sanctions. The Secretary of State is saying it. You would ''have been subject to sanctions based on various provisions of our laws.''

This is the other part that was in the secret agreement with Chernomyrdin, that ''we are prepared to take steps'' that I previously read. The administration itself is saying, look, we agreed with you not to sanction you, but if we hadn't agreed to it, you would have been subject to U.S. sanctions law. Does the Vice President have the authority to waive U.S. sanctions? He doesn't have that authority to do this. Yet that is what he did.

I want to show you some of what we are talking about, the weaponry that has been conveyed. This is one piece of equipment, Russian attack submarines for Iran, three Kilo-class attack submarines have been conveyed under this agreement. We have, as I mentioned, attack helicopters, airplanes. The administration was saying, look, we are not going to sanction you because we have secretly agreed not to sanction you.

I don't want to go on a long time about this. I just want to continue to raise this issue because I am deeply troubled about a couple of things.

No. 1, for 4 years I have been holding hearings about conveyance of weaponry from Russia to Iran and pressing the administration, what are you doing to stop this conveyance of weaponry from Russia to Iran, because our allies will face this equipment in the future. They wring their hands and say, it is terrible what is going on. And then nothing would happen.

Now, 14 days ago, I found out the reason nothing is going to happen—a secret agreement was agreed to that they weren't going to sanction Russia. They were going to let it go ahead and continue to happen. Now we face heightened danger in the Persian Gulf. This equipment is there, and some of it is still being conveyed.

No. 2, we have asked the administration, show us the agreement. You should have shown it to us when it took place so we could understand what this is. I believe there was a violation of the law then. We need to see these documents now. They say nothing illegal has taken place. OK, then, fine. Show us the documents.

A letter was sent today. We want to see the documents of this agreement. We don't want to continue to read about it in the newspaper. We want to see the documents. Convey them to us; send it in a closed session. If there is national security interests, we want to see these documents. That is what we are saying now.

What I am also saying is, what I have stated this evening, if we don't have these by noon on Monday, we will seek a subpoena to receive these documents and get them from the administration.

I think this is highly suspect, what has taken place by the administration. We are only now finding out about it. We need to see what it was that the administration agreed to, what it is that is still taking place between Russia and Iran, and why the United States is not stepping in to stop this.

I believe you will be hearing more about this unless the administration comes forward and comes clean. I hope they do. I hope they tell us: Here it is, and here is all of what we agreed to. Here is why we agreed to all of this. Here is why we think this is working, rather than it isn't.

But right now, all we have are secret deals that somehow are getting leaked out to the newspapers, and we don't even know what the agreement is. We don't know what it is. We deserve to know what that agreement is.

MORNING BUSINESS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate now be in a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

STRIPPING JIM LYONS' AUTHORITY AT USDA

Mr. DASCHLE. Mr. President, the Founding Fathers intended that the legislative process work through strongly held policy differences to establish the law of the land. They saw open dialogue as central to our democracy, and their vision has served the American people well for over 200 years. It is regrettable, therefore, when policy disagreements degenerate into acts of retribution against individual public servants whose only transgression is to execute the directives of the President they serve.

That is exactly what happened recently when a provision was inserted into the fiscal year 2001 Agriculture Appropriations Bill stripping the USDA Under Secretary for Natural Resources and Environment, Jim Lyons, of his authority to administer the Forest Service and the Natural Resources Conservation Service until his term in office expires in January 2000. This provision is not only unfair to Mr. Lyons, it undermines the separation of powers doctrine because it is designed solely to intimidate administration officials who are faithful to the policies of the President.

What has Mr. Lyons done, you might ask, to warrant such rebuke? The simple answer is: he has done a difficult job conscientiously.

Mr. President, Mr. Lyons was confirmed as the Under Secretary for Natural Resources and Environment by the Senate in May of 1993. As Undersecretary, he administers two important agencies—the Forest Service and the Natural Resources Conservation Service—that include nearly half the employees in the Department.

I have worked closely with Mr. Lyons over the past 8 years and respect greatly his work ethic, his understanding of the issues within his agencies' jurisdiction and his commitment to the public policy making process. We have had policy disagreements, but I have never had reason to question Mr. Lyons' dedication to his job or fitness to serve as Undersecretary.

