

I may, Senator REID, for just sort of being here constantly to help us move the process forward.

Senator LOTT, Senator DASCHLE, all the leadership, our subcommittee chairmen, ranking members, our staffs really deserve credit for this. It is an extraordinary accomplishment, and it is a real feather in our chairman's cap.

Mr. WARNER. I thank my distinguished colleague.

Mr. THURMOND. Mr. President, I congratulate the chairman and ranking member for the fine job they have done.

Mr. WARNER. Mr. President, I wish to associate myself with the remarks on Mr. REID. He was very helpful to get some time agreements and other matters resolved.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The bill having been read the third time, the question is, Shall the bill, as amended, pass? The clerk will call the roll.

The assistant legislative clerk called the roll.

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

The result was announced—yeas 97, nays 3, as follows:

[Rollcall Vote No. 179 Leg.]

YEAS—97

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

NAYS—3

Boxer	Feingold	Wellstone
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The bill (H.R. 4205), as amended, was passed.

(The bill was not available for printing. It will appear in a future edition of the RECORD.)

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. S. 2549 is returned to the calendar.

Mr. WARNER. Mr. President, I thank my colleagues for their work on this bill and for their overwhelming support. It sends the strongest of signals, first and foremost, to the men and women in the Armed Forces. This bill provides increased benefits, which they have so richly deserved and long been denied. This bill also initially starts the first balanced program to provide for more health care for the retirees who gave so much, together with their families, over the years. This bill sends a strong message throughout the world that America is committed to remain strong and lead in the cause of freedom and human rights.

I yield the floor.

The PRESIDING OFFICER. I move that the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer (Mr. BUNNING) appointed Mr. WARNER, Mr. THURMOND, Mr. MCCAIN, Mr. SMITH of New Hampshire, Mr. INHOFE, Mr. SANTORUM, Ms. SNOWE, Mr. ROBERTS, Mr. ALLARD, Mr. HUTCHINSON, Mr. SESSIONS, Mr. LEVIN, Mr. KENNEDY, Mr. BINGAMAN, Mr. BYRD, Mr. ROBB, Mr. LIEBERMAN, Mr. CLELAND, Ms. LANDRIEU, and Mr. REED conferees on the part of the Senate.

The PRESIDING OFFICER. S. 2550, S. 2551, and S. 2552 are now considered en bloc. Division A of S. 2549 is substituted for S. 2550; division B for S. 2551, and division C for S. 2552. The bills are considered read the third time and passed, and the motion to reconsider is laid upon the table.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I ask unanimous consent that Senator BYRD and I might address the Senate for not to exceed 5 minutes each to discuss the status of appropriations.

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

THE STATUS OF APPROPRIATIONS

Mr. STEVENS. Mr. President, today, we believe the President will sign the first of the 13 appropriations bills we must pass, the military construction bill. I can report to the Senate that we are in conference now on Defense, and we expect to report that bill this evening from conference, or no later than Monday. That could be easily taken up next week sometime.

The legislative appropriations bill is waiting for third reading now. It is held up by one amendment, and we are trying to work out an arrangement where we might be able to have that voted on. We are waiting for the House to appoint conferees on the foreign operations bill; the Labor, Health and Human Services Committee; and the Transportation Committee. Those are all the subject of negotiations with the

various Departments and the President's advisers, to see if we might find a way to accommodate the desires of the administration regarding those matters.

The Interior bill is still on the floor and has a great many amendments. I believe, however, that can be finished easily next week. We have reported to the floor the Agriculture bill, which is a very important bill for us to consider, I believe, before we have the August recess. We have scheduled meetings now with the Appropriations Committee here in the Senate on Tuesday, July 18, for the Commerce-State-Justice bill and the energy and water bill. We believe those bills will be reported to the floor on that day, Tuesday, and could be scheduled sometime before the August recess. We believe we will be able to make the same statement regarding the Treasury and general government bill sometime next week. Hopefully, we will be able to get to that by at least Thursday.

What we are saying is that these bills can be acted upon if the Senate decides and commits to getting these bills to conference and, if possible, to the President, before the August recess. I have been speaking out now about the PNTR. I am a firm supporter of the goal there. Maybe there are some amendments that should be considered. But I believe we should get these bills done so that when we come back in September, we can take them from conference and pass them.

