

states express our opposition to the plan proposed by Energy Secretary Richardson in his February 1999 testimony before the Senate Energy and Natural Resources Committee. Secretary Richardson proposes that the Department of Energy take title, assume management responsibility and pay costs at nuclear plant sites for used nuclear fuel it was legally and contractually obligated to begin removing in January 1998.

The Department of Energy says: Oh, we'll pay for it. But where are they going to get the money? They are going to take it from the ratepayers or the taxpayers. So basically this is a punt by the Department of Energy—again, not committed to those contracts that it signed with all the States.

This proposed plan would create semi-permanent, federally controlled, used nuclear fuel facilities in each of our states.

This letter states some of the objections by the Governors:

This plan abridges states rights—it constitutes federal takings and establishes new nuclear waste facilities outside of state authority and control.

The Governors went on to say, in their objection to the take title provision offered by Secretary Richardson of the Department of Energy:

The new waste facilities would likely become de facto permanent disposal sites [some 100 sites across the country]. Federal action over the last 50 years has not been able to solve the political problems associated with developing disposal for used nuclear fuel. Establishing these federal sites will remove the political motivation to complete a final disposal site.

The Governors across the states that are affected are very concerned. Again, I understand why.

Quite reasonably, States don't want to see the Federal Government take up permanent residence at these waste sites. It is the nuclear waste equivalent to having the fox guard the hen house.

Allowing the Federal Government control of waste sites removes a State's oversight role. It removes the State's authority and control over these sites and it does not—I underline that—it does not remove waste from Minnesota or any other State.

In closing, I ask my colleagues to listen to the Governors of our States and to vote to remove the take title provision from this legislation, in other words, support Chairman MURKOWSKI's substitute.

With this bill, we need to lock in transportation provisions, protect the ratepayers from increases in their contribution, facilitate a constructive resolution to the radiation standard dispute, and also advance the goal of completing a national repository for the permanent storage of nuclear waste.

We do not need to provide the DOE with an excuse to leave waste stranded permanently in Minnesota and across the country.

Mr. President, I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. As previously ordered, the Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I had sought permission to speak as in morning business—not on this bill—for 15 minutes. I shall not take that entire time.

#### PROTECTING SMALL BUSINESSES

Mr. DORGAN. Mr. President, this morning there was a story in a daily newspaper in my State, the Bismarck Tribune, entitled "National candy company takes on Mandan couple." It is a curious story, an interesting story, and one that is perhaps repeated all too often around the country. It concerns a type of business dispute in which one company alleges that another company is doing something that intrudes upon the rights of the first company.

As corporations become larger through mergers and acquisitions, all too often we see big companies trying to muscle mom-and-pop businesses around. That is what I think this case is about.

For those of us who care about small businesses and stand up for the rights of entrepreneurs, people who work hard, people who risk almost everything to make a go of it on Main Street, this kind of story is pretty ominous. Let me describe what it is about.

It is about a small business in Mandan, ND, run by Debbie and Russel Kruger. They run a drugstore and soda fountain on the main street of Mandan; and to try to make a little extra money, they make homemade candy. Debbie Kruger has created three different candy bars, and she markets these candy bars as well.

It is a good small business. They are not making a fortune, but they are struggling and doing business on the main street of Mandan, ND.

If I might, with the permission of the Chair, I ask unanimous consent to show the Lewis & Clark Bar on the floor of the Senate.

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

Mr. DORGAN. It is a candy bar that has on its wrapper a picture of Lewis and Clark, and buffalo, and the young Indian woman, Sakakawea, who guided Lewis and Clark across the West. It is a milk chocolate candy bar called the Lewis & Clark Bar, designed by Debbie Kruger in 1997.

She did this because we are coming up to the 200th anniversary of the Lewis and Clark Expedition. There will be celebrations up and down the route that Lewis and Clark took. They stayed the winter in Mandan, ND—about 40 miles north. They spent the entire winter there. They spent more time in North Dakota than any where else on their trip.

The 200th anniversary—1804, 1805, 1806—will bring enormous visitation to the Lewis and Clark route. So Debbie Kruger, created a candy bar, the Lewis & Clark Bar.

She produced 20,000 to 30,000 bars. She sold about 20,000; and 10,000 are on shelves or in inventory.

Then she got a letter from a lawyer in Boston, MA. That is ominous enough, just getting a letter from a lawyer in Boston, MA.

