

to linger in this type of legislative limbo. Here in Congress, we need the input of a confirmed head of the Antitrust Division to give us the administration's views on a variety of important policy matters—defense consolidation, electricity deregulation, and telecommunications mergers, among others. We need someone who can speak with authority for the Division without a cloud hanging over his head.

More than that, without a confirmed leader, morale at the Antitrust Division is suffering. And given the pace at which the President has nominated and the Senate has confirmed appointees, if we fail to approve Mr. Klein, it will be at least a year before we confirm a replacement—maybe longer, and maybe never. So we need to act now; we can't afford to let the Antitrust Division continue to drift.

Finally, Mr. President, I have great respect for the Senator from South Carolina—as well as the Senators from Nebraska and North Dakota. They have been forceful advocates for consumers on telecommunications matters, and I have stood side by side with them in that fight. But we ought to give Mr. Klein our vote today, so he can have the chance to succeed or fail as a confirmed appointee. My hope and expectation is that in a few years—when we look back at Joel Klein's service as head of the Antitrust Division—his accomplishments will surprise his critics, please his supporters, and improve what is already the best free market economy in the world.

Mr. BAUCUS. Mr. President, I rise to express my support for the nomination of Joel Klein to be Assistant Attorney General for the Antitrust Division of the Department of Justice. And while I will vote to bring this nomination to the floor for a vote, I will outline my concerns for the Senate at this time.

Mr. President, a number of my colleagues have expressed their serious concern about this nominee. More importantly, they have detailed the responsibilities of this position. This position has a statutory responsibility to enforce the antitrust authority of the Department of Justice.

As my colleagues have eloquently stated, this is particularly important and timely in regard to the telecommunications reform regulations which are being promulgated to enforce the reforms enacted into law last year. While these reforms should bring great benefits to consumers across the country, the Department of Justice must play an active role to protect the interests of consumers against violations of antitrust authority.

This is also important in the meat packing industry. The mergers which this industry has experienced have left livestock producers at the mercy of precious few meat processors. Just five packers control this industry. Producers and consumers alike need to know that the Department of Justice is enforcing antitrust law.

There have also been a number of mergers in the railroad industry which

have virtually eliminated competition in this transportation sector. For a State like Montana—a captive shipper—this is a problem. Montana farmers pay freight rates that are among the highest in the Nation. It generally is cheaper to ship grain from States east of Montana to the ports of Portland or Seattle, than it is for Montana producers. Without careful attention, I worry that this discrepancy could get worse, not better.

Mr. President, I will be supporting this nomination. I have long relied on a very simple question to determine my support or opposition for a nominee for a Presidential appointment. Is the candidate qualified? In this case, I believe the President's choice is qualified and has no reason we should delay confirmation.

So I will be voting for this nominee. And, when he is confirmed, I will be watching the issues under the jurisdiction of the Antitrust Division very carefully.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

EXECUTIVE SESSION

NOMINATION OF JOEL I. KLEIN, TO BE AN ASSISTANT ATTORNEY GENERAL

The PRESIDING OFFICER. Under the previous order, the hour of 6 p.m. having arrived, the Senate will now go into executive session.

CLOTURE MOTION

The PRESIDING OFFICER. By unanimous consent, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 104, the nomination of Joel I. Klein, to be Assistant Attorney General:

Trent Lott, Orrin Hatch, Kay Bailey Hutchison, John McCain, Olympia Snowe, Dan Coats, Pat Roberts, Rod Grams, R.F. Bennett, Thad Cochran, Jim Inhofe, Sam Brownback, W.V. Roth, Chuck Hagel, J. Warner, Larry E. Craig.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Sen-

ate that debate on the nomination of Joel I. Klein of the District of Columbia, to be Assistant Attorney General, shall be brought to a close?

The yeas and nays are required. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Montana [Mr. BURNS], the Senator from New York [Mr. D'AMATO], the Senator from Minnesota [Mr. GRAMS], the Senator from Pennsylvania [Mr. SANTORUM], and the Senator from Alabama [Mr. SESSIONS] are necessarily absent.

Mr. FORD. I announce that the Senator from Delaware [Mr. BIDEN], the Senator from Connecticut [Mr. DODD], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Maryland [Ms. MIKULSKI], and the Senator from Oregon [Mr. WYDEN] are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts [Mr. KENNEDY] would vote "aye."

