United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, SECOND SESSION

Vol. 146 WASHINGTON, TUESDAY, JUNE 27, 2000 No. 83

Senate

The Senate met at 9:33 a.m., and was called to order by the Honorable GEORGE V. VOINOVICH, a Senator from the State of Ohio.

PRAYER

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

O God, our Help in ages past, free us to be open to Your gift of hope for years to come. Particularly, we pray for a lively hopefulness for today. Grant that we may not allow our experience of You in the past to make us think that You are predictable or limited in what You will do today. Help us not to become so familiar with Your customary daily blessings that we lose the sense of expectancy for Your special interventions in the complexities and the challenges of each day.

We praise You for the historic breakthrough in genomic research and the mapping of the human genome announced this week. Thank You for granting humankind another aspect of Your omniscience so we can press on in the diagnosis and healing of disease.

Now today we will continue to expect great things from You, and we will attempt great things for You. In our worries and cares, give us the joy of knowing that You are with us. In our Lord's burden-banishing name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable GEORGE V. VOINOVICH, a Senator from the State of Ohio, 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.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. THURMOND].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 27, 2000.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable GEORGE V. VOINOVICH, a Senator from the State of Ohio, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. VOINOVICH thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

SCHEDULE

Mr. SPECTER. Mr. President, on behalf of our distinguished majority leader, Senator LOTT, I have been asked to announce the Senate will immediately resume consideration of the Labor, Health and Human Services, and Education appropriations bill. Under the order, there will be closing remarks by the distinguished Senator from Mississippi, Mr. COCHRAN, on his pending amendment regarding pilot programs for antimicrobial resistance monitoring and prevention. A vote will occur on the Cochran amendment at 9:45 a.m. Following that vote, we will turn to the amendment offered by the distinguished Senator from Arizona, Mr. MCCAIN, regarding the Internet. We will be seeking a time agreement on that amendment.

We ask all Senators who have amendments to offer to come to the floor. We are trying to establish a list so we can proceed to the disposition of this bill. It is hoped that in the next day or so we could have a unanimous consent agreement which will limit pending amendments so we can proceed to conclude action on this bill.

Senator LOTT has asked that the announcement be made that rollcall votes may be expected throughout the day.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS, 2001

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of H.R. 4577, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 4577) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

Pending:

McCain amendment No. 3610, to enhance protection of children using the Internet.

Cochran amendment No. 3625, to implement pilot programs for antimicrobial resistance monitoring and prevention.

The ACTING PRESIDENT pro tempore. The Senator from Delaware.

Mr. ROTH. Mr. President, I had originally planned to come to the floor to voice my opposition to this bill and to offer a point of order that it violates rule XVI of the Standing Rules of the Senate. I intended to do so because of two serious failings in it.

First, this bill cuts the program that Congress passed in the 1997 Balanced Budget Act to help States provide health insurance to low-income children and could cost up to 2 million of them their health insurance. The State Children's Health Insurance Program, known by its acronym as S–CHIP, was designed to make health insurance coverage available, at State option, to lower-income, uninsured children.

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

Printed on recycled paper.

More than 2 million children have been enrolled in S–CHIP—children who would otherwise lack access to the health insurance coverage that helps them grow and thrive.

When we designed S–CHIP in 1997, States were given specific allotments to cover eligible uninsured children. We designed the program so that those allotments were to be available to individual States for a period of 3 years. This was done to ensure that allotments didn't sit unused. At the end of 3 years, unspent allotments are to be reallocated to other States that have spent their full allotments. The basic idea is to effectively direct available S–CHIP dollars to States willing and able to use them to cover uninsured kids.

We are now coming up upon the first opportunity to reallocate unspent S–CHIP funds. Three years have elapsed since the program was first implemented.

But, instead of thinking through the ramifications of reallocation, today we confront an unexpected and far more fundamental challenge to the future of the S–CHIP program. The appropriations bill before us would cut $1.9 billion in S–CHIP funds from the program, with an unenforceable promise to restore the funds in 2003—a promise which is itself subject to a Budget Act point of order.

This cut represents a dramatic retreat from the commitment the Federal Government extended to uninsured children, their families, and to the States in 1997. S–CHIP was designed to be a stable, guaranteed source of funding to States to cover lower-income, uninsured children. If States cannot count on the federal government to stand by its commitment, there will inevitably be an erosion of State support for participation in the program and aggressive enrollment strategies. As a result, fewer children will receive health insurance coverage.

We have to be very clear that what we are talking about today isn't a technical accounting gimmick that simply moves funds forward. We are talking about a concrete cut in a very real program upon which millions of children depend. The consequences will be no less real. If the provision in the appropriations bill is not removed, the National Governors' Association estimates that as many as 2 million children will be denied access to health insurance coverage.

For that reason, the National Governors' Association strongly and unambiguously opposes the S–CHIP cut included in this appropriations bill.

NGA is not alone in its opposition to the appropriations cut. The community of advocates who work on behalf of children strongly opposes it as well. In fact, all Senators should have received a letter signed by over 80 groups opposing the cut, including the Children's Defense Fund, Families USA, the American Hospital Association, and the American Medical Association. In addition, the Health Insurance Association of America has also written to express its opposition to S–CHIP cuts.

Second, this bill cuts three welfare programs by $1.4 billion. The title XX social services block grant is cut by a whopping 65 percent—from $1.7 billion in funding to $600 million. This is just a quarter of the level we promised to Governors during welfare reform in 1996.

The title XX block grant was enacted in 1981, during the Reagan administration, to provide States with a flexible source of social services funding. Today, title XX funds services to almost 6 million Americans, principally children, people with disabilities, and seniors. In Delaware, we use these funds for a broad range of programs—including helping abused and neglected children and for people who are blind, and for Meals-on-Wheels. These funds go to programs without adequate sources of support and to fill the gaps for the neediest citizens.

These title XX funds are essential. These funds cannot be easily replaced—by States or local governments, or by private charity.

The Labor-HHS-Education appropriations bill would cut these supplemental welfare grants to States by $240 million. In the 1996 welfare reform legislation States took a big, big risk. States exchanged an open-ended Federal entitlement—that is, guaranteed dollars for each person who qualified for welfare—for a fixed block grant.

To provide States with some modest protection, welfare reform contained a provision to provide States with a big population increase and high poverty rates with supplemental welfare grants. The Labor-HHS bill would cut these grants and break that promise.

These welfare program cuts violate the fundamental deal Congress made with the Governors during welfare reform. With these cuts, Congress reneges on its word.

Next year Congress will begin reauthorization of welfare reform. If Congress shows that it is not a dependable partner now, how can we expect States to have confidence in us next year?

Altogether this bill cuts a children's health program and welfare programs by $3.3 billion. This is unquestionably a violation of sound policy.

In the interest of sound policy, in the interest of uninsured children, in the interest of welfare recipients, and in the interest of the States who are working with us to serve these vulnerable individuals, I had no choice but to oppose this bill.

I am not alone in recognizing these problems, Senator MOYNIHAN, Senator HATCH, Senator KENNEDY, Senator GRASSLEY, and Senator GRAHAM all joined me in a letter to our colleagues warning them against supporting this bill because of its inclusion of the provisions I oppose and have just outlined. I know that other Senators opposed them as well and I thank all of them for their support.

However, Mr. President, the Senator from Alaska, the distinguished chairman of the Appropriations Committee, has assured me that these cuts—specifically: (1) The $1.9 billion cut to the State Children's Health Insurance Program located in section 217 on pages 53 and 54 of the bill; (2) the $1.1 billion cut to the title XX social services block grant located in title 2, page 40 of the bill; (3) the $240 million cut to the Temporary Assistance to Needy Families, TANF, program, located in section 216, pages 52 to 53 of the bill; and (4) the $50 million cut to the Welfare-to-Work performance bonus program, located in section 104, pages 21 to 23 of the bill—will be eliminated in their entirety in this bill when it returns from conference.

The ACTING PRESIDENT pro tempore. The Chair is informed that there is supposed to be a vote at 9:45 on the Cochran amendment.

Mr. STEVENS. Mr. President, I ask unanimous consent the vote be postponed until the completion of my remarks; and I ask unanimous consent to proceed for 2 minutes.

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

The Senator from Alaska.

Mr. STEVENS. Mr. President, I am surprised at the comments made by the Senator from Delaware to this extent: The 1997 Budget Act puts limits on the amounts that can be appropriated under the pending bill, the Health and Human Services appropriations bill.

In order to have a technical offset against the additions that are in this bill over the 1997 limits, we provided these three technical provisions that give us the right to take the Health and Human Services bill across the floor to conference. We had no intention at all to ever suggest the Congress would enact those provisions. The Finance Committee knew that. All Members knew that. This is a technical situation where, in order to get the bill across the floor until we enact the military construction bill, which contains the waiver of the 1997 provisions with regard to the ceilings for our committee, we had to have this offset.

I assure the Senator that the bill will not come out of conference with these provisions in it. They were never intended to be enacted. No one on our committee supports the elimination of these provisions, and Senator SPECTER was very gracious in allowing us these provisions to comply with the 1997 act.

I assure the Finance Committee that this bill will not come out of committee with these provisions in it. They were never intended to be in it, as the Finance Committee knows.

Mr. ROTH. I thank the chairman of the Appropriations Committee and based on his assurances of these provisions' removal in conference, I withdraw my opposition to this bill. I believe that this is the best way to proceed: We not only protect the programs that I came to the floor to protect, but we also allow this funding bill for many other important programs to forward as well. I thank the Senator from

Alaska for working with me to resolve this impasse.

Mr. KENNEDY. Mr. President, I thank the chairman for his leadership in this area, and I commend Senator MOYNIHAN as well for his commitment to this important program. I believe the understanding we have reached is a satisfactory way to protect this program in conference.

The rescission of funds for children's health insurance would be a serious mistake. It would come at the expense of 12 million uninsured children in low income families across the nation.

It would override the reallocation system established with broad bipartisan support in the original law. It would use the funds to pay for other programs in this year's appropriations bill. While it does promise to restore in the year 2003 the funds taken away this year, the damage would be done long before 2003 arrives. In fact, more than 80 leading organizations have signed a letter urging rejection of this misguided policy.

Low-income working families should not be forced to pay the price for the budget pressures facing congress. Those pressures were created by the budget resolution, and its misguided priorities. The committee was operating under the budget instructions they were given. I believe they had good intentions. Unfortunately, however, this rescission robs needy children, and it is unacceptable.

Strong bipartisan support in the Senate created the Children's Health Insurance Program in 1997. We focused on guaranteeing health insurance to children in working families whose income was too high to be eligible for Medicaid, but too low to be able to afford private insurance. Estimates indicate that more than three-quarters of all uninsured children in the nation will be eligible for assistance through either CHIP or Medicaid in the near future.

This rescission would have established a devastating precedent at precisely the wrong time. The Children's Health Insurance Program is working. Every State is now participating.

Between 1998 and 1999, enrollment numbers doubled from just under 1 million children to 2 million. States, advocacy groups and other leaders are undertaking and planning impressive outreach efforts in the states. Last year, back-to-school campaigns helped dramatically increase enrollment. A month ago, the Governor of Mississippi announced a new campaign to cover all children in that State. We have every reason to expect that this trend will continue, as the programs become more established and States begin to do all they can to enroll eligible children.

If the rescission were enacted, it would penalize needy children in the States that have most actively sought and enrolled eligible children. States could be forced to halt enrollment until more funds are available. That's wrong.

The reallocation mechanism in the original legislation is designed to ensure that dollars remain targeted to uninsured children, regardless of location. Next year is the first year that the reallocation fund would be available. Senators should know that no State loses under current law. All States have the right to their allocations for three years. We have encouraged all States to take advantage of their funds. But, it a State cannot spend all its money, the excess dollars should be used by States that can.

If the Senate were to adopt this rescission, States would be reluctant to expand their programs or actively enroll more children if they feel that future State allotments are unreliable. The National Governors Association has sent us two letters—one just last week—expressing their unified strong opposition for this reason.

We shouldn't second guess the original policy. It was well designed to direct money where it is most clearly needed. The policy was strongly supported when we enacted CHIP, and States have acted in good faith to implement it. It would be wrong for us to change the ground rules now, when so much progress is being made.

We know that lack of insurance is the seventh leading—and most preventable—cause of death in America today. That fact is a national scandal.

The majority of uninsured children with asthma—and one in three uninsured children with recurring ear infections—never see a doctor during the year. That's wrong. No child should have to be hospitalized for an acute asthma attack that could have been avoided. We know that uninsured children are 25 percent more likely to miss school. Children who cannot see the blackboard well or hear their teacher clearly miss lessons even when they are at school. That's wrong. No child should suffer permanent hearing loss and developmental or educational delays because of an untreated infection.

Every child deserves a healthy start in life, and the health security that comes with insurance. And under CHIP and Medicaid, every child will have a legitimate opportunity for health insurance.

Congress should do everything in its power to shore-up these programs, not undermine them. I welcome today's agreement, and I look forward to the continuing effective implementation of this worthwhile program to guarantee good health care for all children.

I ask unanimous consent to print in the RECORD the letter to which I earlier referred and another related correspondence.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

JUNE 9, 2000.

DEAR SENATOR: We are writing to express our opposition to the taking of $1.9 billion of fiscal year 1998 Children's Health Insurance Program (CHIP) funds by the Senate Appropriations Committee to help fund the fiscal year 2001 Labor, Health and Human Services, and Education Appropriations bill. In effect, the Senate committee action takes unspent funds that would be reallocated to states to provide health insurance to uninsured children and instead promises to restore those funds in fiscal year 2003. While we are appreciative of the efforts of the Senate Appropriations Committee efforts to increase funding for important programs in the Labor, Health and Human Services, and Education Appropriations bill, the use of CHIP funds for this purpose breaches the integrity of the CHIP program and the commitment it represents to the nation's uninsured children.

This taking of CHIP funds is troubling for several reasons. First, the taking of these funds will deprive some states of the funding needed soon to insure children through the program. Second, states have made decisions on how many children they expect to insure through the CHIP program based on the federal funding commitment in the 1997 CHIP legislation. The Senate Appropriations Committee action, if enacted, calls into question the commitment of Congress to this program. Third, states are rapidly increasing enrollment of uninsured children in CHIP but may become reluctant to continue aggressive outreach and enrollment if Congress starts playing budget shell games with the program funds.

We urge, in the strongest possible terms, that Congress restore the funds to the CHIP program that were removed by the Senate Appropriations Committee. We believe that Congress should refrain from looking to this program, designed to serve uninsured children, to alleviate the fiscal difficulties faced by the House and Senate Appropriations as they fund critical programs.

Sincerely,

AIDS Action.
Alliance for Children and Families.
Alliance to End Childhood Lead Poisoning.
American Academy of Pediatrics.
American Association of University Affiliated Programs for Persons with Developmental Disabilities.
American Association on Mental Retardation.
American College of Osteopathic Pediatricians.
American Dental Hygienists' Association.
American Federation of State, County and Municipal Employees (AFSCME).
American Friends Service Committee.
American Hospital Association.
American Medical Association.
American Music Therapy Association.
American Network of Community Options and Resources.
American Occupational Therapy Association.
American Psychiatric Association.
American Psychological Association.
American Public Health Association.
Association of Community Organizations for Reform Now (ACORN)
Association of Jewish Family and Children's Agencies.
Association of Maternal and Child Health Programs.
Bazelon Center of Mental Health Law.
Camp Fire Boys and Girls.
Catholic Charities USA.
Catholic Health Association of the United States.
Center for Budget and Policy Priorities
Center for Community Change.
Center for Women Policy Studies.
Child Welfare League of America.
Children's Defense Fund.
Children's Health Fund.
Church Women United—Washington Office.
Coalition of Labor Union Women.

Communications Workers of America.
Council of State Governments.
Families USA.
Family Voices.
Friends Committee on National Legislation (Quaker).
Generations United.
Girl Scouts of the USA
Jewish Council for Public Affairs.
Lutheran Office for Governmental Affairs, ELCA.
Lutheran Services in America.
McAuley Institute.
Mennonite Central Committee.
National Association for Protection & Advocacy Systems.
National Association for the Education of Young Children.
National Association of Community Health Centers.
National Association of Developmental Disabilities Councils.
National Association of People with AIDS.
National Association of Psychiatric Health Systems.
National Association of Public Hospitals & Health Systems.
National Association of School Psychologists.
National Association of WIC Directors.
National Center of Poverty Law.
National Council of the Churches of Christ in the USA.
National Council of Jewish Women.
National Council of La Raza.
National Council of Senior Citizens.
National Employment Law Project.
National Gay and Lesbian Task Force.
National Head Start Association.
National Health Law Program, Inc.
National Immigration Law Center.
National Mental Health Association.
National Parent Network on Disabilities.
National Partnership for Women and Families.
National Puerto Rican Coalition.
National Therapeutic Recreation Society.
National Urban League.
National Women's Law Center.
Neighbor to Neighbor.
Network—A National Catholic Social Justice Lobby.
Presbyterian Church (USA), Washington Office.
Results, Inc.
The ARC of the United States.
The Episcopal Church.
The Salvation Army.
The United States Conference of Mayors.
Union of American Hebrew Congregations.
Unitarian Universalist Association of Congregations.
United Cerebral Palsy.
United Church of Christ Office for Church in Society.
United Jewish Communities.