I call to the attention of the Senate the fact that we will finish our work for September on September 28. September 29 is a holiday, and September 30 comes on the weekend. We have a very short time when we come back to deal with appropriations bills and get them all to the President before the end of the fiscal year. It is my hope that, in the last year of this Presidency, we will avoid the kind of conflicts we have had in the past and try to work together with the President to finish up this term in the spirit of comity, particularly on appropriations bills. That is possible if we can get them up in August. It is not going to be possible if we have to wait until September and try to jam them all in for 2½ weeks in September.

I am taking the floor now with great respect for our leader and for our minority leader. I hope they will help us find the time on the floor between now and the August recess to consider these bills and ask for the commitment of the Senators to help us work to get this job done.

I think there is a way that we can wind up this period of 8 years of the Clinton administration without the rancor that we have had in the past, but it can only be done if we make up our minds now that we are going to work—and work some long nights, in fact—to get these bills considered and properly reported. I believe we are making progress.

It is my hope that at least the Defense bill and the Labor-Health and

Human Services bill will be sent to the President for signature prior to the August recess.

I am happy to yield to my good friend from West Virginia. Our committee works on a totally bipartisan basis. I have not done anything without consulting my good friend from West Virginia, the former chairman. I want the Senate to know he has given me good advice all along.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, this is my 42nd year on the Appropriations Committee. I think I have served longer than any Member, past or present. The Appropriations Committee was first created in 1867. I don't have any doubt that I have served with the greatest chairmen who have served on that committee since its inception in 1867. That was 133 years ago. I have served with Senators such as Carl Hayden of Arizona, Dick Russell, John Stennis, John McClellan, Allen Ellender, and Senator Hatfield. These were great chairmen. They had long service in the Senate. I served with all of them. But I have never served with a better chairman on the Appropriations Committee than the current chairman, TED STEVENS. I think he is a better chairman than I was. I don't say that idly. He works at the job all the time. He works hard. I support him in this request to the leaders.

I don't happen to be a great fan of the treaty with China. I will have more to say about that later. But I am a great fan of getting these appropriations bills down to the President on time. When I was chairman, we were able to get all the appropriations bills passed before the beginning of the new fiscal year.

I join my chairman in pleading with the leadership—and the leadership has been most cooperative on both sides—to help get these bills moved and into conference and down to the President.

The chairman, Mr. STEVENS, hit the nail right on the head when he said we don't need to have another wrangle with the President over appropriations bills right at the end of the session. That plays into the President's hands. I think all Senators are aware of the fact that I believe the legislative branch is the predominant branch, and was meant to be the predominant branch among the three equal and coordinate branches. I think it has the upper hand, if Members of the Congress will but stand up for the Senate and its constitutional powers.

I think it is important that we finish these bills because, when we wait until the end of the session, and we are left with an omnibus bill, the President wins every time. You may think you can beat the President in that deal. You can't do it. The President wins because he then has the upper hand. He has your back to the wall. Senators and House Members want to get out of here and go home. They have schedules to fill back in their districts and in

their States. It plays into his hands if appropriation bills only reach him at the last minute. I don't like to play into any President's hands.

I think most Members are very aware that we need to work with the President. But it is highly important we get these bills passed. Let the PNTR wait. Why be in such a hurry on that treaty? Why be in such a hurry? It would be better if we were to take a little more time and examine that treaty more carefully and consider what the ramifications of its approval may be.

Last night we were able to get legislation adopted to create a national security commission. It will be a congressional commission. We will not have to depend upon the administration to tell us what impact that trade with China may have on our national security. We will have our own commission. It will be appointed by the joint leadership of both Houses. That commission will report to the Congress.

I have a somewhat jaundiced eye when it comes to moving in such a big hurry to take up the China treaty. As far as I am concerned, it ought to go over until next year. Let's take another look at it. That is just one Senator's opinion.

I plead with the leader—I say to this also to my own leader—to help us get these appropriations bills passed, to get them to conference, and then downtown. We can talk and wrangle and debate about the China treaty afterwards.

I thank my chairman.

Mr. LOTT. Mr. President, if the Senator from Alaska will yield briefly, first of all, I listened carefully to the comments of the two distinguished Senators who are the ranking member and the chairman of the Appropriations Committee. The service of these two Members surpasses all the rest of us, with the possible exception of the President pro tempore, Senator THURMOND. But beyond that, the wisdom and the sage advice they give all of us is greatly appreciated.

