



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, FIRST SESSION

Vol. 147

WASHINGTON, WEDNESDAY, NOVEMBER 28, 2001

No. 162

Senate

The Senate met at 10:30 a.m. and was called to order by the Honorable HARRY REID, a Senator from the State of Nevada.

PRAYER

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

Generous God, we praise You that it is Your desire to give good gifts to those who ask You. Forgive us when we are stingy receivers. You give strength to the tense and tired, courage and boldness to those who are fearful, guidance to the humble who ask You to guide their decisions. We say with the psalmist, "The Lord is my strength and my shield; my heart trusted in Him, and I am helped; therefore my heart greatly rejoices."—Psalm 28:7 KJV.

Bless the Senators today. Astound them with new insight and fresh vision they could not conceive without Your blessing. May they truly seek You and really desire Your will in their responsibilities and relationships today. You are waiting to infuse their minds and hearts with wisdom and guidance. Help them to trust You to guide and provide. Fill each Senator with Your inspiration and this Chamber with Your presence and power. Amen.

PLEDGE OF ALLEGIANCE

The Honorable HARRY REID led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Repub-

lic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read as follows:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 28, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HILLARY RODHAM CLINTON, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. CLINTON 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. This morning, the Senate will resume consideration of the motion to proceed to H.R. 10. Cloture was filed on the motion to proceed. The

Senate will therefore vote on cloture on the motion to proceed tomorrow morning. The Senate will be in recess today, by virtue of a unanimous consent agreement previously entered, from 12:30 to 2:15 p.m.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, 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 assistant legislative clerk read as follows:

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

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

MEASURE PLACED ON CALENDAR—S. 1732

Mr. REID. Madam President, I understand that S. 1732 is at the desk and is now due for its second reading.

The ACTING PRESIDENT pro tempore. The Senator is correct.

NOTICE

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Michael F. DiMario, Public Printer

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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S12065

Mr. REID. I ask that S. 1732 be read for the second time, and when that reading takes place, I will object to any further proceedings on this bill at this time.

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

The assistant legislative clerk read as follows:

A bill (S. 1732) to provide incentives for an economic recovery and relief for victims of terrorism, and for other purposes.

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

UNANIMOUS CONSENT REQUEST—S. 1214

The ACTING PRESIDENT pro tempore. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Madam President, I ask unanimous consent that the majority leader, following consultation with the Republican leader, may proceed to consideration of Calendar No. 161, S. 1214, the Port, Maritime, and Rail Security Act; that when the measure is considered, it be under the following limitations:

That a managers' substitute amendment be in order; that the substitute amendment be considered and agreed to and the motion to reconsider be laid upon the table; that the bill, as thus amended, be considered as original text for the purpose of further amendment, with no points of order waived by this agreement; that all first-degree amendments must be transportation-related; that the second-degree amendments must be relevant to the first-degree amendment to which it is offered; that upon the disposition of all amendments, the bill be read the third time, and the Senate vote on passage of the bill, with this action occurring with no further intervening action or debate.

Mr. REID. Madam President, reserving the right to object, will the Senator explain the purpose of this legislation?

Mr. HOLLINGS. The purpose of this legislation, as we have now provided for airport and airline security, is to provide for port security and rail security. I want to make some comments about it. If that is permitted, we will go into debate, and if the Chair will recognize me, if they will allow it, I will explain in detail. This is what I want to do.

Mr. REID. I withdraw any reservation.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. THOMAS. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. HOLLINGS. Madam President, as requested by our leader, this matter of port security is really a very serious concern. Very few people realize this. The Financial Times and the Times of London, reported back in early October, almost 2 months ago, and I quote:

Intelligence actions across the world are examining Osama bin Laden's multimillion dollar shipping interests. He maintains a se-

cret fleet, under a variety of flags of convenience, allowing him to hide his ownership and transport goods, arms, drugs, and recruits with little official scrutiny.

Three years ago, nobody paid much attention to a crew unloading cargo from a rusting freighter tied up on the quayside in Mombasa, Kenya. The freighter was part of Osama bin Laden's merchant fleet and the crew were delivering supplies for the team of suicide bombers who weeks later would blow up the United States embassies in Kenya and Tanzania. Bin Laden's covert shipping interests were revealed at the trial of the bombers, but until now security services have been slow to track down how many vessels he operates.

Going further, Madam President, we heard that a suspected member of the al-Qaida terrorist network in October tried to stow away in a shipping container heading to Toronto, Canada. The container was furnished with a bed, a toilet, its own power source to operate the heater and recharge batteries.

According to the Toronto Sun, the man also had a global satellite telephone, a regular cell phone, a laptop computer, cameras, identity documents, airport maps, security passes for airports in Canada, Thailand, and Egypt, and he also had an airline mechanic's certificate. He is being held now as a suspected member of the al-Qaida group and bin Laden's movement.

The threat is real, there is not any question about it. Let me emphasize, when the FBI said there was no threat to the Golden Gate Bridge, that was nonsense. It has been reported in the news that four of these so-called martyrs can operate an oil tanker and run it right into the bridge. So we have to be on the lookout for terrorist attacks with respect to the ports of the United States.

Fortunately, my distinguished colleague from Florida, Senator GRAHAM, has led the fight to institute seaport security. In 1999, Senator GRAHAM got President Clinton to appoint a commission, and they did a study on this issue.

At the local level, this bill will mandate that all ports and waterfront facilities promulgate a comprehensive security plan approved by the Secretary of Transportation.

That is going to be a difficult task. There is not any question we have some 361 entities rated as ports. Some are privately operated, some are semi-privately operated and leased like in New York. Other ports are operated entirely by the State like in my own hometown of Charleston, SC. None of them has any security plan. Fifty of these three hundred and sixty-one ports account for 90 percent of all tonnage going to and from the United States.

The bill requires that the Customs Service, the port authorities, the Coast Guard, the controllers of ports, whether it be a private lessee or publicly run by the State or otherwise, get together and start coordinating and promulgating a security plan approved by the Secretary of Transportation.

The bill for the first time will require that we know more in advance about

the cargo and crew members coming into the United States. The more we know about a ship's cargo and where it originated, the better our Customs agents and other law enforcement officers can target suspicious containers and passengers.

In fact, I heard from one port official that these measures would cause a delay. No, it is going to be delayed at the port if they do not know ahead of time what to look for. It is going to take more time.

The bill requires that ships electronically send their cargo manifest to the port before gaining clearance to enter. Since it is going to take money to enforce the provisions of this bill, the bill provides \$390 million for grants to upgrade security infrastructure, another \$166 million to back the issuing of \$3.3 billion in loans and loan guarantees over 4 years for port security and infrastructure upgrades, another \$168 million to purchase nonintrusive screening and detection equipment for the U.S. Customs Service, \$145 million to increase the number of Customs personnel screening the cargo and to update the Customs computer systems, and \$75 million to develop weapons screening technologies for use at the seaports.

Talk about money; we spend billions and billions for an anti-ballistic missile defense system, and a cargo container can be delivered anywhere in the United States for \$5,000. The enemies of the United States can easily afford \$5,000 to import a container which could contain up to 60,000 pounds, 30 tons of materials. They could bring in a container of that size uninspected at Bayonne, NJ, full of anthrax, take it on up to Times Square, and blow it there. We talk about the thousands who were lost at Ground Zero in New York. The number will go into the millions with an attack like this.

At Tijuana, agents will actually tear apart car seats searching for drugs and other items, but thousands of truck-size cargo containers are being dumped on to the docks of the United States without any inspection whatsoever.

We are not playing games. The threat is serious, and it has to be paid for.

I particularly thank Senator GRAHAM for his leadership in this regard. It was the year before last that we introduced a bill. We had hearings last October. Following the hearings last October, we reintroduced the bill. It is a bipartisan bill.

I thank my ranking member, Senator MCCAIN, and particularly Rob Freeman of Senator MCCAIN's staff who worked very hard on this legislation.

I think the bill is in very good shape. We have coordinated time and again with the White House on this measure. They know the contents of it. I do not know their disposition at the present time, but I do not think we ought to adjourn this year without passing this well-considered bill, which has been developed over the past 3 years. We ought to get moving on this bill.

I again thank Senator MCCAIN and Senator GRAHAM. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BURNS. Madam President, we are on the railroad retirement bill; is that correct?

The ACTING PRESIDENT pro tempore. We are on the motion to proceed.

Mr. BURNS. Madam President, I ask unanimous consent that I may proceed as in morning business for 10 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. What was the request, Madam President?

Mr. BURNS. To proceed as in morning business for 10 minutes.

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

ENERGY POLICY

Mr. BURNS. Madam President, we are in the closing weeks of the 1st session of the 107th Congress. We are in a defined recession and at war, and we seem to be talking about everything except those two items, and we are not doing anything about them.

As we talk about the security of the country, we have to consider how energy and energy security play a role in the survival of this country, especially in rebuilding the economy.

On Wednesday, November 14, the Energy Information Administration, which is a part of the Department of Energy, released a report that concludes that our dependence on foreign sources of energy is going to increase dramatically by the year 2020 because energy consumption will increase more rapidly than increased domestic production. So our need for new sources of energy continues.

Energy should be one of the highest priorities in the Senate. In terms of energy, there are two major reasons why the Senate should act this year on an energy bill as part of a stimulus package, if it is to be. First of all, for national security. Second, the economy needs the help right now. Energy costs hurt economic recovery as much as any other segment of our economy.

I see the Senator from Florida. I had the opportunity to spend some of the Thanksgiving break in his State. One would never think we were in an energy crisis with the price of gasoline up and down the road now, but nonetheless I think that is a short-lived situation.

I have a couple of examples on what we should be doing and why we should be doing it. Long before the terrorist attacks of September 11, President Bush recognized the vital role that energy plays in the economy and, of course, our national security. Shortly after taking office, he established a national energy policy development group under Vice President DICK CHENEY to take on the task of examining America's needs for developing a balanced and comprehensive energy policy to assure reliable, affordable, efficient, and environmentally sound energy for

the future. This does not pertain to our fuels of transportation. It does not deal with the transportation fuels such as gasoline or, in some cases, natural gas.

It deals with what we are going to do with electrical power in rural areas and how we restructure the power industry to address those needs of industry and, of course, our quality of life.

On May 17 of this year, Vice President CHENEY's task force announced their comprehensive plan for energy, dealing not only with the cost of energy but also a sustainable supply. On August 2, a bipartisan coalition of Democrats and Republicans in the House of Representatives passed the Securing America's Future Energy Act, the SAFE Act, of 2001, which is basically H.R. 4, a comprehensive energy bill that incorporates many of the President's proposals.

In the Senate, led by Senator MURKOWSKI of Alaska, this side of the aisle has put forth numerous plans but they have all refused even to let us debate our plans. They are comprehensive. They are bipartisan. In fact, the major portions of organized labor, including Teamsters, back what Senator MURKOWSKI has proposed.

We are asking: Where do we go from here? Are we being remiss if we do not seize the moment of bipartisanship and pass a comprehensive energy bill?

Despite such timely steps to help lessen U.S. dependence on foreign oil and promote energy development and production, progress has stalled. We began hearings on this legislation last March but have failed to act. In fact, Majority Leader DASCHLE specifically instructed the Energy Committee to stop action for the rest of the year.

In a time of crisis, and it could be a time of crisis and we are in this crisis of war, we should be trying to find some sort of answers to these situations. So I am asking today that we reconsider our agenda and look at security, both economic and energy security, for this country.

THE CIVIL AIR PATROL

Mr. BURNS. Madam President, today I recognize the Civil Air Patrol as they celebrate their 60th anniversary this year.

I rise to commend the many men and women serving in our armed forces. These brave souls are stationed around the world and on the front lines, defending freedom, liberty and our way of life. Today, I specifically want to acknowledge the individuals of the Civil Air Patrol, CAP, and celebrate their service to our nation because of the upcoming 60th anniversary of their fellowship and support as defenders of security for our country.

The Civil Air Patrol was founded December 1, 1941, one week before the Japanese attack on Pearl Harbor, by over 150,000 citizens concerned about the defense of America. Flying under the jurisdiction of the Army Air Forces, CAP pilots flew over one-half million hours, were credited with sinking 2 enemy submarines, and rescued

hundreds of crash survivors during WWII. On July 1, 1946, President Truman established the Civil Air Patrol as a federally chartered benevolent civilian corporation. Congress passed Public Law 557 on May 26, 1948, which made the Civil Air Patrol the auxiliary of the new United States Air Force. The Civil Air Patrol was charged with three primary missions: Cadet Programs, Aerospace Education and Emergency Services.

Today there are almost 1800 units of the Civil Air Patrol nationwide, with approximately 60,000 members. All of these members are volunteers. Each year they provide countless acts of community service in the form of educational workshops, cadet training, and emergency support that in my opinion are the highest level of good citizenship.

When I learned of the 60th anniversary of the inception of the Civil Air Patrol, I thought it necessary to speak on their behalf. This group, formed during another time when America felt the need for homeland defense measures, has grown, flourished, and now is a vital service group during the resurgence of a need for the citizenry to become involved in the fight to protect what is the lifeblood of America. All of the men and women serving in the Armed Forces deserve our praise. Whether active duty, guard, or reserve, this is one Senator who sincerely appreciates the sacrifices these men and women make daily to defend this great nation. They are truly patriots.

I can't say enough about how community involvement, whether it be as simple as providing educational tools or as critical as giving manpower in an environmental crisis, works to harness the fiber of a society. In wartime, this fiber is tested, and the work of these individuals goes a long way to ensure that it remains strong.

Montana has over 400 members of the Civil Air Patrol, and I thank them for their efforts in helping Montana communities. Examples of their work can be seen in many areas. The Montana branch of the Civil Air Patrol is active in searching for lost persons. During times of flood, or other disasters, the Montana Wing can transmit aerial real-time photographs to disaster services personnel to help them evaluate the situation. The Montana Wing was involved a great deal during the fires of 2000, flying over areas to be evacuated, taking aerial photographs, to help Disaster Emergency Services personnel create evacuation routes. In addition, The Montana Wing holds regular Search and Rescue Exercises throughout the state to enable members to prepare for an actual search and familiarize themselves with the variety of topography the state has.

The Montana Wing has an active cadet program teaching youth leadership skills, moral ethics, military discipline, aerospace education and disaster relief skills. This year, Montana sent one of 8 teams, representing the

Civil Air Patrol's 8 national regions, to the National Color Guard Competition at the Air Force Academy.

As you can see, this group is deserving of acknowledgment for its efforts to produce good citizens and to aid in the community when there is need. I applaud their 60 years of hard work, and I hope that we'll see them continue in their service for another 60 years.

The PRESIDING OFFICER (Mr. MILLER). The Senator from Florida.

Mr. GRAHAM. Mr. President, are we in morning business?

The PRESIDING OFFICER. We are on the motion to proceed on H.R. 10.

Mr. GRAHAM. I ask unanimous consent that I be granted 10 minutes as in morning business.

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

PORT, MARITIME, AND RAIL SECURITY ACT

Mr. GRAHAM. Mr. President, I commend my friend and colleague Senator HOLLINGS for the effort he made a few moments ago to secure the unanimous consent agreement to take up the legislation which passed out of his Commerce Committee, which he, as well as the ranking member, Senator MCCAIN, and a number of other Members of the Senate, have cosponsored to strengthen the security in and around affected communities of our seaports.

The question to me, with the denial of that motion for unanimous consent to take up this very critical legislation for Senate consideration, is: Are we committed to the proposition that the only time we will provide for security for the people of America is after we have been attacked? Will we wait until another equivalent of the use of hijacked airplanes to strike major icons of American commerce and security such as the World Trade Center and the Pentagon? Will we wait until the equivalent of using the mail as a means of distributing anthrax? Will we wait until we are attacked on our railways, in our seaports, through the containers that cover virtually every community in America, before we respond to enhanced security of those areas? It would be a sad commentary if we were so brain dead we had to wait until we had the alarm of an actual use of one of those techniques before we began to be concerned about enhancing our security.

I commend Senator HOLLINGS for bringing this matter so forcefully before us, and I ask whoever it might have been who objected to bringing this matter up to reconsider. This is not controversial legislation as, for instance, the legislation that was discussed by our colleague from Montana. This is legislation which has the broadest bipartisan support—support in the executive branch as well as in the Congress—and it increases the understanding of the American people.

In recent discussions concerning our security vulnerabilities, almost every discussion now includes seaports as one of those areas to which we need to be giving priority attention. I hope there

will be some sober reconsideration of whether those who have objected wish to assume the responsibility that when we have a terrorist use of our seaports, or one of the many containers that come into our seaports every day, as the means of assaulting the people of America, they are prepared to accept the responsibility that they decided there was something politically or otherwise of higher priority than providing this preventive form of security for the American people.

Let me supplement the very able remarks of my colleague from South Carolina with two observations about why this issue is so important and timely. First, unlike airports, which are a product of the 20th century, where there was a strong Federal Government involvement from the very beginning, seaports are a colonial institution. They grew up as a highly localized institution. The city of New York developed its port; the city of Boston, its port; the city of Charleston, its port, largely independent of each other. That tradition of a high degree of localism persists today. There are many benefits in ports being able to accommodate the particular economic and social circumstances of the community in which they happen to reside, but they have also created a major vulnerability.

There are 361 seaports in the United States. The tendency for those who are involved in the illicit use of seaports is to find the seaport that has the weakest security and then use that as the basis of their operation.

In my State of Florida we have 14 deepwater seaports. We have had a long and unfortunate history of persons who want to use seaports as the means of carrying out their criminal deeds by determining which of those 14 has the most lax security and then using that seaport for their evil deeds.

I suggest the same thing is likely to happen with terrorists. While we respect the tradition of localism in our seaports, we also need to have a strengthened Federal role, as the Senator from South Carolina has described, including consistency in security standards port to port so we will not be creating these pockets of soft vulnerability for criminal and terrorist activity.

Second, some of our colleagues from the interior of the country might think this is an issue that does not affect them: If I don't have a seaport in my State—unlike the Presiding Officer who comes from a coastal State with a major seaport in Savannah—if I am not from such a State as Georgia or South Carolina or Florida, this does not affect me and I will not get particularly exercised about strengthening seaports. Mr. President, it is not the seaport that is the principal threat. It is those 16,000 containers every day, every 24 hours, which are delivered to an American seaport and then placed on a truck or railroad car and moved to virtually every community in America as

a critical part of our national commerce. The 16,000 containers are the containers that come from noncontiguous nations. They do not come from Canada, they do not come from Mexico, but they come from everywhere else in the world and arrive at one of our 361 seaports in America.

Less than 3 percent of those 16,000 are inspected. Therefore, 97 percent plus are released into America without any determination of what is inside that container. With the creativity terrorists have shown, the use of one of those containers from a port far away, with very little prospect that it will be inspected and interdicted before it arrives at its ultimate destination, is an attractive means of mass destruction for terrorists, as it has been in the past a very attractive means of more traditional criminal activity.

One of the most important provisions of this legislation is going to be to rapidly accelerate the technology of x-raying and other scanning of containers so we will get that percentage above 3 percent and have a greater assurance that containers are not used as weapons of mass destruction. That, in conjunction with increased intelligence which will identify from what ports and with what bills of lading what containers are likely to be arriving in the United States that would be used for terrorists or other illegal activities in conjunction with increased technology, will give us a greater chance to secure the American people from the illicit use of the containers which emanate from our seaports.

I urge Members who have objected to taking up this bill, which I suggest will pass this Senate by close to a unanimous vote, where there is strong support, to remove their objection. This legislation is largely based, as Senator HOLLINGS has already noted, on work of a commission established over 2 years ago. It was headed by the then-head of U.S. Customs, Ray Kelly, who now happens to be the new chief of police of New York City, the admiral in charge of the U.S. Coast Guard, Admiral Lloyd, and other Federal executive officials with responsibilities for seaports. It was a solid, well-developed report which has been implemented to the extent possible through administrative actions. Now the burden is on us to provide the resources and the law changes necessary to fully implement this report. It is an urgent matter, a matter which we should take pride in the opportunity to act preventively, preemptively, before the American people are attacked at a seaport or through a container which emanated from a seaport.

I urge reconsideration of denial of the motion for unanimous consent, bring this matter up, have a debate, which I suggest will likely be short and very one-sided in terms of the support this legislation will receive. We should pass this legislation, send it to our colleagues in the House, and hope they

will act expeditiously so we can provide this protection to the people of America.

I thank my colleague, Senator HOLLINGS.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. I ask unanimous consent to speak as in morning business for up to 10 minutes.

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

NATIONAL SECURITY

Mr. DORGAN. Mr. President, I will comment on a couple of issues, one of which was raised yesterday by the majority leader and commented upon this morning by our colleague from Montana—the issue of energy policy.

Yesterday, the majority leader came to the floor and said we would be taking up a comprehensive energy bill in the Senate, the first work period after we reconvene in January. I appreciated that. I think it is the right thing to do. Energy policy is much more than just finding energy or conserving energy. It is also a matter of national security and energy security. It is the right thing to do.

We are trying to form an energy policy for this country that is balanced. Some believe this country's future energy needs are simply going to be satisfied by digging and drilling. That will not be the case. We should produce more—yes, oil, gas, and coal—and do so in an environmentally sensitive way. There is no question about that. I support that.

However, if that is our only policy—digging and drilling—our energy policy is consigned to be “yesterday forever.” That is not what I want for an energy policy.

I discussed this with the energy policy experts at a hearing. We talked about Social Security 50 years from now. I asked: Do you have a notion of what we want for an energy policy 25 and 50 years from now, and if so, can you state what it is? The answer they gave me was: We will have to get back to you.

I think as a country, we ought to have a policy that, 50 years from now, aspires to do certain things. Let me describe why.

My first car was a 1924 Model T Ford. I bought it as an antique and restored it. As a young 14-year-old boy, I spent a lot of time with that old Model T Ford. A man named Tony owned it. I come from a town of 300 people, and Tony had it in the 1920s. A Model T Ford, for those who don't know, is like a little red wagon. When you turn the wheels too sharply on one of the red wagons, the front tips over because the wheel turns too far. The Model T Ford used to do that. It would jackknife if you turned too quickly.

This Model T was driven home from the bar one evening, I am told, and the driver apparently had a lot to drink. He thought he saw a group of chickens in the road. So he took the wheel of the Model T, turned it all the way over,

and jackknifed the front wheels. He was pinned underneath the car, and hot water from the radiator dripped on his ear. He lost part of the ear. After the Model T was fixed, he drove it home, put it in a granary, and there it sat for four decades. He never drove it again and never intended to drive again, all because of the phantom chickens.

My dad said I ought to write this fellow, who lived in Wisconsin. I was 14; I wrote to him and asked if he wanted to sell the Model T. Rats had taken the wires and the seat cushion, but there was the frame. He sent a letter back and he said: Not only will I sell it, but here is the key and the owner's manual. I want \$25.

So I bought a Model T Ford for \$25, and I restored it. It was a labor of love.

But the interesting thing about that 1920 Model T Ford is that you put gas in it the same way that you put gas in a car today. Mr. President, 75, 80 years later, automobiles are fueled exactly the same way: Go up to a gas pump, pull out a hose, stick it in, and fill it with gas. Nothing has changed. Everything else about our lives has changed, but nothing has changed about how we fuel our automobiles.

If you look at energy usage in this country, the most significant increase is in transportation. When we look forward 50 years, let's aspire to do things differently. What kind of energy use do we want? What do we aspire to do in conservation? What do we aspire to do in production? Do we believe we can have fuel cells? I drove a fuel cell car on the grounds of the Capitol awhile back. Can an automobile using a fuel cell be part of our future? If so, how much? How about ethanol? How about taking a drop of alcohol from a kernel of corn, with the protein feed stock left over, and using that drop of alcohol to extend our country's energy supply?

We are trying to write an energy bill that makes sense. The majority leader said, I commit, we are going to bring it to the floor during the first two months of the year—the first work period of the year, following our return in January. That energy bill is going to be about production—yes, environmentally sensible production with certain safeguards—conservation, which is important; efficiencies, which are also important; and in addition to that, we are going to talk about limitless, renewable energy sources, which can also contribute a great deal to our country's energy future, both with respect to petroleum and also with respect to electricity and the production of electricity.

So what the majority leader has said makes good sense. He understands that energy is a matter of national security. He is committed to bringing an energy bill to the floor. It is going to be an energy bill that is much more balanced than that which came out of the House, and it is not going to be “yesterday forever,” it is going to be a forward-looking, balanced plan. That is the way it ought to be. That is what this Con-

gress owes to the people in this country.

Let me turn to the issue of aviation just for a moment.

Yesterday, the Secretary of Transportation said he cannot meet the 60-day requirement of baggage screening that was in the legislation we just passed to try to promote safety with respect to air travel. I regret that. I am really not very interested in hearing a Secretary or anyone else telling us what they can't do. I am much more interested in finding out what they are doing to try to meet these goals.

We put in this legislation, which was coauthored by my colleague, Senator HOLLINGS, and Senator MCCAIN, and the chairman and ranking member of the Commerce Committee—we put in four alternatives how they might meet their obligations in the first 60 days. There are four different approaches that can be used.

I was mightily disappointed yesterday to hear the Secretary say we cannot meet those time deadlines. I am just not interested in hearing what cannot be done. We are at war at this point. We are told almost weekly that there are credible threats of additional terrorist acts in this country. We have soldiers in the field abroad, and we have, supposedly, terrorist threats here at home. The issue of this aviation security is a matter of homeland security and homeland defense. We cannot be talking about what can't be done. We have to talk about what we are aspiring to achieve and how we are going to try to meet deadlines.

That is very important. I hope the Secretary and others will understand our impatience with that kind of talk. I understand none of this is easy. It is not easy for anybody. Those young marines landing in Afghanistan, it is not easy for them or their families. None of this is easy for anybody. But we passed an aviation security bill because we must address this issue of safety in the air. God forbid that there be an explosion that will bring down an airliner in the coming weeks; God forbid that would happen. We must do everything we can, all of us, together, to assure safety in this country in a range of areas and especially safety with respect to airport security and aviation safety.

Finally, I wish to comment about a bill that is going to be brought to the floor, we hope, tomorrow, and that is the farm bill. I have talked to some of my colleagues who have hinted in recent weeks that they may hold up that farm bill, that they may block the motion to proceed. I encourage them not to do that. We have a farm law called the Freedom to Farm law that doesn't work at all. It is a terrible piece of legislation. Its premise was, let's not have a farm program and let's wean ourselves off it over 7 years, declining price supports over 7 years. During that period of time, what has happened is commodity prices have collapsed, family farmers are hanging on by their

financial fingertips, and we must, it seems to me, write a better farm bill.

The House of Representatives has done that. The Senate Agriculture Committee has done that. Now we have an opportunity to get it to the floor of the Senate late this week, perhaps tomorrow, and then pass the farm bill, get it into conference. I do not think it will be too hard to conference because it is not too different from the House of Representatives' bill. Different but not radically different. They are both a U-turn from the present Freedom to Farm law; they both recognize the need for countercyclical help for family farmers. It is very important to put a bill on the President's desk for signature to improve the farm law in this country and give family farmers a chance to make a living. It is very important that we have cooperation.

I am not here to point fingers or say anything bad about anything or anybody. I am just asking everyone in the Senate to work with us. Let's not filibuster this. Let's not take ourselves down a blind alley with amendments that have nothing to do with it. Join us to stand up for family farmers. Join us to stand up for those farm families who have struggled so hard in this country to make it.

When talking about security, food security is also part of our country's needs—the need for a secure food supply. Europe has understood that, and as a result of that they decided they would have a network of family producers across the land in Europe. They would stimulate the ability to retain family farms in Europe. That is good public policy. That promotes food security. We ought to embrace the same, in my judgment.

My fervent hope is that by the end of this week we will have enlisted the cooperation of all of our colleagues so we can debate a farm bill, put it into conference, and next week we can have a conference with the House and hopefully put a bill on the President's desk for signing as soon as possible.

I wanted to comment about those three items. All are timely and very important—energy, agriculture, and a farm bill. My hope is we will make progress on all of them in the times we have discussed, and I appreciate the cooperation of my colleagues as we begin to turn to this farm legislation.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. THOMAS. Mr. President, I guess I will be in morning business because I wish to talk about a number of different items, if I may, for 10 minutes.

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

LEGISLATIVE PRIORITIES

Mr. THOMAS. Mr. President, what my friend from North Dakota just talked about describes where we are. We are down to the end of this year's activities. We are down to the end of this session. Yet we do not seem to have established for ourselves the priorities collectively that we should handle before we leave. I understand everyone has a little different point of view. Everyone has interests of their own. Everyone has things they have pursued and find most interesting. But the fact is, we have some things that have to be done. We have some things that I think most people would agree are priorities. But we have seemingly not been able to establish how we are going to spend our time.

For example, now on the floor is this railroad retirement bill. It is a bill most people would be happy to talk about. It should be talked about. But it doesn't need to be talked about now.

There are many items. Senators were already talking about, of course, the security of ships and docks, and so on. It is very important stuff. Is that where we are at the moment?

There is no doubt these issues are important, but there are lots of things we need to talk about. We have not finished our appropriations, which should have been done in August. They are still not done. We are having great debates over Defense appropriations, which of course is highly important. We ought to be doing that. We have some conference committee reports now that are available. We are not talking about those. So I have to suggest some of the things that have been brought up here are totally political and have to do more with posturing than they do with doing what we need to do.

We need to do appropriations.

I don't think anybody resists the idea that we need to do a stimulus bill. We don't have one we can agree on because we haven't been able to get together to do that. We ought to be able to do that.

I happen to think we need an energy bill. Again, it is not only a part of the economy but it is also certainly a part of our war on terrorism. As we get involved in the Middle East, we certainly have to take a look at what we do about energy.

It seems to me that one of the things we ought to do among ourselves is determine what our priorities are, and go about getting those things finished.

The longer we are here, of course, all of these ideas come up for spending. We ought to take a good look at where we are.

I happen to be on the Agriculture Committee, as does the Presiding Officer. I would look forward to an Agriculture bill. We don't even know what it costs. It has not been scored. It is a little unusual to be bringing something up that probably costs \$90 billion over 10 years and not having it scored to know what it costs when you bring it to the floor.

The current farm bill continues until August of 2002. If we did it in January, it probably wouldn't make a great deal of difference to the agricultural community then.

I think those are some of the issues which need to be talked about. We spent \$20 billion immediately after September 11. We spent an additional \$10 billion shortly thereafter. We spent an additional \$15 billion, \$10 billion of which was guaranteed loans for airport stability. We had a budget that we agreed upon of \$6.6 trillion for this year. That now has been increased to \$6.86, about a \$25 billion expansion of the budget which was requested. We have done that.

We have additional spending in line for defense of \$18 billion. Education will be up soon, I am sure, with another \$4 billion to \$5 billion increase. We have to take a look at that.

One of the things that is holding up the current bill is the idea of putting on \$15 billion more for internal security. The President said we have the money now, and he will let us know when we need more out of this original allocation. I hope we can come to grips with this idea of where we go and make some adjustments.

The railroad workers bill is an interesting one. Certainly everybody, including myself, supports railroad workers. This is an interesting one. I also happen to be on the Finance Committee. The Finance Committee has had no hearings on this bill. It is a bill that is interesting. It combines Social Security with private retirement funds. It has to do with moving that money out of the Government. The Government is responsible for this now under the Railroad Retirement Act. There is some great concern that if it moves, as has been suggested—and I don't think anyone knows exactly what the answer is going to be if the benefits are increased and the contributions are reduced over a period of time—railroad workers are in a situation where you have three people drawing retirement for everyone who is working. I think there has to be some assurance that if we do this and let this retirement program change, the taxpayers aren't going to pick up the tab.

I would very much like to see this be a private opportunity for the railroads and the workers to do whatever they would like to agree to but not ending up with the taxpayers picking up the tab. This bill adds benefits and reduces contributions.

Those are the kinds of questions we have to resolve, at least in my mind. Certainly, all of us are for doing all we can for railroad workers' retirement. But I think there are some real questions that have to be resolved.

In terms of the economic stimulus package, we have worked with that for a good long time now. Again, it has come out of the Finance Committee. There are different views as to what a stimulus is. We have talked to many

famous economists in the United States, and they are not sure exactly what is the best route.

Obviously, we have to do something to help people who are unemployed. I think there is a willingness to do that. On the other hand, what we are seeking to do is provide people with jobs. We do that by assisting business. We do that by accelerated depreciation. I believe we can come up with an answer to that and get that job done in a fairly short time. However, each side puts on conditions. So we have not done that.

I urge that we take the responsibility of determining what it is we need to do before we leave in this session and then decide what our second priorities are and put a definite time for next year and move forward with those. But we do not seem to yet be able to set that level of priority.

I urge we do that and be sure we give ourselves time to take a look at these bills—whether they be farm bills, whether they be retirement bills—and make sure we understand that they meet the vision of where we want to go.

We ought to think through agriculture. Where do we want to be on agriculture in 10 years? What kinds of things can we do in terms of conservation, research, and marketability, and in terms of having some kind of support mechanism for agriculture to keep it healthy and yet let it respond to the market.

Those are the things I think we want to accomplish over time. I think we have a great challenge and a short time to do it. I look forward to being a part of that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I say to my friend, the distinguished Senator from Wyoming, that, first of all, we are not wasting time because of anything we are doing. My friend referred to conference reports. We could do conference reports in a second if they were completed. The conferences have not been completed. There are four appropriations bills in conference—DC, foreign operations, Transportation, and Labor-HHS—which are simply not completed. We would take them up an hour after we got them if we could. We are not wasting time by not doing conference reports because there are no conference reports to do.

Also, we are not causing the delay. We have 74 cosponsors of the legislation that is now before the Senate. It is not something we dreamed up to take up a lot of time. You would think that 74 Senators would be an ample number to have a bill brought before the Senate and start talking about it a little bit. We think this bill should be passed very quickly. It is a very simple piece of legislation. All it says is that the widows of railroad retirees can invest money in the stock market. It seems to me that is what Members have been saying should be done with Social Se-

curity benefits. Why should widows be any different? I hope we will work together to try to resolve this issue.

I also say to my friend from Wyoming that Senator DASCHLE announced this morning that Senator BYRD decided to withdraw his homeland security amendment and work with it on the Defense appropriations bill. Senator BYRD and I held the first press conference on his piece of legislation. I am an avid supporter of what Senator BYRD is going to accomplish—not trying to accomplish. He is going to accomplish it one way or the other. I am an avid supporter of that. But for all the Members who are saying we would be happy to sit down and negotiate on homeland security, we are rid of that. Senator BYRD is going to take care of that in the Defense appropriations bill.

It is going to take care of issues that are so important to this country—issues that I think are long overdue. It deals with protecting against bioterrorism and law enforcement and border security. For example, \$2 billion will go to help State and local law enforcement departments across the Nation to prevent terrorist attacks. There is money for FEMA to give grants to States and local communities to strengthen their firefighting capabilities and capacities. There is money for funding the FBI, Customs Service, Coast Guard, FAA, and other Federal law enforcement agencies to support antiterrorism activities. There is money to strengthen and secure our Nation's borders, and to beef up the Immigration and Naturalization Service, and the Customs Service.

We know terrorists can come over the Canadian border. We need to give our Border Patrol more help.

In our bill, Senator BYRD and I are talking about the "outlandish" proposal to have a database to monitor foreign student visas. That does not seem too out of line to me. We are going to do that. We should do it in the economic stimulus package, but that is OK. We believe the economic stimulus package is so important that Senator BYRD has agreed to take it off of it. I repeat, his legislation—which will become reality—will be put in the Defense bill.

We are going to help airports increase law enforcement protection. We are going to fund the FAA research on improved security equipment. We are going to fund closed-circuit television systems and surveillance, which is so important, especially in our transit systems. We are going to improve surveillance. And we are going to take care of safety vulnerabilities at Amtrak stations.

We are going to have security for our Nation's ports, railroads, and ferries. Senator HOLLINGS and Senator GRAHAM were in the Chamber today talking about how important this is. It is important. We are going to take care of part of that in the Defense bill because it is part of the defense of this country. We are also going to make sure the

mail, Federal computer systems, and other security systems are protected.

I say this because the time has passed. If we are going to do something that is going to stimulate the economy, we need to do it now. One way that we can certainly stimulate the economy is to make sure the people who were displaced because of the September 11 tragedy—there are people there who have not qualified for unemployment benefits. When I say "there," I don't just mean in New York. For example, we have a great welfare-to-work program in Nevada. Most programs work great when times are good, but when times are not so good, they do not work very well. We have people who have gone from welfare to work who do not qualify for unemployment benefits. We want them to become part of the workforce. We want them to qualify for unemployment insurance.