NATIONAL GOVERNORS ASSOCIATION,
Washington, DC, May 11, 2000.

Hon. TED STEVENS,
Chairman, Senate Appropriations Committee, Washington, DC.
Hon. ROBERT C. BYRD,
Ranking Member, Senate Appropriations Committee, Washington, DC.

DEAR CHAIRMAN STEVENS AND SENATOR BYRD: As you consider the fiscal 2001 Labor, Health and Human Services, and Education appropriations bill, we are writing to emphasize our highest funding priorities. The nation's Governors urge you to meet your commitments to the most critical programs affecting human investments and needs.

Specifically, we strongly urge you to meet the commitment to the Title XX/Social Services Block Grant (SSBG), and restore the reductions in funding and flexibility for the program to the level that was agreed to in the 1996 welfare reform law. Under the 1996 welfare reform law, SSBG was authorized at $2.38 billion for fiscal 2001 and states were provided the flexibility to transfer up to 10 percent of their Temporary Assistance for Needy Families (TANF) block grant funds into SSBG. Since that time, funding has consistently been cut and flexibility has been restricted. Governors view SSBG as one of the highest priorities among human service programs, and are adamantly opposed to further reductions in funding, such as those approved by the Senate Labor, Health and Human Services, and Education Subcommittee. Such a drastic reduction in the federal commitment to SSBG will cause a dramatic disruption in the delivery of the most critical human services.

Additionally, the Governors strongly urge you to reject proposals that would rescind funding from the State Children's Health Insurance Program (S–CHIP). The funding structure of S–CHIP provides long-term stability to the program. Rescinding funds from S–CHIP, as proposed by the subcommittee, will undermine states' continued progress in providing access to much needed health insurance coverage. We urge you to protect this critical program for our nation's children.

The nation's Governors also urge you to maintain your commitments to other key state and local programs that provide vital health and human services to vulnerable families and children including Temporary Assistance for Needy Families (TANF) and Medicaid. Reductions in the federal commitment to these programs would adversely affect millions of Americans, with the greatest impact on those in the greatest need.

Additionally, the Governors urge strong support for education programs. Education is the most important issue facing our states and the nation. Governors oppose any reductions in these critical programs. Governors also ask Congress to meet its commitment to fully fund the federal portion of the Individuals with Disabilities Education Act (IDEA).

Finally, we urge you to reverse the delays in funding for key state health and human services programs that were enacted as part of the fiscal 2000 omnibus appropriations package last fall. With enactment of that bill, a portion of the funding made available to states for several programs, including SSBG, Children and Families Services, and the Substance Abuse and Mental Health Services program, will not be made available until September 29, 2000. The nation's Governors are deeply concerned about the effect this delay will have on the delivery of services to the nation's neediest populations.

We appreciate your consideration of our views and look forward to working with you as you seek to meet the many needs within the subcommittee's jurisdiction.

Sincerely,
GOVERNOR MIKE HUCKABEE,
Chairman, Human Resources Committee.
GOVERNOR JAMES B. HUNT,
Vice Chairman, Human Resources Committee.

Mr. BAYH. Mr. President, I rise today in support of the colloquy that just occurred in which Senator STEVENS promised to return the $1.9 billion taken from the State Children's Health Insurance Program, S-CHIP, to fund the programs in the Labor Health and Human Services and Education Appropriations bill, during conference. I thank Senators ROTH, STEVENS, MOYNIHAN and BYRD for recognizing the importance of S-CHIP and the federal promise to the states.

I applaud this agreement. This program allows states, like Indiana, to continue to enroll and provide services to children in low-income families. In Indiana, over 120,000 additional children have been enrolled in ''Hoosier Healthwise'' since S-CHIP was implemented in 1998. The removal of this funding would have had a devastating impact on Indiana. For every $1 million in federal funding taken from Indiana, 830 children would not be covered by Hoosier Healthwise. These children would be unlikely to obtain quality health care.

This is not an issue that only affects Indiana. Thirty-five Senators from both political parties joined with me and Senator VOINOVICH to send a letter to Senators LOTT and DASCHLE urging them to work to restore the $1.9 billion taken from the program. The National Governors' Association stated in a letter to the leadership that ''The Governors are united in their opposition to the proposed cuts in S-CHIP. This is not a formula fight; this is a weakening of the state-federal partnership that is so vital to the success of this program. It sets a truly disturbing precedent.'' We are grateful to Senators LOTT and DASCHLE for recognizing the need for this funding to be restored.

The Labor Health and Human Services and Education Appropriations Bill contains worthy programs but funding for those programs should not have come from important efforts such as the State Children's Health Insurance Program. I am pleased that this issue will be resolved in the conference.

Mr. President I ask unanimous consent that letters from Senators, Governors, and 80 advocacy groups be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, June 20, 2000.

Hon. SENATOR TRENT LOTT,
Majority Leader, Russell Senate Office Building, Washington, DC.

DEAR MAJORITY LEADER: It has been brought to our attention that the Senate Appropriations Committee has decided to redirect $1.9 billion from the State Children's Health Insurance Program (SCHIP) to fund other programs in the Labor, Health and Human Services, and Education Appropriation bill. We are concerned that this reduction in funding will threaten SCHIP services in many of our communities in addition to setting a dangerous precedent for the federal government's commitment to this critical state program, and we urge you to reconsider this decision.

The States have pursued aggressive enrollment efforts and successfully increased the number of children they serve. Failing to maintain this promise would make it impossible for states to continue aggressive enrollment strategies designed to insure millions of uninsured children. Governors are relying on all of the funding in this program to continue SCHIP services. All states' SCHIP programs could be at risk if the federal government sets this dangerous precedent by failing to uphold its funding commitment to the program. If the federal commitment is not upheld, it is likely fewer children will be covered by the program.

Therefore, we urge you to work to restore the SCHIP dollars being used to fund other

programs in the Labor, Health and Human Services, and Education Appropriation bill. While many of the programs contained within the bill are worthy, they should not be funded at the expense of SCHIP. We look forward to working with you to address this issue.

Sincerely,

Evan Bayh; Lincoln D. Chafee; Carl Levin; George V. Voinovich; Richard H. Bryan; Ted Kennedy; Jim Jeffords; Joe Lieberman; Chris Dodd; Mike Enzi; Conrad Burns; Kent Conrad; Mike DeWine; Paul S. Sarbanes; Gordon Smith; Mary L. Landrieu; Bill Frist; Olympia Snowe; Blanche L. Lincoln; Tim Johnson; John Breaux; Daniel K. Akaka; Max Baucus; Dick Lugar; Charles Schumer; Paul Wellstone; Chuck Robb; Kay Bailey Hutchison; Jay Rockefeller; Bob Graham; Jesse Helms; John Edwards; Bob Kerrey; John McCain; John F. Kerry; Barbara Boxer.

U.S. SENATE,
Washington, DC, June 20, 2000.

Hon. SENATOR TOM DASCHLE,
Minority Leader, Hart Senate Office Building, Washington, DC.

DEAR MINORITY LEADER: It has been brought to our attention that the Senate Appropriations Committee has decided to redirect $1.9 billion from the Sate Children's Health Insurance Program (SCHIP) to fund other programs in the Labor, Health and Human Services, and Education Appropriation bill. We are concerned that this reduction in funding will threaten SCHIP services in many of our communities in addition to setting a dangerous precedent for the federal government's commitment to this critical state program, and we urge you to reconsider this decision.

The States have pursued aggressive enrollment efforts and successfully increased the number of children they serve. Failing to maintain this promise would make it impossible for states to continue aggressive enrollment strategies designed to insure millions of uninsured children. Governors are relying on all of the funding in this program to continue SCHIP services. All states' SCHIP programs could be at risk if the federal government sets this dangerous precedent by failing to uphold its funding commitment to the program. If the federal commitment is not upheld, it is likely fewer children will be covered by the program.

Therefore, we urge you to work to restore the SCHIP dollars being used to fund other programs in the Labor, health and Human Services, and Education appropriation bill. While many of the programs contained within the bill are worthy, they should not be funded at the expense of SCHIP. We look forward to working with you to address this issue.

Sincerely,

Evan Bayh; Lincoln D. Chafee; Carl Levin; George V. Voinovich; Richard H. Bryan; Ted Kennedy; Jim Jeffords; Joe Lieberman; Chris Dodd; Mike Enzi; Conrad Burns; Kent Conrad; Mike DeWine; Paul S. Sarbanes; Gordon Smith; Mary L. Landrieu, Bill Frist; Olympia Snowe; Blanche L. Lincoln; Tim Johnson; John Breaux; Daniel K. Akaka; Max Baucus; Dick Lugar; Charles Schumer; Paul Wellstone; Chuck Robb; Kay Bailey Hutchison; Jay Rockefeller; Bob Graham; Jesse Helms; John Edwards; Bob Kerrey; John McCain; John F. Kerry, Barbara Boxer.

NATIONAL GOVERNORS' ASSOCIATION,
Washington, DC, June 21, 2000.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate, Washington, DC.

Hon. THOMAS A. DASCHLE,
Minority Leader, U.S. Senate, Washington, DC.

DEAR MR. LEADER AND SENATOR DASCHLE: I am writing to make clear the strong opposition of the nation's Governors to cuts in funding for key state health and human services programs as contained in the Labor, Health and Human Services, and Education appropriations bill for fiscal 2001. By proposing cuts in the State Children's Health Insurance Program (S–CHIP), Social Services Block Grant (SSBG) and Temporary Assistance for Needy Families (TANF), Congress is breaking commitments made to the states, and the nation's Governors urge you to restore funds to these vital programs.

The Governors' are united in their opposition to the proposed cuts in S–CHIP. This is not a formula fight; this is a weakening of the state-federal partnership that is so vital to the success of this program. It sets a truly disturbing precedent. It is already causing some states to reevaluate the speed of their efforts to expand their programs to reach more children.

The proposed cuts in S–CHIP, SSBG and TANF will cause a disruption in crucial services to the most vulnerable citizens throughout the country—from assistance for individuals moving from welfare to work, to health care for uninsured children, to protective services for children and the elderly. In all three of these programs, Congress has made a commitment to Governors that they can rely on guaranteed, mandatory federal funding. In order to continue with the positive progress made in recent years in moving individuals from welfare to work, increasing the number of children placed in adoptive homes from foster care, and insuring more children in need, Governors must be able to rely on their federal partners.

The nation's Governors strongly urge you to reject these cuts and uphold the historic state-federal partnership for serving individuals in need.

Sincerely,

MICHAEL O. LEAVITT,
Governor.

PARRIS N. GLENDENING,
Governor.

OFFICE OF THE GOVERNOR,
Indianapolis, IN, May 23, 2000.

Hon. EVAN BAYH,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR BAYH: During the last several weeks, a great deal of national attention has been focused on Indiana's Hoosier Healthwise program, our statewide initiative that has received funding from the State's Children's Health Insurance Program (SCHIP) since 1998. I was delighted when Kathy Gifford, the State's Medicaid Director, testified last Tuesday before the House Ways and Means Subcommittee on Human Resources on Indiana's success in insuring low-income children—some 120,000 new enrollees since July 1998.

In her testimony, Ms. Gifford also raised two issues of serious concern to me and of great importance to Indiana's children. First, she described how Indiana faces a decrease in its fiscal year (FY) 2000 SCHIP allotment that will impede the State's ability to continue insuring low-income children. She also voiced concern that the Senate Appropriations Committee voted last week to redirect funds from the SCHIP account to fund other programs in the Labor-HHS-Education Appropriations Bill for FY 2001.

From its inception, the SCHIP program has put Indiana at a funding disadvantage. State allocations are based on unreliable Current Population Survey (CPS) data that underestimates the number of eligible Hoosier children. My administration is now undertaking its own survey of 10,000 Hoosier families to produce more accurate data on the number uninsured persons in our state.

After 18 months of implementation, Indiana's Hoosier Healthwise enrollment already exceeded the CPS-derived estimate for the number of uninsured children below the age of 18 living in families up to 150 percent of the federal poverty level. In January 2000, eligibility was expanded to cover children in families at up to 200 percent of poverty, which will greatly add to the current total enrollment of 330,000 young Hoosiers.

Indiana's success has placed it among a handful of states that will have spent all of their first-year SCHIP allotment (FY 1998) by the end of this fiscal year (FY 2000). However, due to the faulty allotment calculations, Indiana stands to lose 10 percent of its current SCHIP funding this year. In fact, Indiana is one of just two states that will have spent their entire 1998 program allotments and experience a cut in funds. Most other states that will have fully expended their allotments will receive an increase of at least 12 percent. So long as the data on which the allocations are based remains out of line with the true need for children's health insurance in Indiana, Hoosier Healthwise could continue to lose funding even as we enroll more kids.

Indiana has demonstrated its commitment to implement SCHIP, but is losing federal funds. Other states that have not shown the same enrollment success are slated to get increased allotments. This inequity fails to maximize the funds available to provide coverage for America's children. I also note Indiana's commitment of $47 million of its tobacco settlement over two years to Hoosier Healthwise as evidence of our resolve to help children lead heathlier and happier lives. However, any decrease in federal SCHIP funding at this time threatens the great strides we have made to improve the health and lives of the children of our state.

The Senate Appropriations Committee's decision to ''borrow'' any unspent 1998 SCHIP program dollars to pay for other programs in the Labor-HHS-Education Appropriations Bill will make matters worse. These unspent dollars (estimated by the Health Care Financing Administration to be $1.9 billion), would otherwise be required under the SCHIP law to be redistributed to states, like Indiana, that had fully expended their entire FY 1998 SCHIP allocations. The effort to redirect money away from our nation's children now, to pay it back in 2003, after the current SCHIP program expires the previous year, defies common sense. SCHIP is not a permanently authorized program; if Congress cuts these funds, health coverage for thousands of children in Indiana and millions across the country may be jeopardized.

I implore you to work with other members of the Indiana Congressional Delegation to protect Indiana's health care gains and the State Children's Health Insurance Program. With your help, we are hoping to at least avoid any reduction of federal SCHIP support below the FY 1999 level of $70.2 million.

Thank you for any consideration you may give to our request for assistance.

Sincerely,

FRANK O'BANNON.

Mr. GRAHAM. Mr. President, as our distinguished colleague from Delaware has so eloquently said, the cuts which

this Labor/HHS appropriations bill imposes upon several of our most important social programs are simply unacceptable.

In 1996, I stood with Chairman ROTH as the Senate Finance Committee joined the House Ways and Means Committee in authorizing the social services block grant at $2.38 billion through 2003. This authorization was a part of our commitment to the states in the welfare reform laws.

The social service block grant allocates important funds to our states, enabling them to provide valuable services to our most needy citizens.

Because of this block grant, senior citizens receive Meals on Wheels. Neglected children receive foster care and adoption services. Working parents receive day care for their children and adult day care for their aging parents. Those being abused receive protective help.

These services have become an integral part of our communities, expanding and enriching the lives of our young and old, our poor and vulnerable.

If the social services block grant is cut to the draconian level appropriated by this bill . . . well, the future of these vital services is in grave danger.

We have already reneged once on this commitment—in 1998, when in an 11th hour budgetary slight-of-hand, we used title XX funds to finance our road and highway spending.

We revisited this topic again last year when, despite a vote of 59–37 in favor of restoring title XX to its authorized level of $2.38 billion, the social services block grant was again the victim of an end-game mugging, leaving only $1.7 billion of available funds.

The $1.1 billion cut to SSBG in the Senate Labor, Health and Human Services, and Education bill would have forced our states to operate with a budget that has been cut by 65%.

We return to the Floor time and time again on this issue because Congress continues to break the commitments it has made to our states.

We slash these important programs under the guise of fiscal prudence and we perpetuate the illusion that we are not ''breaking the budget caps.''

But, what we are really doing is robbing Peter to pay Paul.

And, that means that we are not only breaking our promise to the states, we are reneging on the commitment that we made to our most vulnerable Americans.

It is imperative that these monies be restored, and that the funding of the social services block grant be restored to the authorized level of $1.7 billion.

I, along with Senators GRASSLEY, JEFFORDS, ROCKEFELLER, VOINOVICH, MOYNIHAN, WELLSTONE, and KENNEDY, was prepared to offer an amendment to restore funding to the social services block grant.

I am pleased that the Senator from Alaska has alleviated that need.

I appreciate the leadership Senator STEVENS is showing today by pledging to restore these funds to our important SSBG, S–CHIP and TANF programs.

I hope that this act represents the end of the long string of broken promises that we have made to states, localities, and most of all, our citizens in need.

Mr. HATCH. Mr. President, I would like to take just a few minutes to express my extreme pleasure with the agreement reached by the Chairman of the Finance Committee, Senator ROTH, and the Chairman of the Appropriations Committee, Senator STEVENS, restoring funding for the Children's Health Insurance Program.

I am delighted that an agreement has been reached by the two chairmen on restoring funding—not only for the CHIP program—but also for the Social Services Block Grant program.

These two important programs affect the lives of millions of Americans daily and are critically important in my home state of Utah.

As the original sponsor of the child health program, I was particularly concerned about the committee provision and—not only its potential impact on children already enrolled in CHIP—but especially on those children who are eligible but not yet enrolled.

This is why I wanted to come to the floor and personally thank the distinguished Chairman of the Appropriations Committee for agreeing to restore the $1.9 billion in federal spending for CHIP as well as the $1.1 billion reduction in the Social Services Block Grant.

