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No. 139

House of Representatives

The House met at 6 p.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: Lord of the Sabbath, God of creation and our redemption, we praise You and we bless You as this weekend draws to a close.

In places of worship, Your people have gathered to reflect on Your word and offer You thanks for Your many blessings showered across this vast Nation.

Be with us now in the spirit of peace.

May the endeavors of this evening help bring the work of this Congress to its completion, so that, united in faith

and with our families, we may enter into Your rest.

You are with us now and forever.
Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. McNULTY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote

on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. McNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

NOTICE—OCTOBER 23, 2000

A final issue of the Congressional Record for the 106th Congress, 2d Session, will be published on November 29, 2000, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT-60 or S-123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through November 28. The final issue will be dated November 29, 2000, and will be delivered on Friday, December 1, 2000.

None of the material printed in the final issue of the Congressional Record may contain subject matter, or relate to any event that occurred after the sine die date.

Senators' statements should also be submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at "Records@Reporters".

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By order of the Joint Committee on Printing.

WILLIAM M. THOMAS, *Chairman*.

This symbol represents the time of day during the House proceedings, e.g., 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



Printed on recycled paper.

H11491

The vote was taken by electronic device, and there were—yeas 286, nays 42, not voting 104, as follows:

[Roll No. 574]

YEAS—286

Aderholt	Gallegly	Norwood
Andrews	Ganske	Nussle
Army	Gekas	Obey
Baca	Gephardt	Ortiz
Bachus	Gibbons	Ose
Baker	Gilchrest	Packard
Baldacci	Gonzalez	Pascarell
Baldwin	Gordon	Paul
Ballenger	Goss	Payne
Barcia	Graham	Pease
Barrett (NE)	Granger	Pelosi
Barrett (WI)	Green (TX)	Peterson (PA)
Bartlett	Green (WI)	Petri
Barton	Hall (OH)	Phelps
Bass	Hall (TX)	Pickering
Bentsen	Hansen	Pitts
Berkley	Hastings (WA)	Pombo
Berman	Hayes	Pomeroy
Berry	Hayworth	Porter
Biggert	Herger	Portman
Billirakis	Hill (IN)	Price (NC)
Blagojevich	Hill (MT)	Radanovich
Bliley	Hilleary	Rahall
Blumenauer	Hinojosa	Rangel
Blunt	Hobson	Regula
Boehler	Hoeffel	Reyes
Boehner	Hoekstra	Reynolds
Bonilla	Holden	Rivers
Bonior	Hoolley	Rodriguez
Bono	Horn	Roemer
Boswell	Hostettler	Rogan
Boyd	Houghton	Rogers
Brady (TX)	Hunter	Rohrabacher
Brown (OH)	Hutchinson	Ros-Lehtinen
Bryant	Inslee	Roukema
Burr	Isakson	Roybal-Allard
Burton	Istook	Royce
Buyer	Jackson (IL)	Rush
Callahan	Jefferson	Ryan (WI)
Calvert	Jenkins	Ryun (KS)
Camp	John	Salmon
Canady	Johnson, Sam	Sanders
Cannon	Jones (NC)	Sandlin
Capps	Jones (OH)	Sanford
Cardin	Kelly	Sawyer
Carson	Kildee	Saxton
Castle	Kind (WI)	Scarborough
Chabot	King (NY)	Scott
Chambliss	Kleczka	Sensenbrenner
Clement	Knollenberg	Serrano
Coble	Kuykendall	Sessions
Collins	LaHood	Shadegg
Combest	Lampson	Sherman
Cook	Largent	Sherwood
Cox	Larson	Shimkus
Coyne	Leach	Shows
Cramer	Levin	Simpson
Cubin	Lewis (CA)	Sisisky
Cummings	Lewis (KY)	Skeen
Cunningham	Linder	Skelton
Davis (FL)	Lofgren	Smith (MI)
Davis (VA)	Lucas (KY)	Smith (NJ)
Deal	Lucas (OK)	Smith (TX)
DeGette	Luther	Smith (WA)
DeLauro	Manzullo	Souder
DeLay	Markey	Spence
DeMint	Mascara	Stearns
Deutsch	Matsui	Strickland
Diaz-Balart	McCarthy (MO)	Stump
Dicks	McCarthy (NY)	Sununu
Dingell	McCrery	Tanner
Dixon	McHugh	Tauscher
Doggett	McKeon	Tauzin
Doolittle	McKinney	Taylor (NC)
Doyle	McNulty	Terry
Dreier	Meeks (NY)	Thomas
Duncan	Mica	Thornberry
Dunn	Miller (FL)	Thune
Edwards	Miller, Gary	Thurman
Ehlers	Minge	Tiahrt
Ehrlich	Mink	Tierney
Emerson	Moakley	Toomey
Eshoo	Mollohan	Trafficant
Etheridge	Moore	Turner
Evans	Morella	Udall (CO)
Everett	Murtha	Upton
Ewing	Myrick	Vitter
Farr	Nadler	Walden
Fletcher	Napolitano	Walsh
Foley	Nethercutt	Wamp
Frelinghuysen	Ney	Waters
Frost	Northup	Watt (NC)

Waxman
Weldon (FL)
Weldon (PA)
Wexler

Whitfield
Wilson
Wolf
Woolsey

Young (AK)
Young (FL)

year 2001 for the Departments of Labor, Health and Human Services, and Education.

The form of the motion is as follows:

Mr. HOLT moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 4577, be instructed to insist on disagreeing with provisions in the Senate amendment which denies the President's request for dedicated resources for local school construction and, instead, broadly expands the Title VI Education Block Grant with limited accountability in the use of funds.

NAYS—42

Baird	Jackson-Lee	Peterson (MN)
Bilbray	(TX)	Ramstad
Borski	Kingston	Rothman
Brady (PA)	Kucinich	Sabo
Capuano	Latham	Schaffer
Clyburn	Lee	Schakowsky
Coburn	LoBiondo	Stenholm
Condit	McDermott	Taylor (MS)
Costello	McGovern	Thompson (CA)
DeFazio	Miller, George	Udall (NM)
English	Moran (KS)	Weller
Filner	Neal	Wicker
Gejdenson	Oberstar	Wu
Gutknecht	Olver	
Holt	Pastor	

NOT VOTING—104

Abercrombie	Goodling	Menendez
Ackerman	Greenwood	Metcalf
Allen	Gutierrez	Millender-
Archer	Hastings (FL)	McDonald
Barr	Hefley	Moran (VA)
Becerra	Hilliard	Owens
Bereuter	Hinchee	Oxley
Bishop	Hoyer	Pallone
Boucher	Hulshof	Pickett
Brown (FL)	Hyde	Pryce (OH)
Campbell	Johnson (CT)	Quinn
Chenoweth-Hage	Johnson, E. B.	Riley
Clay	Kanjorski	Sanchez
Clayton	Kaptur	Shaw
Conyers	Kasich	Shays
Cooksey	Kennedy	Shuster
Crane	Kilpatrick	Slaughter
Crowley	Klink	Snyder
Danner	Kolbe	Spratt
Davis (IL)	LaFalce	Stabenow
Delahunt	Lantos	Stark
Dickey	LaTourette	Stupak
Dooley	Lazio	Sweeney
Engel	Lewis (GA)	Talent
Fattah	Lipinski	Tancredo
Forbes	Lowey	Thompson (MS)
Ford	Maloney (CT)	Towns
Fossella	Maloney (NY)	Velazquez
Fowler	Martinez	Visclosky
Frank (MA)	McCollum	Watkins
Franks (NJ)	McInnis	Watts (OK)
Gillmor	McIntosh	Weiner
Gilman	McIntyre	Weygand
Goode	Meehan	Wise
Goodlatte	Meek (FL)	Wynn

1823

So the Journal was approved.
The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. THORNBERRY). Will the gentleman from Kansas (Mr. TIAHRT) come forward and lead the House in the Pledge of Allegiance.

Mr. TIAHRT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 4577, DEPARTMENT OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. HOLT. Mr. Speaker, pursuant to clause 7(c) of House rule XXII, I hereby announce my intention to offer a motion to instruct conferees on H.R. 4577, a bill making appropriations for fiscal

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 4577, DEPARTMENT OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. WU. Mr. Speaker, pursuant to clause 7(c) of House rule XXII, I hereby notify the House of my intention tomorrow to offer the following motion to instruct conferees on H.R. 4577, a bill making appropriations for fiscal year 2001 for the Departments of Labor, Health and Human Services, and Education.

The form of the motion is as follows:

Mr. WU moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 4577, be instructed to insist on disagreeing with provisions in the Senate amendment which denies the President's request for dedicated resources to reduce class size in the early grades and instead, broadly expands the Title VI Education Block Grant with limited accountability in the use of funds.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and that I may include tabular and extraneous material, on H.J. Res. 119.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2001

Mr. YOUNG of Florida. Mr. Speaker, pursuant to the provisions of House Resolution 646, I call up the joint resolution (H.J. Res. 119) making further continuing appropriations for the fiscal year 2001, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 119 is as follows:

H.J. RES. 119

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 106-275,

is further amended by striking the date specified in section 106(c) and inserting "October 30, 2000".

The SPEAKER pro tempore. Pursuant to House Resolution 646, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair will recognize the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is another one of those one-day CRs. We find ourselves here in the House Chamber on Sunday night because the President of the United States refuses to sign a continuing resolution longer than 24 hours. This resolution is to provide for one more day of continuing government funding until tomorrow night.

I would report briefly that the negotiations are ongoing this afternoon, negotiations with both parties and both Houses of the Congress. We will be meeting with the representatives of the White House later tonight. We would make every effort possible to conclude those negotiations sometime before tomorrow morning and hopefully be able to write this final bill and to file it in the House sometime tomorrow night and possibly have it on the floor Tuesday. That is why we are here tonight, Mr. Speaker.

Mr. Speaker, I reserve the balance of my time.

1830

Mr. OBEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, while I am told the Packers lost, my only consolation is I guess the Vikings did too.

Mr. Speaker, we are now faced with the need to pass the eighth continuing resolution, I believe, of the year. Well, let me back up and just make an observation.

The gentleman from Florida (Mr. YOUNG) said we are here tonight because the President refused to sign any continuing resolution longer than 1 day. Let me respectfully disagree with that statement. We are here because the House worked all year, diligently, and passed all 13 appropriation bills.

The problem is that those bills had no attachment to reality. Those bills were fashioned, as they were, in order to allow the majority to continue its pretense that the surpluses would be large enough that we could provide very large tax cuts and still balance the budget and pay down the debt and provide all of the funding that the Congress intended to provide for its discretionary programs. The Congress, in the month of October, at least the House itself, did not finish action on a single appropriation bill, and now we are faced with the necessity to do a year's worth of work in 1 month's time.

The reason the President indicated he would not sign continuing resolutions longer than 1 day is because virtually no progress was made for the

first month after he had signed a series of longer continuing resolutions, and he felt that it was necessary to try to bring things to a head so that this body would in fact get its work done. Article I of the Constitution gives us the requirement to get our work done on basic things like the budget. The Congress has not done so. There are a number of bills that still have not yet gone to the President's desk.

So now we not only are dragging in terms of schedule, but because a whole range of other issues were not dealt with by this House and by the authorizing committees, we now have 313 separate authorization items which we are being asked to include in this bill by various persons within this institution. We are supposed to go through all of those items between 6:30 tonight and 10 o'clock tonight.

I am going to let somebody else say with a straight face that they will know what they are doing in dealing with all of those bills. I am one of the four that is supposed to deal with them, and I certainly do not know what all of them are.

The good Senator can tell me to stop speaking if he wants, but he is a guest in this House. Let me simply say that I am not going to stop speaking until I have finished my statement.

I would simply ask Members to recognize that this is not a responsible way to run a railroad. I hope it never happens again, and I would hope that tonight, as we enter that room, that we have a flexible response from the Republican leadership to the White House offer yesterday to end this impasse.

The White House has laid out a fairly straightforward proposition for ending the divisions, at least on the major bill that divides us, the Labor-Health-Education bill. I would hope that we would have flexibility on the part of both sides as we are in those negotiations.

Mr. Speaker, let me simply say I regret as much as anyone the fact that Members have to be kept here, but had we had a series of honest appropriation bills and sensible orders from the House leadership to begin with over the first 8 months of this year, all of this chaos would not be necessary.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to reiterate, we could have passed a continuing resolution on Friday that would have kept us going until Monday night, and Members could have been home Saturday and Sunday in their districts tending to their district business. But the President refused to sign one that would take us until Monday night, so we are here doing it on Sunday to get to Monday night. So that is the real reason.

Regarding the argument that my friend, the gentleman from Wisconsin (Mr. OBEY), makes about where we are in the process, the House Committee

on Appropriations had concluded all of its appropriations bills in July, early July, and we had them all through on the floor. We had them all through on the floor, and 12 of the 13 were passed through this House. The 13th was prepared to be passed, but it was pulled off of the schedule in July, and we did not take it up again until we came back from the August recess.

The House has done its job. But what has happened here, as the gentleman from Wisconsin (Mr. OBEY) has mentioned, is how many requests we have had from Members of the House on both sides of the aisle, Members of the Senate on both sides of the aisle, from the President of the United States, some of them just coming over, many slipped in the doorway in the last couple of days. So we have had to deal with all of these issues.

That, plus the fact that we have spent hour after hour, day after day, on amendments to bills in the House that had nothing to do with an appropriations bill, that were not germane, that were subject to a point of order; but as a courtesy to the minority, we allowed them hours and hours and hours of extra time on those amendments that we knew were not even in order. In fact, in most cases, the sponsor of the amendment withdrew the amendment after the delaying tactics of using up that time.

Now, that is why we are here. Let us be honest about it. We are here because the President will sign only a one-day CR per day, and we are here because there have been certain delaying tactics that have kept this House behind its appointed schedule.

Now, we ought to get this CR through here quickly so the other body can pass it tonight and the President can have it and sign it in time for the government to continue tomorrow.

There is another reason. Every hour that we spend on this floor now takes the gentleman from Wisconsin (Mr. OBEY) and myself, who are negotiators for the House, away from the negotiating table. We have Senators waiting in another room, waiting for us to come back to try to continue those negotiations, to go over the list of requests made by our colleagues here in the House, to see if we can agree to them or if we cannot agree to them.

So these unnecessary delays are keeping us from concluding our business. That is one reason that the gentleman from Wisconsin (Mr. OBEY) and I, whether we like it or not, are going to be here until the late hours tonight, Sunday night, and probably into the early hours of Monday morning, if we are going to get this product completed and filed by tomorrow night.

Mr. Speaker, I wanted to advise the gentleman from Wisconsin (Mr. OBEY) that at this point I have no further requests for time and will reserve the balance of my time so that we can conclude this CR.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do not want to prolong this, because the gentleman and I need to get back to the negotiations, but I do want to respond to one point he said. He has made much of the fact that the majority was so kind and gracious that they gave the minority an opportunity to debate amendments which were not in order.

Let me say that that itself is the problem, because the majority used the Committee on Rules to prevent us from offering amendments that would have made those appropriation bills real. They prevented us from offering those amendments because they knew if we brought them to the floor they would have enough Republican support, along with our support, to pass. So, instead of giving us the opportunity to get a vote on items that we thought were necessary, they said, no, we will not give you the right to vote on them. All we will do is give you an opportunity to talk on them for a little bit. So that was the second best option. It was the only option we were given.

So I think, in fact, the gentleman's remarks illustrate how arbitrary the majority was in assuring that the minority would never be able to produce amendments that would make these bills real. That is why we are stuck here tonight.

The other point I would simply make is that the majority has now passed appropriation bills which have taken these bills billions of dollars above the level of the amendments that we tried to offer that they said were not in order in the first place because they supposedly exceeded the budget resolution. The majority itself has now exceeded their own budget resolution by almost \$40 billion. So the idea that somehow we had a real legislative process going on on those 13 bills is a joke.

Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just wanted to make the point that all of the appropriations bills that we brought to the House floor were under an open rule, an open rule, and the rules of the House prevailed.

I would just like to say to my friend, the gentleman from Wisconsin (Mr. OBEY), that when we did allow that extra time of debate on amendments that were not even in order, that is the courtesy we showed to the minority that when they were the majority party they never showed to us.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Wisconsin.

MR. OBEY. Mr. Speaker, that is a distinction without meaning, because the fact is the gentleman says we were given amendments that we could offer under an open rule. But in fact that

was a closed rule, because of the nature of the budget resolution, which was so artificially low in order to make room for your "let's-pretend-tax-cut," that the rules were then used to preclude us from offering amendments that otherwise would have been in order under an open rule, and you know that as well as I do.

Mr. YOUNG of Florida. Mr. Speaker, reclaiming my time, that is a good spin on that subject, but check the record. They were open rules.

Mr. Speaker, I just ask for a vote on the CR, so we can get about the rest of our business tonight.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. THORNBERRY). All time for debate has expired.

The joint resolution is considered as having been read for amendment.

Pursuant to House Resolution 646, the previous question is ordered.

The question is on engrossment and third reading of the resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 342, nays 7, not voting 83, as follows:

[Roll No. 575]

YEAS—342

Ackerman	Brown (OH)	DeLay
Aderholt	Bryant	DeMint
Andrews	Burr	Deutsch
Armey	Burton	Diaz-Balart
Baca	Buyer	Dicks
Bachus	Callahan	Dixon
Baker	Calvert	Doggett
Baldacci	Camp	Doolittle
Baldwin	Canady	Doyle
Ballenger	Cannon	Dreier
Barcia	Capps	Duncan
Barrett (NE)	Cardin	Dunn
Barrett (WI)	Carson	Edwards
Bartlett	Castle	Ehlers
Bass	Chabot	Ehrlich
Bentsen	Chambliss	Emerson
Berkley	Chenoweth-Hage	Engel
Berman	Clement	English
Berry	Clyburn	Eshoo
Biggart	Coble	Etheridge
Bilbray	Coburn	Evans
Bilirakis	Collins	Everett
Blagojevich	Combest	Ewing
Bliley	Condit	Farr
Blumenauer	Cook	Fattah
Blunt	Cox	Filner
Boehlert	Coyne	Fletcher
Boehner	Cramer	Foley
Bonilla	Cubin	Fossella
Bonior	Cummings	Frelinghuysen
Bono	Cunningham	Frost
Borski	Davis (FL)	Gallegly
Boswell	Davis (VA)	Ganske
Boyd	Deal	Gejdensen
Brady (PA)	DeGette	Gekas
Brady (TX)	DeLauro	Gephardt

Gibbons	Matsui	Ryun (KS)
Gilchrest	McCarthy (MO)	Sabo
Gilman	McCarthy (NY)	Salmon
Gonzalez	McCrery	Sanders
Goode	McDermott	Sandlin
Goodlatte	McGovern	Sanford
Goodling	McHugh	Sawyer
Gordon	McKeon	Saxton
Goss	McKinney	Scarborough
Graham	McNulty	Schaffer
Granger	Meeks (NY)	Schakowsky
Green (TX)	Mica	Scott
Green (WI)	Millender	Sensenbrenner
Gutknecht	McDonald	Serrano
Hall (OH)	Miller (FL)	Sessions
Hall (TX)	Miller, Gary	Shadegg
Hansen	Minge	Sherman
Hastings (WA)	Mink	Sherwood
Hayes	Moakley	Shimkus
Hayworth	Mollohan	Shows
Herger	Moore	Simpson
Hill (IN)	Moran (KS)	Sisisky
Hill (MT)	Morella	Skeen
Hilleary	Murtha	Skelton
Hinojosa	Myrick	Slaughter
Hobson	Nadler	Smith (MI)
Hoeffel	Napolitano	Smith (NJ)
Hoekstra	Neal	Smith (TX)
Holden	Nethercutt	Smith (WA)
Holt	Ney	Souder
Hooley	Northup	Spence
Horn	Norwood	Stabenow
Hostettler	Nussle	Stearns
Hoyer	Oberstar	Stenholm
Hunter	Obey	Strickland
Hutchinson	Olver	Stump
Hyde	Ortiz	Sununu
Inslee	Ose	Sweeney
Isakson	Packard	Tanner
Istook	Pallone	Tauscher
Jackson (IL)	Pascarell	Tauzin
Jackson-Lee	Pastor	Taylor (MS)
(TX)	Paul	Taylor (NC)
Jefferson	Payne	Terry
Jenkins	Pease	Thomas
John	Pelosi	Thompson (CA)
Johnson, Sam	Peterson (MN)	Thornberry
Jones (NC)	Peterson (PA)	Thune
Jones (OH)	Petri	Thurman
Kelly	Phelps	Tiahrt
Kildee	Pickering	Tierney
Kind (WI)	Pitts	Toomey
King (NY)	Pombo	Towns
Kingston	Pomeroy	Traficant
Klecza	Porter	Turner
Knollenberg	Portman	Udall (CO)
Kucinich	Price (NC)	Udall (NM)
Kuykendall	Pryce (OH)	Upton
LaHood	Quinn	Velazquez
Lampson	Radanovich	Vitter
Largent	Rahall	Walden
Larson	Ramstad	Walsh
Latham	Rangel	Wamp
Leach	Regula	Waters
Lee	Reyes	Watt (NC)
Levin	Reynolds	Waxman
Lewis (CA)	Rivers	Weldon (FL)
Lewis (KY)	Rodriguez	Weldon (PA)
Linder	Roemer	Weller
LoBiondo	Rogan	Wexler
Lofgren	Rogers	Whitfield
Lowey	Rohrabacher	Wicker
Lucas (KY)	Ros-Lehtinen	Wilson
Lucas (OK)	Rothman	Wolf
Luther	Roukema	Woolsey
Maloney (NY)	Roybal-Allard	Wu
Manzullo	Royce	Young (AK)
Markey	Rush	Young (FL)
Mascara	Ryan (WI)	

NAYS—7

Baird	Costello	Miller, George
Barton	DeFazio	
Capuano	Dingell	

NOT VOTING—83

Abercrombie	Cooksey	Gillmor
Allen	Crane	Greenwood
Archer	Crowley	Gutierrez
Barr	Danner	Hastings (FL)
Becerra	Davis (IL)	Hefley
Bereuter	Delahunt	Hilliard
Bishop	Dickey	Hinchee
Boucher	Dooley	Houghton
Brown (FL)	Forbes	Hulshof
Campbell	Ford	Johnson (CT)
Clay	Fowler	Johnson, E. B.
Clayton	Frank (MA)	Kanjorski
Conyers	Franks (NJ)	Kaptur

Kasich	McIntosh	Snyder
Kennedy	McIntyre	Spratt
Kilpatrick	Meehan	Stark
Klink	Meek (FL)	Stupak
Kolbe	Menendez	Talent
LaFalce	Metcalfe	Tancredo
Lantos	Moran (VA)	Thompson (MS)
LaTourette	Owens	Visclosky
Lazio	Oxley	Watkins
Lewis (GA)	Pickett	Watts (OK)
Lipinski	Riley	Weiner
Maloney (CT)	Sanchez	Weygand
Martinez	Shaw	Wise
McCollum	Shays	Wynn
McInnis	Shuster	

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So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. MALONEY of Connecticut. Mr. Speaker, I was unavoidably detained during rollcall vote No. 574. Had I been present I would have voted "yea."

Additionally, I was unavoidably detained during rollcall vote No. 575. Had I been present I would have voted "yea".

PERSONAL EXPLANATION

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, on rollcall Nos. 574 and 575 I missed votes due to an airline delay. Had I been present, I would have voted "yea" on both.

PERSONAL EXPLANATION

(Mr. HINCHEY asked and was given permission to address the House for 1 minute.)

Mr. HINCHEY. Mr. Speaker, as a result of travel difficulties, on rollcall No. 574 and rollcall No. 575, I was unavoidably detained en route to the Capitol. Had I been present, I would have voted "aye."

MOTION TO INSTRUCT CONFEREES ON H.R. 4577, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. PALLONE. Mr. Speaker, I rise to offer a motion to instruct.

The SPEAKER pro tempore (Mr. THORNBERRY). The Clerk will report the motion.

The Clerk read as follows:

Mr. PALLONE moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4577 be instructed, in resolving the differences between the two Houses on the funding level for program management in carrying out titles XI, XVIII, XIX, and XXI of the Social Security Act, to choose a level that reflects a requirement on Medicare+Choice organizations to offer Medicare+Choice plans under part C of such title XVIII for a minimum contract period of three years, and to maintain the benefits specified under the contract for the three years.

The SPEAKER pro tempore. Under the rule, the gentleman from New Jer-

sey (Mr. PALLONE) and the gentleman from California (Mr. THOMAS) each will be recognized for 30 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, the motion I am offering is an amendment to inject some needed accountability into the Medicare+Choice program. It instructs the conferees to support language that would require HMOs participating in the Medicare+Choice program to stay in their given markets for 3 years. In addition, it instructs the conferees to support language that requires HMOs to provide all the benefits they promised to beneficiaries when they enrolled in Medicare HMOs.

Last week, the Republican leadership passed a Medicare refinement bill that is really nothing more than a special interest giveaway to the managed care industry. Over 40 percent of the money in this bill is given to the managed care industry, and it is given to the industry with virtually no strings attached.

Mr. Speaker, there is nothing in this bill that passed last Thursday that guarantees any stability for seniors or that the plans will stay in a given area. The only thing that is guaranteed is that the managed care industry will be granted a massive government windfall. I suppose it is a reward of sorts for the managed care industry from the Republican leadership for their effective campaign to prevent the patients' bill of rights from reaching the President's desk.

Unfortunately, the managed care industry's gain translates into a significant loss for Medicare beneficiaries and the entire spectrum of Medicare providers in the health community. Every Member in this Chamber has heard from providers in their districts, be it hospitals, home health care providers, nursing homes, hospices, community health centers and others, that are being crushed by the unintended financial burden of the balanced budget agreement. Despite last year's BBA refinement package, there are countless Medicare providers around the country whose ability to provide care to Medicare beneficiaries is precarious because of the lack of adequate reimbursement. In my district, I have already seen a hospital forced to close its doors.

Mr. Speaker, it would have been infinitely more appropriate to spread what money has been set aside in the budget for Medicare refinements more evenly throughout the program than to give a disproportionate sum to an industry that has a clear record of putting profits ahead of patients. Working with the White House, we will continue to fight for a more equitable distribution of funds so that the Medicare beneficiary, not the HMO executive, will come first.

It would have also been appropriate to require that the HMOs are held accountable for the care they are supposed to provide beneficiaries in ex-

change for the windfall the Republican leadership wants to give them. As we saw a few days ago, and as we have seen for the last several years, the Republican leadership is unwilling to break its special interest bond with the managed care industry. They remain steadfastly opposed to any measure that would require the managed care industry to act in a more responsible manner that Medicare beneficiaries and all patients have been demanding.

Mr. Speaker, let me also say that my motion is not an attempt to hamstring the managed care industry or weaken it in any way. I want to preserve it and make it stronger for all seniors who may want to enroll in HMOs for their care. In fact, I have introduced legislation myself that would restore funding to Medicare HMOs.

I am not, however, willing to simply give HMOs untold billions and then allow them to continue to pull the rug out from underneath seniors who are lured into HMOs with the promise of extra benefits. And this latter point about benefits is very important. Medicare beneficiaries are not just destabilized when their HMOs pull out of the market. They are oftentimes destabilized when their HMO stays and their HMO just rescinds the extra benefits that attracted the beneficiaries in the first place, the most popular example of that being prescription drug coverage.

Seniors should be afforded some peace of mind and be able to know that when they enroll in an HMO for prescription drug coverage or whatever extra benefits they enroll for, they are going to get those benefits. If the Republican leadership remains wedded to giving the managed care industry multibillion dollar special interest giveaways at the expense of all other Medicare providers, the least the Congress can do is require that seniors are going to get what they are promised.

If my colleagues on the other side are as committed as they purport they are to providing seniors with a Medicare prescription drug benefit, they should have no opposition to requiring managed care companies to agree to provide what they promised beneficiaries they will provide for at least a 3-year period. I do not think that is a lot to ask for and that is what this motion to instruct is all about.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS. Mr. Speaker, yield myself such time as I may consume.

Mr. Speaker, I think first of all we should look at this motion to instruct. There are several levels of clearance that are required for a motion to instruct to be in order, and it has to deal with funding. Obviously, in this motion to instruct, it says that in resolving the differences between the two Houses on the funding level for program management of the Social Security Act. So it meets that test level.

But then it goes on to say that through the funding mechanism, they

are supposed to choose a level that reflects a requirement on Medicare+Choice organizations to offer a minimum contract period of 3 years. There is no funding mechanism that would require or even allow a 3-year contract under Medicare. Medicare+Choice programs are funded for 1 year under the Health Care Financing Administration. The amount that a Medicare+Choice program receives is based upon a number of factors: where it is located, the cost of medical services in the area, and, most importantly, the makeup of the beneficiaries that have signed up for that Medicare+Choice program. That is, what is their age, what is their medical condition?

All of these factors are taken into consideration when the level of reimbursement to the Medicare+Choice plan is determined. The difference by the Medicare+Choice program of offering the statutory mandatory benefits is what the Health Care Financing Administration has determined to be its payment level. If there are dollar differences between those two areas, by law that plan must either offer additional benefits or that money has to be refunded back to the Health Care Financing Administration; but it can only be done on a 1-year basis under current law.

Beneficiaries can sign up for a Medicare+Choice program and leave the program. That is, the patient profile of a plan can change from year to year. So it is nonsensical to think that a level of funding can produce a 3-year contract. It is also nonsensical to think that it can produce a set benefit package for a 3-year period. One of the reasons some of these plans are pulling out of areas is because they can no longer offer the benefits they had offered under their shrinking profit structure dictated and determined by the Health Care Financing Administration.

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So make no mistake, not only does this motion to instruct have no legal binding requirement, but it is nonsensical. It is germane. It does affect the funding level. But in no way does just affecting the funding level bring about any ability to create a 3-year contract or a guaranteed 3-year level of benefits. It is just nonsensical.

Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. ACKERMAN).

Mr. ACKERMAN. Mr. Speaker, I would like to thank the gentleman from New Jersey (Mr. PALLONE) for taking the initiative on this issue, which is of a critical nature to our senior citizens throughout this country and specifically to our constituents who happen to live presently on Long Island in New York.

Mr. Speaker, I would just like to disagree with my learned colleague on the

other side of the aisle who said that this is nonsensical. I think some of us read it in a different way that choosing a level that reflects a requirement, and the key word is a "requirement," on the Medicare+Choice organizations to offer plans that are no less than 3 years old. We think that that means that they can expend no funds other than to write a contract that would last 3 years. Anything else would be unacceptable under the language that we are offering.

Our senior citizens are in trouble in this country. They are not doing as well as so many other segments of society. There is so much uncertainty and insecurity in their lives that the instability that the current system offers them is totally unacceptable.

We approach things a little bit differently on Long Island, our congressional delegation that is, and we try to do things in more of a nonpartisan way when it affects our constituents. So we worked together, each and every one of us, Democrats and Republicans alike. And in the County of Suffolk, which is on the eastern end of Long Island, which I proudly share with our colleague, the gentleman from New York (Mr. LAZIO), we have a situation which is critical that is highlighted by this legislation.

Every single Medicare+Choice plan, with the exception of one, has announced that they are leaving Suffolk County because they are not being reimbursed quickly enough or adequately enough; and our senior citizens, those of the gentleman from New York (Mr. LAZIO) and mine, are absolutely traumatized. They do not know what is going to happen.

The one remaining plan has already announced they are going to have an additional \$75 premium each month. Somebody has to come down here to the floor and stick up for those senior citizens who are living in abject fear, whether they be in the district of the gentleman from New York (Mr. LAZIO) or my district on Long Island.

And those are not the only places. All of these, these are single-space lists of counties throughout the country where this problem is imminent right now. But in our county, that of the gentleman from New York (Mr. LAZIO) and mine, the announcement has already been made that they are packing up and leaving. They have given their 6-month notice.

These people have nowhere to go. There is but one plan left. What happens to my colleague's seniors? What happens to my seniors with the remaining plan if they are only limited to one more year? Where will these people go? They will have no coverage. And if that is the case, shame on each and every one of us for not providing to our constituents the protection that they need.

The constituents of the gentleman from New York (Mr. LAZIO) need it. My constituents need it. And the constituents of so many Members whose dis-

tricts appear on these lists need it, as well.

Mr. THOMAS. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I would tell the gentleman that we certainly share his concern, but the idea of trying to get plans to stay for 3 years when there would be total uncertainty in the second and third year of what the contract might be will increase the chances of destabilizing the program, not decrease it, the exact opposite effect that the gentleman seeks.

For example, in the Med Pac report, March 2000, one concern "that may contribute to the lack of new plans and plan types and which may be discouraging current participants is uncertain future revenue streams for plans."

Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana (Mr. MCCRERY), a member of the subcommittee.

Mr. MCCRERY. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, before I address the remarks of the last speaker on the minority side, let me just go over the numbers here so everybody has a clear understanding of what we are talking about.

There has been some misstatements made in several quarters about the amount of money in this Medicare package for HMOs or Medicare+Choice program. Here we see the numbers laid out by the CBO for each category in this package.

For hospitals there is \$11 billion, 34.9 percent of the total package. Beneficiary assistance and preventive benefits, \$6.7 billion dollars, 21.3 percent of the total package. And then we get to Medicare+Choice, the Medicare HMOs. There is \$6.3 billion in this package for Medicare HMOs, and that is 20 percent of the total package.

Now, I really believe that both sides on this issue are well-intentioned. I agree with the gentleman from New York (Mr. ACKERMAN). I think it is terrible that we have Medicare HMOs leaving certain parts of our country and, therefore, leaving those seniors with no coverage for things like prescription drugs, in some cases their deductibles, their copays, because those Medicare HMOs, those Medicare+Choice programs often provide those benefits.

I know in my district I had one Medicare HMO; and they left last year, the only one. I heard from hundreds of seniors in my district about that plan leaving. They wanted it back. They said that is the greatest thing we have ever had in Medicare, and we want it back. So I agree with the gentleman that we ought to try to encourage those plans to come to a locale and stay there.

But encourage is one thing; mandate is another. And in my opinion, I just have an honest disagreement with the gentleman as to how the market works. I think that if we mandate that

a plan stays in a locale for 3 years, we will have fewer and fewer plans locating in those marginal locales where the reimbursement rate is at the margin for them to make a profit.

So it is an honest disagreement, but I think the gentleman who has offered the motion to instruct is just wrong about the effects of his motion if it were to become law.

And so for that reason, I would urge all Members on both sides of the aisle who are interested in having their seniors have access to these type Medicare plans to vote no on this motion to instruct.

Mr. PALLONE. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, what the gentleman from Louisiana (Mr. MCCREERY) is not mentioning is that there are buried or hidden indirect pass-throughs which are actually part of that chart. In other words, what happens is that money goes to the providers like the hospitals; and then it is passed through to the HMOs, about one-sixth of what goes to hospitals and other providers. So it is still \$11 million, and it is still 40 percent of the total no matter how you cut it, and that is outrageous given that there are no strings attached.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana (Mr. MCCREERY).

Mr. MCCREERY. Mr. Speaker, I thank the gentleman for yielding me the time, and I will be glad to yield to my friend from New Jersey.

Mr. Speaker, the gentleman is right, there are interactions with the increased payments that we make to hospitals. Because, as the gentleman knows, in figuring the payment rate for the Medicare+Choice plans, it is the fee-for-service rate in that region that has an impact on the reimbursement rate for the Medicare+Choice program. That is true.

But certainly the gentleman would not suggest that we not raise the payments to the hospitals and the other providers that we are doing in this bill, would he?

Mr. PALLONE. Mr. Speaker, will the gentleman yield?

Mr. MCCREERY. I yield to the gentleman from New Jersey.

Mr. PALLONE. Mr. Speaker, the bottom line is that the HMOs are getting \$11 million, 40 percent of the total, no matter how you cut it.

Mr. MCCREERY. Mr. Speaker, reclaiming my time, but the gentleman is not suggesting that we should not be raising the reimbursement rate to hospitals and other providers?

