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

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

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

NATIONAL ENERGY SECURITY OF 2000—MOTION TO PROCEED—Continued

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

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2001

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

The PRESIDING OFFICER. Is there objection?

Mr. KERRY. Mr. President, no objection.

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

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

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

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

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

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

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

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

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

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

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

Mr. LOTT. All right.

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

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

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

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

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

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

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

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

I yield the floor.

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

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

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

Mr. WYDEN addressed the Chair.

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

Mr. WYDEN. I would ask——

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

Mr. WYDEN. I thank the Senator.

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

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

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

Mr. WYDEN addressed the Chair.

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

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

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

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

Mr. WYDEN. I appreciate the Senator yielding.

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

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

Mr. NICKLES. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Oklahoma.

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

Mr. DOMENICI. Reserving the right to object.

The PRESIDING OFFICER. The Senator from New Mexico.

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

Mr. KERRY. Absolutely.

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

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

The PRESIDING OFFICER. The Senator from Nevada.

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

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

Mr. DOMENICI. What about the Senator——

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

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

Mr. KERRY. You control it.

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

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

The PRESIDING OFFICER. The Senator has that right.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

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

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

The PRESIDING OFFICER. Without——

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

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

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

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

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

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

The PRESIDING OFFICER. Is there objection?

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

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

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

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

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

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

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

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Mr. KERRY. I thank the Chair.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The Senator from Oregon.

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

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

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

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

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

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

Mr. WYDEN. In one moment.

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

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

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

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

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

I appreciate the Senator's question.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mrs. BOXER. I thank my friend.

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

Mr. BOND. I object.

The PRESIDING OFFICER. The objection is heard.

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The Senator from Oklahoma.

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

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

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

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

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

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

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

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

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

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

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

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

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

You say: Why do you need this bill?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

This is the AMA.

They continue:

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

I could go on and on.

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

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

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

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

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

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

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

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

[From the Oregonian, July 1, 1999]

KILL THE PAIN, NOT THE PATIENTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[From the Oregonian, Oct. 19, 1999]

A STATE'S RIGHTS, A STATE'S WRONGS

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

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

Normally, we'd agree.

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

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

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

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

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

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

Absolutely.

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

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

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

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

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

APPROVE PAIN RELIEF PROMOTION BILL

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

HEALTH, NOT SUICIDE

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

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

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

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

DON NICKLES
U.S. Senator.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PRESERVES STATE'S ROLE IN REGULATING PHYSICIAN PRACTICE

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

THE PRPA DOES NOT CREATE NEW FEDERAL AUTHORITY TO REGULATE PHYSICIANS

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

PROHIBITS FEDERAL GUIDELINES OR STANDARDS OF CARE

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

THE PRPA WILL CONTINUE TO FOSTER PROFESSIONALLY DEVELOPED STANDARDS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

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

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

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

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

The legislative clerk proceeded to call the roll.

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

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

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

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

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

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

Mr. NICKLES. Will the Senator yield?

Mr. DASCHLE. I am happy to yield.

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

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

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

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

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

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

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

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

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

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

we can make the most of what days remain.

Mr. REID. Will the leader yield?

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

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

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

Mr. NICKLES. Will the minority leader yield?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

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

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

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

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

$35 billion in small business tax relief;

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

$46 billion in Pension and IRA tax relief;

$7 billion in school construction tax provisions and

$25 billion in Community Revitalization provisions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I want to talk about New Mexico.

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

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

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

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

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

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

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

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

Mr. GRAMM. It is over 5.

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

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

I could go on with each one of them.

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

Let me say we will get our work done.

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

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

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

That is the record.

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The Senator from Nevada.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The Senator from Texas.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. GRAMM. I will be happy to yield.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. DOMENICI. Will the Senator yield?

Mr. GRAMM. I will be happy to yield.

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

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

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

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

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

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

Mr. BYRD. Will the Senator yield?

Mr. GRAMM. I will be happy to yield.

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

Mr. GRAMM. Yes.

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

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

Mr. CRAIG. Reserving the right to object.

Mr. BOND. Reserving the right to object.

Mr. GRAMM. I give him the remainder of my time, if I can.

Mr. CRAIG. Reserving the right to object, I certainly will not object as long as we conform to the 3:15 p.m. vote time. Rearranging the time that remains between now and then is certainly the prerogative of the manager. I just want to secure that time for the vote under the original UC.

Mr. REID. As I understand the request of my friend from West Virginia, he is going to use the remaining time of the Senator from Texas, which is how much?

The PRESIDING OFFICER. One minute 10 seconds.

Mr. REID. I don't think that will do the trick for Senator BYRD.

Mr. GRAMM. Why don't you give him 5 minutes and then he will have 6?

Mr. REID. I have already explained to the ranking member of the Appropriations Committee, our former leader, that I have allocated all of our time. We do not have time left. I have explained it to him. He is not just asking now. It is not as if we are denying something to which he is not entitled.

He certainly is. He is going to speak on a provision most of us over here like.

Mr. GRAMM. Do not run my time. Let me give the time I do have to Senator BYRD.

Mr. BYRD. Mr. President, if the Senator only has that much time, I do not want to take his time.

Mr. GRAMM. I would like him to take that time.

