So we are, indeed, delighted to have with us today one of our finest Christian ministers in the State of Alabama, Dr. Karl Stegall.

I thank the Chair.

SCHEDULE

Mr. STEVENS. Mr. President, I wish to make this statement for the leader. Today, the Senate will immediately begin consideration of H. J. Res 109, the continuing resolution. Under the previous agreement, there will be up to 7 hours for debate with a vote scheduled to occur after the use of the time or after the yielding back of the time. After the adoption of the continuing resolution, the Senate will proceed to a cloture vote in regard to the H–1B visa bill. Therefore, Senators can expect at least two votes during this afternoon's session of the Senate.

As a reminder, tomorrow evening is the beginning of Rosh Hashanah. Therefore, the Senate will complete its business today and will not reconvene until Monday, October 2, in observance of this religious holiday.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MAKING CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2001

The PRESIDING OFFICER. Under the previous order the Senate now proceed to the consideration of H.J. Res. 109, which the clerk will report.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 109) making continuing appropriations for the fiscal year 2001, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the joint resolution is advanced to third reading.

The joint resolution (H. J. Res. 109) was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. There will now be up to 7 hours for final debate, with 6 hours under the control of the Senator from West Virginia, Mr. BYRD, and 1 hour under the control of the Senator from Alaska, Mr. STEVENS.

The Senator from Alaska.

Mr. STEVENS. As an opening statement on this continuing resolution that is now before the Senate, I want to state that this is a simple 6-day continuing resolution. This bill will fund ongoing Federal programs at the same rate and under the same conditions as currently applied to each agency of our Federal Government.

The continuing resolution now pending before the Senate is in the same form as those passed in previous years to bridge Federal spending until the full year's appropriations acts are completed. This committee has made good progress this week in advancing work on the fiscal year 2001 bills. The energy and water bill was filed last night and should be taken up in the House later today. Work is nearly completed on the Interior appropriations bill, and the conference on the Transportation bill will meet later today. I want to assure all of our colleagues of our determination to complete the work of the Appropriations Committee within the next week, to meet the target adjournment date of Friday, October 6.

Hopefully, this will be the only CR needed for the remainder of the consideration of the appropriations bills for the fiscal year 2001.

A second continuing resolution may, however, be needed to ensure the President has the required period that the Constitution gives him to review the bills that are passed by the House and Senate as conference reports once they are presented to the President.

Mr. President, we are in a difficult situation this year because we are adjourning this evening and will not be here through the full period of September. We will miss 2 days of the time we would otherwise have to complete our work. Therefore, it is necessary that the Senate approve this continuing resolution.

I urge the Senate to do so and we will strive to complete our work within the next week.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. 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. STEVENS. Mr. President, in order that I do not lose the time allotted to me, 1 hour, I ask unanimous consent that the time of the quorum call not be charged against either side.

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

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. BUNNING). Without objection, it is so ordered.

Mr. BYRD. Mr. President, what is the item before the Senate, the question?

The PRESIDING OFFICER. H.J. Res. 109. The Senator from West Virginia controls 6 hours and the Senator from Alaska 1 hour.

Mr. BYRD. I thank the Chair.

Has any time been charged against——

The PRESIDING OFFICER. The Senator from Alaska has used 3 minutes. There has been no time charged against the Senator from West Virginia.

Mr. BYRD. I thank the Chair.

Mr. President, to begin with, I should say that I intend to support the short-term continuing resolution. I think it is very important that we do so. But I have reserved this time for the purpose of expressing concerns about what is happening to the Senate and, in particular, what is happening to the appropriations process. Several of my colleagues will join me as we move through the morning and the afternoon. I shall do so without, of course, pointing my finger of criticism at any Senator, naming any Senator. I merely want to talk about what is happening to our Senate, its rules, its processes. And I intend to abide by the rules concerning debate. I say that at the start.

Mr. President, section 7, article I, of the U.S. Constitution, states: ''All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.''

Let me quote again the last portion of section 7, article I: ''but the Senate may propose or concur with amendments as on other bills,'' meaning the Senate may propose or concur with amendments on any bill, whether it is a revenue bill or otherwise. When I say ''bills,'' I include, of course, resolutions.

Thus, Mr. President, the organic law of our Republic assures Senators—all Senators; Republicans and Democrats—the right to offer amendments, not only to bills for raising revenue, but also ''other bills.''

The requirement that revenue bills shall originate in the House of Representatives grew out of the Great Compromise, which was entered into on July 16, 1787. It was this Great Compromise that provided for equality of the States in the Upper House, with each State, large or small, having two votes. And, but for which, the Constitutional Convention would have ended in failure, and instead of a United States of America, which we have today, we would have had, in all likelihood, a ''Balkanized States of America'' from sea to shining sea—from the Atlantic to the Pacific—from the Canadian border to the Gulf of Mexico. The small States at the Constitutional Convention were adamant in their demands for equal status with the large States in the Upper House, regardless of size or population, so that the small State of Rhode Island, for example, had an equal vote in the Senate with the large State of New York which was larger and with a greater population. All States are equal in this body.

When the large States yielded to the small States in this regard, the way was open and paved for eventual success in the attainment of the Constitution which was then sent to the States for ratification. As a part of that compromise, the large States demanded that revenue bills originate in the House of Representatives.

Thus, the freedom to offer amendments in the Senate is assured by the Constitution of the United States. And what about the freedom to speak? What about the freedom to debate? Is that assured in the Senate? Yes. Section 6 of article I of the United States Constitution states:

And for any speech or debate in either House, they shall not be questioned in any other place.

So I cannot be questioned in any other place. James Madison, who was a Member of the other body could not be questioned in any other place. No Senator could be questioned in any other place. But what about the freedom to debate at length; in other words, what about a filibuster? Is there any limitation on debate in the Senate today? No, except when cloture is invoked, or when there are time limitations set by unanimous consent of all Senators.

Debate could be limited under rule 10 of the 1778 rules of the Continental Congress, by the adoption of the previous question. Likewise, when the Senate adopted its 1789 rules under the new Constitution, debate could be limited by invoking the previous question. However, in its first revision of the Senate rules in 1806, the Senate dropped the motion for the previous question. As a matter of fact, Aaron Burr, when he left the Vice Presidency in 1805, recommended that the previous question be dropped. Until 1917, when the first cloture rule was adopted, there was no limitation on debate in the Senate, unlike the House of Representatives, where the previous question can still be moved even today.

As we all know, of course, 60 votes are required in the Senate to invoke cloture and thus limit debate. The previous question not being included in the Senate rules, just what is the ''previous question''? Thomas Jefferson in his ''Manual'' explains it as follows: ''When any question is before the House, any member may move a previous question, 'Whether that question (called the main question) shall now be put?' If it pass in the affirmative, then the main question is to be put immediately, and no man may speak anything further to it, either to add or alter . . . if the nays prevail, the main question shall not then be put.''

Hence, the use of the motion to put the previous question is an effective way to end debate and vote immediately on the main question.

As the distinguished Presiding Officer knows—the Chair being occupied at the moment by the distinguished Senator from Kentucky, Mr. BUNNING—in the other body, the previous question can be used to end debate, if a majority of the Members there so desire. But that is not so in the Senate. It was so until 1806, but no more in the Senate.

Of the various legislative branches throughout the world today, only 60 are bicameral in nature, and of these 60 bicameral legislatures around the world, only the Upper Houses of the U.S. and Italy are not subordinated to the Lower House. Senators should understand what a privilege it is to serve in the U.S. Senate. The U.S. Senate is the premiere Upper Chamber in the world, two of the main reasons being that in the U.S. Senate there exists the right of unlimited debate and the right to offer amendments.

Another singular feature of the U.S. Senate is in the fact that it is the forum of the States. It is not just a forum; it is the forum of the States. The Senate, therefore, represents the ''Federal'' concept, while the House of Representatives, being based on population, represents the ''national'' concept in our constitutional system. In the very beginning, the Senate was seen as the bulwark of the State governments against despotic presidential power; it was the special defender of State sovereignty. It was meant to be and exists today as the special defender of State sovereignty. The Senate was also seen as a check against the ''radical'' tendencies which the House of Representatives might display.

I have been a Member of this body now for 42 years, and the longer I serve, the more convinced I am of the efficacy of the Senate rules as protectors of the Senate's right to unlimited debate and the Senate's right to amend. The Senate is not a second House of Representatives, nor is it an adjunct to the House of Representatives. It is a far different body from the House of Representatives. And it is a far different body by virtue of the Constitution and by virtue of Senate rules and precedents. The Constitution and the Senate rules have made the Senate a far different body from the House of Representatives.

Thomas Jefferson, in his Manual of Parliamentary Practice, emphasized the importance of adhering to the rules:

Mr. Onslow, the ablest among the Speakers of the House of Commons, used to say, ''It was a maxim he had often heard when he was a young man, from old and experienced Members, that nothing tended more to throw power into the hands of the Administration, and those who acted with a majority of the House of Commons, than a neglect of, or departure from, the rules of proceedings; that these forms, as instituted by our ancestors, operated as a check and control on the actions of the majority, and that they were, in many instances, a shelter and protection to the minority, against the attempts of power.'' So far, the maxim is certainly true—

Continued Mr. Onslow, speaking of the British House of Commons—

and is founded in good sense, as it is always in the power of the majority, by their number, to stop any improper measure proposed on the part of their opponents—

The minority—

the only weapons by which the minority can defend themselves against similar attempts from those in power are the forms and rules of proceeding which have been adopted as they were found necessary, from time to time, and become the law of the House—

He was talking about the law of the House of Commons—

by a strict adherence to which the weaker party—

Meaning the minority—

can only be protected from those irregularities and abuses which these forms were intended to check, and which the wantonness of power is but too often apt to suggest to large and successful majorities.

Now there you have it from the mother country, from the House of Commons. So when we speak of rules, Mr. Onslow laid it out very clearly as to the supreme importance of the rules as protectors of a minority.

Jefferson went on to say:

And whether these forms be in all cases the most rational or not is really not of so great importance. It is much more material that there should be a rule to go by than what that rule is; that there may be a uniformity of proceeding in business not subject to the caprice of the Speaker—

Jefferson is talking about the Speaker of the House of Commons, and he is also referring to the Speaker in the House of Representatives.

—or capriciousness of the members.

Once more, this is Jefferson talking:

It is much more material that there should be a rule to go by than what that rule is; that there may be a uniformity of proceeding in business not subject to the caprice of the Speaker or capriciousness of the members. It is very material that order, decency, and regularity be preserved in a dignified public body.

Nothing could be more true than Jefferson's observations which I have read in part.

Now, Mr. President, my own experience with the Senate rules compels me to appreciate the wisdom that Vice President Adlai Stevenson expressed in his farewell address to the Senate on March 3, 1897. I believe his observation is as fitting today as it was at the end of the 19th century. Let me say that again. I believe his observation is as fitting today, as we close the 20th century, as it was at the end of the 19th century. Here is what he said:

It must not be forgotten that the rules governing this body—

The Senate—

are founded deep in human experience; that they are the result of centuries of tireless effort in legislative halls, to conserve, to render stable and secure, the rights and liberties which have been achieved by conflict. By its rules, the Senate wisely fixes the limits to its own power. Of those who clamor against the Senate, and its methods of procedure, it may be truly said: ''They know not what they do.'' In this Chamber alone are preserved without restraint—

This is Adlai Stevenson talking here—

two essentials of wise legislation and of good government: the right of amendment and of debate. Great evils often result from hasty legislation; rarely from the delay which follows full discussion and deliberation. In my humble judgment, the historic Senate—preserving the unrestricted right of amendment and of debate, maintaining intact the time-honored parliamentary methods and amenities which unfailingly secure action after deliberation—possesses in our scheme of government a value which cannot be measured by words.

How true. I hope that Senators will read again these words that were spoken by our ancestors concerning the

importance of the rules and precedents, the importance of amendments, the right to amend, and the importance of the freedom to debate at length. I hope Senators will read this.

We all know that the Senate is unique in its sharing of power with the President in the making of treaties, and in its confirmation powers with respect to nominations, as well as in its judicial function as the sole trier of impeachments brought by the House of Representatives. The Senate is also unique in the quality that exists between and among states of unequal territorial size and population. But we must not forget that the right of extended, and even unlimited debate, together with the unfettered right to offer amendments, are the main cornerstones of the Senate's uniqueness. The right of extended debate is also a primary reason that the United States Senate is the most powerful Upper Chamber in the world today.

The occasional abuse of this right has a painful side effect, but it never has been—I am talking about the right to debate at length; I am talking about filibusters, if you please —never will be fatal to the overall public good in the long run.

The word ''filibuster'' has an unfortunate connotation. But there have been many useful filibusters during the existence of this Republic. I have engaged in some of them. There has not been a real, honest to goodness old-type filibuster in this Senate in years and years.

Without the right of unlimited debate, of course, there would be no filibusters, but there would also be no Senate, as we know it. The good outweighs the bad. Filibusters have proved to be a necessary evil, which must be tolerated lest the Senate lose its special strength and become a mere appendage of the House of Representatives. If this should happen, which God avert, the American Senate would cease to be ''that remarkable body'' about which William Ewart Gladstone spoke—''the most remarkable of all the inventions of modern politics.''

Without the potential for filibusters, that power to check a Senate majority or an imperial presidency would be destroyed.

The right of unlimited debate is a power too sacred to be trifled with. Our English forebears knew it. They had been taught by sad experience the need for freedom of debate in their House of Commons. So they provided for freedom of debate in the English Bill of Rights in 1689. And our Bill of Rights, in many ways, has its roots deep in English parliamentary history. As Lyndon Baines Johnson said on March 9, 1949: ''. . . If I should have the opportunity to send into the countries behind the iron curtain one freedom and only one, I know what my choice would be. . . . I would send to those nations the right of unlimited debate in their legislative chambers. . . . If we now, in haste and irritation, shut off this freedom, we shall be cutting off the most vital safeguard which minorities possess against the tyranny of momentary majorities.''

I served with Lyndon Johnson in this Senate when he was the majority leader. We had some real filibusters in those days. I sat in that chair up there 22 hours on one occasion—22 hours in one sitting—almost a day and a night. So Lyndon Johnson was one who could speak with authority based on experience in that regard.

Arguments against filibusters have largely centered around the principle that the majority should rule in a democratic society. The very existence of the Senate, however, embodies an equally valid tenet in American democracy: the principle that minorities have rights.

I am not here today to advocate filibusters. I am talking about the freedom of debate—unlimited debate, if necessary.

Furthermore, a majority of Senators, at a given time and on a particular issue, may not truly represent majority sentiment in the country. Senators from a few of the more populous states may, in fact, represent a majority in the nation while numbering a minority of votes in the Senate, where all the states are equal. Additionally, a minority opinion in the country may become the majority view, once the people are more fully informed about an issue through lengthy debate and scrutiny. A minority today may become the majority tomorrow.

Take the Civil Rights Act of 1964, for example. From the day that Senator Mike Mansfield, then the majority leader, submitted the motion to proceed to the civil rights bill to the day that the final vote was cast on that bill, 103 calendar days had passed—103 days on one bill, the Civil Rights Act of 1964. That is almost as many days on one bill in 1964 as the Senate has been in session this whole year to date.

Mr. President, the Framers of the Constitution thought of the Senate as the safeguard against hasty and unwise action by the House of Representatives in response to temporary whims and storms of passion that may sweep over the land. Delay, deliberation, and debate—though time consuming—may avoid mistakes that would be regretted in the long run.

The Senate is the only forum in the government where the perfection of laws may be unhurried and where controversial decisions may be hammered out on the anvil of lengthy debate. The liberties of a free people will always be safe where a forum exists in which open and unlimited debate is allowed. It is not just for the convenience of Senators that there be a forum in which free and unlimited debate can be had. More importantly, the liberties of a free people will always be safe where a forum exists in which open and unlimited debate is allowed. That forum is here in this Chamber.

The most important argument supporting extended debate in the Senate, and even the right to filibuster, is the system of checks and balances. The Senate operates as the balance wheel in that system, because it provides the greatest check of all against an all-powerful executive through the privilege that Senators have to discuss without hindrance what they please for as long as they please. Senators ought to reflect on these things. There is nothing like history and the experience of history that can teach the lessons that we can learn from the past. A minority can often use publicity to focus popular opinion upon matters that can embarrass the majority and the executive.

Mr. President, we have reviewed briefly these facts about the U.S. Senate: (1) That it is a legislative body in which the smaller states, like the State of West Virginia, like the State of Kentucky, like the State of Rhode Island, the State of Wyoming, the State of Montana, regardless of territory or the size of population, are equal to the larger states in the union, with each state having two votes; (2) that it is a forum of the states and, from the beginning, was representative of the sovereignty of the individual states within the federal system; (3) that aside from its uniqueness with respect to treaties, nominations, and impeachment trials, the Senate is unique among the Upper Chambers of the world in that it is a forum in which amendments can be offered to bills and resolutions passed by the Lower House, and in which its members have a right to unlimited debate. The Senate has, therefore, been referred to as the greatest deliberative body in the world. Because of its members' rights to amend and to debate without limitation as to time, Woodrow Wilson referred to the Senate as the greatest Upper Chamber that exists. Because of its unique powers, the record is replete throughout the history of this republic with instances in which the Senate has demonstrated the wisdom of the Framers in making it the main balance wheel in our Constitutional system of separation of powers and checks and balances. It is a chamber in which bad legislation has been relegated to the dust bin, good legislation has originated, and the people of the country have been informed of the facts concerning the great issues of the day. Woodrow Wilson, himself, stated that the informing function of the legislative branch was as important if not more so than its legislative function.

It has checked the impulsiveness, at times, of the other body, and it has also been a check against an overweening executive. In the course of the 212 years since its beginning in March 1789, the Senate has, by and large, fulfilled the expectations of its Framers and proved itself to be the brightest spark of genius that emanated from the anvil of debate and controversy at the Constitutional Convention in Philadelphia during that hot summer of 1787. However, over the last

few years, however, I have viewed with increasing concern that the Senate is no longer fulfilling, as it once did, its raison d'etre, or purpose for being.

More and more, the offering of amendments in the Senate is being discouraged and debate is being stifled. I can say that because I've been here. Quite often, when bills or resolutions are called up for debate, the cloture motion is immediately laid down in an effort to speed the action on the measure and preclude non germane amendments. Mike Mansfield, when he was leader, seldom did that. During the years that I was leader, I very seldom did that. The Republican leaders Baker and Dole seldom did that.

Following my tenure as majority leader, that has been done increasingly. I am not attempting to say that Mike Mansfield or I were great leaders at all; I am not attempting to do that. But I am saying that through Johnson's tenure, for the most part, through Mansfield's tenure, through my tenure as majority leader and through the tenures of Howard Baker and Bob Dole, the Senate adhered to its rules and precedents; seldom did it do otherwise.

Moreover, the parliamentary amendment tree is frequently filled as a way of precluding the minority from calling up amendments. I filled the parliamentary tree on a very few occasions. I, again, have to call attention to my own tenure as majority leader because through the tenures of Johnson and leaders before Johnson on both sides of the aisle, the rules of the Senate were virtually considered sacred.

The minority is also frequently pressured to keep the number of amendments to a minimum or else the particular bill will not even be called up—or, if it is pending, the bill will be taken down unless amendments are kept to a minimum. That is happening in this Senate.

Unlike the House of Representatives, there is no Rules Committee in the Senate that serves as a traffic cop over the legislation and that determines whether or not there will be any amendments and, if so, how many amendments will be allowed and who will call up such amendments. On occasion, the House Rules Committee will determine perhaps that one amendment will be called up by Mr. So-and-So. But not so with the Senate. We don't have a Rules Committee that serves as a traffic cop.

Could there be a desire on the part of the Senate majority leadership to make the Senate operate as a second House of Representatives? Of the 100 Senators who constitute this body today, 45, at my last count, came from the House of Representatives—45 out of 100. At no time in my almost 42 years in the Senate have I ever entertained the notion that the Senate ought to be run like the House of Representatives, where amendments and unlimited debate are often looked upon as alien to the legislative process. What is the hurry? What is the hurry? There is ample time for the offering of amendments and for debating them at length, if the Senate will only put its shoulder to the wheel and work.

We still have 7 days, just as there were in the beginning of creation. The calendar doesn't go that far back, but we still have 7 days a week. And we still have 24 hours a day, as was the case in Caesar's time. And the edict of God, as he drove Adam and Eve from the garden and laid down the law that by the sweat of his brow man would eat bread—that edict is still the case. We still have to eat bread and we still are supposed to earn our living through the sweat of our brow. Nothing has changed.

We have plenty of time. And we get paid. I am one who gets paid for my work in the Senate. I don't like Sunday sessions, but we have had a few over the years. I am against Sunday sessions. But I am not against working on Saturdays. During that civil rights debate, which I was talking about a while ago, there were six Saturdays in which the Senate was in session. It is not an unheard of thing.

It is far more important for the Senate to engage in thorough debate and for Senators to have the opportunity to call up amendments than it is for the Senate to have many of the Mondays and Fridays left unused insofar as real floor action is concerned.

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

Mr. BYRD. Yes, I will very shortly.

It is far more important for the Senate to engage in thorough debate, and for Senators to have the opportunity to call up amendments, than it is for the Senate to be out of session on Mondays and Fridays. It seems to me that we should be more busily engaged in doing the people's business.

Instead, it seems to me—and, of course, I am not infallible in my judgments—it seems to me that the Senate is more concerned about relieving Senators who are up for reelection—and I am one of them this year—relieving Senators who are up for reelection from the inconvenience of staying on the job and working early and late, than in fulfilling our responsibilities to our constituents. Some might conclude that it is more important for Senators to have Mondays and Fridays in which to raise money for a reelection campaign than it is for us to give to our constituents a full day's work for a full day's pay.

Now I am glad to yield to my friend.

Mr. REID. I say to my friend from West Virginia in the form of a question—the segue is better now than when I asked the first question because what I want to say to the Senator from West Virginia is, I haven't been here nearly as long as you have been here, but I have seen, in the 18 years I have been here, how things have changed. Why have they changed? Because of the unbelievable drive to raise money. Everybody has to raise money. On Mondays, on Tuesdays, on Wednesdays, on Thursdays, on Fridays, on Saturdays, and, I am sorry to say, on Sundays. I say to my friend from West Virginia, don't you think that is the biggest problem around here, the tremendous, overpowering demand for money because of television?

In the form of a dual question: Don't you think, if we did nothing else but eliminate corporate money, which the Congress in the early part of last century, or by the Senator's reasoning this century, early 19——

Mr. BYRD. Not by the Senator's reasoning, but because it is the 20th century still, until midnight December 31 this year. Regardless of what the media says, regardless of what the politicians say, this year is still in the 20th century.

Mr. REID. I say to my friend in the form of a question: In the early part of this century, Congress had the good sense to outlaw, in Federal elections, corporate money. Of course, the Supreme Court changed that a few years ago. I ask the Senator, wouldn't we be well served if we eliminated, among other things, corporate money in campaigns on the Federal level in any form or fashion?

Mr. BYRD. There is no question about that, if one looks at the facts carefully. Having been majority leader and having been minority leader, I can testify as to the pressures that are brought on the majority and minority leaders by Senators who have to get out and run across this country, holding out a tin cup as it were, saying: Give me, give me, give me money.

I have had to do that. In 1982, I had an incumbent in the other body from West Virginia who ran against me. I had to go all over this country. I had to go to California. I had to go to New York. I had to go to Alabama. I had to go to Texas. I was all over the country. But I didn't go during the Senate workdays, and in those days, the Senate worked. I had to go on Sundays, for the most part.

(Mr. ALLARD assumed the Chair.)

Mr. REID. One last question?

Mr. BYRD. Yes.

Mr. REID. Wouldn't the Senator acknowledge things are much worse today than they were in 1982?

Mr. BYRD. They are much worse, and they are growing worse and worse and worse every day and every election. It is a disgrace and it is demeaning. The most demeaning thing that I have had to do in my political career is to ask people for money.

When I was majority leader in the 100th Congress, former Senator David Boren of Oklahoma and I introduced legislation to reform the campaign financing system.

I am not one of the ''come lately boys'' in this regard. I, as majority leader then, and former Senator David Boren introduced that legislation. The other side of the aisle—I do not like to point to the other side of the aisle as so many Senators today, unfortunately,

like to do—but the other side of the aisle—namely, the Republicans in the Senate in that instance—voted consistently eight times against cloture motions that I offered to bring the debate to a close. There were four or five Republicans who did break from the otherwise solid bloc and voted with the Democrats on that occasion to break the filibuster against the campaign financing bill.

Go back to the RECORD. Read it. Senators might do well to go back to the RECORD and see who those Senators were who broke from the Republican bloc. A handful broke from the Republican bloc and voted to end the filibuster against that campaign financing bill. Eight times I offered cloture motions. No other majority leader has ever offered eight cloture motions on the same legislation in one Congress. And eight times I was defeated in my efforts to invoke cloture.

Chapter 22, Verse 28 of the Book of Proverbs—we are talking about Solomon's sayings now for the most part—admonishes us: ''Remove not the ancient landmark, which thy fathers have set.'' We seem to be doing just the opposite. The Founding Fathers' grant to us of the right to amend and the right to unlimited debate has been, I believe, shifted off course, to the point that these two well-advised attributes of power are being voided, and for what reason? Could it be that the Senate Republican leadership fails to appreciate and fully understand the Senate, fails to understand American Constitutionalism, and fails to understand the purposes which the constitutional framers had in mind when they created the Senate. Or might we suppose that the senatorial powers that be are simply determined to be a Committee of Rules unto themselves and are determined to try to remold the Senate into a second House of Representatives? The fact cannot be ignored that 45 of the 100 Members of today's Senate came here from the House of Representatives. A political observer might also be surprised to find that 59 of today's 100 Senators came to the Senate subsequent to my final stint as majority leader.

Noble are the words of Cicero when he tells us that ''It is the first and fundamental law of history that it neither dare to say anything that is false or fear to say anything that is true, nor give any just suspicion of favor or disaffection.''

I believe that no less a high standard must be invoked when considering the Senate of today and comparing it with the Senate of the past. Having spent more than half of my life in the Senate, I would consider myself derelict in my duty toward the Senate if I did not express my concerns over what I see happening to the Senate.

Who suffers, whose rights are denied, whose interests are untended when a Senate minority is denied the right to amend and when a Senate minority is denied the right and opportunity to fully debate the issues that confront the Nation? Is it the individual Senators themselves? Is it I? Do I suffer? No. It is their constituents, it is my constituents who are being denied these opportunities and these rights. It is not Senator so-and-so who, in the final analysis, is being denied the full freedom of speech on this Senate floor or who is being shut out from offering an amendment—it is Senator so-and-so's constituents, the people who sent him or her to the Senate.

If the Senate is intended to be a check against the impulsiveness and passions of the other body, is not the ability of the Senate to be such a check reduced in direct proportion to the denial to its Members of the opportunity to amend House measures?

