floor and I heard that it was someone's birthday. For those in the galleries who wish to make note of it, I am 29,544 days old today. It is not my birthday, but I am 29,544 days old. I want to congratulate our leader on his birthday.

Mr. LOTT. Thank you, sir.

Mr. BYRD. I say to the leader:

Count your garden by the flowers,
Never by the leaves that fall;
Count your days by the sunny hours,
Not remembering clouds at all.
Count your nights by stars, not shadows;
Count your life by smiles, not tears;
And on this beautiful [October] afternoon, [leader,]
Count your age by friends, not years.

Mr. LOTT. Thank you very much.

[Applause.]

Mr. LOTT. Mr. President, only the distinguished Senator BYRD would be able to come to the floor and have poetry that he could quote on the spur of the moment. I always enjoy his remarks so much. Thank you, Senator BYRD.

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

Mr. LOTT. Mr. President, I yield 5 minutes at this time to the chairman of the subcommittee, Senator CAMPBELL. I thank him for his work on this bill. He has worked very hard. The problems we have were not caused by him, but by difficulties in the House of Representatives. I thank the Senator for the effort that he put into this legislation. We will get it done before the day is done—maybe not this day, but before the day is done.

Mr. CAMPBELL. I thank the majority leader. Whether this bill is pulled down or proceeds is yet to be determined. I would like to make a few comments about the bill. Senator KOHL and I, as well as our staffs, worked very hard on this bill. It seemed like the longer it hung out there the more lightning it drew. I want comment on a few provisions in it.

This report provides funding for the Department of Treasury, the U.S. Postal Service, the Executive Office of the President, and various independent agencies, as our colleagues know.

Although this has not been an easy bill to complete, because of the funding constraints as well as controversial issues, I think we did as good a job as we could, accommodating as many requests as we could from our colleagues. The most difficult issues for the conferees were not about money, but about legislative riders to this appropriations bill. There were some very strong opinions on both sides on these riders and that did end up stalling the bill.

But I am concerned about one article. As I mentioned, during the heat of the debate, there were some strong opinions. I was concerned about an article appearing in the October 7 Hill that implied the Senator from Texas, Senator HUTCHISON, was blocking the bill because it contained language to name a post office building in St. Paul for former Senator Eugene McCarthy. For the RECORD, I want to say that is absolutely not true. At no time, did she ever disagree with this bill, and in fact that language is in the bill. I wanted to make that part of the RECORD.

The ranking member of our subcommittee, Senator KOHL, and I continued to place greater emphasis on treasury law enforcement, which is a central focus of this bill, and tried to ensure that agents and inspectors have the tools to do their job. I certainly appreciate Senator KOHL's support and hard work.

There is much in this conference report that deserves the support of the Senate:

$128 million for the IRS customer service initiative, and to restructure and reform their long overdue operation.

$2 million for low-income taxpayers clinic.

$2.4 million to double the staffing for the cyber-smuggling unit at the Customs Service to stop child pornography, plus an additional $1 million for technology to assist in this effort.

$13 million for grants to state and local law enforcement for gang resistance education and training programs, called GREAT programs—$3 million more than the President actually had requested.

$6 million to allow eligible State and local law enforcement to acquire ballistics identification and comparison computer systems for both bullets and cartridge cases.

There is another $27 million to continue and expand the Youth Crime Gun Interdiction Initiative to help stop gun trafficking to our youth.

There is $182 million for the high-intensity drug trafficking areas, known as HIDTAs, and $13 million to continue the program to transfer technology to State and local law enforcement.

Courthouse construction projects, as well as repair and alterations of current Federal facilities, were also included.

There is $185 million for a second year of a very successful antidrug youth media campaign that was administered by the drug czar.

All in all, Mr. President, I think it is a good bill. We worked very hard.

I am just here to say I am sorry that some of these rather divisive riders that ended up being on the bill ended up making it so controversial. But the underlying fact of the bill, the mission of the bill, has great intentions. It is a good bill.

I just wanted to again thank Senator KOHL for all of his work on it. I hope we proceed forward with it. I am realistic enough to know that it is in trouble.

With that, I yield the floor, Mr. President.

Mr. KOHL addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, I agree with much of what my colleague, Senator CAMPBELL, has said about this bill.

