

doing that—and I decided against it for the moment—we ought not to call it normal trade relations with China, or Japan, or, for that matter, Europe; we ought not to call normal trade relations a circumstance that give us a \$50 billion, \$60 billion, \$70 billion, or \$80 billion trade deficit. There is nothing normal about our trade relations with Japan. There is nothing normal about having a \$50 billion, \$60 billion, or \$70 billion trade deficit every single year. That is abnormal. Now, I could not get the votes, perhaps, to rename that “abnormal trade relations,” but it is not normal, and we ought not to consider it normal to have this sort of circumstance exist.

In the last decade, it has gotten worse, not better. The mantra of so-called “thinkers” who are quoted—incidentally, they are the same people because when reporters write the stories, they call the same people, “thinkers”. These same people have put the same quotes in the stories every month for 10 years. Even though the times have changed and the thinkers were demonstrated to not be accurate, they just change their story. That is why the story has changed now from their original saying that when we had a budget deficit you are therefore going to have a trade deficit. They say now that wasn't it; now it is because we are growing too fast. There must be some familial relationship here with the Chairman of the Fed because he also thinks we are growing too fast. It must be the same group of thinkers. There must be a genetic code that exists between these folks.

Again, I digress. I came to the floor to simply say I don't want Friday's notice of this dramatic increase in the trade deficit to not be discussed at least at some length in the Senate. It is important that we discuss it and begin to provide remedies for it.

Mr. President, how much time remains?

The PRESIDING OFFICER. There are 2 minutes remaining.

ISSUES FOR THE SENATE TO CONSIDER

Mr. DORGAN. Mr. President, there are a lot of issues in the Senate with which we ought to be dealing. Most of the important issues we are avoiding. Now, there exists in this Congress something called a Patients' Bill of Rights. It is in conference and we can't get it back. Why? Because big money interests have decided they want to block it; they don't want a Patients' Bill of Rights. We ought to have that on the floor of the Senate and the House, out of this conference, and we should pass a decent Patients' Bill of Rights.

We ought to be able to employ the opportunities to offer amendments on the Elementary and Secondary Education Act when it is here and strengthen this country's education system. But are we able to do that? No.

We also have a juvenile justice bill that is trying to close a loophole in gun shows. When you buy a gun, you have to run your name through an instant check to see whether you are a felon. If you are a felon, you don't have the right to own a gun. It would close the gun show loophole. Now you can go to a gun show and buy a gun and you don't have to run your name against anything. A felon can buy a gun, regrettably. That is not anti-gun; it is a moderate, thoughtful step to extend the instant check. That is in the juvenile justice bill. That is not on the floor of the Senate.

This Senate has been at parade rest for some long while. It is time to take action on the things the American people want us to act on. We ought to deal with a Patients' Bill of Rights, and we ought to bring to the floor of the Senate the legislation that deals with the gun show loophole in the juvenile justice bill. We ought to have an opportunity to debate the Elementary and Secondary Education Act without somebody hovering and saying: Before you do that, I have to approve the amendments you offer. There are no gatekeepers here. The rules of the Senate don't provide for gatekeepers.

In the coming months, we have the opportunity to address health care, education, juvenile justice, and things that matter in this country. The only reason they are not on the floor of the Senate with extended debate, or out of conference which exists now, is because the leadership doesn't want them on the floor of the Senate. I must say that in the coming weeks and months we intend to do everything we can possibly do within the rules of this Senate to make sure those are the issues we debate in the Senate this year.

The PRESIDING OFFICER. Under the previous order, the time until 1 p.m. shall be under the control of the Senator from Wyoming, or his designee.

Mr. THOMAS. 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. THOMAS. 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.

A RECORD OF OBSTRUCTIONISM

Mr. THOMAS. Mr. President, this morning I listened to my friend, the Senator from North Dakota, talk about what we ought to be doing in the Senate. I must tell you I couldn't agree more that we need to be moving forward. I also must tell you I have a totally different view as to why we are not.

We have actually been seeking to move forward for some time. The Republicans have had a number of critical

issues out here that the American people are interested in—marriage tax penalty relief, tax relief in other areas, farming, education, and critical needs of the men and women in the armed services. But, unfortunately, as each of these things has come up, we found ourselves being stopped from moving forward either by unrelated amendments or objections to moving forward. I really think we should analyze where we are and what we are seeking to do.

In my view, in general terms, what is happening is that there is more of an interest, particularly on that side of the aisle, in simply trying to create issues rather than create solutions. Each time we bring up a basic bill, we come back to amendments that have already been dealt with, and they insist on dealing with them again.

