Federal resources should be invested in improving public schools for all children through higher standards, smaller classes, well-trained teachers, modern facilities, more after-school programs, and safe and secure classrooms. They should not be frittered away on ineffective and unproven programs to help just a few children.

Mr. President, we all know that the education provisions in this amendment will necessitate that this amendment be dropped in conference. Thus, this is not a meaningful vote. I will continue to work to enact legislation to provide law enforcement officials the tools they need to combat the methamphetamine problem in this country. But I don't want to be part of an effort that may jeopardize the Bankruptcy Reform Act of 1999—a bill that is aimed, rightly, at reducing the abuses of the bankruptcy system. We should be focused on enacting meaningful bankruptcy reform, and not encumbering this bill with decisive partisan issues. We need to send a bankruptcy bill to the President which he can sign into law—this amendment, unfortunately, does not further that end.

Mr. LEVIN. Mr. President, the Republican drug amendment to the bankruptcy bill would authorize private school vouchers for students who are injured by offenses on public school grounds. It allows school districts to use funds from other Federal education programs, including IDEA funds, technology funds and others, to provide vouchers. I will vote against this amendment. I will do so because it will not make our schools safer and it will not invest in student achievement. Ninety percent of students are educated in our nation's public schools. Our public tax dollars should be used for improving public schools, through smaller class size, well-trained teachers, more after-school programs, modern facilities, higher standards, and safe and secure classes. I repeat, vouchers are the wrong way to go.

My decision to oppose this amendment is bitter-sweet because while I oppose the voucher provisions of this amendment, I strongly support a provision of the amendment which is, in fact, legislation which I co-authored and introduced with Senator HATCH, Senator MOYNIHAN and Senator BIDEN in January of this year—S. 324, the Drug Addiction Treatment Act. It addresses a long-time crusade of mine—that of speeding the development and delivery of anti-addiction medications that block the craving for illicit addictive substances. This is one way in which we can fight and win the war on drugs—by blocking the craving for illegal substances. The Drug Addiction Treatment Act is aimed at achieving this goal. It was originally reported out of the Judiciary Committee as Sec. 18 of the Methamphetamine Anti-Proliferation Act of 1999, and provides for qualified physicians to prescribe schedule IV and V anti-addiction medications in their offices, under certain strict conditions. I was pleased to have introduced S. 324 along with my distinguished colleagues. I regret that this vital legislation, which can be a tool for fighting and winning the war on drugs, is included in an amendment that I cannot support.

Mr. MOYNIHAN. Mr. President, I rise now to echo the sentiment of my friend and colleague from Michigan, Senator LEVIN, that the passage of the Republican drug amendment marks a bitter-sweet moment. I, too, regret that I had to vote against the Republican drug amendment today, because it contains a provision that is very important to me, which I will address in a moment. I voted against the Republican drug amendment as a whole because of the provision that would expand the number of people who would come within the reach of mandatory minimum sentences for certain offenses involving cocaine. I feel very strongly that the correct way to address the problem of addiction is not by increasing the reach of mandatory minimum sentences, but rather to increase access to treatment. And that is why passage of the Drug Addiction Treatment Act of 1999 (S. 324), in Subtitle B, Chapter 2, of the Republican drug amendment, marks a milestone in the treatment of opiate dependence. The Drug Addiction Treatment Act increases access to new medications, such as buprenorphine, to treat addiction to certain narcotic drugs, such as heroin. I thank my colleagues Senator LEVIN, Senator HATCH, and Senator BIDEN for their leadership and dedication in developing this Act, and regardless of the outcome of the Bankruptcy Reform Act, one way or another, I look forward to seeing the Drug Addiction Treatment Act of 1999 become law.

Determining how to deal with the problem of addiction is not a new topic. Just over a decade ago when we passed the Anti-Drug Abuse Act of 1988, I was assigned by our then-Leader ROBERT BYRD, with Sam Nunn, to co-chair a working group to develop a proposal for drug control legislation. We worked together with a similar Republican task force. We agreed, at least for a while, to divide funding under our bill between demand reduction activities (60 percent) and supply reduction activities (40 percent). And we created the Director of National Drug Control Policy (section 1002); next, ''There shall be in the Office of National Drug Control Policy a Deputy Director for Demand Reduction and a Deputy Director for Supply Reduction.''

