

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Robb	Shelby	Thurmond
Roberts	Smith (NH)	Torricelli
Rockefeller	Smith (OR)	Voinovich
Roth	Snowe	Warner
Santorum	Specter	Wellstone
Sarbanes	Stevens	Wyden
Schumer	Thomas	
Sessions	Thompson	

NAYS—1

Breaux

NOT VOTING—2

Gramm Harkin

### QUORUM CALL

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

Mrs. FEINSTEIN. Reserving the right to object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. I don't believe there was objection.

Mrs. FEINSTEIN. I object.

The PRESIDING OFFICER. The clerk will continue to call the roll.

The legislative clerk resumed the call of the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 7]

Coverdell	Kennedy	Nickles
Feingold	Kohl	Schumer
Feinstein	Lott	Sessions
Fitzgerald	Murkowski	Voinovich

Mr. LOTT. Mr. President, I move to instruct the Sergeant at Arms to request the presence of absent Senators.

The PRESIDING OFFICER. The motion is in order since a quorum is not present.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Texas (Mr. GRAMM) is necessarily absent.

Mr. REID. I announce that the Senator from Iowa (Mr. HARKIN) is necessarily absent.

The result was announced—yeas 97, nays 1, as follows:

[Rollcall Vote No. 183 Leg.]

YEAS—97

Abraham	Daschle	Jeffords
Akaka	DeWine	Johnson
Allard	Dodd	Kennedy
Ashcroft	Domenici	Kerrey
Baucus	Dorgan	Kerry
Bayh	Durbin	Kohl
Bennett	Edwards	Kyl
Biden	Enzi	Landrieu
Bingaman	Feingold	Lautenberg
Bond	Feinstein	Leahy
Boxer	Fitzgerald	Levin
Brownback	Frist	Lieberman
Bryan	Gorton	Lincoln
Bunning	Graham	Lott
Burns	Grams	Lugar
Byrd	Grassley	Mack
Campbell	Gregg	McCain
Chafee	Hagel	McConnell
Cleland	Hatch	Mikulski
Cochran	Helms	Moynihan
Collins	Hollings	Murkowski
Conrad	Hutchinson	Murray
Coverdell	Hutchison	Nickles
Craig	Inhofe	Reed
Crapo	Inouye	Reid

The motion was agreed to.

The PRESIDING OFFICER. A quorum is present.

The majority leader.

Mr. LOTT. Mr. President, the Senate has a responsibility, obviously, to do the people's business. Up until a couple of days ago, we were doing pretty good this year. We had already moved four appropriations bills. We had taken up a number of important issues including the Y2K liability bill, the financial services modernization, the national missile defense bill, education. We were moving right along. But all of a sudden a couple of days ago that stopped.

Why is that? It is because the Democrats—Senator KENNEDY, Senator DASCHLE, Senator FEINSTEIN, and others—want to offer an unrelated bill to agriculture appropriations. That bill is the Patients' Bill of Rights.

Going back to last fall, we have talked many times about finding a way to have that legislation considered, trying to come up with some time-frame that is fair to all. Consistently we have had requests for many amendments. I don't know, I think it started off with the Democrats saying they had to have 40 amendments. I believe at some point it got down to 20, although it is not clear to me they would even agree to limit it to 20.

On the other hand, we have argued we have a good Patients' Bill of Rights bill, one that was developed by a task force chaired by Senator NICKLES which included Senator COLLINS, Dr. BILL FRIST, Senator SANTORUM, Senator JEFFORDS, and Senator ROTH. A really good group worked very hard to come up with a good bill, with some provisions for protections of patients' rights, with provisions for an appeals process when there is a disagreement with a decision within a managed care facility, both internally and externally. It is a good bill. We are prepared to vote on that.

The Democrats, on the other hand, have a bill of their own that takes a very different approach, and a big part of it is lawsuits will be the final arbiter on how these health decisions will be made.

We say if you have a good package, let's vote on yours. We will vote on ours. This week we, in effect, did that. We voted not to table our proposal, and we voted to table the underlying Kennedy amendment.

We have tried very hard to come up with a way for this to be considered without it becoming an obstruction to the people's business.

What is the people's business? The bill pending is the agriculture appro-

priations bill, \$60.7 billion for the farmers in America. But it goes beyond just farmers. It also includes such programs as food stamps, women, infants, children, school breakfast, and lunch programs. It is a broad bill and an important bill. At a time when our farmers have lost markets and are having a tough time, we are tied up and delaying the agriculture appropriations bill with an unrelated measure.

In addition to that, we have ready for consideration the transportation appropriations bill, the State-Justice-Commerce appropriations bill, the foreign operations appropriations bill, and I believe in short order the Treasury-Postal Service appropriations bill.

In addition to that, we have very important legislation such as the intelligence authorization bill we need to have considered, now that we have passed the defense authorization and appropriations bills. We have the very critical question of how are we going to deal with the nuclear espionage at our labs around the country. We have an important proposal pending on that. We have several very important appropriations bills that we need to move. They are the people's business.