It is a good bill. It provides sufficient appropriations for the Department of the Treasury and the independent agencies. But, since this bill left the Senate floor, it changed in ways that made it impossible for me to sign the conference report.

First, the good news. The conference report before us is silent on the issue of staffing the Federal Election Commission. I am very pleased we have decided to avoid a partisan battle on this issue.

Unfortunately, several other changes to the bill were made after the conference—and these make the bill much worse.

First, the Senate bill contained a provision that would have provided for the adjustment of the status of Haitians. This provision, which had bipartisan Senate support, would allow 40,000 Haitian refugees who have been in this country since 1995, to stay permanently. Last year Congress provided this same type of correction for 150,000 Nicaraguans and 5,000 Cubans. The conference report before us drops that provision—despite the fact that it was agreed to by all conferees.

Second, the Senate bill contained a provision that would address the requirements of providing quality child care in Federal facilities. This measure, proposed by Senator JEFFORDS, would simply make sure that Federal child care facilities operate under reasonable quality standards. In addition, it would bring under Federal regulation the child care centers run by Congress—child care centers that operate now completely unregulated by local, state, or Federal law.

The conference report before us drops this provision—which until now was uncontroversial. I find it unacceptable that Congress would use the last minute legislative rush to exempt itself from basic health and safety standards for the children in its care.

And, third, this conference report drops language—adopted by a bipartisan majority in both Houses—that would provide Federal employees with health insurance coverage for contraception. Again it is unacceptable that an extreme minority should be able to prevail on this. Close to half of all pregnancies in the United States are unintended, and tragically, those unintended pregnancies often led to abortion. By providing federal workers with the most appropriate and safe means of contraception, we can reduce the number of abortions performed and increase the number of children who are born wanted, planned for, and loved.

We in the Senate made good decisions when we passed the Treasury-General Government appropriations bill. It is disappointing that so many of those decisions have been overturned in last minute, partisan negotiations.

The White House has promised that they will work with us to get the Haitian fairness, child care and contraception provisions included in the omnibus

funding bill. Based on that assurance, and knowing of the many other strong provisions retained in the conference report, I will vote for passage. But I do so with great disappointment at how this bill has been altered in the last few days and great hope that the democratic decisions overturned will be restored in the final omnibus appropriations measure.

One last note, I want to thank the staff members who have worked so tirelessly to bring this bill to the floor. Pat Raymond and Tammy Perrin of Senator CAMPBELL's staff have always been helpful and professional in their dealings with us—their demeanor has allowed us to put this bill together in a truly bipartisan way. Paul Bock, my chief of staff, approached this bill as he does everything: with intelligence and a healthy sense of humor. And my deepest gratitude is for my clerk, Barbara Retzlaff, who has boundless energy, complete mastery of the programs she monitors, and incredible patience—with me and with this year's torturous negotiations. Thank you all.

PUBLIC ACCESS TO GOVERNMENT RESEARCH DATA

Mr. LOTT. Mr. President, I would like to take a moment to thank the Senator from Alabama and the Chairman of the Treasury and General Government Appropriations Subcommittee for their diligent efforts to develop legislation that will provide the public with access to federally funded research data. The Conference Report for the Treasury and General Government Appropriations Act for FY 99 currently before us requires the Director of OMB to amend OMB Circular A–110 to require Federal awarding agencies to ensure that all research results, including underlying research data, funded by the Federal government are made available to the public through the procedures established under the Freedom of Information Act. This provision represents a critical step forward in assuring that the public has access to the research and underlying data used by the Federal government in developing policy and rules.

Mr. CAMPBELL. I thank the Majority Leader and my colleague from Alabama for his leadership on this issue. The gentleman is correct. The language included in the Conference Report will require Federal agencies to make all Federally funded research data available to the public through procedures established by the Freedom of Information Act. The Conferees recognize that this language covers research data not currently covered by the Freedom of Information Act. The provision applies to all Federally funded research data regardless of whether the awarding agency has the data at the time the request is made. If the awarding agency must obtain the data from the recipient of the award, the provision specifically states that the awarding agency may authorize a reasonable user fee equaling the incremental cost of obtaining the data. It is my expectation that the Director of OMB to make the required changes within 90 days of enactment and that awarding agencies to issue new regulations implementing the amended Circular within one year of enactment. As is true with the existing OMB Circular A–110, the amended Circular shall apply to all Federally funded research, regardless of the level of funding or whether the award recipient is also using non-Federal funds. I want to thank my colleague from Alabama for his leadership on this important issue and his efforts to safeguard the public's right to know.

