

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. KYL. Mr. President, the reason I wanted to exchange places with you for a moment was to commend you on the statement you just made from the floor regarding our Nation's energy policy. Related to that, of course, is the work of the Department of Energy on other matters, including our nuclear facilities, on which you reported with respect to the Baker-Hamilton report. I appreciate that report as well.

Back to the energy policy, I have not heard as good a statement of the overall problem in this country as the Presiding Officer just presented: The fact that in each of the different components of the national energy potential, we have developed policies or, in some cases, failed to develop policies, all of which combine to result in a lack of capacity to provide the fuels to create the energy which our society is going to continue to demand more and more.

When we put it all together, as the Presiding Officer did, it becomes very clear that there is no integration of policy; that the Departments of Government that, in effect, have a veto over the development of these resources prevail, so that there is no capacity to literally have an energy policy that produces the fuel with which we can produce the energy.

An administration that had a policy would coordinate the activities of each of these Departments of Government—the EPA, the Interior Department, the Energy Department, and all of the others mentioned. But that has not been done. Instead, each has been allowed, as the Presiding Officer pointed out, to develop their own policy for their own reasons. The net result is to diminish the capacity of the United States to produce the fuel to produce the energy we need. I think his explanation that we are likely to see an even higher price because of the concentration now into one area—natural gas—is also something that is bound to come true. But I doubt people are thinking that far ahead at this moment.

The last thing I would like to say is about the comments in relation to ANWR. I would like to expand on that a little bit because I get so many letters and calls from constituents of mine in Arizona who are very concerned about the protection of our environment, as am I. They have heard: If we were to allow exploration of oil in this area, it would destroy the environment. I write back to them and say: Look, I have been there. Now, granted not very many of our constituents can afford to go up north of the Arctic Circle a couple hundred miles. You have to work to get there. You have to have

some people who know what they are doing to get you there and show you around.

But when you have been there, you realize that the exploration that we have been talking about is in no way degrading of the environment. When you go there, the first thing you see is that in the other place where we have developed the oil potential—it is an area not much larger than this Senate Chamber—they have been able to put all of the wells—I think there are 10 of them; two rows of 5, or that is roughly the correct number—those wells go down about 10,000 feet, and then they go out about 10,000 or 15,000 feet in all directions, so that, unlike the typical view that Americans have of oil wells scattered over the environment, they are all concentrated in one little place, in an artificially built area out into the water.

So it does not degrade the coastal areas at all. It is all focused in one place. It is totally environmentally contained. There is absolutely no pollution. There is no degradation of the environment. There is no impact on animals. There is no environmental damage from this. The pipeline is already there. It is undercapacity. So it is a perfect way to use our Nation's resource for the benefit of the American people.

When this wildlife refuge was created, an area was carved out for oil exploration. This was not supposed to be part of the wilderness. We flew over that area. As far as the eye can see for an hour, there is nothing but snow and ice—nothing. There are no trees. There are no animals. There are no mountains. There is nothing but snow and ice.

You finally get to the little place where they would allow the exploration. There is a little Eskimo village there where you can land. You go to the village, and the people say: When are you going to bring the oil exploration for our village? Because they are the ones who would benefit from it. It is not part of the wildlife refuge. When you say: What is the environmental impact of this? They say there is none.

For almost all of the year, what you see is this snow and ice. For a little bit of the year—a few weeks in the summer—there is a little bit of moss and grass there where some caribou will come to graze and calve. The reason the caribou herds have about quadrupled in size in the area where the oil exploration has occurred is because there is some habitation in that area. And, of course, the caribou are a lot like cows; They like people just fine. They are willing to come right up to the area of habitation and have their little calves. But the wolves do not like people, so the wolves do not prey on them as much, and they don't eat as many of the calves. Therefore the herd is able to grow.

So the only environmental impact anyone has figured out is we have helped the caribou herds expand. This

is an area where we can explore for oil without doing any environmental damage. We need the resources, as the Presiding Officer pointed out.

I commend the Presiding Officer for his expertise in this area, for his ability to put it all together in a very understandable way, and for urging this administration to get on with the development of a true energy policy.

Does the Senator from Idaho want to speak now?

Mr. CRAIG. Yes.

Mr. KYL. Mr. President, I yield the floor to the Senator from Idaho, and I thank the Presiding Officer.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I join with my colleague from Arizona in thanking you for your leadership in the work you have done on energy. I remember, several years ago, when the Senator from New Mexico was talking about the state of play of the nuclear industry and that failure to respond to an equitable process to bring about the appropriate handling of waste would ultimately curtail the ability of this industry to grow and provide an environmentally sound and clean source of electrical energy. That is when we were talking about energy when most of our supplies were in some margin of surplus. Today that surplus does not exist.

