

color, until education is unaware of race, until opportunity is unconcerned with the color of men's skins . . . emancipation will be a proclamation but not a fact." For well over a century, Historically Black Colleges and Universities have led the way, opened the doors and provided the tools for a quality education for all.

I yield any time I might have remaining. Thank you, Mr. President.

#### LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM

Mr. WELLSTONE. Mr. President, I wish to announce on the floor of the Senator that 34 colleagues—Democrats and Republicans alike—join me in a letter to the White House today.

We are talking about what is going on with oil prices and what is going on with home heating costs. The projections are very frightening.

We see home heating oil costs up 30 percent and natural gas costs up 40 percent. For many of us in cold-weather States, this is a crisis issue. Specifically, we are talking about the Low-Income Energy Assistance Program.

My colleague, Senator HARKIN, has been a leader in this fight for a long, long time.

The point is that the President has about \$500 million right now in LIHEAP emergency funding that we could get back to the cold-weather States. LIHEAP is a terribly important addition to the negotiations on the appropriations bill this year. Also, for funding next year, we are saying add an additional \$500 million. Otherwise, I think probably maybe 15 percent of the people who are eligible for LIHEAP funding will not get any.

In the State of Minnesota, you are talking about, roughly speaking, 90,000 households. About a third of them are elderly. This is a lifeline program. It is not a lot—maybe \$350 a year. But it helps people with their heating costs.

What is going on now means that the heating costs are going to go way up. If we don't add some funding to this program, we are going to have people who are cold, or they will not buy prescription drugs, or they will not have food on the table. This is a huge issue.

I urge the President and the White House in negotiations to be strong on funding for LIHEAP. We need the additional \$500 million now and an additional \$500 million next year. We have to make sure this important lifeline program is funded.

I visited a lot of people in their homes. Many of them are elderly people. This makes a huge difference to them. I am really worried about what is going to happen.

By the way, for the information of colleagues, it is interesting to me that we have focused on OPEC countries. An interesting story came out in the past couple of days that the non-OPEC oil countries, that collectively produce more than half the world's crude oil, rather than producing more to meet

the additional demands, are producing less.

Exxon-Mobil—we have these mergers, acquisitions. We have monopolies and a cartel. I think they are in a position to fix prices. If there ever was a case to be made for antitrust action, this is a pretty decisive area in the economy where we ought to be looking at these conglomerates and holding them accountable for putting more competition into this industry.

#### APPROPRIATIONS AND HEALTH CARE

Mr. WELLSTONE. Mr. President, Senator MOYNIHAN, Senator DASCHLE, and others have introduced a bill of which I am a cosponsor. It is really important. I didn't support the Balanced Budget Act of 1997. I thought it was a mistake. I didn't understand how this projected \$116 billion in Medicare cuts was actually going to work on the ground with our hospitals, HMOs, and nursing homes—you name it. The projected cost is actually \$200 million less by way of funding.

Last year, we did a "fix." We restored approximately an additional \$16 billion or \$17 billion. It did not solve the problem. We now have a bill and a request of \$8 billion over the next 10 years. This is critically important. In Minnesota, in 1999, 54 of our 139 hospitals operated with less than a 2-percent margin, and 27 percent of them are in the red.

Whether it is an inner-city hospital, such as Hennepin County General, or rural hospitals, I tell Senators—Democrats and Republicans alike—that we made a huge mistake. We should have never voted for these draconian cuts in Medicare reimbursements. I don't know what is in the world we were thinking. I didn't vote for it. But I say "we" because I am a Member of the Senate, and proud to be a Member of the Senate.

But we have to restore a significant amount of this funding because both in the inner city and in the rural areas where there is a disproportionate number of elderly and low-income people, these providers are not making it. Rural hospitals will shut down. This is not just a crisis for rural communities. Employers lack health care for people. And Hennepin County General, which is, I think, a sacred place, is such an important hospital. They are struggling because of what we did in 1997.

This piece of legislation we have introduced will call for \$80 billion to be restored for this funding. It is critically important if we care about the care for the elderly, low-income, rural, and inner-city communities.

I hope Democrats and Republicans alike in this final week of negotiations will come together and support not only our providers but also support the people in our State who really count on this care.

As long as we are talking about the last couple of weeks, I want to ask Sen-

ator HARKIN to share with me his reaction.

We had a vote yesterday. We had two appropriations bills, Postal-Treasury and legislative branch appropriations, which were merged together. Legislative branch got through and Postal-Treasury never came to the floor of the Senate. It was put into the conference report. Part of the idea was that you could have a salary increase, which may be fine, but of course we don't raise the minimum wage for people. The idea would be then we would have an opportunity to have up-or-down amendments and a vote on the minimum wage. If we can raise the salaries above \$140,000, we ought to be able to vote for the minimum wage for the working poor people of the country. Senators voted against that bill.