In accordance with the Constitution, revenue bills must originate in the House of Representatives and, by custom, most appropriations bills likewise originate in the House, but under the guarantees of the Constitution, as those guarantees flowed from the Great Compromise of July 16, 1787, the Senate has the right to amend those revenue and appropriations bills.

But if the opportunity for Senators to amend is reduced, or even denied, as is sometimes being done, the Senate as an equal body to that of the House of Representatives is being put to a disadvantage. The House can open the door to legislation on an appropriations bill, but if the Senate, if the 100 Senators are denied the opportunity to offer amendments, or are limited in the number of amendments which Senators may offer, the Senate is thereby denied the opportunity to go through that door with amendments of its own, through the door that the other body has opened, and is denied the potential for the achievement of truly good legislation in the final result, and that opportunity is accordingly lessened and the likelihood of legislative errors in the final product is increased.

If the Senate is a forum of the States, in which the small States are equal to the large States, and if this ability of the small States to acquire equilibrium with the large States serves as an offset to the House of Representatives where the votes of the States are in proportion to population sizes, then when the Senate is denied the opportunity to work its will by the avoidance of votes on amendments, are the small States not the greater losers? My State, for one. The Senator from Alaska's State is one.

If the framers saw the Senate as a powerful check against an overreaching executive at the other end of Pennsylvania Avenue, when free and unlimited debate is bridled and the right of Senators to offer amendments is hindered or denied, is not the Senate's power to check an overreaching President accordingly whittled down, especially in instances where such a check is most needed?

I am gravely concerned that, if the practices of the recent past as they relate to enactment of massive, monstrous, omnibus appropriations bills are not reversed, Senators will be reduced to nothing more than legislative automatons. Senators will have given away their sole authority to debate and amend spending bills and other legislation. Much of that authority will have been handed over, by invitation of Congress itself, to the Chief Executive.

The distinguished chairman of the Appropriations Committee, and I, and other chairmen of appropriations subcommittees in this Senate are experiencing this right now.

Only yesterday, in a conference on the Interior Appropriation bill, I called attention to the fact that when I came to Congress 48 years ago, the Members of the House and Senate in that day would have stood in utter astonishment, to see in that conference, on an appropriations bill, the agents of the President of the United States sitting there arguing with Senators and House Members and advancing the wishes of a President.

There they sat in the House-Senate conference. And they tell the conferees what the President will or will not accept in the bill. If this is in the bill, he will veto it. If this is not in the bill, he will veto it, they say.

So, appropriators of the House and the Senate, get ready. You have company. There are other appropriators in this Government other than the elected Members of the House and Senate. There are administration ex officio members of the Appropriations conference—believe it or not—who sit like Banquo's ghost at the table when the appropriations are being administered out. What a sad—what a sad—thing to behold.

I said that in the meeting yesterday, as I have said it before in meetings. And I don't mean it to insult or to derogate the agents of the President. They are doing their job, and they are very capable people. I have to apologize to them when I say that. They are there through no fault of their own.

And why are they there? The fault lies here. Because we dither and dither almost a full year through. We put off action on appropriations bills until the very last, when we are up against the prospect of adjournment sine die, when our backs are to the wall, and then the President of the United States has the upper hand. His threats of veto make us scatter and run. The result is that all of these bills—or many of them—are crammed into one giant monstrous measure, and that measure comes back to this House without Senators having an opportunity to amend it because it is a conference report. It is not amendable —not amendable. So it is our fault. It really is. And it has been happening in these recent years. So much of that authority will have been handed over, by invitation of Congress itself, in essence, to the Executive.

For fiscal year 1999 an omnibus package was all wrapped together—Senators will remember this—an omnibus

package was all wrapped together and run off on copy machines—it totaled some 3,980 pages—and was presented to the House and Senate in the form of an unamendable conference report. Members were told to take it or leave it. If you do not take this agreement, we will have to stay here and start this process over. We will have to call Members back to Washington from the campaign trail, back to Washington from town meetings, and back to Washington from fundraisers. Senator, the gun is at your head, and it is loaded. You do not know what is in this package, Senator 3,980 pages put together by running the pages—3,980 pages—through copy machines.

Not a single Senator, not one knew what was in that conference report, the details of it. No one Senator under God's heaven knew, really, everything that he was voting on. You do not know what is in this package, we are essentially told, but you either vote for it or we will stay here and start all over again. And in the final analysis, we will come up with about the same package.

We know that these legislative provisions made up more than half of the total 3,980 pages. So what we did there, as we did in fiscal year 1997 and as we did again in fiscal year 2000 was put together several appropriations bills into an unamendable conference report, and Members were forced to vote on what was essentially a pig in a poke without knowing the details.

Do the people of this country know that? Do they know this? Do they know what is happening?

In 1932, in the midst of the Great Depression, a reporter from the Saturday Evening Post asked John Maynard Keynes, the great British economist, if he knew of anything that had ever occurred like that depression. Keynes answered: Yes, and it was called the Dark Ages, and it lasted 400 years.

Well, I can say, as one who lived through that depression in a coal mining town in southern West Virginia and was brought up in the home of a coal miner, I can say that we are now entering the ''Dark Ages'' of the United States Senate.

Now, when Keynes referred to the Dark Ages being equal to the depression or vice versa and I refer to the Dark Ages of the Senate, this is calamity howling on a cosmic scale perhaps, but on one point, the resemblence seems valid, that being, the people never fully understood and don't fully understand today the forces that brought these things into being.

If the people knew that we had a 3,980-page conference report in which we, their elected representatives, didn't know what was in it, they would rise up and say: What in the world is going on here? It is our money that Senators are spending. You are blindfolded and you have wax in your ears. You don't even know what is in that bill.

Is this the way we want the House and the Senate to operate? Is this what Senators had in mind when they ran for the United States Senate? If we continue this process, Senators will not be needed here at all. Oh, you can come to the Senate floor once in a while to make a speech or to introduce a bill or to vote on some matter, but at the end of the session, when the rubber hits the road and we get down to what is and what is not going to be enacted in all areas—appropriations, legislation, and tax measures—most Senators won't be needed. Most of us will not be in the room with the President's men. We won't be in the room.

I have seen times when the minority, Democrats in the House and Senate, were not in the room. Who was in the room? The Republican majority, the Speaker of the House and the majority leader of the Senate. They were in the room. Who else? Who was there to represent us Democrats? Who was there? The executive branch was there, its agents. We were left out. The Democratic Members of the House and Senate, not one, not one sat in that conference. I wasn't in it. I was the ranking member of the Senate Appropriations Committee.

So most of us will not be in the room when the decisions are made. The President's agents will be there. They will carry great weight on all matters because we have to get the President's signature. Having squandered the whole year in meaningless posturing and bickering back and forth, we will have no alternative, none, but to buckle under to a President's every demand. And when that hideous process is mercifully finished, we will then call you, Senator, and let you know that we are now ready to vote on a massive conference report, up or down, without any amendments in order. Take it or leave it, Senator. Take it or leave it, Senator DASCHLE. You are the minority leader. You will be left out. Take it or leave it; here is the conference report.

We are in danger of becoming an oligarchy disguised as a Republic. You may well spend all of your time campaigning or speechmaking or doing constituent services back home, you will have very little to say on legislation or appropriations or tax matters.

There is sufficient blame to go around for this total collapse of the appropriations process. Our side feels muzzled. The majority leader has a very difficult job. I know. I have been in his shoes. He has to do the best he can to meet the demands of all Senators.

Part of the solution has to be a greater willingness to work together on both sides of the aisle to ensure that ample opportunities are provided, early in the session, outside of the appropriations process to debate policy differences. We simply must force ourselves to work harder, beginning earlier in the session, to ensure that we do not continue to abuse the Constitution, abuse the Senate, and ultimately abuse the American people by following the procedure that has resulted in these omnibus packages in 3 of the last 4 years, and which, I fear, is about to be resorted to again this year.

I do see some rays of hope because we have awakened the leadership. I must say, after our squawking and screaming and kicking, the administration this year is insisting that Democrats sit at the table when the crumbs are being parceled out. They insisted because the minority leader has insisted on it and because other voices in the Senate have been complaining.

Cicero said: ''There is no fortress so strong that money cannot take it.'' The power of the purse is the most precious power that we have. It was given to the two Houses by the Constitution, the bedrock of our Government. It was put here—not down at the other end of Pennsylvania Avenue.

I have tried to do my part to help Senators understand our constitutional role. We are the people's elected representatives and they have entrusted us with their vote; those people out there who are watching through the cameras have entrusted us with their vote. That trust must not be treated lightly. This is especially true when it comes to matters that involve appropriations. We are spending their money.

Each of you who is watching through that electronic medium, we are spending your money.

We are stewards of the people's hard-earned tax dollars. They expect, and they ought to demand, that we spend those dollars wisely, and that we scrutinize what we fund and why we fund it.

The Senate is the upper House of a separate branch of Government, with institutional safeguards that protect the people's liberties.

Which party commands the White House at a given time should make no difference as to how we conduct our duties. We are here to work with, but also to act as a check on the occupant of the White House, regardless of who that occupant is. And we are here to reflect the people's will. We are not performing the watchdog function when we invite the White House—literally invite the White House—behind closed doors and play five-card draw with the people's tax dollars.

Mr. President, I fear for the future of this Senate. I think the people are very disenchanted with Congress and with politics in general. They are catching on to our partisan bickering and they don't like what they hear and see.

The people are hungry for leadership. They ask us for solutions to their problems. They expect us to protect their interests and to watch over their hard-earned tax dollars. They entrust us with their franchise and they ask that we ponder issues and debate issues and use their proxy wisely. They ask that we protect their freedoms by holding fast to our institutional and constitutional responsibilities.

Too often, we lose sight of the fact that partisan politics is not the purpose for which the people send us here. We square off like punch-drunk gladiators and preen and polish our media-slick messages in search of the holy grail of power or a headline. I am a politician; I can say that. We fail to educate the people and ourselves on issues of paramount and far-reaching importance for this generation and for the next generation. It is a shame and it is a waste because there is much talent in this Chamber, and there is much mischanneled energy. This Senate could be what the framers intended, but it would take a new commitment by each of us to our duties and to our oaths of office. And it would take a massive turning away from the petty little power wars so diligently waged each week and each month in these Halls.

Our extreme tunnel vision has been duly noted by the American people, I assure Senators. The American people are a tolerant lot, but their patience is beginning to fray.

And when their disappointment turns to dismay, and finally to disgust, we will have no one to blame but ourselves.

Mr. President, I have more to say, but I see other Senators. If they wish to speak on this subject, I will be glad to yield them time. Does the distinguished Senator from California wish to speak?

Mrs. BOXER. Mr. President, I would really appreciate the opportunity to comment on some of the Senator's points and then make a couple other points. As I understand it, the Senator controls the time; is that correct?

Mr. BYRD. I control the time from the beginning, 6 hours.

Mrs. BOXER. May I respectfully request about 20 minutes of that time?

Mr. BYRD. Mr. President, I gladly yield 20 minutes to the very distinguished Senator from California, Mrs. BOXER.

Mrs. BOXER. I thank the Senator from West Virginia, who is, I have to say, the most respected Senator in this Chamber. When he speaks, I do think that both sides listen. I believe that his remarks today are not partisan at all. I think that he has been critical of both sides and he has been critical of the administration.

I want to pick up on some of Senator BYRD's remarks. I had the honor of serving on the Appropriations Committee for a period of time. Senator FEINSTEIN now holds that seat, and who knows, maybe some day I will be able to reclaim it. California is such a large State that I think there is a real understanding on my side of the aisle that one of us should be sitting on that committee.

In that situation you have a much greater chance to speak for your State, and to talk about the priorities of your State.

Right now my dear friend, Senator FEINSTEIN, is recuperating from a terrible fall and a terrible injury to her leg. I want to say to Senator FEINSTEIN—if you are watching, because I know you are in the hospital—we are thinking of you and we wish you well. I will do everything I can to speak for both of us when it comes to the issues that face our State.

But, in particular because of her injury, I think at the moment I am on that list. The Senator could add us on that list of the 23 ''have nots,'' although we are praying that Senator FEINSTEIN will be back next week in time to be there. But even if she is back, the fact is, when that private session is called to look at this big omnibus bill—the Senator from West Virginia has described it—very few will be in that room. I compliment the administration for insisting that the Democratic leadership be in that room.

I had the honor to serve in the House for 10 years of my life. It was a great experience for me. I know many others, including the Senator from West Virginia, had that privilege. But I ran for the Senate in a very risky political move—no one thought I would ever make it here—because I wanted the chance to do more. I wanted the chance to operate under the Senate rules and to offer any amendments that I wanted to at any time.

Now I find with this particular leadership that I am precluded from doing that. I am precluded from fighting for my State. When I hear that bills were going straight to the conference and bypassing the Senate and the ability of the Senator from Iowa to offer an amendment—even though he serves on that committee, there is still time even when you are on the committee. You wait until you get to the floor to offer the amendment. We all know that is the way it goes because sometimes you can't win in the committee but you have a chance to make your case on the floor with unlimited debate and an opportunity to show your charts and make your point.

I find myself here in a circumstance where I, in behalf of the people of California, basically have no say on these bills.

As Senator BYRD rightly points out, I think anyone in this Senate Chamber who says they know what is in a huge omnibus package with 3,000 pages, not to mention report language and colloquy, is simply dreaming because we know there is just so much we are capable of. When you do one appropriations bill at a time, you can concentrate on that and read that bill. You can be briefed on that bill. If you want to offer an amendment, you can do so. You can make your case for your State.

There is one issue on which the Senator from West Virginia and I do not agree. I respect his view so much. But I come on a different side. I think it is so important that we should be allowed to raise other important issues that we believe this Senate ought to vote on, even if it voted on it before. I say to my friend that some of these issues are so important. Now that we are in the middle of a Presidential election, they are being raised by both Governor Bush and Vice President GORE, and we ought to have another chance to vote on them.

Mr. HARKIN. Mr. President, if I might ask the Senator to yield on that point.

Mrs. BOXER. I would be happy to yield.

Mr. HARKIN. I agree with the Senator. I want to say a few more things on my own time about Senator BYRD's presentation this morning, but I also want to respond to the point that my friend from California is making about being able to offer amendments to the appropriations bills that come up.

I ask the Senator from California: I do not know if we agree on this, but I think if we had more of an opportunity to act as a Senate, to bring legislation out and to be able to consider bills that we might be interested in, that we wouldn't have to do them on appropriations bills. But because we are prevented from doing so, many times it is only the appropriations bills where we can offer them.

I ask the Senator from California if she would maybe—I see her nodding her head—agree with that decision; if we had that opportunity to act as a Senate and to bring authorizing bills out here to be able to offer those amendments, then we wouldn't have to do that on appropriations bills.

Mrs. BOXER. I agree with my friend. I sit on some authorizing committees, such as the Environment and Public Works Committee. There are so many good bills that we could bring forward, but the leadership does not want to do that. Frankly, I think it is because they would rather not run this place like the Senate. They want to run it like the House with strict controls where the Rules Committee decides what can happen.

Frankly, I have to think that there are some amendments on which they don't want to vote. I think we are then forced in the circumstance that my friend from West Virginia—my hero, if I might say, in this Senate—believes is inappropriate. But we are in a circumstance where we are committed, for example, to vote on a prescription drug benefit for Medicare. We are so committed to making sure that class sizes could be reduced by putting 100,000 new teachers in, and we don't get the education authorizing bill. We only get the appropriations bill.

It forces us—I agree with my friend—to be in the situation that is not good for the Senate. As my friend said, it is the ''Dark Ages of the Senate.'' Those are powerful words. This is a man who thinks about that. When he says we are in the ''Dark Ages,'' I think we have to listen. We are in the Dark Ages because we don't want to debate authorizing bills. We are forced to try to offer amendments on appropriations bills, which delays the situation, which

makes leadership say they are not going to bring the bill forward, and which makes them send them straight to conference to avoid the chance for amendments. The vicious circle continues.

I think I am not being a Senator. We never know how long we are going to be in this Chamber. In many ways, it is up to our electorate. In many ways, it is up to God to give us good health to be here and do this. It is up to our families to see how long they can take it. So we want to have a chance to legislate.

Mr. BYRD. Mr. President, if the distinguished Senator from California will yield.

Mrs. BOXER. I yield to my friend.

Mr. BYRD. I want to clarify one thing.

The distinguished Senator from California earlier, I think, indicated that she and I were in disagreement on this. We are not. In the Senate, there is no rule of germaneness except when cloture is invoked and except when rule XVI is invoked. But a rule XVI invocation can be waived only by a majority vote—not a two-thirds vote but by a majority. We have done that many times.

When a Senator has raised the question of germaneness, I have from time to time voted with that question to make that germane. She and I really are not in disagreement. She has well stated, and so has the distinguished Senator from Iowa, the reasons why so many Senators are forced to offer legislative amendments on appropriations bills. It is because the legislative measures are not brought up in the Senate. So they have to resort to the only vehicle that is in front of them, that being an appropriations bill.

Look at this calendar. This calendar is filled with bills, many of them which have never gone to the committee. Many of them have been put directly on the calendar through rule XIV, and they have never been before a committee. They went before a committee in the House, come from the House, and are put directly on the Senate calendar, or bills are offered by Senators, brought up, and through rule XIV are placed on the calendar.

I counted the number of items on this calendar the other day that have been placed directly on the calendar for one reason or the other, one being rule XIV. I counted the number. I don't remember what it was. There are quite a wide number of amendments that are on the calendar that have never seen or experienced any debate in a Senate committee. We have 71 pages making up this calendar. Senators who want to offer amendments have to understand, there is nothing but appropriations bills to which to offer amendments.

Mrs. BOXER. I am absolutely delighted we are on the same side on this point. The frustration level of Senators, as my friend Senator HARKIN pointed out in his very to-the-point-question, is that we have no other option but to turn to these priorities that our people are asking Members to take care of, and try to offer these amendments. Then we have a majority that doesn't want them.

I yield to my friend.

Mr. HARKIN. I thank the Senator for yielding.

I want to point out to the Senator from West Virginia, regarding the Elementary and Secondary Education Act reauthorization, this is the first time since it was enacted in 1965 we have not reauthorized it. Why? There is no reason we cannot debate the Elementary and Secondary Education Act before we adjourn.

I am certain reasonable minds on both sides would agree to time limits. No one wants to filibuster the bill. Offer the amendments. But the way things are today, if someone has ideas on what we want to do on education in this country, they are precluded from doing so. It is still stuck on the calendar, for the first time since 1965. S. 2, the No. 2 bill of this Congress, and it is still on the calendar. We haven't had a chance to act.

I say to my friend from California, the Senator from West Virginia referred to returning back to the Dark Ages. I was thinking about that when the Senator was speaking. Someone remarked to me that: All this talk about rules and procedure is gobbledygook. Who cares? That is inside ball game stuff around here, and it doesn't really matter on the outside.

I know it sounds like inside ball game stuff when we talk about rules and procedures, rule XVI and things such as this. The Senator mentioned the Dark Ages; I got to thinking about the Dark Ages. That is an appropriate allegory because the reason they were the Dark Ages is that we didn't have rules, we didn't have laws, it was uncivilized. In order for us to be civilized, we said there are certain rules by which we should live.

We have these rules in the Senate so that we don't live in the Dark Ages. They have a lot to do with people's lives outside of the beltway of this city. I think the Senator's mentioning of the Dark Ages is very appropriate. That is what we are returning to. We are returning to a rule-less kind of Senate where whoever is in charge calls the shots. That is what the Dark Ages was about: Whoever had the power ran everything. It was a lawless society. Through the years we developed our rules.

There is a reason the Senate is the way it is. Read the Senator's ''History of the Senate.'' There is a reason the Founding Fathers set up the Senate the way it is. It is to allow some of the smaller States and others to have their say and to have their equal representation so they aren't bound up by the rules of the House of Representatives.

Mr. BYRD. Would the distinguished Senator from California yield me time to respond to the distinguished Senator from Iowa?

Mrs. BOXER. I am happy to yield to the Senator.

Mr. BYRD. I yield an additional 15 minutes overall to the Senator from California.

Mr. President, the Senator from Iowa said something here which is a truism—among other things—that there are many who look upon the rules and the precedence of the Senate as gobbledygook, as inside baseball.

Now I daresay those same narrow-minded, uninformed people, whoever they are, would say the very same about this Constitution of the United States or this Declaration of Independence, both of which are in this little book which I hold in my hand. They would say the same thing about the Constitution of the United States, and those rules of the Senate are there by virtue of this Constitution. I urge them to read the Constitution again.

I also urge them to read what Thomas Jefferson said, what Vice President Adlai Stevenson said, what Lyndon Johnson said, and what other great leaders who are now in the past said about the right to amend and the right to debate.

I will say what Adlai Stevenson said: They know not what they do.

I thank the Senator.

Mr. HARKIN. I thank the Senator from West Virginia.

Sometimes—I am not mentioning any names—sometimes we talk with colleagues about the rules. There is kind of a smirk: Oh, yes, we have business to do around here. And there is sort of—I detected it lately—there is sort of: ''Well, the rules are the rules, but if we have the votes, we don't care.''

That is a terrible attitude. As the Senator from West Virginia said, it really returns us to the Dark Ages when we were a lawless, ruleless society.

Mrs. BOXER. I ask my friend to stay on his feet because I want to continue this discussion.

When I was a child, I learned how a bill becomes a law. We always had that book in school, how a bill becomes a law. A bill starts out; someone authors it on one side, the Senate; someone authors it in the House. If it is a money bill, it has to go through the House first. And then each House, the House and the Senate, will act on the bill. If there are differences, it will go to conference. Those differences are worked out. If they are worked out—either body will vote on them—it goes to the President; he says yea or nay. If he issues a veto, two-thirds to override; if he signs it, it is a law. We learned this.

I say to my friend, it almost seems to me that what is happening is unconstitutional. I do not have a law degree. But we don't see these bills coming through the Senate for Senators to comment on. Sometimes we get a bill through here and it is not controversial. We will agree to a 2-, 3-, 5-minute time agreement. But at least we have a chance to look at it. That is our job. If

we don't look at it and it does some harm to our people, that is our fault.

But if bills never come here and if they are sent directly into a conference committee and bypass the Senate, this says something is very wrong, that we are not doing what we are supposed to do according to the Constitution. I honestly wonder whether there couldn't be some kind of lawsuit by some citizen out there who looks at this and says: The way the Senate is operating, I have no voice in this because my Senator is bypassed. As Senator BYRD shows in his chart, 23 States are not on appropriations. They don't even have a chance to utter a word in the committee.

I was wondering, not being a lawyer, as the Senator is a lawyer, whether there isn't some kind of lawsuit waiting to happen. This isn't the way a bill is to become a law.

I think this could be considered taxation without representation. For some of these cases, some colleagues could say to their people: I didn't know; I didn't have a chance; I could only vote no or aye at the end; I voted aye because there were so many good things in the omnibus bill; but there were 23 bad things, but I had to keep the Government going.

I think we are treading on some dangerous ground.

I am happy to yield if my friend has a comment.

Mr. BYRD. Is the Senator asking a question?

Mrs. BOXER. I would love to have my friend comment on this.

Mr. BYRD. I agree, in large measure, with everything the distinguished Senator is saying. I seriously doubt that a lawsuit—I seriously doubt if that would hold up. But anyhow, it is a good thought.

Mrs. BOXER. Yes. When I go home to meet my constituency, they, as taxpayers, will say to me: Senator, what did you think about page 1030 in that omnibus bill? Did you actually get a chance to vote on it? I will say: In the big sense, I guess you could say I had to vote. It was all in one package. But I had no choice. I wanted to keep the Government going.

When I raised that issue, it was not for the technical response, but I am just suggesting to my friend that it is in many ways taxation without representation. In any event, if it does not rise to that level, it is close to that level.

I wonder if my friend from Iowa has a comment, or my friend from West Virginia.

Mr. HARKIN. I was trying to say—I will yield in just a second more—I think what is happening is that the foundation on which this Senate has been based is beginning to crumble. It is not all gone yet. But I was thinking, the Senate is like a foundation. If you pull one brick out, OK; it still holds. You pull another brick out—the foundation is still strong.

What is happening, I believe, and I say this in all candor, the majority side, for the last several years, has been pulling some bricks out of the foundation. They pulled one out and no one complained. They pulled another one out and nothing happened. What concerns me is that one feeds on another. So if we take back the majority, do we then say we will take out another brick? And then another brick? And then it bounces to the other side? Pretty soon the foundation crumbles and nobody can point to that first brick and when it was pulled out.

That is what I see, a kind of insidious pulling out of the bricks of the foundation of the Senate. Yet since things do happen, at the end of the year there is this big omnibus that is put together and people say: There you go, no big deal. But I predict pretty soon the foundation is going to start crumbling if we don't stop pulling out the bricks.

Mrs. BOXER. I agree with my friend. It is pretty distressing to see this happen to the Senate.

Senator BYRD said the other day that many of us in this Chamber don't know how the Senate is supposed to work because when we got here, those bricks had started to be pulled out of that foundation. I long for the days when I can tell my grandchildren or great grandchildren that I had a chance to serve in the greatest deliberative body of the land, and that even on a matter that perhaps only one or two Senators cared about, we had the unfettered right to express ourselves on behalf of the people we represent.

As I stand here, I represent, with Senator FEINSTEIN, almost 34 million people. Imagine that, 34 million people. They have so many concerns, whether it is the cost of prescription drugs, that I know my friend from Iowa just made a brilliant speech on yesterday—and I hope he will continue that today—whether it is just the normal appropriations process under which they are able to meet their needs, the highways, the public buildings, all the things they need to keep going; making sure we have the water and the power to keep this incredible State going. We would be the eighth largest nation in the world. We count on the Senate to be able to address our needs.

I am so grateful to the Senator from West Virginia for making this point because I think the people need to pay attention. As my friend from Iowa has said, it may sound as if it is about rules and things that do not impact them. But it impacts them mightily because when I am muzzled by virtue of the fact we don't get a chance to offer amendments—not that my voice is going to always carry the day, but at least their voice will be heard.

Mr. BYRD. Mr. President, will the distinguished Senator from California yield briefly?

Mrs. BOXER. I am happy to yield.

Mr. BYRD. On what the distinguished Senator is saying, the difference between a lynching and a fair trial is process.

Mr. President, I have to be away from the Senate for about an hour and a half. I have to meet with my wife of 63 years, so I must leave the floor.

I ask unanimous consent that no time be charged against my time, time that is under my control, unless that time is being used on the subject that is before the Senate. In other words, if no Senator is on the floor to speak on this subject, and he or she wishes to speak on some other subject, that he can get time but that it not be charged against the time on this matter.

There are several Senators who wish to speak on this. But for the moment, I am going to take the liberty of yielding control of time—oh, the minority whip is here; he will take care of that matter. He will be in control of time. I make that request.