Mr. PALLONE. Mr. Speaker, if the gentleman will continue to yield, no.

Mr. MCCREERY. Mr. Speaker, then as a natural consequence, we are going to get higher reimbursement for the Medicare+Choice plans. That is an interaction that is unavoidable in this plan. I am glad that the gentleman is not suggesting that we do not give

higher reimbursement rates to our hospitals and other providers.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am just pointing out that the \$11 million figure and the 40 percent that goes to HMOs still stands. The gentleman was trying to contradict that and he cannot.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GREEN).

(Mr. GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Speaker, I thank my colleague from New Jersey and the Chair of our Democratic Task Force on Health Care for having this motion to instruct.

In a way I agree with my colleague from Louisiana that this may not be the best way to get the attention of the HMOs that predominantly serve our seniors. But it is our only battle tonight. And hopefully there is another way we can get their attention instead of just throwing more money at it.

HMOs only cover about 15 percent of our senior citizens. And yet, the bill we voted on last week would provide at least 40 percent and over 10 years 47 percent to HMOs for those 15 percent. Actually, in Houston, we have a little over 15 percent of our seniors who are served by an HMO.

I have a similar problem that my colleague from New York has. In Houston, Texas, we are down to one HMO left and they are capped, because they do not have the network to be able to add more seniors to it. So, as of December 31, our seniors will not be able to have access to an HMO.

Now, I am not real thrilled about HMOs to begin with. But let me tell my colleagues what happened in Houston, Texas. We at one time had four or five HMOs. But one big insurance company, and I will not name them because they have done this around the country, they bought up the other HMOs. They bought up NYLCare 65, Prudential. And then they served notice a little less than 6 months or maybe a little more than 6 months later that they are not going to serve the market.

That is what HMOs are doing. That is our only way to do this is to make them stay in the market because they actually controlled over 65 percent of the market, and then they announced they are not going to serve it. That is not doing a service to my seniors in Houston any more than they are doing it to Long Island, and that is what is frustrating.

The Medicare BBA provider bill last week actually gave 40 percent and then 47 percent. A lot of us voted against this bill simply because of that. We need to provide more for hospitals and for providers and for doctors and for home health care, you name it. But if we are going to provide more for HMOs, and I do not mind it, I voted for it last year in 1999 and I will vote for it again, but let us put some restrictions on them. Maybe not 3 years, but let us do

something instead of just giving them a blank check and then they still will not serve the seniors in my district.

Mr. THOMAS. Mr. Speaker I yield 4 minutes to the gentleman from Tennessee (Mr. BRYANT), a member of the committee that shares jurisdiction, the Committee on Commerce.

Mr. BRYANT. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I thank my colleagues from the other side who have talked about a spirit of bipartisanship and something I certainly agree with. I am concerned that this bill is going to be vetoed by the President. In the spirit of bipartisanship, I would ask my colleagues on the other side and our Vice President, who is from Tennessee, not to allow this to happen, to go to the President and to ask him to sign this bill.

Because my State of Tennessee really needs this legislation. Our Medicare beneficiaries in Tennessee will receive \$4.3 billion that will help reduce their Medicare copayments, the money they have to pay out of their pockets and other assistance, as well as they need the \$1.4 billion that this bill provides for new preventive benefits under the Medicare program. And our Tennessee hospitals need this legislation also.

Altogether, this bill will benefit hospitals to the tune of nearly \$14 billion through direct and indirect funding. If our hospitals in Tennessee are forced to close or cut services, the effect on our patients and on the more than 52,000 hospital employees could be devastating.

I also want this bill not vetoed because it contains \$1.6 billion in critical funding for nursing homes and \$1.8 billion for home health care and hospice service. The legislation also expands Medicare coverage for telemedicine services. This is important to the rural areas of the State of Tennessee that I represent.

Using today's cutting edge technology, telemedicine or telehealth has the potential to revolutionize the way we practice medicine in this country, and it has the potential to erase the disparities in medical care and quality of care between rural areas and urban areas.

And last, but not least, I would hope the Vice President would realize about his home State of Tennessee that, without this legislation, we will lose in Tennessee \$27 million for our State's children's health insurance program, or the S-CHIP program.

Because Tennessee had already covered many of our S-CHIP eligible children under our State Medicare waiver program, Tennessee has had to work much harder to get children to enroll in S-CHIP. As a result, it has taken us longer to use all of the money allotted to the State for the S-CHIP program.

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I hope the Vice President realizes that this bill will allow Tennessee 2

more years to use most of its S-CHIP money so that more Tennessee children can be covered. Now I know that our Vice President, Mr. GORE, spent a lot of time on this campaign trail talking about health insurance for children in Texas but, Mr. Speaker, I hope the Vice President will consider the needs of Tennessee's children in his discussions with the President about whether or not to sign this bill.

I urge my colleagues to vote against this motion to instruct and I urge the President to sign H.R. 2614.

Mr. PALLONE. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. TURNER).

Mr. TURNER. Mr. Speaker, I am glad to hear the gentleman from Tennessee (Mr. BRYANT) express his concern about his rural hospitals and his health care providers in his district because I have the very same concern, and that is why I hope that he will join with us in urging this Congress to put a larger percentage of the increased funding for Medicare in increasing those reimbursement rates to those rural hospitals and to those rural health care providers instead of giving about 40 percent of it directly to the insurance companies that we do not even know if they will be passing that money along to those rural hospitals. That is why I oppose the Medicare funding plan that the Republican leadership has put before this body.

The truth of the matter is, Medicare+Choice HMO insurance plans are not working for our seniors and they are not working for the taxpayers. The bottom line is, in my district, as I went around in August talking to my seniors at town meetings, they stood in lines to tell me that their Medicare+Choice plans have been cancelled. In fact, 5,000 of them in my district received notices of cancellation just a month ago, and the truth of the matter is Medicare+Choice is being cancelled all across this country. That is why we need greater accountability, and that is what this motion is addressing.

Thirty percent of all Medicare beneficiaries in this country will have no Medicare+Choice option. Last year, 328,000 seniors got these notices of cancellation. This year almost a million seniors got notices of cancellation.

If one has looked at the recent General Accounting Office report on Medicare+Choice plans which was just issued, it will reaffirm the case that I am making tonight that our HMO plans are failing our seniors and our taxpayers.

Listen to this from the summary of the GAO report: Industry representatives contend that the Balanced Budget Act's payment rates are too severe and that low Medicare payment rates are largely responsible for the plan withdrawals. However, since the BBA was enacted, Medicare+Choice rates have risen faster than per capita fee-for-service regular Medicare spending. In addition, many plans have attracted

beneficiaries who have lower than average expected health care costs while Medicare+Choice payments are largely based on the expected costs of beneficiaries with average health care needs. The result is that Medicare can pay more for a beneficiary who enrolls in a plan than if the beneficiary had remained in regular fee-for-service Medicare. As we, the GAO, recently reported, these additional payments amounted to \$5.2 billion or 21 percent more in 1998 than the fee-for-service program would have spent to provide Medicare coverage benefits to plan enrollees.

The plans offered by the HMOs are costing the taxpayers more money than regular Medicare and increasingly those HMO plans are withdrawing from our seniors, and they need to have something better. That is why we fought for a prescription drug benefit under regular Medicare, which works for our seniors.

Mr. THOMAS. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. ENGLISH), a member of the Committee on Ways and Means.

Mr. ENGLISH. Mr. Speaker, briefly I urge my colleagues to vote against this perverse and misguided motion to instruct. I agree the trend of Medicare+Choice plans pulling out of areas across the country is enormously disturbing, but may I suggest to the folks on the other side that they have offered exactly the wrong solution. By forcing plans to commit to 3 years, we are ensuring that plans who are struggling to maintain their service will leave now, right now. Medicare+Choice funding, as the gentleman from California (Mr. THOMAS), noted, is too unpredictable under current HCFA policy.

This motion adds no accountability; just a poison pill. I find it ironic that the Democrats and the President have spent the past week tearing apart the Medicare bill that this House passed, calling the money spent on Medicare+Choice plans unjustified. If anyone thinks that the money dedicated to shoring up Medicare+Choice plans is unjustifiable, I invite them to come to Erie, Crawford, and Mercer County, Pennsylvania. I invite them to explain that to seniors who are facing copays that will double in January and decrease benefits.

If they are indeed serious about stabilizing Medicare+Choice, then I urge our friends on the other side of the aisle to drop this and urge the President to sign the House package and work with us to ensure that seniors relying on these plans continue to have access to quality health care. Do not simply adopt populist poses and deploy vacant partisan rhetoric while requiring Medicare+Choice plans to be at the mercy of HCFA for 3 years. This is no solution. They will simply leave and seniors will be left holding the bag.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. BROWN), the ranking member of our Subcommittee on Health.

Mr. BROWN of Ohio. Mr. Speaker, I thank my friend, the gentleman from New Jersey (Mr. PALLONE), for his leadership on this issue.

Mr. Speaker, December 31, 1998, Medicare managed care plans dropped 400,000 Medicare beneficiaries. December 31, 1999, Medicare managed care plans dropped 327,000 beneficiaries. On December 30 of this year, Medicare managed care plans will again unceremoniously drop 900,000 more senior citizens. Seniors in my district were dropped by United Health Care in 1998. Some switched to QualChoice, which dropped them in 1999. Some switched to Aetna, which will dump them at the end of this year.

A Medicare HMO is not real insurance. It is a roll of the dice that calls itself insurance. Why is the plus choice program failing seniors? Ask the HMOs and they will say it is because the Federal Government is underpaying and overregulating them. Ask the Inspector General and ask the General Accounting Office, and they will say we are actually overpaying and underregulating Medicare HMOs. They choose to hoard the profits they make in some counties while dumping those in less profitable counties.

This does not make them bad. It makes them businesses. It does, however, throw a wrench in it-is-all-the-government's-fault campaign that they are waging. If we are going to pay the managed care industry more, we owe it to beneficiaries and to taxpayers to demand that HMOs act responsibly towards those senior citizens who have enrolled in their plans. That means once HMOs enter a county, they should agree to stay put and they should agree to offer predictable benefits for at least 3 years. That way senior citizens will finally know exactly how long they can depend on their managed care plan. Before we hand over \$10 billion, almost half of the new Medicare dollars this Congress is appropriating, before we hand over \$10 billion of taxpayers' money to HMOs, before we hand over one dollar, we should do at least that much for beneficiaries. Support the Pallone motion.

Mr. THOMAS. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, the gentleman from Ohio (Mr. BROWN) should know, and perhaps he does not, that in the language of the Medicare provisions that were passed last week included was language requested by the Health Care Financing Administration and the Clinton administration, which we agreed with, which we think is appropriate. The language says any dollars contained in this bill as an increase to Medicare+Choice programs must, must go to the beneficiaries in lowered premiums or increased benefits.

Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. WHITFIELD), a member of the Committee on Commerce and someone extremely interested in this issue.

Mr. WHITFIELD. Mr. Speaker, I am delighted that we are having this discussion tonight about this important issue and, of course, as we move closer to an election it is politically wise, I believe, to attack HMOs. And we recognize that all HMOs, there are some deficiencies there but also I think we must recognize that HMOs play a valuable part of providing health care to people throughout America. As a matter of fact, HMOs for our senior citizens are the only entities offering prescription drugs today, offering eye glasses today and so there are many benefits from HMOs that seniors receive.

There has been some discussion this evening about placing mandates on HMOs, and obviously we do need some mandates, but excessive mandates are not the answer. We have learned that lesson all too well in the State of Kentucky. Our Governor, about 6 years ago, placed such heavy mandates on the insurance companies offering health insurance in Kentucky that every one of them left, with the exception of one, and the insurance premiums in Kentucky skyrocketed and the number of uninsured in Kentucky skyrocketed because of mandates.

Now we can solve the health care problems in America today, but we cannot blame it all on the HMOs. We cannot blame it all on HCFA. But we have to work together. It is a complex issue, and I think that we can solve it.

I am particularly disappointed, however, that so many on the other side of the aisle and the President is now threatening to veto this bill that provides additional money for Medicare, about \$31 billion, \$6.5 billion to strengthen the Medicare+Choice program; more than \$500 million in increased funding for diabetes treatment, nearly \$500 million to the Ricky Ray Fund to compensate hemophiliacs, more than \$12 billion to strengthen hospitals, particularly rural hospitals. So I would urge the defeat of this motion to instruct.

Mr. PALLONE. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to support the motion to instruct by the gentleman from New Jersey (Mr. PALLONE). I thank the gentleman very much for his leadership.

Mr. Speaker, it is interesting, as I have listened to this debate, I heard the distinguished gentleman from Pennsylvania (Mr. ENGLISH) make the comment that is absolutely true. They will simply leave, and that is why we are on the floor this evening because the HMOs around this country have simply left. They have left with no admonishing, no requirements, no responsibility, no concern and no compassion; whether it is conservative compassion or liberal compassion.

I have in my hands pages and pages of those who have left Harris County,

and when I go to my senior citizen meetings all of them are looking at me with incredulity asking the question, why are the HMOs closing. And so I believe this is a very instructive and very important motion to instruct, because the good gentleman from California (Mr. THOMAS) mentioned a provision that was put in, the stabilization fund, he knows full well that there is no requirement for those dollars to go back to the beneficiaries. The HMO can sit on those dollars forever and forever and forever.

It is interesting, I heard the gentleman from New York (Mr. ACKERMAN) speak about his district. He mentioned the district of the gentleman from New York (Mr. LAZIO). My good friend, the gentleman from Tennessee (Mr. BRYANT), mentioned the HMOs closing in his district. They are closing in my district. What we are talking about here is responsibility, and to refer to the fact that it is only a 1-year contract that is incorrect, because the language in the regulation says at least 1 year. It does not say only 1 year. It says at least. That means it can go up to 2 years or 3 years.

In addition, Mr. Speaker, might I say that there is some conversation about this actuarial language in the bill; and I hope the President does veto it, in the tax bill. When we call the chief actuary and talk about them reviewing HMOs, he already has 30 people working overtime. He says he needs another 20 to be working to do what this tax bill wants him to do.

This is wrong directed and wrong headed. I want two things out of this tax bill. I want my hospitals to remain open, particularly my public hospitals; and I do not believe we should be giving \$34 billion to HMOs where only 15 percent of the seniors are actually enrolled. Give them an obligation to stay in our communities, and I might consider their tax bill.

Secondarily, give us the money to keep our public hospitals and our private hospitals open. When I talk to my constituents, they knew they could not work with the amount of money we had in this tax bill. It does not help home health centers, nursing homes, hospitals. It does not help anyone but the insurance companies. I believe this bill should be vetoed so the senior citizens all over this Nation can have HMOs that will stay in their communities with the requirement to sign a contract for 3 years and the doors of our hospitals will stay open to help the people who are really in need, and that compassionate conservative or conservative compassion, whatever it is, is really a reality that works for the American people. That is what we should be doing here and doing it today.

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Mr. THOMAS. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I would tell the gentlewoman that a letter from the Amer-

ican Hospital Association said, "We are urging Members to vote in favor of this legislation and we recommend that the President not veto this legislation," along with 48 other organizations, many of them providers.

I am a bit perplexed by the gentleman's \$34 billion number going to Medicare+Choice programs, since the Congressional Budget Office score of H.R. 5543 says the total spending over the 5-year period is \$31.5 billion.

Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. HAYWORTH), a member of the committee.

Mr. HAYWORTH. Mr. Speaker, I thank my friend from California for yielding me time.

Mr. Speaker, listening to this debate tonight, and mindful of the reality of where we stand on the calendar, Mr. Speaker, here we are again with, sadly, my friends on the left apparently attempting to put politics before people. Perhaps it is not intentional, a misunderstanding, a misquoting of figures.

Believe it or not, despite the discord and debate, I do hear some common themes. I do hear friends on both sides of the aisle saying that health plans are crucial for seniors. Indeed, my friends on the left seem to be swearing by these HMO-Medicare+Choice programs, even as they swear at them. So if we agree that these programs are important, why do we not work now to save them?

That is what this House did last week, Mr. Speaker, with the legislation we passed, with the majority of funds going to hospitals. Of special concern to me are rural hospitals across the Sixth Congressional District of Arizona.

Indeed, Mr. Speaker, based on the fact that people knew we were working on this, the gentleman from the Fifth District of Arizona and I, working with our colleagues in the Senate, actually got a decision reversed on a health care provider preparing to leave Pima County.

Now, when we try to set arbitrary guidelines here, what we are doing is padlocking the insurance provisions. What we are doing is trying to stack the deck, and, in the process, kill the very thing we want to see happen.

Mr. Speaker, I would implore those on the left to put people before politics. We have a solution here and now that can work, that can keep insurance programs in place for seniors who have come to depend on those programs. That is why we must defeat this motion to instruct conferees and move forward with the legislation we passed.

Mr. PALLONE. Mr. Speaker, I yield 15 seconds to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me just say the American Hospital Association may be supporting it, but I have a letter indicating that the Texas Hospital Association is against it, as are the Greater

New York Hospital Association, the California Healthcare Association, the Massachusetts Hospital Association, New Jersey is against it, and the Health Care Association of New York State.

So I do think we have some disagreement. This bill should be vetoed.

OCTOBER 19, 2000.

[Letters to the Editor]

THE NEW YORK TIMES,
New York, NY.
To the Editor:

Re "Medicare Bill That Favors H.M.O.'s Faces a Veto" (Oct. 18): The Balanced Budget Act of 1997 (BBA) enacted unprecedented and damaging funding cutbacks to hospitals and other health care providers throughout the country. These federal cutbacks are doing serious—and possibly irreparable—damage to our country's health care providers. Now it appears that Congressional leaders are putting forward a BBA relief package that provides disproportionate funding to the HMOs at the expense of desperately needed relief for hospitals and other health care providers. We, who collectively represent more than 1,800 hospitals and other health care providers, applaud the Clinton Administration's call for meaningful bipartisan action to restore urgently needed funds to health care providers. We have consistently supported bipartisan legislation in the Congress, sponsored by a majority in both Houses, which reflects the urgency of desperately needed Medicare funding restorations. Bipartisan leadership and action is needed before Congress adjourns.

Sincerely,

GARY S. CARTER,
*President, New Jersey
Hospital Association.*

C. DUANE DAUNER,
*President, California
Healthcare Association.*

RONALD M. HOLANDER,
*President, Massachusetts
Hospital Association.*

KENNETH E. RASKE,
*President, Greater New
York Hospital Association.*

DANIEL SISTO,
*President, Healthcare
Association of New
York State.*

TERRY TOWNSEND,
*President, Texas Hos-
pital Association.*

Mr. PALLONE. Mr. Speaker, I yield 3 minutes to the gentlewoman from Florida (Mrs. THURMAN).

Mrs. THURMAN. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I just listened to the last speaker on the other side. Do you know what my seniors are telling me at home? They are telling me they want stability. They are tired of joining a plan, having to give up their traditional providers and their Medigap insurance just because the plan offers extra benefits, and then have the plan abandon the extra benefits the very next year or in fact just pull out in general. They are tired of this.

Mr. Speaker, I would say to the gentleman from California (Chairman THOMAS), the gentleman knows I came

to the committee and I asked for a 2-year non-pullout time. I said, "Do you know what? My constituents, the ones that I sat in an open forum with, said to me, 'We do not want to lose this because we have problems. We are sick. We need to have stability. We want you to go up there, Mrs. THURMAN, and we want you to fight for at least 2 years. Let us at least have 2 years, so that we can have some stability in our plan.'"

Well, do you know what? We offered that, and it was defeated. Tonight we are on the floor offering a 3-year. But, do you know what? I just found out something. How many of you have gotten letters in your district from your constituents who have gotten letters from their Medicare+Choice programs that have said, you know what? Your Congress needs to give us more money.

So do you know what we are doing? We are giving them more money, and all we are asking back is one simple thing: stay there for 2 years. Let us not keep pulling people in and out of that.

But let me tell you what is happening to them. Profits, third quarter profits in one company, was 26 percent. Third quarter profits. But listen to what happened. This is a letter from a constituent that has a plan. Their monthly plan premium is going from \$19 to \$179, \$19 to \$179. That does not include what they are going to get from whatever we pass to them. Outpatient, \$10 visit copayment to \$15. Outpatient hospital, \$20 to \$35. Under inpatient hospital care, they had no copayment in 2000. Now it is going to be \$200 per day, a limit of three copayments per year. Inpatient hospital stay, no copayment last year, now \$500 copayment per admission. Then prescription drugs, they even get a lesser prescription drug benefit.

Two years, three years, let us pass this motion.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 4 minutes to the gentleman from Louisiana (Mr. TAUZIN), a senior member of the Committee on Commerce.

Mr. TAUZIN. Mr. Speaker, I thank my friend for yielding me time.

Mr. Speaker, I think it is time we put this in perspective. Medicare+Choice programs are exactly that, they are Medicare plus, and they are choice programs. Nobody forces a senior to join them; nobody says you have to join it; nobody says you have to stay in it if you do not like it.

In fact, seniors join these Medicare+Choice programs because they like them, because they add new benefits, primarily prescription drug coverage, but sometimes even other nice benefits. Prescription drug benefit coverage obviously is something seniors want to have, and that is why this House passed a prescription drug benefit bill and sent it on to the Senate.

But for those seniors who join these programs, of course we all agree that we do not want these programs to shut down and move out. They have shut down in my district. They are threat-

ening to move out in my district as well.

But the reason cited as the most important reason why they are moving out, according to the MedPac March 2000 report, is the uncertainty of future payments. So can we all agree that the problem of reimbursement is one of the principal causes of hospitals shutting down in the rural parts of America and Medicare+Choice programs moving out?

So we pass the bill, H.R. 5543, which includes new reimbursement formulas, new monies to hospitals, new monies for the Medicare+Choice programs; and as the gentleman from California (Mr. THOMAS) correctly pointed out, it included language that said the money that went to the Medicare+Choice programs must be used for lower premiums and/or more benefits. It has to be used for that. So we provided more money to keep them there, to keep them home, and to keep them investing in our communities, providing these Medicare+Choice programs for seniors. We want to encourage them to stay.

The problem with the motion to instruct is that it may have the perverse effect of destabilizing them even more. What it says is you have to stay for 3 years, whether or not the program is working, whether or not the reimbursements are adequate to cover the benefits that are provided under the program.

The reason why this motion to instruct is wrong, even though we all agree that these are good programs that seniors want to have, even though we all agree that we do not want to see them move out of our districts, even though we all agree they are programs that provide extra coverage for our moms, for our dads and for our grandparents who desperately need extra coverage, the reason why this motion to instruct is wrong is it has the effect of destabilizing the presence of Medicare+Choice programs in our communities.

Why would someone come into a marginally profitable area? Why would they come into an area where the reimbursements are not quite adequate to cover the benefits? Why would they come in if they were told, whether or not it works, you have to stay 3 years? They would not come in at all. The chances of them not coming in, not being present for my mom, not being present for our grandparents around America, to have these programs available to them, is much stronger if this motion to instruct passes.

On the contrary, we ought to encourage the signature on H.R. 5543. Let me remind my friends on the other side, you voted to give more money to Medicare+Choice programs. You voted under the Medicare prescription drug bill we passed, or the Stark substitute. You voted for \$3 billion more to go to those programs. So you agree with us we ought to help them more, we ought to stabilize them, we ought to encourage them to stay so seniors can have them.

But what we ought not do in this motion to instruct is further discourage them, further say there is a bigger risk in your coming to Thibodaux, Louisiana, where seniors would like you to be around. You see, there is a disconnect here. You cannot on the one hand attack these programs and refuse to help them out financially, and then on the other hand say that whether you make it or not, you have got to stick around for 3 years.

Mr. Speaker, this is a bad motion to instruct. We ought to defeat it.

Mr. PALLONE. Mr. Speaker, I yield 3¼ minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, this debate is about holding HMOs accountable. It is about accountability. The Republican leadership does not want to hold HMOs accountable. They in fact would like to reward them for outrageous behavior.

Evidence: The Patients' Bill of Rights, HMOs are making medical decisions all of the time. Some of those decisions go wrong. We have tried to pass a Patients' Bill of Rights in this body. The Republican leadership has held that up. All we are asking is if they make a medical decision that goes wrong, that they are held accountable.

Let us take a look at this bill that we are talking about this evening. Medicare HMOs should stop breaking their promise to seniors. When a senior signs up with a Medicare+Choice plan, they should have the security of knowing they will not see their coverage reduced or dropped for at least 3 years. We should be able to protect our seniors from those Medicare HMOs that are pulling the rug out from under them.

These were the folks that were supposed to provide seniors with more choices, with prescription drug coverage that seniors cannot get through traditional Medicare, but they are giving seniors no choice at all.

Let me talk about my State of Connecticut. They have jettisoned 56,000 people. I went to Milford, Connecticut, to a senior center, to say to these people, do not get scared. You can go back to traditional Medicare. We came to allay your fears.

A woman raised her hand and she says, Rosa, do not tell me not to be scared. I am scared. You have insurance. I do not have insurance. What am I going to do?

That is what this is about, accountability, HMO accountability. Instead of protecting seniors, Republican Congress protects the Medicare HMOs. We should have passed a bill here last week that would have provided desperately needed funding to our Nation's hospitals, rural, urban, home health, hospice providers. They faced deep cuts in 1997. They need that kind of help from us.

Instead, the Republican Congress turned this bill into an \$11 billion early Christmas present to the Medicare

HMOs, 40 percent of the money in the bill, even though they only serve 15 percent of the seniors. They did it without any single guarantee that the Medicare HMOs will not stop reducing benefits or dropping seniors' coverage altogether.

Mr. Speaker, we should have learned something from the last time we increased the payment to Medicare HMOs. Last year we gave them an additional \$1.4 billion. Let me tell you how they returned the favor; they dropped nearly 1 million seniors. That is why we are asking here for tonight for the HMOs to have some guarantee that they need to stay for 3 years.

One more item. My Republican colleagues would go one step further. They would put the prescription drug benefit into the hands of HMOs; imagine, people who decided to cut the rug out from 1 million people.

Mr. Speaker, this motion says if Congress is going to give \$11 billion to Medicare HMOs, then Medicare HMOs should provide seniors with the coverage they promise. Keep faith with America's seniors and support the motion to instruct tonight.

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Mr. THOMAS. Mr. Speaker, it is now my very great pleasure to yield 3 minutes and 10 seconds to the gentlewoman from Connecticut (Mrs. JOHNSON), a member of the Committee on Ways and Means.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I would ask my colleague from Connecticut to read the bill and be honest with the seniors of Connecticut. Talk straight. The bill clearly sends every penny of new money to lower premiums or more benefits. Read the legislation.

The gentlewoman is right, our seniors are scared; and they have every right to be scared, because, my colleagues, when you push seniors out of Medicare+Choice, and you are going to with this kind of proposal, you are going to close up every plan within a month of passing this kind of legislation because the plans will have no choice. The seniors are scared because they are not going to be able to get into medigap plans. Most of them cannot afford them and those plans discriminate on the basis of preexisting conditions. Seniors will have no choice but Medicare, and they are in Medicare+Choice plans mostly because they are poor and need those copayments paid, and they are ill and they need a lot of care. So the seniors are afraid and this resolution will force many more plans to withdraw from the market realizing the greatest fears of our seniors.

My Democrat colleagues are going to close them up, because listen to what they want to do. They want the plans to commit to stay in 3 years and cover benefits, and every year we increase benefits, and they are going to make them cover them, but they do not say one word in their amendment about

paying for those benefits. Not one word.

Do my Democrat colleagues do their homework? Have they called their plans in the last year and asked them why they are losing money? Have they gone in and looked at the data that the plans have given them? Did it occur to my colleagues that when this body has given bigger increases to hospitals, nursing homes and home health cares every single year for the last 3 years and a 2 percent increase at maximum to our Medicare+Choice plans that they might be having trouble paying for the benefits that we want them to pay for? Of course. That is the problem.

That is why the Committee on Ways and Means Democrats voted with the Committee on Ways and Means Republicans to give these plans a 4 percent increase this year; and, as a result of the amendment of the gentlewoman from Florida (Mrs. THURMAN), because as she passionately described the fear and problems for her seniors if these plans go under, we gave them a higher increase, if they would come back into the market. Yes, we did that on a bipartisan basis, because we examined the facts. We talked to the plans, we talked to HCFA, we evaluated the information. That is our job on this committee with primary responsibility over Medicare.

Then, the President comes out and he says he wants 1 percent. Do we think they are going to stay in the markets with 1 percent when they have only been able to stay in the markets with the highest AAPCC at this time? And those happen to be the most densely populated markets, so they have the highest number of participants and it helps them stay in?

I am outraged, outraged that my Democrat colleagues would let politics bring this House floor to this level of dishonesty when they know that no plan will be unable to commit to 3 years and cover the benefits when they do not even guarantee them payment.

This amendment says nothing. It says negotiate. Well, the President wants 1 percent. Remember? The President said we only needed to add \$21 billion back to Medicare. The Republicans said no. We have to add \$28 billion back, or our hospitals will go under, our nursing homes will go under, our home health agencies will go under.

Give our seniors a break. Give our seniors a break. Give our health care providers the money they need to stay alive to not only serve our seniors, but serve the rest of the community that depends on our community hospitals, our nursing homes and our home care agencies. And yes, give them that choice of Medicare+Choice plans.

Mr. PALLONE. Mr. Speaker, I yield myself 30 seconds.

I just wanted to read from this report of the GAO that came out in September and it says, "Although industry representatives have called for Medicare+Choice payment rate increases, it is unclear whether increases

would affect plans' participation decisions. In 2000, 7 percent of the counties with a Medicare+Choice plan in 1999 received a payment rate increase of 10 percent or more. Nonetheless, nearly 40 percent of these counties experienced a plan withdraw."

The bottom line is, the Republicans are saying they want to give all of this extra money to the HMOs. The minimum they could do is provide a 3-year guarantee and keep the benefits the same way, because otherwise, it will not work.

Mr. Speaker, I yield 1½ minutes to the gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. Mr. Speaker, it is a hard act to follow from my colleague from Connecticut, but I rise in support of the motion to instruct. Rural areas like mine in western Massachusetts, and not so rural areas like the gentleman from New York (Mr. LAZIO) like Long Island, have been left high and dry by Medicare HMOs. They have largely abandoned rural markets to providing a prescription drug benefit for senior citizens, and those plans that do remain have raised premiums by as much as 300 percent in some cases.

Now, I support giving better reimbursements to health care providers that were harmed by the Balanced Budget Act. Hospitals, nursing homes, home health providers, and even HMOs need our help. But it makes no sense to me to give billions of dollars to HMOs, while allowing them to abandon senior citizens in rural America without coverage for prescription drugs. Such a handout to HMOs without holding them accountable is a reckless use of taxpayer dollars.

Mr. Speaker, if we are to give money back to the HMOs, we should have some guarantee that they will not take the money and run. We must add, we must require HMOs to offer a fair plan to all seniors for drug coverage that they desperately need.

Mr. THOMAS. Mr. Speaker, it is my pleasure now to yield 1 minute to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I want to speak to my friends on the other side of the aisle.

My dad is 82 years old. He has macular degeneration, and he has diabetes. That means he is legally blind, he cannot read his blood sugar level, and he is trying to live independently.

Now, I do know not what my Democrat colleagues think about when they play games with our seniors like my father, but it seems to me that there is a consistent pattern around here for the last 3 weeks to put politics over people over and over again.

Here is a bill that has been endorsed by the American Hospital Association, the American Cancer Society, the American Federation of Home Health Care Providers, the National Association of Childrens Hospitals, the National Association of Rural Health Care Clinics, which I know they do not

care about that, because the gentleman from Rhode Island (Mr. KENNEDY), their leader says, and I quote, "We have written off rural America."

Now, I know they are proud about that and I know what this is about, but the fact is, I would like my colleagues to think about people out there who have diabetes, people out there who are in nursing homes, people out there who yes, are scared, because you know what? It is November and every 2 years there are certain members of the Democrat party who cannot get reelected, so they get scared and they know the only way they can keep getting elected is to scare senior citizens. It is not right. I have a 97-year-old great grandmother. She does not appreciate putting politics over people. We are tired of it.

Mr. PALLONE. Mr. Speaker, I yield 1 minute to the gentleman from New Mexico (Mr. UDALL).

(Mr. UDALL of New Mexico asked and was given permission to revise and extend his remarks.)

Mr. UDALL of New Mexico. Mr. Speaker, I would say to the gentleman from Georgia (Mr. KINGSTON), first of all, that we believe in rural America and the reason the gentleman in New Jersey (Mr. PALLONE) is offering this motion is because we support rural America; and we want accountability. I rise in strong support of this motion.

Congress has a responsibility to protect seniors and stop protecting the HMO industry. This motion is designed to require accountability for Medicare HMOs. This issue is especially important to my home State of New Mexico. Earlier this year, between 15,000 and 17,000 New Mexico seniors were told that by year's end, they were being dropped from their Medicare+Choice coverage. Needless to say, a frantic plea for help rang out from seniors asking for a solution.

Mr. Speaker, I am opposed to the solution offered by the majority to shovel more and more money to HMOs; and I urge support of the Pallone motion.

Mr. THOMAS. Mr. Speaker, it is now my pleasure to yield 2 minutes to the gentleman from North Carolina (Mr. BURR), a member of the Committee on Commerce.

Mr. BURR of North Carolina. Mr. Speaker, I thank the gentleman from California for yielding me this time.

Mr. Speaker, I have sat and listened to this tonight and what misses out of this debate is the human face behind the issue. It is that senior who sits at home, that has no coverage; that senior who has a Medicare system that this institution has refused to change year after year after year, that does not meet the needs of medicine today, the diagnostic tools that exist and the treatments that are available to those that can pay.

We ought to have a debate today about the changes in Medicare, but we are not. We are going to have a debate about how we hamstring choice for seniors, how we tie up the companies who

can provide that choice so that, in fact, they will not, further taking seniors and limiting them to the existing system.

Now, the gentleman before me, the gentleman from New Mexico (Mr. UDALL) said that it is just about paying them more money. One of the reasons that they are dropping out of the system is that we underfunded this particular portion, and every Member bipartisanly has agreed to that. But the question is, is there accountability? Can they prove the value of their service? I believe that they can; I believe that this motion to instruct in fact hampers any additional plus choice options in the marketplace for seniors that either have been dropped or are currently underserved.

Mr. Speaker, I would encourage every Member to vote against this motion to instruct and to vote for additional choices for seniors with health care.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. DINGELL), the ranking member of the Committee on Commerce.

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Speaker, facts are awfully hard to quarrel with. What are the facts? Last year, we gave the HMOs \$2 billion and more. This bill gives them \$34 billion and more. HMOs have pulled out. Last year they pulled out and left about a half a million Americans without coverage. They have pulled out on almost 1 million more this year. The motion to instruct says one thing, and that is, if you are going to take this money, stay for 3 years.

What is so hard for my colleagues on the Republican side to understand? This is simply about accountability. They are going to get a lot of Government money, and they ought to stay to take care of the senior citizens.

Now, perhaps that is hard for my Republican colleagues to understand; but it is not hard for the GAO or for the Inspector General of HHS who said that the HMOs are now being overpaid. They have got more money than they need, but they do not have enough to satisfy them.

Now, some of the statements that were made on this side of the aisle have really touched my heart, and I would be much impressed if they were true. They talked about these important unfortunate HMOs. Well, these poor HMOs are pulling out on America's senior citizens and leaving them without coverage. That is what they are doing. The motion to instruct says, you are going to take a lot of Federal money, some \$34 billion or \$36 billion last year and this year, so stay around for a while and provide services. What is so hard for my Republican colleagues to understand about that simple fact?

Now, if I were crafting this bill, I would do it to really help the senior citizens. I would see to it that we put in a decent program for prescription medicine so that they have it. HMOs

could take this money, they do not have to do anything for it, except put it in the pockets of their executives or to see to it that it goes into the bottom line in dividends.

I would see to it that it goes to hospitals, to home nursing, and to nursing homes, so that we can really help those who need it. That is how we do the job.