The lawyer wrote:

"I represent New England Confectionery Company (Necco)." I know Necco. I have been eating Necco products since I was a little kid.

The letter continues that a matter has come to the attention of this lawyer for the New England Confectionery Company. The matter that has come to his attention? There is a candy bar in Mandan, ND, named the Lewis & Clark Bar. What does that mean?

He says his company has produced this bar—it is the Clark Bar—and this woman has infringed on our rights by using the name, Lewis & Clark Bar. She must cease and desist, he says. We seek an arrangement. We demand she suspend operations.

The small business has to go hire a lawyer, who writes back and says: This is not an infringement. This is a different candy bar, a different wrapper. We aren't infringing on anything.

The Necco lawyer writes back from Boston—I guess one has to go to a special law school to do this—and says: The differences between your client's candy bar and my client's candy bar are not the kinds of differences that dispel confusion. "They are both candy bars," he says. Where do they train lawyers like this? Where on Earth could such lawyers come from?

He says, "We seek an arrangement." We know what that means. They seek some money. Then at the end, of course, they demand that the registration for the Lewis and Clark bar be withdrawn and "assigned to us," and so on.

Now, the corporation that owns this confectionary company—Necco—is actually the United Industrial Syndicate. They do mill works. They make automobile parts, truck parts. And yes, they make candy bars, including the Clark bar. That candy bar was named after a Mr. Clark who lived in the 1880s in Pittsburgh and started the company that made the bar.

The United Industrial Syndicate bought this company at a bankruptcy sale in 1999. It has nothing to do with Lewis & Clark. But here is a Boston lawyer, working on behalf of this company, this corporate conglomerate, who thinks the name Lewis & Clark apparently belongs to them. Sorry, it doesn't.

Debbie and her husband weren't looking for a fight. They don't have the money to spend on a battery of lawyers. They are a small business trying to make a living.

What is happening here is wrong, but it happens all the time. It is a form of corporate bullying. It is throwing your weight around, if you are big enough to do it.

My message for Necco is: Pick on somebody your own size. I am one of your customers. I can't walk past a candy counter without stopping, if

they have those little wafers. I like the all chocolate ones. I buy them all the time. Is that a vice? I suppose. But I do it because they are awfully good.

I am one of their customers, and I say to Necco: Lay off small businesses. Don't hire blind lawyers. If you can't tell the difference between their Clark bar wrapper and the wrapper for the Lewis and Clark bar, then get a new lawyer, and do something worthwhile for a change.

Thomas Jefferson always said that the long-term success of this country would be our ability to sustain broad-based economic ownership. Of course, he was talking about a network of family farms and small businesses. That is what refreshes democracy, broad-based economic ownership. He always insisted that you can't maintain political freedoms unless you maintain economic freedom, and economic freedom comes from broad-based economic ownership. Therefore, this freedom is rooted in the economic health of men and women in this country who run America's small businesses on main streets. We need to be concerned about that.

How often do you hear Members come to the floor of the Senate and worry about the number of lawsuits in this country? They worry about the lawsuits filed by customers against big corporations. What about this use of lawyers by a big company trying to put a small company out of business? What about that kind of corporate bullying? It is time to stop it.

The men and women who risk their all and work hard to run small businesses in this country don't deserve to have to defend themselves against a battery of lawyers hired by big corporations. I hope the company that produces a product that I purchase—a company I don't know very well—will decide that they ought to cease and desist.

I hope they will decide they have better things to do. I hope they will decide they don't own the name "Lewis & Clark." I hope they will decide that there is no threat to the economic well-being of their company by the existence of a small business on the main street of Mandan, North Dakota that makes candy bars and hand-dipped candy. I hope they will find lawyers who can understand the difference between these two wrappers.

There must be better things for this company and for its lawyers to do. I hope to report to my colleagues one day that this company has decided to take a more constructive approach. I also hope that the many others around the country who suffer the same sort of difficulty—who are being bullied and muscled by some of the larger corporate enterprises that worry about the existence of competition—I hope these small business people will decide that the solution is not to cave in. The solution is to fight. Don't give up.

I know that this subject is radically different from the issue of nuclear waste. But it has a lot to do with what

goes on in this country, the kinds of business we pursue and the kind of economy we will have in the future. If those who are big enough can always gain the upper hand then those who are small will never be able to defend themselves.