The yeas and nays resulted—yeas 78, nays 11, as follows:

[Rollcall Vote No. 174 Ex.]

YEAS—78

| | | |
|-----------|------------|---------------|
| Abraham | Frist | Mack |
| Allard | Glenn | McCain |
| Ashcroft | Gorton | McConnell |
| Baucus | Graham | Moseley-Braun |
| Bingaman | Gramm | Moynihan |
| Bond | Grassley | Murkowski |
| Boxer | Gregg | Murray |
| Breaux | Hagel | Nickles |
| Brownback | Hatch | Reed |
| Bryan | Helms | Reid |
| Bumpers | Hutchinson | Robb |
| Campbell | Hutchison | Roberts |
| Chafee | Inhofe | Rockefeller |
| Coats | Inouye | Roth |
| Cochran | Jeffords | Sarbanes |
| Collins | Johnson | Shelby |
| Coverdell | Kempthorne | Smith (NH) |
| Craig | Kerry | Smith (OR) |
| Daschle | Kohl | Snowe |
| DeWine | Kyl | Specter |
| Domenici | Landrieu | Stevens |
| Durbin | Leahy | Thomas |
| Enzi | Levin | Thompson |
| Faircloth | Lieberman | Thurmond |
| Feinstein | Lott | Torricelli |
| Ford | Lugar | Warner |

NAYS—11

| | | |
|---------|----------|------------|
| Akaka | Dorgan | Kerrey |
| Byrd | Feingold | Lautenberg |
| Cleland | Harkin | Wellstone |
| Conrad | Hollings | |

NOT VOTING—11

| | | |
|---------|----------|----------|
| Bennett | Dodd | Santorum |
| Biden | Grams | Sessions |
| Burns | Kennedy | Wyden |
| D'Amato | Mikulski | |

The PRESIDING OFFICER. On this vote, the yeas are 78, the nays are 11. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

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

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

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

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, once again, I find myself in the unpleasant position of speaking before my colleagues about unacceptable levels of unnecessary spending in the defense appropriations bill. I fully understand the pressure facing the chairman and ranking member of the committee, but I would be remiss in my responsibilities were I not to go on record for those items in the bill of truly questionable merit that appear to represent the usual practice of inserting programs primarily for parochial reasons.

The total value of these programs is about \$5 billion, about twice as much as the Congress increased the President's overall defense budget request and, incidentally, about the same amount of wasteful spending added in the defense authorization bill. This amount does not include the \$300 million transferred from the Defense Department to the Transportation Department for Coast Guard activities, a perennial provision in defense appropriations bills.

Let me review some examples of items included in the bill and report that are, in my view, wasteful, unnecessary and designed simply to serve personal interests.

The bill not only funds an oceanographic research ship not requested by the Defense Department, it throws in an extra \$19.5 million for oceanographic and meteorological research. Are we to honestly believe the \$209 million in the budget request for that function is inadequate for the next fiscal year? Of course, the over \$200 million for C-130J aircraft—once again not requested and certainly not needed, as emphasized by the Air Force Chief of Staff—represents a particularly egregious waste of taxpayer money.

I wonder, Mr. President, if some day, some year we will stop buying C-130 aircraft. Many years ago, the Air Force said they didn't need any more C-130 aircraft. It is time—well, I say it every year. It gets a little ridiculous.

An especially troublesome expense, neither budgeted for nor estimated in any accompanying documentation provided by the Appropriations Committee, is the amount associated with the various "Buy America" provisions included in the bill. Such expenses include restricting to U.S. manufacturers procurement of shipboard anchor and mooring chain, carbon, alloy and

armor steel plate, and ball and roller bearings. Consequently, there is an automatic and generally substantial unknown cost tied to this bill that will only become known as contracts are signed with American manufacturers despite the availability of less expensive products from our trading partners.

Lest anyone feel that I am unsympathetic to American manufacturers, I need only point out the protectionist measures our European allies and customers are considering in retaliation for the "Buy America" statutes included in the appropriations bills that are routinely passed by Congress. Britain, a major purchaser of American platforms and systems, is understandably tired of the one-way street we pursue in defense acquisitions. I am fully cognizant of the need to protect certain vital industries for national security reasons, but the items protected in this and other bills hardly qualify.