Mr. BYRD. No, that will not be enough. Let me say, it is nobody's fault but mine. I could not help being in the appropriations meeting. I have been over to the House side twice, and both times the House Members were not ready, not ready to sit down and discuss it. We are talking about the Labor-HHS appropriations bill. I am not complaining, not blaming anybody.

The PRESIDING OFFICER. The time of the Senator from Texas has expired. Who yields time?

Mr. REID. I yield 5 minutes to the Senator from New Jersey, Mr. TORRICELLI.

Mr. BYRD. Will the Senator yield to me without his losing any of his time?

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

Mr. TORRICELLI. I will be happy to yield.

Mr. BOND. Mr. President, we have all the time committed on our side. I have some time. I can give Senator BYRD 1 minute of my time, but we have people who are waiting to speak on our side as well.

Mr. BYRD. Mr. President, I need 15 minutes. I do not know why we have to be out at 3:15.

Mr. REID. I say to my friend from West Virginia, based upon the compromise we originally had to vote at 3:30, a number of people have airplanes to catch. One of them, for example, has to introduce the former Prime Minister of Great Britain. They have planes to catch.

Mr. BYRD. OK. As I say, I blame nobody. I am not complaining, except I think this is cramping us a little bit. I am going to vote against this amnesty provision. I would like to speak a little on it. Maybe I will not be able to. At some point today, I will be able to speak, I am sure of that.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, I hope my friend from West Virginia knows that had I had the time, I would have been happy to yield to him. I did not have it.

I rise in opposition to the conference report and, unlike some of my colleagues, I am not citing broad policy reasons or enormous constituencies, but for a fight I have waged for almost 3 years, and that is for 17,000 Americans who are going to die, are certain to die, will be dead within a matter of 2 years. They are ALS patients. They have Lou Gehrig's disease, and they are the victims of an unintended consequence.

Under Medicare rules, there is a 24-month waiting period from the time of diagnosis. Uniquely, with Lou Gehrig's disease, diagnosis is difficult. Sometimes there is only a simple muscle pain for up to a year, and then at the time of diagnosis, life expectancy is only 2 to 3 years. So people facing the certainty of death and medical bills of $200,000 a year are unable to get a dollar, a dime, a penny of Medicare assistance while they are losing their lives.

This was no one's intention. It is a mistake. It is an error, and it should be changed.

Earlier in the year, this Senate unanimously adopted my legislation to exempt ALS patients from Medicare's regulations.

Twenty-eight Senators have cosponsored the bill.

Yet in this conference report, despite strong support from the White House and this Senate on a bipartisan basis, the conference report eliminates the provision and asks for a study—a study.

The Congressional Research Office has already done a study. I will tell you the study. When I introduced this bill, I stood with ALS patients outside the Capitol. Almost every one of them is now dead. They lost their lives waiting for Medicare, and they never got it.

I will tell you the results of the study. There are now 17,000 people in the country who need this same 24-month exemption. If we return here next year to argue this again, half of them will be dead, and they never will have received any Medicare assistance.

My request is very simple. And I ask the support of the Republican leadership, as I have received the support of my leadership and of the White House: Give us a 24-month exemption so that these desperate people can get this assistance and their families, in addition to losing someone they love—a parent, a husband, a spouse—also do not have to deal with this enormous financial responsibility.

It is a small and unique class of citizens. There is virtually no other disease in the Nation with quite the same circumstances—for which there is no cure, little treatment, and a certainty of death within the 24-month period.

There are desperate people across this country who thought when the Senate acted earlier in the year, they would at least have this relief. I believe they had reason to believe, given the bipartisan support, and White House support, when the conference report was written, this would happen. Tragically, the conference report does not contain this relief. I cannot imagine anything more cruel to these families.

This has to happen. This simply must be done. I ask, again, that if this conference report does not become law, and it is changed again, that these victims of ALS have this numerically and financially insignificant but personally overwhelmingly important relief from the Medicare rules.

Mr. President, I thank the distinguished minority whip for the time and I yield the floor.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Missouri.

Mr. BOND. Mr. President, I yield 5 minutes to the distinguished Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I thank the Senator from Missouri for his courtesy, and also the Senator from Idaho for his courtesy.

I want to speak today, just quickly, in response to the press conference which the President held in the Rose Garden approximately an hour and a half ago. The tenor of the press conference was that the Commerce-State-Justice bill will be vetoed because the White House had not been allowed to participate in the negotiations on how the bill was put together.

I chair the Subcommittee on Commerce-State-Justice appropriations. I have to say that I believe the President's statement is an inaccuracy of the most egregious level. The fact is, the White House, myself, Congressman ROGERS, along with Senator HOLLINGS and Congressman SERRANO, representing the ranking membership on the committee, negotiated with the White House for many hours relative to the Commerce-State-Justice bill.

The bill that was produced was agreed to in almost all aspects except on issues of extraneous language that had never been in either bill, that language was authorizing language dealing with immigration—the NACARA language, as it has come to be known. This was language that had nothing to do with the appropriations bill. It was authorizing on an appropriations bill. It has not been acted on in either committee. It was, therefore, not relevant, appropriate, and would not be germane to the bill under our rules. However, the White House wanted action on that language.