The PRESIDING OFFICER. As a Member of the Senate from the State of Colorado, I must object until I fully understand the implications of that request and have had a chance to check with leadership.

Objection is heard.

Mr. BYRD. OK. That is a reasonable request.

I hope in the meantime, the distinguished Senator from Nevada, who is the distinguished minority whip, will be on the floor. I hope he will, and he will see to it that Senators will be recognized on time that was in the order for my control, if they are going to be recognized, and they not be recognized on that time unless they are speaking on this subject.

Mr. REID. If the Senator will yield?

Mr. BYRD. Yes.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I spoke to the Senator from West Virginia yesterday. We have worked today to fill the time, talking about some of the things that would work better in this body about which the Senator has spoken already. Senator HARKIN is going to speak, and Senator BOXER. We have Senator KENNEDY coming here at noon. We have Senator MOYNIHAN coming at 12:30. Senator CONRAD is coming. We have a list of speakers and we will work very hard to fulfill the promise to the Senator from West Virginia.

The last thing I say to the Senator from West Virginia, we were here except we were working on the Interior conference.

Mrs. BOXER. Mr. President, do I have some time remaining on my time?

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mrs. BOXER. What I would like to suggest to my assistant leader is, after I finish my 5 minutes, during which I would like to continue engaging in a little colloquy with my friend from Iowa, that he be recognized for 30 minutes. Is that acceptable to my friend?

Mr. REID. The problem is we have gotten a little out of whack here this morning. I appreciate the patience of my friend from Iowa.

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

Mrs. BOXER. Could I have 5 minutes then?

Mr. REID. What we will try to do is have Senator KENNEDY start a little later. He may be a little late anyway. Maybe you will not get your full half hour, but that will be known when the Senator from California gets finished. Then we go to Senator HARKIN, Senator KENNEDY, and Senator MOYNIHAN.

Mrs. BOXER. I ask unanimous consent, when I complete, Senator HARKIN have the floor up to 30 minutes, and if he has to be interrupted by Senator KENNEDY, he will end his remarks.

Mr. REID. I think what we will do is have the Senator recognized for 10 minutes and if he needs more time he can ask for it.

Mrs. BOXER. That will be my unanimous consent request.

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

Mrs. BOXER. In this remaining 5 minutes, I wanted to ask my friend from Iowa if he will stay on the floor because Senator KENNEDY, who is our leader on education issues, as we know, in terms of his position on ESEA, said it looks as though if we don't reauthorize the Elementary and Secondary Education Act when the funding expires, which is this year—which is this year—it will be the first time since the 1960s, since 1965, that this bill will not have been reauthorized.

What I want to ask my friend—I know he is going to take his time to talk about prescription drugs, and I am going to stay here for that. It seems to me, with both Presidential candidates out there talking about education, and with huge differences in the two positions; where you have George Bush supporting a voucher system to pull money out of the public schools into the private schools, and you have AL GORE saying he wants to do twice as much for education; in terms of budget authority, where you have Vice President GORE supporting putting 100,000 new teachers in the classroom and George Bush opposing it; where you have our Vice President supporting school construction, and these are all initiatives that emanated from this side of the aisle with opposition on the other side. A fair debate. Whether or not we want to continue in the tradition of President Eisenhower, a Republican President who said, yes, the Federal Government should step in when there is a void, and that is why he signed the National Defense Education Act saying way back in the fifties—the happy days when I was growing up—that if you do not have an educated workforce, you can have the most powerful military in the world and it will not matter. AL GORE wants to follow in that tradition, but we have the opposition saying the Federal Government should not have anything to do with it, block grant it, and who knows what will happen.

Does my friend agree with me—I know he agrees with me; I would like him to talk about this—why is it so crucial we bring this education bill to the floor—and do it soon—and we allow this Senate to work its will on the issues that all of America cares about, whatever side one is on. Does he not agree this is a stunning departure from tradition and history since 1965? We sit here and there is nobody on the other side. We have the time to talk when we could be acting on the ESEA.

Mr. HARKIN. I thank the Senator for pointing this out. It is true, it is the first time since 1965 we have not reauthorized the Elementary and Secondary Education Act. What the Federal Government has done since the adoption of that bill, since 1965, as the Senator knows, is we have filled in the gaps.

Obviously, education still remains a local and State obligation, as we want it to be, but we recognized there were certain gaps. For example, disadvantaged students: We came up with the title I program to provide needed funds to States to help educate disadvantaged children in disadvantaged areas. I do not think there is a Governor anywhere in this country who does not like title I, or educators. Since we set up title I, it has done great things for our kids. That is at stake here. Without reauthorization, we cannot give guidance and funds to title I.

The Individuals with Disabilities Education Act: for kids with disabilities, is another example of what will slip through the cracks in terms of bringing us into the new century and addressing the new problems in education.

Teacher training is a very vital component of the Elementary and Secondary Education Act to provide guidance and, yes, support for teacher training, for example, in new technologies, such as closing the digital divide. This is all part of that. This will all fall through the cracks.

Because of the intransigence of the Republican majority in the Senate—we will fund it; I am sure we will get the appropriations bill through; we will fund it—we will not address the new problems in education which we need to address. We will still be answering the problems of 8 years ago and 10 years ago rather than addressing new problems.

The PRESIDING OFFICER. The time of the Senator from California has expired. The Senator from Iowa now controls the time.

Mr. HARKIN. Mr. President, I will be glad to continue the colloquy with the Senator. I yield to the Senator from California.

Mrs. BOXER. I will be brief. My friend makes such an important point. In this fast moving, global economy we are in, everyone admits education is the key. If all we can do is fund old programs—by the way, they are good; we are not going to walk away from them—but if we cannot address the new challenges—and my friend mentions specifically the digital divide. Senator MIKULSKI and I have been working on a very good bill. We let thousands and thousands of foreign workers in here when we still have a 4-percent unemployment rate—by the way, the best in generations, but we do have people who need jobs—we do not have a shortage of workers, as Senator MIKULSKI says, we have a shortage of skills.

My friend is so right to point out that when we do not authorize bills and we cannot look at the new solutions and the new challenges, we might as well be living in the last century.

I thank my friend for yielding me additional time. I look forward to his presentation on Medicare. I will sit here and listen to his wisdom on that and maybe he can answer a question or two as he goes about his presentation. I thank my friend.

Mr. HARKIN. Mr. President, I respond in kind by thanking the Senator from California for pointing out again what is at stake because we are not allowed to offer our amendments. The Senator from California has done a great service not only to the Senate, but to the country, in pointing out why so many people are disenfranchised in this country because they do not have a voice with which to speak here if we are blocked from offering our amendments. I thank the Senator from California for pointing that out.

I want to talk about another issue we are, again, blocked from addressing in the Senate, and that is the issue of prescription drugs for the elderly. Of all the issues out there that cry out for solutions and intervention, this has to be No. 1 on our plate. Anyone who has gone to their State and talked with the elderly who are on Social Security, who are on Medicare, has heard heartrending story after heartrending story about how much our seniors are paying out of pocket for prescription drugs.

Vice President GORE was in my home State of Iowa yesterday. There is a story that was running on the news programs and in the newspapers this morning about a 79-year-old woman. I do not know her. I have never met her, to the best of my knowledge. Winifred Skinner, 79 years old, from, I believe, the small town of Altoona—but I cannot be certain about that—who showed up at a meeting with Vice President GORE and talked about how she goes along the streets and the roadways picking up aluminum cans because she can get payment for them. I think it is a nickel a can, if I am not mistaken. She collects these to make some money to help pay for her prescription drugs.

This is a real person. It is not a phony person. This is a real person with real problems, and she needs some help. We have tried time and again to bring this legislation to the Senate floor to openly debate it. If other people have other ideas, let's debate them, have the votes, and let's see what the Senate's position will be, but we are precluded from doing so.

Now we have an ad campaign put on by the Republican candidate for President, Gov. George Bush. This TV ad

campaign is being waged across the country to deceive and frighten seniors about the Medicare prescription drug benefit proposed by Senate Democrats and Vice President AL GORE. I thought I would take a few minutes today, as I will do every day we are in session, to set the record straight.

First, we have to examine Bush's ''Immediate Helping Hand.'' That is what he calls it, ''Immediate Helping Hand.'' Quite simply, it is not immediate and, secondly, it does not help.

Is it immediate? No. The Bush proposal for prescription drugs for the elderly requires all 50 States to pass some enabling or modifying legislation. Only 16 States right now have any drug benefit for seniors. Many State legislatures do not meet but every 2 years, so we might have a 2-year lapse or 3-year or 4-year lapse in the Bush proposal.

How do we know this? Our most recent experience is with the CHIP program, the State Children's Health Insurance Program. We passed it in 1997. It took Governor Bush's home state of Texas over 2 years to implement the CHIP program.

In addition, the States have said they do not want this block grant program. This is what the National Governors' Association said, Republicans and Democrats, by the way:

> If Congress decides to expand prescription drug coverage to seniors, it should not shift that responsibility or its costs to the states. . . .''

But that is exactly what the Bush 4-year program does.

Again, keep in mind, the Bush proposal on prescription drugs is a two-phased program. In the first 4 years, he delegates it to the States. As I pointed out, States do not even want to do it.

Secondly, many legislatures do not meet for 2 years.

Thirdly, talk about a ''helping hand,'' who gets helped under the Bush program? If your income is more than $14,600 a year, you are out—$14,600 a year, and you are out.

What does that mean? It means many of the seniors will not qualify. The Bush plan will only cover 625,000 seniors, less than 5 percent of those who need help.

Again, under the Vice President's proposal—and what we are supporting—all you need is a Medicare card. If you have a Medicare card, you can voluntarily sign up for a drug benefit, your doctor prescribes the drugs. You go to the pharmacy and you get your drugs. That is the end of it. That is all you have to show.

If you are under the Bush program, you are going to have to take your income tax return down, plus probably other paperwork to show your assets, to show that you have income of less than $14,600.

Mrs. BOXER. Would my friend yield on this point for a question?

Mr. HARKIN. Yes.

Mrs. BOXER. Because I think this is a stunning point that you have made and are amplifying on today. Out of the 34 million senior citizens in this country who are covered under Medicare—not to mention the 5 million disabled; let's throw that out for a moment because they would qualify for the Gore plan; let's just focus on the 34 million—how many seniors are you saying, if everything went right in their States and they were able to get the enabling legislation—they went to the welfare office, they got the stamp of approval—if it all went right, how many seniors are you estimating would be covered under the Bush plan?

Mr. HARKIN. According to a recent study, if the experience of state pharmacy assistance programs is any guide, of the 34 million, about 625,000—less than 5 percent of those eligible—would sign up for a low-income drug plan.

Mrs. BOXER. Less than 700,000 people.

Mr. HARKIN. That is right.

Mrs. BOXER. Under the first 4 years of the Bush plan, out of the 34 million seniors, this new benefit would go to less than 700,000 people. And those people have to go through the welfare offices. If there is no other reason to oppose it, there it is. It is a sham. It does not do much for hardly anybody.

Mr. HARKIN. That is true.

I thank the Senator from California for amplifying on that. Because Governor Bush's program is not Medicare; it is welfare. What seniors want is they want Medicare, they do not want welfare.

Look at the States. To sign up for Medicare, seniors fill out long, complex applications in 26 States. They must meet an extensive asset and income test in 41 States. And they have to sign up in the welfare office in 34 States. Maybe that is why only 55 percent of eligible seniors sign up for Medicaid compared to 98 percent who sign up for Medicare.

That is what the Bush proposal would do: Send seniors to the local welfare office. Take your income tax returns down, take down other paperwork, fill it out, show them what your income and assets are, and then maybe—maybe—you will qualify.

As I have said repeatedly, the seniors of this country want Medicare, they do not want welfare. The Bush plan would put them on welfare. Then, after the 4 years—the first 4 years of the Bush block grant—then what does his proposal do? His proposal turns it over to the HMOs. So it gets even worse.

The long-term plan under Governor Bush is tied to privatizing Medicare, a move that would raise premiums and force seniors to join HMOs. Under the Bush drug plan, there would be radical changes in Medicare—radical changes. You would not recognize it today.

Premiums for regular Medicare would increase 25 to 47 percent in the first year alone. Why is that? Why do we say that? Because once you turn it over to the HMOs and the insurance companies—which is what the Bush plan does—after the first 4 years, it shifts to universal coverage, but turns it over to the insurance companies.

Obviously, the insurance companies are going to do what we call cherry pick. They are going to pick the healthiest seniors and give them a really good deal to join their insurance program. Who does that leave in Medicare? The oldest and the sickest. And to cover the Medicare costs, under legislation we have that exists, their premiums will go up 25 to 47 percent in the first year alone. That is shocking.

But we have to understand that what the Bush proposal is for Medicare is the fulfillment of Newt Gingrich's dream to let Medicare ''wither on the vine.'' Governor Bush supported that concept when Mr. Gingrich was Speaker of the House. Governor Bush's proposal fulfills Newt Gingrich's dream because by turning it over to the insurance companies, by privatizing Medicare, it would ''wither on the vine.''

Governor Bush would leave seniors who need drug coverage at the mercy of HMOs. Listen. Under the Bush proposal, who would decide what the premiums are going to be? HMOs. Who would decide copayments? HMOs. Who would decide any deductibles? HMOs. Who would even decide the drugs that you can get? It would be the HMOs—not your doctor, not your pharmacist.

Lastly, as someone who represents a rural State and who still lives in a town of 150 people, the Bush plan would leave rural Americans out in the cold. Thirty percent of our seniors live in areas with no HMOs.

In Iowa, we have no Medicare HMOs. Listen to this. Only eight Iowa seniors, who happen to live near Sioux Falls, SD, belong to a Medicare HMO with a prescription drug benefit. Yet in Iowa, we have the highest proportion of the elderly over the age of 80 anywhere in the Nation. And only eight—count them—elderly, who happen to live near Sioux Falls, SD, belong to a Medicare HMO that has a prescription drug benefit.

Also, HMOs are dropping like flies out of rural areas. Almost a million Medicare beneficiaries lost their HMO coverage this year alone, mostly in rural areas.

So, again, our seniors want Medicare. They do not want welfare. The Bush plan turns it over to the States for the first 4 years. Take your income tax returns down, show how poor you are, maybe you will get help.

The Bush plan for prescription drugs says, if you are rich, you are fine. If you are real poor, you are OK. But if you are in the middle class, you are going to pay for it both ways.

Lastly, we have to talk about priorities. The Bush priority is $1.6 trillion in tax breaks, almost 50 percent of which goes to the top 1 percent of the wealthiest people in this country. For prescription drugs for the elderly, he is proposing $158 billion over the next 10 years. There you go. Those are the priorities right there.

So every day we are in session, I will take the floor to point out the fallacies

in Governor Bush's proposal for prescription drugs for the elderly, how it will put elderly first on the welfare rolls—they will have to be eligible for welfare—and then take their income tax returns down; and how, secondly, it will turn it over to the private insurance companies, and it will destroy Medicare as we know it.

Mrs. BOXER. Will my friend yield?

Mr. HARKIN. I will say one more time, what the seniors of this country want is they want Medicare; they do not want welfare.

Mrs. BOXER. Will my friend yield for a question?

I think the chart that you have behind you is crucial for people to look at.

The PRESIDING OFFICER. The Senator from Iowa has used 15 minutes.

Mr. HARKIN. May I have 5 more minutes?

Mr. REID. I say to my friend from Iowa, of course you can have 5 more minutes. We have Senator LANDRIEU here to speak. And I would say, before yielding that time to my friend from Iowa, you have painted the picture so well that Senator BYRD started today. Because if we had the proper process around here, we would have been debating these issues a long time ago.

Mr. HARKIN. Exactly.

Mr. REID. So I yield 5 minutes to the Senator from Iowa. Following that, I yield 5 minutes to the Senator from Louisiana, Ms. LANDRIEU.

The PRESIDING OFFICER (Mr. FITZGERALD). Without objection, it is so ordered.

Mr. HARKIN. I yield to the Senator from California.

Mrs. BOXER. I thank my friends, and I thank the Senator from Louisiana for her patience. This is an important point that she made to me yesterday and to a number of my colleagues.

I think the chart that is behind the Senator from Iowa tells a story all America has to see. This tax cut is so enormous, with such enormous tax breaks for those at the top—for example, those over $350,000 will get back $50,000 a year compared to those at $30,000 who will get back a few hundred dollars—that it is impossible for Governor Bush to do anything real for the American people that the American people want.

I asked myself, why would it be that his prescription drug policy would only cover 5 percent of the seniors who need it. The easy answer: Even if he wanted to do more—and let's say he does; I will give him that break—he can't do more, because when you look at what he wants to do for the military and what he says he wants to do for education, and it goes on, it does not add up. So what happens to Governor Bush is that he has to take tiny little baby steps for things he thinks are important because he doesn't have the resources because he is committed to this enormous tax break, instead of doing what AL GORE has done, which is to say: Yes, we will give tax breaks, but we will give them to the middle class. We will do it for people who need to send their kids to college by helping them with their tuition. We will do it for people who need health care by making that deductible. We will do it for the people who are working hard every day, struggling and fighting to make ends meet.

The last point I will make to my friend is a comment by the president of the Health Insurance Association of America, who said:

> Private drug-insurance policies are doomed from the start.

That is the Bush plan.

> The idea sounds good but it cannot succeed in the real world. I don't know of an insurance company that would offer a drug-only policy like that or even consider it.

This isn't TOM HARKIN talking or HARRY REID talking or MARY LANDRIEU or BARBARA BOXER or ZELL MILLER. This is the head of the Insurance Association of America.

I say to my friend, in closing the extra time he has, the chart behind him tells the story, and this quote tells the story. It is truly, unfortunately, a sham prescription drug plan.

Mr. HARKIN. I thank the Senator from California. She is absolutely right. Forty-three percent of these tax breaks go to the top 1 percent, who have an average income of over $915,000 a year. This is where Governor Bush's tax breaks go. Yet Winifred Skinner—age 69, in my home State of Iowa—has to go around the streets and the roads and pick up aluminum cans so she can pay for her prescription drugs. I think that says it all.

I thank the Senator from California. I thank the Senator for yielding me the time and yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, I join my colleague from California and my colleague from Iowa in their remarks and thank our colleague from Iowa for spending the time to point out the important differences in the approaches as we get closer to this election. It is something the American people in our democracy will ultimately decide. I thank him.

I also point out to my colleague from California that not only would we not be able to afford the right kind of prescription drug plan for America because of the huge tax cut proposal that the Governor of Texas has proposed, we would not be able to give the military the added investments that it may or may not need. We may be debating that, but the generals appeared yesterday to describe how they needed some increase in investments in the military in certain ways and we need to modernize and streamline and save money where we can. But there are clearly some areas where we will not even be able to do that, if the proposed tax cut plan is in effect. We won't be able to provide the kind of Medicare coverage we need, and we will not be able to strengthen our military in the ways that we perhaps need to as we restructure and reshape.

Mr. President, our senior Senator from West Virginia has made a very important point. He has urged all of us in this Chamber to pay attention to a very important concept in our Constitution that is in the process of being violated. This affects Louisiana and States such as ours. Twenty-three are listed on this chart, as the Senator pointed out.

No one brings a deeper understanding of the constitutional prerogatives and responsibilities of this body than does Senator BYRD, our esteemed colleague from West Virginia. I also know that he is intimately familiar with the writings of John Jay in one of the most cherished pieces of prose regarding our democracy, the Federalist Papers. In Federalist No. 64, he writes:

> As all the States are equally represented in the Senate, and by men the most able and most willing to promote the interests of their constituents, they will all have an equal degree of influence in that body, especially while they continue to be careful in appointing proper persons, and to insist on their punctual attendance.

Although I agree with this, I don't know if our Founding Fathers ever thought there would be a day where there were women in the Senate, but obviously this quote would apply so that men and women in the Senate would have equal opportunity to represent their States.

When we follow these rules, as we can see, our Founding Fathers intended this body to represent the great States of our Union equally. Sadly, after years of hearing of the importance of federalism, the Senate is proceeding down a course that makes a mockery of this ideal.

I represent one of the 20 States without a member on the Appropriations Committee in either Chamber. Currently there is no one from Louisiana on the Appropriations Committee in the House or in the Senate. The only protection a State such as mine—one of the earliest additions to the Union, I might add—has is the power and process of this Chamber. That power and that process is being jeopardized.

When the Senate leadership attempts to short-circuit that process, they trample on the rights of States and undermine our very constitutional structure.

This Senator will be asked to vote, I am certain, on an enormous bill that I could not possibly have read, that has never passed out of this body, and which I will have no opportunity to amend.

Let me say it again. The people in Louisiana, and these 23 States on this chart, will have no opportunity to amend this final bill that is going to be before us shortly. Our rules were written to give life to the intentions of our Founding Fathers that we have the opportunity to deliberate and amend any measure offered in this body. When we follow those rules, all States are truly equal—the most populous and prosperous, as well as the smallest and

most in need. That is what our Constitution contemplated, but that is not what we are living out today.

A measure very important to my State, as many of you know, is the Conservation and Reinvestment Act. I am concerned by virtue of the process we are following that this critical legislation, despite the support of 63 Senators, will not be debated on the Senate floor. That potential reality is unfair to Louisiana; it is unjust to the 4.5 million people who live in my State. It is certainly not what John Jay, one of our founders, had in mind 200 years ago.

I think it is important to warn my colleagues now that this Senator intends to defend her State's place in this body. I thank my friend from West Virginia. I salute him for his ongoing leadership in this cause, and I look forward to helping him return this body to its appropriate place in the constitutional order. So whether we are debating Medicare or our military or the environment and the Conservation and Reinvestment Act, I hope that the people of my State can truly be represented in that process. That is why they elected me and I plan to defend that right.

Mr. REID. Mr. President, Senator BYRD has asked that I allocate the time that is remaining under the original time given him under the unanimous consent agreement.

The Democratic leader will be out in a few minutes to take half an hour. When he completes his statement, Senator KENNEDY will follow for half an hour. When he completes his statement at about 1:30, Senator CONRAD will be here to speak for half an hour. Following that, Senator DORGAN will be here for half an hour. Following that, Senator JOHNSON will be here to speak for 10 minutes. Senator DURBIN will come at approximately 2:40 to speak for about a half hour. Senator KOHL will speak around 3 or 3:10. At that time, most of the time will be gone. Senator BYRD will have the remaining time.

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. 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.

The Democratic Leader is recognized.

Mr. DASCHLE. Mr. President, I compliment the Senator from California and the Senator from Iowa for their extraordinary colloquy this afternoon on prescription drugs. There is so much confusion, unfortunately, on the issue, largely generated intentionally by the other side, hoping to confuse people, obfuscate the question, and confuse the issue. The Senators from California and Iowa have, with great clarity, redefined it and redescribed it. I hope my colleagues, if they did not have the chance to hear them, will read it in the RECORD tomorrow. It was really an extraordinary contribution. I am grateful to them.

Also, I am grateful to the distinguished senior Senator from West Virginia for allocating this time. I think it is very important that we have an opportunity to talk about how it is that we got here. I want to devote my comments to the question of how we got here, and I will talk about two things.

First, I want to talk about how we got here in the larger context of Senate rules and Senate procedure and the practice of the majority under the rules and Senate procedure. And then I want to talk a little bit about the schedule itself and how it is we got here, with only two days remaining in the fiscal year, and so much work still incomplete.

I think it is very important for us to understand that, procedurally, we have seen the disintegration of this institution in so many ways. I have come to the floor on other occasions to talk about this disintegration. I think this is important for newer Senators to understand. I see the extraordinarily able new Member from Georgia, a Senator who has just joined us, Mr. MILLER. I worry about the Senator ''Millers'' and about the Senator ''Fitzgeralds,'' our current Presiding Officer. I worry about those who may not have understood what the Senate institution looked like as an institution years ago.

The controversy that we are facing is not about procedural niceties. The right to debate and the right to amend are fundamental rights to every Senator as he or she joins us in this Chamber. Without those features, those abilities, we diminish substantially the nature of the office of Senator, the institution of the Senate, and indeed the reason why Senators come here in the first place.

Obviously, we are here to debate the great issues of the day. But how does one do it if we are relegated to press conferences or other forums that force us to talk about those matters off the floor? This Chamber has been called the most deliberative body in the world. Yet I worry about how little we have actually deliberated this year. And because we have not deliberated, the Senate as an institution has suffered.

Unfortunately, over the last few years, I believe the Senate has changed dramatically. We have been denied the opportunity to offer amendments, as we are right now on the pending legislation, the so-called H–1B bill. In the entire 106th Congress, we have had only a handful of opportunities where Senators were given their prerogative, given their fundamental right as a Senator, to do what they came here to do: to represent their constituents through active participant in the legislative process here on the floor of the United States Senate.

There has been an extraordinary abuse of cloture. Over one-fourth of all the cloture votes in history—over 25 percent—have been cast since 1995.

Twenty-five percent of all the cloture votes in history have been cast in the last four years. That is one figure I hope people will remember.

The other one which I think is critical is that we have had more cloture votes in 1999 than any other year in history. We broke a record there as well.

Under the majority leader's approach, we have also had the most first-day cloture filings ever. We have never had this many cloture filings on the first day.

This is a motion to invoke cloture. This is what it says. They are all the same. It is a stock statement.

> We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending amendment—in this case the marriage tax penalty bill.

The key phrase is the one we have outlined in yellow: ''To bring to a close debate.''

I ask anybody who is even a casual observer of debate: How can you close debate before it has even started? But that is what we are doing. A bill is filed. Amendments are filed to the bill in order to close the parliamentary tree. That denies us the opportunity to offer amendments. Then cloture is filed so we can bring to a closure debate that hasn't even begun.

We have done that more in 1999—of course we don't know about 2000 yet—than in any other year in our history. Of all the cloture votes together, over all of these years, 25 percent of them were in just the last 4.

Under previous leaders, we filed cloture, of course. There were some great debates about many issues in the past that went on for days and weeks and even months. People would be here 24 hours a day. The debates would go on, and a majority leader would be compelled to file cloture to bring the debate to a close. Why? Because they had been debating it. That is what they were supposed to do. That is why cloture is supposed to be filed. Yet now we find ourselves voting on cloture before we have had even the first hour or the first 5 minutes of debate.

We are also rewriting the rules on amendments themselves. Recently, we outlawed nongermane sense-of-the-Senate amendments to appropriations bills. We can't do that anymore.

The number of amendments have also been grossly restricted. I have never seen, as I have this year, the overly restrictive way with which we have approached virtually every single bill.

Take the Elementary and Secondary Education Act, the bill we took up earlier this year. An average of 39 amendments have been offered to ESEA reauthorization bill over the last 25 years—39 amendments. Yet this year, only four Democratic amendments to the ESEA bill were permitted before the bill was pulled. That's right: historically, there were an average of 39

amendments to ESEA bills. This year, Democrats offered four amendments, and the bill was gone. We are told we don't have time to complete the bill. We are told the Democrats shouldn't even think about offering all of these amendments. We are told that bills should be passed with no amendments at all, or if we must offer amendments, they must meet the strict definition of ''relevant'' used by the parliamentarian.

