United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *106th* CONGRESS, SECOND SESSION

Vol. 146 WASHINGTON, FRIDAY, OCTOBER 27, 2000 *No. 137*

Senate

(Legislative day of Friday, September 22, 2000)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, ultimate judge of our lives, in this moment of quiet reflection, we hold up our motives for Your review. We want to be totally honest with You and with ourselves about what really motivates our decisions, words, and actions. Sometimes we want You to approve of our motives that we have not reviewed in light of Your righteousness, justice, and love. There are times when we are driven by self-serving motives that contradict our better nature. Most serious of all, we confess that sometimes our motives are dominated by secondary loyalties: Party prejudice blurs our vision; combative competition prompts manipulative methods; negative attitudes foster strained relationships. Together we ask You to purify our motives and refine them until they are in congruity with Your will and Your vision for this Senate in these pressured pre-election days. When we put You first in our lives, You bring us together with a miracle of unity we could not achieve by human methods alone. We thank You in advance for performing this miracle. Dear God, You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JAMES M. INHOFE, a Senator from the State of Oklahoma, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

SCHEDULE

Mr. INHOFE. Mr. President, today the Senate will resume debate on the tax legislation. Debate will take place throughout the morning with a vote expected in the early afternoon. The Senate is also expected to have a vote on the motion to proceed to the conference report to accompany the D.C.

NOTICE—OCTOBER 23, 2000

A final issue of the Congressional Record for the 106th Congress, 2d Session, will be published on November 29, 2000, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT–60 or S–123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through November 28. The final issue will be dated November 29, 2000, and will be delivered on Friday, December 1, 2000.

None of the material printed in the final issue of the Congressional Record may contain subject matter, or relate to any event that occurred after the sine die date.

Senators' statements should also be submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at ''Records@Reporters''.

Members of the House of Representatives' statements may also be submitted electronically by e-mail, to accompany the signed statement, and formatted according to the instructions for the Extensions of Remarks template at http://clerkhouse.house.gov. The Official Reporters will transmit to GPO the template formatted electronic file only after receipt of, and authentication with, the hard copy, signed manuscript. Deliver statements to the Official Reporters in Room HT–60.

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By order of the Joint Committee on Printing.

WILLIAM M. THOMAS, *Chairman.*

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

appropriations bill, which contains the Commerce-Justice-State appropriations language. A short time agreement on the conference report is anticipated with a vote on adoption to occur today.

A vote on the continuing resolution will also be necessary prior to today's adjournment. Therefore, Senators can expect up to four votes during this afternoon's session of the Senate.

I thank my colleagues for their attention.

The PRESIDENT pro tempore. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I say through the Chair to my friend from Oklahoma, it would seem, based upon the complexity of the tax bill and the difficult problems that we have with the Commerce-State-Justice bill, that this debate is not going to take place in a couple of hours. I think it is going to take a long time. I have to give some assurance to the people on our side of the aisle that I would say it is going to be a long day. I very seriously doubt there will be votes early this day.

I suggest to my friends on the minority side, and I think it should have some resonance on the majority side, it is very likely we will be doing things here tomorrow. Remember, we have, among other things, a 24-hour CR and we have some of the most important measures we have had to deal with this entire Congress; that is, this $250 billion tax bill, plus Commerce-State-Justice, which is about $40 billion. A vast majority of the issues have not been debated on the Senate floor. These are ''first impression'' for most of us. So I think we are going to have to talk about them to some degree.

ENACTMENT OF CERTAIN SMALL BUSINESS, HEALTH, TAX, AND MINIMUM WAGE PROVISIONS—CONFERENCE REPORT

The PRESIDING OFFICER (Mr. INHOFE). The Senator from Massachusetts.

Mr. KERRY. Mr. President, we are beginning debate this morning on what is ostensibly the conference report of the Small Business Committee of which I have the pleasure to serve as the ranking member. Obviously, nobody has any illusions that what the debate on the floor of the Senate today is about is small business issues. This is the so-called tax bill that has been attached to the Small Business conference report. But let me say a word, if I may, about the process by which how this package was made a part of the Small Business Reauthorization Act of 2000.

Despite being named a conferee, and despite the inclusion of provisions that are important to small business, and despite the fact that this conference report contains the work of the Small Business Committee and which I devoted a considerable amount of time effort and energy to negotiating, I will be voting against the overall conference report before us today.

Mr. KERREY. Mr. President, I wonder if the Senator from Massachusetts will yield for a question at the beginning?

Mr. KERRY. I am happy to yield.

Mr. KERREY. There are an awful lot of people wondering where is the chairman of the Finance Committee, the ranking member of the Finance Committee. We are going to be taking up a tax bill and a Medicare/Medicaid bill. Why don't we see Chairman ROTH and ranking member MOYNIHAN down here managing this bill? Why is it a Small Business Committee that has the responsibility for a piece of legislation dealing with targeted tax credits and Medicare relief?

Mr. KERRY. My good friend from Nebraska asked a very important question. Let me, in defense of the Senator from New York, say that Senator MOYNIHAN will be here soon. By agreement, he is going to be comanaging this report because of the tax provisions in this bill.

Mr. KERREY. This is a Small Business piece of legislation. This bill references small business. This is not a Finance Committee bill. The answer is, it is not a Finance Committee bill.

Didn't the majority do the legislative equivalent of stealth molasses here? Didn't they take another piece of legislation, hollow it out, and stuff in it targeted tax cuts that their Presidential candidate has been opposing for the last 90 days, criticizing the Vice President, saying Washington, DC, should not decide, we should not be deciding in Washington, DC, who gets a tax cut? That is what I have been hearing over and over.

I ask my friend from Massachusetts, first of all, is it correct that they stuffed a tax bill and they have stuffed a health care bill inside of some other bill that they hollowed out, that has not gone through the normal process, and that the tax provision itself seems to violate what their Presidential candidate wants to do? Basically, it seems to me what our friends on the other side of the aisle are saying is Vice President GORE is right; Governor Bush is wrong.

Mr. KERRY. Let me say to my colleague from Nebraska, he is absolutely correct. That is exactly what has happened. That is exactly the state of affairs. In point of fact, let me say as a matter of courtesy, in terms of the process of the Senate, as ranking member of the Small Business Committee, I was never called, never asked, never even presented this conference report for signature, never even told as a matter of courtesy what would go into this package and happen to the hard work of the Small Business Committee. It was simply done in the dead of night and presented to us, fait accompli, to the Congress.

I think all of us have the right to ask, as Senators, what kind of courtesy is this we are being afforded as a matter of just collegial relations within the Senate. I think this process shows a fundamental disrespect for this institution, for the constitutional process and members of the Senate.

But, let me say to my colleague from Nebraska, here is what has been stuffed in this bill, to use the term by which he has appropriately described it. This is a small business bill. But, without any hearings, without any appropriate bipartisan decision, this bill is brought to the floor of the Senate today with H.R. 5538, as it was introduced, the Minimum Wage Act; H.R. 5542, as it was introduced, the Taxpayer Relief Act, which goes to the issue of the tax cuts; H.R. 5543, the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act, entirely outside the purview of the Small Business Committee; it comes with H.R. 5544, the Pain Relief Promotion Act, an entirely controversial and, as we will discuss through the course of this day, potentially very dangerous and damaging measure with respect to the delivery of quality medical care in this country; and, H.R. 5545, the Small Business Reauthorization Act, which was already mentioned.

The Senator from Nebraska is absolutely correct about the impact, the substance, and the process here.

Mr. DORGAN. Will the Senator yield for a brief question?

Mr. KERRY. I will be delighted to yield to my colleague.

Mr. DORGAN. Mr. President, it is interesting to hear the discussion of the process. Apparently there was no conference; there were no conferees. This was a small business authorization bill that was laying dormant, which they used as a large carcass to stuff a whole range of bills in the middle of and throw it then on the floor of the Senate.

I am curious; if the Senator from Massachusetts had been accorded the opportunity, as would normally have been the case, of being a conferee and being a part of deliberations, I assume first we would not have most of these provisions in a small business bill, but if we had, for example, would a conferee coming from Massachusetts been concerned about the massive quantity of money that would go to HMOs in response to this balanced budget fix? Would there not have been an aggressive debate saying you cannot do that in the dead of night, take bags of money and give it to HMOs that are not deserving, when, in fact, small hospitals, inner-city hospitals, and others who are desperately in need of these resources do not get it? Would there not have been aggressive debate on that, and probably the disinfectant of sunlight would have given us the opportunity to dump many of these provisions?

Mr. KERRY. I say to my colleague from the State of North Dakota, he is again absolutely correct, in that the only portion of this bill discussed amongst the conferees was the Small

Business Reauthorization Act. I was never consulted as to what additional measures were included. And, in many respects, it is even worse than he has described. As I said, there was a conference on which we worked hard with respect to small business legislation itself, but that conference is not even properly reflected in the small business bill that has been brought here because this is a changed small business bill. It is not completely the Reauthorization package that we had conferenced. It has been changed without the courtesy of involving those of us on this side of the aisle, obviously without the debate that would have had the impact the Senator from North Dakota cites.

I have here the letter from the President of the United States in which he promises this report will be vetoed. I know the leadership on the other side of the aisle has read this and notwithstanding that the President has promised that this will be vetoed and notwithstanding the fact that the President is making it very clear to the American people and to our colleagues why it will be vetoed, they, nevertheless, have seen fit to simply bring this to the floor and, so to speak, stuff it through the Senate. Why? To create a political issue or perhaps simply to be stubborn and try to set up the President for some possible political gain.

This is precisely what George Bush himself has been talking about: partisanship, bickering, the very kind of thing that supposedly he says he could control here and on which he has been campaigning. He was asked to make one phone call to stop this and he will not even make that phone call. Here we are debating, and people are wondering why we are here. Why debate this measure just so it can be vetoed. Why not bring up the Patients' Bill of Rights, or provide a prescription drug benefit for seniors under Medicare instead of wasting time?

I will share what President Clinton said before this catchall package came to the floor, before we had to be put into this position of voting against it. I am reading from the President's letter of October 26. I ask unanimous consent that the entire letter be printed in the RECORD.

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

THE WHITE HOUSE,
OFFICE OF THE PRESS SECRETARY,
October 26, 2000.

DEAR MR. SPEAKER: (DEAR MR. LEADER:) Thank you for your letter yesterday responding to my proposed consensus tax package. As I said yesterday, I believe we all have a responsibility to make every possible effort to come together on a bipartisan agreement on tax relief and Medicare/Medicaid that will maintain fiscal discipline and serve the interests of all the American people. That is why I put forward a good faith offer yesterday that sought to reflect our differing priorities in a balanced manner. I was disappointed, however, that, without any consultation with me or Congressional Democrats, you chose to put forward a partisan legislative package that ignores our key concerns on school construction, health care, and pensions policy. If this current tax and Medicare/Medicaid package is presented to me, I will have no choice but to veto it.

While we have already reached substantial agreement in important areas, such as replacement of the Foreign Sales Corporations regime, your legislation has substantial flaws in several key areas.

As I stated yesterday, I believe it is absolutely essential that we do as much as possible to meet America's need for safe and modern schools. It is estimated that there may be as much as a $125 billion dollar financing gap in meeting the school construction and modernization needs of our children.

The bipartisan Rangel-Johnson proposal to finance $25 billion in bonds to construct and modernize 6,000 schools is, quite frankly, the very least we should do, given the magnitude of this problem and its importance to America's future. Unfortunately, your proposal falls far short of the mark. We should not sacrifice thousands of modernized schools to pay for inefficient tax incentives that help only a few. For example, the arbitrage provision encourages delay in urgently needed school construction and would disproportionately help wealthy school districts.

On health care, my offer sought to lay a path to common ground by coupling both of our priorities on health and long-term care. Unfortunately, your health care proposal completely ignores our proposal to cover millions of uninsured, working Americans. Instead you put forward a series of tax cuts that, particularly when standing alone, would be inequitable, inefficient, and even potentially counterproductive health care policy. For example, while our FamilyCare proposal would expand coverage to 4 million uninsured parents at a cost of slightly over $3,000 per person, your proposal would provide additional coverage to one-seventh the people at six times the cost per person. Moreover, your proposal would give the least assistance to moderate-income families that need help the most, while even raising concerns that those with employer-based coverage today could lose their insurance.

Similarly, on long-term care, I offered to embrace your proposed deduction for long-term care insurance in exchange for inclusion of my proposal to give families, who are burdened today by long-term care needs, a $3,000 tax credit. Unfortunately, your legislation ignores the bipartisan package I suggested and instead would provide half the benefits of my proposal for financially pressed families trying to provide long-term care for elderly and sick family members. Surely we can agree on this bipartisan compromise that has already been endorsed by a broad array of members of Congress, advocates for seniors and people with disabilities, and insurers. Similarly, I am perplexed that we cannot agree to include the bipartisan credit for vaccine research and purchases that is essential to save lives and advance public health.

I also am disappointed that you have made virtually no attempt to address the concerns my Administration has expressed to you about the pension provisions of your bill. By dropping the progressive savings incentives from the Senate Finance Committee bill, you have failed to address the lack of pension coverage for over 70 million people. Moreover, employers may have new incentives to drop pension coverage for some of the low- and moderate-income workers lucky enough to have pension plans today.

Finally, I remain deeply concerned that your Medicare and Medicaid refinement proposal continues to fail to attach accountability provisions to excessive payment increases to health maintenance organizations (HMOs) while rejecting critical investments in beneficiaries and vulnerable health care providers. Specifically, you insist on an unjustifiable spending increase for HMOs at the same time as you exclude bipartisan policies such as health insurance options for children with disabilities, legal immigrant pregnant women and children, and enrolling uninsured children in schools, as well as needed payment increases to hospitals, academic health centers, home health agencies, and other vulnerable providers. Congress should not go home without responding to the urgent health needs of our seniors, people with disabilities, and children and the health care providers who serve them.

A far better path than the current one is for Congressional Republicans, Democrats, and my Administration to come together in a bipartisan process to find common ground on both tax relief and Medicare/Medicaid refinements.

Sincerely,

WILLIAM J. CLINTON.

Mr. KERRY. Mr. President, the President said:

While we have already reached substantial agreement in important areas, such as replacement of the Foreign Sales Corporation regime, your legislation—

He is writing to the House and Senate Republican leaders—

your legislation has substantial flaws in key areas. As I stated yesterday—

This is the President of the United States saying this—

I believe it is absolutely essential that we do as much as possible to meet America's need for safe and modern schools. It is estimated that there may be as much as a $125 billion financing gap in meeting the school construction and modernization needs of our children. The bipartisan Rangel-Johnson proposal to finance $25 billion in bonds to construct and modernize 6,000 schools is, quite frankly, the very least we should do, given the magnitude of this problem and its importance to America's future. Unfortunately, your proposal falls far short of the mark.

So yesterday, and in prior discussions for weeks, the President made it very clear this falls short; this will not be sufficient; he will veto it. Nevertheless, we are here.

The President goes on to say:

We should not sacrifice thousands of modernized schools to pay for inefficient tax incentives that help only a few. For example, the arbitrage provision encourages delay in urgently needed school construction and would disproportionately help wealthy school districts.

Health care is perhaps one of the most important components of this bill. The Senator from Nebraska raised this same point—we are talking about the health care system of the country. It has been an enormously divisive and complicated issue within the Finance Committee. Suddenly, in the dead of night, it is just snatched out, a proposal is sent to the floor as part of the Small Business Reauthorization Act of 2000 and people are surprised that the President may decide he is going to veto it and that those of us on this side of the aisle might have objections to that piece of legislation coming to the floor in this manner.

Nobody should be surprised about our concerns under these unusual circumstances.

This is what the President says:

On health care, my offer sought to lay a path to common ground by coupling both of our priorities on health and long-term care.

In other words, the President sought to find the common ground. The President sought compromise. The President sought to try to address the needs of both Republicans and Democrats on health and long-term care.

He writes:

Unfortunately, your health care proposal completely ignores our proposal to cover millions of uninsured, working Americans. Instead, you put forward a series of tax cuts that, particularly, when standing alone, would be inequitable, inefficient, and even potentially counterproductive to health care policy.

The reason they would be counterproductive to health care policy is because the Republican proposal gives tax cuts to people who already have health care, who already have a high level of income, who are already covered by employers, and what you do by doing that is provide an incentive for employers to turn to them and say: We do not need to cover you anymore; you can go out and get your own health care because you are getting a tax cut—while it leaves millions of Americans who are uninsured without any insurance options whatsoever. That is so patently counterproductive, as well as patently unfair, that it begs our coming to the floor of the Senate to stand with the President and suggest this ought to be vetoed.

Mr. KERREY. Will the Senator from Massachusetts yield for another question?

Mr. KERRY. I will be delighted to yield to my colleague.

Mr. KERREY. One of the Presidential debates was in Massachusetts. I know the distinguished Senator attended it. I suspect he watched the other Presidential debates. One of the most important dividing lines between the two candidates is that the Governor from Texas has been saying Washington, DC should not decide who gets a tax cut and who does not. The Vice President has been saying—not only for fiscal reasons but also for reasons of fairness—that is precisely what we should do. We should decide who is going to get a tax cut and target those tax cuts rather than having across-the-board tax cuts predominantly for the wealthiest Americans.

It seems to me what the Republican leadership in the House and the Senate are saying that the Vice President is right; we should target taxes and tax cuts. I wonder if the Senator from Massachusetts sees it that way.

Mr. KERRY. I say to my colleague from Nebraska, he is again perceptive in seeing the extraordinary contradiction in the actions taken by the majority party, the Republicans in Congress, compared to what their own nominee for President is suggesting is the appropriate way to proceed. Indeed, the very criticism leveled by George Bush against AL GORE that he is, in fact, trying to target appropriately—appropriately, I underline ''appropriately''—is really critical because what the Republicans are doing here is targeting, which is precisely what their candidate has criticized, but they are targeting inappropriately. They are targeting, once again, to reward those already most rewarded. They are targeting to reward those who already have health care. They are targeting in a way that ignores the concern of the President and most of us here, which is: How do you provide coverage to those people who are without coverage or having the greatest difficulty in providing for their health care with HMOs that are cutting them out.

Mr. KERREY. Will the Senator yield for a further question?

Mr. KERRY. I would be glad to yield.

Mr. KERREY. Essentially, the argument is over. Our colleagues on the other side of the aisle are agreeing with us; their Presidential candidate is wrong; we should target tax cuts.

Then you move on to the next question, which is, Who is going to get the tax cut? What standards do we apply to make that decision? Would the Senator from Massachusetts agree that it seems one of the missing questions that was not asked was—it doesn't seem to me it was asked. None of our colleagues from the other side of the aisle are here. I look forward to asking them. I don't know who was in the room when this was written. But whoever was in the room from the other side of the aisle, there were no Democrats there. Does it appear to the Senator that anybody in that room asked the question: Is this fair, given the needs of this country? Is this package fair? Did they seem to apply a standard or a test of fairness as they made their decision?

Mr. KERRY. Let me answer the Senator from Nebraska by saying, in the 16 years I have been in the Senate—in the debates we had in 1986 on tax simplification—in almost every single tax proposal we have worked on in those years, I have never heard the word ''fairness'' come from that side of the aisle. I have never heard them suggest that the plan they are offering America is based on a fundamental notion of what is fair for all Americans.

Mr. KERREY. I wonder if the Senator——

Mr. KERRY. I will say this to my colleague. If you look at the distribution here to the HMOs, and if you look at what happens to community hospitals, to home health care delivery, to the nursing homes, to those people who are part of a community and stay in a community, and who are not there for profit, versus what they have done to provide the lion's share of funding to those who work for profit but at the same time have cut off 400,000 senior citizens from getting health care, it is an extraordinary imbalance on its face.

Mr. KERREY. Will the Senator yield for one additional question?

Mr. KERRY. I will yield.

Mr. KERREY. And then I will wait to speak further after the Senator finishes his opening remarks.

In this morning's New York Times, there is an article describing the Texas Governor's speech in Pennsylvania yesterday. He does know how to turn a phrase. It is very good language. But I wonder if the Senator from Massachusetts sees a conflict in what the Governor of Texas is saying that he wants to do and what is in this bill.

Let me read what he said:

In my administration, we will ask not only what is legal but also what is right, not just what the lawyers allow but what the public deserves.

He went on and said:

In my administration, we will make it clear there is the controlling legal authority of conscience.

Does my friend from Massachusetts think this process and this proposal meets the test that the Governor of Texas set yesterday in Pennsylvania?

Mr. KERRY. Mr. President, let me say to my colleague, the question he raises should not be treated by my colleagues as simply political posturing or somehow a statement that suggests that there is simply a point to be scored here.

In the years I have been here, I have never seen the distinguished Senator from West Virginia, Mr. BYRD—who I think most people in the Senate would agree is really the custodian of the institution—he is the Senator who has written the most, thought the most, and perhaps stood the strongest for the rights and prerogatives of Senators, and the rights and prerogatives of this institution.

What the Senator from Nebraska is raising in his question really goes to the core of the conscience, if you will, of the Senate, of what is right, of what is the controlling legal authority for the Senate.

Is it appropriate to have a process that excludes and distorts and diminishes the institution in the way this process has?

The distinguished minority leader is on the floor of the Senate. I saw him as angry yesterday and as visibly upset as I think any of us in our caucus have ever seen him because of his sense of this violation of process, of the ways in which the rights of individual Senators are being denied.

Now, people may not like a particular vote around here, and people may not want to vote because they don't like the fact they have to stand by that vote, but the fact is, this legislation that comes to the floor of the Senate today is a violation of our rights, of the sort of conscience, if you will, that the Senator is talking about, about doing what is right.

I will go on, if I may, to underscore——

Mrs. BOXER. Before the Senator moves on any further, I ask him if he will yield for a question?

Mr. KERRY. I am delighted to yield to the Senator.

(Mr. BROWNBACK assumed the chair.)

Mrs. BOXER. I thank my friend from Massachusetts for coming down here and putting into words what so many of us are feeling—just this sense of unfairness, not only about the process, which he described so well, taking what is supposed to be a Small Business bill, hollowing it out and stuffing it full of other issues, leaving out the people who are supposed to be involved, but also the substance of what is actually in this bill.

I want to probe him on one question. Is the Senator aware that tens of billions of dollars in this bill are going to the HMOs, and there is not one string attached that the HMOs have to serve the senior citizens who they kicked out of Medicare?

We are giving bags of money to one of the most unpopular businesses in America today because they do not treat people fairly, without one requirement that they take these seniors home again and give them health care again.

I say to the Senator, you have seen it in your State and I have seen it in my State, where seniors were told: Join this HMO through Medicare. You won't have any copayments. You will be fine, only to wake up in the morning and be kicked out.

Could my colleague talk about the fairness or unfairness of that?

Mr. KERRY. May I say to my friend from California, she is one of the champions in the Senate for that kind of fairness and for her sensitivity to the notion of what happens to our seniors. Obviously in California it is vital to have that kind of sensitivity.

Let me underscore what she just said, because not only do the tens of billions of dollars go to the HMOs in a disproportionate share—one-third in the first 5 years, 50 percent in the second 5 years—the Senator from South Dakota, the distinguished minority leader, led an effort in the Senate to try to secure $80 billion as the appropriate balanced budget fix here, with a recognition that we would do away with the 15-percent cut which has been mandated inappropriately by almost everybody's agreement.

What we are winding up with is $30 billion, which has now been divided by the majority party completely inappropriately to one of the greatest sources of the problem in the delivery of health care in the country.

What is absolutely extraordinary in this situation is that, as the Senator from California mentions, there is only one sort of minor requirement here about what kind of behavior the HMOs might be held to.

All of us in the Senate have been fighting for months to try to get a Patients' Bill of Rights and establish a real set of principles and standards by which people in the United States will know what they are going to get from HMOs, what they can expect from HMOs, and how they will be treated by HMOs. But here we are with a great big grab bag giveaway to the HMOs, without any of those standards being embraced here.

If you want to talk about the conscience, and doing what is right, which is what the Senator from Nebraska talked about, here is an incredible example of the way in which they have sort of flagrantly chosen how to satisfy their constituencies, their sense of who ought to get something, and have left out completely the rights we have been fighting for that would have accrued—the basic rights, a woman's right to know she can keep her own OB/GYN she has had for a number of years, a person's right to go to an emergency room of their choice, a right to a second opinion. Think about that, to get a second opinion and not to have some HMO bureaucrat in a State that isn't even associated with your particular health care problem not make the decision but have your doctor make a decision. We can't even come to the floor of the Senate and do that here. We have to give away money to the folks who already have health care rather than taking care of the people who are uninsured which could be done cheaper.

In fact, what the President says in his letter is really interesting. I will share this completely with my colleagues as we put it into the RECORD.

The President said, before this came to the floor, before we were put in the predicament of having to vote against something that has a lot of good in it, many of us like components of what is in this bill. Many of us worked hard to get components of this bill. We are going to be forced to vote against it because of the fundamental unfairness. The President of the United States makes that very clear in his letter. I will continue to read what the President says to both leaders:

> Instead you put forward a series of tax cuts that, particularly when standing alone, would be inequitable, inefficient, and even potentially counterproductive to health care policy. For example, while our FamilyCare proposal would expand coverage to 4 million uninsured parents at a cost of slightly over $3,000 per person, your proposal would provide additional coverage to one-seventh the people at six times the cost per person. Moreover, your proposal would give the least assistance to moderate income families that need the help the most, while even raising concerns that those with employer-based coverage today could lose their insurance.
>
> Similarly, on long-term care, I offered to embrace your proposed deduction for long-term care insurance in exchange for inclusion of my proposal to give families, who are burdened today by long-term care needs, a $3,000 tax credit.

That sounds pretty bipartisan to me. The President said: I offered to embrace your proposed deduction if you would embrace my effort to give families who have long-term care problems a $3,000 tax credit.

What happens? Rebuffed.

The President says:

> Unfortunately, your legislation ignores the bipartisan package I suggested and instead would provide half the benefits of my proposal for financially pressed families trying to provide long-term care for elderly and sick family members. Surely we can agree on this bipartisan compromise that has already been endorsed by a broad array of members of Congress, advocates for seniors and people with disabilities and insurers. Similarly, I am perplexed that we cannot agree to include the bipartisan credit for vaccine research and purchases that is essential to save lives and advance public health.

Let me say a word about that, if I may, because I wrote that legislation. We have been struggling in the Congress to get this considered. I wrote it with Senator BILL FRIST. This is an effort to try to guarantee that the great AIDS crisis will be properly addressed. Millions of people are dying in Africa, countless hundreds of thousands are affected here in our own country by this ravaging disease. Unfortunately, the pharmaceutical companies have no incentive because people in those countries cannot afford to buy the drugs. It is much more profitable to produce Viagra or any number of other drugs that are advertised now—Claritin, whatever. There are a whole set of drugs that have quick return and that make money. But poor countries cannot afford to buy these drugs.

We have already passed into legislation funding of some $500 million for AIDS vaccine distribution across the world. The problem is that there is no vaccine today, and there won't be a vaccine unless the companies have an incentive and a capacity to be able to develop it. It is not only AIDS, incidentally, it is also for tuberculosis, for malaria. There are infectious diseases for which we could have further research in terms of vaccine development.

What we want to do is provide the companies with a tax credit and the capacity to do that. It has broad bipartisan support. It is only $1.5 billion over 10 years. But that is not even in here. That is ignored in here. The President of the United States is suggesting it ought to be in here. They are perfectly prepared to take a huge percentage of the $30 billion and give it to the HMOs, but they are not prepared to provide the $1.5 billion in an effort to provide incentives foe AIDS vaccine research.

The President also says:

> I also am disappointed that you have made virtually no attempt to address the concerns my Administration has expressed to you about the pension provisions of your bill. By dropping the progressive savings incentives from the Senate Finance Committee bill, you have failed to address the lack of pension coverage for over 70 million people. Moreover, employers may have new incentives to drop pension coverage for some of the low- and moderate-income workers lucky enough to have pension plans today.
>
> Finally, I remain deeply concerned that your Medicare and Medicaid refinement proposal continues to fail to attach accountability provisions to excessive payment increases to health maintenance organizations (HMOs) while rejecting critical investments in beneficiaries and vulnerable health care providers. Specifically, you insist on an unjustified spending increase for HMOs at the same time as you exclude bipartisan policies

such as health insurance options for children with disabilities, legal immigrant pregnant women and children, and enrolling uninsured children in schools, as well as needed payment increases to hospitals, academic health centers, home health agencies, and other vulnerable providers. Congress should not go home without responding to the urgent health needs of our seniors, people with disabilities, and children and the health care providers who serve them.

I read the newspapers today, and I saw a fairly typical sort of Washington response from someone on the other side of the aisle suggesting that the President's veto of this bill was somehow going to provide them with an upper hand in the last weeks of this election cycle. This is not about the last week of the election. This is about fundamental policy, which the President has described in this letter, which goes directly to the question of how this country is going to provide for health care for our citizens. There are 44 million or so Americans who have no health care whatsoever. What about them?

Mr. DASCHLE. Will the Senator from Massachusetts yield for a moment?

Mr. KERRY. I am happy to yield to the distinguished leader.

Mr. DASCHLE. I thank him and commend him for his powerful statement and the eloquence with which he has described our current circumstance.

I appreciate especially his interest in reading into the RECORD many of the concerns the President expressed in his letter to all of us yesterday. I also appreciate his contribution to the caucus as we have attempted to work through how we ought to respond to this very unusual set of circumstances. He is our ranking member on the Committee on Small Business. He indicated to me yesterday that there was no consultation prior to the time this conference report was brought to the Senate. I ask the Senator from Massachusetts if he could elaborate first on what consultation, what degree of communication there was in coming to the floor and in talking about this bill. To what extent was his signature sought prior to the time we came to the floor?

Mr. KERRY. Mr. President, I will gladly respond to the distinguished leader's question. I went into this a little bit before he came. Let me repeat: The distinguished Senator from Missouri and I worked hard on the small business components of this. But there was no consultation whatsoever, no phone call, no request for signature, no meeting, no discussion even about this bill being used, at least with this Senator, as the vehicle for these components being put in it. We were not in the room. We didn't know where the room was. We weren't even asked whether or not this was something we might or might not object to or what the impact might be on the bipartisan efforts that had taken place to have a complete small business reauthorization bill.

Moreover, the bill that comes to the floor today is not even the same small business reauthorization that we worked on. It has been changed, again, we had no consultation and no part.

Mr. DASCHLE. I ask the Senator from Massachusetts this: Obviously, there are many times when we are called upon to vote. But I have never heard of a time when the ranking member of a conference was denied even access to the text of whatever it was he was conferencing on.

Let me ask the Senator from Massachusetts, has he now seen a copy of the conference report?

Mr. KERRY. I have it right here, Mr. President. I tell the leader I do now have a copy of it.

Mr. DASCHLE. Is it the Senator's understanding that the entire conference report is what we have in our hands—two pages?

Mr. KERRY. It is two pages with two signature pages, and the joint explanatory statement of the committee—about five pages. I will show it to my colleague. I had no input on this explanatory statement and it is hard to explain, but it is just a small paragraph to describe the hundreds of pages mention on by reference in this report.

Mr. DASCHLE. Mr. President, I am really amazed and somewhat amused. As you look at this so-called conference report, one could almost read it in less than a couple of minutes. I won't do that. But I find it interesting, and I ask the Senator from Massachusetts if he could share his observations with regard to the way this conference report was written. This is no conference report. This is nothing more than a list of references to other bills proclaiming it to be a conference report. This says:

> The provisions of the bills of the 106th Congress are hereby enacted into law: H.R. 5538, H.R. 5542, H.R. 5543, H.R. 5544, H.R. 5545.

So ends the conference report. That is the most remarkable thing. I just can't imagine that anybody would be willing to put their signature to a conference report which does nothing more than reference other bills. This is the conference report—or a representation of the conference report. This is what it should look like. What I hold in my hands is how thick the conference report should be. Yet as thick as this is, they could not even get it right. We actually terminate the minimum wage in this conference report. I wonder whether the Senator from Massachusetts is aware of that and could respond to how that could have happened.

Mr. KERRY. Mr. President, let me say to the distinguished leader, I only learned that this morning having had limited time to review it. Well, it either happened purposefully or by accident. Either way, that is not the intent of the Congress with respect to the minimum wage. I understand that it is a 6-month termination of the minimum wage, which I hope is by accident. But if it is, it represents the craziness and the sloppiness of the way in which this has come to the floor.

Mr. DASCHLE. Well, as I say, I note in amusement, the Senator spent some time talking about the President's veto letter, and I am amused in part because the Speaker has already addressed the veto letter and was asked yesterday if Republicans would be willing to rework the tax cut bill after a veto. He responded—I hope colleagues will listen—that any new legislation would have to go through committee, and anything else would amount to half—I will call it ''half-baked'' legislation. He has another term, but I don't think I want to dignify it this morning.

Anything other than a committee process is half-baked, according to the Speaker. Maybe that is how we leave out minimum wage reauthorization. Maybe that is how we leave out Democratic proposals, as the Senator from Nebraska had offered in the committee, along with others, to make this more fair. Maybe that is how it happens. Maybe you don't produce a bill this thick because you don't care about fairness; you don't care about getting it right.

I ask the Senator from Massachusetts whether he would care to observe whether he has had, in his experience as ranking member, a time when he has ever seen legislation coming to the floor in this form, leaving out provisions that literally nullify a law that has been standing now for almost 70 years?

Mr. KERRY. Mr. President, I voiced my concern about this to the leader yesterday and a number of times previously—that this is not the way to legislate. I think most of us understand that. I think it really calls to question the sort of good-faith, bipartisan efforts our friends often talk about. There is a simple matter of courtesy with which this institution and any institution essentially needs to run. I don't like to say this, but I have to say that it just sort of runs roughshod over anybody's notions of decency that there isn't even a phone call, there isn't even a discussion. Is there a way to work this out? Can we sit down? Can we have a meeting? What is possible here? None of those questions were asked—just an assumption that this is the way we are going to do it and we are going to proceed forward. I just think it is destructive and unfortunate.

Mr. DASCHLE. I ask the Senator from Massachusetts whether he shares my observation that it comes down to a question, as he said, of fairness. We are talking about whether or not this process is fair, whether or not, with all of the talk of bipartisanship in the Presidential campaign, there is any element of fairness or bipartisanship in the way this process has unfolded; whether or not there is fairness in a school construction proposal that leaves out over 90 percent of the school construction opportunity and need we have in this country; whether or not it is fair to provide more benefits to the top 5 percent of all taxpayers than the bottom 80 percent as represented in this bill; whether or not it is fair to give a third of all the benefits we are

providing in BBA back to the HMOs as ransom payments to stay in States that they have already proclaimed they will not do. I ask the Senator from Massachusetts whether he doesn't agree that really the essence of this argument, the essence of this debate is a question of fairness.

Mr. KERRY. Mr. President, I believe the eloquent questions asked by the Senator from South Dakota make their own answers. I think any American dispassionately making a judgment about this process and looking at this legislation and measuring its impact would come to the conclusion that the fundamental sense of fairness, that the distinguished leader is talking about, is absent.

I am sure the distinguished majority leader, who is standing here, will have his response, and I understand that. He is going to suggest, wait a minute, fairness is fairness. But here is a letter from the President of the United States. The President of the United States says if we do this, he is going to veto this. He has proven previously he is prepared to veto bills when he says he will.

It seems to me that if we are not looking for a political issue, if we really want to legislate, we would sit down with the President of the United States and say, OK, Mr. President, we are prepared to offer this; let's have an agreement. But the President says that even his offer—I want to reemphasize this—even his offer was refused. The President says on long-term care:

I offered to embrace your proposed deduction for long-term care in exchange for inclusion of my proposal to give families who are burdened today by long-term care needs a $3,000 tax credit.

Let me ask my colleagues this: Long-term care, I have become particularly familiar with that over the course of the last year and a half. My father passed away last July and he had considerable care, as my mother does today. It is expensive. We are fortunate that we can pay for it. But it taught me firsthand what happens to those families who can't and how extraordinarily expensive and difficult it is. We have driven families out of hospital care and we have driven them out of nursing home care. We have increasingly, through the creation of the drugs we have in this country, made it easier for people to be treated at home and be kept out of the hospital. But here we are denying people the capacity to have a $3,000 tax credit for long-term care. Why? So you can give more money back to the HMOs. Where is the fundamental sense of fairness? The President of the United States offered to the majority party the chance to say let's compromise. And what happens? We get legislation coming to the floor that seeks to just stuff it to the President of the United States and stuff it to the rest of us here and stuff it to the American people.

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

Mr. KERRY. I will be happy to yield for a question.

Mrs. BOXER. I am sitting here listening carefully to the Senator from Massachusetts, to my Democratic leader, and others. I realize why the Senator started out with the word ''fairness'' and why this bill is so unfair. I wish to just ask one question. I wonder if my friend has seen the Washington Post analysis of this particular tax bill entitled ''Businesses Poised To Benefit From Bills.''

I wanted to point out an irony and see if my friend doesn't agree, the irony of calling this a small business bill; in other words, they have hollowed out the small business bill. But let's look at what they have done. And I will be very brief, but I think it is important. It says, ''From the National Association of Broadcasters and defense contractors to the racetrack industry, to tobacco companies, business interests are poised to reap large benefits from the small print of Republican-backed bills that were moving through Congress yesterday.''

Looking at several of the bills, it goes on to say—and again I will be brief—''But those benefits pale''—those benefits pale—''in comparison with the ones lavished on medical care providers,'' the HMOs. Those pale. So they gave to the tobacco industry; they gave to the defense contractors; they gave to the broadcasters. We know how they are all suffering. And those benefits pale in comparison with what they gave to the HMOs. So when the Vice President is out there talking about fairness and talking about fighting for people, this proves his point. When Democrats are locked out of the room—and we know they were—who walks away with the sacks of money but the HMOs that have been hurting our people.

So I think my friend has really laid out the case. And by the way, the Post points out there are many other special interests hanging around these corridors. They are unhappy they were left out of the mix, and they are listed here—the lobbyists in their pinstripe suits standing around here waiting to get in, waiting to get some of the benefits.

So I just wonder at the irony of the situation. I notice my friend is not wearing a pinstripe suit himself today. But the bottom line here is giveaways to those who have, asking nothing in return, giveaways to those who are hurting the senior citizens, kicking them out of the HMOs because they say Medicare doesn't pay enough. They get billions of dollars back. Nothing is really asked of them to walk away with those sacks of money. And all they are doing with the so-called small business bill is giving breaks to big business. I say to my friend, he is right to be upset on this point.

Mr. KERRY. Well, I may say to the Senator from California—and I know the majority leader is going to point this out to us—we have a rule here, rule XXVIII, and I am confident he is going to talk about that and he is going to say, well, the Senate created a situation whereby this rule was replaced by a precedent allowing an unfortunate process whereby a piece of legislation like this ''can happen.'' That goes to what the Senator from Nebraska was talking about—the legal authority versus the sense of conscience and the question of what is right and what is wrong.

It also goes to the question of how one gets things done. I will readily acknowledge that there is a ''precedent'' that allows last minute things to happen in the context of a conference. But the precedent and the rectitude with which it might be legitimately used does nothing to wipe away the question of the sort of moral or political legitimacy within the context of this institution or our own politics. When the President of the United States sends a letter and says: Don't do this; I will veto it because it is fundamentally unfair, but nevertheless people go ahead and proceed to do it anyway, that really calls into question motive, purpose, outcome, and why we are here today in this situation.

So I am going to readily acknowledge, sure, you can use some technicality of legitimacy to say it, but it is not legitimate in the larger context of what we are trying to get done. It is not legitimate when measured against the judgment of most Americans about what is fair and right.

It is clear that we have a health care delivery system problem. We have millions of Americans who have no insurance whatsoever. The President offered a way, a far less expensive way than that which has been exploited by the majority party, to provide care to those citizens. In his letter—and I want to emphasize this—the President says very clearly, ''Our family care proposal would expand coverage to 4 million uninsured parents at a cost of slightly over $3,000 per person. Your proposal''—this is the proposal of the majority side—''would provide additional coverage to one-seventh the people at six times the cost.'' One-seventh of the people at six times the cost.

That is what this fight is about. It is about uninsured people versus people who are insured. It is about unintended consequences, or maybe vague results. If you give a health care tax credit to people who already have coverage, you are giving an incentive to corporations that provide that coverage to turn to them and say we don't need to provide you with coverage anymore; you now have a handsome health care tax credit from the Federal Government; go buy your own. And you wind up reducing the number of those who are covered, not in fact encouraging further coverage. So there is a complete reversal of policy in a sense here, and I think it goes to the core of what this particular legislation is about.

Now, I said earlier—and I want to complete the part of my statement

about what is going in this bill and why I think we could find a common ground. It seems to me there is a common ground that could be found. First of all, the small business provisions are good. We worked at them, hard. I might also emphasize that the hard work is one of the reasons that they are good—and I congratulate the Senator from Missouri, Mr. BOND, and his staff for this—we worked together in order to try to accommodate people. We accommodated the Senator from Minnesota, Mr. WELLSTONE, on one component, which was a very important part of expanding the reach of programs into low-income communities, and that was how we came to a consensus agreement of bipartisanship within our committee.

But, again, without my knowledge, without one Senate Democrat being there, that entire provision was thrown and traded away in the middle of the night, in a room that I still do not know where it was, with those people who met without even inviting us. The consensus that had been built for the small business bill was traded away in exchange for other items that are in this legislation. I say to my colleagues, respectfully, that is not the way to build consensus. That is not the way to encourage the capacity to have agreement in the final results here.

There are important provisions in this bill. Provisions which I worked to include and worked with other members to get included. There is a reauthorization of the National Women's Business Council at $1 million a year. That is important. We should be doing that together. It enhances the procurement opportunities for women-owned businesses. We built an important consensus on that. We should be doing that together. It reauthorizes the very small business concerns program. We worked hard for that. We should be doing that. It reauthorizes the Socially and Economically Disadvantaged Business Program, it extends the SBA's cosponsorship authority, and it has important provisions to increase veteran owned businesses. There were important changes to the Microloan Program, which I included, specifically provisions that increased the maximum loan amount from $25,000 to $35,000, and increasing the average loan size to $15,000. These are important provisions that we worked on together. Its not a perfect document, but it has the support of nearly all members, because we all had a stake in it and were a part of the process.

There are good things in this bill. I regret the fact that I am put in the unfortunate position of having this sort of nonlegislative process crowd in on the legislative process and take away our ability to promptly pass important legislation for small businesses in this country. I regret that the Wellstone provision that would have created a 3-year $9 million pilot project to build the capacity of community development venture capital firms through research and training and management assistance was stripped out without our knowledge or consent. Again, without sort of our consent or participation whatsoever.

But let me focus finally, if I may, on underscoring a couple of aspects about the bipartisanship here. I introduced legislation earlier this year, with my distinguished colleague from Maine, Senator COLLINS, to try to address the lack of adequate funding for one specific service on which seniors depend, and that is home health care. We both shared a belief—shared by almost all of our colleagues in the Senate—that the crisis in home health care is becoming so glaring that we ought to be able to build a bipartisan consensus here to do something about it. And we laid out a sense of how the Senate could do that.

Unfortunately, in this legislation, we see a reluctance to try to properly address that home health care component, coupled with the nursing home care component—again, in favor of the HMOs themselves which have cut some 400,000 seniors from coverage in the course of the year.

We laid out the picture for the Senate: Funding for home health care has plummeted since enactment of the BBA of 1997. The original cuts in home health care payments included in the BBA totaled $16 billion, but estimates now show that the industry will sustain a cut in Medicare reimbursement of more than 4 times that—$69 billion. According to CBO, Medicare spending on home health care dropped 45 percent in the last two fiscal years—from $17.5 billion in 1998 to $9.7 billion in 1999—far beyond the original amount of savings sought by the BBA. The draconian cuts in home health care services mirror the cuts in funding for hospitals and nursing homes. These cuts have created a crisis in our country.

And many of us worked across the aisles to do something about it. But we didn't have a seat at the table when the BBRA was put together.

And I ask you, has the Majority responded adequately to this crisis? Have they provided, in the BBRA, sufficient funds to strengthen our local hospitals, nursing homes and home health agencies. No, they have not.

What, then, in spite of the obvious needs for remedies, what do the Republicans, do with the $30 billion in funding that they provide in the BBRA? Who benefits from this restoration of funding? Would you believe that the primary recipients of the increased Medicare funds are HMOs? That's right, the same HMOs who have dropped, this year alone, 400,000 seniors from their health plans because they could not turn a profit caring for the aged. The same HMOs that fight tooth-and-nail against adopting a Patient Bill of Rights which would ensure Americans have basic rights to quality health care.

The $30 billion in Medicare this add-back package is too heavily targeted at HMOs. Over the first 5 years, one-third of all of the relief in this bill goes to HMOs; over the second 5 years one-half of the relief goes to HMOs.

It is unconscionable to bolster Medicare funds for HMOs at the expense of our community hospitals, nursing homes, and home health agencies—providers that do not pick-up and leave a community just because they are not making a profit. HMOs' treatment of seniors has been deplorable—having dropped 400,000 from their plans this year—and should not be rewarded.

Yet that's all this bill does—and my hope is that after this bill is vetoed, when Congress returns, that we'll be able to do in home health care relief what we should have been doing all along—providing a meaningful lifeline to these home health care agencies which make such difference in the lives of our seniors.

Vaccines for the New Millennium Act—Omitted from Final Tax Package.

I want to also talk about an issue that I have worked on for 2 years, in one of the best bipartisan efforts I have been a part of in my 16 years here.

Democrats and Republicans have negotiated together for the past 2 years to create a strong bipartisan bill to provide assistance with the development and purchase of vaccines for AIDS, tuberculosis, and malaria.

I sat down with BILL FRIST, with the distinguished Chairman of the Foreign Relations Committee, JESSE HELMS, and with numerous colleagues on the Democratic side who wanted to address a global crisis having an extraordinary impact particularly on sub-Saharan Africa.

The Administration was strongly supportive of our efforts—as were our colleagues in the House.

And yet the Vaccines for the New Millennium Act was dropped from this conference report.

Let me just share with you what our legislation would have done—legislation dropped in favor of poison pill measures opposed by many members on both sides of the aisle:

We aimed to provide a 30 percent tax credit on R&D into vaccines against malaria, TB, AIDS and any other disease which kills more than one million people per year. This provision expanded and targeted the existing R&E tax credit.

It would also provide a tax credit on the sales of vaccines against malaria, TB and AIDS. Vaccine manufacturers would receive a 100 percent credit on the value of their sale of vaccine to qualified international health organizations, like UNICEF, for distribution to developing countries.

Let me emphasize again why we believed it was so critical to act now. There is great need for further vaccine research. Every year, malaria, TB and AIDS kill more than 7 million people. Preventive vaccines are our best hope to bring these destructive worldwide epidemics under control. The NIH is conducting vital research at the basic science level, but private sector pharmaceutical companies have the lion's

share of expertise in bringing vaccines to the market place. But the market fails in the case of vaccines against diseases which strike primarily the developing world. This measure would have addressed this market failure by reducing the high cost of R&D as well as by creating a market for the vaccines once they are developed. The American Public Health Association, the Global Health Council, AIDS Action, the Elizabeth Glaser Pediatric AIDS Foundation, the AIDS Vaccine Advocacy Coalition, the Alliance for Microbicide Development and the President's Advisory on HIV/AIDS all support the measure.

And yet it is nowhere to be found in a tax package that found room for all sorts of complicated tax cuts for those who need them the least in our society—while ignoring the needs of an entire continent teetering on the brink of being entirely wiped out.

Our politics can be better than this. We can address the real needs of a country in Medicare, in the health care crisis of our nation, in the global pandemic of AIDS, tuberculosis, and malaria—or we can play politics.

This bill is headed for a veto. And it deserves it.

The American people deserve better than this.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, first, for the interest of all Senators, I know they are wondering when a vote or votes will occur. It is anticipated that there will be at least a couple, maybe three or four votes, within the next 2 or 3 hours. We are not certain exactly what time that will occur, but I will try to get it started shortly so we can get to the votes that are needed.

For instance, once again we are going to need to set up a process so we can get a vote on the very important bankruptcy legislation. As a result of trying to get on the tax bill yesterday, I had to set aside an action that had been taken earlier on the bankruptcy reform, and it is my intention still to try to file cloture on that to try to get that very important legislation addressed before the Senate completes its work.

Also, we would need to vote on the continuing resolution that would take us over into tomorrow.

Also, we would possibly need to move to proceed to the D.C. appropriations conference report and the Commerce-State-Justice conference report. Within a few minutes we will try to get those started.

Mr. President, as to what has been said last night and this morning, it has been interesting. You know, the American people understand this is a political season and that tempers get a little short, people get a little desperate in their actions, and I think that begins at the White House with the President. I have tried to communicate with the President, but it is not always easy. He was in New York City the night before last. He was playing golf yesterday afternoon. He did return the call I made to him yesterday afternoon, even though I placed the call the day before to talk about some of this. But he has written this letter threatening a veto.

So much of this is complaints about procedure, complaints about ''inside baseball,'' complaints about what may not be in the bill. Let me say to the American people some very important things they need to hear. Let's not get into all the brush of the way we do business around here. Let's talk about the result.

First of all, some people may be surprised to learn—some people may not even like it—but 80 percent to 90 percent of this bill has been requested by the President of the United States. He wants these things, and they have been negotiated with the administration. There have been negotiations between the House and Senate. Once again, that is procedure. But let me assure the American people there are a lot of things in here that he wanted that I don't particularly like. Let me also say there are some things that were taken out at his specific request.

When you get down and analyze his complaints, it is because he doesn't think we did quite enough to suit him on this school bond construction tax credit. There are a lot of people over here who do not think that what we have done should be in this bill. But there was an effort made to accommodate a lot of different thinking. But he is not opposed to what is in here necessarily; he just wants more.

On the Medicare adjustments, lots of people have had input on that. The House of Representatives had an overwhelmingly bipartisan vote on that subject. I don't know exactly what it was, but probably 300 or more for the Medicare adjustments. The Finance Committee reported it out, I believe it was 19–0. I will clarify for the record these exact votes. So there has been an awful lot of bipartisanship.

But let's not get all wrapped up in that. Let's look at what is in the bill. Let's look at what is in the bill that is overwhelmingly good, that everybody is for, and we are reduced to complaining about how it got here.

Once again, It's the old saying we are going to defeat the good—no, we are going to defeat the excellent because we do not like the procedure or because it is not perfect or everything that the President wants. We are a coequal branch. He should not expect, and he will not get, 100 percent of what he wants. No President will—none. But we worked with him. When you get 80 or 90 percent of what you want, then most people say that is pretty good. He sits over there or in California or New York and says: Give me everything.

Let me talk to the American people about what is good about this bill. Let's not get into the politics and the procedure and all that is happening. Let us just go down the list and let's talk a little bit about what is included.

Who among us is opposed to the IRA and pension reform provisions in this bill? Who thinks we should not raise IRA contributions up to $5,000 per year?

Who thinks we should not increase contribution limits for 401(k)s, 403(b)s and 457 plans from $10,000 to $15,000? And, by the way, with a lot of bipartisan requests, another $5,000 I believe is available for people over 50 for these 401(k) and other plans. There are some 50 modifications in this bill with regard to IRAs and pensions. We want to encourage people to save, don't we? Who is opposed to this?

By the way, unfortunately, it has limits. This is really targeted at middle-income and low-income people to encourage savings. The chairman of the Finance Committee has become the hero of the IRA proposals, the Roth IRA. Here again, we take one more small step to give people a little opportunity to save for their needs, for their children, without the Government saying: Oh, we will tell you how you may do that and we will limit it. So I think there are pretty good provisions in there.

There is small business tax relief for the one group left in America that may save us, the small business men and women, those young entrepreneurs, men and women and minorities who take a chance, people who start the little restaurant, as the Senator from Nebraska did. He went out there; he found out about the restaurant business—it is tough. You have to get people hired. You have insurance costs. You have crime. You have management problems. You have food spoilage. It is endless. Bless their hearts.

So we do a little something for small business men and women. I do not apologize for that. My only complaint is we do not do enough. The ridiculousness of the request from the administration that we take out a provision that would have eliminated the .02 percent Federal unemployment tax surtax—it doesn't take out the FUTA tax, just the so-called surtax that was temporary, just stuck it on the small business men and women to boost this fund which I understand now has $22 billion in it.

So we had a proposal to take off that little .02. That is something that will actually help the small business man and woman who is working on the margins, barely making it, a little extra they can keep that is not needed in this $22 billion trust fund.

Then the tip credit. The President threatened to veto this bill over the tip credit issue. He is wrong. The Senator from Nebraska knows that was a mistake. These are people who never had another job, couldn't get another job. This is a little help for the people who are working on tips. My Lord, we are taxing tips. If you work hard and you get a bonus, you pay extra. If you work hard, you do a really good job, and you get a little extra tip, you pay a little extra. The whole concept is ridiculous. -

But in an effort to accommodate that, in a conversation I had with the President himself, we took out the FUTA and the tip credit. I apologize to small business men and women. I apologize to the workers out there busing those tables. That was unfortunate, but it was taken out at the specific request of the President of the United States.

I wanted those taxes taken out, but he would not let us do it. So in this spirit of cooperation—there is so much rain and so many dark clouds here about how we do not have more cooperation. Next year, thank goodness, we are going to have a different President. Hopefully, we will have a better atmosphere around here. Maybe we can work together. I believe George W. Bush means that, believes it, and will reach out and try to bring us together. This is a classic case of where we tried to accommodate the President of the United States, and he writes this letter threatening his veto. He may veto it, but the American people are going to know who did what needed to be done and who vetoed it.

We do have this package of small business tax relief that has been negotiated by Chairman ROTH, Chairman ARCHER, a lot of input from Democrats in the House and Senate, and the administration. It also includes above-the-line deductions for health insurance for employees in small businesses. This is bad?

What about that restaurant owner who provides insurance for his supervisory personnel, but he or she cannot provide it for all of their workers because it would just eat up all the margin of profit he has? Here you can allow the employees to deduct the cost of their health insurance. This is a good idea. This would help entry-level workers, minority workers, people who are carrying the load in this country get a little break on health insurance. But, oh, no, ''We don't really like that idea because it is above-the-line deductions''—once again, explain that to the man and woman down there working in the trenches—''We ought to have a credit or something.'' This is good, and it would help people in that low-income area. By the way, we have been hearing all year long that we have to have a minimum wage increase. A minimum wage increase is in here: $1 over 2 years, raising it to $6.15. It is in there. Is the President against that?

Then also there is a provision in here called community renewal. This would allow rural areas, poor areas to have a chance for economic development, to have a chance to recruit a little business. The Mississippi Delta pops into my mind: poor people struggling to get a little infrastructure, improve their education, get a few jobs in the area.

Enterprise zones: There are 40 of those, 40 of the new community renewals. This is a deal, by the way, asked for by the President and the Speaker. I had reservations about a lot of the provisions, but we worked through that. This was negotiated with the administration interminably for weeks and months. It is in here. Some people on my side think this is not a good idea, but I supported it.

The President made a deal with the Speaker; that is, President Clinton, in case you do not quite understand, and Speaker Denny Hastert made a deal they wanted to do it and, by the way, supported by J.C. Watts passionately. This is a way we can help rural and poor communities. Let's do this; let's do this. I have been in meetings when there was an effort to kill this until J.C. Watts spoke up and everybody went silent. It is in here. Are you against that?

I have tried on this floor for weeks to move the foreign sales credit fix for WTO compliance. It came out of the Finance Committee unanimously. I have asked unanimous consent to move it. For some strange reason, it has been objected to by the Democrats in the Senate. When you are in the leadership, you have to do some of these things, and Senator REID had to object on behalf of somebody; he would not object. It has been objected to.

What are we going to do here? On November 1, we will have a problem with our European allies. I do not think they are doing very good, frankly, complying with WTO, and they are not reacting to sanctions. I am not going to cry alligator tears over the Europeans and WTO, but that provision is in this bill. Is the President going to veto that? Those are four broad categories and a lot of subcompartments about which I have talked.

The Senator from Louisiana, Ms. LANDRIEU, has been very supportive of this concept of encouraging adoption. We should encourage more adoption for people who are not only wealthy but people in the lower and middle-income area. This bill doubles the tax credit for adoption to $10,000, I believe is the number. Is that not good? No, no, that is good.

Mrs. BOXER. Will the Senator yield for a question on that?

Mr. LOTT. On that?

Mrs. BOXER. Just on that provision.

Mr. LOTT. I did not ask anybody to yield on your side. You all talked for about an hour. I will be glad to respond later because I know you care about that and you want to make sure it is available to others.

Mrs. BOXER. Yes.

Mr. LOTT. I wanted to work on that. I told the President the other day: Mr. President, if there is something in here you don't particularly like, we can change that maybe in the next bill. Mr. President, if there is something more you want, let's add it in the next bill. This is not the be all to end all. This is not the end of the world. This is a giant step for mankind though. And he is going to veto it because he does not get every last dot and tittle that he wants? I do not think that is defensible.

Let me go on down the list. For years, I have been an advocate under pressure from the Senator from Iowa, Mr. GRASSLEY, for farm savings accounts. The chairman of the Ways and Means Committee does not like this sort of thing. He says it will never end. We have savings accounts for education, for medical expenses, now for farms. My attitude is, why not? I never met an incentive to encourage people to save for their own needs I did not like, and to encourage farmers to save a little for the bad times because, more than anybody else, they know the good times when the crops are abundant, weather is good, prices are fine; they do fine. And then rain, sleet, snow, drought, locusts—they have to deal with all of it. Allow them to save a little for the bad times. Is that a bad idea? No, that is a good idea.

Deduction for computer donations to schools and libraries: Businesses and industries, big and small, are willing to give their 2- and 3-year-old computers to schools and libraries to help with programs such as Power Up. Let's power up these kids. Let's use these used computers to teach them to read and to become computer literate. The Senator from Michigan, Mr. ABRAHAM, has been relentless in pushing for that. The amazing thing to me is, why would anybody not be for that? This is good. That is in this bill.

Deduction for long-term health insurance and long-term health expenses: This is an interesting category. We have been worried legitimately about the people who are worried about the long-term needs they have with their health. We want to do something about it. We do it in this bill, but when I talked to the President: Gee, I really prefer a credit as opposed to a deduction, but if you make the deduction high enough, maybe it will be OK.

When I talked to him yesterday, he said: Yes, you did go up higher. We are going to nitpick a gnat to death. Should we have long-term health insurance deductions or not? We have an opportunity here. The President is going to veto it, flitter it away. I do not understand that.

I have taken a lot of unkind commentary from my colleagues on this side of the aisle about the Amtrak bonds credit. The Senator from Massachusetts knows I have tried to be helpful to Amtrak. I believe in America, if we are going to be a modern nation and lead the world, we need a national rail passenger system. I think we need it, I think we can have it, and I think it can be self-supportive. Maybe not. I think it can.

I supported Amtrak reform. I stood on this floor—the Senator remembers—and helped make that happen with some opposition. There were people ready to pull the plug and say: Goodbye, adios, Amtrak. I do not think that is wise.

I made a commitment, and I will keep it some day: If we have done everything we can to get Amtrak in the position of providing the service, making ends meet and paying for themselves, if we can get that done, great. If

we cannot, at some point, we have to say Americans do not support a national rail passenger system and we pull the plug.

I do not like tax credits, particularly. I prefer deductions. You can argue this is not good, and I have heard that argument from the Senator from Texas and others.

Again, Senator ROTH from Delaware has made this one of his highest priorities and so has, by the way—once again, proving the bipartisanship of this legislation—the Senator from New York, Mr. MOYNIHAN, the ranking member on the Finance Committee. People come to me and say: How in the world could you let that in there?

First of all, I am not a dictator. And secondly, how can anybody, any leadership person, tell the chairman of the Finance Committee and the ranking member of the Finance Committee that they cannot have in this bill one of their highest priorities, the Amtrak issue? So it is in here. Is that bad? No. I think it is pretty good.

We repealed the diesel barge tax. We have modes of transportation other than Amtrak that are kind of having a hard time—rail and barge. We have here a 4.3-cent tax we dumped on them. We ought to take it off. We ought to take it off of the automobile gasoline also.

We expanded the qualified zone academy bonds for school construction. The President says he wants this. I think we are starting down a track that is not going to be very healthy where we eventually build all schools in America with Federal funds. That is where we are headed. That is where a lot of people want us to be. I do not think that is good. I think that ought to be done at the local level.

I am willing to give them an incentive through bonds, where they have to pay the principal, and they get some consideration on the interest. I am willing to do that. But what some people want, once again, is they want everything in school, in education, run from Washington. That is what really is at stake.

Once we start building schools, local schools, from Federal funds, let me tell you, Mississippi will have the nicest, newest schools in all of America—all of America—because we have more poor people and greater needs probably than anybody. But I do not think we should just totally take over education.

I still trust parents, teachers, administrators, and students at the local level. I do not trust bureaucrats in Washington at the Department of Education or the IRS or anywhere else. So that is some of the good stuff in this bill.

Let me also point out—and I did not even get very much into the Medicare add-backs. Everything says we need them. What about hospitals? What about rural hospitals? What about home health care? What about hospice? What about managed care? What about the nursing homes? They need some help. This bill provides that.

There has been a lot of bipartisan input on that. If I had my druthers, I would mix it a little differently. I would put in more for hospitals and rural hospitals, a little less for probably some other categories, but it is not just about Mississippi hospitals; it is about Massachusetts hospitals; it is about managed care facilities in New Mexico; it is about nursing homes in Kentucky. You have to try to find a blend. You also have to try to keep it from exploding totally out of control because it could be $50 billion, $60 billion, $70 billion. I think this bill is between $28 and $30 billion. It is enough to do what is needed. And it has the endorsement of many organizations. I have a list.

Mr. President, I ask unanimous consent that this list be printed in the RECORD, along with a letter to Congressman THOMAS, signed by the executive vice president of the American Hospital Association, Rick Pollack.

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

MEDICARE, MEDICAID & SCHIP IMPROVEMENTS ACT OF 2000—LETTERS OF SUPPORT

Federation of American Hospitals.
National Association of Community Health Centers.
American Medical Rehabilitation Providers Association.
HealthSouth.
National Association of Long Term Hospitals.
Acute Long Term Hospital Association.
National Association of Children's Hospitals.
Kennedy Krieger Institute.
National Association of Rural Health Clinics.
National Association of Urban Critical Access Hospitals.
American Medical Group Associates.
Mississippi Hospital Association.
Tennessee Hospital Association.
The University of Texas System.
National Association of Psychiatric Health Systems.
Healthcare Leadership Council.
National Association for Home Care.
American Association for Homecare.
American Federation of HomeCare Providers.
Alliance for Quality Nursing Home Care.
American Association of Homes and Services for the Aging.
Visiting Nurses Associations of America.
National Hospice and Palliative Care Organization.
National PACE Association.
Association of Ohio Philanthropic Homes, Housing and Services for the Aging.
John Hopkins Home Care Group.
Patient Access to Transplantation Coalition.
LifeCare Management Services.
American Cancer Society.
Alliance to Save Cancer Care Access.
Intercultural Cancer Center.
The Susan G. Komen Breast Cancer Foundation.
National Kidney Foundation.
The Glaucoma Foundation
Juvenile Diabetes Foundation.
National Multiple Sclerosis Society.
American College of Gastroenterology.
American Academy of Ophthalmology.
American Optometric Association.
American Dietetic Association.
American Association of Blood Banks/America's Blood Centers/American Red Cross.
Association of Surgical Technologists.
AdvaMed.
GE Medical Systems.
Landrieu Public Relations.
National Orthotics Manufacturers Association.
American Orthotic and Prosthetics Association.
UBS Warburg.

ADVANCING HEALTH IN AMERICA,
Washington, DC, October 26, 2000.

Hon. BILL THOMAS,
Chairman, Subcommittee on Health, House Ways and Means Committee, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE THOMAS: On behalf of the 5,000 members of the American Hospital Association (AHA), I am writing to express our views regarding the ''Beneficiary Improvement and Protection Act of 2000'' (BIPA). We believe this legislation will take another step forward in addressing the unintended consequences of the Balanced Budget Act of 1997 (BBA). Consequently, as we approach the remaining hours of the congressional session, we are urging Members to vote in favor of this legislation, and have recommended that the President not veto the legislation.

As we understand the provisions of the legislation, it includes a number of provisions that provide much needed relief to hospitals and health systems throughout the country. Such provisions include: a full market basket inflationary update in FY2001, and elimination of half of the reduction in FY2002; temporary elimination of the reductions in Medicaid DSH state allocations in FY2001 and 2002, and allow the program to grow with inflation in those years; increase the adjustment for Indirect Medical Education to 6.5% in 2001 and 6.375% in FY2002, and establish an 85% national floor for Direct Graduate Medical Education payments; equalize payments to rural hospitals under Medicare DSH; increased flexibility for critical access, sole community, and Medicare dependent hospitals; increased bad debt payments from 55% to 70% for all beneficiaries; and a full market basket update for outpatient hospital services.

The bill will also provide relief to home health agencies and skilled nursing facilities. As our members operate approximately one-third of the home health agencies and one fourth of the skilled nursing facilities, relief in this area is also vitally necessary, and is an important feature in the bill. In addition, the bill includes important beneficiary protections, particularly the execrated reduction in beneficiary coinsurance for hospital outpatient services.

At the same time, we are disappointed that certain provisions we have advocated, such a full market basket increase in FY2002 for both inpatient and outpatient hospital services, complete elimination of the impact of the BBA's reductions in Medicaid DSH, and maintaining the IME adjustment of 6.5% beyond FY2001, were not included. We are also concerned that additional reductions in the hospital inpatient market basket in 2003 were included in the bill. We look forward to working with you in the next Congress to achieve these additional changes.

Again, we appreciate your efforts to achieve additional BBA relief this year.

Sincerely,

RICK POLLACK,
Executive Vice President.

Mr. LOTT. The list includes the Federation of American Hospitals, the National Association of Community Health Centers, the National Association of Long Term Hospitals, the National Association of Children's Hospitals, the National Association of

Rural Health Clinics, the Mississippi Hospital Association—very important—the National Association for Home Care, the Alliance for Quality Nursing Home Care, the American Cancer Society, the Susan G. Komen Breast Cancer Foundation, the National Kidney Foundation, the Juvenile Diabetes Foundation, the National Multiple Sclerosis Society, the American Association of Blood Banks, and so on down the line.

Mr. KERRY. Will the Senator yield for a question on that?

Is the Senator saying that every one of those groups were presented with and have read the conference report and are supporting the conference report?

Mr. LOTT. I understand those associations are familiar with how this Medicare add-back provision would affect them, and they are supporting this conference report.

Mr. KERRY. Just for clarification.

Mr. LOTT. I have a letter from the American Hospital Association—I believe that is correct; yes, here it is—

On behalf of 5,000 members of the American Hospital Association, I am writing to express our views regarding the ''Beneficiary Improvement and Protection Act of 2000.'' We believe this legislation will take another step forward in addressing the unintended consequences of the Balanced Budget Act of 1997. Consequently, as we approach the remaining hours of the congressional session, we are urging Members to vote in favor of this legislation, and have recommended that the President not veto the legislation.

That is dated October 26, 2000, signed by Rick Pollack, executive vice president of the American Hospital Association.

So you do not like the mix. You think maybe there is too much going to managed care. But when you help hospitals and rural hospitals, there is a passthrough provision that adds to the managed care provision.

You do have people in the Senate and from all over the country who believe the Medicare+Choice is a very important provision. They worked very hard in advancing their provisions—Democrats and Republicans.

So while it is not perfect—if we took that same $30 billion and gave it to a Senator from Wyoming, and then a Senator from Pennsylvania, they would come up with a different mix—after a lot of work, this is close to being fair to everybody. And again, it is not the end of the road. There will be another opportunity to work on it further.

I know the Senator from Idaho had wanted me to yield, perhaps on the adoption credit, or any comments he would like to make.

Mr. CRAIG. Yes. I do appreciate the majority leader speaking to that.

I saw the Senator from California wishing to make a comment on it. I cochair the Adoption Caucus with Senator LANDRIEU. We worked together this year to change the character of the adoption tax credit.

We did not get all we wanted—and I know the Senator has been out on the floor speaking of concern about it—but we got a great deal. We went from a $5,000 to a $10,000 tax credit for a normal adoption. But most importantly, we focused our efforts this year on children of special needs, I say to our majority leader. And there we went from a $6,000 to a $12,000 tax credit, and we phased it in more rapidly than we did the normal adoption.

But what is important here is the character of the adoptions. For children with special needs, oftentimes their costs up to adoption are less than normal children because the Government fronts a lot of that cost. To parents adopting children of special needs, it comes after the adoption. We tried to characterize this provision a little differently. And we will do that in the coming year.

No, we did not get all we wanted. But for any Senator to say it is not good to double the adoption credit on children with special needs, and to phase it in faster than we are doing for the children of normal adoptions, somehow is really not understanding what we are accomplishing.

This Senate, in the last 5 years, has taken a quantum leap to allow Americans to form families through adoption and to render tax credits. We did not even recognize it a few years ago. People forming families the normal way could write off the expenses of their pregnancy and the birthing of children, but people spending $10,000, $15,000, $20,000 to adopt a child were on their own. We have said no to that.

Truly, for these children of special need, who are oftentimes almost unwanted, we have now said to loving and caring people, we are going to give you a $12,000 tax credit, and we are going to accelerate it.

Come on, folks. We ought to be cheering about this for the formation of families through adoption. This is a major step in a loving and caring direction.

No, MARY LANDRIEU and LARRY CRAIG did not get everything they wanted, but there is not a Senator on this floor who got everything they wanted this year. But let me tell you, I am voting for this bill on that alone because it shows that this Senate cares about children and about families who want to form through adoption.

Mrs. BOXER. Will the Senator yield for a question?

Mr. CRAIG. I cannot yield. This is the time of the majority leader.

But I think it is important, Mr. Leader, to clarify that. Let's be proud of what we have done. It is a major and positive step for caring and loving families who want children through adoption.

Mr. LOTT. Mr. President, I know a lot of Senators would like to speak. I also know we need to again have some votes here in a reasonable period of time. So I will try to get an agreement on how we can get some further comments and then move to a vote. I know the Senator from California had wanted me to yield on that particular point.

Mrs. BOXER. Senator LANDRIEU and Senator CRAIG have worked so closely together. I am not an expert on that. I just saw Senator LANDRIEU deeply disturbed and upset in her view that rather than helping the people who adopt the most difficult situations, in other words, children who are disabled, children in foster care, we are going in the other direction.

I only want to say, in good will, that it looks as if the President will veto this bill for the many reasons we talked about. I am not going to, believe me, go into that. But when he does that, maybe we can go back and fix this problem so we can really celebrate passage.

I am only reflecting Senator LANDRIEU's distress that she feels that the toughest cases here are not being helped. That is all I wanted to say.

Mr. LOTT. Mr. President, I appreciate the Senator's comments on that. It is something we should work on. We have made progress. It is a shame we won't have it for the next 3 or 4 months. If the President insists on vetoing this bill, then I guess we will come back next year and have a chance to rework this whole area. I presume the tax bill next year, no matter who is elected President, will look different than this one. Maybe it would be better from my perspective, fairer overall, but provisions such as that could be worked on next year. I just hate that there are going to be adoptions that won't occur if the President vetoes this bill, that would occur if they had this additional credit.

Mr. President, I ask unanimous consent that following my remarks, the following Senators be recognized for times allotted, and that I be recognized immediately following those Senators: Senator GRAMM of Texas for up to 15 minutes and Senator WYDEN of Oregon for up to 15 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. KERRY. Reserving the right to object, Mr. President.

Mr. WYDEN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, all I am trying to do is to make sure that Senators who have been waiting to speak will have an opportunity, but also we have a vote that we need to begin pretty soon. I would rather not do that until Senators have had an opportunity.

I yield to the Senator from Oregon.

Mr. WYDEN. I thank the distinguished majority leader. I am happy to allow Senator GRAMM to speak before me. I would have to have unanimous consent that at the conclusion of Senator GRAMM's remarks, I be recognized next to speak, and that I be allowed to address several issues before there are any votes that go forward. I am concerned about a number of issues. As the majority leader knows, I have dedicated my service here to bipartisanship. I happen to agree with the distinguished majority leader that no one

ever gets everything they want in a package. Senator KERRY showed that Democrats are willing to bend over backward to be bipartisan in areas such as small business. But on a number of issues that concern this Senator, there has not been that level of bipartisanship. I am compelled to object and will need to speak at some length this morning on the several issues that are important to me.

Mr. LOTT. If the Senator will withhold a second, I think the way I had asked for that consent is that he would be recognized immediately following Senator GRAMM. I was trying to ascertain how much time he might need.

Mr. WYDEN. If the majority leader will yield further, I am going to need the time that I intend to consume because one of the issues I am going to talk about is one of the most sensitive bioethical decisions of our time. It was stuffed into this legislation a little before midnight, when a handful of conferees were meeting, and has never been considered on the floor of the Senate.

Mr. LOTT. Mr. President, I appreciate the Senator's explanation. I yield to the Senator from Massachusetts for a question.

Mr. KERRY. Mr. President, with respect to the request, we would be happy to try to cooperate in terms of order and allowing people to speak. I am constrained on behalf of the minority leader not to agree at this point to some kind of limitation on time for our colleagues. If we could perhaps agree to this: I did want a couple of moments as manager to respond to the majority leader's comments. I will not take a long time at all. I know the Senator from Texas has been here and wants to speak. I think it would be fair to perhaps establish an order. If the Senator from Texas wants to live with the time, fine; I know the Senator from Oregon is not prepared to at this moment in time. We can at least establish an order.

Mr. LOTT. I wonder if we could do this: Maybe if the Senator from Massachusetts would like a couple minutes to respond, I think that is fair because he has some comments to respond to what I had to offer. Then we could go ahead and have a vote on an issue on which we need to proceed. Then when that is over or during that vote, we can work on an order to make sure everybody has a chance to be heard, the time that they need to speak, and we can continue on, having had one vote disposed of.

Mr. KERRY. Mr. President, again, on behalf of the minority leader, I would be constrained to object.

Mr. WYDEN. Mr. President, I object.

HIGH SPEED RAIL INVESTMENT

● Mr. HELMS. I commend the able Senator from Delaware (Mr. ROTH) for including the High Speed Rail Investment Act in this tax package. I'm glad he agress that we need to develop a national intercity passenger rail system.

Mr. ROTH. I thank the Senator from North Carolina (Mr. HELMS) for his support for these provisions. Intercity passenger rail service is a key element of our Nation's multi-model transportation system.

Mr. HELMS. As the Senator from Delaware knows, the Southeast High Speed Rail Corridor, designated in title 23 U.S.C., Section 104(d)(2), is a vital part of the national transportation system. Within the corridor the Charlotte-Greensboro-Raleigh segment plays a crucial and essential role in linking the Northeast Corridor with other corridors.

New modern world class stations in Raleigh and Charlotte as well as rail infrastructure investments linked to the Greensboro station will enhance the safety and efficiency of the system. It is my understanding that station investments are directly eligible projects under the proposed legislation.

Mr. ROTH. You are correct. Station projects such as those you described on the Charlotte-Greensboro-Raleigh line are important examples of critical investments envisioned in this legislation.

Mr. HELMS. I thank the Chairman and commend him for his leadership.●

Mr. LOTT. Mr. President, I now withdraw the motion to proceed to S. 2557.

The PRESIDING OFFICER (Mr. L. CHAFEE). The motion is withdrawn.

BANKRUPTCY REFORM ACT OF 2000—MOTION TO PROCEED

Mr. LOTT. Mr. President, I move to proceed to the conference report to accompany H.R. 2415 regarding the Bankruptcy Reform Act, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FITZGERALD (when his name was called). Present.

Mr. NICKLES. I announce that the Senator from Missouri (Mr. ASHCROFT), the Senator from Montana (Mr. BURNS), the Senator from Minnesota (Mr. GRAMS), the Senator from North Carolina (Mr. HELMS), the Senator from Arizona (Mr. MCCAIN), and the Senator from Pennsylvania (Mr. SANTORUM) are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote ''yea.''

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Illinois (Mr. DURBIN), the Senator from California (Mrs. FEINSTEIN), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Delaware (Mr. BIDEN) and the Senator from Illinois (Mr. DURBIN) would each vote ''yea.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 87, nays 1, as follows:

[Rollcall Vote No. 288 Leg.]

YEAS—87

Abraham	Feingold	McConnell
Akaka	Frist	Mikulski
Allard	Gorton	Miller
Baucus	Graham	Moynihan
Bayh	Gramm	Murkowski
Bennett	Grassley	Murray
Bingaman	Gregg	Nickles
Bond	Hagel	Reed
Boxer	Harkin	Reid
Breaux	Hatch	Robb
Brownback	Hollings	Roberts
Bryan	Hutchinson	Roth
Bunning	Hutchison	Sarbanes
Byrd	Inhofe	Schumer
Campbell	Inouye	Sessions
Chafee, L.	Jeffords	Shelby
Cleland	Johnson	Smith (NH)
Cochran	Kennedy	Smith (OR)
Collins	Kerrey	Snowe
Conrad	Kerry	Specter
Craig	Kyl	Stevens
Crapo	Landrieu	Thomas
Daschle	Lautenberg	Thompson
DeWine	Leahy	Thurmond
Dodd	Levin	Torricelli
Domenici	Lincoln	Voinovich
Dorgan	Lott	Warner
Edwards	Lugar	Wellstone
Enzi	Mack	Wyden

NAYS—1

Kohl

ANSWERED ''PRESENT''—1

Fitzgerald

NOT VOTING—11

Ashcroft	Feinstein	McCain
Biden	Grams	Rockefeller
Burns	Helms	Santorum
Durbin	Lieberman	

The motion was agreed to.

BANKRUPTCY REFORM ACT OF 2000—CONFERENCE REPORT

The PRESIDING OFFICER. The clerk will report. The assistant legislative clerk read as follows:

The Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate on the bill H.R. 2415, an Act to enhance security of United States missions and personnel overseas, to authorize appropriations for the Department of State for fiscal year 2000, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The report was printed in the House proceedings of the RECORD of October 11, 2000.)

Mr. LOTT. Mr. President, I ask the minority, and I am sure Senator KERRY is prepared to respond to this, if they are in a position to set a vote on the pending bankruptcy conference report after an hour or two of debate. I yield the floor for a response to that question from the Senator from Massachusetts on behalf of the leadership.

Mr. KERRY. Mr. President, on behalf of the leader, at this time I have to object.

Mr. LOTT. I certainly expected that. I know there are Senators who do object to that. This is very important legislation which needs to be enacted into the law. I appreciate the procedural cooperation we have had.

The bill has been debated for weeks, and many amendments have been offered on both sides. Minimum wage was offered, as a matter of fact, to this bill while it was pending on the Senate floor, but minimum wage now is going to be put in the tax relief package we have been discussing.

The bankruptcy bill ultimately passed by a vote of 83–14, so I will file cloture on this bill probably Sunday or Monday so we can get to a cloture vote and complete its action.

NATIONAL ENERGY SECURITY OF 2000—MOTION TO PROCEED—Continued

Mr. LOTT. Mr. President, I now move to proceed to S. 2557.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2001

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now turn to the continuing resolution, H. J. Res. 117, that no motions or amendments be in order, and the time between now and 3:15 p.m. be equally divided between the two leaders. I also ask unanimous consent that the vote occur on adoption of H.J. Res. 117 at 3:15 p.m. and paragraph 4 of rule XII be waived.

The PRESIDING OFFICER. Is there objection?

Mr. KERRY. Mr. President, no objection.

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

Mr. LOTT. Therefore, the next vote will occur at 3:15 this afternoon.

Mr. President, for the information of Senators who are interested in the schedule, it is expected that the vote at 3:15 p.m. will be the last vote of the day. However, at this time, in view of the need for continuing resolutions, unless some different agreement can be worked out, we will be expected to have votes on Saturday and on Sunday with continuing resolutions.

Of course, there is serious work underway right now on the matters of disagreement. I note Saturday is the sabbath for a number of our colleagues and for observant Jews, and Sunday is my sabbath. I prefer we get a CR that will take us to Monday while we continue to work, but we have not been able to enter into that agreement yet. If necessary, we will be here and voting on CRs on Saturday and on Sunday. It is my expectation that vote will come late in the afternoon or early evening on Saturday.

Also, again, Senator STEVENS from the Appropriations Committee and the appropriators are meeting right now on the final details of the Labor-HHS bill. There is also some discussion about how we can move some of the problem issues out of the CSJ bill that has been reported out of conference and passed by the House. Corrections or changes, if agreed to, could be entered into the Labor-HHS bill.