Moreover, I understand that the Chairman has also agreed to restore $240 million in funding for the Temporary Aid for Needy Families program. This is also an important improvement to the committee bill.

I want to commend Senator STEVENS for working with us on the Finance Committee in resolving this very difficult funding issue.

Moreover, I want to commend our chairman, Senator ROTH, for his steadfast leadership in leading the charge at preserving the underlying funding for these critically important programs.

I can appreciate the difficult work that the Chairman and all the Members on the Appropriations Committee have faced in crafting a bill that addresses the needs of the American people while complying with the fiscal constraints necessary to balance the federal budget.

It is not an easy task recognizing the numerous demands placed on the committee by many worthy programs and causes.

As one of the original sponsors of the CHIP legislation, I am particularly concerned about any mid-course changes to this important program that could undermine our ability to enroll eligible children.

In my state of Utah, nearly 18,000 kids have benefitted from CHIP.

Had the committee provision been enacted, the Utah CHIP program would have seen a $1.7 million reduction in its fiscal year 1998 allocation.

And, as we now know, one of the critical problems facing the program has been the outreach effort to enroll eligible children.

Clearly, we do not want to undermine the success we have had to date in which there are now more than two million children enrolled nationwide.

As with any new initiative, it takes time to get these programs up and running. This is especially true in view of the fact that CHIP is administered at the state level and, therefore, it takes more time to get these programs fully operational.

I have heard from many constituents who are concerned about these proposed funding cuts.

They point out to me that there is a substantial lead time required to establish the outreach necessary to sign up new enrollees. That work is underway.

I am very proud of the job Utah is doing under the leadership of our Governor Mike Leavitt and with the help of many, many community organizations doing such excellent work in the field—but we are not there yet.

That is why the proposed cuts could have been so harmful.

Mr. President, the CHIP program has been a resounding success across the country with all fifty states providing some form of CHIP services to eligible children.

It has truly been remarkable the level of support we have seen from many groups across the country opposed to the proposed CHIP funding reductions.

Not only has there been strong, bipartisan support in the Senate against the reductions, but we also have heard from the National Governors Association and scores of other advocacy organizations including the American Hospital Association, the Children's Defense Fund, and the Girl Scouts of the USA expressing strong opposition to any reductions in CHIP funding.

Once again, I thank Senator STEVENS and Senator ROTH for this agreement as it sends a clear signal that CHIP is, indeed, fulfilling its mission to America's youth.

Thank you Mr. President and I yield the floor.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

• Mr. MOYNIHAN. Mr. President, I join my colleagues in opposition to two key provisions which should not have been included in this appropriations bill. I commend my colleagues, particularly Chairman STEVENS and Chairman ROTH, for reaching an understanding that the funds taken by these provisions will be entirely restored in the conference report on the Labor/HHS appropriations bill.

The first provision relates to the State Children's Health Insurance Program (SCHIP) we created in 1997. Put simply, it will prevent uninsured, low-income children from receiving health care services they need and may even jeopardize the future of this critically

important children's health program. Enrollment in SCHIP has been increasing—doubling from just under 1 million to 2 million children between 1998 and 1999. But the SCHIP funding cut included in the Labor-HHS bill will undermine this progress and discourage State efforts to increase enrollment. If the precedent is set for using these funds as offsets, States could not rely on the future availability of their SCHIP allotments.

The second provision is a massive unwarranted cut in funds for the Social Services Block Grant, from $1.7 billion to $600 million. SSBG is a most flexible source of social services funding. The States and local communities decide, within broad parameters, which needs to address. Among many things, SSBG supports:

Help for the home-bound elderly;
Assistance for adoptive families;
Elder abuse prevention; and
Foster care for abused children.

In my own State of New York, we use most of our SSBG funds to provide child protective services and for day care. There is no reason to, in the words of the President, ''bankrupt'' SSBG.

I recognize that the Labor-HHS Appropriations Subcommittee faced very difficult decisions in light of the unreasonably low allocation it received. These problems were created by the FY 2001 Budget Resolution which underfunded this and other appropriations measures while providing for a large tax cut. This tax cut, if merited, should not be paid for by limiting insurance coverage for low-income children and reducing help to the aged and disabled.

With the Congressional Budget Office expected to increase its estimate of the on-budget surplus, there is no good reason for these two provisions.●

AMENDMENT NO. 3625

Mr. KENNEDY. Mr. President, I join my colleagues, Senator COCHRAN and Senator FRIST, in supporting this important amendment that will provide $25 million for CDC's programs on antimicrobial resistance. Deadly microbes are becoming increasingly resistant to the antibiotics that we have relied on to fight infections for more than half a century. Already, drug-resistant infections claim the lives of 14,000 Americans every year—meaning that every hour of every day, a family suffers the tragedy of losing a loved one to an infection that not long ago could have been cured with a pill. At a time when scientists are making amazing new discoveries in genetic medicine, it is a tragic irony that we are losing our battle against some of humanity's most ancient disease foes.

The amendment that we have introduced will strengthen the nation's defenses against disease-causing microbes that are becoming resistant to existing medications. The new resources will be used for research into the best ways to control the spread of resistant infections. The amendment will also fund education programs to make certain that doctors know when to prescribe antibiotics—and when not to. In addition, the extra funds provided by the amendment will help hospitals and clinics establish disease control programs to halt the spread of resistant infections in patients. Finally, new resources will strengthen the nation's public health agencies, which are the front line in the fight against disease. By fortifying these defenses, we can provide the country with increased protection against disease outbreaks of all types, including deliberate bioterrorist attack. I urge my colleagues to approve this amendment.

The ACTING PRESIDENT pro tempore. All time has expired.

Mr. WARNER. Mr. President, I ask for the yeas and nays.

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

There appears to be a sufficient second.

The question is on agreeing to amendment No. 3625. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Montana (Mr. BAUCUS), the Senator from Hawaii (Mr. INOUYE), the Senator from New York (Mr. MOYNIHAN) and the Senator from New York (Mr. SCHUMER) are necessarily absent.

Mr. BYRD. Mr. President, may we have order in the Well?

The PRESIDING OFFICER (Mr. CRAPO). The Senate will come to order.

Mr. BYRD. Will the Chair call for order in the Well?

The PRESIDING OFFICER. The Senators in the Well will please remove their conversations from the Well.

Mr. BYRD. Mr. President, I don't believe all the Senators heard the Chair.

The PRESIDING OFFICER. Will all Senators in the Well please remove their conversations. Senators desiring to speak should clear the Well.

Mr. BYRD. I thank the Chair.

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

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 145 Leg.]

YEAS—96

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

NOT VOTING—4

Baucus	Moynihan
Inouye	Schumer

The amendment (No. 3625) was agreed to.

AMENDMENT NO. 3610

The PRESIDING OFFICER. The Senate will now return to consideration of amendment No. 3610. The Senator from New Hampshire.

AMENDMENT NO. 3628 TO AMENDMENT NO. 3610

(Purpose: To prohibit funds for the purchase of fetal tissue)

Mr. SMITH of New Hampshire. Mr. President, I offer a second-degree amendment to the pending amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH] proposes an amendment numbered 3628 to amendment No. 3610.

At the appropriate place, add the following:

''SEC. . PURCHASE OF FETAL TISSUE.

''None of the funds made available in this Act may be used to pay, reimburse, or otherwise compensate, directly or indirectly, any abortion provider, fetal tissue procurement contractor, or tissue resource source, for fetal tissue, or the cost of collecting, transferring, or otherwise processing fetal tissue, if such fetal tissue is obtained from induced abortions.''.

Several Senators addressed the Chair.

Mr. SMITH of New Hampshire. Mr. President, do I still have the floor?

Several Senators addressed the Chair.

The PRESIDING OFFICER. Senator HARKIN is recognized.

Mr. HARKIN. Mr. President, 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. SPECTER. 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. SPECTER. Mr. President, at the outset, I ask all Senators who have an interest in offering amendments to come to the floor so we can proceed to move this bill forward. At the moment, we have three amendments which are pending, which are up for consideration. We have the amendment offered by the distinguished Senator from New Hampshire, Mr. SMITH, and he is prepared to withdraw his amendment in the nature of a second-degree amendment to Senator MCCAIN's amendment on a consent agreement that his amendment will not be second degreed.

The distinguished Senator from Nevada, Mr. REID, has an interest in debating his amendment only for a few

minutes later but having it listed for a vote later today.

Senator MCCAIN is prepared to debate his amendment briefly now and then when Senator LEAHY is available to debate his amendment at greater length.

I ask unanimous consent that there be no second-degree amendment to the SMITH amendment—the distinguished Senator from Iowa says there cannot be an agreement on the pending SMITH amendment. Until we clarify that, my suggestion is that we proceed with debate on Senator SMITH's amendment at this time for however long that takes and then proceed to debate Senator MCCAIN's amendment for however long that takes. We will try to get the procedures worked out.

In the interim, we will be considering the amendment by Senator KERRY from Massachusetts. Again, I ask anybody who has an amendment to offer to come to the floor as promptly as possible.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, Senator HARKIN and Senator SPECTER were here yesterday. There was relatively no business conducted because there were no amendments offered. It is now Tuesday, and we are going to get tremendous pressure from the two leaders to move this bill along.

Tomorrow will be Wednesday. On Thursday, people will be talking about leaving here. I think everyone should be put on notice that there may not be an opportunity to offer all these amendments that people want to offer on this very important piece of legislation unless they start coming down today. We need people to offer amendments on this legislation.

Is that fair to say, I ask the Chairman?

Mr. SPECTER. I thank the Senator from Nevada for his comments. In the absence of a vote on Monday, it was hard to find business; we could not find it yesterday. We have had a vote. Senators are in town and on campus. When the Senator from Nevada talks about finishing the bill this week, the majority leader told me last week that this bill would be finished, if we had to work through Saturday. That is specifically what Senator LOTT said. That is when he anticipated starting the bill about Wednesday of this week.

The majority leader would like to finish this bill no later than tomorrow so that he could start on other business, perhaps the Interior bill on Thursday. So I say that what the Senator from Nevada has announced is exactly right, that if Senators want their amendments to be considered, now is the time.

Mr. REID. I also say to the Senator, the two managers of the bill are going to try to have a time for setting forth what amendments people want to offer—not that it would be a filing deadline—so we have a finite list of amendments we can look at. We hope the two managers can agree on some time later that we can do that.

I also ask permission—Senator HOLLINGS has been here all morning. He has 7 minutes he wishes to use as in morning business. I hope, after Senator SMITH speaks and Senator MCCAIN speaks, that Senator HOLLINGS may be recognized to introduce a bill for 7 minutes.

Mr. SPECTER. If the Senator would yield, on the first point, we have sought to get a list of amendments. We will hopefully seek a unanimous consent agreement by the end of the day as to the amendments which are going to be offered. And we will accommodate the distinguished Senator from South Carolina, although I have never heard Senator HOLLINGS speak for as little as 7 minutes. I am looking forward to that speech myself.

Mr. President, I suggest we proceed now with Senator SMITH, Senator MCCAIN, and then Senator HOLLINGS.

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENT NO. 3628

Mr. SMITH of New Hampshire. Mr. President, the amendment I have offered is a very simple one. It says that none of the funds made available in this act may be used to pay—either directly or indirectly—reimburse, or otherwise compensate any abortion provider, fetal tissue procurement contractor, or tissue resource source for fetal tissue or the cost of collecting, transferring, or otherwise processing fetal tissue if that tissue is obtained from induced abortions.

So this amendment is not going to shut down any research using fetal tissue. Some will say that, but that is not the case. It will not do that.

I believe it is morally wrong to take the life of an innocent child, an unborn child, in order to advance the health needs of another human being because that child has given no consent for that. So, to be perfectly honest, it would be fine with me if fetal tissue research, using elective abortions, were abolished, but that is not what this amendment is about.

I am absolutely in favor of using fetal tissue obtained from spontaneous abortions or miscarriages. There is a difference between a miscarriage and an induced abortion. The difference is that one innocent human life was not deliberately destroyed for the sake of another. In fact, Georgetown Hospital currently conducts research using only spontaneous abortions—very successfully I might add.

So this is a reasonable amendment. I am hoping I will be able to work with the other side on this issue to come to some conclusion so it will not be a huge controversy on this bill. We have been working with the distinguished Senator from Pennsylvania on that.

But I want to make it clear I am not prohibiting the use of aborted fetuses for research. I am only advocating that Federal taxpayer funds should not be used to pay an abortion clinic or middleman who acts as a fetal tissue procurement contractor for such tissue.

Let me repeat this important point. My amendment allows the Federal Government to use fetal tissue from induced abortions, but they cannot pay an abortion provider or a middleman for that tissue, which includes his costs associated with preservation, storage, processing, and so on, because, according to the NIH, there does not seem to be a necessity for a middleman.

So the amendment I am offering is really quite simple: No purchasing of fetal tissue from induced abortions.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 3610

Mr. MCCAIN. Mr. President, the amendment I have pending, following the disposition of the Smith amendment, requires that the schools and libraries that are taking advantage of universal service subsidies for Internet connection deploy blocking or filtering software to screen out obscene material and child pornography for children and child pornography on all computers. The decisions would be made by the local school boards and library boards.

The Senator from Vermont, Mr. LEAHY, has asked to speak on this issue and requests that we begin that sometime around noon.

So if it is agreeable to the Senator from Pennsylvania and the Senator from Iowa, perhaps we could have an hour equally divided between myself and Senator LEAHY. I think that would be—actually, we will ask Senator LEAHY's staff if that is agreeable to him and then ask for a UC on that.

Mr. REID. If I could respond, Senator HARKIN didn't get the information, I was just told. Senator LEAHY has notified us he may want to second degree the McCain amendment, so we cannot agree to a time agreement.

Mr. MCCAIN. That is fine. So I will not ask for a unanimous consent agreement on time, but the way I understand it, we now have a Smith amendment to be disposed of first.

I want to make it clear that I do not wish to impede the progress of this bill. I paid attention to the Senator from Pennsylvania, and I am very much in favor of a reasonable time agreement on this amendment.

Mr. REID. Will the Senator yield?

Mr. MCCAIN. I am glad to yield to the Senator from Nevada.

Mr. REID. I am confident that when Senator LEAHY can devote his full attention to the matter, something can be worked out. He is ranking member of the Judiciary Committee, and I believe they are in executive session, or if not executive session, something very important, and he had to leave the floor. He said he will be able to be back here in approximately an hour to work on this. So we will protect him until then and see what happens when he arrives.

Mr. MCCAIN. Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there objection?

Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. MCCAIN. Mr. President, I see my dear friend from South Carolina waiting to illuminate all of us, so I will yield the floor at this time and pursue debate on this amendment at such time as Senator LEAHY is available.

I yield the floor.

Mr. REID. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. It is my understanding the Senator from Arizona could not ask for the yeas and nays because his amendment is not pending. Is that true?

The PRESIDING OFFICER. The Senator's amendment is pending with an amendment pending also in the second degree. Therefore, he can ask for the yeas and nays only by unanimous consent.

Mr. REID. I appreciate the Chair's help.

The PRESIDING OFFICER. The Senator from South Carolina.

(The remarks of Mr. HOLLINGS pertaining to the introduction of S. 2793 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. HOLLINGS. 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. SPECTER. 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. SPECTER. Mr. President, Senator WYDEN is on his way to offer an amendment. We are renewing our call for Members who have amendments to offer to come to the floor. We have an extensive list of proposed amendments. Again, I emphasize the urgency of this request at this moment.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I have two amendments here that are ready to be offered. Will the manager tell me why I can't offer these at this time?

Mr. SPECTER. By all means, we look forward to them being offered.

Mr. REID. Mr. President, I ask unanimous consent that the pending amendments be temporarily laid aside.

The PRESIDING OFFICER. Without objection, the pending amendments are laid aside.

AMENDMENT NO. 3629

(Purpose: To express the sense of the Senate concerning needlestick injury prevention)

Mr. REID. 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 Nevada [Mr. REID] proposes an amendment numbered 3629.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert the following:

SENSE OF THE SENATE ON PREVENTION OF NEEDLESTICK INJURIES

SEC. ____. (a) FINDINGS.—The Senate finds that—

(1) the Centers for Disease Control and Prevention reports that American health care workers report 600,000–800,000 needlestick and sharps injuries each year;

(2) the occurrence of needlestick injuries is believed to be widely under-reported;

(3) needlestick and sharps injuries result in at least 1,000 new cases of health care workers with HIV, hepatitis C or hepatitis B every year; and

(4) more than 80 percent of needlestick injuries can be prevented through the use of safer devices.

(5) OSHA's November 1999 Compliance Directive has helped clarify the duty of employers to use safer needle devices to protect their workers. However, millions of State and local government employees are not covered by OSHA's bloodborne pathogen standard and are not protected against the hazards of needlesticks.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Senate should pass legislation that would eliminate or minimize the significant risk of needlestick injury to health care workers.

