimulus package or certainly we can deal with it next year. The Democratic leadership has chosen to bring it up and force the issue at this time. It is an important piece of legislation. There are 75 cosponsors in the Senate. The Senate Finance Committee has worked some on it. The House has worked on it and passed it.

Is it a perfect piece of legislation? No. It goes a long way to fix a flawed system, a system at this time that is in deep trouble, a 65-year-old system that has been treated poorly in the past in many respects and will not serve the retirees or the railroad system effectively well in the future.

As a result of an effort on the part of management and labor to bring this issue together, they have worked hard to do so. There are many on my side who disagree and some on the other side who disagree. This issue does not find unanimous support in the Senate. I would hope issues of such critical nature could find unanimous support, but that will not happen.

It is important this issue be addressed. I hope the Senate can work its will. I will support efforts to bring it to the floor. At the same time, I hope the Democrat leadership understands a recession has been declared in this country by the institutions that measure our economics and measure the output of our economy. If we are in recession—and we are—we ought to deal with a stimulus package that will bring investment and job creation back to the marketplace.

We ought to be understanding that we are at war. We ought to move expeditiously, as the House now is, to deal with the DOD package to make sure our men and women in harm's way are adequately funded, and that all of the issues of post-September 11 are dealt with in the appropriate fashion. That doesn't mean we have to stay here for the next 3 weeks to get that done.

We do our timely work now; we come back in late January and do the balance. This is an issue that could have been dealt with in late January, as can agriculture, as energy, I hope, will be with a date definite and a vote up or down to pass. If energy is not dealt with in that fashion, and if the majority leader does not choose to give us a clear signal as to how energy will be voted on, energy will be an amendment to any amendable bill that comes before the Senate following the current effort.

This bill will be amendable. Maybe energy fits well into a railroad retirement package. It is every bit as critical to a broader base of the American economy as this bill is very critical to a lot of people in my State and across the Nation.

To reiterate, I support the railroad retirement legislation. I am one of the 75 cosponsors in the Senate. In the last Congress, when I was briefly a member of the Senate Finance Committee, I had an opportunity to participate in the hearings on the bill and vote in favor of passing it and sending it to the Senate floor for consideration. While I am a supporter of this bill, I can understand why some of my colleagues have genuine problems with it. Does this bill take a flawed system and make it perfect? No. However, does this bill take a flawed system and dramatically improve it? Yes.

I am here today to urge my colleagues: Do not let the perfect be the enemy of the very, very good. It is no small feat that rail labor and rail management came together, reasoned together in good faith, and devoted a great deal of energy, expertise, and old-fashioned innovation to improving a 65-year-old system in a bright and forward-thinking way. They have fashioned a remarkably good bill. It removes a 65-year-old requirement that assets of the system be invested solely in Federal instruments. It permits the kind of investments that any other industry pension plan might make. As a result, over time the system will bring in more revenue, and that will permit better benefits for retirees and surviving spouses, while reducing the contributions needed from rail employers.

It is important to remember that this bill also provides for the possibility that the returns on investments might be less than history suggests they will be. If that should occur, it would trigger an automatic adjustment mechanism requiring more contributions from the industry. This protects the federal government and the nation's taxpayers. On the other hand, if returns are greater than projected, both labor and management will be able to reduce contributions further. The new Investment Trust created by the bill will not include any government employees and will not be appointed by any. Trustees will be sub-

ject to ERISA fiduciary standards. They will be able to hire professional pension investment advisors. Congress will annually receive a report on the results of the investment efforts.

Let me also address the so-called "cost" of this bill. I agree with the House of Representatives that changing the investment mix is not an outlay, but just a new means of financing the government's obligations under the system. Those who take balanced federal budgets seriously should have no reason to back away from this legislation.

Mr. President, the thousands of working men and women, retirees, and surviving spouses who will benefit from this legislation have waited patiently while this bill has been reviewed again and again. They have waited long enough. This bill is an enormous step in the right direction, and one the entire Senate should support.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. NICKLES. Madam President, I rise in opposition on a motion to proceed. I have great respect for my friend and colleague from Nevada, but I happen to disagree that moving to railroad retirement is what we should be doing. Railroad retirement is an issue that some people say has been considered by Congress. It hasn't been considered. We didn't have a hearing in the House; we didn't have a hearing in the Senate. We have a bill written by special interest groups, by railroad companies and unions. They negotiated a deal and said, great, now have the American taxpayer pay for it.

If there is ever special interest legislation, this is it. We are going to say we want to set aside the stimulus package so we can take this bill up. I have told my friends and colleagues if we take it up, we will have to have a lot of amendments and a lot of debate.

I read where tier 1 is the same thing as Social Security. But it is not. It is not the same thing. There are differences. People who receive Social Security do not get to retire at age 60 with 100-percent benefits. And this is what this legislation does for railroad retirees.