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Mr. THOMAS. Mr. Speaker, I yield 1 minute to the gentlewoman from New Mexico (Mrs. WILSON), a member of the Committee on Commerce, who can tell my colleagues the real impact of this bill.

Mrs. WILSON. Mr. Speaker, the gentleman from Michigan (Mr. DINGELL) who just spoke talked how he would write this bill if he had the opportunity to, but the underlying bill went through the Committee on Commerce, and he voted for it.

The reason he voted for it is it is a bipartisan bill, and it is a good piece of legislation. I want to talk about the Medicare+Choice provisions because I was the author with the gentleman from Minnesota (Mr. LUTHER), a Democrat, of the underlying bill. Senator WYDEN and Senator DOMENICI were the authors in the Senate.

The biggest threat to eliminating the discrimination against States like New Mexico is not a motion to instruct. It is that the President of the United States has said he intends to veto this bill which will save health care coverage for a million Americans, 15,000 of whom live in New Mexico. And do my colleagues know who runs the HMOs in New Mexico? The Catholic church, the Presbyterian church, both of them running nonprofit corporations and Loveless hospital that has been serving our community for almost 60 years.

Mr. Speaker, I encourage the President of the United States to sign this bill and restore health care for America's seniors.

Mr. THOMAS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I think we need to understand that the motion to instruct really ought to be, as the gentlewoman from New Mexico (Mrs. WILSON) said, to instruct the President to sign the bill. It is time to stop the politics. This is a bill that not only funds the providers, the hospitals, the home health care skilled nursing, but it creates a bi-annual test for Pap smears.

It screens glaucoma. It screens colonoscopy. It eliminates the time on Medicare benefits for immunosuppressive drugs. It puts limits on prescription drug charges so seniors are not bilked by unscrupulous providers. Yes, and it tells the plans that if we provide them with money, that money must go to beneficiaries.

This motion to instruct is all politics, and the President's failure to sign the bill is all politics. Let us end the politics. Vote no on this motion to instruct and tell the President to sign the bill.

Mr. Speaker, I yield back the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, this motion is to protect the seniors and make sure they do not get thrown out of their HMOs and they do not lose their benefits, including their prescription drug benefits. And what the Republicans want to do in opposing this motion is they want to give all this money to the special interest HMOs so they can use it for their executives, so that they can put more ads on to try to lure seniors in to a benefit plan that they are not going to really get, and so that they can use the money for special interests for lobbying and to lobby to come down here and avoid HMO reform and the Patients' Bill of Rights and a Medicare prescription drug program.

This bill that the Republicans have proposed is for the special interests. What the Democrats are saying with this motion is let us make sure that the seniors can stay in a program that they can get their benefits. We are worrying about the little person who is being thrown out of the HMO all over this country, including in my district.

Mr. Speaker, I had a woman that had to go to a dinner. She was lured to a dinner with advertising by the HMO to get into a program with a lobster dinner. They gave her a lobster dinner so she would sign up for the HMO, and then she is thrown out of the HMO and she has nowhere to go.

It is a disgrace. Vote for the motion to instruct.

Ms. VALAZQUEZ. Mr. Speaker, I rise in support of the Pallone Motion to Instruct. This motion addresses yet another failure of the managed care system. The Medicare Plus Choice plans are currently constructed so that an HMO in the system can drop out at any time, leaving its patients to find another choice provider, or to re-enter the standard Medicare system. Often, this happens on very short notice.

This motion seeks to ensure that our frailest citizens do not suddenly find themselves kicked out of the system they depend on for their health coverage. Since January of 1999, this has happened to over 700,000 senior citizens nationwide. The Health Care Financing Administration estimates that over the next year, 10 to 15 percent of the nation's Medicare Plus Choice beneficiaries will find themselves in the same situation.

Therefore, we must support this motion to ensure that all providers offer coverage to seniors for at least three years after they join the system.

More importantly, rather than trying to mend an already fraying safety net, we need to pass comprehensive legislation—in particular, a patient's bill of rights to protect all Americans. If we had done this in this Congress, HMOs would already have been put on notice that we will not allow them to place profits over the health of people.

Last October, 275 Members of this House, from both sides of the aisle, passed a strong HMO reform bill. The Republican leadership has allowed it to die in conference, again thwarting the will of the House.

Even worse, Republicans are ignoring the demand of the American people for health care reform. They are also showing that they are more concerned about big business than the health of the American people.

My colleagues, we have a chance today to say that we will no longer stand by while the health of our senior citizens is sacrificed on the altar of corporate greed. If you agree, then I urge you to vote in favor of this motion.

Mr. PALLONE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. THORNBERRY). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from New Jersey (Mr. PALLONE).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. PALLONE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 170, noes 183, not voting 79, as follows:

[Roll No. 576]

AYES—170

Ackerman	Gilman	Moore
Aderholt	Gonzalez	Morella
Andrews	Green (TX)	Nadler
Baca	Hall (OH)	Napolitano
Baird	Hall (TX)	Neal
Baldacci	Hill (IN)	Obey
Baldwin	Hinches	Olver
Barcia	Hinojosa	Ortiz
Barrett (WI)	Hoeffel	Pallone
Bentsen	Holden	Pastor
Berkley	Holt	Payne
Berman	Hoolley	Pelosi
Berry	Horn	Phelps
Bilbray	Hoyer	Pomeroy
Blagojevich	Inslee	Price (NC)
Blumenauer	Jackson (IL)	Rahall
Bonior	Jackson-Lee	Rangel
Borski	(TX)	Reyes
Boswell	Jefferson	Rivers
Boyd	John	Rodriguez
Brown (OH)	Johnson, E. B.	Roemer
Capps	Jones (NC)	Rothman
Capuano	Jones (OH)	Roukema
Cardin	Kildee	Roybal-Allard
Carson	Kind (WI)	Rush
Clement	Klecza	Sanders
Clyburn	Kucinich	Sandlin
Condit	Lampson	Sawyer
Costello	Larson	Saxton
Coyne	Leach	Schakowsky
Cramer	Lee	Scott
Cummings	Levin	Serrano
Davis (FL)	Lewis (GA)	Sherman
DeFazio	LoBiondo	Shows
DeGette	Lofgren	Sisisky
DeLauro	Lowey	Skelton
Deutsch	Lucas (KY)	Slaughter
Dicks	Luther	Smith (NJ)
Dingell	Maloney (CT)	Stabenow
Dixon	Maloney (NY)	Stenholm
Doggett	Markey	Strickland
Doyle	Mascara	Tanner
Edwards	Matsui	Tauscher
Emerson	McCarthy (MO)	Taylor (MS)
Engel	McCarthy (NY)	Thompson (CA)
Eshoo	McDermott	Thurman
Etheridge	McGovern	Tierney
Evans	McKinney	Towns
Farr	McNulty	Turner
Fattah	Meeks (NY)	Udall (CO)
Filner	Millender	Udall (NM)
Ford	McDonald	Velazquez
Frost	Miller, George	Waters
Ganske	Mink	Watt (NC)
Gejdenson	Moakley	
Gephardt	Mollohan	

Waxman
WeinerWexler
WilsonWoolsey
Wu

NOES—183

Army
Bachus
Baker
Ballenger
Barrett (NE)
Bartlett
Barton
Bass
Biggert
Billirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cox
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
English
Everett
Ewing
Fletcher
Foley
Fossella
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilchrest
Goode

NOT VOTING—79

Abercrombie
Allen
Archer
Barr
Becerra
Bereuter
Bishop
Boucher
Brady (PA)
Brown (FL)
Campbell
Clay
Clayton
Conyers
Cooksey
Crane
Crowley
Danner
Davis (IL)
Delahunt
Dickey
Dooley
Forbes
Fowler
Frank (MA)
Franks (NJ)
Gillmor

Gordon
Gutierrez
Hastings (FL)
Hefley
Hilliard
Hulshof
Hyde
Kanjorski
Kaptur
Kasich
Kennedy
Kilpatrick
Klink
Kolbe
LaFalce
Lantos
LaTourette
Lazio
Lipinski
Martinez
McCollum
McInnis
McIntosh
McIntyre
Meehan
Meek (FL)
Menendez

Pickering
Pitts
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Hostettler
Houghton
Hunter
Hutchinson
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Kelly
King (NY)
Kingston
Knollenberg
Kuykendall
LaHood
Largent
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas (OK)
Manzullo
McCrery
McHugh
McKeon
Mica
Miller (FL)
Miller, Gary
Minge
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Ose
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri

Metcalf
Moran (VA)
Murtha
Owens
Oxley
Pascrell
Pickett
Riley
Sanchez
Shaw
Shays
Shuster
Snyder
Spratt
Stark
Stupak
Talent
Lazio
Thompson (MS)
Visclosky
Watkins
Watts (OK)
Weygand
Wise
Wynn

HAGE and Mrs. KELLY changed their vote from "aye" to "no."

So the motion to instruct was not agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HOUR OF MEETING ON MONDAY, OCTOBER 30, 2000

Mr. REYNOLDS. Mr. Speaker, I move that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow for morning hour debate, and 10 a.m. for legislative business.

The motion was agreed to.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate from Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment a joint resolution of the House of the following title:

H.J. Res. 119. Joint Resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

HOW MUCH IS ENOUGH?

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, there is a simple question we confront tonight as we have moved in this common sense Congress to reach compromise and consensus in a bipartisan fashion. That is, after agreeing to many provisions on both sides of the aisle, with what some would call reasonable and others would call overly generous spending packages, Mr. Speaker, we are facing this question: How much is enough?

I would turn to the legislation we passed at midweek last week in this 106th Congress, reasonable plans that offered tax relief, but more importantly, ordered a Medicare refinement and restoration plan needed for our hospitals, needed for our home health care, needed for our nursing homes, and other provisions actually requested by the President of the United States who came to Arizona to embrace a new markets initiative, part and parcel of the bill we passed last week, and yet sadly so many people on the other side voted against it.

Mr. Speaker, how much is enough?

HOW MUCH MORE DOES THE PRESIDENT WANT?

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, I think a lot of the American people are surprised that the Congress is still in

session. I think a lot of people back in my district cannot believe that we have not resolved our differences. This chart is a little hard to read, but it follows on with what the gentleman from Arizona was talking about. What it shows in red is what the President requested in each of his budget requests per category.

On Education, Labor, HHS, the chart is about the same. Agriculture, right on down the line. In fact, in one of the areas in the Defense budget we are actually giving more than he requested. By the time we are done with this bill that we debated so hotly tonight, at least the motion to instruct, we are going to give the President significantly more than he originally requested, which leads to the real question that not only we in Congress but the American people, and frankly, members of the working press, ought to be asking the President of the United States: How much is enough?

2100

Now, we have been willing to meet with the President to negotiate in good faith. We have met him more than halfway. But we should not be in session today. How much is enough, Mr. President?

PERSONAL EXPLANATION

Mr. GREEN of Texas. Mr. Speaker, yesterday, October 29, 2000, I was unavoidably detained and missed two rollcall votes, Nos. 572 and 573. I would like the RECORD to reflect that I would have voted "yes" on rollcall No. 572 and "yes" on rollcall No. 573.

CONGRESS FIGHTING BATTLE OVER BUDGET

(Mr. EHLERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EHLERS. Mr. Speaker, it is a pleasure to be here this evening. This is an historic event. We have never met this late in our legislative season since World War II. But perhaps this is not all bad. We are fighting a battle here, too; and that battle is to keep the budget down.

Over the past few years, when we approached this point, the President demanded more spending. In order to wrap up this session and get home for elections, we capitulated.

This year we are not going to do that. The President is trying to shanghai us by saying, we will only let you go for 24 hours. You have to be here every day, even though there is nothing to do, because they are not negotiating.

I think it is rather unique. But we are here. We are willing to work. We are eager to work. Unfortunately, the President has been out on the West Coast raising money. But as soon as he gets back and as soon as he is willing to negotiate with us, we are ready and

willing to negotiate. But we are not going to give the ship away. We are going to restrain the budget and do the best we can to keep the budget balanced.

ISSUE IS NOT HOW MUCH MONEY

(Mr. STENHOLM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STENHOLM. Mr. Speaker, the issue is not how much money. The majority voted last week to increase the caps to \$645 billion in spending. That is \$13 billion more than the President requested. The Blue Dog Democrats suggested a compromise of \$633 billion a long time ago. The majority refused to talk to us.

I hope we will stop talking about money. Money is no longer the issue. Because if we exceed \$645 billion cap for 2001, there will be sequestration and we will bring all the spending back to \$645 billion, which is what the majority has set for the caps, which is way too much spending.

So I hope we will stop this misdirected rhetoric tonight. Because that sign there "how much is enough?" has no relevance whatsoever to any of the issues that we are talking about because we all agree now that \$645 billion is the cap.

PRESIDENT HAS DEMANDED BLANKET AMNESTY FOR ILLEGAL ALIENS

(Mr. ROHRBACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRBACHER. Mr. Speaker, the gentleman may or may not be correct in terms of what the issue is. The President always is pushing us to spend a little more on health care, a little more on education. But the fact is what is the real issue that is keeping us here?

The real issue is the President has demanded a blanket amnesty for millions of illegal aliens in our society. So all this money that he is talking about, a little more for education, a little more for health care, will be totally negated even if we give in to the President because we will be then adding millions of more people into eligibility for these same government programs.

The President is keeping us here in order to pressure Congress to issue a blanket amnesty for millions of illegal aliens and then thus making them eligible for every government benefit that supposedly should be going to the American people.

This is a noble cause for us to stand our ground here in Congress to protect the American people, not to let the President bring in millions of illegal aliens in order to consume the scarce resources available for them in health care, Social Security, and education.

ISSUE IS WHAT ARE WE SPENDING MONEY ON?

(Mr. TURNER asked and was given permission to address the House for 1 minute.)

Mr. TURNER. Mr. Speaker, I think it is apparent to all of us that the question is not how much is enough. We are already spending more than we ought to be. The majority voted to spend \$645 billion when you raise the caps. The President did not ask us but for \$637 billion.

The issue is what are we spending the money on? That is why we are here. That is what we are arguing about.

The truth of the matter is most of us on this side of the aisle want to spend more money on our rural hospitals and our health care providers and less money on the insurance company HMOs than the Republicans have put in the bill. And the truth of the matter, even Senator JOHN MCCAIN pointed out that there is \$21 billion in this legislation that is just pure pork.

Every newspaper in the country has been editorializing on the fact that the majority has stuffed this bill with pork for partisan purposes to help folks that are in tough races.

So let us get the pork out, and let us save our rural hospitals that are about to close in my district. Let us increase the reimbursements to our health care providers. And let us not give the lion's share to the big insurance companies.

REIMBURSEMENTS TO HMO'S AND MANAGED CARE

(Mr. HILL of Montana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILL of Montana. Mr. Speaker, I want to bring some clarity to the issue that we just debated and voted on, and that is this issue of reimbursements to HMOs and managed care.

I no longer have a managed care institution in Montana. The one that was there was forced to close down a year ago. I sat down with HCFA, the Clinton administration, and that HMO to try to keep it alive a year ago. And one of the things that I discovered is that when the Clinton administration forced the closure of that HMO, it knew that it was going to cost more to provide health care to those seniors under the fee-for-service Medicare than it would under the HMO. And this was a provider-based HMO.

I thought to myself, why in the world would they do that, would they force people into poor coverage, no prescription drug coverage, and higher deductibles when they knew it was going to cost more? Then it dawned on me. The Clinton administration wants to destroy managed care, Medicare+Choice.

What we have here is Democrats coming to this floor pretending that they want to keep those seniors who have that program covered, when the

reality is they want to destroy that program because they do not want seniors to have a choice, but they want to blame Republicans for doing it. And it is wrong, and they are wrong for doing it. We did the right thing by voting that resolution down.

CONGRESS HAS MORE TIME THAN MONEY

(Mr. THUNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THUNE. Mr. Speaker, we are still here this evening because we have more time than we have money. And when it comes right down do it, the question of the day is "how much is enough?" We have passed appropriations bills through this House. We have passed appropriation bills that met our budget. As we went into the conference negotiations with the Senate, the numbers got bid up.

The President now has gotten almost everything I think he had asked for originally as far as the dollars included in his original budget. But he is demanding more. And that is why we are still here, because we have more time than we have money and more time than the American people have in their tax dollars to continue shoveling into Washington, D.C.

We have an opportunity, Mr. Speaker, to pass a Medicare package, to pass a tax relief package. And all those things are going down to the President, and he is insisting on a veto. I think that is a wrong thing to do. It is the wrong thing to do for the people of this country, for the people of South Dakota, to the rural hospitals, the home health care agencies, the nursing homes, those who need this assistance. We do the right thing.

Let us pass this legislation, and let us get the President to sign it, and then we can go home.

PERSONAL EXPLANATION

Mr. KILDEE. Mr. Speaker, yesterday morning I was detained at a meeting on class size reduction and got here too late to cast my vote on rollcall No. 570, approval of the Journal. I ask unanimous consent that my statement be put in the RECORD.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Michigan? There was no objection.

REPUBLICANS ARE PROTECTING SOCIAL SECURITY AND SURPLUS

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, the Republicans in the House have passed domestic discretionary spending that has kept within our budget. In fact, as a

percent of gross domestic product, it is the lowest since 1974.

Now, some of our opponents on the other side of the aisle would like to say that we have passed these larger and larger budgets, but the truth is we have been in negotiation with the White House and we have tried to reach an agreement with him.

As other speakers have said earlier, we have matched him on most of the bills that have been passed. There are just a few outstanding that are still being negotiated. But the President wants to continue to add more and more money in and start more and more new programs.

We are protecting Social Security. We are protecting the surplus on Social Security. We are protecting the surplus for Medicare. We have even passed a bill that gives some tax relief and also strengthens Medicare by adding more than \$12 billion and to strengthen hospitals, including more than \$1 billion for rural hospitals. In Kansas, rural hospitals are in desperate need of this legislation and this bill. But the President is holding it hostage and is refusing to do it.

So, Mr. Speaker, I just hope that he will sign these bills into law and we can finish this session.

PRESIDENT THREATENS TO VETO FEDERAL EXCISE TAX ON TELEPHONES

(Mr. PORTMAN asked and was given permission to address the House for 1 minute.)

Mr. PORTMAN. Mr. Speaker, we are still here tonight for one very simple reason. We are here with another battling with the President of the United States. He would like us to spend more money, and he would like us not to cut taxes for the American people. It is unbelievable.

As we are working here tonight, the President is threatening to veto very reasonable, even targeted tax relief that helps people save more for retirement, helps people obtain health care, helps people be able to improve our schools and construct more schools around this country.

He has even threatened to veto tonight the repeal of the Federal excise tax on telephones. This is the 1898 temporary luxury tax put in place on telephones that lives on today. This tax hits particularly people that have fixed incomes very hard.

Think about it, everyone in America needs a telephone. It is very important to those of us who are worried about our economy and worried about what is going to keep our economy going that telecommunications not be taxed. Yet the President believes this tax, this 3 percent tax that is on every one of our phone bills that goes into general revenues that was put in place in 1898 as a temporary luxury tax ought to continue in existence.

We have a surplus all created by the American people. Let us hope this

President begins to give a little meaningful, serious, reasonable tax relief.

LET CONGRESS STAND UP FOR PARENTS AND TEACHERS AT LOCAL LEVEL

(Mr. HOEKSTRA asked and was given permission to address the House for 1 minute.)

Mr. HOEKSTRA. Mr. Speaker, we are in Washington today talking about some very important issues. Over the last 3 years, my subcommittee has had the opportunity to travel around the country and take a look at education to see what is working in America and what is not working in America.

It is exciting to go down to the State and local level and see what parents, teachers, and local administrators are doing to bring about excellence in education. We need to reinforce those efforts and let people at the local level continue to innovate and move forward.

We contrast that with what is going on here in Washington. We have a Department of Education that has failed its audit for the last 2 years, has numerous cases of waste, fraud, and abuse. And now the President wants to put additional programs under the jurisdiction of the Department of Education so that there are more Washington programs and bureaucrats telling our local parents and administrators what to do in education.

This is a discussion and a debate about who controls our local schools. Let us stand up for parents and teachers at the local level.

WHY CONGRESS IS IN SESSION ON SUNDAY NIGHT

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, we are here on a Sunday night. I want to tell my colleagues, I am kind of sad. I would rather be with my family. But I will tell you one thing, it is my duty to be here and fight for the things that I believe in.

One of the things that I am fighting for is little old Brantley County, Georgia. Because, see, the President has a scheme to federalize school construction. He wants to have school construction run out of Washington, D.C., for every county school board in the United States of America. We want local control.

I want to tell the folks back in Brantley County, Georgia, that you are going to continue to be in charge. We are here to fight for classroom size. I am with the President on that. We need to reduce the size of the classroom. But I am away from the President on Medicare reimbursement. He has threatened to veto a bill that has been endorsed by the American Hospital Association. I am here because the President has threatened to veto a

bill that would take away 100 percent health care deductibility, which would make health care affordable for small businesses and farmers. That is worth fighting for. And I am here for the Social Security lockbox, which the President has yet to commit himself to.

That is why we are here on a Sunday night, and I am not going to leave until we get this thing done.

2115

LET US SET THE RECORD STRAIGHT

(Mr. SHERMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHERMAN. Mr. Speaker, we have heard discussion of the school construction provisions of the tax bill. Let me set the record straight. We Democrats want provisions where school boards are given a chance to issue bonds, where the Federal Government pays the interest costs and the bond money is used immediately to build schools. Unfortunately, this tax bill, while it provides some of those bonds, provides not enough and then provides over a \$2 billion cost to the Federal Government to liberalize the arbitrage rules in which school boards will be told by the Federal Government to delay building schools, take the money, put it on Wall Street and try to make money by arbitrage provisions. That is how Orange County, California, went bankrupt. That is not a way to help our local schools. The way to help our local schools is to reject the tax bill that passed through this House and instead provide a full \$25 billion worth of bonds where the Federal Government will pick up the interest cost. We need to build schools on Elm Street, not skyscrapers on Wall Street.

HOW MUCH IS ENOUGH?

(Mr. SCHAFFER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHAFFER. Mr. Speaker, how much is enough? Three and a half weeks ago we were supposed to have been adjourned, but we are here because of the politics down at the White House, the politics of putting partisanship ahead of people.

Mr. Speaker, I wonder how many of our colleagues ever saw the movie "The Jerk." It is a rags to riches to rags story wherein the main character is evicted, and he is kind of hanging on to the last bits of furniture and items in his home as he is walking out the door, as he says, I don't need anything else. I have everything I need except for this lamp.

We are seeing that go on over at the White House today: We do not need anything else except for amnesty for illegal aliens. We do not need anything else, I got everything I need except

needles for heroin addict. I do not need anything else except for more Government employees, and that is all I need, except for this, I need more Government construction. That is what we are seeing going on at the White House, *The Jerk*. It is a great movie. Everyone ought to see. How much is enough, Mr. Speaker?

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THANKS FOR THE SUPPORT AND ENCOURAGEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Montana (Mr. HILL) is recognized for 5 minutes.

Mr. HILL of Montana. Mr. Speaker, tonight is a difficult moment for me because this probably will be my last opportunity to address this House because when this session ends my service in this institution will end. I would just like to take a moment, if I could, and reflect upon these last few years. I think back to my father, who left school when he was 13 years old, the end of eighth grade. He had to do that in order to get a job, in order to support his brothers and his sisters and his mother. He served in World War II and after the end of the war, a friend offered to lend him \$100 to get started in a tire repair shop. He jumped at the chance to take that loan and start that business because he saw that as his only opportunity to realize what we referred to, I guess, as the "American Dream."

What I remember about my parents is how hard they worked because they worked hard all of their lives. My father is no longer living. I can remember my mother even taking care of boarders in our house in order to help our family make ends meet. So if we measure success by how much money people accumulate or how many things they have, then we would not put my parents in the success category. They measured success another way. They believed in certain values. Those values were hard work and family and faith and individual responsibility, and they believed that in this country and in our society that if one works hard then anybody can have their chance to pursue their dream and their idea of success. They believed also that it was every generation's obligation to make sure that they passed that opportunity on to the next generation of Americans.

My sisters and I inherited more opportunities than my parents had. I got to go to college. I raised a family. I had a successful business. I have a terrific wife, three wonderful children, three delightful grandchildren. When I asked

the people of Montana to elect me to represent them here, I told them that for me this was about our children and about our grandchildren.

The people in this country, the people of Montana, were frightened just a few years ago. They thought perhaps this idea, this American dream, was lost for generations to come, and the reason for that was their government. If we remember, we had deficits, \$250 billion or \$300 billion a year going forward as far as the eye could see. The national debt was approaching the size of our national economy.

Social Security and Medicare, two important programs, were in serious jeopardy. Medicare was scheduled to go to bankrupt.

It was not just a budget deficit that the people of Montana were expressing to me. They said there was another deficit, too, and that was the deficit in individual responsibility and personal responsibility that they saw in our society; a runaway welfare system; illegitimacy; broken families. The list goes on and on. We have made a lot of progress in the last few years on these important subjects. The fiscal house of the nation is in better shape than it has been in a long time. We cut over 50 Government programs to help get us there. The budget is balanced, and it looks like it will stay balanced long into the future. Medicare at least is solvent for another 20 years. Social Security, we have ended 40 years of raiding the surplus in the Social Security trust fund, and that money hopefully will be set aside for generations in the future as well.

We lowered taxes for our families so that those families can make more decisions over how their money gets spent, empowering them to make better decisions as well.

This country is a unique place and it is based upon an idea, an idea, I guess we refer to it as the American dream, but it is also important for us to realize it is based upon principles of freedom and the principles of liberty, because that is how we pursue our dreams. That is why we are a creative nation, why we are entrepreneurial, why we are competitive and why this is such a dynamic place to live, is because of these freedoms and this liberty.

I have endeavored throughout my service here to promote those values, the values of competition, of freedom and liberty, to empower people and give people the power to make their own choices.

There are some people that I want to thank tonight, my wife, Betio; my mom, who watches C-SPAN religiously and thinks that the gentleman from Arizona (Mr. HAYWORTH) is the best Congressman, and I am second best; my children, Todd, Corey, and Mike; my grandchildren, Kadrian, Parker, Levy, and one on the way who is not named yet; my loyal staff who has worked so hard.

I especially want to thank the Members that I have served with here. What

makes this such a special place, and sometimes I think people watching or listening misunderstand, is that the people carry such passionate views and so much caring about their constituents and the things they believe in to this floor and debate them on behalf of their constituents. I want to thank you all for your advice and your counsel, your help and your support and your encouragement; and finally I want to thank the people of Montana who temporarily entrusted me with this job, caretaker over this office. I want to thank them for the honor and the privilege they have bestowed upon me to represent them in this special place.

GOVERNOR BUSH'S TAX PROPOSAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

Mr. SHERMAN. Mr. Speaker, our economic prosperity is fragile and the political reasons, the political rhetoric out there in the country threatens to put that prosperity at risk. The Governor of Texas has mocked the importance of fiscal responsibility. It is in his political interest to tell the country that decisions made in Washington over the last 8 years have nothing to do with the economic prosperity that we have enjoyed over the last 8 years. Not only is he wrong but his statements lay the foundation for some very, very dangerous economic policies.

The Governor of Texas is correct that the lion's share of credit for our economic prosperity goes to American workers whose ingenuity, whose hard work, whose inventiveness are unparalleled; but for political gain, he denies that there is another essential element and that is fiscal responsibility here in Washington. When he denies that the Federal Government has anything to do with how our economy performs, he grants us here in Washington a license to be fiscally irresponsible, because if Government really has nothing to do with the prosperity over the last 8 years, then the Government is free to do whatever we want it to do without putting that prosperity at risk.

The facts are otherwise. During the mid-1980s, during the late 1980s, during the early 1990s, Americans were hard working. They showed ingenuity, did everything possible to give us prosperity and yet the country was not prosperous, and this is because we did not have fiscal responsibility here in Washington. Now for 8 years, the Clinton-Gore administration has insisted that we have fiscally responsible budgets; and prosperity has returned to this country. If we are told that those budgets have nothing to do with our prosperity, that lays the foundation for the kinds of huge \$2.6 trillion tax cuts that this country cannot afford, with the result that Government borrowing will swallow up private savings, returning us to high interest rates and recession.

The second aspect of the Governor's remarks that are clearly false is when

he says that under his plan every American who pays taxes will get tax relief. He forgets that 15 million Americans pay FICA tax and do not pay any income tax and for these people, the people who clean up for us in restaurants, the people who take care of our old people in senior citizens' homes and nursing homes, people struggling to get by an \$15,000 and \$18,000 a year, he gives not one penny of tax relief because he is providing over 43 percent of the tax relief to the richest 1 percent of Americans; nothing for the janitors, everything for the billionaires. He ought to at least be honest enough to tell the country that that is what his tax policy provides.

Finally, Mr. Speaker, when the Governor of Texas tells us that his plan will provide only \$223 billion of tax relief to the richest 1 percent over the next 10 years, he ignores everything he is doing with the estate tax. He tells the country he is going to repeal the estate tax but never includes the fiscal effect of that repeal in his description of his overall tax and budget policies.

I can only refer to this as fuzzy fiscal figures and false fiscal facts. The fact is that the estate tax will be generating \$50 billion a year. That is \$500 billion over 10 years, which means under the Governor's proposal, the richest 1 percent of Americans will save over \$700 billion a year under the Governor's proposal. He admits to only \$223 billion. He ignores the other \$500 billion.

That is why it is true when it is stated that the proposals of the Governor of Texas would provide more relief to the richest 1 percent of Americans than he proposes to spend to improve our health care system, strengthen Medicare, strengthen the military, and improve education combined.

Mr. Speaker, our choice is clear. On the one hand, we can have fiscal responsibility, economic expansion, reduction and eventual elimination of our national debt and moderate tax cuts for working families, all combined with investments in education, Medicare, military preparedness and health care, or we can provide \$700 billion to the wealthiest 1 percent of Americans.

THE PROBLEM WITH THE POLITICS OF DIVISION INSTEAD OF THE POLITICS OF UNITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. KINGSTON) is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, let me just say this, that under the plan proposed by Governor Bush, the janitor, the worker in the restaurant, would, in fact, get great sums of tax relief. But more importantly, rather than this class division, rather than the politics of envy, the Bush promise is to make that restaurant worker the restaurant owner. That is the biggest difference between the Bush vision and the Gore vision, which keeps the poor, poor. And that is the problem when we have the

politics of division instead of the politics of unity. I think that is what this is all about.

Now, Mr. Speaker, we want to talk a little bit about what we are doing here on a Sunday night, and joining me are my colleagues from Arizona, Michigan, Minnesota and Colorado; and we are going to ask the question, we are here because how much is enough, Mr. President? Last year the Labor and Education bill, Health and Human Resources, had a sum of \$96 billion.

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This year, negotiating with the President, we are up to \$106 billion. But it is not enough for the President and Mr. GORE. They want more money.

So I will ask my colleague from Arizona, how much is enough? How much does the President want to spend?

Mr. HAYWORTH. Well, if my friend from Georgia will yield, that remains the question, because, the fact is, we are not getting a clear and compelling signal from the White House or from our friends on the left.

You see, we worked together to achieve a consensus in many areas, especially on the bill we passed just last week, which offered not only tax relief, but Medicare refinement and improvement to strengthen Medicare payments to hospitals and home health care facilities and nursing homes, but also something the President embraced when he came to Phoenix, Arizona, the so-called "new markets initiative." Community empowerment. So we had a very broad bipartisan piece of legislation there, and yet we hear now that the President says he intends to veto the legislation.

So, sadly, the answer to the question that my friend from Georgia poses tonight has no quantifiable answer.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. KINGSTON. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I would like to first of all say that as I was stepping out of the Committee on Rules upstairs, I could hear without the electronic means my friend from Georgia talk about the fact that the Vice President is pursuing policies that will help to keep poor people poor, which I think is right on target. That is the one thing I heard, so I compliment the gentleman on offering the truth.

Mr. Speaker, I would like to thank the gentleman for yielding to me, and to congratulate my colleagues for the time that they are taking this evening to enlighten the American people on these very important issues.

Mr. KINGSTON. Mr. Speaker, I would ask the gentleman from Michigan (Mr. HOEKSTRA), does he know how much is enough? I want to refer to our chart again. How much is enough, Mr. President? How much do you want to spend?

Mr. HOEKSTRA. Mr. Speaker, if the gentleman would yield, I think what we are finding, especially in the area of

education, where I have spent a lot of time and our subcommittee has spent a lot of time, it is no longer an issue about money, but, for the President, how much is enough? How much more authority does he want to move from a local and State level to Washington?

We know that he would love to start getting Washington involved in school construction, get Washington involved in hiring teachers. So for the President, it is not an issue of money anymore. Republicans have said we will match him on money.

"Enough is enough" now for the President is only when we move the decision-making for how we spend those dollars from the local level to the Department of Education here in Washington. That is now where the President is saying, "I need more and I want more."

Mr. KINGSTON. Mr. Speaker, reclaiming my time, I thank the gentleman from Michigan for that, because one of our major issues that is outstanding right now with the President is the fact that he wants school construction to be federally controlled; and we want to leave it locally controlled, where less dollars will be spent and local people will decide what needs to be built. It should not be in the hands of Washington bureaucrats.

I yield to the gentleman from South Dakota (Mr. THUNE).

Mr. THUNE. Mr. Speaker, how much is enough? That is the question of the evening. Well, I would suggest to the gentleman from Georgia that is really a moving target. We do not know, because the President insists upon every bill that comes down there, this much more, this much more. I think whatever the number was yesterday, it just increased by about 20 percent today.

But if one looks at why we are still here, and the gentleman from Michigan is absolutely right, this really is about whether or not you want to consolidate more power in Washington or whether you want to distribute power back to the people who live in our States and our communities, our families. That is the issue of the day.

PREPARING THE BUDGET

The SPEAKER pro tempore (Mr. PEASE). Under a previous order of the House, the gentleman from Texas (Mr. STENHOLM) is recognized for 5 minutes.

Mr. STENHOLM. Mr. Speaker, I did not intend to get into this tonight, but I know my friends on the other side of the aisle are not intentionally attempting to mislead the people tonight, because I know them too well. I have worked with them on too many issues, and I think it is awfully important. Anything I say that any of them wish to challenge me on, I will be glad to yield some time, because I do not want to do that which I accuse you of doing.

When we start talking about how much is enough, I believe when we passed the foreign operations appropriation bill, those of you who voted

for that voted to increase the caps for spending for this coming year to \$645 billion. Now, that is more than the President has requested to spend.

Therefore, when you start talking about the budget, the President originally this year called for \$637 billion in spending. My friends on the other side said you wanted to hold it to \$625 billion. The Blue Dogs suggested a good compromise in between at \$633 billion.

Our \$633 billion got 170 votes. In fact, we had 37 of you voting with us on that. Forty-one more of you and we would not be here tonight arguing about the numbers, because we would have held spending at \$633 billion, not at \$645 billion.

Now, for about 16 years I was in the majority, and many times I voted with you, and I got criticized quite a bit for being the big-spending Congress. Well, I was voting with you. This year I did not vote with you, because \$645 billion was \$12 billion more than I thought we ought to spend this year. You are the ones that increased it.

Now, you can put up your chart. I have got a chart over here that will show absolutely, unequivocally, no matter what you are saying on this, that you will spend more than the President has asked. We can point the blame all we want to.

Mr. COBURN. Mr. Speaker, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Speaker, I have a question, not so much for the gentleman, because I have a great deal of respect for the fact he is indeed a fiscal conservative. Many of us are very upset that we are spending as much as we are. But if what the gentleman is saying is true, then perhaps what we ought to do is just go back and take the President's original request and pass them and send them down to the White House. Is the gentleman telling us that he believes the President would sign those bills in those amounts?

That is a simple question, because, if that were true, that is what we ought to do, and we could all go home. But I know the gentleman from Texas (Mr. STENHOLM) knows this as well as I do, every day the bar gets moved. We are not even talking about what the President asked for. Most of the stuff that has been put in the bill right now is at the President's or White House's request.