We put demand first. To think that you can ever end the problem by interdicting the supply of drugs, well, it's an illusion. There's no possibility.

I have been intimately involved with trying to eradicate the supply of drugs into this country. It fell upon me, as a member of the Nixon Cabinet, to negotiate shutting down the heroin traffic that went from central Turkey to Marseilles to New York—''the French Connection''—but we knew the minute that happened, another route would spring up. That was a given. The success was short-lived. What we needed was demand reduction, a focus on the user. And we still do.

Demand reduction requires science and it requires doctors. I see the science continues to develop, and The Drug Addiction Treatment Act of 1999 will allow doctors and patients to make use of it.

Congress and the public continue to fixate on supply interdiction and harsher sentences (without treatment) as the ''solution'' to our drug problems, and adamantly refuse to acknowledge what various experts now know and are telling us: that addiction is a chronic, relapsing disease; that is, the brain undergoes molecular, cellular, and physiological changes which may not be reversible.

What we are talking about is not simply a law enforcement problem, to cut the supply; it is a public health problem, and we need to treat it as such. We need to stop filling our jails under the misguided notion that such actions will stop the problem of drug addiction. The Drug Addiction Treatment Act of 1999 is a step in the right direction.

Mr. LOTT. Mr. President, I ask unanimous consent that the remaining votes be limited to 10 minutes in length each.

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

EXECUTIVE SESSION

NOMINATION OF CAROL MOSELEY-BRAUN TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO NEW ZEALAND AND SAMOA

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Carol Moseley-Braun, of Illinois, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to New Zealand and Samoa.

Mr. BIDEN. Mr. President, I am pleased that today the Senate is voting on the nomination of our friend and former colleague Carol Moseley-Braun to be U.S. Ambassador to New Zealand, as well as Ambassador to Samoa.

I am confident that Senator Moseley-Braun will be an excellent ambassador. She has all the requisite skills—political savvy, personal charm, and street smarts—to represent the United States

in the finest tradition of American diplomacy.

I would like to make a few comments about the remarks made yesterday by the chairman of the Foreign Relations Committee, the senior senator from North Carolina.

During yesterday's session, the chairman spoke on the floor about this nomination. While he essentially conceded that Senator Moseley-Braun will be confirmed by the Senate, he proceeded to make several arguments which I believe deserve a response.

First, the chairman stated that there had been a ''successful coverup'' of serious ethical wrongdoing. I believe such a loaded accusation should be supported by facts, yet the chairman offered not a shred of evidence that anyone has covered up anything.

On the contrary, during the consideration of the nomination, the Committee on Foreign Relations was provided with several thousand pages of documents requested by the Chairman, documents which were produced in a very short period of time. Included in these materials were several internal memoranda from the Department of Justice and the Internal Revenue Service; Committee staff members were even permitted to read the decision memos related to the IRS request to empanel a grand jury.

Second, the chairman suggested that Senator Moseley-Braun has ''been hiding behind Mr. Kgosie Matthews,'' her former fiancé, who, the chairman charged, is now ''conveniently a missing man.'' Mr. Matthews, it should be emphasized, is Senator Moseley-Braun's former fiancé, and it is ludicrous to suggest that she is somehow responsible for his whereabouts or actions.

Third, the chairman suggested that the request of the Internal Revenue Service for a grand jury to investigate the Senator was blocked by political appointees in the Justice Department, ''no doubt on instructions from the White House'' and that it was somehow odd that the request was blocked.

Here are the facts: in 1995 and 1996, the Chicago field office of the Internal Revenue Service sought authorization to empanel a grand jury to investigate allegations that Senator Moseley-Braun committed criminal violations of the tax code by converting campaign funds to personal use (which, if true, would be reportable personal income). The IRS request was based almost exclusively on media accounts and some FEC documents. When the first request was made in 1995, the Department of Justice urged the IRS to do more investigative work to corroborate the information that was alleged in the media accounts. Justice invited the IRS to resubmit the request.