The interesting thing is, nonrelevant amendments have been considered OK for the Republican Party in the past. I have a chart that shows some of the examples of non-relevant amendments offered when the Republicans were in the minority, and even in some cases when they were in the majority.

We had a juvenile justice bill that came up in 1999. The majority leader saw fit to offer a ''prayer at school memorial services'' amendment to a juvenile justice bill. That was OK.

We had a Commerce-Justice appropriations bill 2 years ago. It was OK to offer a sense-of-the-Senate resolution on Social Security at that time.

We had a supplemental appropriations bill. This was when the Republicans were in the minority, and the Senator from Delaware, now chairman of the Finance Committee, Senator ROTH, certainly didn't see anything wrong with offering a tax cut amendment to that bill. Evidently, that was OK, too.

Yet now Republicans are saying: Democrats don't have a right to offer nonrelevant amendments, nongermane amendments. We can, but you can't.

I don't understand that logic. I don't understand how in 1993 when they were in the minority the senior Senator from North Carolina saw fit to offer a patent for the Daughters of the Confederacy amendment to the community service bill.

I don't see how we could have a Lithuanian independence amendment to the Clean Air Act. I want clean air in Lithuania, but I have to tell you this had nothing to do with clean air in Lithuania. This wasn't relevant. This wasn't germane.

There is a double standard here. I hope people understand our frustration as they watch the action and hear the words.

We have also trivialized Senate-House conferences over the last several years. The scope of the conference rule was repealed. Now conference reports can include anything and everything—even measures that were never included in either House.

That is all part of what got us to the problem we are in now with appropriations. All of this, I might say, goes back to the concern the senior Senator from West Virginia shared as he talked about the procedures and the breakdown of the institution. When we repeal the scope of conference rule that said things had to be in either the House or Senate bill before they could be considered in conference, when we repealed that, we opened up, as our Senator from New Mexico likes to call it, a ''box of Pandoras''—a real box of Pandoras.

We now have sham conferences. It is almost like a huge U-Haul truck is pulled right up to the front door. We just lob everything in there and drive it on down to the White House. Nobody knows what is in that big box of Pandoras. It is put into that truck, hauled down to the White House, the President signs it, and it becomes law.

It is getting worse and worse. Now we find our Republican colleagues want to take what happened in a subcommittee, where maybe a handful of people know anything about it, bypass this Chamber entirely, go into a conference, load up that truck, and take it down to the White House. That is why we said no last week. That is why we said you can't marry these bills that have had no consideration on the Senate floor—sham conferences.

I know why we are doing this. In fact, our colleagues on the other side have been very candid about it, both privately and publicly. They have said: We don't want to have to vote on these tough issues. We have a lot of vulnerable incumbents. We are not going to allow these amendments if they are going to be problematic.

I am sorry if someone is inconvenienced. We have had to do that for years. Casting votes is what being a Senator is all about. If you oppose a measure, then table an amendment, offer a second degree, offer an alternative.

There has to be a way of doing it other than gagging this institution. Forcing cloture votes against imagined filibusters in order to cast blame just doesn't work.

There are those on the other side who have said we shouldn't have to spend more than a couple of days on any one of these bills. We should be able to get these things done within 24 to 48 hours. Why should they take so long? My answer is because this is the Senate. I will get into days in just a minute. We have the days.

We have ways with which to ensure we can have a good debate. We can work Mondays and Fridays. We can work after 6. We could do a lot of things to ensure that the days are there. Some of the very finest pieces of legislation ever to pass the Congress took more than a couple of days. Bills sometimes take longer. They are complicated.

The majority keeps asking for cooperation. But I think what they truly mean is capitulation.

All Senators should be free to debate an amendment. We shouldn't have to face these artificial relevancy requirements. Important bills should have their time on the floor. We ought to have good, rigorous debates. We ought to be able to offer amendments. Let's agree to disagree and let's vote and move on. We did that in 1994 with a piece of legislation from which we still benefit today.

Every crime statistic is down in America today, every single one. Do you know why that is? That is in part because we passed the COPS Program, the community police program. That is because we have provided resources to police officers in ways they didn't have earlier in the decade. Another reason is that we passed an awfully good crime bill in 1994, the last year Democrats were in the majority.

Do you know how long it took? We spent 2 weeks on that crime bill. We had 92 amendments which were proposed, 86 amendments adopted, over 20 rollcall votes. That is the way the Senate is supposed to work—a good, rigorous debate, and ultimately a product that enjoyed, in this case, broad bipartisan support. Why? Because it was a good piece of legislation. Why? Because everybody had their say. Why? Because it was probably an improved product over what it was when it was first introduced.

That ought to be the model. I don't think there was a cloture motion filed in that entire debate. We didn't fill any trees. We didn't say, we have to get this done in 2 days. We didn't say, we don't have time. We said, we are going to do it and we are going to do it right. And we did it right. And 6 years later, we still benefit.

We are prepared to work with our colleagues on the other side. We only hope they share the deeply held view about commitment to the institution, about commitment to the rights of each Senator, about an understanding of the responsibility for the legacy of this institution for future Senators and for all of this country as we consider the fragile nature of democracy itself.

I said there were two items. The first was procedural; the second is schedule. The majority later said last year:

> We were out of town two months and our approval rating went up 11 points. I think I've got this thing figured out.

They are sure acting as if they have it figured out. If they were motivated to be out, so their points went up, they have shown it by the schedule.

This is the schedule for the year. All those red days are days we are not in session. All the blue days are the days we are in session. Look at all those red days. Yet we are told: We don't have time. We don't have time to take up appropriations bills. We don't have time to take up amendments. We don't have time to take up a legislative agenda.

We don't have time? Maybe it is because there is a little more red than there ought to be. The number of days we are scheduled to be in session in the year 2000 is shown: 115. That is the number of days in session in the year 2000. Keep in mind, there are 365 days in the year, yet all we could find time for were 115 out of that 365. As it happens, this is the shortest session of the Senate in half a century—since 1956. In fact, this year's schedule is only two days longer that the infamous do-nothing Congress of 1948.

The number of days with no votes in the year 2000, out of that 115: 34. We will be in session for 115 days in session out of 365 days, but we have lopped off a third of those days. On 34 of the 115 days, we have had no votes at all.

But there is no time.

The number of days on Mondays with votes in the year is shown. Out of all the Mondays in this year, we have only had three where we have had votes—three Mondays.

On how many Fridays of this year 2000 did we have votes? Six. We did a little bit better on Fridays than Mondays. Three Mondays with votes; six Fridays with votes.

Mondays with votes in September? There it is: One.

No time for appropriations bills. No time for all of the issues Democrats wanted to take up. Yet on only 1 Monday in the month of September did we have votes.

On Fridays in September, we didn't do quite as well. I don't know how we explain no votes on Fridays in September when we have all this work, knowing we will bump up against the end of the fiscal year at the end of this month. Imagine not having votes on Mondays or Fridays, knowing we have 11 appropriations bills that are yet to be completed.

Appropriations bills completed to date? Only two. We are dealing here with numbers most people understand: 1's and 2's.

We have done a little calculating because now we are getting into more advanced arithmetic. I said we have been using 1's and 2's and 0's. We used our calculator to decide how long it would take at this rate to complete the work on the remaining 11 appropriations bills, and now we are into triple digits: 572 days to complete work on the 11 appropriations bills on this schedule.

Finally, there is one more calculation. I am sure people are trying to figure that out. If you take the 572 and project it out, I promise we will be finished by April 16 of the year 2002. That is when we finish our work on the appropriations bills using the schedule we have adopted in the year 2000: 4/16/02—April 16, 2002. So mark that in your calendars, folks. That is likely to be the year, the month, and the day that we finish our bills using the schedule we have employed this year.

Someone once said, 90 percent of success is just showing up. Maybe that is our problem. We aren't showing up. Maybe we ought to show up a little bit more. Maybe we ought to work on Mondays and Fridays. Maybe we ought to work a little bit longer after 6 o'clock. Ninety percent of success is just showing up. Maybe we can be a little more successful. When we show up, maybe we ought to remember why we are here. Maybe we ought to remember the prerogatives of every Senator. Maybe we ought to call back the golden days when Senators debated profoundly on the issues of the day.

Open this drawer: Lyndon Baines Johnson sat at this desk, Mike Mansfield sat at this desk, Joe Robinson sat at this desk, ROBERT C. BYRD sat at this desk. George Mitchell sat at this desk. I don't know how I would explain to my predecessors what has happened to the Senate this year. That is why the same ROBERT C. BYRD came to the floor this morning. Listen to ROBERT C. BYRD. Listen to George Mitchell. Go back in the RECORD and listen to Lyndon Baines Johnson, listen to Joe Robinson, and remember what Mike Mansfield said.

Let's call back the glory of this institution. Let's remember why we are here, and we can then all be proud.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I express my appreciation for the Democratic leader's excellent statement and comment.

I was listening particularly to the wrap-up and recalling a number of the majority leaders with whom I had the good opportunity to serve bringing into real relief how at that time we did have the engagement of the issues and the resolution of questions of public policy.

That was the time-honored tradition of this body. It hails back to the time of the Constitutional Convention and our Founding Fathers and what they believed we ought to be about.

I hope his words will be taken to heart by our colleagues as welcoming into these final days of this session.

We are now in the final days of this session. This afternoon, we will mark the end of the current fiscal year by passing a bill—a continuing resolution—that acknowledges that Congress was unable to complete its work. So now we're going to put government funding on auto-pilot while our Republican friends figure out what to do.

We started this year—the first of the new millennium—with great hope. We were going to pass new laws to meet the urgent needs of families across America—to improve health care and education, and provide jobs for working families. The question is, did American taxpayers get their money's worth?

So far in this first year of the new millennium, we have enacted: 27 laws naming new federal buildings; 7 laws granting awards to individuals; 3 technical corrections to existing laws; 4 laws establishing small foreign assistance projects; 4 commemoratives, and 2 laws establishing new commissions.

We found time in our busy schedules to pass a sense of Congress resolution calling for democracy in a Latin American country. We relocated people from one South Pacific atoll to another. We encouraged the development of methane hydrate resources. We allowed the Interior Department to collect new fees for films made in our parks. We eliminated unfair practices in the boxing industry. We renamed the Washington Opera as the National Opera. We passed a new law providing assistance to neotropical migratory birds.

I have no doubt that each of these laws was necessary. But nowhere on the list did we pass the Elementary and Secondary Education Act to strengthen the nation's public schools. Nowhere on this list is the Patients' Bill of Rights. Nowhere do we find a Medicare prescription drug benefit for senior citizens. Nowhere is a long-overdue increase in the minimum wage. Nowhere does Congress strengthen our laws against hate crimes. Nowhere on the list are new gun laws to keep our schools and communities safe.

If ever a ''Do-Nothing'' label fit a Congress, it fits this ''Do-Nothing'' Republican Congress.

Our country as a whole is enjoying an unprecedented period of prosperity—the longest period of economic growth in our nation's history. But for millions of Americans, it is someone else's prosperity. Working 40 hours a week, 52 weeks a year, a person earning the minimum wage earns only $10,700 a year—$3,400 below the poverty line for a family of three.

Over the past three decades, the extraordinary benefits of our record prosperity have been flagrantly skewed in favor of the wealthiest members of society. We are pleased with the Census Bureau Report this week showing that the poverty rate dropped to its lowest level since 1979. Yet, poverty has almost doubled among full-time, year-round workers since the late 1970s—from about 1.5 million to almost 3 million by 1998, according to a June 2000 Conference Board report.

Today, the top one percent of households have more wealth than the entire bottom 95 percent combined.

Yet, despite this historic period of economic growth, minimum wage workers are not able to afford adequate housing. The National Low Income Housing Coalition recently found that the current minimum wage fails to provide the income necessary to afford a two bedroom apartment in any area of this country.

Often, workers are putting in longer hours on the job, and more family members are working. A study released by the Economic Policy Institute this month shows that in 1998, lower income families are working 379 more hours a year than they were in 1979.

The increase in working hours for African American and Hispanic families is even more dramatic. Middle-class African American families work an average of 9.4 hours more per week than their white counterparts. Hispanic families work five hours a week more than whites at every income level.

Parents are spending less and less time with their families—22 hours less a week than they did 30 years ago, according to a study last year by the Council of Economic Advisers. Serious health and safety problems result when employees are forced to work long hours. A recent front page article in the New York Times told the story of Brent Churchill, a power lineman, who died in an on-the-job accident after working two and a half days on a total of 5 hours of sleep.

There are signs that at least House Republicans are finally coming around to our way of thinking. They have offered the President a plan to raise the minimum wage. This positive development gives us real hope that we can raise the pay of the lowest paid workers before we adjourn. But we cannot misuse an increase in the minimum wage as an excuse to cut workers' overtime pay, as the GOP proposes. The overtime pay provisions of the Fair Labor Standards Act have been in place for over 60 years, and they protect the rights of 73 million Americans.

Republicans also want to use any minimum wage legislation as a vehicle to repeal protections from millions of Americans who work hard as inside salespeople, funeral directors, embalmers, and computer technicians. These changes would punish these workers for advances in technology that have made businesses more efficient. They would take away basic protections from precisely those occupations where long hours are most at issue.

The Republican proposal also freezes the guaranteed cash wage for waiters and waitresses, and other tip employees. These men and women are usually among the lowest paid workers and often struggle to make ends meet.

Finally, the tax breaks in the Republican proposal are not reasonable. They total $76 billion over ten years, compared to the $21 billion tax cut that was included in the last minimum wage law that was enacted in 1996.

Congress is quick to find time to vote to increase their own salaries. The increase now pending would mean a raise of over $4,000 a year. Yet, we have not found the time to pass an increase in the minimum wage to benefit hard-working, low-income Americans at the bottom of the economic ladder. Each day we fail to act, families across the country fall farther behind. The dollar increase we propose now should have gone into effect in January 1999. Since then, minimum wage workers have lost over $3,000 due to the inaction of Congress.

The American people overwhelmingly support raising the minimum wage. They agree that work should pay, and that the men and women who work hard to earn the minimum wage should be able to afford clothing for their children and food on their tables.

Minimum wage workers should not be forced to wait any longer for the fair increase they deserve. We have bipartisan support for this increase and we are not going to go away or back down. No one who works for a living should have to live in poverty.

Mr. President, these charts depict parents working harder. This charts the hours worked by families with children in the bottom 40 percent of income. It is a comparison of the percent of increase in hours worked from 1979 to 1998. This 13.8 percent represents an average increase of 379 hours of work a year, compared to hours worked in 1979. It is just slightly less for white full-time workers. What we are finding out for Hispanics is it is 5 hours more a week than for white workers, and for African Americans it is 9 hours more. For white workers you have a 337 hour increase, and you almost double that for African American workers.

Let's see what that has meant in terms of where they rate in America in terms of the distribution of income. The bottom fifth of families have declined by 15 percent, even though they are working close to 400 hours a year longer than they were working 20 years ago. They have fallen behind, about a 15 percent decline in their living. For the middle fifth it is about a 12 percent advantage, and the top fifth, a 73 percent advantage.

If you took a chart—I will explain this on the next presentation—and divide the total workforce in fifths, from 1948 to 1975, you would find them virtually all identical. All of America moved together during those years. In the immediate period after World War II, all America moved together.

As a result of hard work and ingenuity, individuals who were successful experienced enhanced prosperity, which is fine. But all Americans who were prepared to work moved along together. Now we are seeing this extraordinary skewing at lower incomes of people working harder and harder and falling further and further behind.

This is another chart which indicates the purchasing value of the minimum wage is gradually declining. The poverty line is increasing which results in more and more American workers working harder and longer and falling into poverty, with all the implications for themselves and their families.

This next chart is extraordinary. It shows the expansion of productivity. We have heard we cannot increase the minimum wage because we have lost our edge in productivity. One can see from this chart the explosion in productivity. The blue line is a decline in real wages.

Historically, wages used to keep pace with the increase in productivity because that affects the actual cost to the employer. If the employees are going to be more productive, they ought to participate in the benefits of increasing profits and increasing productivity. But that is not happening, and it is not happening among the low-income workers.

This next chart shows the purchasing power again. In 1968, it was $7.66; it is now $5.15. Without an increase, it will fall to $4.90, the lowest in the history of the purchasing power of the minimum wage. At a time of the greatest economic prosperity of any country in the world, the income of those individuals who are working 40 hours a week, 52 weeks of the year is the lowest it has been in the history of the purchasing power of the minimum wage. That is absolutely crazy.

We have been denied an opportunity to vote on this issue. Why don't we vote on it and see how the Members feel about it? Why don't we just go ahead and take the vote? But, no, we are denied that opportunity. It is unacceptable that we are leaving here without doing so. That is one part of the unfinished business our leader, Senator DASCHLE, talked about.

The Glenn Commission Report on Math and Science Teaching released yesterday is a clear call to action to do more to put qualified math and science teachers in the Nation's classrooms.

As the commission emphasized, we need greater investments in math and science at every level. This commission is made up of distinguished educators, public officials, school administrators, school boards, local personnel, State national directors, and chaired by our good friend and colleague, Senator John Glenn, who spent such a great deal of time in service in the Senate focusing on and giving life to the issues of math and science training. He provided great leadership. We are very much in his debt for that effort. Now for the last 2 years, he has chaired a very outstanding commission, and they made their recommendations yesterday.

As the commission emphasized, we need greater investments in math and science at every level—federal, state, and local—to significantly increase the number of math and science teachers and improve the quality of their preparation.

We have made some significant progress in recent years, but we cannot afford to be complacent. In our increasingly high-tech economy, high school graduates need strong math and analytical skills in order to be competitive in the workplace. In addition, schools face record-high enrollments that will continue to rise, and they also face serious teacher shortages.

Recruiting, training, and retaining high-quality teachers, particularly math and science teachers, deserve higher priority on our education agenda in Congress. We should do all we can to see that schools have the Federal support they deserve. The need is especially urgent in schools that serve disadvantaged students.

The commission's timely report gives us new bipartisan momentum to address these fundamental issues more effectively.

The report calls for a $3.1 billion investment a year by the federal government for recruiting, mentoring, and training teachers—with most of it for professional development activities. The question is, how fast can Congress respond? Can we act this year, or will we lose another year?

I propose that in the fiscal year 2001 appropriations, we make a down payment on the Glenn Commission recommendation investing $1 billion in teacher quality programs, including Title II of the Higher Education Act, and the Eisenhower Professional Development Program, which makes math and science a priority.

Math and science appropriations is about $335 million. It is in place. It has

the confidence of educators. It is focused on math and science. We can take the initiative to enhance that program, following the Glenn recommendations. We can do that as our appropriators are meeting with the administration in these last 2 weeks.

Title II of HEA is vastly underfunded this year at $98 million and the Eisenhower Program is vastly underfunded at $335 million.

By committing $1 billion now, for the coming year, we will be making a needed down payment toward meeting the Nation's teaching needs.

No classroom is any better than the teacher in it. The Glenn Commission report is our chance in Congress to tackle this head on and do what is so obviously needed to improve teacher quality across the country.

It cries out for action, and this is a priority. We should respond to it, and we can do something now. We have to provide the resources for investing in this area, I believe.

Finally, in the debate over prescription drugs, one of the most important reasons for Congress to act and act promptly has often been overlooked. The best source of comprehensive, affordable health insurance coverage for senior citizens is through employer retirement plans. In fact, the combination of Medicare and so-called employer wrap-around coverage is the gold standard for health insurance coverage for the elderly.

But private retirement coverage is in free fall, with ominous implications for all retirees. In the three year period from 1994 to 1997, the proportion of firms offering retiree health coverage dropped by 25 percent. In 1998, and 1999, another 18 percent dropped coverage.

We know one-third of the elderly have no prescription drug coverage. None. Another third have employer-based coverage.

From 1994 to 1997, it dropped 25 percent. From 1997 to 1999, it dropped another 18 percent. All the indicators are going through the bottom. We are seeing dramatic reductions in coverage. We are seeing that prescription drugs are increasingly less relevant in terms of HMOs because the HMOs have been putting in a cap of $1,000 and sometimes $500 in the last 3 years, capping the amount they will actually provide for the senior citizens. And many of them are moving out of parts of the country.

The Medigap program is prohibitively expensive. The only people who are guaranteed prescription drugs with any degree of certainty and predictability are the poorest of Americans under the Medicaid program.

We can do better. We must do better. We can do better even as we are in the last 2 weeks of this session.

A 1999 survey of large employers by the consulting firm of Hewitt Associates found that 30 percent of these firms said they would consider dropping coverage over the next 3 to 5 years. So we have a 25-percent reduction from 1994 to 1997; an 18-percent reduction from 1997 to 1999; and now the prediction of another 30 percent who are going to lose it over the period of the next 3 years.

We know what is happening. The time to act is now.

According to a new study for the Kaiser Family Foundation, a central reason for this decline is the escalating cost of prescription drugs and Medicare's failure to provide coverage. As the study found:

> Prescription drug costs are driving retiree health costs to an unprecedented extent. . . . The drug benefit has represented 40–60 percent of retiree's health costs after accounting for Medicare. Based on current cost trends, Hewitt projects drug benefits to represent as much as 80 percent of total 65+ retiree health costs in 2003.

The study estimates that President Clinton's plan could save employees as much as $15 billion annually when it is fully phased in. They conclude:

> The financial savings could . . . slow the erosion of retiree health care by lowering the costs for prescription drug benefits, which have been increasing for employers at double-digit rates and are a major source of concern.

A critical reason for this Congress to act to provide Medicare prescription drug coverage for the elderly is the worsening situation facing retirees. But the Republican majority won't act. They won't allow a vote. Just 3 days ago, they declared that Medicare prescription drug coverage is dead for this year. Their own proposals are not what senior citizens want and need.

The differences between the two parties are clear on this issue. Vice President GORE and Governor Bush have proposed two very different responses to this problem. The Gore plan provides a solid benefit under the existing Medicare program. Under the leadership of Senator GRAHAM and Senator ROBB, the Senate has already voted on a bipartisan plan that would achieve the objectives of the Gore proposal. With the support of only a few more Republicans, a real prescription benefit can pass this year, so that all our senior citizens can get the prompt help they need.

Shown on this chart are the Gore and Bush plans. You have the comparisons. The Gore plan would be implemented in 1 year. The Bush plan is 4 years, with revenue-sharing with the States or block grants to the States. We would have to appropriate the money. Then, if there is, according to Governor Bush, a significant reform of the Medicare system, within that significant reform of the Medicare system—I don't know whether he means just the privatization or not—a prescription drug program could be included. You have that versus starting in a year from now.

Secondly, with regard to the guaranteed benefits—this is a crucial difference—what does this ''Yes'' shown on the chart mean on guaranteed benefits? It means this: When a senior goes into a health delivery system needing a prescription drug, the doctor prescribes what prescription drug that senior needs, and the rest is arranged through the Medicare system in terms of the payment. But the doctor decides.

As shown over here on the chart, under the Bush proposal it is going to be the HMO. They are going to be the ones making the decision. We can't even get the HMO reform here in the Senate. Now they are suggesting that we have a whole new system of benefits that are going to go through that system, where the HMOs and bean counters, who too often put profits ahead of patients, are going to make that decision.

Under the Gore plan, there will be good coverage. It is going to be comprehensive coverage. But under the Bush plan, we don't know what the coverage is going to be because it will be decided by the HMOs. This means it will be built out of the Medicare system. And this will be some other program that may be built upon HMOs or the private sector, which have been remarkably unsuccessful in many parts of this country.

More than 930,000 people have lost Medicare HMO coverage this year alone. Rather than be expanded, the drug program has been in decline. Senior citizens need help now. AL GORE's plan provides prescription drugs under Medicare for every senior citizen in 2002. Under the Bush proposal, there will be 25 million seniors who will be excluded because they are not eligible under the parameters of the Bush proposal. This makes absolutely no sense.

Experience shows that the Bush proposal would take years to put in operation. Only 14 States have the kind of insurance plans for senior citizens in operation today. This would be all under the Bush proposal. All 50 States must pass new laws or modify legislation. Only 16 States currently have any drug insurance program. The CHIP program—the Children's Health Insurance Program—was passed in August of 1997, was available in October of 1997; and under Texas law, it took them until November 1999 to take advantage of it. It took 2 years to take advantage of it. And the money was already there. The Governors have already indicated they do not want the responsibility to develop, even with the funding, a whole new administration to be able to implement the program. So this is really a nonstarter for seniors.

It makes no sense to depend on HMOs to provide this crucial benefit. The Bush plan does not provide the stable, reliable, guaranteed coverage that should be a part of Medicare's promise to the elderly.

But there is one guarantee under the Bush plan. The benefits are guaranteed to be inadequate. The Bush program allocates almost $100 billion less to prescription drug coverage than the Gore plan. The reason for this lesser amount is obvious. The Bush approach wastes most of the surplus on new tax breaks for the wealthy, and too little is left to help senior citizens.

The nonpartisan Congressional Budget Office has estimated that under the similar Republican plan passed by the House of Representatives, benefits would be so inadequate and costs so high that less than half of the senior citizens who need the help the most—those who have no prescription drug coverage at all—will ever participate. A prescription drug benefit that leaves out half of the senior citizens who need protection the most is not a serious plan to help senior citizens.

There is still time for Congress to enact a genuine prescription drug benefit under Medicare. The administration has presented a strong proposal. Let's work together to enact it this year. It is not too late. The American people are waiting for our answer.

These are some of the issues I would hope we could still address. We ought to be able to pass the minimum wage. It is not complicated. It is not difficult. We know what is at play here.

We ought to be able to finally get prescription drug legislation. We voted on this in the Senate. A majority of the Members of the Senate actually supported a prescription drug program that would be worked through Medicare. We ought to be able to pass that in the Senate. As I mentioned, a majority of the Members already do support it. We ought to be able to get a downpayment on that legislation.

We ought to be able to deal with some of the education challenges. That is important. We ought to be able to get the Patients' Bill of Rights passed, as well as the hate crimes issues, and try to do something on the gun show loophole, and some other matters. These are public policy matters that I think the American people want us to address. They do not want us to be out here now, as we have spent the better part of this week, in quorum calls. They want action, and they want action now. We, on this side of the aisle, are prepared to provide it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I rise today as a senior member of the Budget Committee to talk about what I see as a breakdown in the budget process in the Senate. I think every member of the Budget Committee and every Member of the Senate ought to be concerned about what has happened the last several years but even more dramatically this year, in what can only be called a virtual meltdown of the budget process.

Those who are watching may say, well, what do we care what the budget process is. We care about the budget outcome. And that is exactly right. The most important thing is the budget outcome. But many times how you start has a lot to do with how you end up, and I am afraid we have now developed a disastrous operating procedure around here.

We start out with a fiction of a budget; we end up with no accountability, no control, and chaos at the end. That is where we are today. This is chaos. Every Member of the Senate knows that is true.