AMENDMENT NO. 3630

(Purpose: To provide for the establishment of a clearinghouse on safe needle technology)

Mr. REID. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment will be laid aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada (Mr. REID) proposes an amendment numbered 3630.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 54, between lines 10 and 11, insert the following:

SEC. ____. (a) IN GENERAL.—There is appropriated $10,000,000 that may be used by the Director of the National Institute for Occupational Safety and Health to—

(1) establish and maintain a national database on existing needleless systems and sharps with engineered sharps injury protections;

(2) develop a set of evaluation criteria for use by employers, employees, and other persons when they are evaluating and selecting needleless systems and sharps with engineered sharps injury protections;

(3) develop a model training curriculum to train employers, employees, and other persons on the process of evaluating needleless systems and sharps with engineered sharps injury protections and to the extent feasible to provide technical assistance to persons who request such assistance; and

(4) establish a national system to collect comprehensive data on needlestick injuries to health care workers, including data on mechanisms to analyze and evaluate prevention interventions in relation to needlestick injury occurrence.

(b) DEFINITIONS.—In this section:

(1) EMPLOYER.—The term ''employer'' means each employer having an employee with occupational exposure to human blood or other material potentially containing bloodborne pathogens.

(2) ENGINEERED SHARPS INJURY PROTECTIONS.—The term ''engineered sharps injury protections'' means—

(A) a physical attribute built into a needle device used for withdrawing body fluids, accessing a vein or artery, or administering medications or other fluids, that effectively reduces the risk of an exposure incident by a mechanism such as barrier creation, blunting, encapsulation, withdrawal, retraction, destruction, or other effective mechanisms; or

(B) a physical attribute built into any other type of needle device, or into a non-needle sharp, which effectively reduces the risk of an exposure incident.

(3) NEEDLELESS SYSTEM.—The term ''needleless system'' means a device that does not use needles for—

(A) the withdrawal of body fluids after initial venous or arterial access is established;

(B) the administration of medication or fluids; and

(C) any other procedure involving the potential for an exposure incident.

(4) SHARP.—The term ''sharp'' means any object used or encountered in a health care setting that can be reasonably anticipated to penetrate the skin or any other part of the body, and to result in an exposure incident, including, but not limited to, needle devices, scalpels, lancets, broken glass, broken capillary tubes, exposed ends of dental wires and dental knives, drills, and burs.

(5) SHARPS INJURY.—The term ''sharps injury'' means any injury caused by a sharp, including cuts, abrasions, or needlesticks.

(c) OFFSET.—Amounts made available under this Act for the travel, consulting, and printing services for the Department of Labor, the Department of Health and Human Services, and the Department of Education shall be reduced on a pro rata basis by $10,000,000.

Mr. REID. Mr. President, I spoke about these two amendments at some length yesterday. I will abbreviate what I said yesterday. Every year, 600,000 injuries occur as a result of nurses and other health care professionals being stuck accidentally by needles. It is not because of any negligence on their part. It is because of the dangerousness of their work.

Approximately every 35 seconds, someone—usually a nurse—is stuck with a needle. It is estimated that the number of reported cases is underestimated. It is probably every 15 seconds, 24 hours a day, 7 days a week, that these individuals are injured. So we have at least 20 diseases that are transmitted very easily by being stuck with needles.

I gave the account yesterday of two nurses. We could have given hundreds of thousands of different examples, but we gave two people—one was a woman from Reno, NV, and the other a woman from Massachusetts—whose lives were dramatically altered as a result of being stuck with needles while being nurses. One of them takes 21 pills a day; the other takes 22 pills a day. They are very, very ill—HIV and hepatitis C.

The purpose of these amendments is to have there be a standard established so that this, in fact, will not take place in the future. There are already needleless instruments that can be used, which work just as well. The only problem is they are a little bit more expensive, and the health care system wants to save every penny, so they don't use them. In the short term and in the long term, money would be saved if, in fact, we used these new devices.

The lost time from individuals being stuck with these needles is very significant. People become disabled very quickly. So we need to stop this practice and have the Federal Government join with the private sector, in effect, to do away with needles as we now know them.

I would be happy to answer any questions Senators may have. This is something that has been debated in the past. It should become effective immediately.

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. SPECTER. 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. SPECTER. Mr. President, with respect to the first amendment by the Senator from Nevada, a sense of the Senate respecting legislation to eliminate or minimize the significant risk of needlestick injury to health care workers, it is my understanding that the Senator from Nevada has such legislation which is pending, and it is obviously a very worthwhile objective. It is my view that we ought to move such legislation as promptly as possible. There is a serious problem and, to the extent it can be eliminated or minimized, I am all for it. We would accept this amendment.

Mr. REID. I appreciate the managers accepting this sense-of-the-Senate amendment. I look forward to working with the Senators on the underlying legislation pending in this regard.

Mr. SPECTER. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3629) was agreed to.

Mr. SPECTER. Mr. President, the second amendment offered by the Senator from Nevada to add $10 million to the National Institute for Occupational Safety and Health that would come from administrative costs, is what we think a worthwhile objective. We are candid to say that the charges to administration are now very heavy.

So it would be my intention to accept this amendment, subject to the understanding that we are going to have to work out in conference where the funding will come from. After a while, the administrative costs deduction is so overburdened that it becomes intolerable, but subject to that limitation, we will be prepared to accept the amendment on this side.

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. SPECTER. 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. SPECTER. Mr. President, coming back to the amendment offered by the Senator from Nevada for $10 million to be added to the National Institute for Occupational Safety and Health out of administrative costs, we are prepared to take it at this time. Again, this is subject to the understanding that there is quite a bit of money taken out of administrative costs, and this is something we will have to work out in conference.

The PRESIDING OFFICER. Without objection, amendment No. 3630 is agreed to.

The amendment (No. 3630) was agreed to.

AMENDMENT NO. 3626, WITHDRAWN

Mr. REID. Mr. President, there are some other amendments that I have in relation to this subject. I ask unanimous consent that they be withdrawn.

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

Amendment 3626 is withdrawn.

Mr. SPECTER. Mr. President, 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 to lay aside the pending amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 3632

Mr. WYDEN. Mr. President, very shortly I will be sending to the desk an amendment to deal with an issue of extraordinary importance; that is, the question of pharmaceuticals that get to the market to a great extent through taxpayer-funded research.

From the very beginning of this debate on prescription drugs, I teamed up with Senator OLYMPIA SNOWE of Maine on this issue. I believe this prescription drug issue is so extraordinarily important that it has to be pursued in a bipartisan fashion.

We have seen that there is an enormous interest in this country on the question of prescription drugs, and it has become a heated and contentious debate. In an effort to try to ensure this discussion was bipartisan at every level, in developing the amendment I will very shortly offer, I consulted at some length with the chairman of the subcommittee, Senator SPECTER of Pennsylvania, as well as Senator HARKIN, the ranking minority member.

Because he is on the floor, at this time I would especially like to thank Chairman SPECTER and his staff for all the efforts to work with us on this matter. Chairman SPECTER has been very gracious as well as his staff—I see Bettilou Taylor here—in making time to work with us on an amendment that I believe will be acceptable to both the majority and the minority when I send it to the desk.

In this discussion of the question of pharmaceuticals that get to market largely through taxpayer funds, I think it was said very clearly by Congressman BILL THOMAS, the chairman of the House Ways and Means Subcommittee on Health, and a member of the Republican leadership: ''When taxpayers' money is being spent, there ought to be a return on that investment.''

I am going to repeat that because I think it says it very well. Congressman BILL THOMAS, chairman of the House Ways and Means Committee subcommittee said: ''When taxpayers' money is being spent, there ought to be a return on that investment.''

I think what is critical at this point is that taxpayers and citizens of this country understand just how extensive the Federal investment in these pharmaceuticals is.

We all understand that the development of prescription medicine in this country is a risky business. You are going to have some successful investments. You also are going to have some dry holes. That is the nature of the free enterprise system. That is what entrepreneurship is all about. It is about risk taking, and it is about focusing on bright, creative ideas in the private marketplace. Particularly in the pharmaceutical sector, this approach has lead to nothing less than a revolution. So many of the medicines of today are central to keeping people well, and keeping folks healthy. They help to hold down blood pressure and cholesterol. As a result of those medicines, we end up very often seeing massive savings that would otherwise be incurred by what is called Part A of the Medicare program—the hospital portion of the program.

This exciting revolution in the pharmaceutical sector is one that we all appreciate. However, today we want to take special note of the fact that the taxpayers have contributed in a very significant way to that revolution.

According to the Joint Economic Committee, Federal research was instrumental in the development of 15 of the 21 drugs considered to have the highest therapeutic impact on society which were introduced between 1965 and 1992. Of those 15 pharmaceuticals, 7 have specific ties to the National Institutes of Health. Of those seven pharmaceuticals with direct connections to

the National Institutes of Health, three had more than $1 billion in sales in 1994, and in 1995.

Mr. President, I send my amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oregon (Mr. WYDEN) proposes an amendment numbered 3632:

SEC. . None of the funds made available under this Act may be made available to any entity under the Public Health Service Act after September 1, 2001, unless the Director of NIH has provided to the Chairman and Ranking Member of the Senate Committee on Health, Education, Labor, and Pensions a proposal to require a reasonable rate of return on both intramural and extramural research by March 31, 2001.

Mr. WYDEN. Mr. President, this amendment is very specific in that it directs the National Institutes of Health to bring to the Senate by March 31, 2001, a specific proposal for ensuring that research funded by the taxpayer be recognized in the development of pharmaceuticals, and that the companies that benefit from that research pay reasonable rates of return on the investment by the taxpayer.

I believe it is fair to all parties—to entrepreneurs, to researchers, to those in the pharmaceutical sector—and to all sides because it recognizes that this is a difficult issue.

There are some technical questions with respect to how this is done. In particular, the nature of the pharmaceutical discovery is one that has to be thought through very carefully. But at the same time acceptance of this amendment would bring a sense of urgency to this issue.

The Congress has a long history on this question. But the fact is that for some years there has not been adequate recognition of the fact that the taxpayer has done much of the heavy lifting in getting these pharmaceuticals to market. With this amendment we will ensure when the taxpayers play a significant role in a blockbuster drug that ends up producing very significant profits for an individual company that the taxpayers' investment will be recognized.

I am just going to take a few minutes on this matter and use an example with which I think we are familiar in the Congress but which has special ramifications for folks in my part of the United States, and that is the drug Taxol.

Before I do, I will ask unanimous consent to make a modest change, but a very important one, that also includes the Appropriations Committee.

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

AMENDMENT NO. 3632, AS MODIFIED

Mr. WYDEN. I send the modification to my amendment to the desk.

The PRESIDING OFFICER. It is so modified.

The amendment (No. 3632), as modified, is as follows:

At the end of title II insert the following:

SEC. . None of the funds made available under this Act may be made available to any entity under the Public Health Service Act after September 1, 2001, unless the Director of NIH has provided to the Chairman and Ranking Member of the Senate Committees on Appropriations and on Health, Education, Labor, and Pensions a proposal to require a reasonable rate of return on both intramural and extramural research by March 31, 2001.

Mr. WYDEN. Mr. President, I want to cite one example of a blockbuster drug that makes the case for why this amendment is so important. That drug is Taxol, a breakthrough drug used to fight cancer in women. It was originally made from the bark of the Pacific Yew tree. The National Institutes of Health developed this drug which last year produced $1.5 billion in sales for the Bristol-Myers Squibb Company.

Let me repeat that. This was a drug that was developed by the National Institutes of Health. This was not a drug that came about through the genius of the private sector. It was a drug developed at the National Institutes of Health by dedicated scientists who worked hard and were pushing with every ounce of their strength to come up with new products to help women.

I want to outline specifically what they did in this case because it is a very clear illustration of why this amendment is needed. With respect to Taxol, the National Institutes of Health did the initial collection and recollection of the bark of the Pacific Yew, which is the material from which the drug came. The National Institutes of Health performed all biological screening in both cell culture and animal tumor systems. The NIH did the chemical purification, isolation, and structure identification. The National Institutes of Health did large-scale production from bark collection through the preparation of material for human use. NIH developed and produced suitable intravenous drug formulations. They did the preclinical toxicology, they filed the Investigational New Drug Application, and they sponsored all the activities, including the efforts directed towards total and partial synthesis of the drug.

By the end of the fiscal year of 1992, NIH had invested $32 million. NIH could not manufacture the drug for commercial purposes, so it competitively bid to find a company to manufacture the drug. The Bristol-Myers Squibb Company was able to get exclusive rights to go forward with this pharmaceutical in the marketplace.

Frankly, at hearings I held in 1993, the company really could not specify what they had done at all, other than the preclinical work and research into alternatives.

So I come back to the fundamental proposition: Why is it that a pharmaceutical that was developed by the National Institutes of Health and resulted in $1.5 billion in sales in 1999 for Bristol-Myers Squibb resulted in no return on investment to the American taxpayer? This drug produced an enormous gain for an individual pharmaceutical company, yet the American taxpayer did not share in that gain. We are responsible to the taxpayer to be good financial stewards of their assets—in a sense the taxpayer saw their research walk out the door without adequate compensation for that massive taxpayer investment.

There are other examples of NIH research leading to block buster drugs.

One of those drugs found using NIH research and with more than $1 billion in sales is Prozac. The basic research in the development of Prozac was performed in the 1950s and 1960s by external researchers funded by NIH and researchers in NIH labs. Eli Lilly and Company developed Prozac based on this research.

In 1998, Prozac was third on the list of the top 200 brand-name prescription drugs in terms of units sold. Other drugs that relied on publicly-funded research were also on that list including Imitrex, Mevacor, and Zovirax.

Cisplatin is an anti-cancer drug discovered by a biophysicist at Michigan State University. National Cancer Institute scientists completed the pharmacology, toxicology, formulation, production and clinical trials. Michigan State University then licensed its patent to Bristol-Myers Squibb and the drug is used today to treat several types of cancer.

All of my colleagues have met with constituents suffering from diseases that we are so close to finding cures for. Diabetes and Parkinson's are just two areas that come to mind.

In this day of biomedical breakthroughs, it is important that the taxpayer not only see results of the research, but share in the gain that the multi-national drug companies also receive.

I have come to the floor, I think, now on more than 30 occasions to focus on the need for bipartisanship on this issue. Senator DASCHLE, in my view, has done yeoman's work, trying to bring people together. I hope we can, as we are seeking to do in this amendment, address these issues in a bipartisan fashion and particularly look to those areas with respect to prescription medicine that are going to be key for the future.

We know that absolutely vital to the health of this country is the research done at the National Institutes of Health. We have had many supporters in this body who have championed the cause of additional funding for NIH. I am especially appreciative of the work done by Senator MACK, for example, Senator HARKIN, and Senator SPECTER. They have been a bipartisan juggernaut, working for additional funding for research at the National Institutes of Health.

We also ought to recognize that when blockbuster drugs get to market as a result of that taxpayer-funded research, we have responsibilities to the taxpayers. We are stewards of their funds. It does not pass the smell test at

a townhall meeting to say that if the taxpayers spend vast sums for federally funded research and a company then makes huge profits in the private sector, the taxpayers get no return on that investment.

What we are making clear in this amendment is that Federal research should not be let go cheaply. It is important that taxpayers have a right to receive reimbursement when a blockbuster drug gets to market largely with their funds.

What this does is ensure, in a timely way, that the National Institutes of Health get to the Senate and the relevant committees a specific proposal to ensure, as Congressman BILL THOMAS, chairman of the House Ways and Means Subcommittee on Health, said recently:

> Where taxpayers' money is being spent, there ought to be a return on that investment.

That is what this amendment does. Because of the Government's increased role in pharmaceutical development, with so many of the breakthrough drugs, particularly the cancer drugs, coming about because the taxpayer has paid for medically significant research, this amendment, in my view, addresses one of the important issues in the health care arena.

I want to wrap up by expressing my appreciation to Senator SPECTER and Senator HARKIN. If this amendment is adopted, I believe early next year we will have a specific game plan, a roadmap to ensure that taxpayers' interests are protected when they have done the heavy lifting in pharmaceutical development while, at the same time, having been fair to the entrepreneurs and pharmaceutical firms and others that work in this area.

I hope this amendment will be accepted by the majority and the minority.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I commend the Senator from Oregon for this amendment. I think it is a good amendment and it puts the finger on a source of potential funding which would be fair and just. The National Institutes of Health have engaged in extraordinary research and have had phenomenal results. To the extent that research has resulted in profits to private companies, it is a fair request; it is fair to ask that the Federal Government share in those proceeds.

During the course of the past several years, our subcommittee has taken the lead on substantially increasing the funding for the National Institutes of Health. Four years ago, we raised the funding by almost $1 billion; 3 years ago, by $2 billion; last year, by $2.2 billion; and this year, $2.7 billion. We seek to bring the total funding for the National Institutes of Health to $20.5 billion.

Where we can find that private industry has benefited and made a profit, a fair return ought to be given to the NIH. It is preeminently reasonable to have that sort of provision in law, to ask the Director of the National Institutes of Health to make that report to the appropriate committees.

We are also considering the funding in terms of how much is spent for administrative costs. In the subcommittee, we are going to be directing inquiries to the recipients of NIH funds as to how much is being allocated for overhead and administrative costs. This is an effort to increase the moneys which may be available for research.

Phenomenal results have been achieved on a variety of ailments. Parkinson's is now perhaps as close to 5 years from being solved. There have been significant advances on Alzheimer's and heart disease. I printed the whole list in the RECORD during my opening statement.

I am glad to accept the amendment offered by the distinguished Senator from Oregon.

Mr. REID. There is no objection on this side.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3632, as modified.

The amendment (No. 3632), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oklahoma.

