one company does exert such proprietary control over the Internet, and the Internet does in fact become a critical underlying medium for commerce and the dissemination of news and information, rest assured that we will be hearing calls from all corners for the heavy hand of government regulation—for a new ''Internet Commerce Commission.''

It seems far better to have antitrust enforcement today than heavy-handed regulation of the Internet tomorrow.

So, let me suggest to those of you who abhor the regulatory state that you give this some thought. Vigilant and effective antitrust enforcement today is far preferable than the heavy hand of government regulation of the Internet tomorrow.

III. CONCLUSION

In closing, I would like to come back to what I said at the outset. These are difficult, but very important, policy issues. Because of what is at stake, effective and appropriate antitrust policy is critical to our digital future. Antitrust policy that errs on either side—be it too aggressive or too meek, could have serious consequences. But because of the uniqueness, and the complexity of high technology markets, discerning the proper role for antitrust requires some fairly hard-headed analysis.

Those who dismissively say that technology is complicated stuff that changes like quicksand are in a sense correct. But, is the answer, as has been suggested by some politicians and other new-found friends of Microsoft here in Washington, simply to throw up our hands and move on to other, easier, and less sensitive issues? Hardly.

Rather, let me suggest that the answer is to make sure that the rules of the road are the right ones, and that the referees do a good job enforcing them, when and where it is appropriate. Antitrust policymakers and enforcers should not shirk their duties just because the task is a hard one.

I have a great degree of confidence that the current head of the Antitrust Department is up to the task, and, as Chairman of the Committee with antitrust and intellectual property jurisdiction, I plan to do what I can to ensure that the rules are being applied both fairly and effectively. We in Congress not only can, but in my view must, ask the questions and help ensure the right answers.

Toward this end, I would like again to thank the Progress and Freedom Foundation, and those who have dedicated the time and intellectual effort to these difficult questions, for taking a very productive step in this process of understanding and implementing a sound, effective role for antitrust policy in the Digital Age. I expect that we all will learn a great deal from what I trust will be a vibrant and energetic discourse throughout the remainder of the day.

Mr. GORTON. Mr. President, I want particularly to thank my friend from Nevada for agreeing to let me proceed.

The PRESIDING OFFICER. Under a unanimous consent request, the Senator from Nevada is recognized for up to 15 minutes.

Mr. REID. I say to my friend from Washington, it was a pleasure to yield that time and to listen to his statement, which was typically much like the Senator from Washington; it was very thorough and educational for me.

Mr. President, I ask unanimous consent that following my statement, the Senator from California be recognized for 10 minutes.

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

NEED FOR THE HIGHWAY BILL NOW

Mr. REID. Mr. President, the State of Nevada is a large State, one of the largest in the Union, 74 million acres. Nevada is also the most mountainous State in the Union except for Alaska. We have 314 separate mountain ranges. We have 32 mountains over 11,000 feet high. We also have vast extremes in weather. In the southern part of the State it is not unusual for places such as Laughlin, NV, in the southern tip of the State to reach temperatures of 120 degrees. In the northern part of the State we at times have the coldest place in the Nation, temperatures far below zero that remain for days at a time.

The State of Nevada is also the fastest growing State in the Nation; we also have the fastest growing city and the fastest growing county: the city of Las Vegas city and Clark County. Every month, 7,800 new residents move into Clark County. So we have an unusual State.

The reason I lay this on the Record today is that the State of Nevada desperately needs a highway bill. We desperately need a surface transportation bill brought before this body and debated and resolved. The ISTEA legislation, as we call it, was a good piece of legislation when it passed in 1991. I was fortunate to be on the subcommittee that drafted that legislation. I was fortunate to be able to work on that committee with the chairman of the committee, Senator MOYNIHAN, and the ranking member, now the chairman of the committee, Senator CHAFEE.

We did some unique things with that ISTEA legislation. We allowed more spending but more of that spending power went to the individual States. That was the main goal of the ISTEA legislation that passed in 1991: turning more spending power and authority over to the States and localities while maintaining a strong national transportation system. And during the 6 years this legislation has been in effect it has worked well.

We have made progress in returning more authority to local jurisdictions. I believe, when we are able to take up the bill that came out of the committee, the bill which is now before this body, we will continue along the same lines.