I do want you to know the appropriators are busily working in their magical way, and I am sure at sometime a cone of honey will be produced, or maybe that is the wrong terminology to use, but they are getting closer to agreements. I hope it is something that can be signed, or I hope it is something I can vote for, too. Both of those are undetermined at this point. I know Senator KERRY wants to make further comments about an earlier issue. We now have 3 hours and 15 minutes to talk about the CR or other issues Senators wish.

Mr. STEVENS. Will the Senator yield for a moment?

Mr. LOTT. I will yield since I invoked the name of the distinguished chairman of the Appropriations Committee.

Mr. STEVENS. My name came up as a magician. I am Aladdin. I rub the lamp.

Mr. LOTT. Very good. That is right, and I hope you will start rubbing it very fast.

Mr. STEVENS. I am supposed to bring you out of the lamp.

Mr. LOTT. All right.

Mr. STEVENS. Mr. President, I have to inform the Senate that if we finish the Health and Human Services bill today—we are in good-faith negotiations, and we expect to be quite late today—that bill could not be finished in terms of its reading out and printing and being available to both sides until Monday afternoon at the earliest.

I hope we can get some consideration from the administration and from everyone to understand that. We would have two sessions—one on Saturday and one on Sunday. Some people work on their sabbath and some people do not. We have a staff who will be working, in spite of that, around the clock to read the legislation. There are some 40 pieces of legislation, in addition to the bill itself, that will be in the Health and Human Services bill; at least that will be our recommendation.

I urge that somehow or another I be allowed to offer an amendment to this continuing resolution and make it Tuesday night. I have told the White House and OMB that there is no way, even if we finish tonight, that we can take it up tomorrow or take it up Sunday. We will not be able to take it up until Monday night. The White House should know that, OMB should know that, and I hope the minority agrees with us.

We cannot vote on this bill, the major wrapup piece of legislation, until, at the earliest in the Senate, Tuesday. The House may be able to vote on it Monday night. To argue over a CR that takes us to tomorrow and to argue over one that takes us to Sunday and one that takes us to Monday, when there is nothing we can do about finishing up this Congress, is just demonstrating our inability to deal with reality.

I hope the leader will allow me some time today to offer a motion to amend that CR and make it Tuesday. I have discussed it with the House, and they are in session. They can adopt it and send it to the President. Somehow or another, this idea we can only go day to day and we can produce something tomorrow that we have not finished today, when we have just one bill left which itself cannot be finished until Monday night, I think is foolhardy. I am prepared to challenge the President and all of his people to come to reality.

The discussions are being held with his people. If we do not finish them tonight, we will finish them tomorrow. If we do not finish them until tomorrow, it will be Tuesday morning before it is read out.

Maybe people do not understand what we do. Each side has a copy of the final provisions. Each reads it through, and we call in the people from the committees involved to be sure the provisions are correct. Then we get together and our staffs read it together, and each makes certain the other has not made any changes in it. And that will not be finished. It will take at least 20 hours of reading to do that. It will not be finished until Monday night.

Mr. LOTT. Mr. President, I say to the Senator from Alaska, we do not quite know what the appropriators do. I am not sure we really want to. We wish you the best because at least all of our schedules are in your hands, if not our lives. But I think what the Senator is saying is eminently reasonable. I urge you to get Senator BYRD to discuss that with the leadership on the other side, and if you talk with Senator REID, we will communicate with the administration and hopefully maybe by 3:15 p.m. we can take that reasonable action. I certainly would support it. But we have to get an agreement.

I yield the floor.

Mr. KERRY. Mr. President, if I may respond, I am confident the leader on our side wants to be as reasonable as possible. The issue on our side has been, as we said earlier, the level of progress, No. 1, and No. 2, the question of inclusivity.

What the chairman just said suggests there is a lot more inclusivity, and I presume reasonable minds will prevail at an appropriate time. A judgment has to be made by the administration and the minority leader with the level of progress. I am confident that will happen.

If I may continue, Mr. President, for a moment. Would it be appropriate at this point in time—Senator WYDEN has been waiting for a long time; I know the Senator from Texas has been waiting. I want to make a few comments yielding myself time off our time for a brief moment—I will be brief—at which point, may we have a unanimous consent agreement?

Mr. WYDEN addressed the Chair.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Oregon.

Mr. WYDEN. I would ask——

Mr. KERRY. I will yield only for the purpose of asking a question.

Mr. WYDEN. I thank the Senator.

I ask unanimous consent that I be recognized, Mr. President, to speak for up to 30 minutes on the continuing resolution when Senator KERRY has completed his comments.

Mr. KERRY. Mr. President, would the Senator agree that the Senator from Texas was, in fact, going to precede him?

Mr. DOMENICI. Reserving the right to object, might I ask a question?

Mr. WYDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. KERRY. I am willing to yield for a question, but I am trying to proceed here, if we can.

Mr. WYDEN. Would the Senator from Massachusetts yield for me to clarify this?

Mr. KERRY. I yield for the purpose of clarification only.

Mr. WYDEN. I appreciate the Senator yielding.

I was prepared to allow Senator GRAMM to speak because the two of us were on the floor at the same time, to speak for 15 minutes, on the proviso that I could go next. I would then talk for up to 30 minutes.

Mr. KERRY. I would modify the unanimous consent request.

Mr. NICKLES. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Knowing the subject matter that my colleague from Oregon wishes to speak to, I would like to be recognized for 15 minutes, following the Senator from Oregon, to respond.

Mr. DOMENICI. Reserving the right to object.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I have the right to object. There is a unanimous consent request pending.

Mr. KERRY. Absolutely.

Mr. DOMENICI. I would like to have 20 minutes reserved for me when you are finished—whoever is in the chain, whatever that is.

Mr. REID. Reserving the right to object, Mr. President.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I am happy, until 3:15, to work out time agreements so people are not standing around. But the way it now appears, it is going to be a little unbalanced. We should rotate time wise, not necessarily who is speaking but how much time. We want to work Senator CONRAD into this mix.

Mr. KERRY. Mr. President, could I suggest the following? And I think it will meet everybody's needs. At the conclusion of my brief remarks, the Senator from Oregon be recognized, following him, Senator NICKLES to be recognized, with the time to be selected by the managers for how much time they allocate, and subsequent to that, someone on our side, to be named, to be recognized, and then the Senator from Texas.

Mr. DOMENICI. What about the Senator——

Mr. KERRY. Afterwards it would come back to this side, and then the Senator from New Mexico.

Mr. BOND. Reserving the right to object, apparently there is a lot of discussion that needs to go on. We need to work out the time. Could we ask—

Mr. KERRY. You control it.

Mr. BOND. I know, but could we ask the initial remarks of the Senator from Oregon and the Senator from Texas to be 15 minutes each, so then we can work out a schedule? We know that we will then be able to develop the schedule so that all of the important things that people on both sides of the aisle need to say before 3:15 can be said.

Mr. KERRY. Mr. President, the Senator from Oregon has requested 30 minutes. I am prepared to yield him 30 minutes from our time. I think we should each control our time.

The PRESIDING OFFICER. The Senator has that right.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. OK, if our understanding is that the Senator from Oregon receives up to 30 minutes, if you would allocate me up to 30 minutes in response, and hopefully neither one of us will take that much time, and then you can continue the division of time. Certainly it would be appropriate.

Mr. KERRY. Mr. President, I ask unanimous consent for that request.

The PRESIDING OFFICER. Without——

Mr. DOMENICI. No. Mr. President, I reserve the right to object.

Where are we now with reference to whether the Senator from New Mexico gets to speak?

Mr. KERRY. Mr. President, the Senator from New Mexico follows on the Republican side after the Senator from Texas.

Mr. REID. However, I say to Senator DOMENICI, it would be the Democratic side's turn prior to you.

Mr. DOMENICI. I understand. The only thing I am concerned about, if you are going an hour equally divided—3:15 is the vote; isn't it?

Mr. KERRY. Mr. President. I think this is not as complicated as we are making it. If I could try to simplify it, the unanimous consent request requires us to alternate to each side. We will go, immediately following my comments, to the Senator from Oregon, and then back to the majority side, Senator NICKLES, and then back to our side to a person to be yet named, and then back to the Republican side to the Senator from New Mexico, and then back to our side, which follows Senator GRAMM. And that is the order with the time to be determined by the managers on each side.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Mr. President, reserving the right to object, I wonder if the manager of the bill, as part of this, would use his efforts with reference to how much time each one gets so that at least those we have agreed to would be able to speak before 3:15. You can do that, I believe.

Mr. BOND. Mr. President, reserving the right to object, I believe the agreement is that between now and 3:15 the time is equally divided. So that would roughly be 3 hours and 10 minutes. So that is an hour and 45 minutes for each side. With that understanding, each side has 1 hour 45 minutes.

Mr. KERRY. Mr. President, I ask unanimous consent that the time consumed to this point not count as equally divided.

The PRESIDING OFFICER. Is the Senator putting off the 3:15 vote?

Mr. KERRY. No. But I was recognized and therefore I do not want this entire colloquy to come from my time. I am asking that the time commence for division.

The PRESIDING OFFICER. It has to come from somebody's time.

Mr. KERRY. It comes equally divided from both sides.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Mr. KERRY. I thank the Chair.

Mr. President, I will be very brief. I simply want to respond very quickly to the comments made by the distinguished majority leader who appropriately cited many items within the legislation that we all ought to support. Indeed, that is precisely what I said in the course of my comments. We do support a great deal of what is in the legislation.

But what the majority leader never did, in the course of his comments, was address any of the issues we raised with respect to the health care system, the fundamental fairness, and the issues of contention raised by the President of the United States.

He dismissed that rather quickly and cavalierly, suggesting that the President got a lot of what he wanted. Let me be very precise. Of 119 individual tax provisions in this bill, 35 of them are from the President's budget; that is 30 percent of the provisions, not the 80 percent that the majority leader talked about. Mr. President, and of the $240+ billion in tax cuts in this package, only $48 billion, or 20 percent of the total, is from the President's proposals.

No one should be misled by the comments of the majority leader to believe that this is somehow a fair division, and that the President, in offering to veto, is not vetoing it on substantive, clear, and distinct differences of policy.

Secondly, the majority leader suggested that much was included in this, and this is sort of mostly a bill that is somehow beneficial. What he neglected to address was the issue that we raised

about how this bill came together and what is in it as a total.

As a total, it represents, in a sense, a consensus of what the majority wanted to put in. But it was arrived at without discussion with the minority, and so there are whole bills in here that raise very significant issues.

One of them is the issue to which the Senator from Oregon is going to talk. I just want to take about 2 minutes to say something about it.

There is, in this tax bill, a whole piece of legislation called the Pain Relief Promotion Act. My colleagues ought to listen to that title very carefully: Pain Relief Promotion Act. That title is an extraordinary, almost cynical, play on words. It completely distorts the notion of what happens in this legislation.

First of all, this Pain Relief Promotion Act completely preempts State law with respect to the definition of a legitimate medical purpose with respect to State medical regulations. The implications of that with respect to this are to require the Drug Enforcement Agency's agents to determine whether a physician's prescription of a controlled substance for pain relief medication was intended to relieve pain or to assist in suicide. I hope my colleagues focus on that.

The Pain Relief Promotion Act is asking DEA agents to make a judgment of intent about what a doctor intended to do in prescribing a prescription drug to a patient who is terminally ill in a hospital.

Are we seriously going to go down that road and DEA agents to have the potential to provide a 20-year prison sentence for a doctor for making a judgment about pain medication to an ill patient in a hospital? I find that extraordinary. Yet the majority leader tried to suggest on the floor that this is just some innocuous conglomeration of legislation that has no major impact on the lives of Americans, except 80 percent of it is good and what the President wanted. That is a fight worth fighting on the floor of the Senate today.

I am not going to go into all the details. I just went through a long hospitalization issue with a parent. I know what that pain medication meant for cancer. I know how difficult it was in the hospital to get the proper pain medication, to have people comfortable with what was being dealt. If we suddenly layer that kind of legal structure over the delivery of medical care in America, we are taking an extraordinary step that at least ought to be properly debated on the floor of the Senate in the context of hearings, the process, and so forth.

A recent New England Journal of Medicine article said the following:

> If the Pain Relief Promotion Act becomes law, it will almost certainly discourage doctors from providing adequate doses of medicine to relieve the symptoms of dying patients.

That does not belong in a tax bill, conglomerated in a room without the consent of Democrats. That is why we are here. That is why we are fighting about this legislation.

My final comment is, with respect to the tax components of this, major components of fairness were stripped out of this bill. The majority leader talked about how important it is to provide savings for Americans. Yes, it is important. There is not one of us on this side of the aisle who won't vote to encourage Americans to save money. There is not one of us who does not support a 401(k) program. But when we are making a choice about how much money we can allocate to people based on the overall amounts of money available and that choice was made by the Republicans alone to encourage 401(k)s to the exclusion of middle- and low-income Americans to be able to save, that is a fight worth fighting. That is a question of fundamental fairness.

The 401(k)s are terrific for lawyers and doctors and high-income people, but the kind of Americans we were trying to reach—at the $30,000, $25,000, $20,000 income level—have a lot harder time gaining benefit from a 401(k). What the President had in his proposals was a credit that would have gone directly to those hard-working Americans. That was stripped out. That is why we are here now raising these issues regarding this legislation. It is a question of fundamental fairness.

I regret that in all of his comments this morning, the majority leader did not address the fundamental issue of fairness that we are raising and over which the President has threatened a veto.

My absolute last comment: The President made clear that he would veto this. So the majority leader comes to the floor and says, well, we will come back, and we will work this out down the road.

Why? Why work it out down the road? Why not work it out now? Why not work it out in the last month before we came to the floor knowing it would be vetoed? If we can work out these other issues, if we weren't seeking a political advantage, we could certainly work that out.

People may not like the fact that the President of the United States is who he is and is of the party that he is, but he has the veto. We have been through this since 1995, when the Government of the United States was shut down for the first time in American history over this very same challenge. And here we are again, in the year 2000, with the same sort of sense of frustration over the fact that he has the veto pen that brings us to this point of confrontation. The fact is, he does have that pen. He has the constitutional right. He made it clear he would do it. And the reasons he has chosen to do it are substantive and important to the American people. That is what this debate is about.

I thank my colleague for his courtesy. I yield such time, up to the 30 minutes, as he might consume to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, before he leaves the floor, I thank the Senator from Massachusetts, both for his focus on bipartisanship with respect to the overall package and for his very thoughtful comments about the assisted suicide issue. I think he has summed it up very well.

I feel bad that I had to object to consideration of the tax legislation this morning. I will take just a minute or two to describe why and then go on to talk about the overall issue as it relates to pain relief and what is in the tax bill.

I know it is an inconvenience to a number of Senators to have me talk about this subject at length. This is an important time in the year for colleagues. I regret the inconvenience. But I believe what is in the tax bill is going to cause so much pain and suffering to families all across the country, that the interests of those families who are going to suffer if this tax bill as written becomes law have to come first.

First and foremost, I want the Senate to understand that before we are done, I am going to speak at length about exactly what the consequences will be for families all across this country, who needlessly are going to suffer great pain that could be averted, if the bill becomes law as written.

In addition, while the majority leadership in the Congress is attempting to throw Oregon's vote on assisted suicide into the trash can, Oregonians are holding on to ballots such as this one. They are wondering if this ballot, this sacred vote, really counts.

Mr. REID. Will the Senator from Oregon yield for a question?

Mr. WYDEN. In one moment.

I am obligated to speak for those Oregonians, each and every one of them, over a million Oregon voters, because I want them to understand that I am going to do everything in my power to make sure the ballot I have in my hand and the ballots they are holding right now actually count. The fact is, the senior Senator from Oklahoma has put into the tax bill legislation that would silence over a million Oregon voices. I am going to be here to make sure those voices are heard.

I yield to the Senator from Nevada. I thank him for his thoughtful comments last night on this issue.

Mr. REID. Mr. President, I have a question. This question comes from the people of the State of Nevada. It is my understanding that if this provision of this tax bill passes, a vote that was taken in the State of Oregon, open to everyone in the State of Oregon, would be basically repealed by the Congress of the United States; is that true?

Mr. WYDEN. The Senator is correct. In effect, it would be impossible to carry out the will of Oregon voters on a matter that has historically been left to the States.

What is so striking—and I appreciate the Senator's question—is that we constantly have colleagues come to the floor and talk about the importance of States rights and the beauty of the 10th amendment. Then when they don't happen to agree with what a State is doing, I guess the 10th amendment isn't so important anymore.

I appreciate the Senator's question.

Mr. REID. One more question I will ask the Senator from Oregon: Then the people of Nevada, no matter how they feel about the substance of the legislation that passed in the State of Oregon, should be warned by me and others that if this piece of legislation passes, if we pass a ballot proposition or a law in the State of Nevada, it would be subject to repeal by the Congress. We in Nevada believe in States rights. We are part of the great western heritage.

Is it true that if this particular legislation passes, the people of the State of Nevada should be aware of the fact that we could repeal something that they pass in the legislature or by ballot proposition?

Mr. WYDEN. The Senator is absolutely right. People in Nevada should understand that what this legislation does is take away from all States what has historically been their prerogative, which is to determine appropriate medical practice. There is a great body of case law and a variety of legal precedents that establish that right, and folks in Nevada should understand that. I think it is also on point to note that people in Maine are voting right now on this issue. I think it is open to some question as to what will be the effect of that Maine ballot measure right now if the tax legislation were to pass as written and, in effect, throw Oregon folk to the trash can, and it might do the same thing for people in Maine. I thank my colleague for his questions.

Mr. President, if the Senate was here today to vote on a stand-alone bill which would lead to unspeakable, avoidable suffering for hundreds of thousands of terminally ill citizens, there is no question in my mind that the Senate would not pass it. So what we have to ask is why has the Senate leadership stuck into this tax bill, legislation that the American Cancer Society and over 50 nationally recognized health organizations believe will cause unnecessary suffering for thousands of terminally ill citizens in each State in our country.

What is particularly ironic is that this legislation has not moved forward with any of the traditional procedures of the Senate. It has never been reported out by a committee of jurisdiction. It has never been subject to amendment by the full Senate. There has never been a chance to debate it on the floor of the Senate. The fact is that this legislation, which is one of the central bioethical questions in our society, was stuffed into the tax bill close to midnight the other night, without overcoming even one of the traditional procedures the Senate follows.

Now, Senator KERRY noted the name of this bill. It is the so-called ''Pain Relief Promotion Act.'' The fact of the matter is, this legislation is really the ''Pain Promotion Act'' because it is going to have a chilling effect on health care providers all across this country who simply want to practice good pain management.

I know my friend from Colorado, who is in the Chair today, also represents a rural State. Let me tell you about the kind of concern I have if the Nickles bill, as written, becomes law. Let us say you have a physician in Colorado or in Iowa or another rural State who is opposed to assisted suicide—and I am opposed to assisted suicide; I have joined colleagues here in voting to ban Federal funding of assisted suicide. But let's say a physician in Colorado, who is opposed to assisted suicide, wants to treat pain aggressively with a suffering patient. If they do, their intent, their mental calculus can later be dissected by law enforcement officials who, if they believe that anti-assisted suicide physician really had a different intent, can prosecute that physician. And the medical providers involved would be subject to a mandatory minimum sentence of 20 years, a fine that is upwards of a million dollars and they would lose their DEA registration.

The fact is that the undertreatment of pain today is a documented public health crisis. There was just another survey published very recently demonstrating that physicians and health care providers are reluctant to treat pain aggressively because they are very fearful of having their decisions second-guessed by law enforcement. There are a number of us—the American Cancer Society is one—who are opposed to assisted suicide. Yet the American Cancer Society has said that because of the chilling ramifications of pain management, it believes the Nickles legislation included in the tax bill is going to hurt cancer patients nationwide.

The American Academy of Family Physicians is another major medical group opposed to assisted suicide and they oppose the Nickles legislation; so is the American Nurses Association, the Oncology Nursing Society, the Indiana State Hospice and Palliative Care Association, and the Texas Medical Association. In sum, there are more than 50 respected health organizations that are opposed to physician-assisted suicide and also oppose the Nickles legislation included in this tax bill.

If we do care about humane medical treatment—and I know that every Senator cares about the suffering of those who are vulnerable—I believe when you actually read what is in this tax bill and what Senator NICKLES has been able to include, if you wish to join us in alleviating suffering and protecting the poor, elderly, and vulnerable, you have to oppose the Nickles legislation because it hurts the very people that our colleagues care about.

I want to raise a troublesome flag now with respect to this bill. To my knowledge, not a single nursing organization in America supports the bill purporting to relieve pain for the dying—not one. But seven nursing organizations, including the American Nurses Association, National Association of Hospice and Palliative Nurses, Pediatric Oncology Nurses, and the American Society of Pain Management Nurses, oppose the alleged pain relief bill included in this tax legislation.

Now, you know when a loved one is in a hospital, the physician may have ultimate responsibility for the care, but the nurses are the ones on the front lines coping with pain. Seven major nursing organizations, representing those on the front lines, have come out against the Nickles bill. So the question is, how could all of this happen? I think the Senate may want to reflect on the procedures involved because I think other Senators may find the same sort of absurd process applied in matters that are important to their States.

When Senator NICKLES introduced the Pain Relief Promotion Act last year, the bill was referred to the Committee on Health, Education, Labor, and Pensions. That is because, for obvious reasons, the bill has enormous ramifications for pain and health care. The bill received a hearing in 1999. It wasn't acted on by the committee. Members on both sides of the aisle expressed concerns about the legislation's impact on end-of-life and pain care. Unfortunately, a House bill identical to that legislation was passed by the House and was suddenly referred to the Senate Judiciary Committee, which didn't have jurisdiction on this critical health issue. The Parliamentarian did something that I believe showed great courage, and I commend him for it. He simply told the news media that a mistake had been made, that the Nickles legislation had been referred to the wrong committee.

I thought it was a very courageous, gutsy thing for the Parliamentarian to do. It was the kind of unfortunate accident that can happen.

The Judiciary Committee, as one might guess, had a chairman who was sympathetic to the Nickles legislation who pushed and pushed to mark it up before the American Cancer Society made it clear that the Nickles legislation would hurt cancer patients. They got the bill out of the Judiciary Committee on a 10–8 vote.

Now you know that the bill is very controversial. That is why it is coming to the floor of the Senate in the form it is. They could not get the Senate to approve this legislation if the traditional procedure of the Senate were followed.

In fact, since the Nickles legislation had been introduced with a handful of Democrats who were supportive, several have now indicated their opposition largely for the reasons I have cited—that the Nickles legislation would have a chilling effect on pain management.

The reason this bill has been stuffed into the tax legislation is that it cannot go forward on its own. There is too much controversy attached to it, too much uncertainty about its ramifications on pain care for the dying for the leadership to bring it to the floor in the normal way.

The fact is that the Senator from Oklahoma doesn't have the votes. At one point, the supporters had 80 votes. It got out of the Judiciary Committee 10–8.

I said last summer, let's follow the traditional rules of the Senate. After we had agreed to that, the distinguished Senator from New York, who is very opposed to assisted suicide, saw how much damage this legislation would do for the suffering and said he couldn't support the bill.

Senator NICKLES saw that support was quickly moving away from him and that he didn't have the votes to pass his legislation following the traditional procedure of the Senate. To compensate for the lack of votes and the inability to follow traditional procedures in the Senate, the senior Senator from Oklahoma has chosen the least democratic method at his disposal to circumvent an honest debate and avoid even a couple of modest amendments.

What is striking is the senior Senator from Oklahoma has on various occasions apparently said we shouldn't have extraneous matters brought in that had not been considered separately in a conference report. But he is allowing exactly this to be done with his bill.

The senior Senator from Oklahoma is betting that by stuffing his legislation into this conference report, everybody is going to be so resigned to the outcome and so anxious to bring down the gavel and get home that this body is just going to ignore its obligation to the scores and scores of families and suffering patients who are going to be hurt by this legislation.

The senior Senator from Oklahoma may be right. I suppose that is the way it often works in the Senate. However, I am going to be asking my colleagues—and will talk more about this subject when we get back on the tax legislation—to step up to the suffering with so much on the line. I want them to know what is at stake.

If this legislation is approved, the friends of every Senator, loved ones, and constituents are going to find it impossible to obtain aggressive pain care in their communities. Patients unable to obtain pain care are a fact of life right now, but at least we have some solace in knowing that thousands of brave health professionals are willing to risk their reputations and their careers to prescribe controlled substances to relieve suffering.

If the tax legislation goes forward without removing the Nickles bill, the undertreatment of pain, which is already a documented public health crisis, is going to get worse. Our loved ones—yours, mine—and individuals in every community across this country are going to suffer the consequences with this flawed legislation.

I hope that before we have a final vote on this issue, each and every one of our colleagues will read the statement of the American Cancer Society on this legislation. They are an organization that opposes assisted suicide, as I do. Yet here is what they say about the Nickles legislation. This is the direct statement of the American Cancer Society about the Nickles legislation. The American Cancer Society states, and I quote:

> Under the act, all physicians, and particularly physicians who care for those with terminal illnesses, will be made especially vulnerable to having their pain and symptom management treatment decisions questioned by law enforcement officials not qualified to judge medical decision-making. This can result in unnecessary investigation and further disincentive to aggressively treat pain.

That is the American Cancer Society describing how the Nickles legislation will have a chilling effect on pain care.

I would like to offer a bit of a historical perspective. The nonprescription abuse of opioids and cocaine around the turn of the century and the growing sentiment that doctors at that time were one component of the growing drug problem in America helped contribute to the stigma associated with the use of opioids for pain.

According to a seminar on oncology and in an article by Dr. David Wiseman, ''Doctors, Opioids, and the Law: The Effect of Controlled Substances Regulation on Cancer Pain Management,'' when regulations were enacted in 1914 to keep from treating drug addicts with opioids, the stigma attached to those drugs continued to grow, and physicians across the country became more reticent to prescribe those drugs because of their fear of criminal or licensing sanctions against their practice.

The undertreatment of pain is due to a variety of complex causes. There certainly are a number of studies that show that the threat of legal sanctions is one of the main roadblocks to humane pain control. And that is before the Nickles legislation in the Senate would direct to Drug Enforcement Administration to have law enforcement agents second-guessing the judgment of doctors.

One 1994 California survey showed that 69 percent of physicians cited the potential for disciplinary action as a reason for prescribing opioids conservatively. One-third of the doctors went on to acknowledge that their own patients may be suffering from untreated pain.

What we saw last week in Oregon was a brand new study that showed again that physicians are fearful about aggressively treating pain for fear of legal prosecution. It confirmed the 1994 California survey.

For that reason, I am happy to yield to my friend and colleague.

Mrs. BOXER. Mr. President, I thank my friend for bringing these issues to the floor of the Senate. I think this issue of pain abatement is a key issue.

I go even further than that in this debate because the issue of physician-assisted suicide, which I do not support, is really not what I am afraid of in Senator NICKLES' approach. But I just want to say to my friend, thank you for bringing this issue forward. I watched a loved one, who was as close to me as anyone could be, cry out in pain hour after hour, saying: I don't want to live.

I wanted this person to live more than I can say. But I went to that physician of this loving relative and I said: Please, please, do everything in your power to anesthetize this pain, to sop this pain. This physician looked at me and he said: I will do everything that I can.

I am so fearful that someone else, if this bill becomes law, will look at me and say: BARBARA, I know how much you love this individual, but I can't do more than I am doing because I'm afraid I'm going to be hauled off to prison.

I don't want any family looking in the eyes of a physician, begging to put a loved one out of this type of misery and pain, being told that their hands are tied; they would love to help and they can't.

That is why what the Senator from Oregon is doing is so important and why I am so saddened that this bill, in the dead of night, that could lead to people writhing in pain, not being able to get the help they need, was done in such a fashion where we really can't even give it the attention it deserves.

As my final point, would my friend tell me again, for the record, so that everyone watching this debate can know, which organizations are opposing this Nickles provision for the reason that the Senator has stated—that it will lead to people suffering needlessly, and doctors being afraid to help them because they will be hauled off to jail.

Mr. WYDEN. I appreciate my colleague's questions. There are more than 50 major health organizations. The American Cancer Society has stated why they feel this legislation would have a chilling effect on pain management.

I want my colleague to know, because time is short, that Senator NICKLES, in offering this bill, says doctors don't have anything to worry about with respect to prosecution under the bill—that his legislation says doctors can prescribe drugs which will hasten death if their intent is to treat the pain. So he is talking about ''intent.''

Our colleagues are right to be so concerned about who is going to determine the intent of the physician, who is just trying to help somebody suffering and gives a suffering person critical relief and dignity as they face difficult hours at the end-of-life. The person who is going to decide ''intent'' is not another doctor, not a nurse, not a health professional, not anybody with medical

training, but law enforcement officials. A law enforcement official is going to determine that medical provider's' intent. Somebody with no medical training is going to, in effect, have the authority to put medical providers on trial; a trial that could cause a provider to lose their license, serve 20 years in prison, and face upwards of a $1 million fine.

It doesn't have to be this way. There are many who oppose assisted suicide, who want to work in a bipartisan way to promote better pain management and reduce the demand for assisted suicide.

Mrs. BOXER. I thank my friend.

Mr. WYDEN. The Senator from Oklahoma is not allowing Members to do that.

The Senator from California has made the key point. At the end of the day, I want it understood when the people of Oregon cast a ballot like the one I have in my hand on a matter that has historically been left to the people of my State and to every State, I will do everything I can on the floor of the Senate to protect that vote.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WYDEN. 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. WYDEN. Mr. President, I ask unanimous consent that the time be equally divided between both sides.

Mr. BOND. I object.

The PRESIDING OFFICER. The objection is heard.

Mr. WYDEN. Mr. President, I will keep talking if the Senator from Missouri objects. I am sure some of our colleagues have other concerns.

I will continue on this question of dissecting medical providers' intent, as the Nickles legislation does, a dissecting exercise that will be done by law enforcement professionals rather than medical providers.

Here is what the American Cancer Society had to say about determining ''intent'' under the Nickles legislation. The American Cancer Society says: Unfortunately, intent cannot be easily determined, particularly in the area of medicine, where effective dosage levels for patients may deviate significantly from the norm. The question of deciding intent should remain in the hands of those properly trained to make such decisions—the medical community and State medical boards.

What the American Cancer Society is saying, as with these other 50 organizations, they are especially troubled that the Nickles legislation is second-guessing the pain management practices of physicians and providers all across the country. It is especially troublesome because law enforcement officials, rather than health care professionals, are going to be the ones to assess the intent of a medical provider. A medical providers' intentions under any calculus, as the American Cancer Society has noted, cannot be easily determined. To allow law enforcement officials to have this enormous discretion, after the fact, to challenge our medical providers, in my view, is going to significantly compound the undertreatment of pain in America.

Mr. NICKLES. Mr. President, I was told that the time of the Senator expired and I was coming to claim my time to respond.

The PRESIDING OFFICER. The time of the Senator has expired under the previous order, and the Senator from Oklahoma is to be recognized.

Mr. NICKLES. I will be happy to let my colleague conclude his thought.

Mr. WYDEN. Mr. President, I hoped we could have worked it out. My time has expired. As the Senator from Oklahoma knows, I have wanted a real debate on this legislation for some time, so I am happy to have the Senator hold forth.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, one, I wish to respond to my colleague and my friend from Oregon. He is my friend. We happen to have a disagreement on this issue. We have a difference of opinion, a rather pronounced difference of opinion. I heard several things in his statement that I want to correct. I almost don't know where to start.

First, let me touch on a couple of things on procedure. This is so wrong procedurally and should not be in this bill.

Again, he is my good friend, but he has known all along I would try to get this bill on the floor. Yes, it was put in the tax bill. I tried to put it in the appropriations bill. We ended up putting it in a tax bill. Is that the best way to legislate? No.

I might tell my colleagues and my friend from Oregon I tried about half a dozen different ways to pull the bill up, to have it be an amendable state, to offer my colleague from Oregon or others a chance to have relevant amendments, and those offers were always rejected. So now we have the bill before the Senate.

I might also mention, if one is complaining about this procedure, then we shouldn't have any problem with the Commerce-State-Justice because the administration is trying to put an amnesty provision that doesn't belong on the Commerce-State-Justice bill. It did not pass either the House or the Senate, and is totally extraneous to the conference.

Senator BYRD had one dealing with trade that was on an appropriations bill. It should not have been. It was inserted.

At least this bill did pass the House by over 100 votes. It did pass the Judiciary Committee. It has had hearings. It has been marked up. It has had 42 cosponsors—maybe my friend and colleague from Oregon has been able to convince one or two to get off. Senator LIEBERMAN is still a principal cosponsor, to my knowledge. He testified in favor of this legislation, as have I. So this legislation is not new. It is not a surprise.

My colleague from Oregon has sent several letters to all colleagues saying what is wrong with the legislation. I have sent several letters to all of our colleagues saying he was incorrect. So everyone knows about this bill and everyone knows at some point we are going to have a debate on it. I hope it will be passed.

Let me touch on a couple of issues that were brought up. My colleague from Oregon said if this bill is passed it is going to tell a million people in Oregon who voted for this on a ballot initiative, a referendum, that their vote does not mean anything. I disagree with that. This bill does not overturn Oregon's law. I want to be very clear about this. This bill does not say anything about making Oregon's law null and void. What this bill does is it deals with pain and pain management. The bill does say: Oregon, you cannot overturn Federal law. It doesn't say quite that. Federal law, the controlling law, is the Controlled Substances Act. That is a Federal law. It passed in 1970. It controls very strong drugs, I tell my friend from New York. These are deadly drugs. They are strong drugs. They are under Federal control. They are not under State control; they are under Federal control. It is a Federal Controlled Substances Act. The State of Oregon cannot pass a law that changes a Federal statute.

I make the analogy, Oklahoma might say let's legalize heroin. Oklahomans might pass that in a referendum, but it doesn't make heroin legal. It is still against the Federal law to use heroin. These are federally controlled drugs. They are deadly if they are used in very large quantities, but they are also very helpful. They can help alleviate pain. Unfortunately, we have a real problem in pain. I heard my colleague from California mention she knew a friend who was in enormous pain. We all have friends or families or have known people who are suffering and suffering greatly. I want to alleviate their pain. That is one reason why this bill was created.

There were two reasons. We want to alleviate pain. That is why all the pain management groups endorse this bill. I will go through a list. My colleague from Oregon listed a few groups that endorsed his. We have 10 times as many people, groups, physicians, you name it—hospice care, palliative care, the American Medical Association, that endorse this bill; pain management societies—you name it. I will have all that printed in the RECORD. These groups, the hospice groups and others, their members worked their entire lives because they want to alleviate pain. This bill will alleviate pain.

This bill does two things. It says we can use these drugs. My amending the Controlled Substances Act says we can use these very strong drugs to alleviate pain. We put a safe harbor in to protect physicians, making sure when they use these drugs to alleviate pain, if it causes someone's death there will be no problem. The bill also says these drugs cannot be used for the purpose of assisted suicide.

Guess what. That has been the law of the land for 30 years. These drugs were never allowed to be used for assisted suicide. The Drug Enforcement Administration—I will put a letter from Mr. Constantine who says he reviewed it—the Controlled Substances Act says these drugs can be used for legitimate medical purposes. In our bill, we state that includes pain management, the alleviation of pain. We put that in specifically so everyone will know: Use these drugs to alleviate pain. It is now in the law. Mr. Constantine also said it is not construed to be used for assisted suicide.

You say: Why do you need this bill?

You need this bill for two reason. One, we want to make sure everybody knows these drugs can be used to alleviate pain.

What about the Oregon law? My colleague from Oregon said this is going to outlaw the Oregon law and nullify a million voters who voted for it. This is going to gut the bill.

Granted, they have had dozens of suicides that have been committed using federally controlled drugs. Guess what. The law was always interpreted before that these drugs cannot be used for assisted suicide. They cannot be used to cause someone's death. They can be used to alleviate someone's pain, and we clarify that in our legislation. We go further. We put in funds to educate people on pain management.

My colleague from Oregon and I happen to agree with this. There is a real problem in pain management. There are a lot of people who are not doing enough in pain management, for whatever reason. Maybe they have not been educated. Maybe they are afraid of liability. Maybe they are afraid of doing too much and that might enhance someone's death. We said you can be very aggressive in pain management. What you cannot do is take federally controlled drugs and use them to kill somebody. These drugs are controlled by the Federal Government. They can be used to alleviate pain. They cannot be used to kill somebody.

About the Oregon law, Oregon passes a law and says they are going to say one can have assisted suicide. Fine. You cannot use Federal controlled drugs. These are federally controlled drugs. Oregon cannot amend the Controlled Substances Act. They think they can. Now with the Attorney General's letter, maybe they think they can. It is really awkward. In 49 States, you cannot use federally controlled substances for assisted suicide, but in Oregon you can.

So how did Oregon amend the Federal law, the Federal statute? Maybe Oklahoma is going to amend the Federal law. They might not like the .08 we just passed.

I heard my colleague say: What about States rights? I am a very strong supporter of States rights but States cannot change Federal law. I am all for giving States the right to opt out. If we want to say the Controlled Substances Act applies unless the States want to opt out, let's pass it. We have not done that. If we want to have a different law to allow States to opt out, maybe it should be used against the Federal law against heroin or cocaine, and we want to have the State opt out on that? I don't think so. Oregon is saying let's have the State opt out on the Controlled Substances Act so we can use these substances for assisted suicide. Oregon cannot change the Federal law.

So it is not us, it is not the Federal Government now trying to overturn the Oregon law. Oregon, by referendum, thought they could overturn the Federal law. They cannot do it. They cannot do it.

Let's do what we can to alleviate pain. Let's take these very strong drugs—morphine and others that if used in excess can be deadly—let's make sure they are used to alleviate pain. Let's do it aggressively and educate people all across the country in pain management. So we do that as well.

Let me also knock down a couple of the arguments that my colleagues used. He said if we do this, it is going to have a chilling impact.

Far from it. I will tell my colleagues, the AMA and some other groups, the hospice groups, said that a couple of years ago. We stated very clearly in the Controlled Substances Act that these drugs can be used to alleviate pain. They said: We are afraid it will have a chilling impact so we put in language to guarantee, to give physicians safe harbors, to do all kinds of things in the legislation to encourage using the drugs for pain management but not assisted suicide. So the chilling effect argument is not accurate.

In fact, if you look at the several States that have passed laws against assisted suicide but for pain management—and there are several, and I have charts of several: Kansas, Rhode Island, several States—in every one of those States, when they passed legislation banning assisted suicide but encouraging pain management, the use of morphine has gone up dramatically. So instead of having a chilling impact on pain management, it encouraged pain management, it encouraged the use of these drugs, these very strong drugs to alleviate pain. That is the history in every single State. It is interesting to note since Oregon passed their law on allowing or legalizing assisted suicide, it is just the opposite. The use of pain management drugs has actually gone down.

I look at Indiana, the use of morphine has gone up substantially. They have banned assisted suicide. Iowa, the same thing, a dramatic increase in pain control drugs when they banned assisted suicide. Kansas, again, more than double. Louisiana doubled the use of these very strong drugs to alleviate pain. In Rhode Island, it more than doubled. South Dakota had a big increase. Again, almost all of these have doubled. Tennessee—it has more than tripled the use of pain control drugs.

When the States banned the use of assisted suicide, they used the strong drugs to alleviate pain. This is what we want to do. We want to alleviate pain. We want to be effective. We want to get the very strong drugs that a lot of physicians have been reluctant to utilize and we want to get them into physicians' hands. We want to let them know they have the power, the authority, the education to use these drugs to alleviate pain. Even if they increase the use and it causes someone's death, there is no penalty, and I have to touch on the penalty sanctions. My colleague was so wrong.

We want them to alleviate pain. My colleague says: If they do not comply, we will have a new group of Federal officers running around, and this is going to have a chilling impact. He is exactly wrong. The Drug Enforcement Administration is in control of these drugs right now. There are 990,000 registrants who use these federally controlled drugs nationwide.

My colleague from Oregon implied that if we pass this bill, we are going to have a new set of Federal police; they are going to be arresting people and they will do years in jails and pay thousands of dollars in fines. We have given zero, none, no additional law enforcement authority.

Guess how many drug enforcements there were in fiscal year 1999? There are 990,000 registrants, and they investigated 921 cases, almost all of which were referred by the States. They revoked their registration, which is DEA's enforcement. They revoked the registrations of 29.

In 1998—again, there are almost 1 million people who are licensed to dispense these federally controlled drugs—they revoked the registrations of 17; in the year 1997, 18. So DEA already has this authority. They have it nationwide. They have always had it. We do not take it away. We do not enhance their authority.

This is a bogus red herring. Somebody is trying to scare the people: We are going to increase the Government power. Hogwash, we are increasing the power of the physicians. We are giving them a safe harbor, giving them greater standing. Before somebody can take action, they have to prove intent before there would be any claim against that physician. We give the physicians greater power and greater reliability that they will not be going to court, that they will not be in trouble with law enforcement if they are aggressively using these drugs for pain management.

Under this bill, they can use these drugs aggressively in pain management. They just cannot use them for Dr. Kevorkian assisted suicide, plain and simple. In Oregon, in at least 43 cases, they have used federally controlled drugs to kill someone. We are saying these are federally controlled drugs and you can use them to alleviate pain, but you cannot use them to kill someone.

I want to touch on a couple of other issues. I mentioned safe harbor. I have a letter from the American Medical Association, which says:

This bill would explicitly include this as a safe harbor, creating a legal environment in which physicians may administer appropriate pain care for patients without fear of prosecution.

This is the AMA.

They continue:

The Pain Relief Promotion Act does not create a new Federal authority to regulate physicians. The bill contains specific rules of construction preserving the roles of States and the Federal Government in regulating the practice of medicine.

I could go on and on.

Mr. President, I ask unanimous consent to print in the RECORD a volume of information because this is an important issue. I have editorials, a couple of which came from Oregon, one of which is dated July 1, 1999. This is the Oregonian. It says: ''Kill the pain, not the patients.'' That is what we try to do with our bill. We try to kill the pain and not the patients.

Also, I have an Oregonian editorial which says: ''A state's rights, a state's wrongs.'' This is dated October 19, 1999.

And a more recent editorial from the Oregonian, September 10, 2000, says:

Approve pain relief promotion bill. The Senate should put a quick end to Wyden's filibuster and pass a bill that favors pain killing over patient killing.

I have a volume of things. I mentioned these three editorials which are very well written, and also I have a legal analysis of the bill; I have a list of organizations supporting the Pain Relief Promotion Act. This list is very long. It starts with Aging With Dignity, the American Academy of Pain Management, the American College of Osteopathic Family Physicians, American Medical Association, American Society of Anesthesiologists, American Society of Interventional Pain Physicians, Americans for Integrity in Palliative Care, Americans United for Life, California Disability Alliance, Catholic Health Association, Catholic Medical Association. I could go on and on. There are medical associations—the Florida Medical Association.

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

THE PAIN RELIEF PROMOTION ACT AND THE SUBSTITUTE AMENDMENT—SUPPORTING ORGANIZATIONS

Aging With Dignity.
American Academy of Pain Management.
American College of Osteopathic Family Physicians.
American Medical Association.
American Society of Anesthesiologists.
American Society of Interventional Pain Physicians.
Americans for Integrity in Palliative Care.
Americans United for Life.
California Disability Alliance.
Catholic Health Association.
Catholic Hospice (Florida).
Catholic Medical Association.
Christian Legal Society.
Christian Medical & Dental Society.
Coalition of Concerned Medical Professionals.
Carondelet Health System.
Eagle Forum.
Family Research Council.
Florida Hospices and Palliative Care, Inc.
Florida Medical Association.
Focus on the Family Physicians Resource Council.
Friends of Seasonal and Service Workers (Oregon).
Hope Service and Palliative Care (Florida).
Hospice Association of America.
Iowa Medical Society.
Louisiana State Medical Society.
Lutheran Church—Missouri Synod.
Medical Association of the State of Alabama.
Medical Society of Delaware.
Medical Society of New Jersey.
Medical Society of the State of New York.
Michigan State Medical Society.
National Association of Pro-life Nurses.
National Conference of Catholic Bishops.
National Hospice Organization.
National Legal Center for the Medically Dependent and Disabled.
National Right to Life.
Nebraska Coalition for Compassionate Care.
Nebraska Medical Association.
Not Dead Yet.
Ohio State Medical Association.
Oklahoma State Medical Association.
OSF Healthcare System.
Pain Care Coalition—American Academy of Pain Medicine, American Headache Society; American Pain Society.
Pennsylvania Medical Society.
Physicians for Compassionate Care.
Puerto Rico, Office of the Governor.
Supportive Care of the Dying: A Coalition for Compassionate Care.
South Carolina Medical Association.
South Dakota Medical Association.
Union of Orthodox Jewish Congregations of America.
Utah Medical Association.
Virginia Association For Hospices.
VistaCare Hospice.
Vitas Healthcare Corporation (CA, FL, IL, OH, PA, TX, WI).
Wisconsin Council on Developmental Disabilities.
State Medical Society of Wisconsin.

[From the Oregonian, July 1, 1999]

KILL THE PAIN, NOT THE PATIENTS

It's no secret to any reader of this space that we oppose Oregon's venture into physician-assisted suicide.

But last year, when the American Medical Association and the National Hospice Organization came out against a bill in Congress giving medical review boards the power to deny or yank the federal drug-prescribing license to physicians who prescribed these drugs to assist in suicides, we took their concerns seriously.

The groups argued that the proposed law could reverse recent advances in end-of-life care. Doctors might become afraid to prescribe drugs to manage pain and depression—things that, when uncontrolled, can lead the terminally ill to consider killing themselves in the first place. We thought then that the problem could be worked out and that it was possible to keep doctors from using federally controlled substances to kill their patients without also preventing them from relieving their terminally-ill patients' agonies.

This Congress's Pain Relief Promotion Act proves it, and the proposed legislation comes not a moment too soon. A new report by the Center for Ethics in Health Care at Oregon Health Sciences University shows that end-of-life care in Oregon—which fancies itself a leader in this area—is far from all it should be. Too many Oregonians spend the last days of their life in pain.

There's no real need for that—and the Pain Relief Promotion Act of 1999 would go a long way toward addressing these systemic and professional failures here and elsewhere. The proposal would authorize federal health-care agencies to promote an increased understanding of palliative care and to support training programs for health professionals in the best pain management practices. It would also require the Agency for Health Care Policy and Research to develop and share scientific information on proper palliative care.

Further, the Pain Relief Promotion Act would clarify the Controlled Substances Act in two essentials ways.

One, it makes clear that alleviating pain and discomfort is an authorized and legitimate medical purpose for the use of controlled substances.

Two, the bill states that nothing in the Controlled Substances Act authorizes the use of these drugs for assisted suicide or euthanasia and that state laws allowing assisted suicide or euthanasia are irrelevant in determining whether a practitioner has violated the Controlled Substances Act.

Technically, of course, the bill does not overturn Oregon's so-called Death with Dignity Act. But it would thwart it, for all practical purposes, because it makes it illegal for Oregon doctors to engage in assisted suicide using their federal drug-prescribing license. Suicide's advocates may think of some other method, but none seems obvious.

Is this a federal intrusion on a state's right to allow physician-assisted suicide or euthanasia?

To hear some recent converts to state's rights talk, you might think so. But you could just as easily argue that Oregon's assisted suicide law intrudes on the federal domain. The feds have long had jurisdiction over controlled substances, even as states kept the power to regulate the way physicians prescribe them. At best, it's a gray area.

You'll recall that the Department of Justice declined to assert a federal interest in all of this when it plausibly could have, shortly after Oregon voters approved assisted suicide. It's probably better—and high time—that Congress asserts that interest explicitly.

This act would establish a uniform national standard preventing the use of federally controlled drugs for assisted suicide. That, in itself, should advance the national debate on this subject in a more seemly way than, say, the recent efforts of Dr. Jack Kervorkian.

Beyond that, it's high time that the Congress made clear that improved pain relief is a key objective of our nation's health-care institutions and our Controlled Substances Act. The Pain Relief Promotion Act will do all this. No wonder the American Medical Association and the National Hospice Organization are now on board.

[From the Oregonian, Oct. 19, 1999]

A STATE'S RIGHTS, A STATE'S WRONGS

NOT EVEN OREGON HAS A RIGHT TO INTRUDE ON FEDERAL GOVERNMENT'S TRADITIONAL REGULATORY ARENA

Nobody can say Oregon didn't have a full debate on assisted suicide before reaffirming in November 1997 what voters first passed a year earlier. Both sides expended much blood and treasure in the fight and it's natural to think the matter should end there. Oregon voters passed assisted suicide; Oregon should have assisted suicide.

Normally, we'd agree.

But Oregon's ''Death with Dignity Act'' barges into an area of long-standing federal jurisdiction—the Controlled Substances Act—and Measure 16 proponents' new infatuation with ''states' rights'' betrays a misunderstanding of the concept.

We mention this as Congress prepares to debate the Pain Relief Promotion Act of 1999. The bill would authorize federal health-care agencies to promote an improved palliative care, and not even our new states' rights enthusiasts are grousing about that proposed federal initiative. The Pain Relief Promotion Act also makes clear that alleviating pain and discomfort is an authorized and legitimate medical purpose for the use of controlled substances under the Controlled Substances Act. Nobody minds this either, which is understandable, since it would ensure that federal drug laws don't get in the way of proper palliative care.

But the fur starts flying when the bill states that nothing in the Controlled Substances Act authorizes the use of these drugs for assisted suicide or euthanasia and that state laws allowing assisted suicide or euthanasia are irrelevant in determining if a physician has violated this federal law. Although the act wouldn't technically nullify Oregon's suicide law, doctors here would have to help patients die without the aid of federally controlled substances.

Initially, U.S. Drug Enforcement Administration Administrator Thomas Constantine ruled that using controlled drugs such as barbiturates to terminate patients violated the Controlled Substance Act, because assisted suicide was not a ''legitimate medical practice.'' We couldn't agree more that helping patients kill themselves is not a ''legitimate medical practice.'' But in a later decision, Constantine's boss, Attorney General Janet Reno, took a different view.

She stated there was no evidence that Congress, in the Controlled Substance Act, wanted to override the states' right to determine what was a ''legitimate medical practice.'' Nor is there evidence, Reno continued, that Congress intended to hand the DEA power to decide the assisted suicide question.

A fair historical point. Congress probably couldn't imagine in 1969 that a state would countenance assisted-suicide using controlled substances—but what about now? Reno said the DEA shouldn't decide if physician-assisted suicide is a ''legitimate medical practice,'' and that's a fair point, too. These issues, Reno stated, are fundamental questions of morality and public policy.'' But does Congress have a right to answer such questions in the context of the Controlled Substances Act?

Absolutely.

These are drugs the federal government already controls. The federal government wouldn't allow a state's doctors to dispense heroin simply because a state legalized it. The federal government didn't allow doctors to dispense marijuana even to terminally-ill patients—just because a few states' voters deemed this a nifty idea. Congress didn't even have to weigh in on medical marijuana; the administration made that decision on its own, because of its worries about drug addiction.

Clearly, Congress has every right to update or clarify U.S. law on the use of federally controlled substances for assisted suicide. If Congress can concern itself with drug addiction, surely it can—and should—concern itself with the quality of health care across the country.

It can—and should—concern itself with the effects of assisted suicide on that health care.

And it can—and should—approve the Pain Relief Promotion Act of 1999.

[From the Sunday Oregonian, Sept. 10, 2000]

APPROVE PAIN RELIEF PROMOTION BILL

SENATE SHOULD PUT A QUICK END TO WYDEN'S FILIBUSTER AND PASS BILL THAT FAVORS PAIN-KILLING OVER PATIENT-KILLING

Life-and-death issues aren't always open to consensus solutions, but a reasonable consensus on end-of-life care seems to have emerged.

It's embodied in the Pain Relief Promotion Act that the U.S. Senate should vote on soon—if it has the wisdom to shut off a threatened filibuster led by Oregon's Ron Wyden.

How broad is this consensus? Well, the American Medical Association, the American Academy of Pain Management, the Hospice Association of America, and other medical groups all back the Pain Relief Promotion Act.

It passed the House, 271–156, last fall and has 42 co-sponsors in the Senate. Democrat Joe Lieberman, Al Gore's running mate, is the chief Senate sponsors along with Oklahoma Republican Don Nickles.

The Connecticut Democrat has company on the campaign trail, too, Republican presidential nominee George W. Bush backs the bill. So does the Green Party's Ralph Nader, who worries that HMOs and corporate medical interests will see assisted suicide as a cheap alternative to expensive medical care.

It's easy to see why left and right, Republicans and Democrats, support the bill. It calls on federal health agencies to disseminate information on palliative care to health-care providers and the public.

It authorizes $5 million a year for grants to teach medical people the latest pain-management techniques. In addition, it makes explicit a ''safe harbor'' provision in the federal Controlled Substances Act. Doctors could use controlled substances to ease pain even when this may unintentionally hasten death. The bill provides for continuing education on this ''safe harbor'' for Drug Enforcement Administration and other law-enforcement officials.

Foes claim that the Nickles-Lieberman bill would have a ''chilling effect'' on doctors' ability or inclination to relieve patients' suffering. Please. Every section of the bill advances the cause of pain relief. States that have passed similar laws—Iowa and Rhode Island, for example—have seen per-capita use of federally controlled morphine for pain relief go up dramatically.

The only thing Nickles-Lieberman will have a chilling effect on is doctors who want to use federally controlled drugs in their patients' suicides. The bill clarifies the Controlled Substances Act so this 31-year-old federal law cannot be read to countenance the use of federally controlled drugs in assisted suicides and euthanasia. It makes plain that assisted suicide and euthanasia are not ''legitimate medical purposes'' under the Controlled Substances Act. (By contrast, alleviating pain and suffering are, states the bill, ''legitimate medical purposes'' for a controlled substance—''even if the use of such a substance may increase the risk of death.'')

As such, the Pain Relief Promotion Act would have a chilling effect on Oregon's assisted suicide law. It wouldn't exactly nullify it, but doctors here couldn't prescribe federally controlled drugs for physician-assisted suicides.

This explains Wyden's opposition to the bill, through things get tricky here. He says he actually opposes the assisted suicide law. He just thinks Oregonians have a right to pass this law, good or bad. That's the senator's right, but the Senate shouldn't play along with the effort to dress up this exercise in constituent service as some great stand for states' rights or better pain relief.

As we've seen, Nickles-Lieberman's entire thrust is geared to improving pain relief and palliative care under the Controlled Substances Act. As is also clear, Wyden has picked a strange place to make his stand for states' rights. Nickles and Lieberman are, after all, clarifying the federal Controlled Substances Act of 1970. In truth, it's Oregon that has barged into an accepted area of federal regulation, 30 years after the fact, with its assisted-suicide experiment.

Debate on the Nickles-Lieberman should lead to an informed decision not put off such a decision and protect one state's warped views of its powers. The Senate should vote a quick end to any Wyden filibuster on its way to passing the Pain Relief Promotion Act.

[From the Washington Post, Nov. 10, 1999]

HEALTH, NOT SUICIDE

With regard to Oregon Gov. John Kitzhaber's op-ed column of Nov. 2, ''Congress's Medical Meddlers,'' let's get the facts straight.

Federally controlled substances are exactly that—federally controlled. Under present law, they can be used only for a legitimate medical purpose to promote health and safety. This has been true since 1970, when Congress passed the Controlled Substances Act, giving primary jurisdiction over these narcotics and dangerous drugs to the Drug Enforcement Administration. A lethal overdose, otherwise known as assisted suicide, has never been considered a legitimate medical purpose and certainly does not promote public health and safety.

Oregon voters passed a state law to allow physician-assisted suicide, and they had the right to do so. But they do not have the right to change federal law. If Oregon were to legalize the use of heroin for medicinal purposes, that wouldn't change the federal law forbidding its use.

Last year, Attorney General Janet Reno issued a letter carving out an exception for Oregon to use federally controlled substances for assisted suicide, a decision in conflict with an earlier determination by her own DEA and with the Controlled Substances Act. The Pain Relief Promotion Act makes clear, for the first time, that aggressive treatment of pain is a legitimate medical purpose, and it provides new legal protections for physicians to use these medications to alleviate pain and discomfort. It also restates that the use of these federally controlled drugs to cause, or assist in causing, death is not a legitimate medical purpose.

DON NICKLES
U.S. Senator.

C. EVERETT KOOP, M.D.,
Washington, DC, June 17, 1999.

STATEMENT OF C. EVERETT KOOP, M.D. ON THE PAIN RELIEF PROMOTION ACT OF 1999

I am pleased to lend my strong support to the Pain Relief Promotion Act of 1999.

Clearly, controlled substances such as narcotics have very legitimate and important

uses in modern medicine, not least in alleviating the suffering of dying patients. Just as clearly, government has a legitimate interest in ensuring that these substances are never intentionally used to take a human life. Physicians entrusted by the federal government with the privilege of using these potentially dangerous drugs in their practice should be the first to understand the need for laws ensuring their proper use. Their own ethical code instructs them always to use medications only to care, never to kill.

We should recall what the late Margaret Mead once said about efforts to legalize euthanasia: In such a society, patients will not know whether their physician is visiting them in his role of healer or killer. Acceptance of assisted suicide as a ''solution'' to the problems of dying patients would undermine the trust that all patients must be able to place in their physicians. It would also undermine efforts to improve compassionate care for dying patients, as the ''quick fix'' of assisted suicide replaces the more difficult but vitally important tasks of controlling pain and other symptoms and keeping company with the dying. We cannot let this happen.

This Act strikes the right balance, by promoting the much-needed role of federally regulated drugs for pain relief while reaffirming that they should not be abused to assist patients' suicides. A better understanding of the difference between trying to kill pain and trying to kill patients will be of great help to law enforcement authorities, to physicians, and especially to patients themselves.

I especially applaud the sponsors for including in this legislation a new grant program to promote improved knowledge and practice in the field of palliative care. When medical professionals truly learn how to ease their patients' suffering and address their real problems during the dying process, assisted suicide and euthanasia become irrelevant issues. All our patients deserve skilled care of this kind, especially when they are weakest and most vulnerable. I hope Congress will approve this bill without delay.

AMERICAN MEDICAL ASSOCIATION,
Washington, DC, September 7, 2000.

STATEMENT OF THE AMERICAN MEDICAL ASSOCIATION IN SUPPORT OF THE PAIN RELIEF PROMOTION ACT (PRPA)

The American Medical Association (AMA) supports H.R. 2260, the ''Pain Relief Promotion Act'' (PRPA), as reported from the Senate Judiciary Committee, offered by Chairman Orrin Hatch. The new bill represents significant improvements in addressing the continuing concerns of the physician community regarding the proper roles of the state and federal governments in regulating the practice of medicine.

The AMA is squarely opposed to physician-assisted suicide and believes it is antithetical to the role of physician as healer. The AMA strongly advocated against the Oregon public initiative that has legalized physician-assisted suicide in that State. In crafting an appropriate legislative response, physicians have been deeply concerned that legislation must recognize that aggressive treatment of pain carries with it the potential for increased risk of death, the so-called ''double effect.'' The threat of criminal investigation and prosecution for fully legitimate medical decisions is unacceptable to the AMA.

As reported from the Senate Judiciary Committee, the legislation would recognize the ''double effect'' as a potential consequence of the legitimate and necessary use of controlled substances in pain management, and explicitly include this as a ''safe harbor'' provision for physicians in the Controlled Substance Act. This is a vital element in creating a legal environment in which physicians may administer appropriate pain care for patients without fear of prosecution.

The provisions of the Chairman's Substitute to H.R. 2260, reported by the Senate Judiciary Committee on April 27, 2000, represents substantial success in achieving the AMA's policy goals. The AMA is pleased to endorse H.R. 2260, which now contains significant improvements explained below.

PRESERVES STATE'S ROLE IN REGULATING PHYSICIAN PRACTICE

The PRPA preserves deference to state licensing boards and professional disciplinary authority as currently exists under the Controlled Substances Act (CSA). This bill would also maintain the current balance of authority between state and federal government, in which the DEA and state medical licensing boards have overlapping authority when it comes to physicians prescribing controlled substances.

THE PRPA DOES NOT CREATE NEW FEDERAL AUTHORITY TO REGULATE PHYSICIANS

The bill contains specific rules of construction preserving the roles of the states and federal government in regulating the practice of medicine. Furthermore the Attorney General is explicitly prohibited from creating new federal standards for pain management or palliative care; existing and developing standards in the private sector and research community will continue to be the gold standard.

PROHIBITS FEDERAL GUIDELINES OR STANDARDS OF CARE

The PRPA does not give the DEA new powers to regulate physicians or to evaluate whether a prescribing decision is ''legitimate.'' The DEA is already authorized to evaluate whether a physician's prescribing decision is for a ''legitimate medical purpose.'' This amendment also negates the possibility that law enforcement might create its own standards on pain care and clarifies that the training and education programs would not interfere with the traditional role of the state in regulating the practice of medicine.

THE PRPA WILL CONTINUE TO FOSTER PROFESSIONALLY DEVELOPED STANDARDS

This bill will improve pain management and palliative care for patients by encouraging and supporting the vital research necessary for advancing the science and art of pain management and palliative care. While it authorizes grants and educational activity, the Agency for Health Research and Quality is also prohibited from creating its own standards for pain management or palliative care.

EXPANDS SCOPE OF BILL TO COVER PAIN MANAGEMENT, AS WELL AS PALLIATIVE CARE

H.R. 2260 expands the scope of the bill to include all pain management, rather than an exclusive focus on end-of-life pain.

Again, the AMA supports the language contained in the bill reported from the Judiciary Committee which includes essential clarifications of the original bill, specifically expressing the sponsors' intention to honor the existing authority of the states to regulate legitimate medical practice, while exercising the concurrent federal authority to regulate the prescribing and administration of controlled substances. The language of H.R. 2260 has been carefully crafted to reflect this proper balance. We urge the full Senate to pass the ''Pain Relief Promotion Act,'' as soon as possible.

Mr. NICKLES. Mr. President, my colleague was reading a few letters. Incidentally, he kept talking about the American Cancer Association. I do not think they ever wrote a letter saying they were opposed to the bill. He made it sound like they did. I do not know if they did. He has one that is maybe questionable on the bill.

We have dozens which spent a lot of time supporting us. The National Hospice Association, the group that takes in individuals in their later years, particularly in the years where they are close to death, supports this bill. So the allegations that this might have a chilling impact is hogwash. To make an allegation that this might be offensive to States rights is absolute hogwash. That is not correct.

We are not overturning Oregon's law. Oregon cannot overturn Federal statute. Do we want to repeal the Federal Controlled Substances Act? The Federal Government has been controlling these strong drugs before that act. There was another act that passed years before, but the Federal Controlled Substances Act is what I am amending and clarifying that legitimate medical purposes includes pain management.

What is wrong with that? It also says assisted suicide is not a legitimate medical purpose. Think of that. We have had a Federal statute on the books since 1970 to control very strong drugs because we know they are deadly, we know they are hazardous. So the Federal Government passed a law regulating these drugs.

The State of Oregon said: Let's legalize assisted suicide, and we will pretend that is a legitimate medical purpose. The Drug Enforcement Administration said: No, it is not. The Attorney General wrote a letter that it is in 49 States, but it is not in Oregon because we did not prohibit assisted suicide.

The Controlled Substances Act says these drugs can be used for legitimate medical purposes. It did not say anything about assisted suicide. So the Attorney General comes up with this weird analysis: Maybe it's not prohibited. The Drug Enforcement Administration before her said: No, assisted suicide is not a legitimate medical purpose. The Drug Enforcement Administration is right, and they have been the ones enforcing this law for the last 30 years.

Oregon should live under the law just like every other State in the Nation. In 49 States, you cannot use these drugs right now—you cannot use them in Arkansas or in any other State in the Nation because they are Federal controlled substances and they can only be used for legitimate medical purposes. You cannot use the drugs in assisted suicide except in Oregon because the Attorney General says maybe it is OK.

The law says you can use them to alleviate pain but not assisted suicide. We put that in the bill. I mention that to my friend from Nevada and my friend from Oregon. It is awfully important that people understand the substance of this legislation, and this

legislation would not have a chilling impact. We would not have all these organizations from the American Medical Association to the American Hospice Association supporting this bill.

I urge my colleagues to review the letters Senator WYDEN and I have provided to further complement their knowledge on this issue. I urge them to review the materials we are printing in the RECORD, and I urge them to support this bill.

I am proud of the fact that 40-some colleagues, maybe 38 now—maybe a couple names were removed—support this bill; Democrats and Republicans support this bill, including Senator LIEBERMAN, who testified with me on a couple of occasions on this bill. I look forward to its adoption and enactment this year.

Mr. President, I reserve the remainder of my time.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, if I could say to my Democratic colleagues, we have a number of people who have indicated a desire to speak on this issue prior to 3:15. And we appreciate the effort made by the Senator from Oregon. We have Senator LINCOLN, to whom we are going to yield 5 minutes; Senator BAYH, to whom we are going to yield 5 minutes; Senator TORRICELLI, 10 minutes; and Senator DORGAN, 10 minutes; Senator BAUCUS, 10 minutes; Senator CONRAD, 12 minutes.

Each minute they are not here means their portion of the share of time will be lessened because we are next in line to speak, and there is no one on the Republican side to speak. The time I have allocated here will use up basically all of our time. There will, of course, be time after the 3:15 vote where people can come and speak on any issue they desire. But I have announced to the Senate those who have requested time. Unless there is some other arrangement made, those who desire to speak prior to 3:15 will not be able to do so until after 3:15.

Mr. President, I suggest the absence of a quorum and request that time be allocated between both sides evenly.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. 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. DASCHLE. Mr. President, I hope my colleagues will come to the floor and express themselves about this legislation. I know a number of our colleagues have indicated an interest in being heard.

I note that it is my hope we can still get votes on both the tax bill as well as the Commerce-State-Justice bill today. We need to move this process along. We are now less than 2 weeks away from the election. There is a lot of work that remains prior to the time we leave. It seems to me we ought to be maximizing each day. That is why the President has insisted on 24-hour continuing resolutions.

I have just had a conversation with the majority leader and noted my interest in our effort to try to resolve these matters today so we can move on to other outstanding issues. We talked earlier about the importance of trying to bring some resolution to both bills.

The Commerce-State-Justice bill could be resolved, certainly, by Monday. If we can vote on it, and move it along, I think that behooves us and certainly accords us more of an opportunity to ensure that we can resolve these matters at a time that would allow us to bring closure to this whole session of Congress.

Mr. NICKLES. Will the Senator yield?

Mr. DASCHLE. I am happy to yield.

Mr. NICKLES. One, I thank my colleague from South Dakota, the minority leader, for his statement. I think that would be a great idea. We need to pass these conference reports, and send them to the President. Somebody said, there is a veto threat on one or two of them, and on Commerce-State-Justice. I think there is some work going on right now, and some things could happen that would make it possible for that bill to be signed.

I do not know if the President has threatened to veto the tax bill. Regardless, we need to get these completed. It would be great if we could get them completed today or on Monday or Tuesday, but if we could do it today, I think it would be in the interest of all of our colleagues. Certainly, I know Senator STEVENS doesn't think it would be humanly possible to get the Labor-HHS bill out before Tuesday, but if we could clear everything else but for the Labor-HHS bill, that would simplify all of our work. I think it would be a real positive thing for our colleagues. So I would be happy to work with my friend and colleague to try to make that happen.

Senator STEVENS suggested, knowing that Labor-HHS could not be completed until Tuesday for a vote, extending the time for the continuing resolution until Tuesday so we do not require everyone to be here. A lot of us will be here Saturday and Sunday and Monday. But to be, one, respectful of religious holidays on Saturday and Sunday, and to accommodate people's schedules, is there support on both sides to amending the continuing resolution—and saving taxpayers some money so we do not have to go through performance sessions—to amend the CR to make it go through Tuesday?

Mr. DASCHLE. I will respond, if I could reclaim my time, and say that I know the President has expressed concern on several occasions about the tendency for those of us who serve in the Congress to leave and then not to come back until close to the end of whatever CR timeframe we have been allotted. I think that is the President's concern, that if we were to go to Monday or Tuesday, most likely we probably would not revisit these questions until Monday or Tuesday. But we can certainly discuss the matter at greater length and attempt to see what opportunities for real progress we are going to be making.

We are now 28 days into the new fiscal year, and we still have a lot of work, especially on appropriations bills, that remains to be done. So it would be my hope that we could maximize every day.

And he is right; it is very rare that we have met on Saturdays—or Sundays, for that matter. It would not be our intention to make a regular practice of it, but these are extraordinary circumstances, without a doubt. I think each day should be used, with the maximum opportunity that each day affords us, to try to resolve these issues and get our work done. I don't like staying. I had plans this weekend myself. I was going to go home to South Dakota. It does not appear that is going to be possible. But I would say, certainly, if we are here we ought to be maximizing the use of our time. I think that is what the President intends. Certainly, we ought to attempt to do as well with each day that remains.

I would also say that we ought to go into this with an attitude that we are going to complete our work successfully. There is no reason why we cannot finish C-J-S. There isn't any reason we cannot finish Labor-HHS. There isn't any reason we can't come to an agreement on the remaining outstanding issues.

There is very little disagreement about the need to address each of these issues. We know we have to address education in the appropriations bill. We know we have to address the Balanced Budget Reform Act and the extraordinary problems that our health facilities are facing. We know we have to face and address the issues having to do with Commerce-State-Justice and especially immigration.

So there are a lot of issues that demand we stay and resolve them. I think we ought to use the weekend to keep negotiating, to try to find a way to resolve these matters, before we get well into next week. Basically, I think the bottom line for many of us is, if we can make these bills more fair, if we can address fairness with regard to immigration, if we can address fairness with regard to the BBA bill and the tax bill, if we can address fairness with regard to education and school construction—if we can do all that in a fair and meaningful way, we can resolve these matters and be done by the middle of next week.

There is no reason why we should not. It seems to me we waste opportunities by allowing Senators to leave town and expect somehow they will come back. But I am certainly more than willing to talk about it and see if

we can make the most of what days remain.

Mr. REID. Will the leader yield?

Mr. DASCHLE. I am happy to yield to the Senator from Nevada.

Mr. REID. I say to my friend, no one in the Congress has worked harder than you have. So I know you, as much as anyone, would like to have this session end. But I do say, in response to my friend from Oklahoma about working the weekend—now, I am not an expert in religion; we have a Chaplain and others to take care of our professional aspects of religion—but I do know that even in biblical times, when the ox was in the mire on the Sabbath, you had to help get that animal out of the mud. I think that is what we are in now.

It may be necessary that we work on Sunday; We have so many things left to do. I agree with the minority leader. These breaks don't have us doing the work that we need to do. We need our attention focused on completing Commerce-State-Justice, doing this tax bill, and doing whatever needs to be done on bankruptcy, if, in fact, anything is going to be done. There are a number of items we have to do. The minute we say we are not going to do anything until Tuesday, Washington is vacated and nothing is done.

Mr. NICKLES. Will the minority leader yield?

Mr. DASCHLE. I am happy to yield to the Senator from Oklahoma.

Mr. NICKLES. Mr. President, I compliment both my colleagues and say that everybody who has an ox in the mire, who is working on the appropriations bills, on BBA adjustments, or on the tax bill, ought to stay here until we have those bills totally complete—that includes Saturday, Sunday, and Monday—and have our colleagues come in and vote on Monday or on Tuesday. I just don't think it behooves us to have the entire Senate in on Saturday and Sunday. I will be here. I might be watching the football game on Saturday. But for those people who are directly involved in the negotiations, they need to be here, period. We need to get these wrapped up.

I also heard my friend from South Dakota address several issues that remain and if we give him everything he wants, we can go home. That is not going to happen. But we might as well find out that is not going to happen on Friday or Monday or Tuesday as have it continue. I look forward to working with both my friends from Nevada and South Dakota on the remaining bills. We have about four bills left—five, if you count bankruptcy and split the appropriations. We need to finish them one way or the other. We need to vote on them and dispose of them. I will work with my colleagues.

I would appreciate serious consideration to assist our colleagues to extend the CR. You mentioned the President stated he always wanted a 1-day CR. All that is going to do is cost the taxpayers money to have the entire Senate come back in and vote on Saturday and Sunday. We need to have the negotiators stay here Saturday and Sunday and complete the work.

Mr. DASCHLE. Mr. President, if I could just respond, I will probably have to agree to disagree. I suppose you could argue that we have spent a lot more money over the last 27 days than most of us realized in keeping the Senate in session as long as we have. We have been in, in large measure, because we haven't been able to complete our work. One could argue if we would have used the days we had available to us more effectively, we wouldn't be here today.

As to the President's insistence on trying to find compromise, I guess this isn't a matter of whether the President gets all he wants. This is a President who has said on numerous occasions we are making progress in coming together. Let us keep at it. Let us try to find a way to resolve these issues. I am not asking for everything I want, but I don't expect the Republican leadership to get everything they want.

The essence of good compromise is give on both sides. We haven't seen that. That is the essence of the concern we have on this side, the lack of fairness, not only with regard to any real void in bipartisanship in putting the tax and BBA bill together, but the consequences of having done so without constructive engagement, consequences that led somebody inadvertently, I assume, to leave out the minimum wage entirely, to nullify the minimum wage for 6 months. That is what happens if this bill passes. It is going to be nullified for 6 months. I know that that was not intended, but that is what happens.

To reference bills as are referenced in this two-page conference report with no real ability to read it thoughtfully, to carefully look through it, ought to give everybody pause.

I know one of the points raised by our colleague from Alaska regarding the appropriations bill is that he needs up to 20 hours to read, whenever it is agreed to, the Labor-HHS bill, the last appropriations bill to be addressed. That Labor and Education bill, if it is read by the Senator from Alaska, will at least assure that one Senator in this body has had a chance to read it from front to back.

Nobody had that opportunity with this bill. There was no 20-hour read of this bill, in part because there was no bill. This is a reference to five bills. There was no careful consideration of what went into this legislation. Nobody knows. We are shooting entirely in the dark. We have no appreciation of what is in this bill. What we do know is that some things were inadvertently left out. What we do know is that when it comes to school construction, we fall $10 billion short of what ought to be a minimum in the commitment we make to school construction this year.

This country has a deficit in infrastructure of $127 billion, a $127 billion backlog in school construction alone. What we have said is, let's require the States and the school districts to come up with at least $100 billion of that responsibility, but why not do for schools what we do for courthouses and airports and highways. Let us help school districts. Let us help States provide the funding mechanism that will allow them to refurbish and rebuild and construct new schools.

That is part of the debate. That is part of this fairness question that is at the heart of the debate regarding the tax bill. Is it fair? That is the question. Is it fair to provide three times more in business lunch deductions than it is school construction? That is what this bill does. Three times more goes to business lunch deductions than we are prepared to commit to school construction. I don't think that is fair.

We can argue a lot about whether it is fair to give more to the top 5 percent of all taxpayers than we do the bottom 80. One can argue that is a legitimate thing to do in public policy. But is it fair? I don't think anybody could argue it is fair to give the top 5 percent more in tax benefits in this bill than the bottom 80, but we are doing that. Again, it is a question of fairness.

The question is, too, Is it fair to have two pots of money—one for hospitals, one for clinics, one for hospice, one for all the medical and health facilities all over this country—and say: We have a limited amount of money to spend, and we are going to split that amount into two pots. We are going to give a third of all the money to HMOs at the expense of all these health facilities.

The HMOs are leaving States by the dozens. We are going to pay ransom to those HMOs to try to keep them in the States when they have already publicly announced they are leaving. The question is, Is it fair to say, no, hospital administrator, no, clinic administrator, no, hospice director, you can't have the money we are going to give to HMOs, even though you may go bankrupt, even though you may close your doors?

That is not fair. And it is a question of fairness. It is a question of priorities. It is a question of how we do business around here and the fairness of excluding half the Senate as these decisions are being made.

It is really a question of good management as well, when you leave out the minimum wage law, when you nullify that law for 6 months inadvertently. I think the speaker had it right. I won't use the phrase he used. He said ''half,'' I will say ''baked.'' He said, when you don't use the committee process, you have a half-baked process. Well, he was right because it is half baked. This work product doesn't deserve support. Because it doesn't deserve support, it will be vetoed. And when it is vetoed, I hope we can come back and do it right.

I hope we can say that in the name of fairness we are going to provide more help to health facilities, in the name of fairness we are going to provide better

balance in the Tax Code, in the name of fairness we are going to do better on school construction, in the name of fairness we are going to allow everybody in the room as we make these very critical decisions. Fairness dictates at least that. That is the essence of this argument. That is why it is important. It is what we should do. It also goes to the whole question of other things we should do. We talked about it earlier today.

There is so much in unfinished business that we could have addressed—unfinished business relating to the Patients' Bill of Rights, prescription drugs, gun safety. None of those issues was addressed. That leads, of course, to the question of how long, if we don't address these and all the issues relating to fiscal responsibility, can we assure that this prosperity continues?

There are two very fundamental differences in philosophy and approach enunciated in large measure by our two Presidential candidates. Governor Bush has articulated a particular position that, as it bears scrutiny, begs the question: How soon will we be right back to where we were 10 or 15 years ago?

The American Society of Actuaries answered that question yesterday. They said—not a Democrat or anybody here in the Congress, but they said—having scrutinized the Bush proposal, we would be back into deficits similar to what we experienced in the 1980s by the year 2015 and that we would end the fiscal progress we have made for the last 3 years. It would be gone. If you pass the Bush tax plan, pass the Bush Social Security plan, you are right back smack in the middle of deficits as we were before. That is one approach. Again, as I say, that is not our analysis; that is not our report. That report is by the American Society of Actuaries.

Mr. President, I see that other colleagues are on the floor. I want to respect their right to be heard as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I will yield 20 minutes to the Senator from New Mexico, Mr. DOMENICI.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 20 minutes.

Mr. DOMENICI. Mr. President, this bill, H. R. 2614 contains three important titles: A Medicare and health package to improve the infrastructure of our health care delivery system; a tax relief package and the small business bill.

The tax package is $295 billion over ten years. It includes:

$35 billion in small business tax relief;

$88 billion in health and long term care tax relief;

$46 billion in Pension and IRA tax relief;

$7 billion in school construction tax provisions and

$25 billion in Community Revitalization provisions.

The package also includes a repeal of the telephone tax which will save consumers $55 billion over ten years.

I am very pleased that this bill includes an IRA Pension Security package. At a time of unprecedented prosperity, it is a startling to realize that most Americans have only saved about 40 percent of what they will need for retirement.

Another frightening fact: Americans, in the aggregate, borrow more than they save.

The pathetic truth about our tax code: Our federal income tax code is down right hostile to savings and investment. Therapeutically, the bill before us today is a step toward eliminating some of that hostility.

Fact: The baby boom generation is aging. Americans are living longer, and yet, there has been no growth in pension coverage for the past 2 decades.

Half of the American work force today—70 million Americans—do not have a 401 (k) or any kind of pension plan. The problem is much worse for people who are small business persons. Only 19 percent of small businesses with 25 or fewer employees have any kind of pension.

To address this dire situation Chairman ROTH and the joint leadership have developed a package of IRA and pension simplification provisions that are excellent tax and pension policy.

The bill includes $46 billion in tax benefits for IRAs to make more people eligible and so that they can save more in their IRAs.

The bill increases the IRA contribution limit from $2,000 to $5,000. Contribution levels were set 20 years ago and they need to be updated.

This bill will increase the current law IRA contribution limitations to $5,000 over three years in $1,000 increments;

Increases the income limits for contributions to Roth IRAs for joint filers to twice the limit for single filers.

It increases the income limits for those eligible to make a rollover from a traditional IRA to a ROTH IRA to $200,000.

This bill strengthens our pension system. And its expands opportunities for Americans to get pension coverage especially women. As we know, women live longer than men but only 32 percent of women have pensions as compared to 55 percent of men. This bill includes pension catch-up provisions for workers over the age of 50. This is accomplished through an accelerated contribution mechanism. Older workers, especially women who return to the work force would have the opportunity to build up their retirement nest egg more quickly. Under this bill women who have left the work force, perhaps to be stay at home mothers, and then reenter the workforce later in life, can increase their pension contributions to make up for the time when they were not in the workforce.

This legislation modernizes our pension laws to meet the work patterns of today's more mobile workers. Defined contribution plan are made portable so workers can move their retirement nest egg from one type of pension plan to another as they move from job to job.

