

**SENATE—Monday, December 3, 2001**

The House was not in session today. Its next meeting will be held on Tuesday, December 4, 2001, at 12:30 p.m.

The Senate met at 1 p.m. and was called to order by the Honorable JEFF BINGAMAN, a Senator from the State of New Mexico.

**PRAYER**

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

Almighty God, we do not need to ask to come into Your presence for You have been ever-present through our nights and days. We never need shout across the spaces to You as an absent God. You are nearer than our own souls, closer than our most secret thoughts. We need not inform You of our requests, for You are omniscient. We do not need to brief You on the alternative possibilities for this week's decisions, for You already know what is in keeping with Your best for us and will reveal that if we ask You. What we do need is to linger in Your presence until we are assured of Your love, regain true security, and are refortified by Your strength. Thank You for using this time of prayer with You to show us Your faithfulness and to receive Your guidance.

In Scripture, You call us to pray for the peace of Jerusalem. We do that this afternoon with the vivid pictures of the mall terrorist attack: jarring explosions, heart-breaking deaths and injuries, and the wail of sirens. Grant us Your strength in the battle with the evil of terrorism. Bless the President and Congress as they seek Your power both to complete the war in Afghanistan and to strategize with negotiations in the Middle East as a whole. Help us, dear God; we need You. You are our Lord and Saviour. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable JEFF BINGAMAN 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, December 3, 2001.

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEFF BINGAMAN, a Senator from the State of New Mexico, to perform the duties of the Chair.

ROBERT C. BYRD,  
*President pro tempore.*

Mr. BINGAMAN thereupon assumed the chair as Acting President pro tempore.

**RESERVATION OF LEADER TIME**

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

**MORNING BUSINESS**

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 4:45 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided between the two leaders or their designees.

**RECOGNITION OF THE MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

**SCHEDULE**

Mr. DASCHLE. Mr. President, the Senate will be in a period for morning business until 4:45 p.m., with the time equally divided between the two leaders or their designees. At 4:45 p.m., the Senate will resume consideration of the Railroad Retirement Act. There will be 30 minutes of debate prior to a 5:15 p.m. cloture vote on the Lott amendment. If cloture is not invoked on the Lott amendment, a second cloture vote will occur on the Daschle substitute amendment. As a reminder, all second-degree amendments must be filed prior to 4:15 p.m.

**MEASURES PLACED ON THE CALENDAR—H.R. 3210 AND S. 1748**

Mr. DASCHLE. Mr. President, I understand that the following bills are at the desk, having been read the first time: H.R. 3210 and S. 1748.

The ACTING PRESIDENT pro tempore. The majority leader is correct.

Mr. DASCHLE. Mr. President, I ask unanimous consent that it be in order

en bloc for these two bills to receive a second reading. I would then object to any further consideration.

The ACTING PRESIDENT pro tempore. The clerk will read the title of the bills for a second time.

The legislative clerk read as follows:

A bill (H.R. 3210) to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism.

A bill (S. 1748) to promote the stabilization of the economy by encouraging financial institutions to continue to support economic development, including development in urban areas, through the provision of affordable insurance coverage against acts of terrorism, and for other purposes.

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

Mr. DASCHLE. Mr. President, I suggest the absence of a quorum.

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

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

**ISSUES BEFORE THE SENATE**

Mr. REID. Mr. President, the order before the Senate is that until quarter to 5 today, we are going to spend time talking about matters before the Senate. The two issues about which we are going to vote deal not with the railroad retirement, but rather with a moratorium on cloning and, in addition to that, legislation dealing with energy.

The Presiding Officer, of course, has spent a good part of his life, especially the last several months, coming up with legislation on energy for this country.

I have worked with the Presiding Officer in his capacity as chairman of the Energy Committee on a number of occasions. Of course, I, as most everyone else in the Senate, am impressed with his ability to understand issues.

Rather than moving forward on legislation in the normal fashion, we are now going to deal with this issue in a piecemeal fashion.

The majority leader has said we should have a full and complete debate on this issue. He has stated we could take this matter up before the month of February of next year, but prior to the President's Day recess. We would have a debate, have the legislation before the Senate, have the Republicans' proposal and the Democrats' proposal,

and move forward on this legislation in the normal manner.

It appears they cannot take yes for an answer. They have said they want a definite time. The majority leader said they have that definite time. It is clear this is not an effort to get an energy bill, but rather to slow down what we are trying to do; namely, the railroad retirement bill.

I think everyone in the country acknowledges we should have an energy policy and that is why we should have a time set aside to do an energy bill, but I am sorry to say this appears to be an effort to kill something that is extremely important to lots of people in America today; that is, management and labor on the railroad retirement bill.

In an effort to save face for the 74 people who have cosponsored this, a number of people are saying: We like the railroad retirement bill, but not now; we will do it some other time.

Remember, it has passed the House. I believe the vote in the House was 380 in favor and a few against. In the Senate, we have 74 cosponsors. This should be a lesson on how to move legislation, but it is a lesson on how not to move legislation. So I certainly hope we can move forward on the railroad retirement bill, get rid of this extraneous material at the earliest possible date.