As to the appropriations bill, his representation that the appropriations bill was in some way done in a back room without White House participation is totally fallacious. The fact is, the White House was there at the table, negotiating. And because of the White House's insistence on certain changes, this bill was changed. The White House asked for an additional $700 million. We agreed to it. We agreed to fully fund peacekeeping. We agreed to fully fund the COPS Program. We agreed to a number of funding increases which the White House demanded, as a matter of good faith, to move along this piece of legislation which is so critical to the operation of our Government.

Specifically, this bill, as has been mentioned before on this floor, represents the funding for almost all law enforcement activities at the Federal level. The FBI, the Drug Enforcement Administration, the Border Patrol, the Federal marshals, the U.S. attorneys, the U.S. court system—all of these agencies require funding. All of these agencies need the funding in this bill to

operate effectively in our law enforcement community.

This bill also funds the State Department, the other Commerce Department agencies, and agencies such as the SBA, the FTC, the FCC, and the SEC, fairly significant agencies in our Government which need to operate.

For the President to claim that he has not been a participant in developing this bill is absolutely inaccurate. It is an inaccuracy of the worst sort because it is totally inconsistent with the facts as they occurred.

They participated. We changed the bill to meet their desires, except in one area, the area of NACARA, which, by the way, has nothing to do with an appropriations bill. This type of legislation should be taken up on some other bill, and by the Judiciary Committee where the jurisdiction actually lies.

This bill, I am sure, will be vetoed because the President has promised to do so. The Administration will throw up a lot of other issues, but those issues were essentially settled—questions such as Amy Boyer's law. We accepted the two major items they wanted; on issues such as tobacco. We essentially said: We will no longer try to take congressional control over how money is distributed to the Justice Department. You have $350 million to do with whatever you want, within the Justice Department, and in the area of litigation. You certainly do not need another $7 or $12 million earmarked to tobacco litigation. They have plenty of money for tobacco.

Those issues are red herrings and would not be in play at all except for this extraneous issue of NACARA. The President has once again used his bully pulpit to mislead the American public on this specific issue, which is the question of whether or not the White House played a role in developing the Commerce-State-Justice appropriations bill. The White House not only played a role, they had a significant impact.

I appreciate the courtesy of the Senator from Missouri.

I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I yield 5 minutes to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I thank my colleague from Nevada.

It is always interesting to me to watch how a legislative session ends. None has ended, in my judgment, with less elegance and grace than this one. It is now 26 days past October 1st. That is the date on which we were to have passed appropriations bills and sent them to the President.

On the desk in front of all of us is the Calendar of Business, which says that it is Friday, October 27. The legislative day is September 22.

I just want to remind everyone why it says that, what we have on the floor of the Senate, and why some people are chafing about where we find ourselves.

What does September 22 mean? That is the day that a motion was filed, a motion to proceed on an energy bill that the leadership never intended to proceed to—a motion to proceed on an energy bill.

Since that day, we have never adjourned. We have always recessed. Why? Because that motion was designed to prevent any other activity on the floor of the Senate, to prevent any single Member from offering a motion, for example, or an amendment to deal with a Patients' Bill of Rights. Yes, we have had a vote on that before, but there has been a change in the Senate, as we know, and if we took that vote now, we would win that vote. So how do you prevent that from happening? You prevent anybody from offering an amendment and having a vote—or on the education issues that we have talked about. So that is what is going on here.

This Senate has been blocked since September 22, so that the people on the Democratic side of the aisle could not offer an amendment. And we have not even adjourned. We are in the legislative day of September 22. So 26, 27 days now have passed since October 1st, and we find ourselves not having passed the appropriations bills. People stand on the floor with great surprise, wondering, what on Earth is all the fuss here? I cannot understand why things are not working very well, why things are coming apart on us.

I will tell you why things are coming apart. Because this Congress didn't get its work done. It was blocking the floor, afraid of amendments, and then we reached the time when appropriations bills were supposed to have been done. They are not done. Then the tax bill is cobbled together and stuck in this vessel called a small business authorization bill. It is cobbled together behind locked doors with no Democratic participation and brought to the floor of the Senate. And people say: Gee, this is reasonable. Why would anyone object to that?

Does anybody remember watching the old western movies, the old spaghetti westerns where someone inevitably would ride into a box canyon and then wonder: What on earth has happened to me? I am in a box canyon. I am attacked from every side.

What happened is, you rode into a box canyon. That is exactly what this Congress has done. It hasn't done its work. What it has done, it hasn't done well. And now it can't understand for all the world why anyone would object to cobbling together a tax bill on a small business authorization conference and shipping it through here and not receiving objections from us or from the White House.

Let's add up the numbers. Together these proposals for tax cuts represent the single priority of this Congress. It is around $1.4 trillion. I may err on either side a bit, but it is somewhere around $1.4 trillion. We have an appetite by those who have no end of desire to cut taxes, most of which will inure to the upper income folks, who say: Our fiscal policy is to move us right back into that same old risk of toppling this economy into the deficit ditch once again.

Our first priority ought not be large tax cuts for upper income folks and $1.4 trillion in tax cuts before we even have the surpluses which, incidentally, I don't think we will have for 10 years. We are not going to have 10 years of surplus. That suggests we no longer have a business cycle of contraction and expansion. But the first priority from the majority party is to say: Let's have big tax cuts, and let's put them in law permanently right now.

Our priority is to say: That doesn't make any sense. Let's do a couple of things. Let's pay down the Federal debt. If during tough times you run it up—and we did—then during good times, you ought to be able to pay down the Federal debt.