This bill allows workers to become vested in their pension plans more quickly. The vesting period is the amount of time a worker must stay at a job in order to take his employee and employer contributions with him when he changes jobs. Instead of the current law vesting period of 5 years, this bill would shorten the period to 3 years. This means that if a worker changes jobs after three years he can take his entire pension benefit contributions with him and roll it into the pension plan at his new job.

Small business tax relief is also provided in this bill and it is coupled with an increase in the minimum wage. This package is similar to an amendment I offered to the bankruptcy bill last year. It is a sound and balanced package.

Nationwide, 1.6 million workers are paid the minimum wage. In my own state of New Mexico, roughly 5 percent of all workers (or 40,000 citizens) are paid at or below the minimum wage. I think we should give these workers a raise. However, it is important that we do so in a way that generates the least amount of hardship on small business. That is why I'm pleased that this bill will increase the minimum wage by $1.00 per hour over the next two years, bringing it to $6.15 by 2002 and includes a package of small business tax cuts that will help small businesses create more and better paying jobs.

I would submit that a key reason for modestly raising the minimum wage is to ensure the continued success of the historic welfare reform legislation passed by Congress in 1996. I would note that nationally since the March of 1994 record high welfare caseload of almost 5.1 million families the 1996 welfare reform legislation has reduced the number of families receiving assistance by 48 percent to about 2.7 million.

However, as we ask more and more people to get off welfare rolls and onto employment rolls, we must have a minimum wage that reflects the reality of the marketplace. My point is simple, if these individuals are to continue as productive members of the workforce, we must ensure the minimum wage at least keeps pace with inflation. For instance, in the New Mexico the average hourly earnings of an individual working in retail has increased by one penny over the past year.

I would also like to take a minute and briefly discuss the impact of a minimum wage increase on New Mexico. From 1990 to 1996 the median household income actually fell almost $5,000 to about $25,000. Let me repeat that, the median household income in New Mexico has actually fallen and not surprisingly the percentage of New Mexican's

living below the poverty level has increased fro 20.9 percent to 25.5 percent.

Sadly, New Mexico ranks near bottom nationally in terms of personal income per capita and median household income and conversely near the top in terms of people living below the poverty level. I do not believe for one minute the minimum wage increase will solve all the ills facing New Mexico, but I do believe it is a good first start.

Let me briefly describe the small business provisions included in the bill.

Above the line deduction for health insurance expenses for families without employer-provided coverage: Under current law corporations are allowed to write off 100 percent of their health insurance costs, but workers without an employer-subsidized plan get no deduction unless they itemize and have total medical costs exceeding 7.5 percent of their adjusted gross income.

Most middle class American's don't itemize, and of those who do, few can meet the 7.5 percent AGI test to get any tax relief for health insurance costs. This bill provides an above-the-line deduction (available whether you itemized or not) for health insurance costs for individuals whose employers do not pay for more than 50 percent of the costs of coverage.

Under the bill, workers may deduct 25 percent of costs in 2001–2003; 35 percent in 2004 ; 65 percent in 2005 and 100 percent thereafter.

One hundred percent Self-Employed Health Insurance Deduction will help 11 million people who are self employed.

If a person is doing business as a corporation, health insurance is 100 percent deductible. This means that the corporation can provide health care insurance with pre-tax dollars and that makes it much less expensive to provide benefit to employees.

This is the way it has been for a long, long time. However, in 1995, if someone were self-employed he or she would not be allowed to deduct health insurance costs because the law lapsed. For several years now, Congress has been trying to increase the deduction for the self employed.

Under the tax law currently in effect 60 percent of their health insurance costs is deductible for the self-employed. There is no tax policy justification for treating corporations one way and the self-employed another.

The majority of all businesses in this country are self-employed.

These are often firms with very little cash, a good idea and talent struggling to make a success. Once they do succeed, they are the ones that create nearly two out of every three net new jobs. These small firms have sustained this job creating record for more than twenty years. Clearly, the tax code should not treat them so shabbily.

The need for the deduction is indisputable. Unincorporated business owners experience the worst of all possible worlds in the health insurance marketplace. Usually they can only buy an insufficient health insurance policy for a very high price and they are denied the same incentives and tax treatment enjoyed by incorporated, bigger businesses. If this legislation becomes law, the self-employed will be able to take 100 percent deduction for their health insurance costs on their 2001 taxes. I am pleased that Congress is taking this step to address the health insurance deductibility gap and to make it permanent.

Total deductibility has been a top priority of the various state small business throughout the country. In addition to tax policy fairness and job creation, restoring the deduction for the self-employed is important because the self-employed are one of the largest groups of uninsured citizens in America.

In New Mexico, there are 75,000 self-employed individuals about one-third of them take advantage of the deduction. This number does not include farmers and ranchers who are an other group that will benefit from the tax law change we are making today.

The self-employed do not have high level incomes. Over 75 percent of the self-employed have incomes of less than $25,000 and an additional 13 percent have incomes between $25,000 and $50,000. Twenty-three percent of self-employed do not have health insurance.

We have as good an economy as we're ever going to have . . . but the number of uninsured has increased,'' said Chip Kahn, president of the Health Insurance Association of America. ''The problem has gotten worse in good times, which means people are very nervous about what would happen in an economic downturn.''

This conference report increases the amount that can be expensed from $20,000 to $35,000. Under currrent law, the amount that may be deducted is $20,000 to 2000; $24,000 in 2001 and 2002; and $25,000 in 2003 and thereafter. This change means an additional $15,000 tax savings for small businesses investing in new equipment next year. Small business people will be able create more jobs because they will be able to expense up to $35,000 of investment in any one year. This will lower the cost of capital, and help with cash flow. I expect that the most likely expenditure to be expensed is computer systems. Computers are contributing significantly to the productivity of the American work force.

The work opportunity credit, WOTC, provides a tax credit for wages paid to employees hired from one or more of eight targeted groups, i.e. individuals receiving federal assistance. The credit is designed to encourage the hiring of hard-to-place workers. The work opportunity tax credit replaced the targeted jobs tax credit which I helped author in the 1970's. The bill extends the WOTC through June 30, 2004.

The bill also includes a provision that allows banks to pay interest on business checking accounts. It's about time.

Business meals are one of the few ordinary and necessary business expenses that are not 100 percent deductible. In 1993, the Democrats lowered the business and meal deduction from 80 percent deductible to 50 percent deductible. This bill would reverse that trend. Restoring the deduction to 70 percent will help waiters, waitresses, busboys, bartenders, bell hops, reservation clerks.

When the Democrats went after the deduction they said they were targeting the three-martini lunch. But experience has shown us that there have been many unintended consequences—consequences that we predicted. They meant to stop the three martini lunch, but it was the business traveler who eats his own meals, whether eaten in a hotel, coffee shop, or restaurant, or grabbed from a food cart that got the ax. Most of the people purchasing business meals are self-employed and in total, 70 percent of those who purchase business meals have incomes below $50,000 and 39 percent had incomes below $35,000.

The last major section of this tax package that I would like to talk about is the community renewal provisions. The bill would designate 40 renewal communities, 12 of which are in rural areas. They would receive the a 15 percent wage credit on the first $10,000 of wages paid per worker, an additional $35,000 of expensing; deduction for revitalization expenditures capped at $12 million per community and a zero percent capital gains rate on qualifying assets held for more than five years.

The bill increases the low income housing tax credit and increases the volume cap for private activity bonds that are very useful in attracting business.

Mr. President, I am extremely pleased this package also contains a helping hand for our seniors. Today we are providing renewed assurances to our seniors that Congress is committed to not only the continued health of the Medicare program but, to improving the program.

The ''Medicare, Medicaid and SCHIP Benefits Improvements and Protection Act of 2000'' is a victory for our seniors and I commend my colleagues and especially Leader LOTT and Chairman ROTH for all of their work on this measure. The package before us addresses the critical needs of the Medicare+Choice program, skilled nursing facilities, home health care, hospitals, rural health care providers, and the Medicaid program.

I am especially pleased the package contains the ''Medicare Geographic Fair Payment Act of 2000'' that will create a far more equitable reimbursement system for the Medicare+Choice program. The provision will place states on more equal footing and begin to end the blatant discrimination against states, like New Mexico that deliver health care in an efficient manner. It means New Mexico seniors will

continue to have the option of sticking with their Medicare-HMO plans that often offer more options, like prescription drugs, than the basic Medicare program.

Specifically, the package will increase the Medicare+Choice minimum payment floor to $525 a month per beneficiary in 2001 for all Metropolitan Statistical Areas, MSA's, with populations exceeding 250,000. In New Mexico, the stakes are particularly high because without this provision 15,000 seniors will lose their Medicare+Choice coverage on January 1, 2001.

Under the provision health care providers in the Albuquerque MSA are currently reimbursed at $430 per beneficiary and they will now see an increase of $95 to create partial equity with other areas of the country. The result will be at least an additional $34 million for New Mexico in FY2001, and at least $170 million over the next five years. Also, the package will increase the payment floor for Rural Areas from the current $415 to $475 in 2001.

However, the victory for seniors in New Mexico and across the country may be very short lived because the President believes the legislation spends too much money on the Medicare+Choice program. I am utterly shocked and dismayed over the President's threat to veto this package. I would simply ask the President not to treat this hard-won compromise agreement as a political football. Too many lives will be affected on whether this increased funding is made available to ensure continued access to Medicare-HMO benefits, nursing home care or health insurance for children.

The Clinton-Gore Administration is actually threatening to veto a bill that would increase spending on Medicare and help millions of seniors across this country. I find it very hard to believe that the President would want to veto a bill which: increases payment for hospitals, including teaching hospitals and rural hospitals; increases payments for home health agencies; and increases payments for hospices and other health care providers.

I would submit that spending money to end discriminatory practices should never result in veto threats. There is simply no rationale for a discrepancy of an $814 reimbursement for Staten Island and $430 for Albuquerque. It is especially unfair given the fact that seniors pay the same Medicare premium no matter where they live.

I am also sure Benny Maestas of Santa Fe would disagree with the President's belief the package spends too much on the Medicare+Choice package. I say this because the Santa Fe New Mexican newspaper ran a story about one of these seniors—Benny Maestas. Unfortunately, Benny will lose his prescription drug coverage next year and be forced to pay several hundred dollars a month for his medications, instead of the $50 per month he currently pays for his prescription coverage through Medicare+Choice.

And it is not only seniors in New Mexico that will benefit, but seniors from all over the country. Let me name just a few of the places that will get sizeable increases in their payment rates: Portland, Oregon; Seattle, Washington; Fresno, California; Albany, New York; York, Pennsylvania; Grand Rapids, Michigan; Fayetteville, Arkansas; Buffalo, New York, and many more.

I would simply ask the Clinton-Gore Administration, which of these cities do they not want to help?

I also want to state how pleased I am that we are once again addressing the need of Skilled Nursing Facilities, SNFs. Our action today will assure our senior citizens maintain continued access to quality nursing home care through the Medicare program. I believe the provisions supporting SNFs are particularly important because nationally, almost eleven percent of nursing facilities in the United States are in bankruptcy and in New Mexico the number is nothing short of alarming, nearly fifty percent of the nursing facilities are in bankruptcy.

I believe these provisions are especially important for rural states like New Mexico, because many of our communities are served by a single facility that is the only provider for many miles. If such a facility were to close, patients in that home would be forced to move to facilities much farther away from their families. Moreover, nursing homes in smaller, rural communities often operate on a razor thin bottom line and for them, the reductions in Medicare reimbursements have been especially devastating.

Additionally, not only does the package stabilize the Medicare program but, our seniors will be provided with new and improved benefits. In addition to lowering out-of-pocket outpatient hospital costs, the plan also offers new coverage for biannual pap smear screenings and pelvic exams, medical nutrition therapy for patients with diabetes and renal disease, and screenings for colon cancer and glaucoma.

I am also pleased the package addresses a critical funding problem with the State Children's Health Insurance Program, SCHIP, faced by forty states, including New Mexico. The Medicare-Medicaid package will allow New Mexico and other states to retain a majority of their unspent FY 1998 and 1999 SCHIP allotments until 2002 and use a percentage of those funds to continue outreach and enrollment activities.

New Mexico's situation arose because the Heath Care Financing Administration strictly implemented the SCHIP program and refused repeated requests by the state to implement additional benefits. As a result, New Mexico has only been able to use about $3 million of its SCHIP allocation. However, the provision in this package will allow the state to keep about 60 percent of the $58 million it stood to lose this year under the SCHIP program.

Mr. President, I was here for part of the discussion by the majority leader and minority leader with reference to this bill. I think he made a few allusions to what soon-to-be-President Bush would do. First, I want to say about this tax bill, for those who think we don't know what is in this bill, let me suggest that almost all of it has passed either body, either the Senate or the House—every provision.

All of the small business provisions, which are wonderful for many people who work for small businesses, passed the Senate. How do I know that? It was my amendment. It was a minimum wage amendment that had on it all the small business tax measures, one of which is earth-shaking but so simple that I don't know how anybody could be against it. Those who vote against this bill are saying to those people who are employees and do not get their health insurance paid by their employer, if they have the wherewithal to buy their own insurance, they can deduct the cost of that insurance. Now most people listening would say they thought that was the law all along; why would you deny that?

Businesses deduct the costs of health insurance, but individuals who buy their own, who are employees and are not covered—which, I believe, is millions of Americans—will begin deducting the cost of their health insurance, just as businesses do, on their own individual returns. Right now, they are precluded, unless they take it as the big deduction, and then 7 percent of the money they earn has to be for health expenses.

Let me suggest that the minimum wage is raised in two pieces. It goes up one full dollar. That is what the President wanted. It is in this bill. To suggest that we would vote against this bill because there is an error in the bill regarding the effectiveness of the minimum wage is a phony argument. That will be fixed probably before we leave. That will probably be fixed in one of the appropriations bills. I could go on.

Let me ask one question: What does the tax law of this land need more than anything else? It needs provisions that tell Americans: You can save more money for your retirement than you do today. This is probably the most significant package ever passed to enhance the savings of American people because the IRAs go up, and many other things they will be using and are using will be enhanced dramatically.

The Democrats were up here arguing about retirement reform, in terms of having the ability to accumulate more savings for retirement time. They talk about it. This bill does it. It does it in a very good way. Frankly, there are some things in this bill I would not favor. It is a very large bill. This Senator remembers when we voted on a tax bill that was brought to the Senate in a big cardboard box. That is not a good way to do it. It happened to be a pretty good bill. But it was brought over here by the Clerk of the House in a big cardboard box; it was so big. It passed the Senate overwhelmingly because pieces and parts of it had passed

both Houses and, more or less, everybody knew what was in it and thought it was a good bill.

One last observation. For those on the other side who are talking about how late we are, I want to remind those who pay attention to us that in the last 25 years, most of which have been controlled by that side of the aisle, we have completed our appropriations bills on time only three times. That means every single Congress, in 22 out of 25 years, was unable to get its work done by the October 1 deadline. I don't know why. I seek to change that. I seek to make appropriations 2 years and budgets 2 years. That might mean this won't happen in the future. But even that is hard to get passed.

So to those who think it is management and it is our Republican leader, let me say I think he has done an outstanding job. There has never been a more political time in the closure of a Congress in my 28 years here. The White House is playing politics to the hilt, the Democrats are playing politics to the hilt, and then they blame Republicans for not getting it done.

I believe the agenda to finish is an agenda that the Republican leader has in mind, and if we just get a little cooperation out of the President, we will get our job done. If he sits down there like a dictator instead of understanding that under the Constitution of the United States we have a very powerful right, and that is the purse strings and the bills under the purse strings of America—he comes at the end of the session and he wants all kinds of things, such as a major new immigration law. I might support it, but it obviously needs hearings and it ought to be worked on.

Now we are being told if you don't do that, you can't get the appropriations bill to keep the Justice Department open and the FBI salaries. Maybe we ought to test the President on that one. Maybe he ought to be permitted to veto the bill that pays the FBI, and other law enforcement, and the judges because he doesn't get one thing—just one item—on the bill he wants. That item may be one he is looking at out there and saying, let me be political and see if I can help Vice President GORE in his campaign.

I want to also suggest that the President of the United States is going to be vetoing this bill when it goes down to him, in spite of the fact that there are some real Medicare changes that help seniors across this land. I believe we have made the case that HMO Plus is a good program in States such as New Mexico, Oregon, Washington, Minnesota, and literally scores of cities across America. Why? Because the senior citizen is getting more than he gets when he goes to the Federal Government for Medicare. In many cases, they are getting prescription drugs, which we are arguing about giving them, too. They already get it under HMOs in some parts of America.

I want to talk about New Mexico.

New Mexico is one of those States that has been discriminated against in the Medicare+Choice reimbursement. We were receiving such a small amount that the HMOs are saying they cannot exist. And they have already told thousands of senior citizens in New Mexico that by January 1 they cancel out. That is because we have never had an adequate reimbursement. Why? Because when we passed the law, it gave the States essentially what is was costing them. In New Mexico, Minnesota, Oregon, Washington, and scores of other places the cost of health care was very cheap. So they gave us a very low rate of reimbursement while other parts of America got very large ones.

To put it into perspective, in New Mexico the HMOs were getting reimbursed at $430 per senior, while in parts of New York they were getting $814.

We are asking that this discrimination stop, and the thousands of people in New Mexico who have HMOs that perhaps give them prescription drugs ask that you sign this bill so they can continue to have that kind of care and that kind of protection.

If it is vetoed, Mr. President, come January 1, in my State, everyone who is going to be denied their current coverage, which they think is very good coverage, can look to this White House and this President for saying: I will not sign that bill—even though it has many provisions the President likes. But he says the HMOs cost too much. He says the HMOs are big businesses.

Let me tell you, in my State, the three that deliver coverage are known as Presbyterian hospitals—two are the St. Joseph's Hospital Plan and the Lovelace Plan. None of them are profit making, as I understand it. Two are charitable, and one is a foundation of sorts.

So, Mr. President, veto the bill. Say to the seniors in New Mexico who are currently covered that we don't know what is going to happen to them on January 1.

There are many other provisions in this bill, contrary to what the minority leader said, on the Medicaid side that are very good for hospitals and very good for rural hospitals. I am not an expert on it. But this bill provides $31 billion in the first 5 years for Medicare reimbursement adjustments.

My friend is sitting here. Is it 31 over 10 or over 5?

Mr. GRAMM. It is over 5.

Mr. DOMENICI. How can the President of the United States say he is going to veto the bill because of the Medicare provisions?

Actually, everyone knows that nursing homes need additional reimbursement. That is in this bill.

I could go on with each one of them.

I believe what is happening is that politics is walking up from Pennsylvania Avenue into the Chambers of the House and Senate, and politics from the White House is saying: You give me everything I want or you do not get the bills completed. And then the White House can say: You didn't do your work. You didn't get your work done.

Let me say we will get our work done.

Mr. President, you just consider the compromise with us on some of these. This is a good bill for the American people. I might like to do it differently. In fact, if this bill is vetoed next year, we will do it a lot differently. But for now, Mr. President, you cannot get everything you want in this kind of bill.

This one is not our President in the Senate. This is the President at the other end of Pennsylvania Avenue. That President, not our President here. You can't get everything you want, and when you don't get it, blame the Republicans for ''not completing their work.''

I want to repeat one more time that the Republicans have tried to lead this Senate and get its work done. For those on the other side of the aisle who complain about not getting our work done, if you look back at the record, it has been the Democrats on that side of the aisle who have been insisting on their agenda all year long. They get a vote on guns; they want another one on an appropriations bill, or the next bill that comes through. They even held up the education bill because of guns.

That is the record.

The education bill that everyone touted was held up by the other side of the aisle who wanted their agenda of amendments on that bill.

I think our leader did the right thing. He wouldn't let them, after they had their vote once.

So what happened? We don't get the bill. Who is to blame?

It appears to me that what we ought to do right now is sit down together and get this work done. And Democrats ought to tell the President of the United States, instead of concurring with him every time and saying they are with him and to go ahead and veto the bill, they ought to say to him: Mr. President, we have done a very good job in the closing moments to try to get our work done, and you ought to help us, President Bill Clinton, get our work done instead of threatening us.

In fact, I am wondering about this business over the weekend with 1-day extensions of the appropriations process that has not been completed—1 day at a time. It is as if the President doesn't care anything about our leadership and what we think we ought to do. We have to come back every day to vote on a continuing resolution.

I have been here a long time—28 years. I have never seen a President do that. As a matter of fact, I have never seen a President use continuing resolutions to get their way as this President has. They just didn't do it in the past.

It was kind of a sacred thing to sign appropriations bills and get them done.

This President is on the way out. He is very desirous of electing Vice President GORE. And we all understand that. But everybody knows that the Justice

Department of the United States ought to get its money, the FBI ought to get paid, and all of those entities that are part of our criminal justice ought to get paid. They ought not be held up for one provision that is really extraneous to that bill because this is an appropriations bill. There is an authorizing bill the President wants on immigration. So the whole bill will die.

If they want to talk about who is to blame, then I submit to Pennsylvania Avenue that it ought to be a two-way street. It ought not get down to the end where it is a one-way street or one or two or three provisions that the President insists upon. We are close to completing the people's business, one or two or three provisions that the President of the United States insists upon that we have offered compromises on, and he says that or nothing.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, on behalf of the minority, I yield 5 minutes to the Senator from North Dakota. The Senator from New Mexico used 20 minutes. We will just use 15 minutes now.

Mr. BOND. Mr. President, if you are asking, we are happy to yield 5 minutes. But the minority leader consumed a great amount of time. We had people waiting. We would prefer to continue to go back and forth, if the Senator does not mind.

Mr. REID. I think the time the minority leader used is almost identical to what the chairman of the Budget Committee used.

Mr. BOND. Mr. President, what is the time remaining on both sides?

The PRESIDING OFFICER. The majority has 54 minutes. The minority has 33 minutes.

Mr. REID. I hate to admit this, but you are right. We will do that. How long is the next speaker going to take?

Mr. GRAMM. Mr. President, I would be very happy to listen to Senator DORGAN. I will learn something.

Mr. REID. I don't think that is possible. But would you think you would mind listening to Senator TORRICELLI also for a total of 10 minutes?

Mr. GRAMM. Why don't we do Senator DORGAN, and I will speak. I think I have 20 minutes reserved.

Mr. BOND. Seriously, Mr. President, we are very tight on time and would like to be able to continue to go back and forth. Many of our Members are waiting.

Mr. REID. It will balance out the time. I understand. As I said, I hated to acknowledge that, but you were right.

Mr. BOND. That is a rare occasion. That should be noted with bugles.

Mr. REID. The minority yields 5 minutes to the Senator from Arkansas, Mrs. LINCOLN.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 5 minutes.

Mrs. LINCOLN. Thank you, Mr. President. I thank my colleagues for yielding.

In listening to the chairman of the Budget Committee, he has been willing to work with me and I truly appreciate that. I thank him for his graciousness in working with me. But in his comments, I would like to say, for me and for others, that this is really more of a missed opportunity. So much has been talked about in the Presidential debates about bipartisanship.

I think all that many are asking for in this process is an opportunity to do exactly what the people of Arkansas elected me to do. That is to come into this debate with the ideas and the issues and concerns of the people of Arkansas. It is a missed opportunity for Members to be able to express how we feel about these issues in this bill.

The people of Arkansas sent me to this Senate to represent them and their issues. When the President comes from the White House to debate on these issues, I am not in that room nor are any of my Democratic colleagues. We have missed the opportunity to very passionately represent the people who have sent us to this body to speak up on their very behalf.

There are some good pieces in this bill. I am not here to say the other side doesn't know anything or that they haven't done anything right. All I am here to say is that the people who elected me to come to this body have been shortchanged because I have not been allowed a part of that process.

Mind you, I know I am on the bottom of the totem pole. I am not one of the higher muckety-mucks. The fact is, so many of the issues we hear are good for certain States; perhaps they are not good for our State. When we talk about Medicare+Choice in a State such as Arkansas that is predominantly rural, where Medicare Choice has pulled out in some instances and left seniors without coverage, we are going to give one-third of the funds in this bill directly to HMOs without any assurances from those groups that they will even stay in the Medicare program. Nor are there assurances that the HMOs will return to counties where they have already pulled out or will maintain the benefits they promised to seniors. We cannot in good conscience give this large sum to HMOs without providing accountability. If the other side believes that is the way to go, provide me the assurances that those HMOs are going to be willing to come back into those areas where they have already pulled out.

Meanwhile, in most of the other provisions that are so necessary to other providers in our States, the bill receives only 1-year fixes for the funding shortfalls.

This is a missed opportunity. No, it is not perfect. But it could be so much better for so many people across this Nation. It is our duty to stay here until we make it the best it can possibly be.

I support many of the provisions in the tax bill brought to the floor. However, there are problems with the bill, and being able to provide something that is the best that we can possibly provide for all individuals out there is our responsibility. I am willing to stay here, Mr. President, as long as it takes, to do what is right for the American people.

We deserve to discuss the merits of the school construction provisions in this bill. I want to do more for school construction in our country. Our schools, especially in the South, are crumbling around our students. The school construction provisions in this bill don't go far enough. If Democrats were allowed in that debate on this issue, perhaps we could bring these provisions closer to what we really need to do.

What we really do need is something similar to what Senator CHUCK ROBB has proposed in his school construction bill. But the fact is we haven't been at the table. We feel as passionately about representing the people in our States as our Republican counterparts do. All we have simply been asking is to be at the table.

And I also heard the majority leader say that he was willing to work on Senator LANDRIEU's adoption language. Well, was she invited to the table? Did he ask her what would be acceptable to her? There is no one more dedicated to this issue than Senator LANDRIEU, and she should be involved in this discussion. When exactly will she be consulted? When they call her name during the roll call vote?

I have been particularly frustrated that the Medicare BBA relief provisions in this bill ignore the real bipartisan solutions that have been worked out between me and many of my colleagues throughout the year. I joined my Republican colleagues in a press conference the other day on a crucial bill, the Hospital Preservation Act of 2000, a bill in the Senate that has the support of 59 bipartisan cosponsors but it is left out of this package. This bill would restore full inflationary updates in Medicare hospital payments and is supported by hospitals across the country.

Another bipartisan bill is also left out of this package. The Home Health Payment Fairness Act of 2000, which has the support of 54 bipartisan cosponsors, would eliminate the 15 percent reduction in payment rates for home health services. This provision is very important to home health agencies in Arkansas and across the nation.

But the bill we are considering here merely delays this devastating cut for one year. This is not a long-term solution. Why spend time on short-term fixes when we could correct this problem right now? We delayed this cut last year for one year, and here we are again, in the same boat. Let's fix this now. It makes no sense to keep postponing these real solutions year after year and leave our health care providers without the ability to plan their budgets for the long-term.

The bottom line is, this is a missed opportunity. The bottom line is that we have been spending well over our surpluses while we haven't provided for the essentials, predominantly the downpayment on our debt.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, there are two issues I wish to talk about and they are related to the two bills that are before the Senate. Let me begin with the Commerce-Justice-State appropriations bill.

As my colleagues are aware, we currently have a situation—Senator DOMENICI has been here longer than I have—that I don't ever remember. A President is threatening to veto a bill based on an issue other than what is in the bill. Obviously, there have been many vetoes as part of our constitutional process. But normally when we are dealing with an appropriations bill, it has to do with funding or not funding various priorities.

What we have before the Senate is an extraordinary circumstance where the President of the United States is literally threatening to veto this bill, saying if we don't add a totally extraneous matter that has nothing whatever to do with funding the law enforcement effort in America, then he is going to veto the bill appropriating funds for the criminal justice system and law enforcement in America.

What is even a greater paradox, in my opinion—I have to say, in my period of public life I have never seen anything like it—the President is saying, if we don't grant amnesty to people who violated the law, he will veto a bill that funds DEA, the FBI, the Justice Department, the prison system. He is literally threatening if we don't pass a law forgiving people who violated the law by coming into this country illegally, if we don't grant them amnesty and therefore forgiveness for having violated the law, his threat to us is that he is going to risk shutting down the FBI, the DEA, the criminal justice system, the courts, and the prisons.

That is an extraordinary threat. It is a threat that, I am happy to say, is opposed on a bipartisan basis by at least one Democrat who happens to be the ranking Democrat on the Appropriations Committee. It is opposed very strongly by many Republicans.

I want to say on this bill to our President, I want him to sign the bill funding our drug enforcement effort, the FBI, the prison system, our criminal justice system, our courts. I want to urge the President to do that, but I want to make it clear to him there is at least one Member of the Senate who is never going to grant amnesty for illegal aliens to pay a political bribe to the President. That is what this issue is about. This is about electioneering, where the President is putting politics in front of people. He is willing to play politics with law enforcement and the criminal justice system, to try to pressure us to grant amnesty for law breakers.

I despair of trying to reason with the President in the waning hours of his administration, but I say again to the extent that any one Member can influence this decision, we will not grant amnesty to illegal aliens in this Congress or, hopefully, ever again. We did that once. Everybody said it was a one-time deal. We were never going to do it again. The problem with doing it was we reward people who violated the law. We reward people who came into the country illegally. Granting amnesty to people who broke the law penalizes the millions of people who are waiting to come to America legally. What we have proposed, and what is in the bill before us, is a provision which I believe is strongly supported by the vast majority of Americans. That provision basically says if you came to America legally, if you played by the rules, if you have been self-supporting while you are here, we will expedite the process to allow you to bring your spouse and your dependent children. We are for family unification.

The President, by vetoing this bill, will be denying family unification.

We also say, where there is a legal dispute, a legitimate dispute as to whether people have gotten justice through the courts based on recent court rulings, we give them their day in court because we believe in due process.

I do not need to say any more about this issue other than to simply say I hope the President will sign this bill. I know he probably believes he is going to force us to grant amnesty to illegal aliens in return for funding the DEA and the FBI, but I want to tell him I am not going to support it, I am going to oppose it vigorously. There are many Members of the Senate, I believe, who share my views. The President may win it, but he is not going to win it without one big terrific fight. In the end, I think nobody benefits from that kind of politics as usual.

I want to now say something about the tax bill that is before us. I would have to say it is pretty extraordinary that the President picked out and attacked as a rich person's provision the one provision in this bill that I would have thought was absolutely unassailable. In fact, our President can say things with a straight face that Shakespeare's Richard III would blush in saying.

That is a strong statement, but let me give an example. As I am sure everybody in this chamber knows, the general pattern in America is, if you have a good job, if you are making good wages, part of your employment package is health insurance. I have the standard Blue Cross/Blue Shield policy. People who work for the Government are blessed with good health insurance. People who make high wages in America get their health insurance through their job.

One of the good things in this tax bill is that we think it is wrong that, if the Federal Government helps buy me health insurance, it is tax deductible; if General Motors buys health insurance for its employees, it is tax deductible; but if somebody makes a low wage and their company does not provide health insurance, they have to buy their health insurance with after-tax dollars, they get no deduction.

In what I think is excellent public policy in this bill, we make health insurance tax deductible for everybody: For the self-employed, for the small business person, and for the person who is working at $7 an hour and who is not provided health insurance where they work.

You would think that would be pretty unassailable, but it is not unassailable by Bill Clinton, because this morning on the radio, Bill Clinton, through his spokesman, was saying that we are giving health benefits to rich people by providing deductibility for health insurance. I ask my colleagues, do you know any rich people who do not get health insurance through their jobs? Do you know any rich people who do not get health insurance by being members of corporate boards?

The point is, this is a bill, at least in this provision, that is targeted precisely at moderate-income people who get cheated in the system because their employer cannot afford to buy them health insurance and they have to buy it with after-tax dollars. That would seem to me to be an unassailable position. But to Bill Clinton, it is helping rich people and he is not for it.

The plain truth is, any tax cut in Bill Clinton's mind helps rich people, so he is not for it.

Mr. DOMENICI. Will the Senator yield for a question?

Mr. GRAMM. I will be happy to yield.

Mr. DOMENICI. Would you explain ''after-tax dollars''? Since you are talking about millions of Americans who might buy their own insurance and get nothing today by way of tax relief, how will that work?

Mr. GRAMM. Let me tell you how it works. Let me take two individuals. Let's say one works for General Motors and one works at the Exxon station in College Station. The one who works for General Motors gets health insurance as part of his employment contract. General Motors provides health insurance and it is a nontaxable benefit to the employee. So, in essence, the employee who works for General Motors gets health insurance and the company can deduct from its taxable income the cost of buying the insurance.

Joe Brown, who works at the Exxon station changing tires, may work for a small, independent filling station operator who cannot afford to buy health insurance for the employees at the station. So for Joe Brown to get health insurance, he has to earn income, he has to take what is left after the Government takes its share and then, with after-tax dollars, he has to buy health insurance for him and his family and he gets no deduction for the cost of his insurance.

What does it mean? It means if you are a high-income worker and you work for a company that provides health insurance, the company gets a

tax break but if you are a low-income wage earner who has to buy his health insurance himself, you don't get the tax break. We think that is wrong. What this bill does, in its best provision, is it treats everybody the same and says Joe Brown can buy health insurance with pretax dollars, just as General Motors can. It is expensive because we have a lot of Americans, moderate-income people, who are now buying health insurance with after-tax dollars. We think it is a question of fairness. So we fix it in the bill.

What does President Clinton say? ''This is a provision that is helping rich people.'' I just simply pose the question: Do you know any rich person who does not get health insurance through his or her job? I do not know any. I have never met a poor person—excuse me—a rich person like that; I have met plenty of poor people who do not get health insurance through their jobs—but I have never met any high-income person who did not have health insurance through his or her job.

How the President can stand up with a straight face and say this provision is for rich people, I do not understand. I also do not understand why the Washington Post and other people in the media write it in the paper, as if it were believable, that somehow people who buy their own health insurance because they do not get it through their job—principally low-income or moderate-income people—are suddenly rich merely because we are trying to treat them like everybody else.

Let me make one final comment about the tax bill before I run out of time. Our dear colleague from Nebraska, Senator KERREY—Democrat, for anyone who was not here listening—remarked that this did not look like a Republican tax bill. In fact, he wondered what we were doing with a tax bill that looks like a grab bag of 300 different parts. Let me say, to be bipartisan today, he is absolutely right. But why do we have a tax bill that looks like a 300-part grab bag with one little provision here and one little provision there? It doesn't sound very Republican. Repeal the marriage penalty, repeal the death tax, cut rates across the board is what we want to do.

We have the bill we have because we have the President we have. This was the only bill we had any chance of getting him to sign. He's vetoed the others.

The President is threatening, and apparently being supported by Members of his party in Congress, that he is going to veto this bill. Let me say to my colleagues, and say to the President, have at it.

The bad news is that Bill Clinton is going to veto this bill. The good news is he is not going to be President next year. The good news is we are going to have a President, I believe, who will sign a repeal of the marriage penalty, a repeal of the death tax, and cut rates across-the-board. And that is what we are really for.

So, Mr. President—and I am talking to the President downtown—we wrote this bill because we thought this was what we had to do to get you to sign it. But if you do not want to sign it, veto it. I will vote to sustain your veto. I am going to be here next year. And next year we will write a much better bill than this bill. This is like the threat—the President reminds me of the guy who is holding a gun to his head and saying: Do what I say, or I will shoot.

''If you do not legalize criminal activity, I am going to shut down the FBI,'' he says. If we don't take this tax cut bill and write it his way, adding more and more of his provisions and fewer things that we are for, he says he is going to veto it.

I say: Look, free country. Bill Clinton is President. We tried to write a bill we thought would help America that he might sign, but this is not our bill. This is not our agenda. This does not represent our philosophy. If the President wants to sign it, great. If he wants to veto it, veto it. But remember this. There is not going to be another tax bill. If the President wants to veto this tax bill, this is going to be the last tax bill this year because we are going to be back here next year, we will have a new President next year, and we will produce a better product.

Mr. DOMENICI. Will the Senator yield?

Mr. GRAMM. I will be happy to yield.

Mr. DOMENICI. Mr. President, before Senator GRAMM leaves the floor, I thank him for this aspect of the bill that helps every senior in New Mexico and across this Nation, 1.6 million, who have HMO Choice Plus. In this bill, we have provided new reimbursement, increased reimbursement to those areas of the United States that were not getting enough money to stay in business. Can the Senator comment on whether he thinks that is good policy based upon choice and other things?

Mr. GRAMM. I will comment on it in two ways. First, it amazes me that HMOs are the President's favorite whipping boy today. In 1993, you remember he wanted to put every American in a giant Government-run HMO. The President is not complaining about how much we reimburse HMOs in New York when they are reimbursed twice as much as what they are reimbursed in New Mexico. I wonder why he is not doing that. He says there is something wrong with us trying to help competitive medicine stay in business in rural areas and in States such as New Mexico and in the nonurban areas of States such as Texas.

Again, if you listen to the President, it sounds as if he is unhappy that HMOs are getting all this money, but he is not unhappy that the HMOs in New York are being reimbursed at two times the rate of the same HMOs providing the same services in New Mexico. I think what he is saying would have credibility if he were talking about the ones that have high reimbursements.

If we were raising reimbursement in New York, he might have a legitimate criticism, but what he is basically saying is we did not spend the money the way he wanted it spent.

Our President still does not understand that we have a system of government where we do not serve under the President. We serve with the President. We are a coequal branch of Government, and that means give and take and compromise. It does not mean he can dictate to us. It does not mean that the President is King and he can tell us what to do.

This threat that he is going to shut down the FBI and the DEA and the court system if we do not grant amnesty to lawbreakers I think, quite frankly, is an outrageous threat, and I am ready to call his hand on it. It needs to be stopped. I do not think we should encourage any President, Democrat or Republican, to think they can just simply say if you do not take totally extraneous legislation—it does not even have to do with spending money—and put it in this bill, I am going to veto the bill if you do not do that.

Mr. BYRD. Will the Senator yield?

Mr. GRAMM. I will be happy to yield.

Mr. BYRD. Mr. President, I have been involved in some discussions concerning one of the appropriations bills that remains to be acted on. I was listening to the debate here. I find that we are discussing, are we, the amnesty provision?

Mr. GRAMM. Yes.

Mr. BYRD. I would like to have a few minutes to talk on that.

Mr. GRAMM. I ask unanimous consent that the Senator have as long as he would like.

Mr. CRAIG. Reserving the right to object.

Mr. BOND. Reserving the right to object.

Mr. GRAMM. I give him the remainder of my time, if I can.

Mr. CRAIG. Reserving the right to object, I certainly will not object as long as we conform to the 3:15 p.m. vote time. Rearranging the time that remains between now and then is certainly the prerogative of the manager. I just want to secure that time for the vote under the original UC.

Mr. REID. As I understand the request of my friend from West Virginia, he is going to use the remaining time of the Senator from Texas, which is how much?

The PRESIDING OFFICER. One minute 10 seconds.

Mr. REID. I don't think that will do the trick for Senator BYRD.

Mr. GRAMM. Why don't you give him 5 minutes and then he will have 6?

Mr. REID. I have already explained to the ranking member of the Appropriations Committee, our former leader, that I have allocated all of our time. We do not have time left. I have explained it to him. He is not just asking now. It is not as if we are denying something to which he is not entitled.

He certainly is. He is going to speak on a provision most of us over here like.

Mr. GRAMM. Do not run my time. Let me give the time I do have to Senator BYRD.

Mr. BYRD. Mr. President, if the Senator only has that much time, I do not want to take his time.

Mr. GRAMM. I would like him to take that time.

Mr. BYRD. No, that will not be enough. Let me say, it is nobody's fault but mine. I could not help being in the appropriations meeting. I have been over to the House side twice, and both times the House Members were not ready, not ready to sit down and discuss it. We are talking about the Labor-HHS appropriations bill. I am not complaining, not blaming anybody.

The PRESIDING OFFICER. The time of the Senator from Texas has expired. Who yields time?

Mr. REID. I yield 5 minutes to the Senator from New Jersey, Mr. TORRICELLI.

Mr. BYRD. Will the Senator yield to me without his losing any of his time?

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

Mr. TORRICELLI. I will be happy to yield.

Mr. BOND. Mr. President, we have all the time committed on our side. I have some time. I can give Senator BYRD 1 minute of my time, but we have people who are waiting to speak on our side as well.

Mr. BYRD. Mr. President, I need 15 minutes. I do not know why we have to be out at 3:15.

Mr. REID. I say to my friend from West Virginia, based upon the compromise we originally had to vote at 3:30, a number of people have airplanes to catch. One of them, for example, has to introduce the former Prime Minister of Great Britain. They have planes to catch.

Mr. BYRD. OK. As I say, I blame nobody. I am not complaining, except I think this is cramping us a little bit. I am going to vote against this amnesty provision. I would like to speak a little on it. Maybe I will not be able to. At some point today, I will be able to speak, I am sure of that.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, I hope my friend from West Virginia knows that had I had the time, I would have been happy to yield to him. I did not have it.

I rise in opposition to the conference report and, unlike some of my colleagues, I am not citing broad policy reasons or enormous constituencies, but for a fight I have waged for almost 3 years, and that is for 17,000 Americans who are going to die, are certain to die, will be dead within a matter of 2 years. They are ALS patients. They have Lou Gehrig's disease, and they are the victims of an unintended consequence.

Under Medicare rules, there is a 24-month waiting period from the time of diagnosis. Uniquely, with Lou Gehrig's disease, diagnosis is difficult. Sometimes there is only a simple muscle pain for up to a year, and then at the time of diagnosis, life expectancy is only 2 to 3 years. So people facing the certainty of death and medical bills of $200,000 a year are unable to get a dollar, a dime, a penny of Medicare assistance while they are losing their lives.

This was no one's intention. It is a mistake. It is an error, and it should be changed.

Earlier in the year, this Senate unanimously adopted my legislation to exempt ALS patients from Medicare's regulations.

Twenty-eight Senators have cosponsored the bill.

Yet in this conference report, despite strong support from the White House and this Senate on a bipartisan basis, the conference report eliminates the provision and asks for a study—a study.

The Congressional Research Office has already done a study. I will tell you the study. When I introduced this bill, I stood with ALS patients outside the Capitol. Almost every one of them is now dead. They lost their lives waiting for Medicare, and they never got it.

I will tell you the results of the study. There are now 17,000 people in the country who need this same 24-month exemption. If we return here next year to argue this again, half of them will be dead, and they never will have received any Medicare assistance.

My request is very simple. And I ask the support of the Republican leadership, as I have received the support of my leadership and of the White House: Give us a 24-month exemption so that these desperate people can get this assistance and their families, in addition to losing someone they love—a parent, a husband, a spouse—also do not have to deal with this enormous financial responsibility.

It is a small and unique class of citizens. There is virtually no other disease in the Nation with quite the same circumstances—for which there is no cure, little treatment, and a certainty of death within the 24-month period.

There are desperate people across this country who thought when the Senate acted earlier in the year, they would at least have this relief. I believe they had reason to believe, given the bipartisan support, and White House support, when the conference report was written, this would happen. Tragically, the conference report does not contain this relief. I cannot imagine anything more cruel to these families.

This has to happen. This simply must be done. I ask, again, that if this conference report does not become law, and it is changed again, that these victims of ALS have this numerically and financially insignificant but personally overwhelmingly important relief from the Medicare rules.

Mr. President, I thank the distinguished minority whip for the time and I yield the floor.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Missouri.

Mr. BOND. Mr. President, I yield 5 minutes to the distinguished Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I thank the Senator from Missouri for his courtesy, and also the Senator from Idaho for his courtesy.

I want to speak today, just quickly, in response to the press conference which the President held in the Rose Garden approximately an hour and a half ago. The tenor of the press conference was that the Commerce-State-Justice bill will be vetoed because the White House had not been allowed to participate in the negotiations on how the bill was put together.

I chair the Subcommittee on Commerce-State-Justice appropriations. I have to say that I believe the President's statement is an inaccuracy of the most egregious level. The fact is, the White House, myself, Congressman ROGERS, along with Senator HOLLINGS and Congressman SERRANO, representing the ranking membership on the committee, negotiated with the White House for many hours relative to the Commerce-State-Justice bill.

The bill that was produced was agreed to in almost all aspects except on issues of extraneous language that had never been in either bill, that language was authorizing language dealing with immigration—the NACARA language, as it has come to be known. This was language that had nothing to do with the appropriations bill. It was authorizing on an appropriations bill. It has not been acted on in either committee. It was, therefore, not relevant, appropriate, and would not be germane to the bill under our rules. However, the White House wanted action on that language.

As to the appropriations bill, his representation that the appropriations bill was in some way done in a back room without White House participation is totally fallacious. The fact is, the White House was there at the table, negotiating. And because of the White House's insistence on certain changes, this bill was changed. The White House asked for an additional $700 million. We agreed to it. We agreed to fully fund peacekeeping. We agreed to fully fund the COPS Program. We agreed to a number of funding increases which the White House demanded, as a matter of good faith, to move along this piece of legislation which is so critical to the operation of our Government.

Specifically, this bill, as has been mentioned before on this floor, represents the funding for almost all law enforcement activities at the Federal level. The FBI, the Drug Enforcement Administration, the Border Patrol, the Federal marshals, the U.S. attorneys, the U.S. court system—all of these agencies require funding. All of these agencies need the funding in this bill to

operate effectively in our law enforcement community.

This bill also funds the State Department, the other Commerce Department agencies, and agencies such as the SBA, the FTC, the FCC, and the SEC, fairly significant agencies in our Government which need to operate.

For the President to claim that he has not been a participant in developing this bill is absolutely inaccurate. It is an inaccuracy of the worst sort because it is totally inconsistent with the facts as they occurred.

They participated. We changed the bill to meet their desires, except in one area, the area of NACARA, which, by the way, has nothing to do with an appropriations bill. This type of legislation should be taken up on some other bill, and by the Judiciary Committee where the jurisdiction actually lies.

This bill, I am sure, will be vetoed because the President has promised to do so. The Administration will throw up a lot of other issues, but those issues were essentially settled—questions such as Amy Boyer's law. We accepted the two major items they wanted; on issues such as tobacco. We essentially said: We will no longer try to take congressional control over how money is distributed to the Justice Department. You have $350 million to do with whatever you want, within the Justice Department, and in the area of litigation. You certainly do not need another $7 or $12 million earmarked to tobacco litigation. They have plenty of money for tobacco.

Those issues are red herrings and would not be in play at all except for this extraneous issue of NACARA. The President has once again used his bully pulpit to mislead the American public on this specific issue, which is the question of whether or not the White House played a role in developing the Commerce-State-Justice appropriations bill. The White House not only played a role, they had a significant impact.

I appreciate the courtesy of the Senator from Missouri.

I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I yield 5 minutes to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I thank my colleague from Nevada.

It is always interesting to me to watch how a legislative session ends. None has ended, in my judgment, with less elegance and grace than this one. It is now 26 days past October 1st. That is the date on which we were to have passed appropriations bills and sent them to the President.

On the desk in front of all of us is the Calendar of Business, which says that it is Friday, October 27. The legislative day is September 22.

I just want to remind everyone why it says that, what we have on the floor of the Senate, and why some people are chafing about where we find ourselves.

What does September 22 mean? That is the day that a motion was filed, a motion to proceed on an energy bill that the leadership never intended to proceed to—a motion to proceed on an energy bill.

Since that day, we have never adjourned. We have always recessed. Why? Because that motion was designed to prevent any other activity on the floor of the Senate, to prevent any single Member from offering a motion, for example, or an amendment to deal with a Patients' Bill of Rights. Yes, we have had a vote on that before, but there has been a change in the Senate, as we know, and if we took that vote now, we would win that vote. So how do you prevent that from happening? You prevent anybody from offering an amendment and having a vote—or on the education issues that we have talked about. So that is what is going on here.

This Senate has been blocked since September 22, so that the people on the Democratic side of the aisle could not offer an amendment. And we have not even adjourned. We are in the legislative day of September 22. So 26, 27 days now have passed since October 1st, and we find ourselves not having passed the appropriations bills. People stand on the floor with great surprise, wondering, what on Earth is all the fuss here? I cannot understand why things are not working very well, why things are coming apart on us.

I will tell you why things are coming apart. Because this Congress didn't get its work done. It was blocking the floor, afraid of amendments, and then we reached the time when appropriations bills were supposed to have been done. They are not done. Then the tax bill is cobbled together and stuck in this vessel called a small business authorization bill. It is cobbled together behind locked doors with no Democratic participation and brought to the floor of the Senate. And people say: Gee, this is reasonable. Why would anyone object to that?

Does anybody remember watching the old western movies, the old spaghetti westerns where someone inevitably would ride into a box canyon and then wonder: What on earth has happened to me? I am in a box canyon. I am attacked from every side.

What happened is, you rode into a box canyon. That is exactly what this Congress has done. It hasn't done its work. What it has done, it hasn't done well. And now it can't understand for all the world why anyone would object to cobbling together a tax bill on a small business authorization conference and shipping it through here and not receiving objections from us or from the White House.

Let's add up the numbers. Together these proposals for tax cuts represent the single priority of this Congress. It is around $1.4 trillion. I may err on either side a bit, but it is somewhere around $1.4 trillion. We have an appetite by those who have no end of desire to cut taxes, most of which will inure to the upper income folks, who say: Our fiscal policy is to move us right back into that same old risk of toppling this economy into the deficit ditch once again.

Our first priority ought not be large tax cuts for upper income folks and $1.4 trillion in tax cuts before we even have the surpluses which, incidentally, I don't think we will have for 10 years. We are not going to have 10 years of surplus. That suggests we no longer have a business cycle of contraction and expansion. But the first priority from the majority party is to say: Let's have big tax cuts, and let's put them in law permanently right now.

Our priority is to say: That doesn't make any sense. Let's do a couple of things. Let's pay down the Federal debt. If during tough times you run it up—and we did—then during good times, you ought to be able to pay down the Federal debt.

There is no money around to pay down the Federal debt when you have the majority party saying they demand $1.4 trillion in tax cuts.

Second, it seems to me reasonable that in addition to paying down the Federal debt, you want to make some investments that will bear some rewards for this country in the years ahead: invest in children, education, invest in health care. That is not the priority; we don't want to do that.

Third, yes, some tax cuts, but tax cuts that go to working families as well.

My friend from Texas a few moments ago said he would be happy to listen to me. I know better than that.

The PRESIDING OFFICER. The Senator's 5 minutes is up.

Mr. DORGAN. I will talk about tax cuts later. The point is, if we are going to have tax cuts, they ought to be targeted to middle-income families.

We should not be surprised to find ourselves in this position on October 27, 27 days after we should have completed our work.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I yield 10 minutes to the Senator from Idaho, Mr. CRAIG.

Mr. CRAIG. Mr. President, I thank Senator BOND for yielding.

I have been listening to the Senator from North Dakota. I have to remind him by quoting his own leader. Here is what his leader said in USA Today on September 8: We will stall the spending bills until we get our way.

I suggest to the Senator from North Dakota that he ought to listen to his leader because his leader said it and that is exactly what is going on at this moment.

Let me also say to the Senator from North Dakota, after all these spending bills and after this tax cut we are debating, we will pay down the national debt by $700 billion. That is one whale

of an accomplishment. No, it doesn't go to bigger Government. No, it doesn't go to create a new program. It goes to pay down the debt.

So between what his own leader has said and the facts of what we are doing, let me remind the Senator from North Dakota, stalling your way through this session has complicated matters. The box canyon that he referred to is a box canyon that his own leader created.

From USA Today: Senate Minority Leader DASCHLE, Democrat of South Dakota, has a simple strategy for winning the final negotiations over spending bills: stall, until the Republicans have caved in because they can't wait any longer to recess.

That is the reality of where we are. They have stalled their way into a big problem. Now we will work the weekend, if we have to. We have to resolve these issues for the sake of the American people.

For just a few moments, let me talk about the tax bill that is before us. I so vividly remember the first Clinton-Gore campaign in 1992, running for election and saying: We will give America a middle-class tax cut. It was the mantra of their campaign.

Remember, they said in that banner during the campaign: It is the economy, stupid; we have to make this economy work. And we are going to make it work by giving a middle-class tax cut.

Well, let's remember what happened once they were elected. They pushed through the largest tax increase in the history of this country. The new bigger bite on the middle class included a fuel tax, a new tax on Social Security benefits, a hefty variety of small business taxes. And when the new administration nearly pulled off the greatest scheme of all, and that was to nationalize one-sixth of our Nation's economy—that was that great, new health care bureaucracy that became affectionately known across the country as ''Hillary Care'' that was to give every American the opportunity to live inside the greatest HMO of all, a federalized Government health care program—when Americans heard the detail of that, thanks to a few Senators and a few Congressmen on this side of the aisle who stood up hour after hour and went through page after page of what Bill and Hillary Clinton were talking about, Americans rejected that resoundingly.

We know what happened. America said things had to change. And they did change in 1995; A Republican Congress was elected. Slowly but surely, we have tried to roll back those massive tax increases. What we have in front of us today is an installment in that effort. At a time of unprecedented surpluses, at a time when we are paying down $700 billion on the debt and that side of the aisle does not want to give a dime back to the American taxpayer, shame on them. But then again, their Presidential candidate says: I need it all because I want to spend it all for all kinds of new Federal programs. That is the reality of what they are dealing with.

Mr. BOND. Mr. President, may I interrupt to propound a unanimous consent request?

Mr. CRAIG. I yield to the Senator.

The PRESIDING OFFICER. The Senator from Missouri.

ORDER OF PROCEDURE

Mr. BOND. Mr. President, I ask unanimous consent that the vote scheduled for 3:15 p.m. be changed to now occur at 3 p.m. and the time be reduced equally for both sides of the aisle.

I further ask unanimous consent that immediately following passage of the joint resolution, the Senate proceed to the conference report to accompany the D.C. appropriations bill, including the Commerce-Justice-State appropriations bill, the conference report be considered as having been read, and the Senate proceed to immediately vote on adoption of that conference report without any intervening action, motion, or debate.

I further ask unanimous consent that statements throughout the day relative to the appropriations conference report be placed in the record immediately prior to the adoption vote.

I further ask unanimous consent that the votes at 3 p.m. be reversed so that the first vote occur on adoption of the D.C. conference report, to be followed by passage of H. J. Res. 117.

Mr. REID. Reserving the right to object, Mr. President, I would say to my friend, principally, Senator BAYH and Senator CONRAD, that means there will be no time for them to speak today. What remaining time we have, which is about 7 minutes, would be for the Senator from Montana. I am sure his people will also have to cut back on their time because we have equal allocation of time until 3.

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

Mr. BOND. Mr. President, therefore, for the information of all colleagues, the next votes will occur now at 3 p.m. There will be two back-to-back votes at that time. The time has been reduced on both sides.

I appreciate being able to interrupt the Senator from Idaho.

What is the time remaining under this reduced amount?

The PRESIDING OFFICER. The Democrats will have 6 minutes, and Republicans will have 13 minutes.

Mr. REID. Mr. President, if I could, before we finish this procedural matter, the minority would be willing to have a voice vote on the tax bill.

I ask unanimous consent that during this process we have a voice vote on the tax bill.

Mr. BOND. I object.

Mr. CRAIG. Reserving the right to object.

The PRESIDING OFFICER. It is not appropriate to seek a voice vote at this time by unanimous consent.

Mr. CRAIG. Mr. President, let me reclaim my time briefly.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, because we have collapsed this time—and I think appropriately so—and several colleagues need to be elsewhere later today, let me close my comments.

Now some of our bills have been vetoed. We have yet to return to the American people all the tax increases they suffered as the result of the 1993 hike. But the last five-plus years also have produced a solid record of tax relief and IRS reform, thanks to Republican principles and bipartisan partnerships. Perhaps most important, that record highlights the Democrat and Republican contrasting views of people priorities.

Decades of liberal government meant more and more Americans were overtaxed on the one hand, and more and more dependent on ''government programs'' on the other. But a determined Republican Congress has been turning the tide, slowly but surely—even in the face of frequent vetoes and partisan obstruction—because it has believed in its mission of returning power to the people.

People are empowered when they can keep most of the fruits of their own labor, and use those resources to provide for families and their future the way they feel is best. People are empowered when the tax laws are a help, not a hindrance, to them choosing and being able to afford a good education, medical care that meets their specific needs, the right balance between work and family, and secure retirement planning. People are empowered when the government—especially the tax collector—respects the dignity and rights of the individual taxpayer.

The Republican-majority Congress has been making strong, steady, incremental progress in areas like these. While several major bills have been vetoed, several have become law. Among them: In 1996, Congress enacted the Health Insurance Portability and Accountability Act. This law increased health insurance deductions for the self-employed, created new Medical Savings Accounts so folks can set aside money for future needs, made it easier for workers to transfer from one job to another without losing benefits, allowed penalty-free IRA withdrawals for medical expenses, and reduced the cost of long-term health care.

The Taxpayer Relief Act of 1997 included, among other things, the $500 per-child tax credit, credits and deductions for higher education, expanded IRA limits and the new Roth IRA and the first significant steps in death Tax relief for family-owned farms and small business.

The IRS Restructuring and Reform Act of 1998 finally began shifting the burden of proof from the taxpayer to the IRS, required the IRS to pay court costs more often, provided protection for innocent spouses from IRS collection efforts, and created a new, taxpayer-oriented oversight board. The

Senior Citizens Freedom to Work Act of 2000 repealed the ''earnings limit'' on the amount of outside income seniors of retirement age can earn without having their Social Security benefits cut.

That's a good record but—we can and should do more. The tax collector should not be the uninvited guest at every wedding and the rude intruder at every funeral. But the Clinton-Gore Administration vetoed bills to repeal the Death Tax and the Marriage Penalty. I promise you, however, those issues will not go away. And now, in the waning hours of the 106th Congress, we are hard at work on wrapping up one more bill to provide tax relief to make health insurance affordable to millions of uninsured Americans, help more with retirement planning, help family farmers and small businesses, and encourage investment in economically depressed areas. In a matter of days it will be up to the President to decide the fate of that bill, with his signature pen or his veto pen. I hope, this time, he chooses power to the people over power to the tax collector.

I will conclude by saying this: This very meager tax package in front of us, which has been objected to so strenuously by the other side, is a small step in trying to put money back into the pockets of taxpayers during a time of unprecedented surplus. It is also an opportunity to facilitate; that is, to allow small businesspeople and others who want to provide health care and to provide farmers and ranchers and other people in agriculture the flexibility to do all kinds of positive things.

But most importantly, the reason the gnashing of teeth and the wringing of hands has been heard so loudly on the other side of the aisle is they don't want to give any tax cut. They don't want to provide any of that opportunity. They want to spend it all and they want to spend it all in a way that will grow Government and grow it in a way that will reduce our freedoms and, most importantly, deny the American taxpayer what should justifiably be theirs. Once you have balanced the budget and you have a surplus, you ought to give just a little bit of it back—that is, the surplus—to those from which it came.

With that, I yield the floor for other allocations of time.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, let me begin by noting a point made by the Senator from Texas. I urge all colleagues to change their plans to be here for the vote at 3 p.m. I believe there are colleagues on both sides of the aisle with planes to catch. The sooner we can complete the vote at 3 o'clock, the sooner we will be able to go on to the second vote, and there are many colleagues on both sides who hear the engines warming up and smell the jet fuel.

Mr. President, before I talk about this bill in particular, we have had a lot of politics on the floor and that is where I think it is appropriate for us to have our political discussions. I think, as chairman of the Small Business Committee, we have been able to work on a bipartisan basis on small business issues. But something is very disturbing to me, and I want to call that to the attention of my colleagues and to a much broader constituency. It is something that appears to be an attempt by this administration to politicize the Small Business Administration just days before the national election this November.

I call on the SBA Administrator to stop this effort. Yesterday, an anonymous employee of the Small Business Administration faxed to my office a draft of the ''SBA Day Plan.'' It was faxed to the Small Business Committee staff.

According to the plan, in the week before the election, the SBA will use personnel from its district offices to conduct a nationwide blitz of making small business loans, releasing media statements on the Clinton-Gore administration accomplishments, and coordinating advertising with 5,000 lending partners across the country. The whistleblower who contacted us had one short message: ''This must be stopped.'' I agree. This must be stopped.

According to this SBA document, SBA allegedly plans a major public relations campaign in the first days of November, right before the election. SBA central office will make mention of the hundreds of events going on all over the country. SBA regional and district offices will publicize their local SBA Day events throughout their regions.

What wonderful timing. Does anybody want to guess what those days will feature? Do you think they will mention the name of the Vice President?

Well, more disturbingly, SBA district offices will enlist and co-opt volunteers from the Small Business Development Centers, Women Business Centers, SCORE Chapters, and U.S. Export Assistance Centers, to place at least one person in lender offices in branches throughout the country in the week before the election. I say co-opt because these SBDC, SCORE, USEAC, and WBC centers receive a substantial amount of funding from SBA. It appears that the SBA may be using their private sector partners' dependence on SBA funding as leverage, pushing them to carry out this SBA campaign plan.

SBA partners are expected to encourage local lenders to make joint media announcements with SBA. SBA private sector partners are also expected to coordinate advertising regarding the SBA Plan Day at their local offices.

In particular, SBA district offices [are to] make every effort to target lender offices in key communities (i.e., Hispanic, African American, Asian, Native American, Export, Women).

The most abusive part of this plan would be SBA's efforts to ''close or get commitments for as many new SBA-guaranteed loans as possible during the week of October 30 through November 3, 2000.'' A followup news release, of course, will publicize the success of this effort.

Is this a great country or what? When I read this plan, I was shocked at what I saw. This thinly veiled attempt by the administration to promote itself in the days before the election is an abomination. Too many of us worked too long to allow the political manipulation and abuse of SBA resources, SBA personnel, and SBA partners with the goal of influencing the election.

As chairman of the Small Business Committee, I, along with the committee, have worked tirelessly on a bipartisan basis to promote small business development and success. This entire Senate has worked on fostering small business growth as a top priority on a bipartisan basis.

Focusing the resources of the SBA and its programs and loans towards historically disadvantaged and underutilized communities has also been a chief goal. This Senate passed the HUBZone Program overwhelmingly. It is now part of the SBA's programs to bring opportunity to areas of high unemployment and poverty. We cannot and should not allow SBA, in the waning days of this administration, to be politically hijacked for an election. Staging the events in the days before the election would spread a political taint throughout the SBA. This campaign plan will undermine the credibility of every SBA employee and partner. I don't want to see that political destruction.

If SBA is serious about raising public awareness of SBA programs and services—and I think that is a good thing to do—then it will do one simple thing: Delay the SBA Day Plan for 1 month. They can begin it in December instead of November. That would avoid any hint of impropriety. If however, SBA continues with the SBA Day Plan in the days before the election, we have no choice but to conclude that a complete political takeover of SBA had occurred with a goal of advancing the administration's candidates in the November election.

I don't know if this SBA pre-election campaign has been coordinated with the national political campaign or local political campaigns across the country. Frankly, we don't need to know, if this issue can be taken off the table right now. I urge SBA to remove any doubts and postpone this action. I have written to Administrator Aida Alvarez urging her to protect SBA from the taint of political interference.

I ask unanimous consent that the letter and the attached SBA Day Plan be printed in the RECORD following my remarks.

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

(See Exhibit 1.)

Mr. BOND. Mr. President, I say to all of the outside organizations and individuals who may be contacted by the

SBA, I hope they understand they are free to choose to participate or to not participate in any such activities if they are requested to do so. We intend to be around to continue oversight responsibilities next year, and we will ensure that there is no reprisal against any SBA employee or non-SBA employee who chooses not to participate in a political endeavor.

Mr. President, I yield the floor and reserve the remainder of my time.

EXHIBIT 1

U.S. SENATE,
COMMITTEE ON SMALL BUSINESS,
Washington, DC, October 27, 2000.

AIDA ALVAREZ,
Administrator, U.S. Small Business Administration, Washington, DC.

DEAR ADMINISTRATOR ALVAREZ: The purpose of this letter is to express my alarm over the potential politicalization of the Small Business Administration (SBA) in the days leading up to the national elections on November 7, 2000. Employees at SBA have brought to my attention SBA plans for a major public relations campaign across the country in the first day of November.

The Administration's use of SBA personnel, offices, programs and private-sector partners to influence public perception of the Administration only days before the election raises the specter of a pernicious manipulation of the federal government for political means. Most alarming is the directive from SBA headquarters to make as many government guaranteed loans as possible during the week before election day. Putting taxpayer money at risk for pre-election campaigning is totally unacceptable.

The ''SBA Day Plan'' received by my office details SBA plans to:

Close or get commitments for as many new SBA guaranteed loans as possible during the week of October 30–November 2, 2000;

Release media announcements by all SBA offices on the success of these efforts;

Encourage [local lenders] to make joint media announcements with SBA;

Coordinate advertising [with local lenders] regarding SBA Day at their local offices/branches;

Place at least one person [from SBA District Offices, Small Business Development Centers, Women Business Centers, Service Corps of Retired Executives Chapters of U.S. Export Assistance Centers] in lender offices/branches throughout the country during the week of October 30–November 3, 2000; and

Make every effort to target lender offices/branches in key communities (i.e. Hispanic, African-American, Asian, Native American, Export, Women).

The work of the Small Business Administration is vital to fostering small business across the country. I share your commitment to bringing these benefits to historically underutilized areas, which is why I sponsored and Congress overwhelmingly passed the HUBZone program.

Therefore, I am sure you will agree that SBA should reschedule its SBA Day Plan from the beginning of November to the beginning of December. This would avoid any taint of political manipulation. If you have any questions regarding this issue, please contact Paul Cooksey at 224–5175. Thank you in advance for your attention to this matter.

Sincerely,

CHRISTOPHER S. BOND,
Chairman.

SBA DAY PLAN

GOAL

1. Raise public awareness of SBA programs and services and the impact these have on local communities.

2. Tout SBA accomplishments and announce SBA loan numbers for fiscal year 2000.

3. Kick off the new fiscal SBA year (2001) positively and collaboratively.

4. Close or get commitments for as many new SBA guaranteed loans as possible during the week of October 30–November 3, 2000.

Concept

Week of October 30–November 3, 2000

SBA District Offices, with the collaboration of SCORE Chapters, district SBDCs, USEACs, and WBCs, will place at least one person in lender offices and branches throughout the country during the week of October 30–November 3, 2000. In particular, SBA district offices will make every effort to target lender offices/branches in key communities. (i.e. Hispanic, African-American, Asian, Native American, Export, Women)

Local lenders will be encouraged to make joint media announcements with SBA and coordinate advertising regarding SBA Day at their local offices/branches.

Tuesday, October 31, 2000

Media Announcement by all SBA offices of year-end accomplishments/loan numbers. A follow-up news release will be made the following week regarding the success of SBA Day.

SBA central office will announce national accomplishments and year end numbers for FY2000 and will make mention of the hundreds of events going on all over the country kicking off SBA's new fiscal year.

SBA regional and district offices will incorporate regional and local accomplishments and year-end numbers for FY2000 into the central office national announcement and will publicize their local SBA Day events taking place at lender locations throughout their region/district.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I yield myself such time as I may consume.

Very simply put, we have a tax bill before us which includes some provisions that are unbalanced. That is unfair. There has not been anything that would approximate consultation between the majority and minority, including the White House. It is going to pass with a majority vote. It is going to be vetoed by the President, as it should.

Frankly, I know the majority party will vote for this bill very quickly when we get back together, and we will pass a balanced bill in consultation with both parties and with the White House. After all, that is by and large what the American people want. They want us to work together. They want us to pass legislation that is balanced.

Unfortunately, the bill before us is not balanced. It is very lopsided and very much toward upper income levels. Also, it does not include provisions to help lower middle income Americans, which I will outline a little bit later.

In addition, the bill before us is one that was crafted by the majority leadership, despite what has been said on the floor here, without consultation that in any way is adequate with either the White House or with the Democratic Party. That is unfortunate. I say that also because the Senate Finance Committee not too long ago passed out of the committee, on a unanimous vote, a balanced bill that addresses the tax provisions in this bill.

What do I mean?

First of all, the bill that passed the Finance Committee on a bipartisan basis, with a unanimous vote, had one-third of the tax cuts directed to lower and moderate-income taxpayers to help them also save for good times. It is true the bill also raised contribution limits for people in moderate and upper income levels, as it should.

My point is not that those should not be raised. My point is there are no provisions in the current bill which also give the incentives to moderate- and low-income people.

In addition, it is important for us to reflect for a moment about the importance of retirement income. Sixteen percent of today's retirees depend exclusively and entirely on Social Security for their entire income. Two-thirds of American seniors depend upon Social Security as their primary source of retirement income. That is basically because Social Security benefits only replace about 40 percent of the income earned during retirement.

Who are those retirees who depend primarily on Social Security? They are people who spend their entire working lives making minimum wage and who earn just enough to make ends meet but not enough to save for retirement.

Only one-third of American families with incomes under $25,000 are saving for retirement either through a pension plan or through an IRA. That compares with 85 percent of American families with incomes over $50,000. Eighty-five percent of American families with incomes of $50,000 or over are saving either through a pension plan or IRA.

That is why the bill that passed the Finance Committee—again, unanimously—attempted to address that disparity by including a tax credit for families with less than $50,000 in income to help them also save for retirement. The credit was really one of two items in the bill that helped provide that balance. It also made the bill more progressive.

The unanimously passed, bipartisan Finance Committee bill had a couple other incentives to help small businesses establish pensions for their workers. These were very important provisions to help balance the bill and raise limits for upper income Americans and also help provide incentives for lower and moderate-income Americans.

You won't find these provisions in the bill before us today. You won't find the provisions that passed the Finance Committee unanimously, on a bipartisan basis, to help middle and lower income Americans as well as upper income Americans. That pattern is repeated.

Measures that the Finance Committee, again, on a bipartisan basis, passed to help balance the legislation before us are not included in this, I might say, closed-door bill that we have before us today. For example, the

section on health care spends $88 billion, with $56 billion of that going to basically HMOs that subsidize people who already have health insurance.

I ask: Where are the provisions designed to help the uninsured in America? They are not there. There is no provision, for example, to expand the Children's Health Insurance Program as part of the compromise. You won't find other efforts to help encourage people who are uninsured to get insurance.

As I mentioned and as many other speakers have mentioned, this bill was slapped together in the last couple of days. There are parts of it that almost no one saw before yesterday morning. We have no idea what special interest provisions are in here, and we do not know what mistakes are in it. There are probably going to be a few—again, because it was not written in the sunshine.

I am even told there is a section here that may have accidentally repealed the minimum wage altogether for 6 months. I don't know. It is possible.

Again, good law is not made behind closed doors by a small number of people. It is made by all of us here in the full light of sunshine.

I ask my colleagues to vote against this bill. But, more importantly, when the President vetoes it, let's get together and do something that is balanced for the American people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, we are about ready to conclude the debate on this portion of the omnibus small business.

Let me point out before we go to the votes on District of Columbia/Commerce-State-Justice and adopt the resolution numbered 245, there has been a lot of talk about all of these things not having passed. Ninety percent of the bill has been voted out of the House by a large margin, and parts have come out of the Finance Committee.

I can tell you from the Small Business Committee that we took a bipartisan, broadly supported bill, and we were not able to get all of the things that we in the Senate wanted included. Frankly, one of the key elements I wanted was rejected. I know a provision advocated by the Senator from Minnesota was rejected. But I can assure you that it was over my strong objections, and only at the last was it rejected.

This measure does many things to continue the small business programs and to assure small businesses can provide jobs in areas where there are great needs when there is poverty and unemployment. There are provisions that are recommended by the Women's Business Conference. There are provisions to bring jobs into needy low-income communities. These bills together have many of the things that the President also requested.

I regret to say that the President and some of our colleagues on the other side of the aisle are pouting because they didn't get it all. I can tell you something. I didn't get all that I wanted in this bill either. I took some things I didn't want, that were wanted by the House and that were wanted by other Members.

But this bill provides significant savings incentives and income-limited savings incentives on IRAs that could do more to help savings.

Medicare give-backs will enable providers to continue to serve needy people.

Those who ran against the HMOs are trying to make HMOs available in States such as New Mexico and rural areas that do not have the tremendous bonanza of the reimbursements that they do in New York State.

There are many good provisions in this bill. An overwhelming number of them have been supported and requested by the President and, at one time or another, supported by the people on the other side of the aisle. Unfortunately, they say: We are just not getting enough. Sixteen billion dollars in school construction, two-thirds of what the President wanted, is not enough. Our friends have never seen a tax cut that they liked nor a tax surplus they didn't want to spend.

This strikes the happy medium. I hope ultimately we will adopt this measure and have it signed by the President.

I yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2001—CONFERENCE REPORT

The PRESIDING OFFICER (Ms. COLLINS). The clerk will report the conference report.

The assistant legislative clerk read as follows:

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate on the bill H.R. 4942, ''Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2001, and for other purposes'', having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, signed by a majority of the conferees on the part of both Houses.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The report was printed in the House proceedings of the RECORD of October 25, 2000.)

FBI'S JEWELRY AND GEM PROGRAM

Mr. CAMPBELL. Madam President, I commend my friend and colleague from Hew Hampshire, Senator GREGG, for his effective leadership on this important Commerce, Justice, State appropriations conference report. The Senate version of the fiscal year 2001 Commerce, Justice, State appropriations bill included a recommendation of up to $2.2 million for the FBI's Jewelry and Gem Program within funds available for Organized Criminal Enterprises, OCE, to address crimes against jewelry vendors who have proven easy targets for thieves, including organized South American gangs. The House report on the bill encourages the FBI to continue to allocate sufficient resources to disrupting these criminal enterprises. This program is designed to protect small businesses and the lives of employees in this field from violent crime. The conference agreement adopts the House position, but it is my understanding that the FBI decided to commit significant funds to combating these crimes in fiscal year 2000. Therefore, the conference agreement should be understood to recommend the FBI make available sufficient funds for the Jewelry and Gem Program. May I ask my distinguished colleague from New Hampshire, the chairman of our subcommittee and our Senate conferees, if my understanding is correct?

Mr. GREGG. Madam President, my distinguished colleague from Colorado is correct. The conference agreement should be read to recommend that the FBI expend sufficient funds for OCE on combating the crimes addressed by the Jewelry and Gem Program.

FAST PROGRAM

● Mr. BURNS. Madam President, the conference report for the Commerce, Justice, State and the Judiciary appropriations bill provides that $5 million is appropriated for the Small Business Innovation Research (SBIR) Rural Outreach Program at the Small Business Administration, SBA. Given how this legislation evolved, I believe that clarification is needed as to how the Conferees intend that the SBA spend such money.

Next year, there will be two programs at the SBA that focus on small high-technology business outreach: The Federal and State Technology Partnership (FAST) program and the SBIR Rural Outreach Program. While the FAST program and the Rural Outreach Program share the similar goal of facilitating the development of small high-technology businesses, they are separate programs and the FAST program is much broader in scope than the Rural Outreach Program. The FAST program is a competitive matching-grant program that provides states with wide latitude to develop strategies to assist in the growth of their small business high-technology sectors. In contrast, the Rural Outreach Program is targeted at only those states that receive the fewest SBIR awards and is limited to funding activities to encourage small firms in those states to participate in the SBIR program. My state of Montana has benefitted greatly from the Rural Outreach Program and it is very important that this program be funded.

The FAST program, which has been included in SBIR legislation that has

been separately passed by both the Senate and the House and which I anticipate will be enacted prior to Congress adjourning, was initially appropriated $5 million in the bill reported out of the Senate Appropriations Committee. In the conference report, it appears that the funds appropriated for both the FAST program and the Rural Outreach Program were inadvertently combined under the general heading of funding for the Rural Outreach Program. This is apparent because $5 million is targeted in the conference report for the Rural Outreach Program, while the authorization for that program is only $2 million. I am concerned that without clarification about how the SBA is required to spend such funds, that the SBA will use excess amounts for programs other than the FAST program and the Rural Outreach Program. Accordingly, am I correct in my interpretation that funding for the FAST Program was combined with funding for the Rural Outreach Program in the conference report and that the Conferees intend that the $5 million be used to support both programs?

Mr. GREGG. Yes, the interpretation is correct. Both of these programs provide support for high-technology businesses and, therefore, both have been funded under the general topic of SBIR Rural Outreach. Thank you for bringing to our attention that clarification.

Mr. BURNS. I know that there is substantial support for both of these programs. Can you tell me how the conferees intend that the SBA spend the $5 million on the Rural Outreach Program and the FAST program?

Mr. GREGG. My understanding is that the intent of the conferees is that $1.5 million of the total amount be spent on the Rural Outreach Program and $3.5 million be spent on the FAST program.

Mr. BURNS. I thank the Senator for the clarification.●

GROCERY SLOTTING FEES

Mr. CRAIG. Madam President, the conference report that includes fiscal year 2001 Commerce-Justice-State appropriations picks up some Senate report language providing up to $900,000 for completion of a Federal Trade Commission investigation into slotting allowances and fair competition in the retail grocery business.

I understand that the Senator from Missouri [Mr. BOND] originally requested that language. I would like to engage the Senator from Missouri and the chairman of the subcommittee [Mr. GREGG] in a colloquy simply to clarify the scope and intent of that provision.

Because this language is brief, I wanted to make sure it would not be misread to suggest that we are providing these funds for use in any company-specific investigation.

It is my understanding that committee's intent is for the FTC to use these funds solely to undertake a general study, collecting comprehensive data on the current competitive environment related to such practices, assessing their impact, and reporting back to Congress on appropriate policy considerations.

I am concerned that our current understanding of the practice of slotting fees, as well as the payment of other discounts, fees, and promotional allowances, is still limited. A thorough understanding of industry practices and their effects should inform policymaking.

Mr. BOND. The Senator is correct. The Small Business Committee, which I chair, has invested considerable time and effort working on this issue. While we have made much progress, many of the facts surrounding this practice remain shrouded, and little hard data has been produced to gauge slotting's impact, especially on small businesses and small farmers. For example, at a recent hearing, the General Accounting Office reported it has been unable to collect data needed to prepare a thorough analysis of the practice. The FTC, however, would have the legal authority under Section 6 of the Federal Trade Commission Act to collect the data necessary to continue with a full and complete analysis of these practices and their impacts.

This funding was requested for the purpose of the FTC preparing a comprehensive report to Congress, pursuant to Section 6 of the Federal Trade Commission Act, that outlines the appropriate policy considerations arising from this issue. The report should concentrate on industry-wide practices of retailers that engage in the sale of grocery items with respect to slotting allowances and other similar practices including, without limitation: Their impact on competition and retail prices; their impact on all forms of grocery retailing, including smaller grocery retailers; their impact on manufacturers and suppliers; and their relationship to consolidation in the retail grocery industry.

Mr. GREGG. The Senators are correct. The intent of the committee in originally providing for this funding in the Senate-reported appropriations is as the Senators have described it. The conference report maintains the Senate position. I would also state it is our expectation that the FTC provide this report to Congress no later than sixteen months from the date of enactment of this legislation.

Mr. CRAIG. I thank the Senator for clarifying the committee's intent.

I want to add my personally strong feeling that it would be inappropriate for the FTC to launch individualized investigations and enforcement actions on the basis of notions about industry practices that are not-fully-informed, before it can sort out what appropriate law and policy should be. Unfocused, premature, or ad hoc actions could be counterproductive, possibly disrupting markets and chilling some positive industry practices that actually benefit consumers. It is important now for the FTC to focus on resolving uncertainties and acquiring a better understanding the facts, law, market practices, and impacts related to these issues.

MEDICAL CORRECTIONS OPTIONS PROGRAM

Mr. MACK. Madam President, last year the Commerce, Justice, State and Judiciary Appropriations Subcommittee included funding for the Southern Florida Medical Corrections Options Program, which began operations this spring. Working with the Broward County Mental Health Court and the Broward County Sheriff's office it has had tremendous success in treating mentally ill misdemeanants and preventing recidivism. My colleague from Hawaii shares my interest in the program because Hawaii faces many of the same challenges as Florida in treating mentally ill misdemeanants.

Mr. INOUYE. Madam President, my colleague from Florida is correct. Together, we are seeking to expand the South Florida Medical Corrections Options Program to initiate a Hawaii program that will enhance our knowledge in this field. We are also seeking to provide much needed data for the eventual expansion of the national mental health court program.

Mr. MACK. The Fiscal Year 2001 Commerce, State, Justice and the Judiciary Appropriations Committee Report includes a number of programs that the committee has encouraged the Bureau of Justice Assistance (BJA) to examine and fund, if possible, under the Edward Byrne Memorial Discretionary Grants Program. I am hopeful that the BJA will consider funding for the joint Hawaii/Florida demonstration project to develop a national model for future mental health courts.

Mr. INOUYE. I thank my colleague for his support in expanding this important project into the State of Hawaii, and would appreciate the agreement of the Chairman to support this project for funding consideration.

Mr. GREGG. I thank my colleagues from Florida and Hawaii and would like to clarify that the BJA should consider funding under the Edward Byrne Memorial Discretionary Grants Program for this joint Hawaii/Florida demonstration project.