The majority leader is trying to deal with a number of issues. One of them, of course, is education. We are dealing with the whole question of elementary and secondary education. We are blocked by that side of the aisle from meaningful educational reform. We are trying to deal with the idea of moving forward with the kind of funding the Federal Government can provide for elementary and secondary education.

There is a difference of view. Yes, indeed, we have a difference of view. The basic difference of view is to the extent the Federal Government is involved in the funding of local schools. Those local schools, their leaders, the school boards, and the counties and States ought to have the basic right to make the decisions as to how that money is used. I think it is pretty clear that the needs are quite different.

Yesterday, I spoke at the commencement of a small school in Chugwater, WY. The sign on Main Street said “Population 197.” There were 12 graduates at this school. They come from, of course, the surrounding agricultural area. I can tell you that the educational needs in Chugwater, WY, are likely to be quite different from those in Pittsburgh. The notion that in Washington you set down the rules for expending the funds that are made available in Federal programs we do not think is useful. I understand there are differences of view.

But I guess my entire point is that we are always going to have different points of view and we should have an opportunity to discuss those and opportunities to offer alternatives. But we have to find solutions, and we have to move forward. That is why we vote. That is why there is a majority that has a vote on issues. But the idea that you have a difference of view and, because you don't get your view in, it is going to stop the process is not what we are talking about.

Education, of course, is just one of the areas. There is the question of the marriage tax penalty and the question of tax relief and tax reform. But, quite frankly, more than anything, there is the question of fairness—where a man and woman can work at two jobs before

they are married, earn a certain amount of money, and continue to work on those jobs and earn the same amount of money, but after they are married they pay more taxes. The penalty is approximately \$1,500 a year. We have been fighting to change this for a very long time. President Clinton pledged in his State of the Union Address in January to reduce those taxes. It would be a very large tax reduction for American families. However, we still have the playing of politics on the floor and that bill has not yet passed.

We will be seeking to do some things in agriculture. I agree with the Senator from North Dakota on some of the agricultural issues. We have been trying to deal with crop insurance. We have been trying to get that done. It is certainly something that ought to be done as we move forward towards more of the marketplace in agriculture. It has not been done because we have had objections on the floor.

I have to tell you we have had, and continue to have, a record of obstructionism that I think really needs to be reviewed and resolved. It took five votes before we could break the Democrat filibuster and pass the Ed-Flexibility bill in 1999.

Do you remember when the Republicans offered the lockbox idea where we were seeking to ensure that money which comes in for Social Security would be in the Social Security fund and not be expended on non-Social Security ideas? It was opposed six times by Senator Democrats, even after it had been passed in the House the year before by a vote of 416-12. In Roll Call, which is the House paper, in May of 2000, the Senator from Massachusetts promised to eventually work with his colleagues on the education plan. But then he was quoted as saying: We will do that when AL GORE is elected President. We will all sit down next year and have a consensus.

I don't think we are here to seek to establish those kinds of issues for Presidential elections and ignore what we can do here. We are sent here to resolve problems, to deal with them, and come to solutions. They have been out there on the floor. But, unfortunately, the whole idea of obstructionist tactics seems to be where we are, and we need to change that.

There are a number of issues, of course, that are of particular concern to people from the West, including myself. We have had a great deal of activity in the administration with regard to public land management. All of it seems to be oriented towards the effort on the part of this administration, on the part of the President, and on the part of the Secretary of the Interior to develop for themselves some kind of a legacy—a little like Theodore Roosevelt, apparently.

There are a number of things that have to do with access to public lands. Here again, it is quite different, depending on where you live in this country. In Wyoming, for example, 50 per-

cent of the land is owned by the Federal Government and is managed by the BLM or by the Forest Service or by the Park Service, and it is a good operation. In some States federally-owned land is as high as 86 percent.

It is quite different when we start to deal with the public land issue, of course. It is sometimes dealt with quite differently in the West than the East. That is proper. We have been faced with a number of things that make it very difficult to have access available for the people who own these public lands. We are dealing, for instance, with the operation of the Forest Service and 40 million acres of road lands. I have no particular objection to taking the road lands. We don't need roads everywhere, but we need to do it on an area-by-area basis to see what needs access. Sometimes the accusations suggest we help timber producers or grazers.

The fact is, we have heard from veterans who can't walk 17 miles with a pack on their back. If we don't have road access, they are not able to use the forests. We have heard from children, as well.

The administration puts out a block pronouncement that we will have 40 million acres of wilderness, without knowing what the plans are, without including Congress in the process, without holding hearings or providing an opportunity for people to respond. There was nothing there to respond to. Hopefully, that will be changed.