The IRS resubmitted the request in early 1996; but it had not added any significant information to the request. In other words, it did not provide the corroborative information that the Justice Department had requested.

The decision to deny the request for authorization of the grand jury was made in the Tax Division, after consultation with senior officials in the Public Integrity Section.

Although it is not that common for grand jury requests to be refused, the Department of Justice is hardly a rubber stamp—for the IRS or anyone other agency. It is guided by the standard of the United States Attorneys' Manual, which requires that there be ''articulable facts supporting a reasonable belief that a tax crime is being or has been committed.'' (U.S. Attorneys' Manual, 6–4.211B). The committee staff was permitted to review, but not retain, the internal memos in the Tax Division rejecting the IRS request. From the trial attorney up to the Assistant Attorney General for the Tax Division—four levels of review—all agreed that there was not a sufficient predicate of information that justified opening a grand jury investigation. In short, there were not the ''articulable facts'' necessary for empaneling the grand jury.

There is no evidence—none—that this decision was influenced by political considerations or outside forces.

Last year, when the story became public that Senator Moseley-Braun had been investigated by the IRS—and that the requests for a grand jury had been denied—the Office of Professional Responsibility at the Department of Justice opened its own inquiry. They investigated not Sen. Moseley-Braun, but the handling of the case within the Department of Justice. Their inquiry concluded that there was no improper political influence on the process. So, far from the ''Clinton White House blocking the grand jury,'' all the proper procedures were followed, and there is no evidence of White House intervention in the case. Equally important, the Office of Professional Responsibility review concluded that the decision on the merits was appropriate.

Next, the chairman suggested that the decision to reject the grand jury request was somehow tainted because the senior official at the Justice Department who made the decision, Loretta Argrett, ''was a Moseley-Braun supporter, who had made a modest contribution'' to Senator Moseley-Braun's campaign, ''who had a picture of Ms. Moseley-Braun on her office wall'' and that the Senator had ''even presided over Ms. Argrett's confirmation in 1993.''

Here are the facts: Ms. Argrett, the Assistant Attorney General for the Tax Division, was the senior official at Justice who approved the decision not to authorize the grand jury request. It is true that Ms. Argrett gave money to the Senator's campaign: the grand sum of $25. It is also true that the Senator chaired Ms. Argrett's hearing, a hearing at which several other nominees also testified. I chaired the Judiciary Committee at that time. I routinely asked other members of the Committee to chair nomination hearings, just as Senator THOMAS chaired last week's hearing on Senator Moseley-Braun. Finally, it is also true that Ms. Argrett had a photograph of her and the Senator hanging in her office—a photo taken at that confirmation hearing.

All of these facts were disclosed to the Deputy Attorney General at the time, Jamie Gorelick, for a determination as to whether Ms. Argrett should be involved in the case. On June 2, 1995, Assistant Attorney General Argrett disclosed these facts to the Deputy Attorney General and concluded that, based on the minimal contact she had with the Senator, she believed she could act impartially in this case. Deputy Attorney General Gorelick —one of the most capable public officials I have known in my years in the Senate—approved Ms. Argrett's continued participation in the case.

Mr. President, I will not delay the Senate any further. The Committee did its job and gathered the available evidence. There is no evidence in the record that disqualifies Senator Moseley-Braun.

She will be an excellent ambassador, just as she was an excellent senator. We are lucky that she still wants to continue in public service. I urge my colleagues to vote to confirm Senator Carol Moseley-Braun.

Mr. FITZGERALD. Mr. President, I submit this statement in opposition to the nomination of former Senator Carol Moseley-Bruan as Ambassador of the United States to the governments of New Zealand and Samoa. The people of Illinois are intimately familiar with Senator Moseley-Braun's public career, as am I. Based on my extensive knowledge of her record, I cannot in good conscience support her nomination. While her tenure involved a significant number of controversies, many of which are troubling, her secret visits to, and relations with, the late General Sani Abacha and his regime are themselves a disqualifier for any kind of position that involves representing the United States in a foreign land. They demonstrate a lack of judgment and discretion that should be required of any ambassadorial nominee.