We must from time to time be the defenders of those in this country who aspire to do good work and aspire to run a small business and create something of value on the main streets of America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. FITZGERALD. Mr. President, I ask unanimous consent that I be permitted to speak for up to 10 minutes as in morning business and that the time be charged to the bill.

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

#### THE DEATH OF BOB COLLINS

Mr. FITZGERALD. Mr. President, later this afternoon a resolution sponsored by Senator DURBIN and I will be sent to the desk. That resolution expresses the sense of the Senate regarding its sorrow upon the passing yesterday of one of the Nation's leading radio personalities, Bob Collins from WGN Radio in Chicago.

Yesterday afternoon, Bob Collins, who was one of the Nation's leading radio personalities, who had a listening audience of over 600,000 people, after finishing his radio program, drove to his home in Lake County, IL, and decided to go out and fly his airplane. He apparently had a friend with him in that airplane. While that airplane was attempting to land at Waukegan Airport in Waukegan, IL, another small aircraft hit it. Ultimately, it drove Mr. Collins' plane into a building. It later was confirmed that he died as a result of the accident. It was a horrible tragedy.

In the last 24 hours, all of Chicago and many people throughout the Midwest have been mourning the death of Bob Collins.

Mr. Collins was a personal friend of mine, somebody I thought very highly of. It is with particular sadness that I rise upon this occasion of his untimely death.

Bob Collins was known affectionately to his Chicago audience as Uncle Bob. He had the main drive time-radio program at WGN Radio since 1986. He had by far the largest audience. In fact, his rating points for the last 10 years showed that his audience was twice the size of his next closest competitor. He was very much loved all around Chicago by people who for the past 13 or more years, every morning when they awoke, heard on the radio the voice of Bob Collins.

His show ran from 5 a.m. until 9 a.m., and so hundreds of thousands of Chicagoans, as they were driving to work in the morning on congested expressways, would be listening to him day in and day out.

Some have described Bob Collins as the narrator of events in Chicago and in the Midwest over the past decade or more. He talked about everything from the local and national news to current political topics. In fact, he was a very devoted Republican in a very Democratic city. But notwithstanding his political views, he still had wide popularity. He had guests from all walks of life on his radio show every day. Senator DURBIN and I on at least one occasion were guests of Bob Collins on his radio show.

Bob did everything during his radio show. He would announce the weather. He would talk the whole 4 hours. He even read his own commercials. And being on from 5 in the morning until 9 in the morning and thinking about how you hold that audience's attention for that long of a time when you are talking is very difficult. It is even tougher to do it and remain interesting. But Bob was always interesting. Yet he didn't grate on people, and he retained and built his audience over the years. He really had a gift of talking. People enjoyed what he was saying and found him entertaining.

He never stooped to the methods we are seeing increasingly with the shock jocks, the rude and obnoxious talk radio we so often hear.

He never resorted to cheap tricks to maintain the interest of his audience. I think that is the reason people never tired of him and that he went on for years as a popular radio guy.

Bob was very folksy and unpretentious. In fact, he was the exact same person on the radio as he was off the radio. I saw him many times in relaxed, amicable circumstances, and he was just the same regular old Bob Collins who grew up in Lakeland, FL, who liked to ride motorcycles and fly airplanes, with a very sunny and cheerful personality at all times. He had a zest for life and always had a sunny disposition. On his show, he was always very polite and agreeable. Even when he disagreed with his guests, he was always very affable.

I want to read from a column that appeared this morning in the Chicago Tribune by Mary Schmich. She wrote about Mr. Collins' life. It is a wonderful article. I will read a couple of paragraphs about how she described Mr. Collins:

As a radio guy, he was both a master and a freak. In the age of screechers and squawkers and shock jocks, in a time that has elevated the obscenity to art and rewarded it with megabucks, Bob stayed Bob.

He earned his big bucks the old-fashioned way and still seemed as down-to-earth as the guy one row behind you in the bleachers. He was blunt but never crude, amusing but rarely rude, opinionated but not obnoxious. It was a formula that made him the most popular morning radio guy in one of the world's most cutthroat radio towns. He walloped the competition as easily as if he were sunbathing.

That's the mark of an artist—he makes the difficult look easy.

Uncle Bob, who for so many years in Chicago, to so many thousands of listeners around the Midwest, always