The Antiquities Act provides an opportunity for the President to declare large amounts of land for different uses and restricts uses exercised readily by this administration over the past year and a half. The BLM has a plan not to allow off-road use of BLM lands. We have bills before the Congress setting aside a billion dollars a year for the additional purchase of Federal lands on a mandatory basis as opposed to going through the appropriations. These are all designed, it seems to some, to reduce access to lands which are not only there for recreation, not only there for the use of everyone, but certainly there is a large impact on the economic future of States in the west.

We plan to have a hearing this week after a pronouncement from the Park Service that all parks will no longer allow the use of snow machines by winter visitors. Yellowstone Park and Grand Teton Park are in Wyoming. Many people in the winter enjoy these unique scenes on snowmobiles. The Park Service, without hearings, without input by the Congress or by anyone else, has announced there will be a total cancellation of the opportunity of people to visit their parks in the wintertime.

Again, I have no objection to taking a look and changing some rules. Some of the machines have been too noisy, some machines have excessive exhaust. But they can be changed. Rather than finding an alternative for people visiting the parks, which belong to them,

this administration simply says we are not going to allow their use anymore and ignores alternative techniques. Also, it ignores the fact it has been going on for 20 years in most parks.

We could separate cross-country skiers from snow machine operators and require through EPA that the machines be quieter and less polluting. Instead of seeking to manage them, we have been ignoring this for 20 years, and suddenly they abolish their use. I hope we have a hearing this week to take a look at how that might be resolved so people will still have the opportunity to visit facilities that belong to them, facilities that are unique, facilities that should be available to be used by whomever wishes to use them properly, hopefully, year round.

My friend from North Dakota mentioned the sugar program, one that needs to be examined and discussed. We have had large newspapers, including editorials, that have not told the story fairly. They talk about a program that has caused consumers to pay more for sugar than they would otherwise. I don't believe that is factual. The fact is the world price for sugar is not a world price established by the market but is a dump price from countries that have subsidies for sugar. When they have an excess, it goes in at a lower price. If we are going to talk about the program, we ought to be discussing facts. That information ought to be mentioned.

The sugar program has not been subsidized. The costs to consumers have not gone up but have gone down. The costs to producers have not gone up but, indeed, have gone down. We have a program that has worked.

My point is it is necessary to understand the purpose of the program, what it is designed to accomplish, and then do what is necessary in the interim to ensure that purpose is nurtured.

I think there are many issues we must cover. We have 13 appropriations bills with which to deal. We have approximately 60 legislative days remaining for the Senate to complete its work. We have 13 bills with which to deal. The appropriations, of course, are very much the basis for what we do in the Federal Government. There are all kinds of issues. But the amount of money provided and the way it is spent has a great deal to do with what we are doing in the Congress, what kinds of programs we are involved in, how much the programs cost, how much we want to invest in the programs. Right now, it has a great deal to do with what we do with overall revenues that come into the Federal Government.

Indeed, as it appears, we have a surplus. We have to make some tough decisions as to how much government we want. How do we divide the government between the responsibilities accepted and taken on at the Federal level as opposed to those taken on at the local level. The fact that there is money certainly is an encouragement to again expand the role of the Federal Government. Many believe that is not

the proper way to proceed; We ought to do the essential things.

Clearly, there is a difference of view about that. There is a difference of philosophy. There are those who genuinely believe the more money that can be spent through the Federal Government, the more it helps people, and that is what we ought to do—continue to always increase the size and activity of the Government.

Others, including myself, believe there are essential finances for the Federal Government to carry forth, but the best way to do it is to limit that Federal Government to allow local governments to participate more fully, to allow people to continue to have their own tax dollars.

The longer I am in Washington, the more I am persuaded the real strength of this country does not lie with the Federal Government. Obviously, it is essential. Obviously, it is important. Functions such as defense can only be performed by the Federal Government.

Communities are shaped by things people do through local government or voluntarily. These mean so much to the strength of communities. We have a program called the Congressional Award Program in which young people are urged to take on community activities. We give out medals. It is wonderful to see the activities in which the young people become involved. It is wonderful to see themselves in the future as doing volunteer things, as becoming leaders, taking the risk of leadership, and spending their personal time to strengthen that community.

We do have real differences of opinion. That is why we are here. We have a system for resolving those differences. Not everybody wins these debates. Some lose and some win. It is not a winning proposition to obstruct progress. I think that is where we find ourselves.

I hope the leaders and Members on both sides of the aisle will take a long look at our position. We need to have a system where everyone with different ideas gets to present their ideas, but we have to do it in an organized way, where the amendments are germane to the issue. Now we find ourselves with some amendments—gun control amendments, for example, as important as they may be—that come up on every issue. It stalls what we are doing in terms of the basic generic purpose of that discussion, invariably coming up with the same kinds of amendments over and over. I think we can find a way to resolve that. I think we should. We have a great opportunity to move forward on a number of things, whether it be education, whether it be Social Security, whether it be tax relief, whether it be strengthening the military. These are the kinds of things that are so important.