According to her written responses provided to the Senate Foreign Relations Committee on November 6, 1999, the Senator traveled to Nigeria in December, 1992; July, 1995; and August, 1996. According to the same documents, Senator Moseley-Braun met with Sani Abacha during all three trips. Abacha was one of the world's most brutal and corrupt dictators, an international pariah, widely reviled. After taking power in 1993, he jailed Nigeria's elected president, reportedly imprisoned as

many as 7,000 political opponents, hanged environmentalist Ken Saro-Wiwa and eight other activists and allegedly stole more than $1 billion in oil revenues while presiding over the nation's economic collapse.

During her appearance before the East Asian and Pacific Affairs subcommittee of the Senate Foreign Relations Committee, Senator Moseley-Braun likened her meetings with General Abacha to meetings between other Senators and Members of Congress with leaders of countries accused of violating human rights. This analogy is inappropriate; her visits were of a chilling and distinctly different nature. Senator Moseley-Braun's visits with Abacha were secret encounters, condemned by the U.S. State Department, hidden not just from the government but even from her own staff. Moreover, her former fiance, Mr. Kgosie Matthews, was at one time a registered agent for the Nigerian government. Mr. Matthews accompanied her to Nigeria, although it is not clear how many times he did so. In response to written questions, Senator Moseley-Braun stated that she was ''unaware of whether . . . Mr. Matthews 'directly or indirectly received any money or anything of monetary value' from the Nigerian government.'' To secretly visit a corrupt despot like Abacha, remaining unaware of whether a fiance, a one-time agent of the regime, is profiting in any way from Abacha or the Nigerian government, demonstrates a profound lack of judgment.

The confirmation hearing briefly touched upon areas of concern other than Senator Moseley-Braun's relations with Abacha. During her tenure, the Internal Revenue Service requested a grand jury investigation of Senator Moseley-Braun, suggesting a number of areas of inquiry. In her written responses to questions posed by the Foreign Relations Committee, the nominee stated that ''I was unaware that I was the subject of any criminal investigation by the Internal Revenue Service prior to the July, 1998 WBBM report.''

The WBBM–TV report, to which Senator Moseley-Braun referred, disclosed that the IRS twice sought to convene a grand jury to explore allegations concerning the personal use of campaign funds as well as allegations relating to ''possible bank fraud, bribery and other federal crimes.'' The committee record established that the Department of Justice rejected the requests for grand juries, citing a lack of sufficient evidence, thus halting the ability of the IRS to proceed with the very subpoena power necessary to acquire sufficient evidence. The circularity of this process—the IRS requests for grand juries and Department of Justice refusals—as well as the inability of these concerns to be probed to conclusion, leaves a host of unanswered questions. These questions should have been resolved prior to a vote on the confirmation.

Senator Moseley-Braun refers to an FEC audit report that she believes rebuts the IRS concerns. First, assuming for the sake of argument that the FEC audit refutes the personal use of campaign funds, it nevertheless clearly does not refute the other allegations reportedly raised by the IRS such as ''possible bank fraud, bribery and other federal crimes'' reportedly going back to her tenure as Cook County Recorder of Deeds.

Second, it is unclear to what extent the FEC investigated the personal use of campaign funds. There are countless ways a diversion of campaign funds for personal use could occur. Discussion in the confirmation hearing centered around just campaign credit cards. Section I. D. of the FEC audit report does not mention the diversion of campaign funds as being within the scope of the audit, but instead lists, in specific detail, eight other areas of inquiry. On the other hand, the last page of the audit report indicates that the FEC audited the activity of the campaign credit cards. FEC working papers provided to the Senate further indicate that the FEC found that the cards were used to pay $6,258.14 of Mr. Matthews' personal expenses, but that, after deducting sums which the campaign argued it owed him, these personal expenses totaled only $311.28. It is unclear whether the FEC probed the possible diversion of campaign funds by other, less blunt, more oblique means, such as by cash purchases or by cashier's checks purchased with cash, or by other mechanisms. To the best of our knowledge, major allegations of diversion, such as those discussed in the Dateline NBC report, did not arise until after the FEC audit was completed.

