

I yield the floor.

Mr. McCONNELL. Madam President, parliamentary inquiry. Is the Senator from Kentucky correct that the Wellstone amendment and any other amendments that might be offered this evening would fall because they were not filed by 1 p.m., if we ultimately get cloture?

The PRESIDING OFFICER. The cloture occurs tomorrow. Amendments not filed by 1 p.m. today would be out of order if they are first-degree amendments.

If cloture is invoked tomorrow, amendments not filed by 1 o'clock today would not be in order.

Mr. McCONNELL. Since Friday, the open and fair process which was sought and agreed to has been derailed by parliamentary maneuvering.

Let me say to all of my colleagues, particularly those on my side of the aisle who share the view of the majority leadership and myself on this issue, this motion to table is a meaningless vote and should reflect that fact. Consequently, I urge all of my colleagues to vote against tabling on behalf of the majority leader, Senator BENNETT, and myself.

I yield the floor.

Mr. REID. With the remaining minute, I say to my friend from Wisconsin who is still on the floor, I appreciate very much the Senator's attempt to make this a bipartisan issue. The fact is, Democrats have voted time, after time, after time to invoke cloture on campaign finance reform, and we have been thwarted by the majority; is that not true?

Mr. FEINGOLD. I say to the Senator from Nevada, we have not been thwarted by the majority, only thwarted by that portion of the majority which is actually a minority seeking to filibuster this issue and defy the will of the majority of the people, which, of course, involves more Democrats than Republicans.

Mr. REID. By a considerable number, is that not true?

Mr. FEINGOLD. That is true.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. FEINGOLD. I ask unanimous consent that the order for the quorum call be rescinded.

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

The PRESIDING OFFICER. The question is on agreeing to the motion to table the Reid amendment numbered 2299 to the Daschle amendment numbered 2298. The yeas and nays have been ordered. The clerk will call the roll.

The legislative assistant called the roll.

Mr. NICKLES. I announce that the Senator from Delaware (Mr. ROTH), and the Senator from Oregon (Mr. SMITH) are necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the

Senator from New Mexico (Mr. BINGAMAN), the Senator from Wisconsin (Mr. KOHL), and the Senator from New Jersey (Mr. LAUTENBERG) are necessarily absent on official business. I also announce that the Senator from Connecticut (Mr. DODD) is absent because of family illness.

The result was announced—yeas 1, nays 92, as follows:

[Rollcall Vote No. 329 Leg.]

YEAS—1

Hollings

NAYS—92

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

NOT VOTING—7

Biden	Kohl	Smith (OR)
Bingaman	Lautenberg	
Dodd	Roth	

The motion was rejected.

Mr. LOTT. Mr. President, I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

Mr. MCCAIN. I object.

The PRESIDING OFFICER (Mr. FITZGERALD). Objection is heard.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

Mr. McCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued with the call of the roll.

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

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

PRIVILEGE OF THE FLOOR

Mr. McCONNELL. Mr. President, I ask unanimous consent that Ben

Lawsky, a Judiciary Committee detailee in Senator SCHUMER's office, be granted floor privileges for the remainder of the 106th Congress.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

## FINDING "COMMON GROUND" TO PROTECT OUR UNDERGROUND INFRASTRUCTURE

Mr. LOTT. Mr. President, in January of this year I reported on an important public-private partnership to protect our nation's underground infrastructure—electric power and fiber optic cables, telephone lines, water and sewer mains and pipelines. This partnership is based on S. 1115, the Comprehensive One-Call Notification Act, which I introduced in 1997 with the Minority Leader, Senator DASCHLE. The bill passed the Senate unanimously and became law as part of the Transportation Equity Act for the 21st Century, TEA 21.

Among other things, the bill called on the Secretary of Transportation to convene a comprehensive study of best practices in underground damage prevention. This study was completed and released by Secretary Rodney Slater on June 30, 1999. The study has been a model for conducting a cooperative effort between the public and private sectors. All those with an interest in underground damage prevention—the excavation community, one-call notification center representatives, locating contractors, railroads and underground facility operators worked together to produce the 250-page "Common Ground" report. This report is a veritable gold mine of practical real-world advice for all those involved in protecting our underground infrastructure in government and in the private sector.

The study is so valuable because of the 160 people with hands-on experience in underground damage prevention who worked together to write it. Nine teams covered the key aspects of underground infrastructure protection: one-call center practices, excavation, mapping, locating and marketing, compliance, planning and design, reporting and evaluation, public education, and emerging technologies. The full study is available at the DOT's Office of Pipeline Safety web page <http://ops.dot.gov>.

Steps are underway to keep this valuable and cooperative spirit alive and make the Common Ground process a continuing one, but this time with private leadership. This year's Senate Appropriations Committee Report on

Transportation Appropriations (S. Rept. 106-55) including the following:

The Committee believes that the group effort, dubbed "Common Ground", has the potential to serve as a basis for a self-sustaining entity that can advance underground damage prevention by identifying and encouraging best practices, providing badly needed public education, and collecting and disseminating information on damage to underground facilities. The Committee directs OPS to use existing resources to support the formation and initial operation of a non-profit organization that will further the work of "Common Ground" and implement other innovative approaches to advance underground damage prevention.

On October 28, the Office of Pipeline Safety will respond to this direction by convening a public meeting of the Common Ground participants and an even wider group of interests to lay the foundation for the non-profit organization described in this Report language. This non-profit damage prevention organization could be the key to a far more robust and effective national effort to protect our underground infrastructure that would be led and funded by the private sector.