That is what our legislation does in our economic stimulus. We want to make sure these people are part of the workforce of America. There is no better way of doing that than making them feel part of it.

We also believe we should do the same thing President Bush's father did on four separate occasions, which is to extend unemployment benefits for 13 additional weeks. President Bush, Sr., did that. We believe this would stimulate the economy.

Workers need assistance now. The economy needs stimulus now. The best way to accomplish both of these goals is to give relief to workers who need it the most. People who are out of work need it the most.

Economists across the country agree that providing relief to low- and moderate-income families is one of the most effective ways to stimulate the economy. We believe in stimulating the economy right away by putting money in the hands of the people who most likely will spend it: dislocated workers and their families.

Studies have shown that for every dollar invested in unemployment insurance, we generate \$2.15 in gross domestic product. This comes from the Department of Labor study that was conducted less than 2 years ago.

A 1990 study by the Department of Labor estimated that unemployment insurance mitigated the real loss in GDP by 15 percent in the last 5 recessions, and the average peak number of jobs saved was 131,000.

Joseph Stiglitz, Nobel Prize winner in economics, has stated:

We should extend the duration and magnitude of the benefits we provide to our unemployed. This is not only the fairest proposal but also the most effective. People who become unemployed cut back on their expenditures. Giving them more money will directly increase expenditures.

This isn't a statement from some radical. It is from Joseph Stiglitz, Nobel Prize winner in economics, who said the best way to help the slow economy is to give people who are out of work money.

The Congressional Research Service concurs with Stiglitz. They say:

Extending unemployment compensation is in fact likely to be more successful for stimulating aggregate demand than any other tax or transfer charges.

America's working families must not be left behind when Congress acts on an economic recovery package. Providing unemployment benefits is the best way to provide relief to workers and to stimulate the economy.

In August of this year, more than 800,000 workers had exhausted their unemployment benefits yet remained unemployed. And it has only gotten worse. The current unemployment insurance program must be supplemented to help dislocated workers and their families through these difficult times.

Currently, States provide up to 26 weeks of unemployment insurance benefits. The weakening economy has made it harder for workers to find new jobs.

Larry Lawrence, the President's chief economic adviser, said unemployment benefits only keep people from looking for a job. That is pretty mean. That is unfair. And it is wrong.

For the week following September 11, the Department of Labor reported that unemployment insurance claims reached a 9-year high.

In October, the month after the September 11 incident, the unemployment rate jumped to 5.4 percent, the largest 1-month increase in more than 20 years.

Next year, approximately 5 million people will use all of their 26 weeks of benefits and will still be without a job. Business tax cuts and income rate reductions will provide little relief for these workers.

Even Congressman DICK ARMEY, the majority leader in the House of Representatives, predicts the House-passed stimulus bill would increase employment by only a few thousand jobs.

I remind everyone of what Mr. ARMEY said. I pulled this piece of paper out of my wallet. Here is what he said:

Medicare has no place in a free world. Social Security is a rotten trick. I think we're going to have to bite the bullet on Social Security and phase it out over time.

This is what we are faced with in the House, and it is just not fair.

We believe we propose genuine recovery assistance. The Senate Democratic proposal would provide 13 weeks of extended benefits to anyone with benefits expiring after September 11 and extend coverage to part-time and low-wage workers—those are people I talked about earlier—and supplement monthly unemployment insurance benefits by 15 percent or \$25—that is how much money we are talking about—which ever is greater.

So our worker relief plan would provide assistance to millions of American workers and their families. We know that rhetoric alone will not help these people. American workers deserve real relief, and they deserve it soon.

I am happy to see the majority leader in the Chamber. I say to the majority

leader, as he comes to the floor, I am happy to have you in the Chamber because we were just told by the other side that we are wasting time, that we should be doing conference reports.

I have just announced we have no conference reports to do. The appropriations conference committees are still working on those. I indicated to everyone here assembled, if we received a conference report, the majority leader would move to that conference report within hours.

So I am glad to see the majority leader in the Chamber. The fact is, we are moving as quickly as we can. I was happy to hear the Senator announce today to the press that Senator BYRD decided to allow us to move forward with the stimulus package, and he is going to work on the Defense bill. That is my understanding.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, I will use my leader time to make a couple of comments.

First, I again thank the assistant Democratic leader, and my colleague from Illinois, and other Senators who participated in the colloquy this morning. I am disappointed that somebody would suggest we are wasting time when it is, of course, the fact that our Republican colleagues have chosen to filibuster the railroad retirement bill. We could have had a vote on it with amendments related to it yesterday and today. Because we were forced to file cloture on a motion to proceed, we are not able to bring up the railroad retirement bill. Therefore, we have to wait until tomorrow for us to have the opportunity to vote just to be able to take up the Railroad Retirement Act.

It is disappointing. I hoped that somehow we could have reached some accommodation schedule-wise. So far, that has not been possible on railroad retirement.

Senator LOTT and I have been discussing matters relating to the economic security package over the last couple of days. We had a very good meeting again this morning with the President and the Speaker and the Democratic leader in the House. I offered a proposal at that time on which we have been working since that breakfast. Basically, the proposal could only be made as a result of tremendous work done by our chairman of the Appropriations Committee, Senator BYRD.

Senator BYRD has made the decision to offer his piece, the homeland security piece of our economic stimulus package, to the Defense appropriations bill in the Committee on Appropriations, and that will occur, of course, just as soon as the House sends us the Defense appropriations bill. It has not been sent over yet. It is my understanding that they may actually send it over today or tomorrow. That will then give us an opportunity to consider the Defense appropriations bill. At that time, it is Senator BYRD's intention to

offer homeland security to the Defense appropriations bill. It is also my understanding that he will pare back the overall cost of the proposal in an effort further to reach consensus and compromise.

I don't know how Senator BYRD can go much further than he has. We have now divorced it from the revenue package offered on the Senate floor. He has pared it back substantially from what it was originally. He has now suggested using it as an amendment to another vehicle so that we can move forward on the economic security piece proposed to us by the Senate Finance Committee.

Those are three very critical steps. I hope our Republican colleagues might reciprocate in working with us now on the homeland security piece as well.

What that does do is allow us now to work in concert with our Republican colleagues, both in the Senate as well as in the House, to arrive at perhaps an agreement, a compromise on the non-homeland-security-related part of our economic stimulus package.

I have called a meeting for this evening at 6:30. I have just now spoken to both the Republican leader in the Senate and the Speaker. My staff and others have talked to Senator BAUCUS, chairman of the Finance Committee, and to Congressman GEPHARDT. We will hope tonight to sit down and begin the deliberations that might allow us some way to break the impasse that has existed for a couple of weeks.

It is my sincere hope we can do that. I urge my colleagues to work in good faith to arrive at a consensus sometime this week so we can complete our work on the economic stimulus bill next week.

I yield to the Senator from Illinois.

Mr. DURBIN. If the majority leader has completed his remarks, I would like to comment to say I think what he has said this morning is further evidence of the efforts that have been made on this side of the aisle to try to enact an economic stimulus package that is balanced and fair and really will help America move forward.

Whether we live in South Dakota or Illinois or in the State of Georgia, we know we have faced a downturn in the economy which has cost us thousands of jobs across America. I have met with some of these workers. Since August 21, more than 800,000 of them have exhausted their unemployment insurance benefits. They still remain unemployed. In the week following September 11, the Department of Labor reported that unemployment insurance claims reached a 9-year high. So the economy was soft going into the tragedy of September 11 and certainly aggravated by that terrible event.

We have seen a dramatic loss of jobs across America in so many different industries. As to the airline industry, where we tried to make a heroic effort to provide a lifeline to that industry to keep the planes flying, we may have given them some hope, but certainly

they have had to lay off employees and cut back schedules. That is one of the most serious problems we face in terms of our domestic economy.

For the unemployed workers across America, the Democratic stimulus package proposes that we give them additional coverage for at least 13 weeks so they will be able to have some way of feeding their family, keeping them together, paying the rent, and paying the utility bills during the winter months. I don't think that is unreasonable. We know these people are going to spend the money given to them because they are trying to struggle to survive under the most difficult, if not impossible, circumstances.

We have also tried in our bill to expand health insurance coverage for the unemployed. Can you think of any worse situation, as the head of a household or head of a family, than to not have health insurance for yourself, your wife, or your children? Imagine if you are unemployed on top of it. That is what is going on for thousands of Americans.

On the Democratic side, we have tried to say that part of any economic stimulus package should remember these workers, these working families, and not forget them.

Sadly, the contrast is so obvious with the Republican approach: In the House the Republicans, proposed massive tax cuts not for working families or average Americans but for the biggest corporations in America. Some \$25 billion goes to just a handful of corporations. They are corporations that paid an alternative minimum tax over the last 15 years. The Republicans have said, let's refund the money they paid. The House Republicans passed that package.

It would give to one corporation \$1.4 billion. We don't know if that corporation would take the money and give it to the corporate officers in terms of salary or income or whether they would pass it along in terms of dividends. We frankly don't know that it would encourage any growth in the economy.

On the Senate Republican side, the stimulus bill accelerates the tax cut rates for the highest income earners in America. Again, the Republicans have forgotten the average working family, the person struggling to survive.

What Senator DASCHLE, the majority leader, has said to us this morning is that our door is still open, the table is still there for us to come together with Republicans. If we are going to do something for the economy, let's do it now. Let's do it in a timely fashion. Let's do something that truly will help and won't hurt us in the long run. The Republican proposals which we have seen don't meet that test. The Democratic proposals do.

I salute Senator BYRD from West Virginia. He is now going to add to the Defense appropriations bill an amendment to provide homeland defense funds for counties and cities and States across America that are trying to deal

with the issue of security. We are happy to read the morning reports that we are winning the war in Afghanistan, but Americans want to know that they are safe. Their safety depends on the very best law enforcement in Washington and in the communities, the best public health facilities in their local communities. That means we have to help them. We have to provide the resources to give peace of mind and safety to families and communities across America.

Senator BYRD's proposal moves in that direction, for law enforcement, first responders, for public health, for infrastructure security, for security in transportation, such as Amtrak. All are essential to make America safe and give us peace of mind.

I see the minority leader on the floor. I don't want to take any additional time. I yield the floor.

The PRESIDING OFFICER. The minority leader.

Mr. LOTT. If Senator DASCHLE will allow me to comment on the remarks he made before I came to the Chamber, I think it is a wise agreement or decision to move the homeland issue over to the appropriations area and allow us to go forward to see if we can find a way to come to agreement on the stimulus package. I didn't hear exactly what was said, but I think this is a good thing to do. We need to do it sooner, not later. If we didn't get started communicating bicamerally and bipartisanly until next week, it would make it even more difficult to get our work done in a reasonable period of time.

I believe the parameters of the agreement are out there and pretty obvious. We don't want it to be just a spending program that doesn't contribute in a stimulative way to the economy. You can argue that some spending would have more effect than others. Some of the program is going to have to be aimed at the unemployed and the health needs of the unemployed. We have to also make sure we have provisions in there, whether they are tax or even spending, that will have a quick effect on the economy and a positive effect in encouraging growth.

So I think within those parameters, which we all seem to be saying in the same way—although we are accused of not caring about the working families; that is clearly not our intent—we want to make sure people who lost their jobs have the help they need. More importantly, we want to help them get a job. So I think to get started is a positive thing. I am pleased we have found a way to do that.

I would be glad to yield for a comment or question to Senator BAUCUS, but I don't want to delay the majority leader.

Mr. BAUCUS. Mr. President, I think this is a very good development. I compliment the majority leader, as well as Senator LOTT from Mississippi, for working together. I particularly compliment Senator BYRD for being very

helpful in helping to break this impasse.

I feel strongly that the outlines of putting together an agreement on an economic stimulus package are there. We need it. The White House knows we need it. Democrats know it and Republicans know it. The basic outlines are pretty clear, and I pledge my effort to work toward an agreed-upon solution that will pass both the House and Senate quite easily. I thank the leaders for the efforts.

Mr. DASCHLE. Mr. President, I had intended to make a unanimous consent request, but at the request of the Republican leader, I will withhold that at this time.

We have 7 business days left before the hopeful deadline we have attempted to impose upon ourselves. I say "hopeful" because there are so many outstanding questions that it may simply be impossible to complete our work by a week this coming Friday. I noted yesterday my intent was that we would be in conferences after that and come back for whatever votes on conference reports would be required, subject to notification of all Senators. But that would require two things. First, it is going to require we maximize the use of every day between now and next Friday, a week from this coming Friday.

Secondly, it is important to have as much cooperation as possible. In order for that to occur, we have to make use of every day. We can't simply wait around for an economic stimulus package, or a conference report, or whatever else we may find the need to address prior to the time we finish our work in this session of Congress.

So it will be my intention to ask unanimous consent that the economic stimulus package be the pending issue, subject to our ability to bring up other bills as we wait for our negotiated agreement on the economic stimulus package.

Right now, of course, we have the railroad retirement bill pending. I would like to take up the farm bill. There will be the terrorism insurance bill that we will have to take up. We will have nominations to take up. That doesn't mean we displace the economic stimulus package or lessen in any way its priority. What it simply means is that, to the maximum degree possible, we are going to use every hour of the days remaining so we can accommodate this maybe-too-idealistic goal we have for completing our work.

I will make that request, but I certainly will accommodate all Senators before I make it. I will return to the floor this afternoon at a time that Senator LOTT and I can agree upon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

WOMEN IN AFGHANISTAN

Mrs. HUTCHISON. Mr. President, I rise to talk about the issue of the plight of women in Afghanistan. I am very pleased that the Senate-passed

bill has now passed the House of Representatives and it is on its way to the President.

The bill makes sure any aid the United States gives to Afghanistan after the fall of the Taliban—and we hope that is very shortly—will also be available to women and children—especially to women and children—because they have suffered so greatly under the Taliban.

We passed the bill the week before Thanksgiving. The House passed it yesterday. What we are saying to the world is that we are going to come together to make sure girls are not excluded from education in a country where we have anything to say. Of course, we do have something to say because we are trying to help liberate the people of Afghanistan from the Taliban regime, as part of our effort to go after Osama bin Laden and the al-Qaida network.

We didn't really know how the women were being treated until it was brought out in the news accounts. For 5 years, girls have been denied education in that country. Afghanistan is a country that, before the Taliban took over, had women doctors and teachers, and women were very much a part of the society. They were Members of Parliament. When the Taliban took over, they went back to an extreme position, far beyond what is just holding women back—beating them on the streets if their burqas were in any way allowed to flap open in the wind.

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

Mrs. HUTCHISON. Yes.

Mr. REID. I appreciate the Senator coming here and lending her leadership on this issue. The Senator and I are circulating a letter that will call for the new government, whatever it is, to make sure it includes women.

In the form of a question, I say to my friend, it is very clear that for the last 6 years girls have not been able to go to school. But in Afghanistan, there are a lot of educated women—doctors, engineers, civil servants. I hope all the men meeting in Germany now will take into consideration some of these women who have been forced, because of the burqas and all this other radical movement toward causing women to become nonentities—that they will bring those women out of obscurity and back into the forefront where they should be and be part of this new government.

Would the Senator agree that is the way it should be?

Mrs. HUTCHISON. I appreciate so much what the Senator from Nevada has said because, of course, it is true. I think bringing this point home is important while they are meeting in Germany to try to form a government that is inclusive of the different tribes.

Certainly, we respect that there is a different culture there. But there is no culture in the world that can be acceptable if women are beaten on the streets because they wear high-heeled

shoes, or if they are beaten because they go outside without a male escort, and even to take their son to the doctor, when there is no male escort to help them. That is the kind of treatment these women have received.

I thank the Senator from Nevada for working with us, along with all the women of the Senate, and Senator BROWNBACK as well, to speak out as a country and say that not educating girls, not allowing women to have health care—which is exactly what has happened under the Taliban; they would not allow women doctors to treat women who were sick. That is why the rate of death in Afghanistan is one of the highest in the world. The rate of death of children is outrageous. One in four children in Afghanistan will die from bad food and water and other causes. One in four, that is a stunning statistic; 25 percent of every child in a country dying?

We have to speak out. We can do something, and that is what gives me great hope. We are going to be able to put our money, the generosity of the American people, to work to rectify a terrible tragedy and bring the girls into an educational system. We can make up for those 5 years, and we can show the girls they have a future, too; that they can be a part of the rebuilding the country they love.

I was struck by the stories of the two American missionaries who were prisoners and who were bravely rescued by the U.S. military and by the Northern Alliance military. They are quite devoted to Afghanistan. They see the greatness in the Afghan people, but they saw the treatment of the women. Even though they were treated well—thank goodness they were—they saw the beatings of Afghan women by the Taliban prison guards.

This is something that is beyond politics; it is beyond any disagreement one might have: That people be treated with decency and that women, who are most vulnerable, not be beaten; that they would not be kept from receiving health care for afflictions that will shorten their lifespans, if not kill them directly; that they would not be assassinated in the public arena while people are cheering, which we saw on television. This is a matter of human decency, and it is a matter about which all of us are coming together to speak against.

I was very touched by our First Lady, Laura Bush, speaking out for the women of Afghanistan and making it an issue of great priority for her, and saying the United States is going to be there to rectify this terrible situation.

We did not go in to take over Afghanistan. We went in to get the al-Qaida network that has killed thousands of Americans to make sure that network cannot operate ever again to harm freedom-loving people in the world.

As part of the education we have all received, we have learned of the atrocities that have been endured by the women of Afghanistan, and our First

Lady led the way, along with Cherie Blair, the wife of the Prime Minister of Great Britain, who have said: We are in this together, and we are going to speak out to make sure that women are part of the government, that women are part of the solution and a part of the rebuilding of a country that can, once again, live in peace and prosperity.

I appreciate the leadership of our First Lady, Laura Bush. I appreciate the leadership of the women in the House and Senate coming together to pass a bill that I feel sure the President will sign quickly. I am proud that Republicans and Democrats are coming together, that Americans, British, and people from all of the countries that are helping us in this quest to wipe out terrorism are coming together to say we will not forget the women of Afghanistan, and we want them to be a part of a country that prospers, where children are happy, educated, and safe.

I thank that Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, my understanding is that we are on a motion to proceed to the Railroad Retirement and Survivors' Improvement Act and tomorrow we will have a cloture vote. It is a vote on whether or not we will proceed to the bill.

At the moment, this legislation is being blocked. This legislation passed overwhelmingly in the House. The vote was 384 to 33. There are 75 cosponsors in the Senate. It was not hard for many of us to become original cosponsors. It just seems to be the right thing to do: Expansion of benefits to widows and widowers—I am not going to go through the specifics because others have spoken about the bill—liberalized early retirement, and liberalized vesting.

The best politics I know—I think I can get a smile from the Senator from Georgia who is presiding—is at the Minnesota State Fair. It is incredible; in 2 weeks, half the State's population comes. It is very serious politics. Nobody has a lobbyist with them. Everybody counsels one, and no more than one. People come up to wherever you are and talk about issues that are important to them, calls they have made to your office, letters they have written, whether you responded, whether you helped. It is very personal and very important. It is the very best politics I know. It is "grassroots" politics at its best.

At the last Minnesota State Fair, did I ever hear from some of these retired railroad workers and their families. This is important to them. They made a very poignant appeal. This is important to their financial lives from their point of view, and from my point of view it is a matter of fairness.

I do not believe they understand—the way, I am not putting them down for this. I do not think most people understand Senate rules and how things can be blocked or filibustered. Other

Senators would wonder about me if I were to say: How dare you block this. I have done a fair amount of blocking during my time in the Senate.

Frankly, unlimited debate and unlimited amendments is what makes this body unique. It means any one Senator, if they know the rules and know the leverage, if they want to change the topic of conversation, if they want to focus on a different issue, if they feel strongly about something, can speak out for what they believe and what they think is best for the people they represent. They can fight hard.

Every Senator has a right to use their rights. That is what is happening with this bill. I appeal to colleagues to let this legislation go through. This is important to many hard-working families as they move into their sixties, seventies, and hopefully eighties and nineties. It is important to them.

I appeal to my colleagues to let us proceed. I say to my colleagues—if they want to amend this bill, go ahead, but I appeal to colleagues not to add on different legislation which will then create a quagmire and snarl everything up. We should push this legislation forward and pass it. It is the right thing to do for these families.

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

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

HARSH PENALTIES FOR BREACH OF SECURITY AT AIRPORTS

Mr. CLELAND. Mr. President, I rise today to announce my intention to introduce a bill to provide Federal criminal penalties for security breaches at American airports. I make this announcement on the heels of my own experience with a security breach at Hartsfield International Airport. I have no way of knowing the reasons behind the security breach at Hartsfield, but the results of it were startling. The event triggered the total evacuation of the Atlanta airport and a temporary halt of incoming and outgoing air traffic. I might say I have been marooned on the tarmac at Hartsfield many times, but never with 60 other aircraft. I spent 4 hours on the tarmac, and many more hours waiting for my connecting flight, which I basically rendezvoused with and arrived at my destination the next day. Thousands of other travelers were also stranded while the ripple effects were felt across the country.

Thankfully, nobody was hurt in this instance, and people's worst fears of another terrorist attack were not realized. But a loophole in existing law has been revealed in the days since the incident, and has shown that breaches at airport security checkpoints are cur-

rently punishable by local criminal penalties and Federal civil penalties, but not Federal criminal penalties. Incidentally, the current Federal civil penalty for such a breach currently carries a fine of \$1,100.

In an incident that probably cost the State of Georgia, the airlines, and this country about \$10 million in economic impact, that is a small pittance to pay—\$1,100.

As we have learned in the most painful way possible, airport security is a matter of national security, and for there to be no Federal criminal penalty for such a breach is appalling. It was relieving to find that there appeared to be no nefarious intent in the Atlanta instance, but it was very disconcerting to learn the shortcomings of our Federal laws in a situation like this.

While a Federal criminal penalty does cover security violations aboard airplanes themselves, I believe similar penalties should be available for violations before a person actually boards a plane. I would like to stress that I do intend to include provisions to make distinctions between deliberate and unintentional breaches. The legislation is currently being drafted and vetted, and will be introduced in the near future.

The two main intentions of this bill are to provide uniformity and accountability for breaches of security across the Nation. Congress and the President have agreed that it is the responsibility of the Federal Government to protect our airports, and the laws should reflect that. It should also provide the same penalty for breaches in New York City, Columbus, OH, and Columbus, GA. The offense is the same, and the laws should be too.

Mr. President, I yield the floor.

RECESS

Mr. CLELAND. Mr. President, I ask unanimous consent that the Senate stand in recess until 2:15 today.

There being no objection, the Senate, at 12:19 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. STABENOW).

The PRESIDING OFFICER. In my capacity as the Senator from Michigan, I suggest the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

Mr. BAUCUS. Madam President, I support the motion to take up H.R. 10 so we can consider the retirement bill as an amendment. Let me explain why this bill is necessary and then I will re-

spond to some of the criticisms that were made yesterday.

By way of background, the Federal railroad retirement system has served railroaders and their families for 65 years. Its roots reach back to the 1930s, in a struggle to find answers to the hardships that resulted from the Great Depression. Today, the system provides benefit payments to more than 673,000 retirees and other beneficiaries.

The railroad retirement system actually has two components. Tier 1 is largely equivalent to Social Security. Tier 2 provides additional benefits and is equivalent to a private pension plan. Both are funded by taxes that are paid entirely by railroad companies and railroad workers.

Let me stop here and stress a critical point. Every single change that we make in this bill applies only to tier 2. Again, tier 2 is equivalent to a private pension program. In other words, we are only addressing how railroad retirement operates as a private pension plan. We are not making any changes to the part of the program that is largely equivalent to Social Security.

So where do things stand? At one point, the Railroad Retirement system was in deep trouble. Just like the Social Security system. In fact, in 1983, we had to permanently cut benefits and increase taxes, in order to get the system back on its financial feet.

But there's good news. Today, the Railroad Retirement system is fiscally strong. There's a surplus, of \$19 billion.

On top of that, the most recent report by the Chief Actuary concludes that no cash-flow problems are expected to arise over next 75 years. In other words, the system is solvent. I'll say it again. The system is solvent. Over the short term, and over the long term.

That's good news.

Among other things, it gives us the opportunity to consider some basic improvements in the operation of the railroad retirement program. That's what this bill is all about.

After years of careful deliberations between railroad companies and railroad unions, the bill is designed to make two basic reforms.

First, the bill improves the investment returns of the Railroad Retirement Account. Currently, the taxes collected in the Railroad Retirement Account can only be invested in U.S. government securities. Actuarial projections assume an annual return of 6 percent on these investments.

This bill would allow a portion of the assets to be invested in a diversified investment portfolio that includes private-sector securities. In other words, the portion of assets attributable to private industry contributions could be invested in the same way that the assets of private sector retirement plans can be invested.

Over the long run, this would increase the rate of return on the investment of railroad retirement assets. I grant that this proposal may have

seemed like an even better idea a year or two ago, when the stock market was on a roll.

But that's short-sighted. As we all know, equity investments result in higher returns over the long term. In this case, the shift from Treasury bills to a mixed portfolio is estimated to increase the long term rate of return from six percent to eight percent.

That's not some pie-in-the sky projection. That's the estimate of the chief actuary, who is charged by law with making objective estimates of these matters.

In any event, I note that this provision would apply only to the portion of the program that is similar to a private pension plan, and that is funded entirely from industry sources.

That's the first change that we make. Over the long run, it will put the system in even better shape than it is today.

The second change is a needed adjustment in benefits and taxes. We have room to make these changes, because the system now is taking in significantly more in taxes than is necessary to pay current and projected benefits.

Let me describe each set of changes, in turn.

With respect to benefits, we reform survivor benefits, the retirement age, and vesting. With respect to survivor benefits, each month, about 700 new widows and widowers begin receiving Railroad Retirement survivor benefits. That's an average of one every hour, day and night. As it now stands, while a retired employee is alive, a couple receives a tier 2 benefit equal to 145 percent of the benefit for a single retiree. When the retiree dies, the spouse is left with a tier 2 benefit of only 50 percent of the retiree's benefit. That's a reduction of almost two-thirds.

Under the bill, the surviving spouse would receive a tier 2 benefit equal to the benefit received by a single retiree. As a result, we would avoid a drastic reduction in the income of the survivor.

Next, we lower the minimum retirement age, at which employees with 30 years of service are eligible for full tier 2 benefits, from age 62 to 60. This would return the age at which a railroad employee can retire with full benefits to what it was prior to 1984.

It also moves the railroad retirement system closer into line with many private sector pension plans, particularly those in hazardous or physically demanding occupations. Even with this change, many private plans will still have earlier retirement ages than the railroad retirement system.

Finally, we lower the vesting requirement for employees from 10 to 5 years. This aligns Railroad Retirement with current private industry pension practices.

Those are the reforms to railroad retirement benefits. We also address the taxes paid by railroad companies.

To put this in perspective, tier 1 and tier 2 benefits are funded primarily

through payroll taxes on employers and employees. Taken together, the payroll tax rate is more than 36 percent. As a result, railroads and railroad workers pay disproportionate costs, compared to other industries, for retirement benefits. This, in turn, imposes a major financial burden and discourages employers from hiring new employees.

In the bill, we reduce the taxes on railroad employers, over three years, to bring them a little closer to comparable private pension plans and bring them more in line with the actuarial needs of the system.

Now, I understand that some have criticized the changes. They argue that the system will not be secure. Therefore, they continue, by improving benefits and reducing taxes, we reduce the overall surplus and increase the chances that the system will eventually go broke. There are two simple responses.

First, again, the system is solvent, over both the short and the long terms. We have a \$19 billion surplus right now, and the chief actuary projects that the system will take in more than it pays out, under both current law and this bill, over the next 75 years.

But what if the projection is wrong? What if there are unforeseen developments that increase benefit payments, reduce revenue, and drain away the surplus? Won't taxpayers, in effect, be left holding the bag?

No, they won't. Under the explicit terms of the bill, employer taxes will be automatically adjusted in the future so that always will they fully cover benefits. In effect, the taxpayers are not put at risk.

Pulling all of this together, we have a carefully balanced package that makes straightforward reforms. We allow the private portion of the fund to be invested the same way a private pension plan can be invested. We modernize benefits and we reduce taxes. We do this within the framework of a fully solvent system.

One final point. Some colleagues may question why we are seeking to take up the railroad bill as an amendment to a House bill. In the first place, the majority leader sought consent to discharge the House bill from the Senate Finance Committee. There was an objection. In the second place, we need to move quickly. Passage of this legislation is long overdue.

It has extraordinary support. Last Congress, the bill passed the House and was reported by the Senate Finance Committee. This Congress, the House bill received 384 votes. The Senate bill has 74 cosponsors.

In light of this overwhelming bipartisan support, railroad retirees across the country are wondering why we don't get our act together, pass this bill, and get it to the President. They are right. In fact, every time I return home to Montana—I was there just a couple of days ago—I am asked: When is the Senate going to take up the railroad retirement bill?

At this point, late in the session, there is only one good answer. Let's put all of the procedural maneuvering aside. Let's take up the bill. If Senators have serious amendments related to this bill, let's consider them. But let's vote. Let's do the people's business. They want us to work through these measures, take votes, and come up with the result, because that is what this process is all about. That is what people want.

I will have some further comments in response to arguments that have been made against the specific provisions of the bill as this debate goes on. But at this point, I urge my colleagues to support cloture so that we can debate this important bill. Let's get going. The 10,000 railroad employees, retirees, widows, and survivors in Montana, and tens of thousands more across the country, are counting on us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Madam President, you would think that in a proposal where you have had government bonds mandated as the basis for your retirement program—and, quite frankly, we have this in railroad retirement because railroad retirement has never been self-sustaining. It has received and does receive today huge Federal subsidies. You would think, taking \$15 billion out of that trust fund and investing it in interest-earning assets, that the value of the trust fund would rise over time; wouldn't you? You have \$15 billion you are going to invest. You are investing it right now in government bonds. They are really IOUs to the same people who are paying the interest. They are not even real assets. It is like an IOU that you put in one pocket and count it as an asset.

But in any case, you would think since they are assuming an 8 percent rate of return after inflation, that this wonderful idea—in fact, I will read the quote from the chief executive of the Association of American Railroads.

He says:

What we hope to get out of it—That is this bill—is what any pension plan has, a more flexible approach to investment.

Who is against that? Who is against getting a higher rate of return?

But remarkably, almost unbelievably, if you grant that they are going to go from virtually a zero rate of return under the current program to 8 percent plus inflation, their own Railroad Retirement Board looks at the bill that is before us and concludes that in 17 years, after earning these interests payments, you have \$15 billion less in the trust fund than you would have under the current system.

That is pretty startling. You are going to invest at interest, and you are going to have \$15 billion less in 17 years than you would have without having any earnings whatsoever.

How is that possible? How it is possible that what we are about here is not investment but pilferage?

Let me outline how all of this came about. At least I can theorize how it came about.

Today, as a result of a bill we passed, when Social Security is going broke, we remarkably have \$19.2 billion in the railroad retirement trust fund. If you calculated the present value of the liability of the railroad retirement trust fund, it would be huge as compared to \$19.2 billion. Madam President, \$19.2 billion is a lot of money, but it is not a lot of money to a system which has three retirees for every one worker.

We are worried about Social Security when we have 3.3 workers per retiree. In railroad retirement, you have one worker for every three retirees. This \$19.2 billion is a fairly small amount of money given the liability of the system and when its financial security is very much in doubt. If that is the case—nobody disputes that it is the case—why are we taking \$15 billion out of it over the next 17 years?

Let me tell you what I think has happened. I would have to say in my 24 years of debating issues such as this, this is the most remarkable one I have seen. I am sure there is something comparable, but it doesn't jump to my mind. Here is what I would say happened a couple of years ago.

The railroads are having tough times, similar to many other industries. They looked at this \$19.2 billion, and they said: This is somebody else's money. This is the money that is supposed to at least partially back up the retirement program. But wouldn't it be great if we could have \$7.5 billion of it? We would just like to pilfer \$7.5 billion out of railroad retirement.

I am sure they hired some brilliant lobbyist lawyer and paid him several million dollars. He was worth every single penny of it.

Here is the idea they came up with which is embodied in this bill: The railroads went to the unions and said: We want to steal \$7.5 billion out of your retirement program. Needless to say, I am sure the unions must have said: Are you crazy? They said: What about this? At the very moment when the retirement age for every other worker in America to get full Social Security benefits is rising from 65 to age 67 where you get the full benefit—a big jump this year—what we will do is lower the retirement age for railway workers at the same time it is being raised for everybody else. In fact, we will cut it from 62, which is already 3 full years below Social Security; we will reduce it to 60. We will add a handful of new benefits, and we will raise the maximum benefit we will give. The net result is that over the next 17 years we will get \$7.5 billion, and we will give retirees \$7.5 billion. We will take the \$15 billion out of the railroad retirement program.

In fact, sure enough, the Railroad Retirement Board, in looking at this data over the next 17 years, despite "investing" their money, the trust fund will be \$15 billion smaller 17 years from now

than it would be under the current system.

I think you have a problem. They say: OK, we get \$7.5 billion, you get \$7.5 billion, but what about our retirement program? It is just too good to be true.

They said: Oh, it's not too good to be true. We will put the Federal taxpayer on the hook for the \$15 billion. You get \$7.5 billion and we get \$7.5 billion, and the taxpayer will guarantee the money will be there.

Let me go over what the railroads get. Currently, for their tier 2 retirement—which is just part of the retirement; it is not essential that people understand that to understand what is happening—today, they are paying 16.1 percent of payroll into this retirement program.

They say: OK, look, next year, before any money is invested, before any returns could possibly be had, let's drop that from 16.1 percent to 14.75 percent. And then the next year, let's drop it from 14.75 to 14.2 percent. Then they say: If, in the future, when this \$15 billion has been pilfered—they did not really say that; they just do it—if there is a problem, then you can raise the tax on railroads. But there is a cap on the amount you can raise it.

So who is taking on this liability? What makes this whole deal work? How this whole deal works is, basically, the unions get \$7.5 billion, the railroads get \$7.5 billion, the taxpayer assumes another \$15 billion liability, and the trust fund actually goes down by \$15 billion.

The final point was: Gosh, but how are you going to convince Congress of it? This is where it really gets brilliant. They said: OK, look, unions will get \$7.5 billion, the railroads will get \$7.5 billion, but what we will say is we are investing the money. Then Congress will say it is OK because they are investing the money. People are for investing the money. It makes good sense.

The bottom line is, we have before us a bill that basically says we have a trust fund which now has \$19.2 billion in it and has a projection, over the next 25 years, as to where it will be in terms of how much in assets it will have, given the money coming in, being paid in by railroad workers, and the amount of benefits that are being paid.

Under the bill before us, because we are cutting taxes on railroads, even though the program has real actuarial solvency problems—no private pension fund in America could run a program like railroad retirement and not go to prison, but even though it has these problems, the bill before us, over 17 years, will take \$15 billion out of the trust fund and will pay it out to the railroads and to the unions and to their members.

Over 25 years, it takes out \$28.7 billion that would have been in the trust fund, that will not be, even though the trust fund, under the current system, is earning a very small rate of return. And they are assuming a 8-percent rate of return plus inflation.

I am sure people would look at these numbers and say it is not possible you could increase the rate of return severalfold and yet have the trust fund decline by \$15 billion over 17 years. Yes, because the higher rate of return is really a smokescreen.

What is going on here is pilferage. What is going on here is we are giving the railroads \$7.5 billion and we are giving railway workers \$7.5 billion and we are putting the American taxpayer in harm's way. That is what this bill is about.

The House of Representatives passed it, and they passed it by a huge number. Why did it happen? How did it happen? It happened because the unions and the railroads are for it. You have a nice, catchy theme, "investing in a higher rate of return." Nobody paid any attention to the details and, quite frankly, when business and labor get together, more often than not, society and the taxpayer are losers.

Paradoxically, these kinds of consensus measures are generally harmful, not helpful. The public may hate contention, but it is checks and balances that basically make for good government.

The House of Representatives passed this bill by a huge number because every railroad—last year, I must have had 50 lobbyists come to see me. I have a huge number of railroad retirees. I am blessed to have lots of railroads. I have one that runs right through the middle of my hometown with seven big-time trains a day. The lobbyists came to see me and said: Boy, you can help the railroads. You can help the railroad retirees. Everybody is better off.

In fact, I am sure that somebody would say: We can't refute the numbers. That \$15 billion is coming out of the trust fund, but it is a victimless crime. Railroads are better off; unions are better off; they received \$15 billion. But who is worse off? The taxpayer is worse off. That is who is worse off.

But in any case, all of these lobbyists, all this letter writing and e-mail converged on the House, and they passed this bill. It has now come to the Senate. It seems to me that we could stand to be reminded of what the Senate is supposed to do.