Under private pension benefit plans, survivors of deceased usually receive 50 percent; the survivors under this bill receive 100 percent. We are going to do that? We are going to put that in the statute and say the Federal Government will pay for it?

People say they want to be treated like the private sector. Private sector gets to invest in the stock market. Great. Make this a private sector plan. We can do that. We are going to give them \$15 billion, that is a heck of a cash infusion to a pension system. We have never done that in the history of America where we have taken \$15 billion, given it to one industry for their

retirement system. It benefits primarily a few companies and a whole lot of employees and retirees. They have worked it out in a mutually beneficial manner. They both benefit, almost exactly the same amount. They negotiated a deal to save \$4 billion in 10 years and the employees get \$4 billion in new benefits. And the Federal Government will give them \$15 or \$16 billion in the process.

I question the wisdom of doing that. We have not had a hearing and have not been able to ask people: Why are we doing this? How does it work? Where does the money come from?

If we move to this bill, as I expect may well happen but, will have to have some amendments. We will have to consider should tier 1 really be equivalent to Social Security. If they are going to be in the Social Security system and pay Social Security taxes, they pay identical tier 1 taxes to Social Security, shouldn't we give them identical Social Security benefits? Or do we give them benefits far in excess of what Social Security provides? We are going to have to consider that.

What about this survivor benefit? They say this is great, we have a survivor benefit, and it is a big increase. Everyone likes it. If we are going to increase the survivor benefit for railroads, should we do it also for Social Security? Or conversely, should survivor benefits, at least for Social Security, be the same for all Social Security beneficiaries? There is a big difference. We have to look at that and we have to look at the cash infusion. The argument is made that this is just moving \$16 billion of Government IOUs over into the private sector for real investment.

I asked the Treasury Secretary, how are you going to do it? He said: I am going to go out and borrow \$16 billion. We are in a deficit situation. It is all going to be added to debt, so we are going to add \$16 billion to our national publicly held debt that you and I and all taxpayers will be paying interest on every year. That means if we are paying something like 6 percent interest on \$15 billion, we are going to be paying \$1 billion per year in interest maybe forever for this cash infusion to go to this retirement fund which will greatly increase benefits and also reduce the contributions to that retirement fund.

I used to be a fiduciary and trustee of a retirement fund. You can't do that. You would have the Pension Benefit Guarantee Corporation saying: You are not making your minimum allocation requirements to make these funds adequately financed. You are doing just the opposite. You have a grossly underfunded actuarial benefit that is required, and you are not making those payments.

We are doing just the opposite. We have an unfunded plan that has financial problems in the future, and what

we are doing is cutting taxes and increasing benefits. Oh, yes, we are going to transfer a whole bunch of money so it will last a little while, but it doesn't last even that long. As a matter of fact, it is kind of startling to find out the amount of money available. This fund starts evaporating pretty quickly. It is projected in 20 years the taxes are going to have to be raised as much as 70 percent—in 20 years, because of the shortfall.

My biggest problem is the way we have directed scorekeeping in here to say we are not going to count that \$15 billion. Hocus pocus—write a check, and it doesn't count. That really bothers me.

There is language in the House-passed bill on page 25 that says:

Means of financing. For purposes of the Congressional Budget Act of 1974 and the Balanced Budget Act and Emergency Deficit Control Act of 1985—and on and on—notwithstanding the purchase or sale of non-Federal assets—shall be treated as a means of financing—i.e., it doesn't count; they are kind of clever legal words that say it doesn't count.

It will be interesting to see how Democrats and Republicans vote on this bill because we have a little section in here that says "the budget doesn't count."

I ask you, if you can do this for the railroad retirement system, why can't you do it for Social Security? Why don't we write a check for \$1 trillion or \$1.8 trillion, or whatever the Social Security trust fund balance is that is Government-held debt, Government IOUs to itself? Why don't we just write a check for that entire amount and say now we have real securities?

If you do it, you are going to have outlays and we are going to have to borrow money. This \$16 billion we are going to have to borrow. We are going to increase the national debt to do this.

I wonder if people really thought about that and what that really means. Can we do this for Social Security? Is this real? Are we moving away from Government T-bills into Government stocks? No, we are not. We are moving away from Government IOUs, which are on paper, into real debt that we will have to write checks for and pay interest on every year—real debt, publicly held debt that could be held in the United States or overseas, on which we will be writing checks. We will have to pay interest on it to the tune of \$1 billion a year.

We will put it in the railroad retirement fund and at the same time say: Railroad companies, you don't have to pay as much. We are going to reduce your taxes. Even though you signed contracts that are very generous in retirement benefits, we are going to reduce your contribution. Incidentally, retirees, because you were willing to go

along with this, we are going to increase your benefits. We are going to give you benefits nobody else has in the private sector. We are going to give you benefits that are greater than Social Security.