There is no money around to pay down the Federal debt when you have the majority party saying they demand $1.4 trillion in tax cuts.

Second, it seems to me reasonable that in addition to paying down the Federal debt, you want to make some investments that will bear some rewards for this country in the years ahead: invest in children, education, invest in health care. That is not the priority; we don't want to do that.

Third, yes, some tax cuts, but tax cuts that go to working families as well.

My friend from Texas a few moments ago said he would be happy to listen to me. I know better than that.

The PRESIDING OFFICER. The Senator's 5 minutes is up.

Mr. DORGAN. I will talk about tax cuts later. The point is, if we are going to have tax cuts, they ought to be targeted to middle-income families.

We should not be surprised to find ourselves in this position on October 27, 27 days after we should have completed our work.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I yield 10 minutes to the Senator from Idaho, Mr. CRAIG.

Mr. CRAIG. Mr. President, I thank Senator BOND for yielding.

I have been listening to the Senator from North Dakota. I have to remind him by quoting his own leader. Here is what his leader said in USA Today on September 8: We will stall the spending bills until we get our way.

I suggest to the Senator from North Dakota that he ought to listen to his leader because his leader said it and that is exactly what is going on at this moment.

Let me also say to the Senator from North Dakota, after all these spending bills and after this tax cut we are debating, we will pay down the national debt by $700 billion. That is one whale

of an accomplishment. No, it doesn't go to bigger Government. No, it doesn't go to create a new program. It goes to pay down the debt.

So between what his own leader has said and the facts of what we are doing, let me remind the Senator from North Dakota, stalling your way through this session has complicated matters. The box canyon that he referred to is a box canyon that his own leader created.

From USA Today: Senate Minority Leader DASCHLE, Democrat of South Dakota, has a simple strategy for winning the final negotiations over spending bills: stall, until the Republicans have caved in because they can't wait any longer to recess.

That is the reality of where we are. They have stalled their way into a big problem. Now we will work the weekend, if we have to. We have to resolve these issues for the sake of the American people.

For just a few moments, let me talk about the tax bill that is before us. I so vividly remember the first Clinton-Gore campaign in 1992, running for election and saying: We will give America a middle-class tax cut. It was the mantra of their campaign.

Remember, they said in that banner during the campaign: It is the economy, stupid; we have to make this economy work. And we are going to make it work by giving a middle-class tax cut.

Well, let's remember what happened once they were elected. They pushed through the largest tax increase in the history of this country. The new bigger bite on the middle class included a fuel tax, a new tax on Social Security benefits, a hefty variety of small business taxes. And when the new administration nearly pulled off the greatest scheme of all, and that was to nationalize one-sixth of our Nation's economy—that was that great, new health care bureaucracy that became affectionately known across the country as ''Hillary Care'' that was to give every American the opportunity to live inside the greatest HMO of all, a federalized Government health care program—when Americans heard the detail of that, thanks to a few Senators and a few Congressmen on this side of the aisle who stood up hour after hour and went through page after page of what Bill and Hillary Clinton were talking about, Americans rejected that resoundingly.

We know what happened. America said things had to change. And they did change in 1995; A Republican Congress was elected. Slowly but surely, we have tried to roll back those massive tax increases. What we have in front of us today is an installment in that effort. At a time of unprecedented surpluses, at a time when we are paying down $700 billion on the debt and that side of the aisle does not want to give a dime back to the American taxpayer, shame on them. But then again, their Presidential candidate says: I need it all because I want to spend it all for all kinds of new Federal programs. That is the reality of what they are dealing with.

Mr. BOND. Mr. President, may I interrupt to propound a unanimous consent request?

Mr. CRAIG. I yield to the Senator.

The PRESIDING OFFICER. The Senator from Missouri.

ORDER OF PROCEDURE

Mr. BOND. Mr. President, I ask unanimous consent that the vote scheduled for 3:15 p.m. be changed to now occur at 3 p.m. and the time be reduced equally for both sides of the aisle.

I further ask unanimous consent that immediately following passage of the joint resolution, the Senate proceed to the conference report to accompany the D.C. appropriations bill, including the Commerce-Justice-State appropriations bill, the conference report be considered as having been read, and the Senate proceed to immediately vote on adoption of that conference report without any intervening action, motion, or debate.

I further ask unanimous consent that statements throughout the day relative to the appropriations conference report be placed in the record immediately prior to the adoption vote.

I further ask unanimous consent that the votes at 3 p.m. be reversed so that the first vote occur on adoption of the D.C. conference report, to be followed by passage of H. J. Res. 117.

Mr. REID. Reserving the right to object, Mr. President, I would say to my friend, principally, Senator BAYH and Senator CONRAD, that means there will be no time for them to speak today. What remaining time we have, which is about 7 minutes, would be for the Senator from Montana. I am sure his people will also have to cut back on their time because we have equal allocation of time until 3.

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

Mr. BOND. Mr. President, therefore, for the information of all colleagues, the next votes will occur now at 3 p.m. There will be two back-to-back votes at that time. The time has been reduced on both sides.

I appreciate being able to interrupt the Senator from Idaho.

What is the time remaining under this reduced amount?

The PRESIDING OFFICER. The Democrats will have 6 minutes, and Republicans will have 13 minutes.