We are upset we are going over the spending caps. We are now at over \$1.9 trillion. We think that is enough. But every day the bar moves. When I have told some of our leaders, maybe we ought to go back to what the President asked for and give him exactly what he asked for, you know what they all say? He would veto it.

Mr. STENHOLM. Mr. Speaker, reclaiming my time, my point was this: if we had agreed on a budget with \$633 billion in spending, you would have had a very large number of Democrats standing up with you on that. It is too

late for that tonight. It is too late for that.

What I am saying is, your leadership seems to not be able to learn one constitutional fact: if you are going to beat the President, any President, now or any time in the future, you have got to have 290 votes. In order to get veto override numbers, you have got to work with somebody on this side of the aisle, which you have absolutely refused to even consider walking across the aisle to ask any one of us. And the Blue Dogs have given you not once, not twice, not three times, four opportunities to say, we want to work on holding spending down.

Mr. COBURN. Mr. Speaker, if the gentleman would yield further, I would say to the gentleman from Texas (Mr. STENHOLM), I voted with you every time you put your budget up; and I want to tell you, your claim we would not be here I believe is in error, because this institution has a flaw in its design, and the design is it is easy to spend money and it is not easy not to spend it. If there is anything that needs changing in this Congress, it is the appropriations process, whereby staff members, not committee members, know what is in the bill, and backroom deals are done and the spending rises. That is the first thing.

The second thing is the House is gamed against the Senate, the Senate is gamed against the House, and then the President games them both, and the American people are getting a raw deal.

A CONTINUATION OF HOW MUCH IS ENOUGH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. HAYWORTH) is recognized for 5 minutes.

Mr. HAYWORTH. Mr. Speaker, I welcome the opportunity to continue this discussion as we can with the time allocated. Let me yield more time to my friend from Oklahoma.

Mr. COBURN. Mr. Speaker, the fact is we passed a budget out of this House, and we passed the appropriation bills out of this House within \$1 billion of that \$601 billion. That is a fact. All 13 bills went out and went out on time.

Now, the question is, the question is the American public ought to be asking is, what happened after it left the House? And I hope some day they will know how this process works and put people up here who will not allow it to continue.

Mr. HAYWORTH. Mr. Speaker, reclaiming my time, I thank my colleague from Oklahoma. I thank my friend from Texas for his perspective. I think it is important to understand that there is far more that may unite us than divide us; and rather than pointing the finger of blame, I think it is important, after we await the verdict of the voters on the first Tuesday following the first Monday in November, if we should be fortunate enough

to return to this institution, we certainly welcome our friend from Texas and other like-minded friends on that side of the aisle to join us in a governing coalition to work with the next President of the United States, who could very well be the Governor of my friend's home State, to work to unify and put people before politics and to deal with these real questions.

I do appreciate the fact that he offers a voice of fiscal conservatism. We may not see eye to eye always on tax relief or a variety of other issues; but by the by, I think there is a great deal of agreement, and I do look forward to that opportunity.

I yield to my friend from Georgia.

Mr. KINGSTON. Mr. Speaker, I also want to say to my friend from Texas, I do appreciate, number one, your yielding time for a real dialogue tonight; and, number two, your consistency on trying to hold down the budget numbers, because I think amongst those here tonight, we are all in agreement with you.

Of the other issues that are on the table, though, one of the ones that concerns me and everybody else here, the gentleman from Michigan (Mr. HOEKSTRA), who is a chairman on the Committee on Education and the Workforce, is the President's scheme to federalize school construction. As you know, he wants to put in a big union pay-off and have Davis-Bacon in there and that will drive school construction costs up 25 percent on an average. We in rural south Georgia just cannot afford that. That is one reason why I think that we are here tonight, to put schools above politics.

Mr. HAYWORTH. Mr. Speaker, reclaiming my time, I thank my friend. I think this is important, because knowing my friend from Texas and his fiscal conservatism, it simply makes more sense to make the money work harder. You do not do that when you artificially inflate prices for the cost of construction, or, worse still, when you take the authority for school construction away from local school boards and transfer that authority here to Washington.

In fact, I yield to my friend from Michigan, who has great oversight of this in his role in the Committee on Education and the Workforce.

Mr. HOEKSTRA. Mr. Speaker, I thank my colleague for yielding.

Mr. Speaker, one of the things that we found as we went and talked to local school districts, but also as we talked to the different State education boards, is that they typically get about 7 to 10 percent of their money from Washington, but they get 50 percent of their bureaucratic paperwork from Washington. So, for all of these 760 programs that come out of 39 different agencies that are targeted at our local classrooms, with each one of those there come costs, burden, and red tape and strings attached, telling local officials, this is what you need to do in your schools.

So what we wind up doing is focusing on process, rather than on what is good for our kids. The people who know our kids' names no longer have full control over what goes on in that classroom. It is time we put our kids before process, that we put learning before bureaucracy; and those are the kinds of issues that we are wrestling with with the president at this time.

Mr. HAYWORTH. Following the tradition of our friend from Texas, I gladly yield him some time to visit on these issues.

Mr. STENHOLM. I thank the gentleman for agreeing. Let me say I happen to agree with you on the Davis-Bacon provisions. I have agreed in the 22 years I have now been fortunate to serve here.

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I think it is a terrible mistake to include, especially the new provisions that will allow local board decisions to have Davis-Bacon applied. It has nothing to do with prevailing wage. I have always agreed that Federal contracts ought to receive the prevailing wage. But I have spent a good part of my career attempting to first repeal and then reform the Davis-Bacon act, to no avail. But I happen to agree with my colleagues on that.

I do not agree on creating a new revenue-sharing program for schools. I think we ought to concentrate the money for school construction. So I disagree with my Republican colleagues on that, but here reasonable people ought to be able to work that out, have the legislative process be allowed to work.

Mr. HAYWORTH. Mr. Speaker, I thank my colleague for that. I think again it typifies much of what we have heard about, in the midst of this so-called political season where there are honest disagreements.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTIONS 121, 122, 123, and 124, EACH MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2001

Mr. DREIER (during the special order of Mr. KINGSTON), from the Committee on Rules, submitted a privileged report (Rept. No. 106-1015) on the resolution (H. Res. 662) providing for consideration of certain joint resolutions making further continuing appropriations for the fiscal year 2001, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF S. 2485, SAINT CROIX ISLAND HERITAGE ACT

Mr. DREIER (during the special order of Mr. KINGSTON), from the Committee on Rules, submitted a privi-

leged report (Rept. No. 106-016) on the resolution (H. Res. 663) providing for consideration of the Senate bill (S. 2485) to direct the Secretary of the Interior to provide assistance in planning and constructing a regional heritage center in Calais, Maine, and providing for the adoption of a concurrent resolution directing the Clerk of the House of Representatives to make certain corrections in the enrollment of the bill (H.R. 2614) to amend the Small Business Investment Act to make improvements to the certified development company program, and for other purposes, which was referred to the House Calendar and ordered to be printed.

A CONTINUATION OF HOW MUCH IS ENOUGH

The SPEAKER pro tempore (Mr. PEASE). Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, I want to come back to this question. I will be happy to yield time to any of my colleagues who are here on the floor, but I really do think this is the question: how much is enough? I say that because I was a member of the State legislature in Minnesota; and I must say, since I came to Washington 6 years ago, and we have always had a situation where the President was of the Democratic Party and the Congress, since I came, has been in control by the Republicans, and that has caused more friction perhaps than it really should. But I was in the State legislature when we had a Republican Governor and a democratically controlled legislature, and we were somehow able to get things done. I mean I do not understand why it is that we have to have this grid lock. I do think this is part of the question, and I also agree that there are other questions that need to be resolved. But it seems to me, and I agree with my colleague from Texas, reasonable people ought to be able to work this out.

We said originally in our budget resolution, we thought we could legitimately meet the needs of the Federal Government and all the people who depend upon it for about \$1.86 trillion. My colleague has pointed out that we have already exceeded those spending caps. That bothers me. But we are all now saying, at least most of us are saying, that what we at least ought to do as we see more and more surpluses piling up, this year, at least, that 90 percent of that surplus ought to go to pay down debt. I think just about everybody agrees with that.

When we look at basic things, there is not that much to argue about. It comes down to some simple things, as we saw on the chart. The numbers we have in terms of education are almost identical to what the President asked for. This is not a debate about how much we are going to spend on children. It is a debate about who gets to

do the spending. We simply believe more of those decisions ought to be made by people who know the children's names. I do not think that is an unreasonable thing.

Then we are having this debate about whether or not we ought to grant blanket immunity to illegal aliens. I do not think many people in this room right now think that is a very good idea. In fact, I think if we polled the people back in southeastern Minnesota, they would say that is a crazy idea. But now the President is threatening to veto the Commerce, State, Justice appropriation over that issue.

Mr. HAYWORTH. Mr. Speaker, if the gentleman will yield, just to reiterate what has been agreed to, and I think it is important for those of us who hail from Arizona, Texas, other border States, what we have agreed to is a family unification process, because we do not want to see families separated, but by the same token, when it comes to this notion of blanket amnesty, we have a problem when we are dealing with ignoring what is already illegal. And that is where the sticking point comes, and while we have had a reasonable approach, bipartisan, to deal with family unification, I would just make that key distinction as we are dealing with the amnesty question.

Mr. STENHOLM. Mr. Speaker, if the gentleman will yield, I want to go back again to the gentleman's "How much is enough?," and remind everyone again, that question has been decided.

The House spoke by majority will that \$645 billion is enough; therefore, it is not a relevant argument. The immigration question is a relevant argument. Davis-Bacon applications to school is a relevant argument. There are other relevant arguments, but there is no argument now, at least on the majority side, and I will say not with me either, because once the House has spoken and it is October 29, we cannot go back and redo the budget. Mr. Speaker, \$645 billion is the number, and that is more than the President requested.

My only point, had we had this kind of conversation early on and more had joined, as the gentleman from Oklahoma joined with us earlier, we would not be arguing about \$645 billion would be enough, we would be arguing that \$633, and perhaps we would still be arguing about the other questions, but reasonable people can work those out, and surely our leaders, negotiating as we speak, are finding a compromise on those issues that will be acceptable.

Mr. GUTKNECHT. Mr. Speaker, reclaiming my time, my colleague from Texas says that we are agreed, but I do not know if the President is agreed, because he has never told us exactly how much he wants to spend in some of these areas that are still being negotiated.

Let me just come back to my point about the State legislature.

Mr. STENHOLM. Mr. Speaker, if the gentleman would yield again on that

point, briefly, it makes no difference what the President says on additional spending, because on the budget Rules of the House, if we spend more than \$645 billion, we will have to sequester next year in order to bring the spending back. That is the discipline that we used to have in this body, but we have thrown it out the window for the last 3 years.

Mr. GUTKNECHT. Mr. Speaker, I want to come back to close on my story about the State legislature and about how virtually every governor works with their State legislature. At the end of the session, the legislative leaders and the Governor sit down and they decide how much the pie is going to be, how much the State is going to spend. And once that decision is made and there is an agreement made, it takes a matter of about 48 hours for the various committees to work out how much goes to transportation, how much to education. That is what we need to do here at the Federal level; and hopefully, we can have better bipartisanship next year.

A CONTINUATION OF HOW MUCH IS ENOUGH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. HOEKSTRA) is recognized for 5 minutes.

Mr. HOEKSTRA. Mr. Speaker, how much is enough?

When we talk about education, it is about where the decisions are going to be made. There are those in Washington who would like to take primary responsibility for building our local schools, wiring our local schools, buying the technology for our schools, hiring our local teachers, developing our curriculum, testing our kids, feed them breakfast, feed them lunch and develop after-school programs. When they get done with taking that decision-making to Washington, they are very willing to step back and say, the rest is now under your control. But in fact, what they have done is they have moved the focal point from our local teachers and our local administrators from taking a look at the needs of our children to taking a look at the bureaucratic requirements coming out of Washington.

How much is enough? We have enough. Local schools get 7 percent of their money from Washington, 50 percent of their paperwork. That paperwork goes to an agency here in Washington that cannot even get a clean set of books, that every time we give them \$1 for education spending at a local level, they consume 35 cents of it before it ever gets back to a local classroom.

I yield to the gentleman from Georgia.

Mr. KINGSTON. Mr. Speaker, I want to point out two things. One of the reasons I think we cannot get an answer to the question of how much is enough is because the President is no longer in town. We know that part of the strat-

egy seems to be keep Washington tied up, keep Congress in Washington, and then I will hit the campaign trail. The President is on his way to Kentucky to campaign against the gentlewoman from Kentucky (Mrs. NORTHUP). Now, that must feel great if one is the President of the United States, but we are talking about children here. We are talking about real business here, and we are talking about, it is time to put people in front of politics.

The gentleman knows, since he has worked real hard on the dollars to the classroom bill by the gentleman from Pennsylvania (Mr. PITTS) that said our efforts on education would go to the teacher closest to the student in the classroom and not Washington bureaucrats. Right now, when we spend \$1 on education, 50 cents never gets out of town. That is not acceptable.

Mr. HOEKSTRA. Mr. Speaker, reclaiming my time, I yield to the gentleman from South Dakota (Mr. THUNE).

Mr. THUNE. Mr. Speaker, I thank the gentleman for yielding.

I would just say to the gentleman from Texas, as a past supporter of the Blue Dog budget as well, and someone who did not vote to raise the caps to the \$645 billion level, that I think if the Blue Dog budget had been the one adopted by the House, it would have met probably the same fate that the budget today has met.

We did our work in the House. We passed bills at a \$602 billion level; and the President, as is customarily the case at this point in the legislative process, is extorting us or using I think his leverage at the end game to try and get more money out of the Congress. So that is why this thing keeps getting bid up and bid up and bid up.

We have, in fact, in the past, done some good things here. We balanced the budget. This will be the 4th year in a row. We have stopped the raid on Social Security. We have been paying down systematically the Federal debt over the past 3 years. But all that good work could be for naught if we give the President everything that he wants and everything that he asks for, which, as the gentleman noted, also includes a number of things that we just fundamentally disagree with, like putting more power in the educational bureaucracy here in Washington instead of getting it back in the classroom.

So I appreciate the issues that have been raised by our colleagues on the other side here about the budget; but the reality is, we are still going to be in the same positions that we are in today when it comes to negotiating with the President who wants to spend more and who cannot answer the very simple, fundamental question, and that is, how much is enough?

Mr. SCHAFFER. Mr. Speaker, will the gentleman yield?

Mr. HOEKSTRA. I yield to the gentleman from Colorado.

Mr. SCHAFFER. Mr. Speaker, it is an interesting question, and it is a sad

commentary, I think, on the legislative process in Washington to just see what is taking place here. We have Democrats and Republicans essentially agreeing that we are spending too much money. Why is that?

At this point in the game, it would seem that if we agree we are spending too much money, it seems logical that maybe a few months ago, a few weeks ago, we might have been able to agree on spending less. But we do have to compromise not only with Republicans and Democrats, but we have to compromise with the White House as well, and we have compromised and compromised and compromised, trying to, in good faith, reach agreement with the White House, the President's liberal spending habits, and yet as a result of our efforts, there is a point in time when it is a legitimate question to ask, how much can we spend? How much is enough? That is the point we are at now. We have conceded on issue after issue after issue with the White House.

A CONTINUATION OF HOW MUCH IS ENOUGH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. SCHAFFER) is recognized for 5 minutes.

Mr. SCHAFFER. Mr. Speaker, we have to wonder, when is it going to end? That is the question that is on the minds of all of us here. We are here in Washington on a Sunday night, which is completely out of character, first and foremost, but 3½ weeks beyond the beginning of the new fiscal year. We have debated with the White House so long now that the fiscal year has already started, we are passing these 1-day continuing resolutions, and I am afraid, I would say to my colleagues, that what really seems to be driving the agenda down there at the White House is not a real sincere effort to try to come to some resolution on this budget, I think it is motivated by a political ambition to try to scare the American people to believe that we are not paying enough, that we are not spending enough. I hope that we can send the message down to the White House that we have spent enough, that we have already reached enough.

Before I yield to some of my colleagues, I want to reflect on the comment of a 16-year-old girl that I just met back here in the back of the Chamber. She is from Albert Lea, Minnesota in the gentleman from Minnesota's district, and her name is Sara Schleck, she is a page back here and working for the House. I said, you are here on a Sunday night; what do you think about being here on a Sunday. She said to me, she said, Congressman, is not our Government big enough already?

Mr. Speaker, that is the question most Americans should be asking, and a 16-year-old girl certainly is perceptive enough to realize that we are here because there are people who just want

to spend more and for Sara's sake and the sake of my five kids we are willing to stay here as long as it takes to come to the right agreements with the House to make sure we do not spend the country into oblivion. But my goodness, we have answered this question. We have spent more than enough already. The White House wants more, and I just hope that we can come to an agreement that still leaves Sara's future in tact and her debt certainly no greater than it is today.

I yield to the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Speaker, I think we need to build on the progress that we have made. I think we would all agree that getting to a surplus for 3 years now and on our way to a 4th year of a surplus is great progress and great work. Having worked on the Committee on the Budget, if we had said that a few years ago, we would have said, by the year 2000, if we would have gotten that kind of track record, people would have said, no way. But we have done that. So we need to build on that record. We have stopped the raid on Social Security and Medicare, so let us focus on the good things that we have done here as well. Let us build on those things.

The same thing for education. Let us build on the positive progress that we have seen at the local level and then at the same time on a parallel track, let us fix the broken bureaucracy here in Washington.

Mr. SCHAFFER. Mr. Speaker, I yield to the gentleman from South Dakota.

Mr. THUNE. Mr. Speaker, I would say one of the good things we have done, we passed a Medicare package here last week; and it included some tax relief for people around this country too, a lot of things that I think many of us agree on, and I hope the administration agrees on as well. But the veto is threatened, and that is unfortunate, because we have a lot of rural hospitals and home health care agencies and nursing facilities that are really struggling out there. I think the President needs to explain to the American people and to all of those organizations who are supporting this legislation why he is going to veto it.

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This is something that in rural areas like South Dakota is very, very important to the people of my State to make sure that we provide quality health care.

In a bipartisan way we have come up with a package that addresses a lot of those issues for rural hospitals, for skilled nursing facilities, for home health agencies and where we have addressed also some other things that I am very interested and allowing technology to better serve rural health care needs through telehealth. Those issues are included in this package.

The President is going to veto it. That is the wrongheaded thing to do, and that is putting politics in front of

people, and that is unfortunate. It is the reason that we are here. But when the gentleman from Michigan (Mr. HOEKSTRA) talked about some of the good things that we have done here in the Congress, that certainly is an example of it.

I think that it is something most of us here this evening would argue are going to benefit, to a very big extent, the folks, the people in our respective congressional districts and States.

Mr. SCHAFFER. Mr. Speaker, I yield to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I thank the gentleman for yielding, and I would say this one Member is glad the President is going to veto the tax Medicare bill, because it does not deal adequately with the health problems in my district, in my opinion.

In requesting additional spending, I am well aware that we have to find that money someplace else, because no matter how many times we say how much is enough, we have agreed \$645 billion is enough. When I say I am glad the President will veto the bill, I hope we will work out a better package for rural hospitals, teaching hospitals, all of the things that need a little better shake in that.

I say that realizing we have to take the money from someplace else, and I think the HMOs are getting a little bit too much. I think we can perhaps trim some other places. A very respected Member of the other body has said in this spending \$21 billion is very questionable.

I do not think that it is wrong for us to suggest a little more on hospitals at home would be a better use of some of that money.

A CONTINUATION OF HOW MUCH IS ENOUGH?

The SPEAKER pro tempore (Mr. SIMPSON). Under a previous order of the House, the gentleman from Texas (Mr. TURNER) is recognized for 5 minutes.

Mr. TURNER. Mr. Speaker, I want to speak to an issue raised by the gentleman from South Dakota (Mr. THUNE), my friend, regarding the concern that I think we all have regarding our rural hospitals.

The main reason that I object to the bill that was passed on this floor that the President has said he will veto is just the issue the gentleman raised, and that is, it is inadequate in terms of its funding for our rural hospitals and dedicates too much of the money set aside to increase funding for Medicare to the insurance company HMOs.

Mr. Speaker, I have a letter here from a hospital administrator in my district, George Miller. He is the administrator of the Christus Jasper Memorial Hospital. He writes to me and he says we are extremely concerned because as the present language reads in the bill, the one we passed, one-third to one-half of BBA relief over 10 years would go to HMOs, leaving less for pro-

viders and beneficiaries in east Texas, such as the Christus Jasper Memorial Hospital. Further, the bill does not prohibit HMOs from dropping benefits or leaving the community as they have done here in Texas and left many of our patients without HMO coverage. We need your help, Administrator George Miller, Jasper, Texas.

That is the concern that I have about the bill that was passed, and that is why I support the President's threatened veto of the bill. The truth of the matter is, HMOs are abandoning our seniors. I only have four counties out of the 19 that I represent that even have an HMO plan offered to them after December 31 of this year.

I clearly, in representing my constituents, want to see more of that increase that we have provided in this bill applied to the rural hospitals, the health care providers, rather than giving 40 percent of that new money to those HMOs.

Mr. Speaker, I yield to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, me say, number one, that I appreciate the gentleman's sincerity on this issue. However, in terms of the President, I have not seen any alternatives. And as the gentleman knows, this bill was endorsed by the American Hospital Association, the American Cancer Society, the American Federation of Home Health Care Providers, the National Association of Children's Hospitals, the National Association of Rural Health Clinics, Juvenile Diabetes Foundation, the National Association of Community Health Clinics.

I hope that the President, rather than to veto it, putting politics in front of people, I hope he will say, okay, here is how we can constructively make changes and fine tune this thing. I think if it was up to the handful of us tonight, we could work out the differences real quick. And I, too, represent a rural area; and we can have genuine disagreements on it, but I do question some of the motives down on 1600 Pennsylvania Avenue.

Mr. TURNER. Mr. Speaker, it is always easy to question motives, and I really think that what we have to do is try to form our own views on these issues. I am sharing with my colleagues mine, and that is too much of the increase in Medicare money in this bill goes to the insurance company HMOs, and there are only four counties in my district that even offer an HMO Medicare choice plan.

I am not sure how long they are going to be there. I would invite my colleagues to take a look at the report just issued by the General Accounting Office, which tells us a whole lot about the status of these Medicare HMO choice plans. Basically, the message is pretty clear. HMOs are not working in Medicare for either our seniors or for the taxpayers, because what we have seen, last year we had several hundred thousand seniors receive notices of cancellation of their HMO+Choice

plans. I believe it was 328,000. And here this year, we have had almost a million receive a notice of cancellation.

The bottom line is, our seniors know that these HMOs cannot be depended upon, and I think what we see in the GAO report is that not only are they dropping out and canceling our seniors, but on average, it is costing the taxpayer more for a senior to sign up for these Medicare HMOs than regular fee-for-service Medicare costs.

Mr. Speaker, I yield to the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Speaker, let me just give my colleagues some facts. One of my friends that I went to high school with managed the health care for Wal-Mart. Wal-Mart discovered 7 years ago that HMOs are a terrible way to provide health care; it costs more. It costs them 19 percent more. They no longer have any HMOs.

The other thing, and I am sure that the gentleman is not aware of this, is that both sides of the aisle, when these bills were both in the Committee on Ways and Means and in the Committee on Commerce, had near unanimous votes on all of these issues, specifically the HMO funding, much to my chagrin.

A CONTINUATION OF HOW MUCH IS ENOUGH?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mrs. JOHNSON) is recognized for 5 minutes.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I want to respond to my colleagues in their discussion on rural health care.

Mr. Speaker, I am very proud to say that in this Medicare bill that the House voted on recently, we had put more money into rural health care than at any time in the existence of Medicare. For the first time, we dramatically increased the floor for rural health payments to a degree that the President never proposed, never anticipated, and, frankly, this house has never proposed in the past either.

My colleague from New Mexico (Mrs. WILSON) did propose in the Committee on Commerce to raise those thresholds to very high levels so the rural areas will be able to provide the quality health care that those people deserve, and that should be the standard of care throughout the Nation.

I am proud of what this bill did, and I am disappointed that my colleagues on the other side of the aisle are not recognizing that this is a unique bill in its generosity to rural areas. That is why the rural providers all support it.

Mr. Speaker, I yield to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I wanted to quote the American Hospitals Association on this, and the reason why I keep getting back to the American Hospitals Association on this bill is that these are the folks whose members have to pay the bills and have to make ends meet on Medicare.

One of the things I heard over and over again from our hospitals on behalf of our seniors and directly from seniors is we need Medicare relief, and this is what this bill does. The American Hospitals Association says we are urging Members to vote in favor of this legislation and have recommended that the President not veto this legislation. I am just so concerned that the President is putting politics over people. This is legislation that does seek a solution to solve a problem, and it is not perfect.

I do not think we can have a perfect piece of legislation in a legislative body consisting of 435 people and 100 Senators, but it is a step in the right direction.

Mr. Speaker, I thank the gentleman for yielding to me.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I would point out under current laws these plans would get a 2 percent increase. All we are doing in this bill is a 3 percent increase. This is not big stuff as it goes down here. This is not worth vetoing.

Mr. Speaker, I yield to the gentleman from South Dakota (Mr. THUNE).

Mr. THUNE. Mr. Speaker, I want to thank the gentlewoman for yielding to me, because I appreciate the responsiveness of the committee to a lot of the requests that we made with respect to rural areas, because this is a very difficult, very complex issue. It is a quality-of-life issue for people in rural America. We have long distances.

I appreciate very much the inclusion of the telehealth provisions in this, because allowing technology to help us better meet the health care needs in rural areas is really, I think, the wave of the future. One of the reasons we have had such difficulty with Medicare+Choice is for the reasons that the gentlewoman mentioned and, that is, that making sure that we more fully fund this blend, that we allow some sort of floor there that enables programs, Medicare+Choice programs, to better succeed in rural areas has been a real challenge.

I agree. I mean, everybody would probably write a more perfect version of it; but I do believe, as I look at this bill and the efforts that were made on behalf of the Committee on Ways and Means and the Committee on Commerce on trying to fashion something, it is responsive to it. It is sensitive to the needs of rural areas, and that is why I think, as the gentlewoman mentioned, a lot of these groups, including rural health care providers, have endorsed and supported this legislation.

Granted, not everyone is probably going to come on board. The gentleman from Texas (Mr. TURNER) obviously is not in support of this, but I think when we look at the organizations, the positions they have taken, the groups they represent, this is an effort, a very strong effort to try and address a lot of the shortcomings in providing health care to rural areas to our senior populations. I thank my colleagues for their work on that.

Again, I would be very disappointed if the President were to veto this, because I think it would be a real loss for rural areas in this country, who under this bill would benefit in some significant way.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. I understood all the Democrats on the Committee on Commerce voted for this; am I correct?

Mrs. JOHNSON of Connecticut. The Committee on Commerce was a unanimous vote, but I believe it was a voice vote. On the Ways and Means subcommittee, which was the committee that has governed Medicare year after year after year after year, gets into all the complicated reimbursement issues. Improving managed care choice reimbursements by 4 percent was voted for unanimously by Republicans and Democrats.

In addition, we accepted an amendment by a Democrat member of the subcommittee to even improve the reimbursements above that to bring plans into the market, again, when they had not been there before; and again that would help the rural areas.

EXPLANATIONS FOR WHY THE HOUSE OF REPRESENTATIVES IS BEING KEPT IN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. ROHRABACHER) is recognized for 5 minutes.

Mr. ROHRABACHER. Mr. Speaker, we have heard many explanations of why we are being kept in. It is important again to reiterate the President is asking us to spend more money in several different areas. Whatever his initial request was, it is irrelevant.

The gentleman from Texas (Mr. STENHOLM) has come up and very eloquently explained to us his point of view on why that is no longer relevant. But the fact is, the President's demands at this time are what is relevant. What is relevant to us and what is keeping us is the President of the United States is threatening to veto pieces of legislation unless we include more money, more money in different areas like health care, education, and different things that he has in mind for his priorities.

However, amongst that list of demands, it is not just more money for these things, but amnesty, a general blanket amnesty for millions of illegal immigrants into our society.

I think the American people who are paying attention to what is going on in Congress right now, when we say that the President is putting politics before people, he is putting politics before the American people. For some reason, he must believe that granting blanket amnesty to millions of illegal immigrants, making them eligible for these education and health benefits that should be going to our own people, that that in some way is going to get him votes for somebody. Give me a break.

The American people should be outraged that their President is holding the Congress hostage, trying to force us in order to get home to campaign, for us to grant a blanket amnesty to millions of illegal aliens which then in the long run will drain money from education benefits, drain Federal dollars from health care benefits, will make our Social Security and Medicare systems less stable.

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Why, because we put millions of new people into the system who have come here illegally from other countries. When they were in the other countries of course, they never paid into those systems. So granting an amnesty, blanket amnesty for millions of illegal immigrants is demonstrably against the well-being of our people; and Congress should stay here and fight to the last ounce of our strength to prevent this travesty from happening.

We have also compromised somewhat. We have said we will go along with the President and agree to a family reunion for those immigrants who are here legally now and have families and have been separated and overseas for a number of years waiting to get in and we will let them come into the country. There is a responsible number of people that we would then permit to come in for humanitarian reasons.

But to grant a blanket amnesty for millions, the last time we did this was 1986 and what happened after 1986? It was like a welcome sign had been lit over the United States, "come on in" to everybody in the world who would want to participate in our free society and receive government benefits, I might add.

What we had was a flood of illegal immigration that in my State of California has come close to destroying the viability of our health care system, of our education system. If we take a look at the education scores in California, much of it has to do with the fact that we have had a massive flood of illegal immigrants into our society and we have to pay for their education, even though they just arrived and never paid into our system. That is unfair to our people.

Mr. Speaker, we care about the people of the United States of America. Yes, we care for other people as well. And most immigrants, illegal and legal, are wonderful people. But this bill that the President is demanding insults those people who are legal immigrants, who have stood in line and proven to be our very best citizens because they have come here legally. They respect our laws and they love the United States of America. We cherish their citizenship. But we have made fools out of them if we grant amnesty to people who have just jumped the line and come into our country illegally, thumbing their noses at our laws.

We must resist the President's efforts to force this Congress to ignore the

well-being of our own people and bring in millions upon millions of illegal immigrants and give them blanket amnesty. It is unfair. It is not right. We have agreed to a compromise here. We have agreed that we will have some family reunification and that is a responsible position, because it helps those people who are here legally and already in our country to unite with their loved ones. But a blanket amnesty is outrageous, and I ask the American people to pay close attention.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 4577, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. HOEKSTRA. Mr. Speaker, pursuant to clause 7(c) of rule XXII, I hereby notify the House of my intention to offer the following motion to instruct House conferees on H.R. 4577, a bill making appropriations for fiscal year 2001 for the Department of Labor, Health and Human Services and Education.

The form of the motion is as follows:

Mr. HOEKSTRA moves that the managers on the part of the House at the conference on the disagreeing votes of two Houses on the Senate amendment to the bill H.R. 4577 be instructed to choose a level of funding for the Inspector General of the Department of Education that reflects a requirement on the Inspector General of the Department of Education, as authorized by section 211 of the Department of Education Organization Act, to use all funds appropriated to the Office of Inspector General of such Department to comply with the Inspector General Act of 1978, with priority given to section 4 of such Act.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 4577, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. SCHAFFER. Mr. Speaker, pursuant to clause 7(c) of rule XXII, I hereby notify the House of my intentions to offer the following motion to instruct House conferees on H.R. 4577, a bill making appropriations for fiscal year 2001 for the Departments of Labor, Health and Human Services, and Education.

The form of the motion is as follows:

Mr. SCHAFFER moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4577 be instructed to insist on those provisions that—

(1) maintain the utmost flexibility possible for the grant program under title VI of the Elementary and Secondary Education Act of 1965; and

(2) provide local educational agencies the maximum discretion within the scope of con-

ference to spend Federal education funds to improve the education of their students.

HEALTH CARE IN AMERICA

The SPEAKER pro tempore (Mr. SIMPSON). Under the Speaker's announced policy of January 6, 1999, the gentleman from Oklahoma (Mr. COBURN) is recognized for one half of the time remaining before midnight as the designee of the majority leader.

Mr. COBURN. Mr. Speaker, I rise tonight with the gentleman from Arizona (Mr. SHADEGG) to talk about health care in America. It is Sunday night. We are in Washington. The politics, rather than people, are front and center stage within the House and the White House and the Senate.

A lot has happened in the last 6 years since I have been in Congress, but nothing has happened to fix the real problems. I want to spend just a little bit of time creating a set of circumstances that the American public might hear tonight about where we find ourselves.

If Americans are in an HMO today or in an insurance plan that is a PPO, a Medicaid HMO or if they happen to be fortunate enough to have pure fee-for-service medicine, the one thing that they know is that over the last 10 or 15 years they have lost a tremendous amount of their freedom. They have no ability to choose the physician or the health care provider that is going to care for them. That very personal aspect of their life, they no longer have a choice.

If Americans are in Medicare, they cannot go outside of Medicare to a physician who would not take Medicare. They have no right to do that under the laws of Medicare. A doctor in this country today, if, in fact, they do not take Medicare and then treat a patient who is in Medicare, will be fined for treating that patient because they are not a contractor to Medicare, even though the patient might want to pay that money themselves.

The point I am making is that all of us, the vast majority of us, have lost a significant amount of freedom when it comes to making decisions about our own health care. That has been displaced by one or two or three other organizations. The first place it has been displaced is by the Federal Government. The second it has been displaced by the payer, it is actually a part of wages, that benefit, that health care, who is making that decision for the employee. They decide what group of doctors they can go to.

If Americans have Medicaid and are in a Medicaid HMO, they do not have the choice of going to the doctor that they want to. They will go to the doctors they are told to go to.

Mr. Speaker, we have lost a tremendous amount of freedom. We have heard a lot of discussion in the campaign rhetoric about a patients' bill of rights. I want to say that if we really had our freedom back, a patients' bill

of rights would not be necessary. And the way to get our freedom back is to allow each of us to have that benefit, and we decide personally what we do about our own health care. That is a huge step in the opposite direction the country is going.

The second thing I want to talk about is what we have been hearing in the political rhetoric of the campaign about prescription drugs. Every politician in the country has an answer on prescription drugs, except the right answer. The problem with prescription drugs in this country is they are too expensive. And the reason they are too expensive is because there is no longer competition within the pharmaceutical industry. There is no longer a true competitive industry in the pharmaceutical industry.

How do I know that? Because we have seen the studies. We have seen the collusion. We have seen the fines, hundreds of millions of dollars of fines being charged to pharmaceutical companies. A letter was sent over a month ago to the Attorney General of the United States asking her to look aggressively at competition in the pharmaceutical industry. She has yet to answer that letter that was sent by myself early this summer.

The fact is we know in America, in our competitive society, that the best way to allocate resources, to keep prices the lowest they can be, is to make sure we have competition. What is the politician's answer? Let us create a Government program. Let us create more Government control, rather than less.

Mr. Speaker, what we need to do in the pharmaceutical industry is to enhance and enforce the laws that we have today; and we will see pharmaceutical prices go down. The American public is subsidizing prescription drugs for the rest of the world. It is time that stopped. A Government program will not stop that. A Government Medicare program for prescription drugs will not stop that. All that will do is lower somewhat the prices for seniors and raise them for everyone else.

So if we continue to fix the wrong problems in our country, what we are going to have is a worse health care system, not a better one. Some people would like to see that because they believe the Government ought to be in control of all of it. I do not happen to be one that feels that way.

This House passed a bill this past year called the patients' bill of rights. It is extremely flawed in its ability to help patients and to put doctors back in charge, with their patients, of the care. It is a step in the wrong direction. We should not be doing a patients' bill of rights. What we should be doing is a patients' bill of fairness so that we own our health care, we make decisions about our own health care, and we are responsible for our own health care.

Those benefits that now come to us through an employer should come to us

directly, allowing us to choose. As a Medicare patient, allowing them to choose. As a Medicaid patient, allowing them to choose. The only people who really have freedom of their health care, and they do not have much health care because they do not have insurance, but nobody is telling them who they can and cannot go to.