Mr. SHELBY. I thank the Majority Leader and Chairman CAMPBELL for their support. The lack of public access to research data feeds general public mistrust of the government and undermines support for major regulatory programs. This measure was long overdue and it represents a first step in ensuring that the public has access to all studies used by the Federal government to develop Federal policy.

● Ms. MOSELEY-BRAUN. Mr. President, I want to note my disappointment that the permanent relief for Haitian refugees that I and many others in this body have worked to make law has been dropped from the Treasury Appropriations Conference Report.

This effort began last year during debate of the D.C. Appropriations bill, which included language that granted certain Central Americans access to the ''suspension of deportation'' procedure, but Haitians were not granted this access. And you may recall that while I supported granting relief to the affected class of Central Americans, I, along with several of my colleagues here in the Senate and the House, fought vigorously for additional provisions for Haitian refugees.

Although we were unsuccessful in that effort, we later introduced S. 1504, Haitian Immigrations Fairness Act of 1997, legislation that would provide Haitian refugees permanent residency status. During the course of this year, this legislation was reported favorably out of the Judiciary committee and passed by the Senate as a provision of the Treasury-Postal Appropriations Fiscal Year 1999 bill. Eventually, this language was agreed to by the Conferees on the Treasury-Postal Appropriations bill. Unfortunately, due to last-minute, close-door maneuvering and negotiations, there is no Haitian relief included in the Conference Report that we are voting on today.

This legislation is vitally important to the several thousand Haitian men, women, and children who came here in the wake of the military coup in Haiti that in 1991 toppled the democratically elected government of that country. That coup was followed by a period of military dictatorship in Haiti marked by atrocious human rights abuses, including systematic use of rape and murder as weapons of terror. The International Civilian Mission, which has monitored human rights conditions throughout Haiti, documented this tragedy, including horrors so awful as to be almost imaginable.

To allow such human rights violations to occur so close to home while doing nothing would have been inconsistent with the stated goals of our foreign policy. So in 1991, the U.S. took in persons fleeing Haiti at Guantanamo Bay, Cuba. After intense screening, many of these individuals were paroled into the U.S. to apply affirmatively for asylum. Between the 1991 and May of 1992, over 30,000 Haitians were interviewed. Under one-third of these individuals were paroled into the U.S. to seek asylum.

Around Memorial day in 1992, Bush issued the ''Kennebunkport Order,'' ending the asylum screening process at Guantanamo Bay, an action which became an issue during the 1992 presidential elections. A refugee program began operating in Port-au-Prince. This practice continued until 1994, when President Clinton reinstated a screening process in military hospital ship in Kingston Harbor, Jamaica. Democracy was restored in Haiti in the fall of 1994.

The individuals that I am talking about today are the children, wives, brothers, and sisters of soldiers and activists who stood up for democracy in Haiti. They fled to this country for refuge. They played by our rules. In the time that they've been here, they've built homes, paid taxes, had families in our country. These individuals are owed nothing less than treatment equal to that already provided to the Eastern European and Central European refugees residing in our Nation.

I regret that the Conferees decided at the last moment to strip the Haitian refugee relief provision from the Treasury-Postal Appropriations bill, but I would like to urge Senators LOTT and DASCHLE to consider adding this provision to any omnibus appropriations measures that may be considered in the upcoming days.●

Mr. MCCAIN. Mr. President, I want to thank the managers of this bill for their hard work in putting forth this legislation which provides federal funding for numerous vital programs. However, I am sad to say, once again, I find myself in the unpleasant position of speaking before my colleagues about unacceptable levels of parochial projects in another appropriations Conference Report.

Earlier this year, I came to the Senate floor and highlighted the numerous earmarks and set asides contained in the Senate version of this bill. That bill contained $826 million in specifically earmarked pork-barrel spending. That was a $791 million increase over last year's pork-barrel spending total for this bill, which only contained $34.25 million in wasted funds.