Now I hear that the majority leader is talking about a lame duck session. Am I correct? I ask my colleague from Iowa. I would like to go back and forth in some discussion with my colleague from Iowa about this.

Mr. HARKIN. Mr. President, I thank my friend from Minnesota for bringing this up, and for his earlier statement on the plight of our small rural hospitals and relief for them. He was talking about the smaller hospitals, but it is really the people in our small towns and communities who need the relief. I thank him for bringing that up.

I serve on the Appropriations Committee. I have been on it now for 15 years. I am ranking member on the Labor, Health and Human Services, and Education Subcommittee I also serve on a number of others—Agriculture, Foreign Operations, and others.

I was disturbed, I say to my friend, to read in Congress Daily this morning that Senate Majority Leader LOTT said our failure to pass these two bills yesterday "increases the possibility of a lame duck session after the November elections." He told reporters: I always thought that was a possibility anyway. Senate Appropriations Committee Chairman STEVENS told reporters: In my opinion, now we are ready for a postelection session. We just don't have time to get 11 bills through in 9 days.

I say to my friend from Minnesota, we have been here for 9 months, haven't we? What have we been doing? What has happened to the 9 months? We've done nothing. Eleven out of thirteen appropriations bills have not been passed—11. Here is what's going on: The Republicans in charge don't want to vote on a Patients' Bill of Rights. They don't want to vote on it. They don't want to vote on prescription drugs for the elderly. They don't want to vote on increasing the minimum wage. What do they want to do? Put it off until after the election, have a lame duck session.

I don't understand how this complies with what our responsibilities are, what the people elected us for, what we get paid to do around here. That is, to

enact legislation, to take the tough votes.

They don't want to do that. They want to put it off until after the election, for a lame duck session. What kind of sense does that make? What kind of a statement does that make to the people of this country? Nine months we have been here. This morning we are doing nothing. The Chamber is empty. Yet we could be bringing these bills on the floor right now. We are doing nothing around here.

I ask my friend from Minnesota, who gains the most from the lame duck session? Who gains the most by not having the votes now, but putting them off until after the election? HMOs, the gun lobby, the big drug companies. I bet they are just as happy as they can be after reading this morning that a lame duck session is likely because they know they can come in and control a lame duck.

I meant to engage in a colloquy with my friend from Minnesota, but I am so disturbed by this, I think this needs a complete airing.

Mr. WELLSTONE. Mr. President, I hope other Senators will come to the floor and speak on this question, including members of the majority party, the majority leader included.

The way I look at it, you cannot help but smile with a twinkle in your eye. We have had plenty of time to do the work of the people, and now to say we can't get this done. Part of the proposal is that maybe a few appropriators would stay here with the White House and the rest of us would go home and campaign. I have heard that being discussed, which means we are not here doing the work. Then the other part of it is the lame duck session.

I think this is a breakdown of representative democracy. Basically, I think the majority party is trying to have it a couple of different ways. On the one hand, as a special favor to the insurance industry, they block sensible patient protection legislation. As a special favor to some of the bottom dwellers of commerce, they block raising the minimum wage from \$5.15 to \$6.15 over 2 years. And as a special favor to the pharmaceutical industry, they don't want to extend prescription drug benefits as a part of the Medicare program for elderly people. And as a special favor to some of the big packers and conglomerates, they pass Freedom to Farm, which we call the "freedom to fail" bill. But at the same time, they don't want to be held accountable for any of this. They don't want to have amendments on the floor. They don't want to have any votes. They don't want any accountability.

What they would like to do—I think the actual meaning of this proposal, which we are going to raise some Cain about because we are here to work, about coming back for a lame duck session is that our Republican colleagues want to vote on prescription drug costs after the election. They want to vote on patient protection after the elec-

tion. They want to vote on minimum wage after the election. They want to vote on whether we should have more teachers in schools and smaller class size, and something you have been working on, some funding for rebuilding crumbling schools, after the election.

I don't think people in the country are going to go for that. I say to my colleagues on the other side of the aisle, that is not the way representative democracy works.

Mr. HARKIN. And we had the juvenile justice bill that included the school safety provision, the child safety gun locks and included a fix to close the gunshow loophole. Why are they only willing to vote on this important legislation after the election?

We have been denied—I don't want to say the Senator from Minnesota and I have been denied; the people of this country have been denied the right to have their Senators come on this floor and vote on these issues, denied because the majority leader won't bring it up. That is why they keep putting these conference committee bills together. They now want to put together the Commerce-State-Justice bill. I wanted to offer an amendment to restore funding to the Byrne grants for local law enforcement. The Byrne grant is \$100 million short from last year's funding level. But I'm not allowed to do that because they want to skip the process and attach to another bill.