Mr. Speaker, our country was founded on liberty. We have lost tremendous liberty when it comes to health care in our country. A Government fix is not the answer. The answer is to re-institute what we know works: Rigorous competition to allocate scarce resources.

Mr. Speaker, I yield to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Speaker, I will start here and then come down there and use some of those charts. I would like to pick up on some of the remarks that the gentleman has made. Most importantly, the key factor here is choice.

In the gentleman's remarks, he pointed out that most of us, at least most of us in the workforce, those who have a job, if we are lucky enough to have health care at this point in time, if we have health care coverage, we likely get that health care coverage through our employer. That is good, because it means we have health care coverage; and that is an advantage.

But there are some tragedies involved in that structure. First of all it means that thousands of Americans, tens of thousands of Americans, indeed 44 million Americans who are uninsured, they do not get the chance to get their insurance through their employer, so many of them do not have any insurance at all. That is not right, and we need to deal with the problem of the uninsured.

I think the right way to deal with it is to give them a refundable tax credit and let them go buy an insurance policy that is theirs, that is a portable insurance policy that belongs to them and lets them go buy the health care plan they want.

But the other problem with the other half of this structure is those people that get their insurance from their employer. The problem with that structure is we lose all choice. If we work for any employer in America large enough to buy health care insurance, we are offered either one choice or a fairly small list of choices, unless we work for a very, very large employer.

I like to talk about Joe Jordan's Mexican food restaurant, which is where my wife, Shirley, and I went on our second date. Joe Jordan and his family did not go into the Mexican food business because they thought they were good at buying health insurance. They went into the Mexican food business because they were good at making and cooking Mexican food. And yet under our structure today, Joe Jordan has to select the health insurance for his employees and they get no choice.

Mr. Speaker, we can change that. We could go back to a system where we

gave individual people choice in health insurance and let them buy the health insurance that meets their needs. And the key to that would be if the plan they bought did not satisfy their needs, if they went out and bought an HMO because they thought it was the most cost-effective type of care they wanted and that HMO did not service their needs or do a good job by them or their family, they could fire that HMO and go hire another one.

The gentleman from Oklahoma said we would not need a patients' bill of rights if health care were a matter of choice, but it is not. We get it through our employers.

Earlier this year, I introduced legislation to give people choice, to let them buy a health care plan of their own, or to let their employer give them essentially the right to go buy with his funds their own health care plan. With that kind of choice, we would, as the gentleman said, we would not need a patients' bill of rights. Because if their HMO did not treat them right, they would fire that HMO and they would go buy an HMO that serviced them well and did a good job by them. Just like they do with their auto insurance company or homeowners insurance company or any of the decisions they make in there lives.

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But we are at the point where we are debating on the floor of this House, we have all year and indeed last year as well, the issue of a so-called Patients' Bill of Rights. I think it is important to talk about the differences and the choices in that legislation and why the bill that passed this floor is so bad and indeed would do damage to health care in America. I would like to do that with the charts down there, so the gentleman and I will trade places.

This chart right here kind of shows the fundamental question that faces America on the issues of health care for the working people of America who get a health care plan from their employer. It is a simple, straightforward question, "Health care in America, who should make the decision?" You get three choices: HMOs, lawyers, or doctors and patients.

I think the answer to that question is very obvious. I think doctors, together with their patients, ought to make medical decisions in America. But it is important to understand how the system works today. The system works today to say doctors and patients do not get to make the choice. No. The system today provides that HMOs make medical decisions; indeed, HMO bureaucrats often make medical decisions.

But somebody out there watching might say, well, why are lawyers on this chart? That does not make any sense. I thought it was a battle between HMOs on the one hand and doctors and patients on the other hand. Well, that is what one thinks it should be, but that is not what it is.

Because some of the legislation that has gone through this House and the legislation that the President talks about, the legislation that is discussed by our Democrat colleagues, would not leave power in the hands of HMOs. Indeed, it would take power away from HMOs. But, sadly, it would not move that power over to patients and doctors. It would instead move that power to trial lawyers. And that will set health care back rather tragically.

Since the gentleman is a doctor, perhaps he would like to comment on that.

Mr. COBURN. Mr. Speaker, there is no question today that oftentimes, and even as I have been in Congress as I have continued to practice medicine, proper care has been denied patients in my practice by HMOs and insurance companies.

It is not just HMOs, it is insurance companies, as well, that are making those decisions. And it is not necessarily medical personnel within those companies, but clerks, trained individuals who know how to read a check-off chart that decide who gets care and who does not.

I want to go back to what I talked about first. The greatest freedom we have in this country is the right to choose, the right to choose what kind of practitioner we are going to go to, whether or not we are agreeable to and satisfied with the individual that we have chosen to do very, very personal things with us as we manage our health care and do preventive health care. And in fact too many in this country have lost that right.

I do not believe the answer to it is to create another government bill. Although that may be a short-term solution, it fixes the wrong problem. The problem is not allowing people the tax credits, the deductibility and the options of making those choices themselves and, most importantly, also having a small financial responsibility associated with that.

One of the things that we know in medicine today is there is tremendous over-utilization. And one of the reasons it is over-utilized is because there is no personal cost to utilize it. And when we see that, what we know is we do not allocate the resource properly. So as individuals become empowered and they also take on a small portion of that responsibility, their decisions about how they utilize that asset and that service will change. But, most importantly, bureaucrats should not be making the decision and certainly not lawyers.

Mr. SHADEGG. Mr. Speaker, I certainly agree with the gentleman. It seems to me, if we can someday get to a system of choice where people can pick their own health care and fire it when it does not serve them well, whether it is an HMO or an insurance company, we will have advanced health care in America greatly.

But the gentleman in his remarks made clear that he thought the legislation which had passed this House ear-

lier and the legislation which is being talked about, indeed our Democrat colleagues held a press conference just the day before yesterday where they talked about the tragic death of a Patients' Bill of Rights and how that legislation was vitally important, and they are talking about it in all their press conferences; and the President is saying, well, this Congress failed the American people by not passing a Patients' Bill of Rights.

The gentleman pointed out in his remarks, and I agree with him completely, that the Patients' Bill of Rights, which our colleagues on the other side of the aisle would like us to pass, is indeed fatally flawed. And there was a good reason not to pass that legislation and it is a reason that has never been discussed on the floor of this House, and I think it deserves to be discussed; and I think the American people need to know about it, and I think our colleagues need to know about it.

I put up another chart here, and it raises the same question, who should decide how doctors care for patients? Right now, as this chart illustrates, the standard of care in America is currently set by HMOs and HMO bureaucrats when they tell doctors how to care for patients.

How does that happen? Well, your doctor decides to recommend a certain level of care or treatment for you. He applies to the HMO for that and the HMO says no, largely and often through a bureaucrat. The HMO says, we do not think that is the proper care. We think something else is the proper care. Well, that is a structure under which the HMO tells doctors how to care for patients.

But let us talk about the bill that passed the floor here, the so-called Norwood-Dingell bill. What does that bill do? Does that bill empower doctors to set the standard of care and to decide how patients should be cared for, or does it not? The sad truth is it does not do that.

The Norwood-Dingell bill would, instead of allowing doctors to decide the level of care, the standard of care, what treatment a patient should be given, it says that lawyers should make that decision. That is a tragic decision. And it does that by saying that anytime a lawyer wants to, that lawyer can simply go out and file a lawsuit. He or she does not have to wait until the case has been reviewed by an independent panel of doctors to decide if the care should have been given by the HMO or, perhaps, if the HMO made the right decision. Instead, we skip that process and let the lawyer go straight to court, which means that the standard of care in America will not be decided by doctors, it will not be decided by doctors consulting with their patients, it will not even be decided by doctors consulting with an HMO. It will be decided by doctors filing lawsuits and going straight to court.

We believe, I believe strongly, where we ought to be is that the standard of

care should be decided as a result of a review of a request for care by an independent external panel of doctors.

I am sure the gentleman has personal experiences with HMOs denying care that he requested for his patients.

Mr. COBURN. I do. I think, in fairness of the debate, I want to make sure that people are aware that, when that bill passed the House, I did indeed cast a vote for it. And there was a very good reason that I cast a vote for it. I thought we ought to move the process along to try to solve some of the problems. And it is very apparent to me that what I would like to see and I believe the gentleman from Arizona (Mr. SHADEGG) would like to see in terms of deductibility and people truly having choices across this country is not going to happen this year.

So then the question becomes should we do something in the meantime until we can put power of choice back into the hands of every American who needs health care.

I can relate an experience that to me that I think just shows the problems associated with managed care in this country, and it is denial of care that is recommended by a doctor when in fact, and this is a real incident and I will not go into the details of the case or the individual's name out of medical confidentiality, but needless to say, I had a patient who needed a diagnosis that was turned down. As it ended up, I ignored them and went on and did it anyway. And it was a cancer and it was identified. And then they were all too happy to pay for the procedures that they had been denied prior to that.

So how do we solve that? If you do not have an aggressive doctor that is going to buck the HMO and you have no external appeals panel, then the only way to solve that is to go to court. Well, that is not a good way to solve it because what happens is patients do not get treated. That is why the standard of care ought to be the professionally accepted standard of care across this country. That can best be decided not by an HMO bureaucrat and not by a doctor working for an HMO or managed care plan, because they quite frankly have a bias and that is for their employer, as it should be, but by three independent doctors. And every denial that is felt qualified by a doctor ought to have that chance to be reviewed by their peers to see if in fact that is the standard of care.

There is a couple things that come out of that. Number one, where we know this is working, which is in Texas now, is that 45 percent of the time the doctors on the panel say the doctor is wrong. What happens then? It improves the quality of care because it raises the level of knowledge of the doctor that was asking for something.

The 55 percent of the time when the plan is reversed, the patient gets the care that they need and the plan learns. So any system that is designed ought to be designed so that it advances care and lowers cost, not increases them. Delay in diagnosis, delay

in treatment is the number one cause of medical malpractice suits in this country today. And I would tell you that the managed care industry is tantamount to being a large portion of that because of the restrictions.

As my colleague has said, and I agree, we must have an exhaustion before we go to lawsuits before we are going to care for patients.

Mr. SHADEGG. We have put up a graph here that we developed to try to graphically illustrate this point. All of the legislation that has been here on the floor of the Congress and over in the Senate talks about a process, and the process is what should we do when a patient and his or her doctor make a request of the managed care organization or the HMO for care? How do we deal with that request? How does he process that request so that you get that request processed and get the right result?

I think the right result is the best possible care at the earliest possible moment. And it is true, doctors sometimes seek care that is not necessary. They seek care that the patient does not really need because they are being pressured by the patient. Indeed, some argue some doctors seek care just to make the money from delivering that care. And I think we talked about that kind of abuse of the system. And managed care has done a good job of putting that in check.

I think another abuse that occurs is that doctors sometimes are not on top of the current standard of care. They do not know what is the best treatment for a particular condition because they have not read the literature and managed care again has stepped in and said, no, we are going to require you to do what is best.

But the real problem in this area is that the current structure where an HMO gets to decline a doctor who is asking for care and say, well, no, that care is not medically necessary and appropriate, the real demand for a Patients' Bill of Rights arises out of the potential for abuse, so that the managed care plan turns down the patient and his or her doctor requesting care on the basis that it is really not medically necessary and appropriate.

That vague term creates a loophole through which managed care companies can deny needed medical care for reasons that are not really medical but, rather, are financial, that is, to make the HMO's profit line or bottom line better.

How do we solve that? How do you correct that? Well, all of the legislation that has gone through here, the so-called Patients' Bill of Rights legislation, looking at this potential for abuse, an HMO declining care and saying it is not medically necessary and appropriate, when they are really not doing that for a good medical reason, they are doing that to save money, they are doing that to improve the HMO's bottom line.

All of this legislation has talked about is structure. There should be a

doctor and their patient. They make an initial claim. Having made an initial claim and assuming it is turned down, they then go to internal review. The internal review is the HMO itself taking a look at that claim, hopefully this time through medical personnel, doctors, and saying, yes, the care is needed, go ahead and deliver it, or, no, it is not.

Now, everything is good up to that point. But the question is what happens if at that internal review by the HMO's own in-house doctors they say the care is not needed? Well, how do you determine if that was the right decision and the care really was not needed for medical reasons and some other care would be appropriate, or the care is not needed at all, or did they make that decision for the wrong reason? Did they decline the care just because they want to make a profit and they do not want to deliver the expensive care that is being asked for?

The legislation that I believe, and the gentleman just talked about this, the legislation that we feel is the important model here, and the flaw in the Norwood-Dingell bill occurs right here, what we believe has to happen at that point is that, when the HMO and its own doctors turn you down for the care and tell your doctor, no, you cannot have the care, we believe it is vitally important that the next step that you as a patient have a right to go to and you and your doctor have the right to go to is an external review panel, right here, an external review panel made up of three doctors who are completely independent of the plan and completely independent of you and your doctor. They are totally independent, and they have the ability and the expertise to review the claim.

They are essentially three independent medical arbiters who review your case, review what your treating physician said was needed, and review what the plan said and the plan's reasons for denying the care. Our goal is that that panel of three independent experts would say, you know what, this care is medically necessary and appropriate. Plan, you should deliver it. And it should be binding on the plan that they must deliver it at that point in time. That lets three independent doctors not controlled by the plan, not controlled by you and your doctor, get you the right decision at the earliest possible moment.

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That is a timely decision. That is a fast decision by that external review panel. If, in fact, they say the care is needed, then the HMO is bound by the panel's decision; and if you have been injured, you recover monetary damages. But the flaw in this system, the flaw that is in the other idea, is they do not want to require cases to go through this external review and that is illustrated right here on this chart of the Dingell-Norwood bill. This is a schematic, just like the other one, of

the Dingell-Norwood bill. There is an initial claim just like is the case under the legislation we have advanced. Then there is internal review, and that is the next step and the plan's doctors get to review your case. Remember those are the plan's doctors. They are the ones with the incentive to deny care. That is the place where the abuse can occur.

Here is the key difference and here is why that patients' bill of rights, that our colleagues on the other side of the aisle want, what the President wants, is a tragically flawed proposal that will not help patients and will not help doctors. Right here at internal review instead of requiring that case to go quickly to external review, to a panel of three doctors who would say you get the care or you do not get the care, and you can recover damages if you have been injured, they create a loophole and it is the lawyer's loophole, and that loophole is all you have to do is to decide to talk to a lawyer and that lawyer gets to say, you know what, I do not want an external review because that external review by three independent doctors might turn my client down and if in an external review my client is turned down, my lawsuit is gone; my monetary damages are gone; that will destroy everything I want. So what have they done? They have written into the Norwood-Dingell bill that a lawyer simply steps in right here, the lawyer simply alleges injury, hey, my client has been injured, I think he has been injured and I am ready to go to court.

And at that point, the external review by doctors, the three independent doctors who are going to review that case, the three independent doctors who were going to set the standard of care and tell the HMO how they should be treating patients, that external review of doctors is gone. Instead, you know where that case is? That case is not quickly decided by an independent panel of three doctors. That case is moved into our courts, and everybody knows that courts and lawsuits take forever. It will take who knows how long to drive this case through that court and who knows how frivolous the case will be, but the lawyer now has a chance to extort monetary damages to try to make the case settle even if it is meritless.

What happens to the poor patient? The poor patient waits, but the trial lawyer does well. That is the fatal flaw in the Norwood-Dingell legislation that has been put here on the floor, that the gentleman from Oklahoma (Mr. COBURN) talked about. You just have to ask yourself if you want to empower patients and doctors, then should you not give that ability to an external review panel? On the other hand, why should you let lawyers decide which cases go to external appeals or which cases go straight to court? That is the flaw that the gentleman from Oklahoma (Mr. COBURN) was talking about in the Norwood-Dingell bill. It is a bill that is designed to get patients into courtrooms, not to get them care.

I think care has been a key component of what you have talked about in this important debate, and it is what the gentleman says, I think that the Norwood-Dingell bill is flawed because it will not get people care. It will get them a lawsuit.

Mr. COBURN. Mr. Speaker, I thank the gentleman for his comments. I want to go back to really what we opened with, because so much partisanship has gone on and so much of the politics that the American people are seeing today throughout have to do with the patients' bill of rights. As I understand the medical system industry profession and patients today, and by the way I just remind my colleague, as he knows, that I have continued my practice, since I have been in medicine, delivered over 400 children since I have been here in this past 6 years and have continued to engage the managed care industry when I have been at home, we should not be having this debate. If Americans truly had the freedom that they once had, we would not be having a debate. We would not be about fixing the wrong problem.

Mr. SHADEGG. Does the gentleman mean we will not be debating this complicated flow chart that they want to create as a matter of Federal law that is going to try to arbitrarily decide from Washington how to process these claims and kind of have a win or lose battle between doctors and insurance companies on the one hand and trial lawyers on the other hand? We would give that power to patients and let them choose?

Mr. COBURN. Well, if we think about it today, that if you are in a fee-for-service plan that you are paying for yourself, you have all of those rights. If you have no insurance, you have all of those rights today. The people that do not have those rights are in the programs that have been designed by the Federal Government and have been designed by the large corporations to try to control the costs. And there is no incentive for the individual consumer, who is a part of those systems, to help control the costs. So if in fact we move to a point where we had some personal responsibility and accountability and our health care was in our hands instead of some third party, whether it be the Federal Government or our corporation that we work for, which is a great benefit but, in fact, in today's time that is one of the things that is part of our remuneration is our health care.

The other thing I would say is that most Federal employees have those rights, too. They get fee-for-service. We give Federal employees a wonderful choice of options, and they can go fee-for-service and they have every right there that they have. How is it that Federal employees, except military and retired military, how come people who are in fee-for-service that are paying for their own have those rights but the rest of us who are dependent on a program no longer have that freedom?

That is a basic question that Americans ought to be asking themselves any time they hear any politician during this election cycle talking about a patients' bill of rights. They are talking about the wrong problem.

Mr. SHADEGG. They are talking about a bureaucratic Government program that tries to mandate something from Washington, D.C., and I could not agree more with the gentleman. As the gentleman knows, I have introduced legislation that would let people choose their own health care.

Indeed, the legislation we introduced would say to an employee, whether they worked for Joe Jordan's Mexican Food, the one I talked about, the Mexican food restaurant in Phoenix, Arizona, or whether they worked for a large employer, Caterpillar Tractor, General Motors, whoever it was, would let that individual employee exercise choice so that they could hire or fire their health insurance plan based on their own decision, not their employer's decision.

I think, in discussing this issue, it is important to note that the current Federal Tax Code allows employers to give employees health insurance, and they are not taxed on that benefit. That is the reason that most people get their health care from their employer. If their employer gives them an extra thousand dollars, they pay taxes on that thousand dollars and they give somewhere around a third of it to 50 percent of it to the Federal or the State or the local government in income taxes. On the other hand, if their employer simply hands them a health care benefit worth a thousand dollars, they get that full thousand dollars in value.

The plan we are talking about, giving people choice to go buy the plan they want, actually is allowed under the current Tax Code. Under the current Tax Code, your employer can say to you, I am going to give you the \$1,000 dollars or the \$500 or the \$1,500 or the \$2,000 that I spend on your health care and as long as you go spend that on health care and confirm that fact back to your employer, it is not income to you and it is still a deduction to your employer. So we can move to a choice system. We can give people freedom if American employers will simply do it.

Mr. COBURN. It is really interesting. The tax bill that the President is saying that he is going to veto also adds, for those people who work for an employer who does not provide it, above-the-line deduction for their health care benefit. So what we actually are doing with the tax bill that is going to the President is, if you work for an employer that does not provide health care, we are giving you the same benefit we are going to give that employer. You are going to be able to deduct that above the line of your adjusted gross income so that you do not pay taxes on that income, and it becomes a straight deduction. That is another way of giving you freedom.

Mr. SHADEGG. We have talked about the flaw in the Norwood-Dingell bill which would allow a trial lawyer to step in, circumvent external review, take the power to set the standard of care away from doctors and take that decision to a courtroom, and why we think that is a bad idea here. Maybe we ought to talk about some of the other trade-offs that are going on here.

It is absolutely true that there are about 13 individual patient protections in the legislation, and I support those patient protections. They include things like the right of a woman to have an OBGYN as her primary care physician; the right of patients like my wife, Shirley, and I to have a pediatrician as our child's primary care physician; the right of all of us to go to an emergency room even if it is not an emergency room signed up with our HMO and get care. And each of those are important rights, but only important rights as long as we are trapped in a system where we cannot fire our HMO and hire one we want.

The reality be known, we would not need, as the gentleman has said, a patients' bill of rights. We would not need this complicated flow chart. We would not need to bring trial lawyers into the whole discussion. We would not need to be talking about cutting out the ability of doctors to set the standard of care if, as a matter of right, we could go as individuals, as employees of a company, and say, you know what, I do not want the HMO you picked for me. I want to go buy a plan that I can hire, a plan that I can fire, a plan that has already in it, and I get to pick it and I get to sign up for it, the right of my wife to see an OBGYN of her own choice; the right of she and I to pick a pediatrician as a primary care physician for our children; our right to go to an emergency room of our choice. If we had that kind of freedom, then we clearly would not need not only the liability scheme in this flawed Dingell-Norwood legislation, we would not need the patient protections.

Sadly, that is not where we are. We are debating yet one more massive government scheme to try to regulate the marketplace.

Mr. COBURN. I want to thank the gentleman for sharing this time with me. I look at the American health care system today. Prior to being a physician, I managed a fairly large business and my first degree is in accounting. As I look at the health care system in our country today, it reminds me of a Soviet-style run health care system, and here are some facts that people should know. That HMOs actually cost more for care than fee-for-service; a recent study, 18 percent more. Also it is funny that that 18 percent, that is the amount of money that comes out of an HMO for paperwork and profit. So only 82 percent of the dollars that are paid in to managed care actually ever go for care. If we could somehow in America through competition and efficiency make that 5 percent or 6 percent, we

would have 12 percent. Well, we are going to spend about \$1.1 trillion dollars this year on health care, and if we take 12 percent of that, what you can see is that we would have about \$150 billion to \$160 billion that would go to care.

Well, nobody would be lacking in this country. We would be able to care for everybody that is not insured, everybody that does not have care today, if, in fact, we had a system that was not bound up in paperwork. I have almost 33 employees in my medical practice with three great partners that have covered for me since I have been here. Of that group, somewhere between 8 and 11 every day are doing nothing but chasing paper associated with health care. It has nothing to do with getting somebody well. It has nothing to do with anything except for us getting paid or sending something to lawyers or sending something to insurance companies. That is eight people that could be working to make somebody well. To me, I think that the fact that 18 percent of the dollars in the insurance managed care and HMO industry today are going for paperwork and profits rather than for care leaves a whole lot lacking. There is no wonder that we are having difficulty keeping up with the rising costs.

The last point that I would make is that the fastest growing segment in the cost of health care this year is prescription drugs. Our economy will not work unless we have competitive markets. There is no doubt, if you just get on the U.S. Government FTC's web site, you will find where they have four large pharmaceutical companies through the last year that have accounted for more than a billion dollars worth of price fixing, a billion dollars in excess prices. Well, that is 1 percent of the cost of pharmaceuticals this year are associated with price fixing that we know of, that there has already been consent decrees against. How much more is there?

The second thing that we know is that they are going to spend somewhere between \$4 billion and \$6 billion this year advertising on television. Who pays for the \$4 billion to \$6 billion? We do. What happens with that?

You see something, oh, I need that. So I go to the doctor so, number one, we are increasing utilization. What I have found in my practice is it takes me twice as long to take care of a patient that comes in because they want a drug from a prescription that they saw on TV because now I have to figure out is that the right drug for their symptoms? And if it is not, I have to convince them it is not the right drug. So I spend my time working against the advertising to get the patient what they really need.

The third thing is the pharmaceutical companies spend \$5 billion a year courting doctors, and it ought to stop. They spend \$5 billion buying lunches in doctor's office. They spend \$5 billion for golf outings for doctors.

They spend \$5 billion on dinners for doctors. It is time the American people said that is enough. We do not need to pay \$5 billion for benefits for doctors, \$6 billion for television advertising, and let us get rid of the \$1 billion to \$5 billion in collusion.

If you add that up, we would see a 15 percent reduction in pharmaceutical prices, not a 15 percent increase.

Mr. SHADEGG. I take it instead what we are proposing is yet another Government program to pay for prescription drugs and to subsidize the cost of those drugs.

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I wholeheartedly agree with the gentleman that the answer to the problem is choice. Let patients have choice. Unfortunately, as is often the case, that is not in the debate in Washington right now. The debate as we enter the last 10 days of this political campaign is a debate over the failure of the United States Congress to deliver patient rights legislation and to pass what has now, I guess, become famous, since it was referred to by the Vice President in one of the debates, as the Dingell-Norwood or Norwood-Dingell bill, and that is the debate here.

Often we debate issues, and we are way behind the marketplace. The American people are ahead of us. That has become a political issue. Why has the Congress not passed Norwood-Dingell? The answer that we hear is, well, you cannot get through the Senate; there is a terrible problem with it. It is a vitally important piece of legislation for the American people.

As we kind of close out this discussion tonight, I think it is important to be sure that people understand that it is not a lack of resolve to take care of patients and doctors. The gentleman and I wrote a bill over a year ago, a patients' rights bill, because of this debate that has occurred in America, because of the abuses caused by HMOs; but that bill empowered doctors and patients to make health care decisions.

That bill said, as this flowchart I just showed illustrated, that every single case, every single case, where an HMO turned down somebody's doctor and said, no, you are wrong, the patient does not need that care, 100 percent of those cases would go quickly through initial claim, internal review and straight to an external review panel of three doctors.

Those three doctors had to be practicing physicians, a provision the gentleman insisted on. We did not want physicians who had not practiced in 20 years telling physicians currently practicing what they should be doing. We wanted physicians practicing right then. They had to have expertise in the area.

Those three doctors would say, Plan, you are dead wrong. When you denied that care that the treating physician said was necessary and you said you would not pay for it, you were wrong. That care should occur and occur now.

Under our legislation, people would be able to not only get the care, but sue for the damages.

One of the things that made me angry in this debate is the current system in America says if an HMO governed by this Federal law called ERISA we are trying to amend, by their negligence, if they injure or kill someone, there is no recovery.

I have talked on the floor of this House about the tragic case of Florence Corcoran, whose baby was killed by a negligent decision by an HMO, and the Federal courts interpreting the current law said, we are terribly sorry, Mr. and Mrs. Corcoran, your baby was killed by the negligent decision of United Health Care; but under our law, you recover nothing.

The legislation we want to pass will address this problem. If we cannot get to choice and freedom, we will say 100 percent of those cases go to a panel of three doctors. Mr. and Mrs. Corcoran would have gotten in front of three doctors, had a speedy decision. We would have set the standard of care, the baby would probably not have died, and the lawsuit would not be necessary.

The Dingell-Norwood bill, the bill that Vice President AL GORE said that America deeply needs, does not do that. It does not take the case to a panel of doctors; it takes the case straight into a courtroom, so that a trial lawyer can get rich.

I am not against trial lawyers. I believe in the tort system. I think when there has been an injury, they ought to recover. I wish the lawyer representing the Corcorans had won. They deserved to win. They deserved to recover.

That is not the answer that gets people care. The answer that gets them care gets them first to a review by an independent panel of doctors to say what care should be delivered. Then, if there has been a bad decision, there has been injury, then let it go to court. But do not destroy the system by letting it go straight to court and letting trial lawyers decide what the standard of care is.

Mr. COBURN. The other thing is, had Mrs. Corcoran had the freedom to choose and had she had her own health insurance as part of her benefit and her control, her baby would be alive today as well, probably.

I just want to summarize a couple of things. Number one, there are two real false claims out there in the political arena today. One is the only way to solve the prescription drug for seniors is to create a Federal program. I believe that is wrong. I believe in the long run all that does is hurt seniors, and it will hurt everyone else, because it fails to fix the real problem, lack of market, lack of competition, to allocate those resources.

The second thing is that we are required under the political arena that we have today to defend passing a Patients' Bill of Rights, and what has happened is we are about to pass a very

bad law. It passed the House. It has not passed the Senate. What will happen if what comes is a tremendous increase in costs, tremendous loss of insurance, and exactly the opposite direction.

Now, I happen to be cynical enough to believe there are certain people that want that to happen, because they believe we ought to have a government-controlled health care system. Believe you me, when we get that, if you love the post office today, wait until you see totally government-run health care.

There is not one individual that I talked to that knows anything about health care, from the pharmacist to the physical therapist to the operating room nurse to other doctors to nurses or employees in my office. When I mention the word HCFA, Health Care Financing Administration, they go ballistic, because HCFA does not know what is going on, but they are running all the rules. For us to create another system in which we hand more to HCFA is asinine.

Mr. SHADEGG. Mr. Speaker, I simply want to reiterate what you said. The reality is that many people want this very complicated scheme. They want a Norwood-Dingell bill to pass, not because they think that will take care of patients. They understand turning this whole system over to the trial lawyers, taking it away from HMOs, but not giving it to doctors, but rather giving it to trial lawyers, they understand that that will drive costs dramatically through the roof.

But that is not against their goal, because their goal is to have the current HMO system, to have the current health care system fail, and then to force America to turn to a single payer, Hillary-Care, one-system-fits-all, the Federal Government runs the health care system-type program.

I believe that will be a tragic flaw for this Nation. If we go to a flawed system that lets trial lawyers circumvent independent doctors making the decision, if we do not give patients the right to choose their own doctor, the net result is that costs will go through the roof and we will get to a single-payer system.

I want to thank the gentleman for allowing me to participate in this Special Order. It is important that our colleagues saw the flaw in this current patients rights legislation. I hope they will join us in passing legislation that would give people choice. Let them hire and fire their health care plan, the way they hire and fire their auto insurance plan or their homeowner's insurance plan, or, for that matter, the way they decide where they live or what brand of shoes or coats to buy. Give people choice, and they will take care of themselves.

Mr. COBURN. I thank the gentleman from Arizona (Mr. SHADEGG). It is a pleasure to work with the gentleman, as usual. I appreciate all of the work he has done in health care in this Congress.

I think the American people ought to ask themselves one question, do I get to choose my doctor, my health plan, and, if not, why not? When you hear all of the political rhetoric, it will all pencil down to choice, and what is happening today in America is we are losing freedom, we are losing liberty, when we cannot even have the basic right to choose our own doctor.

RUSSIA'S ROAD TO CORRUPTION

The SPEAKER pro tempore (Mr. SIMPSON). Under the Speaker's announced policy of January 6, 1999, the gentleman from California (Mr. ROYCE) is recognized for the remainder of the time.

Mr. ROYCE. Mr. Speaker, I rise to enter into the RECORD and share with my colleagues a report that was recently released by the gentleman from California (Chairman COX). It is entitled "Russia's Road to Corruption."

This is the Speaker's advisory group on Russia. In addition, I would like to share with Members that the New York Times reported this month that, without reporting to Members of the House or the Senate, Vice President GORE concluded a secret agreement in 1995 with then-Russian Prime Minister Viktor Chernomyrdin not to enforce U.S. laws requiring sanctions on any country that supplies advanced conventional weapons to Iran. Specifically, Vice President GORE, purportedly on behalf of the United States, secretly authorized Russia to continue the sale of advanced weaponry to Iran.

Now, this occurred while there was a U.S. law on the books, and let me quote from a comment made by the gentleman from California (Chairman COX) at the time. He said, "The 1992 act required the President to sanction any country that transfers goods or technology that contribute knowingly and materially to the efforts by Iran or Iraq to acquire destabilizing numbers and types of advanced conventional weapons."

At the very moment Vice President GORE was making this secret deal with Chernomyrdin, bipartisan majorities in Congress were deeply critical of the Clinton Administration's failure to sanction Russian arms sales to Iran.

It is now clear why the administration took no action. Vice President GORE actually signed off on the Russian sales to Iran. The secret Gore-Chernomyrdin agreement reportedly allowed Russia to sell weapons to Iran for 4 more years, including an advanced submarine. This is the ultra-quiet Kilo Class Russian submarine.

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Also, to sell torpedoes and antiship mines, and hundreds of tanks and armed personnel carriers. This submarine, as but one example, is exactly the type identified by Congress when it passed the law as posing a risk to U.S. forces operating in the Middle East.

The secret deal cut by Vice President GORE directly contradicts the 1992 law

he coauthored. As then Senator GORE said on April 8 of 1992, "We do feel that the sanctions package has got to lay out the choice for dealers in these technologies in very stark terms. It is abundantly clear that we need to raise the stakes high and we need to act without compunction if we catch violators." That is what was said then.

The report of the Speaker's advisory group noted a series of interlocking flaws in the Clinton-Gore policy towards Russia. Unjustified confidence in unreliable officials like Chernomyrdin was the first that they pointed out; refusal to acknowledge mistakes and revise policies accordingly, and excessive secrecy designed to screen controversial policies, to screen them from both the Congress and from the U.S. public. This secret agreement exemplifies every one of these flaws, stated the gentleman from California (Mr. COX). Tragically, as the Times report notes, the decision to flout U.S. law gained us nothing from the Russians.

The September 2000 advisory group reported concluded, in spite of evidence that both Russian government agencies and private entities were directly involved in proliferation to such States as Iran and Iraq, the Clinton administration continued to rely on personal assurances from its small cadre of contacts in the Russian government. Administration officials, including Vice President GORE and Deputy Secretary of State Talbot, accepted these assurances, despite clear evidence of continued proliferation rather than believe or admit that proliferation could continue despite the stated opposition of their partners.

To continue, I wanted to share with my colleagues a second issue, a second secret Gore-Chernomyrdin deal, that was described not by The New York Times this time, but this one by the Washington Times on October 17 of this year. In a classified "Dear AL" letter to the Vice President in late 1995, Chernomyrdin described Russian aid to Iran's nuclear program. The letter states that it is quote, "ot to be conveyed to third parties, including the U.S. Congress." Not to be conveyed to the U.S. Congress. It appears to memorialize a previous personal agreement between the two men that the U.S. would acquiesce in the nuclear technology transfer to Iran.

As with the first Gore-Chernomyrdin deal, this agreement too was kept from Congress. This letter from Chernomyrdin to GORE indicates that Vice President GORE acquiesced to the shipment of not only conventional weapons to Iran in violation of the Gore-McCain Act, but also nuclear technology to Iran. According to Vice President GORE, the purpose of this secret deal was to constrain Russian nuclear aid to Iran in the construction of two nuclear reactors. If that is so, Vice President GORE plainly did not succeed. In August of this year, the CIA reported that "Russia continues to provide Iran with nuclear technology that

could be applied to Iran's weapons program."

Now, our House Committee on International Relations chairman, the gentleman from New York (Mr. GILMAN), asked the administration on October 18 if it had pointed out to Vice President GORE's Russian partner in this that it is not the American way for the President to keep secrets from Congress when it comes to such serious national security concerns as proliferation of nuclear technology. The gentleman from New York (Mr. GILMAN) has yet to receive an answer.

The law requires that "The text of any international agreement to which the United States is a party be transmitted to Congress as soon as practical, but in no event later than 60 days" after it is reached. The law does not contemplate that Congress will discover such agreements 5 years after the fact by reading about them through leaks to a newspaper, commented the gentleman from California (Mr. COX), the chairman of this committee. The Senate Foreign Relations Committee requested the first secret Gore-Chernomyrdin agreement on arms to Iran on Friday, October 13, the day The New York Times revealed it. Weeks later, the administration has yet to produce either it or the second Gore-Chernomyrdin letter dealing with nuclear transfers to Iran.

Lastly, I wanted to cite from Russia's Road to Corruption, the Speaker's Advisory Group on Russia chaired by the gentleman from California (Mr. COX) comments about the ongoing Russian assistance to Iran's ballistic missile program. To quote from the report, "Throughout the 1990s, despite repeated pledges by the Yeltsin government given during summits, Gore-Chernomyrdin Commission meetings, ministerial level meetings, Russian private and government entities continue to provide critical technological assistance to Iran's ballistic missile program."