In the past eight years, with no energy policy from the Clinton administration, we are now without surplus. We are now entering what could well be an energy crisis phase for our country and our economy. If that is true—here we stand with the longest peacetime growth economy in the history of our country—could this be the tripwire that brings mighty America down? Because we have a President and a Vice President without an energy policy. In fact, under their administration, we have seen a drop in the energy production of our traditional kind. They even want to knock out big hydrodams out in the West that are now supplying enough electricity for all of the city of Seattle, WA. And they say, in the name of the environment, we would take these down. Shame on them.

Why aren't they leading us? Why aren't they providing, as they should, under policy and direction, abundant production and reliable sources?

Historically, our economy has been built on that. America has been a beneficiary of it.

(Mr. KYL assumed the Chair.)

THE BUDGET PROCESS

Mr. CRAIG. Mr. President, what I thought I might do for a few moments this afternoon is talk about the state of play of where we are as a Senate and as the 106th Congress trying to complete its work and adjourn for the year.

I think a good many of us are frustrated at this point. We have tried mightily to produce the appropriations bills, to work with our colleagues, Democrat and Republican. Obviously,

there are differences in how to resolve those differences. We are spending billions and billions of dollars more than we spent a year ago. Yes, we have a surplus. But, yes, the American people are telling us government is as big as it ought to be. There are new national priorities, and we are attempting to address those.

But what I think needs to happen, and what has historically happened, at least, is an effort to move the 13 appropriations bills through the process, to vote them up or down, and get them to the President. We tried that last week, to move two of them together: the Legislative Branch appropriations bill and the Treasury-Postal bill. Out of frustration on the floor, and our colleagues on the other side deserting us, those bills failed.

I think the average public listening out there says: What's happening here? Why are we almost at the end of the fiscal year and yet a fair amount of the budgetary work needed to be accomplished in the form of appropriations bills to fund the Government for the coming year have not been accomplished?

You saw Senator BOB BYRD lament on the floor of the Senate last week, about the Senate working and getting the appropriations bills passed and sent to the President. And I have to lament with him. I agree that this work should go on. He said: There are Senators in this body who have never seen a situation work as it has been meant to work. I think he was denoting the budget process itself and whether it worked and functioned on a timely basis. How well has the appropriations process worked?

I began to ask that question of my staff, and we did some research over the weekend. I thought it was important that I come to the floor today to talk a little bit about it because I, too, am concerned.

Since 1977, Congress has only twice—in 1994 and in 1988—passed all of the 13 appropriations bills in time for the President to sign all into law before the October 1 legal fiscal year deadline. Let me repeat that. Only twice since 1977 has Congress passed all of the 13 appropriations bills in time for the President to sign all into law before the October 1st deadline.

Now, that either says something about the budget process and the appropriations process itself, or it says how very difficult this is in a two-party system, and how difficult it is to make these substantive compromises to fund the Government of our United States.

Most years, the Congress only gets a handful of appropriations bills through all the congressional hurdles by October 1, and so, more often than not, has had to pass some, what we call, a stop-gap funding bill before it adjourns for the year.

Senator BYRD, on Thursday, said that huge omnibus appropriations bills make a mockery of the legislative process. They certainly don't subscribe

to the budget process under the law that we have historically laid out. But, then again, from 1977 until now only twice has that budget process worked effectively.

So I could lament with Senator BYRD about huge omnibus bills or I could simply say how difficult it really is. Yet bundling the funding bills has been more the exception than the rule in the last 23 years. In other words, what we were attempting to do on the floor of the Senate last week was not abnormal. We were trying to expedite a process to complete our work and to do the necessary budget efforts. In fact, in 1986 and in 1987, Congress was unable to send even one funding bill to the President by the legal deadline of October 1. That is an interesting statistic. Let me say it again. In 1986 and 1987, by the October first deadline, the President of the United States had not received one funding bill for Government from the Congress of the United States. In 1986, one of those years when Congress passed zero funding conference reports, Senator Robert Dole was the majority leader of the Senate.

I am here today to say I agree with Senator BYRD, and I lament the fact that bundling is not a good idea. But in 1987, he took all 13 of the appropriations bills, put them together, and sent them down to the President as one big bill. I think a little bit of history, maybe a little bit of perspective, adds to the value of understanding what the Congress tries to do. That was 1987. All 13 appropriation bills bundled and sent to the President before one separate bill was ever sent to the President.

The year 1986 was the first time since 1977. In 1987—I want to be accurate here—was the second time. In 1986 Republicans were in charge. They couldn't get it done. And in 1987, when Senator BYRD was in charge, they couldn't get it done. So here are 2 years, two examples, one party, the other party, 1986 and 1987, that all 13 appropriation bills were bundled into one and sent down for the President's signature.