I rise today to say that I think we are breaking faith with the American people by not having this legislation in the Chamber today. I have outlined the problems we have in the State of Nevada. Because of the mountains we have around the State, because of the extremes we have in weather around the State of Nevada, we badly need these highway funds. All of this is compounded by the tremendous growth we are having in the State of Nevada.

The President came to Lake Tahoe last summer with the Vice President and five Cabinet officers. A commitment was made by the States of California and Nevada to do something about Lake Tahoe because it is being degraded environmentally. Everyone agrees—Republicans, Democrats, conservatives, liberals, environmentalists, nonenvironmentalists—that the lake needs to be saved, and a commitment was made at that time to save that lake. Part of the salvation of the lake comes in the form of transportation improvements in the ISTEA bill that should be before this body.

Mr. President, the money that we are talking about spending is not new tax dollars. We are not spending money that does not exist. Every time an individual goes to a service station to buy gas, they put gas in their car and automatically, because of legislation that has been passed here, the money that comes from that purchase goes into a trust fund. That money is set aside for highway construction and surface transportation. And so we are not here today demanding that we spend new taxes for these roads that are badly needed in Nevada and around the country. What we are saying is let's spend the money that is in the trust fund. That is all we are asking. Let's spend the money. There has been a commitment made that those moneys that have been collected should be spent on our surface transportation. The first step is to get the highway bill done (and the sooner the better).

Mr. President, when I practiced law, we would set up trust funds for our clients, and it could be as a result of a contract that you were dealing with for your client, trying to resolve contractual differences; it could be for the sale of a piece of real estate; it could be for a personal injury case. This money was put into a trust fund for the client. If in fact we used those trust fund moneys for anything else, to pay rent, to purchase a car, or to do something that wasn't in keeping with our client's wishes, we could be disbarred and in fact criminally prosecuted.

I cannot imagine that we are using these trust fund moneys for these highways for some other purpose. If we did that in the private sector, we would be subject, if we were a lawyer, to disbarment; if you were not a lawyer, maybe to criminal prosecution and, in fact, if you were a lawyer to criminal prosecution.

So these highway trust fund moneys should be spent for the purpose for which they were collected and no other purpose. Not for offsetting the deficit, not for a fancy new spending program in some other place. This money should be used for surface transportation. I cannot understand why we are not bringing this bill before this body immediately.

When Congress was unable last year to complete its work on the long-term reauthorization program, I was a strong proponent of the notion that we needed to pass a short-term extension. The Presiding Officer at this moment serves on the Environment and Public Works Committee with this Senator. He, too, helped move the bill out of the

committee, and we agreed that there should be a short-term extension to ensure continuity in State programs and to live up to our obligation to the American people to provide a world-class—in fact, the best—transportation system.

That is what these trust fund moneys are all about. I supported this short-term approach as a last resort. But I was under the assumption that leadership here would allow us to move the surface transportation bill to the floor so that we could begin working on it as soon as we returned from the recess. This has to happen. It was supposed to be one of the first things we brought up when we got back here.

The surface transportation bill made the States partners with the Federal Government. With this highway bill, we had more of a partnership than we had ever had before. The partnership was to build a stronger transportation system and to maintain a stronger transportation system. We are leaving the departments of transportation in all States in the lurch by putting off work for months now. This is no way to treat a partner. If we are truly partners with the States, their departments of transportation, then certainly we should be moving this legislation.

State transportation programs are continuing for the moment, but let's not kid ourselves. These programs are dying. They are on life support, but they are dying. We designed the short-term extension in a way that we would, in effect, force ourselves to work on this legislation after we came back after the first of the year. We are not following through on that. Our goal was to allow the States to spend unallocated balances for a couple of months to prevent a lapse in the programs. We didn't build an extra quarter or 6 months into that idle time.

I congratulate and I applaud Senator BYRD, the ranking member of the Appropriations Committee, who has been on this floor and steadfastly and continually and very effectively has brought to the attention of this body and the people of this country the need that we move to (and pass) the surface transportation bill. The closer we get to the election the harder it is going to be to do the right thing in regard to this legislation. If we wait until April, April is going to become July, and then July will become October. We should do this now. We should move this bill as quickly as possible.