The point is, we want to have our other measure considered. We have gone back and forth. Senator DASCHLE and I have worked through the last 36 hours or so. We have gone back and forth with alternative suggestions. We started out 2 nights ago saying maybe we can do it this Wednesday and Thursday and be through with it Thursday night. That did not get very far.

Then we said, how about if we take it up July 12 when we come back from the recess and we will spend that Monday, Tuesday, Wednesday, Thursday and by the close of business on Thursday we will have completed this debate.

Maybe some people say that is not enough time. That is a pretty long period of time for debate on a legislative measure, and it is a long period of time when you take into consideration the other work that we really must do for the people in passing appropriations bills, in complying with the budget resolution, and the reconciliation bill to allow us to return some of the tax overpayment to the working people of this country. That is a long period of time in the middle of the summer when our focus really needs to be on considering the appropriations bills that provide what the people in this country need from their Government, if you are convinced these appropriations bills do that.

We talk about agriculture and transportation. You can certainly argue that. Foreign operations, here is a time when we have very delicate relations around the world. We just passed the State Department authorization bill after about 3 years of trying. It seems now we need to provide the funds that go along with that. So we went back and forth.

I want to read the latest iteration as of 6:30 last night, June 23, of what we

offered to try to get this matter considered by itself and in a reasonable period of time. Apparently, for a variety of reasons, we have not been able to get this agreed to or worked out:

I ask unanimous consent—

I am not asking this, I am just reading the consent request because it is obvious there would be objection to it—

that the text of amendment No. 703, as modified, or 702—

That would be either the Kennedy version or the Republican version—

be introduced by the majority leader, or his designee, and become the pending business at 1 p.m. on Monday, July 12, 1999, with a vote occurring on final passage at the close of business Thursday, July 15, and the bill be subject to the following agreement: That all amendments in order to the bill be relevant to the subject of amendment No. 703 or 702 or health care tax cuts, and all first-degree amendments be offered in an alternating fashion, and all first and second-degree amendments be limited to 2 hours each to be equally divided in the usual form.

Two hours for the first-degree amendment; 2 hours for the second-degree amendment. I don't know quite what that adds up to over a period of a week, but a lot of amendments could be considered under that period of time. I think 2 hours is a reasonable period of time when you take into consideration the significance of some of the issues that would be debated. In some instances it would not take 2 hours; it might not take 30 minutes.

I assume that somebody is going to offer an amendment both sides will like, and we will say: Yes, we'll take that. So it would not take that long.

I further ask consent that second degree amendments be limited to 1 second degree amendment per side, with no motions to commit or recommit in order, or any other act with regard to the amendments in order, and that just prior to third reading of the bill, it be in order for the majority leader, or his designee, to offer a final amendment, with no second degree amendments in order.

I further ask consent that following passage of the bill, that should the bill, upon passage, contain any revenue blue slip matter that the bill remain at the desk and that when the Senate receives the House companion bill, that the Senate proceed to its immediate consideration, all after the enacting clause be stricken, and the text of the Senate passed bill be inserted in lieu thereof, the bill as amended be passed, [and] the Senate insist on its amendment. . . .

Very simply, that is to avoid the blue slip problem with the House of Representatives of a measure we pass that has revenue in it and to make sure this matter does not just die aborning here.

I further ask consent that no other amendments relative to the Patients' Bill of Rights be in order, for the remainder of the first session of the 106th Congress.

Once again, let's have the debate, have the amendments. Let's have a vote—win or lose, whichever side. Then you move on.

I further ask consent that at any time on Thursday, July 15, it be in order for the Majority Leader, if he deems necessary, to offer a comprehensive amendment containing several provisions, that the amendments/titles therein be considered en bloc and a vote

occur on or in relation to that amendment, with no second degree amendments in order, prior to 3rd reading and the offering of the last amendment by the Majority Leader.

That is traditionally the way it has happened. The majority leader—the majority gets to offer the last amendment or substitute, for that matter.

Finally, [we] announce . . . the two Leaders [will work together to agree] to pass three to five of the remaining appropriations bills available, prior to the July 4th Recess.

And we listed the appropriations bills.

I wanted to make sure everybody knew that—both the Democrats and Republicans, and members of the media, and our constituency—because I think it is a fair proposal. Basically, it is 4 days on this subject, with designated periods of time, with an end date involved—Thursday, July 15.

Amendments could be offered. I do not know how many that would provide for, but I presume as many as 16, maybe more, depending on how long it takes on some of them and how much time would be yielded back.

Let me just say, there is not 100-percent agreement on our side of the aisle that we should do this. But at some point you have to come to an agreement of how you proceed and how you get an issue considered, how you get it voted on. This seemed fair to me.