In testimony before the House Committee on International Relations in October of 1999, proliferation expert Kenneth Timmerman testified that top Clinton administration officials were aware of Russian aid to Iran's missile programs and did little to counter it.

In March of 1997, a CIA intelligence report labeled "secret" reportedly disclosed the then Iranian President Rafsanjani was pleased with the growing ties between Iran and Russia and that he expected Iran to benefit from Russia's highly developed missile program. Iran's President stated that he considered obtaining Russian military technology one of Iran's primary foreign policy goals, yet the Clinton administration, anxious to present a positive image of Russian-American relations, continued to accept the commitments from Yeltsin and Chernomyrdin during this period at the Clinton-Yeltsin summit in Helsinki, at the June Clinton-Yeltsin summit in 1997, and at the Gore-Chernomyrdin meeting

in 1997 that Russia would hold its missile technology assistance to Iran, and all of this, while in November 1998, the Russian Duma passed a resolution calling for increased military cooperation with Iran.

Nevertheless, the Clinton administration still refused to adjust U.S. policy to the torrent of information from the U.S. Intelligence community that corroborated the evidence from U.S. allies. American policy was based on the assurances from the administration's small circle of official Russian counterparts. Objective intelligence, objective reporting was discounted. While information from Russian sources, who clearly stood to be injured by the imposition of sanctions, was accepted.

The bipartisan Iran Missile Proliferation Sanctions Act of 1997, which passed the House and Senate with veto-proof majorities, closed many of the loopholes invoked by the Clinton administration to justify its refusal to use sanctions. The act required suspension of U.S. Government assistance to foreign entities that assist Iran's ballistic missile program, but President Clinton vetoed that bill on June 23 of 1998. One month after that veto, Iran tested its Shahab 3 missile, 10 years ahead of the U.S. Government's original estimate of when it would be capable of doing so.

Under threat of a congressional override of the veto of the Iran Missile Proliferation Act, the President finally issued an Executive Order. However, the Executive Order did nothing to address Russia's export control system, which even National Security Adviser Sandy Berger said was necessary when he announced the sanctions.

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In testimony before the Senate Intelligence Committee in February of 2000, Director of the Central Intelligence Agency George Tenet testified that Iran probably will soon possess a ballistic missile capable of reaching the United States. The impact of Russian assistance was clear. Only a year earlier, Tenet had testified that it would take many, many years for Iran to develop a missile capable of reaching the United States.

The Clinton administration's willful blindness to Russian proliferation has already done immense damage. The extensive Russian assistance has allowed Iran to improve significantly its ballistic missile capability. As a matter of fact with Russian assistance, Iran is now building a 2,600 mile-range Kosar missile based on a Soviet era SS5 missile engine.

This missile could ultimately form the basis for an Iranian Intercontinental ballistic missile. Russia has also ignored the Clinton administration's ineffectual objections to its plans to build nuclear reactors in Iran.

Both the Clinton administration and outside experts fear that Iran will use the civilian reactor program as a cover for a secret nuclear weapons program,

but the Clinton administration has failed to move effectively to end this Russian assistance. Moreover, congressional attempts to influence Russian behavior by reducing U.S. bilateral aid to the Russian central government have been undercut by continued unconditional administration support for aid to Russia through the IMF and the World Bank and other multinational institutions.

Iran is seeking to acquire Russian assistance in building other weapons of mass destruction as well. In December of 1998, the New York Times reported that high-ranking Iranian officials were aggressively pursuing biological and chemical expertise in Russia.

In interviews conducted with numerous former biological weapons experts in Russian, more than a dozen stated that they had been approached by Iranian nationals and offered as much as \$5,000 a month for information relating to biological weapons. Two weapons experts claimed they had been asked specifically to assist Iran in building biological weapons.

The Russian scientists who had been approached noted that the Iranians showed particular interest in learning about or acquiring microbes that can be used militarily and genetic engineering techniques to create highly resistant germs.

Mr. Speaker, I yield time to the gentleman from Pennsylvania (Mr. WELDON), my colleague; and he has some points to make for the RECORD as well.

Mr. WELDON of Pennsylvania. Mr. Speaker, I thank the gentleman and good friend for yielding. I thank the gentleman for following up on this Special Order. I was not aware we would be up so soon, but I appreciate your interests.

The gentleman and I have traveled to Russia together. As the gentleman knows, we have tried to find a way to build a relationship with Russia, one that differs significantly from what we have seen over the past 8 years.

Let me start off by following up with the comments the gentleman has just made, which I think the most important issues confronting this election and that is the status of our relationship with Russia and the problems that Russia currently presents to us from a threat's standpoint.

The best way to characterize where we are today is look at where we were in 1992. As President Bush was finishing up his last year in office, Boris Yeltsin was leading the overthrow of the Communist system and the dissolution of the Soviet Union.

I am sure my colleague remembers the vivid pictures on CNN of Boris Yeltsin standing on a tank outside of the Russian White House waving an American flag and a Russian flag with tens of thousands of Russians around him as he proclaimed the end of Communism, the end of the Soviet Union; and he announced that there would be a new strategic partnership, Russia and America working together.

After 7 years of Clinton-GORE, last fall what did we see on CNN? We saw this picture: we saw tens of thousands of young Russians outside the American embassy in Moscow throwing paint at our embassy, firing weapons at our embassy, and burning the American flag. In fact, it got so bad that for a while our State Department had to issue warnings to Americans that wanted to travel to Moscow because the hatred for America had grown so great in such a short period of time that the Russian people were adamantly opposed to any Americans in their country.

How could this policy and how could this feeling between Russia and the people of Russia against America grow so rapidly? In fact, one of President Putin's first speeches this year, after he was sworn in in January, was to announce a new strategic partnership for Russia. That partnership was Russia and China against the West, against America.

It is because our policy for the past 7 years, 8 years under Clinton and GORE was based on a personal relationship between Bill Clinton and Boris Yeltsin and AL GORE and Viktor Chernomyrdin, and they felt as long as those two people were in power in Russia, nothing else mattered. Instead of doing institution building, building the institution of the parliament, the court system, the free market economy, if they just focused on those two people, those two personalities, then America would be okay. That worked in the beginning, when Yeltsin was strong and when he was honest.

As Yeltsin became an alcoholic and surrounded himself with thieves who were the oligarchs running the Russian banking system; as Chernomyrdin got involved in corruption and in the oil and gas industry, the Russian people became to lose confidence in their leaders, but there was Bill Clinton and AL GORE still supporting these two failed leaders.

We knew 5 years ago that the oligarchs were siphoning off billions of dollars of IMF money and because President Clinton and AL GORE did not want to embarrass their friends, they pretended they did not see it. They pretended it was not happening.

Just last year we saw the Bank of New York, several officials being indicted by the Justice Department for allegedly siphoning up to \$5 billion of money that should have been going to the Russian people. So the Russian people saw this IMF money and World Bank money coming in, but they saw it not going to help them improve their communities, but rather they saw that money be shifted to Swiss bank accounts and U.S. real estate investments.

What did we see? We saw Russia sending technologies to our enemies. We saw Russia, as my colleague just pointed out, sending technology to Iran, Iraq, Syria, Libya, North Korea, all covered by arms control agree-

ments, and this administration not wanting to call Russia on those, because again it was based on personal friendships.

One instance in particular that I can relate to was in January of 1996, I was in Moscow. It was a month after The Washington Post had run a front page story that highlighted the fact that we had evidence, America had evidence that Russia had sent guidance systems to Iraq to improve the accuracy of their missiles. Now, that is a violation of an arms control treaty called the Missile Technology Control Regime. So I asked the American ambassador to Russia, Tom Pickering, who is now number three at State, I said, Tom, what was the response of the Russians when you asked them about The Washington Post story? He said, Congressman WELDON, I have not asked them yet. I said, why would you ask them? It is a gross violation of a treaty. He said that has to come from the White House.

I came back to Washington, and I wrote to the President. I wrote him a letter. He wrote me back in April, and he said, Dear Congressman WELDON, you raise serious concerns; and, in fact, if Russia did send those items to Iraq, that is a flagrant violation and I assure you, we will take aggressive action. We will impose the required sanctions, but he said, Congressman WELDON, we have no evidence.

That is the story they used 37 times in violations of arms control agreements in 8 years. Well, I say to the gentleman from California (Mr. ROYCE) I brought the evidence tonight so the American people can see them. As I have shown around the country, this is a Soviet Union accelerometer and this is a Soviet gyroscope. These were taken off of Russia SSN19 missiles that used to be pointed at America's cities.

Under arms control negotiations, these devices are supposed to be destroyed. They are not supposed to be reused. We caught the Russians not once, not twice, but three times giving these devices to Saddam Hussein. What would Saddam use them for? He would use these devices to provide the guidance system to make those SCUD missiles more accurate, those same SCUD missiles that killed those 28 young Americans in Duran, Saudi Arabia, in 1991.

These devices would make those missiles have much more accuracy. Iraq cannot build these; neither can Iran. They are too sophisticated. The only way Iraq or Iran can get these devices, the only way Syria and Libya can get these devices is if Russia sells them to them or gives them to them, and that is why we have arms control regimes.

We caught Iraq getting these devices from Russia three times. We imposed no sanctions. Why would we not do that? People would say to me, well, Congressman WELDON, you mean to tell me the President would deliberately not hold Russia accountable? The answer is yes. Why? Because 1996 was the

year Yeltsin was running for reelection. In fact, the secret cable is now public that Bill Clinton sent to Boris Yeltsin in 1996. It was the Dear Boris memo, and it was a cable that the American people can get in the back of a book called "Betrayal," written by Bill Gertz.

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That cable to Boris Yeltsin from Bill Clinton says, "Don't worry, Boris, we will not do anything to weaken your chance for reelection this year." So the policy, whether it was the theft of IMF money or whether it was the transfer of technology, was to keep Boris Yeltsin in power.

My colleague mentioned another incident involving transfer of technology to Iran and the Iran Missile Sanctions Act. My colleague did not mention one part of that equation I would like to go into some elaboration on.

Before the vote on that bill in the House, even though it was supported overwhelmingly by Democrats and Republicans. In fact it was a huge bipartisan base of support. The week before the bill came up for a vote, I got a call from Vice President AL GORE and his staff said to my staff, Vice President AL GORE wants Congressman WELDON to come down to the Old Executive Office Building to talk about the Iran Missile Sanctions bill.

So I went down to the White House. I was joined in the Old Executive Office Building by CARL LEVIN, by JOHN MCCAIN, by JOHN KYL, by Jane Harman, the gentleman from New York (Mr. GILMAN) and Lee Hamilton. There were about 12 of us who sat in the room as the Vice President of the United States, the current candidate for the President, sat with Leon Fuerth, his top security advisor, and for 1 hour the Vice President lobbied us not to pass the Iran Missile Sanctions bill. Because he said if we did, it would upset the relationship between Bill Clinton and Boris Yeltsin and he and Viktor Chernomyrdin.

When he finished, all of us in the room, Democrats and Republicans, Senators and House Members, said to the Vice President: Mr. Vice President, it is too late. You do not get it. The technology is flowing like water down a waterfall, and you are not stopping it.

Two days later, in spite of that personal lobbying by the Vice President of the United States, the bill came up on the floor of the House for a vote and 396 of us voted in favor of that bill, slapping the Vice President and the President across the face, because we knew they were being ineffective and we knew that instead of doing what was right, they were standing up for their friends, Boris Yeltsin and Viktor Chernomyrdin.

We broke for the Christmas recess and we came back in February. In February, the Senate was going to take up the same bill. In February, the bill came up. A week before the vote, the

Vice President's office called my office again and said: The Vice President would like Congressman WELDON to come back down to the Old Executive Office Building. I went back down.

Again, there were 10 to 12 Members of the Senate and the House, Democrats and Republicans. The same group. This time the Vice President had two people with him, Leon Fuerth, and Jack Caravelli from the National Security Council. They met with us for 90 minutes to try to convince us not to let the Senate vote for the Iran Missile Sanctions bill.

When he finished, we again told the Vice President: Mr. Vice President, you do not know how serious this is. This technology is helping Iran and Iraq develop new capabilities. But there was the Vice President, currently running for the presidency, telling us do not worry, we are going to take care of all of this. We are getting Yeltsin and Chernomyrdin to go along with us.

The Senate voted 96 to 4 in favor of that bill. The Vice President also told us and ensured us that he would take care of everything. That he was the one negotiating with Chernomyrdin, as my colleague pointed out, and I think he mentioned this earlier about the memo that the CIA wrote to him. We have evidence that his partner, Viktor Chernomyrdin, was involved with oil and gas corruption and the CIA sent him a memo to warn him that his friend and partner in Russia was not a clean person.

The White House has now acknowledged, though they initially denied it, they have now acknowledged that people remember that memo. And there is a CIA analyst who has said he saw the memo with the words scribbled across the front. The Vice President wrote a word across the front that we are not supposed to use on the floor of the House, but it started with "bull" and we just cannot complete the rest of the word, because Vice President GORE did not want to hear from the CIA that they had information that his friend and partner was involved with corruption in Russia.

So the policy of this administration for 8 years was deny reality. Then we find out, as my colleague just pointed out, that Vice President GORE went beyond denying reality. He did his own diplomacy and actually negotiated with Chernomyrdin the allowance for Russia to transfer technology to Iran which was strictly prohibited by the law that was passed by this Congress. In fact, when he was in the Senate it was passed under the leadership of JOHN MCCAIN.

It is outrageous that a Vice President could secretly allow a country like Iran, when this Congress had gone on the record expressing our grave concern with what Iran was doing, that this Vice President could allow that technology to continue to flow to Iran. And we now find out that Russia did not pay attention to what the Vice President said. They went beyond the

original understanding. In my opinion, this requires a serious investigation by the Congress.

Now, we are not going to be able to do this before the election. But the American people deserve to know what this Vice President did in a secret negotiation with the prime minister of Russia, a man who eventually left office in disgrace, that the CIA said was involved in corrupt activities. This country deserves to know what this Vice President did in arranging for some kind of a secret allowance for Iran to get technology from Russia, even though the law of the land in this country prohibited Russia from sending that technology to Iran.

How many other guidance systems went to Iran? How many other weapons besides the submarine and the arms that went to Iran? And what is the impact going to be on our security?

In fact, I would say to my colleague that I think this Congress ought to consider taking some type of action even before we leave this week to show our absolute outrage that any elected official, President or Vice President, would unilaterally take action that would eventually harm America.

Let me say before returning back to my colleague, I do not rise as a rabid conservative Republican, and I know my friend feels the same way I do, wanting to trash the administration. I have been to Russia 21 times. Every time I have gone, I have taken my colleagues on the other side with me. In fact, I have enjoyed a great relationship with the Democrats in our bipartisan Duma-Congress initiative. Each year, when the administration sought votes on the Cooperative Threat Reduction Program, the Nunn-Lugar program, I would get calls from the White House and from people in the administration asking me to lobby my Republican colleagues to support the initiative, which I did.

So I supported this administration in some of their policy issues toward Russia, and I am absolutely outraged, however, that this new revelation has come out that the White House has still not provided documentation to us, even after the chairman of the Committee on International Relations, the gentleman from New York (Mr. GILMAN) has written to the White House requesting copies of the memo and the letters that were written from Viktor Chernomyrdin to AL GORE in which he says specifically: Do not tell any third parties about this agreement, including your Congress.

Mr. Speaker, Viktor Chernomyrdin has no right to be above our Constitution. He has no right to send a letter to Vice President AL GORE saying ignore the Constitution of America; we will have some secret arrangement where I will tell you that only certain types of things can be shipped to Iran. Even though Vice President GORE knew there was a law on the books that specifically prohibited the transfer of technology to Iran, even though Vice

President GORE knew that our vote on Iran proliferation was 396 votes in the House and 96 votes in the Senate.

As my colleague, I think, agrees with me, the biggest scandal of the past 8 years is what this administration has done to our defense and foreign policy. The past 8 years will go down in history in my opinion as the worst period of time in undermining America's security. Not just because of what we did in these secret relationships in supporting people in Russia as opposed to institutions in Russia, but because of what we have done to force Russia into a new coalition where Russia and China have gone together in what they both characterize as a strategic partnership against America and the West.

Mr. Speaker, we are going to be trying to rebuild the confidence and the trust between these countries and us for the next 25 years. That is the legacy of this administration. It is a legacy that I think is absolutely embarrassing.

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Now, my colleague I think was quoting from the Task Force, which I was a member of, where we looked in depth at these issues. And the American people need to look at these issues, as well. Because the rhetoric coming out of the Vice President's mouth, the rhetoric coming out of those who were supporting what they would say has been a strong foreign policy is just rhetoric.

In fact, if you look around the world today, the instability in the relationships that America has with Russia, with China, the situation in the Middle East, the problems with North Korea are all problems that are not going to go away and problems which we have to address up front.

I know my friend feels like I do, we want Russia to be our good friend, we want the Russian people to be our good friends, and we want the Russian people to know that we are on their side. We are embarrassed that our administration ignored the transfer of illegal money out of Russia to illegal bank accounts. We are embarrassed that some of the current problems of the Congress with Russia were caused because we did not hold Yeltsin accountable when there were institutions in Russia that were in violation of arms control agreements.

And as a result, when Yeltsin was about ready to leave office last year, all the polls in Moscow showed that only two percent of the Russian people supported Boris Yeltsin. But even though only two percent of the Russian people supported Boris Yeltsin, there was Bill Clinton and AL GORE still supporting Boris Yeltsin and Viktor Chernomyrdin and his successor. Because Viktor Chernomyrdin eventually left and a whole multitude of prime ministers came in behind him.

It was summed up best by a visiting Duma deputy who came over in the middle of the Kosovo conflict. We had a

press conflict and he said, you will, America for 70 years the Soviet Communist party spent billions and billions of dollars to convince the Soviet people that Americans were evil, and they failed. But your President and your administration in just a few short years has been able to convince the Russian people that Americans are evil.

What a terrible statement for an elected official of the Russian Duma to make that for 70 years the Soviet Communists tried to convince Russians that we were evil and they failed, and yet our policies from 1993 up until the Kosovo fiasco just a few short years ago turned the Russian people against us.

We have to correct all of that, and we also have to hold this Vice President accountable for the actions he took unilaterally.

Mr. ROYCE. Mr. Speaker, I have one question that I would like to ask the gentleman and that concerns the law as it pertains to these international agreements.

Now, according to the law, as I understand it, when there is an agreement with a foreign power, that information is supposed to be given to Congress as soon as practical or no later than within 60 days.

My question is this: Since we are now in a position where some 5 years after the agreement we are finding out about such agreements in the New York Times, what recourse does Congress have under the law at this time in order to assert our constitutional rights to be informed about what the administration is doing negotiating without sharing that information with either the Senate or with the House and in particular negotiating when there are laws on the books?

Mr. WELDON of Pennsylvania. Mr. Speaker, the 1995 law that was passed, which was championed by JOHN MCCAIN, basically prohibited Russia from sending technology to Iran.

There is now evidence in a secret agreement that Vice President GORE worked out with Viktor Chernomyrdin, the same Viktor Chernomyrdin that the CIA told Vice President GORE was involved in corruption with Russia. That agreement never came to the Congress. No member of the Senate Intelligence Committee, the House Committee on Intelligence, no member of the leadership in either party was aware that Vice President GORE on his own made an arrangement with Viktor Chernomyrdin to allow Russia to transfer certain technology to Iran.

Now, the State Department and the White House are not denying this. What they are claiming is the technology was not covered by this law. That is hogwash. This technology was covered. But what Vice President, what the President for that matter, has the power to overrule the Congress?

I mean, this gets back to shades of what the Democrats raled about during the Vietnam era and during the era of the Central American fiasco. No Presi-

dent has the right, no Vice President has the right especially, to enter into a secret agreement with a foreign leader that does not involve the express advice and consent of the Congress. And yet that is what Vice President GORE did.

Mr. ROYCE. Mr. Speaker, it is my understanding that during the debate on the original 1995 law itself, the very example given in the debate was the super secret kilo class type of submarine that could be transferred from Russia to Iran because of our concerns of what that would do to our strategic interests in the Middle East.

How would it be possible for the administration now to claim that in fact it did not intend or their interpretation is that it is not covered by the statute when in fact the debate on the original law mentioned that kilo class submarine?

Mr. WELDON of Pennsylvania. Mr. Speaker, the gentleman is absolutely correct. And for other colleagues who are listening in their offices, the kilo class submarine is a submarine that can do tremendous harm to America, our Navy, and our allies.

Iran now has that because of what Vice President GORE did secretly in this agreement with Viktor Chernomyrdin. And even Madeleine Albright now has acknowledged what he did. My colleague probably is aware that there is a classified letter that was written by Secretary of State Madeleine Albright in this year to Russian Foreign Minister Igor Ivanov. And that is what it says. This is quoting Madeleine Albright.

"Without the 1995 Gore-Chernomyrdin agreement, Russia's conventional arms sales to Iran would have been subject to sanctions based on various provisions of our laws."

So now we have the Secretary of State this year affirming that what was done by Vice President GORE secretly in 1995, if that had not been done, those transfers would have caused sanctions to be placed on Russia.

I mean, this is amazing. Russia is trying to become a democracy and it appears as though we are going to a totalitarian state where the Vice President thinks he could do whatever he wants. He does not have that authority.

Mr. ROYCE. Mr. Speaker, there is one other issue that is of concern to me.

When we were in Moscow, we had an opportunity to speak to various officials in the Russian Government; and, upon our return, there was a story in the media about the fact that support among the Russian people for the United States was down to single digits for our policies and their feelings about the intentions of the United States was down to single digits.

When we contrast that with the attitudes after the fall of the Berlin Wall and after the disillusion of the former Soviet Union, at that particular time

the support for U.S. policy and intentions was registered to be the majority of Russians. In one poll I recall it was 70 percent.

How does that go from 70 percent level of support down to a level of support that is around four or five percent? And at the same time, how do we go from a situation where we had a relationship with Russian parliamentarians to one where today a former KGB officer, now the President of Russia, states that his strategic alliance is going to be with China, not with the United States, but with China? How does that happen over the span of a few years?

Mr. WELDON of Pennsylvania. Mr. Speaker, I think it is just basically because the policy of this administration, two people, Bill Clinton and Boris Yeltsin, was as long as they got along with their counterparts in Russia, Boris Yeltsin and Viktor Chernomyrdin, to them nothing else mattered.

In fact the Duma felt totally left out of the process. The Duma members told me. In fact, one of my Duma deputy friends, a very respected member of the Duma, Vladimir Luhkin, used to be the Soviet ambassador here in the U.S. He was recently the chairman of the Committee on International Affairs, and he right now is the chairman of the pro-Western Yablako faction. I am going to tell you what he said to me. And I never said this publicly before.

I was in Moscow and arrived the day after President Clinton left Moscow right after the economic collapse.

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Luhkin called me into his office. He said, CURT, I have a very serious concern that I have to raise with you. I said what is it, Vladimir? We have been friends. He said, the word around the Duma is that your President had discussions with Boris Yeltsin over what the U.S. response would be if Yeltsin disbanded the parliament altogether. He said, the fact that your President even engaged in those discussions is terribly alarming for us, because that would mean that your President does not even support our constitution, which is the basis of our democracy.

So here we have the members of the Duma seeing our administration go to Moscow and openly discuss with Yeltsin, and I assume Chernomyrdin, the possibility of them disbanding their parliament and simply having what basically they used to have in Russia, one or two people running the system. That is why the Russian people have no confidence.

If I were a citizen in Russia, I would not trust America, either, after I saw the world community sending billions of dollars into Moscow to help the Russian people build roads and schools and communities and to see the bulk of that money siphoned off to Swiss bank accounts. I would not trust America either.

Mr. ROYCE. One of the comments that interested me was former Foreign

Minister Federov's comment, where he told American officials do not give us money through the IMF into the central bank without strings, because if you do that that money will end up, quote, in Swiss bank accounts. Why was it, why was it, that we continued, against the advice of their own foreign minister who was trying to make reforms, to continue to put money into the government there instead of as an alternative attempting through democracy building to put the funding into building up political parties in Russia, building up a Democratic culture in Russia, assisting those who were trying to reform the country, why did all of the support go directly through the heads of state that were controlling the system, including the privatization? The gentleman alluded to Viktor Chernomydin's role there and in the report the indication is from the Russia's Road to Corruption, the Speaker's Advisory Group on Russia, the indication is that one of the main beneficiaries out of the entire privatization scheme was Chernomydin who ended up holding a large percentage of the oil and gas interests in Russia through so-called privatization, how could the administration allow this to occur without instead removing the resources from the government and putting the resources towards the forces of reform?

Mr. WELDON of Pennsylvania. The gentleman knows full well that before Boris Yeltsin would leave office he made sure that his successor, who he hand picked, President Putin, would give him and his family amnesty. So that when Putin took over for Yeltsin, he immediately signed the first series of decrees, presidential decrees, that gave lifetime amnesty for Boris Yeltsin and his family because two of his daughters were involved in much of this corruption.

To answer the gentleman's question, the reason why that amnesty was given was because the Russian people know full well that Yeltsin was taking care of his friends. He was taking care of those around him. He was the one who hand picked the bankers, the oligarchs where he was shuffling the money through. So the people that got wealthy were those close friends of Boris who kept him in power. Now this administration should have had the integrity to say to Yeltsin, look, we want democracy and free markets to succeed. We are not here to take care of your friends. But because they were so enamored with this personal friendship and relationship, they ignored the reality of what was occurring. That is why the Russian people in the end said we have no respect for America because you do not care about Russia's people; you care about your friends. You care about Boris Yeltsin and his family. You care about Yeltsin's friends and cronies and you care about Chernomydin and his friends and his family.

What we said for the past 5 years in going over to Russia, to our govern-

ment, is why do we not put the money out into the regions where the regional governors are making reforms? Let us reward them. Let us help them build new institutions, new communities. This administration wanted everything to go through Yeltsin and central Moscow because they wanted Yeltsin to be the strong man. They did not want the regions doing good things on their own because they would not be as loyal to Yeltsin. So we in fact helped cause the problem in Russia that focused everything in Moscow, through Yeltsin and Chernomydin and their friends, and now we find out that AL GORE even had secret dealings and agreements with Viktor Chernomydin that jeopardized the security of the U.S. and most specifically, and this is the key point, the first threatened nation to what Russia gave Iran is not the U.S.; it is Israel. The people of Israel now tonight can thank AL GORE for a secret deal that he evidently worked out with Chernomydin that allowed technical supplies and equipment, components and military hardware and submarines to go to Iran, which will directly threaten Israel's security.

Now AL GORE can talk a good game but the facts are, that is where the allowance was to send this technology, and the number one enemy of Iran is Israel. That is an absolute travesty. That is an absolute disgrace because, as the gentleman pointed out, Iran now has the Shahab 3 and Shahab 4 missile; they are now building a Shahab 5. Iran now has the ability to hit Israel directly and with this agreement that Chernomydin and AL GORE work out privately, Vice President AL GORE in my opinion helped Iran develop that technology that now directly threatens the safety of the people of Israel.

Mr. ROYCE. There was one last question I wanted to ask, and that had to do with the issue of privatization. I think for us as confusing as the comments of Foreign Minister Federov, who says he warned the administration not to give this money to the central bank without strings attached, not to turn it over to the government in power without a method of auditing it and making certain that it went for the purposes to which it was intended, even more confusing are what we are hearing now about the privatization schemes in Russia and how the beneficiaries of that did not turn out to be the Russian people but instead certain oligarchs, how can it be that this administration that was involved in giving assistance in helping through the IMF and the World Bank and helping with financial assistance, how could it be the case that we could end up with so much in assets turned over instead to a very small group, cadre of people?

Mr. WELDON of Pennsylvania. That is amazing, I do not know how. In fact, my colleague was with me when we met with Skuratov, who was the prosecutor general in Russia who is the equivalent of Janet Reno who told us he evidence of hundreds of insider peo-

ple around Yeltsin who were involved in insider trading with GKO bonds, who made tons of money off of the economic problems of Russia. I do not know how this could occur. It is outrageous, but the fact is that we now have to live with this.

I am outraged at this most recent story that my colleague brought up tonight, and I would urge our colleagues to take some kind of aggressive bipartisan action to hold this Vice President accountable for what he did. We have to stand up for what is right, and in my opinion what the Vice President did is not just wrong, it is unconstitutional and this Congress has a responsibility to make a statement on that before we leave this year, and I would say that should happen sometime this week.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SNYDER (at the request of Mr. Gephardt) for today and October 30 on account of a family medical emergency.

Mrs. FOWLER (at the request of Mr. ARMEY) for today and the balance of the week on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Ms. ESHOO) to revise and extend his remarks and include extraneous material:)

Mr. SHERMAN, for 5 minutes, today.

(The following Members (at the request of Mr. COBURN) to revise and extend their remarks and include extraneous material:)

Mr. KINGSTON, for 5 minutes, today.

Mr. HAYWORTH, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, today.

Mr. HOEKSTRA, for 5 minutes, today.

Mr. SCHAFFER, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. STENHOLM, for 5 minutes, today.

Mr. TURNER, for 5 minutes, today.

Mr. HILL of Montana, for 5 minutes, today.

Mrs. JOHNSON of Connecticut, for 5 minutes, today.

Mr. ROHRBACHER, for 5 minutes, today.

ENROLLED JOINT RESOLUTION SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 119. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

ADJOURNMENT

Mr. ROYCE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 58 minutes p.m.), under its previous order, the House adjourned until tomorrow, Monday, October 30, 2000, at 9 a.m., for morning hour debates.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LINDER: Committee on Rules. House Resolution 662. Resolution providing for consideration of certain joint resolutions making further continuing appropriations for the fiscal year 2001, and for other purposes (Rept. 106-1015). Referred to the House Calendar.

Mr. DIAZ-BALART: Committee on Rules. House Resolution 663. Resolution providing for consideration of the bill (S. 2485) to direct the Secretary of the Interior to provide assistance in planning and constructing a regional heritage center in Calais, Maine, and providing for the adoption of a concurrent resolution directing the Clerk of the House of Representatives to make certain corrections in the enrollment of the bill (H.R. 2614) to amend the Small Business Investment Act to make improvements to the certified development company program, and for other

purposes (Rept. 106-1016). Referred to the House Calendar.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

[Omitted from the Record of October 28, 2000]

H.R. 4144. Referral to the Committee on the Budget extended for a period ending not later than October 30, 2000.

[Submitted October 29, 2000]

H.R. 1689. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than October 30, 2000.

H.R. 1882. Referral to the Committee on Ways and Means extended for a period ending not later than October 30, 2000.

H.R. 2580. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than October 30, 2000.

H.R. 4548. Referral to the Committee on Education and the Workforce extended for a period ending not later than October 30, 2000.

H.R. 4585. Referral to the Committee on Commerce extended for a period ending not later than October 30, 2000.

H.R. 4725. Referral to the Committee on Education and the Workforce extended for a period ending not later than October 30, 2000.

H.R. 4857. Referral to the Committees on the Judiciary, Banking and Financial Services, and Commerce, for a period ending not later than October 30, 2000.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following

titles were introduced and severally referred, as follows:

By Mr. HORN (for himself, Mr. BURTON of Indiana, Mr. BALLENGER, and Mr. MICA):

H.R. 5600. A bill to establish an Office of Management in the Executive Office of the President, and to redesignate the Office of Management and Budget as the Office of the Federal Budget; to the Committee on Government Reform.

By Mr. YOUNG of Florida:

H.J. Res. 121. A joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes; to the Committee on Appropriations.

By Mr. YOUNG of Florida:

H.J. Res. 122. A joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes; to the Committee on Appropriations.

By Mr. YOUNG of Florida:

H.J. Res. 123. A joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes; to the Committee on Appropriations.

By Mr. YOUNG of Florida:

H.J. Res. 124. A joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes; to the Committee on Appropriations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 4825: Mr. ALLEN.



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PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, SECOND SESSION

Vol. 146

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No. 139

Senate

(Legislative day of Friday, September 22, 2000)

The Senate met at 4 p.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father, our loving Lord, on this Sunday afternoon, we listen intently to Your assurance spoken through Jeremiah, "I have loved you with an everlasting love; therefore with loving kindness I have drawn you."—Jeremiah 31:3. We open this meeting of the Senate with these amazing words sounding in our souls. Can they be true? Your grace is indefatigable. It is magnetic. You draw us to Yourself and we receive strength and

hope. We are secure in You and therefore can work with freedom and joy. We know Your Commandments are as irrevocable as Your love is irresistible. We have the strength to live Your absolutes for abundant life. And so we accept Elijah's challenge: "Choose this day whom You will serve," and Jesus' mandate: "Set your mind on God's kingdom above everything else!"—Matthew 6:33; NEV. In His powerful name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable LARRY CRAIG, a Senator from the State of Idaho, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Repub-

lic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. ALLARD). The majority leader.

PRAYERS OF THE CHAPLAIN

Mr. LOTT. Mr. President, on this Sunday we thank the Chaplain for his words and for his prayer on this special day—and every day. It means a great deal to us, and we take great comfort in it.

NOTICE—OCTOBER 23, 2000

A final issue of the Congressional Record for the 106th Congress, 2d Session, will be published on November 29, 2000, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT-60 or S-123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through November 28. The final issue will be dated November 29, 2000, and will be delivered on Friday, December 1, 2000.

None of the material printed in the final issue of the Congressional Record may contain subject matter, or relate to any event that occurred after the sine die date.

Senators' statements should also be submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at "Records@Reporters".

Members of the House of Representatives' statements may also be submitted electronically by e-mail, to accompany the signed statement, and formatted according to the instructions for the Extensions of Remarks template at <http://clerkhouse.house.gov>. The Official Reporters will transmit to GPO the template formatted electronic file only after receipt of, and authentication with, the hard copy, signed manuscript. Deliver statements to the Official Reporters in Room HT-60.

Members of Congress desiring to purchase reprints of material submitted for inclusion in the Congressional Record may do so by contacting the Congressional Printing Management Division, at the Government Printing Office, on 512-0224, between the hours of 8:00 a.m. and 4:00 p.m. daily.

By order of the Joint Committee on Printing.

WILLIAM M. THOMAS, *Chairman*.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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S11317

SCHEDULE

Mr. LOTT. Mr. President, the Senate will be in a period of morning business until 6:45 p.m., with Senators speaking for up to 10 minutes each. A vote on a continuing resolution that funds the Government for another day will occur at approximately 6:45 p.m. if the papers have been received from the House. We will try, once again, to see if we can get a vote before that time. The House, I believe, goes in at 6, so we probably will not have the papers before 6:45. We will see if we can go ahead and arrange for a vote to occur before that time but hopefully no later than 6:45. Senators will be updated throughout the afternoon's session.

By previous order, the Senate will convene on Monday at 5 p.m. to consider another continuing resolution. That vote will occur at 7 p.m. and will be the first vote of the day. I might say that there have been meetings with the appropriate Members of Congress and the administration on Saturday. There have been ideas exchanged—are being exchanged even now—that are being developed. I think we are very close, even though it is never over until we get an agreement on the final four or five issues that are still in play.

I think it would be wise for the Senate, the House—the Congress—and the administration to complete their work as soon as possible so that we can leave to be with our constituents and attend to our duties back in our respective States. But it is more important that we look after the people's business first. We will continue, as we have been now, until an agreement can be worked out. We are prepared to exchange some suggestions today, and hopefully we will get some additional information later on this afternoon.

It is still my hope that perhaps by Tuesday we could have the final two or three votes that would be required. That would mean the Labor-HHS appropriations bill, in whatever final form it might be, would have to be filed not later than Monday night. So we would need to have time, of course, for that to be filed and printed and for Senators to have a chance to review it. I presume that would then mean that the vote, if it came on Tuesday, would be late on Tuesday. But I will confer with Senator REID—we were just talking about it—and with Senator DASCHLE to make sure we give Senators the maximum amount of notification when those substantive recorded votes might occur.