Let's take a closer look at 1987. On October 1, the legal deadline, not a single appropriation bill that passed the Congress had been transmitted to the President. Compare this year, when two have already been signed. That is now, the year 2000, two have already been signed by the President, and we expect to send additional bills to the President before October 1. At least that is our goal. We will work mightily with the other side, whether we deal with them individually or put a couple of them together. In fact, no appropriation bill ever went to the President. I am told by our research, in 1987. Of the 10 funding bills both Houses of Congress passed, none emerged from the Democrat-controlled House and Senate conferees. It was a difficult year.

President Reagan was the first to sign an omnibus 13-bill long-term continuing funding bill on December 22 of 1987. Remember, the Congress contin-

ued to function late into the year and up until December 22, just days before Christmas, so we could finally complete the work and get it done. Of course, during those years I was not in the Senate. I was in the U.S. House of Representatives.

Now, all said, during that budget battle in 1987, we passed four short-term CRs. During that time, we kept extending the deadlines necessary and passed four short-term CRs to complete the work of the Congress. President Reagan did not even receive a bill until the morning after the final short-term CR had expired. The CQ Almanac described it as a 10-pound, 1-foot-high, mound of legislation. I remember that well. In fact, I was involved in a debate on the floor of the House that year when I actually helped carry that bill to the floor.

All 13 bills were passed and signed twice in 1994 and 1998. Excuse me, 1988; I said 1998. That is an important correction for the RECORD.

On October 1, the Senate had passed only four appropriation bills, and this was with a 55-45 majority. Compared to this year, as of September 7, this body had passed nine bills so far.

I think it is important to compare. It is not an attempt to criticize. Most importantly, it is an attempt to bring some kind of balance and understanding to this debate.

I have been critical in the last several weeks. I have come to the floor to quote minority leader TOM DASCHLE talking about "dragging their feet and not getting the work done, expecting Republican Senators to cave." Well, certainly with those kinds of quotes in the national media and then watching the actions on the floor of this past week, you would expect that maybe that is a part of the strategy.

On October 1, only seven bills had been reported to the Senate. This, according to the 1987 CQ Almanac, is because the Appropriations Committee could not even agree how to meet its subcommittee allocations. Compare that to this year. As of September 13, all 13 bills have been reported to the Senate.

Well, I think what is recognized here is that while bundling bills is not a good idea—and I see the Senator from West Virginia has come to the floor; he and I agree on that. He and I agree that bundling is not a good process because it does not give Senators an opportunity to debate the bills and to look at them individually and to understand them.

At the same time, both sides are guilty. Certainly when Senator BYRD was the majority leader of the United States Senate, that was a practice that had to be used at times when Republicans and Democrats could not agree. That is a practice that we will have to look at again here through this week and into next week as we try to complete our work and try to deal with these kinds of issues.

You can argue that some of these bills did not get debated on the floor of

the Senate. That is true now; it was true in 1987. You can argue that they didn't get an opportunity to have individual Senators work their will on them by offering amendments. That is going to be true now; it was clearly true in 1987.

The one thing that won't happen this year—I hope, at least—is that 13-bill, 10-pound, 1-foot-high mound of legislation. Clearly, I don't think it should happen, and I will make every effort not to let it happen. That isn't the right way to legislate, and we should not attempt to do that.

The leadership, last year, in a bipartisan way, along with the White House, ultimately sat down and negotiated the end game as it related to the budget. Many of our colleagues were very upset with that. They had a right to be because they didn't have an opportunity to participate in the process.

The reason I come to the floor this afternoon to talk briefly about this is that, clearly, if we can gain the cooperation necessary and the unanimous consents that must be agreed to, that very limited amendments should be applied to these appropriation bills, then we can work them through. I am certainly one who would be willing to work long hours to allow that to happen. But to bring one bill to the floor with 10 or 12 or 13 amendments with 60 percent of them political by nature, grabbing for a 30-second television spot in the upcoming election really does not make much sense this late in the game. We are just a few days from the need to bring this Congress to a conclusion, to complete the work of the 106th Congress and, hopefully, to adjourn having balanced the budget and having addressed some of the major and necessary needs of the American people. It is important that we do that.

I am confident we can do that with full cooperation and the balance, the give-and-take that is necessary in a bipartisan way to complete the work at hand.

Mr. President, I yield the floor.

THE PRESIDING OFFICER (Mr. BUNNING). The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, what is the pending question?

THE PRESIDING OFFICER. The period for morning business has just expired.

Mr. BYRD. Mr. President, I ask unanimous consent to speak out of order.