Some of you will remember the story that Jefferson had been in France when the Constitution was written. When he came back from France, he was suspicious of the Constitution. He met at Mount Vernon with George Washington. They were having tea. He was asking Washington what the Senate was for. He understood what the House of Representatives was for. But what was the Senate for?

So Washington, as many southerners, had this habit, which some people still have now with coffee that they had with tea, of pouring the tea into the saucer to let it cool, and then pouring it back into the cup and drinking it. Washington said, in a very famous story, the House of Representatives

will respond to the passions of the moment; they will respond to popular clamor. But the Senate will be as the saucer, where there will be a cooling of reason, and the result will be a stronger, more stable, more responsible government.

I understand that 74 people cosponsored this bill. I am not short on arithmetic. And I understand that, in the end, 51 Members in the Senate could pass a bill. Thank God we do have procedures where people who believe strongly can object and delay and cause debate. And I am going to do that. But I want to urge my colleagues, we can fix this bill. We can make this a good bill. I am totally supportive of letting railroad retirement invest the \$15 billion.

I would like to build a firewall where the people who are doing the investing have fiduciary responsibility, where they cannot promote some social agenda with railroad retirement money and, indirectly, with the Government's money.

I would like to have some safety and soundness standards on the investment. Investing the money is one thing, but lowering the retirement age, expanding benefits, and cutting the taxes and the money going into the program is quite another thing.

My proposal is, let's take this bill, let's go to the Finance Committee—we have never held a hearing on it; we have never had a markup on it—let's go to the Finance Committee, and let's agree to a program to invest the money, and then let's set up an actuarial system where we will look at the benefits of the investment, and to the extent that the system becomes actuarially sound, then—and after we have the money in hand—we could lower taxes, and then we could look at benefits.

I do believe there is something inately unfair about raising the retirement age for 95 percent of the workers in America and cutting it for other people. How can that make any sense? How could any Member of the Senate go back to Iowa or Texas or Nevada and look their constituents in the face and say, we are getting ready to make you work 2 additional years to get full Social Security benefits, but we have lowered the retirement age from 62 to 60 for railroad retirement? How can you possibly justify that?

I have plenty of railroad towns in my State. I had a lot of them in my old district. I don't think I could sell this in Inez, TX, which is a big railroad town. I don't think I could sell, at the same period we are raising the retirement age from 65 to 67 on everybody else, that suddenly we are going to cut it from 62 to 60 for railroad retirees.

I am perfectly willing to support—I wanted to come over today and pledge—a bill that sets up the investment of the \$15 billion with a firewall to keep politics out of the investment, assess actuarially where we are, let the Railroad Retirement Board assess it,

and when it is clear that we have more money than we need, if, God willing, that ever happened, then we could lower taxes on the railroads; then we could raise benefits for the retirees. But should we not get the return first?

How can it make sense in this bill to lower the retirement age, expand benefits, and cut taxes before one penny is invested? How can that possibly make any sense? How can you spend money you don't have? How can it make any sense whatsoever to have a program that, to quote the representative of the American railroads who said, "what we hope to get out of it is what any pension plan has, a more flexible approach to investment"? If that is all they want to get out of it—I assume he said this with a straight face—if that is all they want to get out of it, I am for that. In fact, I am very much in favor of investing pension funds. But should we let them take \$15 billion out of the fund over and above the interest they would gain from the investment, and should we let them do it before they have earned a single penny?

I don't see how in the world you could justify being for this bill in its current form. I make a plea: I know 74 people have signed onto this bill. It is not the same bill they signed onto because this bill is now scored as raising the deficit by \$15 billion. And there has been a new provision added. If you cosponsored this bill, you haven't cosponsored the bill that is before us because it has a special provision that says, while the deficit of the Federal Government under this bill goes up by \$15 billion, we are going to pretend as if it doesn't.

It actually says to the Congressional Budget Office and to the Office of Management and Budget, we want you to certify something that is false. We want you to, in essence, look the other way, and even though you have scored this as costing \$15 billion, we want you to certify that it doesn't cost \$15 billion.

I believe most of the 73 people who cosponsored them did not understand it. They were for investing the money. Why not help workers; why not help the railroads? I don't think they understood the \$15 billion of pilferage. But they didn't sign onto the bill that is before us because it has this provision that forces OMB and CBO by law to certify something that is not so.

My point is, we could do this right, even at this late hour. We could take this bill to the Finance Committee. We could set up an investment program. We could put an actuarial program into effect as we earn these investment returns in the future. We could look, as the system becomes stronger, at cutting taxes on railroads, giving benefits to workers. But under the current bill, we cut taxes before any money is ever invested. We raise benefits before any money is ever invested.

Despite the rate of return over 10 years, the value of the trust fund is \$5 billion less than the current trust fund

would be under the current system. Over 17 years, it is \$15 billion less; over 25 years, it is \$28.7 billion less. How do you earn more and have less? Pilferage, that is how you do it. That is our problem.

We have two choices. One, we can look the other way and respond to the political pressure coming from two powerful political interests—interests to which we are sympathetic. Who is hostile to railroad retirees? I am not. I can't justify having their retirement age 60 and Social Security 67. And theirs is already lower; it is already 62. We are going from 65 to 67, and they want to go down to 60. I can't justify that. But I am not hostile. I am not hostile to anybody who would want it. Who wouldn't want full benefits at 60?

The point is, much of this program is paid for by Social Security money. Why should people who work for one industry be treated differently than people who work for other industries? I don't understand it. I don't know how you justify it. I don't guess people want to justify it.

I am not unsympathetic to railroads. God knows, we want our railroads to be strong. We want to modernize our tracks. We want better equipment. I want railroads to make money. I want them to be successful. I have no hostility to them. We can't have a great and powerful economy without having successful railroads. But do we really want to pass a bill that pilfers \$15 billion out of a pension fund and leaves the taxpayer liable for the great bulk of the \$15 billion?

We can avoid it. We can write a responsible bill. We could do it very quickly. The way we would do it is invest the money but don't start giving it away until we earn it. Don't start raising benefits and lowering taxes until we have gotten the return. And don't cut taxes and raise benefits more than the return grows. Those are just sound, simple principles.

I want people to understand what is in this bill. It is true the railroads are for it. It is true the unions are for it. You might ask, well, if they can get together, if they think it is a good idea, isn't it a good idea? Well, when you read the fine print, why they are for it is they are dividing up \$15 billion. Why I am against it is the taxpayer is becoming liable for the \$15 billion.

My colleagues on the other side will point out there is a provision that would allow the tax on railroads to rise when the pension fund gets into trouble. But it caps the amount that they can raise. We are cutting the amount they are paying in right now. Doesn't somebody suspect that when the roof falls in on this retirement program the railroads are going to come up here and say: If you make us pay all this, we are not going to be able to invest in railroads; it is going to hurt the economy, so let the taxpayer pay it?

If what I am saying is not valid, I hope someone will stand up and say it is not valid. But if it is valid, I plead

with my colleagues, let's fix it. We can do what people say they want to do—invest the money. And we can do it responsibly. But the current bill before us is not good policy. It is obviously good politics, especially to people who signed onto an earlier version of it some months or years before.

To sum up, because I know other people are here who want to speak, we have a bill before us that is not the same bill people have cosponsored. As far as I am aware, no one is a cosponsor of the bill that is before us because the bill that was cosponsored by 74 of my colleagues did not have a provision in it that directs OMB and CBO to turn and look the other way and not score the \$15 billion that would be scored as an increase in the deficit, some of which is coming out of the Social Security trust fund. No one signed onto that as a cosponsor. So it is not true to say that 74 people cosponsored this bill. They didn't. They cosponsored something close to it, but not to mandate that OMB, the Office of Management and Budget, and the Congressional Budget Office simply certify something they know is false.

We can fix the bill by investing the money first, and then when income is earned, we can have a formula or procedure for the distribution of the money. This bill distributes the money before any investment is made.

Finally, and most remarkably, even with the assumption that 8 percent is earned on the investment after inflation—and I am not disputing that you could not earn that today, I believe over the future that is a fairly conservative estimate. But even with that assumption, over 17 years, under the bill before us, the trust fund actually goes down by \$15 billion compared to the current program. Over 25 years, it goes down by \$28.7 billion. How do you get less by earning more? Pilferage. By simply taking the money out and giving half of it to labor and giving half of it to the railroads. That may be popular, but it is not good policy. It is not right. It puts the taxpayer on the hook, and I urge my colleagues to give us a chance to fix it.

Let us go to the Finance Committee, where we can debate these issues and report back in 2 or 3 days a bill, which I think we could do. We can pass it and we can be proud of it. As it is now, we are in a situation where we are going to have a cloture vote on Thursday. I assume that it will pass. This is a cloture vote to move to the bill. Then we are going to have a cloture vote on the bill. Then we will have a cloture vote on a substitute. And we are simply going to be in a process that may or may not produce a result in this year. It is not so important when we do this, but it is very important what we do and that we do it right. I just want people to know that I am willing to work to try to do it right. I hope someone will take me up on it. I am a member of the Finance Committee. We have the chairman and ranking member here in

the Chamber. I would like for us to have a markup on this bill and discuss these issues and see if we can find a way to do this that will work better and that we can be proud of. I think we could, and I wanted to be on record saying that today.

I appreciate our distinguished floor leader for his patience. He is much beloved around here for that characteristic.

The PRESIDING OFFICER (Mr. REID). The Senator from Nevada is recognized.

NOMINATIONS

Mr. REID. Mr. President, it is easy to always listen to the statements of the Senator from Texas. I may not always agree with them, but I do a lot of the time. They are always articulate, well-reasoned. We have another year of listening to these statements, and he will go off and do something else. He will be missed not only by the people in the State of Texas but by those of us in the Senate.

Mr. President, the Las Vegas Sun newspaper, on Sunday, November 25, wrote a major editorial saying, "Tough Talk, But Bereft of the Facts."

The purpose of the editorial is to point out what a great job the chairman of the Judiciary Committee has done in the 6 months he has been chairman of the committee. Senator LEAHY has moved major legislation. In addition to that, the editorial goes on to report that he has been able to do many things with judges that haven't been done before, in spite of the fact his committee has been, in effect, under siege because of the September 11 events. Senator LEAHY has had to work on the terrorism legislation and many other pieces of legislation.

I ask unanimous consent that the Las Vegas Sun editorial entitled "Tough Talk, But Bereft of the Facts" be printed in the RECORD.

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

[From the Las Vegas Sun, Nov. 25, 2001]

TOUGH TALK, BUT BEREFT OF THE FACTS

Republicans are complaining that President Bush's nominees for federal judgeships haven't received a fair shake from the Democratic-controlled Senate. The Republicans say that Sen. Patrick Leahy, D-Vt., chairman of the Judiciary Committee, isn't holding hearings promptly and isn't taking votes fast enough on the nominations.

"It's purely partisan politics," Sen. Jon Kyl, R-Ariz., said two weeks ago. "They don't want conservative judges on the court." Just over a week ago Vice President Dick Cheney chimed in as well. "The deliberate slowing of the confirmation process is unworthy of the United States Senate and an injustice to the men and women whose names have been presented," Cheney said in a speech to Federalist Society, an ultra-conservative legal group.

Some serious accusations and harsh words from Republicans, but they simply don't stand up to the facts. As of mid-November in the first year of Bush's presidency, 17 of his nominees had been approved. At the same point in the first year of Clinton's presidency, the Senate had confirmed only eight

judges. By mid-November of 1989, the first year of the elder Bush's presidency, only 10 judges had been confirmed by the Senate. So Leahy actually is ahead of the pace when comparing the Senate's speed in handling nominees from previous administrations' first year in office.

Leahy also has had to overcome obstacles not of his making. After Sen. Jim Jeffords left the Republican Party earlier this year and put the Democrats in control of the Senate, the Republicans tied up the reorganization process for a month, which meant that no hearings could take place on Bush's nominations. In addition, the Sept. 11 terrorist attacks delayed the process as the Judiciary Committee had to devote time to holding hearings on the administration's anti-terrorism legislation, which obviously took priority over judicial confirmation hearings. The anthrax mail scare also has taken its toll on all of Congress' operations, but even on Oct. 18, when all of the Senate office buildings were closed due to the investigation, the Judiciary Committee met in a borrowed room in the Capitol to approve four nominees. That day the committee also held a hearing on five of the nominees, including Reno lawyer Larry Hicks, who eventually was confirmed as a U.S. district judge in Nevada by the Senate earlier this month on an 83-0 vote.

Numbers supplied by the People for the American Way demonstrate that it is the Republicans, not the Democrats, who have engaged in excessive partisanship. In the six years that the Democrats were in the majority in the Senate, just 25 percent of Presidents Reagan and Bush's nominations were blocked. But later, in the six years that the Republicans were the majority in the Senate, 35 percent of President Clinton's nominees were blocked, a substantial increase. In 1998 Sen. Majority Leader Trent Lott had no qualms about the delays. "Should we take our time on these federal judges? Yes. Do I have any apologies? Only one: I probably moved too many already."

Republicans have made a cold, brutal calculation to pack the judiciary with conservatives. So when a Democrat controls the White House, Republicans work overtime to derail the nominations. But when a Republican is in the White House, the GOP partisans kick and scream about perceived delays in an attempt to get the Democrats to back down on their opposition so that right-wing conservatives can push through as many of their ideological soul mates as possible.

President Bush is enjoying extraordinary high popularity right now, but that is no reason why the Democrats should roll over and let him appoint members to the federal judiciary who hold extreme views and aren't qualified. The Democrats should promptly, but carefully, weigh the nominees who, if confirmed, receive lifetime appointments.

UNANIMOUS CONSENT REQUEST—H.R. 3090

Mr. REID. Mr. President, during the past couple of days, there has been some talk about this railroad retirement bill and the reason people are not going to allow us to move forward with this is because it would return to the calendar this important stimulus legislation on which we are working. I have heard other statements that maybe the reason we are not going to move to it is because it should go to the Judiciary Committee and have hearings, or the Finance Committee.

I personally believe these are only excuses. We are having no votes today. We should get to this legislation. If

there is a problem with it, have them offer an amendment and debate it on the floor as to whether the amendment is in order. We have 74 or 75 cosponsors. It is important legislation not only to management but to labor, and it is not often that they agree on anything. They agree on this legislation. I think it is something that would improve this country.

So based upon that, on behalf of Senator DASCHLE, 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 PRESIDING OFFICER. Is there objection?

Mr. GRAMM. Reserving the right to object, when I go to the shopping mall, I am already hearing Christmas carols. We are closing in on Christmas. If we get off into extraneous matters, we are not going to complete our business. We need to pass a stimulus package, the appropriations bills, and deal with the insurance problem we have with terrorism. On that basis, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from South Dakota is recognized.

Mr. JOHNSON. Mr. President, very briefly, I want to share my thoughts on the urgency and the merit of the railroad retirement legislation. This is legislation that ought to be a slam dunk for this body. It is legislation which passed in the House by an overwhelming 384-33 vote—legislation sponsored and supported by three-quarters of the Senate.

We have an opportunity this afternoon to bring this bill up and to have adequate debate. I don't think it needs much greater debate. People who want to offer amendments could do so, and we could get this finished up after years of negotiation. This legislation has the support of both railroad management and labor and has broad-based, bipartisan support in both Chambers of Congress. There simply is no reason this bill cannot be expedited and taken care of today.

I am disappointed we are having as much resistance as we have. It appears to me that with the 74 sponsors we have in the Senate this is an opportune time to find out who, in fact, is really supportive and whose sponsorship is, in fact, not meaningful. We will have a vote on breaking the gridlock and bringing this legislation to the floor.

It is timely, meritorious, and it deals with a railroad retirement system that is solvent and will continue to be solvent to the end of the horizon for budget accounting. It is badly needed to update the survivor benefits. We all largely agree to that. I think it is a sad commentary that we can have that level of bipartisan support in both Chambers of Congress and still find ourselves being held up during these closing days by a few who, it would seem, are hopeful that this will somehow be discarded in the rush of closing legislation.

I think there is a time when the will of the majority needs to prevail, particularly when it is an overwhelming majority and when it is bipartisan in nature.

I cannot express my support for this legislation more strongly. We cannot wait for next year. This has been around for too long. It has been negotiated, painfully brought together over a course of years by management and labor, and it is time. Its time has come. There is no excuse for not passing this legislation this Congress and getting it to the President's desk for his signature. It will significantly enhance the quality of life and retirement prospects of thousands of Americans who are relying on us to do the responsible thing—the responsible thing in terms of retirement policy, the responsible thing in terms of budgeting. That is what this legislation does.

Again I urge my colleagues to join me in supporting every effort to break the gridlock, to bring this up for full and fair consideration and then final passage.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

UNANIMOUS CONSENT REQUEST—H.R. 2505

Mr. BROWNBACK. Mr. President, I rise to speak on the issue I brought before the body yesterday, which is what is taking place in Massachusetts and probably other places across the country, and that is human cloning.

I am seeking to get H.R. 2505, to ban human cloning, heard. It has already been passed by the House of Representatives with a 100-vote margin. If we cannot get a ban through, I would like to put forward a proposal which I presented to the leadership, to Senator DASCHLE, for a 6-month or even 3-month moratorium on human cloning until we have time for this body to consider the overall issue of human cloning.

To date, we have not been able to have a full vote taking place on this issue. We know that one company has developed two human clones, and they lived for a week. It is a matter of time before we see announcements—and we could see announcements anytime—about one being implanted into a woman. We have no rules or regulations dealing with this issue—none at all. We have far more rules and regulations dealing with endangered species and the bald eagle's egg than a human embryo being developed by cloning mechanisms.

This is being banned around the world, and yet it is happening here. Look at the front cover of Newsweek. I held up this magazine, U.S. News & World Report, yesterday: "The First Human Clone." In Europe, the French and Germans have banned human cloning altogether. The Brits have taken up the issue. It is in the courts in Britain, and it is in front of the United Nations. Yet it is happening in the United States.

I know my colleagues may grow weary, but I think it is an urgent time

for humanity and we should take this up, imposing a moratorium for 3 months, 6 months. I was talking yesterday about a 6-month moratorium. Even 3 months would get us to a time next year when we could fully debate the issue, the body could speak on it, and get a result. It is happening now.

I will continue to plead with the leadership to allow us to bring it up before the Senate. Let us limit the amount of time in the debate. We can limit it to an hour if people want. We can have a vote on it so we can get this to conference with the House of Representatives and so the President can sign the legislation.

Other people see fit to bring up other legislation. I respect their right to do that. I believe as a society this is one of the most urgent matters we can address at this point in time. I wish we could put it off. I wish we did not have private companies creating human embryos, something which we would not allow with a bald eagle or any endangered species, or with livestock. This is treating humans as livestock.

People can say I have different viewpoints about the status of a human embryo. I think everybody will agree it has some moral significance, the thought they would treat a human embryo as livestock, without regard for it. And this body is sitting here saying: We are not ready to take it up. I can respect that because this is an issue which will require lengthy debate. The issue of whether we should have a moratorium is important.

Mr. President, I renew the request I put forward yesterday, that we bring up H.R. 2505, a bill to ban human cloning, that has passed the House of Representatives. I ask unanimous consent that the Senate proceed to that legislation.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, as I stated yesterday, no one can question in good conscience the sincerity of the Senator from Kansas in his attempt to do what he believes is so correct.

We had a Democratic policy luncheon today on this subject. We had three eminent scientists, two of whom are in favor of going forward, another who is totally opposed.

I am not for human cloning. Therapeutic cloning is something we need to take a close look at. There is great potential for solving the questions scientists have had for generations about Parkinson's, Alzheimer's, and diabetes. I would never attempt to get into a public debate with the Senator from Kansas on the technicalities of this issue. I know he has worked hard on it. Nor would I attempt to get into a debate with Dr. Frist, Senator HARKIN, or Senator SPECTER, who have spent so much time on this.

This is an issue on which we need to spend some time. I do not think it is as easy as the Senator from Kansas has indicated, to simply put a moratorium

on it. As I said yesterday, there are people who have contacted me who believe a moratorium of any kind would be a setback to the medical movement to cure some of these diseases.

I respectfully suggest to my friend, the distinguished Senator from Kansas, there are other places in the world that are going to be doing this research. They may not have the refinement that we in the United States have, but there are certainly countries that are very close.

For all these reasons and others, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I respect my colleague from Nevada and his views. We have had several dialogs on the floor about this. I respect his thoughts and his comments. I am glad to hear about the review of this issue in the Democratic caucus.

I have a very strong sense that we should be pausing at this point in time, and that is why I respectfully continue to bring this forward. This is one of those times in humanity when we ought to be stepping back and thinking this through clearly and we will come out with a decision. Fine. We will let the body work its will. I am very troubled about this bill proceeding forward with private sector individuals, probably with all the best of intentions, but the only regulation they have is their own bioethical board, which they hire and put in place, deciding these issues for humanity.

Once they are out there, they are there. It would be the same as if we allowed biotechnology of a fish, a chicken, or a cow without any regulation or consideration, just saying we are going to release it and have it out in the wild. I think people would be very uncomfortable with that notion. Even if this might be the most wonderful thing in the world to do, they would want us to think about it.

I deeply respect the Senator from Nevada and his views on this issue of human cloning, but this is a troubling time for humanity. We ought to hit the pause button.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I wish to address some of the remarks made by my good friend from Texas, Senator GRAMM, with respect to railroad retirement. He is a great speaker. He uses words well, and I respect what he said.

I think it is important to bring this issue down to its basics, to the essence of what this bill is, and what this bill is not. I will attempt to address that, and then in a few minutes I will answer some of the specific points the Senator made.

Essentially, the situation is this: We have a railroad retirement system that pays benefits to railroad retirees and their widows. The amount of dollars in the railroad retirement trust fund is

accumulating at a very rapid rate. I think it is about \$19 billion now. Over time, if the law does not change, the trust fund balance is going to keep rising to a very high level. I think over the next 15 years it will be \$32 billion. That is what the actuaries predict. That is not a politician. That is not a railroader. That is not a railroad executive making that projection. That is what our Federal actuaries project.

Why is that? Why is that balance projected to go up to such a high level? Well, it is pretty simple. The reason is because the taxes the employers and the employees of the railroad pay are so high. The taxes are 21 percent total: 4.9 percent paid by the employees, and the balance paid by the employers. Now that is in addition to the 15 percent tax which is similar to Social Security payroll taxes.

I think it totals out to about 36 percent total taxes paid by the employers and employees of the railroad industry. Some goes to Social Security, but I am talking about tier 2. Tier 2 is the private pension part of the railroad retirement.

The tier 2 trust fund balance is going up at such a rapid rate because the benefits paid to widows is so meager, so paltry. It is an embarrassment. It is a tragedy. It is also going up at a rapid rate because railroaders must retire at a later age to get the full vesting.

So this bill is very simple. It says take some of that money that is in the trust fund and invest it in private securities. Lower the taxes the railroaders pay into that trust fund while, at the same time, increase the benefits so a widower would not receive only 50 percent of what a single retiree would receive, but rather 100 percent of what a single retiree would receive, and lower the retirement age to 60.

There are many industries where the retirement age actually is lower than 60, particularly in industries where the work is so demanding and the work is so physical. It only makes sense to have this retirement age at 60, which is comparable with the work that railroaders do.

The Senator from Texas makes the point that this is pilfering. He likes that word, "pilfer." He says by reducing the taxes railroaders pay under the trust fund and by increasing the benefits that would be paid, which lowers the trust fund balance by \$15 billion over 17 years, that is pilfering. Then he goes on to say: Who is going to pay for the pilfering? He says the American taxpayer will.

It is very clear, the trust fund balance is being lowered because it is too high. It is because too many dollars are going into it. The taxes are very burdensome to the companies and to the employees. That is why the trust fund balance is at such a high level. The actuaries at OMB and CBO agree with this. The actuaries say when this bill passes, when this bill becomes law, there will be more than enough money in the trust fund to make it actuarially

sound for the next 75 years. That is not my judgment. That is the chief actuary's assessment, confirmed by CBO. So there is no pilfering. Taxpayers will not have to pay more. There is also a provision in this bill which says if by chance the projections are wrong, if by chance the actuaries are wrong, if by chance there is not enough money in the railroad retirement tier 2 trust fund, the taxes that are scheduled to come down under this bill will automatically go back up to their current level, if needed. That is in the law. The taxes which are to go up are those paid by the railroaders; not by other taxpayers, not by the rail employees, but by the railroad companies. The railroad companies and railroad workers agreed to this while developing the legislation. The railroad companies and the railroad employees want this bill. The railroad companies want it because, obviously, it looks like lower taxes at first, and it will probably always be lower taxes, but if it is not, they agree to let the taxes go back up. Clearly, the employees want it because the benefits are better.

In addition, even if the projections are wrong, the taxes will go back up again and the railroad companies say that is fine. Now, why would they agree to that? Because there is another provision in this bill that says that in the private pension part of railroad retirement, that is tier 2, the investments do not have to be government securities. The railroad retirement investment board—it has a fiduciary duty to the railroad retirement system—could invest those securities in private securities, under a diversified mix, which is exactly what every other company pension plan allows and what trustees of company pension plans do in the private sector.

This bill says what is good for most of the private sector ought to be at least as good for the railroad industry. Again, the actuaries say both under current law and under this bill, the fund will be solid for the next 75 years.

There has been some confusion between Social Security, which is tier 1, and the private pension plan, which is tier 2. The argument has been made: Why lower the retirement age to 60 from 62, when the Social Security retirement age is increasing?

The answer is, we are doing the same thing as is the case in the private sector. In the private sector, people pay Social Security. They may also pay into their company pension plan and/or their employer pays into the plan on their behalf. In many industries, the retirement age for the company pension is lower than 65. It can be lower than 62.

Seventy-four percent of the eighty-five retirement plans studied by the Retirement Research Committee in the State of Wisconsin contain a similar provision that allowed for retirement with full benefits after achieving a certain number of service years. In fact, 30 years of service and reaching age 55—

not age 60—was the most common structure for retirement with full benefits.

So how does the legislation make this adjustment? Social Security's retirement age is rising to 67, and the private pension plan part of railroad retirement is lowering the retirement age to 60. How do you mesh the two?

In this bill, early retirement is handled the same way as in the private sector. How is that? It is called a "social security" bridge. In the private sector, additional benefits from the private pension plan may supplement the standard pension benefits until the beneficiary is eligible for their Social Security benefit. That is what the railroad retirement reform legislation does for railroad retirement.

Tier 2 benefits provide the bridge. Tier 2 provides additional benefits to the railroad retiree so he or she can retire at age 60 instead of 62. The tier 1 portion of railroad retirement, which is similar to Social Security, is not touched. The Social Security system is not changed at all. The railroad retirement reform legislation does nothing to Social Security. Rather, the additional dollars come over from the private pension part, tier 2.

Over the years, the Congress has not been fair to railroad retirement. Some railroad retirees could draw pensions from both Social Security and railroad retirement, a "dual benefit," and the railroad retirement fund got stuck paying the cost of this extra entitlement. It was such a problem that Congress, in 1974, eliminated dual benefits for new retirees and agreed to pay for the post-1974 cost for all grand fathered employees.

Guess what. Congress never reimbursed the railroad retirement fund for the \$3.5 billion that had been paid out to dual entitlement beneficiaries before 1974. Had this reimbursement been made in full in 1974, the railroad retirement fund would have more than \$31 billion in additional funds today.

If you add it together, there is no pilfering or theft. We are making railroad retirement essentially the same as the private sector. It is actuarially sound. CBO agrees it is sound for the next 75 years. If we are wrong, there will be a scheduled tax increase, which the companies agree to. They say that is fine. The statement has been made that they may change their minds and will not accept the tax increase. That is possible. But the burden is on the Congress to undue this. The scheduled tax increase, if there is one, is in this bill and will be in the law. Again, the railroad companies agree.

A final point that needs to be addressed is the scoring issue. The House of Representatives directed the scoring of this legislation to be not \$15 billion, but zero. The reason is today the railroad retirement tier 2 has assets. They are Government securities as required by current law. For years, the usual rule of thumb under OMB scoring: When the Government purchases an

asset, it is scored as an outlay. In this case, when converting the federal treasury securities to private sector securities, OMB also scores this an outlay because it would be purchasing a private asset.

This is a grey area. There is no bright-line test. The railroad retirement system will still own the same amount of securities, although it will be a mix of government securities and private sector securities. Is the railroad retirement system less better off? Is the purchase of private sector securities an outlay or not? Because of the rules, it is called an outlay, so it is technically a \$15 billion cost. But that is 1 year and does not affect future years.

The question is: should the rule we have had on scorekeeping be applicable in all cases, including this one, or not? That is clearly a judgment call for the Senate. My view is that it is something we should debate and make a decision about. However, I do not think that this scoring issue alone should stop Congress from passing railroad retirement reform this year. Regardless of how it is scored, the legislation reforms the system in a way that is actuarially sound and does not pilfer one thin dime from the taxpayers. This carefully balanced legislation has been developed over several years. The bill has twice passed the House by a large margin and the Senate bill currently has 74 cosponsors. It is time to act.

If any Senator has any amendment to offer, now is the time. We are debating whether to go to the bill. That takes a lot of time, and we don't have a lot of time left before we adjourn. Rather than preventing the offering of amendments, I urge my colleagues, if they have problems with the bill—offer amendments of their own. We can debate, count the votes, and proceed. That is far, far better than trying to stop this bill with the parliamentary maneuvers, claiming we can go back to the Finance Committee and rewrite this bill. There is not a lot of time left. This bill has been worked on for a long time. Going back to the Finance Committee will not help.

Let me correct myself. The \$3.5 billion I mentioned earlier as a consequence of changing the dual-benefit system was for years before 1974 and for pre-1974 retirees. For years after 1974, general revenues reimbursed tier 2. That was, again, the consequence of a mistake Congress made in earlier years by mandating dual benefits. So in 1974, Congress had to put money in the system to correct the mistake made earlier.

We are now asking ourselves, given where we are today, what makes the most sense. I submit this bill makes the most sense. It is not perfect, but it is certainly very good. If Senators want to make changes, I urge them to offer amendments.

I yield the floor.

Mr. THOMAS. What is the rationale for combining Social Security and a private annuity program?

Mr. BAUCUS. This is not a Social Security private annuity program.

Mr. THOMAS. These people don't have Social Security other than what is here.

Mr. BAUCUS. They pay Social Security-like taxes and receive benefits similar to Social Security, both employees and employers.

Mr. THOMAS. But if this happens, you will start getting Social Security benefits at age 60?

Mr. BAUCUS. If this happens, you get tier 2 benefits at age 60. Part of that may eventually be like Social Security, but only the Social Security benefit allowed under current law. We don't change any law regarding tier 1, which is similar to Social Security. The additional benefit for early retirement is paid with additional funds from tier 2.

Mr. THOMAS. You won't be eligible until you are 67; why are they eligible at 60?

Mr. BAUCUS. That is the practice in the private sector with private pensions.

Mr. THOMAS. But this is Social Security, not the private sector.

Mr. BAUCUS. For those who do not have pension plans, and many Americans do not have any pension retirement benefits, what you say is true. But many Americans do have private pension plans where they receive retirement income in addition to Social Security.

Mr. THOMAS. That is not my question.

Mr. BAUCUS. Let me explain.

So in that case, whereas the Social Security retirement age is 65 and scheduled to go up over time, those same people who work for a company, or did work for a company and have retirement benefits under their pension plan, receive earlier benefits and more benefits when the pension plan so provides.

Is the Senator asking, what is the interchange between Social Security and the private pension plan? In the private sector, when a retirement plan provides for an earlier retirement age than age 65, a person receives benefits provided by the private pension. For the benefits the person does not receive from Social Security, those benefits are also paid for by the private pension part of the plan. That is what the railroad retirement reform legislation provides for railroad workers.

Mr. THOMAS. So in this program, if you start to get benefits at 60, they would be tier 2 benefits, and none of the Social Security would commence until you were 65?

Mr. BAUCUS. That is correct.

Mr. THOMAS. Then is there any specific language that says that the taxpayers will never have to pick up part of this tier 2?

Mr. BAUCUS. The language is, if the parameters for the trust fund are enacted—we are only talking tier 2—if they are enacted, the scheduled reductions in taxes that the railroad companies pay would have to go back up if

the trust fund investments are not performing well.

If, on the other hand, the economy is doing so well that the taxes can go down, under this bill both employee and employer taxes will be reduced.

Mr. THOMAS. But under the private annuity programs, they can't fall back on the Government. They are private. This is a mixture, and it is sort of confusing for most of us.

The Social Security, of course, has supplemented this substantially, largely because there are three beneficiaries to every earner, I understand.

Mr. BAUCUS. No, no, not substantially.

Mr. THOMAS. It is \$30 billion.

Mr. BAUCUS. My colleague is pointing out the differences between Social Security and the railroad retirement. Under Social Security there are three or four employees for every retiree, and it is the opposite with the railroad retirement system.

Mr. THOMAS. It is the opposite. I understand.

I thank the Senator. I would love to see them do whatever they would like. They can do the best they can. But I think a lot of people are anxious, as you look at these other charts—I am sorry I can't tell you who proposed this chart, but it shows over time the contributions would have to go up substantially and the trust fund goes down substantially over a period of time. If that happens, I guess I am just concerned so the taxpayers are not going to be asked to fill that gap.

Mr. BAUCUS. If I may respond to that chart, if the current law is not changed, the tier 2 balances will keep rising from the current \$15 billion, \$16 billion, up to \$20 billion, \$27 billion; it will just keep going up, according to actuaries.

Under the reform proposal, the railroad retirement account balance comes down, but there is a provision written in this bill which says there must be a certain level of reserves maintained in the tier 2 portion. The actuaries certify the investment and tax changes in the railroad retirement legislation will produce a system that achieves solvency over the next 75 years. CBO has looked at it, and they agree.

The reason it is coming down is that so much excess payroll taxes have been paid in, the balances have been going up more than they need to. They are coming down because taxes are going to be reduced a little—I assume the Senator from Wyoming likes lower taxes; this Senator certainly does—and also because the benefits are increased to conform with the modern era and with other industries.

One example is retirement age. This is tough work, that of a railroad worker. In industries where there is physical danger and demanding physical work, the age to retire with full benefits is usually earlier than age 65. The reform legislation makes that change for railroad retirement.

Mr. THOMAS. Wouldn't it be simpler over time if you just separated Social

Security from a private retirement annuity program? Then you would have the same Social Security benefits as everyone else, and then you could add to it in the private sector and do whatever you chose.

Mr. BAUCUS. That is an idea. The trouble is now, given where we are today, it would require too much money to make the switch. It is our judgment now that we need this legislation. It is \$40 billion, frankly. We would need 40 billion extra dollars, and I don't think we have 40 billion extra dollars.

Mr. THOMAS. We are dealing differently with a relatively small segment of folks here than we do with others.

Mr. BAUCUS. What do you have in mind? Like what?

Mr. THOMAS. Pardon?

Mr. BAUCUS. What others?

Mr. THOMAS. You and me and the gentleman who is giving you all the answers there. He doesn't get Social Security until he reaches 65.

Mr. BAUCUS. You did raise a good issue. We have to somehow modernize retirement in this country. We have a patchwork system; but we have to somehow work with it.

Mr. THOMAS. I appreciate the Senator's answers.

Mr. BAUCUS. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. NELSON of Florida). Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that I may be allowed to speak for 20 minutes as in morning business.

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

The Senator from Alaska is recognized.

AN ENERGY BILL

Mr. MURKOWSKI. Mr. President, I rise on behalf of a significant group of Americans who feel that an energy bill should be a priority for this Congress. That has been expressed uniformly by many organizations. We have heard from organized labor. For example, we have heard from America's veterans, and we have heard from America's Hispanic community. They suggest that an energy bill is way overdue. For the record, I will have a list of many of the organizations that participated in the debate, expressing themselves on the issue through statements and press conferences and so forth.

It is important to recognize the current stalemate. It is my understanding that the current pending business is the stimulus bill. Nevertheless, we are being asked to set the stimulus bill aside and move to the railroad retire-

ment bill. In context with this, I will refer to some comments that the majority leader made today with regard to the energy bill coming before this body.

The statement came out of the majority leader's press office, indicating that the Republicans have two basic points: One, that energy should be debated this year and, two, that bringing it up in January will not allow the ANWR issue to be debated in the way they would like; therefore, they feel that the majority leader is being unfair.

The majority leader, Senator DASCHLE, responded. He indicated:

First of all, I guess I would invite them

Meaning the Republicans—

to tell me when before Christmas that they want to bring up the energy bill. Why don't you ask them? Is it the 23rd, the 24th of December, because that is about the time we will finish all the other things we've got to do. If they want to bring it up between Christmas and New Year's, I would be happy to entertain that possibility as well.