Again, I do not want to give the impression it is just about to be done, but that would be our fervent hope. We will give as much advance notice as possible for a final vote on the tax relief package, and also the Labor-HHS appropriations bill, and bankruptcy. I expect to file cloture on the bankruptcy bill today or tomorrow, depending on what might be happening with the schedule.

With that, Mr. President, I see Senator REID is here. Would the Senator like me to yield to him?

Mr. REID. For a brief statement.

Mr. LOTT. I am glad to yield.

Mr. REID. I hope the optimism I hear in the leader's voice is well founded. I hope so. I think we have all worked hard and should wrap this up. I say to the leader, however, I hope today we follow daylight savings time, even though that is not what we have shown in the Senate. As you can see, it is really 5 after 4, not 5 after 5, as the Senate clock shows us. So we will have to make sure we go by the real time and not by what is shown in the Senate Chamber.

Mr. LOTT. Absolutely.

Mr. REID. Is that reasonable?

Mr. LOTT. That certainly is reasonable.

CONGRATULATIONS TO THE UNIVERSITY OF MISSISSIPPI FOOTBALL TEAM

Mr. LOTT. Mr. President, I extend my hearty congratulations to the University of Mississippi football team. Their homecoming was yesterday. My daughter and wife and son-in-law, along with a large number of friends, were there; I, however, was not there; I was here. But our very worthy opponent was the Running Rebels of the University of Nevada, Las Vegas. It was a hard-fought victory in overtime. The University of Mississippi prevailed 43-40. So I know all present would be interested in having that information. I extend my congratulations to Senator REID on his outstanding team and his outstanding quarterback who almost gave me a very miserable Saturday night but, thank goodness, good fortune did prevail.

Mr. REID. Mr. Leader, of course we complained about the officiating.

Mr. LOTT. It sounds like something you would hear in Washington.

Mr. REID. It was a great game. Even though the University of Mississippi—"Ole Miss"—was favored by 10 points, it took overtime for them to win by 3 points. So it was a good game and a worthy opponent, and the officiating was very good.

Mr. LOTT. I yield the floor, Mr. President.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business, for not to extend beyond the hour of 6:45 p.m., equally divided between the two sides, with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Idaho.

OUR ENERGY CRISIS

Mr. CRAIG. Mr. President, I thought this time was an opportunity of which

I could take advantage to talk about something we all experienced this morning when we awakened here on the east coast. That was the chill of fall in the air.

I think most of us had failed to recognize that we were late into October because the weather has been so mild and so generally warm. But we are really at the threshold of winter, and as winter comes, so does cold weather. And as cold weather comes, the average American reaches to the thermostat on the wall of his or her home and begins to turn it up.

This fall, as that experience occurs, something else is going to happen in America that will be very dramatic, and that will be the turning up of the heating bill because, whether it is electricity or oil for space heating, the cost of those commodities in the average American's household budget has increased dramatically.

In fact, in the Northeast, where home heating oil for space heat is a major commodity, those costs will have better than doubled since last year and could go even higher this year as the amount of supplies for those needs continues to not increase at the rate of demand.

Why has this happened? Why are we at the threshold of an energy crisis in this country that we have not experienced in a long, long while?

In nearly every part of the energy consumer basket—be it electricity, or home heating oil, or automobile gasoline, or diesel for our truck transportation, or fuel for the great turbines of the jet engines that fly Americans across America—there is no surplus today.

That is a historic fact. This country was built on the abundance of energy. Our successes in our economy have always been the result of having the necessary energy to accomplish what we wanted. It was always one of the least-cost items in that accumulation of costs that made up the price to the consumer of a product on the market shelf. That is no longer the case.

For the next few moments, I would like to once again address, as have I and other Senators for the last year and a half, the energy crisis we are now into and why we are there.

Largely, it gained our attention about a year ago when we became aware that the members of the OPEC countries were going to move the price of oil from about \$10 a barrel to \$28-\$30 a barrel. It had been selling for around \$10 in the world spot market, and it was beginning to increase because they were beginning to decrease their production.

Admittedly, no one was making money at \$10 a barrel. Whether it is oil of the Middle East or oil in Texas or Oklahoma or on the overthrust belt of the west in Colorado and Wyoming, oil is not profitable at \$10 a barrel simply because of the cost of production and compliance, especially in this country, with environmental rules and regulations. Somewhere at \$17 to \$20 a barrel

is where it begins to be profitable. So for a long time, for the last several years, we were operating on less-than-profitable oil for at least the producers.

For the consumer, it was a bonus. I remember just a year ago, across the Potomac in Northern Virginia, I bought regular gasoline for 90 cents a gallon. Today, one is going to pay at least \$1.60 to \$1.75, maybe even more than that, depending on your location and the location of the particular service station. That is a dramatic increase. That is a 110-120 percent increase. So that 90-cent gas, while there was a bit of a price war going on out in Northern Virginia at the time, was still based on \$10-a-barrel oil.

We know that has changed. We saw it change. Now we see the Arab nations receiving anywhere from \$28 to \$30, \$31, \$32, \$33 a barrel for their crude oil. That all translates into a much greater cost at the pump to the consumer, but it also translates into a variety of other things.

As we know, the petrochemical industry of this country is involved in almost all we do and sometimes a lot of what we wear because of the byproducts of the petrochemical industry, be it plastics or nylon or a combination of consumer goods. Slowly but surely, the increased cost of those byproducts is beginning to roll across the American economy.

The other evening I did a conference call in Idaho with a group of farmers. They happened to be sugar beet farmers and potato farmers. The price of potatoes is well below break even this year. It has been for 3 years. Many of those farmers will not make money again this year, and they are very frustrated. Some of them will lose their farms. It is also true in sugar beets, with the price of sugar at near an all-time low.

What they were most concerned about was their energy costs. As we all know, agriculture is a large consumer of energy. It is an intensive industry. Those large tractors and trucks used in the process of farming all consume large quantities of energy. The pesticides, insecticides, herbicides are all hydrocarbon or petrochemical based. All of their costs have started going up. Fertilizer costs will nearly double this year as a direct result of energy costs because when you are dealing with phosphates and phosphate fertilizers, huge volumes of energy are used to transform those from the rock to the fertilizer product that ultimately goes to the ground that the farmer uses.

All of those costs are going up, and all of them are based on one simple fact; that in this economy, the energy costs to the consumer have nearly doubled in just about a year. So the farmers, while their prices were at an all-time low, were talking to me about energy. What is this country going to do? What is this administration going to do. What is this Congress going to do about an energy policy that would ultimately

begin to bring those prices down. They were dramatically concerned.

When the Congress gets back in January and February, we are going to hear a hue and cry coming out of the Northeast in relation to the cost of space heat and home heating oil, even though we have tried to deal with that in short-term measures. But those are some of the circumstances in which we are involved.

The consumer is still going to the pump, and they are still filling up their vehicles. In most instances, consumers are working. They all have good jobs at this time. We are at nearly full employment. Nobody has really stopped to factor in that over the course of a year, they are going to be paying more than \$300, \$400, sometimes \$500 out of their household budget for their energy costs than they did a year ago. But it will be the single highest increase in relation to cost over a 12-month period of any one item the American consumer will buy this year. It will be their energy. Never in the history of this country has energy gone up that fast for that sustained period of time and affected all segments of the economy.

Those are some of the realities we are facing. Let me, for a few moments, explore why it has all happened. We now import about 56 percent of our supply of crude oil. That has gone up very dramatically over the last few years. In 1975, when we established the Strategic Petroleum Reserve, we were 36-percent dependent on foreign oil. The political rhetoric at that time—I was not here; the Presiding Officer was not here—was loud and boisterous: Never again will America be dependent on foreign sources of oil; we will establish a Strategic Petroleum Reserve in case of a national or an international crisis. Never will we have to be held hostage to the attitudes or the political concerns of a small group of Arab nations known as OPEC.

That was 1975 when we were 36-percent dependent. So we established SPR and we put hundreds of millions of barrels of oil in a salt dome down in Louisiana as a special reserve to be used in an international or national emergency where supply would be disrupted.

Today, we are 58-percent dependent on foreign oil, not 36-percent dependent.

I have run my 10 minutes and there are others here to speak. I ask unanimous consent to continue for 5 more minutes.

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

Mr. CRAIG. We have not heard this administration in any way talk about the need to change things very much. Why is that the case? Why are we now at the threshold I have described?

The large reason is that for the last 8 years, during a time when this dependency on foreign oil has skyrocketed, we have had no energy policy coming from the Clinton-Gore adminis-

tration. In fact, in almost every instance, they have, by rule and regulation or by process slowed down production in our fundamental sources of energy, be it domestic crude production, down 14 percent over the last decade; be it any exploration because of new environmental regulations; the inability to get out on the land and explore, even though our oil companies have the highest environmental standards to protect the land and to protect the environment around any new discoveries and developments.

Out in my State of Idaho and in the Pacific Northwest, this administration is talking about taking down four very large hydrodams. They believe that by doing so and turning the Snake and the Columbia Rivers back to a more natural flow, they could actually improve fisheries. Somebody says: It is only 5 percent of the supply.

Well, 5 percent of the supply of that region from those four dams generates enough electricity for the entire city of Seattle, WA—again, another attitude as to why we are not producing this and solving this problem but simply getting more deeply into this problem.

Well, there are a lot of other reasons, and my time is short. But as a result of all of those problems and no solution coming from the administration—well, they did have one solution. They sent Bill Richardson, the Secretary of Energy, to the Middle East, and he had in his briefcase a tin cup. He got it out and he held out his tin cup and he said to the Arab Emirate oil nations: Please fill up my cup; please turn your valves on. You see, we have no energy policy. You are our supplier. We are victim to your political and economic whims.

That has been the energy policy of the Clinton administration. That is the only real thing they have attempted to do, other than the politically charged action to open the SPR and bring about 30 million barrels of oil out of there to somehow change the price and the supply. Of course, we have held several hearings on that and, no, that hasn't happened. But this year, I, Senator FRANK MURKOWSKI, TRENT LOTT, and many others introduced the National Energy Security Act of 2000, S. 2575. We brought it to the floor. It is a major, new effort to bring our dependency on foreign oil at or below 50 percent, to encourage and maximize utilization of alternative fuels and renewable energy and increased domestic supply of not only oil but gas production, because natural gas has better than doubled in price in less than a year.

Yet this administration sits happily by, as if nothing were occurring, knowing very clearly, but not wanting to talk very loudly in this political season, that their energy policy will drive costs to the consuming public to a higher rate than ever in the history of our country. Their only real good argument is that they did it all in the name of the environment.

In closing, let me talk about the environment we are about to experience.

It is going to be a cold environment this winter. That is a normal environment then. When elderly people and poor people have to make choices this winter between food and medicine and heat, that is not a very good environment. We will do all we can here to supply them with alternative resources to hold down their heating bills, but there is one remaining fundamental fact about why they must make those choices in this environment. We have lived for 8 years without an energy policy coming from this administration, except one—the tin cup in the hand of Bill Richardson—and a policy that somehow the production of hydrocarbons in our country was environmentally damaging. I think most of us know that is no longer true today.

So I thought as I awoke this morning and felt the cool in the air and turned up the thermostat on the wall, while I may be able to afford my heating bill this winter, I know a good many people won't be able to afford theirs. That is a tragedy in this country that should not have to happen—a country that has always been so wise to allow the marketplace to provide one of the great abundances that we have always had that has set our Nation apart from all others, in our ability to produce and succeed, and that was an abundant supply of energy.

In 8 short years, that abundant supply has dwindled to a point where we really have no surpluses at all today. The average demand for growth in energy goes up 1.4 percent in our country on an annualized basis, and we have only increased production by 0.4 percent in the last 8 years—in all segments of energy. That tells you one thing very clearly. Somebody has failed along the way, and I must tell you, serving on the Energy Committee and studying and examining this issue very thoroughly over the last several years, I know who has failed. It is the Clinton-Gore administration. They failed to recognize the reality of the marketplace, the reality of the world production supply, and disallowing us from producing our way out of it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

ALTERNATIVE ENERGY SOURCES

Mr. REID. Mr. President, I have the greatest respect for my friend from Idaho. We served together in the House, and we have worked together many years on public resources issues dealing with the West. I don't mean to be disagreeable, but on this issue we simply disagree. I am going to take a couple of minutes because I have told the Senators from Ohio and Iowa they can speak next.

The oil problem started in the Republican administration; it certainly wasn't the fault of the Republican administration. There was an embargo by the OPEC nations. Following that, there was an bipartisan effort to

change things. There were incentives to develop oil shale, do alternative energy with wind and solar and geothermal. But with the oil glut that came about, all of that was taken away. Some of the research involving alternative energy was simply not renewed by Congress. That is too bad.

During the years of the Clinton-Gore administration, they have tried very hard every year that I have served on committees and subcommittees with jurisdiction to deal with energy matters. They have tried every year—especially in the appropriations process—to get more money for development of alternative energy sources. They have been stymied every time.

We should also understand that if we could reduce the consumption of fuel in America—for example, if we had more fuel-efficient cars and if we had automobiles that were 3 miles per gallon more efficient, we would save a million barrels of oil a day.

There are things we need to do here. We need to join in a bipartisan effort, not a finger-pointing effort, to develop energy policy in this country. None of us wants to be dependent on foreign oil. In fact, with the oil being so cheap, there was no incentive for us to do it. Congress failed, and it wasn't simply that we didn't meet what the administration wanted. Certainly, this legislation has been suggested by my friend from Idaho, has as its centerpiece oil development in ANWR, the pristine Arctic wilderness, which we are not going to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

TAX LEGISLATION

Mr. GRASSLEY. Mr. President, last week, we started to debate a tax bill and it had to be brought down because there wasn't consent to move ahead on it. Before we adjourn and go home, hopefully, we will pass a tax bill. But there are a lot of provisions in that bill that are very good; common sense dictates them; and a lot of these are very bipartisan. So the President has threatened to veto the tax bill. I want to bring up some of these issues and ask the President why he would veto something as good as these provisions, where there is bipartisan consensus that we ought to pass them.

Obviously, this bill doesn't contain everything I would like to see in it as a Member of the Senate. As a member of the Finance Committee, we have a chance to be on the ground floor of the drafting of the legislation coming out of that committee. On the other hand, no one person, even a member of the committee, can get everything he wants in the bill. There are even some things in this bill that I don't like, but on balance it will do a lot of good for a lot of people. Therefore, I think it should be enacted.

To begin with, the bill contains a number of provisions I authored or co-

authored with some colleagues and these are the bipartisan provisions that I am thinking about. For instance, on the issue of pensions, I worked very closely with Senator GRAHAM of Florida—several critical pension provisions. As we anticipate the upcoming retirement of the baby boomers, we are always astonished at how much it is going to cost during their retirement. Retirement is expensive, not only due to rising life expectancy but also because inflation and taxes must be factored into the cost of retirement.

We keep insisting that baby boomers—now 10 years away from their retirement—must do more to prepare for that retirement. How can they do that if we don't give them the tools they need? This bill has a lot to do with that because it would make small but significant steps to improve the ability of baby boomers and subsequent generations to prepare for retirement. This bill will increase retirement savings and the national savings rates by allowing workers to save more in their pension plan or in their individual retirement account.

How can the President find disagreement on that point—the necessity of having better pension systems, the necessity for updating the individual retirement accounts so more can be saved in those accounts and so more people can be encouraged to save in those accounts?

Our bill would restore section 415 limits for pension contributions closer to—not all the way, I am sorry to say—where they were before the 1993 tax increase bill was passed.

You remember that 1993 tax increase bill? As Senator MOYNIHAN said on the floor of the Senate, it was the largest tax increase in the history of the world after Bob Dole said it was the largest increase in the history of the country.

That was a pretty significant tax increase in 1993. You remember that it passed on the tie-breaking vote of Vice President GORE as he sat right there in the chair. He cast the tie-breaking vote to pass a tax bill that most all Republicans thought was bad for the country. Even some Democrats thought it was bad for the country. When Republicans were in the minority, it would have still died on a 49-to-49 vote—except for the tie-breaking vote of the Vice President.

This bill will restore some of the bad aspects that the 1993 tax bill had on pensions contributions with these 415 limits. This bill increases existing IRA contribution limits because under this bill Americans would be able to contribute \$5,000 annually. That is an increase up from the current \$2,000 maximum contribution. This IRA limit has not been increased in the 18 years since the last time it was effective.

For workers without a pension, a pretax individual retirement account is one of the best ways they can save for retirement. This limit is being increased for traditional IRAs and Roth IRAs.

Why would the President want to veto that for people who don't have anything other than individual retirement accounts with the present \$2,000 limit? You can see what has happened to that \$2,000 limit because of inflation. After 18 years, it is not anywhere near the incentive for savings that it was in 1982.

Increasing it to \$5,000 would be a tremendous incentive for people who don't have pensions to save on their own for retirement, in addition to a baby boom generation that is not going to get out of Social Security as much as my generation will get out of Social Security when they retire.

Consequently, that helps make up for some of the shortcomings of the Social Security surplus for the baby boom generation.

Further, the bill encourages more people to save through an IRA by accelerating the scheduled increases in IRA income eligibility requirements. Individuals making up to \$50,000 and couples making up to \$80,000 could participate in an IRA. And the bill allows catch-up contributions for IRAs of an additional \$1,500 for those age 50 or over.

That will give people an opportunity who have been hit by the inflation-lessening value of the \$2,000 individual retirement account now that they are 50 and over to put aside an additional \$1,500 to make up for some of the shortcomings of Congress not keeping the \$2,000 limit adjusted for inflation.

Why would the President want to veto a bill that gives people who are saving an opportunity to make up for some of the shortcomings of Congress over the last 18 years, or even the negative impact of the 1993 tax bill on some of these pension provisions?

This bill also encourages small businesses to start and maintain pension plans.

One of the problems with the pension law is that there is tremendous discouragement for companies with under 100 employees to go to the expense of setting up a pension plan. For employers with over 100 employees and with the overhead that companies such as that have, it is not such a problem. You find larger corporations have pension plans—not small businesses.

The provisions encouraging expansion of coverage are vital and overdue improvements in pension law.

I will give you an example. The bill modifies the top-heavy rules which only apply to small businesses. The top-heavy rules have been rightly criticized because they place burdens on small business pension plans. Those same requirements are not applicable to big business. The top-heavy rules make sponsoring a pension plan expensive, complicated, and out of reach for many small employers. In fact, the ERISA Advisory Council in this administration even supported the outright repeal of these top-heavy rules.

This bill does not repeal the top-heavy rules, as much as we should, ac-

ording to the Advisory Council's recommendation. It simply modifies the most onerous aspects of the rules to make having a plan more attractive for small firms.

The bill also reduces plan costs and PBGC premiums for small businesses and eases administrative burdens by streamlining onerous pension regulations. These changes help to make the experience of maintaining a plan less difficult for small companies. Further, the bill simplifies annual reporting requirements, eliminates IRS user fees for new plans. These provisions encourage small businesses to provide pension coverage. When small businesses start up new plans, American workers win!

The bill contains many provisions which will help rank and file workers specifically.

For example, this bill enables workers aged 50 and over to make so-called catch up contributions to their retirement plan.

That may sound like something that is new and we shouldn't do. But we allow State and local government workers to make these catchup contributions under current law if they are within 3 years of retirement.

I know of no reason why we should not make the benefit of catchup contributions available to all workers—not just for those of State and local governments. We would do so in this bill for workers in for-profit businesses and also not-for-profit businesses.

Unfortunately, this bill will not allow workers who make \$80,000 or more to make these "catchup" contributions despite the fact there is not such an \$80,000 limit on the current law for State and local employees.

This is a further inequitable situation—something we give State and local government employees but we don't give employees in the private sector. We make up some of that in this legislation but not 100 percent, I am sorry to say. I regret that the bill made this restriction necessary because of negotiations that were going on between the House and Senate.

The bill reduces the vesting period for receipt of the employer's matching contribution and defined contribution plans—such as a 401(k)—from 5 years to 3. Make no mistake about it; this is a huge help to many workers. This will particularly help women, maybe because of taking care of an elderly relation, or maybe to start a family or women who are in and out of the workforce or maybe even in some cases men who are in and out of the workforce, but they are more apt to be women.

This will give them an opportunity to enhance their match so they can make up for lost time because of not being in the workforce.

This bill makes another important change to law that will help low- and modest-income workers. The bill repeals the 25 percent of compensation limit on savings and defined contribution plans.

That is a savings barrier that frustrates those of modest income. Most

workers in this Nation will be saving through section 401(k) plans or section 403(b) plans or section 457 deferred compensation plans. In a 401(k) plan, for example, the limit for saving is 25 percent of compensation or a maximum of \$10,500. Our bill repeals the 25 percent of compensation for the benefit of low and modestly paid workers who could be very thrifty people but are prohibited from saving more. They may want to sacrifice during their work years to have a better quality of life in retirement, but the present limit of 25 percent will keep them from doing that. We ought to make it possible for people who want to look ahead to do more for enhancing their retirement and have more savings for that retirement to be able to do it. This legislation does that.

I don't know why the President wants to veto such good provisions for low- and modest-pay workers. In Iowa and much of the Midwest, people are not only thrifty but they are very frugal. Let them save their money if they want to; that money belongs to them, not to the government.

The bill also greatly enhances pension portability. Because of these provisions, workers will be able to take their pension money with them when they leave one job to go to another job. Their retirement plan contributions will not be stuck in the plan of their previous employer. When more of those matching contributions are vested as I just mentioned a minute ago, a larger account can be rolled over to an IRA and to the retirement savings plan of a subsequent employer, regardless of whether the employer is for profit, not for profit, or a government employer.

Under current law, you can't make those rollovers. The pension portability provisions of this bill are a great way to reduce pension plan leakage. The issue of leakage is real, and I hope we get to examine it in more detail next year and even improve it more than this present legislation does.

The business also improves pension funding so benefits will be more secure over the long term. Good pension funding is one of the very foundations of the ERISA law. Most plans are well funded but some are not funded properly at all. We need to be taking a closer look at the underfunded plans and shine the spotlight on them.

I want to look at the reasons why some plans have not been better funded, and I hope to look at the status of the underfunded plans in greater detail next year.

Finally, I take note for my colleagues and cosponsors that this bill does not include everything I would have liked, and I hope we will be able to do more for pensions according to what Senator GRAHAM of Florida and I suggested in our legislation, which had many cosponsors.

When all is said and done, there are a lot of good provisions in this bill, particularly those that deal with women who are in and out of the workplace so

they can make up lost time on their pensions if they want to pay more into it. It does an awful lot for low- and medium-paid employees so that they can make up for the fact, if they want to save more for retirement, that the present 25-percent limit doesn't allow them to do that.

The bottom line is, why would any President want to veto such a good bill?

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, in keeping with the back and forth, would it be all right for me to speak for up to 15 minutes?

Mr. REID. Mr. President, I want to be as agreeable as possible, but the Senator from Idaho took 15 minutes instead of 10 minutes, and the Senator from Iowa took 15 minutes rather than 10 minutes, and I called my friend from Wisconsin, who rushed over here and dropped everything to speak.

Mr. FEINGOLD. Mr. President, I ask if I could have unanimous consent to speak for 30 minutes after the conclusion of the remarks of the Senator from Ohio.

The PRESIDING OFFICER. Without objection it is so ordered. The Senator from Ohio is recognized.

CHANGE OF VOTE

Mr. VOINOVICH. Mr. President, on rollcall vote No. 289, I inadvertently voted yea, when I intended to vote nay. I ask unanimous consent that on rollcall vote No. 289, I be permitted to change my vote from yea to nay, which in no way will change the outcome of the vote.

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

NOTHING TO BRAG ABOUT

Mr. VOINOVICH. Mr. President, this is the day the Lord has made; let us rejoice and be glad. This is Sunday, when it is the Sabbath for millions of Americans. Many of my colleagues have explained why we are here today, but I hope this is the last Sunday that the Senate, the U.S. Congress, is in session unless it is for a crisis of national or international concern. I hope this is the last Sunday that we would be here for anything but that.

Next Tuesday, the citizens of this nation will go to the polls and elect the next president of the United States. One of the first challenges that the new president will face is the need to recapture what has been lost for a generation of Americans: trust in the Federal Government.

The American people used to believe in the competence of the Federal Government to provide services and meet this nation's needs in a variety of ways. Unfortunately, in too many instances, this is not happening. Today, the Federal Government is held out as a source of scorn and ridicule.

The fact of the matter is that the Federal Government has brought most of this on itself through a gross inattention to management.

In 1993, Vice President GORE launched his "Reinventing Government" initiative. Purported to make government "work better and cost less," it had every intention to turn the diminished reputation of the Federal Government around.

However, this initiative will be remembered not for its modest accomplishments, but for missed opportunities. It has rejected bold efforts to reform Federal programs and personnel issues, and actually contributed to the growing human capital crisis that will be a major headache of the next administration.

It will be one of the most formidable tasks of the next administration.

As we have all seen, the Vice President is trying to run away from the label of being for "Big Government." In recent remarks in Arkansas, and in the presidential debates, he pointed to Reinventing Government as proof that he favors small government.

He claims credit for shrinking the Federal Government by 300,000 positions. In the third Presidential debate held earlier this month, the Vice President boasted that, due to his efforts, the Federal Government is "now the smallest that it has been since . . . John Kennedy's administration."

The Vice President's record of reinventing government is second only to his record of inventing the Internet for genuine achievement and accuracy.

The truth is: more than 450,000 positions have been removed from the Federal Government since January 1993, not 300,000 as the Vice President claims. However, his offense lies not just in the fuzzy math but also in taking credit for reductions where he does not deserve it.

More than 290,000 of the personnel cuts that were made—64 percent of the total—came from the departments of Defense and Energy. These cuts were made at the end of the Cold War in the resulting Pentagon budget reductions, as well as through four rounds of military base closings.

My colleagues should be aware that this process began before the advent of the Clinton-Gore administration and existed independently of the Reinventing Government initiative.

Other significant personnel reductions were also independent of Reinventing Government, including 15,000 employees of the Federal Deposit Insurance Corporation who were downsized at the end of the savings and loan crisis, and 8,500 employees of the Panama Canal Commission—now just a force of seven after the canal's hand off to Panama.

In truth, most of the non-defense positions discussed by the Vice President have not been eliminated, but merely transferred to the private sector through Federal contracts and Federal mandates. Paul Light, of the highly-re-

spected Brookings Institution, has documented a "shadow workforce" of almost 13 million contractors, grantees, and state and local government employees who serve as a de-facto extension of the Federal workforce—yet without the oversight and accountability. Evidence suggests that oversight of the contractor workforce is poor, yet contract managers were targeted for downsizing by Reinventing Government.

Far more noteworthy than the Vice President's characteristic exaggerations, however, is the sorry state of the civil service seven years after Reinventing Government was initiated.

As chairman of the Senate Subcommittee on Oversight of Government Management, I have led an ongoing review of overall government performance. I have found an appalling lack of forethought by the Clinton-Gore administration toward workforce planning as well as the training and development of Federal employees. The "A-Team," the people who get the job done, and who, for the last 7 years, have been ignored.

In testimony earlier this year before my subcommittee, nonpartisan experts testified that inattention to management has taken a heavy toll on the ability of the Federal workforce to do the job the American people deserve and expect.

Don Kettl, from the University of Wisconsin, testified:

The problem is that we have increasingly created a gulf between the people who are in the government and the skills needed to run that government effectively.

Paul Light of the Brookings Institution put it more bluntly. He testified that the downsizing initiated by Reinventing Government:

Has been haphazard, random, and there is no question that in some agencies we have hollowed out institutional memory and we are on the cusp of a significant human capital crisis.

The U.S. General Accounting Office may well designate human capital as a Federal "high risk" area when it releases its next series on government high risk problems in January 2001. The numbers are alarming, and most of the people are not aware of this, even Members of this body.

Right now, the average Federal employee is 46 years old. By 2004, 32 percent of Federal employees will be eligible for regular retirement, and 21 percent more will be eligible for early retirement.

Taken together, more than half the Federal workforce—900,000 employees—could potentially leave in just 4 years. Obviously, if that happens, neither Vice President GORE nor Governor Bush would have any problems meeting their campaign promises regarding this nation's Federal workforce.

Regrettably, the Clinton-Gore administration squandered 7 years before getting serious about this potential retirement wave. Indeed, Reinventing Government targeted human resources,

contract oversight, financial management and other professionals for downsizing, leaving the Federal Government without the expertise it now needs to recruit talented, technology-savvy people to fill the coming vacancies.

When it comes to the achievements of Reinventing Government, Vice President GORE has nothing to brag about. In my opinion, this effort is a liability for the Vice President, not a feather in his cap. Reinventing Government has failed to improve Government management or confront the fundamental question of how the civil service should be deployed to serve our nation. Cutting costs by only cutting jobs fails to acknowledge the central concern Americans have with Government, and that is ineffective programs, Government waste, command and control policies, and in many instances just plain gridlock.

Agencies with less staff but the same workload only experience more of the bureaucratic meltdown which undermines the public trust and demoralizes the remaining Federal workforce.

Wouldn't it be better if we focused on putting the right individuals in the job the American people actually want the Federal Government to accomplish—missions such as strengthening our national defense, saving Social Security, and saving Medicare—and giving them the training they need to get the job done?

When I asked OMB how much money they spent on training, they said they didn't know. So my subcommittee did a survey of the Federal agencies and we asked them: How much do you spend on training? They didn't know. We did get letters back from a couple of agencies and they said: We know, but we won't tell you because if we do, you, Congress, will take the money away from us.

Mr. President, I am not advocating the Federal Government fill every vacancy, person for person. What we need to do is ensure that every Federal agency has assessed its current and future workforce needs and has planned accordingly. Agencies must have the flexibility to design the recruiting and training programs that will allow them to attract and retain quality personnel and ensure they are deployed in the most effective way. In other words, the Federal workforce should be treated as an investment, not an expense.

Earlier this year, when I had begun to examine the management of human capital in my subcommittee, I asked for the training budgets of all Federal agencies. As I mentioned, they did not know; they did not collect the information. That is incredible.

The coming human capital crisis creates an opportunity for the next administration to reshape the 21st century Federal workforce, to improve Federal performance and efficiency, and to invest in the people who make the Government run. My hope is that in 4 years the next President will

boast, not just of reducing the size of Government, but also of a well planned reorganization of Federal jobs, and of having equipped our Federal workforce to support a more focused and more streamlined Federal mission so they can work harder and smarter and do more with less.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

A FEDERAL MORATORIUM ON EXECUTIONS

Mr. FEINGOLD. Mr. President, the last time the Federal Government executed someone was in 1963. That year, the Federal Government executed Victor Feguer, who had kidnapped and killed a young doctor. At 5:30 in the morning of February 15, 1963, at Fort Madison, IA, a Federal hangman tied a noose around Feguer's neck and put him to death.

Feguer's execution was the first and last Federal execution of the 1960s. In fact, the Federal Government has carried out executions fairly infrequently during the entire twentieth century. Only 24 Federal executions took place between 1927 and 1963. One-third of those were for wartime espionage or sabotage.

But, Mr. President, all of that is about to change. In the next 2 months, two inmates on Federal death row could become the first to be executed by the Federal Government in nearly forty years. Their names are David Hammer and Juan Garza.

As many of my colleagues recall, Congress modernized the federal death penalty in 1988 and then significantly expanded it in 1994. Those votes are about to have very real consequences. Like it or not, the national debate over the death penalty is actually intensifying and will build further next month, the months after that, and in the year to come.

And we should have this debate. We should have this debate, because the Federal Government is heading in a different direction from the rest of the country. The States have learned some serious lessons about the administration of capital punishment, and the Federal Government, above all, should learn from them.

After the Supreme Court's 1976 decision reinstating the death penalty, most States swept the cobwebs off their electric chairs and resumed executions. And most of these states have not looked back since. Just last year, the United States set the record for the number of executions in one year in this modern death penalty period: 98 executions. And already this year, there have been 70 executions in the United States.

But recently, in States all across America, awareness has been growing that the death penalty system has serious flaws and that its administration has sometimes been far from fair. From Illinois to Texas to North Carolina to

Pennsylvania, I believe that a consensus is building that there is a problem. Since the 1970s, 89 people—Mr. President, 89 people—who had been sent to death row were later proven innocent. Nine of these 89 were exonerated on the basis of modern DNA testing of biological evidence. Defendants have sometimes been represented by lawyers who slept during trial, were drunk during trial, or who were so incompetent that they were later suspended or disbarred. Prosecutorial and police misconduct sometimes have led to faulty convictions. The death penalty has been applied disproportionately to African Americans and the poor. The revelations of problems with the system mount. These are very real, serious problems that fail to live up to the fundamental principles of fairness and justice on which our criminal justice system is based.

Just last month, the Justice Department released data on Federal death penalty prosecutions. That Justice study showed racial and geographic disparities in the administration of the Federal death penalty. The study found that whether the Federal Government seeks the death penalty appears to relate to the color of the defendant's skin or the Federal district in which the defendant is prosecuted. Both the President and the Attorney General have acknowledged—they have acknowledged—that this data paints a disturbing picture of the Federal death penalty system. The Attorney General admits that she does not have answers to the questions raised by the DOJ report.

My colleagues may believe that the system is flawed, but some of them seem to fear that the people will object to efforts simply to address these inequities. The American people, however, are in fact ahead of the politicians on this, as they are on so many issues. A majority of the American people are troubled. They are troubled by these flaws in the death penalty system that they support a moratorium on executions. An NBC/Wall Street Journal poll taken this past July found that 63 percent of Americans supported a suspension of executions while questions of fairness are reviewed. And in a bipartisan poll released just this last month, 64 percent of Americans supported a suspension of executions while questions of fairness are reviewed.

Mr. President, as you have said and others have said, the Federal Government can often learn from the States. Let's apply that to the administration of the death penalty.

With so many nagging questions raised and still unanswered, how can the Federal Government go forward—how can the Federal Government go forward with its first execution in almost 40 years?

I believe it is unconscionable for the Federal Government to resume executions under these circumstances.

Earlier this year, I introduced two bills that would suspend executions

while an independent, blue ribbon commission simply reviews the death penalty system. The National Death Penalty Moratorium Act would suspend executions at the state and federal levels. The Federal Death Penalty Moratorium Act would suspend executions at the Federal level. And I am pleased that Senators LEVIN, WELLSTONE, DURBIN and BOXER have joined me on one or both of these bills. The five of us may not—in fact, do not—agree on whether the death penalty is a proper punishment, but we are united in our belief that our nation should pause and thoroughly review the system that has sent many who were later proven innocent to death row.

Addressing flaws in the death penalty system is, Mr. President, unfortunately, yet another chapter of the unfinished business of this Congress. With two executions scheduled for after adjournment, I must urge President Clinton to suspend Federal executions and order a comprehensive review of the Federal death penalty system.

Next Congress, when we return, I intend to reintroduce my legislation. I shall keep pushing forward on this issue. We have made progress this year, but we still have a long way to go toward restoring the integrity of our criminal justice system. I look forward to working with my colleagues toward that goal in the year to come.

THE OMNIBUS TAX BILL

Mr. FEINGOLD. Mr. President, I rise now to oppose yet another monstrous product that this majority has loosed on the Senate, this one an omnibus tax bill. In a number of speeches this year, as early as this May, I have tried to raise objections to the procedures that the majority is employing in this session of the Senate. It is proverbial that "a bad tree cannot bear good fruit." If any more proof were needed that these procedures are bad, the fruit of this tax bill provides it.

Let me begin by recounting how bad the tree is that bore this bill. The procedures that the majority has employed to bring this bill to the floor are egregious. And when the majority employs the procedures that it has on this bill, it is not surprising that they yield such an unattractive outcome. What has happened? A small number of Senators and Congressmen, all from one party, have cooked up this bill behind closed doors. Of the bill's major provisions, none has enjoyed consideration on the Senate floor. The majority leadership has then shoveled the contents of this back-room agreement into a conference on a comparatively minor Small Business Administration loan measure. When the fruit of such a process has, as this bill has, experienced no discussion, no vetting, and no amendment, it cannot help but have some rotten parts to it.