Mr. MACK. I thank the Chairman for his comments.

LAND ACQUISITION

Mr. LAUTENBERG. Madam President, I would like to inquire of the ranking member of the Subcommittee on Commerce, Justice, State and Related Agencies, Senator HOLLINGS, about a particular provision of the conference report.

The conference report to the Commerce, Justice, State Appropriations bill for fiscal year 2001 specified that $1 million is available for land acquisition in Raritan, New Jersey under the National Estuarine Research Reserve system.

Mr. HOLLINGS. The Senator is correct.

Mr. LAUTENBERG. As I understand it, the intent of this language is to allow for the purchase of specific parcels of wetland habitat in the Raritan

Bay region of New Jersey. The Raritan Bay area in Monmouth County, New Jersey, is the area of focus of this provision, not Raritan Borough in Somerset County, New Jersey nor Raritan Township which is located in Hunterdon County. In addition, the intent of this provision is for the National Oceanic and Atmospheric Administration's National Estuarine Research System to work cooperatively with the State of New Jersey to coordinate the acquisition and management of these lands.

Mr. HOLLINGS. The Senator is again, correct on both points. As the Senator from New Jersey has stated, the intent of this provision is to allow NOAA to work with the State of New Jersey to acquire lands along the Raritan Bay for inclusion in the National Estuarine Research Reserve System.

Mr. LAUTENBERG. I thank the ranking member for clarifying the meaning of this provision.

CARA

Mr. MURKOWSKI. Madam President, I have a question about a last minute change in language of the appropriations measure establishing a Coastal Impact Assistance program as section 31 of the Outer Continental Shelf Lands Act. The Coastal Impact Assistance program, with relatively few changes, is identical to language referred to and reported by the Committee on Energy and Natural Resources as part of H.R. 701, the Conservation and Reinvestment Act of 2000, commonly referred to as CARA. The last minute change I am concerned about places the Secretary of Commerce in charge of the Coastal Impact Assistance program rather than the Secretary of the Interior. Both the House of Representatives, when it passed CARA, and the Committee on Energy and Natural Resources, when it reported CARA to the Senate, placed responsibility for Coastal Impact Assistance with the Secretary of the Interior. The Secretary of the Interior has the overall responsibility under the Outer Continental Shelf Lands Act for the leasing program that creates the impact on our coastal communities that Coastal Impact assistance seeks to address and is also the source of revenues to fund not only such assistance but also various conservation programs that were included under CARA. I do not understand why the change was made, but I want to make certain that the change has no effect on the jurisdiction of the Committee on Energy and Natural Resources over the Outer Continental Shelf Lands Act and especially exclusive jurisdiction over the Coastal Impact Assistance program established under section 31 of that act.

Mr. LOTT. I can assure the Senator that the change has absolutely no effect on the jurisdiction of the Committee on Energy and Natural Resources over that program. As the Senator knows, at one time there were discussions about adding the entire CARA package to the Interior appropriation bill. The allocation of funding required us to add this portion, which includes Coastal Impact Assistance, to the Commerce appropriation. The change made in what Secretary disburses the funds does not alter in any manner the nature of the program, the purposes of the program, or the exclusive jurisdiction of the Committee on Energy and Natural Resources over the program.

Mr. DASCHLE. I fully agree with the response from the majority leader. Whether the Secretary of the Interior or the Secretary of Commerce or the Secretary of the Treasury makes the disbursements has absolutely no effect on the exclusive jurisdiction of the Committee on Energy and Natural Resources over this program. The Committee on Energy and Natural Resources has jurisdiction over the Outer Continental Shelf Lands Act and was the committee that originally reported the Coastal Impact Assistance program as part of the CARA legislation. The fact that we have funded the first year through the Department of Commerce has absolutely no effect on the exclusive jurisdiction of the Committee on Energy and Natural Resources over the Coastal Impact Assistance program, including oversight and any future changes.

Mr. STEVENS. Let me add as chairman of the Committee on Appropriations that we were not in any manner attempting to alter the jurisdiction of the authorizing committees over any programs. As a result of the agreement made on the Interior appropriations bill, we were forced to fund the Coastal Impact Assistance program on the Commerce appropriations measure. To do that, we needed to include authorizing language. We took the language that had been reported by the Committee on Energy and Natural Resources with only minor alterations. There was a last minute change to insert a definition of ''Secretary'' for the purposes of the new section 31 of the Outer Continental Shelf Lands Act to be the Secretary of Commerce. All that change does, is alter who will disburse the funding to the coastal States. I can assure all my colleagues that there was no intent to alter the jurisdiction of the Committee on Energy and Natural Resources over the Outer Continental Shelf Lands Act or its exclusive jurisdiction over the Coastal Impact Assistance program that is established as a new section 31 of that act.

Mr. BYRD. I also agree with these comments. The Committee on Energy and Natural Resources has jurisdiction over ''Extraction of minerals from oceans and Outer Continental Shelf lands'' under Rule XXV(g)(1)6. of the Standing Rules of the Senate. Pursuant to that authority, it has jurisdiction over the Outer Continental Shelf Lands Act. The Committee on Commerce, Science, and Transportation continues to have jurisdiction under Rule XXV(f)(1) over ''Transportation and commerce aspects of Outer Continental Shelf lands''. The Coastal Impact Assistance program, which will now be section 31 of the Outer Continental Shelf Lands Act, is an important and necessary component of our leasing program on the Outer Continental Shelf and is certainly within the jurisdiction of the Committee on Energy and Natural Resources. How we choose to route the funding for this program is incidental and has nothing to do with the jurisdiction of the Committee on Energy and Natural Resources. As the minority leader noted, it is immaterial whether the Secretary of the Interior or the Secretary of Commerce or some other officer is responsible, the program remains exclusively within the jurisdiction of the Committee on Energy and Natural Resources.

● Mr. MCCAIN. Madam President, I want to thank the managers of this bill for their hard work in putting forth annual legislation which provides federal funding for numerous vital programs.

This bill provides funding for fighting crime, enhancing drug enforcement, and responding to threats of terrorism. It further funds the operation of the District of Columbia, addresses some of the shortcomings of the immigration process, funds the operation of the judicial system, facilitates commerce throughout the United States, and fulfills the needs of the State Department and various other agencies.

Unfortunately, for the second time in a month, I must express my dismay over the process whereby the Latino and Immigrant Fairness Act (LIFA) has been considered by this Congress. Like many Americans who believe policies that reflect compassion and family values should apply to immigrants and U.S. citizens alike, I welcome inclusion of the Legal Immigration Family Equity (LIFE) Act in this bill. But I had hoped that this legislation would supplement, rather than substitute for, the Fairness bill, which is far broader. I am disappointed that members of my party refused to include LIFA in this bill. As a consequence, hundreds of thousands of hard-working, tax-paying members of our society will be denied the amnesty, parity, and family-unification protections of LIFA. I will continue to work for passage of the Latino and Immigrant Fairness Act and trust that, next year, we can pass it on the Senate floor.

Regretfully, I must oppose this measure.

There are hundreds of millions of dollars in pork-barrel spending and the legislative riders that are riddled throughout this bill. The multitude of unrequested earmarks buried in this measure will undoubtedly further burden the American taxpayers. While the amounts associated with each individual earmark may not seem extravagant, taken together, they represent a serious diversion of taxpayers' hard-earned dollars at the expense of numerous programs that have undergone the appropriate merit-based selection process.

For example, under funding for the Department of Justice, some examples

of earmarks include: $130,000 to Jackson City, Mississippi, for public safety and automated technologies related to law enforcement; $2 million for the Alaska Native Justice Center; $15 million for an education and development initiative to promote criminal justice excellence at Eastern Kentucky University in conjunction with the University of Kentucky; and $4 million for the West Virginia University Forensic Identification program.

Under funding for the Department of Commerce, some of the earmarks include: $500,000 for the International Pacific Research Center at the University of Hawaii; $855,000 for weather radio transmitters in Kentucky; $2.5 million for the Center for Spatial Data Research at Jackson State University; $500,000 for the South Carolina Geodetic Survey; and $500,000 for the California Ozone Study.

And the list of questionable spending goes on with even more funding for the 2002 Winter Olympic Games in Salt Lake City, Utah. For example: $3 million for the Utah Olympic Public Safety Command to implement the public safety master plan for the Olympics; $5 million for the Utah Communication Agency Network for enhancements and upgrades of security and communication infrastructure to assist with law enforcement needs of the Olympics; and $590,000 for the NOAA Cooperative Institute for Regional Prediction at the University of Utah to implement data collection and automated weather station installation in preparation for the Olympics.

There are many more projects on the list that I have compiled, which will be available on my Senate Website.

I also want to address the legislative riders in this bill. In particular, I want to express my disappointment that legislation restricting low-power FM services has been added behind closed doors to this appropriations conference report. The addition of this rider illustrates, once again, how the special interests of a few are allowed to dominate the voices of the many in the back-door dealings of the appropriations process.

Low-power FM radio service provides community-based organizations, churches and other non-profit groups with a new, affordable opportunity to reach out to the public, helping to promote a greater awareness within our communities. Low-power FM is supported by the U.S. conference of Mayors, the National League of Cities, the Consumers' Union and many religious organizations, including the U.S. Catholic Conference and the United Church of Christ. These institutions support low-power FM because they see what low-power FM's opponents also know to be true—that these stations will make more programming available to the public, and provide outlets for news and perspectives not currently featured on local radio stations.

But, the special interests opposed to low-power FM—most notably the National Association of Broadcasters and National Public Radio—have mounted a vigorous behind-the-scenes campaign against this service. Their stated objection to this service is potential interference, of course, not potential competition. They claim that a 10 or 100 watt low power station that can only broadcast a few miles will ''bleed into'' and overpower the signal of nearby 100,000 watt full-power radio stations that broadcast about 70 miles. Interestingly, the FCC, the expert government agency that evaluates such radio interference claims, does not share this claimed concern. To the contrary, after developing an extensive record and evaluating these alleged technical concerns, the FCC proceeded with licensing and established procedures to address any interference issues that actually arose.

Moreover, competitors' speculations about potential interference from low-power stations were given a fair hearing not only in the FCC, but also in this Congress. Earlier this year, Senator KERRY and I introduced the Low Power FM Radio Act of 2000, which would have struck a fair balance between allowing low-power radio stations to go forward while at the same time protecting existing full-power stations from actual interference. Under our bill, low-power stations causing interference would be required to stop causing interference—or be shut down—but non-interfering low power FM stations would be allowed to operate without further delay. The opponents of low-power FM did not support this bill because they want low-power FM to be dead rather than functional.

Congress should not permit the appropriations process to circumvent the normal legislative process. Every time we do this, the American people lose more faith in us. And in this context, they will become even more cynical when they learn that special interests like the NAB were able to use the appropriations process to highjack and overturn the sound technical decisions by the government radio experts that would have authorized new outlets for religious and political speech—and new outlets for their local churches and community groups.

Low-power FM is an opportunity for minorities, churches and others to have a new voice in radio broadcasting. In the Commerce Committee, we constantly lament the fact that minorities, community-based organizations, and religious organizations do not have adequate opportunities to communicate their views. Over the years, I have often heard many members of both the Committee and this Senate lament the enormous consolidation that has occurred in the telecommunications sector as a whole and the radio industry specifically. Here, we had a chance to get out of the way, and allow non-interfering low-power radio stations to go forward to combat these concerns. Instead, we let special interests hide their competitive fears behind the smokescreen of hypothetical interference to severely wound—if not kill—this service in the dead of night.

This report also contains legislation establishing a rural loan guarantee program intended to help bring broadcast signals to the most remote areas in this country. While I support this legislation, and I commend my friend, Senator BURNS, for his leadership in this area, there is one aspect of this legislation that still causes me concern.

This legislation would let incumbent cable monopolies qualify for U.S. taxpayer subsidized loans in the name of ''technology neutrality.'' Unfortunately, this approach will fail to achieve any real ''technology neutrality'' while simultaneously expanding a limited loan guaranty program into an unnecessary corporate welfare program.

In a perfect world, a loan guaranty program would be equally available to every competing industry segment because this would ensure that no industry segment would benefit from a government-sanctioned advantage in the marketplace.

Unfortunately, telecommunications law has already departed so significantly from principles of ''technology neutrality'' that ''neutrality'' in the narrow field of taxpayer-subsidized loan guaranties will only increase the cost of the program for the benefit of previously favored technologies. Indeed, my experience has shown that in telecommunications technological neutrality has been sacrificed by a misplaced focus on protecting competitors at the expense of competition and the American consumer. For example, the broadcast industry has been given 70 billion dollars of free spectrum, yet the wireless industry must compete for spectrum at auction. And certain industry sectors, such as cable, have been given government-franchised monopolies. In the telecommunications world, some are already more equal than others.

It is against this reality that any claims of ''technological neutrality'' must be evaluated. In the real world, cable companies not only have a government-sanctioned advantage—they have a government-franchised monopoly. Monopolists, almost by definition, need no more government protection against competition. Perhaps it is just a coincidence, and not due to a lack of competition, but cable companies have been able to raise their rates approximately three times the rate of inflation (for about a 30 percent total increase) since the 1996 Telecommunications Act. This scenario hardly requires the helping hand of the U.S. taxpayer.

''Technology neutrality'' is a fine phrase, but not if it means that the American taxpayers must further subsidize industries that have already received undue and unnecessary market advantages sanctioned by the government.

In closing, I urge my colleagues to curb our habit of directing hard-earned taxpayer dollars to locality-specific special interests and our inclusion of legislative riders which thwart the very process that is needed to ensure our laws address the concerns and interests of all Americans, not just a few who seek special protection or advantage.●

Mr. GORTON. Madam President, one of my priorities in this bill was to make sure that Washington seniors continue to have access to their Medicare+Choice program and to expand choices for other seniors who have been dropped from the program due to low payment rates in Washington state. We need to make sure Medicare+Choice is a stable option in the Medicare program for our seniors.

I am concerned, however that the new requirements on the submission of adjusted community rate ACR proposals for 2001 may interfere with my goal of ensuring the stability of this program for seniors in my state. Under this bill, plans that have ensured seniors have consistent access to the Medicare+Choice program cannot use the increased funds to stabilize the benefits they already provide or to ensure adequate payments to providers such as doctors and hospitals—even if they are losing money on providing those benefits right now.

In Washington State we have plans that are operating at a deficit every year but they continue to stick with this program and offer health care to our seniors. They need this money simply to stabilize and maintain current benefits. Without these funds, there will be no basic programs for seniors at all. Plans cannot offer enhanced benefits or lower premiums if there is no program in existence, in Washington state, that is what we are facing—the possibility of no Medicare+Choice programs at all.

I don't disagree with the intent of the provision to ensure that seniors benefit from this new funding in the form of reduced premiums or increased benefits. My point is that there are more ways to help out seniors and one way is to ensure that their plan will not only be there this year, but the next year and into the future. One way to do that is to simply add a provision to the current language that allows plans to stabilize or enhance patients access to providers such as doctors and hospitals.

You can spend millions of dollars on the fixtures of a new house, on antique furniture, on expensive paintings, and the like but if there is no foundation the house will fall to the ground and no one will benefit. Our first priority should be to ensure that the Medicare+Choice program is stabilized that at a minimum seniors continue to have the choice we promised them.

● Mr. BURNS. Madam President, I support the passage of the Commerce-Justice-State conference report, which includes a bill of critical importance to rural America, the ''Local TV Act.'' The Local TV Act will create a $1.25 billion loan guarantee program that will bring local TV signals to Montana and other rural states, over satellites or other technologies, in a fiscally responsible way.

I want to thank the distinguished Chairman of the Senate Banking Committee and the Majority Leaders in both the Senate and the House for helping to reach completion on this issue. I should add that Senator LEAHY, Senator HOLLINGS, Senator THOMAS and Senator GRAMS have worked tirelessly on this matter. I would also like to thank my colleagues in the House for their efforts. Representative GOODLATTE was involved in every stage of the complex negotiations that took place on this bill, as were House Commerce Committee Chairman BLILEY, House Telecommunications Subcommittee Chairman TAUZIN, House Agriculture Committee Chairman COMBEST and Representative BOUCHER. I thank them all for helping to reach such a positive result, which was only possible through an extraordinary, bipartisan effort.

Providing access to local television signals is crucial to rural states. With over-the-air broadcast signals and cable delivery limited by the geography of my own state of Montana, satellite television has been a staple of our so-called ''video marketplace'' for many years. In fact, Montana has the highest penetration level of satellite television in the country at over 35 percent.

I initially proposed legislation in this area because I was concerned that without it, only the largest television markets in America would receive local-into-local service authorized by the Satellite Home Viewer Improvement Act. These are the profitable cities like New York and Los Angeles with millions of television households. Currently, only the 20 largest television markets are being offered local TV signals via satellite. The two largest direct broadcaster satellite providers have announced plans to offer service to an additional 20 or 30 large markets over the next few years.

What about the other TV markets? There are 16 states—including my own—that do not have a single city among the top seventy markets. Because of the ''Local TV Act,'' they will now no longer be left out of the information age just because they are smaller.

The ability to receive local television signals is more than just having access to local sports or entertainment programming. It is a critical and immediate way to receive important local news, weather and community information. Access to local signals is particularly critical in Montana, where we experienced severe flooding last fall and sudden blizzards are always a possibility.

The ''Local TV Act'' reflects the belief that the loan guarantee program should not favor one technology over another and it should not pose a burden to the taxpayer. The ''Local TV Act'' is a win for consumers and for taxpayers. Earlier this year, the bill passed the Senate 97–0, a similar version passed the House by an overwhelming margin and I again thank my colleagues on both sides of the aisle for reaching agreement on this critical matter.●

Mr. HOLLINGS. Madam President, I would like to take a moment and join my subcommittee chairman and colleague, Senator GREGG, in commenting on the fiscal year 2001 Commerce, Justice, and State, the Judiciary and related agencies appropriations portion of the conference report before the Senate today. Once, again, I would like to commend Chairman GREGG for his outstanding efforts and bipartisan approach in bring an appropriations bill to the floor that is good and balanced.

Putting together the conference report is always a tremendous challenge, and this year has proven to be no different. We face the challenge of adequately funding a host of varying missions, This bill funds efforts to fight crime and drugs on our streets. This bill funds initiatives that enhance business opportunities for small and large companies at home and abroad. This bill funds agencies like the FTC and the SEC that protect consumers from fraud. This bill provides funding for scientific research needed for better fisheries management. This bill provides free and accurate weather forecasting to farmers who rely on it day by day for tending their crops and to families who live in areas where timely and accurate forecasts can save their lives from violent tornadoes, torrential rains, floods, and hurricanes. While the missions funded through this bill may vary, one point remains constant: The funding provided in this bill seeks to improve the daily lives and safety of all American at home and abroad.

In total, the conference report provides $38.0 billion in budget authority which is about $1.7 billion less in total budget authority than the fiscal year 2000 levels. The bill is $12.9 billion less than the President's request level; however, his request level, as in past years, included advanced appropriations, which the CJS Subcommittee traditionally does not provide.

Senator GREGG has mentioned many of the funding specifics in this bill, so I will not repeat the details; however, I would like to point out to our colleagues some of the highlights of this bill:

JUSTICE AND LAW ENFORCEMENT

The conference report provides $21.1 billion for the Department of Justice, including $3.3 billion for the FBI, $1.3 billion for the DEA, $4.8 billion for INS, $4.3 billion for BOP, and $4.6 billion for the Office of Justice Programs. This conference report funds both block grant programs—such as Byrne, local law enforcement, and juvenile justice—and the COPS Program—such as the universal hiring and technology components. Our colleagues in the Senate

only need to review the FBI's preliminary annual uniform crime report released this past May to appreciate how well all these programs are working. According to the FBI's report, in 1999, serious crime dropped for an eighth consecutive year, down seven-percent from the year before. This is the longest running crime decline on record. The successful reduction in crime in no small way must be attributed to the bipartisan efforts to fund DOJ's crime fighting initiatives during the past ten years.

In an effort to continue the decline in serious crime, we continue to fund many of the programs that are working. Not only are we funding cops on the beat, we also continue the safe schools initiative which Senator GREGG and I started two years ago. This bill provides $227.5 million for this initiative. Madam President, we cannot allow violence or the threat of violence to turn our schools into a hostile setting that prevents our students from obtaining the education they deserve. The bill before the Senate provides increased funding from last year's levels, through the Office of Justice programs, to continue the hiring of school resource officers, and the implementation of community-based planning and prevention activities. This initiative is working but there is much more that has to be done, and this increased funding will continue our efforts to return our schools to a safe place for children to learn.

I am pleased to see in this year's conference report $1.3 billion funding for the DEA, which is a $69.45 million increase from last year's level. This funding is aimed at combating the latest battle in the war on drugs—methamphetamines. Included in the DEA fundings is $25.9 million for personnel and operations to combat the production and use of methamphetamines. Also included in the bill is $28.5 million for State and local law enforcement to combat methamphetamine production and $2.5 million for equipment. Another $20.0 million will be transferred from the COPS Hot Spots Program to reimburse the agency for the costs associated with assisting State and local law enforcement in meth lab cleanup.

The conference report also includes $288.7 million for the violence against women program, which includes $31.6 million for civil legal assistance, $25 million for rural domestic violence programs, $11.5 million for court appointed special advocates, and $11.0 million for college campus programs.

There is one issue within the Department of Justice for which I am disappointed we did not provide funding—the Justice Department's Lawsuit against the Tobacco industry. I appreciate Senator GREGG's effort to reach a middle ground between those members who want to prevent DOJ from bringing a lawsuit, and those who want to provide DOJ with adequate resources to do their job. It is the U.S. court's responsibility to weigh the evidence and decide whether the tobacco companies have broken the law, not Congress's responsibility. In fact, just recently, the U.S. District Court of the District of Columbia rules that DOJ does have standing to bring a suit against the tobacco companies under the RICO (racketeering, influence, and corrupt organizations) Act. It is Congress's responsibility to provide the Justice Department with the tools and adequate resources it needs to do its job. This conference report does not do that.

DEPARTMENT OF COMMERCE

The conference report provides $4.7 billion for the Commerce Department, an increase of $460 million above last year's funding level. We provide $337.4 million for ITA, and while we could not fully fund all of the President's request for this important administration, we did provide funding for the trade compliance initiatives. I also appreciate Senator GREGG's support for language requiring the USTR to assist the Import Administration with office space in Geneva given the importance of the Import Administration's responsibilities relating to antidumping and countervailing duties.

While we did not fully fund the administration's new internet access initiatives for NTIA, we did provide more than $100 million in funding for the NTIA to continue its core missions—funding for digital conversion, and funding for infrastructure grants.

Regarding technology, the bill includes $312.6 million for NIST scientific and technical research and services. Under NIST, the Advanced Technology Program (ATP) is funded at a program level of $190.7 million, and the Manufacturing Extension Partnership (MEP) Program is funded at $105.1 million.

The conference report also provides $3.1 billion for NOAA, more than $700 million above last year's level, and $850 million above the House level for FY 2001. I appreciate Chairman GREGG's support and efforts to insure that we maintain a focus on our oceans and coast. I have made it clear this year that I am disappointed in the administration's request for NOAA. Most of the funding increases requested this year were for community assistance type programs—making NOAA a mini-EDA—and not the science and research missions that have been NOAA's trademark during the past three decades. The budget request was particularly disappointing given the one hundred plus lawsuits currently pending against NOAA due to a lack of scientific data.

Madam President, at present, we generate more than 30% of our gross domestic product from coastal areas, and nearly one out of every six jobs is marine-related. By the end of this decade, about 60% of Americans will live along our coasts. We cannot ignore the stress and strain of this growth on our coastal environment, and we must continue to strive for better management of our marine resources. Of course, these efforts are nothing new. Three decades ago, our nation roared into space, investing tens of billions of dollars in that effort. During that golden era of science, some of us also recognized the importance of exploring the seas and protecting the coasts on our own planet. In 1966, Congress enacted the Marine Resources and Engineering Development Act in order to define national objectives and programs with respect to the oceans. One of the central elements of the 1966 act was establishment of a Presidential commission, called the Stratton Commission, to develop a plan for national action in the oceans and atmosphere. The Stratton Commission laid the foundation for U.S. ocean and coastal policy and programs and has guided their development for three decades. Their report led to the creation of NOAA and laid the groundwork for science and research and for management regimes that are the cornerstone of our efforts to properly manage our fisheries, and protect our coasts today. This conference report fully funds all of NOAA's base science and research missions.

FY 2001 funding for NOAA also includes additional funds for coastal conservation reflecting this year's coastal funding proposals in Congress (''CARA'') and the administration's budget (''lands legacy''). The $420 million in increased funding includes $135 million for specific conservation projects and $135 million to strengthen NOAA's efforts to conserve and protect our coral reefs, national marine sanctuaries and reserves, as well as fisheries and coastal habitats. This $135 million infusion of funding in the coming year will greatly benefit NOAA's important coastal stewardship programs throughout the Nation. The increased coastal funding also includes $150 million to assist those States whose coastal areas are adversely affected by offshore oil development.

DEPARTMENT OF STATE

The conference report includes a total of $7.1 billion for the Department of State and related agencies, an increase of $1.3 billion above last year's funding level of $5.8 billion. Within the State Department account, $1.1 billion has been provided for worldwide security upgrades of State Department facilities. Additionally, the bill provides $846 million to continue our Nation's international peacekeeping activities.

SUMMARY

In closing let me say again that except for a one or two major policy issues this is a decent bill. Many—but not all—of the administration's priorities were addressed to some extent. Likewise many—but not all—of the priorities of our colleagues were addressed to some extent. It is with regret that I cannot support this bill at this time. I cannot support an effort that starts down the slippery slope of the U.S. Congress telling the Department of Justice who they can and cannot sue. It is my hope that this issue will be corrected should this conference report pass the Senate and be vetoed by the President.

I would like to take a moment before closing to acknowledge and thank Senator GREGG's staff—Jim Morhard, Kevin Linskey, Paddy Link, Dana Quam, Clayton Heil, and Katherine Hennesey—and my staff—Lila Helms and Sonia King—for their hard work and diligence in bringing together a bill that does everything I have just mentioned and more. They have worked nonstop in a straightforward and bipartisan manner, to deliver the bill that is before the Senate today. This bill could not have come together without their efforts and I thank them for all of their hard work.

Mr. GREGG. Madam President, I want to speak about the appropriations agreement for the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies for fiscal year 2001. This bill is part of the D.C. Appropriations bill and I thank the Senator from Texas for her help on this matter and everyone else on the subcommittee.

I cannot tell you how hard we have tried to work with OMB and the White House on this bill. I find it hard to believe that they want to veto the bill based on what is in here. The main issue they have difficulty with is on immigration and it was never requested by the President and is not an appropriations matter.

This bill does include $38.0 billion for these agencies. I believe the funding levels in this bill will allow the departments and agencies funded by it to fulfill their mandates.

The first title in this bill is the Department of Justice. We provide $21 billion, an increase over last year's level. Within Justice, there are a number of issues that stand out.

This bill provides comprehensive counter drug funding. It is our goal to provide the resources to protect our communities from the violence associated with illegal drugs. One of the most prevalent concerns in this area is the production of methamphetamine. The Drug Enforcement Agency (DEA) has reported an increase in clandestine lab seizures nationwide. In 1997, 3,327 labs were seized by Federal, State, and local law enforcement. By 1999, that number had escalated to 7,060.

Although the number of clandestine methamphetamine labs has almost doubled since 1997, the President included no funding to combat methamphetamine production, trafficking, and use in his FY 2001 budget request. We remedy that mistake here.

Our recommendation includes a total of $76.9 million for methamphetamine initiatives. We provide $25.9 million for investigations and day to day operations on methamphetamine cases, including maintaining a database of labs around the country.

Since the bi-products from methamphetamine production are hazardous, explosions or fires often result and specially equipped teams are sent in to clean-up the lab sites. We provide $20 million to the DEA through the COPS Methamphetamine Drug Hot Spots Program for clean-up activities. We have also made available for State and local law enforcement agencies $28.5 million for their methamphetamine enforcement and cleanup efforts.

Of course, methamphetamines are not the only problem. We provide $28.8 million to DEA for its heroin-related efforts. Because drug traffickers are highly adaptive, we must have the ability to respond where ''hot spots'' arise. The bill provides $24.2 million for Regional Drug Enforcement Teams and $53.9 million for Mobile Enforcement Teams.

To aid those communities that have suffered because of the presence of drug dealers, we provide $34.0 million in direct funding for the Weed and Seed program. This program distributes grant funding to qualified neighborhoods so that they can weed out criminals in their communities while seeding new prevention and intervention services to help revitalize the neighborhood.

The drug problem in the United States is so pervasive that over 480 drug courts have evolved to handle these particular cases. This bill includes $50.0 million through the Office of Justice Programs for drug courts; additional funding can be obtained through the Local Law Enforcement Block Grants or the Juvenile Accountability Block Grants.

Moving on to another important program in this bill, we continue the Safe Schools Initiative. This initiative was one the Ranking Member and I sponsored in 1999 just after the Columbine massacre. For fiscal year 2001, we provide a total of $227.5 million for State school programs with $180.0 million for school resource officers and $15.0 million for school technology. This program gives school administrators resources to enhance safety measures. It grants them the flexibility to implement decisions on how best to maintain a safe learning environment without impacting funding for educational programs.

The final agreement contains funding for after-school youth programs. A leader in this category is the Boys and Girls Clubs of America. For this reason, $60.0 million is available for their programs.

Additionally, Juvenile Mentoring Programs, JUMP, receive $16.0 million. These programs, including Big Brothers/Big Sisters, foster healthy relationships between at risk youth and responsible adults.

The next item is of particular interest to me. The Missing Children program is one that continues to show positive results, and is funded at a level of $23.0 million. Within this amount, $6.5 million is provided for investigative cyber units for State and local law enforcement agencies and $11.4 million for the National Center for Missing and Exploited Children.

One of the Center's most valuable resources is the Cyber TipLine, which allows individuals to report information about missing children on-line. Information reported to the Center is compiled and made accessible to law enforcement officers all over the continent. The Center dedicates significant resources to preventing and responding to incidents of cyber stalking. Overall, this bill includes more than $830.0 million for juvenile programs through the Office of Justice programs, the juvenile justice budget, and the COPS program.

Our dedication to communities and families is also captured in our support of the Violence Against Women Act programs, which address domestic violence and its effects. For fiscal year 2001, we fund the program at $288.7 million. This includes funding for legal assistance, rural domestic violence initiatives, and court-appointed-special advocates.

At my request, this bill also recommends $11.0 million for grants to address violence on college campuses. Grantees use these funds to expand defense classes; to make capital improvements, such as installing emergency phones and improving lighting on campuses; and to train campus administrators and students on how to deal with violence and its after effects.

On a related topic, the conference agreement directs the Center for Sex Offender Management to develop a system through which local law enforcement can notify communities when a sex offender has been released and is living nearby.

Law enforcement is Justice's primary mission, and there are several key components. The U.S. Marshals are responsible for protecting our Federal judges and courthouses, for serving legal papers in Federal cases, and for recapturing fugitives. The $604.3 million recommended for the Marshals provides funds for new initiatives to apprehend the most dangerous fugitives; outfit and man new courthouses; and reduce the backlog of security upgrades at old courthouses.

The recommendation provides $4.6 billion for the Immigration & Naturalization Service, INS; $1.5 billion of this is derived from fees. The amount provided improves our posture on the border, expands efforts to apprehend illegal aliens in the interior, increases resources for naturalization backlog reduction, and begins to tackle the nationwide backlog on INS construction, maintenance, and repair.

An appropriation of $3.2 billion is dedicated to the FBI. This includes $67.5 million for the National Instant Criminal Background Check System, NICS, used by gun dealers to prevent the sale of weapons to individuals who are prohibited from owning a gun. We have reiterated the Senate recommendation that no fees be charged to conduct these checks.

The FBI Crime Lab is famous for its forensic capabilities, and many States rely on its scientific expertise. The bill provides $137.3 million for forensic services within the Bureau.

DNA testing is just one example of an important emerging forensic science. The FBI reported a 15 percent increase in the number of cases aided this year by having DNA profiles available in a national database. Our recommendation includes $1.4 million for the National Offender Database, which stores the DNA profiles of convicted criminals.

The Internet has created numerous social and economic benefits in the United States and around the world. Unfortunately, it is also an efficient medium by which crimes can be committed.

The conference agreement includes an increase to $3.9 million for the FBI's Computer Analysis and Response Teams and $30.5 million for its digital storm program. In addition, we continue funding levels for the Field Computer Crime Intrusion Squads, which are highly trained computer experts available on demand to field offices. Finally, $5.5 million is recommended for the Special Technologies Applications Unit of the National Infrastructure Protection Center, a clearinghouse for Federal cases dealing with cyber crime.

We aggressively fund State and local law enforcement assistance, providing $2.8 billion.

COPS is funded at $1.03 billion. A large portion of this amount is for hiring initiatives. This high level of funding also allows law enforcement agencies to upgrade technology. For programs funded under the Crime Identification Technology Act, $130.0 million is available. There is an additional $140.0 million for non-CITA technology needs.

In order to get this bill passed without a veto, we have also provided $25.0 million for community prosecutors and $75.0 million for gun prosecutions. The agreement limited these funds to prosecutions of individuals who committed crimes with firearms.

Separate from COPS funding we provide funding for the programs that Congress traditionally supports. There is $523.0 million available for the Local Law Enforcement Block Grants, $569.0 million for the Edward Byrne Grants, and $686.5 million for State Prison Grants.

The last item I want to talk about in the Justice section of this bill is my proposal on how to prevent misuse of Social Security numbers.

We have incorporated language that will protect people from the improper use of Social Security numbers. We must protect individuals when access to an individual's most personal information is wrongly obtained.

A recent example of the gross misuse of a Social Security number happened in Nashua, New Hampshire, just one year ago. Amy Boyer was murdered by a stalker who was able to purchase her Social Security number on the Internet. The social security number gave him access to information so that he was able to track her down and kill her.

We have named the incorporated provision after Amy because its goal is to ensure that no more stalkers can easily use Social Security numbers for their nefarious acts. Amy Boyer's Law prohibits the display or sale to the public of any person's Social Security number without that individual's consent. It imposes civil and criminal penalties on those who violate this law.

This legislation, while banning improper or fraudulent uses of social security numbers, does preserve the legitimate uses of Social Security numbers by such groups as the National Center for Missing and Exploited Children, the Big Brothers/Big Sisters of America, and the Association for Children for the Enforcement of Support, ACES, as well as banks, insurance companies, and others who use these numbers to prevent fraud. I am confident that this legislation is crafted in such a way as to balance the many concerns surrounding the use of Social Security numbers. I believe that passing Amy Boyer's Law is one of the most important things that Congress can accomplish this year.

The next title in the bill is the Department of Commerce and its related agencies. Title II is funded at a level of $4.7 billion.

One of the primary functions of Commerce is to generate a comprehensive international trade policy for our country. Many agencies play a part in this effort. For the agency that has the lead on negotiating trade agreements, we provide $29.5 million for the United States Trade Representative, USTR.

To one of its supporting agencies, the International Trade Commission, we provide $48.1 million. Their statutory mandate also includes enforcing dumping and counterveiling duty actions in accordance with the World Trade Organization and General Agreement on Tariffs and Trade.

The International Trade Administration is responsible for promoting exports and provides information on Federal Government export assistance to individuals and businesses. We provide $337.4 million. This level includes additional funding to increase trade enforcement and compliance activities, in concert with USTR. Of particular importance are the funds included in this bill for compliance activities with respect to China, Japan, and the European Union. The bill also continues funding for the core programs within the agency.

The bill includes $64.9 million for the Bureau of Export Administration which is an increase of roughly $10.8 million over the fiscal year 2000 appropriation. The Committee increases funding for export cooperation for the implementation of the Chemical Weapons Convention.

Also, increased funds are provided to assist in export enforcement in the area of counterterrorism and computer export verification to ensure that high technology exports are being used for peaceful purposes and not for proliferation of weapons of mass destruction.

We are providing significantly less money this year for the census because most of the activities supporting the decennial census have been concluded. The Committee provides $433.6 million to conclude Census 2000 and maintain normal operations for fiscal year 2001.

The conference agreement provides funding to permit the initiation of an effort to include a measurement of electronic business in the fiscal year 2002 economic census. The Committee's funding level should also permit the Bureau to continue issuing key reports on manufacturing, general economic, and foreign trade statistics which are so important to the U.S. business community.

Moving on to the scientific side of the Commerce Department, this bill includes $100.4 million for the National Telecommunications and Information Administration. From within this funding, $43.5 million is for the public telecommunications grant program and $45.5 million is for information infrastructure grants.

The President believes solving the digital divide is a government obligation. He requested $50.0 million to provide new Home Internet Access grants. Neither the House nor Senate bills included funding for this program. However, the President made this a priority and raised it in discussions with us, so we have directed $30.0 million into the Information Infrastructure Grants as a compromise position.

However, I note that in an earlier age, public libraries were created to give those without the resources to maintain a personal book collection access to information. The Schools and Libraries program was created in 1996 to provide access to the Internet for every American visiting a library and to school children.

Just as Enoch Pratt and Andrew Carnegie endowed public libraries throughout the country, the high tech industry has the ability and the wealth to create an endowment for addressing the so-called digital divide. Every person in America who has a phone contributes to the Universal Service fund, which provides funds for the Schools and Libraries program. I do not believe that asking Americans to contribute additional funds to bring Internet access to homes is the way to solve the so-called digital divide.

One of the agencies whose goals is to stimulate economic competition and innovation is the National Institute for Standards and Technology, NIST. This agency provides industry with assistance to leverage their efforts in technological advances and infrastructure enhancements that benefit all of us by keeping U.S. companies on the cutting edge.

NIST's funding level is $598.3 million for fiscal year 2001. Of this amount, $312.6 million is for scientific and technical research and services programs; $155.0 million and carryover funding

are available for the Advanced Technology Program (ATP), and $105.1 million for the Manufacturing Extension Program (MEP).

Also, $10 million is provided to develop new measurements, test methods, and guidelines to better protect the information technology elements of the Nation's critical infrastructure, of which our cyber infrastructure is a key component. NIST's research results are made publicly available so that all may benefit from its findings and suggestions.

Another agency within the Department with scientific expertise is the National Oceanic and Atmospheric Administration. The bill before you includes $2.6 billion for NOAA, and the five major line offices within NOAA are funded as follows: the National Ocean Service at a level of $290.0 million; the National Marine Fisheries Service (NMFS) at $517.0 million; the Office of Oceanic and Atmospheric Research at $323.0 million; the National Weather Service at $630.0 million; and, the National Environmental Satellite, Data and Information Service at a level of $125.0 million.

Within the National Ocean Service, $28.25 million for the National Estuarine Research Reserve program. We continue the efforts to reduce the backlog of NOAA mapping and charting as well as to map shorelines. The bill supports the Coastal Zone Management grants at a level of $52.0 million and the Great Lakes Environmental Research Lab at the Senate level of $7.0 million.

Under the National Marine Fisheries Service, we assist the collecting of scientific data on healthy fisheries as well as those that are threatened. Protection for threatened and endangered species continues. For NMFS Information, Collection, and Analysis programs, the bill provides $120 million.

The funding levels included in the bill for the Office of Oceanic and Atmospheric Research support several important programs of interest to the Senate. The Sea Grant College program continues at a level of $62.25 million and $15.8 million for the National Undersea Research Program.

Climate and Air Quality research is funded at $68.5 million. A new climate initiative was requested for fiscal year 2001, and while the conference could not support the total request of $24.0 million, there is a recommendation of $9.25 million for initiating the ocean observations component of the proposal.

The National Weather Service touches all of our lives, and provides the warnings to protect life and property. The Committee funds Weather Service Operations and Research and systems acquisitions at $630.8 million.

NOAA's National Environmental Satellite, Data and Information Service operates the satellites which provide data used by the Weather Service to track hurricanes and to provide guidance for forecasts and warnings. Funding of $125.0 million is provided for this office within NOAA in fiscal year 2001. In addition, funding is provided elsewhere in the bill for the acquisition of both geostationary and polar-orbiting satellites.

The next title in our bill covers the Judiciary. For the third branch of government we provide an increase to $4.25 billion. We provide conditional funding for the cost of living adjustment for the justices and judges. However, the Senate Committee language ending the ban on honoraria for judges was not incorporated into this final agreement.

Now, for the last department in this bill, we provide $6.6 billion to the State Department. This is an increase over the fiscal year 2000 level for the department.

After the Dar Es Salaam and Nairobi bombings, we poured funding into State Department security, but we emphasized the need for a cohesive plan that had the capability of being effective. The past performance of the Department and resulting plans have not allayed the misgivings we have about their handling of the billions of dollars we appropriate to them.

We are disturbed by the security breaches. The State Department was not just lax with security overseas, but that it has been less than stellar at its headquarters here in Washington. From losing 16 laptop computers and letting press agents roam unattended through its corridors, the State Department's security plans remain of grave concern. We are providing the funding but are not seeing improvements.

This bill gives the State Department substantial resources to address its requirements. The funding levels include $410 million for worldwide security under Diplomatic and Consular Programs. We also provide $663.0 million in security-related construction under the Embassy Security, Construction, and Maintenance account.

The agreement includes a sizeable increase over last year's levels for Cultural and Educational Exchange Programs, providing $231.6 million—an amount above the President's original request and the Senate and House levels. The funding is used to bring individuals together, professionally and culturally, to share experiences to foster peace and understanding among multiple countries and the United States. My colleagues may be familiar with the Fulbright, International Visitors, and English Teaching Fellows programs that are included in this account.

Lastly in State, we provide $299 million to cover our country's regular dues to the United Nations and $846 million for U.N. peacekeeping.

We remain concerned that the United Nations continues to levy peacekeeping payments against us based on a percentage system setup during the 1970s connected to estimates on what member countries could afford to pay for such ventures at that time. The United States contests millions of dollars in payments to the United Nations because their billing procedure is outdated and does not reflect the fiscal capacities of the current member states.

For decades, the United States has been levied to pay roughly one-third of peacekeeping efforts even though it is an obligation of all 188 United Nations members. We will continue to encourage other members who have rebuilt and financially recovered from the ravages of the Twentieth Century's wars. They must step up and take over a more proportionate share of the financial burden of current peacekeeping endeavors.

This bill contains a handful of related agencies that act independently of the departments within this bill, and comprise $2.2 billion of the total of this bill.

The first of these agencies is the Maritime Administration which is responsible for administering several programs for the maritime industry relating to U.S. foreign and domestic commerce and our national defense. The bill includes a total of $219.6 million for its efforts. Within this level, the Maritime Security Program receives $98.7 million. The Maritime Guaranteed Loan Program (Title XI) is funded at $34.0 million. In addition, $10.0 million in carryover balances from prior fiscal years are available for this purpose.

The final bill before you includes an increase over last year's funding level for the Federal Communications Commission to $230.0 million.

The Small Business Administration (SBA) is one of the larger independent agencies in this bill. We provide $837.0 million for the SBA. Within this amount, $88 million is appropriated for the Small Business Development Centers; $15.0 million for PRIME; $3.8 million for SCORE; and, $4.0 million for the Veteran's Outreach program.

For SBA's business loan program account, the bill provides a total of $294 million in fiscal year 2001. This funding level provides a program level of $10.4 billion for 7(a) loans.

For the SBA disaster loan program, a total of $186.5 million is included to cover loans and the administration of the program.

The last two agencies I want to mention are the Federal Trade Commission, FTC, and the Securities and Exchange Commission, SEC. We have given both these agencies increases this year, funding the FTC at a level of $147.2 million and the SEC at a level of $422.8 million. The Internet has caused a fundamental change to both these agencies as they try to put in place mechanisms to prevent fraud in the electronic market place.

The FTC has brought 100 cases against 300 companies and individuals for Internet fraud. As Internet access expands and more Internet businesses come on-line, the need for these agencies to have a strong presence in the market increases. There is a need to

protect consumers, and particularly elderly consumers who are prone to attacks, from ever varying fraudulent schemes. In 1999, consumers were estimated to have spent $20.2 billion on line, and the expectation is that this number will grow almost exponentially over the next 4 years.

We are providing additional funding for investigators and prosecutors within both the SEC and FTC to grow with the impending surge of activity. We provide funding to expand Consumer Sentinel so that international law enforcement officers will have access to it.

The strong presence we promote throughout this bill in the cyber-world is not one derived from statutory and regulatory restrictions, but achieved instead through the presence of enforcers of existing laws that will aggressively seek out those who abuse the Internet. I have made a point of mentioning throughout this summation the key Internet initiatives within the agencies and departments because it is such a critical issue for all of us.

Its importance will continue to grow. We have bolstered Federal agencies' efforts to stay on top of Internet advancements and maintain functionality in the technological world.

This bill effectively uses our resources to provide adequate funding for the agencies under our jurisdiction. It addresses the most pressing needs that were brought to our attention by the Administration and by my colleagues. Chairman ROGERS, the Ranking Members, and I have worked together with the members of the Committee to craft a bipartisan bill to recommend to both our houses. I do want to thank my colleague from South Carolina for his efforts in creating this bill. He remains a leader on many of the issues we address. I urge my colleagues to adopt this funding agreement.

Madam President, I would also like to acknowledge today the dedication of one of the staffers who drafted portions of this effort who has retired from Federal service.

Paddy Link served on the Committee for 4 years dealing with the Federal Communications Commission, FCC, the Commerce Department, the Small Business Administration, and many other agencies. She was an expert in FCC and NOAA. Her astute evaluation and handling of technical concepts made her a valued part of the Committee. She has in-depth knowledge of the people and issues in the areas she worked on which gave her much appreciated insight on the issues the Committee had to tackle.

She provided decades of Federal service, starting as staff in the House of Representatives, moving to the Department of Commerce as a congressional liaison officer and then to be the director of the office of legislative affairs for the National Oceanographic and Atmospheric Administration. Most recently before her time with Appropriations, Paddy was the staff director of the Senate Commerce Committee under former Chairman Larry Pressler and had a critical role in writing and passing the Telecommunications Act of 1996.

We miss her political acumen as well as her sense of humor. We wish her the best of luck in the future.

Mr. HOLLINGS. Mr. President, the Broadwave affiliates of Northpoint Technology proposes to share the spectrum currently being used by the Direct Broadcast Satellite (DBS) services in the 12.2–12.7 GHz frequency bands. Through the use of its technology in the 12.2–12.7 GHz band, Northpoint has the potential to provide much needed competition to cable by offering low cost multichannel video services and high-speed Internet access.

A provision, however, addressing sharing issues in the 12.2–12.7 GHz band has been added to the ''Launching Our Communities' Access to Local Television Act of 2000'' (also referred to as the Rural Loan Guarantee bill). Section 12 of this Act imposes three general requirements. First, it requires that a terrestrial wireless applicant proposing to use the 12.2–12.7 GHz band have its technology subjected to an independent demonstration or have its technical showings subjected to an independent analysis to determine whether the technology will cause harmful interference to DBS operators. Second, the Federal Communications Commission is required to select an independent engineering firm recommended by the IEEE or other similar body to analyze the technologies proposed in the pending wireless terrestrial applications. Third, the demonstration or analysis must be concluded within 60 days of enactment of the Rural Loan Guarantee bill and the comment cycle cannot exceed an additional 30 days. Lastly, I want to note that enactment of this provision by Congress does not release the FCC from its obligations under section 2002 of SHIVA.

In my home state of South Carolina, there are Broadwave affiliates awaiting regulatory approval so that they can begin to provide service. Therefore, I expect that the testing required under the Rural Loan Guarantee legislation will constitute the final interference analysis needed to evaluate sharing requirements between terrestrial applicants with pending applications and existing DBS service providers. Moving this proceeding forward is important, because if Northpoint is able to obtain the necessary regulatory authorizations, it will not only be able to provide competition to cable, but through its affiliate structure, it also will afford small businesses an opportunity to participate in a vibrant segment of the communications marketplace.

Mr. INOUYE. Mr. President, in 1992, Congress enacted legislation regulating the cable industry because of the lack of competition and the resulting high rates. In 1996, Congress anticipating that competition would replace regulation in restraining prices, passed legislation terminating the FCC's right to regulate the price of basic cable in March 1999. Unfortunately, competition has not emerged as fully as I would have liked. According to the FCC's latest report only 157 communities out of 33,000 communities across America have ''effective competition.'' In fact, in many communities in Hawaii, consumers have no cable service at all.

Northpoint Technology and its Broadwave affiliates want to provide low cost multi-channel video and data services in every television market in the United States. Therefore, it is critical that Congress and the FCC take the actions necessary to resolve sharing and other technical and policy issues quickly with respect to the applications of the Broadwave affiliates. Furthermore, these applications are subject to a Congressional mandate (Section 2002 of S. 1948, the Satellite Home Viewer Improvement Act) that requires the FCC by November 29, 2000 to grant or deny applications such as those of the Broadwave affiliates, that can provide television service in rural areas. The technical sharing analysis required by the ''Launching Our Communities' Access to Local Television Act of 2000'' does not obviate the legislative obligation imposed by S. 1948. Therefore, the FCC should do whatever is necessary to meet its November 29, 2000 obligations.

Mr. KERRY. Mr. President, I am pleased that the controversy surrounding Section 12 of this bill, Section 1012 of Commerce, Justice, State and the Judiciary Appropriations conference report, has been resolved. Although I believe the new provision is unnecessary, I hope that requiring a technical demonstration to resolve harmful interference questions in the 12.2 GHz band will put this issue to rest. However, let me be clear that I support Section 12 with the understanding that it does not supercede or otherwise impact relevant provisions in the Satellite Home Viewers Improvement Act (Public Law 106–113, 113 Stat 1501)) which require the FCC to complete by November 29, 2000, the processing of applications and other authorizations for local facilities that can provide local television and broadband services to rural and underserved areas.

Northpoint Technology and its 69 Broadwave affiliates applied on January 8, 1999, to provide lower cost multichannel video and data services in every television market in the United States. Northpoint's technology is particularly innovative and accomplishes something that is unique in telecommunications history. Using Northpoint's patented system, the Broadwave affiliates will be able to reuse the 12.2–12.7 band without the need to relocate existing users DirecTV and Echostar.

Northpoint Technology through its Broadwave affiliates will offer consumers in Boston and several other markets the benefits of true competition in the marketplace for multichannel video programming and data services. In the Telecommunications Act of 1996, Congress established March 1999 as the sunset on the FCC's authority to regulate the price of basic cable service. Congress took this action with the anticipation that competition would replace regulation in restraining prices and improving quality in the video programming marketplace. The rapid introduction of Broadwave service to communities across America will go a long way toward achieving the goals of the 1996 Act and ensuring that consumers enjoy the fruits of competition including greater choice, lower prices and quality service.

Mr. KOHL. Madam President, I rise today in support of the Hart-Scott-Rodino Act reform included in the Commerce-Justice-State Appropriations Bill. Our provision updates the law, which hadn't been adjusted for inflation since it was enacted in 1976, and makes several improvements to the merger review process undertaken by the Antitrust Division of the Department of Justice and the Federal Trade Commission. It is a bipartisan measure, authored by Senators HATCH, LEAHY, DEWINE and myself and Representatives HYDE and CONYERS, and it deserves our support.

The Hart-Scott-Rodino Act is crucial to the enforcement of competition policy in today's economy—it ensures that the antitrust agencies have sufficient time to review mergers and acquisitions prior to their completion. The statute requires that, prior to consummating a merger or acquisition of a certain minimum size, the companies involved must formally notify the antitrust agencies and must provide certain information regarding the proposed transaction. For those transactions covered by the Act, the parties to a merger or acquisition may not close their transaction until the expiration of a waiting period after making their Hart-Scott-Rodino Act filing. It also authorizes the government to subpoena additional information from merging parties so that the government has sufficient information to complete its merger analysis.

While this statute has a very laudable purpose, especially with the tremendous numbers of mergers and acquisitions taking place in recent years, some of its provisions are in need of revision. Most importantly, while inflation has caused the value of a dollar to drop by more than a half in the past 25 years, the monetary test that subjects a transaction to the provisions of the statute has not been revised since the law's enactment in 1976. As a result, many transactions that are of a relatively small size and pose little antitrust concerns are nevertheless swept into the ambit of the Hart-Scott-Rodino review process. This legislation updates this statute to better fit into today's economy by raising the minimum size of transaction covered by the Hart-Scott-Rodino Act from $15 million to $50 million. This will both lessen the agencies' burden of reviewing small transactions unlikely to seriously affect competition and enable the agencies to allocate their resources to properly focus on those transactions most worthy of scrutiny.

Further, exempting smaller transactions from the Hart-Scott-Rodino process will significantly lessen regulatory burdens and expenses imposed on small businesses. The parties to these smaller transactions will no longer need to pay the $45,000 filing fee—or face the often even more onerous legal fees and other expenses typically incurred in preparing a Hart-Scott-Rodino filing—for mergers and acquisitions that usually don't pose any competitive concerns.

In exempting this class of transactions from Hart-Scott-Rodino review, however, it is important that we not cause the antitrust agencies to lose the funding they need to carry out their increasingly demanding mission of enforcing the nation's antitrust laws. This bill will reduce the number of Hart-Scott-Rodino filings and therefore reduce the revenues generated by these filings if the filing fees were kept at their present level. Of course, in a perfect world, we wouldn't finance the Antitrust Division and the FTC on the backs of these filing fees. But because they are a fact of life, the antitrust agencies should not be penalized by these reforms by suffering such a reduction in revenues. As a result, in order to assure that this reform is revenue neutral, we have worked with the Appropriations Committee to ensure that this bill raises the filing fees for the largest transactions. Consequently, filing fees are to be increased for transactions valued at over $100,000,000, which makes sense because these transactions require more scrutiny.

This legislation makes other changes designed to enhance the efficiency of the pre-merger review process. The waiting period has been extended from twenty to thirty days after the parties' compliance with the government's request for additional information, a more realistic waiting period in this era of increasingly complex mergers generating enormous amounts of relevant information and documents. And, as in the Federal Rules of Civil Procedure, when a deadline for governmental action occurs on a weekend or holiday, the deadline is extended to the next business day. This simple provision will eliminate gamesmanship by parties who currently may time their compliance so that the waiting period ends on a weekend or holiday, effectively shortening the waiting period to the previous business day.

Finally, in recent years many have expressed concerns regarding the difficulties and expense imposed on business in complying with allegedly overly burdensome or duplicative government requests for additional information. So our legislation also contains carefully crafted provisions to ensure that business is not faced with unduly burdensome or overbroad requests for information, while assuring that the antitrust agencies' ability to obtain the information necessary to carry out a merger investigation is not hampered. Specifically, our legislation mandates that the FTC and Antitrust Division designate a senior official who does not have direct authority for the review of any enforcement recommendation to be designated to hear appeals to the appropriateness of the government's information requests the so called ''Second Requests''. The bill also sets forth the specific standards that this senior official is to utilize when considering such an appeal and mandates that these appeals be heard in an expedited manner.

In sum, I believe this legislation to be a reasonable and well balanced reform of our government's vital merger review procedures. It will make long overdue adjustments in the filing thresholds—ensuring review of those mergers in most need of governmental scrutiny while reducing the burden and expense on government and private parties by exempting smaller transactions from often expensive and time consuming pre-merger filings. It will also significantly reform the merger review process to ensure that the government has sufficient time to analyze increasing complex merger transactions, while also adding protections so that private parties do not face unduly burdensome or duplicative information requests. I urge swift passage of this measure.

Mrs. HUTCHISON. Madam President, today we are considering the Conference report for the District of Columbia. This conference report also includes the Commerce, Justice, State appropriations act.

We crafted a good bill in conference.

We have fully funded the D.C. tuition program—which allows D.C. high school students greater educational choices beyond the border of this City.

We have fully funded the new metro station in the New York Avenue corridor, which I know is important to the economic development of the City.

We have $3 million in funding for the Poplar Point environmental clean up.

We have increased funding for the Courts. The salaries of Court employees are 19 percent below the level of federal court employees—thus—it is becoming increasingly difficult to keep a quality workforce.

Our bill also increases the budget for offender services so that we continue the program of drug testing and treatment for offenders who are on probation or awaiting trial.

Much as been said in the past about ''riders'' to the District budget. This year, we have eliminated over 30 of last year's riders.

The bill will authorize the District's planned tobacco securitization program—the proceeds of which will be used to reduce debt or build reserves.

With respect to the District's reserves, we have restructured the reserve funds of the District so they can function more efficiently. This is probably the most important reform in this bill.

The District is supposed to hold a $150 million reserve now—and a budget surplus of 4 percent of revenues.

But we found last year that the District wanted to dip into the emergency reserve funds for things that are considered ordinary expenses. We also found that the reserves were really hollow—entirely dependent on how much cash flow the District had on any given day.

I didn't think this was good enough for this City. The bond markets want and need reassurance that the District's financial turnaround is sound.

We have restructured the District's reserves so that they will have both an emergency reserve and a contingency reserve. This is modeled on the practices of other cities. And, most importantly, when established, these reserves will be in cash and will be held in separate accounts, earning interest.

The contingency reserve, which will be 3 percent of their budget, is for unanticipated expenses, like court orders, new federal mandates or extremely bad weather. It will be more flexible.

The emergency reserve, which will be 4 percent of their budget, is for extraordinary needs, like natural disasters. It will be the backing for the financial soundness we seek.

In consultation with the CFO and the Mayor, we allow the District a seven year glide path to establish these reserves, but both have assured me the tobacco securitization program will be used to fund this emergency requirement now. There could be no better use than this and debt reduction.

The District has had a dramatic financial recovery. I consider this the last leg of the financial plan. This will serve as a true ''rainy day'' fund—one that is ready and able to be tapped in those circumstances.

To conclude, although the President has indicated he has reservations about the CJS bill—he has indicated that the D.C. portion of the conference report is a bill he would sign.

Madam President, let me now turn to the Commerce, Justice, State provisions.

I want to thank the Chairman and the Ranking Member for their work on this bill. They have worked very hard to put more federal resources on our border, though we still have a long way to go.

These are not resources just for Texas. The drugs that come into the United States along the Southwest border will find their way into every city in the United States. The Southwest border is ground zero in the war against drugs.

Making our border more secure—makes every American city more secure from the scourge of drugs.

The Conference report provides for the hiring of over 400 new border agents. I would have preferred a higher number—but the Administration has dragged its feet on higher agents in the past—so we know this is a realistic goal for next year.

It provides $15 million in equipment upgrades for the border patrol.

It provides greater funding for DEA, with emphasis on helping drug threats at the State and local level.

The Conference report also addresses the ''upstream'' effect of more law enforcement on the border.

What has happened is this: as we have increased our law enforcement presence on the border—a strain has been felt on our judiciary system.

This bill provides for 13 new U.S. Attorneys along the Southwest border—where they are desperately needed. The five U.S. courts along the border are the busiest courts in the Nation—handling 26 percent of all the criminal cases in the United States. These new positions are desperately needed.

The bill also provides for two new Federal judges one in the Southern and one in the Western judicial district in Texas. I sponsored the bill to create 13 new judgeships along the border. I would have preferred the full number of judgeships, but I am pleased the Committee has accommodated the need for new judges in my State.

The bill does not provide badly needed salary increases for border patrol agents, which the Senate has passed and fought to produce. I will continue to press to bring our Border Patrol in line with all other border government salary schedules.

It is regrettable that the President has threatened to veto this bill, particularly over the immigration provision. I believe we have struck a balanced approach on this issue in this bill.

President Clinton's plan would grant broad amnesty to immigrants that arrived between 1982 and 1986. Our Border Patrol Officers have said ''a new amnesty would encourage innumerable others to break our laws in the future.'' I couldn't agree more.

Our proposal would provide greater due process to those who believe they were wrongly denied amnesty. We also shorten the waiting period for spouses and children to join their relatives in the United States. These relatives will likely be able to immigrate legally soon, but we allow them to come to the U.S. while their petitions are awaiting action. This is a reasonable proposal the President should accept.

Madam President, I will yield the floor and urge my colleagues to support the bill.

Mrs. HUTCHISON. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the conference report.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Missouri (Mr. ASHCROFT), the Senator from Montana (Mr. BURNS), the Senator from Minnesota (Mr. GRAMS), the Senator from North Carolina (Mr. HELMS), the Senator from Arizona (Mr. MCCAIN), and the Senator from Delaware (Mr. ROTH) are necessarily absent.

I further announce that, if present and voting, the Senator from Montana (Mr. BURNS), and the Senator from North Carolina (Mr. HELMS) would each vote ''yea.''

Mr. REID. I announce that the Senator from Illinois (Mr. DURBIN), the Senator from California (Mrs. FEINSTEIN), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Illinois (Mr. DURBIN) would vote ''no.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 49, nays 42, as follows:

[Rollcall Vote No. 289 Leg.]

YEAS—49

Abraham	Fitzgerald	Miller
Baucus	Frist	Murkowski
Bennett	Gorton	Nickles
Bond	Gramm	Roberts
Breaux	Gregg	Santorum
Brownback	Hagel	Smith (NH)
Bunning	Hatch	Smith (OR)
Byrd	Hutchinson	Snowe
Campbell	Hutchison	Specter
Chafee, L.	Inhofe	Stevens
Cochran	Jeffords	Thomas
Collins	Kyl	Thompson
Craig	Lincoln	Thurmond
Crapo	Lott	Voinovich
DeWine	Lugar	Warner
Domenici	Mack	
Enzi	McConnell	

NAYS—42

Akaka	Graham	Mikulski
Allard	Grassley	Moynihan
Bayh	Harkin	Murray
Biden	Hollings	Reed
Bingaman	Inouye	Reid
Boxer	Johnson	Robb
Bryan	Kennedy	Rockefeller
Cleland	Kerrey	Sarbanes
Conrad	Kerry	Schumer
Daschle	Kohl	Sessions
Dodd	Landrieu	Shelby
Dorgan	Lautenberg	Torricelli
Edwards	Leahy	Wellstone
Feingold	Levin	Wyden

NOT VOTING—9

Ashcroft	Feinstein	Lieberman
Burns	Grams	McCain
Durbin	Helms	Roth

The conference report was agreed to.

Mr. CRAIG. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2001—Continued

The PRESIDING OFFICER. The question is on the third reading of the bill.

The bill (H.J. Res. 117) was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall the joint resolution pass?

Ms. LANDRIEU. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Missouri (Mr. ASHCROFT), the Senator from Montana (Mr. BURNS), the Senator from Minnesota (Mr. GRAMS), the Senator from North Carolina (Mr. HELMS), the Senator from Texas (Mrs. HUTCHISON), the Senator from Arizona (Mr. MCCAIN), the Senator from Delaware (Mr. ROTH), and the Senator from Alabama (Mr. SESSIONS) are necessarily absent.

I further announce that if present and voting, the Senator from North Carolina (Mr. HELMS) would vote ''yea.''

Mr. REID. I announce that the Senator from Illinois (Mr. DURBIN), the Senator from California (Mrs. FEINSTEIN), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that if present and voting, the Senator from Illinois (Mr. DURBIN) would vote ''yea.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 86, nays 3, as follows:

[Rollcall Vote No. 290 Leg.]

YEAS—86

Abraham	Enzi	Mack
Akaka	Feingold	McConnell
Allard	Fitzgerald	Mikulski
Baucus	Frist	Miller
Bayh	Gorton	Moynihan
Bennett	Graham	Murkowski
Biden	Gramm	Murray
Bingaman	Grassley	Reed
Bond	Gregg	Reid
Boxer	Hagel	Robb
Breaux	Harkin	Roberts
Brownback	Hatch	Rockefeller
Bryan	Hollings	Santorum
Bunning	Hutchinson	Sarbanes
Byrd	Inhofe	Schumer
Campbell	Inouye	Shelby
Chafee, L.	Jeffords	Smith (NH)
Cleland	Johnson	Smith (OR)
Cochran	Kennedy	Snowe
Collins	Kerrey	Specter
Conrad	Kerry	Thomas
Craig	Kohl	Thompson
Crapo	Kyl	Thurmond
Daschle	Landrieu	Torricelli
DeWine	Lautenberg	Voinovich
Dodd	Levin	Warner
Domenici	Lincoln	Wellstone
Dorgan	Lott	Wyden
Edwards	Lugar	

NAYS—3

Leahy	Nickles	Stevens

NOT VOTING—11

Ashcroft	Grams	McCain
Burns	Helms	Roth
Durbin	Hutchison	Sessions
Feinstein	Lieberman	

The bill (H.J. Res. 117) was passed.

Mr. LOTT. Madam 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.

ORDERS FOR SATURDAY, OCTOBER 28, AND SUNDAY, OCTOBER 29, 2000

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m. on Saturday, and immediately following the routine convening requests, the Senate proceed to the continuing resolution and a vote occur without any intervening action, motion, or debate on passage of the House joint resolution.

I further ask unanimous consent that when the Senate completes its business on Saturday, it stand in recess until 5 p.m. on Sunday, and immediately following the routine convening requests, the Senate proceed to the House joint resolution regarding continuing of Government funding, and time between then and the vote be equally divided, and following the use of the time, a vote occur, without any intervening action, motion, or debate on passage of the House joint resolution.

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

PROGRAM

Mr. LOTT. Therefore, unless an additional consent can be granted—and I will continue to work on that, along with Senator DASCHLE and Senator REID and others—the next two votes will be at approximately 9:30 a.m. on Saturday and approximately 7 p.m. on Sunday. The reason for those times is we understand now that the House will be voting on those continuing resolutions around 9 o'clock or so on Saturday and around 6 o'clock or so on Sunday.

I still hope that when we vote tomorrow, we could prevail upon those who insist on a vote on Sunday night to consider doing a continuing resolution that would take us over until Monday night for the next continuing resolution.

In the meantime, the members of the Appropriations Committee are going to be meeting further this afternoon on the Labor, HHS, and Education appropriations conference report. I am sure other issues will be discussed and other discussions will occur with regard to the tax bill. Also, the Commerce-State-Justice conference report just passed. It is our intent to take up the Tax Relief Act early next week. We haven't locked in a time yet because there is no necessity for it at this moment. I know as many Senators as possible will want to be here and know when the vote is coming. I presume that would probably be sometime during the day Tuesday—probably late afternoon—but we will talk about that. Members will have as much advance notice on that as possible.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there be a period for morning business, with Members permitted to speak therein for 10 minutes each, with the exception of the Senator from Utah, Mr. HATCH, for up to 30 minutes and Senator KERREY of Nebraska for up to 30 minutes.

Mr. DASCHLE. Reserving the right to object—and I have no intention of objecting—the distinguished deputy Democratic leader noted that he had a number of requests to speak on Sunday. I wonder if the majority leader would mind if we move the time from 5 to 4 to accommodate speakers who wish to come in.

Mr. LOTT. We could perhaps go later Sunday night. I think we can accommodate that. Give me a chance to see if there is any problem because I already told people it is going to be 5. I will get back to the Senator. We will try to accommodate that. I guess some Senators would want to speak late Sunday afternoon. I can't imagine who it would be, but perhaps some would. Give me a few minutes.

Mr. DASCHLE. I have no objection.

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

Mr. LOTT. Mr. President, I modify the earlier request and ask unanimous consent that when the Senate completes its business on Saturday, it stand in recess until 4 p.m. on Sunday, and immediately following the routine convening requests, the Senate proceed to the House joint resolution regarding continuing of Government funding and the time between then and 7 p.m. be equally divided, and following the use of any time, a vote occur, without any intervening action, motion, or debate, on passage of the House joint resolution.

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

TRIBUTE TO SECRETARY OF DEFENSE WILLIAM S. COHEN

Mr. THURMOND. Mr. President, in a few short hours the 106th Congress will be a part of the history of this great Nation. As we resolutely work toward the goal of adjournment, I want to take a few moments to pay tribute to Secretary of Defense William S. Cohen, our former colleague and the nation's 20th Secretary of Defense.

Secretary Cohen, better known as ''Bill'' to all of us, has since January 24, 1997, been at the helm of the Department of Defense and the leader of the

greatest military force in the history of our great Nation. His tenure as Secretary of Defense will be marked by great advances in the quality of life for our military personnel and their families, the refocusing of the Department of Defense to the new threats of weapons of mass destruction and cyber-terrorism, and, more importantly, assuring this Nation's position as the world's only super power.

Bill Cohen is a Renaissance Man of the same mold as the founders of this Nation. A forward thinker who has been an influential voice on defense and security issues since he was first elected to the House of Representatives from Maine's Second Congressional District in 1973. During his eighteen years as a United States Senator representing the State of Maine, Bill Cohen played a leading role in defense matters while a member of the Senate Armed Services Committee. Not only was he a key sponsor of the Goldwater-Nichols Defense Reorganization Act of 1986, but also the GI Bill of 1984, the Intelligence Oversight Reform Act of 1991, the Competition in Contracting Act of 1984 and the Federal Acquisition Reform Act of 1996.

His long and distinguished service to the Nation and the State of Maine, both as a legislator and Secretary of Defense, will serve as a lasting tribute to William S. Cohen. I congratulate him on his long and distinguished career and thank him for the courtesies and friendship he extended to me during his service in the Senate and as Secretary of Defense.

RETIREMENT OF OFFICER OLIVER ''ANDY'' ANDERS FROM THE UNITED STATES CAPITOL POLICE FORCE

Mr. THURMOND. Mr. President, I rise today to pay tribute to a praiseworthy individual who has dedicated his life to serving the people of this Nation as an officer on the United States Capitol Police Force, Officer Oliver ''Andy'' Anders. Andy will be retiring from the Capitol Police on November 3, 2000, after 26 years of faithful service. His presence will be missed throughout the halls of Congress.

Over the last three decades I have had the opportunity to get to know Andy. For many years, he greeted me at the doors of the Senate chamber where he stood sentry. I always appreciated having the opportunity to chat with this friendly native of Greer, South Carolina, and I admired the professionalism he demonstrated throughout his tenure.

Too often we fail to properly thank the courageous men and women who, like Officer Anders, serve on the Capitol Police Force. These fine individuals make countless sacrifices to protect and serve both the daily visitors and the workers at the Capitol. They are on guard 24 hours a day, 7 days a week, 365 days a year, providing a vital service so that we can walk these hollowed halls without fear. These officers have continuously displayed integrity and honor, and I commend them for their dedicated service. We are truly in their debt.

At this time, I ask that my colleagues join me in wishing Officer Anders health, happiness, and success in all of his future endeavors. He has served his Nation well, and we are grateful for his assistance.

VICTIMS OF GUN VIOLENCE

Mr. KENNEDY. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read the names of some of those who have lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

October 27, 1999:

Ioniaferrio Bolton, 26, Dallas, TX;

Donal Bryant, 31, Dallas, TX;

Merritt J. Copenhefer, 41, Madison, WI;

Aurelio Enciso-Murillo, 40, Oakland, CA;

Angel Garcia, 21, Philadelphia, PA;

Anthony McCullough, 25, Philadelphia, PA;

Audley McIntosh, 49, Dallas, TX;

Donald McNeil, 16, Philadelphia, PA;

Jerome Oakley, 18, Baltimore, MD;

Joseph Transon, 19, Baltimore, MD;

Tyree Turner, 19, Philadelphia, PA;

Paul Vo, 30, Houston, TX; and

Unidentified Male, 52, Charlotte, NC.

One of the victims of gun violence I mentioned, 16-year-old Donald McNeil of Philadelphia, was shot and killed one year ago today by another teenager in what police said was an argument over a girl.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

FAREWELL TO RETIRING SENATORS

Mr. HATCH. Mr. President, the Bible says in Ecclesiastes, ''To everything there is a season, a time for every purpose under heaven.'' And, now, as the 106th Congress is coming to a close, the hour has come to pay tribute to five distinguished colleagues—Senators with whom I have had the honor and pleasure of working. These gentlemen of the Senate have decided that it is now time to embark on a new chapter in their lives.

Each in his own way has left behind a part of their vision for America and has influenced the course of our country.

The Senate Finance Committee is seeing a great exodus as four of the five Senators retiring served this Committee. I will certainly miss their participation on this committee and the leadership on key issues.

DANIEL PATRICK MOYNIHAN and I were elected to the Senate from our respective states in the same year—1976. So we two freshman learned the ways of this august body at the same time. And, I have to say to my colleagues who have more recently been elected to this body, that was no minor education. We began our Senate service with giants like James O. Eastland, Barry Goldwater, Hubert Humphrey, and Howard Baker.

The difference was that PAT MOYNIHAN had already had a distinguished career in public service having served as urban affairs advisor to President Nixon and as Ambassador to India and the United Nations. I have always had great admiration for his strong character, great intellect and exceptional diplomacy—particularly on those occasions when it was between warring political parties, not countries.

Senator MOYNIHAN is famous for spotting emerging issues long before anyone else. He has been warning for years that Social Security needs reform. He has urged reform of the alternative minimum tax, and worked tirelessly in the effort to reform a broken welfare system.

On the candor scale, Senator ROBERT KERREY would rank near the top. That is a commodity sadly lacking in many circles—and not just in government, but in business and academia as well. BOB KERREY has been as courageous about sharing his opinions as he was when serving in the Vietnam war, during which he was awarded a Purple Heart, Bronze Star, and our nation's highest honor, the Congressional of Medal of Honor.

He left the governorship of Nebraska with a 70 percent approval rating, which tells us something about his record of employing common sense and exercising integrity in governance. Nebraskans are no nonsense, hard-working people. They would not have tolerated any less.

BOB KERREY has put those same virtues to work in the Senate, particularly in our bipartisan efforts to reform Social Security and Medicare as well as the IRS.

I am going to miss my colleague from the West, Senator RICHARD BRYAN. Though we have not agreed on every issue—who does?—we have a common appreciation for the impact of federal policy on the western states.

I was also most appreciative and grateful for his honest, straightforward, and thorough leadership of the Senate Ethics Committee—no doubt one of the more thankless jobs in the Senate. But, every senator, regardless of political party, could be assured that, if wrongs had been committed,

they would certainly be found out. If allegations were false, the verdict would be made clear to all.

Senator FRANK LAUTENBERG, like me, is living proof that the American dream can come true. His hard work, determination, and ingenuity brought him from humble beginnings to build with two partners the Automatic Data Processing (ADP) Company, which became the world's largest computing services company.

I was pleased to work with Senator LAUTENBERG on legislation to prohibit smoking on public transportation. He has been a tireless worker in the war to prevent teenage smoking.

To my Democratic colleagues, Senators LAUTENBERG, MOYNIHAN, BRYAN and KERREY: We have battled through many issues, each of us committed to doing what we believed was best for America and for our respective states. There has never been a dull moment. It has been a privilege to work with you.

Last but not least, I have to bid farewell to my fellow Republican and Finance Committee member, Senator CONNIE MACK. His friendship, leadership, and dedication to furthering the causes of fiscal responsibility, governmental accountability, and medical research will be greatly missed.

Senator MACK has successfully fought for Florida's concerns and kept his campaign promise of ''less taxing, less spending, less government and more freedom,'' which resulted in 70 percent of the vote in 1994, more than any other Republican Senatorial candidate in the Nation.

The Roman politician Cicero states, ''It is the character of a brave and resolute man not to be ruffled by adversity and not to desert his post.''

I believe Senator MACK has been this exemplary leader; and, instead of faltering like most men, Senator MACK had the ability to rise above not one, but three, personal battles with cancer—his wife's, his daughter's and his own. Senator MACK lost his mother, father and younger brother to cancer. This history makes the Mack's the poster family for early detection, a role they have indefatigably played.

Drawing from this experience, Senator MACK has fought to double the funding for National Institute of Health (NIH) in order to step up the search for a cure for cancer as well as other diseases that plague our families and society today. This is a goal I will continue to support not as a legacy for CONNIE MACK, but inspired by him and his family.

It has been a pleasure and an honor to serve with these men, and I want to take this opportunity to bid farewell and best wishes to our colleagues as they begin what I hope will be a very rewarding retirement.

INFORMATION SYSTEMS SECURITY

Mr. HOLLINGS. Mr. President, the General Accounting Office recently concluded that formal software management policies at eight of the sixteen U.S. Federal agencies they investigated were found to be inadequate and that controls over access to software codes were weak. I am convinced that the information systems used by the Department of Defense are critical components of the warfighting capability of the United States. Off-the-shelf and customized software is critical to the functioning of these systems. I rise today to express my concern that the security and integrity of critical government systems could be at great risk if their operational software has been procured or developed outside the United States or without proper oversight and control. I have read, with growing concern, a number of news articles that suggest that foreign software acquisitions can have potentially catastrophic consequences on both classified and unclassified national information management systems used by Federal agencies for sensitive applications.

I would like to cite just few examples to illustrate my point. An article in the February 16, 2000, Washington Post discussed the State Department's purchase of an unclassified, but sensitive, business operations system with software code developed by former citizens of the Soviet Union. According to the article, State withdrew the system from their embassies worldwide because they were concerned that hidden code might have been added during development and fielding. The final paragraph of the article states: ''The lesson of State's fiasco is simple—but so important it should be hard-wired: As people and organizations grow more dependent on computers, they become more vulnerable. It's easy to forget that every line of code can be a potential spy or saboteur.''

On March 2, 2000, the New York Times reported that Japanese software suppliers associated with the terrorist sect responsible for the Tokyo subway nerve gas attack had sold software programs to several Japanese government agencies, to include their Defense Ministry. According to the article, the agencies and companies that ordered the software were unaware that the sect was involved because the principal suppliers had sub-contracted the work to others. As recently as June 19, 2000, the Defense News reported that two German defense industry employees were convicted of selling missile secrets to Russia. A software provider could have easily employed these ''spies.'' Unfortunately, this is not a new phenomenon. On October 24, 1999, as we prepared for the Y2K transition, the Los Angeles Times ran an article citing concerns by security experts that the use of foreign contractors for Y2K solutions could have placed critical systems at risk. The article reports that, in the words of one government security expert, ''The use of untested foreign sources for Y2K remediation has created a unique opportunity for foreign countries or companies to access and disrupt sensitive national security and proprietary information systems.'' The GAO further maintained that background screening policies for personnel involved in Y2K remediation were lacking or inadequate despite at least 85 Federal contracts being completed using foreign nationals.

The Department of Defense routinely purchases software developed by foreign companies. The Department is often unaware of that fact. For many of its unclassified, but critically important, business operating systems, government agencies contract with a systems integrator. The integrator then selects the software system to be installed as part of the operating system. The Agencies are often not aware that the software was developed in a foreign country, by foreign developers, and perhaps, even in a foreign language. I believe that, at a minimum, the provision of software produced by a U.S. company (or at least software controlled by a U.S. company) should be a consideration in the acquisition process. Encouraging the Defense Department (and other Government agencies) to at least consider the origin and ownership of source codes will not eliminate vulnerability, but it is a step in the right direction. Additionally, it reinforces software development as a key component of our defense industrial base. For that reason, I urge the Administration to put in place protocols in the selection process that consider the origin of all source codes used in the development of information systems acquired or developed. This should include those acquisitions arranged via sub-contracts by prime contractors or system integrators.

SUPPORT FOR CHINA COMMISSION INCREASED FUNDING

Mr. BAUCUS. Mr. President, I rise today to speak to the Commerce, State and Justice Appropriations Conference report's recommendation which provides $500,000 for the congressional-executive commission on China. This noteworthy commission was established in Title III of the China/PNTR bill, which the Senate passed with a strong majority and the President signed into law just two weeks ago.

It is my understanding that the Commission would normally require a funding level of at least $1.3 million. However, this year the conferees allocated a lesser amount based on the fact that the Commission will operate for less than a full year in FY2001.

Without a doubt, we should fully support the Commission at its requested level of $1.3 million in FY2002 and subsequent years once members have been appointed, staff hired and the operation is fully functional for an entire fiscal year. While the initial request of $500,000 is sufficient for the start-up operation of the Commission, it falls far short of the amount required by its enabling legislation and our congressional intent.

Passage of PNTR for China is one of the most significant pieces of legislation this Congress has passed in this decade. The Commission will play an essential role in the oversight of its implementation and China's adherence to its international obligations.

Again, Mr. President, I support funding accorded by the CJS Appropriations bill for FY2001 and will further support increased funding of at least $1.3 million in the next and following fiscal years.

SENATOR DANIEL PATRICK MOYNIHAN

Mrs. BOXER. Mr. President, the Senate will soon bid a fond farewell to one of its most distinguished members, the senior Senator from New York. I rise today to bid him adieu.