I oppose the Lott amendment for a variety of reasons. I will focus for a moment on the issue of jobs. We have heard some Senators speak about the job implications of drilling for oil in the Arctic National Wildlife Refuge. I understand, without any question, Senator MURKOWSKI and how important he believes this is for his State. It is important for his State because there is no question that drilling in ANWR would create jobs. That is important for Alaska, which really needs jobs. The other oil they have is winding down, and they want not only the ongoing jobs with the oil they have, with any field that has been demonstrated, but also the exploration and development would mean thousands of jobs.

I appreciate Senator MURKOWSKI feeling about this the way he does, but in spite of his strong feelings, it is still wrong. As I have indicated, the railroad employees and the unions and management oppose the Lott amendment. I will list a few examples of those unions. We could have other organizations also who oppose the Lott amendment. For example, we have lots and lots of environmental groups. I do not think there is an environmental group in America that supports what Senator LOTT and Senator MURKOWSKI are trying to do.

My friend from Alaska, the distinguished junior Senator, has given the impression organized labor wants this in the worst way, but these are the unions that oppose the Lott amendment: The Association of American

Railroads opposes the Lott amendment; American Shortline and Regional Railroad Association; Family Railroad Organization; National Association of Retired Veteran Railway Employees; American Train Dispatchers; Boilermakers and Blacksmiths; International Brotherhood of Locomotive Engineers; Brotherhood of Railroad Signalmen; Firemen and Oilers; Service Employees International Union, known as the SEIU; Hotel Employees; Restaurants Employees; International Association of Machinists; International Brotherhood of Electrical Workers; Ironworkers Union; Seafarers International Union; Sheetmetal Workers International; Transportation Communications International Union; Transport Workers Union; United Transportation Union. Each of these unions is urging the Senate to vote against the Lott cloture motion on amendment No. 2171 which adds energy and cloning legislation to the railroad retirement bill. They know if this is attached, the bill is dead.

Some argue opening up ANWR to oil development would be a great economic stimulus. As we know, the job numbers thrown around have been grossly exaggerated. CRS estimates job creation from ANWR might be about 60,000, but could go higher than that. Again, this assumes jobs are not shifted from the Gulf of Mexico or the Rocky Mountain region.

I agree, however, that creating jobs is very important given that our country has been in recession since March. As I noted last week, there are better ways to create jobs than by exploring, and some say exploiting, the National Wildlife Refuge.

For example, construction of an arctic natural gas pipeline would create between 350,000 to 400,000 jobs in steel production, pipe manufacturing, trucking and shipping, and construction jobs for 3 to 4 years assembling the pipe. This pipeline would be a mammoth project, requiring four times as much steel as used for all the cars produced globally in 1999.

The potential natural gas resources could supply the American market for 50 to 60 years as compared to the oil from ANWR which might yield 6 months' worth of America's petroleum supply.

There are other reasons, all of which are good, to oppose the energy provisions in the Lott amendment—and we are going to vote on this matter very shortly—but there is no reason to sacrifice the financial security of these retirees who have an interest in the railroad retirement bill—not only the retirees but the widows who would benefit.

Sadly, those who are pushing the Lott amendment are working against the hard-working Americans who have retired from the railroads around our

country and, of course, the widows of those hard-working railroad workers. So I hope we will defeat soundly the Lott amendment.

Also, I have mentioned the provision dealing with the Arctic National Wildlife Refuge. I was in Las Vegas over the weekend, and somebody I had not seen in several decades, somebody I used to go to high school with, came up to me. We had not seen each other but, I, of course, recognized him in a second: Claude, how are you? He said: I am fine.

I know his family. It is a very conservative family. He said: I want you to know you have to do everything you can to make sure we can go forward with therapeutic cloning. Those were his words. Stem cell research.

Why did he care? Because he has two diabetic children, and it is genetic; he believes there is hope. He is someone who has worked with his hands all his life and does not have a scientific mind. His hope comes from his heart, but hope is coming from the minds of people who are scientists. They believe therapeutic cloning could be the breakthrough for diabetes, Parkinson's, Alzheimer's, and many of these other dread diseases.

If we could find a cure for the three diseases I mentioned, not only would it be the right thing to do for the families and the individuals with these diseases, but it would also be an economic boon to this country that would be unsurpassed. That people are in institutions because of Alzheimer's is really a drag on the economy of this country.

So I hope there will be a resounding vote to make sure we do not go forward on this legislation attached regarding ANWR and cloning. I am in favor of therapeutic cloning.

Maybe the word is wrong, "cloning." We had scientists who came and talked to us last Thursday. Maybe it is the wrong use of words, but that is what has developed in the vernacular we are using. Scientists believe they need to go forward so they can do the stem cell research unfettered. Frankly, if we do not do it, it is going to happen someplace else anyway. Other countries are going to do it. So we who lead the world in scientific endeavors should make sure we also lead the endeavors regarding therapeutic cloning.

The ACTING PRESIDENT pro tempore. The Senator has used 10 minutes.

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

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

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