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Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. The Chaplain will now deliver the opening prayer.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Lord, Your unfailing love and mercy continue, fresh as the new morning, as sure as the sunrise. You are our strength and again we put our hope in You.

Lord, a packed agenda awaits Senators today. May their minds be power-packed with Your wisdom. Grant them physical stamina for the strain of busy schedules, the demands of decisions, the sapping strain of conflict, and the personal problems they think they must carry alone. Help them to claim Your promise, "As the day so shall Your strength be." Pour Your spirit into the wells of their souls and give them supernatural resiliency and resourcefulness. May the Senators and all of us who work with and for them accept this new day as Your gift, entering into its challenges with eagerness and into its possibilities with a positive attitude. As we grow in Your joy help us to remind our faces to radiate it. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable PAT ROBERTS, a Senator from the State of Kansas, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. MURKOWSKI. Mr. President, on behalf of the leader, I have been asked to announce that the Senate will be in a period of morning business until 11:30 a.m., with the time in control of the majority leader and the Democratic leader or their designees. Following morning business, the Senate will resume postcloture debate on the motion to proceed to the H-1B visa bill. However, if an agreement regarding the Water Resources Development Act can be reached, the Senate may begin consideration of that measure during today's session.

Senators should be aware that votes are expected during this afternoon's session. I thank my colleagues for their attention.

MEASURE PLACED ON CALENDAR—H.R. 5203

Mr. MURKOWSKI. Mr. President, I understand there is a bill at the desk due for its second reading.

The PRESIDING OFFICER. The clerk will read the bill for the second time.

The assistant legislative clerk read as follows:

A bill (H.R. 5203) to provide for reconciliation pursuant to sections 103(a)(2), 103(b)(2) and 213(b)(2)(C) of the concurrent resolution of the budget for fiscal year 2001, and to reduce the public debt and to decrease the statutory limit on the public debt, and to amend the Internal Revenue Code of 1986 to provide for retirement security.

Mr. MURKOWSKI. I object to further proceedings on this bill at this time.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the assistant minority leader be recognized in general conformance with our procedure and, after that, I may be recognized in morning business for about 15 minutes, followed by Senator SPECTER, followed by Senator BIDEN.

The PRESIDENT pro tempore. Is there objection?

Mr. SPECTER. Reserving the right to object, with that statement, as the Senator from Alaska is taking 15 minutes, I ask unanimous consent that 15 minutes be allocated to me and 15 minutes to Senator BIDEN.

The PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, Senator MURKOWSKI has graciously consented that the Senator from Kansas and I be allowed to speak for a few minutes prior to their unanimous consent request taking effect. I ask the Chair to recognize the chairman of the Ethics Committee, Senator PAT ROBERTS.

The PRESIDENT pro tempore. The Senator from Kansas is recognized.

HONORARIA FOR FEDERAL JUDGES

Mr. ROBERTS. Mr. President, Senator REID and I would like to offer a few observations at this point. I thank my colleagues for allowing us to proceed before them regarding the general order.

We want to offer a few observations with respect to what I understand is a proposal to remove Federal Judges and Justices from the prohibition on honoraria, a proposal that would also remove the honoraria from the limitation on outside earned income. I strongly oppose that effort.

This seems manifestly a very wrong approach to what may be a very real problem. The alternative offered in this proposal of having the Nation's most esteemed jurists turn to the lecture circuit to supplement their salary, I believe, is simply unacceptable. The cost, it seems to me, would be too high. It would be measured in the further loss of confidence in the integrity of this Government's officials. Congress took an important step in trying to restore public confidence in the institutions of Government when it enacted

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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the honoraria ban as part of the ethics reform package way back in 1989. I remember the discussion of it and the debate well in the House of Representatives, as I served in the House at that time. We should not backtrack on that effort. If our Federal Judges and Justices need a pay raise, then by all means let's provide for one, but let's not retreat to the discredited practices of the past.

Mr. REID. Mr. President, I thank Chairman ROBERTS for his comments and also for the work he does on a daily basis for the Ethics Committee. He works tirelessly, without complaint, and does an outstanding job for the Senate and the people of this country. Again, I thank the chairman for his comments regarding this matter. I have the greatest respect for Chief Justice Rehnquist. He has rendered great service to the country. I think he has been a good Justice. For example, almost 2 years ago now, he was the Presiding Officer in this body in one of the most difficult situations we have had in this country, dealing with the impeachment of the President. He did an exemplary job. I thought he was outstanding. But I believe on this issue he is wrong. He spoke out that the Judges should have honoraria. They don't need honoraria. I believe there is a great deal of truth in the observation that there was little honor in the honoraria practices of years ago.

Although a portion of the honoraria ban was declared unconstitutional by the Supreme Court, after which the Department of Justice Office of Legal Counsel indicated that they would not enforce the ban in any part of government, notwithstanding these actions, the honoraria ban has continued in force by rule of the Senate, and for Members and highly paid staff in the House as well. It also appears that the judicial branch has continued to recognize and abide by the ban. I think it is wonderful that they have done so. So there is much to be preserved here, and let's not undo what has already set a pattern for good government.