Well, I don't want to be the Grinch that stole Christmas, but if I have to be, I will. If we have to be here on December 23 or Christmas Eve to pass an energy bill, so be it. We have procedural options. One person can object to a motion to take up legislation. I am prepared to do that. This is no threat. This is a reality. We have fooled around with this issue long enough.

The majority leader has indicated to his members that he will respond to their wishes and ensure we don't take the energy bill up and ensure that we don't have a vote.

The majority leader further said:

Ask them what days in particular they have in mind in this energy debate.

And then he goes on to say:

With regard to ANWR, what I am simply suggesting is that the Senate work its will.

Well, I am, too. The majority leader has a vote. I have a vote. We have debated this issue extensively. We passed a bill out of the Senate Energy Committee when I was still chairman. That was early this year. We have had hearings on it. But let's look at fairness. What has happened is tactics that I am very surprised the majority leader and some of my friends from the other side of the aisle would support.

As the current ranking member and former chairman of the Energy Committee, even in a minority position, I resent the fact that the majority leader has directed the chairman of the Energy Committee, the Senator from New Mexico, not to take up any matters in committee in a business session that would give us the chance to report out an energy bill, an energy bill that would, of course, contain the ANWR issue.

As a consequence, for the last 3 months, we have not had a business session. Now they are proposing to try and leverage that. They are saying: We have four or five nominees pending. The majority on the committee has indicated that they will give us a hearing

on the nominees and agree to a business session for reporting them out only—only—if the minority ensures that nothing will come up in an energy bill associated with ANWR.

What are they afraid of? What is wrong with the committee process? The majority leader has simply taken away the authority from the authorizing committee. As a consequence, we can't even take the energy bill up in the Energy Committee.

Let me revert a little bit to something that happened in 1995. We passed an ANWR bill. It was in the omnibus package. It was vetoed by President Clinton. What were the concerns at the time? At that time, we were about 56 percent dependent on imported oil. We were also concerned about our increased dependence on Iraq because, obviously, Saddam Hussein had been up to no good since the Persian Gulf War. The same arguments occurred at that time that are being used today. However, in 1995 we didn't quite have the litany from certain Senators, because since that time the extreme environmental community has put the pressure on those Senators.

We have had a close Presidential election. There is a great movement on the other side to try and have Members with Presidential aspirations line themselves up to try and pick up the base support that Al Gore had. That is the raw politics in this. That is where the pressure is coming from.

We have Senators from Massachusetts who are opposed to opening ANWR. I think we probably have enough oil in ANWR to keep Massachusetts going for about 85 years. That is what it would mean to Massachusetts.

In any event, it is a significant amount of oil. But the point I make is that had the President not vetoed that bill in 1995, we would have ANWR opened by now. We would have the oil flowing. What may not have happened was the drowning of two U.S. Navy sailors the other day in the line of duty boarding a rust bucket tanker out of a port in Iraq to inspect and see whether Saddam Hussein is cheating.

They found he was cheating, alright. The vessel was overloaded. It had illegal oil going out, smuggled out of Iraq, smuggled out over the eyes of the U.N. inspectors. We are importing over one million barrels a day from Iraq.

Now, I will revert to July 25, 2001. At that time I proposed an amendment. The amendment was on the Iran-Libya sanctions bill. I was questioning why Iraq was not included in these sanctions. In response, the Democratic leader, Mr. DASCHLE, indicated that he was sensitive to my point of view.

As a consequence, we entered into a colloquy. That colloquy specifically addressed an opportunity for an up-or-down vote on the issue of eliminating oil imports from Iraq, as we have done in Iran and Libya in the sanctions act which was passed by this body.

I will read from the RECORD the statement of the leadership: I ask

unanimous consent after the vote on the Libya sanctions that there be a time limitation of 60 minutes—of 60 minutes, think about that, 60 minutes—for debate on the bill equally divided and controlled between the chairman and ranking member or their designees and that the only first-degree amendments in order to the bill be a Murkowski amendment regarding Iraq's oil; and that there be 90 minutes for debate with the time divided as follows: 60 minutes under the control of Senator MURKOWSKI, 30 minutes under the control of the chairman and ranking member or their designees; that upon the use or yielding back of the time on the amendment the amendment be withdrawn; that upon the use or yielding back of all time, the bill be read a third time and the Senate proceed to a vote on passage of the bill with no intervening action.

This is directed to the majority leader. I am going to take him up on his offer. Let's do it. Let's do it now. There is only 90 minutes in the agreement. Don't we have 90 minutes around here? We have 90 minutes right now. Should we debate Iraq on this floor? It is pretty obvious we have reason to. We just lost two American lives defending, if you will, the U.N.'s proposal to ensure that Saddam Hussein isn't cheating.

What are we going to do after Afghanistan? We don't know, but we certainly know there is some significant momentum to look at Saddam Hussein's role in terrorism. How in good conscience can a Member of this body go to sleep at night, recognizing we are importing over one million barrels of oil from Iraq, and recognizing we have just lost two American lives that, had President Clinton allowed this bill to pass in 1995, would not have been lost?

On September 11, we had the largest single importation of Iraq, over one million barrels—1.1 million barrels. Whose passports were involved in the tragic action that took place in September? Saudi Arabia. We have a problem over there. Every Member of this body should recognize the significance of it. The voice is loud, the voice is clear: Reduce our dependence.

How do you do it? You don't do it overnight. But you start. I am somewhat amused at the remarks made by my colleague from Massachusetts after a statement I made in the Chamber yesterday. His remarks were very brief, but I will make reference to them. He says:

What is really interesting about the debate on the Arctic wildlife refuge is that not a drop of oil is going to come in the near term and answer any of the immediate needs of national security with respect to dependence.

That is a pretty weak statement. When do you start? Do you start when you have a crisis, a calamity, when you have American soldiers and sailors whose lives are at stake, or when some have already lost their lives?

The Senator from Massachusetts—as I indicated, ANWR probably has oil

that would supply Massachusetts for 85 years. Moreover, he says:

We love the 90 percent of the oil shelf that is available for drilling.

Of course, the junior Senator from Massachusetts has never been up there in ANWR. He doesn't know one side of ANWR from the other. Here is a chart. Do you know what size ANWR is? It is about 30 times the size of Rhode Island. There it is—19 million acres. It is a big hunk of U.S. real estate. Eight and a half million acres are in wilderness in perpetuity; 9 million are in refuge, leaving the Coastal Plain 1½ million acres.

H.R. 4, the House bill, provides for a footprint of 2,000 acres. At a press conference before Thanksgiving we had many Members who had agreed to supporting the opening of ANWR, including an energy bill. The other side had a press conference with Robert Redford. He was proclaiming that somehow opening ANWR would do irreparable damage. But the House authorizes only 2,000 acres. Do you know how big Robert Redford's ranch is in Utah? It is more than 5,000 acres. He has every right to have that ranch and do what he wants on it. But to come here and suggest that the people who live in Kaktovic, can't address the ownership on their own land is absolutely incomprehensible to me.

Here is a photo of the village of Kaktovic. Real people live there. They have title to 95,000 acres of land there. They can't drill on that land for gas to heat their homes because there is no authorization opening ANWR. Here is the area in question. This is the 1002 area. This is the native land—95,000 acres.

I am asking the majority leader to reconsider this. The Senator from Massachusetts suggests there is no difference in the outcome, whether the debate takes place in December, or in January, or whenever. We don't have any commitment from the majority leader. He talks about next year. Well, I am asking him for a vote, as he promised, on terminating our importation of oil from Iraq.

I want to read the specifics that were in this agreement, which binds the majority leader of the Senate. I indicated:

Reserving the right to object, Mr. President . . . It had been my request of both leaderships that the condition on withdrawing the amendment would be the assurance that I would have an opportunity for an up-or-down vote at a future time on the issue of oil imports from Iraq. I request consideration, if indeed the leadership will consider that, associated with the appropriate opportunity—maybe on one of our trade agreements that will come before this body—that I would be allowed at least not more than an hour and a half or 2 hours to debate that and have the assurance of an up-or-down vote. I ask the leadership for that consideration.

The leader replied:

If I may respond, Senator MURKOWSKI has reiterated the understanding we have on both sides of the aisle with regard to his offering an amendment at a later date on Iraq oil on another bill. I will certainly provide

him with a vote in relation to that amendment when that time comes.

I said:

Reserving the right to object, just for clarification from the leader, the Senator from Alaska requested specifically the assurance of an up-or-down vote, and I believe the majority leader indicated a reference "in relation to." I don't want to mischaracterize the intent. I wanted to have an understanding I would be afforded an opportunity for an up-or-down vote.

Senator DASCHLE responded:

I will have no objection to an up-or-down vote.

Mr. President, let's start the 90 minutes, let's vote on it. This isn't going to take long, until Christmas Eve. We will be resolving something here that badly needs resolving—the inconsistency of increased dependence on an enemy. How that fails to cause anybody an ulcer is beyond me. Over one million barrels a day coming into this country, and we are paying Saddam Hussein for it. Saddam Hussein takes the money, pays it to the Republican Guards to keep them alive, and develops a missile capability because we haven't had any inspectors over there for several years, a missile capability, a biological capability. Who does he aim it at? Our ally, Israel. That is the reality, and we take his oil. We put it in our airplanes and take out his targets. We put the lives of American men and women at risk.

Those on the other side of the aisle who believe otherwise about this issue, if we have a catastrophe over there, will rue the day. They will probably put a spin on it. But this is inconsistent, it is un-American and it is contrary to the national interests to not act on an energy bill.

Make no mistake about it, by my presence on the floor today, I am putting the majority leader on notice that I want him to live up to the commitment he made to me that we would have an up-or-down vote on the issue of Iraqi oil importation into this country, and I will follow that up with a formal letter to the majority leader as well.

Can TOM DASCHLE be the only one who is right and everybody else is wrong?

Mr. President, I see no other Senator seeking recognition, so I ask the clerk how much time I have remaining?

The PRESIDING OFFICER. The Senator has no time remaining. Would the Senator like additional time?

Mr. MURKOWSKI. I request an additional 20 minutes, Mr. President. I will be able to yield some of that time back.

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

Mr. MURKOWSKI. I thank the Chair.

Mr. President, I do not know how much politics is mixed up from the standpoint of this being a win or a loss for the President. It is a win or a loss for the American people. The President has indicated on five occasions that he wants an energy bill—it has been publicized at great length—including that he wants to open ANWR.

We have heard from the Secretary of the Interior, Gale Norton, saying how important it is, how we can open up this area safely.

We heard from the Secretary of Energy, Spence Abraham, about how important it is from the standpoint of our energy security.

We have heard from the Secretary of Veterans Affairs, Tony Principi, about sending more Americans to fight a war over oil on foreign lands.

We have heard from our Secretary of Labor, Elaine Chao.

We have heard from America's veterans. We have heard from the American Legion, Veterans of Foreign Wars, the AMVETS, the Catholic War Veterans of America, the Vietnam Veterans Institute, and the Veterans of Foreign Wars.

We have heard from organized labor: The Brotherhood of Teamsters, the Maritime Labor Union, the Seafarers Union, the Operating Engineers Union, the Plumbers and Pipefitters Union, and the Carpenters, Joiners, and Builders Union.

Why are these groups interested in this issue? Organized labor is interested in jobs. Talk about the stimulus of opening up this area—and I have an additional chart that shows what we are opening, 1.5 million acres for exploration and development, but the development is 2,000 acres—it means jobs for Americans, at least 250,000 direct jobs. The Federal Government would realize almost \$3 billion in revenue from lease sales of this area because this is Federal land. That would meet our obligations for environmental oversight, for fish and wildlife management, and it could offset some of the deficit, perhaps the cost of this war, to some extent. It is very meaningful.

We would have two major contributors to the stimulus bill: 250,000 jobs, and approximately \$3 billion in revenue.

The bottom line is it would not cost this country one red cent. The taxpayers would not have to pay for it. The oil industry would bid on the leases, and the Federal Government would generate the revenue.

We have organized labor saying it is a jobs issue. America's veterans are saying:

Keeping in mind the events of September 11 and mindful of the threats we are facing, we strongly believe that the development of America's domestic energy resources is a vital national security priority.

They sent that letter to TOM DASCHLE. These are the people we sent off to war in the past. I ask unanimous consent that the remarks of these organizations be printed in the RECORD as part of my presentation.

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

GROUPS THAT SUPPORT AN ENERGY POLICY FOR AMERICA

PRESIDENT BUSH'S ADMINISTRATION

Secretary of Interior Gale Norton: "We need the energy, we need the jobs, we need a

comprehensive energy bill from the Senate. This plan increases our energy independence and therefore our national security."

Secretary of Energy Spencer Abraham: "We need an energy-security policy and we need it soon."

Secretary of Veteran's Affairs Anthony Principi: "We are engaged in mortal combat with an enemy who wants to see us fail in securing an energy policy."

Secretary of Labor Elaine Chao: "The president's plan will create literally thousands of new jobs that will be needed to dramatically expand America's capacity for energy production."

AMERICA'S VETERANS

The American Legion: "The development of America's domestic energy resources is vital to our national security."—Letter to Senator Daschle.

Veterans of Foreign Wars: "Keeping in mind the horrific events of September 11 and mindful of the threats we are facing, we strongly believe that the development of America's domestic energy resources is a vital national security priority."—Letter to Senator Daschle.

AMVETS: "As you know, our current reliance on foreign oil leaves the United States vulnerable to the whim of individual oil-exporting countries, many existing in the unpredictable and highly dangerous Persian Gulf. . . . [We] firmly believe that we cannot wait for the next crisis before we act."—Letter to Senator Daschle.

Vietnam Veterans Institute: "War and international terrorism have again brought into sharp focus the heavy reliance of the U.S. on imported oil. During these times of crises, such reliance threatens our national security and economic well being. . . . It is important that we develop domestic sources of oil."—Letter to Senator Daschle.

Catholic War Veterans of America: Participated in press conference.

ORGANIZED LABOR

Seafarer's International Union: "At a time when the economy is faltering, working men and women all over the country would clearly benefit from the much-needed investment in energy development, storage, and transmission."—Terry Turner, Executive Director.

International Brotherhood of Teamsters: "America has gone too long without a solid energy plan. When energy costs rise, working families are the first to feel the pinch. The Senate should follow the example passed by the House and ease their burden by sending the President supply-based energy legislation to sign."—Jerry Hood, Teamsters Special Assistant for Energy Policy.

Maritime Laborers Union: Participated in press conference.

Operating Engineers Union: Participated in press conference.

Plumbers and Pipefitters Union: Participated in press conference.

Carpenters, Joiners, and Building Trades: Participated in press conference.

HISPANIC COMMUNITY

Latin American Management Association: "As we head into the winter season in a time of war, these worries multiply. The possibilities of terrorist attacks on oil fields and transportation in the Middle East are very real. This would force energy prices to skyrocket and immediately impact the most vulnerable families across the country."—Stephen Denlinger, Latin American Management Association CEO.

The Latino Coalition: "The Senate must act on comprehensive energy legislation before adjourning. Not addressing this issue immediately is both irresponsible and dangerous to America as a nation, and particularly to Hispanics as a community. America

must increase the level of domestic production, so we can reduce our dependency on foreign oil.”—Robert Despoda, President Latino Coalition.

U.S.-Mexico Chamber of Commerce: “We urge the Senate leadership, both Democrats and Republicans to pass comprehensive energy legislation before adjourning. This is not a partisan issue. Millions of needy Hispanic families need your support now. History would not treat inaction kindly, and neither would Hispanic voters next year.”—Mario Rodriguez, Hispanic Business Roundtable President.

SENIORS ORGANIZATIONS

60 Plus: “It’s time the Senate leadership quit demagoging and come to grips with the energy legislation they have bottled up. Our economy depends in no minor way to the passage of an energy plan. Much more important our security depends on it.”—Roger Zion, Chairman 60 Plus.

Seniors Coalition: Participated in press conference.

United Seniors Association: Participated in press conference.

JEWISH ORGANIZATIONS

Conference of Presidents of Major American Jewish Organizations: “The [Conference] at its general meeting on November 14th unanimously supported a resolution calling on Congress to act expeditiously to pass the energy bill that will serve to lessen our dependence on foreign sources of oil.”—Letter to Senator Daschle.

Zionist Organization of America: “At a time when our nation is at war against international terrorism, it is more important than ever that we work quickly to free ourselves of dependence on oil produced by extremist dictators. Such dependence leaves the U.S. dangerously vulnerable.”—Letter to Senator Murkowski.

AMERICAN BUSINESS

National Black Chamber of Commerce: “Our growing membership reflects the opinion of more and more Americans all across the political spectrum that we must act now to lessen our dependence on foreign energy sources by addressing the nation’s long-neglected energy needs.”—Harry Alford, President and CEO.

U.S. Chamber of Commerce: “The events of the past month lend a new urgency to our efforts to increase domestic energy supplies and modernize our nation’s energy infrastructure.”—Bruce Josten, Executive VP Government Affairs.

National Association of Manufacturers (NAM): “The House of Representatives has answered the President’s call. It has taken our obvious energy needs into account—along with the concerns of many interests groups—and produced reasonable and comprehensive legislation that will help provide stable energy prices and long-term confidence in our economy. But the Senate is dragging its feet. Some seem willing to let politics stop the will of the majority that wants to move forward with comprehensive energy legislation this year. In light of current economic conditions and on behalf of the NAM’s 14,000 members, I strongly urge Sen. Daschle to move an energy bill to the floor without further delay. It is high time to put the national interest ahead of parochial political interests.”—Michael Baroody, National Association of Manufacturers (NAM) Executive Vice President.

Alliance for Energy and Economic Growth (representing 1,100 businesses, large and small, and over 1 million employees): “All of the members of the Alliance enthusiastically welcome the President’s strong appeal for action on a national energy policy. We are also committed to work with Senate Major-

ity Leader Daschle to move forward in a spirit of bipartisanship with comprehensive, national energy legislation.”—Alliance spokesman Bruce Josten.

Mr. MURKOWSKI. Mr. President, moving from veterans and organized labor, we have the Hispanic community, the Latin American Management Association, the Latino Coalition, the U.S.-Mexico Chamber of Commerce. They have testified. They have spoken at press conferences. What does it mean to them? It means prosperity, opportunity, and jobs.

We have heard from 60-plus senior organizations: the Seniors Coalition, United Seniors Association.

We have heard from the American Business Group, the National Association of Manufacturers, the U.S. Chamber of Commerce, the Alliance for Energy and Economic Growth that represents about 1,100 businesses, large and small. This is a wide group.

We have heard from the Jewish organizations which have a direct interest in the survival of Israel. That is something we have supported time and again.

We have heard from the Conference of Presidents of Major American Jewish Organizations, Mortimer Zuckerman, Chairman, and Malcolm Hoenlein, Executive Vice Chairman. It reads as follows:

The Conference of Presidents of Major American Jewish Organizations at its general meeting on November 14th unanimously supported a resolution calling on Congress to act expeditiously—

That means before Christmas, Mr. President—

to pass the energy bill that will serve to lessen our dependence on foreign sources of oil. We believe that this important legislation has, in addition to the economic impact, significant security implications. We hope that Congress will move quickly to pass this vital measure.

We look forward to continuing to work with you and your colleagues on this and other matters of importance to your country.

Signed Mortimer Zuckerman, Chairman, and Malcolm Hoenlein, Executive Vice Chairman.

I have a letter from the Zionist Organization of America dated November 26:

Dear Senator MURKOWSKI: On behalf of the Zionist Organization of America—

Not just Washington—

the oldest, and one of the largest, Zionist movements in the United States—we are writing to express our strong support for your efforts to make our country less dependent on foreign oil sources, by developing the oil resources in Alaska’s Arctic National Wildlife Refuge.

At a time when our nation is at war—

Is at war, Mr. President—

against international terrorism, it is more important than ever that we work quickly to free ourselves of dependence on oil produced by extremist dictators. Such dependence leaves the United States dangerously vulnerable.

Your initiative to develop the vast oil resources of Alaska will make it possible to rid America of this dependence and thereby strengthen our nation’s security.

Signed by Morton Klein, National President, Dr. Alan Mazurek, Chairman of the Board, Dr. Michael Goldblatt, Chairman, National Executive Committee, and Sarah Stern, National Policy Coordinator.

That is an overview of America’s organizations with regard to the issue of energy security from seniors organizations, the Jewish groups, the Latino Council, the U.S.-Mexico Chamber of Commerce, American businesses, the National Black Chamber of Commerce, the U.S. Chamber of Commerce, and National Association of Manufacturers.

Michael Baroody, Executive Vice President, Alliance for Energy and Economic Growth, writes:

I strongly urge Senator DASCHLE to move an energy bill to the floor without further delay.

And we have the attitude of our leader who says: No. He is going to disregard these organizations. He is going to put off indefinitely, until next year sometime—he does not give us a time; he does not say when we get back from the January recess we are going to take up energy and we are going to finish it in a week or two or finish it before the February recess with up-or-down votes and amendments.

That is all we want, Mr. President. We want an opportunity to vote on this. They are ducking this. They are under water. They do not want to vote on it. They have made their commitments to America’s extreme environmental community. The tide is up, and they are hiding in the sand. But some say when the tide is out and we have to vote, they are going to think twice.

The reason they are going to think twice is they are going to have to make a decision on what is best for the extreme environmental community, from their point of view, or what is best for America, while ensuring that we do not lose any more lives as we did the other day when the tanker sank and we lost the two American Navy men who were doing their job to stop the smuggling of oil from Iraq.

I am asking the leader today for 90 minutes to take up the issue he made available back in July when we had what was, in my mind, the equivalent to an unanimous consent agreement and he indicated he would give us the 90 minutes for an up-or-down vote.

I find it rather distressing that the leader continues to duck this issue. The leader was asked what he meant when he said no on an up-or-down vote on ANWR. He said when he anticipated extended debate, and he anticipated there would be efforts made to invoke cloture on the debate. We have never before had cloture during a crisis on an energy bill. They are threatening cloture. They do not want a straight 50/50 vote. They are afraid they will lose. So they want to obtain cloture. So he said there would be votes on the ANWR

amendment, but I do not think it will be on an up-or-down vote. So he is saying we cannot have an up-or-down vote on ANWR.

Why can we not have an up-or-down vote? That is the name of the game, is not it? Cloture obviously has a place in the Senate, but it does not have a place on an energy bill. It has never been invoked when our national security interests have been at stake, and this is about national security. This is about energy security.

Furthermore, the majority leader says, I do not think there will be an up-or-down vote because I do not think we will ever get to that. He says that he thinks it will be a good cloture vote, but not a definite vote.

I am not buying that explanation. So what are we going to do about it? Well, one Member can tie this body up. One Member can be the Grinch that stole Christmas. If it is Christmas Eve, if it is New Year's Eve, we are going to address the energy security issue. I want to address it in a responsible manner. I simply want the opportunity to offer the House bill, H.R. 4. On stimulus, on railroad retirement, on the agriculture bill, I am going to be objecting to moving of anything. I do not know if the leadership or the rest of the Senate want to go through six or so cloture votes on each one of these things, but I guess the only way to get attention is to start ringing the bell when attention is needed.

I am not going to read into the RECORD again the statements of the President, but on November 9, October 31, October 26, October 17, October 4, and on numerous other occasions, he said he wants an energy bill. It is in the national security interest of our country.

I am sure some people in this body perhaps saw the list. These are the organizations—there are over 1,000 of them—that believe we have to take up an energy bill before we leave. When I listen to the debate on the other side, and the points that were brought up by my good friend, the junior Senator from Massachusetts, I have to reflect on what he means.

He says on the one hand he wants a good debate, and then he implies we are going to have a filibuster. I guess he too is afraid of a 50/50 vote. He also says the supply of oil is somewhat insignificant, and therefore it cannot go on for an extended period of time. I have already addressed that in one sense, because the oil will start to flow as soon as we authorize it.

Make no mistake about it, the extreme environmental groups have a position on this. They know they are going to lose. They just do not know when. They are playing this as a cash cow, and they are milking it for all it is worth. They will continue to do so until they lose, and then they are going to move to another issue, perhaps in somebody else's State, perhaps in a more populous State. We have one House Member. Think about it. That is the pattern.

It is interesting for me to reflect on some of the commentators such as Charles Krauthammer who wrote a column very recently in the Washington Post. It was called "War on the Polar Bear." He says he likes polar bears as much as the next guy. He likes pandas, and he likes caribou and all the furry, cuddly things of God's good Earth, but he also likes people, particularly Americans and particularly American soldiers, and he does not like seeing them shot and killed in wars that would be both more avoidable and more winnable were we not so disastrously dependent on energy supplies from a nasty part of the world, with nasty people who use oil for nasty purposes.

I ask unanimous consent that this article be printed in the RECORD.

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

[From the Washington Post]

WAR AND THE POLAR BEAR

(By Charles Krauthammer)

So you thought that Sept. 11 changed everything, that the era of game-show frivolity, "Survivor" silliness and general self-indulgence had given way to an era of seriousness. Well, not quite.

Here we are, for the second time in a decade, risking American lives in a war against an enemy fueled and fed by oil money. Here we are again decrying our dependence on oil from a particularly unstable, unfriendly part of the world. Here we are in desperate need of both energy conservation and new energy production.

And here we see (in the Oct. 30 Post) that we may be prevented from drilling in the single most promising area on this continent because of a . . . polar bear treaty: "New Species Enters Debate on Arctic Oil; Polar Bear Agreement Cited by Drilling Foes."

Now, I like polar bears as much as the next guy. I like pandas and caribou and all the furry cuddles on God's good earth. But I also like people, particularly Americans, and particularly American soldiers. And I do not like seeing them shot and killed in wars that would be both more avoidable and more winnable were we not so disastrously dependent on energy supplies from a nasty part of the world with nasty people who use our oil money for nasty purposes.

At a time when Washington should be working on a crash program of conservation and new drilling, a six-year-old report from the Fish and Wildlife Service is leaked in the hope that a 28-year-old polar bear treaty might derail drilling in the Arctic National Wildlife Refuge.

The outrage! "This is a classic Bush administration strategy of running roughshod over international agreements," charged Kieran Suckling, executive director of the center for Biological Diversity and leaker of the report.

The Interior Department stoutly maintains that the polar bear agreement does not prohibit oil exploration. Alaska's Sen. Frank Murkowski points out that the 25,000 or so Arctic polar bears that he represents seem to be quite happily lolling around the existing oil drilling in Alaska.

I too have little doubt that the polar bears will do fine, just as the caribou have thrived around the Prudhoe Bay field. But the whole debate is surreal. We are at war, are we not? Americans are fighting. In Washington and New York, nearly 5,000 have already been killed. Fifteen of the 19 murderers were Saudi. Their leader is Saudi. Most of their

money is Saudi. And that same Saudi money funds the madrassas, the fundamentalist religious schools where poor Pakistani, Afghan and Arab children are inducted into the world of radical Islam and war against the American infidel.

And yet we bow and scrape to the Saudis. We beg and borrow. We tolerate their deflecting onto America the popular hatred that would otherwise be directed at their own corruption. Why? Because we need their oil.

The war on terrorism will be fought in many places. Alaska is one. We have known since 1973 that we need to reduce our dependence on Persian Gulf oil. But we have never been serious. It was assumed that Sept 11 would make us serious. Instead, we are engaged in exegeses on polar bear mating habits and a ridiculous debate that pits conservation vs. drilling. Why one and not the other is beyond me.

Of course we need conservation. I have been an advocate of a dollar-a-gallon gasoline tax for 20 years. Whatever it takes: auto efficiency standards, higher taxes, incentives for new fuels.

But why stop there? We need more oil still. Every additional barrel that substitutes domestic oil for foreign oil is a victory. Drilling in the Arctic will involve less than 1 percent of the Arctic Refuge. It might produce an additional million barrels a day. The sea of natural gas beneath could be the largest in North America.

And yet the Luddites stand firm, as if Sept. 11 never happened. Sen. John Kerry vows a filibuster if anyone dares legislate Arctic drilling.

Imagine where we would be if those railing against Arctic drilling today had prevailed 30 years ago and stopped Prudhoe Bay. The million barrels a day we now get from Alaska would be coming from Saudi Arabia. We would be even more in their debt and under their thumb.

A concerned citizenry is yearning to do something significant for the war effort on the home front. But this is not World War II. We do not need rubber. We do not need war bonds. We do not need Rosie riveting.

We desperately do need energy independence. And that is a home-front battle: conservation—and a willingness to disturb a few acres of snow in a vast wilderness as remote as Afghanistan.

There's a war on, senators. Let's get serious.

Mr. MURKOWSKI. Referring to my good friend again, the junior Senator from Massachusetts, who says the supply is insignificant, if the supply is insignificant, what has Prudhoe Bay done to this country? This is Prudhoe Bay. It was developed 27 years ago. It has supplied the Nation with 20 percent of the total crude oil. If we had not developed Prudhoe Bay, we would not have the oil. We would be importing more from Iraq, more from Saudi Arabia. Maybe we would be importing from Libya and Iran, very possibly. So do not say it does not contribute something, because it does.

The area of Kaktovik is said to contain 5.7 to 16 billion barrels. Prudhoe Bay was only supposed to contain 10 billion barrels. It is now at 13 billion barrels.

I am continually frustrated by people who speak on this who have never been to ANWR's Coastal Plain. They refuse to go. They do not want to take the time to talk to the people in Kaktovik

about their hopes and aspirations or see the kids in Kaktovik who want a better life going to school. They will not do that.

So I have to come to this Chamber and explain why I have expertise to talk about something because of my background, because it is in my State, because of the fact I have been there. And yet, my critics do not have to justify their generalities.

This is a picture of some kids of Kaktovik going to school, three happy Eskimo kids in a village of fewer than 400. They cannot drill for gas on their own land. Now think of that. That is an injustice, and yet we have those who say it is insignificant, those who say we are ready for the debate.

I do not see them ready for the debate. I will debate them in a moment because there is no question we can develop ANWR safely. We have the technology. In Prudhoe Bay, we drill in the wintertime, the long winter, which runs roughly October through May. We have our drilling rigs. We have our various ice roads. We do it right. We do it safely. We can do it quickly.

This next photo is a classic example of the Arctic. It looks exactly the same as the 1002 area in ANWR. There are no trees in this area. This is an oil rig drilling in the Prudhoe Bay area. This is an ice road, there is no gravel. When this oil well is done—and I will show a picture in the summertime—that is what is seen in the tundra. There it is, the same rig.

We know how to take care of our environment. We can show a few other States how to take care of their environment because we directionally drill. This is the technology. These are 16 miles apart. My opponents say it cannot be done safely. There is no evidence to suggest we cannot do it safely. My opponents say it is insignificant because it will not start for a few years. It is significant.

It is as if we are in a drought to some extent in Washington, D.C. I suppose we could just pray for rain like praying we will not use any more oil and then we will not have to increase our dependence on oil. But, what we do about it is we water our lawn or we look to the immediate relief we can get. We had that opportunity in 1995 when the bill passed this body.

It was vetoed by President Clinton. Had that veto not occurred, we might not have had to board that ship. I know how that goes around here. That is not a fair accusation but is a reference on reality.

TOM DASCHLE, tell me why all the organizations are wrong and you refuse to bring up an energy bill? TOM DASCHLE, you owe it to the Congress, you owe it to the House, you owe it to the Nation and you owe it to me. What we will do is ask you to live by your commitment for 90 minutes of debate on the Iraqi sanctions.

The other issue promulgated is the attitude of the Gwich'in people. Some of the arguments used are in regard to

ensuring the Gwich'in people of Alaska that somehow this does not have any detrimental affect. The Gwich'in area is, of course, both in Canada and Alaska. This map has a better view. This is Gwich'in territory, Old Crow. This area on this side is also Gwich'in territory.

My point is, in Canada, the Gwich'ins have entered into leasing. A new Native-controlled oil and gas company has been found in the McEnzie delta. The Gwich'in Oil Field Service owns 51 percent; owned by Gwich'in drilling company. The Gwich'ins estimate they have an area of 22,000 square miles. We are talking about leasing, on the United States side, 1.5 million acres, and the footprint will be 2,000 acres. The Gwich'in Development Corporation, wholly owned by the tribal counsel, has a mission to build an investment portfolio offering business opportunities, employment and training to Gwich'in residents. The chief executive officer of the operation said that the deal with the company gives the community a chance to participate in oil and gas development. He says in his company's experience, the development of local workforce and infrastructure is the key to continued development of the gas resources of the Canadian Arctic.

There is a mixed message. The mixed message is very clear. The environmentalists have been funding the Alaskan Gwich'in steering committee for their own purposes. Their purpose is to ensure that ANWR does not come about. As a consequence, I think that argument can be put aside now; most of the population are Canadian Gwich'ins, as far as the number of tribal members; three-quarters happen to reside in Canada. That is their business. But let's not use these people as a scapegoat to a position that somehow it is not in their interests. It is in the interests of the environmental community that funds them.

Here is the issue in a nutshell. The argument is superficial. It is an argument associated with having an issue which the environmental community has to add to their membership and to raise money. They are playing it for what it is worth. It is a significant contribution. If it is halfway between the estimate of 6 and 16 billion barrels, as big as Prudhoe Bay.

Is the issue equity to the Native people? Clearly, they don't want to talk about the fact that the 95,000 acres owned by the Gwich'ins cannot be drilled on for natural gas to heat their homes. They don't want to talk about the job opportunities.

The junior Senator said we have all kinds of job potential with regard to energy. Well, none were named. I am all for wind power. I am all for solar power. I am for greater mileage with gas. But we will not get there because America still relies on energy, whether in the airplanes, on the trains, or the ships. And so does the rest of the world. We have coal. But we don't move an airplane on coal. We don't move it on

hot air from the Senate. Somebody has to produce oil somewhere. The question is reducing our dependence. How can we sleep, again, relying on Saddam Hussein and knowing what Saddam Hussein is up to?

We will proceed. I have hopes that we can have cooperation. I will have hopes that I can go to the chairman of the Energy and Natural Resources Committee, Senator BINGAMAN, and try to address this in an approach we can handle in the Senate, but don't buy the excuse that we cannot take up an energy bill and pass it. We can take up H.R. 4; the House passed its bill. We can pass this out of committee and still have a very significant debate on the ANWR issue. But everyone is hiding on this issue. They are deathly afraid of it.

All I can do is try and sort out fact from fiction. That is what I have attempted. I recall the statement of the chairman of the Energy Committee, my friend, Senator BINGAMAN, hoping there will be broad bipartisan support on the committee for dealing with urgent infrastructure issues and take a more comprehensive support to the remaining issues. I am ready to do that.

When the leader took away the authority of the chairman of the Energy Committee and said he cannot bring anything up in committee if it involves an energy bill or involves ANWR—I hope other committee chairmen are concerned about that. If Republicans had control of this Senate and Senator LOTT asked me to do it, I would tell him to go take a hike; I am the chairman. I work with the leadership. But after all, you take my authority totally and leave it in a nebulous state around the cloud of majority leader. That is not right.

We have heard the organizations that support this. I guess the leader can assume, from his point, they are wrong and the leader is right. It depends on what the leadership wants and what they want to move. Somehow they are prepared to fight this out. We are going to address energy in one form or another before we leave. If I have to object to every unanimous consent agreement, if I have to object to moving to the next bill, we can go through the cloture, but enough is enough. We want either a commitment to take it up, put it on as an amendment to one of the bills, or a firm determination on when to take it up and when to conclude it.

I have been in the Senate for 21 years. I am not buying the argument we will take it up at the 1st of the year. We start taking it up and it is set aside and we will never see it again. That will not work this time. We have a few people that feel very strongly about this, including the other side of the aisle. I hope the White House is observing this process. I am putting them on notice, too. Nothing moves.

I hope you will join with me. This picture shows what is going on on the Canadian side of the Arctic. Those are all offshore and onshore wells. We see

the maple leaf, a Canadian symbol. This is the Alaska area, and this is the 1002 area. This is, again, 35 times the size of Rhode Island.

Here is the pipeline. Remember the pipeline? We argued about it. It is 800 miles and is running at half capacity. It can take the existing oil from ANWR, run it laterally over here, and we are in business. No big thing. It is no big thing at all.

Do you remember what they said about this? They said you are putting a fence across Alaska, 800 miles. The animals are not going to be able to traverse it. This is in permafrost. The ground is frozen, so when you put a hot pipeline in, it is going to melt and crack the pipeline.

Here are the animals, three bears. They are walking the pipeline. Why? It is easier on the feet, you don't have to walk in the snow, and it is nice and warm. I don't know whether it is a papa bear and mother bear and baby bear, but that is a true story of the three bears.

We are going to keep these coming until somebody comes or I will get tired of talking, either one.

