

wanted to bring colleagues up to date about the whole issue of discrimination against people who are struggling with mental illness.

It is difficult to believe that in the year 2001 there is a whole class of citizens—probably well over 20 percent of the families in this country have a loved one who struggles with mental illness—certainly, all of us know someone who does—and they face discrimination. There still is a tremendous stigma attached to people who struggle with mental illness. I remember testimony from a doctor who said that when someone is in a hospital and they have had surgery for cancer and they have had chemotherapy or radiation treatments and they come home, neighbors gather around and give them support. Do you know what. That is exactly the way it should be.

Often, if it is somebody who struggles with mental illness and they get out of a hospital, you don't see neighbors gathering around and saying we want to support you. It is still considered by too many to be a moral failing, even though it is a brain disease.

There was an editorial today—and I will not read from it because I think Senator DOMENICI will—from the L.A. Times that is so powerful, calling for parity and ending the discrimination for this brain disease.

Unfortunately, this discrimination is reflected in the coverage. What we have right now in so many health care plans around the United States of America, if you or your loved one—and, again, I am so sorry I don't have the figures with me. Just take suicide among young people. Suicide kills more young people than cancer and about six, seven, or eight other terrible diseases we all hear about.

Suicide in Minnesota is the second leading cause of death in young people. Nationwide it is the third. Your son or daughter is severely depressed and you need help. You are told you have a few days in the hospital, and that is it. You can have some outpatient visits outside the hospital, but just a few days, and that is it. Also, the copays and deductibles are very high; in other words, what you have to pay before there is any coverage or the percentage you have to pay.

It is completely different if your child has diabetes or a heart condition or a broken ankle. We would not do that to people. We would not say: OK, you struggle with this disease, diabetes; you are in the hospital a few days and then you are out or you can only see your doctor so many times and there is no more coverage.

Even in our Medicare system, which I want us to change as well—by the way, the highest percentage population of suicide is with the elderly. People do not realize that. All too often we say: Oh, well, if I was 80 and I was having a hard time walking, I would be depressed, too. It is incredible the way we trivialize this illness and the way we discriminate.

Do my colleagues know that in our Medicare program, if one goes under part B to see a doctor for a physical illness, it is a 20-percent copay. If you struggle with depression and go to see someone for help, it is a 50-percent copay. That is blatant discrimination. That should end.

Senator DOMENICI and I—I thank him for his work; it has been an honor to work with him—bring this bill to the floor. There has never been a hearing in the House of Representatives on the problem of discrimination. We offered an amendment to the Labor-HHS appropriations bill. We had 66 Senators who signed on, and it passed out of the HELP Committee 21 to 0. We passed it. Then it went to the conference committee.

I am speaking for myself, not for Senator DOMENICI or any other Senator. It is clear what is going on. We are in a fierce fight, but it is one of these fights that is not as open and public as one would want. Robert Pear wrote an update about this issue in the New York Times today. Thank goodness.

Overall it is hard to get the public's attention on this issue. There is a fierce fight going on. The insurance industry has gone to a couple of people in the House and has basically said: Kill it. Thanks to the work of PATRICK KENNEDY, MARGE ROUKEMA, and others in the House, I believe there are around 250 House Members who have signed a letter saying: Keep this in the conference committee, pass it, end the discrimination.

If we ended the discrimination, it would be civil rights. We would end the discrimination in treatment for people who struggle with this illness. Believe me, I say to my colleagues, it is an illness. It is for real.

Second, if there is money in the plans, the care will follow the money, and a lot of kids will get help rather than winding up incarcerated. A lot of people will get help rather than winding up homeless. A lot of adults will get help rather than winding up in prison. A lot of people will not miss as many days at work and be more productive and families will be better off. There will be fewer problems. This is the thing to do. It is the right thing to do.

The CBO says it will cost 1 percent increase in premiums. That is it. Not to mention the \$70 billion David Satcher, our Surgeon General, said we spend as a result of our failure to provide the treatment for people. Mr. President, \$70 billion over 5 years is \$350 billion. It is not only morally the right thing to do, it is economically the right thing to do. It is 2001. We should have done this 100 years ago.

The insurance industry marches on Washington, DC, every day, and they put the word out, they put the fix in: Kill it in conference.

I have come to the Chamber of the Senate today to ask my colleagues to please be strong and hang in there.

Senators HARKIN and SPECTER are our key leaders. Hold the line. I have come here to appeal to House Members to not kill this bill, and I have come to appeal to the White House: We need your help. This is the perfect example of compassionate conservatism. It is a matter of ending the discrimination.

Kay Jameson, who has written some brilliant books and just won a McArthur Foundation Genius Award—she deserves it—has written that the gap between what we know and what we do is lethal. The tragedy to all this is that these illnesses—I mentioned depression as one example; I could mention many others as well—are diagnosable and treatable, in fact, with a far greater success rate than many of the physical illnesses.