Mr. REID. Mr. President, if I could, before we finish this procedural matter, the minority would be willing to have a voice vote on the tax bill.

I ask unanimous consent that during this process we have a voice vote on the tax bill.

Mr. BOND. I object.

Mr. CRAIG. Reserving the right to object.

The PRESIDING OFFICER. It is not appropriate to seek a voice vote at this time by unanimous consent.

Mr. CRAIG. Mr. President, let me reclaim my time briefly.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, because we have collapsed this time—and I think appropriately so—and several colleagues need to be elsewhere later today, let me close my comments.

Now some of our bills have been vetoed. We have yet to return to the American people all the tax increases they suffered as the result of the 1993 hike. But the last five-plus years also have produced a solid record of tax relief and IRS reform, thanks to Republican principles and bipartisan partnerships. Perhaps most important, that record highlights the Democrat and Republican contrasting views of people priorities.

Decades of liberal government meant more and more Americans were overtaxed on the one hand, and more and more dependent on ''government programs'' on the other. But a determined Republican Congress has been turning the tide, slowly but surely—even in the face of frequent vetoes and partisan obstruction—because it has believed in its mission of returning power to the people.

People are empowered when they can keep most of the fruits of their own labor, and use those resources to provide for families and their future the way they feel is best. People are empowered when the tax laws are a help, not a hindrance, to them choosing and being able to afford a good education, medical care that meets their specific needs, the right balance between work and family, and secure retirement planning. People are empowered when the government—especially the tax collector—respects the dignity and rights of the individual taxpayer.

The Republican-majority Congress has been making strong, steady, incremental progress in areas like these. While several major bills have been vetoed, several have become law. Among them: In 1996, Congress enacted the Health Insurance Portability and Accountability Act. This law increased health insurance deductions for the self-employed, created new Medical Savings Accounts so folks can set aside money for future needs, made it easier for workers to transfer from one job to another without losing benefits, allowed penalty-free IRA withdrawals for medical expenses, and reduced the cost of long-term health care.

The Taxpayer Relief Act of 1997 included, among other things, the $500 per-child tax credit, credits and deductions for higher education, expanded IRA limits and the new Roth IRA and the first significant steps in death Tax relief for family-owned farms and small business.

The IRS Restructuring and Reform Act of 1998 finally began shifting the burden of proof from the taxpayer to the IRS, required the IRS to pay court costs more often, provided protection for innocent spouses from IRS collection efforts, and created a new, taxpayer-oriented oversight board. The

Senior Citizens Freedom to Work Act of 2000 repealed the ''earnings limit'' on the amount of outside income seniors of retirement age can earn without having their Social Security benefits cut.

That's a good record but—we can and should do more. The tax collector should not be the uninvited guest at every wedding and the rude intruder at every funeral. But the Clinton-Gore Administration vetoed bills to repeal the Death Tax and the Marriage Penalty. I promise you, however, those issues will not go away. And now, in the waning hours of the 106th Congress, we are hard at work on wrapping up one more bill to provide tax relief to make health insurance affordable to millions of uninsured Americans, help more with retirement planning, help family farmers and small businesses, and encourage investment in economically depressed areas. In a matter of days it will be up to the President to decide the fate of that bill, with his signature pen or his veto pen. I hope, this time, he chooses power to the people over power to the tax collector.

I will conclude by saying this: This very meager tax package in front of us, which has been objected to so strenuously by the other side, is a small step in trying to put money back into the pockets of taxpayers during a time of unprecedented surplus. It is also an opportunity to facilitate; that is, to allow small businesspeople and others who want to provide health care and to provide farmers and ranchers and other people in agriculture the flexibility to do all kinds of positive things.

But most importantly, the reason the gnashing of teeth and the wringing of hands has been heard so loudly on the other side of the aisle is they don't want to give any tax cut. They don't want to provide any of that opportunity. They want to spend it all and they want to spend it all in a way that will grow Government and grow it in a way that will reduce our freedoms and, most importantly, deny the American taxpayer what should justifiably be theirs. Once you have balanced the budget and you have a surplus, you ought to give just a little bit of it back—that is, the surplus—to those from which it came.

With that, I yield the floor for other allocations of time.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, let me begin by noting a point made by the Senator from Texas. I urge all colleagues to change their plans to be here for the vote at 3 p.m. I believe there are colleagues on both sides of the aisle with planes to catch. The sooner we can complete the vote at 3 o'clock, the sooner we will be able to go on to the second vote, and there are many colleagues on both sides who hear the engines warming up and smell the jet fuel.

Mr. President, before I talk about this bill in particular, we have had a lot of politics on the floor and that is where I think it is appropriate for us to have our political discussions. I think, as chairman of the Small Business Committee, we have been able to work on a bipartisan basis on small business issues. But something is very disturbing to me, and I want to call that to the attention of my colleagues and to a much broader constituency. It is something that appears to be an attempt by this administration to politicize the Small Business Administration just days before the national election this November.

I call on the SBA Administrator to stop this effort. Yesterday, an anonymous employee of the Small Business Administration faxed to my office a draft of the ''SBA Day Plan.'' It was faxed to the Small Business Committee staff.

According to the plan, in the week before the election, the SBA will use personnel from its district offices to conduct a nationwide blitz of making small business loans, releasing media statements on the Clinton-Gore administration accomplishments, and coordinating advertising with 5,000 lending partners across the country. The whistleblower who contacted us had one short message: ''This must be stopped.'' I agree. This must be stopped.