Frankly, I do not even like the idea of putting time limits on these amendments. I think we ought to have a jump ball, call it up on Monday, the 12th, and offer amendments. Let's debate them and vote and, when we get to the 15th and have final passage. But there was a feeling, to some degree on both sides, that we ought to have some time limit specified in that agreement.

I think we are dealing here with sort of a Molotov minuet. Everything we have tried to do, we are being met with: No. Nyet. We can't do that. No. We can't do something else.

I began to wonder, do we want to address this issue or do we just want the issue? I have been through that before.

I can remember we had the Kennedy-Kassebaum bill a few years ago—3 years ago—and as long as everybody was all dug in and saying, we are not going to consider that, we are not going to do this and not going to do that, nothing happened. Once we finally said, we are going to do it, we did it and moved on.

I think that is what we ought to do—move on here, have a focused debate, have some amendments, vote on them, and be done with it.

Where are we at this particular time? We do have pending, I guess, an amendment by the Senator from California, Mrs. FEINSTEIN, that she feels very strongly about. I would like to get a time agreement on that amendment and have it considered and vote on it and move on.

We have a Frist second-degree amendment by Senator FRIST from Tennessee that will be offered.

But I also should make this point: All of this is legislating on appropri-

tions bills. All of that is possible under the rules because of a ruling that occurred a few years ago which allows this sort of legislating on appropriations bills. I have been heckled in the past: "We ought to change that," on the Democratic side and on the Republican side. And I think we should.

People on both sides of the aisle might say: Wait a minute, that is the only way I can get my legislation considered. Look, that is why we have authorization bills. We—both sides—abuse this. We ought to stop it. That is what contributes to the difficulty we have in passing appropriations bills now every year, because we are busy legislating things on appropriations bills that we might not be able to get through a committee or might not be able to get on an authorization bill.

Somebody said: Well, how would we do it? A novel idea: Go back and do it the way we always did it, on authorization bills, not on appropriations bills. I think you could argue back and forth whether that benefits the majority or the minority. I do not think we ought to get into that on something such as this. It is the right thing to do in eliminating this procedure. We should not be having legislation, a whole bill, put on the agriculture appropriations bill.

So that is sort of where we are.

I propose we go forward and try to get some indication of where the votes are, have some debate on the point of order or legislation on appropriations bills, have the debate on the Feinstein amendment, have some debate on the Frist amendment, and then let's have some votes and see where we are. But I think we need to make up our minds: Are we just going to say no or are we going to move forward?

We could still do a lot of work next week that would be in the people's interests. Last week we passed six bills and made a big start on State Department authorization. We can do that next week. We could go out next week having passed three or four appropriations bills, perhaps the intelligence authorization bill, and several nominations.

We are now beginning to have some nominations come on to the calendar out of the Commerce Committee and out of the Judiciary Committee and out of the Foreign Relations Committee. In fact, I saw we had about 8 or 10 that came on last night, and more have come on. We could wind up with a burst of activity that would serve the Senate well. It would serve the American people well.

Quite frankly, Senator DASCHLE and I like to do that, because we agreed a long time ago, when you do your work, everybody wins, but when you dig in and just find ways to continue the Molotov minuet and say no, everybody loses.

So I think we ought to move forward. I urge my colleagues on the Democratic side to consider how we can get this done. Let's get this agreement

worked out, and let's move on with these very important appropriations bills.

Mr. DASCHLE addressed the Chair.

Mr. LOTT. Mr. President, I do have some things I need to do. I know Senator DASCHLE would like to respond.

Does the Senator wish to ask a question or to respond on his own time or I should just yield and keep the floor and wait for you to finish?

Mr. DASCHLE. Mr. President, certainly the majority leader can—

Mr. LOTT. I do have some work I need to do.

Mr. DASCHLE. I do want to respond. If you want to finish—go ahead.

Mr. LOTT. Why don't I do this because I think it would be more appropriate. Let me just yield to Senator DASCHLE so he can respond. When he finishes, I will go back and do this procedural work.

The PRESIDING OFFICER. The Chair recognizes the minority leader.

Mr. DASCHLE. I thank the majority leader.

Mr. President, let me respond to a number of the comments made by the distinguished majority leader.

He certainly is right in that we have attempted to work our way through this for some time now. But I will say, if this is a Molotov minuet, there is only one side dancing. And in the Senate, both sides have to dance to make progress. In the Senate, if we are going to have a dance, it takes both sides to make it work. We are getting shut out.

That is what this is about. We are shut out. We want to see progress, and there are colleagues on the other side who want to continue to shut us out. We are left with no recourse. We will minuet with anybody so long as there is somebody there to dance with.

Let me just talk about the lament of our distinguished majority leader that this is an amendment to an unrelated bill. Just last week, Senator MURKOWSKI offered the Glacier Bay legislation to the steel bill, and I listened very carefully to see if there was one Senator on the other side who would object to bringing up a glacier amendment on a steel bill. It was a cold steel bill, but it was not a glacier bill.

Yet there we were, unrelated legislation offered with no objection.