Third, the FEC itself pointedly said that no inferences should be drawn from its failure to resolve its examination of Senator Moseley-Braun's campaign fund. According to a Chicago Tribune article dated April 8, 1997, FEC spokeswoman Sharon Snyder mentioned ''a lack of manpower, a lack of time'' and cited the impending expiration of the statute of limitations. She went on to say: ''There's no statement here: no exoneration, no Good Housekeeping seal of approval, just no action.''

Thus, with respect to the FEC investigation, as with the IRS requests for grand juries, many questions remain unresolved. However, the visits with General Sani Abacha are undisputed and, in their context, they are so unusual and bizarre as to alone disqualify her as an ambassador.

Mr. President, I recognize the Senate must fulfill its constitutional obligation. This body has given Senator Carol Moseley-Braun a select responsibility. While I cannot in good conscience support her nomination, I wish her well in her new post.

Mr. KENNEDY. Mr. President, I strongly support our distinguished former colleague, Senator Carol Moseley-Braun, and I urge the Senate to confirm her as Ambassador to New Zealand. Senator Carol Moseley-Braun served the people of Illinois with great distinction during her six years in the Senate. She fought hard for the citizens of Illinois and for working men and women everywhere, and it was a privilege to serve with her. In her years in the Senate, she was a leader on many important issues that affect millions of Americans, especially in the areas of education and civil rights. She worked skillfully and effectively to bring people together with her unique energetic and inspiring commitment to America's best ideals.

Senator Moseley-Braun has been breaking down barriers all her life. She became the first African-American woman to serve in this body. Her leadership was especially impressive in advancing the rights of women and minorities in our society. As a respected former Senator, she will bring great stature and visibility to the position of Ambassador to New Zealand. That nation is an important ally of the United States, and it is gratifying that we will be sending an Ambassador with her experience and the President's confidence.

Mrs. FEINSTEIN. Mr. President, I rise today to express my strong support for the nomination of my friend and former colleague, Carol Moseley-Braun, to be Ambassador to New Zealand.

I had the pleasure of serving with Senator Moseley-Braun for six years and I know her to be a dedicated, caring, intelligent, and hard-working public servant. I am confident she will carry these qualities to her new post in New Zealand.

Prior to her service in the United States Senate, Senator Moseley-Braun distinguished herself as a member of the Illinois Legislature and as the Recorder of Deeds for Cook County, Illinois. From 1973 to 1977 she also served as Assistant District Attorney in the Northern District of Illinois.

In 1992, Carol Moseley-Braun made history by becoming the first African American female elected to the United States Senate. As a United States Senator, she dedicated herself to issues that would make a difference in the lives of ordinary Americans: increased funding for education, HMO reform and family and medical leave.

Following her service in the Senate, Senator Moseley-Braun continued to stay involved in the issues that mean most to her and become a consultant to the United States Department of Education.

On October 8, 1999, President Clinton presented her with a new challenge and

nominated her to be United States Ambassador to New Zealand. I am sure her tenure as Ambassador will only add to this long and distinguished career.

The overwhelming and bi-bipartisan vote in favor of her nomination by the Senate Foreign Relations Committee should answer any critic that questions her qualifications to be the next ambassador to New Zealand.

New Zealand is an important ally and a vital part of our relations in the Asia-Pacific region. We need an ambassador who will be able to handle all aspects of United States-New Zealand relations and best represent our interests. Carol Moseley-Braun is the right person for that job.

Mr. President, I was proud to serve with Senator Moseley-Braun, I am proud to call her a friend and I am proud to support her nomination to be Ambassador to New Zealand.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Carol Moseley-Braun, of Illinois, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to New Zealand and Samoa?

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN), and the Senator from Arizona (Mr. KYL) are necessarily absent.

I further announce that, if present and voting, the Senator from Arizona (Mr. KYL) would vote ''yea.''