You are tier 1, which is supposed to be equivalent to Social Security. In Social Security, the retirement age is going to 67. For tier 1 benefits, the retirement age is going to 60. For Social Security beneficiaries, for everybody—every Senator, every civil servant, employee who is on Social Security today—when they receive benefits, every person in the private sector on Social Security today, if they retire at 62, they receive 80 percent of their normal retirement benefit—80 percent.

Not railroad retirement; it is 100 percent under age 62, and under this bill it will be 100 percent at age 60. And they pay the same taxes. That is 12.8 percent, 6.4 percent by the employer, 6.4 percent by the employee for tier 1 taxes and Social Security taxes. These are the same taxes everybody else pays in America, but they get a lot better benefit under this bill we are considering.

The House almost passed this bill unanimously. Did they really know what they were doing? Did they realize the cost implications of this legislation? Does that really make sense, and can we afford it? Is this trust fund in such good shape we can give the most generous benefits in America? Does it make financial sense to do that? I don't think so.

I think people are going to be embarrassed when sometime, at some point, if and when this bill ever becomes law—and it has not become law yet because it still has to go through the amendment process, and I hope we can improve it, I hope we can strike out language that says this \$16 billion check we are going to write doesn't count.

I am on the Budget Committee. I have been on the Budget Committee for 21 years. I am horrified by this language. I am embarrassed the House passed it, and I am embarrassed we would even consider it in the Senate. So we are going to have amendments to strike it, and we will find out whether or not people think when you write a check it doesn't count. If we say it doesn't count, let's just tear up the Budget Act totally.

Speaking about budgets, a lot of people are talking about emergencies. I met with the President last night, and I said we have been trying to respond to emergency situations in a bipartisan fashion, but I am looking at spending that is growing rather dramatically. The President proposed a budget that grew at 6.1 percent. We had an agreement at \$686 billion. We signed a letter. Members of Congress actually asked the President to sign the letter that said: Here is our deal. October 2, our

budget deal, \$686 billion discretionary spending, a growth rate of 7.1 percent. We added a few billion more for education. All signed on, this is the deal.

Then we agreed, let's add \$40 billion as a result of the September 11 attack. So that moved the \$686 up to \$726 billion. The growth of spending now is 13.3 percent. That doesn't include \$16 billion coming in for railroad retirement. That doesn't include \$16 billion or \$15 billion or \$7.5 billion for additional homeland security. That doesn't count the additional billions of dollars—we don't know how much it is going to cost—in the victims' compensation fund that is already the law of the land. That doesn't count the \$15 billion we have for airline security and loan guarantees.

If we add all that together, we are on a spending spree in Congress. It looks to me as if people are trying to ram through all the spending they can this year because they know that next year we are in red ink. Next year we are going to have deficits.

There was a front page story in the Washington Post today alluding to the situation that we may have deficits for several years, so let's run this through now and put in little language in the bill that says it doesn't count.

So I hope to have several amendments to this legislation if we are forced to consider it. Although, I think it is more important that we stay on the stimulus package and visit this legislation at another time. I hope we finish the Nation's business. I hope we get our appropriations bills done, pass the stimulus package trying to help this economy which is in a recession, and go home. But if we are going to say let's come out and spend this kind of money, we are going to have to rework this program and improve it.

Let's allow the unions and railroad companies to come up with whatever benefits they want. I don't care if they have retirement at age 40, as long as they pay for it and don't ask us to pay for it. If it is their retirement system and they are responsible for it, great. If they are asking taxpayers to pay for it, wait a minute, we should be a little more cautious. If they are going to have survivor benefits greater than almost every survivor benefit in America, that is fine, as long as they pay for it. But don't ask us to guarantee it.

So I urge my colleagues to vote no on the motion to move off the stimulus package and move on the railroad retirement bill.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. While the distinguished Senator from Oklahoma is on the floor, I ask unanimous consent the time for debate prior to the cloture vote on the motion to proceed to H.R. 10 be extended until 10:30, with the time equally divided and controlled as under the previous order, and that the remaining

provisions of the previous order governing the cloture vote remain in effect.

Mr. NICKLES. Reserving the right to object, I suggest the absence of quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Madam President, I renew my request.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. REID. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

The senior assistant bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to Calendar No. 69, H.R. 10, an act to provide for pension reform and for other purposes:

Paul Wellstone, Richard Durbin, Byron Dorgan, Harry Reid, Jon Corzine, Hillary Clinton, Blanche Lincoln, Thomas Carper, Patrick Leahy, Tom Harkin, Benjamin Nelson, Mary Landrieu, Bill Nelson, Ron Wyden, Charles Schumer, Bob Graham, and Barbara Mikulski.