To Secretary Slater's credit, the Department understands the importance of letting the private participants take the lead. The Department of Transportation will provide the initial resources for startup, but will then step back, so the private participants can be responsible for defining the path forward for underground damage prevention. In order to succeed, the new non-profit organization cannot be federally run or federally controlled. To succeed it cannot be run or controlled by any one of the interests in underground damage prevention. It must be a cooperative, power sharing enterprise in which excavation community, one-call notification center representatives, locating contractors, railroads, underground facility operators and other important interests join together to make decisions democratically.

The potential for such an organization to get things done is simply enormous, because it can include all the important affected interests from the beginning. The private effort and resources devoted to underground damage prevention today are very significant, but fragmented. This non-profit damage prevention organization is the missing piece that can pull these efforts together in a constructive way to create a powerful national impact on the largest preventable threat to our underground infrastructure. I urge all those in attendance at the October 28 meeting to keep this big picture vision firmly in mind. This is a tremendous opportunity that should not be missed.

Mr. President, I congratulate Secretary of Transportation Rodney Slater for seizing the opportunity offered by the Common Ground initiative. It seems to me that Secretary Slater, Research and Special Programs Administrator Kelley Coyner and Office of Pipeline Safety head Richard Felder all have this exactly right. This

effort will be most effective if it is privately led and privately funded. This is an instance, all too rare, where the Federal Government is seeking to return power to the private sector. I urge all the Common Ground private participants—the excavation community, one-call notification center representatives, locating contractors, railroads, insurance providers, equipment manufacturers and underground facility operators to take up the leadership responsibility the Secretary is offering.

I will continue to monitor developments in underground damage prevention and the efforts to set up the non-profit privately led organization envisioned in the Senate Appropriations Committee Report. I look forward to working with all involved to further improve protection of our vital underground infrastructure.

#### PATIENTS' BILL OF RIGHTS

Mr. KENNEDY. Mr. President, as we reach the end of this session of Congress, it's essential that we act on the Patients' Bill of Rights before we adjourn. In passing the Norwood-Dingell bill two weeks ago, a solid, bipartisan majority of the House of Representatives voted for strong protections for patients against abuses by HMOs. Despite an extraordinary lobbying and disinformation campaign by the health insurance industry, the House approved the bill by a majority of 275-151. Sixty-eight Republicans as well as almost every Democrat in the House stood up for patients and stood firm against industry pressure.

Last Friday, the Senate appointed its conferees. Speaker HASTERT has said that the House will appoint its conferees this week. Prompt action on strong reforms is clearly within our grasp. But a series of recent statements and actions provide ominous signs that the insurance industry and its friends in the Republican leadership are at it again. Their emerging strategy seems once again to be to delay and deny the relief that American families need and that the House overwhelmingly approved.

The House vote was a major milestone toward enacting needed reform. It came after the Senate passed legislation with only sham protections by a narrow, partisan majority.

It came after years of delay and denial by the Republican leadership in both Houses of Congress, working hand-in-hand with the health insurance companies and HMOs to block reform.

Patients and doctors won a clear victory in the House. But now, the insurance industry and their allies in the House and the Senate Republican leadership are once again mobilizing to deny patients and doctors the protections they deserve. The ink is barely dry on the dramatic House vote, and opponents of reform are already talking about a new strategy of delay and denial—a strategy once again to put HMO profits first and patient protections last.

The first part of this emerging strategy is to delay the work of the House-Senate conference committee as long as possible. A precondition for appointing conferees and beginning the conference is formal transmission of the House-passed bill to the Senate. That process normally takes a day or two at most.

In fact, of 252 bills passed by the House in this Congress, the overwhelmingly majority were delivered to the Senate the day they were passed or the day after they were passed. Except for a few bills passed just before the beginning of a long recess, every bill passed by the House had been received by the Senate by the sixth day after passage. Yet, on the seventh day after the passage of the Norwood-Dingell bill, the legislation was still being held in the House of Representatives.

Only after the release of a CRS study documenting the extraordinary delay in transmission of the legislation was the bill forwarded to the Senate and Senate conferees appointed.

According to the Los Angeles Times, Senator LOTT's response to passage of the House bill was that "House-Senate conferences on other legislation have a higher priority and that resolving differences on this bill would take some time." According to the Baltimore Sun, Senator LOTT also indicated that Congress might not have time to work out the differences and approve a final bill before it adjourns for the year. According to the New York Times, aides to Senator NICKLES said that "the conference committee will probably not begin serious work until early next year." And just this past Friday, CongressDaily reported that "a Senate GOP aide said . . . Republicans do not plan to start the conference before the end of this year's session, despite the appointment of conferees."

Some Republicans are already beginning to lay the groundwork for a failed conference. Comparing the Senate and House bills, Congressman BILL THOMAS said, "You don't see many cross-breeds between Chihuahuas and Great Danes walking around."

And, of course, the fingerprints of Republican-industry collaboration are there to see for anyone who cares to look. As Bruce Josten of the U.S. Chamber of Commerce put it, "To see nothing come out of the conference is my hope. The best outcome is no outcome."

Even if the strategy of delay and denial fails, the Republican leadership once again has an alternative to try to weaken the House bill as much as possible.

As the Baltimore Sun reported, "House Majority Whip TOM DELAY suggested that the Republican-dominated House conference would not fight vigorously for the House-approved measure in the Conference Committee." Mr. DELAY said, "Remember who controls the conference: the Speaker of the House."