Mr. Lyons has provided steady and clear leadership during his tenure at USDA, tackling many complex and controversial issues that have plagued the conservation and forestry communities for years. While many of these policy challenges defy easy solution, Jim Lyons never shirked his responsibility to address them. Further, it has been his hallmark to solicit and discuss the views of all parties in a search of common ground in the pursuit of Administration objectives. That approach was particularly evident in the policy dispute that culminated in the Agriculture Appropriations rider relieving Mr. Lyons of line authority for the Forest Service and the Natural Resources Conservation Service.

The Office of the Under Secretary for Natural Resources and Environment, NRE, has responsibility within USDA for working with the Environmental Protection Agency, EPA, on issues affecting clean water and air, agriculture, forestry and other environmental concerns. It was in this role that Mr. Lyons entered into negotiations with the EPA to reduce the impact of EPA's proposed Total Maximum Daily Load, TMDL, rule on agriculture and forestry, while helping to ensure our continued progress in improving the quality of the waters of the United States.

After months of negotiation with the EPA, Mr. Lyons helped construct a rule that would provide for measured progress in reducing non-point source pollution through the use of voluntary, incentive-based programs administered largely through the Natural Resources Conservation Service. Many of the provisions objectionable to commodity groups and the Farm Bureau were dropped from the final rule or significantly modified. The provisions affecting silvicultural activities and forestry were dropped altogether.

In August, the President announced the final TMDL rules, and, in response to concerns expressed by Members of Congress, delayed their implementation for one year. Nonetheless, some who were upset that EPA had elected even to proceed with the rules decided to take their frustration out on Mr. Lyons, charging that he had not done enough to fight this rulemaking. As a consequence, language was added to the House version of the fiscal year 2001 Agriculture Appropriations bill defunding Mr. Lyons' office.

At the urging of Senator COCHRAN and his colleagues on the Senate Appropriations Committee, the House agreed to restore funding for the Undersecretary's office, but eliminate Mr. Lyons' authority to manage, supervise or direct his agencies—the job he had sworn to do and for which this

body had confirmed him nearly 8 years ago. While policy differences certainly are an important and accepted part of the legislative process, acts of retribution against individual public servants—which this rider is—should not be tolerated.

Mr. Lyons does not deserve this treatment. During his USDA career, he has faithfully pursued the President's policies, spearheading major reforms in the management of both the Forest Service and the Natural Resources Conservation Service, NRCS, and helping to develop the Forest Service's new natural resources agenda, which is focused on watershed protection, recreation, road management reform and sustainable forestry.

Under Mr. Lyons' leadership, the Natural Resources Conservation Service has assumed a leadership role for the Administration in promoting conservation of the nation's private lands and has taken on an expanded role in protecting clean water and fish and wildlife habitats. Mr. Lyons has advocated establishing riparian buffers to capture nutrient and pesticide runoff, promoted efforts to protect farm and forest lands threatened with development, and encouraged strategies to protect drinking water supplies at their source.

Mr. Lyons was also the principle architect of the President's Northwest Forest Plan conserving old-growth forests and promoting sustainable forestry. He has initiated efforts to assess forest ecosystem health in the Columbia River Basin, the Sierra Nevada and the southern Appalachians. He directed key acquisitions and additions to the National Forest System, and has overseen purchase of lands including New Mexico's Baca Ranch and the New World Mine near Yellowstone National Park. He was instrumental in the establishment of the Giant Sequoia National Monument.

Mr. Lyons continues to lead USDA efforts on the presidential initiative to protect remaining national forest roadless areas. He helped craft the President's report on this year's devastating wildfires and then worked to shape the emergency funding package that will be used to restore fire-damaged forest lands and reduce the risks to communities from future wildfires. Mr. Lyons has promoted outdoor recreation on the national forests and created new programs and partnerships to improve urban forestry and conservation activities.

In the Black Hills of South Dakota, Mr. Lyons worked with me to resolve differences between the timber industry and environmentalists that allowed timber harvesting to proceed in a responsible and environmentally sensitive manner. This experience demonstrated Mr. Lyons' ability to work with diverse interests in the pursuit of sound, common sense policies that reconcile multiple use objectives.

President Clinton's approach to the stewardship of our national resources is clear, and Mr. Lyons has been faithful to that vision. His public record over the past eight years identify him as a leading conservationist and an effective agent of change, not only within the Department of Agriculture, but also within the Administration.

Mr. President, I regret that, as the end of the Clinton Administration approaches, one of its longest serving subcabinet officials has been targeted for retribution as a result of a disagreement over policy. Personal attack should never become an accepted method for settling policy differences. I hope that the politics of personal intimidation can be removed from our policy debates.