The majority leader understandably talked about the ruling on the energy appropriations supplemental. Just for the RECORD, he made mention that it was a ruling. It actually wasn't a ruling. It was the majority overturning the ruling. Fifty-four Republicans, actually 57 people, but 54 Republicans, 100 percent of the Republican caucus, overruled the Chair when the Chair ruled, on March 16, 1995, that you couldn't legislate on appropriations. One hundred percent of the Republican caucus said: Yes, we can, and we are going to say to you, Mr. President, we are overruling you.

Now we hear our colleagues saying: Oh, my goodness, we are legislating on appropriations.

I ask unanimous consent that the text of the amendment and the rollcall be printed for the RECORD.

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

SENATE VOTING RECORD—No. 107

[104th Congress, 1st Session, March 16, 1995]

*Emergency Supplemental Appropriations, 1995*

(Endangered Species)

Amendment No.: 336

Bill No.: H.R. 889.

Title: "Supplemental Appropriations and Rescissions Act, 1995."

Subject: Hutchison appeal of the Chair ruling that the Hutchison, et al., amendment, which rescinds \$1.5 million from amounts appropriated for the Fish and Wildlife Service to make determinations regarding whether a species is threatened or endangered, and whether a habitat is a critical habitat under the Endangered Species Act; prohibits any remaining funds designated for Resource Management, under the Fish and Wildlife Service, from being used to make a final determination that a species is threatened or endangered, or that a habitat constitutes a critical habitat; and provides that any court order requiring the Fish and Wildlife Service to make determinations relating to species or habitat by a date certain, shall not apply to the Service if funds are not available to make those determinations by the date required in the court order, violates Rule XVI of the Standing Rules of the Senate. (Subsequently, the amendment was agreed to by voice vote. See also Vote No. 106.)

Note: Rule XVI of the Standing Rules of the Senate prohibits the inclusion of new or general legislation in any appropriations bill. H.R. 889: Vote Nos. 101-103, 105-108.

Result: Decision of Chair not sustained.

YEAS (42)

*Democrats (42 or 93%)*

Akaka, Baucus, Biden, Bingaman, Boxer, Breaux, Bryan, Bumpers, Byrd, Daschle, Dodd, Exon, Feingold, Feinstein, Ford, Glenn, Graham, Harkin, Heflin, Inouye, Johnston, Kennedy, Kerrey, Kerry, Kohl, Lautenberg, Leahy, Levin, Lieberman, Mikulski, Moseley-Braun, Moynihan, Murray, Nunn, Pell, Pryor, Reid, Robb, Rockefeller, Sarbanes, Simon, Wellstone.

*Republicans (0 or 0%)*

None.

NAYS (57)

*Democrats (3 or 7%)*

Conrad, Dorgan, Hollings.

*Republicans (54 or 100%)*

Abraham, Ashcroft, Bennett, Bond, Brown, Burns, Campbell, Chafee, Coats, Cochran, Cohen, Coverdell, Craig, D'Amato, DeWine, Dole, Domenici, Faircloth, Frist, Gorton, Gramm, Grams, Grassley, Gregg, Hatch, Hatfield, Helms, Hutchison, Inhofe, Jeffords, Kassebaum, Kempthorne, Kyl, Lott, Lugar, Mack, McCain, McConnell, Murkowski, Nickles, Packwood, Pressler, Roth, Santorum, Shelby, Simpson, Smith, Snowe, Specter, Stevens, Thomas, Thompson, Thurmond, Warner.

NOT VOTING (1)

*Democrats (1)*

Bradley (necessarily absent)

*Republicans (0)*

None.

ANALYSIS OF ISSUE

*Party Cohesion*

Democrats—93%

Republicans—100%

*Measure of Party Support on this Vote*

For (42)

Democrats—42 or 100%

Republicans—0 or 0%

Against (57)

Democrats—3 or 5%

Republicans—54 or 95%

Mr. DASCHLE. The majority leader has also said this is a good bill; the Republican Patients' Bill of Rights is a good bill. We don't think so. But if it is such a good bill, what is wrong with just putting it before the Senate and having a good debate about a good bill? That is what we are supposed to do here. We are supposed to put legislation down and have at it.

I have lamented several times that there are those in this Chamber who believe that a good bill ought to be accompanied by a good rule. The rule is, we will allow amendments if we like them. If you want that kind of an environment, run for the House of Representatives because they have all kinds of rules like that. If you want to do it the way we do it here, have at it. Let's have some good debate. Let's not say we are going to have to approve every amendment offered by our colleagues prior to the time we even agree to go to the bill. If it is a good bill, it ought to have a good debate.

The majority leader also read the unanimous consent request agreement. I will not in any way denigrate the effort that the majority leader has made to try to accommodate both sides. He has worked diligently to make that happen. But let me just explain what is wrong with that agreement as we see it.