We have a circumstance now where bills are passed in committee, never come to the floor of the Senate, go to a conference committee, the Democrats are locked out of the conference committee, and Senators are denied their right to offer amendments to improve legislation. That is not the way the process is supposed to work. Together we have to mend it. If we don't, we are going to have a circumstance where someday, when the Democrats are going to be back in control, we can operate this way. And if you are in the minority and you are locked out and prevented from offering amendments, your ability to represent your constituents is badly diminished.

This is not just a Democrat issue or Republican issue. This is a question of how we function in this body. It is in all of our interests to have a process where Senators' fundamental rights are protected so they can carry out their fundamental responsibilities.

When I say we are in chaos, the story in the Washington Post yesterday, front-page story, tells us that is true. Here is the story: ''Spending Floodgates Open on Hill.'' Congress is moving to approve the biggest spending increase since Republicans took control in 1995. The binge is setting off alarms among fiscal conservatives and threatens to absorb a chunk of the future surplus.

''It is just a free for all,'' said Senator MCCAIN. ''They are all equal opportunity pork-barrelers . . . This is the worst ever.''

I agree with Senator MCCAIN. This is the worst ever. We have a process that is broken. The budget resolution is being paid no attention. That was predictable because the budget resolution made no earthly sense. It wasn't real. It was a fiction. As a result, we have no control, no accountability for what follows. Everybody is on their own. Every one of these committees is on their own. They are out there dividing them up, throwing it in. We are going to have—I predict today—a stack of paper on our desks, and we are going to be told: Take it or leave it; vote for it or the Government will shut down.

That is where we are headed. It is very clear to anybody who is watching. That should not be the way we conduct the people's business.

What is especially troubling about all this is that we have made enormous progress over the last several years, enormous progress in getting our fiscal house in order. We should not put at risk that progress. We should not put at risk the prosperity that has followed getting our fiscal house in order.

I want to look at the last three administrations and their record on deficits. I think it is instructive as we go into this election season. I think it is instructive as we consider what is occurring in the Senate and the House of Representatives right now.

If we go back 20 years ago, 1981, President Reagan came in. He had the old trickle-down economics. It was a disaster in terms of deficits; the deficits skyrocketed. We went from a deficit of about $80 billion to over $200 billion and tripled the national debt during his years. Fiscally, it was a chaotic time. President Bush came in; the deficit was $153 billion. By the time he left, it was $290 billion—more than double.

That is the record. It is in the books. I know it makes tough reading for some of our friends on the other side, but that is their record on the fiscal health of this country. The fact is, they had a policy of deficits and debt, and those deficits and debt threatened the fundamental economic security of the country.

In 1993, we had a new administration. This is their record—not a question; these are the facts. I remember President Reagan used to say facts are stubborn things. He was absolutely right about that. Facts are stubborn things.

In 1993, the deficit was $255 billion. We passed a 5-year plan to reduce the budget deficit and to get it under control. Our friends on the other side said that if we passed that plan, it would crater the economy. That is what they said at the time. They said it wouldn't reduce the deficit. They said it would increase it. They said it wouldn't reduce interest rates; that it would increase them. They said it wouldn't reduce inflation; that it would increase inflation.

We can go back now and check the record. They were wrong on each and every count—not just a little bit wrong, completely wrong. Look at the record.

Every year of that 5-year plan, the deficit went down and went down dramatically, until we got to the fifth year of the plan and we were headed toward surplus. That is the record. We can look back and see who is right and who is wrong. It is just as clear as it can be.

The question is, Are we going to put all of this at risk? The President announced just the other day that we are going to have a $230 billion budget surplus, a $230 billion budget surplus for fiscal year 2000. Just 8 years ago, we had a $290 billion budget deficit.

The results from this fiscal policy have been very clear. Before I get to the results, let me show how it happened. How did we get into this position? We got into this position by, in 1992, passing a plan that cut spending and, yes, raised taxes on the wealthiest 1 percent—raised income taxes on the wealthiest 1 percent. The revenue line went up; the spending line came down. We balanced the budget. We created surpluses, and the economic results have been dramatic and extraordinarily positive.

We now have the longest economic expansion in our Nation's history. This was recorded on February 1, 2000, in the Washington Post, the headline, ''Expansion is Now Nation's Longest,'' 107

months of economic growth, the longest economic expansion in our Nation's history.

It is not just a record of economic expansion. It is the other positive results we obtained as well by getting our fiscal house in order: the lowest unemployment rate in 42 years; and on inflation, the lowest sustained level since 1965. We have the lowest level of sustained inflation in 35 years because we got our fiscal house in order. The welfare caseload has been cut in half; the percentage on welfare in the country is the lowest since 1967. This is the record. It is very clear. Those of us who supported welfare reform, those of us who supported the budget plan to get our fiscal house in order, those decisions have paid off for the country, and we should not put it all at risk.

Federal spending as a percentage of our national income is the lowest it has been since 1966.

Federal spending is the lowest as a percentage of our national income since 1966. These are the kinds of positive results we have developed as a result of a budget plan that added up, that made sense, that got our fiscal house in order.

Some say, gee, income taxes are the highest they have been in a generation. Not true. The reason we have expanded revenue—yes, we raised rates on the wealthiest 1 percent. That is undeniable. That is correct. That was part of the plan that got our fiscal house in order. But it is also true that we passed sweeping tax cuts, child care credit, expansion of the earned-income tax that dramatically reduced the income taxes of tens of millions of Americans.

On March 26 of this year, the Washington Post, on page 1, ran a story under this headline: ''Federal Tax Level Falls For Most; Studies Show Burden Now Less Than 10 percent'' on a significant part of the American public.

Most Americans, this year, will have to fork over less than 10 percent of their income to the Federal Government when they file Federal income taxes. The fact is, for many segments of our society, income taxes, combined with payroll taxes, have gone down. That is because of the expansion of the earned-income tax, and that is because of the child credit. In fact, if you compare the tax burden for working families—according to the Tax Foundation, this is for a family earning $68,000 in 1999—from 1975—this is both income taxes and payroll taxes—their tax burden declined from 10.4 percent to 8.9 percent.

That is not KENT CONRAD's numbers; those are the numbers from the Tax Foundation.

The Washington Post, in that same story, pointed out:

> For all but the wealthiest Americans, the Federal income tax burden has shrunk to the lowest level in 4 decades, according to a series of studies by liberal and conservative tax experts, the Clinton administration, and two arms of the Republican controlled Congress.

This is the record and these are the facts with respect to what has happened to the income tax burden. Because we have gotten our fiscal house in order, we have seen a substantial reduction in the publicly held debt. We are in a position, if we make no other changes in law, to pay off the publicly held debt of the United States by the year 2009. We all understand there are proposals for additional spending and for tax cuts that will move that back.

The fact is, if we made no changes in current law, we could pay off the publicly held debt in the country by the year 2009. In fact, we are right here on this scale. We have already started paying down the debt. In the last 3 years, we have paid down, I think, over $300 billion of publicly held debt. That is a dramatic transformation, a huge improvement.

Let me just be clear. I give most of the credit to our side of the aisle which, in 1993, passed a 5-year budget plan that did most of the heavy lifting. We didn't have a single vote from the other side of the aisle. But it is also true that in 1997 we finished the job with a bipartisan effort. I say to my colleagues on the other side of the aisle, that was good that we were able to come together in 1997 and do something together to finish the job.

Now the question is: Do we stay on this course or do we go off in some other direction and go back to what I consider the bad old days of debt, deficits, and decline? I hope not. I hope we avoid going back in the deficit ditch.

Let's look ahead. Here is what we are told now. Over the next 10 years, the projections are—remember, they are projections, and projections can change—telling us we can count on $4.6 trillion of surplus. That is extraordinary, the turnaround that has been accomplished. First of all, remember that those are projections. They have improved by a trillion dollars in the last 6 months. They could go the other way in the next 6 months. Let's remember, they are projections.

Two, let's remember the $2.4 trillion—more than half of it—is from Social Security. I think both sides have agreed that we are not going to raid Social Security—at least we agreed rhetorically we are not going to raid Social Security. Another almost $400 billion is Medicare. So you add those two together, and that is $2.8 trillion of the $4.6 trillion, Medicare and Social Security, and that leaves about $1.8 trillion of non-Social Security, non-Medicare surplus.

When I look at the budget plan of Governor Bush, it doesn't add up. It just doesn't add up. This is what concerns me about derailing the progress we have made and going back into the deficit ditch. Let me go through the math. I don't think it can be challenged.

We have the projected surplus of $4.6 trillion. The Social Security surplus is $2.4 trillion. The Medicare surplus is $400 billion. That leaves a remaining non-Social Security, non-Medicare surplus of $1.8 trillion over the next 10 years that has been projected. The Bush tax cut is—his large main proposal costs $1.3 trillion. The other tax cuts that he has endorsed in the campaign are another $300 billion. The interest cost of those tax cuts is another $300 billion. So he has completely wiped out the non-Social Security, non-Medicare surplus. It is gone, poof.

Then he has an additional problem that is very big. He has recommended Social Security privatization. The transition cost of that proposal—or proposals like that one—is about $1 trillion. Where does that come from? Where does that $1 trillion come from? Is he going to take it out of the Social Security surplus? If he does, he has violated the pledge everybody has made here not to raid the Social Security surplus because that money is needed to meet the promises that have been made to existing Social Security recipients. If he takes that $1 trillion out of there, that undermines Social Security solvency because it is a transfer of money to allow people to set up private accounts.

Now, in addition to that, he has used every penny of the non-Social Security, non-Medicare surplus for tax cuts. Where is the additional money for defense? He made a big point in this campaign that we are not at the level of readiness we should have. Where is he going to get any money to deal with that when all of his money—non-Social Security and non-Medicare surplus—goes for tax cuts? Where is he going to get the additional money for education he has called for in this campaign? It doesn't add up.

What worries me very much is that we are going to go right back into the deficit ditch we just crawled out of. What a mistake that would be; what a tragedy for this country it would be to go back to deficits and debt and ultimate economic decline. I hope very much our colleagues will avoid that mistake.

Let me just say that it isn't just the Bush plan that threatens that, in my judgment. I am also worried about those who have massive new spending ideas because this fiscal responsibility, this course that we have embarked on to get our fiscal house in order, can be threatened in several different ways. One way is this Bush plan which, to me, is a financial disaster for the country if we ever adopt it. I hope very much that we do not. That would put us right back in the deficit ditch. But another way to threaten it is out-of-control spending. When you don't have a budget process that has any discipline to it, doesn't have any reality to it, you allow this kind of spending frenzy that is now going on in the committees to emerge. There is no accountability, no plan, and there is fundamentally no discipline.

I hope some colleagues are listening. We did a little calculation about what is out there going through the committees.

The $60 billion 1-year effect they are talking about in the Washington Post is dwarfed by the 10-year effect because we are talking about a 10-year effect of $450 billion by decisions that are being made in some closed room somewhere where one-half of Congress is being excluded. That is not the way to do business.

I hope very much that people on both sides who do not want to see us return to the bad old days of deficits and debt will get together in these final hours and agree that there has to be a better way of doing our business. I know it is not going to change this year, but I hope very much that next year we get back to a budget process that has some integrity to it and some discipline to it because if we fail, I fear very much that we are going to go right back to the bad old days of deficits and debt. That would be a profound mistake for the country.

As one considers how far we have come and the dramatic improvements that we have made, they weren't easy. I know about the votes in 1993 to put in place a 5-year budget plan to get our fiscal house back in order. People lost their political careers as a result. That is not the biggest sacrifice to make. I know that. But the fact is, it was hard. It passed by a single vote in this Chamber. It passed by a single vote over in the House.

We have had such incredible prosperity in part because of the result of those decisions that created the framework so that the American people's hard work, ingenuity, and creativity could lead this economic resurgence. But we see other people who are hard-working and creative living in a failed system. We see it in Russia. We see it in other parts of the world. The fact is that we have a system that works because the monetary and fiscal policy of the United States over the last 8 years has been a good one, has been a sound one, and has been an effective one. But it can all be lost. It can be jeopardized. We can go right back very easily to deficits and debt. All we have to do is pass massive tax cuts that do not add up and pass massive new spending plans in concert with those tax cuts, and we will be right back to deficits, debt, and ultimate economic decline.

This is a matter of choices. It is a matter of choices for those of us who serve in Congress. It is a matter of choices for the American people as they go to the polls. I trust the wisdom of the American people. I trust the wisdom of my colleagues in Congress. I think when people have both sides of the story, they make pretty good judgments. Part of our responsibility is to make certain that people get both sides of the story.

I think I have made the point that Governor Bush has most of his priority placed on tax cuts. That really jeopardizes the fiscal discipline that we have achieved. As I look at what he has proposed, and the $2.2 trillion, which is the surplus without Social Security, and you look at his plan and the additional tax cuts and the interest lost as a result of those tax cuts, you can see not only that he is using up the entire non-Social Security, non-Medicare surplus, he is using up almost entirely the surplus not counting Social Security. That is not a balanced plan. That is a plan that has enormous risk to it.

On top of that, his tax cuts aren't fair. He gives 53 percent of the benefit to the top 35 percent of the American people. That is the analysis by the Citizens for Tax Justice. The lowest 60 percent of the income earners in America get 11 percent of the benefits.

Again, that is not just KENT CONRAD talking; that is not just Citizens for Tax Justice talking.

Senator JOHN MCCAIN in his campaign pointed out that 38 percent of Governor Bush's tax cut goes to the wealthiest 1 percent. That is Senator JOHN MCCAIN's analysis of Governor George Bush's tax plan.

What is the fairness in that? Thirty-eight percent of the benefit goes to the wealthiest 1 percent?

The Governor is fond of saying that the surpluses are not the Government's money; it is the people's money. He has that exactly right. This money is the people's money. Absolutely. The question is, what should be done with the people's money? His idea is to give 38 percent of that to the wealthiest 1 percent. What kind of a plan is that? Wouldn't it be better to take the people's money and pay off the people's debt?

That is what I believe ought to be the top priority. Let's dump this debt. Let's get rid of it once and for all, especially before the baby boomers start to retire. We have a window of opportunity that is going to last about another 12 years. This is the time to dump the debt.

I offered a budget plan to my colleagues that would use 72 percent of these surpluses for debt elimination, 12 percent for tax relief, 12 percent for high priority domestic needs such as defense and education and health care. That, to me, is a set of priorities for the American people. This plan of Governor Bush does not add up.

JOHN MCCAIN said it well in his campaign. He said: ''More importantly, there is a fundamental difference here,'' talking about the difference between himself and George Bush. ''I believe we must save Social Security. We must pay down the debt. We have to make an investment in Medicare. For us to put all of the surplus into tax cuts I think is not a conservative effort. I think it is a mistake.''

That was JOHN MCCAIN. JOHN MCCAIN had it right. There is nothing conservative about this plan that has been put forward by Mr. Bush. It is a radical plan.

On the notion that the Bush budget doesn't add up, again, it is not just my analysis. This appeared in the Wall Street Journal.

Both candidates agree they could afford to set aside Social Security revenues which account for about $2.4 trillion of the projected surplus. That leaves roughly $2.2 trillion.

Of course, they have not subtracted out the Medicare money. They go on to say: ''Mr. Bush has a larger problem. His proposals most likely wouldn't fit even under CBO's $2.2 trillion surplus'' of non-Social Security money.

They are right. It doesn't fit within the funds. That leaves an enormous vulnerability. I hope before we leave that all of us will think very seriously about what the priorities are.

When I compare GORE and Bush on the question of budgets, GORE is proposing a plan that pays off public debt by 2012. He has $3 trillion of the surplus dedicated to dumping the debt; George Bush about half as much.

These are pretty straightforward facts. The fundamental question is, what is our priority? I believe the top priority ought to be to dump this debt, to pay off this debt. In fact, the plan I have offered would devote even more of the projected surplus that Mr. GORE does to eliminating debt.

Every economist who has come before the Budget Committee and the Finance Committee has said the highest and best use of these projected surpluses is to eliminate the national debt and do it now while we have a window of opportunity before the baby boomers start to retire. I believe that. I agree with that.

I hope we establish budget plans that have that fundamental principle and put that priority where it should be—on eliminating this debt while we can, because when the baby boomers start to retire, the numbers are going to turn against us in a very, very aggressive way. This is our opportunity. I hope we take it.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from North Dakota.

Mr. DORGAN. Mr. President, I have been listening to the discussion today on the floor of the Senate about process and procedure and where we find ourselves near the end of this session. I will speak to the comments made earlier today by my colleague from West Virginia, Senator BYRD, and perhaps speak a bit about the comments made by my colleague, Senator CONRAD, especially about fiscal policy.

First, let me talk about process. As I do so, let me acknowledge that it cannot be an easy job to try to schedule and arrange and deal with the House and the Senate, and pass all the legislation, authorization and appropriations bills, that are necessary. A lot of people over many years have had the responsibility of doing that and many people aspire to that responsibility. One of the circumstances of control is that those who win the most seats in the Senate and the House then become chairmen and leaders, majority leaders, chairmen of committees; and the responsibility of having those jobs, of course, means bearing the burden of having to schedule and trying to arrange to make certain that Congress

works the way it ought to work and passes the legislation on time and in regular order.

It is not an easy job. My colleague, Senator BYRD, who spoke earlier today, served as a distinguished majority leader in this Congress. He also served as chairman of the Appropriations Committee. He has had the responsibility to try to find a way to get this Senate to move and get it to move on time and discharge its duties on time. Many others have done so, as well, including the distinguished Senator, Mr. Mitchell, most recently, as well as Senator Dole, and so many others over many years, going back to Lyndon Johnson, and decades and decades before that.

In this Congress, the 106th Congress, things have changed some. What has changed, it seems to me, is we have missed most of the deadlines. There doesn't seem to be a cogent plan by which we will meet the deadlines or meet our responsibilities. I want to show some charts that describe what has happened this year. The red on this calendar shows the number of days the Senate was not in session. As shown, a fair part of January, February, and March, a fair part of a number of months of this year, were days in which we had no session in the Senate.

There is some reason for some of that. We have work periods, when Senators go back to their States and meet with their constituents. That is understandable. That has always been the case. However, there needs to be some balance with respect to the number of days we are working here and the amount of time that is available to pass legislation that must be passed.

This is the situation as we near the first of October: The Senate has been in session only 115 days this year; only 115 days have we been in session. Of those 115 days, 34 of those days included no votes at all. In most cases, not much was done, perhaps only morning business for most of the day. Of the 115 days in session, there were no votes on 34 of those days. In fact, there were only three Mondays during this entire year in which there were any votes. For practical purposes, we don't have a Monday in the Senate. On the issue of Fridays, there were only six Fridays in this year in which there were votes.

What can be concluded from this is we have a Senate that really isn't in session much on Mondays or Fridays. Then the question is, what is left? Tuesdays, Wednesdays and Thursdays—except for weeks when the Senate isn't in session at all. That is what results in 115 days in session, 34 of which there weren't any votes.

Now we come to the end of this fiscal year with a lot of legislation yet to be completed. Only 2 of the 13 appropriations bills have been signed by President Clinton. That means 11 of them are as of yet incomplete. In September, we have only had votes on one Monday. This is the period of time in which we are trying to finish everything. We have had no votes on Fridays in September. It is difficult to get all of this work done, appropriations bills and other measures that need to get passed, if we are not in session.

I mentioned before we have 2 appropriations bills that are complete; 11 of them are, as of yet, incomplete. October 1 is the date by which the President is to have signed all of the appropriations bills. It is the first day of the new fiscal year. What we have is a circumstance where most of the work that needs to be done by that moment is not completed.

I serve on the Appropriations Committee. I serve with a very distinguished chairman of that committee, Senator STEVENS. I am not coming to the floor to be critical of Senator STEVENS. I think he does an extraordinary job. I am serving on the agriculture appropriations subcommittee. The chairman of that subcommittee is Senator COCHRAN from Mississippi. I am not here to be critical of Senator COCHRAN. I think he is an extraordinary Senator. I think it is a privilege to work with Senator STEVENS and Senator COCHRAN. I think they do an extraordinary job. They are Republicans; I am a Democrat. I think they are good Senators.

I am not here to say they haven't done their work. I am saying this process, the fashion in which the House and the Senate have worked this year, has just not worked at all. It has become tangled in a morass of difficulty that has prevented Members from doing what we need to do.

We have discovered someone put bills together that in some cases have not been considered by the Senate; in other cases they have not been the subject of a conference, and marry up various pieces of legislation, bring them to the floor and say: Well, let's just have one vote on this omnibus bill that has two or three different appropriations bills in it.

That might sound efficient if you haven't done your work and you reach the end of the fiscal year, but efficiency is not what protecting the interests of all Senators or the interests of all Americans is about. The process by which we are able to debate public issues in this Senate, and by which we are able to get the best of what everyone has to offer, the best of the ideas, and the competition from debate, is a process in which we bring a piece of legislation to the floor, an appropriations bill to the floor, and say, all right, you come from different areas of the country; you come with different philosophies; you come representing different constituencies; now have at this.

This is what we have tried to do in the committee. If Members have better ideas, let's hear them. If Members have the votes to convince the majority of the Senate to support their idea, let's see. Just bring these ideas to the floor of the Senate. Have votes on them. In that manner, we develop public policy. Wide open debate is the essence of democracy. That is the way democracy works.

An old friend of mine back home used to love politics. He used to say: They don't weigh votes; they count votes.

That is the way the Senate should work: Have the debate, have the vote, count it up, and the winner wins. That becomes the process of making public policy.

We have a long and distinguished history in this body. I have learned a lot listening to Senator BYRD over the many years, talking about the history of the Senate. His history goes back to the Roman Senate and beyond. One cannot help but serve here and understand there is a tradition, a tradition that we must respect as we conduct our business on behalf of the American people. We are not here by ourselves. We are not standing just in our shoes. We are here because our constituents have said: Represent us in this democracy; go to the Senate and give it the best you have, adding your voice to the votes that come from the hills and valleys of this country, and participate in the making of public policy.

The process we are seeing now all too often prevents that from happening. I am on a subcommittee of the Appropriations Committee that I am reading about every day in the newspapers. I am a conferee, in fact. But there has been no conference.

Two days ago, I got a call from somebody saying it is going to be brought to the floor of the House and the Senate tomorrow. I said, ''What is?'' They said, ''A conference report.'' I said, ''I am a conferee and there has not been a conference. How can there be a conference report?''

But that is what is happening around here all too often. I think we need to get back on track and decide there is a process we should respect, a process that represents regular order and a process that protects the rights of all Senators to participate in the making of public policy.

What is the agenda here? Why are we so passionate about this, talking about this process? Because the process allows everyone in this Chamber to come here and witness for the public policy they want, to try to keep this country ahead.

Let me go through a list of them briefly. Some of my colleagues have done so. My colleague from North Dakota, Senator CONRAD, just talked about fiscal policy. The process, if followed the way tradition would have us follow it, would allow us, in a year such as this, to grab ahold of this fiscal policy issue and evaluate what do we do. This is a new time. We now have expected surpluses in our future. What a remarkable change from the understanding that every year we were going to have a deficit and it was going to continue to grow, to mushroom out of control. All of a sudden that is gone. We have a new reality. We have fiscal policy surpluses.

I have told audiences from time to time the two enduring truths about political existence in the last 40 years or so in our public lives, the two enduring truths that overshadowed or at least represented a foundation for all of the decisions were: No. 1, we had a cold war with the Soviet Union, and, No. 2, we had budget deficits that just kept growing. Those were the two enduring truths that had an impact on everything else we did.

Think of this: Those two truths are now gone. There is no Soviet Union. The cold war is over. And there is no budget deficit. What a remarkable change in a short period.

So my colleague came to the floor a few moments ago and talked about fiscal policy given these new truths, the fact we may have budget surpluses in the years ahead. The question then is, What do we do with them? So we need to have a debate about that. Some come to the floor of the Senate and say: We know what to do with expected surpluses. Even before the surpluses exist, let's get rid of these surpluses by providing very large tax cuts and let's make sure the largest tax cuts go to those who have the largest incomes in this country. So they come to the floor with $1 trillion, or $1.3 trillion, in tax cuts over the next 10 years. This is before we even have the surpluses. Economists who can't remember their home telephone numbers tell us they know what is going to happen 3, 5, 7 and 10 years from now.

I come down on the side on which my colleague comes down; that is, we ought to be mighty conservative and cautious about this. For the first step, maybe we ought to pay down some of the Federal debt. If you run up the debt during tough times, what greater gift could you give to America's children than to reduce the Federal debt during good times? That is step No. 1.

Step No. 2, sure, if there is room, let's provide some tax cuts in a way that invests in opportunities for America's families, working families. Would it not be a nice thing for those people who are reaching up and struggling to afford to be able to send their kids to college to say: The cost of sending your kids to college you can deduct on your income tax; you can deduct the cost of tuition. What a good investment that would be, and what a nice way to have a tax cut in a way that incentivizes families to send their child to school: Reduce the debt, provide some tax cuts in ways that say to working families, we are going to try to help you.

Then make some other investments. It is not a circumstance that everything that goes out of here is spent. Some of it is invested. Our future, 10 years, 20, 40, 60 years from now, is going to depend on what we invest in that future today. I mentioned education, but there are more issues than just education.

The question of fiscal policy—what do we do, and how do we do it—is a very important question. The way we get to that and have the votes on it and have an expression of what we want to do, what the American people want to do, is have all the ideas here and vote on them. That is awfully inconvenient for some because we have to cast all these votes and some people want to just vote on the things they want and prevent the things other people want. It is inconvenient. That is democracy. Sure, it is inconvenient to give the other person their opportunity to bring their ideas to the floor of the Senate, but that is democracy. Democracy is not always convenient. It is not always efficient. It is so far above any other form of government known to mankind we can hardly describe the difference, but it may be inconvenient.

The issue that has been raised today about process is to say that inconvenience is actually designed into this system, to make sure we do not move rapidly, we do not move with haste, to ensure we do not move riding on a wave of passion that will require us or persuade us to do things we will later regret. That is the way the Senate was developed. Nobody ever suggested the way the Senate was going to react to things, or the way the Senate was going to discuss public policy, was going to be efficient. In fact, those framers, Madison, Mason, Franklin, and so many others—Thomas Jefferson, who contributed from abroad when he was serving this country—did not want a system that created a Senate that was efficient so, in an afternoon, you could grab a big public policy and decide you would each get 10 minutes, have a little vote on a couple of amendments, and that was it because we needed it to be convenient for us.

No, they created a far different system. This body has been known from time to time as the body in which the great debates of democracy take place. But I fear that is changing because some, I think, do not understand the value of debate. Debate is never a waste of time. Debate is always a contributor to knowledge. Debate, from the best to the least of those who come to public service, contributes in some way to the whole of democracy.