According to this SBA document, SBA allegedly plans a major public relations campaign in the first days of November, right before the election. SBA central office will make mention of the hundreds of events going on all over the country. SBA regional and district offices will publicize their local SBA Day events throughout their regions.

What wonderful timing. Does anybody want to guess what those days will feature? Do you think they will mention the name of the Vice President?

Well, more disturbingly, SBA district offices will enlist and co-opt volunteers from the Small Business Development Centers, Women Business Centers, SCORE Chapters, and U.S. Export Assistance Centers, to place at least one person in lender offices in branches throughout the country in the week before the election. I say co-opt because these SBDC, SCORE, USEAC, and WBC centers receive a substantial amount of funding from SBA. It appears that the SBA may be using their private sector partners' dependence on SBA funding as leverage, pushing them to carry out this SBA campaign plan.

SBA partners are expected to encourage local lenders to make joint media announcements with SBA. SBA private sector partners are also expected to coordinate advertising regarding the SBA Plan Day at their local offices.

In particular, SBA district offices [are to] make every effort to target lender offices in key communities (i.e., Hispanic, African American, Asian, Native American, Export, Women).

The most abusive part of this plan would be SBA's efforts to ''close or get commitments for as many new SBA-guaranteed loans as possible during the week of October 30 through November 3, 2000.'' A followup news release, of course, will publicize the success of this effort.

Is this a great country or what? When I read this plan, I was shocked at what I saw. This thinly veiled attempt by the administration to promote itself in the days before the election is an abomination. Too many of us worked too long to allow the political manipulation and abuse of SBA resources, SBA personnel, and SBA partners with the goal of influencing the election.

As chairman of the Small Business Committee, I, along with the committee, have worked tirelessly on a bipartisan basis to promote small business development and success. This entire Senate has worked on fostering small business growth as a top priority on a bipartisan basis.

Focusing the resources of the SBA and its programs and loans towards historically disadvantaged and underutilized communities has also been a chief goal. This Senate passed the HUBZone Program overwhelmingly. It is now part of the SBA's programs to bring opportunity to areas of high unemployment and poverty. We cannot and should not allow SBA, in the waning days of this administration, to be politically hijacked for an election. Staging the events in the days before the election would spread a political taint throughout the SBA. This campaign plan will undermine the credibility of every SBA employee and partner. I don't want to see that political destruction.

If SBA is serious about raising public awareness of SBA programs and services—and I think that is a good thing to do—then it will do one simple thing: Delay the SBA Day Plan for 1 month. They can begin it in December instead of November. That would avoid any hint of impropriety. If however, SBA continues with the SBA Day Plan in the days before the election, we have no choice but to conclude that a complete political takeover of SBA had occurred with a goal of advancing the administration's candidates in the November election.

I don't know if this SBA pre-election campaign has been coordinated with the national political campaign or local political campaigns across the country. Frankly, we don't need to know, if this issue can be taken off the table right now. I urge SBA to remove any doubts and postpone this action. I have written to Administrator Aida Alvarez urging her to protect SBA from the taint of political interference.

I ask unanimous consent that the letter and the attached SBA Day Plan be printed in the RECORD following my remarks.

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

(See Exhibit 1.)

Mr. BOND. Mr. President, I say to all of the outside organizations and individuals who may be contacted by the

SBA, I hope they understand they are free to choose to participate or to not participate in any such activities if they are requested to do so. We intend to be around to continue oversight responsibilities next year, and we will ensure that there is no reprisal against any SBA employee or non-SBA employee who chooses not to participate in a political endeavor.

Mr. President, I yield the floor and reserve the remainder of my time.

EXHIBIT 1

U.S. SENATE,
COMMITTEE ON SMALL BUSINESS,
Washington, DC, October 27, 2000.

AIDA ALVAREZ,
Administrator, U.S. Small Business Administration, Washington, DC.

DEAR ADMINISTRATOR ALVAREZ: The purpose of this letter is to express my alarm over the potential politicalization of the Small Business Administration (SBA) in the days leading up to the national elections on November 7, 2000. Employees at SBA have brought to my attention SBA plans for a major public relations campaign across the country in the first day of November.

The Administration's use of SBA personnel, offices, programs and private-sector partners to influence public perception of the Administration only days before the election raises the specter of a pernicious manipulation of the federal government for political means. Most alarming is the directive from SBA headquarters to make as many government guaranteed loans as possible during the week before election day. Putting taxpayer money at risk for pre-election campaigning is totally unacceptable.

The ''SBA Day Plan'' received by my office details SBA plans to:

Close or get commitments for as many new SBA guaranteed loans as possible during the week of October 30–November 2, 2000;

Release media announcements by all SBA offices on the success of these efforts;

Encourage [local lenders] to make joint media announcements with SBA;

Coordinate advertising [with local lenders] regarding SBA Day at their local offices/branches;

Place at least one person [from SBA District Offices, Small Business Development Centers, Women Business Centers, Service Corps of Retired Executives Chapters of U.S. Export Assistance Centers] in lender offices/branches throughout the country during the week of October 30–November 3, 2000; and

Make every effort to target lender offices/branches in key communities (i.e. Hispanic, African-American, Asian, Native American, Export, Women).