As we all know, DANIEL PATRICK MOYNIHAN is the Senate's Renaissance Man, a man of dazzling intelligence and accomplishments in many arenas of public life. A scholar, an author, a teacher, a statesman, a Senator: he is—to paraphrase President Kennedy's comment on Thomas Jefferson—perhaps the most extraordinary collection of talent, of human knowledge, that has ever graced the United States Senate. This body and every one of its members have been touched by his grace, and we shall all be ever the richer for the days he spent with us.

I have enjoyed the additional pleasure of serving with Senator MOYNIHAN on the Environment and Public Works Committee. In past years, as Chairman of the Committee, he raised public awareness on the issue of acid rain. In doing so, he broadened our horizons by greatly expanding our understanding of the far-reaching effects that human actions can have on the environment and the effects that environmental degradation can have on human beings.

Mr. President, I know that Senator MOYNIHAN has much more to offer his country, and I hope that he will long continue to give the Senate the benefit of his peerless intellect, insight, and experience.

SENATOR RICHARD H. BRYAN

Mrs. BOXER. Mr. President, I rise today to pay tribute to my good friend, California's good neighbor, and our distinguished colleague, Senator RICHARD H. BRYAN of Nevada.

With his impending retirement from the Senate, Senator BRYAN will culminate 36 years of public service at the local, state, and national levels. He has served the people of Nevada as a district attorney, public defender, state legislator, state attorney general, governor, and United States Senator. Throughout his career, he has been known for his intelligence, integrity, and good sense.

During his two terms in the Senate, DICK BRYAN has addressed a variety of national issues without forgetting the people of his state. He has been a leading champion of American consumers, fashioning laws to require air bags in automobiles, protect Internet privacy, reduce telemarketing fraud, and reduce errors in personal credit reports. He has fought for American taxpayers by working to reduce wasteful spending, eliminate special-interest subsidies, and balance the Federal budget.

Senator BRYAN has been a vigilant and tireless protector of Nevada's environment, working to save Lake Tahoe and prevent the construction of a nuclear waste storage facility at the Nevada Test Site. Earlier this month, he won another victory for his home State's environment with the passage of the Black Rock Desert—High Rock Canyon Emigrant Trails National Conservation Area Act, which will provide added protection to nearly 800,000 acres of federal land in northwestern Nevada.

Senator BRYAN is a gentleman, a man known for his ability to work with people of all parties and persuasions. In bidding him farewell, I hope that the Senate will carry on his spirit of comity, courtesy, and bipartisanship.

SENATOR FRANK LAUTENBERG

Mrs. BOXER. Mr. President, I rise today to bid farewell to the senior Senator from New Jersey: my dear friend and distinguished colleague, Senator FRANK LAUTENBERG.

This is a bittersweet occasion for me—sad because FRANK will be leaving us soon, but sweet because he leaves us with so many fond memories and such a great example of what it means to serve the American people through this great institution.

FRANK LAUTENBERG has been one of my closest friends in the Senate. He has also been my colleague, confidante, mentor, and role model. Intensely patriotic and ethical, he takes his role as legislator very seriously without taking himself too seriously. A man of deep and wide-ranging intellect, he is quick to grasp the essentials of any issue before the Senate yet slow to criticize others, even those with whom he disagrees. A tolerant and benevolent man, he is ever ready to compromise in the name of harmony yet firm in his core beliefs and steadfast in acting on them.

FRANK LAUTENBERG is a living embodiment of the American Dream. The son of poor immigrants, he served in World War II, graduated from Columbia University on the G.I. Bill, went into business with friends and developed one of the world's leading computer services companies. He chose public service not as a career move but as a way of giving something back to the people of his state and nation.

During his three terms in the Senate, FRANK LAUTENBERG has worked to defend and improve the health, safety, and security of every American family. He wrote the laws to raise the national drinking age, ban smoking on airplanes, toughen the standards on drunk driving, and prevent anyone convicted of domestic violence from owning a gun. He helped write the Superfund, Clean Air, and Safe Drinking Water Acts. And he co-authored the Balanced Budget Agreement of 1997, which put America on the path to sustaining Social Security and Medicare.

FRANK LAUTENBERG served the public good before he came to the Senate, and he will do so long after he leaves us. He founded the Lautenberg Center for General and Tumor Immunology three decades ago, and he continues to support its work as one of the world's leading cancer research institutions. A noted philanthropist, he continues to support charitable work in education, the environment, the arts, and the Jewish community.

Mr. President, FRANK LAUTENBERG is someone I could point out to my grandson and say, ''There is a man.'' He is a great human being, a great American, and a great Senator. His departure will be a great loss to the Senate, but his presence has been a great gift to us all. I thank him for all that he has done for me, for this body, and for the people of the United States.

SENATOR ROBERT KERREY

Mrs. BOXER. Mr. President, I rise today to bid farewell to Senator ROBERT KERREY, a distinguished friend and colleague who will be leaving the Senate at the close of this Congress.

BOB KERREY is a true American hero, a man of great physical and political courage. We all know about his heroism on the battlefield, though he rarely mentions it and does nothing to solicit the admiration showered upon him. A man of peace and goodwill, he speaks with unparalleled authority on the need to maintain a strong national defense while working for reconciliation with America's former adversaries.

BOB KERREY's political courage is evidenced by his independence, candor, and willingness to tackle the toughest issues. He took on entitlement reform when few others dared look it in the face. He took the first brave steps toward a bipartisan reform of Medicare in order to guarantee the program's long-term stability. And he has continued to press for universal health care coverage for all Americans.

In an era when even the finest legislators hesitate to speak before consulting the polls, BOB KERREY says what he means and means what he says. He never hesitates to follow his personal moral compass, even when this means working with the other political party or criticizing his own.

Mr. President, as Senator KERREY leaves the halls of Congress for the groves of academe, I know that he will bring the same courage and rigor to his new career that he has displayed here in the Senate. I join my colleagues from both sides of the aisle in sending him off with our best wishes and profound gratitude.

OBJECTION TO PROCEEDING TO CERTAIN BILLS

Mr. WYDEN. Mr. President, I rise today to state my objection to any unanimous consent request for the Senate to proceed to or adopt H.R. 4345 and S. 1508, Alaska Native Claims Technical Amendments of 2000, H.R. 4721, acquisition of certain property in Washington County, Utah, S. 2749, to establish the California Trail Interpretive Center in Elko, Nevada, and H.R. 2932, Golden Spike/Crossroads of the West, Utah, unless or until S. 2691 (to provide further protections for the watershed of the Little Sandy River as part of the Bull Run Watershed Management Unit, Oregon) is discharged, unamended, from the House of Representatives Resources Committee and passed, unamended, by the House of Representatives. I do so consistent with the commitment I have made to explain publicly any so-called ''holds'' that I may place on legislation.

S. 2691 is a bi-partisan bill, authored by myself and Senator SMITH of Oregon, and supported by all the members of Oregon's Congressional delegation. It passed the Senate Energy and Natural Resources Committee, as well as the entire Senate, unanimously. This legislation protects the current and future drinking water source for the City of Portland, home to one in four Oregonians.

Despite its broad support, and my personal appeal to the Resources Committee, that Committee has failed to act on it. Oregonians expect their elected representatives will act responsibly to protect Portland's drinking water source. As a result, I cannot agree to H.R. 4345 and S. 1508, H.R. 4721, S. 2749 and H.R. 2932 until S. 2691 clears the House of Representatives unamended.

ADDITIONAL STATEMENTS

TRIBUTE TO ANN TRUEBLOOD KRIESEL

● Mr. LEAHY. Mr. President, recently the Burlington Free Press had an article about Ann Kriesel of Burlington, VT and praised her as the volunteer of the week.

The Leahy family has known Ann Trueblood Kriesel almost from the time she came to Burlington. She is an extraordinary person, loved and respected by all who know her. She and her husband, Peter, are dear friends of Marcelle's and mine, and she has made her mark on our community in a way that would bring great pride and credit to anyone.

As an exemplary teacher, as a mother and grandmother, her intelligence, quiet wit and grace has helped Vermonters of all ages.

It is with pride that I ask the article about her be included in the CONGRESSIONAL RECORD, so that all Senators might know this exemplary woman and how much she and Peter mean to all of us.

The article follows:

[From the Burlington Free Press, Oct. 18, 2000]

FORMER TEACHER ENJOYS NEW ROLE AS A VOLUNTEER

(By Beth Gillespie)

Anne Kriesel is one of those special people who go out of their way to enrich other people's lives.

The volunteer at The Converse Home in Burlington browses through local libraries for short stories, essays and articles that the home's residents would enjoy and reads the selections once a week. She also calls out for bingo games and facilitates group crossword puzzles.

A hostess during their social hours, Kriesel visits with people and serves refreshments, and during outings she helps those who use walkers get on and off the bus, carries articles for them and keeps track of everyone.

Kriesel introduces herself to new residents and helps them feel comfortable. She worked one-on-one with one woman until her death, visiting with her and playing canasta, Kings in the Corner, rummy and other games.

''Anne is generous, genuine and dependable,'' says Patti Meyer, activity/volunteer director for Converse. ''Her bright personality and positive 'can-do' attitude are priceless—she enthusiastically embraces her responsibilities and gladly does whatever she can to help out. Anne has become part of our family as she helps to make Converse a true home. The time she shares with us is very precious and we thank her from the bottom of our hearts.''

Kriesel also substitutes for Meals on Wheels and is involved with the Joint Urban Ministries Program through her church, College Street Congressional. She greets clients who come to the Urban Ministries Program for counseling, helps them fill out forms and visits with them until they can see a counselor.

A retired teacher, Kriesel spent 22 of her 27 years in education at Colchester Middle School, and now works part-time for the University of Vermont Department of Education as a supervisor of student teachers. She lives in Burlington with her husband, Peter, and the couple has two adult sons and one granddaughter. She enjoys walking, gardening, cooking, reading and writing.

''I loved my 27 years of full-time public school teaching,'' Kriesel says. ''It's fun for me now to branch out, try some new things and work with people at the opposite end of the age spectrum. I find that they have such rich lives and wonderful stories to tell.''●

TRIBUTE TO THE HONORABLE JOHN EDWARD PORTER

● Mr. SPECTER. Mr. President, I want to take this opportunity to pay tribute to Congressman JOHN EDWARD PORTER who, after two decades of service in the House of Representatives, will retire at the end of this session.

Since 1994, when JOHN PORTER became Chairman of the House Appropriations Subcommittee on Labor, Health and Human Services and Education, and I took over as Chairman of the Senate Labor, HHS and Education Subcommittee, we have spent untold hours working together on what is arguably one of the most important pieces of legislation to be voted on by Congress each year.

During his tenure, JOHN PORTER has earned a reputation as a champion of education, family planning, and disease prevention and control programs. But he is perhaps most recognized as a passionate and tireless advocate for the National Institutes of Health. Anyone who has spent time with him undoubtedly knows that he considers medical research to be one of our Nation's highest priorities. He makes no secret of his commitment, calling medical research ''our greatest hope for effectively treating, curing and eventually preventing disease and thereby saving our country billions of dollars in annual health care costs.''

I share JOHN's passion for the NIH. I have said many times that it is the crown jewel of the Federal government. Over the past six years, he and I, working alongside my distinguished colleague TOM HARKIN, have increased funding for biomedical research by $9.4 billion. In 1998, we made a commitment to double federal funding for the NIH over five years. And with this year's increase of $2.7 billion, we are on track to reach that goal by 2003. Even though JOHN will no longer be in the Congress, I know that he will continue to help us fulfill that promise.

JOHN's commitment to medical research has earned him high praise from numerous scientific, medical and research organizations. Among the many honors bestowed on him, the American Medical Association recently honored him with the Nathan Davis Award as ''Outstanding U.S. Representative.'' The American Federation of Clinical Research honored him with its ''Distinguished Friend of Medical Research,'' Public Service Award.

JOHN's interests reach beyond medical research. He is the co-founder of the Congressional Coalition on Population and Development, an organization that advocates and defends international and domestic voluntary family planning programs. He is also a dedicated supporter of the arts and humanities, and since 1999 has served on the Board of Directors of the Kennedy Center for the Performing Arts.

JOHN has an impressive education background: He attended the Massachusetts Institute of Technology and received his undergraduate degree from Northwestern University. Following service in the U.S. Army, he received his law degree from the University of Michigan. He served three terms in the Illinois House of Representatives before being elected to the U.S. House of Representatives. In addition to his public service, JOHN was an attorney private practice in Evanston, Illinois.

Today, I want to pay a special tribute to JOHN by recommending that the neuroscience building on the campus of the National Institutes of Health be named the JOHN Edward Porter National Neuroscience Center. This building will be a fitting tribute to a man who has devoted so much towards finding ways to prevent disease and improve the quality of life of all Americans.

To JOHN PORTER, I say, you have carried out your responsibilities with skill

born of rich experience and insight born of deep compassion. I want to offer to you my gratitude for the character, courage and dedication with which you have served the people of the tenth district of Illinois and the country. I wish you the best as you begin the next chapter of your life.●

JUBILEE RED MASS HOMILY OF THE MOST REVEREND PAUL S. LOVERDE

● Mr. MOYNIHAN. Mr. President, on Sunday, October 1st, the Most Reverend Paul S. Loverde, Bishop of Arlington, delivered the Red Mass Homily at the Cathedral of St. Matthew here in Washington. It was the 48th annual Red Mass at St. Matthew's, all of which have been sponsored by the John Carroll Society.

The Red Mass—a Solemn Mass of the Holy Spirt—originated hundreds of years ago to mark the beginning of judicial year of the Sacred Roman Rota, which is the supreme ecclesiastical and secular court of the Holy See. The name of the Mass is drawn from the red vestments traditionally worn by the celebrants, and also by the scarlet robes of the royal judges who attended. The color red represents tongues of fire, symbolizing the presence of the Holy Spirit.

The tradition of the Red Mass spread from Rome to Paris—where it is now the only Mass held at La Sainte Chapelle, London—celebrated annually at Westminster Cathedral since the Middle Ages, and beyond. The tradition was inaugurated in the United States in 1928 at Old Saint Andrew's Church in New York City. Here in Washington, the Red Mass is held on the Sunday before the first Monday in October to coincide with the new term of the United States Supreme Court. Justices of the Court, other judges, law professors, lawyers, diplomats, government officials, and people of all faith attend the Mass to invoke God's blessing and guidance in the administration of justice.

As Bishop Loverde pointed out in his homily, this year's Mass is special since it occurs in a Jubilee Year and at the dawn of the third Christian Millennium.

The Jubilee tradition stems from the Book of Leviticus, in which God instructs Moses to ''hallow the fiftieth year, and proclaim liberty throughout all the land unto all the inhabitants thereof: it shall be a jubilee unto you; and ye shall return every man unto his possession, and ye shall return every man unto his family.'' (25:10) God further admonishes Moses, ''Ye shall not therefore oppress one another; but thou shalt fear thy God: for I am the Lord your God.'' (25:17)

Fifty years ago, we were engaged in a twilight struggle with Communist totalitarianism. Today, the Soviet Union exists no longer, and we are at peace and prosperous—due in large part, no doubt, because we are a nation of laws. We think of our nation as young, but we are old: there are two nations on earth, the United States and Great Britain, that both existed in 1800 and have not had their form of government changed by forces since then. There are eight—I repeat, eight—nations which both existed in 1914 and have not had their form of government changed by violence since then. Do we recognize how extraordinarily blessed we re? We abide by the rule of law, and so persist and prosper.

Bishop Loverde lovingly reminds us that in this ''Year of Favor,'' the work of justice is peace—*opus iustitiae pax*. He quotes from Joseph Allegretti, who wrote, ''those who enter law with the intent to bring justice to a broken world, to vindicate the rights of the weak and vulnerable, to heal broken relationships, to ensure equality to all persons . . . these persons have responded to a true calling.'' Allegretti remarked that law ''is a vehicle of service to God and to neighbor, not simply a gateway to financial and social success.'' I might add that law is not only ''a vehicle of service to God.'' It is a gift from God which we must cherish.

It is fitting that the John Carroll Society sponsors the Red Mass each year. John Carroll helped the colonies win their independence. After the Revolution, he was appointed superior of all U.S. Catholics. In 1789, he founded Georgetown University. he and his brother, Daniel, who was a member of the Constitutional Convention, insisted that the new Constitution prohibit any religious test for public office, and were influential forces for the freedom of religion clause contained in the First Amendment. In 1790, Carroll was consecrated the first Catholic bishop in the United States, and served from his cathedral in Baltimore. Ten years later, four additional dioceses were created and Carroll became Archibishop. He established St. Mary's College and Seminary, and he encouraged Elizabeth Ann Seton to found the order of The Sisters of Charity.

Mr. President, it is customary each year to have the Red Mass Homily placed in the CONGRESSIONAL RECORD. I commend Bishop Loverde's homily and his moving call to all who are servants of justice and peace to be advocates for a ''new humanism'' that affirms the fundamental dignity, worth, and inalienable rights of each of us. I feel privileged to ask that the Bishop's homily for this year's Red Mass be printed in the RECORD.

The material follows:

JUBILEE RED MASS HOMILY

THE MOST REVEREND PAUL S. LOVERDE—BISHOP OF ARLINGTON, VIRGINIA, CATHEDRAL OF ST. MATTHEW, WASHINGTON, DC.

Your Eminence, Distinguished Guests, Sisters and Brothers all in the Lord:

This 48th annual celebration of the Red Mass here at St. Matthews Cathedral is truly unique this year. It is the Jubilee Red Mass celebrated at the dawn of the Third Christian Millennium. This Jubilee tradition began in the Old Testament and continues in the history of the Church. Every Jubilee year is understood to be a Year of the Lord's favor to His people.

The words of today's first reading from the Book of the Prophet Isaiah powerfully proclaim the core meaning of the Jubilee Year and the responsibility entrusted to each of us every day, but with greater emphasis now during this special Year. ''The Spirit of the Lord is upon me, because the Lord has anointed me; He has sent me to bring glad tidings to the lowly, to heal the brokenhearted, to proclaim liberty to the captives and release to prisoners, to announce a year of favor from the Lord and a day of vindication by our God . . .'' (Is. 61:1–2). These words of Isaiah remind us, in this ''Year of Favor,'' of the spirit of humanism that must guide our every action.

Moreover, this is a year of ''increased sensitivity to all that the Spirit is saying to the Church and to the Churches, as well as to individuals through the charisms meant to serve the whole community'' (Tertio Millenio Adveniente, 23). Are we not gathered in prayer during this Votive Mass of the Holy Spirit to give tangible expression to our desire to be more sensitive to what the Holy Spirit is saying? Is not our participation in this Red Mass a concrete expression of our desire to be docile and open to the action of the Holy Spirit in our minds and hearts this year in a renewed way? Are we not seeking in prayer—a prayer that is sincere and humble and hope-filled—to hear ''what the Spirit is suggesting to the different communities, from the smallest ones, such as the family, to the largest ones, such as nations and international organizations, taking into account cultures, societies, and sound traditions'' (Tertio Millennio Adveniente, No. 23)?

Addressing the Italian National Association of Magistrates this past March, Pope John Paul II pointed out that the Jubilee challenges the people of our time to fulfill responsibly the tasks entrusted to them. His words also speak eloquently to you: ''By your freely accepted vocation, you have put yourselves at the service of justice and so also at the service of peace. The ancient Romans liked to say: 'opus iustitiae pax' (The work of justice is peace). There can be no peace among human beings without justice. This opus iustitiae, on which peace is based, is carried out within a precise ethical-juridical) framework and is an ongoing worksite. Indeed, wherever fundamental human rights, the inalienable rights that no legislation can violate, are codified in laws, it is always possible to give them a more complete juridical formulation and, above all, a more effective application in the concrete context social life'' (Pope John Paul II, Address to the National Association of Magistrates, 3/31/00). This does not happen easily. To this end, the Pope states further: ''A legal culture, a State governed by law, a democracy worthy of the name, are therefore characterized not only by the effective structuring of their legal systems, but especially by their relationship to the demands of the common good and of the universal moral principles inscribed by God in the human heart'' (Pope John Paul II, Address to the National Association of Magistrates, 3/31/00).

What then is the Spirit of truth saying to us specifically at this Jubilee Red Mass? What is the Spirit of truth saying to those of you who serve the cause of justice and peace as judges, lawyers, members of the Legislative and Executive branches of government, diplomats, professors and students of the law? The Jubilee Year challenges you to give fundamental rights, ''a more complete juridical formulation and above all, a more effective application in the concrete context of social life'' (Pope John Paul II, Address to

the National Association of Magistrates, 3/31/00). This takes on many forms, many formulations, but all are directed to the same end—the protection of the human person and society. Moreover, I speak of the perennial challenge in our day to work for a ''new humanism.'' This ''new humanism'' finds its basis in the dignity of the human person and his/her inalienable rights. ''The dignity of the person is the most precious possession of an individual. As a result, the value of one person transcends all the material world . . . The dignity of the person constitutes the foundation of the equality of all people among themselves . . . The dignity of the person is the indestructible property of every human being. The force of this affirmation is based on the uniqueness and irrepeatability of every person'' (cf Cristifideles Laici, no. 37). You and I are repeatedly called to be advocates for this ''new humanism.''

From the Christian viewpoint, the challenge is to rediscover the central reality of Christ who ''fully reveals man to himself and brings to light his most high calling'' (Gaudium et Spes, 22). Quite specifically, ''Christian humanism implies first of all an openness to the Transcendent. It is here that we find the truth and the grandeur of the human person, the only creature in the visible world capable of self-awareness and recognizing that he is surrounded by that supreme Mystery which both reason and faith call God'' (Pope John Paul II, Address to University Professors, no. 4, 9/9/00). Pope John Paul II applies this insight further saying: ''The humanism which we desire advocates a vision of society centered on the human person and his inalienable rights, on the values of justice and peace, on a correct relationship between individuals, society and the State, on the logic of solidarity and subsidiarity. It is a humanism capable of giving a soul to economic progress itself, so that it may be directed to 'the promotion of each individual and of the whole person''' (Pope John Paul II, Address to University Professors, no. 6, 9/9/00).

In being advocates for this ''new humanism'' within the complexity of our culture and society, a powerful Advocate is being sent to stand by you. That Advocate is the Holy Spirit. It is the particular role of God the Holy Spirit to reveal God's Word and Will, and to help us in understanding and responding to His divine plan for us. Indeed, Jesus makes this very promise in today's gospel. ''If you love me and obey the commands I give you, I will ask the Father and He will give you another Advocate—to be with you always; the Spirit of truth . . . You can recognize Him because he remains with you and will be within you'' (Jn. 14:15–17).

Catholic theology, reflecting on scripture, enumerates seven particular gifts of the Holy Spirit: Knowledge, Counsel, Understanding, Wisdom, Piety, Fortitude, and Fear of the Lord. These gifts of the Spirit are permanent dispositions which make us docile and open to the promptings of the Holy Spirit. These are gifts for which we pray in a special way during this Mass of the Holy Spirit, this Jubilee Red Mass.

Knowledge is the gift which helps us to know God and what He expects of us through His self revelation in creation and in the person of Jesus Christ.

Counsel is the gift from the Holy Spirit in which one receives the very counsel of God—divine advice. It is insight from the Holy Spirit which leads to a correct assimilation of the knowledge we have discovered.

Understanding assists us in perceiving the hidden meanings of reality. As St. Thomas Aquinas observes: ''There are many kinds of things that are hidden within, which human knowledge has to penetrate, so to speak. Under the appearances of a thing lies hidden its essence, under words lies hidden their meaning, and under effects lie hidden their causes—and vice versa.'' (cf. Summa Theologica II/II, Q.8, art. 1).

Wisdom enables one to know the purposes and plan of God. It gives us the ability to see life and its meaning, as well as persons, events and things, from the divine point of view, and to recognize the inner value of persons, events and things.

Piety leads one to a devotion to God. ''As a gift of the Holy Spirit, piety moves us to worship God Who is the Father of all, and also to do good to others out of reverence for God'' (Our Sunday Visitor Catholic Encyclopedia, p. 784).

Fortitude provides the internal strength and courage to be firm in difficulty and constant in doing good.

Lastly, there is the gift of the Fear of the Lord. This is not a servile fear, but a filial fear, the desire not to offend because of love, not fear. This gift ensures our awe and reverence before God and helps us to acknowledge our radical dependence upon Him.

As we advocate the ''new humanism,'' which centers on the human person and protects and ensures his or her inalienable rights within the context of justice and peace, these seven inter-connected gifts provide much encouragement, insight and support. They are given to help you, to help you in your essential and truly important work for our world, this country and our city. They are gifts of God to each of us, gifts for which we constantly pray.

A renewed understanding of your vocation as advocates for justice emerges and is reflected so simply, yet so powerfully, in the words of one distinguished professor: ''Those who enter law with the intent to bring justice to a broken world, to vindicate the rights of the weak and vulnerable, to heal broken relationships, to ensure equality to all persons * * * these persons have responded to a true calling. Law for them is a vehicle of service to God and to neighbor, not simply a gateway to financial and social success'' (Joseph Allegretti: The Lawyer's Calling: Christian Faith and Legal Practice, p. 31).

I applaud those among you who share your legal talents with those in need, especially those who participate in the Archdiocesan Pro Bono Legal Network. For you, the practice of law truly becomes ''a service to God and to your neighbor.'' Yet the need for pro bono assistance keeps increasing and demands an even greater and more generous response in our day.

Those among us involved with the forging ahead of a ''new humanism'' must respond genuinely and faithfully. Ours is a Nation founded upon the ideal of the ''inalienable rights of every person.'' Our Nation leads the world in technological advancement, economic growth and military strength. Yet, there still exists a sad inequality among us in our society. I mention the following three examples in response to the challenge of the ''new humanism.'' First, 40 million Americans live without health care benefits, of whom 10 million are American children (U.S. News, Matthew Miller 8/18/97). Secondly, a large number of senior citizens find it difficult to afford much needed prescription drugs. Thirdly, the choice for quality education is not always available for many in our Nation. Each cries out for our collective response.

In addition, we live in a culture where distrust and lying are only too evident. We must learn to speak the truth in love, to proclaim the sanctity of all human life, both of the innocent and of the guilty, from conception through every stage until natural death. the splendor of the truth must shine through the ''new humanism'' you advocate.

So much of your time is spent with timesheets, agenda books, email, faxes and meetings. Your inner spirits surely thirst for something more; indeed, for time to be with the Transcendent One—the Holy One—the source of these seven gifts, especially wisdom and fortitude. In those treasured moments, your minds will be enlightened and your inner spirits renewed, so that your advocacy for justice and peace will be all the more authentic and real.

Yes, the Jubilee challenges you who are servants of justice and peace to be advocates for a ''new humanism,'' which will permeate your legal decisions, your legislative processes and your diplomatic service. May the Holy Spirit—the Advocate—be at your side, as together we move forward in joy and in hope! Amen.●

IN RECOGNITION OF MS. YALILE RAMIREZ

● Mr. ABRAHAM. Mr. President, at the Hispanic College Funds Annual Scholarship Awards Banquet earlier this month, Ms. Yalile Ramirez, recipient of the Hispanic College Fund Award for 2000–2001, gave a speech regarding the upliftment of the Hispanic-American community which I found to be extremely insightful. I rise today not only to insert her remarks into the CONGRESSIONAL RECORD, but also to salute an extraordinary young woman with a bright future ahead of her.

Ms. Ramirez was born and raised in Chicago, Illinois. She is currently a senior at Michigan State University, where she is pursuing a double Bachelor's degree in International Relations and Finance. In May of this year, she graduated from the University's James Madison College of International Relations, so she is now focusing her efforts on her financial studies.

In addition to receiving the Hispanic College Fund Award, Ms. Ramirez has received the Bill Gates Millennium Scholar Award. She made the Dean's List in 1998, 1999 and 2000, and in 1997 was presented with the National Dean's List Award.

Ms. Ramirez is a member of the Women in Business Student Association, the Phi Beta Delta National Honor Society, the American Advertising Federation: Research Team Leader, and the Phi Sigma Pi Co-Ed National Honors Fraternity. She is also a Mentor Program Coordinator, and spends her remaining free time with aerobics, running and volunteering.

I applaud Ms. Ramirez on her many achievements both on and off the campus of Michigan State University. She is not only a dedicated student but also a dedicated member of society, concerned with a great deal more than her own success. As is clearly illustrated in her remarks, she cares deeply about the upliftment of America's Latino population, and believes that this upliftment can best occur through economic empowerment—attaining positions of leadership within the business community. In the not too distant future, I look forward to seeing Ms. Yalile Ramirez become one of these

leaders. With that having been said, I ask to print her remarks of October 5, 2000, in the RECORD.

The remarks follow:

REMARKS BY MS. YALILE REMIREZ AT THE HISPANIC COLLEGE FUND, INC., ANNUAL SCHOLARSHIP AWARDS BANQUET

OCTOBER 5, 2000

Good evening ladies and gentlemen, my name is Yalile Ramirez. I am a senior, pursuing a double Bachelor's degree in International Relations and Finance at Michigan State University. First, I would like to thank Sprint for making my scholarship possible. I would also like to thank the Hispanic College Fund for granting me the honor of speaking to you on this special night. When I started to think about what I could share with you this evening, I asked myself ''What am I an authority on?'' So, I decided to talk about the one thing I have mastered, being me.

In some aspects, my involvement in the Latino community has differed from what some of my fellow peers and faculty members believe it should be. When I first attended MSU, I was not fully aware of all the issues confronting the Latino community in the U.S. And I did not have any Latino role models to whom I could turn to for guidance, with the exception of my parents. However, I was aware of the inequities embedded within our society. I knew we were a different color, I knew we spoke a different language and I knew many in America did not welcome this diversity. At the college level, my experiences with fellow Latino students and faculty members has heightened my interest and sensitivity to Latino issues. I strongly support our community and participate in a select number of activities. However, the career path I have chosen also differs from those that many have elected to pursue; such as education, criminal justice, political science and pre-law.

While many of them are demanding justice through political rights and representation, I seek economic empowerment. Economic empowerment is derived from our continual plight for justice, political power and independence. We can look back to our history dating back to the American Revolution. Was it all for greater religious freedom or greater economic freedom?

My family has struggled economically and socially in pursuit of the American dream for our family and for generations yet to come. As first generation American Latina, I recognize the importance of economic empowerment in our community. While possessing a flagrant entrepreneurial spirit and great patriotism to the American form of capitalism; resources, capital, and networks are salient to real empowerment. But, where do we go to obtain these resources? To whom do we turn to with confidence, respect and trust? Well, ladies and gentlemen, we are among those resources right here, right now. With a vigorous economy and a fast growing Latino population, our Latino community is coming of age. How will we succeed? Latino business leadership is paramount to attaining prosperity in our communities and in sustaining future success. By seizing this opportunity and creating a network of Latino businesses and business leaders, we can actualize a network of resources and capital for future entrepreneurs. Latino business leadership has a profound impact in our Latino community by creating opportunities to produce and access resources. For me, then, real economic empowerment and leadership will assist in our overall pursuit of our economic well-being and prosperity. We have to expand the opportunities to enter the business sector. Once we enter and thrive in that arena, it is imperative to sustain and share our economic power with a new generation of leaders. Economic empowerment. To put it another way, I choose a quote from the Chairman of the Hispanic College Fund, Mr. Dario Marquez.

''What we want is a seat at the table of dialogue and debate in government, academia, and in industry—not a seat that has been assigned—but as many seats as our abilities and talents will afford.''

Finally, I have been honored to have been selected as a scholarship recipient of the HCF. I would like to also congratulate the other recipients gathered on this stage tonight and all the others enrolled in colleges and universities across the country. On our behalf and on behalf of our families and communities, we thank all the companies, businesses, individuals, and events that donated the funds that helped us afford a college education. And, I am especially grateful to Sprint for making my scholarship possible. This scholarship is not only monetary assistance but also an investment in a woman with great potential for realizing future success. I have struggled with economic and social issues and I firmly believe that education is the key that will unlock our full potential as Latinos and ultimately contribute to the economic prosperity of America. Let us continue to pursue a better future for our and future generations.●

IN RECOGNITION OF DAVID M. LANEY

● Mrs. HUTCHISON. Mr. President, I rise today to recognize Mr. David M. Laney, who soon will complete his term as a member of the Texas Transportation Commission. Governor George W. Bush appointed Mr. Laney to the commission in April 1995, designating him chairman and Commissioner of Transportation. In April 2000, he stepped down as Commissioner of Transportation, serving the remainder of his term as a member of the commission.

During his term on the commission, Mr. Laney has been the champion of the state's efforts to increase the state's share of federal transportation dollars returning to Texas. As chairman, he was a partner to the Texas Congressional delegation's efforts to develop fairer highway funding formulas, promoting the efforts of a coalition of ''donor'' states to work with Congress toward achieving at least a 90.5 percent return on payments into the Highway Trust Fund. As a result of our efforts, Texas received an increase of more than $700 million annually in federal highway funds and David Laney deserves a great deal of the credit.

In addition, he promoted increased federal funding for the nation's general aviation and reliever airports, which Congress provided in the Aviation Investment Reform Act for the 21st Century (AIR 21). Finally, Mr. Laney has been a strong advocate for the state's small urban and rural transit systems, working with Congress to provide much needed discretionary funding to address the vehicle replacement needs of these vital transportation systems, the most extensive in the nation. With these additional funds for Texas transportation programs, the commission will be better able to meet the tremendous transportation demands of the growing regional and international trade traffic in Texas.

With a look to the future, as Commissioner of Transportation Mr. Laney led the Texas Department of Transportation in its efforts to obtain the flexible financing tools it needs to help address transportation needs in Texas. He was successful in working with the Texas Legislature to create the Texas Turnpike Authority Division of the department, which provides toll-funding options for the state's major transportation projects. With his strong support and encouragement, the division has applied for and expects to receive an $800 million loan under the federal Transportation Infrastructure Finance and Innovation Act for a major Central Texas turnpike project. Under Mr. Laney's leadership, the commission has used the Texas State Infrastructure Bank, authorized under the National Highway System Designation Act of 1995, to provide needed assistance to localities to help move forward important transportation projects.

Mr. Laney also initiated a major Texas border strategy to address the demands of international trade traffic.

Throughout his tenure on the commission, Mr. Laney has provided strong and confident leadership to the Texas Department of Transportation, promoting the development of a first-class Texas transportation system. His legacy is a transportation agency with a menu of solid financial and operational tools providing a safe, effective, and environmentally-sensitive transportation system for the people of Texas and the nation. His dedication to transportation and his strong leadership on the commission will be missed.

Mr. President, I know my fellow Texans join me in this expression of appreciation to David Laney for his exemplary leadership on the Texas Transportation Commission.●

RETIREMENT OF THE HONORABLE CLAYTON E. PREISEL

● Mr. ABRAHAM. Mr. President, I rise today to recognize the Honorable Clayton E. Preisel, who is retiring on December 31, 2000, after an extraordinary career spanning over 50 years. During this time, he has served in the Marine Corps, been a teacher and school administrator, and, for the past 18 years, presided over the Lapeer County Probate Court. Whatever the forum, Judge Preisel has been a leader and an inspiration to those around him.

Judge Preisel was born on January 29, 1927. He graduated from Imlay City High School in 1945, and departed for

the Marines in July of that same year. He served until August of 1946, and then returned to the State of Michigan to attend Michigan State University. He graduated from MSU in 1951 with a degree in Agriculture.

After graduation, Judge Preisel moved to Carson City, Michigan, and began teaching. After four years, he returned home to Imlay City, where he continued his teaching career. He taught in Imlay City until 1969, and spent the final two years of his tenure there as both a teacher and a school administrator. During this time, Judge Preisel also doubled as a student, obtaining a Master's of Science degree in 1956, and, in 1968, receiving a Jurist Doctorate degree from the Detroit College of Law.

Upon receiving his law degree, Judge Preisel entered into private practice, where he stayed until 1982, when he was elected to serve as Lapeer County Probate Judge. He has held this position for the past 18 years, and during his time on the bench has become respected not only for his knowledge of the law but also for his sensical approach to its application. Individuals leave Judge Preisel's courtroom with the knowledge that they have been treated fairly, which in my mind is the most worthy thing that can be said of a Judge.

Judge Preisel has always found time to partake in community service. He was a member of the Imlay School Board from 1969–1983. He has also been involved in 4–H, the Lions Club, the Community Foundation, United Way, Kids In New Directions (KIND), Big Brothers-Big Sisters, and the Lapeer County Bar Association.

Judge Preisel's retirement will allow him to spend more time with his family. He and his wife, Beulah Joann Anderson, who celebrated their 50th Anniversary on September 9th, 2000, have four children (Kathleen, Janet, Karen and James), and five grandchildren (Heather, Jason, Alysha, Katelyn and Steven).

I applaud Judge Preisel for his extraordinary service to Lapeer County and the State of Michigan. His leadership in all phases of his career has been exceptional and will be dearly missed. On behalf of the entire United States Senate, I congratulate and thank the Honorable Clayton E. Preisel on a wonderful and successful career, and wish him the best of luck in retirement.

MESSAGE FROM THE HOUSE

At 11:17 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 11. An act for the relief of Wei Jingsheng.

S. 150. An act for the relief of Marina Khalina and her son, Albert Mifakhov.

S. 276. An act for the relief of Sergio Lozano, Faurico Lozano and Ana Lozano.

S. 785. An act for the relief of Frances Schochenmaier.

S. 869. An act for the relief of Mina Vahedi Notash.

S. 1078. An act for the relief of Mrs. Elizabeth Eka Bassey and her children, Emmanuel O. Paul Bassey, Jacob Paul Bassey, and Mary Idongesit Paul Bassey.

S. 1513. An act for the relief of Jacqueline Salinas and her children Gabriela Salinas, Alejandro Salinas, and Omar Salinas.

S. 2000. An act for the relief of Guy Taylor.

S. 2002. An act for the relief of Tony Lara.

S. 2019. An act for the relief of Malia Miller.

S. 2289. An act for the relief of Jose Guadalupe Tellez Pinales.

The message also announced that the House has passed the following bill and joint resolution, in which it requests the concurrence of the Senate:

H.R. 5528. An act to authorize the construction of a Wakpa Sica Reconciliation Place in Fort Pierre, South Dakota, and for other purposes.

H.J. Res. 117. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 5314) to require the immediate termination of the Department of Defense practice of euthanizing military working dogs at the end of their useful working life and to facilitate the adoption of retired military working dogs by law enforcement agencies, former handlers of these dogs, and other persons capable of caring for these dogs.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

H.R. 1651. An act to amend the Fisherman's Protective Act of 1967 to extend the period during which reimbursement may be provided to owners of United States fishing vessels for costs incurred when such a vessel is seized and detained by a foreign country.

H.R. 3218. An act to amend title 31, United States Code, to prohibit the appearance of Social Security account numbers on or through unopened mailings of checks or other drafts issued on public money in the Treasury.

H.R. 5178. An act to require changes in the bloodborne pathogens standard in effect under the Occupational Safety and Health Act of 1970.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

At 3:08 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, with amendments:

S. 2943. An act to authorize additional assistance for international malaria control, and to provide for coordination and consultation in providing assistance under the Foreign Assistance Act of 1961 with respect to malaria, HIV, and tuberculosis.

The message also announced that the House has agreed to the amendment of the Senate to the bill (H.R. 1550) to authorize appropriations for the United States Fire Administration for fiscal years 2000 and 2001, and for other purposes, with amendments to the Senate amendment.

The message further announced that the House has passed the following bills, without amendment:

S. 2712. An act to amend chapter 35 of title 31, United States Code, to authorize the consolidation of certain financial and performance management reports required of Federal agencies, and for other purposes.

S. 3194. An act to designate the facility of the United States Postal Service located at 431 North George Street in Millersville, Pennsylvania, as the ''Robert S. Walker Post Office.''

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4399. An act to designate the facility of the United States Postal Service located at 440 South Orange Blossom Trail in Orlando, Florida, as the ''Arthur 'Pappy' Kennedy Post Office Building.''

H.R. 4400. An act to designate the facility of the United States Postal Service located at 1601–1 Main Street in Jacksonville, Florida, as the ''Eddie Mae Steward Post Office Building.''

H.R. 5309. An act to designate the facility of the United States Postal Service located at 2305 Minton Road in West Melbourne, Florida, as the ''Ronald W. Reagan Post Office Building.''

ENROLLED BILL SIGNED

At 4:43 p.m., a message from the House of Representatives, delivered by one of its clerks, announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 117. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–11325. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of two items; to the Committee on Environment and Public Works.

EC–11326. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the transmittal of the certification of the proposed issuance of an export license relative to Israel; to the Committee on Foreign Relations.

EC–11327. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''IFR Altitudes; Miscellaneous Amendments (16); Amdt. No. 425 [10–23/10–26]'' (RIN 2120–AA63) (2000–0007) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11328. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''IFR Altitudes; Miscellaneous Amendments (71), amdt. no. 2015 [10–20/10–26]'' (RIN 2120–AA63) (2000–0008) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11329. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''IFR Altitudes; Miscellaneous Amendments (55); Amdt. No. 2014 [10–20/10–26]'' (RIN 2120–AA63) (2000–0009) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11330. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bombardier Model C1–600–2B19 Series Airplanes; docket no. 2000–NM–312 [10–16/10–26]'' (RIN 2120–AA64) (2000–0502) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11331. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Empressa Brasileira de Aeronautica SA Model EMB–120, 120ER, 120RT Series Airplanes; docket no. 2000–NM–122 [9–26/10–26]'' (RIN 2120–AA64) (2000–0503) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11332. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Eurocopter France Model AS–350B, BA, B1, B2, B3, C, D, and D1, and AS–355E, F, F1, F2, and N Helicopters; docket no. 2000–SW–25 [10–16/10–26]'' (RIN 2120–AA64) (2000–0504) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11333. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Raytheon Aircraft Company Beech Models 1900, 1900C, and 1900D Airplanes, docket no. 2000–CE–29 [10–6/10–26]'' (RIN 2120–AA64) (2000–0505) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11334. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: DG Flugzeugbau GmbH Model DG–800B Sailplanes; docket no. 99–CE–90 [10–13/10–26]'' (RIN 2120–AA64) (2000–0506) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11335. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: LET Aeronautical Works Model L–13 ''Blanik'' Sailplanes; docket no. 99–CE–91 [10–13/10–26]'' (RIN 2120–AA64) (2000–0507) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11336. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: British Aerospace HP137 Hk1, Jetstream Series 200, and Jetstream Models 3101 and 3201 Airplanes; docket no. 2000–CE–12 [10–13/10–26]'' (RIN 2120–AA64) (2000–0508) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11337. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Raytheon Aircraft Company Beech Models A–36 and B36TC Airplanes; docket no. 2000–CE–15 [10–13/10–26]'' (RIN 2120–AA64) (2000–0509) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11338. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Aerotechnic s.r.o. Model L13 SEH VIVAT Sailplanes; docket no. 2000–CE–01 [10–17/10–26]'' (RIN 2120–AA64) (2000–0510) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11339. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Empresa Brasileira de Aeronautica S.A. Model EMB–120 Series Airplanes; docket no. 99–NM–356 [10–6/10–26]'' (RIN 2120–AA64) (2000–0511) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11340. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 757 Series Airplanes Powered by P&W Engines; docket no. 99–NM–308 [10–6/10–26]'' (RIN 2120–AA64) (2000–0512) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11341. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A300 and A300–600 Series Airplanes; docket no. 98–NM–207 [10–11/10–26]'' (RIN 2120–AA64) (2000–0513) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11342. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model DC–8 Series Airplanes; docket no. 98–NM–135 [10–6/10–26]'' (RIN 2120–AA64) (2000–0514) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11343. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 737–100, 200, 200C, 300, 400, and 500 Series Airplanes; docket no. 99–NM–69 [9–20/10–26]'' (RIN 2120–AA64) (2000–0515) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11344. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Dornier Model 329–300 Series Airplanes; docket no. 99–NM–364 [10–25/10–26]'' (RIN 2120–AA64) (2000–0516) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11345. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Fokker Model F.28 Mark 0100 Series Airplanes; docket no. 200–NM–17 [10–25/10–26]'' (RIN 2120–AA64) (2000–0517) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11346. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 747 and 767 Airplanes Powered by GE Model CF6–80C2 Series Engines; Docket no. 99–NM–228 [10–18/10–26]'' (RIN 2120–AA64) (2000–0518) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11347. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Eurocopter France Model AS332C, L and L1 Helicopters; docket no. 99–SW–35 [10–18/10–26]'' (RIN 2120–AA64) (2000–0519) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11348. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 747–400 Series Airplanes; docket no. 99–NM–248 [10–18/10–26]'' (RIN 2120–AA64) (2000–0520) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11349. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bell Helicopter Textron Canada Model 407 Helicopters; docket no. 2000–SW–24 [10–18/10–26]'' (RIN 2120–AA64) (2000–0521) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11350. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (65); amdt. 2016 [10–20/10–26]'' (RIN 2120–AA65) (2000–0053) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11351. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Columbia, MO; docket no. 00–ACE–21 [10–16/10–26]'' (RIN 2120–AA66) (2000–0247) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11352. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Oelwein, IA; docket no. 00–ACE–12 [9–18/10–26]'' (RIN 2120–AA66) (2000–0248) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11353. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Fairfield, IA; docket no. 00–ACE–13 [10–5/10–26]'' (RIN 2120–AA66) (2000–0249) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11354. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Subdivision of Restricted Areas R–6412A and B, and Establishment of R–6412C and D, Comp Williams, Utah docket no. 00–ANM–10 [10–5/10–26]'' (RIN 2120–AA66) (2000–0250) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11355. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation,

transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Piayune, MS; docket no. 00–ASO–28 [10–6/10–26]'' (RIN 2120–AA66) (2000–0251) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11356. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Harbo Springs, MI; docket no. 00–AGL–14 [10–6/10–26]'' (RIN 2120–AA66) (2000–0252) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11357. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Dexter, MO; docket no. 00–ACE–31 [9–29/10–26]'' (RIN 2120–AA66) (2000–0253) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11358. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Moberly, MO; docket no. 00–ACE–30 [9–29/10–26]'' (RIN 2120–AA66) (2000–0254) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11359. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Atwood, KS; docket no. 00–ACE–19 [9–25/10–26]'' (RIN 2120–AA66) (2000–0255) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11360. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Removal of Class E Airspace; Simmons Army Airfield, NC; Docket no. 00–ASO–39 [9–25/10–26]'' (RIN 2120–AA66) (2000–0256) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11361. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Ambler, AK; docket no. 00–AAL–4 [9–25/10–26]'' (RIN 2120–AA66) (2000–0257) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11362. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Oakley, KS; docket no. 00–ACE–20 [9–25/10–26]'' (RIN 2120–AA66) (2000–0258) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11363. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E4 Airspace; Melbourne, FL; docket no. 00–ASO–34 [9–22/10–26]'' (RIN 2120–AA66) (2000–0259) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11364. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Fairfield, IA; docket no. 00–ACE–13 [9–19/10–26]'' (RIN 2120–AA66) (2000–0260) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11365. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Elkhart, KS; docket no. 00–ACE–22 [10–16/10–26]'' (RIN 2120–AA66) (2000–0261) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11366. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Pittsburg, KS; docket no. 00–ACE–28 [10–24/10–26]'' (RIN 2120–AA66) (2000–0262) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11367. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class D & E Airspace and Amendment to Class E Airspace; Garden City, KS; docket no. 00–ACE–25 [10–25/10–26]'' (RIN 2120–AA66) (2000–0263) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11368. A communication from the Secretary of Health and Human Services, transmitting, a draft of proposed legislation entitled ''National Health Service Corps Amendments of 2000''; to the Committee on Health, Education, Labor, and Pensions.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THOMPSON, from the Committee on Governmental Affairs:

Report to accompany S. 870, a bill to amend the Inspector General Act of 1978 (5 U.S.C. App.) to increase the efficiency and accountability of Offices of Inspector General within Federal departments, and for other purposes (Rept. No. 106–510).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BIDEN:

S. 3252. A bill to establish a national center on volunteer and provider screening to reduce sexual and other abuse of children, the elderly, and individuals with disabilities; to the Committee on the Judiciary.

By Mr. MCCONNELL (for himself and Mr. BYRD):

S. 3253. A bill to authorize Department of Energy programs to develop and implement an accelerated research and development program for advanced clean coal technologies for use in coal-based electricity generating facilities and to amend the Internal Revenue Code of 1986 to provide financial incentives to encourage the retrofitting, repowering, or replacement of coal-based electricity generating facilities to protect the environment and improve efficiency and encourage the early commercial application of advanced clean coal technologies, so as to allow coal to help meet the growing need of the United States for the generation of reliable and affordable electricity; to the Committee on Finance.

By Mr. KENNEDY:

S. 3254. A bill to provide assistance to East Timor to facilitate the transition of East Timor to an independent nation, and for other purposes; to the Committee on Foreign Relations.

By Mr. DASCHLE (for Mr. DURBIN (for himself, Mr. MOYNIHAN, and Mr. SCHUMER)):

S. 3255. A bill to amend the Balanced Budget Act of 1997 to apply the medicaid disproportionate share hospital payment transition rule to public hospitals in all States; to the Committee on Finance.

By Mrs. LINCOLN:

S. 3256. A bill to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other land in the Ozark-St. Francis and Ouachita National Forests and to use funds derived from the sale or exchange to acquire, construct, or improve administrative sites; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HARKIN:

S. 3257. A bill to establish a Chief Labor Negotiator in the Office of the United States Trade Representative; to the Committee on Finance.

By Mr. HARKIN (for himself, Mr. WELLSTONE, Mr. KENNEDY , Mrs. MURRAY, Mrs. BOXER, Ms. MIKULSKI, Mr. LIEBERMAN, Mr. ROCKEFELLER, Mr. BINGAMAN, Mr. FEINGOLD, Mr. AKAKA, Mr. SARBANES, Mr. LEAHY, Mr. DODD, Mr. KERRY, and Mr. BAUCUS):

S. 3258. A bill to amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based on participation in labor disputes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MOYNIHAN:

S. 3259. A bill to amend the Internal Revenue Code of 1986 to provide a rehabilitation credit for certain expenditures to rehabilitate historic performing arts facilities; to the Committee on Finance.

By Mr. HARKIN (for himself and Mr. SMITH of Oregon):

S. 3260. A bill to amend the Food Security Act of 1985 to establish the conservation security program; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 383. A resolution extending the authorities relating to the Senate National Security Working Group; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mr. BIDEN:

S. 3252. A bill to establish a national center on volunteer and provider screening to reduce sexual and other abuse of children, the elderly, and individuals with disabilities, to the Committee on the Judiciary.

NATIONAL CHILD PROTECTION IMPROVEMENT ACT

Mr. BIDEN. Mr. President, as everyone in this room knows all too well, I have devoted much of my career to fighting crime. And if there is one thing that I have learned over the course of the past 30 years in public service, it's this: an ounce of prevention is worth a pound of cure. I have

watched as the Boys and Girls Clubs and other non-profits have worked to make certain that kids have a safe place to go after school. I have been supportive of countless crime prevention initiatives to protect our children, our parents and those unable to protect themselves. And guess what, these programs have worked to prevent crime. But even those programs whose single purpose is to do good, have seen some bad times. And that is why today, I am introducing the National Child Protection Act.

Today, more than 87 million kids are involved each year in activities provided by child and youth organizations which depend heavily on volunteers to deliver their services. Millions more adults are also served by public and private voluntary organizations. Places like the Boys and Girls Clubs rely on volunteers to make these safe havens for kids a place where they can learn. But, while these non-profit organizations are doing God's work, there are some volunteers who have a different agenda—and there are abuses that occur.

The National Mentoring Partnership reports that incidents of child sexual abuse in child care settings, foster homes and schools ranges from 1 to 7 percent. This is basic stuff—these organizations can not function effectively without a safe infrastructure in place.

Currently most child-service organizations do background checks on volunteers, but they may have to wait weeks or months for the result of a state or national criminal background check. Conducting these checks is also costly and therefore many organizations conduct only a limited check of their volunteers. And some organizations don't have access to national fingerprint databases which means that while a volunteer may pass a name-check in one state, he may have been convicted of atrocities in another. Our children, our parents and the disadvantaged are at risk and they need help.

That is why my bill authorizes $180 million over five years for the FBI to establish a national center to conduct national criminal history fingerprint checks. Their checks will be provided to volunteer organizations at no cost and to all other organizations that serve children at minimal cost. This national center would screen 10 million volunteers each year and will make these volunteer-oriented organizations a safer place for all. My bill also authorizes $5 million to provide states with funds to hire personnel and improve fingerprint technology so that they can update information in national databases.

This should be an easy one for all of us. Most of us already understand the positive impact that these non-profits are having. Now, we have a duty to make these places safe for those most at-risk.

Mr. President, I ask unanimous consent that the text of this bill be placed in the RECORD.

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

S. 3252

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Child Protection Improvement Act''.

SEC. 2. ESTABLISHMENT OF A NATIONAL CENTER ON VOLUNTEER AND PROVIDER SCREENING.

The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended by adding at the end the following:

''TITLE VI—NATIONAL CENTER ON VOLUNTEER AND PROVIDER SCREENING

''SEC. 601. SHORT TITLE.

''This title may be cited as the 'National Child Protection Improvement Act'.

''SEC. 602. FINDINGS.

''Congress finds the following:

''(1) More than 87,000,000 children are involved each year in activities provided by child and youth organizations which depend heavily on volunteers to deliver their services.

''(2) Millions more adults, both the elderly and individuals with disabilities, are served by public and private voluntary organizations.

''(3) The vast majority of activities provided to children, the elderly, and individuals with disabilities by public and private nonprofit agencies and organizations result in the delivery of much needed services in safe environments that could not be provided without the assistance of virtually millions of volunteers, but abuses do occur.

''(4) Estimates of the incidence of child sexual abuse in child care settings, foster care homes, and schools, range from 1 to 7 percent.

''(5) Abuse traumatizes the victims and shakes public trust in care providers and organizations serving vulnerable populations.

''(6) Congress has acted to address concerns about this type of abuse through the National Child Protection Act of 1993 and the Violent Crime Control Act of 1994 to set forth a framework for screening through criminal record checks of care providers, including volunteers who work with children, the elderly, and individuals with disabilities. Unfortunately, problems regarding the safety of these vulnerable groups still remain.

''(7) While State screening is sometimes adequate to conduct volunteer background checks, more extensive national criminal history checks using fingerprints or other means of positive identification are often advisable, as a prospective volunteer or nonvolunteer provider may have lived in more than one State.

''(8) The high cost of fingerprint background checks is unaffordable for organizations that use a large number of volunteers and, if passed on to volunteers, often discourages their participation.

''(9) The current system of retrieving national criminal background information on volunteers through an authorized agency of the State is cumbersome and often requires months before vital results are returned.

''(10) In order to protect children, volunteer agencies must currently depend on a convoluted, disconnected, and sometimes duplicative series of checks that leave children at risk.

''(11) A national volunteer and provider screening center is needed to protect vulnerable groups by providing effective, efficient national criminal history background checks of volunteer providers at no-cost, and at minimal-cost for employed care providers.

''SEC. 603. DEFINITIONS.

''In this Act—

''(1) the term 'qualified entity' means a business or organization, whether public, private, for-profit, not-for-profit, or voluntary, that provides care or care placement services, including a business or organization that licenses or certifies others to provide care or care placement services designated by the National Task Force;

''(2) the term 'volunteer provider' means a person who volunteers or seeks to volunteer with a qualified entity;

''(3) the term 'provider' means a person who is employed by or volunteers or who seeks to be employed by or volunteer with a qualified entity, who owns or operates a qualified entity, or who has or may have unsupervised access to a child to whom the qualified entity provides care;

''(4) the term 'national criminal background check system' means the criminal history record system maintained by the Federal Bureau of Investigation based on fingerprint identification or any other method of positive identification;

''(5) the term 'child' means a person who is under the age of 18;

''(6) the term 'individuals with disabilities' has the same meaning as that provided in section 5(7) of the National Child Protection Act of 1993;

''(7) the term 'State' has the same meaning as that provided in section 5(11) of the National Child Protection Act of 1993; and

''(8) the term 'care' means the provision of care, treatment, education, training, instruction, supervision, or recreation to children, the elderly, or individuals with disabilities.

''SEC. 604. ESTABLISHMENT OF A NATIONAL CENTER FOR VOLUNTEER AND PROVIDER SCREENING.

''(a) IN GENERAL.—The Attorney General, by agreement with a national nonprofit organization or by designating an agency within the Department of Justice, shall—

''(1) establish a national center for volunteer and provider screening designed—

''(A) to serve as a point of contact for qualified entities to request a nationwide background check for the purpose of determining whether a volunteer provider or provider has been arrested for or convicted of a crime that renders the provider unfit to have responsibilities for the safety and well-being of children, the elderly, or individuals with disabilities;

''(B) to promptly access and review Federal and State criminal history records and registries through the national criminal history background check system—

''(i) at no cost to a qualified entity for checks on volunteer providers; and

''(ii) at minimal cost to qualified entities for checks on non-volunteer providers;

with cost for screening non-volunteer providers will be determined by the National Task Force;

''(C) to provide the determination of the criminal background check to the qualified entity requesting a nationwide background check after not more than 15 business days after the request;

''(D) to serve as a national resource center and clearinghouse to provide State and local governments, public and private nonprofit agencies and individuals with information regarding volunteer screening; and

''(2) establish a National Volunteer Screening Task Force (referred to in this title as the 'Task Force') to be chaired by the Attorney General which shall—

''(A) include—

''(i) 2 members each of—

''(I) the Federal Bureau of Investigation;

''(II) the Department of Justice;

''(III) the Department of Health and Human Services;

''(IV) representatives of State Law Enforcement organizations;

''(V) national organizations representing private nonprofit qualified entities using volunteers to serve the elderly; and

''(VI) national organizations representing private nonprofit qualified entities using volunteers to serve individuals with disabilities; and

''(ii) 4 members of national organizations representing private nonprofit qualified entities using volunteers to serve children;

to be appointed by the Attorney General; and

''(B) oversee the work of the Center and report at least annually to the President and Congress with regard to the work of the Center and the progress of the States in complying with the provisions of the National Child Protection Act of 1993.

''SEC. 605. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—To carry out the provisions of this title, there are authorized to be appropriated $80,000,000 for fiscal year 2001 and $25,000,000 for each of the fiscal years 2002, 2003, 2004, and 2005, sufficient to provide no-cost background checks of volunteers working with children, the elderly, and individuals with disabilities.

''(b) AVAILABILITY.—Sums appropriated under this section shall remain available until expended.''.

SEC. 3. STRENGTHENING AND ENFORCING THE NATIONAL CHILD PROTECTION ACT OF 1993.

Section 3 of the National Child Protection Act of 1993 (42 U.S.C. 5119 et seq.) is amended to read as follows:

''SEC. 3. NATIONAL BACKGROUND CHECKS.

''(a) IN GENERAL.—Requests for national background checks under this section shall be submitted to the National Center for Volunteer Screening which shall conduct a search using the Integrated Automated Fingerprint Identification System, or other criminal record checks using reliable means of positive identification subject to the following conditions:

''(1) A qualified entity requesting a national criminal history background check under this section shall forward to the National Center the provider's fingerprints or other identifying information, and shall obtain a statement completed and signed by the provider that—

''(A) sets out the provider or volunteer's name, address, date of birth appearing on a valid identification document as defined in section 1028 of title 18, United States Code, and a photocopy of the valid identifying document;

''(B) states whether the provider or volunteer has a criminal record, and, if so, sets out the particulars of such record;

''(C) notifies the provider or volunteer that the National Center for Volunteer Screening may perform a criminal history background check and that the provider's signature to the statement constitutes an acknowledgement that such a check may be conducted;

''(D) notifies the provider or volunteer that prior to and after the completion of the background check, the qualified entity may choose to deny the provider access to children or elderly or persons with disabilities; and

''(E) notifies the provider or volunteer of his right to correct an erroneous record held by the FBI or the National Center.

''(2) Statements obtained pursuant to paragraph (1) and forwarded to the National Center shall be retained by the qualified entity or the National Center for at least 2 years.

''(3) Each provider or volunteer who is the subject of a criminal history background check under this section is entitled to contact the National Center to initiate procedures to—

''(A) obtain a copy of their criminal history record report; and

''(B) challenge the accuracy and completeness of the criminal history record information in the report.

''(4) The National Center receiving a criminal history record information that lacks disposition information shall, to the extent possible, contact State and local record-keeping systems to obtain complete information.

''(5) The National Center shall make a determination whether the criminal history record information received in response to the national background check indicates that the provider has a criminal history record that renders the provider unfit to provide care to children, the elderly, or individuals with disabilities based upon criteria established by the National Task Force on Volunteer Screening, and will convey that determination to the qualified entity.

''(b) GUIDANCE BY THE NATIONAL TASK FORCE.—The National Task Force, chaired by the Attorney General shall—

''(1) encourage the use, to the maximum extent possible, of the best technology available in conducting criminal background checks; and

''(2) provide guidelines concerning standards to guide the National Center in making fitness determinations concerning care providers based upon criminal history record information.

''(c) LIMITATIONS OF LIABILITY.—

''(1) IN GENERAL.—A qualified entity shall not be liable in an action for damages solely for failure to request a criminal history background check on a provider, nor shall a State or political subdivision thereof nor any agency, officer or employee thereof, be liable in an action for damages for the failure of a qualified entity (other than itself) to take action adverse to a provider who was the subject of a criminal background check.

''(2) RELIANCE.—The National Center or a qualified entity that reasonably relies on criminal history record information received in response to a background check pursuant to this section shall not be liable in an action for damages based upon the inaccuracy or incompleteness of the information.

''(d) FEES.—In the case of a background check pursuant to a State requirement adopted after December 20, 1993, conducted through the National Center using the fingerprints or other identifying information of a person who volunteers with a qualified entity shall be free of charge. This subsection shall not affect the authority of the FBI, the National Center, or the States to collect reasonable fees for conducting criminal history background checks of providers who are employed as or apply for positions as paid employees.''.

SEC. 4. ESTABLISHMENT OF A MODEL PROGRAM IN EACH STATE TO STRENGTHEN CRIMINAL DATA REPOSITORIES AND FINGERPRINT TECHNOLOGY.

(a) ESTABLISHMENT.—A model program shall be established in each State and the District of Columbia for the purpose of improving fingerprinting technology which shall grant to each State $50,000 to either—

(1) purchase Live-Scan fingerprint technology and a State-vehicle to make such technology mobile and these mobile units shall be used to travel within the State to assist in the processing of fingerprint background checks; or

(2) purchase electric fingerprint imaging machines for use throughout the State to send fingerprint images to the National Center to conduct background checks.

(b) ADDITIONAL FUNDS.—In addition to funds provided in subsection (a), $50,000 shall be provided to each State and the District of Columbia to hire personnel to—

(1) provide information and training to each county law enforcement agency within the State regarding all National Child Protection Act requirements for input of criminal and disposition data into the national criminal history background check system; and

(2) provide an annual summary to the National Task Force of the State's progress in complying with the criminal data entry provisions of the National Child Protection Act of 1993 which shall include information about the input of criminal data, child abuse crime information, domestic violence arrests and stay-away orders of protection.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—To carry out the provisions of this section, there are authorized to be appropriated a total of $5,100,000 for fiscal year 2001 and such sums as may be necessary for each of the fiscal years 2002, 2003, 2004, and 2005, sufficient to improve fingerprint technology units and hire data entry improvement personnel in each of the 50 States and the District of Columbia.

(2) AVAILABILITY.—Sums appropriated under this section shall remain available until expended.

Mr. KENNEDY:

S. 3254. A bill to provide assistance to East Timor to facilitate the transition of East Timor to an independent nation, and for other purposes; to the Committee on Foreign Relations.

EAST TIMOR TRANSITION TO INDEPENDENCE ACT OF 2000

Mr. KENNEDY. Mr. President, today, along with Senators CHAFEE, LEAHY, HARKIN, FEINGOLD, REED and JEFFORDS, I am introducing legislation to help facilitate East Timor's transition to independence. Congressman GEJDENSON has introduced similar legislation in the House of Representatives.

In August 1999, after almost three decades of unrest under Indonesian rule, the people of East Timor voted overwhelmingly in favor of independence.

They did so at great personal risk. Anti-independence militia groups killed hundreds, hoping to intimidate and retaliate against those supporting independence. The militias also destroyed or severely damaged seventy percent of East Timor's infrastructure. Government services and public security were severely undermined.

An international effort, led by Australia and including the United States, brought much-needed stability to East Timor.

Now, under the United Nation's Transitional Authority, stability is taking hold again in East Timor, and normal life is slowly returning.

In coming months, looking to America and other democratic nations as an example, East Timor's leaders will hold a constitutional convention to decide which form of democratic government to adopt. It is a process that reminds us of our own Constitutional Convention and would make our Founding Fathers proud.

Late next year, after choosing a form of democratic government and electing leaders, East Timor is expected to declare its independence as the UN draws

down. A new, democratic nation will take its rightful place in the world.

This is a success story. It is a great success story. But it is far from over.

East Timor remains one of the poorest places in Asia. Only 20 percent of its population is literate. The annual per capita gross national product is $340.

The people of East Timor need and deserve our help. The extraordinary physical and moral courage they demonstrated over the years is impressive. The great faith in the democratic process they showed by voting for independence under the barrel of a gun must not go unrewarded.

This bill is our chance to help them, and help now. Its purpose is to put U.S. governmental programs and resources in place now and to enable U.S. government agencies to focus on the imminent reality of an independent East Timor. If we wait until East Timor declares its independence before we do the preliminary work, we will lose crucial time and do a disservice to both the United States and to East Timor.

Specifically, this bill lays the groundwork for establishing a firm bilateral and multilateral assistance structure.

It authorizes $25 million in bilateral assistance, $2 million for a Peace Corps presence and $1 million for a scholarship fund for East Timorese students to study in the United States.

It encourages the President, the Overseas Private Investment Corporation, the Trade and Development Agency and other agencies to put in place now the tools and programs to create an equitable trade and investment relationship.

It requires the State Department to establish an accredited mission to East Timor co-incident with independence.

And it authorizes the provision of excess defense articles and international military education and training, after the President certifies that these articles and training are in the interests of the United States and will help promote human rights in East Timor and the professionalization of East Timor's armed services.

The people of East Timor have chosen democracy. The United States has a golden opportunity to help them create their new democratic nation. But we must prepare for that day now. We must not miss this rare opportunity to help.

I ask unanimous consent that a copy of the bill be printed in the RECORD at the end of my remarks, and I urge my colleagues to support this bill.

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

S. 3254

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''East Timor Transition to Independence Act of 2000''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) On August 30, 1999, the East Timorese people voted overwhelmingly in favor of independence from Indonesia. Anti-independence militias, with the support of the Indonesian military, attempted to prevent then retaliated against this vote by launching a campaign of terror and violence, displacing 500,000 people and murdering hundreds.

(2) The violent campaign devastated East Timor's infrastructure, destroyed or severely damaged 60 to 80 percent of public and private property, and resulted in the collapse of virtually all vestiges of government, public services and public security.

(3) The Australian-led International Force for East Timor (INTERFET) entered East Timor in September 1999 and successfully restored order. On October 25, 1999, the United Nations Transitional Administration for East Timor (UNTAET) began providing overall administration of East Timor, guide the people of East Timor in the establishment of a new democratic government, and maintain security and order.

(4) UNTAET and the East Timorese leadership currently anticipate that East Timor will become an independent nation as early as late 2001.

(5) East Timor is one of the poorest places in Asia. A large percentage of the population live below the poverty line, only 20 percent of East Timor's population is literate, most of East Timor's people remain unemployed, the annual per capita Gross National Product is $340, and life expectancy is only 56 years.

(6) The World Bank and the United Nations have estimated that it will require $300,000,000 in development assistance over the next three years to meet East Timor's basic development needs.

SEC. 3. SENSE OF CONGRESS RELATING TO SUPPORT FOR EAST TIMOR.

It is the sense of Congress that the United States should—

(1) facilitate East Timor's transition to independence, support formation of broad-based democracy in East Timor, help lay the groundwork for East Timor's economic recovery, and strengthen East Timor's security;

(2) begin to lay the groundwork, prior to East Timor's independence, for an equitable bilateral trade and investment relationship;

(3)(A) officially open a diplomatic mission to East Timor as soon as possible;

(B) recognize East Timor, and establish diplomatic relations with East Timor, upon its independence; and

(C) ensure that a fully functioning, fully staffed, adequately resourced, and securely maintained United States diplomatic mission is accredited to East Timor upon its independence;

(4) support efforts by the United Nations and East Timor to ensure justice and accountability related to past atrocities in East Timor through—

(A) United Nations investigations;

(B) development of East Timor's judicial system, including appropriate technical assistance to East Timor from the Department of Justice, the Federal Bureau of Investigation, and the Drug Enforcement Administration; and

(C) the possible establishment of an international tribunal for East Timor; and

(5) support observer status for an official delegation from East Timor to observe and participate, as appropriate, in all deliberations of the Asia Pacific Economic Co-operation (APEC) group.

SEC. 4. BILATERAL ASSISTANCE.

(a) AUTHORITY.—The President, acting through the Administrator of the United States Agency for International Development, is authorized to—

(1) support the development of civil society, including nongovernmental organizations in East Timor;

(2) promote the development of an independent news media;

(3) support job creation and economic development in East Timor, including support for microenterprise programs and technical education, as well as environmental protection and education programs;

(4) promote reconciliation, conflict resolution, and prevention of further conflict with respect to East Timor, including establishing accountability for past gross human rights violations;

(5) support the voluntary and safe repatriation and reintegration of refugees into East Timor; and

(6) support political party development, voter education, voter registration and other activities in support of free and fair elections in East Timor.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section $25,000,000 for each of the fiscal years 2001, 2002, and 2003.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

SEC. 5. MULTILATERAL ASSISTANCE.

The President shall instruct the United States executive director at each international financial institution to which the United States is a member to use the voice, vote, and influence of the United States to support economic and democratic development in East Timor.

SEC. 6. PEACE CORPS ASSISTANCE.

(a) AUTHORITY.—The Director of the Peace Corps is authorized to—

(1) provide English language and other technical training for individuals in East Timor as well as other activities which promote education, economic development, and economic self-sufficiency; and

(2) quickly address immediate assistance needs in East Timor using the Peace Corps Crisis Corps, to the extent practicable.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated $2,000,000 for each of the fiscal years 2001, 2002, and 2003 to carry out such subsection.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

SEC. 7. TRADE AND INVESTMENT ASSISTANCE.

(a) OPIC.—Beginning on the date of the enactment of this Act, the President should initiate negotiations with the United Nations Transitional Administration for East Timor (UNTAET), the National Council of East Timor, and the government of East Timor (after independence for East Timor)—

(1) to apply to East Timor the existing agreement between the Overseas Private Investment Corporation and Indonesia; or

(2) to enter into a new agreement authorizing the Overseas Private Investment Corporation to carry out programs with respect to East Timor,

in order to expand United States investment in East Timor.

(b) TRADE AND DEVELOPMENT AGENCY.—

(1) IN GENERAL.—The Director of the Trade and Development Agency is authorized to carry out projects in East Timor under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421).

(2) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There are authorized to be appropriated to carry out this subsection $1,000,000 for each of the fiscal years 2001, 2002, and 2003.

(B) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subparagraph (A) are authorized to remain available until expended.

(c) EXPORT-IMPORT BANK.—The Export-Import Bank of the United States shall expand its activities in connection with exports to East Timor.

SEC. 8. GENERALIZED SYSTEM OF PREFERENCES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the President should encourage the United Nations Transitional Administration for East Timor (UNTAET), in close consultation with the National Council of East Timor, to seek to become eligible for duty-free treatment under title V of the Trade Act of 1974 (19 U.S.C. 2461 et seq.; relating to generalized system of preferences).

(b) TECHNICAL ASSISTANCE.—The United States Trade Representative and the Commissioner of the United States Customs Service are authorized to provide technical assistance to UNTAET, the National Council of East Timor, and the government of East Timor (after independence for East Timor) in order to assist East Timor to become eligible for duty-free treatment under title V of the Trade Act of 1974.

SEC. 9. BILATERAL INVESTMENT TREATY.

It is the sense of Congress that the President should seek to enter into a bilateral investment treaty with the United Nations Transitional Administration for East Timor (UNTAET), in close consultation with the National Council of East Timor, in order to establish a more stable legal framework for United States investment in East Timor.

SEC. 10. SCHOLARSHIPS FOR EAST TIMORESE STUDENTS.

(a) AUTHORITY.—The Secretary of State—

(1) is authorized to carry out an East Timorese scholarship program under the authorities of the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, Reorganization Plan Number 2 of 1977, and the National Endowment for Democracy Act; and

(2) shall make every effort to identify and provide scholarships and other support to East Timorese students interested in pursuing undergraduate and graduate studies at institutions of higher education in the United States.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of State, $1,000,000 for the fiscal year 2002 and $1,000,000 for the fiscal year 2003 to carry out subsection (a).

SEC. 11. PLAN FOR ESTABLISHMENT OF DIPLOMATIC FACILITIES IN EAST TIMOR.

(a) DEVELOPMENT OF DETAILED PLAN.—The Secretary of State shall develop a detailed plan for the official establishment of a United States diplomatic mission to East Timor, with a view to—

(1) officially open a fully functioning, fully staffed, adequately resourced, and securely maintained diplomatic mission in East Timor as soon as possible;

(2) recognize East Timor, and establish diplomatic relations with East Timor, upon its independence; and

(3) ensure that a fully functioning, fully staffed, adequately resourced, and securely maintained diplomatic mission is accredited to East Timor upon its independence.

(b) REPORTS.—

(1) INITIAL REPORT.—Not later than three months after the date of the enactment of this Act, the Secretary of State shall submit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report that contains the detailed plan described in subsection (a), including a timetable for the official opening of a facility in Dili, East Timor, the personnel requirements for the mission, the estimated costs for establishing the facility, and its security requirements.

(2) SUBSEQUENT REPORTS.—Beginning six months after the submission of the initial report under paragraph (1), and every six months thereafter until January 1, 2004, the Secretary of State shall submit to the committees specified in that paragraph a report on the status of the implementation of the detailed plan described in subsection (a), including any revisions to the plan (including its timetable, costs, or requirements) that have been made during the period covered by the report.

(3) FORM OF REPORT.—Each report submitted under this subsection may be submitted in classified or unclassified form.

SEC. 12. SECURITY ASSISTANCE FOR EAST TIMOR.

(a) AUTHORIZATION.—Beginning on and after the date on which the President transmits to the Congress a certification described in subsection (b), the President is authorized—

(1) to transfer excess defense articles under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) to East Timor in accordance with such section; and

(2) to provide military education and training under chapter 5 of part II of such Act (22 U.S.C. 2347 et seq.) for the armed forces of East Timor in accordance with such chapter.

(b) CERTIFICATION.—A certification described in this subsection is a certification that—

(1) East Timor has established an independent armed forces; and

(2) the assistance proposed to be provided pursuant to subsection (a)—

(A) is in the national security interests of the United States; and

(B) will promote both human rights in East Timor and the professionalization of the armed forces of East Timor.

(c) STUDY AND REPORT.—

(1) STUDY.—The President shall conduct a study to determine—

(A) the extent to which East Timor's security needs can be met by the transfer of excess defense articles under section 516 of the Foreign Assistance Act of 1961;

(B) the extent to which international military education and training (IMET) assistance will enhance professionalism of the armed forces of East Timor, provide training in human rights, promote respect for human rights and humanitarian law; and

(C) the terms and conditions under which such defense articles or training, as appropriate, should be provided.

(2) REPORT.—Not later than 1 month after the date of enactment of this Act, the President shall submit a report to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives setting forth the findings of the study conducted under paragraph (1).

SEC. 13. AUTHORITY FOR RADIO BROADCASTING.

The Broadcasting Board of Governors shall further the communication of information and ideas through the increased use of audio broadcasting to East Timor to ensure that radio broadcasting to that country serves as a consistently reliable and authoritative source of accurate, objective, and comprehensive news.

SEC. 14. REPORTING REQUIREMENT.

(a) IN GENERAL.—Not later than three months after the date of the enactment of this Act, and every six months thereafter until January 1, 2004, the Secretary of State, in coordination with the Administrator of the United States Agency for International Development, the Secretary of the Treasury, the United States Trade Representative, the Secretary of Commerce, the Overseas Private Investment Corporation, the Director of the Trade and Development Agency, the President of the Export-Import Bank of the United States, the Secretary of Agriculture, and the Director of the Peace Corps, shall prepare and transmit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report that contains the information described in subsection (b).

(b) INFORMATION.—The report required by subsection (a) shall include—

(1) developments in East Timor's political and economic situation in the period covered by the report, including an evaluation of any elections occurring in East Timor and the refugee reintegration process in East Timor;

(2)(A) in the initial report, a 3-year plan for United States foreign assistance to East Timor in accordance with section 4, prepared by the Administrator of the United States Agency for International Development, which outlines the goals for United States foreign assistance to East Timor during the 3-year period; and

(B) in each subsequent report, a description in detail of the expenditure of United States bilateral foreign assistance during the period covered by each such report;

(3) a description of the activities undertaken in East Timor by the International Bank for Reconstruction and Development and the Asian Development Bank, and an evaluation of the effectiveness of these activities;

(4) an assessment of—

(A) the status of United States trade and investment relations with East Timor, including a detailed analysis of any trade and investment-related activity supported by the Overseas Private Investment Corporation, the Export-Import Bank of the United States, and the Trade and Development Agency during the period of time since the previous report; and

(B) the status of any negotiations with the United Nations Transitional Administration for East Timor (UNTAET) or East Timor to facilitate the operation of the United States trade agencies in East Timor;

(5) the nature and extent of United States-East Timor cultural, education, scientific, and academic exchanges, both official and unofficial, and any Peace Corps activities; and

(6) a comprehensive study and report on local agriculture in East Timor, emerging opportunities for producing and exporting indigenous agricultural products, and recommendations for appropriate technical assistance from the United States.

Mr. MOYNIHAN:

S. 3259. A bill amend the Internal Revenue Code of 1986 to provide a rehabilitation credit for certain expenditures to rehabilitate historic performing arts facilities; to the Committee on Finance.

HISTORIC PERFORMING ARTS FACILITY REHABILITATION ACT

Mr. MOYNIHAN. Mr. President, I rise today to offer a bill that will benefit the cultural cornerstones of many of our communities—our nation's historic performing arts facilities. From the non-profit community theater housed in an historic opera house to the non-profit metropolitan performing arts complex of historic significance, this nation's historic performing arts facilities play a lasting and important role

in the cultural fabric and cultural evolution of this nation.

There are over 200 non-profit performing arts organizations with historic facilities nationally, including the Traverse City Opera House in Traverse City, Michigan; the Paramount Theater in Anderson, Indiana; the Polk Theater in Lakeland, Florida; the Strand Theater in Shreveport, Louisiana; the Trinity Repertory Company in Providence, Rhode Island; and the Victoria Theater in Dayton, Ohio. As the cultural cornerstones of their communities and regions, these facilities also play an important economic role as the anchors of economic development within their communities. These theaters attract tourism, stabilize neighborhoods, and generate increased economic activity of surrounding businesses.

Since the 1950s, this nation has also seen the emergence of nearly forty larger multi-purpose, multi-use performing arts complexes in urban areas as part of a larger urban renewal movement, such as the Los Angeles Music Center, the Wang Center for the Performing Arts in Boston, the Cincinnati Music Hall and Aronoff Center for the Arts in Ohio, the Regional Performing Arts Center in Philadelphia, the Lincoln Center for the Performing Arts in New York City, and the Kennedy Center for the Performing Arts in Washington, D.C. Each of these performing arts organizations has revitalized and spurred development in its community, and many of these larger facilities are centered around historic facilities or are historic places themselves.

This bill, the Historic Performing Arts Facility Rehabilitation Act, provides parity between non-profit and for-profit historic performing arts organizations that rehabilitate these national treasures. For many years, for-profit entities, including for-profit theaters, that rehabilitate their nationally registered historic structures have qualified for a rehabilitation tax credit. This bill would simply permit non-profit performing arts organizations, with facilities similarly listed on the National Register of Historic Places, to benefit from the same program.

The bill permits non-profit performing arts organizations to receive the existing credit, equal to twenty percent of qualified rehabilitation expenditures, in the form of a credit certificate. The certificate would be transferable to a lending institution that provides all or part of the financing related to the qualified rehabilitation expenditure in exchange for a reduction in interest or principal.

This bill has the support of the performing arts community and the support of historic preservation organizations. I hope many of my colleagues will support this important legislation.