The Arctic, as a whole, is an extraordinary area. While some areas of the Arctic may have some pristineness, it also has a tough, long winter. This is the Arctic and this is what it is like this time of year. This is what it will be like in April. This is what it will be like until May.

In the summertime there are a few mosquitos there and these are the Porcupine caribou. From here to here is more than 60 miles. Senator BOXER and I got into some discussion about just where this picture was taken from. This was taken from the roof of one of the windows in Kaktovik. We have the authentication of the photographer behind it. This is taken from the sea. These are 50 to 60 miles away. These are the caribou moving through.

What happens with caribou is kind of interesting. They are protected in Prudhoe Bay. You cannot bring a gun into Prudhoe Bay. What we have seen in the Prudhoe Bay area—and this is fact, not fiction—is the tremendous growth of the caribou herd. It shows Prudhoe Bay and the oilfields and the caribou. I assure you, they are not stuffed.

This is kind of interesting. It shows where we are likely to find oil and gas in this country that we put off limits. For the entire west coast—Washington, Oregon, California—there is a moratorium on any oil or gas exploration. I respect these States. They don't want it so they should not have it. This is Wyoming, and Colorado, Utah, New Mexico. But, we have also taken the east coast and put that off limits. Then down here, in the gulf—remember we just had a debate on reducing that leasing area.

What happened here happened under the previous administration under the forest application, closing this to any interests for oil and gas as well as tim-

ber cutting. So we are excluding areas where we are most likely to find oil. We, however, happen to support the drilling for oil in Alaska and we want it.

This next photo isn't Prudhoe Bay but this happens to be the caribou that are wandering through. The reason they are wandering through is because nobody bothers them. You and I can't just take a gun and shoot them.

The same is true of the polar bear. If you want to shoot a polar bear for a trophy, go to Canada or go to Russia. You can't do it in Alaska, because they are marine mammals and they are protected—only the Native people can take them. These are the things that I live with.

This is a photo of Kaktovik. This is one of the elders with, probably, his grandson. This is their community center. These are real people with real dreams and aspirations.

I know the Presiding Officer was up there and viewed that. He kind of looked around and agreed there was some snow on the ground.

This is Kaktovik. They just removed from here the Army's radar site. Native Eskimos have lived there for generations. This is a tough, tough, bleak country but it is their country and they love it and they simply want an opportunity, like everybody here has, of a better lifestyle, a job, better health conditions, and so forth.

There has been much made about refugees. Some people have been saying: "Good heavens, you are going to drill in a refuge." Here is a map where there has been oil production in national refuges—wildlife management areas. Texas has nine; New Mexico has one; Montana has four. Oil production has also been in refuges in the following states: Texas, Oklahoma, North Dakota, New Mexico, Montana, Mississippi, Alabama, Arkansas, Alaska—we only have one in Alaska—California has four, Kansas and Louisiana. They are doing all kinds of drilling in refuges, and they always have. We have better technology now and we know how to do it safely.

We listen to the arguments from the other side. Many of them have never been to ANWR. They don't have to give an explanation for their background or expertise, but we do. Here is a chart on reliance. In 1973, we were 36-percent dependent on foreign oil, and some of us are old enough to remember when there were gas lines around the block. We were outraged. We said we would create a Strategic Oil Reserve so this will never happen and never be dependent on imported oil. In 2001, we are 56 percent dependent; in 2010, we will be 66 percent. Shouldn't we do something about that to try to take some steps? We want to conserve more. Granted, we are going to conserve more. But we are still going to use oil. And it is just not us; it is the rest of the world that is going to use oil. What about China and the developing nations?

Here is what is happening to crude oil production in the United States.

From 1990 to 2000, it is down. It is down from 7.6 million barrels a day to 6 million barrels a day. We can turn that around, turn it around for American jobs, turn it around for American veterans.

Why are we deliberating this late in the session? We have tried to get this bill up. If you look around at the Chamber you wonder what the rest of us are doing today, other than me speaking. Here is where we get our oil: Venezuela, Nigeria, Libya, Algeria, Saudi Arabia.

Let me tell you something about Saudi Arabia. Am I out of time?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MURKOWSKI. I ask unanimous consent for another 7 minutes.

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

Mr. MURKOWSKI. We are seeing some very dangerous signs coming from Saudi Arabia. There is a lot of corruption over there, signs relative to the stability of the Royal Family. And there is concern over Bin Laden. There is concern that he could get into their oilfields and disrupt them through terrorist activities, or even sink a couple of ships in the Straits of Hormuz, or even try to overthrow the Royal Family.

Remember what happened in Iran? Iran and the Shah were our best of friends, but the Shah did not believe that charity began at home. In other words, he was not taking care of his people. That has happened over the decades in Saudi Arabia. If that happened, we would pass this bill tomorrow because we react to the squeaky wheel and that is the crisis. There is absolutely no question about it.

Qatar, the United Arab Emirates, Kuwait—here is our friend Iraq, Saddam Hussein, Bahrain, and a little from Indonesia.

We are dependent. I am not standing here and saying if you pass ANWR you will not be dependent, but we will be less dependent and we will send a message that we are doing something positive to relieve our dependence.

There is an article here in the New Yorker called "Kings Ransom" by Seymour Hersh, and he talks about the true threat associated with Saudi Arabia and the plight of the people and the instability of the Royal Family. When we see these things, it behooves us to initiate some action.

Here is a chart on the crisis as it exists. Foreign oil dependence has been increased to 56 percent. What happens to our leverage with these people when that happens?

We see natural gas prices soar. We have not had a new nuclear plant licensed in 10 years. We have not had a new refinery in this country built in 25 years. No new coal plants—no new major plants in 10 years. The transmission capacity is overloaded. We saw what happened in California earlier this year. We have to do something

about it. We have to pass an energy bill. The House passed their energy bill.

What about military uses? They are using barrels and barrels each day in peacetime.

You have been very gracious with me, Mr. President. I see another Senator wishing recognition.

But I am going to summarize again my intent in asking the majority leader to give us an up-down vote on terminating importation of oil from Iraq as he agreed to do on July 25 where he agreed by saying, "I will have no objection to an up-down vote." I am sure he can find a way to dodge that, too. But we are only asking for 90 minutes. I have talked for almost 90 minutes today.

This agreement says there shall be 90 minutes, and it will be divided between the two sides. OK. He is going to have an opportunity to say: No. We don't have 90 minutes; or, This isn't the right time.

We just lost two American Navy seamen who boarded an Iraqi tanker which sank.

We will have to see whether the influence of the extreme environmental community still exists to the point that the leadership will apparently do anything they ask.

The leader is my friend. We have had conversations about this. He said: I realize how strongly you feel about it.

It is not just me. It is what is right for America when we have the leading Jewish organizations totally in support of this, and the veterans groups, and labor. I think he is taking on a big issue here. Evidently, the environmental community, in his view, is a lot stronger than the veterans groups, the Hispanic groups, the Mexican groups, the Jewish groups, and the other groups, on and on—senior citizens, and the Bush administration.

I hope it is not for the reason of handing the President a victory. This isn't a victory for the President. This is what is right for America. Let's put politics aside.

Finally, if we can't work something out, all of us had better find a place up there to hang our Christmas stockings because we will be here. I will be here.

I am ready to sit down and discuss, negotiate, or whatever, whether it be the railroad retirement bill we are trying to get up, to which we objected—I will object to the next one that comes up, whether it be the bill pending stimulus bill, we are going to address it on each one of these. It will take time. I have big files. I can talk for a long time. I don't want to do that to each Member. I want to resolve this. I want to find a way to work it out, and the sooner the better.

I will be sending a letter to the leader today asking him to provide 90 minutes for us to take up the issue of terminating our imports from Iraq because Iraq is an enemy and we are at war.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, before the Senator from Alaska yields the floor, I would like to ask a question.

Because of news reports today and yesterday, I believe, that Saddam Hussein made an absolutely firm statement that under no circumstances would he comply with the U.N. resolution which required that he submit his country to U.N. inspectors looking for evidence of weapons of mass destruction, and because of the strong reaction here in the United States and, I think, in the West generally about the possibility of beginning much more aggressive action against Saddam Hussein, I have two questions for the Senator from Alaska.

First, is it likely if we were to take such action that our ability to continue to buy oil from Saddam Hussein would evaporate?

Secondly, my recollection is that if we were to develop the oil resources available in the ANWR area that it could be a complete substitute for the Iraqi oil. I have forgotten over what period of time that would be. Can the Senator from Alaska respond?

Mr. MURKOWSKI. Mr. President, I am very happy to respond to my friend from Arizona. Perhaps I can highlight a little bit about the specific dependence.

Here is where we get our oil currently: Nigeria, Libya, Saudi Arabia, and here is Iraq—862,000 barrels. It is over a million barrels now. So we have increased that.

If we were to terminate our dependence, we would have to find it someplace else. We would like to think that we could initiate more conservation. You can buy a small, fuel-efficient car. Some people do. Most people prefer not to for their comfort and for economic reasons. But, nevertheless, the choice is theirs.

To suggest that somehow we would terminate purchasing oil from Iraq, the results are somewhat predictable. The price of crude oil to the American public would go up because there would be a shortage of supply.

I assume Saudi Arabia, which has excess capacities, would try to use their leverage to pick up some of that oil. But it would certainly cost more.

The Senator from Arizona makes a very significant point—that we have evidence that Saddam is up to no good.

Remember that just last week there was a tanker leaving an Iraqi port, and it was intercepted by the U.S. Navy. They went aboard that ship. In the process, the ship sank. We lost two American sailors. We had to do that. He was smuggling oil. That is how he generates the cash-flow above and beyond that which is overseen by the U.N. inspectors.

We had an incident about a month ago where there was a little payoff. The inspectors went aboard. They loaded a tanker half full. The inspectors signed off and left. After they left, they

would fill up the tanker, and away they would go.

The worst thing about that is: What does he do with his money? We can't get U.N. inspectors in there, as the Senator from Arizona said. They haven't been in there for well over a year. I think it is probably 2 years now that we have had no inspectors. He is not passing it out for the betterment of his people. We know what he is doing. He is developing a missile and biological capability, and he is aiming it at Israel. That is why you have all of the organizations now aboard the Israeli lobby, so to speak.

Mr. KYL. Mr. President, my second question is: If we needed to find an alternative source, and if we could find a source that is right here in the good, old U.S.A., if the exploration in the ANWR area turned out as people think it would, what is the relationship between that part of the oil that might be produced and the amount of oil that we currently import from the country of Iraq?

Mr. MURKOWSKI. It would eliminate Iraq's contribution. We would not have to depend on Iraq for 70 years. That is the harsh reality. That is what ANWR is estimated to contain. The range goes from 5.6 billion barrels to 16 billion barrels. As the Senator from Arizona knows, when you look for minerals or anything underground, it is the best scientific evaluation from the geologists. But even if it were in the middle—10 billion barrels—it would equal what we produce from Prudhoe Bay, which is 20 to 25 percent of all of our crude oil. It is a lot of oil. It would send a real signal to the Mideast that we are going to relieve our dependence on you folks over there. We are not going to increase it.

The Senator from Arizona is a businessman. He knows. We lose our leverage when we become more dependent.

Back to the chart, it shows the crude oil prices and percentages. Here is where we were in 1973: 36 percent dependent.

Remember the Yom Kippur war. We had gas lines around the block. We said we would never again be dependent to that point. We created SPR. Yet in the meantime we are up to 56 percent dependence, and we are going to go up to 66 percent dependence in the year 2010.

The other chart, of course, shows Iraqi oil exports. He has been doing very well considering he is our enemy.

Mr. KYL. A final comment: Of all the reasons the Senator from Alaska has articulated today, I would put first among them the fact that we could well be at war to a much greater degree than we have been with Iraq in the very near future.

We are going to have to have an alternate supply. If this bill could be passed, the exploration of that oil could occur in ANWR which would more than replace that Iraqi oil and begin to relieve our dependence on Middle East oil.

It seems to me, not just as a matter of national energy policy but as a matter of national security, we ought to get on with the debate on the energy bill.

I firmly support the effort of the Senator from Alaska to do so. I look forward to being able to debate it in the very near future.

Mr. MURKOWSKI. I thank the Senator. It is important to recognize that the Senator from Arizona has been up to ANWR. So I can honestly say, he knows what he is talking about, as opposed to some who are "experts" on the subject who refuse to go up ANWR, who will not take the time.

I advise my friend from Arizona that we sent a little over \$5 billion to Saddam Hussein last year for the purchase of his oil. And that does not produce one job in America. What does he do with that money? That is a concern we should have.

I thank my friend from Arizona for the colloquy and wish he and the Chair a very good day.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I am glad I had the opportunity to join in a brief colloquy with the Senator from Alaska because the point he has made is a very important one, and it ties directly into what I came to this Chamber to speak of today; and that is, an effort on the part of the majority leader to insert into the debate a subject extraneous to the effort the President is attempting to make to get an economic stimulus package, which includes an energy component to it, to ensure that our economy will remain strong so that we can continue to execute the war on terrorism and know that in the end we will have all of the resources we need to do that, as well as for the benefit of all Americans who deserve to have a growing and vibrant economy.

There is something very wrong with the process we are engaged in right now, which takes us away from the consideration of the stimulus legislation the President would like to have us act upon, to begin to take up extraneous matters.

We are almost at the end of our legislative session. We should have ended in October or November. It is now obviously going to be in December. The way it looks right now, it will be close to Christmas Eve when we adjourn for the year.

I am happy to stay all year here in Washington doing business, if it is productive and we have our priorities straight. But the fact is, the No. 1 priority is fighting the war. Closely related to that is keeping our economy strong, and, frankly, stimulating the economy to be stronger because right now we are either in or very close to being in a recession. That is why the President has called upon us, as our first priority, to support his efforts to stimulate the economy.

About a week ago, the majority leader brought forth to the Senate floor a

bill—a very bad bill, in my view, the bill that came out of the Finance Committee on a partisan, party-line vote—but at least a bill that enabled us to begin to debate the stimulus package. The hope was we would all make our speeches and get our partisanship out of the way and then get down to trying to compromise and come up with a good package of tax breaks and support for those who are unemployed right now in order to be sure our economy could continue to grow rapidly.

But after some initial posturing, rather than sitting down to work out a bill or debating further on the floor the merits of different proposals, and perhaps attempting to amend one or the other, we find ourselves in the situation where the leadership has decided to call a timeout on the stimulus package and go to other legislation. If this were June or July, that would be a perfectly appropriate legislative tactic. But we are almost at the end of the session.

We have two things we have to do before we adjourn and very little time to do them. First, we have to finish the appropriations conference reports. They are about half done. They take time. We have to get them down. They fund the Departments of the Government for next year, not the least of which, of course, is the Defense Department appropriations bill. There is a separate bill there that will ensure we have the money we need to conduct our military operations in this war on terrorism.

The second thing the President has asked us to do before we leave is to get this stimulus package passed so its effect can begin to be felt early in the next year, in time to do some good for our economic recovery.

What we do not need to be doing is taking a timeout and beginning an excursion off into partisan politics, politics that have to do with a bill that railroad labor unions want. There are some people in this country to whom this is a very vital issue. Some of them are in my home State of Arizona. There is plenty of time to deal with the railroad retirement issue. Whatever we do with that, it is not going to go away. We can do it next year. We can do it whenever. But we do not need to take time away from our first priority in this war we are fighting to call a timeout to deal with this political issue of the railroad retirement fund.

And we are told when we are done with that, the next thing is a farm bill. We do not need to take up a farm bill until next year either, but we are told that the leader would like to bring up a farm bill.

My point for coming to this Chamber today is to say, wait a minute, where are our priorities? Let's get back on the President's agenda. If we are going to be bipartisan in this body, then let's support what the President is attempting to do.

Certainly my colleagues on the other side of the aisle do not have to agree

with everything the President wants to do. I would never expect them to do that. But, on the other hand, we ought to at least act in enough of a bipartisan way to begin compromising, to reach a conclusion on a bill we can pass before we recess this year. That means we have to continue to focus on the stimulus package and not go off riding to the hounds on some railroad retirement legislation.

So we are going to vote tomorrow. The question is going to be: Should we leave the discussion of the stimulus package and begin consideration of a railroad retirement bill?

I say no. Let's stick with the stimulus package. Let's get it done. And then let's go home for Christmas. Let's support the President.

I hear a lot of talk of bipartisanship. What does bipartisanship really mean? I have to commend several of my colleagues on both sides of the aisle for the public statements they have made in support of the President's conduct of this war. Frankly, the majority leader has been one of the people who has been the strongest in his enunciation of ideals, with whom every American can agree who supports the President, even though the President is not from the majority leader's party. I commend him for that.

The problem is there seems to be a division between the war effort on the one hand and domestic politics on the other. So some of my colleagues are saying, but it is OK if we are not bipartisan on matters that deal with the domestic side of things. The problem with that is, the primary issue on the domestic side is the state of the economy, and the state of the economy has a direct bearing on our ability to fight the war on terrorism. It is also the most important problem facing the American people.

So bipartisanship, it seems to me, would be an effort to work together, not necessarily to agree out of the box, but to try to develop a procedure under which we would eventually come to some kind of an agreement on a stimulus package that we could support, that the President could sign, that would benefit the American people.

We can get there by continuing to focus on the stimulus package. We will never get there if we take time out to take up the railroad retirement bill. If we take the farm bill up, that is a black hole of significant magnitude, I must say. If you get into a farm bill, you get into the dairy compacts and you get into many other subjects. The year will, in fact, end before we ever get through that bill.

Meanwhile, the appropriations bills languish, most especially the Defense appropriations bill, of all things. We have to get the Defense appropriations bill passed.

So I am asking my colleagues to say no. Vote no. Do not invoke cloture to take up the railroad retirement legislation and leave the stimulus package.

Mr. President, let me make one more point. There is another issue I have

talked about while addressing subjects in this Chamber over the last several months, and that is nominations of the President. It may not be known, but this Senate, now about to enter the month of December, has still not completed its work on the consideration of the President's nominees for his Cabinet.

He has been President for almost a year now, and the Office of National Drug Control Policy nominee, John Walters, has not been acted upon by the Senate. I am very hopeful that this week the Senate can debate, if we need to, and then vote on the nomination of John Walters. Otto Reich, Gene Scalia, and other nominations to important positions in this administration are not scheduled for consideration on the Senate floor.

I would suggest this: If we have time to take a timeout from consideration of the stimulus package to do other things, then our first priority should be—again, if we are going to be bipartisan now—to act on the President's nominees. He has asked us repeatedly to do that.

Of course, this is not to mention his judicial nominations. We now have over 100 nominations pending for vacancies on our courts, 40 of which are denominated emergencies, yet we take up no judges. Again, if we have time to call time-out from our consideration of the stimulus package, we sure as heck have time to take up some of these judicial nominations.

Back in May, the President nominated a group of people to either Federal district judgeships or to circuit judgeships. Two of those people have never had a hearing in the committee. There is no indication that the leadership ever has in mind taking them up. These are superbly qualified nominees for the District of Columbia Court of Appeals: Miguel Estrada and John Roberts.

And yesterday's Wall Street Journal had an editorial which speculated that the reason was because these are two noted conservative jurists, both of whom will be well qualified to be nominated for the U.S. Supreme Court if a vacancy were to occur there, and that knowing this, the people on the other side of the aisle responsible for these things are loath to bring them up because, if confirmed, they would then be in a good position to be nominated by the President for a Supreme Court position.

One of them is Miguel Estrada. It is no secret that Miguel Estrada is Hispanic, and if confirmed and elevated to the High Court would become the first Hispanic Justice. I suspect that President Bush would very much like to appoint someone like Miguel Estrada—or John Roberts—to the U.S. Supreme Court. What does the Democratic leadership's unwillingness to even bring these two people up for a vote suggest?

It seems to me that there is a lot of politics being played here and that we ought to get back to bipartisanship in this body which characterized the mood at the very beginning of this year and was certainly the mood right after September 11.

Insofar as the President is concerned, it should still be the order of the day;

that at a minimum, before we leave here, we should consider his nominees for the Cabinet and for these judicial posts. We should try to finish work on the appropriations bills. We should conclude the work on the stimulus package. And if we do those things, I suggest that we will, in fact, be about ready to be singing "Jingle Bells." We don't have time to be taking up the Railroad Retirement Act.

I said I would talk a little about the substance of this. My colleagues from Texas and Oklahoma have outlined some of the problems with the legislation. Contrary to some of the statements made on the floor, it is really not a question of the rail employers and employees running their own pension plan.

The reason that this is being discussed on the floor of the U.S. Senate, the Federal Government, is because the United States of America has become a major stakeholder in this process on behalf of the taxpayers of the United States of America who, in fact, subsidize this pension plan.

By the way, I believe that is the case only with this private industry's pension plan. We are not talking about the home builders and their union employees or the airline companies and their employees, just the railroads. A decision was made some time ago that the U.S. Government should get involved in the funding and the guarantee of the pension for these particular people. That is why the pension plan for railroad retirees is on the floor of the Senate.

The first question one could ask is: Is that good policy? Should we be doing that? And then: Should we be debating a bill which would expand the obligation of the taxpayers of the United States to fund this pension as well as to expand the benefits under the pension? My view, you can guess, is, no, we should not be doing that.

This boils down to a question of two special interests—and there is nothing wrong with that per se; we all represent the many special interests that comprise our body politic, but these are special interests—the railroad employees and their employers, who have designed a plan that gives them benefits provided by the American taxpayers.

I don't think we need to be interrupting the business of the entire Nation for the benefit of these particular special interests at this time.

If these railroad stakeholders insist on maintaining a retirement system that is a Federal responsibility, then I submit their claims should be scrutinized by those of us who are supposedly looking out for the interests of all of the people. And for starters, we should ask if the claimed benefits justify an immediate \$15 billion reduction in the budget surplus.

Actually, of course, the budget surplus is probably a misnomer by now because we have spent the budget surplus. There is no more budget surplus. So this will have to be borrowed money, and taxpayers will have to pay the associated interest costs.

It will not do to pretend, as the House-passed bill does, that the fiscal

impact can be wished away. I marvel at the audacity of the bill's sponsors in resorting to a device of legal legerdemain to say that something that is so isn't really so and because we are the Congress, we can say that and that becomes the law.

Here is what they said. I am directly quoting from the House-passed bill. They are instructing the CBO and OMB, the Congressional Budget Office and the Office of Management and Budget that notwithstanding budget law or OMB scoring conventions, "the purchase or sale of non-Federal assets"—which is what is involved in this pension fund—"shall be treated as a means of financing" rather than an outlay. With that clever language, what they have said is: We are going to spend \$15.6 billion, but we hereby direct the CBO and OMB to say that it doesn't count. We are really not spending it as an outlay. It is a means of financing.

That is pretty good. I have to take my hat off to them. It reminds me of an old story that Abe Lincoln used to tell. He would ask this riddle of people. He would say: If you call a tail a leg, how many legs does a dog have? And his students would ponder that. He would say, of course, the answer is four; calling the tail a leg doesn't make it a leg.

Well, calling \$15.6 billion in spending a means of financing rather than an outlay—it clearly is a means of financing but that doesn't mean that it is not an outlay, which, of course, it clearly is—doesn't mean that that is what it is. It is an expenditure of \$15.6 billion. It is money that the U.S. Government is going to have to borrow. Therefore, it ought to be counted as an outlay.

There are three interesting aspects to that besides the audacity of it. The first is, of course, that the proponents here are obviously embarrassed by the fact that they are asking the American taxpayers to expend over \$15 billion immediately to aid this private industry's pension fund. I would be embarrassed, too. I would want to call it something else.

Secondly, however, for those of my colleagues who signed onto this legislation in its original form—there are reasons for having done that and reasons for not doing it, but for those who found good reason to do it, I make the point that what they are going to be asked to vote on tomorrow is not what they signed onto. They signed onto a bill that did not have this magical language in it.

When we are voting tomorrow, they are clearly going to be able to say to supporters of this bill, look, I still support your bill and we can take it up next year, but I am not going to support a fraud on the American people claiming that the \$15.6 billion is not an outlay. We are going to have to account for that one way or the other. Let's be honest about it.

I hope that my colleagues who are still committed to the legislation would acknowledge that what they are being asked to vote for tomorrow is not what they signed onto.

Second—this is an important point—anybody who believes that we should

reform Social Security has to look at this very carefully for the precedential effect. If the precedent stands, this will prevent us from reforming Social Security as the President has suggested and many of us desire to do by allowing a portion of the Social Security funding through the payroll tax to be put into an investment account managed by each individual Social Security stakeholder.

Instead, it will cause us to move toward what President Clinton proposed and was rejected, fortunately, which was a scheme in which the U.S. Government would actually invest money, would invest people's Social Security money in the equities market.

So you would have the Government buying stock in companies. That is a bad idea. But because of this language that we would now be permitted to say that the purchase or sale of nonfederal assets shall be treated as a means of financing rather than an outlay, the kind of scheme President Clinton proposed would not have any costs associated with it; whereas, the proposal to establish worker-owned personal accounts would presumably be scored in the traditional fashion, as a cost, making it much more difficult to accomplish. I doubt that was the intent of the people who wrote this language. But it is, unfortunately, the effect of it. As a result, it is not language that this body should adopt.

Mr. President, there is another problem. At a time when we have seen the great surplus in the Federal Government now disappear, and we are now aware that we are going to have to be borrowing money to fund every new program that we pass, we have to look very carefully at any spending proposals. I think most of us would say we should look carefully anyway, but clearly when you are borrowing money in order to fund programs, there is an extra obligation to be sure we are spending wisely. We are not taking on new obligations that just as well could be performed by someone else, if they are good ideas.

It seems to me that when we are talking about taxpayer responsibility for a railroad retirement system, with its massive unfunded liabilities, that, A, we are buying a pig in a poke and, B, likely putting taxpayers into a situation of having to fund something with deficit financing because this bill puts the Government deeper and deeper into this pension and deeper into debt.

If the projections offered by the system's own actuaries are borne out, the scheme will reduce the trust fund's reserve by more than 50 percent. That is because of the lowered retirement age incorporated into the bill, as well as the other increased benefits, combined with the reduction in payroll taxes. Who can doubt that when this happens, these industries who lobbied for this bill will lobby for another taxpayer bailout? No private sector pension plan could get away with engaging in such practices and calling it reform.

Shame on us if we allow, through a very truncated debate here, the saddling of taxpayers with the bill for such a scheme at the behest of these vested interests.

As I said, this is the time for us rather to address our real priorities, and to the extent that people are interested in trying to find the best way to reform the taxpayer-subsidized railroad retirement system, that should be given the deliberation it really requires in this new time. Obviously, that could not occur over the next 24, 48 hours. We should not be taking up that legislation at this time—not only because it is bad legislation, but, as I said, because it diverts our attention from more pressing problems; namely, a stimulus package and getting that done, getting the appropriations bills done, and getting nominations done. I am sure if we can accomplish all of those things with great speed, that would put us right up to Christmas Eve time.

I hope tomorrow my colleagues will join me in voting to stay on the subject here, the stimulus package. Let's work through it and get it done.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I have been listening closely to the arguments made by the other side. I have the greatest respect for the junior Senator from Arizona, but, boy, I will tell you that it is really hard to follow his argument. Based upon his statement asking why we are taking time out for extraneous material, the fact is, I was on the floor earlier today and offered a unanimous consent request. It was clear that there were some who came to the floor and said what the Senator from Arizona said: Why are we not on the stimulus bill?

As the Senator from North Dakota, who is on the floor, so adequately projected yesterday in his statement, we are not on the stimulus bill because a point of order was raised by the Republicans. We would be totally off the bill if we played their game.

We could have raised a point of order against the House bill. Then we would have nothing. We decided not to do that because we wanted the stimulus to be here because we believe it is important. But now the unanimous consent request—and I will offer it again—has been objected to. I will offer it again while the Senator from Arizona is here.

UNANIMOUS CONSENT REQUEST—H.R. 3090

I ask unanimous consent that the stimulus bill, H.R. 3090, recur as pending business immediately upon the disposition of the railroad retirement bill.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Yes, Mr. President. I object because what the Senator is asking for is the right to take up the railroad retirement bill.

Mr. REID. Mr. President, objection has been heard and I have the floor.

The PRESIDING OFFICER. The Senator from Nevada has the floor.

Mr. KYL. I respect that, Mr. President.

Mr. REID. Mr. President, I also say there has been a question raised as to why we are not on the Railroad Retirement Act. In the words of my distinguished friend from Arizona, "the audacity of the bill's sponsors." There are 74 of them, and 26 of them are Republicans. So the "audacity" of the 26 Republicans should be spread all over this record. The reason they were concerned when they sponsored this bill is that maybe they were concerned about the widows of the railroad workers and how they feel. This is important legislation, Mr. President.

Mr. KYL. Will the Senator yield for clarification?

Mr. REID. Mr. President, also, there is a riddle about the legislation not being as it was when it was signed onto. This happens all the time here. That is why we have debate on the floor. If somebody doesn't like part of the bill, don't filibuster it; let us go forward and offer amendments. We would have been off this a long time ago.

Then there was talk about why would we go to the farm bill. Well, Mr. President, 22 farm organizations believe that we should be on the farm bill as soon as we can. We are going to try to do that procedurally as soon as the minority lets us. I guess we should ask the Nation's farmers about the importance of this farm bill this year. They need this. That is why we want to go to it.

Also, there has been some talk as to why we aren't on the stimulus package. I have already talked about that. The fact of the matter is, in less than 45 minutes, the majority leader is meeting with the minority leader, the Speaker, the majority leader of the House, and the eight top leaders of this Congress, including the chairman and ranking member of the Finance Committee to talk about a stimulus package. Senator BYRD decided he is going to worry about homeland security; he is going to do that on the Defense bill. The majority leader is doing everything he can, and that will be amplified at 6:30 tonight.

Earlier today, we were criticized: Why are we not doing conference reports? Well, the reason is there aren't any. There are none to do. We would be on the stimulus package right now if a point of order hadn't been raised by the Republicans. I repeat that the reason we still have the bill is we decided we wanted to do something with the conference report.

My friend from North Dakota is present. He does a great job. But talking about nominations, how they can do that with a straight face is beyond my ability to comprehend. Mr. President, 14 judicial nominees have been approved. Senator LEAHY is going to report out 9 or 10 more tomorrow. He will have hearings next week on 4 or 5 more. This will be far more than anybody could imagine he could do with

the September 11 incident, with the antiterrorism legislation, which took weeks. We have approved 4 top-ranking officials from the State Department, 10 nominees who represent the United States before the U.N. We have approved 45 ambassadors.

We have said time and again this isn't payback time. But look what they did to President Clinton's nominations to be ambassadors. It was embarrassing. Senator DASCHLE and I went to Brazil. We didn't have an ambassador there for 2 years. It is one of the largest countries, not only physically but in the number of people, in the whole world. They would not bring the nomination up so we could have a vote. We have approved 45. We have approved 49 U.S. attorneys. We would approve more, but they haven't submitted them to us. There is also the Commissioner of Customs and the representative of the United States to the European Union. And they complain about Walters. We are going to do that next.

Now they have the theory that the reason Senator LEAHY is not moving forward is we don't want people to go to the Supreme Court. There is a basic rule we have that you don't have to be a district court judge or appellate judge to become a member of the Supreme Court; Rehnquist wasn't, the Chief Justice, for whom I have great respect. I think he is a great guy. He said the reason we are not moving forward is that a Hispanic judge is going to be promoted. I thought Judge Gonzalez, the President's chief lawyer at the White House, was going to be the next nominee to the Supreme Court. They should get their stories straight.

In short, rather than coming over here trying to confuse the American people, remember, we are not on the economic stimulus bill because they raised a point of order. We would be on the bill today. Instead, Senator DASCHLE is having to do some things in his office to work something out with the leadership—Senator BAUCUS, Senator GRASSLEY, and our counterparts in the House.

I am terribly disappointed that we have the minority coming here making excuses for their own delay. We are not delaying anything. We have not had a vote all day. It is not our fault.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I, too, was inspired by the remarks of a couple of colleagues. My colleague from Nevada just described a rather curious circumstance. We had colleagues come to the Chamber of the Senate and ask the question: Where is the stimulus package? Where is the legislation designed to provide economic recovery and lift to the American economy? It is as if they have forgotten the last couple of weeks.

That stimulus package, or the economic recovery package, was before the Senate. We had debate on it. I was here and began debate on that. We were discussing it. Then the other side de-

cidated they would make a point of order against that stimulus package.

A point of order was valid against it, as there is against the Republican package authored by Senator GRASSLEY, as there will be against the House package. All of them violate the Budget Act. We understand that. This is an emergency, and all of us understand that passing a stimulus package to provide for economic recovery is outside of the Budget Act. But they are the ones who decided to make a point of order and take it off the floor of the Senate, and they did.

Now they are asking: Where is it? They know where it is. It was before the Senate, it is now on the calendar, but it is not before us for debate because they made a point of order against the bill.

There is a certain genius in being able to ignore facts, but it must certainly be uncomfortable in the long run to do that. This is not about he said, we said, she said, they said. This is about: what do we do to help the American economy recover, how do we do it, and when do we do it? That is what it is about. It is not about pointing fingers.

We have had people come to the Chamber to talk about the majority leader this, the majority leader that. We had a discussion for an hour about energy and the majority leader. The majority leader came to the Senate Chamber today and said we are going to take up energy. He said exactly when we are going to do it, and how we are going to do it, and he is doing exactly the right thing because energy is important for this country. Part of America's security is energy security, that is true. But providing energy security is not developing policies that represent "yesterday forever;" developing policies that say our energy strategy is just dig and drill, and that is our energy strategy for the future. That is not an excuse for an energy strategy.

Yes, we should produce more oil and gas. Yes, we should use more coal. We should do it in an environmentally acceptable way. There is much more to do, as the majority leader knows, to promote strong conservation measures, better efficiency of appliances, and incentives to produce both limitless energy and renewable energy.

As the majority leader knows and some have forgotten, there is more to energy than just supply and conservation. Energy is also about national security and energy security—providing security for nuclear powerplants, providing security for transmission lines, and providing security for pipelines. All of that exists as well, and ought to be part of an energy bill.

That is why the majority leader has waited just a bit to bring all of these things together from all of the committees, so that when we debate energy in the Senate, we are debating a comprehensive energy bill that deals with energy security for this country. It is not just a "yesterday forever" policy.

I mentioned "yesterday forever." I will not repeat the story, but my first car was a 1924 Model T Ford that I restored. When I got my Model T Ford restored when I was 14 or 15 years old, my father had a gas station, and I put gas in that 1924 car exactly the same way you put gas in a 2001 model car. Nothing has changed. You go to a gas pump, take the hose, stick it in your tank, and pump gas. Nothing has changed with respect to the way you fuel an automobile.

Everything else in life has changed. Don't you think maybe when we talk about an energy policy 40 and 50 years from now, we might aspire to have a change?

I drove a car out on the lot of the Capitol Building that was a fuel cell car operating on water and air, oxygen. The fact is, there are technologies, applications, and opportunities for us in a good energy policy dealing with not only transportation and automobiles, but with electricity and the transmission of electricity; with composite conductors, and tripling the efficiency of transmission lines.

There is so much more we can do and should do. That is why the majority leader says: Let's do this. I pledge to do it, here is when we are going to do it, but let's do it right. Let's have it be much more than just the same-old policies.

I asked those who run our energy policy one day—and I could have asked this question of any of the last four administrations, and gotten the same answer—I asked them: What are your plans? Do you have plans for 50 years from now, because we talk about Social Security—is Social Security funded for the next 30 to 50 years? Everybody is gnashing their teeth about that. I asked: What are our energy plans for 25, 35, and 50 years? Do we have any? If so, what are they? Do we aspire to wean ourselves just a bit from fossil fuels, and perhaps go to some other technologies and some renewable, limitless fuels? What is it that we aspire to do?

The answer was: We do not have plans for 25 or 50 years with respect to an energy future. We really do not think in those terms. We ought to. That is why the majority leader says: Let's do an energy bill and let's do it right. Let's do it in a way that says to this country our energy policy for the future is not yesterday forever. Senator DASCHLE makes good sense when he commits to do this, and to do it the right way.

I know one of my colleagues brought out several dozen charts today. I do not need any charts to simply say that we need an energy policy that is balanced, that represents production, conservation, efficiency, and renewable and limitless energy sources, and one that represents energy security for our country. I do not need charts to say that. We need to do that.

The House of Representatives wrote an energy bill that almost drops off the

one side of the page, it is so overweighted with "yesterday forever" policies.

To those who talk about the energy issues at such great length, I say we are heading toward a real debate on real energy policies that will strengthen this country. The reason we are going to do that is Majority Leader DASCHLE says he is committed to do that in the first work period when we come back in January. We are going to bring the work from all of these committees to the floor of the Senate, and talk about all the facets of energy that we need to employ to give this country some assurance of energy security for the future.