The work of the Small Business Administration is vital to fostering small business across the country. I share your commitment to bringing these benefits to historically underutilized areas, which is why I sponsored and Congress overwhelmingly passed the HUBZone program.

Therefore, I am sure you will agree that SBA should reschedule its SBA Day Plan from the beginning of November to the beginning of December. This would avoid any taint of political manipulation. If you have any questions regarding this issue, please contact Paul Cooksey at 224–5175. Thank you in advance for your attention to this matter.

Sincerely,

CHRISTOPHER S. BOND,
Chairman.

SBA DAY PLAN

GOAL

1. Raise public awareness of SBA programs and services and the impact these have on local communities.

2. Tout SBA accomplishments and announce SBA loan numbers for fiscal year 2000.

3. Kick off the new fiscal SBA year (2001) positively and collaboratively.

4. Close or get commitments for as many new SBA guaranteed loans as possible during the week of October 30–November 3, 2000.

Concept

Week of October 30–November 3, 2000

SBA District Offices, with the collaboration of SCORE Chapters, district SBDCs, USEACs, and WBCs, will place at least one person in lender offices and branches throughout the country during the week of October 30–November 3, 2000. In particular, SBA district offices will make every effort to target lender offices/branches in key communities. (i.e. Hispanic, African-American, Asian, Native American, Export, Women)

Local lenders will be encouraged to make joint media announcements with SBA and coordinate advertising regarding SBA Day at their local offices/branches.

Tuesday, October 31, 2000

Media Announcement by all SBA offices of year-end accomplishments/loan numbers. A follow-up news release will be made the following week regarding the success of SBA Day.

SBA central office will announce national accomplishments and year end numbers for FY2000 and will make mention of the hundreds of events going on all over the country kicking off SBA's new fiscal year.

SBA regional and district offices will incorporate regional and local accomplishments and year-end numbers for FY2000 into the central office national announcement and will publicize their local SBA Day events taking place at lender locations throughout their region/district.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I yield myself such time as I may consume.

Very simply put, we have a tax bill before us which includes some provisions that are unbalanced. That is unfair. There has not been anything that would approximate consultation between the majority and minority, including the White House. It is going to pass with a majority vote. It is going to be vetoed by the President, as it should.

Frankly, I know the majority party will vote for this bill very quickly when we get back together, and we will pass a balanced bill in consultation with both parties and with the White House. After all, that is by and large what the American people want. They want us to work together. They want us to pass legislation that is balanced.

Unfortunately, the bill before us is not balanced. It is very lopsided and very much toward upper income levels. Also, it does not include provisions to help lower middle income Americans, which I will outline a little bit later.

In addition, the bill before us is one that was crafted by the majority leadership, despite what has been said on the floor here, without consultation that in any way is adequate with either the White House or with the Democratic Party. That is unfortunate. I say that also because the Senate Finance Committee not too long ago passed out of the committee, on a unanimous vote, a balanced bill that addresses the tax provisions in this bill.

What do I mean?

First of all, the bill that passed the Finance Committee on a bipartisan basis, with a unanimous vote, had one-third of the tax cuts directed to lower and moderate-income taxpayers to help them also save for good times. It is true the bill also raised contribution limits for people in moderate and upper income levels, as it should.

My point is not that those should not be raised. My point is there are no provisions in the current bill which also give the incentives to moderate- and low-income people.

In addition, it is important for us to reflect for a moment about the importance of retirement income. Sixteen percent of today's retirees depend exclusively and entirely on Social Security for their entire income. Two-thirds of American seniors depend upon Social Security as their primary source of retirement income. That is basically because Social Security benefits only replace about 40 percent of the income earned during retirement.

Who are those retirees who depend primarily on Social Security? They are people who spend their entire working lives making minimum wage and who earn just enough to make ends meet but not enough to save for retirement.

Only one-third of American families with incomes under $25,000 are saving for retirement either through a pension plan or through an IRA. That compares with 85 percent of American families with incomes over $50,000. Eighty-five percent of American families with incomes of $50,000 or over are saving either through a pension plan or IRA.

That is why the bill that passed the Finance Committee—again, unanimously—attempted to address that disparity by including a tax credit for families with less than $50,000 in income to help them also save for retirement. The credit was really one of two items in the bill that helped provide that balance. It also made the bill more progressive.

The unanimously passed, bipartisan Finance Committee bill had a couple other incentives to help small businesses establish pensions for their workers. These were very important provisions to help balance the bill and raise limits for upper income Americans and also help provide incentives for lower and moderate-income Americans.

You won't find these provisions in the bill before us today. You won't find the provisions that passed the Finance Committee unanimously, on a bipartisan basis, to help middle and lower income Americans as well as upper income Americans. That pattern is repeated.

Measures that the Finance Committee, again, on a bipartisan basis, passed to help balance the legislation before us are not included in this, I might say, closed-door bill that we have before us today. For example, the

section on health care spends $88 billion, with $56 billion of that going to basically HMOs that subsidize people who already have health insurance.

I ask: Where are the provisions designed to help the uninsured in America? They are not there. There is no provision, for example, to expand the Children's Health Insurance Program as part of the compromise. You won't find other efforts to help encourage people who are uninsured to get insurance.