AMENDMENT NO. 3633

(Purpose: To increase funding for Impact Aid basic support payments and to provide an offset)

Mr. INHOFE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendments are laid aside. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Oklahoma [Mr. INHOFE], for himself, Mr. MURKOWSKI, and Mr. SESSIONS, proposes an amendment numbered 3633.

Mr. INHOFE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

> At the end of title III, insert the following:
>
> **SEC. ____. IMPACT AID.**
>
> Notwithstanding any other provision of this Act—
>
> (1) the total amount appropriated under this title to carry out title VIII of the Elementary and Secondary Education Act of 1965 shall be $1,108,200,000;
>
> (2) the total amount appropriated under this title for basic support payments under section 8003(b) of the Elementary and Secondary Education Act of 1965 shall be $896,200,000; and
>
> (3) amounts made available for the administrative and related expenses of the Departments of Labor, Health and Human Services, and Education shall be further reduced on a pro rata basis by $78,200,000.

Mr. INHOFE. Mr. President, this amendment addresses a subject with which we are all very familiar. In the early fifties, we put together a very good and effective Federal program to reimburse the States for revenue that was lost because of Federal activities—whether it was a military base or Indian reservation—anytime those properties were taken off the tax rolls. Yet that particular type of activity brought in additional students. It was set up to reimburse the local school districts.

It is called impact aid. It is one of the oldest Federal education programs dating back to the fifties. The rationale for compensation is Federal activity deprives local school districts of the ability to collect sufficient property and sales tax, even though the school district is obligated to provide free public education.

Since the early eighties, impact aid has not been fully funded despite the obligation of the Federal Government to make local school districts whole. We introduced some time ago a resolution that would do that very thing. It has the support of quite a number of Members of the Senate. In fact, I have a letter signed by a large number of Senators. I ask unanimous consent it be printed in the RECORD.

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

UNITED STATES SENATE,
Washington, DC, May 9, 2000.

Hon. ARLEN SPECTER,
Chairman, Labor, HHS, Education, and Related Agencies Subcommittee.

Hon. TOM HARKIN,
Ranking Member, Labor, HHS, Education and Related Agencies Subcommittee.

DEAR SENATORS SPECTER AND HARKIN: We recognize and appreciate the support you have shown in the past for the Impact Aid program. As you know, this vital funding source for local school districts began experiencing a shortfall in the early 1980's due to budget constraints. As a result, critical needs have been and continue to be unmet.

We also recognize that although the budget is in balance and there are now surpluses as opposed to deficits, funds are not unlimited. However, we would remind you that the Impact Aid program is an obligation of the Federal Government to make local school districts whole for federal activities which preclude them from collecting the necessary revenues to adequately fund their schools. Thus, we would like to propose annual increases in Section 8003(b) of the Impact Aid program of 12% until it is fully funded in FY 2004. Specifically, we would propose funding the program at 64% in FY 2001, 76% in FY 2002; 88% in FY 2003; and 100% in FY 2004.

A 12% increase in Section 8003(b) of the Impact Aid program in FY 2001, which constitutes the largest portion of Impact Aid dollars, would not only provide needed dollars to our local school districts, but would send a strong signal that the Federal Government is committed to fully funding this important education program. In some cases, every one dollar of Federal Impact Aid frees up one local dollar to purchase buses, do building maintenance or hire additional staff to lower pupil teacher ratios. However, there

are school districts that do not have the ability to make up the Impact Aid deficit because either they cannot afford it or there are restrictions on the local taxing authority which prevent them from increasing sales or property taxes to compensate for the lack of federal contribution. In these cases, needed infrastructure repairs, replacement of buses and textbooks or additional personnel just do not happen because there is no money. Continued under funding of this program puts a unreasonable and unfair burden on our schools. This inequity must be resolved.

We believe a phased-in full funding schedule is not only doable but is fiscally responsible. Thus, we would respectfully ask that you fund Section 8003(b) of the Impact Air program at a minimum of 64%. Listed below, are proposed funding levels for those sections of the Impact Aid program that are of most concern to our states.

[In millions]

	FY 2000 actual	Proposed FY 0000
Basic Support—8003(b)	$737.2	$896.2
Federal prop—8002	32.0	35.0
Special Ed—8003(d)	50.0	53.0
Construction—8007	10.1	10.1
Heavily Impacted—8007(f)	72.2	82.0
Facilities Maint—8008	5.0	5.0
Totals	906.5	[1] 1.08

[1] Billion.

Thank you.

Sincerely.

Jim Inhofe; George V. Voinovich; Dick Lugar; Jeff Sessions; Wayne Allard; Herb Kohl; Paul Wellstone; John Edwards; Olympia Snowe; Mike DeWine; Ben Nighthorse Campbell; Fred Thompson; Rod Grams; Peter G. Fitzgerald; Jesse Helms; Daniel P. Moynihan; Thad Cochran; Susan Collins.

Mr. INHOFE. Mr. President, my language would actually fully fund impact aid to all school districts in the country by fiscal year 2004. The effect it would have this year would be approximately $78.2 million. In discussing this with both the majority and the minority, I realized the offset we are suggesting; that is, to take it out of administrative overhead, is something that has already been done. I recognize that once they get to conference, they are going to have to shuffle these things around and see what actually can be done.

While I recognize that in the House and Senate bills there is an increase in impact aid, it does not have anything in the future that will reach full funding. I have a list here. Not one of the 50 States is 100 percent. Yet these are funds taken from the States due to Federal activities.

What I would like, perhaps with the understanding and the agreement of the chairman of the committee and the ranking member, is to go ahead and adopt this amendment which says, in the 4-year period, impact aid will be fully funded; however, there is to be an understanding it has to go into conference along with some other requests to see what actually can be worked out.

I want to have a colloquy with the chairman of the committee so we can have this understanding. The State of Pennsylvania is actually at 11 percent of being fully funded, which is not nearly as well as Oklahoma, which is at 37 percent. This is something that is an equity issue. It is not a distinction of 50 percent or 60 percent of full impact aid funding or 10 percent. It is an equity issue.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I commend my distinguished colleague from Oklahoma for offering this amendment because there is no doubt that the appropriations for impact aid are very important. As a basic matter of fairness to the States, this obligation ought to be undertaken by the Federal Government. It is candidly like many obligations the Federal Government ought to undertake which the Federal Government has not undertaken. One of the most notable examples is special education.

I have discussed this matter with my colleague from Oklahoma and think it worth putting into the RECORD the advances which the subcommittee, and now the full committee, have made on this important subject.

Last year, the total impact aid was $906.4 million. The request by the administration, according to information provided to me, is only $770 million. The House of Representatives in its bill has allocated $985 million. So the Senate is some $45 million higher now than is the House of Representatives.

I do recognize, as I said privately to the Senator from Oklahoma, the importance of this account and the desirability of increasing the funding.

We are prepared to accept the amendment on the understanding, as I discussed privately with Senator INHOFE and now state publicly for the record, that the funding comes out of administrative costs, and that is an item which has already been hit very hard.

A few moments ago, when the Senator from Nevada offered an amendment to add $10 million for NIOSH, we accepted the amendment, stating candidly, openly, that we would do our best in conference. That is the same thing I have told the distinguished Senator from Oklahoma: That we recognize the importance, the validity of the purpose, and we will do our best, but we are going to have to work out a great many complicated matters. On that state of the record, we are prepared to accept the amendment.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. While I support improving impact aid around the country, we are getting to the point where we accepted a $10 million cut in administrative costs, and we accepted some more before that, did we not?

Mr. SPECTER. We did.

Mr. HARKIN. Now we are going to accept $78 million in administrative costs, which we know we can't do?

I know I have some people on this side of the aisle who want to come over and offer amendments that will cut administrative costs.

I just ask my friend, the chairman, are we just going to accept them then? Are we going to accept every amendment that comes over that cuts administrative costs to increase education or whatever it might be? If we are going to do that, then I have no objection to the amendment of the Senator from Oklahoma. But if we are going to pick and choose, well, then, maybe we ought to think about which amendments and how we are going to balance these off between maybe amendments on that side and amendments on this side.

Are we going to have a $100 million cutoff or a $150 million cutoff on administrative costs and say we will take the first ones out of the block up to that point? Where do we draw the line?

We are going to have Senators on this side of the aisle come over here and offer amendments of the same magnitude, and they are going to take it out of administrative costs. I ask, will we just accept them?

Mr. SPECTER. Mr. President, if I may respond to my distinguished comanager, my view is, we will take a look at each one of them on an individual basis. We will assess the validity of the items, and we will accept them if they are valid. I do not know exactly what the cutoff figure is. I discussed candidly with the Senator from Oklahoma the difficulties of looking at $78 million.

Mr. HARKIN. That is a big item.

Mr. SPECTER. It is a very big item. The Senator from Oklahoma knows we will do our best.

Mr. INHOFE. Let me reclaim the floor, if I may, and respond to the Senator from Iowa.

For the first 30 years of this program, it was fully funded. I do not believe the Senator was in the Chamber when I first started talking about it. This is a reimbursement back to the States of money they have been deprived of as a result of Federal activity. That is a distinction between this and other programs.

For the Senator's State of Iowa, for example, you are getting 20 percent of what you would get if it were fully funded. It is an equity issue. Certainly, I have the understanding from the chairman—and I talked to the Senator from Nevada—and I recognize that when this gets into conference, there is going to be a problem weaving and sorting. But I cannot imagine any other program that would have a higher priority than this, to ultimately say it is our intent to get this fully funded back to where it was prior to the 1980s.

For that reason, I believe it has merit above some of the other programs that are coming. This is a reimbursement we agreed to back in the 1950s.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. McCAIN. 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. McCAIN. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The Inhofe amendment No. 3633.

Mr. McCAIN. Mr. President, I have a parliamentary inquiry. Where is the McCain amendment in the order of succession?

The PRESIDING OFFICER. It has been temporarily laid aside.

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

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

AMENDMENT NO. 3633, AS MODIFIED

Mr. INHOFE. Mr. President, I send my amendment back to the desk as modified and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

At the end of title III, insert the following:

SEC. ___. IMPACT AID.

Notwithstanding any other provision of this Act—

(1) the total amount appropriated under this title to carry out title VIII of the Elementary and Secondary Education Act of 1965 shall be $1,065,000,000;

(2) the total amount appropriated under this title for basic support payments under section 8003(b) of the Elementary and Secondary Education Act of 1965 shall be $853,000,000; and

(3) amounts made available for the administrative and related expenses of the Departments of Labor, Health and Human Services, and Education shall be further reduced on a pro rata basis by $78,200,000.

Mr. INHOFE. Mr. President, even though I believe we need to have a specific time in the future when Impact Aid is fully funded, I recognize there will have to be some kind of discipline in the number of amendments that are coming up to the Labor-HHS appropriations bill. For that reason, I have modified the amount down so that in the first year it will be $35 million as opposed to $78.2 million. I believe this has been agreed to on both sides.

Mr. HATCH. Mr. President, I rise today in strong support of the amendment offered by my colleague from Oklahoma, Senator INHOFE, to increase funds for the Impact Aid program. I have been a long time supporter of this vital program.

The Impact Aid program helps compensate states, like Utah, which are adversely affected by a federal presence. This program allocates funds to school districts where there are substantial concentrations of children whose parents both live and work on federally connected property and kids who parents either live or work on federally connected property. This is an extremely important program in Utah, especially in the southern part of my state.

Some may ask why this program is needed. The answer is simple. When the federal government owns or controls property, that property is lost to the tax base of state and local governments. The Impact Aid program was established for the purpose of compensating school districts for the tax revenue they lose given a federal presence.

I note with dismay and frustration that the Clinton Administration routinely eliminates portions of the Impact Aid program in its annual budget recommendations. Fortunately, however, this important program has been maintained and consistently funded. For that, I want to recognize the assistance of Senator SPECTER, Senator STEVENS, and the other members of the Appropriations Committee. Congress has kept this program viable.

Impact Aid is a vital program for Utah for many reasons. Utah needs every dollar it can get for our schools. Utah is a ''worst case scenario'' when it comes to the issue of school finance. We have the largest percentage of school age population in the country and the lowest percentage of working age adults. Because of this we have the lowest per-pupil expenditure in the country, despite the fact that our state allocates an extraordinary percentage of its tax revenue to education. Moreover, the adverse impact of a low per-pupil expenditure is felt over and over again because per pupil expenditure has become a factor in the funding formulas for a number of federal education programs.

To make matters worse, about 70 percent of Utah's land is federally connected. We have military bases, parks, forests, wilderness, BLM land, reservations, and, of course, a relatively new 1.7 million acre national monument.

If the Federal Government is going to own or control this much land in Utah, we need a fully funded Impact Aid program to offset the tax revenue losses to our schools. The federal government cannot improve education if they give with one hand and take away with the other. That is what the Clinton administration seems to be doing—advocating education funds only for those initiatives it has proposed, but financially starving federal education programs that send money directly to Utah school districts.

I am pleased to join my colleagues in support of the Impact Aid program. I urge senators to support this amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3633, as modified.

The amendment (No. 3633), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3610

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, it is my understanding that I will speak on my amendment and the time of the vote will be decided by the managers of the bill. I will speak on my amendment at this time and then probably will not need additional time, depending on the desires of the managers of the bill.

The purpose of this amendment is to protect America's children from exposure to obscene material, child pornography, or other material deemed inappropriate for minors while accessing the Internet from a school or library receiving federal Universal Service assistance by requiring such schools and libraries to deploy blocking or filtering technology on computers used by minors, and to block general access to obscene material, and child pornography on all computers. The amendment further requires that schools and libraries block child pornography on all computers.

The last few years have seen a dramatic expansion in Internet connections. The Internet connects more than 29 million host computers in more than 250 countries. Currently, the Internet is growing at a rate of approximately 40 percent to 50 percent annually. Some estimates of the number of U.S. Internet users are as high as 62 million.

Section 254 of the Telecommunications Act of 1996 added a new subsidy to the traditional Universal Service program, commonly referred to as the Schools and Libraries Discount, or e-rate. As implemented by the FCC, the e-rate is a $2.25 billion annual subsidy aimed at connecting schools and libraries to the Internet. This subsidy is funded through higher phone bills to customers.

There are approximately 86,000 public schools in the United States. In the first program year of the e-rate, 68,220 public schools participated in the program. That is approximately 68 percent of all public schools. Participation increased by 15 percent in the second year, from July 1, 1999 to June 30, 2000, with 78,722 public schools listed on funded applications. That is approximately 82 percent of all public schools. Simply put, the e-rate program helped connect one million classrooms to the Internet. Private school participation in the program has resulted in more than 80,000 additional American classrooms wired to the Internet. Statistics on libraries participating in the program mirror these dramatic numbers.

I lay out these statistics because they represent both the tremendous

promise and the exponential danger that wiring America's children to the Internet poses. Certainly, the Internet represents previously unimaginable education and information opportunities for our Nation's school children. However, there are also some very real risks. Pornography, including obscene material, child pornography, and indecent material is widely available on the Internet. This material may be accessed directly, or may turn up as the product of a general Internet search. Seemingly innocuous keyword searches like ''Barbie doll,'' ''playground,'' ''boy'' and ''girl'' can turn up some of the most offensive and shocking pornography imaginable. Though, due to the amorphous nature of the Internet, it is difficult to precisely establish the amount of pornography available on the Internet. According to US News & World Report, there are ''at least 40,000 sex-oriented sites on the Web.'' This number does not include Usenet newsgroups, and pornographic spam.

Many who oppose efforts to protect children from exposure to pornography over the Internet dismiss such efforts as moralizing, as if it isn't enough to argue for the protection of innocence. Mr. President, I am content to make my stand on the vital importance of sheltering the purity of our children's moral innocence. However, the need to protect our children exceeds the basic moral argument. Natural sexual development occurs gradually, throughout childhood. Exposure of children to pornography distorts this natural development. As Dr. Mary Anne Layden, Director of Education at the University of Pennsylvania School of Cognitive Learning testified before the Commerce Committee, children's exposure to pornography accelerates and warps normal sexual development by shaping sexual perspective through exposure to sexual information and imagery. Dr. Layden stated: ''The result is a set of distorted beliefs about human sexuality. These shared distorted beliefs include: pathological behavior is normal, is common, hurts no one, and is socially acceptable, the female body is for male entertainment, sex is not about intimacy and sex is the basis of self-esteem.''

Alarmingly, the threat to children posed by unrestricted Internet access is not limited to exposure to simple pornography. As we have seen through an increasing flurry of shocking media reports, the Internet has become the tool of choice for pedophiles who utilize the Internet to lure and seduce children into illegal and abusive sexual activity. Pedophiles are using this technology to trade in child pornography, and to lure and seduce our children. In many cases, such activity is the product of individuals, taking advantage of the anonymity provided by the Internet to stalk children through chatrooms, and by e-mail. However, an increasingly disturbing trend is that of highly organized, and technologically sophisticated groups of pedophiles who utilize advanced technology to trade in child pornography, and to sexually exploit and abuse children.

In 1996, the country was shocked by a tragic story of the sexual exploitation of a young child in California. The San Francisco Chronicle reported an international ring of pedophiles operating through an on-line chat room known as the ''Orchid Club.'' Sadly, this case was an ominous precursor of underscoring both the technological sophistication of on-line predators, and the unique challenge of protecting children in an environment of a global communications medium. The Chronicle reported that: ''The case appears to be the first incident where pornography on the Internet has been linked to an incident of child molestation that was transmitted on-line . . . Prosecutors said members produced and traded child pornography involving victims as young as five years old, swapped stories of having sex with minors and in one instance chatted online while two suspects molested a 10-year-old girl.'' Sixteen men were indicted, including individuals from across the United States, Australia, Canada, and Finland.

