

There is other help that we need to cut down on domestic violence and violence against women; that is, to make sure that we have judges on our courts who understand this law, who know what is happening out there and can make sure the law is applied fairly and is upheld in the courts around the country.

To that end, it is again disappointing that the Republican Senate is holding up the nomination of one person uniquely qualified to ensure that the Violence Against Women Act is enforced in our courts around the country.

Since the beginning of the Violence Against Women Office that was created under the Justice Department in 1995, the person who has been at the head of that office is the former attorney general of the State of Iowa, Bonnie Campbell. Earlier this year, the President nominated her for a vacancy on the Eighth Circuit Court of Appeals. She has had her hearing on the Judiciary Committee. She is broadly supported on both sides of the aisle, strongly supported in her home State of Iowa where, as I said, she served with distinction as attorney general. Yet for some reason, the Judiciary Committee is holding up her nomination.

I have heard a couple of reasons: It is too late in the year; this is an election year; they want to hold on, maybe Bush will be elected and they can get their people in.

So, that makes me feel the need to take a look at the history of our judicial nominations. In 1992, when there was a Republican in the White House and the Democrats controlled the Senate. But in 1992, from July through October, the Democratically controlled Senate confirmed nine circuit court judges. This year, with a Democratic President but a Republican-controlled Senate, we have only gotten one confirmed since July. We have some pending who could be reported out, one of whom is Bonnie Campbell. But we see no action and time is running out.

And everything I have heard from the Judiciary Committee is that they will not report her name out. The other thing I heard was, she was nominated too late. I also heard from some people on the committee—that she was only nominated earlier this year. I shouldn't expect her to be reported out.

Well, again, let's take a look at the record books. In 1992, when there was a Republican President and a Democratic Senate, nine circuit nominees were nominated and confirmed that same year. Let me say that again. They were nominated in 1992 and acted on in 1992. Yet this year, we are told that the Republican-controlled Senate cannot move circuit court judges out because it is an election year. Yet when the Democrats were in charge in 1992, as I said, nine were nominated and nine were acted upon by the Democratic Senate.

Let's jump back to this year. Seven people this year were nominated to sit

on the judicial circuit. Only 1 of those seven has been confirmed and that was in July.

I want to focus on Bonnie Campbell. A hearing was held in May. All the paperwork is done. She is widely supported. If there are people here who would like to vote against her, at least bring her nomination to the floor; and if they want to vote against her, for whatever reason, let them do so. But I have not had one person on the Republican side or the Democratic side come to this Senator and say that Bonnie Campbell is not qualified to be a circuit court judge—not one. She is eminently well qualified and everyone knows it.

Here is this person who has headed the Office of Violence Against Women in the Department of Justice since it started. She has run it for 5 years. The House of Representatives, yesterday, reauthorized the Violence Against Women Act, with 415 votes for it. I ask, do you think 415 Members of the House, Republicans and Democrats, would have voted that overwhelmingly to reauthorize the bill if the person who had been running that office had not done an exemplary job? I think by the very fact that 415 Members of the House, from every end of the ideological spectrum, voted to reauthorize that bill, what they are saying is that Bonnie Campbell gets an A-plus on running that office, implementing the VAWA provisions and enforcing the law. Yet this Republican Senate will not report her name out on the floor to be confirmed, or at least to vote on her to be a circuit court judge.

Well, I tell you, talk about a split personality. The Republicans in this Senate can talk all they want to about violence against women and that they are going to bring the bill up and we are going to pass it before the end of the year; but if this Republican-controlled Senate holds Bonnie Campbell's name and won't let her come out for a vote, they are saying: We will pass the Violence Against Women Act, but we don't want judges on our courts who are going to enforce it. I say that because nobody is more qualified to enforce it than Bonnie Campbell.

The Judiciary Committee, I am told, is going to meet tomorrow. I am hopeful that tomorrow they will report Bonnie Campbell's name out for action by the full Senate.

(Mr. L. CHAFEE assumed the chair.)

#### THE MEDICARE PRESCRIPTION DRUG PROPOSAL

Mr. HARKIN. Mr. President, it is time to shed some light on the Medicare prescription drug proposal advanced by some of my colleagues on the other side of the aisle and by their nominee for President, Gov. George Bush.

Unfortunately, there is a big TV ad campaign being waged across the country to deceive and frighten seniors about the Medicare prescription drug

benefit proposed by Vice President AL GORE and the Democrats in the Senate. So I want to set the facts straight.