First of all, it requires an end date. That, perhaps, is the most significant concern we have all had. I dare ask, could somebody come back and tell me when was the last time we said we will take up a bill with an absolute guarantee that we will have an end date? We haven't even talked about—and it is murky—whether we are talking about final passage. I think we are, but we haven't agreed to that. There is just an end date. We would have to quit debating this at a time certain.

Well, in a body such as this, when we agree to consideration of a bill without any other rules than that, if we just say we are going to end this debate at a time certain, guess what happens? Anybody can take the floor and monopolize the floor for days, if they want to. That is the first problem.

The second problem is, as the distinguished majority leader indicated, under this proposal, each amendment would have 2 hours. That is right. He also noted that each amendment would have 2 second-degrees, subject to 2 hours. By my calculation, sophisticated as it is, that is 6 hours per amendment. One first-degree, 2 second-degrees, 2 times 3 is 6. If the majority leader were good enough to allow the Senate to go for 12 hours, that means 2 amendments per day. There are 3 days. Two amendments per day, 2 times 3, ironically, once again, you get 6. It is amazing how this math works out. It always comes down to 6. That is our problem.

Mr. NICKLES. Will the Senator yield?

Mr. DASCHLE. Let me finish, and I will be happy to yield.

Six amendments. I know our colleagues on the other side say: Certainly, we wouldn't use all that time.

With that end date, who knows? As difficult as it has been to bring up amendments with second-degrees and with tabling motions, who knows how long and how many amendments we will be able to bring up. That is the problem.

Here are the concessions we have made in this agreement. In the Senate, you are able to bring up a farm bill on a peace treaty. But we said on this bill it has to be relevant. We will agree to relevancy. We said we may even agree to an end date.

Now, the majority says: We also are insisting, and it was in this agreement, we are insisting that you never talk about the Patients' Bill of Rights until the next millennium. That is in here. What it says is, you can't bring it up in this entire Congress, but this entire Congress goes into the next millennium. So it is a gag rule until the next millennium on the Patients' Bill of Rights.

Now, they did change it. They would acknowledge a willingness to change it to the end of this session, but we couldn't talk about it anymore this session.

Then, of course, we have the question of how we resolve the outstanding issues on amendments. I have suggested that we leave it to the two leaders to offer amendments without debate at the end. Say we run up to the end of the time and somebody unfortunately has used all of the time and we are stuck here with 20 amendments and we have only debated one, let's take the worst case scenario. I am stuck here with my colleagues demanding that I protect them, and I have got 19 amendments in my hands. I said: At least let us have a vote on that. No debate; we will just have a vote. They wouldn't agree with that. No debate. No votes.

Then the ultimate power the majority has are the two things that the majority leader made reference to. The first is the power of the second-degree. Anything we lay down, they get to second-degree. And because they have 55 votes, usually they win. Second-degrees are powerful, and they have them. We have agreed to that.

The other thing they have, probably the most powerful of all, is the majority leader's right of first recognition. Let's assume we have worked through all of this and we have won more than our share of amendments. Well, the majority leader, as is his right—and it will certainly be my right when we are in the majority—has the opportunity to say at the end: Well, I am going to lay down an amendment to wipe out everything we have done. That is my right as a majority leader. I am going to offer an amendment to wipe it all out.

He can do that, and that is in this agreement.

I must say, I have to ask, what are they afraid of? What is it about these amendments they don't want to vote on? What is it about a procedure that is so extraordinary if all we want to do is be able to offer the amendments and we will agree with most of everything that has been listed here?

I can't figure it out, but that is for them to share with the rest of us.

We have tried. I think my colleagues have given me a pretty clear indication where they are, as a result of a caucus this afternoon. They weren't very wild about this. I can understand why. We have 48 amendments listed here that my colleagues have all said are important and ought to be determined in debate and in a vote.

There are those on the other side who say: We just don't have time. Well, we had time to take up 159 amendments on the defense authorization bill. We had time to bring up 67 amendments on the defense appropriations bill. We had time to bring up 104 amendments on the budget resolution. We had time to bring up 66 amendments on the supplemental appropriations. We had time to bring up 38 amendments on the Ed-Flex bill. We even had time to bring up and dispose of 26 amendments on the military bill of rights.

If we had 26 amendments that were legitimately considered on the military bill of rights, how about 20 amendments on the Patients' Bill of Rights? That doesn't seem too much to ask to me.

So here we are. This is an important issue. It isn't going to go away. We can do it the easy way or the hard way. It appears that we are inclined to do it the hard way. We are prepared to do it any way. We will minuet with anybody, but it takes two to tango. We are here to do our job.

I yield the floor.

Mr. LOTT. Mr. President, I yield to the Senator from Oklahoma, Mr. NICKLES.

Mr. NICKLES. Mr. President, I am really kind of surprised that our colleagues have not agreed to the unanimous consent proposal that was made last night. I am almost shocked because when you think about it—let me put it in a little different perspective. We have about 8 weeks that we are going to be in session before the end of September, before the end of the fiscal year. We have a lot of work to do in that period of time.