By Mr. HARKIN (for himself and Mr. SMITH of Oregon):

S. 3260. A bill to amend the Food Security Act of 1985 to establish the conservation security program; to the Committee on Agriculture, Nutrition, and Forestry.

CONSERVATION SECURITY ACT

Mr. HARKIN. Mr. President, I am proud to reintroduce the Conservation Security Act today together with Senator GORDON SMITH of Oregon. This important bipartisan legislation represents the first meaningful step toward comprehensive conservation on all of America's working farms and ranches. Although the reintroduction of this bill comes late in the session, it represents the beginning of the new approach for conservation in the next farm bill.

Mr. SMITH of Oregon. Mr. President, I come to the floor of the Senate today to speak to the important issue of conservation in agriculture. I am pleased to join with my friend from Iowa, the distinguished ranking member of the Agriculture Committee, Senator HARKIN, on the introduction of the Conservation Security Act. The introduction of this legislation represents the culmination of a great deal of work on the part of Senator HARKIN and his staff to explore new ways to address the needs of American farmers in the area of conservation. With the debate over a new farm bill on the horizon for the next Congress, I think it is important that we begin this dialogue now to consider how federal programs for farmers can be made more flexible and, frankly, more relevant, to farmers throughout the country.

As some of my colleagues know, I come from rural Eastern Oregon. In my part of the State, which is noted for its wheat farms, it is often said that every day is Earth Day for farmers. And every year, as more and more farmland is lost to development, people from both urban and rural America are starting to realize how much a friend to the environment our farmers are. Farmers have long recognized their direct dependence upon the land and the blessings of nature for their livelihoods, and, as a result, are some of the best stewards of the land in this country. I think you will find, Mr. President, that when it come to environmental stewardship measures, farmers are almost always willing to step up to the plate to do their part, provided that they can still make a living. Too often, I believe they are simply told through regulation what they can or cannot do with their land. Not enough attention is paid to the real impact of such regulation on the farmer's bottom line or on the relative competitiveness of U.S. Agriculture to foreign competition. What good does it do for the environment to drive farmers out of business only to trade farmland for strip malls? We all know there is a place for common sense environmental regulation, but I don't believe we have done nearly enough on the incentive side of the coin.

The Conservation Security Act is a bold step toward filling the gap in our current federal farm conservation regime. Simply put, this legislation offers compensation to farmers for voluntary conservation activities performed on land that is in agricultural production. Several aspects of this approach are significant improvements over the conservation tools available to farmers today.

First, this legislation recognizes that there are a number of things that are beneficial to the environment that farmers can do short of simply idling their land. Adopting an integrated pest management plan that reduces pesticide use, or using soil-conserving rotational crops are just two examples of environmentally sensitive measures farmers can take while their land is still under production. Most of our spending for conservation programs at the federal level is geared toward paying farmers to set aside environmentally sensitive land altogether, such as under the Conservation Reserve Program. While such programs serve an important need, they don't address the range of conservation activities that farmers can, and often do, on their land in production. The Conservation Security Act fills this need in conservation programming and offers farmers the flexibility of choosing from amongst three tiers of conservation measures.

A second significant feature of this legislation is its applicability to all farmers, not just program commodity producers. I come from a state that produces everything from blueberries to potatoes to hazelnuts and nearly everything in between. These specialty crop producers need to have conservation options too. I am pleased to note the Conservation Security Act is open to all farmers in the nation. It is critical that the next farm bill more effectively addresses the needs of specialty crop producers in this area.

Finally, I have to note the potential for this legislation to help address the current farm crisis that is affecting so many of our family farmers. Those of us from agricultural states know too well the difficulties our farmers have faced in recent years, with the cost of production often exceeding the price paid for their commodities. While I believe a number of unusual circumstances have contributed to this problem—such as the Asian economic crisis—I also recognize that we must develop a more effective income support mechanism that the ad-hoc emergency farm spending packages we have relied upon in recent years. An investment in conservation, such as outlined in the Conservation Security Act, could contribute to that end.

In summary, Mr. President, I believe the Conservation Security Act has great potential to address crying needs of farmers all across the nation, while encouraging enhanced environmental stewardship. These are goals I think we should all agree on when it comes to farm policy. Over the upcoming recess, Senator HARKIN and I will seek more input from the agriculture community

as well as other interested colleagues on this important legislation. The Conservation Security Act offers a serious attempt to address the conservation needs of farmers as well as the troubling overall decline of the family farm in this country. I urge my colleagues to give in their consideration over this recess and look forward to reintroducing this legislation at the beginning of the next Congress as the debate over the next farm bill begins in earnest.

ADDITIONAL COSPONSORS

S. 187

At the request of Mr. ROTH, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 187, a bill to give customers notice and choice about how their financial institutions share or sell their personally identifiable sensitive financial information, and for other purposes.

S. 821

At the request of Mr. LAUTENBERG, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 821, a bill to provide for the collection of data on traffic stops.

S. 2938

At the request of Mr. BROWNBACK, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 2938, a bill to prohibit United States assistance to the Palestinian Authority if a Palestinian state is declared unilaterally, and for other purposes.

S. 3045

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 3045, a bill to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes.

S. 3067

At the request of Mr. KENNEDY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 3067, a bill to require changes in the bloodborne pathogens standard in effect under the Occupational Safety and Health Act of 1970.

SENATE RESOLUTION 383—EXTENDING THE AUTHORITIES RELATING TO THE SENATE NATIONAL SECURITY WORKING GROUP

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 383

Resolved, That Senate Resolution 105 of the One Hundred First Congress, agreed to April 13, 1989, as amended by Senate Resolution 75 of the One Hundred Sixth Congress, agreed to March 25, 1999, is further amended by adding at the end the following new section:

''SEC. 4. The provisions of this resolution shall remain in effect until December 31, 2002.''.

AMENDMENTS SUBMITTED

LAKE TAHOE BASIN MANAGEMENT UNIT LEGISLATION

MURKOWSKI (AND BINGAMAN) AMENDMENTS NOS. 4350–4351

Mr. HATCH (for Mr. MURKOWSKI (for himself and Mr. BINGAMAN)) proposed two amendments to the bill (S. 2751) to direct the Secretary of Agriculture to convey certain land in the Lake Tahoe Basin Management Unit, Nevada, to the Secretary of the Interior, in trust for the Washoe Indian Tribe of Nevada and California; as follows:

AMENDMENT NO. 4350

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Washoe Indian Tribe Land Conveyance Act of 2000''.

SEC. 2. WASHOE TRIBE LAND CONVEYANCE.

(a) FINDINGS.—Congress finds that—

(1) the ancestral homeland of the Washoe Tribe of Nevada and California (referred to in this section as the ''Tribe'') included an area of approximately 5,000 square miles in and around Lake Tahoe, California and Nevada, and Lake Tahoe was the heart of the territory;

(2) in 1997, Federal, State, and local governments, together with many private landholders, recognized the Washoe people as indigenous people of Lake Tahoe Basin through a series of meetings convened by those governments at 2 locations in Lake Tahoe;

(3) the meetings were held to address protection of the extraordinary natural, recreational, and ecological resources in the Lake Tahoe region;

(4) the resulting multiagency agreement includes objectives that support the traditional and customary uses of Forest Service land by the Tribe; and

(5) those objectives include the provision of access by members of the Tribe to the shore of Lake Tahoe in order to reestablish traditional and customary cultural practices.

(b) PURPOSES.—The purposes of this section are—

(1) to implement the joint local, State, tribal, and Federal objective of returning the Tribe to Lake Tahoe; and

(2) to ensure that members of the Tribe have the opportunity to engage in traditional and customary cultural practices on the shore of Lake Tahoe to meet the needs of spiritual renewal, land stewardship, Washoe horticulture and ethnobotony, subsistence gathering, traditional learning, and reunification of tribal and family bonds.

(c) CONVEYANCE.—Subject to valid existing rights and subject to the easement reserved under subsection (d), the Secretary of Agriculture shall convey to the Secretary of the Interior, in trust for the Tribe, for no consideration, all right, title, and interest in the parcel of land comprising approximately 24.3 acres, located within the Lake Tahoe Basin Management Unit north of Skunk Harbor, Nevada, and more particularly described as Mount Diablo Meridian, T15N, R18E, section 27, lot 3.

(d) EASEMENT.—

(1) IN GENERAL.—The conveyance under subsection (c) shall be made subject to reservation to the United States of a nonexclusive easement for public and administrative access over Forest Development Road #15N67 to National Forest System land.

(2) ACCESS BY INDIVIDUALS WITH DISABILITIES.—The Secretary shall provide a reciprocal easement to the Tribe permitting vehicular access to the parcel over Forest Development Road #15N67 to—

(A) members of the Tribe for administrative and safety purposes; and

(B) members of the Tribe who, due to age, infirmity, or disability, would have difficulty accessing the conveyed parcel on foot.

(e) USE OF LAND.—

(1) IN GENERAL.—In using the parcel conveyed under subsection (c), the Tribe and members of the Tribe—

(A) shall limit the use of the parcel to traditional and customary uses and stewardship conservation for the benefit of the Tribe;

(B) shall not permit any permanent residential or recreational development on, or commercial use of, the parcel (including commercial development, tourist accommodations, gaming, sale of timber, or mineral extraction); and

(C) shall comply with environmental requirements that are no less protective than environmental requirements that apply under the Regional Plan of the Tahoe Regional Planning Agency.

(2) REVERSION.—If the Secretary of the Interior, after notice to the Tribe and an opportunity for a hearing, based on monitoring of use of the parcel by the Tribe, makes a finding that the Tribe has used or permitted the use of the parcel in violation of paragraph (1) and the Tribe fails to take corrective or remedial action directed by the Secretary of the Interior, title to the parcel shall revert to the Secretary of Agriculture.

AMENDMENT NO. 4351

Strike all after the enacting clause and insert the following:

TITLE I—ADDITION OF CAT ISLAND TO GULF ISLANDS NATIONAL SEASHORE

SECTION 101. BOUNDARY ADJUSTMENT TO INCLUDE CAT ISLAND.

(a) IN GENERAL.—The first section of Public Law 91–660 (16 U.S.C. 459h) is amended—

(1) in the first sentence, by striking ''That, in'' and inserting the following:

''SECTION 1. GULF ISLANDS NATIONAL SEASHORE.

''(a) ESTABLISHMENT.—In''; and

(2) in the second sentence—

(A) by redesignating paragraphs (1) through (6) as subparagraphs (A) through (F), respectively, and indenting appropriately;

(B) by striking ''The seashore shall comprise'' and inserting the following:

''(b) COMPOSITION.—

''(1) IN GENERAL.—The seashore shall comprise the areas described in paragraphs (2) and (3).

''(2) AREAS INCLUDED IN BOUNDARY PLAN NUMBERED NS-GI-7100J.—The areas described in this paragraph are'': and

(C) by adding at the end the following:

''(3) CAT ISLAND.—Upon its acquisition by the Secretary, area described in this paragraph is the parcel consisting of approximately 2,000 acres of land on Cat Island, Mississippi, as generally depicted on the map entitled 'Boundary Map, Gulf Islands National Seashore, Cat Island, Mississippi', numbered 635/80085, and dated November 9, 1999 (referred to in this Act as the 'Cat Island Map').

''(4) AVAILABILITY OF MAP.—The Cat Island Map shall be on file and available for public inspection in the appropriate offices of the National Park Service.''.

(b) ACQUISITION AUTHORITY.—Section 2 of Public Law 91–660 (16 U.S.C. 459h–1) is amended—

(1) in the first sentence of subsection (a), by striking ''lands,'' and inserting ''submerged land, land,''; and

(2) by adding at the end the following:

''(e) ACQUISITION AUTHORITY.—

''(1) IN GENERAL.—The Secretary may acquire, from a willing seller only—

''(A) all land comprising the parcel described in subsection (b)(3) that is above the mean line of ordinary high tide, lying and being situated in Harrison County, Mississippi;

''(B) an easement over the approximately 150-acre parcel depicted as the 'Boddie Family Tract' on the Cat Island Map for the purpose of implementing an agreement with the owners of the parcel concerning the development and use of the parcel; and

''(C)(i) land and interests in land on Cat Island outside the 2,000-acre area depicted on the Cat Island Map; and

''(ii) submerged land that lies within 1 mile seaward of Cat Island (referred to in this Act as the 'buffer zone'), except that submerged land owned by the State of Mississippi (or a subdivision of the State) may be acquired only by donation.

''(2) ADMINISTRATION.—

''(A) IN GENERAL.—Land and interests in land acquired under this subsection shall be administered by the Secretary, acting through the Director of the National Park Service.

''(B) BUFFER ZONE.—Nothing in this Act or any other provision of law shall require the State of Mississippi to convey to the Secretary any right, title, or interest in or to the buffer zone as a condition for the establishment of the buffer zone.

''(3) MODIFICATION OF BOUNDARY.—The boundary of the seashore shall be modified to reflect the acquisition of land under this subsection only after completion of the acquisition.''.

(c) REGULATION OF FISHING.—Section 3 of Public Law 91–660 (16 U.S.C. 459h–2) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''The Secretary''; and

(2) by adding at the end the following:

''(b) NO AUTHORITY TO REGULATE MARITIME ACTIVITIES.—Nothing in this Act or any other provision of law shall affect any right of the State of Mississippi, or give the Secretary any authority, to regulate maritime activities, including nonseashore fishing activities (including shrimping), in any area that, on the date of enactment of this subsection, is outside the designated boundary of the seashore (including the buffer zone).''.

(d) AUTHORIZATION OF MANAGEMENT AGREEMENTS.—Section 5 of Public Law 91–660 (16 U.S.C. 459h–4) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''Except''; and

(2) by adding at the end the following:

''(b) AGREEMENTS.—

''(1) IN GENERAL.—The Secretary may enter into agreements—

''(A) with the State of Mississippi for the purposes of managing resources and providing law enforcement assistance, subject to authorization by State law, and emergency services on or within any land on Cat Island and any water and submerged land within the buffer zone; and

''(B) with the owners of the approximately 150-acre parcel depicted as the 'Boddie Family Tract' on the Cat Island Map concerning the development and use of the land.

''(2) NO AUTHORITY TO ENFORCE CERTAIN REGULATIONS.—Nothing in this subsection authorizes the Secretary to enforce Federal regulations outside the land area within the designated boundary of the seashore.''.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 11 of Public Law 91–660 (16 U.S.C. 459h–10) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''There''; and

(2) by adding at the end the following:

''(b) AUTHORIZATION FOR ACQUISITION OF LAND.—In addition to the funds authorized by subsection (a), there are authorized to be appropriated such sums as are necessary to acquire land and submerged land on and adjacent to Cat Island, Mississippi.''.

TITLE II—PECOS NATIONAL HISTORICAL PARK LAND EXCHANGE

SECTION 201. SHORT TITLE.

This title may be cited as the ''Pecos National Historical Park Land Exchange Act of 2000''.

SEC. 202. DEFINITIONS.

As used in this title—

(1) the term ''Secretaries'' means the Secretary of the Interior and the Secretary of Agriculture;

(2) the term ''landowner'' means Harold and Elisabeth Zuschlag, owners of land within the Pecos National Historical Park; and

(3) the term ''map'' means a map entitled ''Proposed Land Exchange for Pecos National Historical Park'', numbered 430/80,054, and dated November 19, 1999, revised September 18, 2000.

SEC. 203. LAND EXCHANGE.

(a) Upon the conveyance by the landowner to the Secretary of the Interior of the lands identified in subsection (b), the Secretary of Agriculture shall convey the following lands and interests to the landowner, subject to the provisions of this title:

(1) Approximately 160 acres of Federal lands and interests therein within the Santa Fe National Forest in the State of New Mexico, as generally depicted on the map; and

(2) The Secretary of the Interior shall convey an easement for water pipelines to two existing well sites, located within the Pecos National Historical Park, as provided in this paragraph.

(A) The Secretary of the Interior shall determine the appropriate route of the easement through Pecos National Historical Park and such route shall be a condition of the easement. The Secretary of the Interior may add such additional terms and conditions relating to the use of the well and pipeline granted under this easement as he deems appropriate.

(B) The easement shall be established, operated, and maintained in compliance with all Federal laws.

(b) The lands to be conveyed by the landowner to the Secretary of the Interior comprise approximately 154 acres within the Pecos National Historical Park as generally depicted on the map.

(c) The Secretary of Agriculture shall convey the lands and interests identified in subsection (a) only if the landowner conveys a deed of title to the United States, that is acceptable to and approved by the Secretary of the Interior.

(d) TERMS AND CONDITIONS.—

(1) IN GENERAL.—Except as otherwise provided in this title, the exchange of lands and interests pursuant to this title shall be in accordance with the provisions of section 206 of the Federal Land Policy and Management Act (43 U.S.C. 1716) and other applicable laws including the National Environmental Policy Act (42 U.S.C. 4321 et seq.).

(2) VALUATION AND APPRAISALS.—The values of the lands and interests to be exchanged pursuant to this title shall be equal, as determined by appraisals using nationally recognized appraisal standards including the Uniform Appraisal Standards for Federal Land Acquisition. The Secretaries shall obtain the appraisals and insure they are conducted in accordance with the Uniform Appraisal Standards for Federal Land Acquisition. The appraisals shall be paid for in accordance with the exchange agreement between the Secretaries and the landowner.

(3) COMPLETION OF THE EXCHANGE.—The exchange of lands and interests pursuant to this title shall be completed not later than 180 days after National Environmental Policy Act requirements have been met and after the Secretary of the Interior approves the appraisals. The Secretaries shall report to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives upon the successful completion of the exchange.

(4) ADDITIONAL TERMS AND CONDITIONS.—The Secretaries may require such additional terms and conditions in connection with the exchange of lands and interests pursuant to this title as the Secretaries consider appropriate to protect the interests of the United States.

(5) EQUALIZATION OF VALUES.—

(A) The Secretary of Agriculture shall equalize the values of Federal land conveyed under subsection (a) and the land conveyed to the Federal Government under subsection (b)—

(i) by the payment of cash to the Secretary of Agriculture or the landowner, as appropriate, except that notwithstanding section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)), the Secretary of Agriculture may accept a cash equalization payment in excess of 25 percent of the value of the Federal land; or

(ii) if the value of the Federal land is greater than the land conveyed to the Federal government, by reducing the acreage of the Federal land conveyed.

(B) DISPOSITION OF FUNDS.—Any funds received by the Secretary of Agriculture as cash equalization payment from the exchange under this section shall be deposited into the fund established by Public Law 90–171 (commonly known as the ''Sisk Act'') (16 U.S.C. 484a) and shall be available for expenditure, without further appropriation, for the acquisition of land and interests in the land in the State of New Mexico.

SEC. 204. BOUNDARY ADJUSTMENT AND MAPS.

(a) Upon acceptance of title by the Secretary of the Interior of the lands and interests conveyed to the United States pursuant to section 203 of this title, the boundaries of the Pecos National Historical Park shall be adjusted to encompass such lands. The Secretary of the Interior shall administer such lands in accordance with the provisions of law generally applicable to units of the National Park System, including the Act entitled ''An Act to establish a National Park Service, and for other purposes'', approved August 25, 1916 (16 U.S.C. 1, 2–4).

(b) The map shall be on file and available for public inspection in the appropriate offices of the Secretaries.

(c) Not later than 180 days after completion of the exchange described in section 203, the Secretaries shall transmit the map accurately depicting the lands and interests conveyed to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives.

LOWER RIO GRANDE VALLEY WATER RESOURCES CONSERVATION AND IMPROVEMENT ACT OF 1999

MURKOWSKI AMENDMENT NO. 4352

Mr. HATCH (for Mr. MURKOWSKI) proposed an amendment to the bill (S. 1761) to direct the Secretary of the Interior, through the Bureau of Reclamation, to conserve and enhance the water supplies of the Lower Rio Grande Valley; as follows:

Strike all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000''.

SEC. 2. DEFINITIONS.

In this Act:

(1) STATE.—The term ''State'' means the Texas Water Development Board and any other authorized entity of the State of Texas.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Commissioner.

(3) COMMISSIONER.—The term ''Commissioner'' means the Commissioner of the Bureau of Reclamation.

(4) COUNTIES.—The term ''counties'' means the counties in the state of Texas in the Rio Grande Regional Water Planning Area known as Region ''M'' as designated by the Texas Water Development Board and the counties of Hudspeth and El Paso, Texas.

SEC. 3. FINDINGS.

The Congress finds the following:

(a) Drought conditions over the last decade have made citizens of the Lower Rio Grande Valley region of Texas aware of the significant impacts a dwindling water supply can have on a region.

(b) As a result of the impacts, that region has devised an integral water resource plan to meet the critical water needs of the Lower Rio Grande Valley through the end of the year 2050.

(c) Implementation of an integrated water resource plan to meet the critical water needs of the Lower Rio Grande Valley is in the national interest.

(d) The Congress should authorize and provide Federal technical and financial assistance to construct improved irrigation canal delivery systems to help meet the critical water needs of the Lower Rio Grande Valley through the end of the year 2050.

SEC. 4. LOWER RIO GRANDE WATER CONSERVATION AND IMPROVEMENT PROGRAM.

(a) The Secretary is authorized to undertake a program to improve the supply of water for the counties as provided in this Act.

(b) In cooperation with the State, water users in the counties, and other non-Federal entities, the Secretary shall conduct feasibility studies for the purpose of conserving and transporting raw water, including the following:

(1) Irrigation canals;
(2) Pipelines;
(3) Flow control structures;
(4) Meters; and
(5) All associated appurtenances.

(c) If the Secretary determines that the following projects satisfy the eligibility criteria in subsection (d)(1)–(3), the Secretary, in cooperation with the State, water users in the counties, and other non-Federal entities, is authorized to conduct engineering work, infrastructure construction and improvements for the purpose of conserving and transporting raw water through the following projects:

(1) in the Hidalgo County, Texas Irrigation District #1, a pipeline project identified in the Melden & Hunt, Inc. engineering study dated July 6, 2000 as the Curry Main Pipeline Project;

(2) in the Cameron County, Texas La Feria Irrigation District #3, a distribution system improvement project identified by the 1993 engineering study by Sigler, Winston, Greenwood and Associates, Inc.;

(3) in the Cameron County, Texas Irrigation District #2 canal rehabilitation and pumping plant replacement as identified as Job Number 48–05540–002 in a report by Turner Collie & Braden, Inc. dated August 12, 1998, and

(4) in the Harlingen Irrigation District Cameron #1 Irrigation District a project of meter installation and canal lining as identified in a proposal submitted to the Texas Water Development Board dated April 28, 2000.

(d) PROJECT ELIGIBILITY.—Within six months after the date of enactment of this Act, the Secretary, in consultation with the State, shall develop criteria for determining eligible projects under this Act. Such criteria shall include, but need not be limited to the following requirements:

(1) the project plan includes an engineer's estimate of the amount of water to be conserved;

(2) the design for the project includes a cost of project to water saved ratio; and

(3) there is a cost sharing agreement in place between all relevant parties delineating the proportionate share of costs to be paid on an annual basis.

Within one year of the date a project is submitted to the Secretary for approval, the Secretary shall determine whether the project meets the criteria established pursuant to this section.

SEC. 5. COST SHARING.

The non-Federal share of the costs of any activity carried out under, or with assistance provided under, this Act shall be 50 percent. Not more than 40 percent of the costs of such an activity may be paid by the State and the remainder of the non-Federal share may include in-kind contributions of goods and services, and funds previously spent on feasibility and engineering studies.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary to carry out this Act such sums as may be necessary; but not to exceed $7,500,000 for the purposes of section 4(c).

CONGRESSIONAL RECOGNITION FOR EXCELLENCE IN ARTS EDUCATION ACT

COCHRAN AMENDMENT NO. 4353

Mr. HATCH (for Mr. COCHRAN) proposed an amendment to the bill (S. 2789) to amend the Congressional Award Act to establish a Congressional Recognition for Excellence in Arts Education Board; as follows:

Strike all after the enacting clause, and insert the following:

SECTION 1. CONGRESSIONAL RECOGNITION FOR EXCELLENCE IN ARTS EDUCATION.

(a) IN GENERAL.—The Congressional Award Act (2 U.S.C. 801–808) is amended by adding at the end the following:

''TITLE II—CONGRESSIONAL RECOGNITION FOR EXCELLENCE IN ARTS EDUCATION

''SEC. 201. SHORT TITLE.

''This title may be cited as the 'Congressional Recognition for Excellence in Arts Education Act'.

''SEC. 202. FINDINGS.

''Congress makes the following findings:

''(1) Arts literacy is a fundamental purpose of schooling for all students.

''(2) Arts education stimulates, develops, and refines many cognitive and creative skills, critical thinking and nimbleness in judgment, creativity and imagination, cooperative decisionmaking, leadership, high-level literacy and communication, and the capacity for problem-posing and problem-solving.

''(3) Arts education contributes significantly to the creation of flexible, adaptable, and knowledgeable workers who will be needed in the 21st century economy.

''(4) Arts education improves teaching and learning.

''(5) Where parents and families, artists, arts organizations, businesses, local civic and cultural leaders, and institutions are actively engaged in instructional programs, arts education is more successful.

''(6) Effective teachers of the arts should be encouraged to continue to learn and grow in mastery of their art form as well as in their teaching competence.

''(7) The 1999 study, entitled 'Gaining the Arts Advantage: Lessons from School Districts that Value Arts Education', found that the literacy, education, programs, learning and growth described in paragraphs (1) through (6) contribute to successful district-wide arts education.

''(8) Despite all of the literacy, education, programs, learning and growth findings described in paragraphs (1) through (6), the 1997 National Assessment of Educational Progress reported that students lack sufficient opportunity for participatory learning in the arts.

''(9) The Arts Education Partnership, a coalition of national and State education, arts, business, and civic groups, is an excellent example of one organization that has demonstrated its effectiveness in addressing the purposes described in section 205(a) and the capacity and credibility to administer arts education programs of national significance.

''SEC. 203. DEFINITIONS.

''In this title:

''(1) ARTS EDUCATION PARTNERSHIP.—The term 'Arts Education Partnership' means a private, nonprofit coalition of education, arts, business, philanthropic, and government organizations that demonstrates and promotes the essential role of arts education in enabling all students to succeed in school, life, and work, and was formed in 1995.

''(2) BOARD.—The term 'Board' means the Congressional Recognition for Excellence in Arts Education Awards Board established under section 204.

''(3) ELEMENTARY SCHOOL; SECONDARY SCHOOL.—The terms 'elementary school' and 'secondary school' mean—

''(A) a public or private elementary school or secondary school (as the case may be), as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801); or

''(B) a bureau funded school as defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026).

''(4) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

''SEC. 204. ESTABLISHMENT OF BOARD.

''There is established within the legislative branch of the Federal Government a Congressional Recognition for Excellence in Arts Education Awards Board. The Board shall be responsible for administering the awards program described in section 205.

''SEC. 205. BOARD DUTIES.

''(a) AWARDS PROGRAM ESTABLISHED.—The Board shall establish and administer an awards program to be known as the 'Congressional Recognition for Excellence in Arts Education Awards Program'. The purpose of the program shall be to—

''(1) celebrate the positive impact and public benefits of the arts;

''(2) encourage all elementary schools and secondary schools to integrate the arts into the school curriculum;

''(3) spotlight the most compelling evidence of the relationship between the arts and student learning;

''(4) demonstrate how community involvement in the creation and implementation of arts policies enriches the schools;

''(5) recognize school administrators and faculty who provide quality arts education to students;

''(6) acknowledge schools that provide professional development opportunities for their teachers;

''(7) create opportunities for students to experience the relationship between early participation in the arts and developing the life skills necessary for future personal and professional success;

''(8) increase, encourage, and ensure comprehensive, sequential arts learning for all students; and

''(9) expand student access to arts education in schools in every community.

''(b) DUTIES.—

''(1) SCHOOL AWARDS.—The Board shall—

''(A) make annual awards to elementary schools and secondary schools in the States in accordance with criteria established under subparagraph (B), which awards—

''(i) shall be of such design and materials as the Board may determine, including a well-designed certificate or a work of art, designed for the awards event by an appropriate artist; and

''(ii) shall be reflective of the dignity of Congress;

''(B) establish criteria required for a school to receive the award, and establish such procedures as may be necessary to verify that the school meets the criteria, which criteria shall include criteria requiring—

''(i) that the school—

''(I) provides comprehensive, sequential arts learning; and

''(II) integrates the arts throughout the curriculum in subjects other than the arts; and

''(ii) 3 of the following:

''(I) that the community serving the school is actively involved in shaping and implementing the arts policies and programs of the school;

''(II) that the school principal supports the policy of arts education for all students;

''(III) that arts teachers in the school are encouraged to learn and grow in mastery of their art form as well as in their teaching competence;

''(IV) that the school actively encourages the use of arts assessment techniques for improving student, teacher, and administrative performance; and

''(V) that school leaders engage the total school community in arts activities that create a climate of support for arts education; and

''(C) include, in the procedures necessary for verification that a school meets the criteria described in subparagraph (B), written evidence of the specific criteria, and supporting documentation, that includes—

''(i) 3 letters of support for the school from community members, which may include a letter from—

''(I) the school's Parent Teacher Association (PTA);

''(II) community leaders, such as elected or appointed officials; and

''(III) arts organizations or institutions in the community that partner with the school; and

''(ii) the completed application for the award signed by the principal or other education leader such as a school district arts coordinator, school board member, or school superintendent;

''(D) determine appropriate methods for disseminating information about the program and make application forms available to schools;

''(E) delineate such roles as the Board considers to be appropriate for the Director in administering the program, and set forth in the bylaws of the Board the duties, salary, and benefits of the Director;

''(F) raise funds for the operation of the program;

''(G) determine, and inform Congress regarding, the national readiness for interdisciplinary individual student awards described in paragraph (2), on the basis of the framework established in the 1997 National Assessment of Educational Progress and such other criteria as the Board determines appropriate; and

''(H) take such other actions as may be appropriate for the administration of the Congressional Recognition for Excellence in Arts Education Awards Program.

''(2) STUDENT AWARDS.—

''(A) IN GENERAL.—At such time as the Board determines appropriate, the Board—

''(i) shall make annual awards to elementary school and secondary school students for individual interdisciplinary arts achievement; and

''(ii) establish criteria for the making of the awards.

''(B) AWARD MODEL.—The Board may use as a model for the awards the Congressional Award Program and the President's Physical Fitness Award Program.

''(c) PRESENTATION.—The Board shall arrange for the presentation of awards under this section to the recipients and shall provide for participation by Members of Congress in such presentation, when appropriate.

''(d) DATE OF ANNOUNCEMENT.—The Board shall determine an appropriate date or dates for announcement of the awards under this section, which date shall coincide with a National Arts Education Month or a similarly designated day, week or month, if such designation exists.

''(e) REPORT.—

''(1) IN GENERAL.—The Board shall prepare and submit an annual report to Congress not later than March 1 of each year summarizing the activities of the Congressional Recognition for Excellence in Arts Education Awards Program during the previous year and making appropriate recommendations for the program. Any minority views and recommendations of members of the Board shall be included in such reports.

''(2) CONTENTS.—The annual report shall contain the following:

''(A) Specific information regarding the methods used to raise funds for the Congressional Recognition for Excellence in Arts Education Awards Program and a list of the sources of all money raised by the Board.

''(B) Detailed information regarding the expenditures made by the Board, including the percentage of funds that are used for administrative expenses.

''(C) A description of the programs formulated by the Director under section 207(b)(1), including an explanation of the operation of such programs and a list of the sponsors of the programs.

''(D) A detailed list of the administrative expenditures made by the Board, including the amounts expended for salaries, travel expenses, and reimbursed expenses.

''(E) A list of schools given awards under the program, and the city, town, or county, and State in which the school is located.

''(F) An evaluation of the state of arts education in schools, which may include anecdotal evidence of the effect of the Congressional Recognition for Excellence in Arts Education Awards Program on individual school curriculum.

''(G) On the basis of the findings described in section 202 and the purposes of the Congressional Recognition for Excellence in Arts Education Awards Program described in section 205(a), a recommendation regarding the national readiness to make individual student awards under subsection (b)(2).

''SEC. 206. COMPOSITION OF BOARD; ADVISORY BOARD.

''(a) COMPOSITION.—

''(1) IN GENERAL.—The Board shall consist of 9 members as follows:

''(A) 2 Members of the Senate appointed by the Majority Leader of the Senate.

''(B) 2 Members of the Senate appointed by the Minority Leader of the Senate.

''(C) 2 Members of the House of Representatives appointed by the Speaker of the House of Representatives.

''(D) 2 Members of the House of Representatives appointed by the Minority Leader of the House of Representatives.

''(E) The Director of the Board, who shall serve as a nonvoting member.

''(2) ADVISORY BOARD.—There is established an Advisory Board to assist and advise the Board with respect to its duties under this title, that shall consist of 15 members appointed—

''(A) in the case of the initial such members of the Advisory Board, by the leaders of the Senate and House of Representatives making the appointments under paragraph (1), from recommendations received from organizations and entities involved in the arts such as businesses, civic and cultural organizations, and the Arts Education Partnership steering committee; and

''(B) in the case of any other such members of the Advisory Board, by the Board.

''(3) SPECIAL RULE FOR ADVISORY BOARD.—In making appointments to the Advisory Board, the individuals and entity making the appointments under paragraph (2) shall consider recommendations submitted by any interested party, including any member of the Board.

''(4) INTEREST.—

''(A) IN GENERAL.—Members of Congress appointed to the Board shall have an interest in 1 of the purposes described in section 205(a).

''(B) DIVERSITY.—The membership of the Advisory Board shall represent a balance of artistic and education professionals, including at least 1 representative who teaches in each of the following disciplines:

''(i) Music.

''(ii) Theater.

''(iii) Visual Arts.

''(iv) Dance.

''(b) TERMS.—

''(1) BOARD.—Members of the Board shall serve for terms of 6 years, except that of the members first appointed—

''(A) 1 Member of the House of Representatives and 1 Member of the Senate shall serve for terms of 2 years;

''(B) 1 Member of the House of Representatives and 1 Member of the Senate shall serve for terms of 4 years; and

''(C) 2 Members of the House of Representatives and 2 Members of the Senate shall serve for terms of 6 years,

as determined by lot when all such members have been appointed.

''(2) ADVISORY BOARD.—Members of the Advisory Board shall serve for terms of 6 years, except that of the members first appointed, 3 shall serve for terms of 2 years, 4 shall serve for terms of 4 years, and 8 shall serve for terms of 6 years, as determined by lot when all such members have been appointed.

''(c) VACANCY.—

''(1) IN GENERAL.—Any vacancy in the membership of the Board or Advisory Board shall be filled in the same manner in which the original appointment was made.

''(2) TERM.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of such term.

''(3) EXTENSION.—Any appointed member of the Board or Advisory Board may continue to serve after the expiration of the member's term until the member's successor has taken office.

''(4) SPECIAL RULE.—Vacancies in the membership of the Board shall not affect the Board's power to function if there remain sufficient members of the Board to constitute a quorum under subsection (d).

''(d) QUORUM.—A majority of the members of the Board shall constitute a quorum.

''(e) COMPENSATION.—Members of the Board and Advisory Board shall serve without pay but may be compensated, from amounts in the trust fund, for reasonable travel expenses incurred by the members in the performance of their duties as members of the Board.

''(f) MEETINGS.—The Board shall meet annually at the call of the Chairperson and at such other times as the Chairperson may determine to be appropriate. The Chairperson shall call a meeting of the Board whenever ⅓ of the members of the Board submit written requests for such a meeting.

''(g) OFFICERS.—The Chairperson and the Vice Chairperson of the Board shall be elected from among the members of the Board, by a majority vote of the members of the Board, for such terms as the Board determines. The Vice Chairperson shall perform the duties of the Chairperson in the absence of the Chairperson.

''(h) COMMITTEES.—

''(1) IN GENERAL.—The Board may appoint such committees, and assign to the committees such functions, as may be appropriate to assist the Board in carrying out its duties under this title. Members of such committees may include the members of the Board or the Advisory Board.

''(2) SPECIAL RULE.—Any employee or officer of the Federal Government may serve as a member of a committee created by the Board, but may not receive compensation for services performed for such a committee.

''(i) BYLAWS AND OTHER REQUIREMENTS.—The Board shall establish such bylaws and other requirements as may be appropriate to enable the Board to carry out the Board's duties under this title.

''SEC. 207. ADMINISTRATION.

''(a) IN GENERAL.—In the administration of the Congressional Recognition for Excellence in Arts Education Awards Program, the Board shall be assisted by a Director, who shall be the principal executive of the program and who shall supervise the affairs of the Board. The Director shall be appointed by a majority vote of the Board.

''(b) DIRECTOR'S RESPONSIBILITIES.—The Director shall, in consultation with the Board—

''(1) formulate programs to carry out the policies of the Congressional Recognition for Excellence in Arts Education Awards Program;

''(2) establish such divisions within the Congressional Recognition for Excellence in Arts Education Awards Program as may be appropriate; and

''(3) employ and provide for the compensation of such personnel as may be necessary to carry out the Congressional Recognition for Excellence in Arts Education Awards Program, subject to such policies as the Board shall prescribe under its bylaws.

''(c) APPLICATION.—Each school or student desiring an award under this title shall submit an application to the Board at such time, in such manner and accompanied by such information as the Board may require.

''SEC. 208. LIMITATIONS.

''(a) IN GENERAL.—Subject to such limitations as may be provided for under this section, the Board may take such actions and make such expenditures as may be necessary to carry out the Congressional Recognition for Excellence in Arts Education Awards Program, except that the Board shall carry out its functions and make expenditures with only such resources as are available to the Board from the Congressional Recognition for Excellence in Arts Education Awards Trust Fund under section 211.

''(b) CONTRACTS.—The Board may enter into such contracts as may be appropriate to carry out the business of the Board, but the Board may not enter into any contract which will obligate the Board to expend an amount greater than the amount available to the Board for the purpose of such contract during the fiscal year in which the expenditure is made.

''(c) GIFTS.—The Board may seek and accept, from sources other than the Federal Government, funds and other resources to carry out the Board's activities. The Board may not accept any funds or other resources that are—

''(1) donated with a restriction on their use unless such restriction merely provides that such funds or other resources be used in furtherance of the Congressional Recognition for Excellence in Arts Education Awards Program; or

''(2) donated subject to the condition that the identity of the donor of the funds or resources shall remain anonymous.

''(d) VOLUNTEERS.—The Board may accept and utilize the services of voluntary, uncompensated personnel.

''(e) REAL OR PERSONAL PROPERTY.—The Board may lease (or otherwise hold), acquire, or dispose of real or personal property necessary for, or relating to, the duties of the Board.

''(f) PROHIBITIONS.—The Board shall have no power—

''(1) to issue bonds, notes, debentures, or other similar obligations creating long-term indebtedness;

''(2) to issue any share of stock or to declare or pay any dividends; or

''(3) to provide for any part of the income or assets of the Board to inure to the benefit of any director, officer, or employee of the Board except as reasonable compensation for services or reimbursement for expenses.

''SEC. 209. AUDITS.

''The financial records of the Board may be audited by the Comptroller General of the United States at such times as the Comptroller General may determine to be appropriate. The Comptroller General, or any duly authorized representative of the Comptroller General, shall have access for the purpose of audit to any books, documents, papers, and records of the Board (or any agent of the Board) which, in the opinion of the Comptroller General, may be pertinent to the Congressional Recognition for Excellence in Arts Education Awards Program.

''SEC. 210. TERMINATION.

''The Board shall terminate 6 years after the date of enactment of this title. The Board shall set forth, in its bylaws, the procedures for dissolution to be followed by the Board.

''SEC. 211. TRUST FUND.

''(a) ESTABLISHMENT OF FUND.—There shall be established in the Treasury of the United States a trust fund which shall be known as the ''Congressional Recognition for Excellence in Arts Education Awards Trust Fund''. The fund shall be administered by the Board, and shall consist of amounts donated to the Board under section 208(c) and amounts credited to the fund under subsection (d).

''(b) INVESTMENT.—

''(1) IN GENERAL.—It shall be the duty of the Secretary of the Treasury to invest, at the direction of the Director of the Board, such portion of the fund that is not, in the judgment of the Director of the Board, required to meet the current needs of the fund.

''(2) AUTHORIZED INVESTMENTS.—Such investments shall be in public debt obligations with maturities suitable to the needs of the fund, as determined by the Director of the Board. Investments in public debt obligations shall bear interest at rates determined by the Secretary of the Treasury taking into consideration the current market yield on outstanding marketable obligations of the United States of comparable maturity.

''(c) AUTHORITY TO SELL OBLIGATIONS.—Any obligation acquired by the fund may be sold by the Secretary of the Treasury at the market price.

''(d) PROCEEDS FROM CERTAIN TRANSACTIONS CREDITED TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the fund shall be credited to and form a part of the fund.''.

(b) CONFORMING AMENDMENTS.—The Congressional Award Act (2 U.S.C. 801–808) is amended—

(1) by inserting after section 1 the following:

''TITLE I—CONGRESSIONAL AWARD PROGRAM'',

(2) by redesignating sections 2 through 9 as sections 101 through 108, respectively,

(3) in section 101 (as so redesignated)—

(A) by striking ''Act'' and inserting ''title'', and

(B) by striking ''section 3'' and inserting ''section 102'',

(4) in section 102(e) (as so redesignated)—

(A) by striking ''section 5(g)(1)'' and inserting ''section 104(g)(1)'', and

(B) by striking ''section 7(g)(1)'' and inserting ''section 106(g)(1)'', and

(5) in section 103(i), by striking ''section 7'' and inserting ''section 106''.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

EMBELLISHMENTS BY VICE PRESIDENT AL GORE

Mr. CRAIG. Mr. President, I thought for the next few moments I would speak basically in response to my colleague from Nevada, who is here on the floor. He has taken the floor in the last two evenings to quote rather liberally and at length statements made by Republican Presidential candidate George W. Bush, and of course those statements stand in the RECORD as he has presented them. He quoted them verbatim, saying he believed it was necessary to demonstrate the policy positions of this Presidential candidate.

I thought it would be appropriate to lay into the RECORD this evening similar quotes from AL GORE, the Presidential candidate for the Democrat Party, who on many occasions has made a variety of embellishments about certain facts. For the next few moments, I want to take this opportunity to read some of his quotes, which I think is appropriate as a comparative between the two Presidential candidates.

I will start with a CNN quote on ''Late Edition with Wolf Blitzer,'' March 9, 1999. Vice President AL GORE, at that time, said:

During my service in the United States Congress, I took the initiative in creating the Internet.

In the New York Times, December 1, 1999, he said:

I found a little place in upstate New York called Love Canal. I had the first hearing on that issue and Toone, Tennessee.

I assume he meant in Tone, Tennessee.

But that was the one that started it all.

I think that was the one where we knew the Vice President took credit for discovering Love Canal and acting on it.

During a flight on Air Force One, GORE was chatting with reporters. This is what he said:

He . . . spent two hours swapping opinions about movies and telling stories about old chums like Eric Segal, who, Gore said, used Al and Tipper as models for the uptight preppy and his free-spirited girlfriend in ''Love story.''

That is a quote out of Time magazine, December 15, 1997.

This is from the first Presidential debate on October 3, 2000:

I accompanied James Lee Witt down to Texas when the fires broke out.

Of course, he recanted that the next day, saying he really didn't do that. He was down there on the ground, but not with Mr. Witt, Director of FEMA.

Then during the first Presidential debate on October 3, he said:

They can't squeeze another desk in for her, so she has to stand during class.

Of course, immediately that school rejected that, saying that was simply not true. The first day of classes, her desk was not available, but the second day it was.

On the NBC ''Today Show,'' January 24, 1997, he said:

I did not know it was a fundraiser.

Of course, we know what he is talking about because then in an FBI deposition transcript on May 23, 1997, he said:

I didn't realize it was in a Buddhist temple.

Those are actual quotes from a man who wants to be President of the United States.

He went on to say this in the Washington Post on September 24, 2000, talking about the Strategic Oil Reserve which was established in 1975, 2 years before AL GORE was elected to Congress:

I've been a part of the discussion on the Strategic Oil Reserve since the days when it was first established.

In reference to the Comprehensive Test Ban Treaty, he said:

I've worked on this for 20 years because, unless we get this one right, nothing else matters.

That was on the Al Gore 2000 web site, October 14, 1999. Of course, during his career here in the Senate, Mr. GORE openly opposed the Comprehensive Test Ban Treaty.

In reference to the death penalty, Mr. President, candidate GORE has said this:

I have always supported it because I think society has a right to make careful judgments about when that ultimate penalty ought to be applied.

That was from the Associated Press, November 19, 1999. Senator AL GORE voted against the death penalty for drug kingpins on June 28, 1990, and against the death penalty for terrorists on February 20, 1991.

Remember, he said, ''I support it,'' and then he twice voted against it.

In reference to the earned-income tax credit, he said:

I was the author of that proposal. I wrote that, so I say, welcome aboard. This is something for which I have been a principal proponent for a long time.

That was in Time Magazine, November 1, 1999.

Carthage Courier, February 21, 1980. AL GORE cast the tie-breaking vote in the Senate on August 6, 1993, to raise taxes on Social Security benefits.

He said:

Social Security Benefits will remain untaxed . . . I sincerely believe that any plan to tax Social Security benefits would place an unforgivable burden on our senior citizens who are currently trying to enjoy their retirement years in the face of ever-increasing prices. . . . It is totally inconceivable. . . . It is unfair.

Yet, of course, he was the one who cast the tie-breaking vote August 6, 1993.

In reference to investing Social Security funds in the stock market, he said:

We didn't really propose it. We talked about the idea.

See Clinton-Gore fiscal years 2000 and 2001 budget proposals. They not only talked about it; they proposed it in their budget, Mr. President.

Here is another interesting quote:

Does he (George W. Bush) have the experience to be President? You know he has never put together a budget. The Governor of Texas is by far the weakest chief executive position in America and does not have the responsibility of forming or presenting a budget.

Now, if you look at Texas law, section 401.041, it reads:

The Governor of Texas is the chief Budget Officer of the State.

Also, section 401.406 reads:

The Governor shall deliver a copy of the Governor's budget to each member of the legislature not later than the sixth day of each regular legislative session.

In reference to the McCain-Feingold campaign finance legislation, he said, ''Unlike Senator Bradley, I was a cosponsor of it.''

That was in the New York Times, November 24, 1999.

Cosponsor? I didn't know that Vice Presidents could become cosponsors of legislation. But be that as it may, that is what he said.

Here is another quote; The American Prospect, June 5, 2000.

One-hundred and sixty-three bills for free or reduced-cost TV have been introduced in Congress since 1960.

Here is what the Vice President said about it:

Some of you may know that I don't come new to this issue; I introduced the very first free TV legislation in the Senate, exactly nine years ago this past Saturday, October 18, 1998.

Interestingly enough, the first bills were introduced in 1960.

Again, another mistake by our Vice President from the Columbia Journal Review, January 1993:

In an interview published last Sunday by the Des Moines Register, Gore was quoted as saying he ''got a bunch of people indicted and sent to jail'' while working as a reporter for the Tennessean in the 1970s.

Two people were indicted for alleged corruption during the same period AL GORE covered the Nashville Metro Council. Neither of the two were imprisoned.

I carried an M–16 . . . I pulled my turn on the perimeter at night and walked through the elephant grass, and I was fired upon.

Los Angeles Times, October 15, 1999.

According to witnesses, AL GORE was a reporter who never saw combat and was kept out of harm's way.

A speech to the New England Business Council, November 30, 1999:

''I was a home builder after I came back from Vietnam. . . I know a good bit about how to make money that way''—meaning home building—''to build this country is a great thing.''

Tanglewood Homebuilders was a Gore family corporation. The contractor said AL GORE visited the construction site once or twice.

I live on a farm today. I have my heart in my own farm.

ABC News, December 23, 1999.

Of course, we know that Mr. GORE was raised here in the city of Washington.

The PRESIDING OFFICER (Mr. BENNETT). The Senator's time has expired.

Mr. CRAIG. Recognizing my time has expired, I will continue this dialog probably on Monday night. I have now quoted 20 of about 40 of these kinds of situations in which the Vice President has found himself. I will make them a part of the RECORD to compare them to what the Senator from Nevada has stated, and I yield the floor.

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

The Senator from Nebraska.

DIFFERENT APPROACHES

Mr. KERREY. Mr. President, in yesterday's New York Times, there was a story about a young man in Poughkeepsie, NY, who used a global positioning satellite device—a little, handheld device that tells you exactly where you are—to do something that apparently is sweeping the country; that is, to cachet something and then put a GPS label on it. Then somebody else goes out and tries to find it. It is the latest fad in the never-ending pursuit of ways to use sophisticated technologies to accomplish useless things.

With great respect to the Senator from Idaho, what we have here is one more attempt to come down here and use sophisticated descriptions of the Vice President to accomplish useless things.

The other day, the Senator from Nevada came down and read I don't know how many pages of statements of the Governor of Texas; things that he said were incorrect. ''Nigeria is a continent''—things like that—and, ''I am the only candidate who knows how to put food on my family.''

It is funny.

The truth is, the Vice President, in the House of Representatives, did play an instrumental role in providing the funding for the National Science Foundation, DARPA, and other sorts of things. One of the founders of Netscape the other day said Netscape wouldn't have been created—he is the guy that wrote the software at Champaign-Urbana, IL, called Mosaic that lead to the creation of the Internet.

He said: I wouldn't have gotten my start, and we wouldn't have been doing our work were it not for AL GORE'S work over in the House.

All of these things we can argue.

I have been asked repeatedly: Do you think the Governor of Texas is competent enough to be President? Does he lack intelligence?

I was asked the other day on a radio show. I don't say that the Governor of Texas lacks intelligence; I do not suggest that he is incompetent; But I think it is important to examine the proposals that are on the table. The Governor of Texas says we ought to cut income taxes by $1.6 trillion. He says let the American people decide how the money is going to be spent.

That is a reasonable thing to do. I don't object to letting the American people decide how they are going to spend their own money.

Over the last 10 years, we have made great strides, starting with a piece of legislation that the father of the Governor of Texas supported in 1990. George Herbert Walker Bush, when he was campaigning in 1980 for the Republican nomination, described Ronald Reagan's proposals as ''voodoo economics.'' He went along with him as Vice President for 8 years, and for 2 years as President.

In 1990, he said we have had enough. He signed legislation and imposed caps that we are obliterating this year.

We are ignoring the caps this year. I think we are going to be $300 billion over on appropriations; the tax bill, another $250 billion against Medicare; health provisions, another $250 billion. We are about $900 billion over the caps.

But the Governor of Texas is determined to do another $1.6 trillion on top of that—$1.1 trillion of payroll tax; ''voodoo economics,'' and will put at risk not just this surplus that we have but the jobs that have been created as a consequence of what his father started in 1990.

That is what this campaign is about. It should not be in pursuit of what I consider to be sort of useless arguments where you find that the Vice President said something that isn't 100 percent true. So he finds something that the Governor of Texas says isn't 100 percent true. That really makes unusual candidates for office. It is a fairly common thing for us to do in the campaign.

But, in my view, an awful lot is at stake here—an awful lot more than just trying to figure out who says the silliest things and the most preposterous things.

The economic strategy of these two individuals is dramatically different. Their approach to problem solving is also dramatically different, and their attitudes toward many issues are dramatically different. We ought to allow the American people to distinguish one from the other.

I for one am getting sort of weary from all of these attempts to demonstrate that one person lies and the other person is so stupid that they can't figure out one thing from another.

It is far more important, it seems to me, for the American people to assess where it is these two individuals want to take this country, and then try to, as well, give them the opportunity to separate themselves. And they are clearly dramatically different in their approach not only to the issues but in their approach to the economy and in their approach to where they want to take the United States of America.

I yield the floor and look forward to the comments of the distinguished Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I listened to the distinguished Senator from Idaho and the distinguished Senator from Nebraska, and I would like to say that there is a real difference between the two candidates for President. I think we in America can say that the candidates running for President and Vice President are decent people. Their wives are good people. I know them all very well. The differences between them, however, are really stark.

I believe if you compare the Bush and GORE economic programs you will find that the programs of George Bush have much more justification than the other side.

We all know that these comments about reducing the national debt are just a front. We haven't seen that happen since 1994 when the first Republican Congress in decades took over.

The year 1994 was the first time in decades that we controlled both Houses of Congress and since then we have balanced the budget three times. We have paid down the debt $361 billion. By the end of next year it will be $½ trillion. That would not have happened had it not been for the first Republican Congress.

I remember as a Member of this body in 1994 when the President submitted the budget for $200 billion in deficits well into this century. President Clinton said at the time that nothing could be done, there was no way we could have anything but those deficits for at least 10 years.

Of course, we have shown that good fiscal discipline can literally balance the budget. I have to say what we are in right now is a mess. I think it will take George Bush and Dick Cheney to straighten it out. One of the things I like about George Bush so much is that he picked Dick Cheney, who, without question, is head and shoulders over most people who have served in Washington. Cheney is bright. He is extremely intelligent. He is extremely knowledgeable and has a lot of experience. He is honest to a fault, and he is straightforward. He is just the type of a person we need in government today.

When you have a $4.6 trillion projected surplus, it is pretty clear to me that taxpayers are being asked to pay too much in taxes. Frankly, Bush's approach is to set aside $2.3 trillion for Social Security; he has $1.3 trillion to give back to the taxpayers and use the other $1 trillion to pay down the national debt.

In order to have a $4.6 trillion surplus, we better pursue a wise economic approach. This economic approach has reduced the marginal tax rates from 70 percent down to 28 percent in 1986, and reduced capital gains from 28 percent to 20 percent 3 years ago. We had to think seriously about balancing the budget during our battles for the balanced budget amendment. But the first Republican Congress in decades managed to balance the budget. And we also had a wonderful head of the Federal Reserve in Alan Greenspan, a Republican, who basically has done miraculous work. There is no question that Secretary Robert Rubin did a good job and helped to stabilize world markets.

In all honesty, if we want to keep this economy going, we have to realize that marginal tax rates have jumped from 28 percent in 1986 up to over 40 percent today. Of course, they are still 30 points below where they were when Ronald Reagan took office with double-digit inflation and double-digit interest rates.

I hope the American people realize we have to have a change in Washington or we are going to go back to the old ways of deficits, high interest, and high taxes.

I might also add that I get tired of this 1 percent business. Let's face it, the top 1 percent of those who pay income taxes pay almost 35 percent of the income taxes in this country. The upper 50 percent, which comprises people with incomes over $27,000 a year, pay 96 percent of all taxes. The bottom 50 percent pay around 4 percent of all taxes. Naturally, Bush wants everybody who pays taxes to receive some benefits from having done so. Those who earn less than $35,000 a year are going to have a 100-percent reduction in most cases. Since the average wage in Utah is $37,000, it is easy to see we are going to have a lot of people in Utah benefiting from the Bush tax cuts. If you make $50,000 or less, you

have a 50 percent or a 55 percent reduction in your tax burden. At $75,000, you have 25 percent.

I felt it necessary to make these comments because the differences between the two candidates are stark. I think both candidates are good people. Vice President GORE and his wife Tipper are good people. There is no question that Governor Bush is a very good person, and his wife, Laura, is a wonderful person.

The difference is philosophy. It is time for us to get the country going in the right direction. That is my view.

Mr. President, I make a few comments to discuss a matter of great importance to immigrants and to all Americans.

President Clinton has repeatedly threatened to veto the Commerce, Justice, State appropriations if it does not include his proposals for immigration amnesty for undocumented aliens, or in most cases, illegal aliens. He calls it the Latino Immigration Fairness Act.

The CJS conference report does far better than the Latino fairness bill that the President is advocating. This CJS Report includes provisions that will restore fairness to immigrants from all countries, including hundreds of thousands of Latinos. The CJS bill contains a proposal carefully crafted by myself and others and we call it the Legal Immigration Family Equity Act, the LIFE Act. Our proposal has at its foundation a simple goal—to take a much needed step toward bringing fairness to our Nation's immigration policy by reuniting families and helping those who have played by the rules. Our proposal does not pit one nationality against another, nor does it pit one race against another. Our legislation provides relief to immigrants from all countries involved.

By contrast, the Clinton-Gore proposal would grant a blanket amnesty to millions of undocumented aliens—many or most of whom have broken our immigration laws. It also picks out specific groups of immigrants—namely, Central Americans—for special treatment. Unlike the Clinton-Gore proposal, our plan does not provide relief to those who have violated our laws at the expense of those who have played by the rules. Instead, it restores due process to a class of immigrants wrongly denied the ability to apply for residency nearly 15 years ago and expeditiously reunifies husbands, wives, and children of resident aliens. In other words, legal aliens.

It is important to bear in mind that at the same time the administration wants to grant amnesty to millions of people, it cannot even tell us how many people are waiting in line to come here legally. The administration's best guess on the number of immigrants waiting in line—a figure which is nearly four years old—is that over 3.5 million people are waiting to immigrate to the United States. Over 1 million of these applicants are spouses and children of permanent residents, that we take care of in our bill. The others we will look at, but not in the context of this bill. No; instead, the administration proposes to move to the front of our immigration lines those who have violated our immigration laws.

That doesn't seem right to me. We have to focus our efforts on helping reduce this backlog in addressing any legitimate due process issues. Our proposal does these things to accomplish these goals. The first part of our LIFE Act creates a new form of visitor visa for spouses and children of permanent residents. Our plan puts our Nation's resources behind reuniting families, instead of processing amnesty applications. Eligible applicants would be allowed to reunite with their families residing in the United States, and work legally while awaiting a decision on the merits of their petitions.

Our proposal would allow approximately 600,000 over the next 3 years to come to the United States legally, ahead of schedule, to be reunited with their immediate families.

Second, the LIFE Act further strengthens family and marriage by permitting spouses of U.S. citizens married outside the United States to obtain visas allowing spouses to enter the United States to await immigrant visa processing. Before the Clinton-Gore White House proposes that we give residency to those who have broken our minimum immigration laws, shouldn't we first be in the position of letting the wives of our citizens into this country, those who are legal?

Third, the LIFE Act restores due process to immigrants who are wrongly denied adjustment of status because of an INS administrative error.

My proposal allows the late amnesty class of 1982 to pursue their legalization claims under the original terms of the 1986 Act. We restore fairness to this group of individuals that has spent over 10 years in litigation.

This portion of the LIFE Act would assist approximately 400,000 immigrants in the class of 1982 who have played by the rules and now deserve the chance to legalize their status in accordance with law. Our proposal is strongly supported by those who lived through this litigation and fought against the Clinton administration's INS for fairness—not the political interest groups that would prefer to divide our country over this issue. Members of the class of 1982 prefer our solution to the administration's. One member of the class recently pleaded:

> We urge President Clinton to now call upon his INS to lay down its arms, to stop its decade-old battle to block our legalization, to comply with the numerous court orders we have won.

In short, our LIFE Act will help close to one million people who have been treated unfairly by our nation's immigration laws.

But Republicans have not stopped there. We recognize that there is a serious need to reform the Immigration and Naturalization Service in both its mission and its structure. We have complaints all the time about it. It is time to reform it. The INS should offer better service and a culture of respect for our newest Americans. Many Republicans and Democrats have worked hard toward promoting these broad goals.

Although we have yet to receive any written or formal response from the administration concerning the LIFE Act, we have presented the White House with language that says we should hold hearings and consider legislation that addresses the backlogs in applications for lawful permanent residency, furthers keeping families together, and addresses whether there are worker shortages in different sectors of our economy. Further, we have proposed that the Attorney General prepare a report to Congress no later than March 1, 2001, addressing facts relating to the administration's proposal.

Why do we need a report? Well, before the Congress is asked to proceed to grant separate treatment to different nationalities, or consider a blanket amnesty, I think it might make some sense to know how many people would be covered by the proposal. We have repeatedly asked for such information from the administration—they have yet to provide it. Let's be clear: the Clinton-Gore administration cannot even tell us how many people will be covered by their proposal. Why can't they tell us? Either they do not know the answer or they do know the answer but don't want the American people to know it. They would rather play politics with this issue.

I have no objection to seriously considering immigration reforms during the next Congress. I am chairman of the Republican Senatorial Hispanic Task Force. I have worked very hard for Latinos throughout our country—frankly, throughout the world, and will continue to do so. But such major reforms should not be pursued in an election year rush to create wedge issues that divide, rather than unite Americans. Real INS reform requires that we proceed in a responsible way, after we know the facts.

Unfortunately, the President appears not to care about the facts. If he did care, he would not threaten to veto this important bill since a veto jeopardizes funding for some of our most crucial government programs.

This chart shows just some of the many programs funded by the CJS appropriations bill—programs which the President threatens to cut off funding for with his veto. The CJS appropriations bill allocates $4.8 billion for the INS. If those funds are cut off by that veto we are going to be in a bigger mess on immigration then ever before, as bad as some think INS is. It contains an additional $15.7 million for Border Patrol equipment upgrades. How will President Clinton explain to Americans that he wants to shut down the INS and Border Patrol in order to

force Congress to grant amnesty to millions of illegal aliens? What kind of a message does this send to the men and women of the Border Patrol who risk their lives doing their job each and every day? I would note that the Border Patrol officers oppose his amnesty proposal—or should I say the proposal of those on the other side.

This appropriations bill also contains $3.3 billion for the FBI, and $221 million for training, equipment, and research and development programs to combat domestic terrorism. How will President Clinton explain to the families of those killed in the U.S.S. *Cole* bombing that FBI agents may have to be brought home because he has cut off funding for the FBI in order to grant amnesty to millions of undocumented aliens who violated our immigration laws?

This appropriations bill contains $4.3 billion for the federal prison system and $1.3 billion for the Drug Enforcement Administration. How will President Clinton explain to the American people that funding for Federal prisons and drug enforcement and drug interdiction will be put at risk because he wants to grant amnesty to millions of people who have violated our immigration laws?

We do not even know how many millions because they will not give us the figures. I suspect the reason they will not give us the figures is because it amounts to more than 4 million people.

Let me just put another thing up here. At the end of this Congress, we got into an awful bind that threatened to stop us from reauthorizing the Violence Against Women Act—for which we allocate $288 million. This is the Biden-Hatch bill. We passed it 6 years ago, as I recall. It has worked very well to help Women In Jeopardy Programs, legal aid for battered women and children, and a whole raft of other things to help cope with the problems of violence against women. This all goes down the drain if the President vetoes this bill. It is a matter of great concern. Like I say, this bill allocates $288 million for the Violence Against Women Act Program, legislation that I strongly supported and helped to break free at the end of this Congress.

Does President Clinton want to cut off funding for assistance to battered women and their children in order to grant amnesty to millions of illegal aliens? It does not sound logical to me. I know we are weeks away from an election. I also appreciate the desire of the Clinton-Gore White House to play wedge politics. But I feel it is incumbent upon me to note this White House, indeed, some White House officials involved in this immigration effort, have a pretty poor record when it comes to letting political motivations cloud their judgment on matters, important matters of public interest and public safety. Let's not forget how the Clinton-Gore White House granted clemency to convicted FALN terrorists in order to, in their words, ''have a positive impact among strategic Puerto Rican communities in the U.S. (read voters).''

The White House consciously targeted Puerto Rican voters and, it seemed to me, under the worst of circumstances and in the worst way.

Actions have consequences. If President Clinton vetoes this bill, he is putting the public safety and well-being at risk, both at home and abroad. He is doing this all in an effort to play wedge politics. The President's veto threats ring especially hollow because this appropriations bill provides many proposals to help immigrants. The President himself has stated that he wants, ''to keep families together, and to make our immigration policies more equitable.''

This is exactly what my LIFE Act does. In order to get that done, I have had to bring together people with all kinds of varying viewpoints, from those who do not want any immigration changes at all to those others who do not care about immigration.

I believe in the Statue of Liberty. I believe this is a country that ought to be open for legal immigrants.

I believe we ought to do everything in our power to solve these problems. I am willing to hold hearings right to see if we have not covered some of the problems that need to be covered. More than 1 million people are going to be covered by the LIFE Act. We have been able to bring together both Houses of Congress, as far as Republicans are concerned, and I think a lot of good Democrats when they look at this will be very impressed that we have been able to get this much done. I cannot go beyond that because there are people who just will not go any further.

I am willing to commit to holding hearings right after the first of the year to determine what else needs to be done. I am not prepared today, without all the facts, without hearings, without knowing where we are going, to grant amnesty to millions of illegal aliens and put them on the list ahead of those who need their spouses and families to be brought together.

When we fought these matters on the floor, there was a lot of anguish and whining by some on the other side that we were not taking care of families and children. I said we would try to do that and we have done it.

This bill does more than the President's bill, and it does it legally in the right way, giving preference to the people who have played by the rules rather than those who have not.

Most Americans descend from someone who came to this great country in the hope of pursuing a better life, in the hope of fulfilling the American Dream. I believe the American Dream is still alive and that we in Congress should try to serve as its custodians. For this reason, I believe it is not right to penalize families and to disadvantage those who have played by the rules. Indeed, I believe most current and future Americans—most Hispanics, most Asians, most Africans, and most Arabs—do not want to see people who play by the rules disadvantaged in an election year rush to help those who have not. And if you put the question to those the administration seeks to help, I think they would agree as well.

A veto of CJS appropriations and the LIFE Act would elevate political posturing above immigrant families and would place interest group politics over protecting the health and well-being of all Americans.

We have brought a lot of people together on this bill. I call upon the President to look at that. It is quite an achievement under circumstances that have been difficult for people such as myself.

It surprises me that the administration has suddenly called for urgent immigration reform for fairness' sake. It was 4 short years ago that the President eagerly signed the Illegal Immigration Reform Act of 1996. The President's current proposal stands the 1996 law on its head. Here is what the President said then about the 1996 Act in his signing statement:

> This bill also includes landmark immigration legislation that reinforces the efforts we have made over the last 3 years to combat illegal immigration. It strengthens the rule of law by cracking down on illegal immigration at the border, in the workplace, and in the criminal justice system—without punishing those living in the United States legally, or allowing children to be kept out of schools and sent into the streets.

I think the President ought to live by those words, instead of undermining existing law through Latino fairness. Getting our LIFE bill together has taken a lot of effort on my part and on the part of others under difficult circumstances. We have been able to bring together people who almost always have difficulty with immigration laws.

Our proposal has something that will solve the 1982 problem of due process rights. Those people have not been treated fairly by the INS. The INS keeps appealing their cases even though they win them every time. We will solve that problem for them.

It solves the problem of reuniting minor children with their parents in this country. It does it in the best of ways, and it does it expeditiously. It solves the problem of bringing spouses together with their husbands and wives who are legal, and it will help close to 1 million people. That, to me, having worked on immigration matters over the last 24 years, is a pretty darn good accomplishment if we can get it done.

I do not want to have this process break down because politics are being played. I know there will never be an agreement to allow up to 4 million people who are illegal aliens into this country in preference over these three categories of people I have talked about, these 1 million people who deserve to be treated better.

I hope the President will listen to what I have said. I have not had a chance to personally chat with him, but I have talked with his Chief of Staff who is a good friend and decent

man and who I think, having served on the Senate Judiciary Committee for all those years on the Democratic side, understands how difficult these matters are to put together.

I believe it is time to resovle these problems. I have done my best to do it. This is as far as we can go now, but we make a promise to look into every issue that is raised in hearings as soon as we get back, assuming we are still in the majority. Even if we are not, I will cooperate in seeing those hearings are held in an orderly and intelligent way.

I reserve the remainder of my time.

Mr. REID. Will the Senator withhold for a moment?

Mr. KERREY. Yes.

Mr. REID. Mr. President, I ask unanimous consent that the Senator from West Virginia, Mr. BYRD, be recognized for 20 minutes following the Senator from Nebraska.

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

The Senator from Nebraska.

Mr. KERREY. Mr. President, my good friend from Utah just described two things that I see much differently than he does. The conflict we are having right now over Commerce-State-Justice is occurring as a consequence of the House and the Senate not finishing their appropriations work. They are supposed to be done by the first of October. We are supposed to have all 13 bills passed. Our work is supposed to be done and all the bills sent to the President for signature. We were not able to get the work done. We are not able to look much further than what has happened to fiscal discipline around here to discover why we have been unable to get our appropriations bills done, why there have been delays on the appropriations bills. The answer is we are spending a lot more than the budget caps allow.

According to Bill Hoagland, who in the New York Times lays it out as accurately as anybody—I consider him to be an extremely reliable analyzer of the numbers—the appropriations bills we are going to pass will be $310 billion over the caps as estimated by CBO over the next 10 years, and that presumes that only inflation will be allowed over the next 10 years in growth in appropriations which we did not do this year. We are way beyond inflation this year. It is probably not $310 billion. It is probably much more than that. That is the problem.

It is very much a case where we had a glass slipper that was too small for our great big foot, and we could not get all the things we wanted to spend into that shoe. The Republican majority, facing that problem, had to decide what it was going to do. It has delayed, delayed, delayed, and as a consequence, we are now in a situation where, if we attach anything to it that is objectionable to the President, it is going to provoke a veto.

You know what you have to do to get the President to sign it. He will tell you what to do to sign it. If you are 27 days late, do not be surprised if you have lost leverage. Of course you have lost leverage; you are 27 days beyond the battle line, what the law tells us we are supposed to be doing with our appropriations bills.

There are two things I want to talk about as we head toward the end of this session that I find to be very troubling. The first is what we are doing with the surplus itself. Again, the second thing the Senator from Utah said earlier is we balanced the budget in 1997 and that it came about as a result of the election of a Republican House and Senate in 1995.

I voted for a Republican budget in 1995. I voted for a Republican budget in 1997 in order to balance it. But we began down this trail in 1990. That is when the budget caps were enacted. That is when we established sequestration to put in automatic across-the-board cuts if we were unable to get our budget inside the caps. There was a purpose. Balancing the budget was not an end in itself; it was a means to an end.

What was the end? The end was growth in the economy. We believed that if you balanced the budget—in other words, if you spent less than you taxed—that that would produce growth in the economy. That was the argument, not just in 1990, but way long before that.

I recall, when I was Governor, signing a letter in support of what the Republican Senate was doing in 1985 to try to balance the budget. It included a freezing of the COLA, which some say contributed to the loss of the Republican Senate in the 1986 election. I do not know if that is true or not. It was tough medicine. It would have balanced the budget. It is not easy to balance the budget.

I remember voting in 1990, 1993, and 1997—and the criticism is always the same: I want to balance the budget. I believe deficit reduction is important. I just don't want to pay any more or take any less. The only objection is, you cut my program and increased my taxes. Other than that, I liked what you did.

We had tough medicine in 1990, tough medicine in 1993, and tough medicine in 1997. All during those years, we had a means to say to our citizens: Look, I have to say no; I have a spending cap up until this year. If you came to this floor, and there was a motion to waive the Budget Act, it was tough to get 60 votes. Not anymore. Today, it is relatively easy to get 60 votes. I am not even sure we are going to have a vote to break the budget caps on appropriations.

Listen to what Mr. Hoagland says: This year we started off with a $2.4 trillion general fund surplus. The appropriations is going to reduce that surplus by $310 billion. An additional $295 billion in surplus goes for two tax cuts: the $240 billion package we are battling over right now and a separate $55 billion reduction in taxes on long distance telephone calls.

I listened to the argument. This is a Spanish-American War tax. For gosh sakes, the income tax is a World War I tax. Let's get rid of that, too, if that is the basis of why eliminating a tax makes good sense.

But we are going to eliminate a $55 billion tax. We are going to increase payments to Medicare. That is $74 billion more in the surplus, another $44 billion going to increased pension benefits to military retirees. Tax cuts and spending increases come to $723 billion over 10 years. The surplus is actually reduced by an additional $187 billion because of interest costs, bringing the total to $910 billion.

Since the 1990 Budget Act, signed by President Bush—all through the 1990s—we had to come to the floor, and if you wanted to offer something that spent more money, you had to have an offset. It was called the pay-go system.

We discovered that tucked in this little $247 billion tax bill that we are arguing about is a provision that waives the pay-go provisions. I mean, we are abandoning everything that got us to where we are today.

Again, I emphasize to people who want to know, what is this all about? Twenty-one million dollars have been created. The recovery, in my view, started prior to 1993. It started in 1991 and 1992. The deficit started coming down in 1992, and in no small part because of what we did in 1990. The full story did not begin in 1997. It did not start in 1993. It started in 1990. And now we are just throwing it all out the window, saying: It does not matter anymore; we have a great big surplus. That is why the American people are distrustful. That is why they are saying to us: Take that surplus and pay down the debt. That is why they are not supporting big tax cuts.

I voted for the Republican tax cut the first time it came up. Then I went home and the people of Nebraska said to me: We don't want it. We don't want it. Pay down the debt.

This fiscal discipline has been good for us. It has created jobs. It has promoted economic growth. There has been a positive result.

So I say, especially with the Governor of Texas saying he is committed to a $1.6 trillion income tax cut and a $1.1 trillion payroll tax cut, that on top of what we have already done, in my view, that is unquestionably going to put us right back in the soup. That is the failed policy of the past.

The failed policy of the past is when we said it doesn't matter if our budget is balanced. The failed policy of the past is when we were taking 22 percent of our income and spending it with 18-percent taxes coming in. Now it is the opposite. Spending levels are at 18 percent—the lowest level they have been since the middle of the 1970s, before this year, before what we have been doing in the past week or so—heading to 16 percent. It has not been at that level since Dwight Eisenhower was President.

I have to say that given what Congress is doing, and what we are seeing at the Presidential debate level, my hope is the American people will wise up and say: We got to where we are with tough choices. We are about ready to throw it all down the drain.

My belief is that fiscal discipline has not just been good for us here domestically, it has given us the strength to do an awful lot of things throughout the world as well. That is our greatest source of strength, our capacity to keep our economy growing.

You do not have to look any further than the former Soviet Union and Russia. They have a GDP that is $30 billion less than we have for defense. I am not saying our defense ought to be lower. I support taking it higher. I do not compare our defense against Russia, but their GDP is so low they cannot take care of submarines such as the Kursk.

I took a trip to Africa. Of the 11 nations we visited, they spend less than $10 per person on health care and $10 per person on education. The reason is their income is insufficient. They do not have the growth and are not producing things that the world wants to buy, and the United States of America does.

So I do not want to go back to the failed policies of the past. I do not want to go back to ''voodoo economics.'' I do not want to go back to those days when we said to the American people that it does not matter whether or not our budget is balanced.

We paid too big a price to get to where we are today. The American people not only are more prosperous and more enthusiastic about their economy and their future, but they have an awful lot more confidence in democracy as a result of our finally being able to do something about what was public enemy No. 1, all the way through the 1980s, and all the way through the 1990s.

I am sure former President Bush remembers what happened in 1992. He had a guy by the name of Ross Perot who made the deficit a battle cry and enabled him to have an impact upon that Presidential election, and probably enabled then-Governor Clinton to win that election, with 43 percent of the vote.

So you do not have to go back very far to see why it is that we have to reestablish fiscal discipline. We are going in the wrong direction. To get rid of the pay-go provisions is reason enough to vote against this tax bill for anybody who went all the way through the 1990s in this Congress. And that is the reason we are struggling with Commerce-State-Justice.

The dirty little secret is that our spending appetite exceeds the budget caps that got us to where we are today. As I said, this sounds like all process arguments. But there was a big payoff in eliminating that deficit, paying down the public debt, and relieving the pressure upon the private sector of borrowing, as we have done.

It did not just enable the economy to grow, it lowered the cost of borrowing money for a house, lowered the cost of borrowing money for an automobile, and lowered the cost of borrowing money for a business. In my view, at least as one former businessperson, it promoted an awful lot of economic growth. It has a huge impact on our capacity to create the kind of jobs that the American people want.

There is a second troubling thing that I have heard said over and over during this tax debate and the debate on the Medicare balanced budget givebacks as well. Those are both provisions we have, recognizing in 1997 we took almost $300 billion out of Medicare for providers instead of the $100 billion that we thought. So we are trying to adjust that a bit and make things a little easier for—in my State, especially the rural providers—the providers, but also home health care people and long-term care providers, and so forth, that are in that package.

I have heard it said over and over that, gee, this was largely bipartisan. Many of the provisions in this bill are provisions that were supported by Democrats. That is absolutely true. There are many provisions that are in this bill that were supported by Democrats. That is not the issue. The problem is, I heard one of my colleagues say earlier—he was describing negotiations with China—an agreement is just a temporary interruption in the negotiations.

We had an agreement on pensions. We had an agreement on pension reforms. Democrats came on board saying: We recognize that in order to do pension reform, you are going to have to provide changes in the law that are likely to benefit upper income people.

The distinguished Senator from Utah earlier talked about the 1 percent. He is absolutely right.

Almost 40 percent of the swing in the deficit from 1992 to today, 43 percent, an estimate made by Bill Hoagland of the New York Times—43 percent of that came because income tax rates were higher, and we had a big run-up in the stock market, a big cashing out of stock options, and a big cashing out of pensions as well. So upper income people are paying more taxes, especially Americans who have more than $1 million of taxable income. They are paying a lot of taxes.

So Democrats—I for one—acknowledge that if you are going to do a pension reform bill, it is likely to benefit upper income people. We are not going to demagogue that. It is likely to be that that is the case. But we asked for a couple little provisions to help that low- and moderate-income worker. They were tax credits.

The chairman of the Ways and Means Committee, Mr. ARCHER, doesn't like tax credits. So he stripped the two provisions out that we had in there for small businesses to help them defray the cost of start-up pensions. He stripped the provision out that had a matching in there for this low- and moderate-income worker who is working for small businesses that have fewer than 100 employees. He stripped that out because he doesn't like tax credits. We had a deal. So when the Republican leadership got together, they yielded to Mr. ARCHER and stripped out provisions of the pension bill we wanted that made it more fair.

I said last night, God created Democrats so we can ask the question: Is it fair? Sometimes we don't ask: Can we pay for it? That is something we have to train ourselves to do, and I thought we had through the 1990s with the budget caps. I talked about that earlier. But we asked the question: Is it fair? If we are going to spend money and try to increase the amount of pension coverage we have in the United States of America, shouldn't we try to do it for low- and moderate-income working people in the workforce with employers who have fewer than 100 employees? Shouldn't we do that? We answered yes. And Republicans in the Finance Committee agreed with us. That is what we got.

Mr. ARCHER said he doesn't like tax credits. So when the Republican leadership all got together—without a hearing—they stripped it out. Guess what. With it stripped out, Mr. ARCHER still votes against it.

So they took something out of the pension bill they now want us to pass, that we had insisted on in order to get Mr. ARCHER's support, and he still votes against the darn thing.

That is why we are pushing back. That is why we urge President Clinton to veto this thing. We would like to get most of the things that are in this tax bill. We believe Vice President GORE is correct when he says we ought to make careful decisions and selections about whose taxes are going to get cut. That is what we ought to attempt to do. We ought to target those tax cuts.

But you have to target the tax cuts, especially when you are dealing with pensions and health care, as much of this does, you ought to target it so as to increase the number of people who have pensions.

All of us here in Congress aren't going to have any difficulty contributing to get another $5,000. We have plenty of disposable income to come up with the money to be able to increase our contributions. The problem is for that minimum-wage, or slightly over, individual in a small business who is struggling to get it done.

The same on health insurance: If you are trying to increase the number of people who have health insurance, you have to do more than what is in this tax package. My friend from Texas, Senator GRAMM, was talking about the value of the tax deduction. The value of the tax deduction is much greater the higher your income. I get a 40-percent subsidy as a consequence of the level of my income. But if my income is $16,000 a year, I don't get any deduction. If I am paying at the 15-percent

rate, I get a 15-percent deduction. That is how it works.

The Joint Tax Committee estimates that 26 million people will get benefits as a consequence of the health care provisions, but only 1.6 million of those people are people who currently don't have health insurance.

Republicans in Congress, I think correctly, are saying that what Governor Bush said in the third debate, ''That is the difference between my opponent and I;'' he wants Washington to decide and select who gets a tax cut. Republicans apparently are saying that the Governor is wrong, because we are going to select who gets the tax cuts.

If you are going to have a tax cut right now, it seems to me one of the things we ought to try to do is to say: This remarkable recovery we are having right now has been fabulous, but there are some people who have been left behind. Let's try to help them acquire pensions in their part of the American dream. Let's try to help them acquire health insurance in their part of the American dream. We don't do that.

As I said, I heard my Republican friends assert several times that Democrats were on board and support many of the provisions. That is true. But we added provisions that were stricken out. We added provisions that would have made the proposal much more fair. I believe you cannot apply a fairness test every single time you are doing things. There are times when life isn't fair. But when you are giving tax cuts to American working families, it seems to me a test of fairness is appropriate. When you are trying to increase the number of people who have pensions in the workforce, when you are trying to increase the number of people who have health insurance, a test of fairness is appropriate for Members of Congress to try to apply to the piece of legislation we are considering.