There are some States, including the State of Nevada, where we are limited in terms of the amount of funds we can allocate because of bid-letting procedures. There are only certain times that we can let these contracts—sometimes because of weather in parts of the State of Nevada. As I have already described, because of the weather extremes, you cannot do work all year round in the State of Nevada. So we need to let these bids take place. As I have indicated, there are many parts of Nevada, in the high Sierras and other parts of the State of Nevada, where the construction season is extremely short. Delays in reauthorization are going to lead to delays in roadbuilding and maintenance soon. A delay of several months can easily lead to a delay of a year or more in the colder climates of our State.

This applies all over the country. Nevada is currently the fastest growing State in the Nation. As I indicated, about 8,000 people moved to Clark County last month—that's the Las Vegas area. In order to address our long-term growth-related infrastructure needs, we need a 6-year bill; not a 3-month bill, not a 6-month bill. Six-month bills do not allow us to adequately plan for the future. It is unfair of this body, this Congress, to arbitrarily wreck the planning processes of 50 States and tens of thousands of highway construction workers and contractors whose livelihood depends on the timely and consistent flow of these highway funds. We must move forward. To not do so is simply unfair. It is unfair for the Congress of this country to hold up the gas taxes that the people pay every time they fill up their tanks at a service station while we continue collecting these huge sums of money every day to go into this trust fund. We are not being fair to the American public by not spending these trust funds.

We spend a lot of time in this body talking about States rights. Let's demonstrate our commitment to States by passing this highway bill. It is important we do it. It is important we do it tomorrow, not next month or the month after that. Let's get to work on reauthorization today.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. KENNEDY. Will the Senator yield for a unanimous consent request?

Mrs. FEINSTEIN. I will.

PRIVILEGE OF THE FLOOR—S. 1601

Mr. KENNEDY. Mr. President, I ask unanimous consent that two fellows in my office, Ellen Gadbois and Diane Robertson, be granted the privilege of the floor during Senate consideration of the cloning legislation.

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

Mr. BYRD. Will the distinguished Senator yield for a question?

Mrs. FEINSTEIN. Yes, I certainly will.

Mr. BYRD. Will the Senator object to my asking consent that I be recognized, after the distinguished Senator from California speaks, for not to exceed 20 minutes?

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. BYRD. I thank the distinguished Senator and I thank the Chair.

Mrs. FEINSTEIN. Mr. President, I rise to speak in morning business. I understand I have 10 minutes by the unanimous consent agreement of Senator REID.

The PRESIDING OFFICER. That is correct.

DROP IN COCAINE SEIZURES ON THE SOUTHWEST BORDER

Mrs. FEINSTEIN. Mr. President, Congress has increased the priority of the war on drugs in recent years. We've allocated nearly $300 million in additional funds to the U.S. Customs Service since 1996.

And I think all of us know that the Southwest Border is still, without question, ground zero in U.S. drug interdiction efforts, with more than 70% of the cocaine and other narcotics entering this country across the 2,000 mile stretch of border between our country and Mexico.

To meet this threat Congress authorized more than $100 million over the last two years to add 650 inspectors and employ state of the art technologies along the Southwest border. The President's budget in fiscal year 1999 calls for an additional $104 million for Southwest Border narcotics efforts.

So you can imagine my surprise when I opened yesterday's edition of the Los Angeles Times to read the following:

> The amount of cocaine seized at the commercial ports of entry along the U.S./Mexico border plummeted 84% in 1997, forcing U.S. Customs Service officials to develop a new drug fighting strategy and leaving them concerned about a backlash in Congress.

Well, Mr. President there is a backlash from this United States Senator because for five and a half years now I have sounded a constant drumbeat on Treasury and on Customs to stop the mixed missions of the Customs Department and understand that there is a major problem with cocaine coming across the Southwest Border. Frankly an 84% drop in seizures last year indicates that all of the money and all of the personnel we have been pumping in has simply not done the job. 84% at the Southwest border, and cocaine seizures are down 15% across the nation.

If someone could tell me the reason for the drop is because, overall, there is less cocaine coming into the country—I'd say, congratulations, our efforts have been successful.

But that doesn't appear to be the case. Narcotics intelligence officials continue to warn that an estimated 5 to 7 tons of cocaine enters this country every single day of the year. We are just not getting it.

If someone could tell me that the drop along the Southwest Border is because our efforts have been so successful, that the drug smugglers are going elsewhere—I'd say bravo, the taxpayers' money has been well spent.

But, again, that does not appear to be the case. Customs officials are widely quoted in news reports saying the problem is that the drug traffickers continue to stay two steps ahead of our interdiction efforts. And in fact, that is the case.