The majority leader basically made a proposal that said you can have almost all of a week. He said we will have a week off on the July 4th break, but then when we come back, you can have Monday, Tuesday, Wednesday, and Thursday. That is 4 days not 3. It is 4 days. Under that proposal, amendments were limited to 2 hours each.

That is a major concession. A Senator has a right to have unlimited debate on any amendment. Some of these amendments are very significant, as I

think everybody would agree. Some of the proposals would change every single health care plan in America. Some would be quite expensive. Some would increase everybody's health care costs across the country. So we should not do that lightly. Probably we should not do it in 2 hours. If one amendment can increase every health care premium in the country by 1 percent—and there are a couple proposals to do that—we should discuss that because a lot of people are concerned about the growing cost of health care.

Under our proposal we said every amendment would have a 2-hour time limit. Granted, every amendment could have two second-degree amendments. I would be happy to modify that to one second-degree amendment if you think that advances your cause. I would be happy to do that. It doesn't take a brain surgeon to figure it out. I probably should not say that; Senator FRIST is here. I would not assume a second-degree amendment is exactly the same or that close to the first-degree amendment.

So, really, if you have 2-hour time limits, if you have one amendment and a second-degree, that is two amendments every 4 hours. We don't have to have a second-degree on every amendment. So you can have a lot of amendments in 4 days, a lot of them, probably to accomplish the desires that you have expressed to us, which is that you wanted to have 16 amendments or 20, or something similar to that. Some of those amendments on the list, hopefully, would be agreed upon. I haven't looked at the list. I haven't seen the list. But I am sure we can come to an agreement. I am also sure you don't have to spend 2 hours on every single amendment.

So my point to my colleagues who have had amendments, and to the Senator from California, I mention this: You have the best deal you are ever going to get. It takes unanimous consent. A lot of Senators over here don't want to give unanimous consent to 2 hours on some of these amendments. That was in the proposal. I can't believe you didn't accept it, and then you said you want Friday, too. That is regrettable.

Other people have said, wait a minute, now you are talking about making a point of order that you should not legislate on an appropriations bill. The Senator from South Dakota says we have done it before—a couple weeks ago. We have a real problem. We changed the rules by an action on the floor, and a lot of us voted that way and said, wait a minute, that has not helped us manage the Senate. We have had a rule in the Senate—a rule called rule XVI—which many times is abused and ignored; we legislate a lot on appropriations bills. But it makes it very difficult to accomplish things. Maybe that rule should be reinstated. Both Democrats and Republicans know we should reinstate it. Let's leave the authorizing and legislating up to the

authorizing committees that have the experience and expertise to do so.

Mr. GREGG. If the Senator will yield for a question, I noticed that the Democratic leader held up a list of the vote and pointed out that 54 Republicans voted to overrule rule XVI, and that three Democratic Members, I guess, voted with us. Then that would mean that the balance of the Democratic membership—well into the 40s—voted for maintaining rule XVI. As I understand that argument, we are basically saying those guys were right.

Mr. NICKLES. The Senator is correct.

Mr. GREGG. I would think the Democratic membership would be happy about that and would accept our representation that we made a mistake and that we are happy to acknowledge it, and we are going to own up to that mistake and join with them and say they were right the first time we voted on this and we will be with them this time.

Mr. NICKLES. Mr. President, I appreciate the comments of my colleague. My point is that rule XVI is not a Democrat rule or a Republican rule. It is a rule that has been abused in the past, and it ought to be reinstated. It is a rule that would help us do our Nation's business and finish our appropriations bills on time. We should leave the legislating up to the appropriate authorizing committees. If the authorizing committees aren't passing legislation we want, maybe we ought to give them a jump start. It goes through the appropriate legislative process.

I compliment Senator CRAPO from Idaho, who suggested that we should do this. He is right. Many of us suggested that we do this long before we came into this dilemma. I told my friend and colleague from California this amendment doesn't belong on the agriculture appropriations bill. Granted, if you want to try to pass the so-called Patients' Bill of Rights, piece by piece, or body part by body part, on an agriculture appropriations bill, you are wasting everybody's time. There is no way in the world an agriculture appropriations bill is going to come back with a Patients' Bill of Rights. Maybe you are making political statements, but you are not legislating effectively. It is not going to become law.

The majority leader proposed that we will give you basically a week, 4 legislative days, with time limits on amendments, which nobody has seen on either side. That is a tremendous gift. My colleague from Delaware is probably saying: I can't believe they didn't agree to that. Many people on the other side are saying: I can't believe you haven't agreed.

I am not sure that offer is still going to be out here. I am troubled by that offer, I tell my colleague from South Dakota. I will tell you, there is no way in the world you are going to get another UC after today. I will be shocked if you get one that will be this generous in time, giving 4 legislative days to this particular issue.

I think I heard my colleague from South Dakota say: Wait a minute, we are being squeezed out and we haven't had the opportunity to bring up these amendments.