Those are the two objections I have to what is going on right now. The first is, I think we have lost our way when it comes to fiscal discipline, the discipline that enabled us to say to a citizen, when a citizen comes and says, Senator, it only costs $100 million over 10, would you offer an amendment, and I would always say in the 1990s, well, I have to have a ''pay for.'' I have to find an offset.

Not anymore. If the pay-go provisions of the Budget Act are repealed, as is proposed in this tax bill, no longer will that be necessary. It used to be I would say: Look, this is going to be tough because it is beyond what we authorized in the Budget Act and to get 60 votes to waive the Budget Act is going to be hard.

Not any longer does it appear to be difficult to waive the Budget Act. That discipline that enabled us to get where we are today is at risk in the closing days of the 106th Congress.

I hope that in this election the American people will say loud and clear we recognize the value of that fiscal discipline. We benefited from economic growth. We benefited from lower mortgage payments. We benefited from greater opportunity as a consequence of Congress getting its act together, all the way through the 1980s and 1990, 1993, and in 1997.

Secondly, I have great objection, as I look at especially the tax cut proposal, but also the BBA give-back proposal, that we simply haven't applied a test of fairness. That is why it was a mistake for Republicans to have a meeting with only Republicans. If you want something to be bipartisan, you have to let Democrats in the room. Likewise, Democrats can't hold a meeting and expect it to be bipartisan if we are the only ones in the room, and then go out and say: Gee, I don't understand why Senator HATCH won't sign on board. It is something he supported years ago. I don't understand why he won't support this. It is similar to something he was talking about. The answer is, he wasn't in the room. He didn't have an opportunity to voice his concern. He didn't have an opportunity to say what he liked or didn't like.

What the Republicans did is they brought something that stripped out things we had agreed to, and they did not apply a test of fairness. As a consequence, I am pleased, especially connected to the loss of fiscal discipline, that in the closing days of the 106th the President has indicated he is going to veto these two pieces of legislation. I think the American people will be the beneficiaries of it.

My hope is, on both of them, that it will result in bipartisan negotiation and producing something the President can sign. It can be done. We don't have to run out of here over the weekend. We know exactly what to do. It would take us about 30 minutes to put together a tax bill and a BBA give-back bill that would get 80 votes on this floor. We wouldn't have to sit and say, I wonder if the President is going to sign it. We would know he would sign it. If we have 80 votes, he is going to sign it. The last time I checked, that is still enough to override a veto. But we didn't do that.

As a result, we are left here on October 27, 27 days beyond the time we were supposed to be done and home, we are left here, still a long way to go before we have an agreement, a long way to go before we will be able to say we have closed up shop and we have finished the people's business.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, my colleague made some pretty good points on fairness, except we asked ''is it fair,'' too. Is it fair to allow 3.5 million legal immigrants to be held in line so that we can take care of approximately 4 million illegal immigrants? That is the point I was making earlier in the day. Frankly, it is a matter I find of great importance.

THE CALENDAR

PRIVATE RELIEF

Mr. HATCH. Mr. President, I ask unanimous consent that the Senate proceed to the consideration, en bloc, of the following bills which are at the desk: H.R. 848, H.R. 3184, H.R. 3414, and H.R. 5266.

I ask unanimous consent that the bills be read the third time and passed, the motions to reconsider be laid upon the table, and that any statements relating to the bills be printed in the RECORD.

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

FOR THE RELIEF OF SEPANDAN FARNIA AND FARBOD FARNIA

The bill (H.R. 848) for the relief of Sepandan Farnia and Farbod Farnia was considered, ordered to a third reading, read the third time, and passed.

FOR THE RELIEF OF ZOHREH FARHANG GHAHFAROKHI

The bill (H.R. 3184) for the relief of Zohreh Farhang Ghahfarokhi was considered, ordered to a third reading, read the third time, and passed.

FOR THE RELIEF OF LUIS A. LEON-MOLINA, LIGIA PADRON, JUAN LEON PADRON, RENDY LEON PADRON, MANUEL LEON PADRON, AND LUIS LEON PADRON

The bill (H.R. 3414) for the relief of Luis A. Leon-Molina, Ligia Padron, Juan Leon Padron, Rendy Leon Padron, Manuel Leon Padron, and Luis Leon Padron, was considered, ordered to a third reading, read the third time, and passed.

FOR THE RELIEF OF SAEED REZAI

The bill (H.R. 5266) for the relief of Saeed Rezai, was considered, ordered to a third reading, read the third time, and passed.

FOR THE PRIVATE RELIEF OF RUTH HAIRSTON

Mr. HATCH. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of H.R. 660, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 660) for the private relief of Ruth Hairston by waiver of a filing deadline for appeal from a ruling relating to her application for a survivor annuity.

There being no objection, the Senate proceeded to consider the bill.

Mr. HATCH. Mr. President, I ask unanimous consent the bill be read the

third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 660) was read the third time and passed.

EXPRESSING APPRECIATION FOR U.S. SERVICE MEMBERS ABOARD HMT ''ROHNA''

Mr. HATCH. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration H. Con. Res. 408 which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 408) expressing appreciation for the United States service members who were aboard the British transport HMT *Rohna* when it sank, the families of these service members, and the rescuers of the HMT *Rohna*'s passengers and crew.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. HATCH. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (H. Con. Res. 408) was agreed to.

The preamble was agreed to.

NATIONAL MOMENT OF REMEMBRANCE ACT

Mr. HATCH. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 3181 and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3181) to establish the White House Commission on the National Moment of Remembrance, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. HATCH. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The bill (S. 3181) was read the third time and passed, as follows:

S. 3181

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Moment of Remembrance Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) it is essential to remember and renew the legacy of Memorial Day, which was established in 1868 to pay tribute to individuals who have made the ultimate sacrifice in service to the United States and their families;

(2) greater strides must be made to demonstrate appreciation for those loyal people of the United States whose values, represented by their sacrifices, are critical to the future of the United States;

(3) the Federal Government has a responsibility to raise awareness of and respect for the national heritage, and to encourage citizens to dedicate themselves to the values and principles for which those heroes of the United States died;

(4) the relevance of Memorial Day must be made more apparent to present and future generations of people of the United States through local and national observances and ongoing activities;

(5) in House Concurrent Resolution 302, agreed to May 25, 2000, Congress called on the people of the United States, in a symbolic act of unity, to observe a National Moment of Remembrance to honor the men and women of the United States who died in the pursuit of freedom and peace;

(6) in Presidential Proclamation No. 7315 of May 26, 2000 (65 Fed. Reg. 34907), the President proclaimed Memorial Day, May 29, 2000, as a day of prayer for permanent peace, and designated 3:00 p.m. local time on that day as the time to join in prayer and to observe the National Moment of Remembrance; and

(7) a National Moment of Remembrance and other commemorative events are needed to reclaim Memorial Day as the sacred and noble event that that day is intended to be.

SEC. 3. DEFINITIONS.

In this Act:

(1) ALLIANCE.—The term ''Alliance'' means the Remembrance Alliance established by section 9(a).

(2) COMMISSION.—The term ''Commission'' means the White House Commission on the National Moment of Remembrance established by section 5(a).

(3) EXECUTIVE DIRECTOR AND WHITE HOUSE LIAISON.—The term ''Executive Director and White House Liaison'' means the Executive Director and White House Liaison appointed under section 10(a)(1).

(4) MEMORIAL DAY.—The term ''Memorial Day'' means the legal public holiday designated as Memorial Day by section 6103(a) of title 5, United States Code.

(5) TRIBAL GOVERNMENT.—The term ''tribal government'' means the governing body of an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

SEC. 4. NATIONAL MOMENT OF REMEMBRANCE.

The minute beginning at 3:00 p.m. (local time) on Memorial Day each year is designated as the ''National Moment of Remembrance''.

SEC. 5. ESTABLISHMENT OF WHITE HOUSE COMMISSION ON THE NATIONAL MOMENT OF REMEMBRANCE.

(a) ESTABLISHMENT.—There is established a commission to be known as the ''White House Commission on the National Moment of Remembrance''.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of the following:

(A) 4 members appointed by the President, including at least 1 representative of tribal governments.

(B) The Secretary of Defense (or a designee).

(C) The Secretary of Veterans Affairs (or a designee).

(D) The Secretary of the Smithsonian Institution (or a designee).

(E) The Director of the Office of Personnel Management (or a designee).

(F) The Administrator of General Services (or a designee).

(G) The Secretary of Transportation (or a designee).

(H) The Secretary of Education (or a designee).

(I) The Secretary of the Interior (or a designee).

(J) The Executive Director of the President's Commission on White House Fellows (or a designee).

(K) The Secretary of the Army (or a designee).

(L) The Secretary of the Navy (or a designee).

(M) The Secretary of the Air Force (or a designee).

(N) The Commandant of the Marine Corps (or a designee).

(O) The Commandant of the Coast Guard (or a designee).

(P) The Executive Director and White House Liaison (or a designee).

(Q) The Chief of Staff of the Army.

(R) The Chief of Naval Operations.

(S) The Chief of Staff of the Air Force.

(T) Any other member, the appointment of whom the Commission determines is necessary to carry out this Act.

(2) NONVOTING MEMBERS.—The members appointed to the Commission under subparagraphs (K) through (T) of paragraph (1) shall be nonvoting members.

(3) DATE OF APPOINTMENTS.—All appointments under paragraph (1) shall be made not later than 90 days after the date of enactment of this Act.

(c) TERM; VACANCIES.—

(1) TERM.—A member shall be appointed to the Commission for the life of the Commission.

(2) VACANCIES.—A vacancy on the Commission—

(A) shall not affect the powers of the Commission; and

(B) shall be filled in the same manner as the original appointment was made.

(d) INITIAL MEETING.—Not later than 30 days after the date specified in subsection (b)(3) for completion of appointments, the Commission shall hold the initial meeting of the Commission.

(e) MEETINGS.—The Commission shall meet at the call of the Chairperson.

(f) QUORUM.—A majority of the voting members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(g) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall select a Chairperson and a Vice Chairperson from among the members of the Commission at the initial meeting of the Commission.

SEC. 6. DUTIES.

(a) IN GENERAL.—The Commission shall—

(1) encourage the people of the United States to give something back to their country, which provides them so much freedom and opportunity;

(2) encourage national, State, local, and tribal participation by individuals and entities in commemoration of Memorial Day and the National Moment of Remembrance, including participation by—

(A) national humanitarian and patriotic organizations;

(B) elementary, secondary, and higher education institutions;

(C) veterans' societies and civic, patriotic, educational, sporting, artistic, cultural, and historical organizations;

(D) Federal departments and agencies; and

(E) museums, including cultural and historical museums; and

(3) provide national coordination for commemorations in the United States of Memorial Day and the National Moment of Remembrance.

(b) REPORTS.—

(1) IN GENERAL.—For each fiscal year in which the Commission is in existence, the Commission shall submit to the President and Congress a report describing the activities of the Commission during the fiscal year.

(2) CONTENTS.—A report under paragraph (1) may include—

(A) recommendations regarding appropriate activities to commemorate Memorial Day and the National Moment of Remembrance, including—

(i) the production, publication, and distribution of books, pamphlets, films, and other educational materials;

(ii) bibliographical and documentary projects and publications;

(iii) conferences, convocations, lectures, seminars, and other similar programs;

(iv) the development of exhibits for libraries, museums, and other appropriate institutions;

(v) ceremonies and celebrations commemorating specific events that relate to the history of wars of the United States; and

(vi) competitions, commissions, and awards regarding historical, scholarly, artistic, literary, musical, and other works, programs, and projects related to commemoration of Memorial Day and the National Moment of Remembrance;

(B) recommendations to appropriate agencies or advisory bodies regarding the issuance by the United States of commemorative coins, medals, and stamps relating to Memorial Day and the National Moment of Remembrance;

(C) recommendations for any legislation or administrative action that the Commission determines to be appropriate regarding the commemoration of Memorial Day and the National Moment of Remembrance;

(D) an accounting of funds received and expended by the Commission in the fiscal year covered by the report, including a detailed description of the source and amount of any funds donated to the Commission in that fiscal year; and

(E) a description of cooperative agreements and contracts entered into by the Commission.

SEC. 7. POWERS.

(a) HEARINGS.—

(1) IN GENERAL.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this Act.

(2) PUBLIC PARTICIPATION.—The Commission shall provide for reasonable public participation in matters before the Commission.

(b) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission may secure directly from a Federal agency such information as the Commission considers necessary to carry out this Act.

(2) PROVISION OF INFORMATION.—On request of the Chairperson of the Commission, the head of the agency shall provide the information to the Commission.

(c) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(d) GIFTS.—The Commission may solicit, accept, use, and dispose of, without further Act of appropriation, gifts, bequests, devises, and donations of services or property.

(e) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action that the Commission is authorized to take under this Act.

(f) AUTHORITY TO PROCURE AND TO MAKE LEGAL AGREEMENTS.—

(1) IN GENERAL.—Subject to the availability of appropriations, to carry out this Act, the Chairperson or Vice Chairperson of the Commission or the Executive Director and White House Liaison may, on behalf of the Commission—

(A) procure supplies, services, and property; and

(B) enter into contracts, leases, and other legal agreements.

(2) RESTRICTIONS.—

(A) WHO MAY ACT ON BEHALF OF COMMISSION.—Except as provided in paragraph (1), nothing in this Act authorizes a member of the Commission to procure any item or enter into any agreement described in that paragraph.

(B) DURATION OF LEGAL AGREEMENTS.—A contract, lease, or other legal agreement entered into by the Commission may not extend beyond the date of termination of the Commission.

(3) SUPPLIES AND PROPERTY POSSESSED BY COMMISSION AT TERMINATION.—Any supply, property, or other asset that is acquired by, and, on the date of termination of the Commission, remains in the possession of, the Commission shall be considered property of the General Services Administration.

(g) EXCLUSIVE RIGHT TO NAME, LOGOS, EMBLEMS, SEALS, AND MARKS.—

(1) IN GENERAL.—The Commission may devise any logo, emblem, seal, or other designating mark that the Commission determines—

(A) to be required to carry out the duties of the Commission; or

(B) to be appropriate for use in connection with the commemoration of Memorial Day or the National Moment of Remembrance.

(2) LICENSING.—

(A) IN GENERAL.—The Commission—

(i) shall have the sole and exclusive right to use the name ''White House Commission on the National Moment of Remembrance'' on any logo, emblem, seal, or descriptive or designating mark that the Commission lawfully adopts; and

(ii) shall have the sole and exclusive right to allow or refuse the use by any other entity of the name ''White House Commission on the National Monument of Remembrance'' on any logo, emblem, seal, or descriptive or designating mark.

(B) TRANSFER ON TERMINATION.—Unless otherwise provided by law, all rights of the Commission under subparagraph (A) shall be transferred to the Administrator of General Services on the date of termination of the Commission.

(3) EFFECT ON OTHER RIGHTS.—Nothing in this subsection affects any right established or vested before the date of enactment of this Act.

(4) USE OF FUNDS.—The Commission may, without further Act of appropriation, use funds received from licensing royalties under this section to carry out this Act.

SEC. 8. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—

(1) NON-FEDERAL EMPLOYEES.—A member of the Commission who is not an officer or employee of the Federal Government may be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission.

(2) FEDERAL EMPLOYEES.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

(b) TRAVEL EXPENSES.—A member of the Commission may be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(c) STAFF.—The Chairperson of the Commission or the Executive Director and White House Liaison may, without regard to the civil service laws (including regulations), appoint and terminate such additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(2) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Chairperson of the Commission may fix the compensation of the Executive Director and White House Liaison and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) MAXIMUM RATE OF PAY.—The rate of pay for the Executive Director and White House Liaison and other personnel shall not exceed the rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission.

(d) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

(1) IN GENERAL.—In addition to the details under paragraph (2), on request of the Chairperson, the Vice Chairperson, or the Executive Director and White House Liaison, an employee of the Federal Government may be detailed to the Commission without reimbursement.

(2) DETAIL OF SPECIFIC EMPLOYEES.—

(A) MILITARY DETAILS.—

(i) ARMY; AIR FORCE.—The Secretary of the Army and the Secretary of the Air Force shall each detail a commissioned officer above the grade of captain to assist the Commission in carrying out this Act.

(ii) NAVY.—The Secretary of the Navy shall detail a commissioned officer of the Navy above the grade of lieutenant and a commissioned officer of the Marine Corps above the grade of captain to assist the Commission in carrying out this Act.

(B) VETERANS AFFAIRS; EDUCATION.—The Secretary of Veterans Affairs and the Secretary of Education shall each detail an officer or employee compensated above the level of GS–12 in accordance with subchapter III of chapter 53 of title 5, United States Code to assist the Commission in carrying out this Act.

(3) CIVIL SERVICE STATUS.—The detail of any officer or employee under this subsection shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(f) COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—The Commission may enter into a cooperative agreement with another entity, including any Federal agency,

State or local government, or private entity, under which the entity may assist the Commission in—

(A) carrying out the duties of the Commission under this Act; and

(B) contributing to public awareness of and interest in Memorial Day and the National Moment of Remembrance.

(2) ADMINISTRATIVE SUPPORT SERVICES.—On the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, any administrative support services and any property, equipment, or office space that the Commission determines to be necessary to carry out this Act.

(g) SUPPORT FROM NONPROFIT SECTOR.—The Commission may accept program support from nonprofit organizations.

SEC. 9. REMEMBRANCE ALLIANCE.

(a) ESTABLISHMENT.—There is established the Remembrance Alliance.

(b) COMPOSITION.—

(1) MEMBERS.—The Alliance shall be composed of individuals, appointed by the Commission, that are representatives or members of—

(A) the print, broadcast, or other media industry;

(B) the national sports community;

(C) the recreation industry;

(D) the entertainment industry;

(E) the retail industry;

(F) the food industry;

(G) the health care industry;

(H) the transportation industry;

(I) the education community;

(J) national veterans organizations; and

(K) families that have lost loved ones in combat.

(2) HONORARY MEMBERS.—On recommendation of the Alliance, the Commission may appoint honorary, nonvoting members to the Alliance.

(3) VACANCIES.—Any vacancy in the membership of the Alliance shall be filled in the same manner in which the original appointment was made.

(4) MEETINGS.—The Alliance shall conduct meetings in accordance with procedures approved by the Commission.

(c) TERM.—The Commission may fix the term of appointment for members of the Alliance.

(d) DUTIES.—The Alliance shall assist the Commission in carrying out this Act by—

(1) planning, organizing, and implementing an annual White House Conference on the National Moment of Remembrance and other similar events;

(2) promoting the observance of Memorial Day and the National Moment of Remembrance through appropriate means, subject to any guidelines developed by the Commission;

(3) establishing necessary incentives for Federal, State, and local governments and private sector entities to sponsor and participate in programs initiated by the Commission or the Alliance;

(4) evaluating the effectiveness of efforts by the Commission and the Alliance in carrying out this Act; and

(5) carrying out such other duties as are assigned by the Commission.

(e) ALLIANCE PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—A member of the Alliance shall serve without compensation for the services of the member to the Alliance.

(2) TRAVEL EXPENSES.—A member of the Alliance may be allowed reimbursement for travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(f) TERMINATION.—The Alliance shall terminate on the date of termination of the Commission.

SEC. 10. EXECUTIVE DIRECTOR AND WHITE HOUSE LIAISON.

(a) APPOINTMENT.—

(1) IN GENERAL.—The Director of the Committee Management Secretariat Staff of the General Services Administration shall appoint an individual as Executive Director and White House Liaison.

(2) INAPPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Executive Director and White House Liaison may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

(b) DUTIES.—The Executive Director and White House Liaison shall—

(1) serve as a liaison between the Commission and the President;

(2) serve as chief of staff of the Commission; and

(3) coordinate the efforts of the Commission and the President on all matters relating to this Act, including matters relating to the National Moment of Remembrance.

(c) COMPENSATION.—The Executive Director and White House Liaison may be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the Executive Director and White House Liaison is engaged in the performance of the duties of the Commission.

SEC. 11. AUDIT OF FINANCIAL TRANSACTIONS.

(a) IN GENERAL.—The Comptroller General of the United States shall audit, on an annual basis, the financial transactions of the Commission (including financial transactions involving donated funds) in accordance with generally accepted auditing standards.

(b) ACCESS.—The Commission shall ensure that the Comptroller General, in conducting an audit under this section, has—

(1) access to all books, accounts, financial records, reports, files, and other papers, items, or property in use by the Commission, as necessary to facilitate the audit; and

(2) full ability to verify the financial transactions of the Commission, including access to any financial records or securities held for the Commission by depositories, fiscal agents, or custodians.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act, to remain available until expended—

(1) $500,000 for fiscal year 2001; and

(2) $250,000 for each of fiscal years 2002 through 2009.

SEC. 13. TERMINATION.

The Commission shall terminate on the earlier of—

(1) a date specified by the President that is at least 2 years after the date of enactment of this Act; or

(2) the date that is 10 years after the date of enactment of this Act.

POSTHUMOUS PROMOTION OF WILLIAM CLARK

Mr. HATCH. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 3621, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3621) to provide for the posthumous promotion of William Clark of the Commonwealth of Virginia and the Commonwealth of Kentucky, co-leader of the Lewis and Clark Expedition, to the grade of captain in the Regular Army.

There being no objection, the Senate proceeded to consider the bill.

Mr. HATCH. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The bill (H.R. 3621) was read the third time and passed.

SENSE OF CONGRESS THAT A DAY OF PEACE AND SHARING SHOULD BE ESTABLISHED EACH YEAR

Mr. HATCH. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged, and that the Senate proceed to the immediate consideration of S. Con. Res. 138.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 138) expressing the sense of Congress that a day of peace and sharing should be established at the beginning of each year.

There being no objection, the Senate proceeded to consider the bill.

Mr. HATCH. Mr. President, I ask unanimous consent that the concurrent resolution and preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 138) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 138

Whereas human progress in the 21st century will depend upon global understanding and cooperation in finding positive solutions to hunger and violence;

Whereas the turn of the millennium offers unparalleled opportunity for humanity to examine its past, set goals for the future, and establish new patterns of behavior;

Whereas the people of the United States and the world observed the day designated by the United Nations General Assembly as ''One Day in Peace, January 1, 2000'' (General Assembly Resolution 54/29);

Whereas the example set on that day ought to be recognized globally and repeated each year;

Whereas the people of the United States seek to establish better relations with one another and with the people of all countries; and

Whereas celebration by the breaking of bread together traditionally has been the means by which individuals, societies, and nations join together in peace: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) each year should begin with a day of peace and sharing during which—

(A) people around the world should gather with family, friends, neighbors, their faith community, or people of another culture to pledge nonviolence in the new year and to share in a celebratory new year meal; and

(B) Americans who are able should match or multiply the cost of their new year meal with a timely gift to the hungry at home or abroad in a tangible demonstration of a desire for increased friendship and sharing among people around the world; and

(2) the President should issue a proclamation each year calling on the people of the United States and interested organizations to observe such a day with appropriate programs and activities.

EXTENDING AUTHORITIES RELATING TO THE SENATE NATIONAL SECURITY WORKING GROUP

Mr. HATCH. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 383 submitted earlier by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 383) extending the authorities relating to the Senate National Security Working Group.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, I am pleased to sponsor this resolution to extend the authorities of the Senate National Security Working Group through December 31, 2002.

The Senate National Security Working Group is a bipartisan Group, established almost two years ago by myself and the Democratic Leader, that seeks to shed further light on important national security topics of interest to the Senate and the American people. Such topics include, but are not limited to: ballistic missile defenses, arms control, export controls, and weapons of mass destruction.

During the 106th Congress, the Working Group held numerous important briefings on topics of concern to the members of the Group and the Senate. Senior Executive branch officials from the Departments of Defense and State and other U.S. Government agencies appeared before the Group to describe the status of and rationale for on-going diplomatic discussions and formal and informal negotiations on various issues and to answer questions from Republican and Democratic Senators about those discussions and negotiations.

I am certain the Administration would agree with my assessment that the give-and-take in those meetings served a useful purpose.

In addition, I am pleased to report that members of the Group and staff were able to travel overseas, as part of their official responsibilities, to witness first-hand on-going diplomatic discussions and negotiations involving the United States, Russia, and other nations, and to visit certain foreign capitols for intensive discussions with foreign diplomatic and military leaders on topics of mutual concern. I strongly encourage the members of the Group to continue and expand this practice during the 107th Congress.

I am also pleased to announce that Senator THAD COCHRAN from my home state of Mississippi has agreed to serve during the 107th Congress as the Republican Administrative Co-Chairman of the Group. I appreciate his willingness to once again serve in this capacity. I look forward to participating in the Group's activities beginning early next year.

Mr. DASCHLE. Mr. President, I rise to support the reauthorization of the Senate's National Security Working Group—NSWG. The NSWG was created last year as the successor to the Arms Control Observer Group, a group that had served the Senate well for over a decade.

Like its predecessor, the purpose of the NSWG is to be the Senate's nonpartisan eyes and ears on defense and national security issues. Unlike nearly every other group in the Senate and the Congress, the National Security Working Group is composed of an equal number of Democrats and Republicans. This makeup was intended to ensure the NSWG worked by consensus. No single Senator or political party could dominate the group's agenda or actions. Establishing a group with equal numbers of Democrats and Republicans was also intended to signify that the Senate believes the issues that come before this group are too important to be discussed in a partisan setting.

These were the objectives the Senate had in mind when it unanimously approved the legislation authorizing the formation of this important group. They remain the objectives today. Although the group worked together relatively well in the year since it was established, a number of us believe it could work a little bit better if we formally spelled out some simple rules of the road to govern the group's routine activities. Therefore, at the same time we re-authorize the NSWG, I would also like to insert for the record a series of administrative procedures that clearly spell out how the group should conduct its business. As put forward in these procedures, the group's administrative co-chairmen must recommend travel in writing to the Majority and Minority leaders and both leaders must approve the travel request in writing. They encourage member participation and indicate that staff travel should be the exception not the rule.

It is my understanding that these procedures have been agreed by both leaders and the majority and minority co-chairmen of the NSWG. I believe their adoption will help meet the objectives we all hold for this unique and important group.

I ask unanimous consent they be printed in the RECORD.

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

ADMINISTRATIVE PROCEDURES FOR THE SENATE NATIONAL SECURITY WORKING GROUP

These administrative procedures govern the functioning of the Senate National Security Working Group (NSWG or Working Group) based on the authorizing legislation (S. Res. 75, as amended) agreed to March 25, 1999. They outline the agenda-setting process, travel procedures, routine functioning of the Working Group, and the procedures to ensure that complete records are kept in accordance with the proper use of government funds.

1. The staff should meet regularly (once a month during session), with recorded minutes. A central record of all Working Group papers should be maintained (with an access log) by the Office of Senate Security, with access to the records open to all Working Group Members and designated staff with appropriate clearances.

2. The Group's regular staff meetings should, if appropriate, include a briefing from the Administration on matters of concern to the Working Group.

3. These regular staff meetings should provide the forum for establishing a consensus recommendation to Members of agenda items for the Working Group and prospective briefings and/or trips to be arranged for the Working Group. Official notice of briefing to Members should be given no later than seven days prior to the briefing. Official notice will be issued by the Majority Administrative Co-Chairman and the Minority Administrative Co-Chairman.

4. Any Member may propose foreign travel, but both Administrative Co-Chairmen must recommend travel in writing. Their letter should indicate the dates, locations, and a detailed purpose of the trip, and the trip must correspond to the mission of the Working Group. Pursuant to S. Res. 75 Sec. 2(d), written authorization of both the Majority and Minority Leaders is required. Members and Staff from both sides must be invited on all trips in sufficient time to be able to plan for attendance. Travel should be arranged and conducted as a bipartisan delegation in order to minimize administrative and Host confusion.

5. It is the intent of the Working Group that Members participate personally in the role of observer at negotiating sessions (noting that neither Members nor staff are direct participants in any negotiating sessions). Therefore, in keeping with past practice and precedent, staff-only trips are expected to be the exception, not the rule. If staff-only foreign travel is determined to be necessary because no Working Group Member is able to participate, the Member requesting the travel must provide detailed justification to the Working Group for such a request and the request should go through the foreign travel approval process outlined above.

(a) When the Working Group opts to send staff only, staff shall be limited to no more than three for the Majority and three for the Minority. Nothing in the foregoing is to be construed as limiting the number of designated Working Group staff that can travel on a Member-led official delegation. Also in keeping with past precedent, staff missions may be briefed by either the head of the negotiation delegation or by his designee.

(b) In the event either Leader is unable to participate in a NSWG authorized trip, that Leader may designate a Senator who is not a Working Group member to travel in his or her place.

6. Each trip must be followed by an unclassified Memorandum to the Members, and, if necessary, a classified annex thereto, that outlines the itinerary, briefers, and topics covered in briefings. The memorandum also must be provided for the official file in the Office of Senate Security.

7. Reimbursements to eligible Members for staff expenses require the signature of both Administrative Co-Chairmen and require notification of designated staff by letter to the Senate Financial Clerk and to both Administrative Co-Chairmen. Vouchers for designated Majority staff shall be administered by the Majority Administrative Co-Chairman or his designee; vouchers for designated Minority staff shall be administered by the Minority Administrative Co-Chairman or his designee. Records shall be maintained by each Administrative Co-Chairman.

Mr. HATCH. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 383) was agreed to, as follows:

S. RES. 383

Resolved, That Senate Resolution 105 of the One Hundred First Congress, agreed to April 13, 1989, as amended by Senate Resolution 75 of the One Hundred Sixth Congress, agreed to March 25, 1999, is further amended by adding at the end the following new section:

''SEC. 4. The provisions of this resolution shall remain in effect until December 31, 2002.''.

ESTABLISHING THE LAS CIENEGAS NATIONAL CONSERVATION AREA IN ARIZONA

DESIGNATING CERTAIN NATIONAL FOREST SYSTEM LANDS AS WILDERNESS AREAS IN THE STATE OF VIRGINIA

Mr. HATCH. Mr. President, I ask unanimous consent that the Senate proceed, en bloc, to the following bills: H.R. 2941, H.R. 4646.

The PRESIDING OFFICER. The clerk will state the bills by title.

The legislative clerk read as follows:

A bill (H.R. 2941) to establish the Las Cienegas National Conservation Area in the State of Arizona.

A bill (H.R. 4646) to designate certain National Forest System lands within the boundaries of the State of Virginia as wilderness areas, and for other purposes.

There being no objection, the Senate proceeded to consider the bills.

Mr. HATCH. Mr. President, I ask unanimous consent that the bills be read the third time and passed, the motions to reconsider be laid upon the table, and that any statements relating to the bills be printed in the RECORD, with the above occurring en bloc.

The bills (H.R. 2941 and H.R. 4646) were read the third time and passed, en bloc.

DIRECTING THE SECRETARY OF AGRICULTURE TO CONVEY CERTAIN LAND IN NEVADA

DIRECTING THE SECRETARY OF THE INTERIOR TO CONDUCT A STUDY REGARDING AN UPPER HOUSATONIC VALLEY NATIONAL HERITAGE AREA IN CONNECTICUT AND MASSACHUSETTS

Mr. HATCH. Mr. President, I ask unanimous consent the Energy Committee be discharged from the following bills and the Senate proceed, en bloc, to their consideration:

S. 2751 from the Energy Committee and H.R. 4312.

The PRESIDING OFFICER. The clerk will state the bills by title.

The legislative clerk read as follows:

A bill (S. 2751) to direct the Secretary of Agriculture to convey certain land in the Lake Tahoe Basin Management Unit.

A bill (H.R. 4312) to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing an Upper Housatonic Valley National Heritage Area in the State of Connecticut and the Commonwealth of Massachusetts, and for other purposes.

There being no objection, the Senate proceeded to consider the bills.

AMENDMENT NO. 4350 TO S. 2751

Mr. HATCH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH], for Mr. MURKOWSKI, proposes an amendment numbered 4350.

The amendment reads as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Washoe Indian Tribe Land Conveyance Act of 2000''.

SEC. 2. WASHOE TRIBE LAND CONVEYANCE.

(a) FINDINGS.—Congress finds that—

(1) the ancestral homeland of the Washoe Tribe of Nevada and California (referred to in this section as the ''Tribe'') included an area of approximately 5,000 square miles in and around Lake Tahoe, California and Nevada, and Lake Tahoe was the heart of the territory;

(2) in 1997, Federal, State, and local governments, together with many private landholders, recognized the Washoe people as indigenous people of Lake Tahoe Basin through a series of meetings convened by those governments at 2 locations in Lake Tahoe;

(3) the meetings were held to address protection of the extraordinary natural, recreational, and ecological resources in the Lake Tahoe region;

(4) the resulting multiagency agreement includes objectives that support the traditional and customary uses of Forest Service land by the Tribe; and

(5) those objectives include the provision of access by members of the Tribe to the shore of Lake Tahoe in order to reestablish traditional and customary cultural practices.

(b) PURPOSES.—The purposes of this section are—

(1) to implement the joint local, State, tribal, and Federal objective of returning the Tribe to Lake Tahoe; and

(2) to ensure that members of the Tribe have the opportunity to engage in traditional and customary cultural practices on the shore of Lake Tahoe to meet the needs of spiritual renewal, land stewardship, Washoe horticulture and ethnobotony, subsistence gathering, traditional learning, and reunification of tribal and family bonds.

(c) CONVEYANCE.—Subject to valid existing rights and subject to the easement reserved under subsection (d), the Secretary of Agriculture shall convey to the Secretary of the Interior, in trust for the Tribe, for no consideration, all right, title, and interest in the parcel of land comprising approximately 24.3 acres, located within the Lake Tahoe Basin Management Unit north of Skunk Harbor, Nevada, and more particularly described as Mount Diablo Meridian, T15N, R18E, section 27, lot 3.

(d) EASEMENT.—

(1) IN GENERAL.—The conveyance under subsection (c) shall be made subject to reservation to the United States of a nonexclusive easement for public and administrative access over Forest Development Road #15N67 to National Forest System land.

(2) ACCESS BY INDIVIDUALS WITH DISABILITIES.—The Secretary shall provide a reciprocal easement to the Tribe permitting vehicular access to the parcel over Forest Development Road #15N67 to—

(A) members of the Tribe for administrative and safety purposes; and

(B) members of the Tribe who, due to age, infirmity, or disability, would have difficulty accessing the conveyed parcel on foot.

(e) USE OF LAND.—

(1) IN GENERAL.—In using the parcel conveyed under subsection (c), the Tribe and members of the Tribe—

(A) shall limit the use of the parcel to traditional and customary uses and stewardship conservation for the benefit of the Tribe;

(B) shall not permit any permanent residential or recreational development on, or commercial use of, the parcel (including commercial development, tourist accommodations, gaming, sale of timber, or mineral extraction); and

(C) shall comply with environmental requirements that are no less protective than environmental requirements that apply under the Regional Plan of the Tahoe Regional Planning Agency.

(2) REVERSION.—If the Secretary of the Interior, after notice to the Tribe and an opportunity for a hearing, based on monitoring of use of the parcel by the Tribe, makes a finding that the Tribe has used or permitted the use of the parcel in violation of paragraph (1) and the Tribe fails to take corrective or remedial action directed by the Secretary of the Interior, title to the parcel shall revert to the Secretary of Agriculture.

Mr. HATCH. Mr. President, I ask unanimous consent the amendment, No. 4350, to S. 2751 be agreed to, the bills be read the third time and passed, the motions to reconsider be laid upon the table, and that any statements relating to the bills be printed in the RECORD, with the above occurring en bloc.

The amendment (No. 4350) was agreed to.

The bills (H.R. 4312 and S. 2751, as amended) were read the third time and passed, en bloc.

The bill (S. 2751), as amended, reads as follows:

S. 2751

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. SHORT TITLE.

This Act may be cited as the ''Washoe Indian Tribe Land Conveyance Act of 2000''.

SEC. 2. WASHOE TRIBE LAND CONVEYANCE.

(a) FINDINGS.—Congress finds that—

(1) the ancestral homeland of the Washoe Tribe of Nevada and California (referred to in this section as the ''Tribe'') included an area of approximately 5,000 square miles in and around Lake Tahoe, California and Nevada, and Lake Tahoe was the heart of the territory;

(2) in 1997, Federal, State, and local governments, together with many private landholders, recognized the Washoe people as indigenous people of Lake Tahoe Basin through a series of meetings convened by those governments at 2 locations in Lake Tahoe;

(3) the meetings were held to address protection of the extraordinary natural, recreational, and ecological resources in the Lake Tahoe region;

(4) the resulting multiagency agreement includes objectives that support the traditional and customary uses of Forest Service land by the Tribe; and

(5) those objectives include the provision of access by members of the Tribe to the shore of Lake Tahoe in order to reestablish traditional and customary cultural practices.

(b) PURPOSES.—The purposes of this section are—

(1) to implement the joint local, State, tribal, and Federal objective of returning the Tribe to Lake Tahoe; and

(2) to ensure that members of the Tribe have the opportunity to engage in traditional and customary cultural practices on the shore of Lake Tahoe to meet the needs of spiritual renewal, land stewardship, Washoe horticulture and ethnobotony, subsistence gathering, traditional learning, and reunification of tribal and family bonds.

(c) CONVEYANCE.—Subject to valid existing rights and subject to the easement reserved under subsection (d), the Secretary of Agriculture shall convey to the Secretary of the Interior, in trust for the Tribe, for no consideration, all right, title, and interest in the parcel of land comprising approximately 24.3 acres, located within the Lake Tahoe Basin Management Unit north of Skunk Harbor, Nevada, and more particularly described as Mount Diablo Meridian, T15N, R18E, section 27, lot 3.

(d) EASEMENT.—

(1) IN GENERAL.—The conveyance under subsection (c) shall be made subject to reservation to the United States of a nonexclusive easement for public and administrative access over Forest Development Road #15N67 to National Forest System land.

(2) ACCESS BY INDIVIDUALS WITH DISABILITIES.—The Secretary shall provide a reciprocal easement to the Tribe permitting vehicular access to the parcel over Forest Development Road #15N67 to—

(A) members of the Tribe for administrative and safety purposes; and

(B) members of the Tribe who, due to age, infirmity, or disability, would have difficulty accessing the conveyed parcel on foot.

(e) USE OF LAND.—

(1) IN GENERAL.—In using the parcel conveyed under subsection (c), the Tribe and members of the Tribe—

(A) shall limit the use of the parcel to traditional and customary uses and stewardship conservation for the benefit of the Tribe;

(B) shall not permit any permanent residential or recreational development on, or commercial use of, the parcel (including commercial development, tourist accommodations, gaming, sale of timber, or mineral extraction); and

(C) shall comply with environmental requirements that are no less protective than environmental requirements that apply under the Regional Plan of the Tahoe Regional Planning Agency.

(2) REVERSION.—If the Secretary of the Interior, after notice to the Tribe and an opportunity for a hearing, based on monitoring of use of the parcel by the Tribe, makes a finding that the Tribe has used or permitted the use of the parcel in violation of paragraph (1) and the Tribe fails to take corrective or remedial action directed by the Secretary of the Interior, title to the parcel shall revert to the Secretary of Agriculture.

GULF ISLANDS NATIONAL SEASHORE BOUNDARIES

ENVIRONMENTAL RESTORATION AROUND LAKE TAHOE BASIN

Mr. HATCH. Mr. President, I ask unanimous consent the Energy Committee be discharged from the following bill, and the Senate proceed en bloc to its consideration and the consideration of the following bill at the desk: S. 2638 from the Energy Committee and H.R. 3388.

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

The clerk will report the bills by title.

The assistant legislative clerk read as follows:

A bill (S. 2638) to adjust the boundaries of the Gulf Islands National Seashore to include Cat Island, Mississippi.

A bill (H.R. 3388) to promote environmental restoration around the Lake Tahoe Basin.

There being no objection, the Senate proceeded to consider the bills, en bloc.

MINERAL RIGHTS

Mr. COCHRAN. Mr. President, I thank Chairman MURKOWSKI, Senator CRAIG THOMAS, and the members of the Energy and Natural Resources Committee for reporting out and helping Senator Lott and me secure passage of Senate Bill 2638, the Cat Island authorization legislation. When Senator Lott and I introduced the legislation earlier this year, we sought to preserve the beautiful, natural treasure of Cat Island, Mississippi, and complete the vision of the Gulf Islands National Seashore begun nearly 30 years ago. The passage of this legislation begins this process by authorizing the National Park Service to acquire the island and save it for future generations.

Mr. LOTT. Mr. President, in our legislation, we also sought, at the request of our Mississippi State officials, to clarify the State of Mississippi's ownership in the mineral rights underlying the Gulf Islands National Seashore. Mississippi conveyed much of the surface property to create the Seashore in 1972. Until recently, the National Park Service has conceded ownership of these subsurface rights to Mississippi, as is reflected in the State's authorizing legislation in 1971 and the subsequent deed signed by the Governor and other Mississippi State officials. A copy of such deed is entered into the record with this statement. The only limitation on these rights was to be the way in which any future development of them occurred, so that the surface of the Seashore property would not be used for extraction of the minerals.

Mr. COCHRAN. Mr. President, our State officials, and we today, acknowledge that the Gulf Islands National Seashore should be preserved and protected as a place of relatively undeveloped natural beauty, and that does involve limitations on minerals development but not a reinterpretation by the Park Service of the ownership of these mineral rights. These rights are important to Mississippi and may offer our State in the future much needed income to address education, health care and other priorities for our citizens.

Mr. LOTT. Mr. President, the bill as introduced included language which would have allowed the State of Mississippi to maintain the State's rights in or to any oil, gas, or other minerals through this acquisition. After further review of this legislation and the deed and related documents, our inclusion of the mineral rights provision was unnecessary, as the language was merely redundant with respect to the deed of 1972. It is our understanding that the deed clearly reserves the State of Mississippi's mineral rights with respect to the Gulf Islands National Seashore, and that no additional legislative language on mineral rights is required in the Cat Island legislation, because the State has made no conveyance with respect to Cat Island. Does the Chairman of the Energy and Natural Resources Committee agree?

Mr. MURKOWSKI. Yes, Mr. President, I agree. This legislation does not overturn the State of Mississippi's reservation of its mineral rights. The deed asserts ownership, and this legislation does nothing to discredit such deed.

I thank Senator COCHRAN and Senator LOTT for their sponsorship of this legislation that will preserve Cat Island and add the last piece of the Mississippi Sound Barrier Islands to the Gulf Islands National Seashore. It is an important addition and one that will be treasured for years to come.

AMENDMENT NO. 4351 TO S. 2638

Mr. HATCH. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] for Mr. MURKOWSKI, for himself and Mr. BINGAMAN, proposes an amendment numbered 4351.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. HATCH. Mr. President, I ask unanimous consent that amendment No. 4351 to S. 2638 be agreed to, the bills be read a third time and passed, the motions to reconsider be laid upon the table, and that any statements relating to the bills be printed in the RECORD with the above occurring en bloc.

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

The amendment (No. 4351) was agreed to.

The bill (S. 2638), as amended, was read the third time and passed.

The bill (H.R. 3388) was read the third time and passed.

SIX-HUNDRED MILE RESOURCE STUDY OF GEORGE WASHINGTON ROUTE

ALEXANDER HAMILTON HOME LOCATION

Mr. HATCH. Mr. President, I ask unanimous consent that the Senate proceed to consider the following bills en bloc: H.R. 4794 and H.R. 5478.

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

The clerk will report the bills by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4794) to require the Secretary of the Interior to complete a resource study of the 600-mile route used by George Washington during the American Revolutionary War.

A bill (H.R. 5478) to authorize the Secretary of the Interior to acquire by donation suitable land to serve as the new location for the home of Alexander Hamilton.

There being no objection, the Senate proceeded to consider the bills en bloc.

Mr. HATCH. Mr. President, I ask unanimous consent that the bills be read a third time and passed, the motions to reconsider be laid upon the table, and that any statements relating to the bills be printed in the RECORD, with the above occurring en bloc.

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

The bills (H.R. 4794 and H.R. 5478) were read the third time and passed.

USE OF SOLANO PROJECT FACILITIES FOR NON-PROJECT WATER

LOWER RIO GRANDE VALLEY WATER SUPPLIES

Mr. HATCH. Mr. President, I ask unanimous consent that the Energy Committee be discharged from the following bill and the Senate proceed to its consideration and the consideration of the following bill on the calendar: S. 1761 from the Energy Committee; Calendar No. 855, H.R. 1235.

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

The clerk will report the bills by title.

The assistant legislative clerk read as follows:

A bill (S. 1761) to direct the Secretary of the Interior, through the Bureau of Reclamation, to conserve and enhance water supplies of the Lower Rio Grande Valley.

A bill (H.R. 1235) to authorize the Secretary of the Interior to enter into contracts with the Solano County Water Agency, California, to use Solano Project facilities for impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes.

There being no objection, the Senate proceeded to consider the bills, en bloc.

AMENDMENT NO. 4352 TO S. 1761

Mr. HATCH. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah (Mr. HATCH) for Mr. MURKOWSKI proposes an amendment numbered 4352.

Strike all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000''.

SEC. 2. DEFINITIONS.

In this Act:

(1) STATE.—The term ''State'' means the Texas Water Development Board and any other authorized entity of the State of Texas.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Commissioner.

(3) COMMISSIONER.—The term ''Commissioner'' means the Commissioner of the Bureau of Reclamation.

(4) COUNTIES.—The term ''counties'' means the counties in the state of Texas in the Rio Grande Regional Water Planning Area known as Region ''M'' as designated by the Texas Water Development Board and the counties of Hudspeth and El Paso, Texas.

SEC. 3. FINDINGS.

The Congress finds the following:

(a) Drought conditions over the last decade have made citizens of the Lower Rio Grande Valley region of Texas aware of the significant impacts a dwindling water supply can have on a region.

(b) As a result of the impacts, that region has devised an integral water resource plan to meet the critical water needs of the Lower Rio Grande Valley through the end of the year 2050.

(c) Implementation of an integrated water resource plan to meet the critical water needs of the Lower Rio Grande Valley is in the national interest.

(d) The Congress should authorize and provide Federal technical and financial assistance to construct improved irrigation canal delivery systems to help meet the critical water needs of the Lower Rio Grande Valley through the end of the year 2050.

SEC. 4. LOWER RIO GRANDE WATER CONSERVATION AND IMPROVEMENT PROGRAM.

(a) The Secretary is authorized to undertake a program to improve the supply of water for the counties as provided in this Act.

(b) In cooperation with the State, water users in the counties, and other non-Federal entities, the Secretary shall conduct feasibility studies for the purpose of conserving and transporting raw water, including the following:

(1) Irrigation canals;
(2) Pipelines;
(3) Flow control structures;
(4) Meters; and
(5) All associated appurtenances.

(c) If the Secretary determines that the following projects satisfy the eligibility criteria in subsection (d)(1)–(3), the Secretary, in cooperation with the State, water users in the counties, and other non-Federal entities, is authorized to conduct engineering work, infrastructure construction and improvements for the purpose of conserving and transporting raw water through the following projects:

(1) in the Hidalgo County, Texas Irrigation District #1, a pipeline project identified in the Melden & Hunt, Inc. engineering study dated July 6, 2000 as the Curry Main Pipeline Project;

(2) in the Cameron County, Texas La Feria Irrigation District #3, a distribution system improvement project identified by the 1993 engineering study by Sigler, Winston, Greenwood and Associates, Inc.;

(3) in the Cameron County, Texas irrigation District #2 canal rehabilitation and pumping plant replacement as identified as Job Number 48–05540–002 in a report by Turner Collie & Braden, Inc. dated August 12, 1998, and

(4) in the Harlingen Irrigation District Cameron #1 Irrigation District a project of meter installation and canal lining as identified in a proposal submitted to the Texas Water Development Board dated April 28, 2000.

(d) PROJECT ELIGIBILITY.—Within six months after the date of enactment of this Act, the Secretary, in consultation with the State, shall develop criteria for determining eligible projects under this Act. Such criteria shall include, but need not be limited to the following requirements:

(1) the project plan includes an engineer's estimate of the amount of water to be conserved;

(2) the design for the project includes a cost of project to water saved ratio; and

(3) there is a cost sharing agreement in place between all relevant parties delineating the proportionate share of costs to be paid on an annual basis.

Within one year of the date a project is submitted to the Secretary for approval, the Secretary shall determine whether the project meets the criteria established pursuant to this section.

SEC. 5. COST SHARING.

The non-Federal share of the costs of any activity carried out under, or with assistance provided under, this Act shall be 50 percent. Not more than 40 percent of the costs of such an activity may be paid by the State and the remainder of the non-Federal share may include in-kind contributions of goods and services, and funds previously spent on feasibility and engineering studies.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary to carry out this Act such sums as may be necessary; but not to exceed $7,500,000 for the purposes of section 4(c).

Mr. HATCH. Mr. President, I ask unanimous consent that the amendment numbered 4352 to S. 1761 be agreed to, the bills be read a third time and passed, the motions to reconsider be laid upon the table, and that any statements relating to the bills be printed in the RECORD, with the above occurring en bloc.

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

The amendment (No. 4352) was agreed to.

The bill (S. 1761), as amended, was read the third time and passed.

The bill (H.R. 1235) was passed.

BEND PINE NURSERY LAND CONVEYANCE ACT

FISHERIES RESTORATION AND IRRIGATION MITIGATION ACT OF 2000

Mr. HATCH. I ask unanimous consent that the Chair lay before the Senate messages from the House with respect to S. 1936 and H.R. 1444.

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

There being no objection, the Presiding Officer (Mr. BENNETT) laid before the Senate the following messages from the House of Representatives:

Resolved, That the bill from the Senate (S. 1936) entitled ''An Act to authorize the Secretary of Agriculture to sell or exchange all

or part of certain administrative sites and other National Forest System land in the State of Oregon and use the proceeds derived from the sale or exchange for National Forest System purposes'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Bend Pine Nursery Land Conveyance Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(2) STATE.—The term ''State'' means the State of Oregon.

SEC. 3. SALE OR EXCHANGE OF ADMINISTRATIVE SITES.

(a) IN GENERAL.—The Secretary may, under such terms and conditions as the Secretary may prescribe, sell or exchange any or all right, title, and interest of the United States in and to the following National Forest System land and improvements:

(1) Tract A, Bend Pine Nursery, comprising approximately 210 acres, as depicted on site plan map entitled ''Bend Pine Nursery Administrative Site, May 13, 1999''.

(2) Tract B, the Federal Government owned structures located at Shelter Cove Resort, Deschutes National Forest, buildings only, as depicted on site plan map entitled ''Shelter Cove Resort, November 3, 1997''.

(3) Tract C, portions of isolated parcels of National Forest Land located in Township 20 south, Range 10 East section 25 and Township 20 South, Range 11 East sections 8, 9, 16, 17, 20, and 21 consisting of approximately 1,260 acres, as depicted on map entitled ''Deschutes National Forest Isolated Parcels, January 1, 2000''.

(4) Tract D, Alsea Administrative Site, consisting of approximately 24 acres, as depicted on site plan map entitled ''Alsea Administrative Site, May 14, 1999''.

(5) Tract F, Springdale Administrative Site, consisting of approximately 3.6 acres, as depicted on site plan map entitled ''Site Development Plan, Columbia Gorge Ranger Station, April 22, 1964''.

(6) Tract G, Dale Administrative Site, consisting of approximately 37 acres, as depicted on site plan map entitled ''Dale Compound, February 1999''.

(7) Tract H, Crescent Butte Site, consisting of approximately .8 acres, as depicted on site plan map entitled ''Crescent Butte Communication Site, January 1, 2000''.

(b) CONSIDERATION.—Consideration for a sale or exchange of land under subsection (a) may include the acquisition of land, existing improvements, or improvements constructed to the specifications of the Secretary.

(c) APPLICABLE LAW.—Except as otherwise provided in this Act, any sale or exchange of National Forest System land under subsection (a) shall be subject to the laws (including regulations) applicable to the conveyance and acquisition of land for the National Forest System.

(d) CASH EQUALIZATION.—Notwithstanding any other provision of law, the Secretary may accept a cash equalization payment in excess of 25 percent of the value of land exchanged under subsection (a).

(e) SOLICITATIONS OF OFFERS.—

(1) IN GENERAL.—Subject to paragraph (3), the Secretary may solicit offers for sale or exchange of land under this section on such terms and conditions as the Secretary may prescribe.

(2) REJECTION OF OFFERS.—The Secretary may reject any offer made under this section if the Secretary determines that the offer is not adequate or not in the public interest.

(3) RIGHT OF FIRST REFUSAL.—The Bend Metro Park and Recreation District in Deschutes County, Oregon, shall be given the right of first refusal to purchase the Bend Pine Nursery described in subsection (a)(1).

(f) REVOCATIONS.—

(1) IN GENERAL.—Any public land order withdrawing land described in subsection (a) from all forms of appropriation under the public land laws is revoked with respect to any portion of the land conveyed by the Secretary under this section.

(2) EFFECTIVE DATE.—The effective date of any revocation under paragraph (1) shall be the date of the patent or deed conveying the land.

SEC. 4. DISPOSITION OF FUNDS.

(a) DEPOSIT OF PROCEEDS.—The Secretary shall deposit the proceeds of a sale or exchange under section 3(a) in the fund established under Public Law 90–171 (16 U.S.C. 484a) (commonly known as the ''Sisk Act'').

(b) USE OF PROCEEDS.—Funds deposited under subsection (a) shall be available to the Secretary, without further Act of appropriation, for—

(1) the acquisition, construction, or improvement of administrative and visitor facilities and associated land in connection with the Deschutes National Forest;

(2) the construction of a bunkhouse facility in the Umatilla National Forest; and

(3) to the extent the funds are not necessary to carry out paragraphs (1) and (2), the acquisition of land and interests in land in the State.

(c) ADMINISTRATION.—Subject to valid existing rights, the Secretary shall manage any land acquired by purchase or exchange under this Act in accordance with the Act of March 1, 1911 (16 U.S.C. 480 et seq.) (commonly known as the ''Weeks Act'') and other laws (including regulations) pertaining to the National Forest System.

SEC. 5. CONSTRUCTION OF NEW ADMINISTRATIVE FACILITIES.

The Secretary may acquire, construct, or improve administrative facilities and associated land in connection with the Deschutes National Forest System by using—

(1) funds made available under section 4(b); and

(2) to the extent the funds are insufficient to carry out the acquisition, construction, or improvement, funds subsequently made available for the acquisition, construction, or improvement.

SEC. 6. AUTHORIZATION OF APPROPRIATION.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Resolved, That the House agree to the amendments of the Senate to the bill (H.R. 1444) entitled ''An Act to authorize the Secretary of the Interior to plan, design, and construct fish screens, fish passage devices, and related features to mitigate adverse impacts associated with irrigation system water diversions by local governmental entities in the States of Oregon, Washington, Montana, Idaho, and California'', with the following House amendments to Senate amendments:

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Fisheries Restoration and Irrigation Mitigation Act of 2000''.

SEC. 2. DEFINITIONS.

In this Act:

(1) PACIFIC OCEAN DRAINAGE AREA.—The term ''Pacific Ocean drainage area'' means the area comprised of portions of the States of Oregon, Washington, Montana, and Idaho from which water drains into the Pacific Ocean.

(2) PROGRAM.—The term ''Program'' means the Fisheries Restoration and Irrigation Mitigation Program established by section 3(a).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service.

SEC. 3. ESTABLISHMENT OF THE PROGRAM.

(a) ESTABLISHMENT.—There is established the Fisheries Restoration and Irrigation Mitigation Program within the Department of the Interior.

(b) GOALS.—The goals of the Program are—

(1) to decrease fish mortality associated with the withdrawal of water for irrigation and other purposes without impairing the continued withdrawal of water for those purposes; and

(2) to decrease the incidence of juvenile and adult fish entering water supply systems.

(c) IMPACTS ON FISHERIES.—

(1) IN GENERAL.—Under the Program, the Secretary, in consultation with the heads of other appropriate agencies, shall develop and implement projects to mitigate impacts to fisheries resulting from the construction and operation of water diversions by local governmental entities (including soil and water conservation districts) in the Pacific Ocean drainage area.

(2) TYPES OF PROJECTS.—Projects eligible under the Program may include—

(A) the development, improvement, or installation of—

(i) fish screens;

(ii) fish passage devices; and

(iii) other related features agreed to by non-Federal interests, relevant Federal and tribal agencies, and affected States; and

(B) inventories by the States on the need and priority for projects described in clauses (i) through (iii).

(3) PRIORITY.—The Secretary shall give priority to any project that has a total cost of less than $5,000,000.

SEC. 4. PARTICIPATION IN THE PROGRAM.

(a) NON-FEDERAL.—

(1) IN GENERAL.—Non-Federal participation in the Program shall be voluntary.

(2) FEDERAL ACTION.—The Secretary shall take no action that would result in any non-Federal entity being held financially responsible for any action under the Program, unless the entity applies to participate in the Program.

(b) FEDERAL.—Development and implementation of projects under the Program on land or facilities owned by the United States shall be nonreimbursable Federal expenditures.

SEC. 5. EVALUATION AND PRIORITIZATION OF PROJECTS.

Evaluation and prioritization of projects for development under the Program shall be conducted on the basis of—

(1) benefits to fish species native to the project area, particularly to species that are listed as being, or considered by Federal or State authorities to be, endangered, threatened, or sensitive;

(2) the size and type of water diversion;

(3) the availability of other funding sources;

(4) cost effectiveness; and

(5) additional opportunities for biological or water delivery system benefits.

SEC. 6. ELIGIBILITY REQUIREMENTS.

(a) IN GENERAL.—A project carried out under the Program shall not be eligible for funding unless—

(1) the project meets the requirements of the Secretary, as applicable, and any applicable State requirements; and

(2) the project is agreed to by all Federal and non-Federal entities with authority and responsibility for the project.

(b) DETERMINATION OF ELIGIBILITY.—In determining the eligibility of a project under this Act, the Secretary shall—

(1) consult with other Federal, State, tribal, and local agencies; and

(2) make maximum use of all available data.

SEC. 7. COST SHARING.

(a) NON-FEDERAL SHARE.—The non-Federal share of the cost of development and implementation of any project under the Program on land or at a facility that is not owned by the United States shall be 35 percent.

(b) NON-FEDERAL CONTRIBUTIONS.—The non-Federal participants in any project under the Program on land or at a facility that is not owned by the United States shall provide all land, easements, rights-of-way, dredged material disposal areas, and relocations necessary for the project.

(c) CREDIT FOR CONTRIBUTIONS.—The value of land, easements, rights-of-way, dredged material disposal areas, and relocations provided under subsection (b) for a project shall be credited toward the non-Federal share of the costs of the project.

(d) ADDITIONAL COSTS.—

(1) NON-FEDERAL RESPONSIBILITIES.—The non-Federal participants in any project carried out under the Program on land or at a facility that is not owned by the United States shall be responsible for all costs associated with operating, maintaining, repairing, rehabilitating, and replacing the project.

(2) FEDERAL RESPONSIBILITY.—The Federal Government shall be responsible for costs referred to in paragraph (1) for projects carried out on Federal land or at a Federal facility.

SEC. 8. LIMITATION ON ELIGIBILITY FOR FUNDING.

A project that receives funds under this Act shall be ineligible to receive Federal funds from any other source for the same purpose.

SEC. 9. REPORT.

On the expiration of the third fiscal year for which amounts are made available to carry out this Act, the Secretary shall submit to Congress a report describing—

(1) the projects that have been completed under this Act;

(2) the projects that will be completed with amounts made available under this Act during the remaining fiscal years for which amounts are authorized to be appropriated under section 10; and

(3) recommended changes to the Program as a result of projects that have been carried out under this Act.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act $25,000,000 for each of fiscal years 2001 through 2005.

(b) LIMITATIONS.—

(1) SINGLE STATE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), not more than 25 percent of the total amount of funds made available under this section may be used for 1 or more projects in any single State.

(B) WAIVER.—On notification to Congress, the Secretary may waive the limitation under subparagraph (A) if a State is unable to use the entire amount of funding made available to the State under this Act.

(2) ADMINISTRATIVE EXPENSES.—Not more than 6 percent of the funds authorized under this section for any fiscal year may be used for Federal administrative expenses of carrying out this Act.

Amend the title so as to read ''An Act to authorize the Secretary of the Interior to establish a program to plan, design, and construct fish screens, fish passage devices, and related features to mitigate impacts on fisheries associated with irrigation system water diversions by local governmental entities in the Pacific Ocean drainage of the States of Oregon, Washington, Montana, and Idaho.''.

Mr. HATCH. I ask consent that the Senate agree to the amendments of the House for each bill, en bloc.

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

CONGRESSIONAL RECOGNITION FOR EXCELLENCE IN ARTS EDUCATION ACT

Mr. HATCH. I ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of S. 2789, and the Senate then proceed to its immediate consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2789) to amend the Congressional Award Act to establish a Congressional Recognition for Excellence in Arts Education Board.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4353

Mr. HATCH. Senator COCHRAN has an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH], for Mr. COCHRAN, proposes an amendment numbered 4353.

(The amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. HATCH. I ask unanimous consent that the amendment be agreed to, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 4353) was agreed to.

The bill (S. 2789), as amended, was read the third time and passed.

FEDERAL COURTS IMPROVEMENT ACT OF 2000

Mr. HATCH. I ask unanimous consent that the Chair lay before the Senate a message from the House to accompany S. 2915.

There being no objection, the Presiding Officer (Mr. BENNETT) laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 2915) entitled ''An Act to make improvements in the operation and administration of the Federal courts, and for other purposes'', do pass with the following amendments:

Strike section 103, and redesignate the remaining sections and table of contents accordingly.

Page 9, line 22, strike ⟦subsection; or⟧ and insert: *subsection, or*

Page 10, line 6, strike ⟦subsection;⟧ and insert: *subsection,*

Page 10, line 9, strike ⟦judge; or⟧ and insert: *judge, or*

Page 25, beginning on line 21, strike ⟦''(b) For purposes of constructing⟧ and all that follows through ⟦date of retirement.⟧ on page 26, line 6, and insert:

''(b)(1)(A) For purposes of construing and applying chapter 89 of title 5, a judge of the United States Court of Federal Claims who—

''(i) is retired under subsection (b) of section 178 of this title, and

''(ii) at the time of becoming such a retired judge—

''(I) was enrolled in a health benefits plan under chapter 89 of title 5, but

''(II) did not satisfy the requirements of section 8905(b)(1) of title 5 (relating to eligibility to continue enrollment as an annuitant),

shall be deemed to be an annuitant meeting the requirements of section 8905(b)(1) of title 5, in accordance with the succeeding provisions of this paragraph, if the judge gives timely written notification to the chief judge of the court that the judge is willing to be called upon to perform judicial duties under section 178(d) of this title during the period of continued eligibility for enrollment, as described in subparagraph (B)(ii) or (C)(ii) (whichever applies).

''(B) Except as provided in subparagraph (C)—

''(i) in order to be eligible for continued enrollment under this paragraph, notification under subparagraph (A) shall be made before the first day of the open enrollment period preceding the calendar year referred to in clause (ii)(II); and

''(ii) if such notification is timely made, the retired judge shall be eligible for continued enrollment under this paragraph for the period—

''(I) beginning on the date on which eligibility would otherwise cease, and

''(II) ending on the last day of the calendar year next beginning after the end of the open enrollment period referred to in clause (i).

''(C) For purposes of applying this paragraph for the first time in the case of any particular judge—

''(i) subparagraph (B)(i) shall be applied by substituting 'the expiration of the term of office of the judge' for the matter following 'before'; and

''(ii)(I) if the term of office of such judge expires before the first day of the open enrollment period referred to in subparagraph (B)(i), the period of continued eligibility for enrollment shall be as described in subparagraph (B)(ii); but

''(II) if the term of office of such judge expires on or after the first day of the open enrollment period referred to in subparagraph (B)(i), the period of continued eligibility shall not end until the last day of the calendar year next beginning after the end of the next full open enrollment period beginning after the date on which the term expires.

''(2) In the event that a retired judge remains enrolled under chapter 89 of title 5 for a period of 5 consecutive years by virtue of paragraph (1) (taking into account only periods of coverage as an active judge immediately before retirement and as a retired judge pursuant to paragraph (1)), then, effective as of the day following the last day of that 5-year period—

''(A) the provisions of chapter 89 of title 5 shall be applied as if such judge had satisfied the requirements of section 8905(b)(1) on the last day of such period; and

''(B) the provisions of paragraph (1) shall cease to apply.

''(3) For purposes of this subsection, the term 'open enrollment period' refers to a period described in section 8905(g)(1) of title 5.

Page 26, line 23, strike ⟦6301(2)(xiii)⟧ and insert: *6301(2)(B)(xiii)*

Page 29, beginning on line 8, strike ⟦(1) in subparagraph (A),⟧ and all that follows through ⟦first''.⟧ on line 24, and insert:

(1) in subparagraph (A), in the matter following clause (ii), by striking ''or October 1, 2002, whichever occurs first,''; and

(2) in subparagraph (F)—

(A) in clause (i)—

(i) in subclause (II), by striking ''or October 1, 2002, whichever occurs first''; and

(ii) in the matter following subclause (II)—

(I) by striking ''October 1, 2003, or''; and

(II) by striking '', whichever occurs first''; and

(B) in clause (ii), in the matter following subclause (II)—

(i) by striking ''October 1, 2003, or''; and

(ii) by striking '', whichever occurs first''.

Mr. HATCH. I ask unanimous consent that the Senate agree to the amendments of the House.

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

ORDERS FOR SATURDAY, OCTOBER 28, 2000

Mr. HATCH. I ask unanimous consent that when the Senate completes its

business today, it recess until the hour of 9:30 a.m. on Saturday, October 29. I further ask consent that on Saturday, immediately following the prayer, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to a vote on the continuing resolution, as under a previous order.

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

PROGRAM

Mr. HATCH. For the information of all Senators, the Senate will vote on the continuing resolution at 9:30 a.m. tomorrow. Further, the Senate will convene on Sunday at 4 p.m., for those Senators who want to make statements, and we will vote on another continuing resolution at 7 p.m.

As a reminder, votes on continuing resolutions will be necessary each day prior to adjournment. The appropriations negotiations are ongoing, and it is hoped that the Senate can adjourn by early next week.

ORDER FOR ADJOURNMENT

Mr. HATCH. If there is no further business to come before the Senate, I now ask that the Senate stand in recess under the previous order following the remarks of Senator BYRD, Senator REID of Nevada, Senator REED of Rhode Island, and Senator GRAHAM of Florida.

Mr. KERREY. Mr. President, reserving the right to object, do I still have time on my 30 minutes?

The PRESIDING OFFICER. The Senator from Nebraska still has 3 minutes 7 seconds.

Mr. HATCH. I modify my unanimous consent request to reflect that time.

Mr. KERREY. That will be enough.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Nebraska is recognized.

THE BUDGET

Mr. KERREY. Mr. President, continuing what I was talking about earlier, I would like to point out I am not sure all my colleagues understand. But in this tax bill that we are going to take up tomorrow and next week, it has one key provision. Again, this was done with House and Senate leadership getting together and trying to figure out what was put in. It is tucked away at the very end. It is a provision not listed in any summary list by the bill's backers.

The provision calls for the abandonment of the pay-as-you-go budget discipline which, since its initial adoption in 1990, has required all tax cuts and spending increases be offset with other tax increases or entitlement spending cuts. This provision would order the Office of Management and Budget to set the PAYGO scorecard to zero instead of reflecting the actual cost of the tax bill in order to avoid a huge sequester the OMB would order, since the cost of the tax bill, if it became law, would come from the projected budget surplus rather than the required offsets.

I understand why it is being done. I understand we cannot do it any other way. But that is why we should not do it. All the way through the 1990s when we had this PAYGO provision in there, we were able to maintain our fiscal discipline in spite of great pressure to do the contrary. Whether it was tax cuts or spending increases that were being proposed, we could maintain that discipline because every time we brought an amendment down here to the floor that spent more money or cut somebody's taxes, we had to have an offset. That is the PAYGO provision. And we are going to throw it out the window, it seems to me, and we are going to abandon a principle that has enabled us not just to balance our budget but to help produce the growth in our economy by keeping the pressure off private sector borrowing that we were competing with all the way through the 1980s.

We are now paying down debt. I note Government treasuries are becoming of more and more value as they become less and less available, and because people are sensing the economy is growing a bit flat. But there is no pressure. It kept pressure off the Federal Reserve which kept interest rates low, grew our economy, and produced many of the jobs for which we all take credit. So this is a substantial change in the way we have conducted business previously.

The second point I want to make, in spite of what the Governor of Texas has been saying about not targeting tax provisions, that is what this bill does. It targets tax provisions. Indeed, of the 119 targeted tax provisions—I note this amends the 1986 Tax Simplification Act. I think it is the twentieth or thirtieth time we have done that since 1986 and the principal sponsor of it, I note with great amusement, is Congressman ARMEY, who is also the No. 1 advocate for tax simplification and the flat tax. But of the 119 targeted tax provisions in this tax bill, only one of the provisions is included in the Bush tax proposal.

This is us saying, I think appropriately, that we are going to try to target the taxes. The last thing I would say, I reiterate—I am sure our colleagues have seen and know the numbers in your own State about the number of people who do not have health insurance for all kinds of reasons.

Mr. President, 94 percent of the tax benefits in the health insurance category go to subsidize people who already have insurance. Only 6 percent attempts to do what I think America has done at its finest, and that is to try to push the circle of opportunity out further and further.

There is no doubt today there is a correlation between lack of health insurance and poor health status. It is most unfortunate that, if we are going to do targeted tax cuts, we do not do those targeted tax cuts in a way that increases our confidence, that as a consequence of what we are doing we will decrease the number of people in our States who currently are out there without any health insurance whatsoever.

I yield the floor.

Mr. BENNETT. Mr. President, would the Senator from West Virginia allow me to have 3 minutes to comment on the remarks of the Senator from Nebraska?

Mr. BYRD. Yes, I will be glad to.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Utah.

A TRIBUTE TO SENATOR KERREY

Mr. BENNETT. Mr. President, I have been remiss in not taking the floor to pay tribute to the Senator from Nebraska for his service here. The presentation we have had, although I disagree in some detail with some of the aspects of it, demonstrates how much we will miss him. The Senator from Nebraska has been a key figure in the group that has been known variably around here as the Centrist Coalition, or Chafee-Breaux, or the group that tries to get together across partisan lines and work things out.

As I sat in the chair and listened to the Senator from Nebraska, I realized if he and I could sit down in a room, between the two of us—and not have the White House there, and not have the leadership there of either House—we could arrive at a conclusion that I think he would be satisfied with, I would be satisfied with, and I think would be good for the country.

I think that comes from the fact that he has a business background and I have a business background. In business, you are not as interested in ideology as you are in getting the thing solved.

So I atone for my past failure and say publicly that this body will miss the Senator from Nebraska. This particular Senator considers him not only a good friend but a wise legislator, and I think the country has been well served as a result of his willingness to give these two terms to the Senate. I wish him well in whatever endeavor he undertakes in the future.

I say to the Senator from Nebraska, if he should decide to seek the Presidency once again, I would cheer for the Democratic Party to choose him as their nominee. I may not vote for him, but I would feel more reassured if he were the alternative on the other side.

Mr. KERREY. I thank the Senator very much.

The PRESIDING OFFICER. The Senator from West Virginia.

THE COMMERCE-JUSTICE-STATE BILL

Mr. BYRD. Mr. President, earlier today I voted for the conference report

on the Commerce-Justice-State bill, which was included with the D.C. appropriations bill. Both those bills were in the same conference report. I voted in favor of those measures. But the CJS measure was, in actuality, a seriously flawed piece of legislation with a number of problems attendant to it.

The first problem that I had with it was that it was a conference report, and thus it was not subject to amendment. The underlying appropriations bills went straight from the Senate Appropriations Committee to the conference committee, totally bypassing the Senate floor. The full Senate was afforded no opportunity to debate or amend these two appropriations bills. These are not the first appropriations bills to be herded through Congress in this fashion this year, but that fact does not make the practice any less objectionable. It is a simple case of cutting corners in the name of political expediency, a practice in which the United States Senate should not engage.

Second, the Commerce, Justice, State bill includes a controversial immigration rider, the Legal Immigration Family Equity Act, a scaled down spinoff of the Latino and Immigrant Fairness Act. The Senate dealt with this issue last month during consideration of the H–1B visa bill, when it refused to consider the Latino and Immigrant Fairness Act. I opposed suspending the rules to allow that measure to be offered as an amendment to the H–1B visa bill because I believe that such legislation sends the wrong message to those who might consider entering this country illegally. I believed then, as I believe today, that granting amnesty to aliens who are in this country illegally simply encourages others to enter the country illegally.

Although the Legal Immigration Family Equity Act would grant amnesty to a smaller group of illegal aliens, it creates the same problems as the Latino and Immigrant Fairness Act by rewarding illegal aliens for breaking U.S. law. It should make no difference whether we grant amnesty to one million illegal aliens or only a handful of that number. The principle is the same. Amnesty for illegal immigration sends the wrong message, period. Worse, these bills are an affront to those immigrants who have played by the rules, often waiting many years before being allowed to settle here legally.

I am opposed to the sending of these mixed signals by Congress. It is counterproductive for the United States to vigorously protect its long and porous borders from illegal aliens—at great expense to the taxpayers, I might add—while at the same time granting amnesty to selected groups of those aliens who manage to cross the border undetected or otherwise enter the country under false pretenses. The Senate should not endorse an immigration policy that rewards aliens who violate the law.

I realize that my views are at odds with a number of my colleagues, and I respect their position. I respect their viewpoints, and I would be very happy to debate the merits of new immigration legislation with them at the proper time and on the proper vehicle. This was not the proper time, and this conference report was not the proper vehicle. Neither the Latino and Immigrant Fairness Act nor the Legal Immigration Family Equity Act has been considered by the Senate Judiciary Committee, which has jurisdiction over immigration issues. No hearings have been held. No report has been issued by the Committee so that other senators can better understand the implication of these bills. No full scale debate has been aired.

The Commerce-Justice-State conference report could not be amended. It was a take-it-or-leave-it-package. Controversial immigration legislation that the Senate refused to consider once this year as an amendment to an immigration bill should not be resurrected under any guise as a legislative rider on an unamendable appropriations conference report.

Finally, I am concerned with executive branch meddling on this conference report. The President has said he will veto the conference report because the immigration rider does not go far enough. He wants the broader Latino and Immigrant Fairness legislation on this appropriations bill. This is the same President who has been complaining bitterly about legislative riders on other appropriations bills. This is the same President who vetoed the Energy and Water appropriations conference report because it contained an environmental rider to which he objected. This is the same President who berated Congress for including legislative riders along with supplemental funding provisions attached to the Military Construction appropriations bill. This is a President who has made it clear time and again that he objects to legislative riders on appropriations bill, and yet he has vowed to veto this conference report because the legislative rider it contains does not go far enough to suit him.

Mr. President, the Senate has a responsibility to complete its work—not avoid its work or compromise its work, but complete its work. This conference report is an example of how not to complete the Senate's business. The Commerce-Justice-State bill funds many vitally important programs, and that is why I voted for it. It is a bill that can and should stand on its own merits. It should not be hamstrung by legislative riders or election year politics.

Mr. President, the problems that I have cited with this conference report are not a reflection on the Senate Appropriations Committee. Chairman TED STEVENS has done yeoman's work this year to shield the appropriations process from both the Democratic and Republican political agendas.

I can compliment equally all of the members of the Appropriations Committee in this respect—the Republicans who chaired the subcommittees and the Democrats who were the ranking members. They all worked together, as they always do. There is no partisanship when it comes to the Appropriations Committee. Republicans and Democrats work together and politics is off the table. That was the case when I was chairman of that committee, and that has been the case since when former Senator Hatfield was chairman and now Senator TED STEVENS of Alaska. Senator STEVENS and I resisted mightily the sledgehammer approach that was used to bring this and other appropriations conference reports to the floor. Senator GREGG and Senator HOLLINGS, the chairman and ranking member of the Commerce-Justice-State Subcommittee, labored diligently to complete work on their bill and bring it to the floor under its own steam. No, the problem with this conference report is not the fault of the Committee but is the result of a breakdown in the legislative system that has seeped—seeped—through the appropriations process this year. The appropriations bills are the victims of this breakdown, not the cause of it.

It does not have to be this way, and it should not be this way. The Senate is fully capable of doing its work in an orderly and disciplined manner, capable of drafting, debating, and passing 13 individual appropriations bills, and of completing a separate legislative agenda.

Sadly, that is not to be the case this year. Congress is limping slowly toward a long overdue adjournment, leaving behind a trail of unfinished business and the wreckage of the appropriations process. Mr. President, I hope this sorry spectacle will never be repeated. I hope that the clean slate of a new Congress will bring a fresh perspective to next year's appropriations process. I hope and I pray that next year will be different.

Mr. President, I thank the distinguished minority whip, Mr. REID, for his never-failing attendance to the business of the Senate.

The Bible says: ''Seest now a man diligent in his business? He will stand before kings.'' Senator REID is always diligent in his business. I appreciate his arranging for me to have this time. He is thoroughly dependable and always courteous and considerate to me and to all other Senators. I commend him for it. The people of his State have every right to be proud of him as their senior Senator. And we on our side of the aisle have every right to be proud of him as the minority whip.

Mr. REID. If I could say to my friend, before he leaves the floor, I just came from the studio where I did a little TV thing because we are now not going to be able to be in Nevada next week. Senator BRYAN and I joined together to name a hospital for the most decorated soldier from Nevada who served in

World War II, a man by the name of Jack Streeter, who is alive.

It is amazing, as I went through this American hero's record—seven Silver Stars, two Bronze Stars, five Purple Hearts—now, I know that the Senator from West Virginia, his medals have not been on the field of battle in Germany like my friend Jack Streeter, but I was thinking, as the Senator was talking to me—I am the minority whip. Of course, this is one of the lesser positions the Senator from West Virginia has held.

The Senator from West Virginia has been whip, majority leader, minority leader more than once, and in addition to that, the honor that most people would feel they had fulfilled their career with, of being chairman of the Appropriations Committee.

So I say to my friend publicly, as I have said privately, what an honor it is to be able to serve with one of the legends, in his own time, of the Senate: ROBERT BYRD. There are not many Senators that you think of as being so closely connected with the Senate as ROBERT BYRD. We have the Calhouns and we have a few people whose names come to our mind, but ROBERT BYRD is someone, when the history books are written, will always be mentioned as one of the all-time leaders of the congressional process. What a great honor it is to be able to serve with the Senator from West Virginia.

Mr. BYRD. Mr. President, Mark Twain said he could live for 2 weeks on a good compliment. The compliment that the distinguished Senator from Nevada, Mr. REID, has just paid me can help me to survive for quite a long time. I shall not forget it. His words are a bit embellished, but I am deeply appreciative of what he has said.

I appreciate it very much. I thank him again for his good work every day on the floor of the Senate. Having been whip, I know when we have a good one. And Senator REID is here, looking after the Senate's business, and always very attendant upon our every need. I am ready to vote for him again any time. He does not have to look me up and find out if I am still for him.

Mr. President, I thank the Senator.

Mr. REID. Just one last comment while we are throwing compliments around this late Friday afternoon.

I can remember when I went and spoke to Senator BYRD, and he indicated he would support me 2 years ago for this job. And I wrote him a letter. I can very clearly remember writing it. It took a little time in thinking of what I wanted to say. In that letter I said that as far as I was concerned he was the Babe Ruth of the Senate. I don't know if you remember that letter, but that is what I said.

Mr. BYRD. Yes, I remember that letter.

Mr. REID. With Babe Ruth, you always think of the best baseball player. And when you think of ROBERT BYRD, you think of the best player in the Senate. Thank you.

Mr. BYRD. Yes. I believe it was September, in 1927, when Babe Ruth beat his own former record of 59 home runs. In 1927, he swatted 60 home runs.

Mr. REID. Senator BYRD, I can remember, as if it were yesterday, you asked me one weekend—

Mr. BYRD. I believe that was September 30, 1927. And I believe it was on the 22nd of September 1927 that Jack Dempsey and Gene Tunney fought a fight in which—we who lived in the coalfields hoped Jack Dempsey would win back his title, but he did not win it back. That was the occasion of the ''long count.''

It was in May of that year that Lindbergh flew across the ocean in the *Spirit of St. Louis.* Sometimes he was 10 feet above the water; sometimes he was 10,000 feet above the water. And his plane had a load, which I remember, of about 500 pounds. He carried five sandwiches, and ate one-half of a sandwich.

