

that have been deployed and used by Enron.

Fat Boy is not outlined under the Domenici language. Ricochet is not outlined under the Domenici language. Death Star is not outlined under the Domenici language. Load Shift, Get Shorty, and Wheel Out are not outlined under the Domenici language.

I understand the chairman wants to see that the manipulation stops. In this Senator's opinion, that manipulation will stop when this body stands up and says to the American people with simple language in the Power Act: Manipulated prices are not just, they are not reasonable, and anyone who deploys them are not doing so in the public interest, and we cannot give them market-based rates.

If this body will say this, then any future debate about natural gas prices will not be about whether some company manipulated them, it will be about the real issues of the supply and demand.

Let's give the consumers confidence that market manipulation is prohibited in Federal law and that this body does not condone Enron's activities but is going to be aggressive in outlawing them.

Mr. President, how much time do I have?

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, the bill before us does away with the Enron loophole, there is no question about it. If I came from California or Washington, I would come to the floor of the Senate and offer an amendment that was very precise and specific and talked about the problems of the people of the west coast. That is what the Senator is doing. But merely talking about them does not mean that the bill before us does not protect her people. The truth is, it does.

The Domenici amendment protects consumers in the States of Washington, California, and others who were victimized by the Enron scandal, and many others, and market regulations in California that were doomed from the outset to cause the failures that occurred. To regulate at one level and deregulate at the other level is clearly to invite exactly what happened, and then the spillover falls onto the adjoining States, including that of the distinguished Senator from Washington, Ms. CANTWELL.

I commend the Senator from Washington for her genuine and abiding concern for her people. I commend the Senator from California for her studious and lengthy involvement in attempting to ascertain and articulate the problems. But neither of those qualities require serious amendment to this bill. They require just what is happening: that the Senators representing those problems speak to the issues. And speak they have—3 hours and 15 or 20 or 30 minutes on this subject—and, I assume, before we are finished on collateral issues even more.

I could take out my preparatory books, where I spent hours talking to everyone of every ilk in every type of industrial input and involvement as we put this bill together, and read the language showing that what happened before will not happen again.

I could tell my colleagues what has happened is being broken up by those in the criminal justice structure of our Government, and those involved with the civil part are filing their lawsuits. Neither of the States involved are having the same problem because there are protections being carried out, and there will be more when this bill is adopted, without adding any more burdens, additions, or specificity to the bill.

It is with great regret that I suggest we keep—since it was worked out so delicately with so many different units, institutions, and groups—that we preserve the delicacy of this bill. The Senator who proposed this knows that the cooperatives that are very worried have spoken to the fact that they do not need any more protection. They have told her that. They have told her office that. And there are more associations beyond them that say their fears are alleviated by this bill.

I yield the floor, and we will proceed.

The ACTING PRESIDENT pro tempore. All time has expired.

The question is on agreeing to the amendment.

Ms. CANTWELL. Mr. President, I ask unanimous consent that Senator HARKIN and Senator ROCKEFELLER be added as cosponsors to the amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 50, as follows:

[Rollcall Vote No. 311 Leg.]

YEAS—48

Akaka	Conrad	Gregg
Baucus	Corzine	Harkin
Bayh	Daschle	Hollings
Biden	Dayton	Inouye
Bingaman	Dodd	Jeffords
Boxer	Dorgan	Johnson
Byrd	Durbin	Kohl
Cantwell	Edwards	Landrieu
Carper	Feingold	Lautenberg
Clinton	Feinstein	Leahy
Collins	Graham (FL)	Levin

Lieberman	Pryor	Schumer
Lincoln	Reed	Smith
Mikulski	Reid	Specter
Murray	Rockefeller	Stabenow
Nelson (FL)	Sarbanes	Wyden

NAYS—50

Alexander	DeWine	McConnell
Allard	Dole	Miller
Allen	Domenici	Murkowski
Bennett	Ensign	Nelson (NE)
Bond	Enzi	Nickles
Breaux	Fitzgerald	Roberts
Brownback	Frist	Santorum
Bunning	Graham (SC)	Sessions
Burns	Grassley	Shelby
Campbell	Hagel	Snowe
Chafee	Hatch	Stevens
Chambliss	Hutchison	Sununu
Cochran	Inhofe	Talent
Coleman	Kyl	Thomas
Cornyn	Lott	Voivovich
Craig	Lugar	Warner
Crapo	McCain	

NOT VOTING—2

Kennedy Kerry

The amendment (No. 1419) was rejected.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### ORDER OF PROCEDURE

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to 60 minutes of debate with 30 minutes under the control of the Senator from Vermont, Mr. LEAHY, and 30 minutes under the control of the Senator from Kentucky, Mr. MCCONNELL.