While the Senate bill contained an unacceptable amount of pork, this conference report is even worse. It contains $1.5 billion in specially earmarked pork barrel spending. This is almost double the amount of pork

which was in the bill. This is a tremendous burden which is patently unfair to the millions hard-working American taxpayers, who does not possess the resources to get a ''pet project'' placed in their back yard.

The list of projects which received priority billing is quite long and the dollar amounts are staggering. Nevertheless, I will highlight a few of the more egregious violations.

First the conference report instructs the Administrator of General Services to purchase a property adjacent to the new courthouse currently under construction in Scranton, PA, at whatever price she/he determines is appropriate. The language then provides $668 million for repairs, alterations, and construction services. That adds $668 million to the price of acquiring the building. I am not an expert on court house construction, but $668 million in addition to the purchase price seems like a lot of money for a courthouse.

But, the unbridled spending does not stop with the Scranton, PA court house, it continues. The conference report also contains numerous provisions for millions of dollars to construct new court houses in specific locations throughout the U.S. Again, why are these particular sites so deserving of funding, that they receive specific earmarks to fund their construction? Unfortunately, this spending frenzy is not limited to court houses. Somebody in either the House of Representatives, or the Senate has concluded that the World Trade Office in Vermont ($500,000), and the IRS Service Center in Brookhaven, NY ($20 million) are so unique that they should receive specific earmarks.

These are just a few examples of the spending excesses in this report. The list goes on, and on. Mr. President, why are we spending so much on locality specific pork barrel projects? Why are we spending so much on new court house construction? Maybe if we used some of the new court house construction money to combat teen drug use, we would not need to construct so many new court houses. Maybe, we should redirect some of this court house construction money to combating overall drug use, putting more police on our streets, or funding crime prevention programs to prevent people from ever becoming involved in the criminal justice system.

Mr. President, I will not deliberate much longer on the objectionable provisions in the conference report. I simply ask my colleagues to apply fair and reasonable spending principles when appropriating funds to the multitude of priority and necessary programs in our appropriations bills.

As I have said many times in the past, we must remain committed to open and fair consideration of public expenditures. Our objective must always be to further the greatest public good. This must remain the cornerstone of the appropriations process. And, most important, we must remember, responsible spending is the cornerstone of good governance.

Ms. SNOWE. Mr. President, I rise because the Treasury-Postal conferees have bypassed the will of the majority and decided to kill the contraceptive coverage language in the Treasury/Postal bill.

This is an outrage. Our contraceptive language was included in the original legislation passed both in the House and in the Senate, and conferees last week signed off on including the House language in the bill. At the same time, conferees agreed to include the Senate's provision specifically excluding coverage of abortion or abortion-related service, and conferees signed the report, closed out the conference and sent the report to the House for consideration.

The language the House of Representatives passed by a vote of 224 to 198 on July 15, 1998. The Senate language was agreed to by unanimous consent.

It isn't very complicated language. If you take the time to read the two versions, you will see that their intent is the same. The main difference in the two versions is the conscience clause in the Senate bill.

In addition to listing the five plans that OPM identifies as being religious-based, it goes a step further by providing a waiver to future or existing plans that have reason to oppose contraceptive coverage because of their religious beliefs. Also the Senate language clarifies that this provision is not intended to cover abortion—and again I would note that this provision was in the conference report when it was signed the first time.

So last week the conferees accept the language and this week it becomes a ''killer provision'' that would keep us from passing the Treasury/Postal appropriations bill. Mr. President that fallacious argument is belied by the fact that not one person—not one of the 435 members of the United States House of Representatives—stood up on the House floor when the rule on Treasury-Postal was debated last Thursday night and cited this provision as a reason for opposing the bill. Not one!

Why is this a ''killer amendment''?

It can't be because of the cost. CBO won't even score the bill, because they don't score legislation that costs less than a million dollars. And they put the price tag on this language at $500,000.

It can't be about the rights of religious plans, because this language protects the health care plans that OPM identifies as being religious-based.

It can't be about abortion, because it does not cover abortion in any way, shape or form and it says so.

So, why is it a ''killer amendment'', Mr. President? The answer to that question will remain a mystery, as it is opposed by a few people in a backroom at the expense of 1.2 million American women who are being denied affordable access to a basic health care need—contraception. These opponents lurk in the shadows, unwilling to come out in the daylight and discuss their opposition—and apparently these few make the decisions and they decided on their own that it was coming out. They have made a mockery of the democratic process.