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

COOPERATION AMONG SENATORS

Mr. BYRD. Mr. President, I was sitting in my office when I heard the very distinguished Senator from Idaho speaking on the floor and using my name. He asked for cooperation, and, of course, we all want to cooperate. We want good will and we want cooperation. But one way to get cooperation from this Senator when his name is going to be used is to call this Senator

before the Senator who wishes to call my name goes to the floor and let me know that I am going to be spoken of.

I have been in the Senate 42 years, and I have never yet spoken of another Senator behind his back in any critical terms—never. I once had a jousting match with former Senator Weicker. He called my name on the floor a few times, and so I went to the floor and asked the Cloakroom to get in touch with Senator Weicker and have him come to the floor. I didn't want to speak about him otherwise, without his being on the floor. Frankly, I don't appreciate it. I like to be on the floor where I can defend myself.

Mr. CRAIG. Will the Senator yield?

Mr. BYRD. I am glad to yield.

Mr. CRAIG. First, let me apologize to you that a phone call was not made. I meant it with all due respect. I did not misuse your name nor misquote you. Certainly, speaking on the floor in the Senate in an open, public forum is not speaking behind your back. That I do not do and I will not do.

Mr. BYRD. Whatever the Senator wants to call it, in my judgment, it is not fair.

Mr. CRAIG. OK.

Mr. BYRD. I will never call the Senator's name in public without his being on the floor. I like to go face to face with anything I have to say about a Senator, and I would appreciate the same treatment.

Mr. CRAIG. Will the Senator yield again?

Mr. BYRD. Yes.

Mr. CRAIG. You know how much I respect you, Senator BYRD.

Mr. BYRD. I hope so.

Mr. CRAIG. In no way do I intend to speak behind your back. It is an important issue that you and I are concerned about.

I think it was important to demonstrate what the real record of performance here is in the Senate under both Democrat and Republican leadership—how difficult it is to bring about the final processes of the appropriations. You and I would probably agree that maybe we need to look at the process because it hasn't worked very well. We have not been able to complete our work in a timely fashion, and it does take bipartisan cooperation.

I have been frustrated in the last couple of weeks by quotes such as the one on this chart, which would suggest if the other side does absolutely nothing, somehow we would cave. Last week appeared—I know you had a different argument, and I agreed with you—not to debate an appropriations bill on the floor separate from another. That is not good for the process, not good for the legitimacy of getting our work done. But it did seem to purport and confirm the quote on this chart.

Again, if I have in some way wronged you, I apologize openly before the Senate. But you and I both know that that which we say on the record is public domain. But I did not offer you the courtesy of calling you, and for that I apologize.

Mr. BYRD. It is for the public domain, no question about that. But if my name is going to be used by any Senator, I would like to know in advance so that I may be on the floor to hear what he says about me so I may have the opportunity to respond when whatever is being said is said. That is the way I treat all other Senators; that is the only way I know to treat them.

Mr. CRAIG. That is most appropriate.

Mr. BYRD. It is the way I will always treat Senators. I will never speak ill of the Senator, never criticize the Senator, unless he is on the floor. I would like to be treated the same way.

Mr. CRAIG. Will the Senator yield one last time?

Mr. BYRD. Yes.

Mr. CRAIG. I have made statistical statements. When I prepared this today, I double-checked them, to make sure I was accurate, with the Congressional Quarterly Almanac so the RECORD would be replete. If I am not accurate, or if I have misspoken in some of these statements, again, I stand to be corrected. I was simply comparing the years of 1986, a Republican-controlled Senate, and 1987, a Democrat-controlled Senate, when you were the majority leader—recognizing that in both of those years major budget battles ensued and we bundled tremendously in those years individual appropriations bills—in fact, in a considerably worse way than we are actually doing this year. I thought that was a reasonable thing to discuss on the floor.

Mr. BYRD. Mr. President, I am not sure that is accurate.

Mr. CRAIG. You can check it.

Mr. BYRD. Mr. President, may we speak of another Senator in the second person?

THE PRESIDING OFFICER. The Senator is correct. The Senator should address the Chair.

Mr. BYRD. And speak to another Senator in the second person.

THE PRESIDING OFFICER. And not refer directly to another Senator.

Mr. BYRD. Exactly. I think that rule keeps down acerbities and ill will. I want to retain good will. So when I refer to the distinguished Senator, I don't want to point the finger at him by saying "you."

Now, Mr. President, I am not sure the Senator is entirely accurate in everything he has said. I didn't hear everything he said, but I have the impression that what he was saying was that we bundled bills together in times when I was majority leader, and so on.

I am not sure that is even accurate. But let me say to the distinguished Senator that I haven't complained about bundling bills together. That is not my complaint at all. My complaint is in avoiding debate in the Senate and sending appropriation bills directly to conference. That is my problem because that avoids the open debate in the Senate, and Senators are deprived of the opportunity, thereby, to offer amendments.