I think the majority leader, in making this request yesterday, was being very sincere in saying, hey, this is a way we can do this—not piece by piece, not on legislative appropriations bills, but basically we would give you 4 days beginning on July 12. I think that was a very generous offer. I wanted our colleagues to know that. If it is refused, then obviously the Patients' Bill of Rights is not going anywhere this session.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I will just take 2 minutes. I thank my colleague for his generosity. I can't tell you how bowled over I am by the generosity of the Republican Party for allowing us 2 hours of discussion when, as I understood the rules, there is no limit on time, assuming you can get the floor. I am truly overwhelmed by that generous offer. And my friend from New Hampshire—

Mr. LOTT. Mr. President, if I may respond to that, I thought the best way to do it was not have any time limits.

Mr. BIDEN. Mr. President, I am impressed.

The second thing I say to my friend from New Hampshire, I find his reasoning absolutely fascinating and appealing. It is a little like saying, you know, we have been in the candy drawer for the last year, but we are going to lock it now because we think you are right; there should have been a lock on this drawer the whole time, as they walk around fat and happy and 300 pounds. I kind of like that.

I have been here 27 years, and I have never been as impressed with the generosity of the other party as I have been today. I wanted to say that and tell you how good it makes me feel.

I yield the floor.

Mr. LOTT. Mr. President, I am glad to yield to the Senator from New Hampshire for an appropriate response.

Mr. GREGG. Mr. President, I also find it amusing that the Senator from Delaware would resist so aggressively our desire to join with him on his original vote when he appears to have been right, and we are saying: Gee, you were.

Mr. BIDEN. If the Senator will yield. Put the candy back in the drawer and I would be happy to help.

Mr. LOTT. I will yield briefly to the Senator from Idaho, who did a lot of work on this sort of issue when he was in the House, and he believes very strongly we should not be legislating on an appropriations bill. He was not here when we made this mistake. He is right, I think, that we should find a way to fix it.

By the way, we are going to have a vote on this issue this summer. I am going to find that sooner or later an

amendment will come up in a way that I am going to appeal the ruling of the Chair, and we are going to fix this problem, or at least we are going to vote on it. I believe when we get a vote, it will actually pass. I hope some Democrats will vote for it. I think we changed the rule XVI inadvertently without actually understanding the impact of what we were doing. It has been sitting there for 4 or 5 years, and I think it is time that we do something about it. Would the Senator from Idaho like to comment on that?

Mr. CRAPO. Yes, I would, very much. Mr. President, this is something that I haven't said to the majority leader, but 6 years ago I ran for the House of Representatives. In that campaign, I said that one of the things I thought ought to be fixed in Congress was that we should stop Congress from considering legislation with amendments that have nothing to do with the underlying bill. I used to say they should not be allowed to put nongermane amendments on legislation. I was told that maybe that is too big a word, "nongermane."

I think the American people understand that concept. In fact, the American people understand that one of the problems we face in Congress—both the House and the Senate—is that when a piece of legislation is considered, we don't keep it germane: we don't keep the focus of the debate on that legislation. Americans understand that is why we run into budget problems.

They understand that is why we have so many difficult problems in Congress. They can't understand why we can't come to agreement. The fact is that it is a very sensible commonsense principle that used to be in the rules of the Senate—that when a piece of legislation was brought before the Senate, an amendment cannot be put on that legislation unless the amendment is germane or relevant to that legislation itself. It is something that all Americans have an easy time understanding. Yet for some reason we have a difficult time here in the Senate honoring that basic principle.

This isn't an issue of who is right on this issue or who is right on that issue or who is going to get political advantage out of this rule. It is a rule that cuts the same way all the time, and whichever party or whichever interest would like to abuse it is the one that is going to have to face its consequences. But it is one which is a fair principle that will allow us to properly move forward.

I think it is very critical to recognize that today we are debating this issue because we are trying to finish the appropriations process, and not run into a problem a few months from now when we are not able to get the Government's budgeting process finished, to keep our commitment to the American people to keep a balanced budget, and maybe eke out an opportunity for some tax relief and yet fulfill our responsibilities to the important programs in the Federal Government.

That is the debate today. Part of that debate we are on today is the agriculture appropriations bill. Yet we have stopped the functions of the Senate now for several days, and the threat apparently is permanently, unless we shift the debate to another very important topic—the health care issue.

No one disagrees that we should debate health care issues. We even offered that we can debate those issues. The offer simply has been let's do it in an orderly and a principled way. Let's not allow amendments that are unrelated to the subject of the underlying legislation to be submitted.

I think it is very interesting that the argument was made just a minute ago that, well, you Republicans changed this rule a few years ago. I didn't. I wasn't here a few years ago when that vote was taken. I was campaigning 6 years ago, so that shouldn't be the way this Senate should operate, and it shouldn't be the way the House of Representatives operates. I have taken that position every session that I have been in this Congress. I take that position here today. We have to take the strong position on principles.