The assistant minority leader.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the time under my control be as in morning business.

Mr. REID. Reserving the right to object.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. It is my understanding the Senator from Kentucky is going to use the half hour under the rule now available before the Senate on the Estrada cloture. He is going to use his time as in morning business; is that correct?

The ACTING PRESIDENT pro tempore. That is the request. The Senator from Kentucky.

Mr. MCCONNELL. I did not hear the assistant Democratic leader.

Mr. REID. I just said the half hour that you are entitled to under the Estrada time for cloture, you are going to use that as in morning business?

Mr. MCCONNELL. I would say, Mr. President, that is correct.

The ACTING PRESIDENT pro tempore. Without objection, the Senator from Kentucky controls the time.

#### MEASURE READ THE FIRST TIME—S. 1490

Mr. MCCONNELL. Mr. President, I send a bill to the desk and ask for its first reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bill by title.

The legislative clerk read as follows:

A bill (S. 1490) to eliminate price support programs for tobacco and provide assistance to quota holders and tobacco producers and tobacco-dependent communities, and for other purposes.

Mr. McCONNELL. I now ask for its second reading and object to further proceedings on the matter.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will receive its second reading on the next legislative day.

#### TOBACCO MARKET ADJUSTMENT ACT OF 2003

Mr. McCONNELL. Mr. President, I rise today to introduce the Tobacco Market Adjustment Act of 2003. This is truly a key moment in the history of tobacco as each of the Senators from the leading tobacco-producing States stands united in support of changing the Government's involvement with tobacco.

This legislation enjoys the support of farm bureaus from Kentucky, North Carolina, Virginia, Tennessee, South Carolina, Georgia, Florida, as well as the support of the Burley Co-op, Burley Stabilization, and the Council for Burley Tobacco.

I ask unanimous consent to have letters indicating their support printed in the RECORD.

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

JULY 16, 2003.

TOBACCO STATE SENATORS: For many tobacco dependent states in the Southeastern United States, tobacco buyout legislation, possibly coupled with FDA regulation of tobacco products, is the most important potential federal legislative initiative for 2003. The undersigned Presidents of State Farm Bureaus believe this is the year to accomplish a tobacco buyout. For that reason, we urge you to endorse the legislative language developed by many meetings of Senate staff and eventually pledge your willingness to cosponsor the legislation as it is introduced.

We continue to believe there are some details yet to be ironed out in the legislation and we look forward to working through those as we continue the process, but we believe that to move forward, it is imperative that all tobacco state Senators support one bill and we believe the legislative language developed by the Senate staff gives all of us the best shot at accomplishing a buyout this year.

We appreciate all the work you have done up to this point in ensuring that tobacco farm families have a vibrant future, and we look forward to continuing to work through this process in the weeks ahead.

Sincerely,

SAM MOORE,  
*President, Kentucky  
Farm Bureau.*  
FLAVIUS BARKER,  
*President, Tennessee  
Farm Bureau.*  
BRUCE HIATT,  
*President, Virginia  
Farm Bureau.*  
CARL LOOP,

*President, Florida  
Farm Bureau.*  
LARRY WOOTEN,  
*President, North Caro-  
lina Farm Bureau.*  
DAVID WINKLES,  
*President, South Caro-  
lina Farm Bureau.*  
WAYNE DOLLAR,  
*President, Georgia  
Farm Bureau.*

THE COUNCIL FOR BURLEY TOBACCO,  
*Lexington, KY, July 25, 2003.*

Hon. MITCH McCONNELL,  
*U.S. Senate,  
Washington, DC.*

DEAR SENATOR McCONNELL: The Council for Burley Tobacco, Inc. believes that during the 2003 Legislative Session is the best and maybe the only time to pass a Tobacco Buyout Bill. We are concerned about the lateness of the legislative session.