Let's consider the language the House and Senate agreed to. It is very simple—all this language will do is provide women who work for the federal government and the spouses and daughters of federal employees equality in health care and the affordable access to prescription contraception coverage they need and deserve; and it will help reduce the number of unintended pregnancies and abortions in this country.

The provision we are talking about requires plans that participate in the Federal Employees Health Benefits Program (FEHBP) that provide prescription drug coverage to also cover prescription contraceptives. What exactly is wrong with that? Nothing, according to 224 members of the United States House of Representatives.

Today 81 percent of these plans do not cover all five of the most basic and widely used methods of contraception and 10 percent of these plans do not cover any type of contraception at all. Yet all but one of the more than 300 FEHBP plans covers sterilization. Think about that for a moment—we are willing to cover sterilization but not contraceptives. Unbelievable!

Today, the victory may go to those who have lurked in the shadows, but I have something to say to those few. Do not let yourselves believe that you have had the final word on this issue because the women of America will not 'go quietly into that good night' on an issue as basic to their health and well being and that of their family as contraceptive coverage.

It took us 72 years to get the vote and it wasn't until 1978—only 20 years ago—that Congress finally passed legislation requiring health care plans to cover maternity leave. This is not an issue that will go away, Mr. President. You can rest assured that we will be back next year, and the year after that and as many votes and debates as it takes until we win.

Mr. DOMENICI. Mr. President, I rise in support of H.R. 4104, the Conference Agreement on the Treasury and General Government Appropriations Bill for FY 1999.

This bill provides new budget authority of $26.9 billion and new outlays of $23.2 billion to finance the operations of the Department of the Treasury, including the Internal Revenue Service, the U.S. Customs Service, the Bureau of Alcohol, Tobacco, and Firearms, and the Financial Management Service. The bill also finances the Executive Office of the President, the Office of Personnel Management, the General Services Administration, and other agencies that perform central government functions.

I congratulate the Chairman and Ranking Member for producing a bill that is within the Subcommittee's revised 302(b) allocation. I also commend the Chairman's strong commitment to law enforcement throughout this bill, including support for the Federal Law Enforcement Training Center.

When outlays from prior-year BA and other adjustments are taken into account, the bill totals $26.9 billion in BA and $26.0 billion in outlays. The total bill is at the Senate subcommittee's revised 302(b) allocation for nondefense discretionary budget authority and outlays. The subcommittee is also at its Violent Crime Reduction Trust Fund allocation for BA and outlays.

Mr. President, I ask unanimous consent to have printed in the RECORD, a table displaying the Budget Committee scoring of the Conference Agreement on H.R. 4104. I urge my colleagues to support the bill.

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

H.R. 4104, TREASURY-POSTAL APPROPRIATIONS, 1999—SPENDING COMPARISONS—CONFERENCE REPORT

[Fiscal year 1999; in millions of dollars]

	Defense	Nondefense	Crime	Mandatory	Total
Conference Report:					
Budget authority		13,311	132	13,439	26,882
Outlays		12,429	129	13,439	25,997
Senate 302(b) allocation:					
Budget authority		13,311	132	13,439	26,882
Outlays		12,429	129	13,439	25,997
1998 level:					
Budget authority		12,649	131	12,713	25,493
Outlays		12,460	123	12,712	25,295
President's request:					
Budget authority		13,495	132	13,439	27,066
Outlays		13,174	86	13,439	26,699
House-passed bill:					
Budget authority		13,209	132	13,439	26,780
Outlays		12,428	129	13,439	25,996
Senate-passed bill:					
Budget authority		13,211	132	13,439	26,782
Outlays		12,068	125	13,439	25,632
Conference Report compared to:					
Senate 302(b) allocation:					
Budget authority					
Outlays					
1998 level:					
Budget authority		662	1	726	1,389
Outlays		−31	6	727	702
President's request:					
Budget authority		−184			−184
Outlays		−745	43		−702
House-passed bill:					
Budget authority		102			102
Outlays		1			1
Senate-passed bill:					
Budget authority		100			100
Outlays		361	4		365

NOTE: Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

Mr. DODD. Mr. President, I rise today to express my disappointment that a provision in the fiscal year 1999 Treasury, Postal Appropriations Bill relating to contraceptive coverage under the Federal Employee Health Benefits program was dropped in conference.