In 1998, the U.S Customs Service, in coordination with law enforcement officials from 13 other countries, conducted a raid on the ''Wonderland Club.'' The price of membership in the Wonderland Club was high. In order to ''join'' the Wonderland Club of lowlifes, prospective members had to provide 10,000 images of child pornography, which were then digitally cross-referenced against the club's data base of more than 500,000 images of children to ensure their originality. According to Time Magazine:

> The images depict everything from sexual abuse to actual rape of children—some as young as 18 months old. ''Some club members in the U.S., Canada, Europe and Australia . . . owned production facilities and transmitted live child-sex shows over the Web. Club members directed the sex acts by sending instruction to the producers via Wondernet chat rooms. ''They had standards,'' said a law enforcement official involved in the case. ''The only thing they banned was snuff pictures, the actual killing of somebody.''

As we wire America's children to the Internet, we are inviting these low lifes to prey upon our children in every classroom and library in America.

If this isn't enough, the Internet has now become the tool of choice for disseminating information and propaganda promoting racism, anti-Semitism, extremism, and how-to manuals on everything from drugs to bombs.

Rapid Internet growth has provided an opportunity for those promoting hate to reach a much wider and broader audience. Children are uniquely susceptible to these messages of hate, and make no mistake about it, they are the targets of these messages. Through Internet access, our schools and libraries, places where we intend our children to develop their social skills, tolerance, where they should be learning to appreciate the wonder and beauty of diversity, instead they can be exposed to extremely hateful and dangerous information, and material they may otherwise go through their entire lives without being exposed to. According to the New York Times: ''They (hate groups) peddle hatred to children, with brightly colored Web pages featuring a coloring book of white supremacist symbols and a crossword puzzle full of racist clues.''

Media propaganda has always been used as a means for spreading the toxic message of hate. Magazines, pamphlets, movies, music and other means have been their traditional tools for those seeking to feed the darker side of our human nature. However, the Internet has changed the rules and the nature of this sinister game. With the growth of the World Wide Web, these evil groups are able to deliver a multimedia hate message through every computer, and into the minds of every child, in every classroom, and library in America. Images of burning crosses, Neo-Nazi propaganda, every imaginable message of division and hatred are just one click away from our children. The Seattle Post-Intelligencer reported in an article entitled ''Nazism on the Internet'':

> Many sites operated by neo-nazis, skinhead, Ku Klux Klan members and followers of radical religious sects are growing more sophisticated, offering inviting Web environments that are designed to be attractive to children and young adults.

The software filtering industry estimates that about 180 new hate or discrimination pages, 2,500 to 7,500 adult sites, 400 sites dedicated to violence, 1,250 dedicated to weapons, and 50 are murder-suicide sites are added to the Web every week.

Manuals on bomb-making, weapons purchases, drug making and purchasing, are widespread on the Internet. Simple word searches using ''marijuana,'' enables kids to access Web sites instructing them on how to cultivate, buy, and consume drugs. During the Commerce Committee hearing on my bill, the Children's Internet Protection Act, a representative of the BATF stated: ''The Bureau of Alcohol, Tobacco and Firearms recently ran a simple Internet query of pipe bomb, using several commonly used search engines. This query produced nearly three million ''hits'' of Web sites containing information on pipe bombs.'' Literature such as the ''Terrorist's Handbook'' is easily available on-line, and provides readers with instruction on everything from how to build guns and bombs, to lists of suppliers for the chemicals, and other ingredients necessary to construct such devices. Web sites such as (www.overthrow.comldrugznbombz.-html) offers the ''School Stopper's Textbook,'' touted as ''A Guide to Disruptive Revolutionary Tactics for High-Schoolers.''

There are now approximately ninety different blocking, or filtering software solutions that parents and educators may choose from to address just about

every different value or need relating to child safety on the Internet.

Due to the sheer size of the Internet, and the place at which it changes, some have argued that it is impossible to keep blocking lists current and comprehensive. Others have argued filtering systems are too arbitrary, that filtering by keyword may result in blocking both harmful sites, as well as useful sites. There was a time when there was some legitimacy to these claims. However, that time has passed.

According to Peter Nickerson, CEO of Net Nanny Software:

> A general perception exists that Internet filtering is seriously flawed and in many situations unusable. It is also perceived that schools and libraries don't want filtering. These notions are naive and based largely on problems associated with earlier versions of client-based software that are admittedly crude and ineffective. Though some poor filtering products still exist, filtering has gone through an extensive evolution and is not only good at protecting children but also well-received and in high demand.

When a school or library accepts federal dollars through the Universal Service fund, they become a partner with the federal government in pursuing the compelling interest of protecting children. The Supreme Court has made it clear that schools have the authority to remove inappropriate books from school libraries. The Internet is simply another method for making information available in a school or library. It is no more than a technological extension of the book stack. As such, the same principles affirmed by the Court apply to restricting children's access to material, over the Internet, in a school.

At its core, this amendment to a spending bill, amending 254(h) of the Communications Act of 1934 to require, as a contingency for receipt of a federal subsidy, certain measures to restrict children's access to child pornography, obscene material, and other harmful material via school and library computers, and that all users be restricted from accessing child pornography. Local officials are granted the authority to determine what technology is used to achieve this end, and policies for determining how such technology is used. There is ample precedent for conditioning receipt of federal assistance.

Libraries place many restrictions on what patrons may do while on the premises. The simplest example of this are the strict rules implemented by libraries to maintain a quiet atmosphere for reading and study. Patrons are not permitted to give speeches, make public statements, sing, speak loudly, etc. Further, it is the exclusive authority of the library to make affirmative decisions regarding what books, magazines, or other material is placed on library shelves, or otherwise made available to patrons. According to Jay Sekulow, of the American Center for Law and Justice:

> Libraries impose many restrictions on the use of their systems which demonstrate that the library is not available to the general public. Additionally, an open forum by government designation becomes, 'open' because it allows the general public into its facility for First Amendment activities. Like in the National Endowment for the Arts v. Finley, decision, the government purchase of books (like buying art) does not create a public forum.

Mr. President, currently, roughly 30 percent of U.S. households are wired to the Internet, with some smaller number of those households wired with children in the home. With full implementation of the E-rate program, there will be an explosion of children going on-line. This is an unprecedented egalitarian opportunity for access to educational and informational resources by America's children. Equally, this reality represents an unprecedented risk to the safety and innocence of our nation's most precious resources, the sanctity of childhood.

The first line of defense is parents. Parents must be involved in their children's lives. They must make it a point to know what their kids are doing online, the games they are playing, the web sites and chat rooms they are visiting, whom they are talking to.

But parents need help. Currently, for most children, their Internet activities will occur outside the home. Parents, taxpayers, deserve to have a realistic faith that, when they entrust their children to our nation's schools and libraries, that this trust will not betrayed.

Mr. President, Dr. Carl Jung, in 1913, spoke of the importance of childhood in shaping values, and the implications for future generations. Jung said: ''The little world of childhood with its familiar surroundings is a model of the greater world. The more intensively the family has stamped its character upon the child, the more it will tend to feel and see its earlier miniature world again in the bigger world of adulthood.''

As I look upon the landscape of America today, of our children, growing up in a culture of darkness, of a mass media that floods their innocent minds with images of gratuitous sex and senseless violence, as I contemplate the likes of predators who stalk our children through this new technology, of pornographers and hate mongers who seek to invade the sanctity of the innocence of childhood to stamp their dark values on our children, I wonder what the future world of adulthood will look like if we do not act swiftly and decisively to build an inviolable wall around our precious children.

This bill was passed last year by voice vote. I hope we can dispense with it, and I also hope Members of this body understand that what is happening in schools and libraries all over America, in many cases, is an unacceptable situation.

We are not trying to impose any standards from the Federal Government or from this body. We are asking the schools and libraries to impose standards according to community standards, according to what the local library board and school board thinks is appropriate, just as those decisions are made about printed material in schools and libraries. I think this is an important issue. The testimony before the Commerce Committee was alarming and very disturbing.

Obviously, we do not intend to invade the sanctity of the home nor tell parents what they should and should not do regarding their children. But I believe when taxpayer dollars are involved, the Federal Government then has a role to play.

As a proud conservative, I hope we will pass this legislation quickly, and that it will be enacted into law. The sooner the better.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I renew my request for our colleagues who have amendments to offer them. I was informed about an hour ago that one of our colleagues was on his way to offer an amendment. We are very anxious to have Senators come to the floor.

In the absence of any Senator who seeks recognition, 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. WELLSTONE. 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. WELLSTONE. Mr. President, I ask the Senator from Pennsylvania and the Senator from Iowa whether or not I should lay down my amendment, and then set it aside when other Members come out. I am pleased to come into play here, if that would help.

Mr. SPECTER. Mr. President, if the Senator will yield, we would be delighted.

Mr. WELLSTONE. I thank my colleague for that response.

I ask unanimous consent that the pending amendment be laid aside.

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

AMENDMENT NO. 3631

(Purpose: To increase funding for part A of title I of the Elementary and Secondary Education Act of 1965)

Mr. WELLSTONE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Minnesota (Mr. WELLSTONE), for himself, Mr. KENNEDY, Mr. DODD, Mr. BINGAMAN, and Mr. REED of Rhode Island, proposes an amendment numbered 3631.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of title III, insert the following:

SEC. . PART A OF TITLE I.

Notwithstanding any other provision of this Act, the total amount appropriated under this Act to carry out part A of title I of the Elementary and Secondary Education Act of 1965 shall be $10,000,000,000.

Mr. SPECTER. Mr. President, may I inquire of the Senator about what the amendment relates?

Mr. WELLSTONE. Mr. President, this amendment increases the appropriations of title I, part A, to $10 billion. Actually, the Health, Education, Labor, and Pensions Committee unanimously voted to authorize this to the $15 billion level. I think right now we are at $8.36 billion. This is an amendment to get us at least part way there.

I come to the floor today to speak on the agreement that has been reached regarding some of the spending cuts in the Labor-HHS Appropriations bill. It is my understanding that Senator STEVENS has agreed to drop certain provisions of this bill in conference; in particular, I understand that the 1.9 billion dollar S-CHIP cut, the 240 million dollar TANF cut, the 50 million dollar welfare-to-work performance bonus, and the 1.1 billion dollar cut to the Social Service Block Grant (SSBG) will all now be restored in conference.

I would like to thank my colleagues, particularly Senator STEVENS, Senator ROTH, and Senator GRAHAM, for ensuring that the funding for these critical programs is restored. However, I also feel that it is important to stand up today and remind all of my colleagues that it never should have come to this—none of these programs should have ever seen their funding streams reduced in the first place. In particular, the proposed 1.1 billion dollar cut to the SSBG, a cut that would have reduced the block grant to just 600,000 dollars, should never have made it into this bill.

I have to say how disappointed I was to learn that the FY 2001 Labor-HHS Appropriations bill contained such enormous funding cuts to the Social Services Block Grant, cuts of more than 1 billion dollars. And while I find it deeply disturbing that such cuts would be proposed under any circumstances, I find it even more deeply disturbing that these cuts were proposed as part of the FY 2001 Labor-HHS Appropriations since we had this exact debate last year. In the FY 2000 Labor-HHS Appropriations, the SSBG faced cuts of just over 1 billion dollars. At that time, Senator GRAHAM of Florida and I offered an amendment to restore SSBG funding, and in my mind, the question was settled. When asked, ''Should we reduce funding to the SSBG?'' the overwhelming response was, no, absolutely not. At that time, fifty-seven Senators said that the services their states provide using SSBG funds—services like Meals on Wheels, congregate dining, assisted living for the elderly and the disabled, foster care services, and child care services, to name only a few—are important to the people in their communities and that they did not want to see these funds cut.

I ask you, why then did the SSBG face such enormous cuts again this year? This program is simply too important, and it is critical that we set a new standard by which the SSBG is always funded first, not last, never as an afterthought, never as the result of intensive last-minute lobbying and negotiation, and by which the SSBG is always funded to the full statutory amount.

As many of my colleagues already know, the SSBG is a flexible funding stream that states use to pay for a wide variety of services and programs for many of their most vulnerable citizens. The states have a tremendous amount of leeway in how they use their SSBG funds, and this is one funding stream they are able to use to try to develop innovative and creative programs to help the poor and needy. SSBG funds can be spent to serve people with incomes up to 200 percent of the federal poverty level, and the money need only be used to help people achieve and maintain economic self-support and self-sufficiency, and to prevent, reduce, or eliminate dependency. SSBG funds may be used for services that prevent or remedy neglect and abuse, and to prevent or reduce unnecessary institutional care by providing community-based or home-based non-institutional care. States use this money to care for people who would otherwise slip through the cracks; these funds are critical for the well-being of the most vulnerable people among us—the very old and the very young, the poor, and the disabled. These are people who most need our help, and we should not be slashing the very money that is most likely to serve them.

Title XX (20) of the Social Security Act specifies that 1.7 billion dollars is to be provided to the States through the SSBG for FY 2001. However, in spite of its status as a mandatory program, the SSBG has been raided repeatedly over the years to fund other priorities. Beginning in 1996, as part of the welfare ''reform'' law, the SSBG was cut by 15 percent, from 2.8 billion dollars to 2.38 billion dollars, for fiscal years 1997 through 2002, after which point its funding was supposed to go back to 2.8 billion dollars. The states reluctantly accepted these cuts, and only after they obtained a commitment from Congress that we would provide stable funding for the block grant in the future.

As it turns out, the lifespan on that particular Congressional commitment was only two years, because by 1998, we were back to raid the SSBG again when the highway bill cut funding for the block grant further, to 1.7 billion dollars for fiscal year 2001 and each year after that. And now here we are again, with our hand in the cookie jar, trying to raid the SSBG one more time. The FY 2001 Senate Labor-HHS Appropriations bill that came out of committee proposed slashing funding for this block grant yet again, this time to only 600 million dollars, a cut of more than one billion dollars. If this proposed cut were enacted, funding for the SSBG will be almost 80 percent lower in 2001 than it was in 1995. Mr. President, I feel certain that by no stretch of anyone's imagination does an 80 percent cut qualify as the stable funding we promised the states in 1996.

And what kind of a message do we send to the States when we talk about cutting block grant funds? Congress sold welfare reform to the states on the promise that they would have the flexibility to administer their own social service programs. But as the National Conference of State Legislatures point out, ''these cuts [to the SSBG] would set the precedent that the federal government is reticent to stand by its decision to grant flexibility to states in administering social programs.'' Couple this with the nearly 2 billion dollars the Labor-HHS Appropriations bill proposed cutting from S-CHIP, another block grant critical to the states' ability to provide services for vulnerable citizens, and I think the states could take only one message away from this bill as it came to the Senate floor: Don't make long-term investments in these social service programs, because you simply can't count on the federal government to keep up their end of the bargain.

SSBG funds are used by the states to provide services for needy individuals and families not eligible for TANF, and to reduce federal Medicaid payments by helping vulnerable elderly and disabled live in their homes rather than in institutions. States also use SSBG funds for child care services and other supports for families moving from welfare to work. When Congress proposed slashing these funds, we sent a clear, and I believe extremely damaging, message to the states. I think we told them not to invest in these kinds of social support programs, because they just can't count on the money being there.

But let's just say for a minute that we were to go back on our word and break our commitment to the states—so what? What exactly does SSBG fund? Anything important?

Only if you think adoption services, congregate meals, counseling services, child abuse and neglect services, day care, education and training services, employment services, family planning services, foster care services, home delivered meals, housing services, independent and transitional living services, legal services, pregnancy and parenting services, residential treatment services, services for at-risk youth and families, special services for the disabled, and transportation services are important. All of these programs are funded, in part at least, through the SSBG.

Each year, SSBG funds are used by the states to provide critical support

services to millions of vulnerable people. In 1998, for example, according to the Center on Budget and Policy Priorities, roughly 10 percent of SSBG funds were spent on programs that provided child care for low- and moderate-income families, while another 18 percent of SSBG funds were spent on services to protect children from abuse and to provide foster care to children.

Other SSBG funds were used to provide services to low- and moderate-income elderly, truly some of our most vulnerable community members. Services provided to this population through the SSBG include home-based care and assisted living services intended to help many elderly people stay out of institutions, so that they can continue to live with dignity in their own homes, where they feel safe and comfortable. In many cases, the costs the federal government would incur if SSBG funded services were withdrawn and these individuals forced into nursing homes instead would far exceed the savings generated by slashing this important block grant. In some states, SSBG funds are also used to pay for protective services to prevent abuse, neglect, and exploitation of vulnerable seniors. No other program provides significant funding for those services.

Additionally, the SSBG helps to fund support services for nearly half a million people with mental retardation and other physical and mental disabilities. The services provided with SSBG funds include transportation assistance, adult day care programs, early intervention, crisis intervention, respite care, and employment and independent living services. Again, these are services that help keep vulnerable people in their own homes and out of costly institutionalized settings, allowing them to live their lives with dignity and respect.