My wife Sheila and I started going to some gatherings with an organization called SAVE which was started by Al and Mary Ann Kluzner in Minnesota. Al Kluzner is a Republican. I hope Mary is not. I am teasing.

The point is, this illness does not know any political party boundaries. It does not know any economic boundaries. SAVE is an organization of family members who lost loved ones to suicide. One feels that it is their own fault where all the evidence shows this is a brain disease. It used to be it was maybe 50 people coming together, and sometimes now the gatherings are 300 and 400 people. This is all about making sure they get the help. This is all about making sure that the illness is treated. This is all about preventing suicide. This is all about dealing with a broad range of mental illnesses that affect adults and children throughout our country, and yet we have this discrimination. We do not even tell the plans they have to provide the coverage. I want to. We just say if you have mental health coverage, treat it the same as physical health. There should be no discrimination.

This insurance industry has tried to put the fix in and stop this in conference committee.

I am still hoping we can get the support from the White House. I am still hoping we can pass this legislation because the consequences are so tragic if we fail to pass it.

Mr. President, I will stop, otherwise I will go on for hours. 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. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### COMPREHENSIVE ENERGY POLICY

Mr. MURKOWSKI. Mr. President, it is my understanding that the majority will be introducing a comprehensive energy bill this morning or perhaps

early this afternoon. I want to make my views known on that because it represents a departure from tradition in the Senate of bipartisanship within the Energy and Natural Resources Committee.

I believe we can anticipate the Democratic leader and the chairman of the Committee on Energy and Natural Resources will be introducing their bill this afternoon. This will not have any input from the minority.

I am pleased, on the one hand, to see finally some acknowledgment by the other side of the aisle that energy is important to our Nation's security and it should be a priority of this Congress. I think it is also important to note—and I ask unanimous consent that the recent poll of the Ipsos-Reid Group be printed in the RECORD—76 percent of Americans have indicated energy should be taken up as the No. 1 priority of this body.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CITIZENS FOR REAL ENERGY SOLUTIONS

ENERGY POLL SUMMARY—NOVEMBER 14, 2001

95 percent of Americans believe it is "very" or "somewhat important" for the government act on energy issues. Only "security" is a higher priority than energy among voters today.

72 percent believe that energy issues are a higher priority than before the September 11 attacks and the war on terrorism, including 70% of Democrats. This means 72 percent of people think energy is a higher priority than it was when the House passed HR 4 by a wide, bipartisan margin. (240-189, with 36 Democrats voting in favor)

86 percent think "decreasing dependence on foreign oil and gas is important to national security"

Two-thirds (67%) of those surveyed agree that opening ANWR can be done in an environmentally sensitive manner. 53% of Democrats believe it.

Of those who have "read, seen, or heard anything about the Bush Administration's National Energy Policy," supporters outnumber opponents by an overwhelming 60 percent to 26 percent.

And finally, 73 percent of those we polled—including a majority of Democrats—find President Bush's repeated calls for the Senate to pass energy legislation to be sufficient reason to act.

[The surveys were conducted by Ipsos-Reid, an international public opinion and market research firm, from Oct. 5—Nov. 10 and from Nov. 9-12, 2001. These polls were based on randomly selected samples of 532 and 733 adult Americans, respectively. With samples of these sizes, the results are considered accurate to within  $\pm 4.3$  percentage points and  $\pm 3.7$  percentage points respectively.]

Mr. MURKOWSKI. While there is some satisfaction in seeing that the majority has agreed to prioritize energy, on the other hand I am absolutely dismayed at the partisan nature in which this bill was put together and the extraordinary means taken to remove the bill from the committee's jurisdiction.

I am going to spend my time today talking about the process rather than the substance since neither I nor most of the other members of the Committee on Energy and Natural Resources were

afforded the opportunity to see this legislation until it was introduced. I find it rather disappointing and I guess somewhat humorous that so much fanfare has been linked to this bill's introduction when in fact it is the second time this year alone we have had a similar occurrence. The leadership has taken over the responsibility of the committees of jurisdiction and basically proposed to introduce legislation that does not reflect the input of the minority. This was done first in the Finance Committee on the stimulus bill.

I am a member of the Finance Committee, and I participated in the effort where the majority leader and the chairman of the committee basically introduced their version of stimulus and we found we had no input in it so we were at a stalemate. Now we see where we are on stimulus today. We are negotiating with basically the authority of the majority of two over the minority of one. We are not going to have opportunities to amend or even hardly be heard on our views, which I think is unreasonable, unhealthy, and undemocratic, but this is what was done as well in the Energy and Natural Resources Committee.