Finally, I ask unanimous consent to print a recent New York Times editorial on this subject in the RECORD.

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

PETTINESS ON CAPITOL HILL

Marion Berry, a Democratic Representative from Arkansas, has raised Congressional arrogance to a new level.

Gripped by ideological fury in June, Mr. Berry added a provision to the agricultural spending bill stripping funds from the office of James Lyons, an under secretary of agriculture who oversees the Forest Service and the Natural Resources Conservation Service. Mr. Lyons' Republican critics later modified the amendment so that it left the funding intact but stripped him of his authority to run the agencies. Either way, it was clear that Mr. Lyons had been singled out for special abuse, and that Mr. Berry had started the crusade.

What had Mr. Lyons done to deserve this? According to Mr. Berry himself, the under secretary's main sin was to side with the Environmental Protection Agency when it decided to enforce a long-dormant provision of the Clean Water Act to get a better grip on polluted runoff from so-called ''non-point'' sources like farms, city streets and golf courses. Mr. Lyons helped the E.P.A. establish a timetable that would enable farmers to comply with the law on a reasonable schedule. But he never challenged the agency's authority to enforce the law, as some agricultural lobbyists had hoped he would, nor was he, in Mr. Berry's view, sufficiently pro-farmer in his negotiations.

A conservationist, Mr. Lyons has angered members of Congress before, not least for his support of President Clinton's plan to put millions of acres of the national forests off-limits to new roads, as well as his efforts to enlarge protections for Alaska's Tongass National Forest. But nobody had gone so far as to undermine his job. The White House, already worn out from its efforts to block anti-environmental riders in other bills, is unlikely to fight this one, in part because it will have no serious effect on the two agencies or even on Mr. Lyons himself. The provision expires Jan. 20, when Mr. Lyons will leave Washington to teach at Yale. But it is still a petty gesture that brings no honor on Mr. Berry or the other congressmen who have willingly gone along with his vendetta.

SECTION-BY-SECTION ANALYSIS OF THE PAIN RELIEF PROMOTION ACT

Mr. NICKLES. Mr. President, on October 25, 2000, Representative HENRY HYDE introduced H.R. 5544, the Pain Relief Promotion Act of 2000. The text of the legislation is based on the Senate Judiciary committee substitute to H.R. 2260, the Pain Relief Promotion Act, ordered reported out of the Senate Judiciary Committee on April 27, 2000.

For the information of all Members of Congress, I offer the following section-by-section analysis of the legislation.

I ask unanimous consent that the material be printed in the RECORD.

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

SECTION-BY-SECTION ANALYSIS—PAIN RELIEF PROMOTION ACT OF 2000, H.R. 5544

Section 1. Short title

Entitles the act the ''Pain Relief Promotion Act of 2000.''

Section 2. Findings

Makes a series of findings about the importance of emphasizing pain management and palliative care in the first decade of the new millennium, the regulation of drugs with a potential for abuse under the Controlled Substances Act, the use of such drugs by practitioners for legitimate medical purposes, especially the purpose of relieving pain and discomfort even if it increases the risk of death, the need for improved treatment of pain, and the fact that dispensing and distributing such drugs affects interstate commerce.

TITLE I

Section 101. Activities of Agency for Healthcare Research and Quality

This section amends the Public Health Services Act by authorizing a program responsibility for the Agency for Healthcare Research and Quality in the Department of Health and Human Services to promote and advance scientific understanding of palliative care. The Agency is directed to collect and disseminate protocols and evidence-based practices for pain management and palliative care with priority for terminally ill patients.

The section is specifically made subject to subsections (e) and (f) of section 902 of the Public Health Service Act [42 U.S.C. 299a(e) and (f)], added by the Healthcare Research and Quality Act of 1999, Public Law 106–129, which prevent the mandating of national standards of clinical practice. This section has a definition of pain management and palliative care which is a modified version of the World Health Organization's definition of palliative care.

Section 102. Activities of Health Resources and Services Administration

This section amends the Public Health Services Act by authorizing a program for education and training in pain management and palliative care in the Health Resources and Services Administration of the Department of Health and Human Services. This section allows the Secretary, in consultation with the Director of the Agency for Healthcare Research and Quality to award grants, cooperative agreements and contracts to health professions schools, hospices, and other public and private entities to develop and implement pain management and palliative care education and training programs for health care professions.

This section requires the applicant for the award to include three educational informational components in the program: (1) the program must have a component that addresses a means for diagnosing and alleviating pain and other distressing signs and