As I mentioned and as many other speakers have mentioned, this bill was slapped together in the last couple of days. There are parts of it that almost no one saw before yesterday morning. We have no idea what special interest provisions are in here, and we do not know what mistakes are in it. There are probably going to be a few—again, because it was not written in the sunshine.

I am even told there is a section here that may have accidentally repealed the minimum wage altogether for 6 months. I don't know. It is possible.

Again, good law is not made behind closed doors by a small number of people. It is made by all of us here in the full light of sunshine.

I ask my colleagues to vote against this bill. But, more importantly, when the President vetoes it, let's get together and do something that is balanced for the American people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, we are about ready to conclude the debate on this portion of the omnibus small business.

Let me point out before we go to the votes on District of Columbia/Commerce-State-Justice and adopt the resolution numbered 245, there has been a lot of talk about all of these things not having passed. Ninety percent of the bill has been voted out of the House by a large margin, and parts have come out of the Finance Committee.

I can tell you from the Small Business Committee that we took a bipartisan, broadly supported bill, and we were not able to get all of the things that we in the Senate wanted included. Frankly, one of the key elements I wanted was rejected. I know a provision advocated by the Senator from Minnesota was rejected. But I can assure you that it was over my strong objections, and only at the last was it rejected.

This measure does many things to continue the small business programs and to assure small businesses can provide jobs in areas where there are great needs when there is poverty and unemployment. There are provisions that are recommended by the Women's Business Conference. There are provisions to bring jobs into needy low-income communities. These bills together have many of the things that the President also requested.

I regret to say that the President and some of our colleagues on the other side of the aisle are pouting because they didn't get it all. I can tell you something. I didn't get all that I wanted in this bill either. I took some things I didn't want, that were wanted by the House and that were wanted by other Members.

But this bill provides significant savings incentives and income-limited savings incentives on IRAs that could do more to help savings.

Medicare give-backs will enable providers to continue to serve needy people.

Those who ran against the HMOs are trying to make HMOs available in States such as New Mexico and rural areas that do not have the tremendous bonanza of the reimbursements that they do in New York State.

There are many good provisions in this bill. An overwhelming number of them have been supported and requested by the President and, at one time or another, supported by the people on the other side of the aisle. Unfortunately, they say: We are just not getting enough. Sixteen billion dollars in school construction, two-thirds of what the President wanted, is not enough. Our friends have never seen a tax cut that they liked nor a tax surplus they didn't want to spend.

This strikes the happy medium. I hope ultimately we will adopt this measure and have it signed by the President.

I yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2001—CONFERENCE REPORT

The PRESIDING OFFICER (Ms. COLLINS). The clerk will report the conference report.

The assistant legislative clerk read as follows:

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate on the bill H.R. 4942, ''Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2001, and for other purposes'', having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, signed by a majority of the conferees on the part of both Houses.

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

(The report was printed in the House proceedings of the RECORD of October 25, 2000.)

FBI'S JEWELRY AND GEM PROGRAM

Mr. CAMPBELL. Madam President, I commend my friend and colleague from Hew Hampshire, Senator GREGG, for his effective leadership on this important Commerce, Justice, State appropriations conference report. The Senate version of the fiscal year 2001 Commerce, Justice, State appropriations bill included a recommendation of up to $2.2 million for the FBI's Jewelry and Gem Program within funds available for Organized Criminal Enterprises, OCE, to address crimes against jewelry vendors who have proven easy targets for thieves, including organized South American gangs. The House report on the bill encourages the FBI to continue to allocate sufficient resources to disrupting these criminal enterprises. This program is designed to protect small businesses and the lives of employees in this field from violent crime. The conference agreement adopts the House position, but it is my understanding that the FBI decided to commit significant funds to combating these crimes in fiscal year 2000. Therefore, the conference agreement should be understood to recommend the FBI make available sufficient funds for the Jewelry and Gem Program. May I ask my distinguished colleague from New Hampshire, the chairman of our subcommittee and our Senate conferees, if my understanding is correct?

Mr. GREGG. Madam President, my distinguished colleague from Colorado is correct. The conference agreement should be read to recommend that the FBI expend sufficient funds for OCE on combating the crimes addressed by the Jewelry and Gem Program.

FAST PROGRAM

● Mr. BURNS. Madam President, the conference report for the Commerce, Justice, State and the Judiciary appropriations bill provides that $5 million is appropriated for the Small Business Innovation Research (SBIR) Rural Outreach Program at the Small Business Administration, SBA. Given how this legislation evolved, I believe that clarification is needed as to how the Conferees intend that the SBA spend such money.

Next year, there will be two programs at the SBA that focus on small high-technology business outreach: The Federal and State Technology Partnership (FAST) program and the SBIR Rural Outreach Program. While the FAST program and the Rural Outreach Program share the similar goal of facilitating the development of small high-technology businesses, they are separate programs and the FAST program is much broader in scope than the Rural Outreach Program. The FAST program is a competitive matching-grant program that provides states with wide latitude to develop strategies to assist in the growth of their small business high-technology sectors. In contrast, the Rural Outreach Program is targeted at only those states that receive the fewest SBIR awards and is limited to funding activities to encourage small firms in those states to participate in the SBIR program. My state of Montana has benefitted greatly from the Rural Outreach Program and it is very important that this program be funded.

The FAST program, which has been included in SBIR legislation that has