In my own state of Minnesota, SSBG funds are used to provide an enormous range of important services. For example, some counties use SSBG to augment child care for low-income single women and families. Yet even with these additional funds, there are currently huge waiting lists for subsidized day care in most counties. If we further cut SSBG funds, these county level programs are going to have to reduce or eliminate services that they provide. And when a single mom who's just gotten off welfare and is trying to make ends meet while she starts working at her new job, when she loses the subsidized day care that she counts on, what do you think is going to happen? Which do you think is more likely—that she'll be able to afford to pay for day care herself, or that she'll be forced to go back onto welfare?

Many Minnesota counties use SSBG money for home care services for the elderly. These counties use SSBG funds to pay for a care giver to go into a vulnerable elderly person's home and help them with basic ''home chore'' services like taking their medicine on time and in the right doses, keeping their home clean and safe, taking a bath, or making sure there is food in the refrigerator. These are simple, basic services, but they often mean the difference between allowing someone to stay in their own home or being forced into an institution. If SSBG funds are cut, vulnerable elderly are likely to lose home care services like a visiting nurse or case management person, which might then force them into a nursing home or an assisted living situation that would, in the end, cost much more money than will be saved by reducing the SSBG.

When speaking with people in Minnesota about how they use their SSBG funds, I learned that SSBG money is also sometimes used, especially in rural areas, to fund transportation for elderly and disabled, so they can access services like doctors, getting groceries, and just simply so they're not so isolated in their home (a ride to the senior center, perhaps). There's no other funding source that will pay for this. For disabled people who are just over eligibility guidelines for medical assistance, SSBG money is used to help meet their needs—managing medication, transportation, and community based services like training and counseling. Basically, the way it's been explained to me, Minnesota counties typically rely on SSBG money to pay for services for people who otherwise fall through the cracks. They count on this money to provide simple, basic services that keep the most vulnerable among us in their homes and out of much more costly institutions.

When I asked people in Minnesota to explain to me exactly what kinds of services they provide with SSBG funds, I was amazed by what I heard. Rex Holzemer, who works for Hennepin County, which is the county where Minneapolis is located, gave me several short case examples from the county's social services areas that are supported by SSBG funds. He told me about:

An 84-year old widow who was neglected and financially exploited by tenants in her duplex who had isolated her socially and taken over her financial affairs, including cashing her Social Security checks. When a social worker intervened, he found this woman emaciated and unaware of her circumstances. The woman was hospitalized and subsequently transferred to a care setting. Adult Protection arranged for a conservatorship, and as part of a court-supervised settlement, the perpetrators agreed to pay back the bulk of the money.

Rex also told me about an 8-year old girl with autism, behavior problems and a sleep disorder, who was provided temporary crisis transitional care while her parents worked to modify her physical environment at home. The crisis service provided special training on appropriate behavioral interventions for the parents and other caregivers, which produced positive behavioral outcomes for the child, thereby avoiding inpatient hospitalization and/or out-of-home placement.

Then there is the case of a 48-year old woman with schizophrenia who called looking for help finding a living situation that would offer her some needed supervision. She was referred to several community transitional programs, but was unable to follow through due to her illness. The intake worker connected her with an outreach case manager who helped this woman stabilize her life. She was referred to a psychiatrist, found crisis housing, and ultimately moved into her own apartment with only periodic supportive services.

Or how about the case of a child born addicted to cocaine, who Child Protective Services had to place into foster care? The child's mother has never been able to pass drug testing as required by the court-ordered child protection plan. The child's 25-year old father, who has mild functional impairments, worked intensively with the Developmental Disabilities Parent Support Project for eight months to learn appropriate parenting skills. Due to the progress the father made, the child was transferred at age one from foster care into the father's home.

And what about the two-parent family with four children that was overwhelmed by the needs of their 15-year old son who was violent and out-of-control? The mother had been assaulted several times by the son, and had finally asked that the child be placed out of the home. The county was able to provide intensive in-home therapy with the entire family. The son also received individual therapy and participated in after-school programming. The parents were provided with training on appropriate behavioral interventions through the in-home counseling and were ultimately able to manage their son within the home, averting the need for out-of-home placement.

In each of these cases, Hennepin County drew on SSBG funds to provide services to people who desperately needed help. And in each of these cases, because the county was able to provide assistance, vulnerable individuals were able to stay out of institutions, with their families, in safe, comfortable settings. But if the Labor-HHS bill is enacted with the proposed SSBG cuts, Hennepin County will have to reduce exactly these kinds of services. And it isn't just urban counties that rely on SSBG funds, but many of our rural Minnesota counties also use SSBG funds to provide critically important services.

Sue Beck, the Director of Human Services in Crow Wing County, Minnesota, a rural Minnesota county, also told me how her county uses its SSBG funds. Sue explained that her county counts on SSBG funds to make sure that vulnerable populations, the elderly, the disabled, children, and poor people, have the services they need to live economically secure, self-sufficient lives. The vulnerable adults they help with SSBG money tend to be elderly

people, seniors or disabled people, who get home care services—someone to come in to help them clean their home and maintain a safe environment, bathe, have food to eat, to see that they take the right amount of medicine when they're supposed to. Oftentimes these people aren't eligible for medical assistance, so there's not another source of funding available to them when they're living in the community.

What will happen if SSBG funds are cut is that they will wind up having to go into a nursing home in order to qualify for funds to pay for their care. Over the past several years, due to SSBG cuts that have already been imposed, her county has had to cut back services in transportation and ''chore services''—for disabled and elderly people who need just a little bit of help—things like help shoveling snow or grocery shopping. They use SSBG money currently to augment their employability budget—to provide supported employment, and community based employment for people who otherwise might not be able to compete successfully in the job market. All of this is at risk when we talk about cutting SSBG by more than 65 percent.

Dave Haley, from the Ramsey County Department of Human Services, the county where St. Paul is located, also told me about how his county spends their SSBG money:

The first example Dave gave me was that of a typical family of a single-mother who has three young children. The oldest child, a 7-year-old boy, has missed a significant number of school days. The mother is experiencing problems with chemical dependency and involved in a violent relationship with her boyfriend. The mother cannot make sure that the child gets up every day on time, and is promptly fed and dressed for school. The family does not have a car or other personal means of transportation. Through programs partially funded with SSBG money, the County is able to provide support to the mother to resolve her chemical dependency problems and domestic abuse. Services ensure that the seven-year-old is attending school on a regular basis and the boy is beginning to make academic progress.

There are over 2,000 young children in Ramsey County currently in this situation. Ramsey County and local school districts have been able to develop a very active program to address these educational neglect issues and insure that children attend school on a consistent basis. They will be forced to scale back this effort, though, if SSBG funds are cut by more than a billion dollars.

Another example that Dave gave me is that of a 30 year-old woman that is living in her own apartment in her home community. Thirty years ago, a similar individual with moderate mental health needs would have been placed in a state hospital miles from their family home. Over the last three decades, needed supports have been developed, including programs to monitor and assist individuals in managing their medications, checking on their money management and assisting when necessary with proper budgeting, teaching needed independent living skills, and employment support to maintain their current job. Without periodic weekly checks, the individual would have great difficulty managing their daily life, and might be forced into an institutionalized living situation.

The system that has developed over the last three decades has not only improved the lives of hundreds of people in Ramsey County, it has also enabled the state and federal government to save hundreds of thousands of dollars on more expensive institutional care.

Because of recent budget cuts to the SSBG, Ramsey County has already reduced a wide range of services: homemaker services; chemical dependency and mental health counseling services; budget counseling and money management for adults with chemical dependency or mental health issues; chemical dependency education and prevention services; parenting support programs for families in the child protection system; parenting support programs for teenage mothers; targeted efforts in neighborhoods with high rates for child abuse and neglect; monthly grants to help families with a developmentally disabled child continue to provide in-home care for that child; and semi-independent living programs for elderly and disabled individuals to live in their homes and not have to move into residential treatment facilities. These are programs that have already been cut. If SSBG funding is cut further, Ramsey County will be forced to additionally reduce funding for Meals on Wheels, transportation services for seniors, outpatient mental health services, sexual abuse services, employment and training programs, and social adjustment programs for Hmong and Lao immigrants. If the proposed SSBG funds cuts are not restored, all of these programs, and all of the people they serve, will suffer.

So you tell me, which of these programs deserves to go, because something is going to have to if this provision passes. Who do you think we should turn away? Maybe low-income families with children? Or perhaps the elderly or disabled? You tell me, who should be the one who goes to bed hungry, or sick and alone, or just plain afraid that they won't make it through tomorrow?

I have to explain that this program is particularly important to my own state of Minnesota, where the proposed cut to the SSBG will have an immediate and deeply felt effect. Minnesota communities are supposed to receive 30 million dollars in FY 2001 under the current law; if the allocation is cut to 600 million dollars as proposed, Minnesota will lose more than 19 million dollars in funding, nearly two-thirds of its grant, receiving only 10.4 million dollars in FY 2001. Most states would feel similar cuts if SSBG funding were to be cut from 1.7 billion dollars to just 600 million dollars.

Minnesota is unique among all the states, though, because, by law, SSBG funds by-pass the governor and flow directly to the local level. The state cannot touch the money—they can neither add or subtract funds from the block grant. Minnesota law further requires local levels programs to run balanced books, which means that they cannot carry any budget surplus from one year to the next. So what that means is that if these cuts to the SSBG go through, the state will not be able to help offset any of the lost funds with funds from other sources, the local level programs will have no budget surpluses to fall back on, and these federal level cuts will be reflected immediately at the local level in program cuts. It would mean substantial reductions, or perhaps even the elimination of local Minnesota programs like senior congregate dining, meals-on-wheels, and a host of other local community based programs. It would also mean cuts in health and substance abuse programs, as Minnesota is one of only seven states in the country that relies more heavily on its Title XX grant than its SAMSA grant to fund mental health services. Furthermore, because the law governing the flow of SSBG funds in Minnesota would actually have to be rewritten to offset the federal funding cuts, the state would not be able to make up the funding shortfall to the counties until the Minnesota legislature comes into session next year and passes new legislation.

So some of my colleagues may be saying to themselves, well that's unfortunate for Minnesota, but in my home state we'll be able to supplement the cuts with other money—maybe the money we got from the tobacco settlement, or perhaps we will just transfer money from our TANF surplus. First, let's talk about the tobacco settlements: in some states, anti-smoking and other health needs will receive first priority for use of the settlement funds, not unanticipated reductions in SSBG funds. Also, some states have already enacted legislation committing the tobacco funds for other purposes.

Okay, well, then if not the tobacco settlement funds, then maybe the TANF surplus funds, since states will be able to transfer up to 4.25 percent of their surplus to SSBG. Except, according to an analysis done by the Center on Budget and Policy Priorities, there are 37 states that wouldn't be able to offset the funding cuts proposed in the Labor-HHS Appropriations bill by transferring TANF funds. More importantly, though, we send the wrong message to the states when we tell them to rob Peter to pay Paul. States should not have to steal funds from one social services funding stream, in this case TANF, to replace funds rescinded from another social services funding stream, the SSBG.

In this era of prosperity, of enormous budget surpluses and huge government windfall, of tax breaks and increased defense spending, it simply defies logic

to further reduce SSBG funding. Now is the time for us to invest in meeting the needs of our most vulnerable citizens—the very young and the very old, the disabled, and the poor. It would be a terrible breach of faith with the states, but more importantly with the people who live in those states, if we continue to raid the Social Services Block Grant.

And while I am pleased that my colleagues have pledged to restore funding to this program, as well as several other critically important social service programs, I would just say again that it should never have come to this in the first place. These programs are too important to our most vulnerable citizens, and we have a responsibility to see to it that they are funded first, not last. It should simply be a matter of course that these programs are always fully funded, and the fact it isn't, that we still have to come out here year after year to fight the same fight to protect these programs, is ridiculous. In this era of budget surpluses and tax cuts, the fact that programs to aid the elderly, the disabled, the young, and the poor as somehow continue to remain vulnerable to spending cuts ridiculous. I am pleased that we now have the budget chairman's promise to restore these cuts, although I hope that other, equally important programs don't fall victim to these funding reduction in their stead in conference. It is crucial that we maintain our end of the deal we struck with the states, and with the people who live in those states, and protect these programs. Again, I thank Senator STEVENS, Senator ROTH, and Senator GRAHAM for their efforts to protect these programs, and hope that we see a final Appropriations bill that fully funds all of these critical programs that serve our most vulnerable citizens.

I thank Senators HARKIN and SPECTER, and also Senator STEVENS and Senator GRAHAM of Florida, for their work.

My understanding is we will be able to get this resolved; that we will be able in the conference committee to work hard to restore the funding for the social services block grant program.

I ask my colleague from Iowa; is that correct?

Mr. HARKIN. Yes. I think all of us are committed on this side. I don't speak for the Senator from Pennsylvania. But in my conversations with him, I understand that he is committed to replacing the social services block grant. Clearly, we cannot live with those. We are going to restore those in conference.

It was simply a matter of trying to get our bill together to meet the budget requirements because SSBGs were not fully funded. I can assure the Senator from Minnesota that they will be funded fully in conference.

Mr. WELLSTONE. I thank my colleague. I say to both Senators that there are two issues here that are important to me. I understand the pressure under which both of my colleagues have labored. I thank them for their support.

We went through this debate last year, and we had a vote. I came out here with Senator GRAHAM on an amendment to restore the funding.

The notion that we would actually be cutting the block grant program—which is Meals on Wheels, child care services, and help and assisted living, help for people to stay at home, elderly people to stay at home, people with disabilities to stay at home—to me is so shortsighted.

There is very moving testimony from a lot of people in Minnesota in the human services area who talk with great passion about what these cuts would mean—especially in a State such as Minnesota where we automatically pass this money directly to the county level. We wouldn't be able to make up for it. The consequences of these proposed cuts in the block grant program would be just unbelievable. To cut the social services block grant program by over $1 billion would have a very harsh impact.

I have complete confidence that this funding will be restored in conference committee. This is all about the heart and soul of the Senate.

I do not believe with a flush economy, and yet another revised estimate of the amount of money we are going to have for surplus, that we would be cutting these kinds of programs that are so important to vulnerable citizens around the country. In particular, I speak for people in Minnesota.

The health committee voted unanimously to increase the authorization of title I to $15 billion. Right now, this bill we are considering provides for $8.36 billion. That is a little more than 50 percent of what we called for in the authorizing committee.

The interesting thing is this was a unanimous vote in the health committee. This is about a $400 million increase from last year. That is what we have here in the appropriations bill on the floor. The House gave almost no increase to this valuable program. This amendment says: Look; let's at least bump this up to $10 billion.

I point out at the very beginning that the title I program is one of the most important education programs that we support at the Federal level; and the title I program allocates money back to our communities to help those students who are especially disadvantaged. The title I program is a very targeted program. It goes to the lowest income school districts—be they urban, rural, or inner suburban. The title I program allocates money back to our local communities and our local school districts to provide assistance for children, whether it be more assistance for reading, whether it be more help vis-a-vis prekindergarten, or whether it be afterschool programs.

I also want to point out to my colleagues that the title I program is funded at best at about one-third of the level, so we really haven't even come close to backing up this mission and this commitment to children with the resources. I have great appreciation for what my colleagues have done in this appropriations bill, but for some reason title I really stays very low.

Again, our committee, the HELP committee, unanimously voted to authorize this up to $15 billion.

Mr. SPECTER. Will the Senator from Minnesota yield for an inquiry?

Mr. WELLSTONE. I am happy to.

Mr. SPECTER. We have another amendment that is ready to go. We will set Senator WELLSTONE's aside, obviously.

How much longer does the Senator from Minnesota anticipate he wishes to speak?

Mr. WELLSTONE. Mr. President, I have just begun. In the spirit of cooperating with management, I am pleased to lay the amendment aside if the Senator wishes. But I will say to my colleague, I probably need about half an hour to make my case.

Mr. SPECTER. Mr. President, the purpose of the inquiry was not to ask the Senator from Minnesota to abbreviate his comments in any way. But it would help us, in the orderly management of the bill, if we could have another amendment introduced now so we can get the process rolling, and then, if it is acceptable to the Senator from Minnesota, I would ask him to yield for 5 minutes with the right to resume his presentation at the end of that time.

Mr. WELLSTONE. Mr. President, I thank the Senator from Pennsylvania. That will be fine with me.

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

Mr. SPECTER. Mr. President, I ask unanimous consent the pending business be set aside so the Senator from Pennsylvania may offer an amendment.

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

AMENDMENT NO. 3635

(Purpose: Relating to universal telecommunications service for schools and libraries)

Mr. SANTORUM. 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 Pennsylvania [Mr. SANTORUM] proposes an amendment numbered 3635.

Mr. SANTORUM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 92, between lines 4 and 5, insert the following:

TITLE VI—UNIVERSAL SERVICE FOR SCHOOLS AND LIBRARIES

SEC. 601. SHORT TITLE.

This title may be cited as the ''Neighborhood Children's Internet Protection Act''.

SEC. 602. NO UNIVERSAL SERVICE FOR SCHOOLS OR LIBRARIES THAT FAIL TO IMPLEMENT A FILTERING OR BLOCKING SYSTEM FOR COMPUTERS WITH INTERNET ACCESS OR ADOPT INTERNET USE POLICIES.

(a) NO UNIVERSAL SERVICE.—

(1) IN GENERAL.—Section 254 of the Communications Act of 1934 (47 U.S.C. 254) is amended by adding at the end the following:

''(1) IMPLEMENTATION OF INTERNET FILTERING OR BLOCKING SYSTEM OR USE POLICIES.—

''(1) IN GENERAL.—No services may be provided under subsection (h)(1)(B) to any elementary or secondary school, or any library, unless it provides the certification required by paragraph (2) to the Commission or its designee.