First, let's examine Bush's "immediate helping hand." That is what Governor Bush calls his Medicare proposal. Quite simply, it is not immediate and it doesn't give much help. Will it be immediate? The answer is no. His plan for Medicare would require all 50 States to pass enabling or modifying legislation. Right now, only 16 States have any kind of drug benefit for seniors. Each State will have a different approach. Many State legislatures only meet once every 2 years. So for Bush's plan to go into effect, the State has to pass some kind of enabling legislation.

Well, our most recent experience with something like this was the CHIP program, the State Children's Health Insurance Program, which Congress passed in 1997. It took Governor Bush's home State of Texas over 2 years to implement the CHIP program.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HARKIN. I ask unanimous consent to continue for 10 additional minutes.

The PRESIDING OFFICER. Is there objection?

Mr. THOMAS. I object. We have a time agreement and I think we ought to stick with it.

The PRESIDING OFFICER. Objection is heard.

Mr. HARKIN. Parliamentary inquiry. What is the time allotment for the remainder of morning business?

The PRESIDING OFFICER. Senator ROBB is to be recognized for 5 minutes, Senator LEAHY has 15 minutes, and Senator THOMAS has 10 minutes.

Mr. HARKIN. Repeat that, please.

The PRESIDING OFFICER. Senator THOMAS has 10 minutes, Senator ROBB has 5, and Senator LEAHY has 15.

Mr. HARKIN. Mr. President, who is next in order to be recognized?

The PRESIDING OFFICER. There is nobody.

Mr. THOMAS. If the time has been divided on both sides and if the Senator wants to use some of his associate's time, I have no objection.

Mr. HARKIN. I will check on that.

I ask unanimous consent that I may take Senator ROBB's 5 minutes.

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

Mr. HARKIN. Mr. President, as I said, most State legislatures meet every 2 years. Governor Bush's own State didn't even implement the CHIP program for over 2 years. In addition, the States don't even want this block grant. In February of this year, the Governors rejected Bush's proposal. They said:

If Congress decides to expand prescription drug coverage for seniors, it should not shift that responsibility or its costs to the States.

That was the National Governors' Association. Republicans and Democrats said Bush's proposal won't work. So that won't be immediate. Bush's proposal takes years to get any effect for people.

Will it give a helping hand? Well, Bush's plan only covers low-income seniors. Middle-class seniors are told they don't need to apply. That is what Bush's plan is. It only helps low-income. For example, if you are a senior and your income is over \$14,600 a year, you get zero, zip, no help at all, from Bush's Medicare proposal.

A recent analysis shows that the Bush plan would only cover 625,000 seniors, or less than 5 percent of those who need help. So his plan is not adequate and it is not Medicare. Seniors want Medicare, not welfare.

The other thing is that under the Bush proposal for Federal care, for his prescription drug program, seniors would probably have to go to the State welfare office to apply for it. Why is that? Because there is an income cut-off. The agencies in the States that are set up to determine whether or not you meet income guidelines for programs are welfare agencies. So that means that under the Bush program, every senior, to get prescription drugs, has to go down to the welfare agency and show that they don't make over \$14,600 a year. That is the first 4 years. Bush's program is for 4 years. States have not acted. As I pointed out, some State legislatures don't even meet except once every 2 years.

They have to go down to the welfare office. It only helps those below \$14,000 a year.

Then what happens after 4 years? After 4 years, Governor Bush's plan becomes even worse because his long-term plan, after 4 years, involves privatizing Medicare. It would raise premiums and force seniors to join HMOs.

The Bush plan is the fulfillment of what Newt Gingrich once said when he wanted Medicare to "wither on the vine." Bush's plan after 4 years will begin withering Medicare on the vine because after 4 years, Governor Bush's program leaves seniors who need drug coverage at the mercy of HMOs.

Under his plan, they don't get a guaranteed benefit package. The premium would be chosen by the HMOs, and the copayment would be chosen by the HMO. The deductible would be chosen by the HMO. The drug you get, again, is chosen by the HMO—not by your doctor, and not by your pharmacist, but by the HMO.

Even worse, the Bush plan would leave rural Americans in the cold. About 30 percent of seniors live in areas with no HMOs. In Iowa, we have no Medicare HMOs. There are only eight seniors in the entire State of Iowa who happen to live near Sioux Falls, SD, who belong to a plan with a prescription drug benefit—eight out of the entire State of Iowa.