I think the American people will recognize that, and they know a lot of politics is being played as we debate here today. But if we will make our decisions on principles by which the American people should be governed, and by which this House of our Congress should be governed, and then let those principles work their way out as the various interests try to play politics on the issues, then at least we will know that the process is fair. That is what this Senate ought to do and what it ought to return to.

I think it is time for us to resolve this impasse by returning to the kind of governing principles that we should follow as a Senate.

I thank the majority leader for yielding and giving me this opportunity.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I have some procedures I would like to go through, and then we will put in a time for morning business, and then Senators can engage on their own.

I think we should go on with the people's business of passing our appropriations bills.

I will continue to work with Senator DASCHLE and all of those who are interested in trying to see if we can come up with some agreement to handle a Patients' Bill of Rights separately and aside from the appropriations bills in a specified period of time and an acceptable way. That is obviously not easy. But we have found solutions to complicated problems before. Hopefully, we can find one this time.

CLOTURE MOTION

Mr. LOTT. Mr. President, so we can get a focus on where the problem is, and so everybody will understand that what is being affected here is the regular appropriations process, I send a cloture motion to the desk to the pending agriculture appropriations bill.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the agriculture appropriations bill:

Senators Trent Lott, Thad Cochran, Ben Nighthorse Campbell, Susan M. Collins, Craig Thomas, Mike Crapo, Kay Bailey Hutchison, Robert F. Bennett, Larry E. Craig, Connie Mack, Charles E. Grassley, Christopher S. Bond, Richard C. Shelby, Tim Hutchinson, Ted Stevens, and Mike Enzi.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2000—MOTION TO PROCEED

CLOTURE MOTION

Mr. LOTT. Mr. President, I now move to proceed to S. 1143, and I send a cloture motion to the desk on the transportation appropriations bill.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to the Transportation Appropriations bill:

Senators Trent Lott, Pete Domenici, Paul Coverdell, Thad Cochran, Pat Roberts, Jesse Helms, Chuck Hagel, Judd Gregg, Ted Stevens, Slade Gorton, William V. Roth, Jr., Bob Smith of New Hampshire, Craig Thomas, Mike Crapo, James M. Inhofe, and Frank H. Murkowski.

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

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

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY APPROPRIATIONS, 2000—MOTION TO PROCEED

CLOTURE MOTION

Mr. LOTT. Mr. President, there was a lot of discussion earlier today about the importance of law enforcement agencies and the need for the Federal Government to be a part of fighting crime and drugs in our schools in our streets and our neighborhoods. Therefore, I move to proceed to S. 1217, the Commerce, Justice, and State Department appropriations bill, and I send a cloture motion to the desk on this important bill.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the

Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 153, S. 1217, the Commerce, Justice, State appropriations bill:

Senators Trent Lott, Ted Stevens, Fred Thompson, Judd Gregg, Kay Bailey Hutchison, Thad Cochran, George V. Voinovich, Paul Coverdell, Conrad Burns, Pete Domenici, Christopher S. Bond, Mike DeWine, Slade Gorton, John Ashcroft, Frank H. Murkowski, and Jeff Sessions.

Mr. DASCHLE. Mr. President, will the leader yield for a question prior to proceeding?

Mr. LOTT. I will be glad to yield.

Mr. DASCHLE. The leader mentioned the importance of the Commerce-State-Justice bill for purposes of dealing with the crime issue, and all the other issues. I would be interested, if the majority leader could tell us who the conference nominees would be for the conference committee on the juvenile justice bill. Are we prepared to select the conferees on the juvenile justice bill?

Mr. LOTT. I believe we are. I will need to talk to Senator HATCH. We would have to confer on the Senators who would be conferees. But it is my intent to have conferees appointed on that bill. When we get through here, I would be glad to talk to the minority leader about that.

Mr. DASCHLE. I thank the majority leader.

Mr. LOTT. Mr. President, I withdraw the motion to proceed.

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

FOREIGN OPERATIONS, EXPORT FINANCING APPROPRIATIONS, 2000—MOTION TO PROCEED

CLOTURE MOTION

Mr. LOTT. Mr. President, I now move to proceed to S. 1234, the foreign operations bill, and I send a cloture motion to the desk on that bill.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 159, S. 1234, the Foreign Operations appropriations bill.

Senators Trent Lott, Ted Stevens, Fred Thompson, Richard G. Lugar, Judd Gregg, Kay Bailey Hutchison, Thad Cochran, Mike DeWine, Conrad Burns, Pete Domenici, Christopher Bond, Slade Gorton, John Ashcroft, George V. Voinovich, Frank H. Murkowski, and Paul Coverdell.

Mr. LOTT. I now withdraw the motion to proceed.

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

CALL OF THE ROLL

Mr. LOTT. Mr. President, with all of that in mind, I had no other alternative but to file these cloture motions to show the American people just how