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

The result was announced—yeas 96, nays 2, as follows:

[Rollcall Vote No. 361 Ex.]

YEAS—96

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

NAYS—2

Fitzgerald	Helms

NOT VOTING—2

Kyl	McCain

Tne nomination was confirmed.

Mr. DURBIN. I move to reconsider the vote.

Mr. SANTORUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The President will be notified of the action taken by the Senate.

NOMINATION OF LINDA JOAN MORGAN, OF MARYLAND, TO BE A MEMBER OF THE SURFACE TRANSPORTATION BOARD

The PRESIDING OFFICER. The clerk will report the next nomination.

The legislative clerk read the nomination of Linda Joan Morgan, of Maryland, to be a Member of the Surface Transportation Board for a term expiring December 31, 2003.

Mr. HOLLINGS. Mr. President, I rise in support of the nomination of Linda J. Morgan. Today we are considering the nomination of Linda Morgan to be reappointed as the chairman of the Surface Transportation Board. I am proud to say that I have known Chairman Morgan for many years. Although we may not always agree, I have a great deal of respect for her and know that two qualities she possesses in abundance are fairness and integrity. Those qualities, coupled with her commitment to public service, make her an outstanding chairman.

Before I discuss Chairman Morgan's abilities and accomplishments, I would like to comment briefly on the agreement reached between railroad management and labor this week on the cram down issue. As many of you know, the carriers and their employees have been working on the terms of an agreement which would create new rules pertaining to the abrogation of collective bargaining agreements. Yesterday, the parties agreed to a moratorium on the filing of section 4 notices while the negotiations take place to establish new rules. I am pleased that the parties were able to reach a compromise on this important issue and urge the STB to look favorably on this agreement. In addition, I expect to address this issue legislatively next year when we take up the STB reauthorization bill.

As many of you know, Linda Morgan served as counsel for the Surface Transportation Subcommittee for 8 years and then as general counsel for the full Committee on Commerce, Science, and Transportation for seven years. During that time I found Linda Morgan to be one of the most intelligent and thorough professionals that I have worked with. She is smart and she cares about the issues—I know that she is committed to serving the public in her capacity as the chairman of the Surface Transportation Board.

Linda Morgan has served as chairman of the Surface Transportation Board (STB) since it was created in 1996. Prior to that, she served as chairman of the ICC. In 1996 she was responsible for implementing the changes that Congress envisioned in the Interstate Commerce Commission Termination Act. She pared down the ICC and established a new, more streamlined agency in its place, the STB.

Chairman Morgan is to be commended for her achievements and commitment to the mission of the STB during her first term. The STB operates with only 135 people, less than half the staff of it predecessor, but it is charged with regulating the entire railroad industry. Among her accomplishments, Chairman Morgan has facilitated creating a more efficient process for resolving rate disputes between shippers and carriers. Additionally, under her leadership, she has helped the private sector come to agreements on short line access and agricultural services arbitration which have benefited the entire transportation industry.

Chairman Morgan has done an outstanding job moving the agency through several different places. She successfully transitioned the agency from the ICC to the STB. She has seen the railroad industry through three very large merger transactions. She helped resolve the service issues in the west. And last year she ended the practice of using product and geographic competition in determining appropriate rates for shippers.

Linda Morgan has done a lot of heavy lifting during her tenure as chairman of the STB. She has my full confidence and I support her nomination.

Mr. BURNS. Mr. President, I rise today to oppose the nomination of Linda Morgan. During her tenure as the chairwoman of the Surface Transportation Board, Ms. Morgan has failed to achieve a primary goal of this independent agency—protecting the rights of shippers using rail transportation. Earlier this year, I along with a number of other colleagues, introduced a bill, S. 621, that would help to create competition among rail carriers where that competition does not currently exist due to regional monopolization.

This bill would resolve the economic inequities found around our nation. In my State of Montana, our farmers pay dramatically more for transportation costs than farmers anyplace else in the State. In fact, on a proportionate comparison, Montana's farmers pay more than most other shippers in the world.