Mr. President, let me get back to the stimulus package. We cannot leave town without passing a stimulus or economic recovery package. We cannot do that. This country is at war. The economy of this country has been in a steep decline. We are in a war and a recession, and we must pass a package that tries to provide economic recovery. There is not a Republican way to do that or a Democratic way to do that.

There are plenty of good ideas in this Chamber. The trick, it seems to me, is for us to discard the bad ones, and embrace the good ones from every part of this Chamber—to come up with a bill that says: America first. We want this country to succeed. We want our economy to grow. We want to provide opportunity for the American people.

We have been in a situation where there was a call for an economic recovery program by virtually everyone, and the House of Representatives wrote one. It is not really worth much. I will just describe a couple of things.

The Ways and Means Committee on which I served for 10 years and was very proud to do that—it is a great committee—wrote an economic recovery plan. God bless them, they just went back to the same old suitcase of tired ideas. One that they trotted out was: Oh, by the way, for economic recovery, let's do this: Let's provide a tax rebate for alternative minimum taxes paid back between now and 1988 for the biggest companies in this country.

What does that mean? Well, Ford Motor Company gets a \$1 billion rebate check. IBM gets a \$1.4 billion rebate check. Is that going to promote economic recovery in our country? I do not think so. It is the same old tired thing, giving the big the most in a way that does not necessarily address the question of economic recovery. That is one example.

The point is the House wrote a bill. It has some good provisions in it; it has some awful provisions. In the Senate, we had a bill that came out of the Finance Committee. I thought it was a good bill, though not perfect. I would have done some things differently, but we brought it before the Senate. The Republican side of the aisle decided they would offer a point of order

against it. They made a point of order that it violated the Budget Act, and they took it down. Now they stand around wondering what happened to it.

If a bill is taken down, it seems to me that if one's memory is not infinitesimally short, one should remember what happened to it when it was taken down. So maybe we need to get some mirrors for useful reminders to people when they say: Where is the stimulus package? Those who voted to take it off the floor of the Senate really dispatched the stimulus package from a debate we were having, which I thought was a pretty constructive debate.

Senator DASCHLE has convened a meeting that is going to happen in 30 minutes. I hope that meeting bears some fruit, because I do not think this is about Republicans and Democrats. It is about trying to get the best ideas we can to figure out what approaches—in spending and tax changes, tax cuts and expenditures, approaches that are both temporary and immediate—can help this country's economy. Whatever they are, wherever they come from, we ought to employ them in a way that cooperates with the President's interests, employ them to try to help this economy. That is what we should be doing at this point.

We had a discussion about judges. I happen to be one who believes we ought to move judges quickly to a vote. We ought to know all there is to know about them, as is the case in any lifetime confirmation. It is a lifetime appointment. When we confirm someone for life, we ought to know everything there is to know to make a judgment. I do not think we ought to hold judges. Let us move them to a vote. I am for that.

The people who are complaining these days were silent for 6 and 8 years when the then-majority party held the Democratic President's judges in a deep prison, and they never saw the light of day. We never heard a peep from these people.

Notwithstanding all the history, it seems to me this country is best served by moving judges after we have determined through hearings what their backgrounds are. My understanding is Senator LEAHY is holding a hearing, and about to report either eight or nine judges this week. So I think we are moving on judges. I think it is important for us to work together to do that.

What we have is a situation where Senator DASCHLE brings forward the Railroad Retirement Act. It has 74 cosponsors. In a 100-Member Chamber of the Senate, 74 Senators have cosponsored this Railroad Retirement Act, and yet we have a filibuster. Next we will try to bring the farm program. That came out of the Agriculture Committee. I am told by some there may be a filibuster on the motion to proceed to the farm bill. I hope very much that is not true. I hope we can get that legislation before the Senate.

With respect to the Railroad Retirement Act, I do not think this ought to

be a cause for a filibuster. I know that has happened in the last day and a half, but the Railroad Retirement Act has 74 cosponsors, years of discussion between the railroads themselves, rail labor, and management, and the principles of those discussions have been incorporated into legislation that has been worked on for a long time. This has a very long gestation period. This has been around a long time. The bill is sufficiently good that it attracts 74 cosponsors. How many times does legislation in the Senate have 74 cosponsors? Not very many. So why does this have 74 cosponsors? Because this has been worked on a long time. It represents a sound compromise that will do a lot of important things.

I very much hope those who take a good look at this, especially those who cosponsored it, will vote to break this filibuster so we can move this bill and pass it through the Senate. But this provides for an expansion of the widow and widower benefits. It deals with important vesting provisions, early retirement provisions. It represents a compromise with respect to investment of funds. It is a compromise that is a good compromise, and has been developed over a long period of time, and one that the Senate really ought to embrace.

I realize when we come to the end of a session, as we have experienced now with probably a week and a half or two left, there are some who do not like the agenda. They say: this bill is brought up, but that is not what they want. They wanted a different bill. The problem is, someone has to be in charge. Our side did not like it when the other side was in charge. I understand that. That goes way beyond, in my judgment, the question of trying to get a couple of very important things done in the next week or week and a half. One is the stimulus package. That, by far, is the most important.

Our economy took a huge hole in its belly on September 11, and it was very weak going in. Economists now say we have been in a recession for some months. This economy is an economy that no one quite understands. It is a global economy. It is safe for me to say that Mr. Greenspan, the Chairman of the Federal Reserve Board, does not understand it. Mitch Daniels, Director of OMB, does not understand it, despite the fact that today he was talking about what might or might not happen with respect to deficits in the years 2002, 2003, 2005, in the outyears.

None of us understands it. I do not understand it. It is a global economy. The modeling does not work. It is a new economy. So what does this mean, this slowdown, this recession? When will it end? What can we do to help it?

It is quite clear to me the most important element by far is consumer confidence. If the American people are confident about the future, they do things that manifest that confidence. They buy a house, buy a car, or take a trip. They do things that represent

confidence and security in their future. If they are not confident about the future, they do exactly the opposite.

From those two reactions, of either being confident or not confident, we have both a contraction or an expansion of the American economy. In this global economy, that is even much different than we used to teach it in college. That expansion or contraction has other elements attached to it as well.

So it is our responsibility, in my judgment, to pass a stimulus package. The sooner, the better. My hope is the meeting at 6:30 this evening will give us an opportunity to reach a compromise between the two parties—to be able to create a package of economic recovery proposals that will really give confidence to the American people that this economy can begin to strengthen, can begin to expand and provide jobs and opportunity once again.

In the month of October, some 415,000 people had to go home one night after work and tell their family they lost their jobs. That is a pretty tough thing to do. These are people who lost their jobs through no fault of their own, people often at the bottom of the economic ladder being told that they no longer have a job. Then on the other side of the coin, about half of them, when they see if they can qualify for unemployment compensation, are told, no, they do not qualify. If they do qualify, they qualify for a rather insignificant quantity of unemployment compensation for a limited time.

That is why I hope when we pass this stimulus package one of the things we will do is recognize, as every economist who has talked to us recognizes, that one of the important elements of every economic slowdown to stimulate the economy and to do the right thing for people who have lost their jobs is to extend unemployment benefits. That money immediately goes into the economy and immediately helps the economy. So that is one of the things I hope will come out of the meeting this evening. I hope Senator DASCHLE, working with the other leaders in the House and with the White House, can reach agreement on a stimulus package that really will help this country.

Let me make one final point that I think some people will wonder about. There is no disagreement or dispute in the Senate about support for the President in prosecuting this war against terror. President Bush called on this Congress to support his prosecution of the war against terrorists. We support him. I think he has done an extraordinary job. I commend him. I commend the Secretary of State and the Secretary of Defense. My heart goes out to all of the men and women in uniform who are risking their lives for this country. We have some disagreements on domestic policy—on how we might put a stimulus package together, or whether there should be a filibuster on the Railroad Retirement Act—but people should understand there is no dis-

agreement about this prosecution of the war against terrorism by this administration.

We support this administration. We applaud them for their efforts and stand behind them and do everything we can to see they succeed. It does not deserve this country's interests to have a discussion and debate about other issues—railroad retirement, farm policy, a stimulus package. It doesn't deserve anyone's interests to have disagreements about that. The best solution will be devised if we have disagreements and come up with all of the ideas, have a competition and select the best from that competition. That is what this Congress, in my judgment, owes the American people. From time to time people will be concerned about what the majority leader did or did not do; we ought not be concerned that this is broken down into some sort of a debate that is unhealthy.

Once in the Washington Post a Member of Congress was quoted as saying: This issue has really degraded into a discussion about principle. I thought: Well, I hope so. That is why we are all here, to debate policies and principles. No one should feel aggrieved because there is debate breaking out in Congress on some of the domestic policies; but no one should be mistaken about the war against terrorism and terrorists and the support this Congress has for this President in the prosecution of that war.

It is my hope we will be able to make some significant progress on these issues in the coming days. Despite the agreements we have had in recent days, I think we will see that progress.

PASSAGE OF S. 1684

Mr. DORGAN. Last evening the Senate passed S. 1684, my legislation to provide 1 additional year that was much needed for States, health plans, and health care providers to comply with the transactions and code sets regulation of the Health Insurance Portability and Accountability Act, or HIPAA. We needed an additional year in order to implement that. This legislation has been difficult to get passed, but I thank my colleague, Senator CRAIG, especially, and Senators BAUCUS, GRASSLEY, and KENNEDY, for working with me to reach a compromise on this legislation.

Senator CRAIG and I would prefer this bill go further in providing a bit more time in coordination with the effected entities, but we recognize others would have preferred no action at all. We worked for many months to try to reach a compromise. This compromise is appropriate.

I am still a strong supporter of the Administrative Simplification Act, which is the concept of what is called HIPAA. Ultimately having all the regulations in place will allow our health care system to be better coordinated and much more efficient. This bill provides an extra year to comply with

part of these requirements with which we needed to have time to comply. It doesn't in any way affect the implementation of the medical privacy regulations by April 2003.

Now that it has passed the Senate, I look forward to working with my colleagues in the House to pass the legislation so we can provide for the States, for the health plans, and the providers the certainty they need to plan to implement the important health regulations.

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.

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

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

REMEMBER NEW YORK

Mrs. CLINTON. Madam President, I rise today, as I did yesterday, to speak again about the destruction and devastation that took place on September 11 in New York City and with which we are still living, 11 weeks and 2 days later.

Madam President, 79 days after the attacks on our Nation, thousands of businesses and residents who were physically displaced by the destruction, who suffered from the loss of power and telephone access, who have been overwhelmed and hindered by the debris removal efforts, who have breathed the poor air, who have tried to cope with the crime scene designation, who are worried about returning to their homes in and near ground zero, who have lost their jobs, who are worrying whether they can keep the doors of their businesses open, thousands upon thousands of New Yorkers are still awaiting some help, any help from the Federal Government.

As I said yesterday, the U.S. Constitution guarantees to protect every State against invasion. The President said in his joint address to Congress just 10 days after the attacks "we will rebuild New York City." That same day, my colleague, Senator LOTT, said while visiting New York, "We are here to commit to the people" of New York City, "that we will stand with you."

Congressman GEPHARDT, the House minority leader, said in his weekly radio address: "We will work to make the broken places right again. We will rebuild New York."

They were in good company. As this chart shows, so many of our leaders who spoke out made tremendous commitments of help and related to the suffering that was going on and still persists to this day.

Madam President, 79 days have passed since the terrorist attacks on our Nation took over 3,500 innocent lives. Those are lives that, tragically, we cannot get back. But the attacks also took livelihoods. We can do something about that. Not only were 15 to 20

million square feet of office space, nearly one-third of all space in Lower Manhattan, either completely destroyed or damaged, but thousands of more smaller businesses remain without physical or telephone access, without power or with limited access to their places of business—and through no fault of their own.

On September 10, they were running thriving businesses; on September 12, they were no longer open, and in too many instances still all these days later they are not.

This is a before-and-after comparison. This is what the World Trade Center area looked like when we woke up on the morning of September 11—on that glorious, beautiful, late summer day. This is what it looked like after the terrorists wreaked their evil plot on our country. I show these pictures to remind everyone what happened on that morning—the lives that were lost; the heroic firefighters, police officers, and emergency workers who ran toward danger, not away from it; the thousands and thousands of inhabitants of the buildings that were destroyed and damaged, who, thankfully, made it to safety, and the thousands more who did not.

We know, as I have said before, the damage that has been done is difficult to express in words. We are not even quite sure of the full impact, but we do know from a study completed by the New York City Partnership and Chamber of Commerce that small businesses directly affected by the attacks have seen their sales decline by up to 80 percent. New York City is likely to lose 125,000 jobs in the fourth quarter of this year. We have already lost an unprecedented 79,000 jobs in October alone. A total of 270,000 jobs are at risk in Lower Manhattan. In the 45 days following the attack, because of the inaccessibility—the crime scene designation, the streets blocked off, the debris trucks moving up and down doing their job—small businesses lost nearly \$795 million. Up to 55,000 small business jobs are expected to be lost during the first quarter of next year.

These are staggering numbers. Sadly, 79 days after the attacks, not nearly enough help has arrived for the businesses and workers who were directly victimized by these attacks.

There is a reason that our President and our leaders in the House and the Senate committed to rebuild New York and to make the broken pieces right again. It is because we need New York. We need New York's energy, dynamism; it is the center of global commerce.

But even beyond that, it is because we, the Federal Government, the Government of our country, which represents all Americans, have a responsibility, not only as outlined in the Constitution but one that I think we feel as our duty. It is the same duty we felt after the Midwest floods devastated so many acres up and down the Mississippi; after the North Ridge earth-

quake in California destroyed bridges and highways and buildings and made people run for their lives in the middle of the night; after Hurricanes Hugo and Andrew and all the others; after tornadoes; after the Oklahoma City bombing; after the New Mexico fires. After every disaster, natural or manmade, one of the unique attributes of our Nation is that we rally around.

It is sometimes remarked that as Americans we find our best selves in the face of tragedy. Whether it is people along the levee who are filling sandbags or rescue workers going into the teeth of a tornado to make sure everyone is safe, whether it is the heroic rescuers who carry out the injured and dying from the Oklahoma City bombing, we pull together. We take care of our own.

In the case, for example, of the New Mexico fires, just 62 days after the President declared the disaster, the Cerro Grande Fire Claims Office was created at FEMA for businesses and others to seek immediate assistance. By the 120th day, the first claim was approved. So the office was set up, the claims were begun, and they were in the pipeline and being approved. As of today, \$240 million has been paid out, including \$20 million in relief going to businesses, \$116 million to individuals.

If you go back and look at how New Mexico responded, you can see there is a real difference between the headlines from New York and the headlines from New Mexico. Headlines from ground zero: "New York Needs Help Now to Rise From the Ashes," "New York Financial Core Wobbles From Attack's Economic Hit," "Since September 11, Vacant Offices and Lost Vigor," "Terror Attacks Have Left Chinatown's Economy Battered," "A Nation Challenged: Small Shops Feel Lost In Aid Effort."

Compare those headlines that appeared on November 19, November 21, the 25th, the 26th—within the last days—with the headlines that came out of New Mexico.

Headlines from New Mexico read: "Los Alamos Welcomes Federal Aid." That's right, the headline was "Los Alamos Welcomes Federal Aid." Not: Where is it? Why are we having to wait so long? Who will help us rise from the ashes? We have so many New Yorkers displaced by these attacks who are still awaiting help.

I have talked with a number of my colleagues about this. It seemed the New Mexico model was a very good one. It made so much sense because here was an instance when the Federal Government itself caused the disaster by setting the fires, and the Federal Government took responsibility and came forth with the assistance to aid businesses and individuals who, through no fault of their own, were in the path of that fire. They didn't start it; they didn't see it coming; it just happened.

Some of my colleagues say: Yes, that is right. We immediately responded.

We got the job done. But, after all, the Federal Government set the fires.

That strikes me as a strange way of setting one disaster against another. When I think about all the lives that were lost in the World Trade Center, when I think about all the businesses that are struggling, and all the people who have lost their jobs, I have to reflect that this attack on our country is in some ways even worse than setting a fire to stop a fire. The Federal Government made a mistake in New Mexico. They followed a fire policy that got out of hand and did not work, and they stepped up and took responsibility, representing Americans' willingness to take responsibility.

Here we have the same kind of challenge. Through no fault of the people on the ground in New York, we were attacked. I hope my colleagues in the Senate, on both sides of the aisle, our colleagues in the House, the administration, will have the same sense of responsibility to help our businesses and workers who have been displaced by terrorist attacks as they had in assisting our fellow citizens in New Mexico.

I and Senator SCHUMER have introduced a bill that builds on the lessons we have learned from the Cerro Grande Claims Office. There are other ways of providing the funding that is needed. My plea is that we get about the business of doing that.

The victims of the fires in New Mexico were not told to go through a lengthy process with the Small Business Administration. They weren't told if you don't have any collateral and you can't get customers because you have a crime scene designation and therefore you are not eligible or you cannot pledge your assets for a small business loan, you are out of luck. We used our ingenuity. We were creative in solving the problems that our friends and fellow citizens in New Mexico faced. That is what we are asking on behalf of New Yorkers.

We are asking that all of these promises from the President; the Speaker; the majority leader; Senator LOTT, the minority leader; the OMB Director; and countless others—that these promises be realized as quickly and with the kind of dispatch that we saw when it came to New Mexico.

I hope we can address this issue in the remaining days of this year because our people cannot wait. They could not wait in New Mexico, and they were assisted. They cannot wait in New York either because this is unlike any disaster. This is not a disaster such as a terrible fire or a hurricane. This is a crime scene. This has the kind of significance that has burned itself into our consciousness. The fires are still burning.

I met earlier today with some residents who live in the buildings that weren't destroyed. They are like pioneers. They are like people on the frontier. They have gone back to their homes. It is not easy. There are no services. The work goes on 24 hours a

day, 7 days a week. The smell from the burning fires permeate the air. They want to stay and be part of rebuilding New York. They want to make real the words of all of our leaders. All they need is a little bit of help. I hope our colleagues will provide that.

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

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

ANWR

Mr. REID. Madam President, there will be a lot of time spent on other occasions debating energy. I don't want the day to end without there being spread across the record of this Senate the fact that all this talk about the salvation of our country and the world by drilling in ANWR is just based upon false facts. Out of 100 percent of fossil fuel around the country, excluding coal, the United States has 3 percent of the reserves. Ninety-seven percent is someplace else. That includes the very small portion of those reserves in Alaska.

We are going to have to change the way we do business in America as it relates to fuel or we are going to continue to import more fuel. We cannot be self-sufficient for gasoline and petroleum products. We can't be. We do not have the natural resources to do that. We can drill in ANWR—this beautiful pristine wilderness—and get enough fuel for 6 months in the United States, a relatively small amount. But what we have to do is look to alternative energy sources—wind, sun, geothermal, and biomass. That is where the future of this country is as far as fuel proficiency. It is not in drilling for oil that we don't have.

I again say that I don't want the day to go by with people maybe having watched us saying: Why aren't they going up and drilling in ANWR? It would solve all of our problems. That is absurd.

I understand why my two distinguished colleagues from Alaska are pushing for ANWR drilling. It creates jobs in Alaska. I know how important jobs are, but the overall benefit of the country is really nonexistent.

Mr. CLELAND. Madam President, I rise today in support of H.R. 1140, the railroad retirement reform bill. As thousands of Georgians who have contacted my office in support of this legislation will state, action by the Senate on this legislation is long overdue, and I am pleased to hear that we will hold a cloture vote on the bill this week. The House of Representatives passed this legislation more than once by overwhelming, bipartisan majorities, and the Senate version has 74 cosponsors.

Not only would current and former employees benefit from this legislation

but also the widows and widowers of former employees, and this legislation is the result of a long effort by both industry and labor to reform the railroad retirement system. Not often does Congress have the opportunity to vote on a cooperative effort supported by virtually everyone in the affected industry. We have that opportunity now, and we would be remiss to ignore it or not support it.

It is my understanding that a small number of Senators have stood in the way of this legislation, which has necessitated the filing of a cloture petition to shut down the filibuster. These same colleagues joined me in support of a tax break package earlier this year that costs over \$1 trillion. At that time, we supported the tax legislation because of the potential economic stimulus it could provide. I say that reforming the railroad retirement system will also provide such stimulus by freeing up funds that could be reinvested in the economy by the over one million active and retired rail workers and their families.

This country exploded as the railroads moved west. It was the physical incarnation of manifest destiny. Since the time these initial courageous workers linked this country, hundreds of thousands of workers have followed in their footsteps to maintain and expand their work. These workers and their families would benefit from H.R. 1140. I urge my colleagues to join me in support of this legislation and provide long overdue reform to the railroad retirement system.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that there now be a period of morning business with Senators allowed to speak therein for a period not to exceed 10 minutes.

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

HOLLYWOOD IN THE HILLS

Mr. BYRD. Madam President, I have, on many occasions, spoken from this desk about the tendency of many in the entertainment industry to appeal to the least common denominator in our society in order to make the largest possible profit. Whether it be through the promotion of sex to young people or through the glamorization of violence, drug use, or other illicit behaviors, the entertainment industry has, too often and for far too long, popularized activities that promote negative and often dangerous behaviors.

Until last week, that idea dominated my opinion of much of the entertainment industry—television, film, and video games. But a creative and intelligent film director, some very talented actors, and a large and dedicated crew showed me that not all of Hollywood takes aim at the most base elements of our society.

On November 20—my 84th birthday—I was provided the opportunity to par-

ticipate in the filming of the movie, "Gods and Generals." This film is directed by Mr. Ronald Maxwell and is written as a prequel to the film "Gettysburg," which Mr. Maxwell also directed. At Mr. Maxwell's invitation, I made my film debut, making a cameo appearance as General Paul J. Semmes, an adviser to General Robert E. Lee during the Civil War. Early in the morning on a western Maryland farm, I stepped out of my reality representing West Virginia in the Senate and into a small piece of the real-life history that gave birth to my State.

I arrived at the set at Flook's Farm near Keedysville, MD, at 7:30 a.m. and was met by Mr. Maxwell and by my nephew, William T. "Tommy" Sale. It had been years since I had seen Tommy. He was playing the part of a Confederate artillery gunner in the film. After some time, I was escorted to my trailer by Mr. Maxwell, where I changed from my 21st century business suit to my mid-19th century Confederate uniform. From there, I walked to the make-up trailer, where my white locks were highlighted with shades of grey and black, and my normally clean-shaven face was suddenly a well-rounded grey beard. I no longer looked like ROBERT C. BYRD. I had been transformed into Paul J. Semmes.

We drove up to the film location on the top of a nearby hill. At the peak were two rows of cannons, several columns of Confederate Civil War reenactors, including my nephew, and a tent that was to serve as the "Telegraph Hill" headquarters of General Lee. Under this tent were gathered some of the top military leaders of the Confederacy—Robert E. Lee, played by Robert Duvall, A.P. Hill, William Sanderson, J.E.B. Stuart, Joseph Fuqua, James Longstreet, Bruce Boxleitner, George Pickett, Billy Campbell, Thomas J. "Stonewall" Jackson, Stephen Lang, John Bell Hood, Patrick Gorman, and others. Scene 158—a little more than 3 minutes of film in which General Lee and his military advisors plan the Battle of Fredericksburg—took several hours to complete. The director, cast, and crew were not interested in speed; they wanted quality and were committed to historical accuracy.

After a few hours of rehearsing and filming, we broke for lunch. It was a delicious meal and the company of such talented professionals made it memorable. For instance, not only are these men portraying Confederate generals, they also can talk at great detail about military history, tactics, and lessons. They can speak with certainty about the Civil War—its causes, its terrible loss of life, and the aftermath. They can regale one with stories of the period and the people. They are not simply reciting words on a page; rather, they are bringing to life a period of American history that ended an inhuman practice and solidified our future as one nation. At the conclusion of this lunch, they surprised me with a birthday cake and serenade, and then called

on me to say a few words. I was touched. I rose to my feet and recited a few lines from memory that I thought appropriate.

Fame is a vapor;
Popularity, an accident;
Riches take wings;
Those who cheer today may curse tomorrow;
Only one thing endures: Character!

Then I told those of the cast and crew, "You have it! You have that character."

After lunch, we had several more hours of rehearsing and filming. Finally, as the sun was disappearing behind the mountains in the distance, we completed our work and called it a day. My beard and uniform were removed. I changed back into my business suit, and re-entered the 21st century. And while I was able to return to my wife and my home for the evening, the cast and crew retired to nearby hotels and started preparations for the next day's filming, which would start with the first light of the morning sun.

Many have asked me why I would take the time to play this role in a film, especially considering that I do not attend many movies. The answer is simple. I have long sought to promote the teaching and understanding of our Nation's history. I have helped to create Federal initiatives that focus on American history. I have talked countless times about George Washington, Thomas Jefferson, James Madison, Alexander Hamilton, John Adams, the Founding Fathers, the Constitutional Framers, Nathan Hale, Abraham Lincoln, and other true American heroes. I try to encourage young people to learn about these great figures of our country's past. I urge students to read, to visit historical sites, and to soak up as much knowledge as they can. This film allowed me the opportunity to help bring American history to life, to spring it from the pages of history books into the flickering images of the movie screen. In a small way, through this role, I am continuing to promote the understanding of our Nation's history. I thank Mr. Maxwell and the other actors for giving me such an opportunity.

In the days since my cameo appearance as General Semmes, I have reflected on our Nation's experiences during the Civil War and what lessons we can draw from our past during the current conflict at home and overseas. I worry about the men and women of our Armed Forces who are engaged in action in Afghanistan. I am concerned about our lack of preparedness to prevent further terrorist attacks from occurring on our home soil, and to respond should, God forbid, another tragedy be inflicted upon our shores. I wonder what kind of world we will leave for my two great-granddaughters, Caroline Byrd Fatemi and Kathryn James Fatemi. I hope that those of us in positions of leadership can have the same strength of character and dedication to our country as the Nation's leaders exemplified during the Civil War. I pray

that the American people have the fortitude, the willingness to sacrifice, and the patience that will no doubt be necessary during what I continue to believe may be a long battle against terrorism. At the same time, it is clear that the American people will need steadfastness and determination to move forward from the September 11 tragedies. I am thankful that we live in a country that can confront a crisis with strength and moral certainty without abandoning the very principles and values that we hold most dear.

The final words in scene 158 of "Gods and Generals" come from General Lee. After hearing from his advisors about the preparations and planning for the upcoming battle, General Lee commends them and says, "The rest is in God's Hands." We can say the same today. We are making preparations and planning for the future. The rest is in God's Hands.

CHANGES TO H. CON. RES. 83
PURSUANT TO SECTION 213

Mr. CONRAD. Madam President, section 213 of H. Con. Res. 83, the fiscal year 2002 Budget Resolution, permits the chairman of the Senate Budget Committee to make adjustments to the allocation of budget authority and outlays to the Senate Committee on Agriculture, provided certain conditions are met.

Pursuant to section 213, I hereby submit the following revisions to H. Con. Res. 83:

	Dollars in millions
Current Allocation to Senate Agriculture Committee:	
FY 2002 Budget Authority	\$21,175
FY 2002 Outlays	17,856
FY 2002-06 Budget Authority	69,640
FY 2002-06 Outlays	52,349
FY 2002-11 Budget Authority	114,692
FY 2002-11 Outlays	80,210
Adjustments:	
FY 2002 Budget Authority	0
FY 2002 Outlays	0
FY 2002-06 Budget Authority	33,514
FY 2002-06 Outlays	32,141
FY 2002-11 Budget Authority	66,089
FY 2002-11 Outlays	65,363
Revised Allocation to Senate Agriculture Committee:	
FY 2002 Budget Authority	21,175
FY 2002 Outlays	17,856
FY 2002-06 Budget Authority	103,154
FY 2002-06 Outlays	84,490
FY 2002-11 Budget Authority	180,781
FY 2002-11 Outlays	145,573

LOCAL LAW ENFORCEMENT ACT
OF 2001

Mr. SMITH of Oregon. Madam President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred May 16, 1995 in Eau Claire, WI. A man was beaten by another man who used anti-gay slurs during the assault, and claimed the victim made homosexual advances toward him. The assailant, Chad A. Johnson,

19, was charged with attempted first-degree intentional homicide under the State hate crime law. I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2:15 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 1459. An act to designate the Federal building and United States courthouse located at 550 West Fort Street in Boise, Idaho, a the "James A. McClure Federal Building and United States Courthouse."

S. 1573. An act to authorize the provision of educational and health care assistance to the women and children of Afghanistan.

The message also announced that the House has agreed to the following concurrent resolutions, without amendment:

S. Con. Res. 44. Concurrent resolution expressing the sense of the Congress regarding National Pearl Harbor Remembrance Day.

S. Con. Res. 82. Concurrent resolution authorizing the 2002 Winter Olympics Torch Relay to come onto the Capitol Grounds.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1230. An act to provide for the establishment of the Detroit River International Wildlife Refuge in the State of Michigan, and for other purposes.

H.R. 1259. An act to amend the National Institute of Standards and Technology Act to enhance the ability of the National Institute of Standards and Technology to improve computer security, and for other purposes.

H.R. 1913. An act to require the evaluation of nontribal interest ownership of subsurface rights within the boundaries of the Acoma Indian Reservation, and for other purposes.

H.R. 2983. An act to extend indemnification authority under section 170 of the Atomic Energy Act of 1954, and for other purposes.

H.R. 3189. An act to extend the Export Administration Act until April 20, 2002.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 157. Concurrent resolution recognizing and honoring Joseph Henry for his significant and distinguished role in the development and advancement of science and electricity.

H. Con. Res. 270. Concurrent resolution expressing the sense of Congress that Americans should take the time during Native American Heritage Month to recognize the many accomplishments and contributions made by native peoples.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1230. An act to provide for the establishment of the Detroit River International Wildlife Refuge in the State of Michigan, and for other purposes; to the Committee on Environment and Public Works.

H.R. 1259. An act to amend the National Institute of Standards and Technology Act to enhance the ability of the National Institute of Standards and Technology to improve computer security, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 1913. An act to require the valuation of nontribal interest ownership of subsurface rights within the boundaries of the Acoma Indian Reservation, and for other purposes; to the Committee on Indian Affairs.

H.R. 3093. An act to designate the Federal building and United States courthouse located at 501 Bell Street in Alton, Illinois, as the "William L. Beatty Federal Building and United States Courthouse"; to the Committee on environment and Public Works.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 157. Concurrent resolution recognizing and honoring Joseph Henry for his significant and distinguished role in the development and advancement of science and electricity; to the Committee on the Judiciary.

H. Con. Res. 270. Concurrent resolution expressing the sense of Congress that Americans should take time during Native American Heritage Month to recognize the many accomplishments and contributions made by native peoples; to the Committee on Indian Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 1732. A bill to provide incentives for an economic recovery and relief for victims of terrorism, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 2983. An act to extend indemnification authority under section 170 of the Atomic Energy Act of 1954, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DODD, from the Committee on Rules and Administration, without amendment:

S. 565: A bill to establish the Commission on Voting Rights and Procedures to study

and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes.

NOMINATIONS DISCHARGED

The following nominations were discharged from the Committee on Foreign Relations pursuant to the order of November 28, 2001:

DEPARTMENT OF STATE

Eni F.H. Faleomavaega, of American Samoa, to be a Representative of the United States of America to the Fifty-sixth Session of the General Assembly of the United Nations.

Steven Joseph Chabot, of Ohio, to be a Representative of the United States of America to the Fifty-sixth Session of the General Assembly of the United Nations.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. THOMPSON (for himself and Mr. FRIST):

S. 1736. A bill to provide for the reclassification of certain counties for purposes of reimbursement under the Medicare Program; to the Committee on Finance.

By Mrs. CLINTON (for herself, Ms. MIKULSKI, Mrs. FEINSTEIN, Mr. DURBIN, and Mr. SCHUMER):

S. 1737. A bill to provide for homeland security block grants; to the Committee on the Judiciary.

By Mr. KERRY (for himself, Mr. MURKOWSKI, Mr. BAUCUS, Mr. GRASSLEY, Mr. JEFFORDS, Mr. THOMPSON, Mr. BREAUX, Mr. HUTCHINSON, Mr. DASCHLE, Mr. CRAIG, Mr. BINGAMAN, Mr. INHOFE, Mrs. LINCOLN, Mr. HOLLINGS, Mrs. MURRAY, Mr. CARPER, Mr. JOHNSON, and Mr. HATCH):

S. 1738. A bill to amend title XVIII of the Social Security Act to provide regulatory relief, appeals process reforms, contracting flexibility, and education improvements under the medicare program, and for other purposes; to the Committee on Finance.

By Mr. CLELAND:

S. 1739. A bill to authorize grants to improve security on over-the-road buses; to the Committee on Commerce, Science, and Transportation.

By Mr. SCHUMER (for himself and Mrs. CLINTON):

S. 1740. A bill to amend the Internal Revenue Code of 1986 to allow for the expansion of areas designated as renewal communities based on 2000 census data; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Mr. MCCAIN, Mr. DASCHLE, Mr. BAUCUS, Mrs. CLINTON, Mr. DOMENICI, Mr. FEINGOLD, Mr. KENNEDY, Mr. JOHNSON, Mrs. MURRAY, Ms. STABENOW, Mr. WELLSTONE, Mr. HARKIN, Mr. MILLER, Ms. SNOWE, Mr. INOUE, Mr. SMITH of Oregon, Ms. CANTWELL, Mr. INHOFE, Ms. LANDRIEU, Mr. COCHRAN, Mrs. BOXER, Mr. MURKOWSKI, Ms. MIKULSKI, and Mr. GRASSLEY):

S. 1741. A bill to amend title XIX of the Social Security Act to clarify that Indian women with breast or cervical cancer who are eligible for health services provided under a medical care program of the Indian Health Service or of a tribal organization are included in the optional medicaid eligibility category of breast or cervical cancer patients added by the Breast and Cervical Prevention and Treatment Act of 2000; considered and passed.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. LINCOLN (for herself, Mr. ALLEN, Mr. CONRAD, Mr. BROWNBACK, Ms. LANDRIEU, and Mr. ENSIGN):

S. Res. 184. A resolution expressing the sense of the Senate regarding the use of content labeling for Internet web sites of Senators; to the Committee on Rules and Administration.

By Mr. DODD (for himself, Mr. KERRY, Mr. MCCAIN, Mrs. CLINTON, Ms. SNOWE, Ms. MIKULSKI, Ms. CANTWELL, Mrs. HUTCHISON, and Mrs. BOXER):

S. Con. Res. 86. A concurrent resolution expressing the sense of Congress that women from all ethnic groups in Afghanistan should participate in the economic and political reconstruction of Afghanistan; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 201

At the request of Mr. WARNER, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 201, a bill to require that Federal agencies be accountable for violations of antidiscrimination and whistleblower protection laws, and for other purposes.

S. 677

At the request of Mr. HATCH, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 677, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financing to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 682

At the request of Mr. MCCAIN, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 682, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 911

At the request of Mr. BAUCUS, his name was withdrawn as a cosponsor of S. 911, a bill to reauthorize the Endangered Species Act of 1973.

S. 986

At the request of Mr. GRASSLEY, the name of the Senator from Washington

(Ms. CANTWELL) was added as a cosponsor of S. 986, a bill to allow media coverage of court proceedings.

S. 1006

At the request of Mr. HAGEL, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 1006, a bill to provide for the energy security of the United States and promote environmental quality by enhancing the use of motor vehicle fuels from renewable sources, and for other purposes.

S. 1104

At the request of Mr. GRAHAM, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 1104, a bill to establish objectives for negotiating, and procedures for, implementing certain trade agreements.

S. 1275

At the request of Mr. FRIST, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1275, a bill to amend the Public Health Service Act to provide grants for public access defibrillation programs and public access defibrillation demonstration projects, and for other purposes.

S. 1409

At the request of Mr. MCCONNELL, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 1409, a bill to impose sanctions against the PLO or the Palestinian Authority if the President determines that those entities have failed to substantially comply with commitments made to the State of Israel.

S. 1482

At the request of Mr. HARKIN, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 1482, a bill to consolidate and revise the authority of the Secretary of Agriculture relating to protection of animal health.

S. 1499

At the request of Mr. KERRY, the names of the Senator from Minnesota (Mr. DAYTON), the Senator from Rhode Island (Mr. CHAFEE), and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. 1499, a bill to provide assistance to small business concerns adversely impacted by the terrorist attacks perpetrated against the United States on September 11, 2001, and for other purposes.

S. 1646

At the request of Mr. BINGAMAN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1646, a bill to identify certain routes in the States of Texas, Oklahoma, Colorado, and New Mexico as part of the Ports-to-Plains Corridor, a high priority corridor on the National Highway System.