The VA-HUD and Transportation—again, we haven't voted on VA and HUD. Do you want to know why? Because we want to do something about veterans' health benefits. They want to vote on that after the election, too. They don't want the veterans of this country to know exactly how they vote on veterans' health benefits, I say to my friend.

Mr. WELLSTONE. If I may interrupt my colleague, the Senator is absolutely right. This is just an extension of what has been going on. The Senate is an institution where we should have the debate, the deliberation. That is what this is about. By filing cloture on bills, by not allowing debate, by putting unrelated provisions into a conference report, the majority party has decided they will not allow debate. The logical extension of this is, let's get out of town; let's not be held accountable.

Regarding veterans, the veterans organizations, many of them put together what they call an independent budget. Senator JOHNSON of South Dakota and I have had amendments where we get a 99-0 vote that we definitely want to add an additional \$500 million because we know veterans have fallen between the cracks. Every time, in some conference committee or now in some omnibus appropriations bill, they never actually vote to put the appropriations into veterans' health care.

I think the Senator is right. Whether it is veterans, farmers, people in the country caring about education—this is all the people.

Mr. HARKIN. And child safety locks on guns.

Mr. WELLSTONE. Absolutely. And prescription drugs.

So am I correct that the lame duck proposal basically adds up to this: What some Republicans seem to be suggesting is, let's get out of here; let's not have to vote on any of this; let's come back after the election and then we will vote?

Mr. HARKIN. That's it. That's what they're saying. Speaker Hastert, Speaker of the House of Representatives, at the beginning of this year promised we would have all of the appropriations bills to the President before the August recess. We are at the end of September and we have only 2 out of 13 through.

I say to my friend from Minnesota, this is the first time—and I know how much he cares about education—this is the first time since 1965, when we passed the Elementary and Secondary Education Act, that we have failed to reauthorize. Because of time? No, we had plenty of time. Look at the Chamber this morning. The Senator from Minnesota, the Senator from Iowa are here. We are doing nothing out here.

Mr. WELLSTONE. Don't say that. We are speaking. Don't say that. We are speaking.

Mr. HARKIN. What I am saying is we are not doing anything to get the bills through.

Mr. WELLSTONE. I'm kidding.

Mr. HARKIN. I point out to my friend from Minnesota, in contrast, Senator DASCHLE from South Dakota, the Democrat leader, said:

Let's take them up. Let's have a debate. Don't let anybody say with a straight face or with any credibility that it's the Democrats holding things up. Let's get to the bills. Let's get them done. Let's offer the amendments and move it along.

We are ready to debate. We are ready to offer amendments. We are ready to move the process—but we are denied. And again I say, the people of this country are denied the opportunity to have us vote on these measures.

Mr. WELLSTONE. If I can say to my colleague, some of what I said—everything I said I meant, and it is meant to challenge the majority party and the majority leader. But in a very serious way—the Senator mentioned education; it really breaks your heart, too, if you want to try to the best of your ability to represent people—on the Elementary and Secondary Act, between myself and staff, we were in 100 schools just meeting with people, getting their ideas about how we could best help them. We took all their ideas. Then we worked on amendments. I was so excited to come on the floor and have amendments representing what people said. The whole idea was to try to do good for people.

You cannot represent the people in your State; you cannot do good for people; you cannot be a good Senator unless the Senate becomes the Senate again. I think it is just outrageous that

the majority party just does not want to have the discussion, does not want to have the debate, does not want to vote—apparently doesn't want to vote. I just think that is not the way the Senate should operate, and it makes it very difficult to do good for people.

Mr. HARKIN. I say to my friend, it seems to me what we are facing is that the majority party, in charge of the Senate, in charge of the House, they want to replace the tough votes we have to take around here, that we should be taking around here—they want to replace the tough votes with slick 30-second TV ads to try to get through this election. That is breaking down, I think, the people's respect for the Senate.

How can you have respect for an institution when we don't get anything done around here? When we say the only time we want to take up the tough issues is after the election, when there will be people here voting on these issues who may have been defeated or maybe not running again, what kind of responsibility, I ask the Senator from Minnesota, is that? We are shirking our responsibility. I hear more and more people saying they are getting dismayed with how the Congress is operating. People ought to be dismayed with the way this place is running right now. We are shirking our responsibilities around here in this regard.

As I said, I have been on this Appropriations Committee for 15 years. I have been in the Senate for 15 years. I say to my friend from Minnesota, this is the most do-nothing Congress, the most do-nothing Senate I have seen in 15 years. It is really sad.

The Senator talked about visiting schools. I spent all my summer going around visiting elderly people in the State of Iowa and getting story after story about their costs of prescription drugs.

Mr. WELLSTONE. Yes.