I have been to the floor of the Senate many times talking about another issue on the agenda. I just talked about fiscal policy. There are other things I want to get done. One area where my colleague and I may disagree from time to time—some say you should not be repetitious in trying to push your agenda. In some cases I think repetition is necessary. For example, minimum wage. We have a lot of families out there who are working at the bottom of the economic ladder. In fact, a report came out 2 days ago that said we have 3 million people working 40 hours a week who are living in poverty in this country. There are 3 million workers working 40 hours a week, full time, living in poverty. Do you know why? Because they are working right at the bottom of the economic ladder.

Who is out there in the hallways, clogging the hallways of the U.S. Capitol, saying: Do you know what my business is on Thursday here in the U.S. Capitol? I am here on behalf of the low-income folks. I am here on behalf of the voiceless, those not too involved in politics because they are struggling just to work, to make the minimum wage, trying to get home and feed their kids. The hallways are not flooded with people representing those folks. These hallways are crowded with people representing the privileged, people representing the largest corporations in America, people representing those who have done very well in this country, at the upper income scales. They have great representation.

Good for them. Everybody deserves that in a democracy. But my point is, when it comes time to debate public policy on a range of issues and it comes time to discuss the minimum wage, who stands for those families? The people who work the night shift, the people who work the night shift in the hospital for minimum wages, who are moving the bed pans around and changing the beds and helping people up and out and walking around—who is here speaking for them? The people who are working in the convenience stores at 2 a.m. for a minimum wage, who are trying to raise a family and do not have the skills to get a better job and are trapped in one of these cycles of poverty—who is here speaking for them?

The hallways are not crowded, in this Capitol Building, with people paid to represent those at the bottom of the economic ladder. I think from time to time it is important, even if rebuffed once, twice, or six times in a year, to say increasing the minimum wage for those who are struggling at the bottom of the economic ladder is important; if we do not get it the first time, we have a vote the second time; if we don't get it the second time, we have a vote the third time.

Yes, that is inconvenient, too, but it seems to me the rules of this system also allow for those who are passionately interested in pushing for those who do not have much voice in this political system.

Patients' Bill of Rights is another issue that gets caught in this process. Speaking of process, the Patients' Bill of Rights is the most remarkable piece of legislation. If I can for a moment describe the Patients' Bill of Rights as an issue and describe it through the experiences of people who have been gripped in the vice of a system that does not work for them, a woman who is hiking in the Shenandoah Mountains falls off a 40- or 50-foot cliff, breaks multiple bones, and falls into a coma. She is taken to a hospital in an ambulance, lying on a gurney in a coma with very severe injuries. She miraculously recovers, only to find that her HMO and managed care organization sends her a bill saying: We are not going to cover your emergency room treatment because you did not get prior approval for emergency room treatment.

This is a woman hauled into the emergency room in a coma suffering

serious injuries from a massive fall and told: You did not get prior approval for emergency room treatment.

Or little Ethan Bedrick; Ethan Bedrick is a young boy. This is a picture of young Ethan. He was told he had a 50-percent chance of walking by age 5. He was born with pretty severe disabilities from cerebral palsy. He had a 50-percent chance of walking by age 5. He needed rehabilitative therapy, and his managed care organization said having a 50-percent chance of walking by age 5 is ''insignificant'' and, therefore, we deny coverage for the therapy.

Think of that. It is insignificant for a young boy to have a 50-percent chance of being able to walk and, therefore, the managed care organization says: We deny coverage.

Is there a Patients' Bill of Rights that ought to provide rights to Ethan Bedrick, provide rights to the woman who falls off a cliff and is hauled into a hospital unconscious? Or, if I may take one more moment to describe the woman who testified at a hearing Senator HARRY REID and I had in the State of Nevada, a mother who stood up and told us that her son was dead, 16 years old; he had leukemia.

At the moment when he needed the treatment that would give him a chance to survive this leukemia, the HMO said no. Only later—much later—did they finally say yes, and it was too late; he was too weak. She held up his colored picture at this hearing and, through tears, she told us about her son. Her son, Chris Roe, died October 12, 1999, on his 16th birthday. I will never forget the moment when his mother, Susan, held up a picture and said: My son looked up at me from his bed and said: Mom, how can they do this to a kid like me?

He was denied the treatment that would have given him the opportunity—not a guarantee, but the opportunity—to deal with his cancer, and he died.

This young boy was told to fight his cancer and then fight his insurance company at the same time; take on both folks: You go ahead wage this cancer fight, but then you are going to have to fight us to get coverage for the things you need that might give you a chance at life.

The question is: Mom, how can they do this to a 16-year-old kid like me? And his mother, through tears, held up this colored picture of this young, 16-year-old boy and asked: How could they have done this?

Should Congress pass a Patients' Bill of Rights? What about the process there? The House of Representatives passed a bipartisan Patients' Bill of Rights, a real one, and sent it to conference. This Senate has a right to do this. They passed what I call a ''patients' bill of goods,'' an empty vessel, and sent it to conference so the Senate could say: We passed a Patients' Bill of Rights. But we did not.

A Republican Member of Congress, Dr. NORWOOD, and a Republican Member of Congress, Dr. GANSKE—do not take it from me; take it from them—said the Senate took a pass on this issue. They passed an empty vessel. What the Senate did is a step backward, not forwards.

Should we have the opportunity in this process in the Senate to have another vote on this? Things have changed. The last time we voted on this, we came up one vote short. This time, it will be a tie vote, based on what we know to have happened in the interim. With a tie vote, the Vice President will cast a vote to break the tie, and this Senate will send to conference a Patients' Bill of Rights that is a real Patients' Bill of Rights.

It says you have a right to know all of your medical treatment options, not just the cheapest. You have a right to emergency room care. You have a right, if you are being treated for breast cancer, to take your oncologist with you. If your spouse's employer changes health care providers, you can continue with that same cancer specialist who has been working with you 5 or 7 years. You have that right.

Should we be able to have another vote on that in the next day or 2 days or 2 weeks? The answer is yes, absolutely yes, because it is important to young Ethan, it is important to the memory of Chris, and it is important to all the others out there who are being told: You fight your disease and, by the way, fight your insurance company as well because some of these managed care organizations are much more interested in profit than in your health.

I hasten to say, not all. There are some terrific insurance companies and some terrific HMOs, and they do a great job, but there are some around this country that are doing to patients what I just described, saying to people like young Ethan that the potential to walk is insignificant at 50 percent. We should change that.

Do I have passion for these issues? You are darn right. I was elected to the Senate and I came here because I wanted to do good things for this country. I want this country to be a better place in which to live, whether it is health care, a Patients' Bill of Rights, adding a prescription drug benefit to the Medicare program, eliminating the barriers that prohibit the reimportation of prescription drugs from other countries so our people can access less expensive prescription drugs, or gripping the education issues in this country the way we know we should—reducing class size, renovating and repairing crumbling schools.

I came here because I wanted to do these things. I do not want people to prevent us from having the votes on them. I have spoken so often about going into the school with Rosy Two Bears, a little third grader, that I know people are just flat tired of it, but I could care less.

She walks into a school classroom that none of us would want our kids to walk into. It is a public school. Part of it is 90 years old; part of it is condemned. It has one water fountain and two toilets in this little school. They cannot connect to the Internet. They do not have good recreational facilities, and little Rosy Two Bears looks up at me and says: Mr. Senator, will you build us a new school?

I cannot do that because I do not have the money, but this Senate can. This Senate can say to Rosy and all the others who are walking through a classroom door in this country: We want you to walk through a door of which you are proud. It does not matter where you are, who you are, if you are a first grader, a third grader, or a twelfth grader. We want that schoolroom to be a schoolroom of which you are proud; we want you to be the best you can be. We want every young child to rise to the level of their God-given talents in every corner of America.

That ought to persuade us that the process by which we consider legislation in this Congress gives us full opportunity to take a look at that fiscal policy and say: If we are collecting more than we need, we can give a little back, pay down the debt, and let's also, in addition to giving a little back and paying down the debt, invest in better schools for our kids. Let's take the best ideas everybody has in this Chamber and have a good debate about that.

That is part of the passion with which most of us came to this body. We came here to get things done, and we are so frustrated by a process that seems to say: If it is our idea, we are going to vote on it. If it is your idea, somehow we are going to put it in a box someplace.

The PRESIDING OFFICER. The Senator has spoken for 30 minutes.

Mr. DORGAN. Mr. President, I ask for 30 additional seconds.

Mr. BYRD. Mr. President, I have 38 minutes, do I not, remaining?

The PRESIDING OFFICER. The Senator has that much time and more.

Mr. BYRD. I thank the Chair.

I yield—how many minutes does the Senator wish?

Mr. DORGAN. Just 2 is fine.

Mr. BYRD. The Senator asked for 2 minutes. I will give him 4.

Mr. President, let me say to the Senator, the Patients' Bill of Rights, absolutely, if there is an opportunity to pass that, if it takes twice, if it takes three times, if it takes six times, fine, I am for it.

Minimum wage: I am one who used to work at less—less—than the minimum wage by far. If we pass it, yes. So we are not in disagreement on that.

I think the Senator referenced, a little earlier, two times when I have felt that we are calling up an amendment just as a political amendment and doing it over and over and over again. That is different from what he is speaking of. I am not for that. I am not for taking the time on an amendment which has no opportunity, no future, no possibility of passing.

But in these cases, it is obvious. And the way he has described these has produced such a vivid picture of need that I am very supportive of trying again. There are reasons why one might try again and win. And the Senator has just stated it with reference to the Patients' Bill of Rights.

So I congratulate this Senator, who does so much for the Senate, who has so much to offer, who has such great talents, and who does not hide those talents in a napkin but produces fivefold or tenfold. I congratulate him and salute him. I thank him for what he has said on the Senate floor today.

So I have yielded him 4 minutes. And I have taken how much?

The PRESIDING OFFICER. Two and a half minutes.

Mr. BYRD. I yield the Senator 4 minutes still. That still leaves me, I understand, 30 minutes or more.

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. I thank the Chair.

Mr. DORGAN. Mr. President, the Senator from West Virginia is very generous. Let me conclude by saying something I think is important. I came to the floor because the Senator from West Virginia is someone for whom I have great respect. He was talking about the process, the method by which the Senate is supposed to work. He has been here much longer than I have. He knows the history of the Senate far better than I do. I have great respect for that.

He did not come to the floor—I listened carefully to his discussion this morning—and I did not come to the floor to be critical of others. It is a tough job running this Senate. I certainly did not come to the floor to say that the distinguished chairman of the Appropriations Committee has not done his job. I happen to think Senator STEVENS is an outstanding Senator, Senator COCHRAN, and so many others with whom I have served. So I do not come here with the purpose of casting aspersions.

But I just come to the floor because I fear that what is preventing us from getting to where I want the Senate to get to, and that is to have a full debate, and good, strong open votes on the issues I care passionately about. We are thwarted from doing that. In fact, we have had bills brought to the floor of the Senate and had cloture motions to shut off debate before the debate began, cloture motions to shut off amendments before the first amendment was offered. That thwarts this process. Back home they would say that is throwing a wrench in the crank case. That just shuts it all down. It is not the way it ought to work.

I think it is a privilege every day to come to work here. I grew up in a town of 300 people, had a high school class of 9, and never in my life thought I would meet another Senator, I suppose, let alone serve in the Senate. I think it is a privilege every day to come here.

But the reason I think it is a privilege is because I bring, as most of my colleagues do, an agenda of passion to make changes that I think will improve this country. I might be wrong in some of it. Maybe so. But I want my day. If I can persuade enough Members of this Senate to vote on the things I care about, then if I win, I win. If I don't, maybe I learned something from the debate. I am willing to lose. But I am not willing to lose the opportunity to have a full debate and a vote on the things that I and the constituents I represent in North Dakota care deeply about. That is the point. I am not willing to lose that opportunity. The process in this Senate increasingly begins to shut those opportunities down.

The Senator from West Virginia came the Senate to say, let's not do that. Let's not do it for Republicans or Democrats. Let's not do it out of concern for this Senate, its proud history and its future. Let's not do that. Let's get back to the way we are supposed to debate public policy in this Chamber.

I commend the Senator from West Virginia and my colleague, the Senator from Nevada, and others, who have spoken today. I hope we can all work together and get the best of what each can bring to this Chamber in the debate about public policy.

Mr. President, I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, in the unanimous consent agreement that is now before the body, Senator JOHNSON is to be recognized for 10 minutes, then Senator DURBIN for 30 minutes. I ask unanimous consent that following that, Senator CLELAND be recognized for up to 15 minutes.

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

The Senator from South Dakota.

Mr. JOHNSON. Mr. President, I thank the Senator from Nevada. I must say, I commend my colleague from West Virginia, Senator BYRD, for his suggestion that some of us come to the floor today to talk a little bit about the process.

Some people would say it is a procedural issue. It is far more profound than simply a procedural issue in the context of the way we have handled legislation on the Senate floor this year. The process that has been applied not only does, I believe, great damage to this institution, but, in the end, it has great consequence to the substance of our legislative priorities and certainly of the budget for our Nation.

Two out of the 13 appropriations bills that are required to run the Federal Government have been passed. Eleven remain incomplete. October 1 is the beginning of the Federal fiscal year, and yet we have made little progress on the Federal budget. We have a CR, continuing resolution, that will take us to October 6. But, clearly, we are in a state of chaos right now relative to the completion of our work in the Senate.

This year has been the shortest legislative session in the Senate since the ''do-nothing'' Congress that President Truman campaigned against. As my colleague from North Dakota alluded to, during the entire course of this year, we have been in session and have had votes in all of 3 weeks out of the year. How many of our constituents can imagine employment or service of any kind that would involve 3 full weeks out of the year? Of those 115 days we have been in session, roughly 30 percent of them have involved no votes whatever. No progress has been made relative to the completion of the people's agenda.

Now we find, I think most profoundly objectionable of all, an appropriations process where appropriations bills which deal with the Federal budget but, more importantly, deal with where our priorities are as a people—whether we are going to invest more money in education, in health care, in Medicare, in the environment, in our national defense, towards debt reduction—these are all the issues that need to be resolved in the context of the appropriations debate. Yet we find now that these bills move in an unprecedented fashion from an appropriations committee directly to conference, with no consideration on the Senate floor whatever.

It has never been done this way, this kind of legislative bypass of the legislative process, in the Senate.

Fully half of the Senators in this body, 25 States, have no representation on the Appropriations Committee. Certainly that is the case for my home State of South Dakota. Those States have no input, no opportunity to speak for their constituents about the nature of these appropriations bills and the kind of priority they apply to our Nation's needs. These bills then go to conference. What is worse, all too often then the conference committees in turn have not met, but only the majority party members agree then to send the bill back to the floor in a conference report, which is unamendable. So we have not even the distilling of thought through the conference committee process.

This is a terrible process, one that brings a significantly demeaning quality to the thoughtfulness that ought to be going into these fundamental questions.

Eight years after President Clinton was elected to office, having inherited $300 billion a year in red ink, we find ourselves now running budget surpluses. In fact, the White House and the congressional budget experts project budget surpluses in excess of $4 trillion over the coming 10 years. We ought to be cautious about those projections. They are only projections. Most of the money would materialize only in the outer years. Even so, that is a remarkable turnaround. It creates for us a once-in-a-lifetime, a once-in-multiple-generations opportunity to focus on what kind of society America will be for years to come.

If we take the surplus and then set aside the trust fund dollars—Social Security and the other trust funds as well—it is projected that we will have a budget surplus of around $1.2 trillion over the coming 10 years. Unfortunately, our colleagues in the House and the Senate, over my objections and over the objections of Senator DASCHLE and most Members on our side, have passed tax cuts that would cost $1.7 trillion over 10 years, when we have only $1.2 trillion to spend before we even get to issues about whether we are going to do anything to improve the quality of education, Medicare, health care, debt reduction, veterans programs, agriculture, the environment, and whatever other needs our Nation might have.

Wisely, the President has vetoed the two most expensive tax bills. We can bring them up again in a bipartisan fashion and in a more thoughtful manner. We can address those issues as well as questions of paying down the debt, questions of education and health care, rebuilding our schools, technology that we need, and the strength of our national defense.

We cannot bring these issues up and consider them in a thoughtful, deliberative fashion if these issues bypass the Senate floor. That is what the process now entails. This a perversion of our democracy. This is not what the founders of our Republic designed. It does grave injustice not only to this institution but to the needs of every citizen of this Nation.

I applaud the work of Senator BYRD, who is an extraordinary scholar, who has a great understanding of the traditions of this body, and who understands our democracy as well as anyone who has served in this body. I appreciate his suggestion that we come to the floor and talk about how our democracy is being demeaned by this process, that, in fact, the kinds of thoughtful, deliberative priority-making decisions all of our people ought to be engaged in are being denied as these bills go directly from the Budget and Appropriations Committees, with no opportunity for amendment, no opportunity for discussion, into conference committees, which are then unamendable. We wind up with the chaos that we have today, with only 2 of the 13 appropriations bills having been passed, as we near October 1, the beginning of the Federal fiscal year, and we find ourselves in a state of legislative chaos as we end this month of September.

The people of this country deserve better. We need to work in a bipartisan fashion to bring these bills up in an orderly way and to allow amendments and debate, as was designed for this institution. To see that lost is something in which we can take no pride. It is a shameful circumstance in which we find ourselves in this body, that this would ever have occurred in our democracy. It has never happened before to this scope.

It is my hope we learn some painful lessons from the experiences we are having this year. The issues before us are too profound. They are too significant relative to whether we will at last use some resources to pay down the debt, keep the cost of money down, and sustain a strong economy, while at the same time reserving some financial resources to rebuild schools, to do what we need to do to live up to our commitments to veterans, to have a strong national security, to improve our environment, to strengthen Medicare, and to do something about prescription drugs. These are the issues we are being denied an opportunity to debate, to vote on, and to arrive at the kind of political compromises necessary for all of our needs and all of our priorities and all of our points of view to be truly represented in this country. Hopefully, these are lessons that are painfully learned, lessons that will never have to be repeated in future years.

This is a sad day to look back at the lack of progress that has been made in this 2nd session of the 106th Congress. This Senate has been denied its ability to truly do its work. The people of America, not the Senators, are the great losers by the process that has been applied to the appropriations process and the legislative process in general this year.

I will do all I can to work in a bipartisan fashion to never allow this kind of process to occur again. The people of our Nation deserve far better. If we are going to play the leading role in the world, both economically and in terms of security, we need an institution that works better than that.

I yield the floor.

Mr. REID. Mr. President, I have spoken to the Senator from Illinois and the Senator from Georgia. They both agreed to limit their time by 5 minutes. Senator CLELAND will take 10 minutes and Senator DURBIN 25 minutes. I ask unanimous consent that the present order be amended to that effect.

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

The Senator from Illinois.

Mr. DURBIN. Mr. President, it is my understanding that my friend and colleague from Georgia, Senator CLELAND, has permission to speak for 10 minutes under our agreement and that I have 25 minutes. Since Senator CLELAND is now on the floor, I ask unanimous consent he be allowed to speak before me and that I follow him with my 25 minutes.

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

Mr. CLELAND. Mr. President, I thank the distinguished Senator from Illinois for yielding to me for the purpose of discussing the ambiguous situation in which we find ourselves in terms of the budget process and the appropriations process.

I thank the distinguished senior Senator from West Virginia, Mr. BYRD, for his continuing efforts to remind Members of this Chamber of our responsibilities to this institution but, more importantly, responsibilities to the American people.

Today Senator BYRD is causing us to step back and reflect on what we are now doing with respect to the appropriations process. It brings back a comment I like from Winston Churchill: How do you know where you are going unless you know where you have been?

Senator BYRD reminds us where we have been in the appropriations process, our history, our tradition, and the rules of the Senate. He is very fearful of where we are going in that process, and so am I.

As a Senator now for 3½ years, I am certainly not nearly as well versed as Senator BYRD in the history or the precedents of the Senate. I would like to add that I believe all other Senators, of whatever level of experience and of both parties, acknowledge his leadership in this respect. Nonetheless, from what I have read and heard in this debate, in the first budget and appropriations cycle of the 21st century, the Senate has moved in a new and deeply troubling direction.

I am certainly aware that on occasion the Senate has been compelled by necessity to resort to bypassing the regular process of committee action for consideration and amendment, conference action, and then final approval, final passage, of individual authorization and appropriations measures.

Indeed, I voted for the massive omnibus measure with which we concluded the 1998 session. That single bill totaled a whopping $487 billion and funded 8 out of the 13 regular appropriations bills. I think Senator BYRD himself said on that occasion, ''God only knows what's in it.'' Most of us didn't.

However, even on that occasion, the Senate actually took up separately and passed 10 of the 13 bills and considered 1 other bill—namely, Interior appropriations—while only 2 appropriations measures, the Labor-HHS-Education bill and the relatively small District of Columbia bill, were acted on in conference without any previous Senate floor action.

By contrast, this year the number of appropriations measures which are apparently headed for conference action without affording the full Senate an opportunity to work its will has grown to three: Commerce-Justice-State, Treasury-Postal, and VA–HUD. Not only is this trend disturbing, but apparently a determination was made fairly early on that these measures would somehow not require regular floor consideration.

I have heard many theories as to why this will be so, including fears of hard votes, difficult votes, or of obstructionist tactics. But I have yet to learn of any real justification or defense of the notion that the Senate has discretion as to whether or not it will consider appropriations bills—the means through which we are supposed to discharge perhaps the ultimate congressional authority under the Constitution, the power of the purse.

If we in the Senate are not authorized or able to have an impact on appropriations bills, we have what the American Revolution ostensibly was all about: taxation without representation.

I have the great privilege of representing the 7.5 million people in the State of Georgia, the 10th most populous State in America. Georgia hasn't had a representative on the Senate Appropriations Committee since 1992. And while the 28 members of that committee, representing 27 States, with Washington being fortunate to have 2 seats, do a good job of considering national needs and local interests, they cannot be expected to know the priorities and interests of the people of Georgia.

As the Senate was envisioned by the founders and as it has operated throughout our history, the absence of State representation on the Appropriations Committee was not an insurmountable burden. Nonappropriators could expect to have the opportunity to represent their constituents' interests when the 13 appropriations bills came to the Senate floor were open to debate and amendment. Indeed, in my first 3 years in the Senate, I often had recourse to offering floor amendments or entering into colloquies on behalf of Georgia—Georgia priorities and Georgia people. But with the apparent move to routinely bypassing the floor, what am I or, more importantly, my constituents to do?

In looking at the fiscal year 2001 bills, which apparently will not come to the Senate floor in amendable form, the potential adverse impact on my State is clear. For example, the Commerce bill funds key Georgia law enforcement efforts, including the Georgia Crime Lab and technology enhancement for local law enforcement agencies, such as the Macon Police Department. The Treasury bill contains the budget for the Federal Law Enforcement Training Center in Glynn County, GA. And the Veterans' Administration appropriations measure covers the national veterans cemetery for north Georgia that I got authorized last year. For all of these and more, the Georgia Senators will now apparently have no direct role.

This is not the way it should be, under the Constitution, or the way we ought to act under the traditions of the Senate. More and more of the most important decisions affecting our constituents and their communities are being moved off the floor of the Senate and into closed-door deliberations involving a small number of negotiators where the people of my State are left out and where my only choice as their representative is a single take-it-or-leave-it vote on a massive and unfathomable package. This is taxation without representation.

Mr. President, I understand that in an election year—especially this one—it is always a challenge to have the Senate get its business done on time. But when ''business as usual'' starts becoming a process where the Senate routinely doesn't get to work its will, something fundamental has been lost. Then, we had better worry not just about the interests and constituents of today, but the precedents and legacies we are leaving for future Senates and future generations of Americans.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, it is my understanding that under the agreement I have 25 minutes.

The PRESIDING OFFICER. That is correct.

Mr. DURBIN. Mr. President, I thank my colleague from Georgia, MAX CLELAND, my usual seatmate. I moved over here since he was speaking. I thank him for his presentation. He is one of the hardest working Members of the Senate. I echo his words. We both find ourselves, as do all Members of the Senate, in a real predicament. We have only passed three of the appropriations. Two of the bills have been signed into law, and now we are going to send three of the appropriation bills, as I understand it, into a conference committee without any consideration on the floor of the Senate.

This is not unprecedented. It has happened, but very rarely. What troubles me is it is becoming a rather common practice. When the President gives a State of the Union Address at the beginning of the year, he spells out to Congress his hopes for what we can achieve. Many of these hopes are never achieved. That is the plight of a President—relying on a Congress which has its own will and agenda. But the one thing the President is certain will be achieved is that, at the end of the congressional process, the spending bills necessary to keep the Government in business will be passed—13 bills.

If Congress did nothing else, it would have to pass the spending bills. Otherwise, agencies of Government would close down and important functions of Government would not be served. So the President, after giving all of his ideas in the State of the Union, steps back and watches Congress, which starts by the passage of a budget resolution and considers 13 different bills, funding all of the agencies of the Federal Government.

Sadly, over the last several years we have seen this whole process disintegrate to the point where, at the end of the session—and we are nearly there now as we come to the floor today on September 28; our new fiscal year begins October 1. Sadly, each and every year we end the session without doing our work. We end up with all of these spending bills which involve literally billions of dollars and many different functions of the Federal Government that have never been worked through the system. There are authorizing committees and appropriating committees, and they have the right names on the door. But when it comes to the bottom line, they don't, in fact, do their business and bring a bill out of the committee to the floor for consideration.

When we are studying civics and political science, one of the first books we run across is a pamphlet entitled ''How Laws Are Made.'' We teach our children and students across America, and around the world, for that matter, that there is a process in the Congress. The process involves committee consideration, floor consideration on both sides of the Rotunda, and if there are differences, a conference committee, which results in a compromise which is sent to the President for signature. It is very simple and American.

Unfortunately, it is also very unusual around this Congress, and now we are seeing more and more bills coming out of the committee, bypassing the Senate Chamber, and heading straight to a conference committee, which means that billions of dollars' worth of spending is never subject to debate or amendment. That means that Senators who don't serve on an appropriations subcommittee or the full Committee of Appropriations never get a chance to even speak on a bill, let alone change it.

The beauty of this institution, the most important deliberative body in our Nation, is that we are supposed to represent the people and speak to the issues involved in the bills and then come to some conclusion on their behalf. That is what representative government is about. It is what democracy is about. Yet we have been thwarted time and time again.

This time around, we find that only 10 of the bills have seen floor action. The Commerce-Justice-State bill, the Treasury bill, general government bill, and the VA–HUD bill are all moving directly from committee to conference. If this process continues, we will see this year what we have seen in previous years: a bill that comes at the end of the session, called an omnibus bill, that tries to capture all of the unfinished business and a lot of other items that are extraneous and put them in one package. And then, as my friend Senator BYRD from West Virginia can attest, we are handed a bill literally thousands of pages long and told to read it, vote, and go home. A lot of us wonder if we are meeting our constitutional responsibility in so doing.