The costly and unnecessary practice of earmarking appropriations continues: \$35 million for the Kaho'olawe Island Conveyance, Remediation and Environmental Restoration Fund; \$250,000 for a pilot project to "facilitate the transfer of commercial cruise ship shipbuilding technology and expertise to U.S. yards," provided the Jones Act restrictions are rigorously applied to the Hawaiian Islands; \$5.4 million for establishment of a small business development center, which is to focus on agricultural programs in Pacific islands; \$2.7 million to investigate new technologies in such areas as hyperspectral fluorescence imaging, work to be conducted at the Akamai project at Tripler Army Medical Center in Hawaii, with another \$10 million earmarked that the Department will be expected to spend for these programs; \$2.7 million of the oceanographic spending to which I referred earlier at the Naval Surface Warfare Center in south Florida; \$6.9 million for upgrading air traffic control simulators at Keesler Air Force Base in Mississippi; and \$8 million for continued activities at the Pacific Disaster Center.

Mr. President, that barely scratches the surface of what is in this bill: \$3 million is earmarked for the Caribbean radiation early warning system, which is to be spent at the Center for Monitoring Research, which brings me to the issue of Congress' tendency to create new centers for the study of every conceivable subject, research virtually all of which is already performed elsewhere. The defense authorization bill passed last week included \$5 million to establish a center for the study of the Chinese military. I can go to my office or the library and find numerous examples of competent studies on the Chinese military already available, whether from the Rand Corp., the American Enterprise Institute, or various studies published by scholars at various universities. The authorization bill also establishes a Center for Hemispheric Defense Studies for no apparent reason.

The practice of earmarking funds for centers knows no bounds. S. 1005 includes \$7 million for the Center of Excellence for Research in Ocean Sciences, just in case there was any risk of funds being spent for a center of mediocrity for research in ocean sciences; \$4 million for the Southern Observatory for Astronomical Research; \$4 million for the Center of Advanced Microstructure Devices; and on and on it goes. I do not doubt for one second that the sponsors of these programs can come before the Senate and offer an articulate and thoughtful defense of their pet projects. I do doubt very seriously whether any of these items properly belongs in the defense appropriations bill, especially during a period when vital accounts are regularly taxed to pay for ongoing and unforeseen contingencies, like Bosnia and Iraq.

Any time military equipment is prepared for shipment to and from deployment, it is inspected for damage and, in the case of equipment being returned to its home base, for foreign substances like dust that could contain bacteria alien to our country. Do we really need to earmark another \$1 million to expand that research specifically for brown tree snakes, which, to the best of my knowledge, are located only in Guam? Yes, it is true that we base a large number of forces on that island. It is also true that the brown snake is a dangerous snake. I simply find it hard to believe that we need to spend any defense dollars on an issue for which plenty of information already exists and is readily available.

Mr. President, I have touched on the tip of the iceberg. There is plenty more I could point to were time available. I only look forward to the day when my trips to the floor to highlight wasteful and unnecessary spending are no longer necessary.

Mr. President, I ask unanimous consent that a list of objectionable additions in the Department of Defense appropriations bill be printed in the RECORD.

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

OBJECTIONABLE ADD-ONS IN THE FISCAL YEAR 1998 DEPARTMENT OF DEFENSE APPROPRIATIONS BILL

Procurement (in millions)

| | |
|--|---------|
| Army: C-XX | \$23.0 |
| Navy: | |
| SSN-21 <i>Seawolf</i> | 153.4 |
| NSSN | 2,599.8 |
| Special Project Aircraft | 7.0 |
| Oceanographic Ships (TAG-65) | 73.0 |
| LCAC Landing Craft | 17.3 |
| Environmental Support Equipment for Oceanography | 6.0 |
| T-45 Training Aircraft Earmarked for NAS Meridian | 10.0 |
| Port Security Unit Equipment | 13.5 |
| Air Force: | |
| C-17 (MYP) | 418.5 |
| WC-130 Aircraft | 177.0 |
| Small CVX (C-37) | 6.0 |
| Supply Assets Tracking System | 5.0 |
| Defense-Wide: Automatic Document Conversion System | 20.0 |