This provision, authored by Senators HARRY REID and OLYMPIA SNOWE, would have required the Federal Employee Health Benefits plans that cover prescription drugs to treat contraceptives in the same fashion as all other covered drugs. This amendment passed the Senate unanimously. A similar provision, offered by Representative NITA LOWEY, was approved by the House by a vote of 224–198. However, even after the strong, bipartisan show of support by both bodies, this provision was still dropped in conference.

I was a cosponsor of the bipartisan legislation on which this provision was based. Along with a bipartisan group of 25 of my colleagues, I wrote the conferees on this bill asking them to retain this provision in the conference report.

I'd like to think we've come a long way since the early 1960s when birth control was illegal in many states. So it was astonishing to me to learn that in this day and age, many families find their contraceptive choices to be limited by their insurers—because insurers are not required to cover prescriptive contraceptives.

In Connecticut, for example, 62% of insurers don't cover birth control pills and 85% don't cover devices such as IUDs and diaphragms. At the same time, almost all of these policies cover sterilization. And of the 68,000 pregnancies each year in our state, more than 14,000 are unplanned.

Under far too many health plans, women are offered the unconscionable ''choice'' of getting help in paying for an unplanned pregnancy, an abortion, or sterilization—but not for birth control.

Is this the best choice we can offer to families trying to act responsibly, wanting to bring children into the world when they can be supported and cared for?

Many of us agree that contraception, and improved access to contraception, is a simple, cost-effective way to lower the staggering rate of unintended pregnancies in the United States.

I am very disappointed that this provision has been dropped from the fiscal year 1999 Treasury, Postal Appropriations Bill and the federal government lost an opportunity to be a leader on this critical issue.

Mr. THOMPSON. Mr. President, I am pleased that we passed a regulatory accounting provision in the Treasury and General Government Appropriations bill. I appreciate that the conferees retained the provision I introduced to the Senate bill. I believe that this legislation will help promote the public's right to know about the benefits and costs of regulatory programs; to increase the accountability of government to the people it serves; and ultimately, to improve the quality of our government. This amendment aims to provide better information on the performance of regulatory programs. This information should help us assess what benefits our regulatory system is delivering, at what costs, and help us understand what need to do to improve it.

The American people deserve better results from the vast time and resources spent on regulation—$700 billion per year, or $7,000 for the average American household by some estimates. By regulating smarter, we could have a cleaner environment, safer workplaces, quality products, and a higher standard of living at the same time. As the Office of Management and Budget stated in its first Report to Congress on the Costs and Benefits of Federal Regulations in 1997:

> [R]egulations (like other instruments of government policy) have enormous potential for both good and harm. . . . The only way we know how to distinguish between the regulations that do good and those that cause harm is through careful assessment and evaluation of their benefits and costs. Such analysis can also often be used to redesign harmful regulations so they produce more good than harm and redesign good regulations so they produce even more net benefits.

I am pleased that there is broad support for this amendment, particularly

from Majority Leader LOTT and Senators BREAUX, ROBB, and SHELBY, who cosponsored it. There is a broad bipartisan coalition in the House that supported this provision. And it continues the efforts of my precedessors. Senator TED STEVENS first passed a regulatory accounting amendment in 1996 when he was the Chairman of the Governmental Affairs Committee. Regulatory accounting also was a part of a regulatory reform bill that unanimously passed out of committee in 1995 when BILL ROTH chaired Governmental Affairs.

I added several new requirements to the Stevens amendment to improve the credibility and usefulness of the report. First, OMB is required to arrange for peer review of its draft report and draft guidelines. The peer review must be conducted by an organization independent and external from the government, with expertise in regulatory analysis and regulatory accounting. It is critical that the peer review be performed by experts who will critique the draft based on the state of the art—not by a partisan interest group. Last year, the American Enterprise Institute and the Brookings Institution sponsored a conference on OMB's first regulatory accounting report. A distinguished group of independent economists unanimously agreed that OMB had fallen short in many respects. That is the kind of constructive peer review we need.