I asked the staff if they kept one of those bills from previous years so I could show it during the course of this debate, but one wasn't readily available. These bills, as Senator BYRD can tell you, are sometimes 2,000 pages long, and we are asked to look at them and evaluate them. That is hard to do under the best of circumstances and impossible to achieve when we have very little time to do it. The best I could find was the Yellow Pages of the District of Columbia. It is not a good rendition because it is only 1,400 pages long. There is about another 600 pages we can expect to receive in the omnibus bill handed to us at the end of the

session. We will be told: ''Take it or leave it. Don't you want to go home and campaign?''

I think that is an abrogation of our constitutional responsibility.

I believe that most of us—even those of us on the Appropriations Committee—believe we are duty bound to come before this Senate to address the issues contained in these appropriations bills, to debate them, as we are elected to do, to reach an agreement, hopefully on a bipartisan basis, and pass the bill on to the House for its consideration and to a conference committee.

There was a mayor of New York City named Fiorello La Guardia—a famous mayor—who, when there was a newspaper strike in his town, went on the radio and read the cartoons and the comics to the kids so they wouldn't miss them. But he said what I think is appropriate here: There is no Democratic or Republican way of cleaning the streets.

What he was saying, I believe, is that in many of the functions of government, we really do not need partisanship. In fact, there shouldn't be partisanship.

In this situation, Senator BYRD spoke eloquently today about the traditions of the Senate—the idea of federalism, and the respect for small States and large States alike.

The fact is that this Chamber, unlike the one across the Rotunda, in which I was proud to serve for 14 years, gives every State an equal voice. But that is a fiction if in fact the legislation never comes to the floor so that Senators from every State can use their voice and express their point of view.

That, sadly, is what has been happening time and time again. Their appropriations work may be the most important part of our responsibility in Congress.

A few years go when Congress reached a terrible impasse, we actually closed down several agencies of Government for an extended period of time. There were some critics, radio commentators and the like, who said: Well, if they close down the Government, no one will ever notice.

They were wrong because, frankly, our phones were ringing off the hook. I can recall people calling my offices from Chicago and Springfield, IL, saying: How are we supposed to get our visas and passports to go overseas? How can we get these Federal agencies to respond? The Department of Agriculture was closed and the farmers needed to contact people about important decisions they had to make. In fact, closing down the Government is noticed, and people should take notice not only because important responsibilities of government are not being met but because Congress has not met its responsibility to make certain that we pass the appropriations bills that lead to the continuation of government responsibilities.

The people across America who elect us get up and go to work every morning knowing that if they stayed home and didn't do their job they wouldn't get paid. If they didn't get paid, they couldn't feed their families. We have to do our job. We have no less of a responsibility as Senators to stay here and work as long as it takes to accomplish these things.

The interesting thing, as you reflect on this session of Congress, is how little time we have spent in Washington on the Senate floor doing the people's business. This will be the shortest session of Congress we have had since 1956. Out of 108 days of session so far, we have had 34 days without a vote. If we continue at the current pace, it will take us nearly 2 full years to complete the remaining appropriations bills. That is a sad commentary.

Most of us who are elected to serve come to work and try to do our best. But if you look at this past year, you will find that we are only going to be in session 2 days longer than a Congress which was dubbed the ''Do-Nothing Congress'' back in the late 1940s. I think that is a sad commentary on our inability to face our responsibility.

Why do we find ourselves in this position? I think there are two major reasons. One is we are dealing with spending caps. These are limitations on spending which have been enacted into law which are there to make certain we don't fall back into red ink and into deficits. These spending caps are strings on the Federal Government's spending in appropriations bills. Some of them are reasonable and some of them are easy to live with. Some of them are very difficult to live with. Those of us on appropriations committees know that. As a member of the Budget Committee, I can attest to it as well.

The budget resolution, the architecture for all of our spending at the Federal level, was enacted by Congress—not by the President. He has no voice in that process. It was enacted by Congress. We try to live within the spending caps. Then we start to try to put together appropriations bills and quickly learn that in some areas there is just not enough money. Neither party wants to be blamed for breaking the spending caps early in the process.

We created unconscionable situations in previous years. One of the most important appropriations bills—the one for Labor, Health and Human Services and Education—was literally ravaged of its money. That money was taken and used in other appropriations bills. It was saved for the very last thing to be done. Knowing of its popularity across the country, many people on Capitol Hill felt that if we were going to bust the caps, we would do it for education, health care, and labor. It happened.

This year, as I understand, VA–HUD is one of those bills. What is more important than our obligation to our veterans? Men and women who served this country with dignity and honor were promised health care and veterans' programs. They rely on us to come up with the appropriations for that purpose and then find there is nothing in the appropriations bill to meet those needs.

Housing and urban development, an important appropriations bill that provides housing for literally millions of families across America, is similarly situated. We have ravaged the VA–HUD bill this year in an effort to try to make up for all of the other spending shortfalls in the other bills.

Everything stacks up as we come near the end of the year. Unlike many previous years, we haven't routed these bills through the Senate floor. So we have never been able to debate what the level of spending on the Senate floor should be for the Veterans' Administration, for the Treasury Department, and for a lot of agencies such as the Department of Justice and the State Department. That puts us at a disadvantage and creates the blockade that we find ourselves in today.

There are amendments as well in some of these bills that are extremely controversial because most of the authorizing committees do not come up with their authorizing bills. Many Members of the Senate have said: I have good legislation. I have a good idea. I will put it on the spending bill. I know they have to pass the spending bill ultimately, so we will do that.

That introduces controversy in some of these spending bills, and as a result, we find ourselves bypassing the Senate floor in an effort to avoid a controversial vote.

I am forever reminded of a quote from the late Congressman from Oklahoma, Mike Synar, who was chiding his fellow Members of the House of Representatives because they did not want to cast controversial votes. The late Congressman Mike Synar used to say, ''If you do not want to fight fires, do not be a firefighter.'' If you do not want to cast controversial votes, don't run for Congress. That is what this job is all about. You cast your votes for the people you represent with your conscience, and you go home and explain it. That is what democracies are all about.

Many of these appropriations bills have been kept away from the floor of the Senate so Members of the Senate who are up for reelection don't have to cast controversial votes. That has a lot to do with the mess we are in today.

Sadly, we have found that as to a lot of these amendments—some related to gun safety, for example, and some related to the treatment of gunmakers and how they can bid on contracts with the Government—because they were introduced in the appropriations bill, the bill was circumvented from the floor. They never got to the floor for fear Members would have to vote on them, and didn't want to face the music with the people who don't want gun control and with the National Rifle Association. They do not want to face reality. The reality is we have a responsibility to consider and vote on this important legislation.

Some have said we don't have time to do all of that. I have been here all week. I think we have been casting a grand total of about one vote a day. I think we are up to a little more than that.

There have been days in the House and Senate where we have cast dozens of votes. We can do that. We can limit debate, cast the votes, and get on with our business.

This week we have been consumed with the H–1B visa bill, a bill which would allow an increase in the number of temporary visas so people with technical skills can come into the United States. We spent a whole week on it.

We are going to go home in a few hours having achieved virtually nothing this week, except for the passage of this short-term spending bill that is pending at the moment. We will delay for another week the business of the Senate.

One has to wonder what will happen in the meantime. I think the President is right to insist that Congress stay and do its job. Some people have said: Why not leave the leaders of Congress here in Washington and let the Members go home and campaign? Let the leaders haggle back and forth as to what the spending bills should contain. I oppose that. I oppose it because I believe we all have a responsibility to stay and meet our obligation to the people of this country and to consider these spending bills. A few years ago, in major sports, there was a decision made about the same time, in basketball. I can recall that in high school when your team would get ahead, you would freeze the ball; you would try to run the clock. Players would dribble around and not get the ball in the hands of the opposition and hope the clock ran out. That used to happen at all levels of basketball. Finally, people said, that is a waste of time. People came to see folks playing basketball, not wasting time dribbling. So they put shot clocks in and said after every few seconds, if you don't take a shot, you lose the ball.

They did the same thing in football. They said we will basically speed this game up, too; we will make you play the game rather than delay the game.

I think we ought to consider, I say to Senator BYRD, the possibility of a vote clock in the Senate that says maybe once every 12 hours while we are in session the Senate is actually going to cast a vote. I know that is radical thinking, somewhat revolutionary. But if we had a vote clock, we wouldn't be dribbling away all of these opportunities to pass important spending bills. We wouldn't be running away from the agenda that most families think are important for them and the future of our country.

Look at all of the things we have failed to do this year. This is a Congress of missed opportunities and unfinished business. It is hard to believe we have been here for 115 days and have so little to show for it. When the people across America, and certainly those I represent in Illinois, talk to me about their priorities and things they really care about, it has little or nothing to do with our agenda on the floor of the Senate. They want to know what Congress is going to do about health care. They have kids who don't have health insurance. They themselves may not have health insurance. They wonder what we will do about a prescription drug benefit. We had a lot of speeches on it. We just don't seem to have reached the point where we can pass a bill into law. Sadly, that says this institution is not producing as people expect Congress to produce.

With a vote clock running on the Senate floor and Members having to cast a vote at least once every 12 hours while in session, maybe we will address these things. Maybe people won't be so fearful of the prospect of actually casting a vote on the floor of the Senate.

Patients' Bill of Rights is another example. People in my home State of Illinois and my hometown of Springfield come to me and tell me horror stories about the insurance companies and the problems they are having with medical care for their families; serious situations where doctors are prescribing certain medications, surgeries, certain hospitalizations, and there will be some person working for an insurance company 100 miles away or more denying coverage, time and time again, saying: You cannot expect to have that sort of treatment even if your doctor wants it.

Many of us believe there should be a Patients' Bill of Rights which defines the rights of all Americans and their families when it comes to health insurance. I believe and I bet most people do, as well. Doctors and medical professionals should make these judgments, not people who are guided by some bottom line of profit and loss but people who are guided by the bottom line of helping people to maintain their health.

We can't pass a Patients' Bill of Rights. The insurance companies, which are making a lot of money today off of these families, just don't want Congress to enact that law. So they have stopped us from passing meaningful legislation.

Another thing we want to do is if the insurance company makes the wrong decision, and you are hurt by it, or some member of your family dies as a result of it, you have a right to sue them for their negligence. Every person, every family, every business in America is subject to a lawsuit, litigation, being held accountable in court for their negligence and wrongdoing—except health insurance companies. We have decided health insurance companies, unlike any other business in America, will not be held accountable for their wrongdoing.

With impunity, they make decisions denying coverage. I think that is wrong. I think they should be held to the same standard every other business in America is held to; that is, if they do something to hurt a person because of their negligence or intentional wrongdoing, they should be held accountable. That is part of our law, the ones that we support on this side of the aisle.

One can imagine that the health insurance companies hate that idea just as the devil hates holy water. They don't want to see that sort of thing ever happen. So they have stopped us from passing the bill. It is another thing we have failed to do in this Congress—a Patients' Bill of Rights.

On prescription drug benefits, to think that we would finally take Medicare, created in 1965, and modernize it so that the elderly and disabled would have access to affordable prescription drugs is not radical thinking. I daresay in every corner of my State, whether a person is liberal, conservative, or independent, they understand this one. People, through no fault of their own, find they need medications that they cannot afford. So they make hard choices. Sometimes they don't take the pill and sometimes they bust them in half, and sometimes they can afford them at a cost of the necessities of life. Shouldn't we change that? Shouldn't we come to an agreement to create a universal, voluntary, prescription drug plan under Medicare? But unless something revolutionary occurs in the next few days, we are going to leave Washington without even addressing the prescription drug issue under Medicare.

Another question is a minimum wage increase. It has been over 2 years now we have held people at $5.15 an hour. Somewhere between 10 and 12 million workers in America are stuck at $5.15 an hour. In my home State of Illinois, over 400,000 people got up this morning and went to work for $5.15 an hour. Quickly calculate that in your mind, and ask yourself, could you survive on $11,000 or $12,000 a year? I know I couldn't. I certainly couldn't do it if I were a single parent trying to raise a child. And the substantial number of these minimum wage workers are in that predicament. They are women who were once on welfare and now trying to get back to work. They are stuck at $5.15 an hour.

We used to increase that on a regular basis. We said, of course, the cost of living went up; the minimum wage ought to go up, too. Then it became partisan about 15 years ago, and ever since we have had the fight, year in and year out. We may leave this year without ever addressing an increase in minimum wage for 12 million people across America in these important jobs—not just maintaining our restaurants and hotels but also maintaining our day-care centers and our nursing homes. These important people who cannot afford the high-paid lobbyists that roam the Halls of Congress are going to find that this Congress was totally unresponsive to their needs.

Issues go on and on, things that this Congress could have addressed and

didn't address. Sadly enough, we are not only failing to address the important issues, we are not doing our basic business. We are not passing the spending bills that we are supposed to pass. As Senator BYRD said earlier, we are derelict in our responsibilities under the Constitution. We have failed to respond to the American people when they have asked us to do our job and do our duty.

I hope that before we leave in this session of Congress, we will resolve to never find ourselves in this predicament again; that we are never going to find ourselves having missed so many opportunities that the people of this country have to wonder why we have not accepted our responsibility in a more forthcoming way.

I don't know if next year I will be making the proposal on the Senate floor. I have to talk to Senator BYRD. It is kind of a radical idea of installing a vote clock that will run and force a vote every 12 hours around here so we can get something done. But it worked for the National Football League. It worked for the National Basketball Association.

And Senator BYRD, I know you can't find it in that Constitution in your pocket, but maybe that is what it will take to finally get this Senate to get down to work on the business about which people really care.

I yield the floor.

The PRESIDING OFFICER (Mr. L. CHAFEE). Senator from West Virginia.

Mr. BYRD. How much time remains?

The PRESIDING OFFICER. The Senator has 39 minutes.

Mr. BYRD. Mr. President, let me comment on a couple of things that the distinguished Senator from Illinois just said.

The Senator from Illinois served in the other body and he served on the Appropriations Committee. He comes to this body bringing great talent, one of the most talented Members that I have ever seen in this body. He brings great talent to this chamber. He can speak on any subject. He is similar to Mr. DORGAN, and can speak on any subject at the drop of a hat. He is very articulate, he is smart, and I am proud to have him as a fellow Member.

Now, he mentioned a change that was made in basketball. I wish that they would make another change in basketball. When I talk about ''basketball'' that is a subject concerning which I know almost nothing. But I have watched a few basketball games. I can remember how they played them when I was in high school, which was a long time ago. But it really irritates me to see basketball players run down the court with that ball and jump up and hang on the hoop and just drop the ball through the basket. If I were 7 feet tall, I could drop the ball through the basket, even at age 83. If I were that tall, and I did not have to shoot from the floor to make that basket, I could do it, too. I wonder why they don't get back to the old way of requiring players to shoot from the floor. In the days when I was in high school, players had to shoot from the floor. They weren't 7-feet tall. A 6 foot 2 center in my high school was a tall boy.

But, anyhow, so much for basketball.

The distinguished Senator has talked about how we have plenty of time to do our work. The first year I came to the House of Representatives, in 1953, we adjourned sine die on August 3; 2 years later, we adjourned sine die on August 2; the next year, we adjourned sine die on July 27. We did our work. We did not have the breaks we have now. Easter? We might have been out Friday, Saturday, and Sunday. We didn't have the breaks then, but we passed the appropriations bills.

We didn't do any short-circuiting, and the Appropriations Committees of both Houses acted on a much higher percentage of the total moneys that were spent by the Federal Government. I think there was a time when the Appropriations Committees passed on 90 percent of the moneys that the Federal Government spent. Today, we probably act on less than a third of the total moneys spent. So don't tell me that we can't get this work done. We used to do it. We can do it again.

Now while I am talking about the Senator from Illinois being a new Member—relatively new in this body—he comes well equipped to this body. I have been calling attention to the fact that 59 percent—59 Senators—have come to the Senate since I walked away from the majority leader's job. I mentioned Lyndon Johnson as a majority leader; I mentioned Mike Mansfield as a majority leader; I mentioned ROBERT C. BYRD as a majority leader. I should not overlook the stellar performances of Howard Baker, a Republican majority leader; or Robert Dole, a Republican majority leader. We hewed the line when it came to the Senate rules and precedents. They honored those rules and precedents. We didn't have any shortcutting, any short-circuiting of appropriations bills, like going direct to conference and avoiding action on this floor. I want to mention those two Republican leaders because they were also in my time.

Mr. President, 27 of the 50 States are especially fortunate this year. They have Senators on the Senate Appropriations Committee. These lucky 27 states, containing a total estimated 147,644,636 individuals as of July 1999, account for over half of our population of 272,171,813. However, 23 of these United States—and I have them listed on a chart here. I have them listed as the 25 have-nots—23 of these States are in a different situation. They have no direct representation on the Senate Appropriations Committee. Due to the rather unique situation in which we find ourselves this year, three appropriations bills—bills which fund roughly 100 agencies and departments of the Federal Government—may never be considered on the Senate floor. If that is the case, some 125 million Americans who happen to live in those 23 States will have no direct input regarding the decisions of the Senate committee that directly controls the discretionary budget of the United States. The countless decisions on funding and policies in those three bills will not have been presented on the Senate floor in a form that allows the elected Senators from those 23 States to debate and amend those 3 appropriations bills; namely, the FY2001 Commerce/Justice/State, Treasury-Postal, and VA-HUD bills.

This is not the fault of the Appropriations Committee. I cannot and I will not blame Senator STEVENS, the very capable Chairman of the Appropriations Committee, whom I know wants to shepherd each bill through his committee to the floor, and through the conference committee process in the appropriate manner. His efforts have been hamstrung because of a budget process that sets an unrealistically low level of funding, a level of funding that could not possibly address in any adequate way the demands placed upon it by the administration or by the Senate, and because the Senate has not taken up many important pieces of authorization and policy legislation this year.

I have nothing but praise for Senator TED STEVENS. I have seen many chairmen of the Appropriations Committee of the Senate. I have been on that Senate Appropriations Committee 42 years—longer, now, than any other Senator in history on that Appropriations Committee. I have seen many chairmen. I have never seen one better than Senator TED STEVENS.

Additionally, cloture has been filed too quickly on many bills, in order to further limit amendment opportunities. Appropriations bills have, as a result, become an even stronger magnet for controversial amendments than usual. That always complicates the process. Further, the administration has not waited until the Senate has finished its business before issuing veiled or blatant veto threats in an attempt to influence the appropriations process. So, I am very sympathetic to the situation in which my good friend, Senator STEVENS, now finds himself.

Whatever the reasons, however, these 23 have-not states will be deprived of their right to debate and amend these bills through their elected Senators if we wrap these remaining bills into House/Senate conference reports without first taking them up on the Senate floor. They will get only a yea or nay vote on an entire appropriations conference report. There will be no chance to debate or amend the contents of those bills. The 15 million people in Florida—up or down votes, with no amendments. The 11 million people in Ohio—up or down votes on conference reports, with no amendments. The 479,000 people in Wyoming—up or down votes is all they will get, with no amendments. The same goes for the

residents of Virginia, Georgia, Louisiana, Michigan, Oklahoma, Minnesota, Nebraska, and Maine.

Those citizens should also be upset. So should the residents of Connecticut, Delaware, Indiana, Kansas, Massachusetts, North Carolina, Oregon, Rhode Island, South Dakota, and Tennessee. Those folks will have no input into hundreds of thousands of spending decisions. They will summarily be told to take that conference report without any amendments; take it; vote up or down, take it or leave it.

I heard a Member of this Senate yesterday—I believe it was yesterday—decry the President's threat to veto an appropriations bill if something called the Latino and Immigrant Fairness Act was not passed. That Senator said yesterday that a President who would make such threats was acting like a king. I agree. That threat was outrageous. If that threat was made, it was outrageous. It should not have been made. Further, I agree with that Senator's feeling about the piece of legislation which caused the White House threat. I voted against suspending the rule that would have made it possible to consider it. But when it comes to this President, or any President, Democrat or Republican acting like a king, let me say that we in this body are the ultimate check on that assumption of the scepter and crown that all Presidents would like to make.

When we in the Congress invite the President's men to sit at the table—essentially that is what we do when we delay these appropriations bills until the very last and have to act upon them with our backs to the wall and facing an almost immediate sine die adjournment, we in effect invite the administration's people to sit at the table and be part of the decisions involving the power over the purse; yes, that power which is constitutionally reserved for the House and the Senate. When we do that and then deny the full Senate the right to debate and amend those spending bills, we are aiding and abetting that kingly demeanor.

When we hand over a seat at the table to the White House and lock out the full Senate, not just these 23 States, but lock out the full Senate on spending bills, we are, in truth, giving a President much more power than the framers ever intended.

We are charged in this body with staying the hand of an overreaching Executive. Instead, it sometimes seems as if we are polishing the chrome on the royal chariot and stacking it full of congressional prerogatives for a fast trip to the other end of Pennsylvania Avenue.

This year, one appropriations bill providing funding for the Departments of Commerce, Justice, and State has been in limbo—limbo. I believe that Dante referred to limbo as the first circle of hell. Anyhow, this bill has been in limbo for more than 2 months in order to avoid controversial subjects coming up for debate and amendment. So that bill has been a sort of Wen Ho Lee of the Appropriations Committee. It has been in isolation—incommunicado, stowed away in limbo, out of sight, out of mind. But there it is on the calendar. It has been there for weeks. Controversial? Yes. Some amendments might be offered. But why not? That is the process. We should call it up and have those amendments and have a vote on them. Let's vote on them.

I have cast 15,876 votes in 42 years in this Senate. That is an attendance record of 98.7 percent. That may sound like bragging, but Dizzy Dean said it was all right to brag if you have done it. So I have a 98.7 percent voting attendance. I have never dodged a controversial vote, and I am still here and running again. And if it is the Good Lord's will and the will of the people of West Virginia, I will be around here when the new Congress begins.

I have cast controversial votes. What is wrong with that? That is why we come here.

Two other appropriations bills—DC and VA-HUD—were not even marked up by the committee until the second full week of September. There was not enough money to make the VA-HUD bill even minimally acceptable. But having been marked up and reported from the committee, was it called up on the Senate floor for consideration? No, it was not. It was just wrapped in dark glasses and a low-slung hat, surrounded with security and rushed straight into conference as if it contained secrets for the eyes of the Appropriations Committee only. The plan apparently is to insert the entire VA-HUD bill into the conference agreement on another appropriations bill without bringing it before the Senate. I still am hopeful that a way can be found to bring up that bill, as well as the Treasury Postal and Commerce Justice bills to the Senate floor.

I know that some of my colleagues may argue that every Senator has a chance to make his or her requests known to the chairman and ranking member of each appropriations subcommittee, and in that way get their issues addressed in the bill even if it does not see action on the Senate floor. I certainly know that is true. I receive thousands of requests each year to each subcommittee, as well as the requests made while those bills are in conference. However, if a Member's request is not addressed in a bill and that bill does not see debate on the floor, that Member has no opportunity to take his or her amendment to the full Senate and get a vote on it. He has no way to test the decisions of the committee to see if a majority of the full Senate will support his amendment.

Additionally, when an appropriations bill is not debated by the full Senate, Senators who are not on the committee do not have the opportunity to strip objectionable items out of the bill. They do not have the ability to seek changes, perhaps very useful changes, to provisions in the bill that might hurt their States. They do not have a voice on the many policy decisions contained in appropriations bills.

The Appropriations Committee staff is a good one. The Members and the clerks are fair, and they try to do a good job. For the most part, they succeed and succeed admirably, and I am very proud of them. But we are all human. Sometimes we do not always see the unintended consequences of this or that provision, or we simply make a drafting error that could hurt one or more States or groups of people. The fresh eyes and different perspectives of our fellow Senators who are not on the Appropriations Committee, however, have caught such errors in the past and will, I am sure, do so again. But when those Members only get to vote on a conference report that is unamendable, their judgment is eliminated. That is not a sensible way to legislate. I think it is a sloppy way to legislate. I know that my distinguished chairman, Senator STEVENS, does not want to legislate in this manner. He is not afraid of any debate or any controversial amendments. TED STEVENS is not afraid of anything on God's green Earth that I know of. He has done a yeoman's job in trying to find sufficient funding within the budget system to move his bills, and I commend him for it.

I sincerely hope that we can all come together to find a way to help my chairman. The full Senate must do its duty on appropriations bills this year. We owe that to the Nation. We owe it to this institution in which we all serve.

Mr. President, the Senate is preparing to act on a short-term continuing resolution, which will give the Senate an additional week to take up and debate appropriations bills, if we so choose. We can get a lot done in 7 days if we all put our shoulders to the wheel to heave this bulky omnibus, or these bulky minibuses, out of the mud. The Senate is surely not on a par with the Creator. We cannot pull Heaven and Earth, and all the creatures under the Sun out of the void before we rest. But with His help and His blessings, we surely can complete work on the remaining appropriations bills before we adjourn.

The Legislative Branch and Treasury/General Government appropriations conference report was defeated by the Senate on September 20. Some may have seen this as a defeat. But, in fact, that was no defeat. It was a victory for the institution of the Senate, for the Constitution and its framers, and for the Nation. I think the defeat of that conference report in large measure can be laid at the door of this strategy, which emanates from somewhere here, of avoiding floor debate on appropriations bills. I am glad that many of my colleagues objected to being asked to vote on a nondebatable conference report containing a bill—now, get this—containing a bill, in this instance the

appropriations bill for the Department of the Treasury and for general Government purposes, that they have not had a chance to understand, to debate, to amend, or to influence. The Senate was designed to be a check on the House of Representatives. Moreover, the Senate was designed to even out the advantages that more populous States enjoy in the House, and to give small or rural States an even playing field in all matters, including appropriations.

This vote on the legislative branch, Treasury, and general government minibus—minibus—appropriations bill is a setback, as far as time goes, but, I still believe that we can rally, and complete our work in a manner that will allow us to leave with our heads held high, rather than with our tail between our legs. We can finish our work. The people expect it. We ought to do it.

In fact, in keeping with the rather screwball approach that we have been taking on appropriations matters this year, much of the conferencing on these bills has been taking place, even before the bills have been debated on the floor.

Surely we can build on this base, and still allow the Senate to work its will on the more contentious elements of these bills. It is our job to resolve these problems. We get paid to do it. We get paid well to do it. It may be true that we could get higher pay somewhere else—as a basketball player or as a TV anchor person or in some other job—but we get paid well for the job we do.

We are all familiar with these issues. We know the needs of our individual States. We need to have that debate about these issues, and we need to engage the brains of 100 members of this body to get the very best results. I would far rather—far rather—see this process take place, and send good bills to the President to sign or veto, than to see Senators simply abdicating our constitutional role in formulating the funding priorities for our Nation. The bad taste of recent years' goulash of appropriations, tax, and legislative vehicles all sloshed together in a single omnibus pot has not yet left my mouth. That is the easy way, but it is the wrong way. I didn't want a second or third helping, much less a fourth. It is loaded with empty calories, and full of carcinogens. Moreover, we are poisoning the institutional role of the U.S. Senate, rendering it weaker and weaker in influence and in usefulness. We are slowly eroding the Senate's ability to inform and to represent the people, and sacrificing its wisdom—the wisdom of the Senate—and its unique place in our Republic on the cold altar of ambition and expediency. All it takes is our will to see what we are doing and turn away from the course that we are on. I urge Senators to come together and do our work for our country.