HMOs are dropping like flies out of rural areas. Almost 1 million Medicare beneficiaries lost their HMO coverage just this year.

Under the Bush plan, first of all, it is not immediate. States would have to enact these plans. The Governors say they don't even want to do it.

Under the Bush plan, Medicare would "wither on the vine." Premiums for regular Medicare would increase 25 percent to 47 percent in the first year alone, and seniors would be forced to join HMOs to receive affordable benefits.

Mrs. BOXER. Mr. President, will my friend yield for a question?

Mr. HARKIN. Certainly, I will yield for a question.

Mrs. BOXER. It is just a very brief question. I thank my friend. I think that is the clearest explanation I have ever heard of the Bush plan. It is very clear.

Something that I read yesterday reminded me of the days when Newt Gingrich was in control, and as the Senator well remembers, in 1995 it led to a Government shutdown. They wanted to cut \$207 billion out of Medicare over 10 years. And we said that is the end of Medicare. It turns out that Governor Bush in those years said that Gingrich and the Republicans were courageous to do this, and he lauded it. I think if you take that statement and mesh it with what the Senator from Iowa just taught us about his plan, it all adds up now. It is the end of Medicare.

Mr. HARKIN. Here is basically the thing.

Mrs. BOXER. Mr. President, I ask that my friend get an additional 2 minutes.

Mr. THOMAS. I object.

The PRESIDING OFFICER. Objection is heard. The Senator's time has expired.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I want to again say that we have divided this time, and I expect to live within the divisions that we have agreed to and, therefore, we will try to do that.

Mr. HARKIN. It works both ways.

Mr. THOMAS. Certainly, it works both ways. We have divided the time, and that is the way it is.

#### ENERGY POLICY

Mr. THOMAS. Mr. President, I want to go back a little bit to one of the issues that is before us that has to do with energy and energy policy.

Certainly, we are faced at the moment with some real difficulties in terms of winter use of heating oil.

There are differences of view as to what we do with the strategic storage. I understand that.

But aside from that, I think in one way or another we certainly need to help those people who will need help this winter in terms of price and in terms of availability.

We had a hearing yesterday with the Secretary of Energy. Quite frankly, I didn't get any feel for where we are going in the long term. What we have done here, of course, over the last number of years with the fact that this administration has had an energy policy—some have accused them of having

no policy; I suggest there has been a policy—is to basically not do anything to encourage, and, in fact, discourage, domestic production. The result of that, of course, has been that since 1992, U.S. oil production is down 17 percent and consumption is up 14 percent. We have had a reduction since 1990 in U.S. jobs producing and exploring for oil. At that point, we had over 400,000 workers. Now to do the same thing, the number is down 27 percent.

We have had a policy that despite the increased use of energy, which is not to be unexpected in this kind of a prosperous time, we have sought to reduce exploration, and we have become more dependent on foreign oil. We are now nearly 57-percent dependent on OPEC for providing our energy sources.

There are a number of things we could be doing that would certainly help alleviate that problem.

One is access to public lands in the West. Of course, in Wyoming 50 percent of the land belongs to the Federal Government. In some States, it is as much as 85 percent.

As we make it more difficult for our oil exploration and production to show up on Federal lands with multiple use, then we see that production go down.

As we put more and more regulations on refiners and have reformulated gasoline, it makes it more difficult. Older refineries have to go out of business. We then find it more difficult to be able to process the oil that we indeed have which is there to be used.

We also, of course, have an opportunity in many ways to produce energy. We could have a very healthy nuclear energy system if we could go ahead and move forward with storage out at Yucca Mountain in Nevada. We have not been able to do that.

We could certainly use more low-sulfur coal.

But we continue to put regulations on the production of those things.

One of the things that seemed fairly clear yesterday was that the Department of Energy has relatively little to do with energy policy, even if they choose to. The policy is being made by the Environmental Policy Council in the White House. It is being made by EPA. It is being made by these other kinds of regulatory agencies. Obviously, all of us want to continue to work to have clean air. Air is much cleaner than it was.

I think what we need to recognize is one of the things that came out again yesterday. Vice President GORE announced some time ago that there would be no more drilling. That is the kind of policy that has been developed.

What we ought to be doing is taking a longer look at where we are going with energy and have some idea of what we will do over the years. It is one thing to be able to work in the next 2 or 3 months and argue about how you do that. But the real issue is where we are in the next year and the year after in those areas where energy is such an important part of our economy.