Mr. ROBERTS. Mr. President, I thank the distinguished Senator, my good friend, for his very kind remarks in reference to my service on the Ethics Committee. I repeat the same basic substance of what he said on his behalf as well. It is a thankless and tireless but a very important job. I thank him for his comments.

As chairman and vice chairman of the Senate Ethics Committee, we obviously and naturally have discussed this. So I know the strength of his views on this matter as well. Not only do I think this would be a very dramatic step backwards for us in terms of the public's perception of integrity of its Government, but I think it would be terribly unfair to the most conscientious Judges and Justices. Because a Judge's income from honoraria would depend on how often appearances and speeches were made, those who dedicate the most time and attention to

their job as a judge would end up benefiting the least.

As I have indicated before, if we have a problem—and I think we do—regarding salaries for Judges, we ought to address the problem in that way.

I yield to my friend.

Mr. REID. I will only add, Mr. President, because the proposal allows for but does not guarantee limits—for example, there are no limitations on the amount of the honoraria or the number of honoraria received—there is always the potential for many other problems. The Senator from Kansas and I agree that the problem with this proposal is not that it needs to be tinkered with or fine-tuned; the problem is that it takes us in the wrong direction. If the Judges need more compensation, we should address that in Congress and pay them more money.

Mr. ROBERTS. Mr. President, we do agree. As a proposed cure for lagging judicial salaries, my colleague and friend, the vice chairman of the committee, and I believe that this is not the proper step. It would set a dangerous precedent in regards to the Congress of the United States.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Alaska.

Mr. MURKOWSKI. I thank the Chair.

THE PRICE OF ENERGY

Mr. MURKOWSKI. Mr. President, yesterday I took the floor and discussed the problems associated with the price of oil and our increased dependence on imports from Iraq and the regime of Saddam Hussein.

Yesterday, I told this body that oil had peaked at its highest price in 10 years. I am here today to tell you that oil has peaked for the second time in 2 days with the highest point in 10 years—\$37.86 a barrel.

There is a reaction occurring. It is rather interesting. I am going to discuss it briefly because my intention today was to talk about natural gas.

Natural gas, as many of us will remember, 9 months ago was about \$2.16. Deliveries in October are in the area of \$5.40, a 44-percent increase in a relatively short period of time. The administration is reacting.

The news today tells us that there is going to be a recommendation from the Vice President to open up the Strategic Petroleum Reserve to set up a heating oil reserve. There are a couple of things that are pending. One is the reauthorization of SPR in the EPCA bill, which is currently being held by a Member on the other side of the aisle. The administration is asking us to release the authority by passing EPCA. We are going to have to take care of that little matter first. But let's talk a little bit about the Strategic Petroleum Reserve because it is probably the most misunderstood issue on the burner today.

SPR was created back in 1973 during the era of the Arab oil embargo at a time when this Nation was 35-percent

dependent on imported oil. Today we are 56-percent—nearly 58-percent dependent on imported oil. We swore back in 1973 we would never be held hostage and would never have such exposure to the national energy security of this country. So we created the salt caverns in the gulf for storage.

The question of the conceptual purpose behind this was the Mideast cartel was holding us hostage and, by having a reserve, it would act as a protection if our supplies were cut off. Congress dictated that we have a 90-day supply of oil in the reserve to offset the amount of oil we might import should it be needed if the supply were to be disrupted from the Mideast.

It is kind of interesting to go back and look at the arithmetic.

When the Clinton administration came in, in 1992, we had an 86-day supply in the Strategic Petroleum Reserve. Today, we have a 50-day supply. What has the Clinton administration done with that difference? They sold some of the SPR to meet their budget requirements. I think this is a dangerous level—50 days. I think it is inadequate to respond to any severe disruption that might occur.

The Mideast has always been a hot spot with the possibility of a conflict at any time and cutting off supplies. We are seeing Saddam Hussein now threaten the U.N. as the U.N. attempts to hold Saddam Hussein financially responsible for damages associated with the Kuwaiti invasion. They are asking for compensation. But yesterday Saddam Hussein told the U.N. where to go. He said: No, I am not paying retribution. If you make me pay retribution, I will cut my supply and my production. Then what are you going to do? We know what the U.N. did. They backed off and said: We will take it up later. He is dictating the crucial supply of oil.

As the administration talks about the merits of opening up the Strategic Petroleum Reserve, I think we have to reflect on what it was designed to do. It was to be used to give us the timeframe of ensuring that if the supply were cut off, we would have a buffer by having a supply on which we could call.

But make no mistake about it. The media completely misses this point. SPR does not contain refined product. It contains crude oil. You have to take it out of the reserve. You have to move it to a refinery and then refine it. Our refineries are virtually at full capacity now. If you take the oil out of SPR and take it to a refinery, you are going to offset other oil that that refinery would cut. As a consequence, how much more refined product have you put on the market? I think the administration owes us an explanation as they contemplate, if you will, taking oil out of SPR.

Mind you, the emergency we have is supply and demand. We are producing much less than we used to produce. Our demand is up 14 percent. Our product