There is no question the need for a comprehensive energy policy is a critical and pressing issue for this Nation and for this institution. At the beginning of this Congress, I sought out my colleagues on the other side of the aisle and did what we could to get together to introduce comprehensive energy legislation. I think we tried to reflect their interests in the bipartisan and traditional way the committee worked. S. 388 and S. 389, which were the Murkowski-Breaux bipartisan bills, while not perfect, met the requirement and remain the only bipartisan comprehensive energy measure introduced in the Senate. I did not think and I still refuse to accept that the energy needs of this Nation should be a partisan issue, but evidently those on the other side believe they have a better energy bill and can do it better without us.

The PRESIDING OFFICER (Mr. NELSON of Florida). Under the previous order, the Senator from Alaska has only a few seconds remaining. Under the previous order, at 11:45 a.m., other business will intervene.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that I be allowed 7 minutes to finish.

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

Mr. MURKOWSKI. Mr. President, energy should not be a partisan issue. For over 3 months, our Committee on Energy and Natural Resources has been effectively dissolved. The committee was closed while this document was put together behind closed doors, with no input from the minority.

The Democratic leader has selected his deputies and their special interests, whatever agreements were arrived at in deference to the Senate and the committee rules, blatantly bypassing the committee of jurisdiction.

I ask unanimous consent that a release from the chairman of the committee dated October 9 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

From: Jeff Bingaman, Chairman, Senate Committee on Energy and Natural Resources.

ENERGY COMMITTEE SUSPENDS MARK-UPS; WILL PROPOSE COMPREHENSIVE AND BALANCED ENERGY LEGISLATION TO MAJORITY LEADER

At the request of the Senate Majority Leader Tom Daschle, Senate Energy & Natural Resources Committee Chairman Jeff Bingaman today suspended any further mark-up of energy legislation for this session of Congress. Instead, the Chairman will propose comprehensive and balanced energy legislation that can be added by the Majority Leader to the Senate Calendar for potential action prior to adjournment.

Noted Bingaman. It has become increasingly clear to the Majority Leader and to me that much of what we are doing in our committee is starting to encroach on the jurisdictions of many other committees. Additionally, with the few weeks remaining in this session, it is now obvious to all how difficult it is going to be for these various committees to finish their work on energy-related provisions.

Finally, and perhaps most importantly, Bingaman said, the Senate's leadership sincerely wants to avoid quarrelsome, divisive votes in committee. At a time when Americans all over the world are pulling together with a sense of oneness and purpose, Congress has an obligation at the moment to avoid those contentious issues that divide, rather than unite, us.

Bingaman will continue to consult and build consensus with members of his committee, with other committee chairs and with other Senators as he finalizes a proposal to present to the Majority Leader.

Mr. MURKOWSKI. The letter says:

At the request of Senate Majority Leader Tom Daschle, Senate Energy and Natural Resources Committee Chairman Jeff Bingaman today suspended any further markup of energy legislation for this session of Congress.

Now that is pretty blatant, in my opinion, taking the authority away from the committee. So much for the legislative process, the value of the committee process, or the interests of this Nation and our fellow citizens. So much for the majority leader and the chairman of the Energy Committee defending the Standing Rules of the Senate and the rules of the Committee on Energy and Natural Resources.

Why was this extraordinary action taken? According to a press release, as I have indicated, the Democratic leader made this decision because he wanted to avoid, "quarrelsome, divisive votes in the committee." The fact is we had the votes in the committee to pass it out, and it was generally known. It was known by the chairman, it was known by the majority leader, and it was known by the majority.

One of the purposes of the committee is to test various proposals to provide the Senate with consideration and a recommendation. Our distinguished President pro tempore, Senator BYRD,

noted in his remarks on the history of the Senate that the use of committees in legislative bodies predated the first Congress. There are records of joint committees of the House of Lords and the House of Commons in the English Parliament in the 1340s. This history is especially instructive when he discusses the reforms that have occurred, especially those that opened the committee process and limited the autocratic power of committee chairs.

Senator BYRD's discussion of these reforms in the 1970 Legislative Reorganization Act is particularly relevant. He quoted William White's description in the Senate committee in the mid-1990s as "an imperious force. Its chairman, unless he is weak and irresolute, is, in effect, an emperor."

The 1970 reforms were intended to curb that power and open the process. The majority of the committee were given the power to call a meeting if the chairman refused, and I obviously have not gone to that extent.

Later reforms opened our business meetings, with a few exceptions, to the public. Rule 16-3: to fix regular bi-weekly or monthly meeting days for the transaction of business before the committee. Further, the committee shall meet on the third Wednesday of each month while Congress is in session for the purpose of conducting business. Neither the Standing Rules of the Senate nor the committee rules provide an exception for the Democratic leader to abolish committees or order them to cease activities whenever there is a likelihood that there may be a bipartisan action that would conflict with his particular agenda.