We appreciate very much your leadership in developing a consensus buyout bill with the Senate Tobacco Group and we fully support your effort to introduce and move forward in the Senate the consensus bill.

Please let us know how we can help you with this process and again we thank you for your leadership and support.

Sincerely,

JOHNNY BULLOCK,  
*President.*  
DEAN M. WALLACE,  
*Executive Director.*

JULY 29, 2003.

Hon. MITCH McCONNELL,  
*U.S. Senate,  
Washington, DC*

DEAR SENATOR McCONNELL: We are writing to thank you for your ongoing effort to help tobacco farmers and our communities and to offer our support to secure Senate passage of your newly-drafted tobacco buyout legislation.

Our organizations and the farmers we represent firmly believe that the Congress has a unique opportunity to establish a new visionary tobacco policy in this country—one that will allow tobacco-producing communities to adjust to the realities of the permanently altered marketplace while simultaneously protecting public health. We are united in our view that the Senate consensus bill is a major step toward achieving that objective.

While we look forward to continued discussion on a few key provisions in the Senate bill, we intend to work vigorously to secure Senate passage of this legislation.

Again, thank you for your leadership and commitment to tobacco farm communities. We stand ready to work with you side-by-side to pass historic tobacco legislation in 2003.

Sincerely,

HENRY S. WEST,  
*President, Burley To-  
bacco Growers Coop-  
erative Association.*  
GEORGE MARKS,  
*President, Burley Sta-  
bilization Corpora-  
tion.*

Mr. McCONNELL. Mr. President, tobacco was in the United States before Europeans arrived here. It is depicted in various places here in the Capitol. George Washington and other Founders of our country grew tobacco. It has been an integral part of our history.

It is also no secret that the use of tobacco is dangerous to the health of Americans. Increasingly that view is

held by a large number of Americans. The unfortunate side effect of that from an economic point of view in a State such as mine, which still has 44,000 tobacco growers, is that their income continues to plummet.

Back in 1998, I first suggested a buyout might be an appropriate direction in which to go. Ironically, at that time, that was roundly criticized by all the farm organizations in my own State and across the burley belt and flue-curing areas, the argument being that it would lead to the end of tobacco production.

It is interesting, as I go across my State, that I am treated now as a visionary because it is now virtually the unanimous view of our growers and certainly the unanimous view of our farm organizations that a buyout is the only appropriate measure to take at this particular juncture in our history.

The reason for that is the quota established under the tobacco program back in the 1930s, which has been adjusted year to year all of these years, has declined dramatically—up to 40 percent in the last 3 or 4 years alone. Our growers realize they are sitting on a declining asset that lowers the value of their property and their farm values and it is time to act and to move in a different direction.

Simply putting together a buyout proposal everyone could agree to—that is the various farm organizations as well as Senators from tobacco States—has not been easy. In fact, we have been working on this for 6 months to get to the point of actually introducing a bill, which as we all know around here is just the beginning. When you introduce a bill, it is not easy. It has not been easy to get to this point, which many people would argue is just the start. We have, however, almost total consensus. We have 100 percent consensus among tobacco State Senators and almost total consensus among those involved in the production of tobacco. We feel that is a significant accomplishment although it certainly doesn't guarantee the result we all would like to see, which is a law.

We understand this issue is likely to go forward in the Senate in conjunction with an FDA tobacco regulation bill which is being worked on in the Labor Committee under the leadership of Senators GREGG, DEWINE, and KENNEDY. It is our hope at some point after the recess to link those two measures together with what we hope will be a formidable coalition here in the Senate across an ideological divide to move us in the direction of achieving both of these goals.

Frankly, accepting an FDA bill is a bitter pill for this Senator to swallow, and I think some other Senators from the burley belt and flue-cured tobacco areas. But that simply is the reality which we confront today. These measures are likely to move in transition.

I also want to commend my colleague from Kentucky, Senator BUNNING, who I know is here on the floor. He has been