''(2) CERTIFICATION.—A certification under this paragraph with respect to a school or library is a certification by the school, school board, or other authority with responsibility for administration of the school, or the library, or any other entity representing the school or library in applying for universal service assistance, that the school or library—

''(A) has—

''(i) selected a system for its computers with Internet access that are dedicated to student use in order to filter or block Internet access to matter considered to be inappropriate for minors; and

''(ii) installed on such computers, or upon obtaining such computers will install on such computers, a system to filter or block Internet access to such matter; or

''(B)(i) has adopted and implemented an Internet use policy that addresses—

''(I) access by minors to inappropriate matter on the Internet and World Wide Web;

''(II) the safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communications;

''(III) unauthorized access, including so-called 'hacking', and other unlawful activities by minors online;

''(IV) unauthorized disclosure, use, and dissemination of personal identification information regarding minors; and

''(V) whether the school or library, as the case may be, is employing hardware, software, or other technological means to limit, monitor, or otherwise control or guide Internet access by minors; and

''(ii) provided reasonable public notice and held at least one public hearing or meeting which addressed the proposed Internet use policy.

''(3) LOCAL DETERMINATION OF CONTENT.—For purposes of a certification under paragraph (2), the determination regarding what matter is inappropriate for minors shall be made by the school board, library, or other authority responsible for making the determination. No agency or instrumentality of the United States Government may—

''(A) establish criteria for making such determination;

''(B) review the determination made by the certifying school, school board, library, or other authority; or

''(C) consider the criteria employed by the certifying school, school board, library, or other authority in the administration of subsection (h)(1)(B).

''(4) EFFECTIVE DATE.—This subsection shall apply with respect to schools and libraries seeking universal service assistance under subsection (h)(1)(B) on or after July 1, 2001.''.

(2) CONFORMING AMENDMENT.—Subsection (h)(1)(B) of that section is amended by striking ''All telecommunications'' and inserting ''Except as provided by subsection (1), all telecommunications''.

(b) STUDY.—Not later than 150 days after the date of the enactment of this Act, the National Telecommunications and Information Administration shall initiate a notice and comment proceeding for purposes of—

(1) evaluating whether or not currently available commercial Internet blocking, filtering, and monitoring software adequately addresses the needs of educational institutions;

(2) making recommendations on how to foster the development of products which meet such needs; and

(3) evaluating the development and effectiveness of local Internet use policies that are currently in operation after community input.

SEC. 603. IMPLEMENTING REGULATIONS.

Not later than 100 days after the date of the enactment of this Act, the Federal Communications Commission shall adopt rules implementing this title and the amendments made by this title.

Mr. SANTORUM. Mr. President, I thank both my colleagues, my colleague from Pennsylvania and my colleague from Minnesota, for allowing me just a few minutes, at least 5 minutes, to explain the subject matter of this amendment.

I heard the Senator from Arizona, Mr. MCCAIN, talking about Internet protection. Let me say I commend his work as chairman of the Commerce Committee in pursuing this area because it is an important area, to provide needed protections for children in libraries and schools, to have a program in place to deal with the issues of pornography and violence and the other things that have opened up on the Internet.

I have nothing but words of praise for the Senator from Arizona and for the work he has initiated. In fact, the amendment I have just introduced uses his language pretty much as the base of the amendment. But in looking at this issue, now, for the past several years—and I have young children; I am very concerned about their access to the Internet—talking to people from both libraries and schools, and others who are interested in the subject area, I believe the McCain amendment, while I think it goes so far, can in fact and should go further.

In this respect, as the Senator himself mentioned, there are maybe 100 filtering software packages out there. Some are good, some are not so good; some are state of the art, some are not. His amendment does not require anyone to buy state-of-the-art filtering software. It just says you have to buy filtering software or blocking software.

In fact, even the state of the art does not include some of the things about which I am very concerned. One of the real concerns I have is chat rooms. When you talk about pedophiles and people who prey on people via the Internet, they do it principally through these chat rooms. I am not aware of very much software that blocks chat rooms.

So you have a lot of things in addition to sites that maybe are pornographic or violent, or other problems you find on the Internet, that may be blocked with some of these software packages. But it doesn't get to the scope of the dangers on the Internet.

What I have suggested in my amendment is that, in the alternative, we require local communities, schools—anyone who participates in the e-rate, the same premise on which Senator MCCAIN's amendment is based—that they develop a policy that there be local hearings and public notice, and there be a community effort put together for the community to get involved and make the decision on a community basis on how they are going to deal in a comprehensive way with this. In fact, we list several things in the amendment that must be covered by this local policy.

The policy is then reviewed by the FCC simply to determine whether the school district, for example, has met the criteria and actually has a policy in place to deal with the areas specified in the legislation. If the community decides they do not want to go through public notice, they don't want to have hearings, they don't want to go through this process of developing a local plan, then Senator MCCAIN's amendment falls into line; they must buy filtering software. So we keep his amendment as sort of the hammer to encourage localities to do that.

I think what Senator MCCAIN said was absolutely right. Most of these communities are already buying software. I have been through hundreds of schools and have talked about this issue. Most of them understand the dangers out there and, in fact, have developed or are in the process of developing a program to deal with this problem. What we want to do is provide some guidance to them, some encouragement to them, and in the case of Senator MCCAIN's underlying amendment, which again is part of our amendment that I have just filed, it is a hammer that says: If you don't provide a comprehensive local approach, then you have to buy the software.

To me, it is a philosophical argument. It says: Should we have Washington come down and hammer you and say here is what you have to do, or should we have a program that says: Here is the problem. Local parents and teachers and community, you go out and bring the community together and do the hard work of democracy, which is to work together to come up with a solution to the problem. I am hopeful we can do that.

I just say briefly, my amendment, the bill I have introduced which is S. 1545, which is the text of this amendment, has been endorsed by the American Association of School Administrators, American Association of Education Service Agencies, International Society for Technology in Education, National Rural Education Association, the American Library Association, the National Education Association, the Consortium for School Networking, and the Catholic Conference. They all support my amendment. That is about

as wide a cross-section as you can get. And I would add someone very local. On this issue, Dr. Laura Schlesinger also supports our approach as the alternative to the McCain amendment.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, my colleague from Vermont, Senator LEAHY, asked for a few moments to speak in regard to this issue before us.

I ask unanimous consent the Senator from Vermont be allowed to speak and I then follow him.

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

Mr. LEAHY. Mr. President, I thank my good friend from Minnesota for his customary courtesy.

Over the past decade, the Internet has grown, as we know, from relative obscurity to what is today, both an essential commercial tool and increasingly an essential educational tool. With that expansion, we have had some remarkable gains. We have also seen new dangers for our children. Congress has reacted. We struggle with legislation that will protect the free flow of information, as required by the first amendment, while at the same time we shield our children from some of the inappropriate material that can be found on the Internet.

The distinguished Senator from Arizona, Mr. MCCAIN, spoke of his concern. I share his concern that much of the material available on the Internet may not be appropriate for children. I commend the Senator from Arizona for his good-faith effort to find a solution, but I cannot support the proposal he has urged. This amendment, his proposal, would require schools and libraries to certify, install, and enforce an Internet filtering program under the supervision of the Federal Communications Commission, and also under threat both of losing their e-rate discounts in the future and the financial liability of reimbursing discounted funds they have already spent.

In my view, as well intentioned as it might be, the amendment would substantially harm and not help the children of this Nation. I do not support it.

We have to tread cautiously and carefully in this arena but also understand a lot of schools and libraries have found a pretty practical way of doing this.

For example, many schools and libraries put their screens in the main reading room. One has to assume not too many kids are going to go pulling up inappropriate things on the web sites when their teachers, their parents, and everybody else are walking back and forth and looking over their shoulder saying: What are you looking at? It is one thing if you are looking at NASA's home page. It is another thing if you are looking at wicked dungeons or something, if there is such a thing.

Past legislative efforts to protect children by imposing content-based restrictions on the Internet have failed to respect our first amendment principles and pass constitutional muster. In 1997, the Supreme Court unanimously struck down the Communications Decency Act, which this body approved 84–16.

Just last week, the Third Circuit Court of Appeals held that the Child Online Protection Act is likely an unconstitutional, content-based restriction on protected speech.

I opposed this legislation—in fact, I was the only vote against it when it was offered as an amendment to the Internet Tax Freedom Act, S. 442, and spoke against it when it was included in the Omnibus Appropriations measure in October 1998. I predicted the courts would rule as they have done.

The McCain amendment to H.R. 4577 is likely to go the way of its predecessors. First, the amendment would require that schools and libraries obtaining e-rate discounts for telecommunications services use blocking and filtering software that makes inaccessible obscene material and child pornography, even if local authorities determine that other strategies are more appropriate for both students and library patrons. As the National Association of Independent Schools noted in commenting on this proposal last year:

> * * * it is an individual school's decision to determine how best to address this issue in a way that is commensurate with its mission and philosophy—whether it be part of the teaching and learning process, the inclusion of appropriate use policies or enforceable language in parent/student enrollment contracts, or even filters. It is certainly not the role of the federal government to proscribe a course of action that interferes with what is decidedly a local matter.

Second, the amendment would invite the FCC to be the de facto national censor, collecting from schools and libraries around the country so-called ''certifications'' that they are implementing blocking and filtering programs on their computers with Internet access. The FCC would be responsible for policing these schools and libraries to ensure that they are fulfilling the promises they make in the certifications, and are in fact blocking computer access to obscene material and child pornography. The FCC would also be the ultimate enforcer in the scheme outlined in the amendment since the FCC has the responsibility for determining when the schools and libraries have failed to comply with the filtering requirements of the law and when ''the provision of services at discount rates . . . shall cease . . . by reason of the failure of a school to comply with the requirements.''

We should not underestimate the power this would place in the FCC since the e-rate is a valuable privilege, particularly for schools and libraries in poor areas and in rural areas with high costs for telecommunications services. The e-rate, passed as part of the 1996 Telecommunications Act, provides schools and libraries with deep discounts in telephone services and Internet access. Protecting children from viewing or receiving potentially inappropriate information is of the utmost importance. Yet, to ensure their continued eligibility for the e-rate, and to avoid having to reimburse past financial discounts, we can anticipate that schools and libraries will go overboard and block out material deemed by some to be inappropriate. Would, for example, online chat rooms focused on the works of Vladimir Nabokov and including discussion of the classic Lolita be off limits, let alone the work itself, since some may view it as pornographic? The film version of this book had a very difficult time finding a distributor due to the nature of the subject matter.

School boards and libraries faced with the risk of losing their e-rate can be expected to implement highly restrictive programs. This broad ''self-censoring'' imposed by the McCain amendment on schools and libraries will lead to a chilling of free speech to the detriment of our nation's children and library patrons.

Another consequence will be to remake the FCC into an updated version of the Meese Commission on pornography, but with far greater enforcement powers and coercive effect.

As part of the certification process mandated in the amendment, we can expect schools and libraries to submit their plans for Internet filtering to the Commission for guidance on whether the proposals are acceptable. In practical terms, this would require the FCC to make literally thousands of determinations as to what constitutes ''obscene'' or ''child pornography'' in order to provide comfort to schools and libraries seeking guidance. The financial risks are too great for schools and libraries to simply wait for the FCC to find their filtering and compliance plan to be insufficient. This will, in the end, defeat the local decision-making to which this amendment pays lip service.

On the contrary, the amendment if enacted may lead to the Orwellian nightmare fully realized. The FCC, an unelected administrative agency, will be in the position to regulate the dissemination of knowledge and control what our children can read, view, and learn at school or at the library.

Taken as a whole, the problematic aspects of the McCain amendment will harm schools and libraries and decrease the value of the Internet as an important educational tool. By requiring a certification to the FCC, the amendment places yet another regulatory burden on financially strapped schools and libraries.

The distinguished Senator from Utah and I have put forward a proposal that addresses this problem and avoids the pitfalls inherent to the McCain amendment. We offered this proposal as an amendment to S. 254, the juvenile justice bill, and it was agreed to on May 13, 1999, by a vote of 100–0. Our Internet filtering proposal would leave the solution to protecting children in schools and libraries from inappropriate online materials to local school boards and

communities. It would require Internet Service Providers with more than 50,000 subscribers to provide residential customers, free or at cost, with software or other filtering systems that will prevent minors from accessing inappropriate material on the Internet. A survey would be conducted at set intervals after enactment to determine whether ISPs are complying with this requirement. The requirement that ISPs provide blocking software would become effective only if the majority of residential ISP subscribers lack the necessary software within set time periods.

This Internet filtering proposal seems to be a sensible thing to do. As I said, it passed 100–0. Unfortunately, progress on this proposal has been stalled as the majority in Congress has refused to conclude the juvenile justice conference. This is just one of the many legislative proposals contained in the Hatch-Leahy juvenile justice bill, S. 254, designed to help and safeguard our children—which is why that bill passed the Senate by an overwhelming majority over a year ago.

I would like to see us go back to our filtering proposal. We have already voted on it. It is a workable solution. It would bring about what we want to do.

I commend Senator MCCAIN for his leadership and dedication to the subject. I hope we will work together on the issue. We share an appreciation of the Internet as an educational tool, we appreciate it as a venue for free speech, but we also are concerned about protecting our children from inappropriate material whether they are at home, at school, or in the library.

Ultimately, it is not going to be just a question of passing a law to do this. I suggest parents do with their children today what my parents did with my brother, sister, and me when we were growing up: Pay some attention to what their children read.

I was fortunate. I began reading when I was 4, but I had parents who actually talked about what I might read. Parents may want to spend some time on the Internet with their children. There is software that can help to protect their children, and parents should work with that. They ought to take a greater interest in what they are doing and not just assume Congress can somehow pass laws that keep getting knocked down, justifiably so, under the first amendment. Rather, they can work with the tools we can give for their children.

I thank my dear friend from Minnesota for his courtesy.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I ask my colleagues, Senators SPECTER and HARKIN, are we to go until 12:30 p.m. and then break for the caucuses; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. WELLSTONE. I can in 4 minutes start to describe a little bit of this amendment. I ask unanimous consent that when we come back from the caucuses, my amendment be in order. I will not be able to do this in 4 minutes. Other colleagues have spoken.

Mr. HARKIN. Reserving the right to object, Mr. President, I understand the Senator requested when we come back at 2:15 p.m. that he be recognized to continue to speak on his amendment. The amendment has been laid down; is that correct?

Mr. WELLSTONE. That is correct.

Mr. HARKIN. I modify that unanimous consent request to ask unanimous consent that when the Senator finishes speaking on his amendment, Senator BINGAMAN be allowed to then offer his amendment at this point in time.

Mr. SPECTER. Mr. President, the sequencing suggested by the Senator from Iowa is fine. That will move the bill along. The Senator from Minnesota has laid down his amendment. We have a number of amendments pending at the present time. Subject to the wishes of the majority leader, it is our hope to vote late this afternoon on a number of amendments. That sequencing, as articulated by Senator HARKIN, is fine.

Mr. WELLSTONE. I say to both of my colleagues, I appreciate there are a number of amendments. I will take time just to make sure colleagues know what this amendment is about. I do not intend to take a long time on this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, having been a teacher for years, in 1 minute I do not know how to summarize an amendment that is all about education and kids.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, at 12:27 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION AND RELATED AGENCIES APPROPRIATIONS, 2001—continued

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

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

AMENDMENT NO. 3631

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

Mr. WELLSTONE. Yes.

Mr. GREGG. Will the Senator from Minnesota be interested in entering into a time agreement on his amendment?

Mr. WELLSTONE. I say to my colleague, I do not think it will probably be necessary. At least on my part, I think within a half an hour I can make my case for the amendment.

Mr. GREGG. If the Senator is agreeable, we agree that his amendment will be debated for 45 minutes, 30 minutes to his side and 15 minutes in opposition.

Mr. WELLSTONE. Mr. President, I would be pleased to accommodate my colleague.

Mr. GREGG. I ask unanimous consent that that be the case.

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

Mr. WELLSTONE. Mr. President, I say to my colleague from New Hampshire, I would like to send an amendment to the desk that I ask be laid aside, if I could.

Mr. GREGG. Reserving the right to object.

Mr. WELLSTONE. This is just an amendment to be filed.

The PRESIDING OFFICER. The amendment will be numbered.

Mr. WELLSTONE. If I could clarify——

Mr. GREGG. Reserving the right to object, are you requesting there be no second degrees?

Mr. WELLSTONE. That is correct.

Mr. GREGG. Or you just filed one?

Mr. WELLSTONE. Yes.

Mr. GREGG. Mr. President, 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. GREGG. 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. GREGG. Mr. President, I have no objection to the request of the Senator from Minnesota that there be no second degrees to his amendment as part of the language which was just agreed to relative to the timeframe on his amendment.

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

Mr. WELLSTONE. Mr. President and colleagues—Democrats and Republicans alike—just for a little bit of context for this amendment, this amendment deals with an increase in funding not to where we should be but at least a step forward for the title I program.

When the HELP Committee authorized the title I program, we actually voted to increase the authorization of title I to $15 billion. The interesting thing is that every Democrat and every Republican on the HELP Committee supported this increase. Every Democrat and every Republican supported the increase to authorize up to $15 billion.