Those rules, according to the Democratic leader, now do not apply to the Committee on Energy and Natural Resources. I ask why. The reason is clear. We have the votes, so he is not going to let us vote. Apparently whenever it is convenient to the Democratic leader, the rules of the Senate can now be suspended and the rights of members of standing committees of the Senate can be abandoned. The majority of the members of the Committee on Energy and Natural Resources have been ready, willing, and able to complete action on a comprehensive bill.

Yes, there would be votes on amendments. What is wrong with that? Some would pass and some would fail. I have always been prepared to live with the results to bring a bill to the Senate, but at least there would be debate in public and an opportunity for all Members to participate. I believe virtually all the members of the committee share that view.

Since the Democratic leader closed the committee, there has not been a single business meeting on energy and, in fact, there have been no business meetings at all. It is a sad state of affairs when the authorizing committee is precluded.

This abuse of the legislative process is outrageous. This concentrated action by the leadership to deny the com-

mittee members the opportunity to advise the Senate is reprehensible. The majority leader has abolished one of the standing committees of the Senate and crafted partisan legislation behind closed doors with special interests without a whimper from the press. It is abundantly clear now this has been the strategy all along and that all rhetoric about national energy security and bipartisanship has been empty talk, devoid of any substance. We can write the Democratic speech now as the leader pleads with colleagues not to offer divisive amendments.

We hear the partisan calls: We wanted to move an energy bill, but some Members insisted on offering amendments that he did not like, amendments that should have been dealt with in committee. We can probably imagine the editorials now, castigating Republicans for not accepting whatever may be in the proposal that it is about to be unveiled.

We need an energy policy in this country. This Nation deserves better than this travesty. The American public deserves a fair, honest, and open debate on this critical issue. We need conservation, we need efficiencies. We need additional research. We need development. We need to deal with our infrastructure and our domestic supply for developing and refining transportation and transmission. We certainly need to provide for the security of our energy supplies.

Maybe we are now at the stage where the country will have to live with a take-it-or-leave-it package, cobbled together in some back room by the Democratic leader. But this Nation deserves better. The Members of both sides of the aisle who serve on the Energy and Natural Resources Committee deserve better. We deserve the opportunity to debate, discuss, and vote. This is an institution that did not fear and should not fear debate.

I brought the nuclear waste legislation to the floor in an open and fully transparent process last Congress. I don't think the distinguished Democratic whip, my good friend, the senator from Nevada, would accuse me of being other than up front and honest with him. Although we disagreed on the subject, I was always willing to talk openly. This is the way the Senate should work.

What has happened here is that not only have the views of the minority of the committee been silenced but the views of the Members, as well. I am certain the majority leader will take steps on the Senate floor to further restrict amendments.

One of the interesting things about this is the elastic bipartisanship on this, the comity of the Senate that normally would have Senators consult with their colleagues whose States are affected by a given measure are also falling victim to the Democratic leader's assault on the institution. I understand included in the legislation put forward by the Democratic leader are

provisions dealing with the development and transportation of natural gas owned by the State of Alaska. These provisions were again developed behind closed doors without consultation to either the Senators or the Governor of our State.

Finally, make no mistake about it. While I support opening the gas line from Alaska, I am not here in the Chamber criticizing the companies, which is what many of our Democratic friends have done. As a consequence, I will have far more to say about the majority leader's proposal once we are given the courtesy of seeing it. Unfortunately, its introduction comes with a heavy price of the Senate and the Committee on Energy and Natural Resources.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from North Dakota.

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

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

Mr. CONRAD. Mr. President, is the time running on the one-hour provided for debate on the agriculture bill?

The PRESIDING OFFICER. It has not yet begun to run.

Mr. CONRAD. When will that begin?

#### AGRICULTURAL, CONSERVATION, AND RURAL ENHANCEMENT ACT OF 2001—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, there is now 1 hour of debate, evenly divided between the leaders or their designees prior to a vote on the motion to invoke cloture on the motion to proceed to the consideration of S. 1731.

Who yields time?

Mr. CONRAD. Mr. President, I note the chairman of the Agriculture Committee is here. I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa, the chairman of the Agriculture Committee.

Mr. HARKIN. Mr. President, we have 1 hour equally divided; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. HARKIN. Mr. President, I look forward to the vote on cloture. I hope it will be an overwhelming vote. I hope we can move on this bill right away, today. Time is wasting, as they say. The clock is ticking. We are here. We are in Washington. We are ready to do business. I believe we have a good bill. I believe we have a very good, well-balanced farm bill. It is a 5-year farm bill. We have reported it out of committee. We are ready to bring it to the floor and have it open for amendments that Senators might offer.

It is a 5-year bill. It is a comprehensive bill. I think it provides greater improvements to the farm commodity