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 motion to proceed to H.R. 10, an act to provide for pension reform, and for other purposes, shall be brought to a close? The yeas and nays are required under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

The yeas and nays resulted—yeas 96, nays 4, as follows:

[Rollcall Vote No. 343 Leg.]

YEAS—96

Akaka	Baucus	Biden
Allard	Bayh	Bingaman
Allen	Bennett	Bond

Boxer	Feingold	Mikulski
Breaux	Feinstein	Miller
Brownback	Fitzgerald	Murkowski
Bunning	Frist	Murray
Burns	Graham	Nelson (FL)
Byrd	Grassley	Nelson (NE)
Campbell	Hagel	Reed
Cantwell	Harkin	Reid
Carnahan	Hatch	Roberts
Carper	Helms	Rockefeller
Chafee	Hollings	Santorum
Cleland	Hutchinson	Sarbanes
Clinton	Hutchinson	Schumer
Cochran	Inhofe	Sessions
Collins	Inouye	Shelby
Conrad	Jeffords	Smith (NH)
Corzine	Johnson	Smith (OR)
Craig	Kennedy	Snowe
Crapo	Kerry	Specter
Daschle	Kohl	Stabenow
Dayton	Landrieu	Stevens
DeWine	Leahy	Thomas
Dodd	Levin	Thompson
Domenici	Lieberman	Thurmond
Dorgan	Lincoln	Torricelli
Durbin	Lott	Voinovich
Edwards	Lugar	Warner
Ensign	McCain	Wellstone
Enzi	McConnell	Wyden

NAYS—4

Gramm	Kyl
Gregg	Nickles

The PRESIDING OFFICER. On this vote, the yeas are 96, the nays are 4. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is 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. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. EDWARDS). Without objection, it is so ordered.

Mr. HATCH. Mr. President, I ask unanimous consent that I be allowed to speak for up to 15 minutes as if in morning business.

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

Mr. HATCH. Thank you, Mr. President.

NOMINATION OF JOHN WALTERS

Mr. HATCH. Mr. President, I rise today to speak on behalf of all parents and grandparents, teachers, clergy, mentors, law enforcement, treatment and prevention coalitions, and all the others who work every day to prevent illegal drug use from destroying the lives of our young people. Our country needs John Walters, the President's nominee for drug czar, to be confirmed. It is shameful that here we are in November, and Mr. Walters remains the President's only Cabinet member who has not been confirmed.

To say that the confirmation of Mr. Walters has been obstructed is by no means an exaggeration. It has been 203 days since the President announced his choice of John Walters to be the next Director of the Office of National Drug Control Policy. It has been 177 days

since the Senate received his nomination. It has been 50 days since Mr. Walters' hearing before the Judiciary Committee. And it has been 21 days since his nomination was voted out of the Judiciary Committee by a wide margin and sent to the Senate floor. How many more days, weeks, and months can we expect this nomination to linger before a vote is finally scheduled? In my view, we have already waited much too long.

John Walters' confirmation will also add another much-needed weapon to our arsenal in the war against terrorism. Since the September 11 attacks, there has been much discussion about the nexus between drug trafficking and terrorism. We know that proceeds from the manufacturing and trafficking of opium poppy helped sustain the Taliban's control of Afghanistan. We also know that terrorist organizations routinely launder the proceeds from drug trafficking and use the funds to support and expand their operations internationally, including purchasing and trafficking illegal weapons. I am sure in the coming months and years, we will continue to learn about the clandestine connection between drugs and terrorists.

The situation in Afghanistan also bodes ill for the world's supply of heroin. In 2000, over 70 percent of the world's heroin was produced in Afghanistan. Stockpiles of Afghan heroin were reportedly dumped on the market after the September 11 attacks. While officials in America and Europe are bracing for the onslaught of cheap heroin that will soon be hitting the markets in all neighborhoods across America and Europe, we have no drug czar. The head of the Drug Enforcement Administration, the DEA, Asa Hutchinson, recently referred to the situation in Afghanistan as a "rare opportunity" for U.S. antidrug efforts to act on the successes of the military campaign and influence the future direction of heroin production in Afghanistan. While I have great confidence in the work Asa Hutchinson and the DEA are doing, the administration needs its lead drug control policy official in place to help formulate a comprehensive policy designed to reduce significantly heroin production in Afghanistan.

Mr. Walters will have to work closely with law enforcement and intelligence authorities to ensure that the international component of the Nation's drug control policy is designed not only to prevent drugs from being trafficked into America but also to prevent the manufacturing and sale of drugs for the purpose of funding terrorist activities. Mr. Walters is eminently qualified to carry out this task, and I am confident that he will be a first-rate Director. He is the right person for this job.

John Walters' career in public service has prepared him well for this office. He has worked tirelessly over the last