I remember reading in the New York Times about that historic flight. He said he flew over, I believe, what was Newfoundland, at the great speed of 100 miles per hour—at a great speed, 1927.

Mr. REID. Senator BYRD, I do not want to put you on the spot here, but I can remember returning from one of my trips in Nevada, and we had a conversation. You asked me what I had done, and I said, I hadn't read a particular book in 25 years. And I picked up the book ''Robinson Crusoe'' to read about Robinson Crusoe. You said to me: I know how long he was on that island. I just read the book, and you told me. And I had to go home and check to see if you were right, and you were right, to the day.

Mr. BYRD. I believe that was 28 years, 2 months, and 19 days.

Mr. REID. Yes. I have not forgotten that.

Mr. BYRD. I believe that is right.

Mr. REID. I went home and checked, and I will do it again. I am confident you are right.

Mr. BYRD. All right. I thank the Senator.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

THE LATINO IMMIGRANT AND FAIRNESS ACT

Mr. REID. Mr. President, my good friend from West Virginia talked about his opposition to the provision in the bill dealing with Latino immigrant fairness. He and I have had a number of conversations about that. I, of course, respect his views as were just laid out here, his feelings on that piece of legislation.

Briefly, I would just say about this legislation that the Republicans have chosen to ignore what we felt is something that is very important. We have tried to have hearings. We have tried to do legislation on this. Simply, we were ignored.

We, of course, have met with our counterparts in the House. And they feel strongly about this. They have been ignored, just as we have over here. We have received the support of the administration to help us in crafting legislation that would protect what we believe is a basic tenet of American justice.

They have decided to ignore our bill and those who support it, and have decided to include their own immigration bill. The President has had no choice but to do this drastic maneuvering measure. We have tried, time and time again, to bring this bill to the floor, and it is always met by the other side's intransigence.

We have a simple goal: One of fairness. We want one set of rules for all refugees and immigrants. And we offer a clear plan to correct serious flaws in our immigration code. Meanwhile, the majority is trying to cloud the issues, distort our bill, and create an intricate maze that helps very few.

The current system is unworkable and unfair. Out plan aims to correct flaws in the current unworkable and biased immigration rules. For instance:

There is one set of rules for Cubans and Nicaraguan refugees who fled left-wing dictatorships; and another, far stricter set of rules for refugees from Central America, the Caribbean, and Liberia who fled other dictatorships;

Because Congress failed to renew Section 245(i), families who have a right to be together here in the U.S. are being torn apart, sometimes for up to 10 years; They are forced to leave their families and can't come back for 10 years. They haven't done anything illegal.

Because of past Congressional action and bureaucratic bungling, some people who were eligible for a legalization program enacted in 1986 are now U.S. citizens; while others are facing deportation.

Democrats want a simple set of fair rules that make sense and clean up the immigration code.

We want to establish legal parity between Central American, Liberian and Caribbean refugees so that all refugees who fled political turmoil in the 1990s are treated the same.

We want to renew 245(i). This provision, which has allowed all family members of U.S. citizens and legal permanent residents to adjust their status while in the U.S., has been allowed to expired. Our proposal would renew it and allow all immigrants who have a legal right to become permanent residents to apply for their green cards in the U.S. and remain here with their families while they wait for a decision.

The registry date would allow all persons who came to the U.S. before 1986 to be eligible to adjust their status. This provision has been regularly updated since enactment in 1929 but has not been updated since 1972.

Republicans now agree that Congress should help some immigrants, but their proposal provides no relief on parity, little on 245(i), and even less on the registry date.

When you read the fine print, their immigration proposals don't fix what is broken in our immigration code.

Instead, the majority wants to continue to pick and choose between immigrants and which countries they should come from—rewarding some, denying others, with no just cause.

We want a simple, fair, family unification policy. That's what we're proposing. That's what we'll fight for. That's what Congress must do before we adjourn.

The main reason I came to the floor today is to respond to my friend from Idaho who came to the floor to talk about some of the things the Vice President said that were exaggerations, according to him. I would like to comment on some of the statements he made. This is a difficult game. The game is that these men go around giving a lot of statements, Bush and GORE. And they should be held to the same standard. What is that standard? Listen to everything they say.

Now, we know from an October 23 Washington Post in a column written by Michael Kinsley entitled ''The Emperor's New Brain'' that:

George W. Bush's handling of the stupidity issue has been nothing short of brilliant. A Martian watching the last presidential debate might have concluded that this man would be well-advised not to put quite so much emphasis on mental testing.

This has been raised by the Senator from Idaho, and I am happy to respond. The same article says:

But if George W. Bush isn't a moron, he is a man of impressive intellectual dishonesty and/or confusion. His utterances frequently make no sense on their own terms. His policy recommendations are often internally inconsistent and mutually contradictory.

He further states:

When he repeatedly attacks his opponents for ''partisanship,'' does he get the joke? When he blames the absence of a federal patients' rights law on ''a lot of bickering in Washington, D.C.,'' has he noticed that the bickering consists of his own party which controls Congress, blocking the legislation? When he summarizes, ''It's kind of like a political issue as opposed to a people issue,'' does he mean to suggest anything in particular? Perhaps that politicians, when acting politically, ignore the wishes of the people?

In the debate, he declared, ''I don't want to use food as a diplomatic weapon from this point forward. We shouldn't be using food. It hurts the farmers. It's not the right thing to do.'' When, just a few days later, he criticized legislation weakening the trade embargo on Cuba—which covers food along with everything else—had he rethought his philosophy on the issue? Or was there nothing to rethink.

The article ends by saying:

In short, does George W. Bush mean what he says, or does he understand it? The answer can't be both. And is both too much to ask for?

My friend from Idaho talked about some things that AL GORE had said over the years. We will talk about those in a minute. He said he was here because of some of the statements I made. I didn't make any statements. I came here without any editorial comment other than saying I was quoting direct, verbatim statements made by Gov. George Bush.

I am not going to go through the 20-odd pages of ''Bushisms'' or whatever you want to call them. I am going to talk about a few that obviously got the attention of my friend from Idaho.

Florence, SC, January 11, 2,000:

Rarely is the question asked: Is our children learning?

New York Times, October 23:

The important question is, How many hands have I shaked?

Concord, NH, January 29:

Will the highways on the Internet become more few?

Nashua, NH:

I know how hard it is for you to put food on your family.

New York Daily News, February 19:

I understand small business growth. I was one.

LaCrosse, WI, October 18, a few days ago:

Families is where our nation finds hope, where wings take dream.

Same day, WI:

Drug therapies are replacing a lot of medicines as we used to know it.

Saginaw, MI, September 29, a few weeks ago:

I know the human being and fish can coexist peacefully.

Redwood, CA, September 27:

I will have a foreign-handed foreign policy.

On the Oprah show:

I am a person who recognizes the fallacy of humans.

As I said, I have talked about some of the things he has said. I haven't in any way changed a single word, a single paragraph, a single spelling. I just quoted directly. This is a man who is running for President of the United States. I think it is something we need to consider, especially in light of the fact that on Wednesday, the Rand commission came out with a study. The Rand commission is bipartisan. They are widely respected. They are independent. Basically what they said is that all the claims that Governor Bush has made about education in Texas, how it has improved, simply are false, not true. Then we have the next day, on Thursday, the Actuary Commission came out and said that if you took into consideration all of the things that Governor Bush wanted to do with Social Security and taxes, it would, in effect, bankrupt the country.

I think we have to recognize that Governor Bush is talking about some real big whoppers, if the Senator from Idaho wants to talk about whoppers.

In fact, the Wall Street Journal, which is deemed by some to be the newspaper of the Republican Party, had in a news story, dated October 12 of the year 2000, a headline saying ''The Biggest Whopper: The Bush Tax Cut.''

Among other things, the article says:

Writing before last night's debate, the winner for the biggest exaggeration is easy: George W. Bush and his tax cut.

The GOP nominee claims his tax measure principally will help the working poor and middle-class Americans. The rich, he says, will get a smaller percentage than they currently do, and the tax plan comfortably fits with projected budget surpluses and his Social Security plans.

None of that is true.

Instead of making the case that a huge tax cut is necessary to reward the productive elements of society who will make the investments that ultimately benefit everyone, Mr. Bush misrepresents the size and shape of his proposal. He suggests that after setting aside half of the 10-year surplus for Social Security, he will divide the rest between tax cuts and initiatives in areas like education, health care and defense. In truth, he proposes over $1.3 trillion in tax cuts and less than $500 billion for those other initiatives, not including $196 billion of unspecified reductions in discretionary spending.

The biggest whopper:

The Bush claim that his tax cut not only doesn't reward the rich but actually makes them pay more is really phony.

The article goes on to say:

The Republican nominee has been unsparing in his criticism of the Clinton-Gore administration's defense spending, claiming more needs to be done on pay, readiness and missile defense. Yet over the decade, the Gore budget envisions spending $55 million more than Mr. Bush proposes. Why? The Texan can't afford it, given his tax cuts.

The press has tripped all over itself to praise Mr. Bush for suggesting a ''solution'' to long-term Social Security with partial privatization. Yet unlike the serious Social Security proposals—such as Senators Pat Moynihan and Bob Kerrey—Mr. Bush insists he can do this without any cuts in Social Security benefits.

Of course, Mr. President, that is indicated in the study by the actuaries as absolutely impossible; it can't be done. And ''In His Own Words'' in the New York Thursday, October 26, 2000, there were remarks out of Sanford, Florida, where George W. Bush said:

They're trying to say, you know, old George W. is going to take away your check. But I'm going to set aside $2.4 trillion of Social Security surplus.

On October 17, in the debate, here is what he said:

. . . And one of my promises is going to be Social Security reform. And you bet we need to take a trillion dollar—a trillion dollars out of that $2.4 trillion surplus.

Well, he heads to Florida and then increases it by $1.4 trillion. With all due respect, I am not sure that the good Governor understands. According to people who have studied the issue, he doesn't. You can't do both. You can't cut Social Security and think that those moneys that are set aside to pay benefits can also be taken out to put into privatization. It won't work.

My friend from Idaho said today that one of the things that AL GORE is considered to be untruthful about is his statement that he was involved in the authorship of the book that was made into a great movie by Erich Segal called Love Story. He is saying it is simply untrue that AL GORE had anything to do with that. But understand that the author of the book, who I think should have some foundation to

speak about the book he wrote, says that his protagonist, Oliver Barret IV—the man in Love Story—was partly based on Mr. GORE. Now, that is a fact. Erich Segal, the author, said that his protagonist in the book Love Story, Oliver Barret IV, was based on ALBERT GORE. So what my friend from Idaho said, and what others have said, cannot contradict what the author of the book has said.

Talking about exaggerations and misstatements, look at the Seattle Post-Intelligencer on October 4 of this year. Byline, Paul Krugman. He says:

I really, truly wasn't planning to write any more columns about George W. Bush's arithmetic. But his performance on ''Moneyline'' last Wednesday was just mind-blowing. I had to download a transcript to convince myself that I had really heard him correctly.

It was as if Bush aides had prepared him with a memo saying: ''You've said some things on the stump that weren't true. Your mission, in the few minutes you have, is to repeat all those things. Don't speak in generalities—give specific false numbers. That'll show them.''

First, Bush talked about the budget—''There's about $4.6 trillion of surplus projected,'' he declared, which is true, even if the projections are dubious. He went on to say: ''I want some of the money, nearly a trillion, to go to projects like prescription drugs for seniors. Money to strengthen the military to keep the peace. I've got some views about education around the world. I want to—you know, I've got some money in there for the environment.''

Figure that one out, if you can.

Mr. President, further in the New York Times of October 11, a man by the name of Paul Krugman writes a column, and the heading is: ''A Retirement Fable; No Fuzzy Numbers Needed.''

Among other things, he says:

Mr. Bush has made an important political discovery. Really big misstatements, it turns out, cannot be effectively challenged, because voters can't believe that a man who seems so likable would do that sort of thing. In last week's debate Mr. Bush again declared that he plans to spend a quarter of the surplus on popular new programs, even though his own budget shows he plans to spend less than half that much. . . .And he insists that he has a plan to save Social Security, when his actual proposal, as it stands, would bankrupt the system.

Michael Kinsley, in the Washington Post, on the 24th, a couple days ago, says, among other things, referring to Bush:

His utterances frequently make no sense in their own terms. His policy recommendations are often internally inconsistent and mutually contradictory. Because it's harder to explain and prove, intellectual dishonesty doesn't get the attention that petty fibbing does, even though intellectual dishonesty indicts both a candidate's character and his policy positions. All politicians. . .get away with more of it than they should. But George W. gets away with an extraordinary amount of it.

He continues to say.

. . .he'll get the trillion dollars needed for his partial privatization ''out of the surplus.'' Does he not understand that the current surplus is committed to future benefits, which will have to be cut to make the numbers work? Or does he understand and not care?

Kinsley further says:

When he repeatedly attacks his opponent for ''partisanship,'' does he get the joke? When he blames the absence of a federal patients' rights law on ''a lot of bickering in Washington, DC,'' has he noticed that the bickering consists of his own party, which controls Congress, blocking the legislation?

Also, if we are talking about people who misstate things, let's really put a magnifying glass on some of the things that the Governor has said. In last week's debate, GORE described his own education plan, but Bush said that the ''three'' men convicted in the murder of James Byrd, a black man dragged to his death from his pickup truck, will receive the death penalty. That is not quite true. One faces life imprisonment. Bush took credit for expanding a child's health insurance program in Texas. He took credit in the debate for working with the Democrats to get a Patients' Bill of Rights. He vetoed that. And then he says we have a provision to allow lawsuits. He didn't sign that.

Mr. President, we hear a lot about how the Vice President has been involved in the Russian situation. And he has. He has done a good deal to work out differences between the two nations—the former Soviet Union and now Russia. The Vice President has had extensive experience working on that. One of the people he worked with was Prime Minister Chernomyrdin, who he didn't pick, the Russian government picked him. In this debate—we all heard it—and I will get the citations from the Washington Post, byline by Howard Kurtz and others. He said:

Money from the International Monetary Funded wound up in the pocket of former Russian Prime Minister Viktor Chernomyrdin. Chernomyrdin has been linked to corruption.

Experts say there is no proof he received any IMF money.

Further, Bush said that our European friends would put troops on the ground in the Balkans, where the bulk of the peacekeeping forces are in Bosnia and Kosovo. Bush also cited Haiti as example of a country from which the U.S. should withdraw its troops, when in fact all but 100 troops have left.

Mr. President, the Senator from Idaho said he will be back Monday afternoon. I am happy to visit with him on the statements that the Governor of the State of Texas has made. I didn't make them, he made them. I simply came to the Senate floor to discuss with the American people what he has said:

I am a person who recognizes the fallacy of humans.

Drug therapies are replacing a lot of medicines as we used to know it.

I know the human being and fish can coexist peacefully.

I will have a foreign-handed foreign policy.

Families is where our nation finds hope, where wings take dream.

I understand small business growth.. I was one.

Will the highways on the Internet become more few?

I know how hard it is for you to put food on your family.

Rarely is the question asked: Is our children learning?

The important question is, how many hands have I shaked?

These are statements made by the Governor of the State of Texas.

Anytime anyone wants to come and talk to me about the statements made by the Governor of the State of Texas, I am happy to do it. I didn't make them up. I am quoting them directly.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, thank you very much.

MEDICARE BALANCED BUDGET REFINEMENT PROPOSAL

Mr. REED. Mr. President, I want to first commend my colleague, friend, Senator REID from Nevada, for not only his statement but his leadership in this body to try to move the process along. Unfortunately, we have reached an impasse.

We have sent to the President an appropriations bill for the Commerce-State-Justice Departments which will be vetoed because of glaring deficiencies in that bill.

We are holding in abeyance for the moment a conference report which not only deals with Medicare readjustments because of the Balanced Budget Act of 1997, but also contains provisions dealing with assisted suicide—a hodgepodge of issues, all of which will, once again, elicit a Presidential veto.

Let me just speak for a moment about this pending bill, although in some respects it defies description. It is more of an accumulation of different ideas thrown together to get out of town. But part of it deals with Medicare and balanced budget refinement proposals.

All of us in this body for the last several years have been pointing out some of the consequences—many of then unintended—of the Balanced Budget Act of 1997 with respect to Medicare reimbursement in an effort to make sure that our health care system continues to be vibrant and continues to be sustainable. And we are resolved to try to address these issues and in a bipartisan way.

But we have found ourselves with a very partisan approach—an approach that has not included any of my Democratic colleagues on the Finance Committee, and has included no real participation by the Democrats in this body at all with respect to issues that are of concern to all of us which should be dealt with on a bipartisan basis.

As a result, we are faced with legislation that comes to us which is terribly distorted and terribly slanted, and which will not deal with the real crisis we face. In fact, many health care providers, such as hospitals, home health care agencies, hospice agencies, nursing homes, and others are literally

being shortchanged in the process where a significant and inordinate amount of money is going to HMOs that operate Medicare managed care plans.

These are the same HMOs that abruptly, in many cases, withdrew from the market because they could not make their margins—that walked out on seniors. And, in effect, we are rewarding them for abandoning seniors and walking away from them by giving them a huge amount of money with the presumption, of course, that this money will be passed on to the providers who care for our elderly and disabled. That is not the case at all.

With respect to the not-for-profit HMOs, their first instincts will be to build up their reserves and continue to negotiate very tough reimbursements with hospitals and nursing homes. In some cases, they are the only game in town. They can go to a hospital or a nursing home or a home health agency, and say: These are the terms—take it or leave it. But their goal will not be simply passing on the generosity of the Federal Government to providers—the people actually giving the care. It will be to enhance their own financial positions by continuing to put aside money for the proverbial rainy day.

When it comes to the for-profit HMOs, their incentive is not only to enhance their financial position because that is what enhances their stock price in the market, but also to provide dividends to their shareholders. After all, they are profit-making enterprises.

I think it is entirely fallacious to believe that by simply giving money to HMOs for seniors, with no accountability and no requirements, they will in return provide coverage. Simply giving them the money is the wrong way to ensure that our seniors and disabled receive adequate health care.

That is precisely the path that has been chosen in this partisan Republican legislation that we will see in the days ahead.

We would like to see Medicare managed care plans succeed. We would like to see that happen. But we can't simply wish by giving them money that they will change the practices they have pursued over the last several years.

When they looked at the situation, when they thought they were not getting the kind of return and the kind of profits they should in these programs, they simply walked away.

Yet we are not requiring them even with this great infusion of money to commit to stay the course for our seniors. It is the wrong approach.

The right approach—the approach that was advocated very forcefully by my colleagues on the Finance Committee on the Democratic side—is to provide additional reimbursements and additional support for the actual providers—the hospitals, the hospice agencies, and home health agencies—all of the agencies that are struggling just to stay afloat and to stay viable.

In particular, we have seen over the course of the last several years with respect to home health agencies that many have gone out of business because of severe cuts in the reimbursements. We originally estimated that $16.1 billion would be saved over five years. It turns out that we have already saved $19. 7 billion in just two years and are on track to save four times what we originally projected. It is about time to put the money back in to these important activities.

Yet, that is not what this bill would do. As I mentioned before, this conference report contains several last minute additions coming from the outfield, including the misnamed Pain Relief Promotion Act, which is an attempt to undercut the legislation and the will of the people of Oregon with respect to the very sensitive issue of assisted suicide.

I strongly disapprove of assisted suicide. I am pleased that my State of Rhode Island has, in fact, adopted legislation that outlaws this practice but still makes the prescription of drugs by physicians for the purposes of alleviating pain a medical matter and not a law enforcement matter.

The fallacy of the approach embodied in the Pain Relief Promotion Act is to take the Drug Enforcement Agency and make it the arbiter of good medical practice. I can't think of a more inappropriate combination of institutions and functions than that. But that has been thrown into the mix in this conference report.

We have been endeavoring over many months to come up with bipartisan solutions to these issues of Medicare reimbursement and of the restoration of funds that were cut in 1997 under the Balanced Budget Act. But it has come to naught so far.

I hope that in the next few days in anticipation of a Presidential veto there will be a second or third or fourth look at these issues and we can try to deal with them in a thoughtful and constructive way.

One particular issue is the fact that we face a further 15-percent reduction in home health care reimbursement rates, which is currently scheduled to take effect in October of 2001.

We already know that these agencies cannot sustain such a further reduction. But the only thing that this bill does is temporarily delay it for another year.

I have joined with many of my colleagues, including Senator COLLINS of Maine, to suggest the elimination of this 15-percent cut because agencies have to know not only that they have a 1-year reprieve, but they can plan with some confidence for the years ahead, and that they won't face such a further draconian cut in their reimbursement.

It is the only way they can attract the kind of financial lending support they need to cover expenses. It is the businesslike thing to do.

That is another irony. For a party that styles themselves as conscious of the business community and knowledgeable of the ways of business, the massive distribution of funds to HMOs defy the logic of both the not-for-profit and for-profit HMO because they will not pass them on. They will either disgorge them to their shareholders as profits or they will put them aside so that their ratings and their financing will be that much more secure when they are raided by outside groups.

So this legislation is not only unhelpful for the people who need the help, the providers and ultimately the seniors, but it is, I think, contradictory to the obvious business practices that will be undertaken by the HMOs and others who receive these great funds.

I suggest, again, we go back to the table, that we look hard at all these proposed solutions to the problems engendered by the 1997 Balanced Budget Act in regard to Medicare, and that we strive for a bipartisan approach that will get the money to the providers who give the care to the seniors. If we do that, we are going to make great progress. If we don't do that, we will be back here again next week dealing with another proposal after a Presidential veto.

Now that is just one aspect of what has been transpiring in this body, one aspect of the impasse we face.

Today we sent to the President legislation providing appropriations for Commerce, Justice, and State Departments. What we did not send forth was legislation that would include the Latino Fairness Act, that would include, also, fairness for other groups.

One group in particular of which I have been very supportive is the Liberian community in the United States. I have heard my colleagues on the other side say the reason we are not doing this is because we will not engage in country-specific relief in our immigration laws. That is nonsense. We have had country-specific relief. We have had it throughout the history of this country. One just has to look at the Cuban community in this country to see very specific and very helpful country-specific relief in terms of the rules of immigration, rules of establishing permanent residence.

Also, people suggested we don't want to legitimize people who come here illegally and stay here illegally without the color of law. In the case of the Liberian community, these individuals have been recognized and allowed to stay here under temporary protective status issued first by President Bush and continued subsequently. Now, however, they face deportation because their TPS status has lapsed. They are now under a status called deferred enforced departure—still legal status, allowing them not only to stay here but also to work. So this is a group of people who are legally recognized to be here, and they have the same rights, I believe, or should have the same rights, as everyone else.

This whole issue with respect to Liberians, with respect to Latinos—really, hundreds of thousands who have come here; many have been here for decades or more—who are part of our economy, just as all of those high-tech workers whom we labored so diligently to accommodate under the H–1B visa program. In fact, in places such as Nevada, the home of my colleague, Senator REID, the business communities are asking us to pass the Latino fairness bill because it is their workers who are affected by not being recognized or allowed to establish permanent residence.

I think we can do much more and should do much more. This discussion leads invariably to a litany of lost opportunities and partisan action which undercuts the very brave language of Governor Bush who talks about bipartisanship. Certainly we haven't seen any bipartisanship here. We haven't seen a great deal of leadership here on issues that are important to all of us and are particularly important to the American people.

If we finish next week simply by adopting the remaining appropriations bills, we will have neglected to deal with the real issues that the American people have demanded of us for months and months and months. There will be no prescription drug benefit for seniors. Yet I hazard a guess that each and every one of us has gone back to our States and talked with fervor and passion about how critical it is these seniors have access to a Medicare prescription drug benefit. Yet that is not likely to happen. Another lost opportunity, another missed chance at the issue, another disappointment to the legitimate hopes of the American people that we would work together and accomplish something for them.

We have not enacted a meaningful Patients' Bill of Rights. Yet for months and months and months we have been talking about it. We have seen our colleagues in the other body pass a bipartisan Patients' Bill of Rights. Yet in this body it has languished, and its days are now numbered. So we will not have, for the American people, something they want: Simply to be able to get from their managed care organization the benefits they thought they were entitled to and that their employer typically thought he or she had paid for. But we are not doing that because in this body we didn't pass a real Patients' Bill of Rights. We passed a sham. My collages hoped that sham would be enough of a diversion so the American people will forget what we failed to accomplish.

Education reform. Governor Bush is talking about education and touting his record of education. The Rand study has showed some evidence that is not really a record of success but it is a record of less than success. We haven't even gotten around to doing the routine business of the Congress. This is the first time in decades we have failed to pass the Elementary and Secondary Education Reauthorization Act. It is the first time we didn't do it in a bipartisan way, listening to the voices of all of our colleagues, trying to accommodate them, all to try to come up with a product that would represent further progress in reforming education.

Reforming education or providing incentives for States to do the bulk of that work because that is their responsibility more than ours—we haven't done that. As a result, we haven't made progress on improving teacher training, we haven't made progress for modernizing libraries, we haven't made progress with parental involvement, we haven't reduced class size or repaired crumbling schools or done all we can to keep our schools safe from violence.

Frankly, one of the reasons we did not have the will to bring this legislation to the floor was a paranoia on the side of the Republicans that we would actually vote on sensible gun controls that would help improve the safety not only of our schools but of our streets and our communities all across this country. And as a result, we sacrificed on the altar of fidelity to the NRA a chance to pass elementary and secondary education legislation in this Congress.

We haven't passed a hate crimes bill that would say stoutly, vigorously and courageously that we just don't talk about tolerance in the United States, we actually have laws to require the same.

We would actually have a Federal statute that would assist communities when they find themselves convulsed by the kind of vicious hate crimes that we saw in Wyoming with Matthew Shepard, that we saw in Texas with Mr. Byrd, so that there would be a Federal response, not just an alternative way to prosecute, but resources to prosecute, with help and assistance. By doing this, we would send a very strong signal that this is not an issue of East or West or North or South, but this is at the core of our American values. This is a country that was built on the idea that men and women from very different backgrounds, very different cultures, very different traditions, could come together and form a perfect union. We have failed in that.

We could go on, too, talking about some of the commonsense gun safety and juvenile justice legislation that has languished and will shortly expire. We have not closed the gun show loophole. That was the loophole that was used by the killers at Columbine High School to obtain some of the weapons they used on that attack. How soon we have forgotten.

We have not passed legislation to require child safety locks on weapons. Yet we know that could save the lives of some children, and even one child's life saved because he or she would not get access to a firearm in the home is something for which we would be very proud. We have not done it, despite Senator LAUTENBERG's great efforts and the efforts of many of my colleagues.

Although we have engaged in debates about policy, we are looking ahead at the consequences of this election where several things will be extraordinarily important—obviously. First, this election will help cast the composition of our Supreme Court. That is not just a jurisprudential matter, that is not just something that should be of interest to law review editors and students at law schools. It will shape whether or not this Federal Government can still play a vital, active role in the lives of its citizens, because the trend of the Court, the trend of the Republican appointees of the Court, has been to circumscribe, dramatically, the power of the Federal Government to act in lieu of the States.

When people talk about the Federal role in education, that role might diminish dramatically, regardless of what we do in this body, if we have Justices who believe there is no real congressional/Federal role in education. That is a part of the consequences of this election.

Governor Bush has proposed a tax policy that is hard to understand, except for the fact that it seems to leave very little for the other issues with which we must deal: making sure we transform our Armed Forces, making sure we can protect the solvency of the Social Security trust fund, making sure we can keep our Medicare obligations to seniors, making sure we can continue to invest in this country, in its infrastructure—both its physical infrastructure and its human and social infrastructure—through education and training.

We are at a point now where, at the end of this Congress, we are facing the turn point, the turning back from the kind of fiscal discipline that has produced the record prosperity over the last several years, to a situation where we fall back again into deficits, into the high interest rates, into the economic stagnation of the late 1980s and early 1990s. We could miss this opportunity to invest in our people, to strengthen our country, its physical strength and its economic vitality and its military prowess, and also its spirit as a nation of neighbors helping others to make their lives better and to make their communities better.

We have reached this impasse. I hope we can break through this impasse. I hope we can, through deliberations over the next few days, reach a Medicare refinement proposal that will truly help providers and not just HMOs. I hope we can see a Commerce-State-Justice bill that will come back with Latino fairness legislation, that will recognize that these are good people, struggling to be Americans through work and family and all of the attributes that we see as part of America—not a legal status but a condition of the heart and a habit of the heart.

I hope we can do that. But that will take bipartisan effort. It will take all

our efforts. I hope over the next several days we do something we have not done over the last many months—work together for the benefit of the American people.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. L. CHAFEE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

THE LAST CONGRESS OF THE TWENTIETH CENTURY

H.R. 2614

Mr. GRAHAM. Mr. President, I come on this early Friday evening with a sense of extreme disappointment, extreme disappointment that we are concluding the last Congress of the 20th century with so little commitment to provide a vision and a sense of assistance and help to Americans as they prepare for the 21st century. I would describe it as the ''lack of vision thing.'' We cannot seem to envisage the surplus as a once-in-a-century chance to tackle the most important issues for our day, issues that will affect our children and grandchildren, issues such as Social Security and Medicare, the two great programs in which the U.S. Government has a contract with its people, and how to deal with the national debt, which grew so explosively over the last 30 years, and that we now have an opportunity to substantially reduce.

Instead, we see the surplus as a giant windfall that allows us to dole out favors to favored constituencies, as if Halloween has already arrived. The result of this ''tunnel vision thing,'' is a bill that will absorb $320 billion of the non-Social Security surplus faster than the kids next Tuesday will be able to empty their Halloween bags.

As troubling as the specifics of this legislation is the process by which it found its way to the Senate floor. This legislation, which would propose substantial tax reductions and additional provider funding under the Medicare program, is a major assault against our ability to use the budget surplus in a rational way.

As we all remember from Abraham Lincoln's immortal Gettysburg address, ours is a Government ''of the people, by the people and for the people.''

For such a government of, by, and for the people to function, it must be conducted in full view of the people.

As several of my colleagues have already discussed earlier today, this program of tax cuts and paybacks to additional reimbursement to Medicare providers was created by a self-appointed, elite group of Members in the proverbial smoke-filled room of old-style machine politics. The irony is that the very Republicans who snuck into the closet, locked the door behind them, and emerged with this poor excuse for a fiscal plan are the same leaders who are now encouraging George W. Bush to be elected President of the United States on a promise to be a uniter, not a divider, and a builder of coalitions and bipartisan consensus.

If this is what the blueprint is for bipartisanship and consensus building, I shudder to imagine the legislation that will ooze out from this closed door should Governor Bush win the Presidency and follow the counsel of those who have brought us to this sad end on this fall evening.

Governor Bush would do well to consider that the Republican Congress lacks the vision thing. It is always more difficult to see the big picture when you are in the dark. The legislation before us is a prime example of what happens when you try to see the big picture in the dark.

I will not claim that this bill is without some positive qualities, some redeeming features. Many of those features I have strongly advocated and, in a number of instances, have been a prime sponsor. But the bill has serious deficiencies. I choose this evening to focus only on two of those deficiencies: First, the high level of additional funding being given under the Medicare program to managed care providers at the expense of the beneficiaries; and, second, the failure to provide adequate incentives for small employers to offer pensions to their employees.

Both of these deficiencies have a common theme, and that is that we are not just proposing measures as a means of adding back or increasing the payments to Medicare providers. We are not providing tax incentives just to reward certain people with additional pension or retirement benefits. We are trying to achieve objectives.

In the case of Medicare, we are trying to achieve the objectives of changing the orientation of this program from one which focuses on illness, one which focuses on treating people after they have become sick enough to go into a hospital or have suffered a major accident, to one which focuses on wellness, keeping people healthy as long as possible, and which recognizes that a fundamental part of any wellness strategy is providing access to prescription drugs which are the means by which conditions are appropriately managed or reversed so that wellness can be achieved or maintained.

We also have as a vision to provide a balanced retirement security for older Americans, a retirement security that is based on three pillars: Social Security, employer-based pensions, and private savings. It is to achieve this goal of a balanced, secure retirement program that we should be directing our attention in terms of how we fashion tax incentives and other measures that use public incentives and funds in order to achieve that objective.

I am disappointed that this tax legislation, this Medicare reimbursement legislation that we have before us, fails on both of those accounts, and I will elaborate on the nature of that failure.

First, by making health maintenance organizations the only Medicare-based means by which a prescription drug benefit can be achieved, we are, in effect, herding seniors who need prescription drug coverage into private health maintenance organizations. This bill, by any account, gives disproportionately too much money to the health maintenance organizations, organizations that do not need it and do too little to seniors and health care providers who do. We give too much money to the HMOs, too little to the beneficiaries, and too little to other health care providers.

While I appreciate the modest improvements for beneficiaries included in this bill, the fact remains that health maintenance organizations will receive substantially more than one-third of the overall package over the first 5 years and even more over 10 years. I am alarmed by the attempt at offering substantial increases in payments to HMOs because experts tell us that these payments are already too high. The General Accounting Office says that under current law—under current law, not the increases we are considering here—and I quote from the General Accounting Office report:

> Medicare's overly generous payments rates to health maintenance organizations well exceed what Medicare would have paid had these individuals remained in the traditional fee-for-service program.

The General Accounting Office concluded that Medicare health maintenance organizations ''have never been a bargain for taxpayers.''

Increasing HMO payments will not keep them from leaving the markets where they are most needed. According to the testimony from Gail Wilensky, chair of the Medicare Payment Advisory Commission and a former Administrator of the Federal Health Care Financing Administration, HCFA:

> Plan withdrawals have been disproportionately lower in counties where payment growth has been most constrained.

The withdrawal of HMOs from counties has actually been lower where the payment growth to HMOs has been most constrained.

It comes down to priorities: Should we spend billions more on HMOs or should we try to help frail and low-income beneficiaries, people with disabilities, and children?

The managed care industry and its advocates in Congress have thwarted every effort to reform the Medicare+Choice Program so that it does what it is designed to do: provide services while saving the Government money.

There is a complex formula by which Medicare+Choice plans are reimbursed. In a simplified form, it works this way. It is an arithmetic formula:

A calculation is done in each county in the country as to how much fee-for-service medicine is costing per Medicare beneficiary. Ninety-five percent of

that number then becomes the method by which the HMO+Choice plans are reimbursed.

If you happen to have a county that has a high fee-for-service medicine, for instance, because it has tertiary medical care or particularly because it has a teaching hospital, which tend to result in driving up the overall fee-for-service costs within that county because they are providing exceptional and generally exceptionally expensive services, then you have a high reimbursement level to HMOs. That is why you tend to find lots of HMOs wanting to do business in those high-cost, fee-for-service counties.

Conversely, if you happen to be in a county that has no hospitals or only primary care hospitals and relatively low fee-for-service costs, then you have low HMO reimbursements, which frankly is a formula that makes no sense.

For many years, there has been an effort to find a new way to reimburse HMOs that is more market oriented as opposed to relying on the accident of whether you happen to be in a high fee-for-service county or a low fee-for-service county.

Several times in recent years Congress has initiated a program to do a demonstration project using some of the competitive bidding processes which are prevalent in the way in which private corporations and State and local governments determine how to reimburse their HMOs. They put their HMO contracts out for competitive bid and see what HMOs will offer in order to secure the business of a large corporation or a State or local government. I believe strongly that we should at least experiment with this approach to reimbursing HMOs through Medicare.

In 1997, as an example, two demonstration projects were included in the Balanced Budget Act. These were to provide information on the competitive bidding process for Medicare+Choice contracts. What happened? As soon as two cities—in this case Kansas City and Phoenix—were selected to be the sites for the demonstration projects, the HMOs and their allies in those communities led an assault against the demonstration project, and in an end-of-the-session, largely clandestine attack, those demonstration projects were terminated even before they had started. In so doing, the HMOs have been able to assure that they will not have to compete for Medicare's business based on merit and the marketplace. In fact, they would not have to compete at all.

This year, the HMOs have again launched a multimillion-dollar lobbying effort to pressure Congress to increase their payment rates based on this discredited 95-percent formula. The HMOs are claiming their current reimbursement rates are too low. Yet these are the same HMOs that committed congressional homicide when they killed the proposal that would have allowed a more market-oriented system, which could have resulted in higher reimbursement rates or lower reimbursement rates; at least they would have been the reimbursement rates that were set by market competition, not by an arbitrary discredited formula.

This action, of claiming that you need to have higher reimbursement rates after you have just killed the method by which we were going to determine what would be the means of setting those appropriate rates, is the equivalent of the child who shoots his mother and father and then claims to deserve the mercy of the court because he is an orphan.

The HMO industry has shot every effort to establish a rational means of reimbursement.

Then they come here late at night, late in the session, saying that they need to have a third or more—a third or more—of all the money that is going to be used to provide reimbursement to Medicare providers because their rates are too low. They are providing services to approximately one out of six Medicare beneficiaries. Yet they want to have a third or more of all of the money that goes for additional reimbursement.

I was pleased to learn that within this bill one positive thing that was being considered was additional preventative benefits for Medicare beneficiaries. This is a cause I have long advocated as part of the fundamental conversion of Medicare from a sickness system to a wellness system.

I strongly believe that Medicare must be reformed from a system which is based on treating illness to one that is based on maintaining wellness.

I have introduced many bills to this effect, some of which are now the law of the land. The benefits that I have included have been based on recommendations made by experts in the field. We have used the medical expertise to determine which preventive modalities have been proven to be efficacious and cost-effective. Therefore, I was disappointed to find that this bill fails to provide Medicare coverage for those areas of prevention which have been identified by the U.S. Preventive Services Task Force as being the most efficacious and cost-effective.

What were these areas of prevention? Hypertension screening and smoking cessation counseling. These were the highest priorities identified by the U.S. Preventative Services Task Force. But these apparently did not meet the ''political correctness'' standards of those who were writing this final bill.

The bill also provides one of the other priorities: Access to nutrition therapy for people with renal disease and diabetes. But it leaves out the largest group of individuals for whom the Institute of Medicine recommends nutrition therapy—people with cardiovascular disease.

This is the publication of the Institute of Medicine on ''The Role of Nutrition in Maintaining Health in the Nation's Elderly,'' which urges that access to nutrition therapy be made available to people with cardiovascular disease. Again, apparently they did not meet the standard of ''political correctness'' to be included in the prevention modalities that will be funded in this bill.

I believe strongly that additions to the Medicare program must be based on scientific evidence and medical science, not on the power of a particular lobbying group or on the bias of a single Member.

It appears that instead of taking a rational, scientific approach to prevention, the Members use a ''disease of the month'' philosophy, leaving those who need help the most without relevant new Medicare preventative services.

When I asked why the authors of this bill ignored the expert recommendations, such as providing seniors with cardiovascular disease with nutritional therapy, I was told it was excluded because it was too expensive; we could not afford to provide nutrition therapy to seniors with cardiovascular disease.

It does not take a Sherlock Holmes, or even a Dr. Watson, for that matter, to understand what is happening here. This bill provides $1.5 billion over 5 years for all of the prevention programs and a whopping $11.1 billion for the HMOs. But it is just too expensive to provide adequate, rational, prioritized prevention services for our elderly.

Clearly, the money is there. But the real goal of those who wrote this plan is to herd seniors into private HMOs as a means of avoiding the addition of a meaningful Medicare prescription drug benefit for our Nation's seniors.

Whether you believe in the broad Government subsidization of the managed care industry or in providing benefits to seniors and children, we should all agree that taxpayers' money should be spent responsibly.

Congress has the responsibility to make certain that the payment increases we offer are based on actual data rather than anecdotal evidence or speculation.

How then can we justify that over the next 10 years the managed care industry is set to walk away with almost the same amount of funding increases as hospitals, home health care centers, skilled nursing facilities, community health centers, and beneficiaries combined.

Over the next 10 years, under this plan, health maintenance organizations will receive, in additional funding, the amount that hospitals, home health care centers, skilled nursing facilities, community health centers, and beneficiaries will receive combined.

The most disturbing problem with this bill is that it does nothing to address our efforts to pass a Medicare prescription drug bill in the year 2000. The Republican leadership would like for you to believe that their bill will solve the problem of providing a prescription drug benefit for seniors.

According to a story in the October 26 Washington Post:

> Unlike the rest of Medicare, this plan provides some prescription drug benefits; and by pumping more money into it, the GOP can defuse Democratic charges that the Republican Congress has failed to act on prescription drug benefits for seniors.

What we have here is the attempt to use this exorbitant amount of money, more money than is going into hospitals, home health care centers, skilled nursing facilities, community health centers, and beneficiaries combined, pumping all that money into HMOs in order to create the facade that we are providing a prescription medication benefit and therefore don't have to provide a prescription medication benefit to the rest of the Medicare beneficiaries, the five out of six Medicare beneficiaries who get their health care through the traditional fee-for-service program as opposed to an HMO.

The Republican leadership and George W. Bush criticize our prescription drug plan by claiming that we are forcing seniors into a Government-run HMO. By that so-called HMO, they mean Medicare, traditional Medicare, Medicare on which nearly 85 percent of the beneficiaries rely today.

In reality, the Republican plan to strengthen Medicare is to force seniors into private HMOs in order to get their prescription drugs.

Here is what seniors can count on in this plan of forcing seniors into private HMOs as the means of securing their prescription drugs.

First, the plan will cover less than one in six Medicare beneficiaries. Very few seniors have elected or in many cases even have the opportunity to participate in Medicare+Choice. Only 16 percent of the 39 million Medicare beneficiaries have joined a Medicare HMO plan.

Second, Medicare beneficiaries can look forward to plans that are here today and gone tomorrow. Nearly 1 million seniors will be abandoned by their HMOs in this year of 2000 alone. More than 87,000 of those are in my State of Florida. Seniors in 33 counties of the 67 counties in Florida either never had a Medicare+Choice plan or had one only briefly before it packed up and left town.

Third, seniors will have no guarantee of their prescription drug benefits. What is unlimited coverage today may be a capped benefit tomorrow.

Listen to these numbers. This is what the prescription drug benefit is for some of the most significant HMOs in the country operating in communities with very large Medicare beneficiary populations.

In Hernando County, FL, north of Tampa, there are two Medicare+Choice plans, Wellcare and United. Both offer a prescription drug benefit, the type of benefit we are hoping to expand by pumping more money through this Medicare additional reimbursement into HMOs. Both of those plans cap their benefits for prescription drugs, in the one case at $748 a year and in the other at $500 a year. There are many Medicare beneficiaries who spend more than that in 1 month. Yet that is the annual cap on prescription drugs for those two HMOs which claim they are providing effective prescription drug coverage for their beneficiaries.

Another example is the HIP Health Plan of Florida which offers seniors in Miami-Dade and Broward Counties a drug plan that covers up to $700 annually for brand name drugs. Seniors in the same plan in Palm Beach County, which is immediately north of Broward County, have an annual limit of $250 for brand name drugs.

What kind of prescription drug benefit is that? For many seniors, such as a constituent to whom I have referred frequently, Elaine Kett of Vero Beach, these annual capped amounts represent less than 30 days' worth of their prescription drug needs.

The HMOs' tendency toward denying choice and rationing of health care will not benefit our Nation's seniors and people with disabilities. Talk about denying people choice; talk about rationing of health care; This is it.

Fourth, seniors can expect no guaranteed choice of a doctor. HMOs have networks of doctors that are constantly changing. If Mrs. Smith's doctor is not in her HMO network, Mrs. Smith can't see the doctor. She can't see the doctor who knows her the best. She can't see the doctor she trusts to treat her and prescribe the medications she needs.

Even if Mrs. Smith's doctor writes a prescription drug, her HMO may have a restrictive formulary and substitute her doctor's wisdom for theirs by filling her prescription drug with something else. Even if Mrs. Smith's doctor writes her a prescription drug, her HMO may have a restrictive formulary which will deny her the medicine that her doctor believed was medically necessary.

To continue looking at the facts, let's look at the materials that Humana, one of the largest Medicare+Choice providers, HMOs, in the country, provides to seniors as it explains their prescription drug benefit.

Here is what Humana says:

> For medications with dispensing limits and age limits, additional information may be required for approval. These requests can only be made by your physician to be considered. Please have your physician contact the Humana clinical hotline at the number below.

So it is not the patient relying on the best medical advice of the doctor and then taking that medical advice in the form of a drug prescription to a pharmacist in whom they have confidence to be filled. It is the patient relying on the goodwill of the HMO to allow the best judgment of the doctor to be fulfilled.

Reading further in the Humana preferred drug list publication:

> All of the above is not a complete list and is subject to change.

So what you think may be your relationship with your doctor and your pharmacist today may be different tomorrow, if your HMO decides it wants to make it different tomorrow.

If Mrs. Smith's doctor prescribes a medication that is not on Humana's formulary, she can only get it filled with prior authorization from Humana. That means upon learning that her medication is not on Humana's formulary, probably when she is standing at the pharmacist's counter trying to get her drug prescription filled, Mrs. Smith will have to call her doctor and ask her doctor to call a 1–800 number on her behalf.

Once the doctor gets through, Mrs. Smith's doctor will have to consult with an HMO bureaucrat and provide additional information regarding Mrs. Smith's health so the bureaucrat can determine whether Mrs. Smith is eligible to receive the medication her own doctor prescribed. After all of this, the request to have Humana cover the drug may still be denied. To add to the difficulty of having a drug prescription filled, Humana states in its materials that the list of covered drugs is subject to change. A drug that is covered for Mrs. Smith today may be excluded on her next visit to the pharmacy.

Fifth, there are few, often no, options to participate in Medicare+Choice in rural areas. Because of this perverse formula that relates the fee-for-service costs within that county to the amount of reimbursement that HMOs will receive, while seniors in urban centers may have access to Medicare+Choice plans, many of our seniors do not have that option. In over 20 counties in Florida and in the entire States of North Dakota, Utah, and West Virginia, there are no managed care programs for Medicare beneficiaries.

I wonder, do those who would advocate that this managed care approach provides meaningful prescription drug coverage for our Medicare beneficiaries think the people in North Dakota, Utah, and West Virginia do not need prescription medications?

All of these factors beg the question: If seniors don't have access to or don't like Medicare managed care now, because of their own experience, why would they like it better just because we are about to decide to throw an enormous amount of money at it, without any rational justification, without any sense of the priorities among Medicare health care providers? Why, just because we are about to act in an irrational way, would it suddenly make these plans better in the eyes of the ultimate beneficiary?

As I have said in a series of floor statements, the attack on a Medicare prescription drug benefit is, in reality, an attack on the Medicare program itself. Let me repeat that. This attack on using fee-for-service Medicare as the fundamental means by which prescription drug benefits will be delivered is but a veiled attack, an assault on the

basic principles of Medicare itself; universality, comprehensive service, affordability, those are principles that are under assault under the veil of denying prescription medication benefits through traditional Medicare.

The Washington Post article of October 27 entitled ''Ad Blitz Erodes Democrats' Edge on Prescription Drugs'' describes how Republicans have used ads to achieve ''some success in muddying the waters on prescription drugs.''

Mr. President, I ask unanimous consent that this article be printed in the RECORD immediately after my remarks.

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

(See Exhibit 1.)

Mr. GRAHAM. In the legislation we are considering today, we have found yet another smoking gun to validate our suspicions that the Republican Party—and, I am afraid, its Presidential candidate—are seeking to do as Newt Gingrich was candid enough to say publicly: Let Medicare ''wither on the vine.''

I believe the cynical way in which this bill purports to provide a prescription medication benefit by pumping enormous amounts of money away from beneficiaries in more effective prevention programs, and away from institutions such as hospitals and home care centers which have demonstrated a legitimate basis to receive additional compensation, and toward the institutions which have fought against every reform and which, by the General Accounting Office report, has not made a justifiable case for additional reimbursement. We are doing this in order to create the facade that by forcing seniors into private HMOs, that would be the means by which they would receive prescription drugs. That in itself is enough of a reason to vote against this proposal.

Let me comment on a second reason. Just as the first, prescription drugs, is an area on which the Presiding Officer and I have worked to try to develop a bipartisan, rational means by which prescription drugs can be made available to Medicare beneficiaries, the next area is another on which I, along with many colleagues on both sides of the aisle, have worked, and that is to reform our pension laws. In my judgment, the primary objective of reforming our pension laws should be to increase the number of Americans with access to employer-based pensions.

At first glance, the retirement savings section of this bill looks very similar to S. 741, the Pension Coverage and Portability Act, which I introduced with my colleague from Iowa, Senator GRASSLEY, which has the support of 17 of our colleagues in the Senate. In fact, there are some very attractive and useful provisions that will make existing pensions work better. To these, I give my wholehearted support. For example, the bill makes it easier for employees to take their pensions with them as they move from job to job. This is an important improvement to existing law and will help workers accumulate assets for retirement.

On further review, however, it becomes clear that in many ways this bill is a wolf in sheep's clothing. The principal goal of the Pension Coverage Portability Act is expanding retirement plan coverage to those Americans who currently do not have an employer-sponsored plan available to them. The measure focuses particularly on encouraging small employers to offer pension coverage.

Let me use some examples and statistics from my State of Florida, which I think are not unrelated to the national scene. Florida has benefited greatly from the strong economic growth in America in the last 8 years. Almost 2 million new jobs have been created in our State during that time. Of those almost 2 million jobs, more than 70 percent are in firms that employ fewer than 25 people. The vast growth in employment in my State of Florida—and, I suggest, in America—has been through small entrepreneurial firms. It is these small employers who have the greatest difficulty offering pension coverage to their employees. A recent report from the General Accounting Office highlights this fact.

According to the GAO report, slightly more than half—53 percent—of all employed Americans lack employer-based pension coverage. The good news is that that is 5 percentage points more than it was a decade ago. So more Americans than 10 years ago are now getting a pension through their place of employment.

The more troubling finding in the GAO report is that workers' chances of having access to a pension plan are strongly influenced by the size of the firm that employs them. While 53 percent of Americans, in general, lack an employer-based pension, if you happen to work for a firm that employs fewer than 25 people, 82 percent lack an employer-based pension. It is in precisely on those small firms that the Pension Coverage and Portability Act targeted its attention. Unfortunately, the bill before us today falls woefully short in encouraging those small firms to provide coverage to their workers.

The Pension Coverage and Portability Act contained two important provisions to assist small businesses in offering retirement plans to their employees. One of those was an income tax credit to help small businesses defray the administrative costs associated with establishing a retirement plan. Second is an income tax credit for small employers who make employer contributions into pension plans for the benefit of their employees. So there were two critical provisions in the Pension Coverage and Portability Act, both targeted at encouraging, facilitating, and making more likely that small employers would provide pensions for their employees an income tax credit to help defray the initial establishment of the plan costs; and, second, an income tax credit for the employers who made contributions on behalf of their employees into their employees' pension plan. Both of these important provisions were excluded from the tax bill before us today.

In addition, to the pension bill that was unanimously reported by the Senate Finance Committee included both of those provisions, and another important element of retirement security encouraged personal savings. This was achieved through a separate tax credit to help low- and moderate-income families save for their retirement.

The bill was unanimously reported. Every Republican and every Democrat on the Senate Finance Committee supported the provisions that would have encouraged small businesses to set up pension plans for the employer to contribute to employee pension plans, and it also creates an incentive for increased savings for low- and moderate-income families.

The bill crafted by the Republican leadership contains none of these important proposals.

Finally, the bill even has the potential to actually create incentives for small businesses to drop their existing pension coverage. Approximately 18 percent of small businesses with less than 25 employees might actually be encouraged by this bill to drop that pension coverage. How can this possibly be?

Frequently, the employers in a small business set up pension coverage not only to benefit their employees and attempt to encourage a greater sense of commitment to employment with a small firm, but they also do it out of self-interest. As long as an employer is willing to cover his employees, he generally can set aside more funds for his own retirement through an employer-based plan than is possible to be done through an IRA, individual retirement account.

This bill includes a substantial increase in the maximum contribution allowable to an individual retirement account. That amount today is $2,000 a year and will be increased to $5,000 a year by the year 2003. By securing a separate IRA for the employer's spouse, effectively $10,000 can be tax sheltered for retirement.

By making IRAs more attractive to small employers, those small employers might decide that it is in their self-interest to discontinue the employer-based plans which they now sponsor and rely on their own and their spouse's IRA as the means of providing for their retirement security.

Thus, the unintended consequence of increasing IRA limits without providing incentives to encourage small businesses to provide pension coverage and then for the employers to contribute to their employees' plan may be to erode the retirement plan coverage for employees in small businesses. The percentage of those workers in small firms without coverage—82 percent already—could grow even higher.

As disappointed as I am in this legislation as a whole, I am not in the least bit surprised. This legislation is the work of lobbyists—not statesmen.

Instead of a strategic vision of what will be required in order to convert Medicare into a wellness program and what will be required to assure that the large and growing number of Americans who work for small businesses will have the benefit of a pension and retirement fund—instead of those strategic visions—this is the work of special interest tunnel vision. Instead of balancing the interests of all Americans, this bill goes full tilt towards the luckiest few.

I suggest when legislation is drafted in the dark this is what we can expect. Behind those closed doors, the drafters seem to forget basic math. That basic math is that every dollar we spend—such as pumping excessive funds into HMOs—is $1 that we take directly out of the surplus.

Every dollar spent on tax cuts is one that will not be spent on saving Social Security by paying down the national debt, and will not be spent on modernizing Medicare to make it a wellness program.

I have used words such as ''squandering,'' ''flittering,'' and ''wasting'' before this body more often in the last 2 weeks than I would have liked.

I have watched any chance that this body had to create a comprehensive strategic spending plan for our future die a small and painful death.

I am left with the hope that President Clinton will indeed veto this bill as promised, and that a few billion dollars can be spent paying down the national debt before the next Congress gets its hands on the purse strings again.

I am not surprised that we are at this point. But I must admit I am a bit puzzled.

Is it really possible that some of my colleagues don't realize that a slice here and a snack there will eventually leave nothing but crumbs? Can it be that they truly believe we can have our surplus and eat it too? Or are they feasting on the surplus behind closed doors fully aware that they are telling the system, starve for reform, that we will be fine, and go ahead, eat cake?

Thank you Mr. President.

EXHIBIT 1

[From the Washington Post]

AD BLITZ ERODES DEMOCRATS' EDGE ON PRESCRIPTION DRUGS

(By Juliet Eilperin and Thomas B. Edsall)

Buoyed by a massive advertising blitz from business groups, Republicans have managed to erode some of the Democrats' political advantage on the issue of prescription drugs for seniors, according to polling data and independent analysts.

Republicans have had some success neutralizing an issue the Democrats had hoped to ride to victory in both the presidential race and many congressional contests across the country, the analysts said. In fact, in a few key races, Republicans have successfully used the issue to skewer the Democrats as big government spenders.

Fueling the Republicans have been tens of millions of dollars in ads from the pharmaceutical industry, the U.S. Chamber of Commerce and other business groups lauding the GOP's private-sector-oriented approach to providing drug coverage for seniors. Republican ads for Texas Gov. George W. Bush and other candidates have also portrayed Democratic proposals to add a drug benefit to the Medicare program as a potential bureaucratic nightmare.

Democrats ''just assumed we would roll over and say, 'You know, we are against seniors and for the big drug companies, so come on over and take the House and Senate back with it,'" said GOP pollster Glen Bolger. ''But Republicans decided not to do what the Democrats wanted.''

Just three months ago, Bush had no plan to provide prescription drug coverage for seniors and was badly trailing Vice President Gore on the issue. A Washington Post/Henry J. Kaiser Family Foundation/Harvard University poll in July showed Gore with a strong advantage over Bush, 49 percent to 38 percent, when voters were asked which candidate would do a better job ''helping people 65 and over to pay for prescription medicines.''

Three months later, after an onslaught of Republican National Committee advertising on the drug issue, the Gore advantage had disappeared: When voters were asked whom they trusted to handle ''Medicare and prescription drug coverage,'' they were evenly split, 45 percent saying Gore and 43 percent Bush.

Democratic operatives acknowledge that Republicans have had some success muddying the waters on prescription drugs. In mid-September, the party's own internal surveys showed that Gore's advantage on the issue has slipped to single digits, one top pollster said.

But a fall advertising campaign has helped put the issue back into the Democratic column, this pollster said, and Gore and his party now hold a 15-point advantage on the question of who would better address the prescription drug problem.

Robert Blendon, a health policy specialist involved in the Post/Kaiser/Harvard poll, said surveys suggest the public, in fact, prefers Gore's proposal to add a prescription drug benefit to Medicare over Bush's plan to encourage insurance companies to provide the coverage.

But he added that most voters ''don't exactly understand the nuances between the two policies,'' making it difficult for Gore to gain an advantage.

On the congressional level, Republicans have tried to defuse the issue by approving a measure allowing the reimportation of cheaper prescription drugs and, in the case of the House, passing their own drug coverage bill along the lines of what Bush is proposing.

And when Republican candidates have had the money to spend, they have been able to tarnish their opponents: Sen. Spencer Abraham (Mich.) saw his numbers surge this summer after he ran a series of unanswered attacks against the drug proposal of Rep. Deborah Ann Stabenow (D-Mich); and both Sen. Conrad Burns (Mont.) and Senate hopeful John Ensign of Nevada improved their standing in the polls after launching similar ads.

But according to Michigan-based pollster Ed Sarpolus, older voters who became confused on the drug issue are now beginning to gravitate back to Gore and Stabenow.

''It's human nature. If you're confused, you vote for what you know,'' said Sarpolus, who added that voters tend to trust Democrats more on health care.

Individual House Republicans, bolstered by their party committees and business groups, have also aggressively defended their records on drug coverage in recent months. Rep. Heather A. Wilson (R-N.M.) saw her poll numbers rise significantly among seniors once she began running ads on the GOP plan. Ohio Republican Pat Tiberi—who is hoping to succeed his former boss, Rep. John R. Kasich—also expanded his lead in the polls after the National Republican Congressional Committee funded ads attacking his opponent's position on prescription drugs.

Former representative Scotty Baesler (D-Ky.), who is hoping to defeat freshman Rep. Ernie Fletcher (R-Ky.), said the Republicans ''muddied the waters very well'' on the question of prescription drugs, prompting him to air ads on gun control instead because ''it's a definite separation between myself and Fletcher.''

Rep. E. Clay Shaw Jr. (R-Fla.) has even turned the issue into a liability for his opponent Elaine Bloom, blanketing his district with ads highlighting how she served on the board of directors of a company that makes generic drugs and that received payments from a competitor in exchange for keeping a heart medicine off the market.

The party committees are not the only groups touting the GOP's drug plan in recent weeks. The U.S. Chamber of Commerce has run several commercials decrying the Democrats' proposal as a potential bureaucratic nightmare while Citizens for Better Medicare—a group funded by the pharmaceutical industry—has spent $50 million on an ad campaign supporting the position taken by House and Senate Republicans.

Democratic Congressional Campaign Committee Chairman Patrick J. Kennedy (R.I.) said, ''The $50 million in independent expenditures from the major pharmaceutical companies has validated the Republicans' belief that money can buy anything including their inaction on a real prescription drug benefit for Medicare.''

Republican pollster Bill McInturff said that in the battleground states where GOP advertising on prescription drugs has been concentrated, ''these are roughly parallel numbers'' concerning which party and which candidate has the advantage. ''This is clearly a case where advertising has affected people's opinions,'' he said.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that I be allowed to speak in morning business. I apologize for the lateness of the hour.

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

Mr. MURKOWSKI. I thank the Chair.

NO DEFINED ENERGY POLICY

Mr. MURKOWSKI. Mr. President, it is late. We have had pretty candid discussions on various issues before us. It is a political season. There is a lot of finger pointing, whether we talk about Social Security, Medicare, or the benefits of care associated with drug plans. I think we all share a common commitment to try to have meaningful legislation come out of the process. We simply have different points of view.

You heard the Senator from Florida comment extensively on the Republican plan to strengthen Medicare. I am not here to comment on the Republican plan on Medicare, although I think it is quite defensible. But I am here to talk about the Democratic plan for an energy policy.

You will notice, unlike the Senator from Florida, that I don't have a chart to show you what the Democratic energy plan is for the simple reason that there isn't any. This administration has absolutely no energy plan as evidenced by the dilemma that we face in this country as we watch our imports from the Mideast climb to approximately 58 percent. Fifty-eight percent of the oil that we consume in this country is imported.

We have seen a dramatic increase in the price of gasoline. Gasoline is in the area of $1.75 cents to $1.80, depending on the grade.

We have seen heating oil in the country raised to approximately $1.56. Here in Washington alone, it has increased 56 cents a gallon in less than 10 months.

We have seen natural gas on which 50 percent of the homes in this country are dependent increase from $2.16 for 1,000 cubic feet to deliveries in November at $5.40 per 1,000 cubic feet.

We have a situation with our refining industry in which we haven't built a new refinery in this country in decades. We have shut down 30-some refineries. We find ourselves at loggerheads because of our inability to refine, if you will, enough of the blends to address the Northeast heating oil shortage.

It is fair to say that we don't have a defined energy policy. We have an energy policy that seems to be driven by environmental groups that do not accept the responsibility for realism.

Realism dictates that we are not going to move out of here tomorrow or the next day on hot air. We are going to move out on kerosene. Kerosene comes from oil. Kerosene is what you put in the jet airplane. I don't attempt to be oversimplistic, but what we continue to need in this country is a balance of all the energy resources.

The Middle East last week gave us another reminder as to our crisis. That is the fear that we are going to be held hostage to foreign oil imports. I have been coming to this floor for many days now warning of how our dependence on foreign oil threatens the national security of this Nation. I certainly don't take any pride at this late hour in coming here and saying I told you so. We know the Middle East is a tinderbox. Some of our most impassioned enemies are already lighting fires there.

What little energy policy this administration has in the sense of increasing reliance on foreign oil has come in conflict, in my opinion, with our foreign policy. How can we pretend to play the role of an ally to Israel or even an honest broker when we are now beholden to Israel's sworn enemy, Saddam Hussein, of Iraq?

Now we are looking to Saddam Hussein to keep our citizens from freezing this winter. We are importing about 750,000 barrels of oil a day from Saddam Hussein. Many people forget we fought a war over there in 1991 and 1992. We lost 147 American lives.

Today, the real wild card is in Iraq and the Middle East. I mentioned my previous concern over Saddam Hussein and the leverage he brings, but some analysts estimate that oil will increase to $40 to $45 a barrel if Iraq halts oil sales or reduces oil sales. The significance of that is the position that Saddam Hussein and Iraq currently hold.

Iraq, we know, has threatened to stop oil exports if the U.N. doesn't convert Iraqi dollars held by the U.N. to Euro dollars for trading. We know Iraqi exports have dropped a little bit, by about 500,000 barrels a day just last week. It is not clear whether this is the start of an ominous trend. Even if supply disruptions do not occur, world oil markets are stretched so thin that even the possibility of a disruption could raise prices even more. And it did so last week.

Currently, I think oil closed today around $34 a barrel. We have seen a high on two occasions of $37 within the last month or so. But the reality is that Saddam Hussein controls about almost 2.8 million barrels a day of daily exports, and that is more than the available excess capacity worldwide.

What I am saying is that the difference between the world's ability to produce oil and the world's consumption is a little over a million barrels—there is a little over a million-barrel capacity—but Saddam Hussein controls 2.8 million. My point is if Saddam Hussein reduces his sales, then we are in an even tighter position and as a consequence we can expect the price to go up. And Saddam Hussein is aware of this.

There is no question about his actions of late. He has become more aggressive in recent months. It is rather interesting to note, after every speech, he concludes it with ''Death to Israel.'' If there is ever a threat to Israel's security, it comes from Iraq. He has a $14,000 bounty on each American plane shot down. Thank God there haven't been any. But we have flown over 200,000 individual flights over Iraq, enforcing the no-fly zone, an area of blockade since the 1990s.

Last month, Saddam Hussein accused Kuwait of stealing Iraqi oil. Here we go again. He did this shortly before invading Kuwait in 1990.

Last week, nearly 15,000 Iraqi Republican Guard troops moved westward in a show of force, obviously toward Israel. Just yesterday, Saddam Hussein said: Jihad, holy war, is the only way to liberate Palestine.

How quickly we forget. Let me remind everyone, before President Clinton and Vice President GORE took office, we carried out Desert Storm and 147 Americans were killed, 467 were wounded, and 23 were taken prisoner. We continue to enforce the no-fly zone. The cost to the taxpayers is about $50 million per month. It is still going on. Yet the administration seems to want to rely more on Iraqi oil.

We have had in this country a 17-percent decline in domestic production, yet the demand has increased 14 percent. In August of last year, we consumed more oil in this country than ever before. What is the rationale?

We are traveling more. The economy is growing. We are an electronic society. We need more energy. Where does it come from? It doesn't come from thin air. Now 58 percent of our oil comes from overseas. Some people perhaps remember 1973 when we had the Arab oil embargo. We had lines around the block. People were indignant. They were mad. They were outraged. We couldn't get gasoline at the gas station. At that time, we were 36-percent dependent on imported oil and we created the Strategic Petroleum Reserve.

Here we are today with Iraq, the fastest growing source of U.S. foreign oil, 750,000 barrels a day, nearly 50 percent of all Iraqi exports. I don't want to be oversimplistic, but we buy Saddam Hussein's oil, put it in our airplanes, and go over and bomb him. Is that a sensible, responsible foreign policy?

In a few words, that is what is happening. You can interpret it however you desire. This administration's inattention to maintaining the U.N. conditions against Iraq has left the sanctions in a shambles. We aren't doing any weapons inspections in Iraq; increased Iraqi flights across Saudi airspace in the no-fly zone continue; his development of missile, missile delivery systems, and biological warfare capabilities continues. Russia and France have openly challenged our sanctions. Turkey sends flights to Baghdad despite the U.N. ban.

It is simply not working. Our friends in Jordan are demanding the end to inspections of Iraqi imports through Jordanian ports. Saddam Hussein is about to get a free pass to import anything he wishes despite the U.N. sanctions. Does anyone doubt he will be able to import what he needs to continue his weapons of mass destruction? We are going to have to deal with this one of these days.

Let me say again what little energy policy we seem to have is a reliance on imported oil, and it has certainly come into conflict with our foreign policy, with potentially disastrous consequences for American consumers and our national security.

I am pleased to say that George W. Bush, and our Vice President nominee, Mr. Cheney, have spoken about how to decrease our dependence on imported oil by developing some of the reserves that we have here at home, open up the overthrust belt—Wyoming, Colorado, Utah—areas where we have great potential, areas where the administration has closed up to 64 percent of the public land, exempting that area from development, and my State of Alaska, where the administration refuses to allow an opening of the area which might have the largest reserves known to exist in North America, that small sliver of ANWR.

There are a lot of misunderstandings about the area of Alaska known as

ANWR. It is 19 million acres, the size of the State of South Carolina. Congress, wisely, has taken out of that 19 million acres, 8.5 million acres and put it in permanent wilderness. They have taken another 9 million acres and put it into a refuge, leaving 1.5 million acres for a decision to be made whether to open it. The geologists tell us there might be as much as 16 billion barrels of oil there. That would equal what we import from Saudi Arabia for a 30-year period. It is a very significant amount.

Some people say that is a 200-day supply. That is totally unrealistic because that assumes there would be no other oil produced anywhere in the world. Obviously the Russians, the Venezuelans, and the others would produce.

So as we look at potential energy sources here at home, I think we have to look to the advanced technology that we have been able to develop in this country and the record of opening up areas in the Arctic such as Prudhoe Bay, where we find a contribution of nearly 20 percent of the total crude oil produced in this country. That has come about over a period of 23 years. The significance of that speaks for itself.

You might not like oil fields, but Prudhoe Bay is the best in the world. We could have the same potential by opening up that small sliver of the Arctic known as the 1002 area.

The interesting thing is that industry tells us, out of 1.5 million acres, we would probably utilize as little as 2,000 acres—not much bigger than a medium-sized farm—to open up the area.

I was rather interested in looking at the Christian Science Monitor the other day. They did a poll across America on what the attitude would be of opening ANWR. The poll was 58 to 34 in favor. That is a rather startling result, and I think it surprised some of the folks at the newspaper as well.

The point is, charity does begin at home. There are those on the other side who simply blame big oil. I remind them, where was big oil when they were handing out oil a year ago at $10 a barrel? Big oil in this country—Exxon, British Petroleum, Chevron, Texaco—does not set the price of oil. Do you know why? Because we are so dependent on imports. Saudi Arabia, OPEC, Mexico, Venezuela—they are the suppliers. They are supplying us with 58 percent. They set the price. We are addicted; we pay it; and that is the consequence of becoming so dependent when, indeed, we have the technology in this country to open up some of these frontiers safely.

We have, in the Trans-Alaska Pipeline, an unused capacity of a million barrels a day. As a consequence, the development of that portion of ANWR could be done very easily, and it could be done very quickly. If we had the conviction of our commitments to simply make a statement that that is our intention, there is no question in the mind of this Senator we would see oil drop $10 a barrel. We saw the President's action the other day when he pulled 30 million barrels out of the Strategic Petroleum Reserve. The price dropped from $37 a barrel to somewhere in the area of $32 a barrel.

Let me conclude with a little evaluation of the Strategic Petroleum Reserve and the actions, or should I say the ''mis-actions'' of the administration handling them.

As we know, when the Vice President made a recommendation to the President that we sell 30 million barrels from the Strategic Petroleum Reserve, the price was nearly $37 a barrel, prices which last month prompted the administration, of course, to release this oil from SPR. Now word comes from the Department of Energy that initially only 7 million barrels of that original 30 million barrels would have to go up for rebid. It is kind of interesting because they waived the normal bid requirements. They didn't require normal financial responsibility. They said they would do that later. Three of the bidders could not meet the demands, and as a consequence they had to bid it again. But they recognized their mistake the next time because they did require the bidders meet financial capability for performance.

In any event, according to the Department of Energy's own analysis, 20 million of the 30 million barrels will simply displace foreign oil imports. The reason for that is our refineries are running at 96-percent capacity. They cannot, basically, take any more oil. They can only get so much out through this process because we have not built new refineries in 10 years. We have simply increased some of our larger refineries. We have also lost about 37 refineries in the last decade. It is not a very attractive business to be in.

In any event, the Department of Energy has decided that out of the 30 million barrels, there are probably going to be only 10 million barrels that are going to be refined into finished product. Currently, U.S. refinery yields are about 8 percent heating oil and 92 percent other products, whether it be gasoline, diesel, kerosene, and so forth. So if we do the math, while the Department of Energy suggests 3 million to 5 million barrels of heating oil will result from the SPR release, we find that the testimony from those representing the Department of Energy uses the terminology ''distillates.''

What are distillates? They would lead you to believe this was heating oil and would benefit the Northeast, but it is not. We found out that current refinery yields of 10 million barrels of SPR oil will yield only 800,000 barrels of heating oil. That is less than a 1-day supply.

When you look at the intent of the administration's effort to open up the SPR, it was to increase the heating oil supply availability in the Northeast, a portion of the country that does not have the availability of natural gas. Their objective was not achieved. They have less than a 1-day supply out of this sale. How ironic.

What they did is they did manipulate the price because the price did drop, but the supply did not increase. If the administration's intent was to get more heating oil to the market, that certainly was not the way to do it. They could have explored thoroughly the offer by the Venezuelan state oil company to produce heating oil for direct delivery to the United States or they could have made a greater effort to convince companies to voluntarily reduce exports, refine product until stocks were at a more comfortable level.

Again, I refer you to the objective. The objective was not met. Manipulation of the price was. But I do not think this was the real reason for the SPR release. As I have indicated, the real reason was to manipulate the price. They had some success. Prices did dip down to $31 a barrel. But we have seen that erased, with prices back up to $34 a barrel.

Heating oil stocks in the Northeast have actually declined. They have declined 600,000 barrels since the administration came up with the idea of releasing the SPR crude oil, which has to be refined and, incidentally, is not going to be made available until November.

One of the more interesting things they left out of the sale was no prohibition against exporting the SPR oil, so many of the profiteers in oil simply bid the oil in with the idea of exporting it. There was no ban on exports and there was no ban on heating oil. The market in Europe is higher than the U.S. Some traders will simply refine that crude oil, turn it into heating oil, and export it to Europe because they had no prohibition in their bid.

The administration's logic was flawed when it announced this, and it seems to have only gotten worse. The bottom line is, rather than increase domestic production of oil and gas to ensure our energy security, again the administration falls back to its reliance on foreign oil imports, posing significant threat to our national security, undermining our foreign policy in the Mideast, and the administration's strategy is also to try to manipulate prices when necessary by releasing oil from SPR.

We need a real energy policy, such as that proposed by one of the candidates for President, Governor Bush; one that ensures a clean, affordable, secure energy supply for American consumers, one that increases domestic production of oil and gas. Why should we be exploring in the rain forests of Colombia where there are no environmental considerations? Instead, we should be using our technology to develop the frontier areas in the overthrust belt in my State of Alaska. We need to expand the use of alternative fuels and renewable energy, which is part of the Bush-Cheney plan, and we need improved energy efficiency for all kinds of energy uses. I am pleased to say that is a position Governor Bush supports as well.

The emphasis of this administration has been on natural gas. The only problem is there has been a tremendous increase in the price of natural gas. Natural gas was $2.16, as I said, 10 months ago. It is $5.40 per delivery per thousand cubic feet. The emphasis, particularly from our utility industry, is that they have nowhere to turn for a source of energy other than natural gas. There has not been a new coal-fired plant built in this country since the mid-1990s. We have no new hydrodams. In fact, the administration is supporting taking out hydrodams in the West. There has been a collapse of our nuclear program. We cannot address the nuclear waste issue. We have not built a new reactor in 15 to 20 years and none are on the horizon.

As a consequence, we need to go back to our energy policy and bring a balance. Bring in nuclear. Obviously, it contributes to the quality of our air. Look at hydro, which we can safely develop. Look at clean coal. We have the technology to do it. We can recognize that 50 percent of the homes dependent on natural gas are going to be subject to some substantial price increases if we do not develop more energy at home. As a consequence, what we need here is a balanced energy policy. The administration's energy policy is that there simply is not any.

NORTH KOREA

Mr. MURKOWSKI. Mr. President, with the President contemplating a visit to North Korea, I think it is fair to question the logic of that kind of a decision at this time. This historic meeting, if it does take place between the two leaders, could have significant implications for North and South Korea. I will explain a little bit more.

The leader of North Korea has hinted at plans to cease missile testing. He has indicated a proposed halt to the proliferation of weapons of mass destruction and North Korea's hermit-like isolation. I have had the opportunity to visit North Korea. I was one of the first Members of this body about 5 years ago to fly in an Air Force plane to North Korea, the first Air Force plane to fly there since 1943. It was an extraordinary lesson in a country that is probably as backward as any nation on Earth.

In any event, it is fair to say our Secretary of State, in completing a series of historic meetings with the North Korean leaders in Pyongyang, has set the stage pretty much for a Presidential visit.

The concern I have associated with the development of a rapport between North and South Korea, I wonder just what the benefit of a U.S. intervention could be at this time. Still, while improving relations certainly is a cause for optimism, I do not think it is really time to celebrate.

North Korea has a horrendous record. For over 50 years, it has been a living embodiment, if you will, of George Orwell's nightmarish visions. The original Big Brother, Kim Il-Song, has been replaced by his son. A legacy of terror and aggression pervades in that country. Recent efforts to recast North Korea's leader Kim Chong-il as a likable fellow strikes me as little out of character. Here is a man whose regime has for years been at the top of America's terrorist watch list. There is no question he assassinated South Korean officials in Burma several years ago. They fired missiles across Japanese territory not long ago and actively sought to develop nuclear capability. It has been a regime whose policy has resulted in mass starvation of its people, that diverts food and resources of the neediest to feed and house the few who live in splendor, and develop, obviously, their weapons capability.

This is a man who utters an offhand remark suggesting that North Korea could be convinced to halt its missile program, and the administration seems to hail him as showing ''a willingness to undertake reform.'' I guess I am not quite ready to buy that yet. I think that is a naive approach. I am a little more skeptical.

At every turn, North Korea's concessions have turned out to be false promises made strictly to blackmail U.S. and South Korea into giving direct economic assistance to the bankrupt North.

I wonder why we are so eager to believe that North Korea's apparent concessions now are anything other than a pretext.

Like my colleagues, I certainly applaud South Korea's President Kim Dae-jung's sunshine diplomacy efforts to reduce North-South tensions. His efforts have been admirable. I think the Koreans should be taking the lead themselves in rebuilding the trust between the two nations. Only through that direct effort by the two sides, free of outside interference, can tensions truly be resolved.

As a consequence, I worry that the administration's bull-in-the-China-shop-like interjection of itself into the dialog threatens to dictate, perhaps overwhelm, the delicate process of trust building.

Already we have seen North Korea delay fulfillment of its commitments to South Korea because it ''was too busy'' preparing for Secretary Albright's visit. This suggests to me that the North might shift attention to relations with the U.S. and away from South Korea and have the effect of undermining attempts at a true accord between North and South.

I understand President Clinton is anxious for a foreign policy accomplishment in light of the difficulties in the Mideast. He certainly worked toward resolution. It is unfortunate that has not happened. In any event, the question of peaceful and secure relations with North Korea would be a valuable legacy, but I question the direct involvement in the process and whether or not that shifting away from the South Korean dialog with the North to the intervention of the U.S. may be harmful at this time.

Not only would efforts to reach a speedy agreement with North Korea be premature, in my opinion, it would seem to reward the North for 50 years of aggression as thanks for 6 months of sunshine.

Both the prospects for peace and the President's legacy would be best served if he were to stay, I believe, on the sidelines and allow the U.S.-North Korean relations to proceed as they have been, with caution and balance. I urge the President to put diplomacy ahead of legacy and not spend the final days of his administration interposing the U.S. between the two Koreas.

CARA LEGISLATION

Mr. MURKOWSKI. Mr. President, I ask unanimous consent to print in the RECORD page 19 of the specific legislation authorizing the CARA legislation, which establishes a program affecting the Outer Continental Shelf revenue stream.

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

''(8) The term 'qualified Outer Continental Shelf revenues' means all amounts received by the United States from each leased tract or portion of a leased tract lying seaward of the zone defined and governed by section 8(g) of this Act, or lying within such zone but to which section 8(g) does not apply, the geographic center of which lies within a distance of 200 miles from any part of the coastline of any Coastal State, including bonus bids, rents, royalties (including payments for royalties taken in kind and sold), net profit share payments, and related late payment interest. Such term does not include any revenues from a leased tract or portion of a leased tract that is included within any area of the Outer Continental Shelf where a moratorium on new leasing was in effect as of January 1, 2000, unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 2000.

* * * * *

11(a) The term ''Secretary'' means Secretary of Commerce.

Mr. MURKOWSKI. Mr. President, the purpose of my reference is that I happen to be chairman of the Energy and Natural Resources Committee which historically has had jurisdiction over Outer Continental Shelf activities. I was one of the major drafters of this legislation, along with Representative DON YOUNG in the House of Representatives.

In moving this legislation through yesterday morning, we found a significant change had been made in the legislation and that the jurisdiction had been moved from the Energy Committee to Commerce and taken from Interior and transferred over to the Secretary of Commerce.

I know this cannot be seen, but there are handwritten notations at the end that simply say: ''11(a) the term 'Secretary' means Secretary of Commerce.''

There are extraordinary things done in late times around here. This was done at 3 or 4 o'clock in the morning the day before yesterday, and no one can identify who did it. But the bill was filed, the order has been made, and there is absolutely nothing we can do other than question the authenticity of someone who would simply change the legislation, not initial it, have no identification. I have checked with the Appropriations Committee. I have checked with the Members of the House involved. Nobody owns up to changing the designation of the CARA bill from the Energy Committee in the Department of Interior over to the Commerce Committee and the Secretary of Commerce.

The bill has been filed. As a consequence, the question is, What can we do about it? The President may veto the legislation. We may have another opportunity.

On the other hand, we did have a colloquy by Senator LOTT, Senator DASCHLE, Senator BYRD, Senator STEVENS, and myself. I think it addresses the reality that the best thing we can do is get out of here. I know the Presiding Officer would agree. But as we look at what we are coming back to tomorrow, a single vote on a continuing resolution for 1 day—and another one on Sunday—it seems to be an effort in futility.

But in any event, Mr. President, I thank you for being patient, and particularly the staff, as well, who probably had hoped this Senator would not show up when he walked in the door.

RECESS UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until the hour of 9:30 a.m., tomorrow, Saturday, October 28, 2000.

Thereupon, the Senate, at 7:54 p.m., recessed until Saturday, October 28, 2000, at 9:30 a.m.