S. 1707

At the request of Mr. JEFFORDS, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 1707, a bill to amend title XVIII of the Social Security Act to specify the update for payments under the medi-

care physician fee schedule for 2002 and to direct the Medicare Payment Advisory Commission to conduct a study on replacing the use of the sustainable growth rate as a factor in determining such update in subsequent years.

S. 1722

At the request of Mr. BAUCUS, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 1722, a bill to amend the Internal Revenue Code of 1986 to simplify the application of the excise tax imposed on bows and arrows.

S. RES. 109

At the request of Mr. REID, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. Res. 109, a resolution designating the second Sunday in the month of December as "National Children's Memorial Day" and the last Friday in the month of April as "Children's Memorial Flag Day."

S. RES. 140

At the request of Mr. ROBERTS, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. Res. 140, a resolution designating the week beginning September 15, 2002, as "National Civic Participation Week."

AMENDMENT NO. 2136

At the request of Mr. SPECTER, the names of the Senator from Kansas (Mr. BROWNBACK), the Senator from Illinois (Mr. DURBIN), and the Senator from New York (Mr. SCHUMER) were added as cosponsors of amendment No. 2136 intended to be proposed to H.R. 3090, a bill to provide tax incentives for economic recovery.

AMENDMENT NO. 2152

At the request of Mr. DEWINE, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Illinois (Mr. DURBIN), and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of amendment No. 2152 intended to be proposed to H.R. 3090, a bill to provide tax incentives for economic recovery.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. CLINTON (for herself, Ms. MIKULSKI, Mrs. FEINSTEIN, Mr. DURBIN, and Mr. SCHUMER):

S. 1737. A bill to provide for homeland security block grants; to the Committee on the Judiciary.

Mrs. CLINTON. Madam President, I rise today to offer a helping hand to communities in New York and around the country experiencing fiscal distress as they struggle to respond to the heightened security needs of our country.

Although the terrorists responsible for the September 11 attacks targeted two of our cities, communities thousands of miles away from Ground Zero now find themselves on the front lines in the war against terrorism. Since the attacks, towns and cities, both large and small, all across America have

been overwhelmed by calls about potential biological or chemical attacks or threats to infrastructure. Along with this new responsibility comes a heavy burden that these communities should not be forced to shoulder alone.

That is why today I am introducing legislation to provide relief to State and local governments in their efforts to improve emergency response and public safety locally. This Federal aid will ensure that local communities will not have to bear the burden of a strong homeland defense alone. Tomorrow, mayors from all around New York State will meet in New York City to address these very concerns. The legislation I'm introducing today, along with my colleagues Senators FEINSTEIN, MIKULSKI, DURBIN, and SCHUMER, will go a long way in helping them and communities across the country meet these needs.

Since the unimaginable acts of terrorism against American civilians on U.S. soil that took place a few months ago, we have been forced to reevaluate virtually every aspect of our homeland security. One immediate change to emerge in post-September 11 America has been that local communities are now charged with an enormous responsibility: plugging in the gaps in our public safety system and securing our homeland defense.

Our entire country witnessed it on September 11 when hundreds of brave men and women in uniform went rushing towards burning buildings to save peoples' lives. These courageous individuals were public safety officers and emergency response personnel, and, on that day, America and its towns and cities were forever changed.

Mayor Joseph Griffo of Rome, New York described this new phenomenon, saying,

The mayors have become the leaders, the first responders in this new war on terrorism. The police, the firefighters and the emergency personnel are the first responders. We have a role and a responsibility in being more keenly aware of what potentially could happen to our communities.

Already, towns and cities in New York, and municipalities across the country, have seen a glimpse of what homeland security's price tag looks like and they are deeply concerned about how they will pay for it. Rome Mayor Griffo has said,

The finances, of providing security, are going to be very difficult. I think it may be tough to recoup all the costs that we've incurred to date. . . . Beyond that, we have to see where we can work in partnership with the feds and the state.

Bills from skyrocketing police and fire fighter overtime costs are saddling many local governments with unanticipated costs. Local law enforcement agencies are struggling with expenses from a wide range of security needs, including: properly securing major transportation infrastructure, like tunnels and bridges; stepping up security at facilities that store hazardous materials or drinking water; and providing local health personnel with the resources

and training they need to respond to biological and chemical attacks.

Mayor Jerry Jennings of Albany, NY, estimates that increased patrols at Alcove Reservoir in Coeymans to ensure that the city's water supply is adequately protected will probably cost taxpayers \$1 million. The city of Buffalo, New York, has received 139 terrorist threats since September 11. Buffalo Mayor Tony Masiello estimates these additional threats will cost the city approximately \$700 an hour.

Although the terrorist attacks of September 11 targeted New York and Washington, DC, every single community in our country has been affected by the attacks. Baltimore, for example, has incurred nearly \$4 million in security costs since the September 11 attacks, and city budget officials predict that those costs could grow to \$15.8 million for the fiscal year.

New Orleans is contending with a \$10 million budget gap due to security costs for the city and the New Orleans airport. Dallas, according to some estimates, has already spent \$2 million on security and could end up spending \$6 million by the end of the year. In Massachusetts, Acting Governor Jane Swift has approved \$26 million for homeland defense related spending, which includes state police overtime.

According to the National Governors' Association, over the next six months expenses resulting from the September 11 attacks could end up as high as \$10 billion in the 50 States, while the National League of Cities projects a 4 percent decline in revenues for cities—a projected \$11.4 billion—from the disastrous effects the attacks have had on local employment and tourism.

These figures point to what mayors have been saying for some time now and what I repeated on this floor a few weeks ago after meeting with mayors from all over the country: the cost of homeland security is causing our cities to bleed dollars.

Of the 214 cities polled in late October, more than half said that they increased spending on security after September 11 and that they would have to dip into surpluses and cut programs as a result. It has even been reported that some states are considering using their state lottery funds to pay for the cost of bolstering local homeland defense efforts.

Our homeland security cannot be left to chance and no city or town in America should have to choose between adequately protecting its citizens and funding important programs that benefit our children, the most vulnerable among us. It's the responsibility of the Federal Government to ensure our security and we must not let our cities and towns bear the brunt of homeland defense alone.

These additional fiscal demands come at a time when we are already facing a nationwide economic downturn and people are already experiencing the pain of this economic uncertainty. Over the next 18 months, New

York State will face an estimated \$10 billion shortfall in state revenues. To counter some of these pressures and help communities recover more quickly from this economic slump, we must provide local communities with the resources they need to meet these increased demands.

Under the legislation I am introducing, cities, counties, and towns across America will be able to access Federal funds to help make up these anticipated revenue shortfalls. The Homeland Security Block Grant Act provides \$3 billion in funding to communities, with 70 percent going directly to more than 1,000 cities and counties across the United States. The remaining 30 percent will be funneled to States to direct to smaller communities to help them improve security and public safety locally.

Cities with a population of more than 50,000 and that are within metropolitan areas and counties within metropolitan areas, regardless of the size of the county, will receive funds directly. For example, both Syracuse and Onondaga County will be eligible to receive grant funds.

Some of my colleagues have asked whether a small state provision can be included in the bill, one that would guarantee that less-populated states would receive a minimum level funding. I am very much looking forward to working with my colleagues on such a provision to include in this bill.

This legislation gives local communities a lot of flexibility to determine how grant funds will be used because local communities are most knowledgeable about their security needs. For example, funds can be used for overtime expenses for law enforcement, fire, and emergency personnel incurred as a result of terrorist threats or to purchase personal protective equipment for fire, police, and emergency personnel.

Communities could also use these federal funds to acquire state-of-the-art technology to improve communication between the first responders, based at myriad local agencies, so that they can work together closely and efficiently while responding to attacks. In addition, funds could also be used to improve security or water treatment plants, nuclear power plants, tunnels and bridges, and chemical plants.

Towns and cities may also decide to use the funds to improve the communication system used to provide information to the public in a timely manner about the facts of any threat and the precautions the public should take.

Finally, to encourage communities to use the homeland security block grants effectively, communities will be required to match by 10 percent the funds received from the Federal Government. Financially distressed communities, however, will receive a waiver from the matching requirement.

I'm proud that this legislation has the support of the International Association of Firefighters, the Inter-

national Association of Fire Chiefs, the National Association of Police Organizations, the National League of Cities, and U.S. Conference of Mayors.

Just as our Federal Government pays for defense overseas, it is our duty to fund our defense at home. Our homeland defense can only be as strong as the weakest link at the State and local level. By providing our communities with the resources and tools they need to bolster emergency response efforts and provide for other homeland security initiatives, we will have a better-prepared home front and a stronger America.

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

S. 1737

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Homeland Security Block Grant Act".

(b) TABLE OF CONTENTS.—

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Definitions.
- Sec. 4. Grants to States, units of general local government and Indian tribes; authorizations.
- Sec. 5. Statement of activities and review.
- Sec. 6. Activities eligible for assistance.
- Sec. 7. Allocation and distribution of funds.
- Sec. 8. Nondiscrimination in programs and activities.
- Sec. 9. Remedies for noncompliance with requirements.
- Sec. 10. Reporting requirements.
- Sec. 11. Consultation by Attorney General.
- Sec. 12. Interstate agreements or compacts; purposes.
- Sec. 13. Matching requirements; suspension of requirements for economically distressed areas.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) In the wake of the September 11, 2001, terrorist attacks on our country, communities all across American now find themselves on the front lines in the war against terrorism on United States soil.

(2) We recognize that these communities will be forced to shoulder a significant portion of the burden that goes along with that responsibility. We believe that local governments should not have to bear that responsibility alone.

(3) Our homeland defense will only be as strong as the weakest link at the State and local level. By providing our communities with the resources and tools they need to bolster emergency response efforts and provide for other emergency response initiatives, we will have a better-prepared home front and a stronger America.

SEC. 3. DEFINITIONS.

In this Act:

(1) ATTORNEY GENERAL.—The term "Attorney General" means the United States Attorney General.

(2) CITY.—The term "city" means—

(A) any unit of general local government that is classified as a municipality by the United States Bureau of the Census; or

(B) any other unit of general local government that is a town or township and which, in the determination of the Attorney General—

(i) possesses powers and performs functions comparable to those associated with municipalities;

(ii) is closely settled; and

(iii) contains within its boundaries no incorporated places as defined by the United States Bureau of the Census that have not entered into cooperation agreements with such town or township to undertake or to assist in the performance of homeland security objectives.

(3) **EXTENT OF POVERTY.**—The term “extent of poverty” means the number of persons whose incomes are below the poverty level. Poverty levels shall be determined by the Attorney General pursuant to criteria provided by the Office of Management and Budget taking into account and making adjustments, if feasible and appropriate and in the sole discretion of the Attorney General, for regional or area variations in income and cost of living, and shall be based on data referable to the same point or period in time.

(4) **FEDERAL GRANT-IN-AID PROGRAM.**—The term “Federal grant-in-aid program” means a program of Federal financial assistance other than loans and other than the assistance provided by this Act.

(5) **INDIAN TRIBE.**—The term “Indian tribe” means any Indian tribe, band, group, and nation, including Alaska Indians, Aleuts, and Eskimos, and any Alaskan Native Village, of the United States, which is considered an eligible recipient under the Indian Self-Determination and Education Assistance Act (Public Law 93-638) or was considered an eligible recipient under chapter 67 of title 31, United States Code, prior to the repeal of such chapter.

(6) **METROPOLITAN AREA.**—The term “metropolitan area” means a standard metropolitan statistical area as established by the Office of Management and Budget.

(7) **METROPOLITAN CITY.**—The term “metropolitan city” means—

(A) a city within a metropolitan area that is the central city of such area, as defined and used by the Office of Management and Budget; or

(B) any other city, within a metropolitan area, which has a population of fifty thousand or more.

Any city that was classified as a metropolitan city for at least 2 years pursuant to the first sentence of this paragraph shall remain classified as a metropolitan city. Any unit of general local government that becomes eligible to be classified as a metropolitan city, and was not classified as a metropolitan city in the immediately preceding fiscal year, may, upon submission of written notification to the Attorney General, defer its classification as a metropolitan city for all purposes under this Act, if it elects to have its population included in an urban county under subsection (d). Notwithstanding the second sentence of this paragraph, a city may elect not to retain its classification as a metropolitan city. Any unit of general local government that was classified as a metropolitan city in any year, may, upon submission of written notification to the Attorney General, relinquish such classification for all purposes under this Act if it elects to have its population included with the population of a county for purposes of qualifying for assistance (for such following fiscal year) under section 5(e) as an urban county.

(8) **NON-QUALIFYING COMMUNITY.**—The term “nonqualifying community” means an area that is not a metropolitan city or part of an urban county and does not include Indian tribes.

(9) **POPULATION.**—The term “population” means total resident population based on data compiled by the United States Bureau of the Census and referable to the same point or period of time.

(10) **STATE.**—The term “State” means any State of the United States, or any instru-

mentality thereof approved by the Governor; and the Commonwealth of Puerto Rico.

(11) **UNIT OF GENERAL LOCAL GOVERNMENT.**—The term “unit of general local government” means any city, county, town, township, parish, village, or other general purpose political subdivision of a State; a combination of such political subdivisions is recognized by the Secretary; and the District of Columbia.

(12) **URBAN COUNTY.**—The term “urban county” means any county within a metropolitan area.

(b) **BASIS AND MODIFICATION OF DEFINITIONS.**—Where appropriate, the definitions in subsection (a) shall be based, with respect to any fiscal year, 0 on the most recent data compiled by the United States Bureau of the Census and the latest published reports of the Office of Management and Budget available ninety days prior to the beginning of such fiscal year. The Attorney General may by regulation change or otherwise modify the meaning of the terms defined in subsection (a) in order to reflect any technical change or modification thereof made subsequent to such date by the United States Bureau of the Census or the Office of Management and Budget.

(c) **DESIGNATION OF PUBLIC AGENCIES.**—One or more public agencies, including existing local public agencies, may be designated by the chief executive officer of a State or a unit of general local government to undertake activities assisted under this Act.

(d) **LOCAL GOVERNMENTS, INCLUSION IN URBAN COUNTY POPULATION.**—With respect to program years beginning with the program year for which grants are made available from amounts appropriated for fiscal year 2002 under section 4, the population of any unit of general local government which is included in that of an urban county as provided in subsection (a)(6) shall be included in the population of such urban county for three program years beginning with the program year in which its population was first so included and shall not otherwise be eligible for a grant as a separate entity, unless the urban county does not receive a grant for any year during such three-year period.

(e) **URBAN COUNTY.**—Any county seeking qualification as an urban county, including any urban county seeking to continue such qualification, shall notify, as provided in this subsection, each unit of general local government, which is included therein and is eligible to elect to have its population excluded from that of an urban county, of its opportunity to make such an election. Such notification shall, at a time and in a manner prescribed by the Attorney General, be provided so as to provide a reasonable period for response prior to the period for which such qualification is sought. The population of any unit of general local government which is provided such notification and which does not inform, at a time and in a manner prescribed by the Attorney General, the county of its election to exclude its population from that of the county shall, if the county qualifies as an urban county, be included in the population of such urban county as provided in subsection (d).

SEC. 4. GRANTS TO STATES, UNITS OF GENERAL LOCAL GOVERNMENT AND INDIAN TRIBES; AUTHORIZATIONS.

The Attorney General is authorized to make grants to States, units of general local government, and Indian tribes to carry out activities in accordance with the provisions of this Act. For purposes of assistance under section 7, there is authorized to be appropriated \$3,000,000,000 in fiscal year 2002, and such additional sums as are authorized thereafter.

SEC. 5. STATEMENT OF ACTIVITIES AND REVIEW.

(a) **APPLICATION.**—Prior to the receipt in any fiscal year of a grant under section 7(b)

by any metropolitan city or urban county, under section 7(d) by any State, or under section 7(d)(2) by any unit of general local government, the grantee shall have indicated its interest in receiving funds by preparing a statement of homeland security objectives and projected use of funds and shall have provided the Attorney General with the certifications required in subsection (b) and, where appropriate, subsection (c). In the case of metropolitan cities and urban counties receiving grants pursuant to section 7(b) and in the case of units of general local government receiving grants pursuant to section 7(d)(2), the statement of projected use of funds shall consist of proposed homeland security activities. In the case of States receiving grants pursuant to section 7(d), the statement of projected use of funds shall consist of the method by which the States will distribute funds to units of general local government. In preparing the statement, the grantee shall consider any view of appropriate law enforcement, and emergency response authorities and may, if deemed appropriate by the grantee, modify the proposed statement. A copy of the final statement shall be furnished to the Attorney General and the Office of Homeland Security together with the certifications required under subsection (b) and, where appropriate, subsection (c). Any final statement of activities may be modified or amended from time to time by the grantee in accordance with the same procedures required in this paragraph for the preparation and submission of such statement.

(b) **CERTIFICATION OF ENUMERATED CRITERIA BY GRANTEE TO SECRETARY.**—Any grant under section 7 shall be made only if the grantee certifies to the satisfaction of the Attorney General that—

(1) it has developed a homeland security plan pursuant to section 5 that identifies both short- and long-term homeland security needs that have been developed in accordance with the primary objective and requirements of this Act; and

(2) the grantee will comply with the other provisions of this Act and with other applicable laws.

(c) SUBMISSION OF ANNUAL PERFORMANCE REPORTS, AUDITS AND ADJUSTMENTS.—

(1) **IN GENERAL.**—Each grantee shall submit to the Attorney General, at a time determined by the Attorney General, a performance and evaluation report concerning the use of funds made available under section 7, together with an assessment by the grantee of the relationship of such use to the objectives identified in the grantee’s statement under subsection (a). The Attorney General shall encourage and assist national associations of grantees eligible under section 7, national associations of States, and national associations of units of general local government in nonqualifying areas to develop and recommend to the Attorney General, within 1 year after the effective date of this sentence, uniform recordkeeping, performance reporting, evaluation reporting, and auditing requirements for such grantees, States, and units of general local government, respectively. Based on the Attorney General’s approval of these recommendations, the Attorney General shall establish such requirements for use by such grantees, States, and units of general local government.

(2) **REVIEWS AND AUDITS.**—The Attorney General shall, at least on an annual basis, make such reviews and audits as may be necessary or appropriate to determine—

(A) in the case of grants made under section 7(b), whether the grantee has carried out its activities and, where applicable, whether the grantee has carried out those activities and its certifications in accordance with the requirements and the primary

objectives of this Act and with other applicable laws, and whether the grantee has a continuing capacity to carry out those activities in a timely manner; and

(B) in the case of grants to States made under section 7(d), whether the State has distributed funds to units of general local government in a timely manner and in conformance to the method of distribution described in its statement, whether the State has carried out its certifications in compliance with the requirements of this Act and other applicable laws, and whether the State has made such reviews and audits of the units of general local government as may be necessary or appropriate to determine whether they have satisfied the applicable performance criteria described in subparagraph (A).

(3) ADJUSTMENTS.—The Attorney General may make appropriate adjustments in the amount of the annual grants in accordance with the Attorney General's findings under this subsection. With respect to assistance made available to units of general local government under section 7(d), the Attorney General may adjust, reduce, or withdraw such assistance, or take other action as appropriate in accordance with the Attorney General's reviews and audits under this subsection, except that funds already expended on eligible activities under this Act shall not be recaptured or deducted from future assistance to such units of general local government.

(d) AUDITS.—Insofar as they relate to funds provided under this Act, the financial transactions of recipients of such funds may be audited by the General Accounting Office under such rules and regulations as may be prescribed by the Comptroller General of the United States. The representatives of the General Accounting Office shall have access to all books, accounts, records, reports, files, and other papers, things, or property belonging to or in use by such recipients pertaining to such financial transactions and necessary to facilitate the audit.

(e) METROPOLITAN CITY AS PART OF URBAN COUNTY.—In any case in which a metropolitan city is located, in whole or in part, within an urban county, the Attorney General may, upon the joint request of such city and county, approve the inclusion of the metropolitan city as part of the urban county for purposes of submitting a statement under section 5 and carrying out activities under this Act.

SEC. 6. ACTIVITIES ELIGIBLE FOR ASSISTANCE.

Activities assisted under this Act may include only—

(1) funding additional law enforcement, fire, and emergency resources, including covering overtime expenses;

(2) purchasing and refurbishing personal protective equipment for fire, police, and emergency personnel and acquire state-of-the-art technology to improve communication and streamline efforts;

(3) improving cyber and infrastructure security by improving—

(A) security for water treatment plants, distribution systems, and other water infrastructure; nuclear power plants and other power infrastructure;

(B) tunnels and bridges;

(C) oil and gas pipelines and storage facilities; and

(D) chemical plants and transportation of hazardous substances;

(4) assisting Local Emergency Planning Committees so that local public agencies can design, review, and improve disaster response systems;

(5) assisting communities in coordinating their efforts and sharing information with all relevant agencies involved in responding to terrorist attacks;

(6) establishing timely notification systems that enable communities to communicate with each other when a threat emerges;

(7) improving communication systems to provide information to the public in a timely manner about the facts of any threat and the precautions the public should take; and

(8) devising a homeland security plan, including determining long-term goals and short-term objectives, evaluating the progress of the plan, and carrying out the management, coordination, and monitoring of activities necessary for effective planning implementation.

SEC. 7. ALLOCATION AND DISTRIBUTION OF FUNDS.

(a) ALLOCATION AND DISTRIBUTION OF FUNDS; SET-ASIDE FOR INDIAN TRIBES.—

(1) ALLOCATION.—For each fiscal year, of the amount approved in an appropriation Act under section 4 for grants in a year (excluding the amounts provided for use in accordance with section 6), the Attorney General shall reserve for grants to Indian tribes 1 percent of the amount appropriated under such section. The Attorney General shall provide for distribution of amounts under this paragraph to Indian tribes on the basis of a competition conducted pursuant to specific criteria for the selection of Indian tribes to receive such amounts. The criteria shall be contained in a regulation promulgated by the Attorney General after notice and public comment.

(2) REMAINING ALLOCATION.—Of the amount remaining after allocations pursuant to paragraph (1), 70 percent shall be allocated by the Attorney General to metropolitan cities and urban counties. Except as otherwise specifically authorized, each metropolitan city and urban county shall be entitled to an annual grant, to the extent authorized beyond fiscal year 2002, from such allocation in an amount not exceeding its basic amount computed pursuant to paragraph (1) or (2) of subsection (b).

(b) COMPUTATION OF AMOUNT ALLOCATED TO METROPOLITAN CITIES AND URBAN COUNTIES.—

(1) IN GENERAL.—The Attorney General shall determine the amount to be allocated to each metropolitan city based on the population of that metropolitan city.

(2) URBAN COUNTIES.—The Attorney General shall determine the amount to be allocated to each urban county based on the population of that urban county.

(3) EXCLUSIONS.—In computing amounts or exclusions under this section with respect to any urban county, there shall be excluded units of general local government located in the county the populations that are not counted in determining the eligibility of the urban county to receive a grant under this subsection, except that there shall be included any independent city (as defined by the Bureau of the Census) which—

(A) is not part of any county;

(B) is not eligible for a grant pursuant to subsection (b)(1);

(C) is contiguous to the urban county;

(D) has entered into cooperation agreements with the urban county which provide that the urban county is to undertake or to assist in the undertaking of essential community development and housing assistance activities with respect to such independent city; and

(E) is not included as a part of any other unit of general local government for purposes of this section.

Any independent city that is included in any fiscal year for purposes of computing amounts pursuant to the preceding sentence shall not be eligible to receive assistance under subsection (d) with respect to such fiscal year.

(4) INCLUSIONS.—In computing amounts under this section with respect to any urban county, there shall be included all of the area of any unit of local government which is part of, but is not located entirely within the boundaries of, such urban county if the part of such unit of local government which is within the boundaries of such urban county would otherwise be included in computing the amount for such urban county under this section, and if the part of such unit of local government that is not within the boundaries of such urban county is not included as a part of any other unit of local government for the purpose of this section. Any amount received by such urban county under this section may be used with respect to the part of such unit of local government that is outside the boundaries of such urban county.

(5) POPULATION.—(A) Where data are available, the amount determined under paragraph (1) for a metropolitan city that has been formed by the consolidation of one or more metropolitan cities with an urban county shall be equal to the sum of the amounts that would have been determined under paragraph (1) for the metropolitan city or cities and the balance of the consolidated government, if such consolidation had not occurred. This paragraph shall apply only to any consolidation that—

(i) included all metropolitan cities that received grants under this section for the fiscal year preceding such consolidation and that were located within the urban county;

(ii) included the entire urban county that received a grant under this section for the fiscal year preceding such consolidation; and

(iii) took place on or after January 1, 2002.

(B) The population growth rate of all metropolitan cities referred to in section 3 shall be based on the population of—

(i) metropolitan cities other than consolidated governments the grant for which is determined under this paragraph; and

(ii) cities that were metropolitan cities before their incorporation into consolidated governments. For purposes of calculating the entitlement share for the balance of the consolidated government under this paragraph, the entire balance shall be considered to have been an urban county.

(c) REALLOCATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), any amounts allocated to a metropolitan city or an urban county pursuant to the preceding provisions of this section that are not received by the city or county for a fiscal year because of failure to meet the requirements of subsections (a) and (b) of section 5, or that otherwise became available, shall be reallocated in the succeeding fiscal year to the other metropolitan cities and urban counties in the same metropolitan area that certify to the satisfaction of the Attorney General that they would be adversely affected by the loss of such amounts from the metropolitan area. The amount of the share of funds reallocated under this paragraph for any metropolitan city or urban county shall bear the same ratio to the total of such reallocated funds in the metropolitan area as the amount of funds awarded to the city or county for the fiscal year in which the reallocated funds become available bears to the total amount of funds awarded to all metropolitan cities and urban counties in the same metropolitan area for that fiscal year.

(2) TRANSFER.—Notwithstanding the provisions of paragraph (1), the Attorney General may upon request transfer responsibility to any metropolitan city for the administration of any amounts received, but not obligated, by the urban county in which such city is located if—

(A) such city was an included unit of general local government in such county prior

to the qualification of such city as a metropolitan city;

(B) such amounts were designated and received by such county for use in such city prior to the qualification of such city as a metropolitan city; and

(C) such city and county agree to such transfer of responsibility for the administration of such amounts.

(d) ALLOCATION TO STATES ON BEHALF OF NON-QUALIFYING COMMUNITIES.—

(1) IN GENERAL.—Of the amount approved in an appropriation Act under section 4 that remains after allocations pursuant to paragraphs (1) and (2) of subsection (a), 30 percent shall be allocated among the States for use in nonqualifying areas. The allocation for each State shall be based on the population of that State, factoring in the population of qualifying communities in that State, and the population of qualifying communities of all States. The Attorney General shall, in order to compensate for the discrepancy between the total of the amounts to be allocated under this paragraph and the total of the amounts available under such paragraph, make a pro rata reduction of each amount allocated to the nonqualifying communities in each State under such paragraph so that the nonqualifying communities in each State will receive an amount that represents the same percentage of the total amount available under such paragraph as the percentage which the nonqualifying areas of the same State would have received under such paragraph if the total amount available under such paragraph had equaled the total amount which was allocated under such paragraph.

(2) DISTRIBUTION.—(A) Amounts allocated under paragraph (1) shall be distributed to units of general local government located in nonqualifying areas of the State to carry out activities in accordance with the provisions of this Act—

(i) by a State that has elected, in such manner and at such time as the Attorney General shall prescribe, to distribute such amounts consistent with the statement submitted under section 5(a); or

(ii) by the Attorney General, in any case described in subparagraph (B), for use by units of general local government in accordance with paragraph (3)(B).

(B) The Attorney General shall distribute amounts allocated under paragraph (1) if the State has not elected to distribute such amounts.

(C) To receive and distribute amounts allocated under paragraph (1), the State must certify that it, with respect to units of general local government in nonqualifying areas—

(i) provides or will provide technical assistance to units of general local government in connection with homeland security initiatives;

(ii) will not refuse to distribute such amounts to any unit of general local government on the basis of the particular eligible activity selected by such unit of general local government to meet its homeland security objectives, except that this clause may not be considered to prevent a State from establishing priorities in distributing such amounts on the basis of the activities selected; and

(iii) has consulted with local elected officials from among units of general local government located in nonqualifying areas of that State in determining the method of distribution of funds required by subparagraph (A).

(D) To receive and distribute amounts allocated under paragraph (1), the State shall certify that each unit of general local government to be distributed funds will be required to identify its homeland security ob-

jectives, and the activities to be undertaken to meet such objectives.

(3) ADMINISTRATION.—(A) If the State receives and distributes such amounts, it shall be responsible for the administration of funds so distributed. The State shall pay from its own resources all administrative expenses incurred by the State in carrying out its responsibilities under this Act, except that from the amounts received for distribution in nonqualifying areas, the State may deduct an amount to cover such expenses and its administrative expenses not to exceed the sum of \$150,000 plus 50 percent of any such expenses under this Act in excess of \$150,000. Amounts deducted in excess of \$150,000 shall not exceed 2 percent of the amount so received.

(B) If the Attorney General distributes such amounts, the distribution shall be made in accordance with determinations of the Attorney General pursuant to statements submitted and the other requirements of section 5 (other than subsection (c)) and in accordance with regulations and procedures prescribed by the Attorney General.

(C) Any amounts allocated for use in a State under paragraph (1) that are not received by the State for any fiscal year because of failure to meet the requirements of subsection (a) or (b) of section 5 shall be added to amounts allocated to all States under paragraph (1) for the succeeding fiscal year.

(D) Any amounts allocated for use in a State under paragraph (1) that become available as a result of the closeout of a grant made by the Attorney General under this section in nonqualifying areas of the State shall be added to amounts allocated to the State under paragraph (1) for the fiscal year in which the amounts become so available.

(4) SINGLE UNIT.—Any combination of units of general local governments may not be required to obtain recognition by the Attorney General pursuant to section 3(2) to be treated as a single unit of general local government for purposes of this subsection.

(5) DEDUCTION.—From the amounts received under paragraph (1) for distribution in nonqualifying areas, the State may deduct an amount, not to exceed 1 percent of the amount so received, to provide technical assistance to local governments.

(6) APPLICABILITY.—Any activities conducted with amounts received by a unit of general local government under this subsection shall be subject to the applicable provisions of this Act and other Federal law in the same manner and to the same extent as activities conducted with amounts received by a unit of general local government under subsection (a).

(e) QUALIFICATIONS AND DETERMINATIONS.—The Attorney General may fix such qualification or submission dates as he determines are necessary to permit the computations and determinations required by this section to be made in a timely manner, and all such computations and determinations shall be final and conclusive.

(f) PRO RATA REDUCTION AND INCREASE.—If the total amount available for distribution in any fiscal year to metropolitan cities and urban counties under this section is insufficient to provide the amounts to which metropolitan cities and urban counties would be entitled under subsection (b), and funds are not otherwise appropriated to meet the deficiency, the Attorney General shall meet the deficiency through a pro rata reduction of all amounts determined under subsection (b). If the total amount available for distribution in any fiscal year to metropolitan cities and urban counties under this section exceeds the amounts to which metropolitan cities and urban counties would be entitled under subsection (b), the Attorney General shall

distribute the excess through a pro rata increase of all amounts determined under subsection (b).

SEC. 8. NONDISCRIMINATION IN PROGRAMS AND ACTIVITIES.

No person in the United States shall on the ground of race, color, national origin, religion, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this Act. Any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.) or with respect to an otherwise qualified handicapped individual as provided in section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) shall also apply to any such program or activity.

SEC. 9. REMEDIES FOR NONCOMPLIANCE WITH REQUIREMENTS.

If the Attorney General finds after reasonable notice and opportunity for hearing that a recipient of assistance under this Act has failed to comply substantially with any provision of this Act, the Attorney General, until he is satisfied that there is no longer any such failure to comply, shall—

(1) terminate payments to the recipient under this Act;

(2) reduce payments to the recipient under this Act by an amount equal to the amount of such payments which were not expended in accordance with this Act; or

(3) limit the availability of payments under this Act to programs, projects, or activities not affected by such failure to comply.

SEC. 10. REPORTING REQUIREMENTS.

(a) IN GENERAL.—Not later than 180 days after the close of each fiscal year in which assistance under this Act is furnished, the Attorney General shall submit to Congress a report which shall contain—

(1) a description of the progress made in accomplishing the objectives of this Act;

(2) a summary of the use of such funds during the preceding fiscal year; and

(3) a description of the activities carried out under section 7.

(b) REPORTS TO THE ATTORNEY GENERAL.—The Attorney General is authorized to require recipients of assistance under this Act to submit to him such reports and other information as may be necessary in order for the Attorney General to make the report required by subsection (a).

SEC. 11. CONSULTATION BY ATTORNEY GENERAL.

In carrying out the provisions of this Act including the issuance of regulations, the Attorney General shall consult with the Office of Homeland Security and other Federal departments and agencies administering Federal grant-in-aid programs.

SEC. 12. INTERSTATE AGREEMENTS OR COMPACTS; PURPOSES.

The consent of the Congress is hereby given to any two or more States to enter into agreements or compacts, not in conflict with any law of the United States, for cooperative effort and mutual assistance in support of homeland security planning and programs carried out under this Act as they pertain to interstate areas and to localities within such States, and to establish such agencies, joint or otherwise, as they may deem desirable for making such agreements and compacts effective.

SEC. 13. MATCHING REQUIREMENTS; SUSPENSION OF REQUIREMENTS FOR ECONOMICALLY DISTRESSED AREAS.

(a) REQUIREMENT.—Grant recipients shall contribute from funds, other than those received under this Act, 10 percent of the total funds received under this Act. Such funds shall be used in accordance with the grantee's statement of homeland security objectives.

(b) ECONOMIC DISTRESS.—Grant recipients that are deemed economically distressed shall be waived from the matching requirement set forth in this section.

By Mr. KERRY (for himself, Mr. MURKOWSKI, Mr. BAUCUS, Mr. GRASSLEY, Mr. JEFFORDS, Mr. THOMPSON, Mr. BREAUX, Mr. HUTCHINSON, Mr. DASCHLE, Mr. CRAIG, Mr. BINGAMAN, Mr. INHOFE, Mrs. LINCOLN, Mr. HOLLINGS, Mrs. MURRAY, Mr. CARPER, Mr. JOHNSON, and Mr. HATCH):

S. 1738. A bill to amend title XVIII of the Social Security Act to provide regulatory relief appeals process reforms, contracting flexibility, and education improvements under the Medicare Program, and for other purposes; to the Committee on Finance.

Mr. KERRY. Madam President, I am pleased to join my colleagues Senators MURKOWSKI, BAUCUS and GRASSLEY in introducing the Medicare Appeals, Regulatory and Contracting Improvement Act, MARCIA. This legislation will give health care providers relief from unnecessary and burdensome government regulations that threaten to interfere with the delivery of health care to our nation's Medicare beneficiaries.

Medicare provides health care coverage for over 40 million senior and disabled Americans, relying on thousands of health care providers, including doctors, nurses, hospitals, nursing homes, home care agencies, and hospices, to deliver services, and more than fifty private health insurance companies to process millions of claims. While this public-private partnership forms the linchpin of the Medicare program, it is not as strong as it could be.

Health care providers rightfully complain that Medicare has become too complex, with changes to claims payment systems made so frequently that they can not keep up. Today, Medicare providers are subjected to over 100,000 pages of regulations that are continuously being modified. Many providers complain that they have less time to spend on patient care because they are spending more time trying to understand how to comply with massive amounts of paperwork and constantly evolving regulatory requirements.

The current Medicare appeals process is also problematic. It takes far too long to appeal an incorrect Medicare decision, often taking several years to complete. This system, coupled with some of the tactics used by the Federal Government and its contractors in collecting Medicare overpayments, leaves providers feeling frustrated, confused, and besieged. Regulations necessary to ensuring the integrity and efficiency of the Medicare program must be maintained and enforced, however, the occasionally aggressive means through which these regulations are administered has discouraged many providers from wanting to participate in the Medicare program.

The Medicare Appeals, Regulatory and Contracting Improvement Act,

MARCIA, will strengthen the Medicare public-private partnership. The bill has five primary components. First, it relieves burdens on beneficiaries and providers by requiring the Centers for Medicare and Medicaid Services, CMS, to issue new rules and policies in an orderly and reasonable manner. Second, it provides new appeals protections for all Medicare fee-for-service providers and beneficiaries. Third, it allows CMS to use competition to select the best available administrative contractors to serve beneficiaries and providers. Fourth, it requires Medicare contractors and CMS to place a greater emphasis on provider education and outreach. Finally, it makes the Medicare overpayment collection and extrapolation process more fair. The bill accomplishes all of these objectives without undermining the False Claims Act or other Medicare fraud recovery efforts, and I urge my colleagues to join with me to secure its passage.