I certainly believe and will continue to believe that we should give the highest possible priority to these appropriations bills. We have an agreement now that will lead us to the conclusion of the Interior appropriations bill, I believe next Monday. I believe the votes could possibly be on Tuesday morning. I hope before we go out for the August recess that we do at least four more or all five of the remaining bills. I know clearly we could do four of the remaining bills: Agriculture, Energy and Water, Treasury-Postal Service, and Commerce-State-Justice. There may be some difficulty with HUD-VA that would cause it to go over until September.

But I appreciate their comments and their good advice. I will certainly weigh that very carefully. I appreciate the fact that they are willing to take to the floor and ask for this help in getting their work done. In fact, it is our work. It is the people's business.

I appreciate their comments.

I commend and thank the chairman of the Armed Services Committee, and also the ranking member, Senator LEVIN, for the work they did on the Department of Defense authorization bill. We got it finished. Hallelujah. The Senate has produced the final vote on one of the most important bills we will do all year, the Department of Defense authorization bill. There is a lot of important language in there. It is not only about the ships, the planes, and housing; it is also about health care. It is a big, important bill. Without the patience and the tenacity of the chairman, the Senator from Virginia, and the help he received from the Senator from Michigan, we wouldn't have it done.

I commend them; and, again, the senior leadership of the two Senators on the Appropriations Committee who spoke is admirable. I appreciate it very much. As a leader, you have to rely on the senior leaders, and the managers, the chairmen. In this case, I did, and they did it.

I thank Senator STEVENS for his comments and for yielding me this time.

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

Mr. WARNER. Mr. President, if I could have 1 minute to thank the distinguished leader.

I wish to acknowledge my deep appreciation to our distinguished majority leader, and, indeed, to Senator DASCHLE, Senator Harry REID, Senator NICKLES, and all. Yes, chairmen work hard and this posed some problems, but never once did I have any feeling that leadership was not determined on behalf of the whole Senate and this country to see that this bill was passed. There was never a flicker of doubt in my mind from the date we started some 3½ weeks ago. I thank this body for the leadership that we have to get these difficult tasks performed.

I yield the floor.

Mr. STEVENS. Mr. President, I yield to the Senator from Montana.

Mr. BAUCUS. Mr. President, I ask the majority leader, I heard him speak about the desire to get the appropriations bills passed, which I am in favor of, but did I hear the majority leader say not only is it his intention to bring up appropriations bills this month, but did I hear him include PNTR?

I think in the same spirit of compromise which we just passed the Defense authorization bill, as it has been referred to, we can work to get PNTR up this month and passed, along with the appropriations bills—as many as we can.

I say to the majority leader, I will do my part in helping with the estate tax reform bill to try to limit the amount of time on that bill and also work on other appropriations bills. I think it is necessary that PNTR also be included in the list of measures that we will bring up and pass this month.

Mr. STEVENS. Mr. President, I have the floor and I am happy to have that

conversation somewhere else, but I understand what the Senator is saying.

Mr. President, I want to finish my comments. I think we have almost used our 10 minutes. I thank my good friend for his comments. I could never claim to be the chairman that Senator BYRD was, but in any event, I do hope the Members are listening to what we are saying. We have had over 100 amendments on the last two appropriations bills. If that continues, we will be on appropriations bills until the day we go off on recess for the conventions. There will be no time for PNTR. Let's get the bills up. I urge the Members to be considerate of what we are doing. If we can finish them, then we take up PNTR. I think we can't keep breaking up the concept of these bills. The synergy of getting a bill working and getting it to pass in the appropriations process is necessary to get these done by the time we go off on August recess.

I have every confidence we will get to the PNTR. The Senator from West Virginia is right; despite my support of PNTR, it is not our constitutional duty to finish it by the end of the fiscal year. The appropriations bills are. That is our point. We want to do our job on time. We urge the Senate to work with us to get that done.

I think our time has expired.

The PRESIDING OFFICER. The time has expired.

The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask consent to speak for 2 minutes so I can ask the majority leader a question.

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

Mr. BAUCUS. Essentially, I am trying to move this ball along. It is a pretty large bill and includes lots of different items. Not only is it PNTR but appropriations bills.

I wonder if I could ask the majority leader if PNTR is included in the list of "must-pass" measures for July? We are all working together, particularly with the good meeting we had last evening in the majority leader's office with Senator THOMPSON and others, working out provisions of the Thompson amendment. There is a good chance we can move things along.

I ask the Senator his views on the subject.

Mr. LOTT. Mr. President, I certainly want to move this along. I want to have a vote on the Moynihan substitute on the death tax, and then have a vote on our alternative. That would be the best way to proceed. We would have two votes and Senators could cast their votes accordingly, and we would move on.