I thank all Senators who have spoken on this subject today.

Mr. President, how many minutes do I have?

The PRESIDING OFFICER. Twelve minutes.

Mr. BYRD. Twelve minutes?

The PRESIDING OFFICER. Yes.

Mr. BYRD. I thank the Chair.

I yield the floor.

Mr. MOYNIHAN. Mr. President, will the revered Senator, who I like to think of as the President pro tempore, yield 5 minutes to this Senator?

Mr. BYRD. I yield 5 minutes—I yield all my remaining time to the Senator.

Mr. MOYNIHAN. Sir, I would like to speak to the matter that the Senator from West Virginia has addressed from the perspective of the Finance Committee. I think the Senator will agree that most of the budget of the Federal Government goes through the Finance Committee in terms of tax provisions, Social Security, Medicare, Medicaid, the interest on the public debt, which is a very large sum, which we do not debate much because we have to pay it.

The two committees—Finance and Appropriations—were formed at about the same time in our history and have had the preeminent quality that comes with the power of the purse, that primal understanding of the founders that this is where the responsibilities of government lie—to lay and collect taxes; to do so through tariffs, to do so through direct taxation.

We had an income tax briefly in the Civil War, but there was the judgment that we ought to amend the Constitution to provide for it directly.

Sir, I came to this body 24 years ago. I have learned that, as I shall retire in January—and, God willing, I will live until then—there will only have been 120 Senators in our history who served more terms. So they claim a certain experience.

I obtained a seat on the Finance Committee with that wondrous Senator from Rhode Island. We were in the same class, Senator Chafee and Senator Danforth and I. I obtained a seat as a first-time Senator, through the instrumentality of the new majority leader. I avow that. I acknowledge it. I am proud of it. I will take that with me from the Senate as few others.

I underwent an apprenticeship at the feet, if you will, of Russell Long, the then-chairman, who, for all his capacity for merriment, was a very strict observer of the procedures of this body and the prerogatives of the Finance Committee.

We brought bills to the floor. They were debated. They were debated at times until 4 in the morning. I can remember then-Majority Leader BYRD waking me up on a couch out in the Cloakroom to say, ''Your amendment is up, PAT,'' and my coming in, finding a benumbed body. The vote was aye, nay. It wasn't clear. It was the first time and the last in my life I asked for a division. And we stood up, and you could count bodies, but you could not hear voices.

Then we would go to conference with the House side. The conferees would be appointed. Each side would have conferees, each party. They each would have a say. We would sit at a table—sometimes very long times, but in time—and we would bring back a conference report and say: Here it is. And if anyone would like to know more about it, there are seven of us in this room who did the final negotiations with the House. It is all there. It is comprehensible. And it is following the procedures of the body.

I stayed on the committee, sir. This went on under Senator Dole as chairman; Senator Bentsen as chairman. I would like to think it went on during the brief 2 years that I was chairman.

In the 6 years since that time, I have seen that procedure collapse. In our committee, we have a very fine chairman. No one holds Senator ROTH in higher regard than I do. I think my friend recognized this when he saw the two of us stand here for 3 weeks on the floor to pass the legislation which he did not approve. Senator BYRD did not approve of permanent normal trade relations, but when it was all over, he had the graciousness as ever to say he did approve of the way we went about it. Every amendment was offered. Cloture was never invoked. And in the end, we had a vote, and the Senate worked its will.

Now, in the last several days in the Finance Committee, we have been working on major legislation, legislation for rebuilding American communities, which is based on an agreement reached between the President and the Speaker of the House that this is legislation we ought to have, which is fine. The President should have every opportunity to reach some agreement with the leadership over here and say: Let us have this legislation. You send it to me; I will sign it. But you send it to me; I won't write it. I might send you a draft.

We were not even contemplating bringing the bill to the floor, passing it, going to conference. It is just assumed that can't happen. And indeed, in the end, we could not even get it out of committee. So the chairman and I will introduce a bill and a rule XIV will have it held here at the desk so it is around when those mysterious powers sit down to decide what our national budget will be.

You spoke of something difficult to speak to but necessary in this body, which is our relations with the Executive, which increasingly have found themselves not just with a place at the table, as you have so gentlemanly put it, but a commanding, decisive role in the legislative process.

Sir, I can report—and I don't have to face constituents any longer, so I might just as well—I can recall around 11 o'clock one evening on the House side in the Speaker's conference room—that particular Speaker had a glass case with the head of an enormous Tyrannosaurus rex in it, a great dinosaur—and tax matters were being taken up. There were representatives of the White House, representatives of

the majority leadership in the House, the leadership in the Senate. I didn't really recognize any committee members, just leadership. And I arrived in the innocent judgment of something in which I wouldn't have a large part, but I would be expected to sign the papers, the conference papers the conferees sign, a ritual we all take great pleasure in because it means it is over.

Sir, I was asked to leave the room. I was asked to leave the room. There as a Member of the Senate minority, the ranking member of the committee, that decision was not going to have anything to do with the Finance Committee or much less the Democrats. It would be a White House and a congressional leadership meeting.

In 24 years, nothing like that had ever happened. I don't believe, sir, it ever happened. I can't imagine how we came to this. I do know how, from the point of view of our party—the calamitous elections of 1994, when we lost our majorities in both bodies.

So I would say, I do not believe in the two centuries we have been here—and we are the oldest constitutional government in history, but we have seen our constitutional procedures degrade. We have seen practices not ever before having taken place, nor contemplated. They are not the way this Republic was intended. They are subversive of the principles of our Constitution, the separation of power.

The separation of powers is the first principle of American constitutional government. We would not have a King or a King in Parliament. We would have an elected President, an elected Congress and an independent judiciary. When the White House is in the room drafting the bill that becomes the law, the separation of power has been violated in a way we should not accept.

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

Mr. MOYNIHAN. I yield the floor.

Mr. STEVENS. Mr. President, I apologize.

Mr. MOYNIHAN. I yield the floor to my distinguished friend, the chairman of the Appropriations Committee.

Mr. STEVENS. Mr. President, I wish to state that if there is no objection, the vote on the continuing resolution would occur at 4:15. I ask unanimous consent that that be the order.

The PRESIDING OFFICER. And that rule XII be waived.

Mr. STEVENS. Yes.

Mr. REID. Reserving the right to object, I ask permission for up to 5 minutes during that period of time.

Mr. STEVENS. I am pleased to yield to my friend 5 minutes of the time I have between now and 4:15.

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

Mr. BYRD. Mr. President, might the very distinguished and able Senator from New York have just 2 or 3 minutes to finish his statement?

Mr. STEVENS. I am pleased to yield to the Senator from New York 3 minutes.

Mr. MOYNIHAN. I thank the Senator from Alaska, my friend of all these years. Just to conclude my thought, which is that the separation of powers is what distinguishes American government. We brought it into being. It did not exist in any previous democratic regimes, the various Grecian cities, the Roman era had a legislature period. There was no executive authority. What Madison once referred to as the fugitive existence of the ancient republics was largely because they had no executive authority to carry out the decisions of the legislature. The legislature was left to be the executive as well. It didn't work.

We have worked. There are two countries on Earth, sir, that both existed in 1800 and have not had their form of government changed by violence since 1800: the United States and the United Kingdom. There are seven, sir, that both existed in 1900 and have not had their form of government changed by violence since. Many of the British dominions were not technically independent nations.

The separation of powers is the very essence of our system. We have seen it evanescing before us. I say evanescing because—the misty clouds over San Clemente, noise rising from the sea—because I was not in that room after I was asked to leave, nor was there any journalist, nor were there any of our fine stenographers. No one was there save a group of self-selected people. They weren't selected for that role. They should not have been playing it. This has gone on too long, and it ought to stop.

With that, sir, I thank my friend from Alaska and I yield the floor.

Mr. BYRD. Mr. President, I revere the Senator from New York. He came to the Senate in 1977. He went on the committee. What he has just said astonishes me—that he was asked to leave the room in this Republic—''a republic, Madam, if you can keep it.''

Mr. MOYNIHAN. Said Benjamin Franklin, yes.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I consider myself very fortunate today. Except for going to a conference here and there, and a few other things that had me go off the floor, I have had the opportunity to listen to almost everything that went on today, either from my seat in the Senate Chamber or in the Cloakroom. How fortunate I am.

The Senator from West Virginia is to be commended for initiating this debate on what American Government is all about. When the history books are written, people will review what took place during this debate, the high level of debate and the exchange between the Senator from New York and the Senator from West Virginia, both with years of wisdom, years of knowledge, and years of experience. People will look back at this consideration in the textbooks.

I stepped out to go over to the Senator's Interior Appropriations Subcommittee. The administration was there complaining about report language as to what the intent of the Congress was. It is hard for me to fathom they could do that. I don't want to embarrass anybody from the administration, but I spoke to two people from the administration. I said: What in the world are you trying to do? Are you trying to tell this subcommittee, this legislative entity, what our intent is? That is our responsibility as legislators, not this administration's responsibility. We have report language in bills so that people can look and find out what our intent is.

Mr. BYRD. So that the courts can also.

Mr. REID. The courts, or anybody else. If the administration doesn't like what we do, they can take it to court, and that report language will give that court an idea as to what we meant. I say to Senator BYRD and Senator MOYNIHAN, words cannot express how I feel.

As people have heard me say on the floor before, I am from Searchlight, NV. My father never graduated from eighth grade and my mother never graduated from high school. To be in the Senate of the United States and to work with Senator MOYNIHAN and Senator BYRD is an honor. It is beyond my ability to express enough my appreciation for this discussion that has taken place today. I hope it will create some sense in this body—maybe not for this Congress but hopefully for the next one—that we will be able to legislate as we are supposed to do it. I express my appreciation to both Senators.

Mr. BYRD. I thank the distinguished Senator.

Mr. MOYNIHAN. I thank my friend.

Mr. STEVENS. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Alaska has 8 minutes remaining.

Mr. STEVENS. Mr. President, I ask unanimous consent that Senator MURKOWSKI be recognized for up to 20 minutes and that Senator SESSIONS be recognized for up to 15 minutes following the two rollcalls that will soon take place.

Mr. REID. Mr. President, I didn't hear that request.

Mr. STEVENS. I am going to yield back the time I had so we can vote earlier. I agreed to yield time to two colleagues, to be used after the votes take place.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. STEVENS. Mr. President, having been a Senator who served in the minority, in the majority, and then in the minority, and again in the majority, I understand the discussion that has taken place here today full well. I have been a member of the Appropriations Committee for many years—not nearly as long as the Senator from West Virginia but for a long enough time to know that the appropriations process has to fit into the calendar as adjusted by the leadership.

We have done our best to do that this year. It does inconvenience many Senators whenever the appropriations process is shortened. I believe in full and long deliberation on appropriations bills. Mainly, I believe in bringing to the floor bills that have such uniform support on both sides of the aisle that there really isn't much to debate.

I think if the Members of the Senate will go back and look at the Defense Appropriations Committee bills since I became chairman, or when Senator INOUYE became chairman, we have followed that principle. Unfortunately, issues develop that are not bipartisan on many bills and they lead to long delays. In addition, the closer we get to an election period, the longer people want to talk or offer amendments that have been voted on again and again and again.

We have had a process here of trying to accommodate the time that has been consumed on major issues, such as the Patients' Bill of Rights and the PNTR resolution dealing with China, which took a considerable time out of our legislative process. We find ourselves sometimes on Thursday with cloture motions that have to be voted on the following Monday, and then we make it Tuesday and we lose a weekend. We have adjusted to the demands of many Senators.

I believe the Senator from West Virginia would agree that we have tried very hard in the Appropriations Committee to get our work done. Most of our bills were out of committee before we left for the recess in July. As a matter of fact, we had our two major bills, from the point of view of Defense—military construction and the Department of Defense appropriations bill—approved in really record time.

Mr. REID. Will my friend yield for a brief comment?

Mr. STEVENS. Yes.

Mr. REID. I want to make sure that any comments I have made do not reflect on the Senator from Alaska. I can't imagine anyone being more involved in trying to move the legislation forward than the Senator from Alaska. So none of the blame that is to go around here goes to the Senator from Alaska, as far as I am concerned.

Mr. STEVENS. I thank the Senator. I wasn't inferring that I received any comments or concern on my activity or the committee's, per se. I believe the process of the Senate, however, is one that involves the leadership adjusting to the demands of the Senate and to the demands of the times. A political year is an extremely difficult time for the leadership. Senator BYRD had leadership in several elections, and I had the same role as the Senator from Nevada—the whip—during one critical election period during which the leader decided to be a candidate and was gone. So I was acting leader during those days. I know the strains that exist.

I want to say this. I believe that good will in the Senate now is needed to finish our job. The American people want us to do our job. Our job is to finish these 13 bills that finance the standing agencies of the Federal Government and to do so as quickly as possible. Because of the holiday that starts in a few minutes for some of our colleagues, we will not meet tomorrow, and we cannot meet Saturday. So we will come back in Monday, and that will give us another 7 days to work on our bills.

The House has now passed the energy and water bill. We will file the Transportation and Interior bills—I understand those conferences are just about finished now—on Monday. We are working toward completion by the end of this continuing resolution. But let's not fool ourselves. If we got all these bills passed by next Friday, there would still have to be a continuing resolution because the President has a constitutional period within which to review the bills. He has 10 days to review them, not counting Sunday; so we are going to be in session yet for a considerable period of time—those of us involved in appropriations.

I urge the Senate to remember that circumstances can change. We could be in the minority next year, God forbid, and the leadership on the other side could be trying to move bills. And if the minority taught us some lessons about how to delay, I think we are fast learners. We have to remember that what comes around will go around. It is comity that keeps this place moving and doing its job.

I think all of us have studied under and learned from the distinguished Senator from West Virginia. He has certainly been a mentor to people on both sides of the aisle. He has taught us everything there is to know about the rules and how to use them. He has never abused them. I don't take the criticism that he has made other than to be of a process that we now find ourselves involved in. Our job is to work our way out of this dilemma. I hope we can. I hope we can do it in good grace and satisfy the needs of our President as he finishes his term. We have been working very hard at that since we came back from the August recess.

In my judgment, from the conversations I have had with Jack Lew, the Director of the Office of Management and Budget, there is a recognition of the tensions of the time and a willingness to try to accommodate the conflicting needs of the two major parties in an election year. That is what we are trying to do.

I hope we will vote to adopt this continuing resolution and that Members will enjoy the holiday that is given to us by our Jewish colleagues. We will come back Monday ready to work.

I fully intend to do everything I can to get every bill we have to the President by a week from tomorrow. That may not be possible, but that is our goal, and I expect to have the help of every Senator who wants to see us do our constitutional duty, and that is to pass these bills.

Does the Senator wish any further time?

Mr. REID. If the Senator will yield, I ask unanimous consent that following the two Republican Senators there be allowed to speak in morning business: Senator FEINGOLD for 30 minutes and Senator MIKULSKI for 35 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. I am compelled to object because I want to state to the Senator that I took our time and allotted it after——

Mr. REID. I said after the Republican speakers.

Mr. STEVENS. I don't know what the leader intends to do after that time. I have no indication that he wishes to object, but I don't know. In a very short time our Jewish friends must be home before sundown. I don't think there is going to be objection, but I am not at liberty to say.

Mr. REID. Senator FEINGOLD, of course, is Jewish and he would handle that on his own. Anyway, fine. I think it is sundown tomorrow, anyway.

Mr. STEVENS. I thought it was sundown tonight.

Mr. REID. No. Some people just want to leave to get ready for sundown tomorrow.

Mr. STEVENS. I don't see any reason to object.

Mr. REID. If the leader has something else he wants to do, of course that will take precedence. But before we leave tonight, they would like to have the opportunity to speak.

Mr. STEVENS. I am compelled to say this: Under the practice we have been in so far, the Senator's side of the aisle has consumed 6 hours today, and we have consumed about 40 minutes, at the most. There is a process of sort of equalizing this time. I would be pleased to take into account anyone who has to leave town, but can we do that after this time? I promise the Senator I will help work this out.

Mr. REID. We will talk after the first vote. I will renew the request after the first vote.

Mrs. MURRAY. Mr. President, I've come to the floor to join my colleagues in discussing where our annual budgeting process stands.

We are just three days away from the start of the new fiscal year, and the Senate is far behind in its work. The resulting rush is leading some to short-circuit our usual appropriations process. Like so many of my colleagues, I am dismayed that Senators are being denied the opportunity to fully consider and debate these appropriations bills.

I want to commend Senator BYRD for his comments today. Senator BYRD is once again speaking for the United States Senate. His comments are neither Republican nor Democrat. With his usual elegance and candor, Senator BYRD is championing this institution, and we should all commend him for that. The Senate that he defends so passionately is one that works for both parties; works for all Senators; and most importantly, works for the American people.

Time and again during my eight years of service in this body, I have made the walk from my office to this floor. And each time, I bring with me a certain excitement and anticipation for the great opportunity the people of Washington state have given me to represent them as we debate issues from education to foreign policy to health care.

Unfortunately, there have been very few opportunities to come to this floor and engage in meaningful debate. Too often, the majority has sought to either stifle or deny debate on the issues Americans care about. On the rare occasions when we have had debates, they have not resulted in meaningful legislation that has a chance of being signed into law.

For example, the Senate spent several weeks debating the Elementary and Secondary Education act. We debated the issues, and we cast tough votes on the ESEA bill. But, for some reason, the bill was shelved by the majority. Now it looks certain to die as the Congress tries to adjourn quickly in this election year.

As we watch the clock tick toward the end of the fiscal year this weekend, only two of the 13 appropriations bills have been signed into law. We now find ourselves in an unnecessary impasse. The breakdown in this year's appropriations process did not happen overnight. It is not merely the result of election eve politicking, or jockeying for position between the Executive and Legislative branches, although there are plenty of both going on.

No, the breakdown of the fiscal year 2001 appropriations process can be traced back to the opening days of this session of Congress in January. Back then, the House and Senate leadership promptly fell into disarray over the handling of the President's request for a supplemental spending bill. You may recall that the President requested $5 billion in supplemental fiscal year 2000 funding. The House subsequently passed a $12.8 billion supplemental funding bill—more than twice what the President had requested. The Senate Appropriations Committee, at the behest of the Senate Majority Leader, shelved plans to draw up a separate supplemental funding bill. Instead, the Senate attached a total of $8.6 billion in supplemental funding onto three regular appropriations bills—Military Construction, Foreign Operations, and Agriculture appropriations. The Majority Leader's plan was to have all three bills enacted into law by the Fourth of July holiday. Needless to say, things did not quite go as planned.

Despite weeks of congressional wrangling, the three bills in the Senate could not be reconciled with the one bill in the House. Finally—in desperation—the House and Senate ended up jamming $11.2 billion in supplemental funding into the conference on the FY 2001 Military Construction Appropriations Bill. Much of that funding had never seen the light of day in either the House or Senate. The conference report was approved on June 30, and became the first of the FY 2001 appropriations bill signed into law. With the exception of the swift and relatively smooth passage of the Defense Appropriations Bill a month later, the FY 2001 appropriations process has gone from bad to worse. We now find ourselves in the intolerable position of having 11 of the 13 appropriations bills still pending—with two days to go before the end of the fiscal year, and no clear game plan in sight. The House has passed all of the regular appropriations bills. And the Senate Appropriations Committee—on which I serve—has reported all 13 regular appropriations bills. But only 10 of these 13 bills have been passed by the Senate. Once again, desperation is setting in. The focus is shifting from the flow of open debate on the Senate floor to the closed doors of the conference committees.

Just last week, the Senate leadership attempted to attach the Treasury and General Government Appropriations bill—which the Senate has never considered—to the Legislative Branch conference report, and pass them as a package deal. The Senate was wise to reject that approach. The Senate should have an opportunity to fully consider these three significant appropriations bills. To abandon the reasoned debate this chamber is known for would represent a full surrender by this body of our responsibilities to the American people.

Mr. President, there are many pressing issues from programs for veterans healthcare and the courts to the National Weather Service. We should be able to debate these funding plans and then vote for or against them. Mr. President, it doesn't have to be this way. The Senate still has time to take up the remaining appropriations bills, debate them, amend them, and send them to the President. They may be contentious. But that is precisely why they must be aired in the light of day before the entire Senate and not swept into law under the cover of an unrelated appropriations conference report.

If the Senate acts promptly, the conferees will have ample time to complete their work, and report back to the full House and Senate. As a member of the Senate Appropriations Committee, I am acutely aware of our responsibilities to the people of this nation when it comes to appropriating taxpayers' dollars. I take that responsibility very seriously. The people have a right to know what Congress is doing with their money. And members of Congress have a responsibility to appropriate money wisely.

We cannot do our jobs or meet our responsibilities, if we delegate our work to a handful of appropriators hammering out a conference agreement, or to a closed circle of congressional leaders and White House officials huddling over a conference table.

Mr. President, we are poised to pass a Continuing Resolution that will keep the government operating through October 6. I believe that if we could put aside political posturing, partisan bickering, and retaliatory tactics for just one week, just one week, we could complete work on the appropriations bills, in an orderly and responsible fashion, and close out this Congress. We may not have accomplished all that we would have wished to accomplish. But I am confident that continued bickering over the appropriations process in the waning days of the 106th Congress will not improve the climate for any other legislation to move forward.

Mr. President, the American people deserve more than this mess from their elected leaders. I know the Senate can do better. In the days ahead, I urge my colleagues to work with our leaders and with the leadership of the Appropriations Committee, to tackle the remaining appropriations bills and conference reports, to debate, to vote, and to complete the work that we have been charged to do.

Though time is running out, it is not too late to make these spending decisions in the most responsible way, and that is what I am calling on my colleagues to do.

Mr. STEVENS. I think the time has come for us to ask that this resolution be presented to the Senate for a vote. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the joint resolution.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) and the Senator from Wyoming (Mr. THOMAS) are necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

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

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

[Rollcall Vote No. 259 Leg.]

YEAS—96

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

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

NOT VOTING—4

Feinstein	McCain
Lieberman	Thomas

The joint resolution (H.J. Res. 109) was passed.

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

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

AMERICAN COMPETITIVENESS IN THE TWENTY-FIRST CENTURY ACT OF 2000

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant 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, do hereby move to bring to a close debate on the pending first-degree amendment (No. 4177) to Calendar No. 490, S. 2045, a bill to amend the Immigration and Nationality Act with respect to H–1B non-immigrant aliens:

Trent Lott, Gordon Smith of Oregon, Judd Gregg, Wayne Allard, Conrad Burns, Craig Thomas, Rick Santorum, Thad Cochran, Bob Smith of New Hampshire, Spencer Abraham, Kay Bailey Hutchison, Connie Mack, George Voinovich, Larry Craig, James Inhofe, and Jeff Sessions.

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on amendment No. 4177 to S. 2045, a bill to amend the Immigration and Nationality Act with respect to H–1B non-immigrant aliens, shall be brought to a close? The yeas and nays are required under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) and the Senator from Wyoming (Mr. THOMAS) are necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mrs. MURRAY) would vote ''aye.''

The yeas and nays resulted—yeas 92, nays 3, as follows:

[Rollcall Vote No. 260 Leg.]

YEAS—92

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

NAYS—3

Hollings	Reed	Wellstone

NOT VOTING—5

Feinstein	McCain	Thomas
Lieberman	Murray	

The PRESIDING OFFICER. On this vote the yeas are 92, the nays are 3. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. MURKOWSKI. Mr. President, may I ask about the order and the unanimous consent that is pending?

The PRESIDING OFFICER. The Senator now has 20 minutes.

Mr. MURKOWSKI. I thank the Chair.

OIL CRISIS

Mr. MURKOWSKI. Mr. President, I have had a series of discussions with my colleagues on the energy crisis in this country.

I think it is fair to make a broad statement relative to the crisis. The crisis is real. We have seen it in our gasoline prices. We saw it last week when oil hit an all-time high of $37 a barrel—the highest in 10 years. And now we are busy blaming each other for the crisis.

I think it is fair to say that our friends across the aisle have taken credit for the economy because it occurred during the last 7 years. I also think it is fair that our colleagues take credit for the energy crisis that has occurred because they have been here for the last 7 years.

I have talked about the Strategic Petroleum Reserve, what I consider the insignificance of the drawdown, and the signal that it sends to OPEC that, indeed, we are vulnerable at 58-percent dependence on imported oil. That sends a message that we are willing to go into our savings account.

What did we get out of that? We got about a 3- to 4-day supply of heating oil. That is all. We use about a million barrels of heating oil a day during the winter. That has to be taken out of the Strategic Petroleum Reserve in crude form—30 million barrels—and transferred to the refineries which are already operating at capacity because we haven't had any new refineries built in this country in the last 15 to 20 years.

This is not the answer.

I am going to talk a little bit about one of the answers that should be considered by this body and has been considered before. In fact, in 1995, the issue of opening up that small area of the Coastal Plain, known as ANWR, came before this body. We supported it. The President vetoed it. If we had taken the action to override that veto of the President, or if the President had supported us, we would know what is in this small area of the Coastal Plain. When I say ''small area,'' I implore my colleagues to reflect on the realities.

Here is Alaska—one-fifth the size of the United States. If you overlay Alaska on the map of the United States, it runs from Canada to Mexico, and Florida to California. The Aleutian Islands go thousands of miles further. There is a very small area near the Canadian border. When I say ''small,'' I mean small in relationship to Alaska with 365 million acres.

But here we have ANWR in a little different proportion. This is where I would implore Members to understand realities. This is 19 million acres. This is the size of the State of South Carolina.

A few of the experts around here have never been there and are never going to go there in spite of our efforts to get them to go up and take a look.

Congress took responsible action. In this area, they created a refuge of 9 million acres in permanent status. They made another withdrawal—only they put it in a wilderness in permanent status with 78.5 million acres, leaving what three called the 1002 area, which is 1½ million acres.

That is this Coastal Plain. That is what we are talking about.

This general area up here—Kaktovik—is a little Eskimo village in the middle of ANWR.

They say this is the ''Serengeti.'' There is a village in it. There are radar sites in it. To suggest it has never been touched is misleading.

Think for a moment. Much has been made of the crude oil prices dropping $2 a barrel when the President tapped the Strategic Petroleum Reserve and released 30 million barrels of oil.

While I believe the price drop will only be temporary, I ask my fellow Senators what the price of crude oil would be today if the President had not vetoed opening up ANWR 6 years ago. It would have been at least $10 less because we would have had another million-barrel-a-day supply on hand.

What would prices be if OPEC and the world knew that potentially 1 to 2 million barrels a day of new oil was coming out of the ANWR Coastal Plain, and not only for 3 or 4 or 15 days, but for decades?