Mr. HARKIN. It is not something they need help with 10 years from now. They need it now. That is why we need to bring that legislation out here and vote on prescription drugs, helping those people out. But we are precluded from doing so. I am hopeful perhaps—maybe we ought to start, I say to my friend from Minnesota, maybe we ought to start asking unanimous consent to bring some of these bills out here. Let's bring them up. Let's see if the majority party will object to bringing up the bills on prescription drugs, on the juvenile justice bill, on minimum wage, Patients' Bill of Rights, Elementary and Secondary Education Act. Let's spend the next 9 days or whatever we have working on some of this legislation.

Mr. WELLSTONE. Mr. President, I say to my colleague from Iowa, that may very well be what we do. I hope this suggestion of a possible lame duck session is an idea that will last about 1 hour and that will be the end of it. And I hope our discussion on the floor will

be part of putting an end to it. But I am pleased to join with my colleague. I am pleased to start asking unanimous consent to bring up this legislation.

Mr. HARKIN. We ought to think about some way. Thinking about "lame duck," I don't know where that term ever came from. I have to look it up. I am sure there is some history around here about what a lame duck session means, where that name came from. But it seems to me that a lame duck is a sick duck by definition. We don't need a sick duck around here doing the people's business. We don't need a lame duck session around here to be taking these tough votes. We ought to be standing up and doing it right now, not waiting for a sick duck to do it.

Mr. WELLSTONE. I thank my colleague. I think we will be back on the floor and we may very well be trying our level best to put these issues back on the floor. I will be proud to do it with my colleague from Iowa.

Mr. HARKIN. I thank my friend from Minnesota.

Mr. WELLSTONE. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### JUDICIARY COMMITTEE ACTIONS

Mr. HARKIN. Mr. President, I understand another disturbing event has happened this morning. I am informed that the Senate Judiciary Committee has met this morning and has refused to report out any more judges—refused to do so; just stopped. Again, this flies in the face of what our responsibilities are supposed to be around here. If someone doesn't like a person, or they don't think they are qualified—I should not say "doesn't like"—if they don't think they are qualified to assume a judgeship, let them vote against that person. But that doesn't give them a reason to hold someone up in committee.

I am speaking specifically of my Iowa constituent, Bonnie Campbell, former attorney general with the State of Iowa who is now pending in the Judiciary Committee for a vacancy on the Court of Appeals for the Eighth Circuit.

Mr. WELLSTONE. Will the Senator yield for just a second? I just want to make sure, I just want to ask the Senator, Bonnie Campbell has directed all of the work against violence against women; is that correct? My wife Sheila works closely with her. She has done phenomenal work, has just a great reputation; am I correct?

Mr. HARKIN. Exactly; the Senator is exactly correct. Bonnie Campbell has, for the last 4 years, directed the Office

of Violence Against Women in the Department of Justice. I can't find one person on either side of the aisle who says she hasn't done a superb job.

She has received accolades from all over this country about guiding and directing that office. She is widely supported by the American Bar Association, by people on both sides of the aisle, the party in her home State of Iowa who know the kind of outstanding person she is, how bright she is, how capable she is, what a great job she did as attorney general in the State of Iowa, and now in the Violence Against Women Office in the Department of Justice.

People on both sides of the aisle support her nomination, and yet the Senate Judiciary Committee refuses to report her out of committee. She has had her hearing. That has all been taken care of. All the paperwork is done. She has answered all the questions.

I say to the Judiciary Committee: Report her nomination out. If for some reason you think she is unqualified—I cannot imagine why—then you can cast your vote, but at least let's bring the nominee to the floor.

There are 22 vacancies on the appeals court. That is nearly half the emergency vacancies in the Federal court system. With the growing number of vacancies in the Federal courts, these positions should be filled as soon as possible with qualified people. Yet the Judiciary Committee refuses to move.

Ms. Campbell received a hearing this summer. She would serve this position on the Eighth Circuit with honor, fairness, and distinction. She has the solid support from me and my Iowa colleague, Senator GRASSLEY. Her nomination should be sent to the Senate floor.

Bonnie Campbell has had a long history in law, starting in 1984 with her private practice in Des Moines where she worked on cases involving medical malpractice, employment discrimination, personal injury, real estate, family law—a broadly based legal practice. She was then elected attorney general of Iowa in 1990, the first woman to hold that office in our State. She managed an office of 200 people, including 120 attorneys, again, handling a wide variety of criminal and civil matters for State agencies and officers. As attorney general, she gained high marks from all ends of the political spectrum as someone who was committed to enforcing the law, reducing crime, and protecting our consumers.

In 1995, she was appointed director of the Violence Against Women Office in the Department of Justice. In that position, she has played a critical role in the implementation of the violence against women provisions of the 1994 Crime Act. Again, she has won the respect from a wide range of interests with different points of views on this issue. She has been and is today responsible for the overall coordination and agenda of the Department of Justice efforts to combat violence against women.