Second, OMB must take a more active role in ensuring the quality and credibility of information used in the report. OMB must issue guidelines to the agencies to standardize plausible measures of costs and benefits and the format of regulatory accounting statements. Third, OMB must provide more detailed information on the incremental costs and benefits of regulation, broken down by agency and by agency program. Thus far, OMB has failed to provide that information, despite repeated statements in legislative history and in correspondence to OMB. A great deal more information on the incremental costs and benefits of agency programs can be assembled by OMB, especially for programs run by big agencies such as EPA, DOT, OSHA, FDA and the Department of Labor. Fourth, OMB must count the paperwork burden. A 1995 report of the U.S. Small Business Administration, entitled The Changing Burden of Regulation, Paperwork, and Tax Compliance, estimated the process costs of regulation at $229 billion for 1998. Clearly, this must be accounted for. Finally, OMB must assess the direct and indirect impact of Federal regulation on small business; State, local and tribal government; wages; and economic growth. This provision addresses several important concerns. Regulation can have a disparate impact on small businesses. The 1995 SBA report found that, for companies with under 20 workers, regulation costs $5,500 per worker each year—far higher than the per worker cost for large companies. Many regulations also impose unfunded mandates on State, local and tribal government. Unfunded mandates are putting a severe strain on these governments, forcing them to raise taxes, reduce essential services, or even face bankruptcy. Finally, the public has a right to know that there is no free lunch. Regulation can reduce productivity, wages and economic growth. In the end, the public pays for regulatory programs through higher prices and taxes, reduced government services, and squandered opportunities to do better.

It is time for the Government to come to grips with the good, the bad, and the ugly about regulation so we can design a smarter, more cost-effective regulatory process.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

HMOS

Mr. DODD. Mr. President, I just want to inquire. I see the majority leader.

Before we go to the reading of the bill, I had mentioned to the majority leader earlier that I was going to propound a unanimous consent request on behalf of myself and Senator REID of Nevada.

Very briefly—I will just take 30 seconds—this unanimous consent request will be the discharge of the Finance Committee and then to proceed immediately to a piece of legislation I introduced that would propose a moratorium on HMOs terminating any of their patients between now and over the next 4 or 5 months while we are out of session.

I realize that there will be objection probably filed to this, or expressed on this.

We have seen 400,000 people in the last number of months who have lost their HMOs—12,000 in my State over the last 3 weeks. When we are out of session, I am concerned that more of these people are going to be dropped.

So for those reasons, Mr. President, I ask unanimous consent that the Finance Committee, on behalf of myself and Senator REID, be discharged from consideration of S. 2562 and the Senate then proceed to its immediate consideration.

Mr. LOTT. Mr. President, reserving the right to object, I appreciate the notification that the Senator was going to make this request.

We have not had a chance to look at this legislation. I know there is interest in this area. I think next year we are going to have to do some work on it, and maybe we will even have some legislation in this area. But in view of the hour and the fact that we haven't had a chance really to review it, and the committee hasn't had a chance to act on it, I object at this time.

Mr. DODD. Mr. President, if I may, very briefly, I will not take the time now, but before we adjourn, I would like to make some additional comments on this.

My State and 21 other States are adversely affected. But I can only hope that there will not be more people asked to leave or pull out of these markets and cause the kind of disruption that these people feel.

I will reserve time later to discuss it. But I thank the majority leader for his consideration and regret deeply that we cannot bring this bill up.

The PRESIDING OFFICER. Who yields time?

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, I had a conversation with the distinguished Senator from Illinois with regard to his concerns on the bankruptcy reform package as it now exists. He agrees and we agree that there is no necessity for this to be read over a period of 5 or 6 hours. So I think we have something worked out that we will be comfortable with and others will be comfortable with to allow us to assure Members what time the next vote will be, and we can do some business in the interim and have speeches made on this or other issues in the meantime.

BANKRUPTCY REFORM ACT OF 1998—CONFERENCE REPORT

MOTION TO PROCEED

Mr. LOTT. Mr. President, I now move to proceed to the conference report to accompany H.R. 3150 and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LOTT. Mr. President, I ask unanimous consent that at 6 p.m. this evening the vote on this motion take place. And between now and then, of course, we have other business we can do. Senator DURBIN may want to make some remarks during that time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

HONORING DAN COATS

Mr. LUGAR. Mr. President, I would like to take this opportunity before the 105th Congress adjourns to honor our distinguished colleague and my friend, DAN COATS, who will be returning to private life at the end of this Congress.