Instead, we have an agreement that will take all day and into the night. Instead of taking 2 or 3 hours, it will wind up taking probably 10 or 12 hours. I hope on the marriage penalty tax we could vote on the alternative. Senator MOYNIHAN has a reasonable alternative. We could vote on that, vote on our alternative, and be through with the marriage penalty tax and move on to the appropriations bills.

We do have a matter we are working through on both sides to try to deal with the question of nonproliferation of nuclear weapons, the language suggested by Senator THOMPSON. We are trying to find a way to get an agreement on the language and a way to consider that.

We must do the people's business. We have to do these appropriations bills. We have to do at least four appropriations bills beyond the Interior appropriations bill. When we get that done, I don't see any problem then in moving to China PNTR. I can't make days out of whole cloth, and I can't make commitments until we get our work done. But we are all working on that, I think, in good faith.

Senator REID worked assiduously on these appropriations bills. Energy and water we may be able to do in a day or two. Agriculture, I will be surprised if we don't have 80 or 100 amendments pop up. That bill could take a week. It is very important to our country. We all want the Agriculture appropriations bill completed. Commerce, State, and Justice—no matter what Members might think about Commerce or State or Justice, we need to get that bill done very badly. That bill quite often is like fly paper, it draws a lot of amendments. If we made a commitment, if we made up our minds on both sides of the aisle we will complete Interior and do three more appropriations or four more appropriations bills next week, we could do it. But it would take an extraordinary amount of heavy lifting to get that done.

I will work with Senator STEVENS and Senator BYRD. It is rare for these two Senators to take the floor and say what they have said today. I have to weigh that carefully.

Mr. BAUCUS. Thirty seconds. I very much appreciate the situation we are in, with very few days left and lots of business to conduct. As far as I am concerned, I will do my part. I know others on this side will try to help maintain that schedule. For example, on the estate tax bill, I think there are a couple of amendments on your side that will be accepted by voice vote or agreed to by voice vote to help move this along. In that spirit, I remind the leader it is critical that PNTR come up and be disposed of this month.

I thank the leader for his hard work.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, if I could bring everyone back to reality, the problem of the day—not next week or the week after—is that we have about 12½ hours of debate time, excluding voting, and the leader indicated he wants to do that today. So that means about 2:30 or 3 o'clock this morning unless something is done carrying this matter over or shortening the time.

I think it is great to talk about the future. That is important. But my concern is what we have here today and it is a tremendous burden. As I indicated, I think we have over 12 hours of debate

time in the unanimous consent request alone.

DEATH TAX ELIMINATION ACT OF 2000—Continued

Mr. ROTH. What is the pending business?

The PRESIDING OFFICER. The Moynihan amendment.

Mr. ROTH. How much time do I have?

The PRESIDING OFFICER. The Senator from Delaware has 45 minutes and the Senator from New York has 30 minutes.

Mr. REID. Does the Senator from Delaware wish to use some of his time now?

Mr. ROTH. Yes, I do.

I yield 15 minutes to the distinguished Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 15 minutes.

Mr. HUTCHINSON. I rise in opposition to the Democratic alternative and in strong support of H.R. 8. I listened with interest to the debate taking place earlier this morning on this bill. I have the utmost respect and admiration for Senator MOYNIHAN. However, I wrote down one phrase he used. He said: We should stay with a tax that has served us well.

I think that is the fundamental difference between the parties and those who differ on this issue. I don't believe the death tax has served our country well. I don't believe it has served the American dream well. I don't believe it serves the American people well.

The death tax basically says to the American people: Be successful but don't be too successful. The death tax says: Work hard but don't work too hard and make too much. The death tax says: Save your money but don't save too much. The death tax puts a ceiling on what the American dream can be. I think that is fundamentally wrong, and therein is the basic difference between the two philosophies, the two parties, the two approaches on the death tax.

There are those who say you can make too much and at that point the Government is going to step in and we are going to take what we think you have excessively made and earned and saved and invested, and we are going to redistribute that; we know better how to use that estate than your heirs, your family, your loved ones.

We believe that is wrong. The whole approach behind the death tax is fundamentally wrong and un-American. The amendments that are being offered, including the Democratic alternative basically say, let's tweak it a little bit; let's finesse the death tax a little bit; let's expand the exemption a little bit, let's tinker with it.

But that is not enough. This is a tax that is past its time—if it was ever justified, and it was not. It should be removed, eliminated, and that is why this alternative is insufficient.