I yield the floor.

CLOTURE

Mr. CRAIG. Mr. President, I was sitting in my office watching the floor on

C-SPAN and I heard my colleague from Wyoming speak out about some of his concerns as they relate to conduct of priority business on the floor of the Senate. I am pleased he would come this early afternoon to discuss what I think is really a very important and necessary issue for all of us to understand but, more importantly, for the public that pays close attention to what we do to understand.

During debate last week, after the vote concerning the Byrd-Warner amendment on the President's open-ended mission in Kosovo, several things were said by the minority leader that I feel need to be corrected. If you were to take the minority leader at face value last week, I think you would have gotten a distorted view of what we did in the Senate and what was an appropriate and necessary approach.

The day before the vote on the Byrd-Warner amendment, the Senate passed a rule that said only germane amendments could be offered to appropriations bills. "Germane" is a technical term for relevant. The following day, the minority leader stated before us:

No majority leader has ever come to the floor to say that, before we take up a bill, we have to limit the entire Senate to relevant amendments.

Those are the minority leader's words, straight out of the CONGRESSIONAL RECORD. When I heard that, I was surprised, and I began to think about past Senates, past Congresses. I began to do some research. I must tell you I was surprised that the minority leader would, in fact, make that statement. The minority leader also said that he would defy anybody to come to the floor and challenge the statement. I am here today, I did my research over the weekend, and I challenge the statement of the minority leader. I think it is time the American people understand exactly what he meant and why he meant it.

We have important and critical legislation that needs to be passed in a timely manner to deal with all that is important for the millions and millions of Americans whose lives are impacted by what we do here.

In the appropriations bills there is money for education, health services, agriculture, for the environment, for national defense, and for other essential Government services on which so many people rely. I want to take a few minutes to explain what the majority leader said last week and, more importantly, I want to spend more time saying why what the minority leader said last week was wrong.

The majority leader was clearly trying to expedite the activities of the Senate when he asked those of us on each side of the aisle, Democrat and Republican, to agree to unanimous consent requests that would cause the Senate to move along in a timely fashion. When the minority leader came to the floor and suggested that irrelevant amendments should be debated in full and this was an inappropriate thing

and had never been done before, then what he was saying simply was not an accurate statement.

The rules of the Senate are very easy to understand and fairly straightforward. For instance, a cloture vote, as far as its dictionary definition, is a petition to limit debate. The petition must be signed by 16 Senators. It is then voted on by the entire Senate, and it takes 60 votes to invoke cloture; in other words, to move on. Cloture is a formal way of ending a filibuster, or ending intentional debate that prolongs the proceedings of the Senate. A filibuster, of course, is a time-delaying tactic, a strategy used to extend debate, as I just mentioned, and ultimately to prevent a vote from being taken by Senators.

By the way, the term "filibuster" comes from the early 19th century Spanish or Portuguese pirates' term "filibusteros," meaning those who held ships hostage for ransom. Therefore, in order to stop a filibuster, a tactic used to hold the Senate hostage, a cloture motion must be filed. It is the formal beginning of the process to end a filibuster.

Let me go back to what the minority leader said last week. He said that "No majority leader has ever come to the floor to say that"—meaning we ought to limit debate and move to the relevant issues of the day. He said that—"before we take up a bill, we will have to limit the entire Senate to relevant amendments." In other words, shaping the debate, moving it along in a timely fashion.

That statement caused me to take a short walk down memory lane. Let me take us all back to the 103d Congress. The Senate was controlled by Democrats, not Republicans, under the watchful eye of the majority leader, George Mitchell. During the same Congress, almost 300 legislative measures were enacted into law. Of those 300 measures, Senator Mitchell considered 15 of them to be the object of a filibuster. In other words, Senator Mitchell feared that there would be a filibuster on a particular piece of legislation. Senator Mitchell's response to this imaginary threat was to file 43 cloture motions on these 15 measures.

Let me repeat: Senator Mitchell filed 43 cloture motions on 15 legislative measures he thought might be filibustered. Of these 43 cloture motions, 21 of them—almost half—were filed on the same day the Senate actually began debating a bill. In his attempt to break a filibuster, he filed cloture on bills 21 times before debate had even begun.

If there was any intent to intentionally limit debate—and once you have a cloture motion in place, and once you have proceeded to the bill postcloture, then only relevant amendments should apply—then, of course, George Mitchell was doing exactly what he intended to do as majority leader, Democrat majority leader of the Senate: Limit debate, shape debate to the particular bill involved.