Mr. MURKOWSKI. Madam President, right now, all across America, Medicare beneficiaries are seeking medical care from a flawed health care system. Reduced benefit packages, ever escalating costs, and limited access in rural areas are just a few of the problems our system faces on a daily basis. For these reasons, Congress must continue to move towards the modernization of Medicare. But as we address the needs of beneficiaries, we must not turn our back upon the very providers that seniors rely upon for their care.

Who are providers? They are the physicians, the hospitals, the nursing homes, and others who deliver quality care to our needy Medicare population. They are the backbone of our complex health care network. When our Nation's seniors need care, it is the provider who heals, not the health insurer—and certainly not the federal government.

But more, and more often, seniors are being told by providers that they don't accept Medicare. This is becoming even more common in rural areas, where the number of physicians is limited and access to quality care is extremely restricted. Quite simply, beneficiaries are being told that their insurance is simply not wanted. Why? Well it's not as simple as low reimbursement rates. In fact it's much more complex.

The infrastructure that manages the Medicare program, the Centers for Medicare and Medicaid Services, CMS, and its network of contractors, are working with a system that was designed to block care and micro-manage independent practices. Providers simply cannot afford to keep up with the seemingly endless number of complex, redundant, and unnecessary regulations. And if providers do participate? Well, a simple administrative error in submitting a claim could subject them to heavy-handed audits and the financial devastation of their practice. Should we force providers to choose between protecting their practice and caring for seniors?

I believe the answer is no. For this reason, I am pleased to introduce the "Medicare Appeals, Regulatory and Contracting Improvements Act of 2001." I am joined by my colleagues Senator KERRY, Senator BAUCUS, and Senator GRASSLEY. This legislation is a bipartisan compromise, based upon legislation I offered earlier this year. It will allow providers to practice medicine without fearing the threats, intimidation, and aggressive tactics of a faceless bureaucratic machine.

Most importantly, this bill will reform the flawed appeals process within CMS. Currently, a provider who allegedly has received an overpayment is forced to choose between three options: admit the overpayment, submit additional information to mitigate the charge, or appeal the decision. However, providers who choose to submit additional evidence must subject their entire practice to review and waive their appeal rights. That's right, to submit additional evidence you must waive your right to an appeal!

And what is the result of this maddening system that runs contrary to our Nation's history of fair and just administrative decisions? Often, providers are intimidated into accepting the arbitrary decision of an auditor employed by a CMS contractor. Sometimes, they are even forced to pull out of the Medicare program. In the end, our senior population suffers.

To bring additional fairness to the system, the bill provides new appeal protections for all Medicare fee-for-service providers and beneficiaries. It also requires the Medicare administrative contractors and CMS to place a greater emphasis on provider education and outreach. And most importantly, it reforms the Medicare overpayment collection and extrapolation process. All of this is accomplished without undermining the False Claims Act or current Medicare fraud enforcement efforts.

It is with the goal of protecting our Medicare population, and the providers who tend care, that leads us to introduce this bipartisan compromise. This bill will ensure that providers are treated with the respect that they deserve, and that Medicare beneficiaries aren't told that their health insurance isn't wanted. We owe it to our nation's seniors. I urge immediate action on this worthy bill.

Mr. BAUCUS. Madam President, I rise today as a cosponsor of the Medicare Appeals, Regulatory and Contracting Improvements Act of 2001.

Medicare is one of the Federal Government's greatest successes. It provides health care for nearly 40 million seniors and disabled beneficiaries. Medicare is often considered the gold-standard of health insurance programs around the nation and the world. And it has lifted millions of individuals out of poverty since its enactment in 1965.

Medicare's success is due to its public-private partnership, which is the

foundation of the program. While Medicare is almost entirely federally financed, it relies on thousands of private hospitals, private physicians, and other health care providers and suppliers to deliver health care services. Moreover, it relies on more than 50 private health insurance companies to process millions of claims every year.

Every so often Congress needs to evaluate this public-private partnership to see how its working. And this past year, Senator KERRY, Senator MURKOWSKI, Senator GRASSLEY, and I have undertaken this evaluation.

I have heard from hundreds of health care providers who have levied legitimate complaints about the operation of Medicare. They argue that Medicare has become too complex. Changes to the claims payment systems are made every day, and health care organization simply cannot keep up. This is especially true for small rural hospitals and other health care providers in my state of Montana. They do not have the staff to stay abreast of the constant changes to the Medicare payment systems.

I have also heard from providers about the current Medicare appeals process. The Medicare appeals process is broken. It takes too long to appeal an incorrect Medicare decision. Providers often have to file lengthy and expensive appeals, sometimes taking several years to settle.

And finally, I have heard from health care providers about the aggressive tactics that are sometimes used by Federal Government and its contractors in collecting Medicare overpayments. Medicare needs to realize that mistakes happen, especially with this very complex program. When providers make honest mistakes, they should be treated as mistakes, not criminal fraud.

Earlier this year, my colleagues Senators KERRY and MURKOWSKI introduced a version of this bill, the "Medicare Education and Regulatory Fairness Act of 2001." I commend Senators KERRY and MURKOWSKI for their hard work on this bill; it made a very important contribution to our understanding of this issue and the need for reform. However, I had some concerns with their original bill, namely that it unintentionally created some new loopholes for truly dishonest providers to commit fraud.

Rather than oppose their bill, I asked my staff along with Senator GRASSLEY's staff to work with Senator KERRY and Senator MURKOWSKI's office to redraft their bill to address some of my concerns. And I am proud to say that we have developed a bill that everyone can support.

The Medicare Appeals, Regulatory and Contracting Improvements Act of 2001 will make necessary and overdue improvements to the Medicare public-private partnership. The bill does five things. First, it improves the CMS rule-making process, for example, by requiring CMS to publish its regula-

tions on one business day of each month. Second, It provides new appeal protections for all Medicare fee-for-service providers and beneficiaries. Third, it grants new competitive administrative contracting authority to CMS. Fourth, it requires the Medicare administrative contractors and CMS to place a greater emphasis on provider education and outreach. And fifth, it reforms the Medicare overpayment collection and extrapolation process.

The bill accomplishes all five of these important objectives without undermining the False Claims Act of current Medicare fraud enforcement efforts. We have received assurances from the Department of Justice, the HHS Office of Inspector General, and the CMS that this is so.

This is a good bill, a bill that will receive the support of provider groups and the support of the Federal agencies that oversee the Medicare program.

While this bill is primarily focused on health care provider issues, I agree with my colleagues in the Senate and House that Congress also needs to ensure that beneficiaries are able to navigate and understand Medicare. I commend current efforts in the House to include provisions that would guarantee that beneficiaries have the right to find out whether Medicare services are covered before they become financially liable for them. Currently, when a doctor informs a patient that a service may not be covered by Medicare, the patient has no way to verify if this is the case. I will work to include these provisions in any enacted legislation.

I commend my colleagues Senator KERRY, Senator MURKOWSKI, and Senator GRASSLEY for their commitment and their hard work on this bill. As chairman of the Finance Committee, I remain committed to quick consideration of this bill in my committee. I urge all of my colleagues to support it.

Mr. CRAIG. Madam President, I am pleased to join today as an original cosponsor of the Medicare Appeals, Regulatory and Contracting Improvements Act, MARCIA. This legislation represents a clear and useful first step toward serious reform of the way Medicare does business with America's health care professionals and Medicare beneficiaries.

I have heard from literally hundreds of doctors, hospitals, and other health care professionals in Idaho about the truly appalling paperwork and regulatory burdens imposed by the Medicare program, and even more troubling, about how these mounting regulatory burdens are causing many doctors to limit their participation in Medicare or to leave the program altogether.

Also, as ranking member on the Senate's Special Committee on Aging, I have made examination of Medicare's paperwork and provider enforcement systems a key priority. In July, our committee held the first of what I hope may be a series of hearings looking into these problems, and this fall, members of my Aging Committee staff

traveled across Idaho, talking with more than 60 Idaho providers about their concerns with Medicare.

Most recently, I was pleased to have Tom Scully, the energetic and thoughtful new administrator of the Centers for Medicare and Medicaid Services, CMS, join me in Boise to talk about Medicare with Idaho health professionals and senior citizens. We heard a great deal of frustration, and not a little anger.

At the same time, it was very clear to me that Tom Scully and the Bush administration are serious about tackling Medicare's many shortcomings. Indeed, Tom Scully and the administration have worked closely with Congress to help develop the legislation we are introducing today.

Today, the number of pages of Medicare rules and regulations is now more than 110,000, approximately three times that of Federal tax laws and regulations. Moreover, for every hour spent on Medicare patient care in outpatient settings, doctors and their staffs now spend approximately 36 minutes on Medicare-related paperwork. And in hospital emergency care settings, that ratio is now 1 hour of paperwork for every 1 hour of patient care.

These problems are genuinely daunting, and today's legislation is not a panacea. Rather, it is a promising beginning in what I hope will be an ongoing cooperative effort to make Medicare more responsive, more rational, and more efficient.

Finally, let me be crystal clear: We must continue to devote significant resources to combating fraud and abuse in the Medicare program. Those who violate the public trust must be punished to the fullest extent of the law, and this legislation would in no way undercut these critical efforts.

Rather, this bill would relieve complex and unreasonable burdens on providers and beneficiaries by requiring CMS to issue new rules in an orderly and reasonable manner, and would provide new appeal protections for many Medicare providers and beneficiaries. Further, this legislation would require CMS to use competition to select the best administrative contractors, and it would require CMS and its contractors to place greater emphasis on provider education and outreach. In addition, the bill would implement needed improvements in the way Medicare oversees alleged provider overpayments, principally by reforming current Medicare overpayment collection and extrapolation processes.

I am pleased to join my colleagues in sponsoring this much needed legislation, and I look forward to continuing progress on these important issues in the coming year.

By Mr. CLELAND:

S. 1739. A bill to authorize grants to improve security on over-the-road buses; to the Committee on Commerce, Science, and Transportation.

Mr. CLELAND. Madam President, I rise today to introduce a bill to help

secure an often overlooked mode of passenger transportation, intercity buses.

In the wake of the current challenge to our Nation's security, it is the duty of Congress to ensure that all modes of passenger transportation, especially mass transportation vehicles including buses, are safe and secure. Already, buses have been assaulted, and innocent passengers have died. While these attacks have not so far been directly linked to the tragic events of September 11, I believe Congress would be negligent if we do not act on this issue while we have this opportunity. Additionally, in many cities, bus terminals share facilities with rail and/or air terminals. The Congress has addressed airport security and the Senate is working on rail security, but this work will not be complete without securing the third component. Therefore, I urge my colleagues to support my legislation to accomplish this goal.

Clearly, bus service, which transports almost 800 million passengers annually, deserves Congress's attention. For many people throughout the country, motorcoaches are the only viable means of transportation. Greyhound, the largest carrier, and its interline partners serve over 4,000 communities, roughly 8 times more than either the airlines or Amtrak. Many of the other bus companies that serve these communities are small businesses with fewer than ten motorcoaches, and these businesses, in particular, are more affected by the decrease in passenger demand due to concerns over safety. While many of these companies have already spent their own funds to upgrade security, they need help to finish the job so that people will feel comfortable returning to bus travel.

One of the main elements of my legislation provides grants for the installation of adequate communications equipment to alert law enforcement personnel if there is an onboard problem. Not only would an alarm be sounded to law enforcement but also current technology would be employed to report the precise location of the bus in question. Speedy deployment to deal with problems as they are happening could save lives. The Commercial Vehicle Safety Alliance, CVSA, an association of State, provincial and Federal law enforcement officials, believes that improved communication capability is among the top goals to improve the safety and security of passenger buses.

The legislation also will provide grants for research into methods to protect the drivers. Some of the recent security incidents involve compromising the safety of the driver. We must find out what options are available to protect and secure the drivers so that a bus can be stopped safely if there are problems. Additionally, these grants can be used to maintain the integrity of bus terminals, facilities, and coaches, and conduct passenger screening, among other things.

This legislation also dedicates \$3-5 million annually in funding to the Secretary of Transportation to evaluate and coordinate current public and private efforts to improve bus security and safety by establishing "best practices," including efforts to isolate the driver and to detect potential chemical and biological elements. Portions of this funding could also be used to support additional research and development initiatives, and the recommendations developed could be applied to both over-the-road and transit buses.

This funding is not a government "handout" to an industry that has not been acting on its own to improve its facilities, but rather it will supplement ongoing efforts. Since September 11, Greyhound has spent at least \$5 million on enhanced security. Steps taken include screening of passengers and baggage at selected terminals; requiring ticket identification; providing cell phones to drivers as an interim emergency communications system; increasing security personnel in terminals; prohibiting passengers from sitting in the first row of seats behind the driver, and establishing information and communications systems to aid and coordinate with law enforcement. My legislation would supplement and expand these initial efforts and assist with implementing these measures at additional terminals.

My legislation also provides needed assistance to an industry that is struggling along with other segments of the travel and tourism sector. After the October 3 Nashville accident that resulted in 7 passenger fatalities, Greyhound's passenger sales dropped 15 percent and remain well below last year's levels. According to a survey conducted by the Travel Business Roundtable, intercity bus transportation is the only mode of transportation that dropped in "safety perception" when compared with air, auto, rail, and cruise travel. Incorporating the new security costs, which are necessary to bring passengers back, while revenue is down, will make it difficult for bus companies to maintain current service levels. This Federal support will allow bus companies to dedicate resources to continuing service to smaller communities rather than reducing schedules to cut costs.

Additionally, this legislation instructs the Department of Labor to ensure that grants under this section are certified in an expeditious manner in accordance with its guidelines for processing grants to bus operators. As provided for under the Department's existing guidelines, previously certified arrangements for assistance to intercity bus operators applicable to applicants for security improvement grants, shall be the basis for processing such grants by the Department. The Secretary of Transportation will have the discretion to administer this program directly or through a security administration that may be established at the Department of Transportation.

This bus security legislation is supported by the American Bus Association, Greyhound, the Commercial Vehicle Safety Alliance, Coach USA, and the Amalgamated Transit Union. Protecting bus passengers is a vital part of ensuring a vibrant transportation industry, and it is the third component to the safe passenger transportation equation. I urge my Senate colleagues, all of whom have many communities in your state served by intercity buses, to support this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1739

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EMERGENCY OVER-THE-ROAD BUS SECURITY ASSISTANCE.

(a) IN GENERAL.—Subchapter I of chapter 311 of title 49, United States Code, is amended by adding at the end the following:

"§ 31109. Over-the-road bus security grant program

"(a) IN GENERAL.—

"(1) FUND ESTABLISHED.—The Secretary of the Treasury shall establish an Over-the-road Bus Security Fund account in the Treasury into which the Secretary of the Transportation shall deposit amounts appropriated under paragraph (2).

"(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation \$200,000,000 for fiscal year 2002, and \$200,000,000 for fiscal year 2003, for deposit into the account established under paragraph (1). Amounts deposited into the account shall remain available until expended.

"(b) GRANT PROGRAM.—Without further appropriation, amounts in the Over-the-road Bus Security Fund account are available to the Secretary of Transportation for direct grants to persons engaged in the business of providing over-the-road bus transportation for system-wide security upgrades, including the reimbursement of extraordinary security-related costs determined by the Secretary to have been incurred by such operators since September 11, 2001, including—

"(1) establishing an emergency communications and notification system linked to law enforcement or emergency response personnel;

"(2) protecting or isolating the driver;

"(3) implementing and operating passenger screening programs at terminals and on over-the-road buses (as defined in section 3038(a)(3) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 nt));

"(4) acquiring, upgrading, installing, or operating equipment, software, or accessorial services for collection, storage, or exchange of passenger and driver information through ticketing systems or otherwise, and information links with government agencies;

"(5) constructing or modifying terminals, garages, facilities, or over-the-road buses to assure their security;

"(6) training employees in recognizing and responding to terrorist threats, evacuation procedures, passenger screening procedures, and baggage inspection;

"(7) hiring and training security officers;

"(8) installing cameras and video surveillance equipment on over-the-road buses and at terminals, garages and over-the-road bus facilities; and

“(9) creating a program for employee identification and background investigation.

“(c) APPLICATIONS.—To receive a grant under subsection (b), an applicant shall submit an application, at such time, in such manner, in such form, and containing such information, as the Secretary may require, and a plan that meets the requirements of subsection (c) for the project to be funded, in whole or in part, by the grant.

“(d) PLAN REQUIRED.—The Secretary may not make a grant under subsection (b) for a system-wide security upgrade project until the applicant has submitted to the Secretary, and the Secretary has approved, a plan for the project, and the applicant has submitted to the Secretary such additional information as the Secretary may require in order to ensure full accountability for the obligation or expenditure of grant amounts.

“(e) FEDERAL STANDARDS.—Section 5333 of this title applies to any work financed with a grant under this section to the same extent as if it were financed with a grant under chapter 53 of this title. The application of that section does not affect or discharge any other responsibility of the Secretary under this title with respect to work financed by a grant under this section.”

(b) CONFORMING AMENDMENTS.—

(1) The chapter analysis for chapter 311 of title 49, United States Code, is amended—

(A) by striking “STATE” in the heading for subchapter I; and

(B) by inserting after the item relating to section 31108 the following:

“31109. Over-the-road bus security grant program.”

SEC. 2. BUS SECURITY RECOMMENDATIONS.

(a) IN GENERAL.—The Secretary of Transportation may use not less than \$3,000,000 and not more than \$5,000,000 of the amounts deposited in the Over-the-road Bus Security Fund account established under section 31109 of title 49, United States Code, for research and development of security recommendations for over-the-road buses (as defined in section 3038(a)(3) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 nt)), including—

(1) a review of actions already taken to address identified security issues by both public and private entities;

(2) research on engine shut-off mechanisms, chemical and biological weapon detection technology, and the feasibility of compartmentalization of the driver; and

(3) compilation, review, and dissemination of industry best practices.

(b) CONSULTATION WITH INDUSTRY, LABOR, AND OTHER GROUPS.—In carrying out this section, the Secretary shall consult with over-the-road bus management and labor representatives, public safety and law enforcement officials, and the National Academy of Sciences.

By Mr. BINGAMAN (for himself, Mr. MCCAIN, Mr. DASCHLE, Mr. BAUCUS, Mrs. CLINTON, Mr. DOMENICI, Mr. FEINGOLD, Mr. KENNEDY, Mr. JOHNSON, Mrs. MURRAY, Ms. STABENOW, Mr. WELLSTONE, Mr. HARKIN, Mr. MILLER, Ms. SNOWE, Mr. INOUE, Mr. SMITH of Oregon, Ms. CANTWELL, Mr. INHOFE, Ms. LANDRIEU, Mr. COCHRAN, Mrs. BOXER, Mr. MURKOWSKI, Ms. MIKULSKI, and Mr. GRASSLEY):

S. 1741. A bill to amend title XIX of the Social Security Act to clarify that Indian women with breast or cervical

cancer who are eligible for health services provided under a medical care program of the Indian Health Service or of a tribal organization are included in the optional Medicaid eligibility category of breast or cervical cancer patients added by the Breast and Cervical Prevention and Treatment Act of 2000; considered and passed.

Mr. BINGAMAN. Madam President, due to a jurisdiction concern raised with the committee referral of S. 535, I am reintroducing the Native American Breast and Cervical Cancer Treatment Technical Amendment Act of 2001 today with Senator MCCAIN and 23 other bipartisan cosponsors.

To ensure the availability of life-saving breast and cervical cancer treatment to American Indian and Alaska Native women, I urge the bill's immediate passage.

I request unanimous consent that a fact sheet and the text of the bill be printed in the RECORD.

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

S. 1741

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Native American Breast and Cervical Cancer Treatment Technical Amendment Act of 2001”.

SEC. 2. CLARIFICATION OF INCLUSION OF INDIAN WOMEN WITH BREAST OR CERVICAL CANCER IN OPTIONAL MEDICAID ELIGIBILITY CATEGORY.

(a) TECHNICAL AMENDMENT.—The subsection (aa) of section 1902 of the Social Security Act (42 U.S.C. 1396a) added by section 2(a)(2) of the Breast and Cervical Cancer Prevention and Treatment Act of 2000 (Public Law 106-354; 114 Stat. 1381) is amended in paragraph (4) by inserting “, but applied without regard to paragraph (1)(F) of such section” before the period at the end.

(b) BIPA TECHNICAL AMENDMENTS.—

(1) Section 1902 of the Social Security Act (42 U.S.C. 1396a), as amended by section 702(b) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (114 Stat. 2763A-572) (as enacted into law by section 1(a)(6) of Public Law 106-554), is amended by redesignating the subsection (aa) added by such section as subsection (bb).

(2) Section 1902(a)(15) of the Social Security Act (42 U.S.C. 1396a(a)(15)), as added by section 702(a)(2) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (114 Stat. 2763A-572) (as so enacted into law), is amended by striking “subsection (aa)” and inserting “subsection (bb)”.

(3) Section 1915(b) of the Social Security Act (42 U.S.C. 1396n(b)), as amended by section 702(c)(2) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (114 Stat. 2763A-574) (as so enacted into law), is amended by striking “1902(aa)” and inserting “1902(bb)”.

(c) EFFECTIVE DATES.—

(1) BCCPTA TECHNICAL AMENDMENT.—The amendment made by subsection (a) shall take effect as if included in the enactment of the Breast and Cervical Cancer Prevention and Treatment Act of 2000 (Public Law 106-354; 114 Stat. 1381).

(2) BIPA TECHNICAL AMENDMENTS.—The amendments made by subsection (b) shall

take effect as if included in the enactment of section 702 of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (114 Stat. 2763A-572) (as enacted into law by section 1(a)(6) of Public Law 106-554).

FACT SHEET—NATIVE AMERICAN BREAST AND CERVICAL CANCER TREATMENT TECHNICAL AMENDMENT ACT OF 2001

Sens. Jeff Bingaman (D-NM), John McCain (R-AZ), and 23 additional bipartisan cosponsors are reintroducing the “Native American Breast and Cervical Cancer Treatment Technical Amendment Act of 2001.” The bill is identical to the original bill, S. 535, and makes a simple but extremely important technical change to the “Breast and Cervical Cancer Treatment and Prevention Act” (P.L. 106-354) to ensure the coverage of breast and cervical cancer treatment for American Indian and Alaska Native women.

NEED FOR LEGISLATION

The “Breast and Cervical Cancer Treatment and Prevention Act,” which passed the Senate by unanimous consent and had 76 cosponsors, gives states the option to extend coverage to certain women who have been screened by programs operated under Title XV of the Public Health Service Act (the National Breast and Cervical Cancer Early Detection program) and who have no “creditable coverage.” The term “creditable coverage” was established by the Health Insurance Portability and Accountability Act of 1996 (HIPPA). Under the HIPPA definition, creditable coverage includes a reference to the medical care program of the Indian Health Service (IHS). In short, the reference to “creditable coverage” in the law effectively excludes Indian women from receiving Medicaid breast and cervical cancer treatment as provided for under this Act.

The Indian health reference to IHS/tribal care was originally included in HIPPA so that members of Indian Tribes eligible for IHS would not be treated as having a break in coverage (and thus subject to pre-existing exclusions and waiting periods when seeking health insurance) simply because they had received care through Indian health programs, rather than through a conventional health insurance program. Thus, in the HIPPA context, the inclusion of the IHS/tribal provision was intended to benefit American Indians and Alaska Natives, not penalize them.

However, use of the HIPPA definition in the recent “Breast and Cervical Cancer Treatment and Prevention Act” has the exact opposite effect. In fact, the many Indian women, who rely on IHS/tribal programs for basic health care, are excluded from the new law's eligibility for Medicaid. Not only does the definition deny coverage to Indian women, but the provision runs counter to the general Medicaid rule treating IHS facilities as full Medicaid providers.

The legislation would resolve these problems by clarifying that, for purposes of the “Breast and Cervical Cancer Prevention and Treatment Act,” the term “creditable coverage” shall not include IHS-funded care so that American Indian and Alaska Native women can be covered by Medicaid for breast and cervical cancer treatment. Since a number of states are currently moving forward to provide Medicaid coverage under the state option, the need for this legislation is immediate to ensure that American Indian and Alaska Native women are not denied from receiving life-saving breast and cervical cancer treatment.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 86—EXPRESSING THE SENSE OF CONGRESS THAT WOMEN FROM ALL ETHNIC GROUPS IN AFGHANISTAN SHOULD PARTICIPATE IN THE ECONOMIC AND POLITICAL RECONSTRUCTION OF AFGHANISTAN

Mr. DODD (for himself, Mr. KERRY, Mr. MCCAIN, Mrs. CLINTON, Ms. SNOWE, Ms. MIKULSKI, Ms. CANTWELL, Mrs. HUTCHISON, and Mrs. BOXER) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 86

Whereas until 1996 women in Afghanistan enjoyed the right to be educated, work, vote, and hold elective office;

Whereas women served on the committee that drafted the Constitution of Afghanistan in 1964;

Whereas during the 1970s women were appointed to the Afghan ministries of education, health, and law;

Whereas in 1977 women comprised more than 15 percent of the Loya Jirga, the Afghan national legislative assembly;

Whereas during the war with the Soviet Union as many as 70 percent of the teachers, nurses, doctors, and small business owners in Afghanistan were women;

Whereas in 1996 the Taliban stripped the women of Afghanistan of their most basic human and political rights;

Whereas under Taliban rule women have become one of the most vulnerable groups in Afghanistan, accounting for 75 percent or more of all Afghan refugees;

Whereas a study conducted by Physicians for Human Rights and released in May 2001 indicates that more than 90 percent of Afghan men and women believe that women should have the right to receive an education, work, freely express themselves, enjoy legal protections, and participate in the government; and

Whereas restoring the human and political rights that were once enjoyed by Afghan women is essential to the long-term stability of a reconstructed Afghanistan: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) a portion of the humanitarian assistance provided to Afghanistan should be targeted to Afghan women and their organizations;

(2) Afghan women from all ethnic groups in Afghanistan should be permitted to participate in the economic and political reconstruction of Afghanistan; and

(3) any constitution or legal structure of a reconstructed Afghanistan should guarantee the human and political rights of Afghan women.

Mr. DODD. Madam President, I rise today, along with my colleagues Senators KERRY, MCCAIN, CLINTON, CANTWELL, SNOWE, MIKULSKI, BOXER, and HUTCHISON to submit a resolution expressing the sense of Senate that women from all ethnic groups should participate in the economic and political reconstruction of Afghanistan. This is an issue we feel strongly about, and it is my hope that the Senate will soon take up this important issue. Let

me also thank Congresswoman CONNIE MORELLA for her work on this matter and for introducing companion legislation in House.

As you know, since the Taliban seized control of Kabul in 1996, women and girls living under this regime have been subjected daily to an array of human rights violations, from lack of access to education and health care to outright violence. They have been denied equal protection under the law, and have struggled to survive without the same professional or financial opportunities afforded the men in their country.

Certainly, even before the rise of the Taliban, Afghanistan was in many respects a country in crisis, facing drought, ethnic conflict, and uncertain leadership. It was the women and children of this troubled country that bore the brunt of this suffering. However, despite these many hardships, the women of Afghanistan persevered, and played a large and meaningful role in Afghani society. Prior to the rule of the Taliban, women had the right to vote, served as cabinet ministers, enjoyed rich professional careers, and indeed constituted a majority of country's lawyers, doctors, teachers, and business owners. Women participated in every aspect of Afghani life, and were fully integrated into its cultural, political, and economic fabric. However, since the Taliban regime came to power, conditions for women and children have worsened drastically. Stripped of their basic human rights and freedoms, they have fought hard to provide for themselves and their families, and to weather the many abuses suffered at the hands of the oppressive fundamentalist regime. Many women studied and taught in secret, determined to retain something of the life they knew before they were forced to retreat behind the burka.

In response to this humanitarian crisis, United States policy in Afghanistan has been guided, in part, by overwhelming concerns about these and other gross human rights violations. Now that we are in midst of military action against the Taliban in response to the horrific attacks on American civilians on September 11, we have the opportunity to help restore to the Afghani women the basic freedoms and opportunities which should be available to all citizens of the world. In addition, I believe that long-term stability in Afghanistan is contingent upon a full and expeditious renewal of these rights. The people of Afghanistan, both men and women, believe overwhelmingly that there is a place for Afghani women in Islamic society that affords them opportunities for meaningful professional and political roles in the rebuilding of their country. The reconstruction of Afghanistan, both politically and culturally, will require the insight and dedication of all of the people of Afghanistan, and women must not be excluded from this vital process. They must be included as

equal partners as this nation begins to recover and rebuild.

In many ways September 11 has become a turning point for the United States. It has been one of sorrow, and it has been a wake-up call that we need to guard our rights and our way of life. But it also an opportunity for the yoke of oppression to be once and for all lifted from the Afghani people, particularly the women and children who have suffered so much over the last decade. I urge my colleagues to support this resolution.

SENATE RESOLUTION 184—EXPRESSING THE SENSE OF THE SENATE REGARDING THE USE OF CONTENT LABELING FOR INTERNET WEB SITES OF SENATORS

Mrs. LINCOLN (for herself, Mr. ALLEN, Mr. CONRAD, Mr. BROWNBACK, Ms. LANDRIEU, and Mr. ENSIGN) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 184

Whereas Internet content labeling and filtering tools are valuable resources for safe use of the Internet by children; and

Whereas it is in the public interest that Senators configure their Internet web sites in a manner consistent with such tools in order to make the Internet safer for children while protecting freedom of expression: Now, therefore, be it

Resolved, That it is the sense of the Senate that each Senator should provide for the labeling of the content of the Internet web site of such Senator in a manner consistent with the labeling system utilized by the Internet Content Rating Association (ICRA) and other recognized voluntary Internet content filtering organizations.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2169. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill S. 703, to extend the effective period of the consent of Congress to the interstate compact relating to the restoration of Atlantic salmon to the Connecticut River Basin and creating the Connecticut River Atlantic Salmon Commission, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2169. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill S. 703, to extend the effective period of the consent of Congress to the interstate compact relating to the restoration of Atlantic salmon to the Connecticut River Basin and creating the Connecticut River Atlantic Salmon Commission, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, after line 14, insert the following new section:

SEC. 2. FISHING CAPACITY REDUCTION PROGRAM.

Section 144(d)(4)(A) of division B of the Miscellaneous Appropriations Act, 2001 (as

enacted into law by section 1(a)(4) of Public Law 106-554; 114 Stat. 2763A-242) is amended—

(1) by striking “in equal parts through a reduction loan of \$50,000,000” and inserting “through any combination of a reduction loan of up to \$100,000,000”; and

(2) by striking “and \$50,000,000” and inserting “and up to \$50,000,000”.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Madam President, I would like to announce for the information of the Senate and the public that the Committee on Energy and Natural Resources will hold a hearing on Wednesday, December 5, 2001, at 9:30 a.m. in Room 366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following nominations: Margaret S. Y. Chu to be Director of the Office of Civilian Radioactive Waste Management, Department of Energy; Beverly Cook to be an Assistant Secretary of Energy (Environment, Safety and Health), Department of Energy; Jeffrey D. Jarrett to be Director of the Office of Surface Mining Reclamation and Enforcement, Department of the Interior; and Rebecca W. Watson to be Assistant Secretary of the Interior (Land and Minerals Management), Department of the Interior.

Those wishing to submit written testimony for the hearing record on any of these nominations should e-mail it to amanda.goldman@energy.senate.gov or fax it to 202/224-9026.

For further information, please call Sam Fowler or Amanda Goldman at 202/224-4103.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, December 6, beginning at 9:30 a.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the negotiations for renewing the Compact of Free Association.

Because of the limited time available for the hearing, witnesses may testify by invitation only. Those wishing to submit written testimony for the hearing record should e-mail it to shelly.brown@energy.senate.gov or fax it to 202/224-4340.

For further information, please contact Kira Finkler of the committee staff at (202) 224-8164.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. CLELAND. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized

to meet to conduct a hearing on “Department of Justice Oversight: Preserving Our Freedoms While Defending Against Terrorism.” Wednesday, November 28, 2001 at 9 a.m. in Dirksen room 226.

TENTATIVE WITNESS LIST

Panel I: Michael Chertoff, Assistant Attorney General, Criminal Division.

Panel II: William Barr, former Attorney General of the United States; Philip B. Heymann, James Barr Ames Professor of Law, Harvard Law School, former Deputy Attorney General of the United States; Griffin Bell, Senior Partner, King & Spalding, former Attorney General of the United States; Scott L. Silliman, Executive Director, Center on Law, Ethics and National Security, Duke University School of Law; Kate Martin, Director, The Center for National Security Studies; and Neal Katyal, Visiting Professor, Yale Law School, Professor of Law, Georgetown University.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. CLELAND. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet to conduct a closed hearing on Intelligence Matters on Wednesday, November 28, 2001 at 2:30 p.m.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations, 572 and 575; that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements thereon be printed in the RECORD, and the President be immediately notified of the Senate’s action.

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

The nominations were considered and confirmed, as follows:

DEPARTMENT OF THE TREASURY

James Gilleran, of California, to be Director of the Office of Thrift Supervision for the remainder of the term expiring October 23, 2002.

EXECUTIVE OFFICE OF THE PRESIDENT

Randall S. Kroszner, of Illinois, to be a Member of the Council of Economic Advisers.

NOMINATIONS DISCHARGED

Mr. REID. Madam President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of the following nominations: ENI FALEOMAVAEGA and STEVEN CHABOT to be Representatives of the United States to the Fifty-sixth Session of the General Assembly of the United Nations.

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

Mr. REID. I ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, that any statements be printed in the RECORD, the President be immediately notified of the Senate’s action, and that the Senate return to legislative session.

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

The nominations were considered and confirmed, as follows:

DEPARTMENT OF STATE

Eni F.H. Faleomavaega, of American Samoa, to be a Representative of the United States of America to the Fifty-sixth Session of the General Assembly of the United Nations.

Steven Joseph Chabot, of Ohio, to be a Representative of the United States of America to the Fifty-sixth Session of the General Assembly of the United Nations.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

NATIVE AMERICAN BREAST AND CERVICAL CANCER TREATMENT TECHNICAL AMENDMENT ACT OF 2001

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1741 introduced earlier today by Senator BINGAMAN.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1741) to amend title XIX of the Social Security Act to clarify the Indian women with breast or cervical cancer who are eligible for health services provided under a medical care program of the Indian Health Service of a tribal organization are included in the optional medicaid eligibility category of breast or cervical cancer patients added by the Breast and Cervical Cancer Prevention and Treatment Act of 2000.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Madam President, I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (S. 1741) was passed.

(The text of (S. 1741) is printed in today’s RECORD under “Statements on Introduced Bills and Joint Resolutions.”)

MEASURE READ THE FIRST TIME—H.R. 2983

Mr. REID. Madam President, I understand that H.R. 2983, which was just received from the House, is at the desk, and I now ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill.

The assistant 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.

Mr. REID. Madam President, I now ask for the bill's second reading and object to my own request on behalf of a number of my colleagues.

The PRESIDING OFFICER. Objection is heard.

Under the rule, the bill will receive its second reading on the next legislative day.

ORDERS FOR THURSDAY,
NOVEMBER 29, 2001

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9 a.m. tomorrow, Thursday, November 29; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of

the motion to proceed to H.R. 10, with 60 minutes of debate, beginning at 9 a.m., prior to the cloture vote, equally divided between the two leaders or their designees, with the mandatory quorum being waived.

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

ADJOURNMENT UNTIL 9 A.M.
TOMORROW

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:38 p.m., adjourned until Thursday, November 29, 2001, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate November 28, 2001:

THE JUDICIARY

FRANCIS L. CRAMER, III, OF NEW HAMPSHIRE, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM EXPIRING FIFTEEN YEARS AFTER HE TAKES OFFICE, VICE JULIAN L. JACOBS, TERM EXPIRED.

DEPARTMENT OF STATE

KENNETH P. MOOREFIELD, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC REPUBLIC OF SAO TOME AND PRINCIPE.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 28, 2001:

DEPARTMENT OF THE TREASURY

JAMES GILLERAN, OF CALIFORNIA, TO BE DIRECTOR OF THE OFFICE OF THRIFT SUPERVISION FOR THE REMAINDER OF THE TERM EXPIRING OCTOBER 23, 2002.

EXECUTIVE OFFICE OF THE PRESIDENT

RANDALL S. KROSZNER, OF ILLINOIS, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF STATE

ENI F.H. FALEOMAVAEGA, OF AMERICAN SAMOA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-SIXTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

STEVEN JOSEPH CHABOT, OF OHIO, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-SIXTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.