And there is much that is rotten about this bill. It would spend, Mr. President, a significant amount of the

surplus—about a quarter of a trillion dollars—before, before having taken any steps to save Social Security, or to reform Medicare, or to lock away on-budget surpluses to pay down the debt. Now, Mr. President, there are of course some provisions in this bill that I would support. But first and foremost, it is irresponsible to spend this much of the projected surpluses before having taken a single step to address our long-term fiscal responsibilities.

And so, Mr. President, I ask unanimous consent that an editorial on this point that appeared in the Washington Post entitled "Say Goodbye to the Surplus" be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, so ordered.

(See exhibit 1.)

Mr. FEINGOLD. Thank you, Mr. President.

Beyond that, Mr. President, this bill is also blighted by its lack of fairness. As have so many of the other fruits of this majority, this tax bill would disproportionately favor the very wealthy. When we as Senators decide on tax policy, we must ask ourselves: With a limited amount of surplus available, whose taxes should we cut first? Should tax relief go first to the wealthiest among us? The majority answers "yes" every time. Instead of the Robin-Hood-in-reverse priorities of the majority, we should instead be seeking to direct tax relief first to those who need it most: the hard-working American middle-income family.

According to an analysis prepared by the Institute on Taxation and Economic Policy, 64 percent of the benefits of this tax bill would go to the top one-fifth of the income distribution. And less than a fifth of the benefits of this tax bill would go to the bottom 60 percent of the population—one-fifth of the benefit to three-fifths of the people.

Mr. President, I ask unanimous consent that an executive summary of a policy paper on this bill prepared by the Center on Budget and Policy Priorities entitled "Leadership's Tax Plan Reinforces Inequities in Health and Pension Coverage" be printed in the RECORD at the conclusion of my remarks. The entire text of this policy paper can be found at <http://www.cbpp.org/10-26-00tax.htm>

The PRESIDING OFFICER. Without objection, so ordered.

(See exhibit 2.)

Mr. FEINGOLD. Thank you, Mr. President.

And now, let me take a few moments to address particular sections of the bill. And let me begin with the health care provisions of this bill, which, at \$88 billion for the tax provisions alone, account for what is actually the largest component of this bill. We can all agree that health care should be a priority. But the health tax provisions of this bill are structured so that the vast majority of middle-income Americans will not be able to benefit from them.

This is so because the health tax provisions in this bill operate exclusively

through the mechanism of tax deductions, instead of tax credits. Thus, Mr. President, it would provide no benefit for families of four making up to \$32,000, and actually provide precious little benefit for families making up to \$50,000. Those at the top of the income scale are not those who are having the most difficulty getting health insurance or paying for long-term care.

Indeed, the health care insurance deduction in this bill could actually reduce health care coverage. That is because the presence of the deduction might encourage private employers to drop health care coverage at the workplace.

Mr. President, I'd like to ask unanimous consent that an executive summary of a policy paper on this point prepared by the Center on Budget and Policy Priorities entitled "Health Insurance Deduction of Little Help to the Uninsured" be printed in the RECORD at the conclusion of my remarks. The full text of this policy paper can be found at <http://www.cbpp.org/8-30-00tax2.htm>

The PRESIDING OFFICER. Without objection, so ordered.

(See Exhibit 3.)

Mr. FEINGOLD. Thank you, Mr. President.

Among its health provisions, this bill also includes spending legislation to restore health care cuts made in the Balanced Budget Act of 1997. I strongly oppose the provisions in the Medicare provider payment restoration bill that disproportionately allocate scarce Medicare resources towards Medicare health maintenance organizations—HMOs—and away from beneficiary and health care provider needs.

The Medicare HMO program already treats our Wisconsin seniors unfairly. I cannot support increasing payments to a system that treats Wisconsin's seniors like second class citizens. Not only are these increased payments unjustifiable, they would raise payments without any accountability provisions that would ensure there is actually planned participation in States like Wisconsin.

Congress should not dedicate over one-third of its Medicare spending to Medicare HMOs, when only 15 percent of Medicare beneficiaries are enrolled in HMOs.

Instead of supporting HMOs, I strongly favor provisions that would support Wisconsin's seniors by preserving care through hospitals, home health care agencies, hospices, and other providers. The home health care provisions—I know firsthand from many conversations around the state—are especially inadequate, and do little to address the needs of rural beneficiaries and the most medically complex patients.

Let me turn now to the pension provisions, which, at \$64 billion, make up the next largest part of the bill. The official estimates of the costs of these provisions are large, but they understate what will be the true costs of the bill. That is because the bill's so-called Roth IRA provisions, which allow taxpayers to pay some taxes now to avoid

paying more taxes later, bring funds into the Treasury in the early years at the expense of the outyears. The bill's costs will thus likely expand when fully phased in, and will likely grow particularly in just those years when the baby boom generation is retiring and we most need the resources to actually keep Social Security and Medicare solvent.

The bill's pension provisions expand individual retirement accounts or IRAs. Among other things, it raises the amount that individuals may contribute to IRAs, raises the maximum income for those who may contribute to an IRA, raises the maximum income for those who may convert a traditional IRA into a Roth IRA, and allows individuals over age 50 to make larger catchup contributions. The bill makes similar changes in 401(k) plans, raising the amount that individuals may contribute to 401(k)s, allowing deferral of 401(k) tax treatment as with a Roth IRA, and allowing individuals over age 50 to make larger catchup 401(k) contributions.

Taken as a whole, these changes that I just listed would manifestly benefit the bestoff among us. A recent Treasury study found that just four percent of eligible taxpayers—largely the most affluent people eligible—make the maximum \$2,000 contribution to IRAs under the existing law. By definition, these would be the only people within current income limits who would benefit from raising the contribution limit. And by definition, only those above current income limits would benefit from lifting the income limits. According to the Institute on Taxation and Economic Policy analysis, more than three-fourths of the benefits of the bill's pension and IRA provisions would go to the fifth of the population with the highest incomes.

The bill's proponents claim that the bill would also increase savings. But this claim is almost Orwellian. Lifting these limits would actually decrease saving, for three reasons.

First, by making it easier for wealthy business owners to do tax-favored saving as individuals, the bill would decrease their incentives to set up business-wide, business-wide 401(k) or pension plans to get those tax benefits. As a former Assistant Secretary of the Treasury testified:

Currently, a small business owner who wants to save \$5,000 or more for retirement on a tax-favored basis generally would choose to adopt an employer plan. However, if the IRA limit were raised to \$5,000, the owner could save that amount—or jointly with the owner's spouse, \$10,000—on a tax-preferred basis without adopting a plan for employees. Therefore, higher IRA limits could reduce interest in employer retirement plans, particularly among owners of small businesses. If this happens, higher IRA limits would work at cross purposes with other proposals that attempt to increase coverage among employees of small businesses.

That is what the former Assistant Secretary for Tax Policy said. By depriving lower- and moderate-income

employees of opportunities for tax-favored saving, the higher IRA limits would thus decrease saving by those employees.

Second, the savings contributed by high-income savers would tend to be money that they would have saved anyway. Rather than cause new saving among higher-income savers, the higher limits would merely substitute tax-favored saving for fully-taxed saving. Rather than increase saving among this group, the bill would thus just cut taxes for these higher-income savers.

And third, because the bill is not paid for and therefore spends surplus money, it reduces the surplus and thus reduces the amount by which the Government pays down the debt. When the Government pays down debt, it contributes to national savings. And thus by reducing the amount by which the Government pays down debt, the bill will worsen national savings.

When the Finance Committee considered a pension bill earlier this year, it did include a provision that might have helped increase saving, Mr. President. That section, championed by Democratic Members of the Finance Committee, would have actually provided a matching credit, a matching credit, for saving by low- and moderate-income savers making up to \$50,000 for a couple. The provision was still deeply flawed, in my view, because it was not refundable, and therefore it was of no use to families of four making up to \$32,000. But if Government action is to encourage increased private saving, it needs to be directed—as that credit was—to low- and moderate-income people, who are not saving now.

What has the majority done? The majority has stripped this bill of that proposal. The majority has deleted from the bill that section most likely to increase private saving.

As well, the bill includes many offensive individual pension provisions.

Current law imposes additional requirements on plans that primarily benefit an employer's key employees, what are called "top-heavy plans." These additional requirements provide more rapid vesting and minimum employer contributions for plan participants who are not key employees. The bill would relax these rules for top heavy plans in a number of ways. For example, fewer family members would be counted for the determination of whether a plan was top-heavy. This change in the bill would allow plans to provide greater benefits to owners and their families without providing minimum benefits and more-rapid vesting to rank-and-file workers.

The bill raises the limit on the amount of income that may be considered compensation for purposes of contributions to 401(k) accounts. This change would allow an employer who wanted to save a fixed amount each year to reduce the percentage contribution that all employees could make to their 401(k)s.

As I noted at the outset, the bill's Roth IRAs shift tax receipts from the

distant future into the near future. They are thus fiscally very risky, as they drain tax revenues from the Government during the retirement years of the baby-boom generation, while giving us a false sense of additional revenues now. And they also benefit the very wealthiest among us.

Thus, the pension provisions of this bill would particularly benefit the very wealthiest. And I would assert that it is not a coincidence—I am afraid it is not a coincidence—that some of the most powerful wealthy interests in our campaign finance system are today pushing for this so-called pension "reform." I would like to take a moment to direct my colleagues' attention to these big donors.

It is time again to "call the bankroll." As I have said, this legislation doesn't benefit average working Americans who are counting on their pension when they retire, so exactly whom does it benefit? I think "calling the bankroll" could answer this.

I would like to do a truly comprehensive "calling of the bankroll" here, but that would be almost impossible. There are just too many wealthy interests behind this tax bill: financial interests, insurance companies, and labor unions, just to name a few. We could be here all day, or all week, if I tried to cover all those contributions. So in the interest of time, I will just review the unlimited soft money contributions of some of the interests pushing for this bill.

The figures I am about to cite come from the Center for Responsive Politics. They include contributions through the first 15 months of the election cycle, and in some cases include contributions given more recently in the cycle.

Some of the biggest investment and finance firms are supporting passage of this bill.

For example, Merrill Lynch, its executives and subsidiaries, have given more than \$915,000 in soft money, according to the Center for Responsive Politics.

That's just one company.

Mr. President, I have other examples I will cite regarding the "calling of the bankroll." American Express, its executives and subsidiaries have given more than \$312,000 in soft money so far in this election cycle. And Fidelity Investments and its executives have given at least \$258,000 in soft money to date.

The American Benefits Council, which is strongly supporting this bill, sent around a list of supporters of provisions of the legislation. That list includes still more big donors.

The American Council of Life Insurers and its executives have given more than \$260,000 to the parties' soft money warchests during the period.

The U.S. Chamber of Commerce and affiliated chambers of commerce have given more than \$110,000 in soft money during the period.

The list also included many of the nation's labor unions, which are also

pushing for some of the provisions of this bill, including: American Federation of Teachers, which has given at least \$820,000 so far during this election cycle; and the International Brotherhood of Electrical Workers, which has given more than \$853,000 in soft money during the period.

Regrettably, many of these institutions will see a return on their campaign finance investment in the pension provisions of this bill. More regrettably still, the working family is not likely to see much of any benefit at all.

Mr. President, I am troubled, as well, that the school construction projects in this bill—being paid for, in part, with Federal tax credits for the bondholders—will not be subject to the Davis-Bacon Act. The Davis-Bacon Act ensures that construction workers on Federal construction sites get paid a fair wage for a days' work by requiring that those workers be paid the local prevailing wage.

The worker protections embodied in the Davis-Bacon Act are essential, and one specific set of Federal construction projects—and the workers who build them—should not be deprived of these protections. I am deeply concerned that some in this body are attempting to alter the protections under the Davis-Bacon Act without a substantive debate.

Yes, Mr. President, this bill does include a long-overdue increase in the minimum wage. I have long supported that increase. Congress should have passed it two years ago, and we should have passed it in a straightforward bill, clean of tax give-aways.

Sadly, it has become the habit of this majority to extract a series of tax subsidies in exchange for a minimum wage increase. And what is worse is that the cost of these subsidies is increasing. In 1996, the Congress had to pass \$20 billion in tax cuts to get an increase in the minimum wage. Sadly, the cost of that minimum wage increase in terms of tax subsidies extracted has grown exponentially.

Another section of this bill would reinstate and expand the Foreign Sales Corporation—or FSC—export tax subsidy. We ought to be skeptical of subsidies, whether provided through the tax code, through appropriated programs, or through entitlements. In general, the best policy is to let free markets work. The FSC export tax subsidy does not do that.

While the FSC export tax subsidy may provide a very small benefit to certain firms that produce exports or that produce goods abroad, it also triggers increases in U.S. imports, so that its net effect on our balance of trade is probably negligible. As the Congressional Research Service explains, the FSC tax subsidy increases foreign purchases of U.S. exports, but to buy the U.S. products, foreigners require more dollars. That, in turn, increases demand for U.S. dollars, driving up the price of the dollar in foreign exchange

markets and making U.S. exports more expensive. This partly offsets the effect of the FSC in increasing U.S. exports. This effect also makes imports to the United States cheaper, which causes U.S. imports to increase.

The bottom line, Mr. President, is that while some firms may enjoy increased export sales, other firms will lose business and jobs because of increased imports.

This special tax subsidy thus has benefits and costs. The firms that qualify for this export subsidy gain a benefit, of course, but so too do foreign consumers. CRS notes that the FSC tax subsidy produces a transfer of economic welfare from the United States to consumers abroad when part of the tax benefit is passed on to foreign consumers as reduced prices for U.S. goods. U.S. taxpayers are paying to keep these exports cheap for foreign consumers.

But there are other costs, as well. First, and perhaps most obviously, the billions of dollars we spend through the FSC export tax subsidy could otherwise be used to lower the tax burden on businesses and individuals, or to lower the level of our massive national debt. And as with other special tax breaks, the FSC export tax subsidy distorts the marketplace, and makes our economy less efficient.

There is also an additional and potentially huge cost that may be imposed on American firms and workers because of this FSC subsidy: what amounts to a possible multi-billion dollar tax imposed by the World Trade Organization on American products that are purchased in European Union countries that could mean lost business and jobs.

I am no fan of the World Trade Organization. I opposed the 1994 legislation that implemented the most recent General Agreement on Tariffs and Trade, or GATT, in large part because it created this undemocratic, unaccountable, often secretive international organization known as the World Trade Organization or WTO.

As my colleagues know, the reason we are considering changes to the FSC export tax subsidy is because of a WTO ruling that this tax break is an illegal subsidy. If we fail to change our tax laws to comply with this ruling, we can expect billions in punitive tariffs to be levied against American goods exported to the European Union.

While the FSC tax subsidy may be bad tax policy, it is our tax policy—a policy arrived at through the elected representatives of the people of this Nation. The ability of some international bureaucracy to effectively impose punitive taxes or tariffs on American goods should offend us all. Unfortunately, that is what we face because of the action Congress took in 1994 to ratify the GATT, and unless we eliminate the FSC export tax subsidy, American firms and American workers are at risk.

Regrettably, the proposed expansion of the FSC may not remove this threat.

Mr. President, I have grave concerns that the WTO will see this expanded tax break as little more than a reconfiguration of the existing tax subsidy for exports. At a briefing for Senate staff on this issue, the Treasury Department conceded that not a single business currently able to use this export subsidy will lose its tax break. Indeed, the export tax subsidy has been expanded to provide an even larger subsidy for foreign military sales.

If the WTO rules that this change does not comply with its previous ruling, our businesses and workers will face billions in punitive tariffs on the goods they produce. That is what is at stake here. The proponents of this legislation are willing to risk billions in tariffs on American goods rather than eliminate this questionable tax expenditure.

It would be better economic policy and better fiscal policy simply to repeal the FSC altogether.

I am particularly troubled, Mr. President, by the provision of the FSC export tax subsidy section of this bill that would actually double the current tax benefit for arms sales.

That is right, Mr. President, this bill would double the tax benefit currently enjoyed by U.S. companies that sell weapons abroad.

Had the Senate been able to consider this bill under the Senate's regular procedures, I would have joined in an amendment by the Senator from Minnesota, Mr. WELLSTONE, that would have sought to correct this problem by reinstating the current tax benefit for arms sales.

United States arms manufacturers continue to lead the world in conventional arms sales to developing countries, both in terms of arms transfer agreements and in terms of arms delivered to the countries of the developing world. Conventional arms sales include such items as aircraft, tanks, complete weapons systems, spare parts, upgrades for previously purchased items, and munitions; as well as training and support services for the items purchased.

This August, the Congressional Research Service released its annual report, *Conventional Arms Transfers to Developing Nations*. This 79-page report details the worldwide arms transfer business conducted with developing nations from 1992 through 1999. During that eight-year period, the United States entered into arms-transfer agreements with developing nations worth in excess of \$62.7 billion. Our nearest competitor, France, entered into agreements with developing nations worth just about half of that total, \$31.6 billion.

During that same eight-year period, the United States delivered arms worth in excess of \$84 billion to the countries of the developing world. The United Kingdom ranked a distant second with deliveries totaling \$37.7 billion—less than half the value of the arms delivered by the United States.

And those numbers represent only the arms agreements and deliveries

with the countries of the developing world. When we add in the arms agreements and deliveries to our worldwide customers, the numbers rise even higher. During the same period, the United States also ranked first in worldwide arms transfer agreements with an astonishing \$104 billion dollars worth of agreements. Russia comes in a distant second with \$31.2 billion in worldwide arms transfer agreements.

And during those eight years, the United States delivered a total of more than \$124 billion worth of arms worldwide. Russia again came in second with \$21.6 billion in deliveries.

In both instances—arms transfer agreements and arms actually delivered—the vast majority of United States arms transactions were conducted with the countries of the developing world.

As you can see from these numbers, Mr. President, the United States has no real competitors in the arms transfer business. And the United States will continue to lead the world in arms sales into the foreseeable future, because those who would buy arms want to buy them from American manufacturers. It is that simple. These companies are already making millions and millions of dollars from these sales each year. And they are already receiving substantial tax benefits. There is no need to double that benefit.

In fact, as I noted earlier with regard to the entire FSC export tax subsidy, I would argue that we should actually be talking about eliminating this benefit entirely. At the very least, we should maintain the current level—we should not double this subsidy.

This 100 percent increase in the tax benefit for arms sales is opposed by such groups as the Council for a Liveable World Education Fund, the General Board of Church and Society of the United Methodist Church, the Justice and Witness Ministries of the United Church of Christ, NETWORK, the Church of the Brethren, the Friends Committee on National Legislation, the National Council of Churches of Christ in the USA, the Mennonite Central Committee, and the Maryknoll Mission Association of the Faithful.

The world is already a very dangerous place. The Congress should not be increasing the subsidy for U.S. companies to sell weapons abroad.

Make no mistake about the importance of this piece of legislation to arms manufacturers and other business interests who would benefit from the various tax subsidies contained in this bill. As you know, wealthy interests don't just sit idly by on the sidelines waiting for us to act on this kind of legislation. They lobby to insert favorable provisions into a bill, and once they secure a special deal, they lobby to keep it in the bill. And when I say "lobbying," I mean more than a visit or a phone call to staff—I mean campaign contributions, Mr. President, millions upon millions of dollars worth.

As we discuss the legislation before us, we cannot ignore the presence of powerful monied interests. I have often likened campaign contributions to an 800-pound gorilla that's in this chamber every day—nobody talks about him, but he cannot be ignored. On this issue as well, I refuse to ignore the 800 pound gorilla who's throwing his weight around in our political process. Instead I choose to Call the Bankroll, to inform my colleagues and the public of the contributions made by wealthy interests seeking to influence what we do here on this floor.

On this provision of the bill, I feel it is once again very important to take a moment to review the campaign contributions of the defense industry. As I have said, this bill would double the tax benefit currently enjoyed by U.S. companies that sell weapons abroad. This bill means a huge bonanza for arms manufacturers. It is only appropriate to take a look at the bonanza of contributions they have provided to the political parties.

Many members of the Business Roundtable, an organization which has urged the passage of this legislation, are some of the biggest arms manufacturers in the U.S., and some of the biggest political donors. I'd like to review the contributions of some of these companies. These figures are for contributions through at least the first 15 months of the election cycle, and in some cases include contributions given more recently in the cycle.

Lockheed Martin, its executives and subsidiaries have given more than \$861,000 in soft money, and more than \$881,000 in PAC money so far during this election cycle.

United Technologies and its subsidiaries have given more than \$293,000 in soft money and more than \$240,000 in PAC money during the period.

During that period, Raytheon has given more than \$251,000 in soft money to the parties and more than \$397,000 in PAC money to Federal candidates.

Textron has contributed more than \$173,000 in soft money and more than \$205,000 in PAC money.

And last but not least, Boeing has given more than \$583,000 in soft money since the election cycle began, and more than \$593,000 in PAC contributions.

Mr. President, these defense companies are getting a one hundred percent increase in an already unnecessary tax break, and frankly I wonder why. I wonder why we would double a tax break for the defense industry, when we haven't passed a Patient's Bill of Rights, when we haven't provided Medicare coverage for prescription drugs, and when we haven't passed so many other important measures that Americans really care about.

Sadly, it appears that there is a pretty simple way to figure out why we dole out corporate tax breaks while we neglect the priorities of the American people. All you have to do is follow the dollar.

Mr. President, this bill thus amply proves the adage that "a bad tree cannot bear good fruit." We should revise the procedures that allow such a monstrosity to be loaded into a conference report on an unrelated matter. And we should reject this bill, whose rotten provisions outnumber its sound ones.

EXHIBIT 1

[From The Washington Post, Oct. 26, 2000]

SAY GOODBYE TO THE SURPLUS

Congressional Republican reached agreement yesterday on the contents of the tax cut bill they intend to send the president before adjourning. They suggest it's a relatively minor measure, but it's not. If it becomes law atop all the spending increases also agreed to in this session, Congress and the president will have used up, before the election, well over a third of the projected budget surplus—the \$2.2 trillion over 10 years in other than Social Security funds—that the presidential candidates are so busily distending on the campaign trail. It's an astonishing display of lack of discipline and misplaced priorities.

The president sent a letter implying that he might sign the tax bill even while objecting to major parts. He ought instead to veto it if congressional Democrats won't block it first. As with the other Republican tax cuts he vetoed earlier in the year, this would cost too much—an estimated quarter-trillion dollars over the 10 years—and too much of the money would go to the part of the population least in need.

In the name of increasing access to health care, the legislation would grant a new tax deduction to people who buy their own insurance. The deduction would mainly benefit those in the top tax brackets who tend already to be insured. The president observed that, far from increasing access, it would have the perverse effect of inducing employers to drop insurance they now maintain for their employees. Among much else, the bill would also increase the amounts that can be contributed annually to tax-favored retirement accounts, a step that by definition benefits only those who can afford to save the maximum now.

The health insurance deduction was part of the Republicans' price for the \$1-an-hour increase in the minimum wage that the bill also contains. The price is too high. Also in the bill will be so-called Medicare givebacks, increases in payments to providers that the president earlier objected were tilted in favor of managed care companies already overpaid. This is on balance a bad bill dusted with confectioner's sugar and offered up at year's end on a take-it-or-leave-it basis. The right response would be to vote it down.

EXHIBIT 2

CENTER ON BUDGET AND POLICY PRIORITIES,

Washington, DC, October 26, 2000.

LEADERSHIP'S TAX PLAN REINFORCES INEQUITIES IN HEALTH AND PENSION COVERAGE TAX CUTS PRIMARILY BENEFIT HIGH-INCOME HOUSEHOLD AND COULD REDUCE HEALTH AND PENSION COVERAGE FOR LOW- AND MODERATE-INCOME WORKERS

Congress will shortly consider a significant tax package developed by the House and Senate Republican leadership. Despite some beneficial provisions in the bill, such as the \$1 increase in the minimum wage phases-in over the next two years, the bill's tax provisions will primarily benefit those with high incomes. In developing the package, the leadership dropped bipartisan provisions—such as the retirement savings tax credit and the small business tax credit adopted by the

Senate Finance Committee and the Medicaid access provisions adopted by the House Commerce Committee—that could have benefitted low- and middle-income workers. Rather, they retained provisions benefiting primarily those that already have health insurance and pension coverage. Even more worrisome is that some of these provisions could make it more difficult for low- and moderate-income workers to get health insurance and pension coverage through their jobs.

The Joint Committee on Taxation estimates the cost of the package to be \$240 billion over 10 years. But when combined with anticipated discretionary appropriations, the repeal of the telephone excise tax, new health benefits for military retirees, and Medicare give-backs as well as the resulting interest costs, this bill brings the 10-year cost recent of congressional actions to close to \$1 trillion (see box at the end of the paper). This Congress will therefore use a substantial share of the available surplus without addressing key priorities, such as reducing the ranks of the uninsured or funding prescription drug benefits. The benefits of the leadership's plan remain focused on those who have benefitted the most from the economic boom, offering little to those who continue to struggle to get ahead.

Nearly two-thirds of the tax cuts in the bill go to the 20 percent of taxpayers with the highest incomes. The top five percent of taxpayers receive a greater share of the tax cuts than the bottom 80 percent. Thus the benefits of the bill are concentrated on those that already have high rates of health insurance and pension coverage. These estimates were calculated by the Institute for Taxation and Economic Policy.

The bill's health insurance deduction is expensive and poorly targeted. This deduction is most valuable to those in the highest tax brackets, yet those most in need of coverage have no tax liability or are in the lowest (15 percent) bracket. Taxpayers with incomes too low to pay income taxes would receive no assistance from this deduction. For most taxpayers in the 15 percent bracket, the 15-cents-on-the-dollar subsidy that the deduction provides is unlikely to be sufficient to make costly health insurance affordable.

According to the Joint Tax Committee, approximately 94 percent of the cost of the health insurance tax deduction would go to subsidize taxpayers that already have health insurance, with only 6 percent of the tax benefits going to further the goal of extending health insurance coverage to the uninsured.

The Council of Economic Advisers, among other researchers, found that tax deductions are a very inefficient way of extending coverage to the uninsured. A more cost-effective approach is the Administration's FamilyCare plan, which, at a lower cost, would provide coverage to more than twice the number of uninsured than the proposed tax deduction.

Because the health care tax deduction would provide a far deeper percentage subsidy for purchasing health insurance to higher-paid business owners and executives than to lower-wage earners, it could encourage some small business owners to drop group coverage (or not to institute it in the first place) and to rely on the deduction for their own coverage. As a result, some workers could be forced to buy more costly and less comprehensive insurance on the individual market, and the ranks of the uninsured and underinsured could rise.

The bill also includes tax deductions for long-term care insurance and long-term care expenses that would provide the largest benefit to higher-income taxpayers. Most low- and middle-income taxpayers would get no

more than a 15 percent subsidy; this is too little to enable most of these families to afford costs related to long-term care.

Most of the bill's pension benefits would accrue to higher-income workers who already enjoy high rates of pension coverage. An analysis by the Institute for Taxation and Economic Policy of the bill's pension and IRA provisions found that 77 percent of the benefits would go to the 20 percent of Americans with the highest incomes. In sharp contrast, the bottom 60 percent of the population would receive less than five percent of these tax benefits.

Moreover, the bill would likely lead to reductions in pension coverage for some low- and middle-income workers and employees of small businesses. For instance, it would weaken "non-discrimination" and "top-heavy" rules that ensure company pension plans treat low-income workers fairly and are not skewed in favor of highly compensated workers. It also increases the IRA contribution limits to \$5,000, which could make IRAs more attractive than company pension plans for owners of small businesses, possibly leading them to drop plans that benefit their workers.

EXHIBIT 3

CENTER ON BUDGET AND POLICY PRIORITIES,

Washington, DC, Revised October 18, 2000.

HEALTH INSURANCE DEDUCTION OF LITTLE HELP TO THE UNINSURED

(By Joel Friedman and Iris J. Lav)

House Speaker Dennis Hastert held a press conference last week in which he called for including in the minimum-wage package a new tax deduction for health insurance premiums. The deduction would be available to taxpayers that pay at least 50 percent of the cost of their health insurance.

This proposal, which would cost nearly \$11 billion a year in fiscal year 2010, is a poorly targeted and expensive way to help the uninsured obtain coverage. Those most in need would receive little or no subsidy to help them buy insurance. Moreover, the proposal could have the effect of raising the cost of insurance for some workers.

According to an analysis by the Joint Committee on Taxation, approximately 94 percent of the cost of the Speaker's tax deduction would go to subsidize taxpayers that already have health insurance, with only 6 percent of the tax benefits going to further his stated goal of extending health insurance coverage to the uninsured.

The proposed tax deduction is most valuable to high-income taxpayers, who are in the higher tax brackets. Nine of every 10 people without health insurance, however, have no tax liability or are in the lowest (15 percent) tax bracket. Taxpayers with incomes too low to pay income taxes would receive no assistance in purchasing insurance from this deduction. For most taxpayers in the 15 percent bracket, the 15-cents-on-the-dollar subsidy that the deduction provides is unlikely to be sufficient to make insurance affordable.

Because the deduction provides a far-deeper percentage subsidy for the purchase of insurance to higher-income business owners and executives than to lower-income wage earners, it could encourage small business owners to drop, or fail to institute, group coverage and to rely instead on this deduction to help defray the cost of their own coverage. As a result, some workers could be forced to buy more costly and less comprehensive insurance on the individual market, and the ranks of the uninsured and underinsured could increase.

New research shows that a far more cost effective way to assist the uninsured, par-

ticularly uninsured children, would be to extend publicly-funded health insurance coverage to low-income parents. The Administrator's FamilyCare plan relies on this approach. At his press conference, however, the Speaker inappropriately compared his proposal to the Administration's small business health insurance tax credit. The Administration's tax credit is a very small scale proposal compared to the Hastert tax deduction. The Speaker's proposal costs \$10.9 billion a year by 2010, while the Administration's small business tax credit would cost just \$319 million over 10 years, according to JCT. The more-appropriate comparison would have been to the Administration's FamilyCare plan, which the Congressional Budget Office estimates would cost \$8.7 billion in 2010.

Available estimates show that the FamilyCare approach would result in a substantially larger number of currently uninsured people obtaining insurance coverage than would the Speaker's proposed tax deduction. This is the case despite the somewhat lower annual cost of the FamilyCare plan, when both proposals are fully in effect.

A recent report by the Council of Economic Advisers concludes that tax deductions will do little to improve tax health insurance coverage and that approaches like FamilyCare are better at targeting the uninsured.

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

Mr. President, I would want the question to be on my time, not on his, because he has been given 30 minutes.

May I ask the Senator a question?

Mr. FEINGOLD. I yield for a question.

Mr. REID. Prior to asking a question, I personally appreciate what the Senator from Wisconsin has done on campaign finance reform. Would he think it is a fair statement to say one of the gross failures of this Congress is that we have done nothing to get the money out of politics?

Mr. FEINGOLD. Mr. President, it is just a shame that we have managed to get to the year 2000 election without having any significant action on campaign finance reform. We did take the first tiny step in the right direction on a strong bipartisan vote by doing something about disclosure by these 527 groups that were sort of a scam in the making, but we did not address the need to ban soft money which the overwhelming majority of both Houses support and the President is ready to sign. It is a glaring failure of this Congress.

Everybody else in the country knows, including those who supported the campaign of the Senator from Arizona for President on the Republican side, that soft money is a real cancer on the system. But somehow, again, the Congress is behind the people. I can't help but note, in answer to the question, that we are going to make a very important decision in the next few days on who the next President of the United States should be. The candidate of the Democratic Party, AL GORE, has pledged to make the McCain-Feingold ban on soft money the first piece of domestic legislation he will introduce, and he has pledged to work for it and sign it when Congress passes it. The candidate for the Republicans, Governor Bush, apparently is prepared to veto it.

So the tragedy, in answer to the question, of this Congress not acting is that if somehow Mr. GORE is not elected, we may finally get the 60 votes we need to break the filibuster but we will have a President who is not ready to do something about the corrosive and corrupting influence of money in politics. Of course, the Senator knows from my work on this, that I consider this to be one of the two or three greatest problems in our society. We just have to do something about the corrupting effect of money on our political and legislative system.

Mr. REID. I have a final question. It is not a complicated issue, is it? The fact is, one of the things the Senator wants to do is keep corporate money out of politics; that is, have a corporation not be able to write large corporate checks or small corporate checks; keep corporate money out of politics, as was the law early last century. Isn't that right?

Mr. FEINGOLD. Mr. President, that is absolutely right. Let me make it clear, the ban on soft money that Senator MCCAIN, I, and a majority of this body support, bans corporate contributions, union contributions, and unlimited individual contributions. It is fair and balanced.

The Senator from Nevada is absolutely right. People who might be listening to this discussion might say: Well, these kinds of contributions have always been allowed anyway. That is not true. These kinds of unlimited contributions by corporations, unions, and individuals really didn't exist for purposes of these television ads until 5, 6 years ago. This is a new corrupting influence on our system, the likes of which has not been seen since the turn of the last century. I refer to the turn from the 19th to the 20th century. In answer to the question of the Senator from Nevada, that is what led to the 1907 Tillman Act which prohibited contributions by corporations in connection with federal elections, and then, when the unions came into their prominence in the middle part of the century, the Taft-Hartley Act said unions also must be prohibited from giving contributions.

All we are trying to do is put the genie back in the bottle. Unlimited contributions have always been considered inappropriate in our system of government, and shame on this Congress that we can't see the worst corrupting influence in 100 years and that we didn't, before the turn of the century, shut it down, because it must be shut down.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. REID. Will the Senator yield for a unanimous consent request?

Mr. HATCH. I am happy to.

Mr. REID. I ask unanimous consent that following the remarks of the Senator from Utah, the Senator from Illinois be recognized for 15 minutes.

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

GRANTING AMNESTY TO ILLEGAL ALIENS

Mr. HATCH. Mr. President, I rise to make some points that need to be made at the end of the session.

Here we are, running right up against election time, and we are being held hostage because the President of the United States wants to grant amnesty to up to 4 million illegal aliens, people who haven't played by the rules, haven't paid the price, who literally want to jump over those who have played by the rules and who belong here—this blanket amnesty all for the purpose of politics.

In fact, I heard one of the leading Democrats say: Boy, Telemundo and all of the Hispanic newspapers are really playing this up.

Well, that might be true in the Hispanic media, but I think Hispanic people in this country want fairness above everything else. I think they know what is going on here. They know darn well they are being played, and they are being played in a vicious way.

I once again urge President Clinton not to veto the Commerce-Justice-State appropriations bill the Senate passed on Friday.

President Clinton has threatened a veto because we did not include his so-called Latino Fairness Act. But we have included something much better than his Latino Fairness Act: the Legal Immigration Family Equity Act, the LIFE Act.

This act reunites families and restores due process to those who have played by the rules. Our proposal does not pit one nationality against another, nor does it pit one race against another. Our legislation provides relief to immigrants from all countries, not just special countries. A veto of CJS would be a blow against immigrant fairness. But a veto would do far more than that.

A veto would cut off funding for some of our most important programs. The CJS appropriation allocates \$4.8 billion for the Immigration and Naturalization Service and an additional \$15.7 million for Border Patrol equipment upgrades. It provides \$3.3 billion for the FBI and \$221 million for training, equipment, and research and development programs to combat domestic terrorism. We are not playing around here. This is important stuff. I don't think it is right to be playing politics with the lives of immigrants at the end of the session just to obtain some cheap political advantage.

There is \$4.3 billion allocated for the Federal prison system in CJS. That is money we need to run the prison system and to treat people with due process. Then we have \$1.3 billion for the Drug Enforcement Administration. This is critical to our fight against illegal drugs in this country. There is \$288 million for the Violence Against Women Act. That is legislation that I have strongly supported and that provides assistance to battered women and children through a variety of different programs.

Actions have consequences. If President Clinton vetoes this bill, he is putting the public safety and well-being at risk both at home and abroad, all in an effort to play wedge politics. The President's veto threats ring hollow because this appropriations bill provides many proposals to help immigrants. The President himself has stated he wants to "keep families together and to make our immigration policies more equitable."

This is exactly what our LIFE Act that we have in the appropriations bill does. Had the White House proposed this during President Clinton's first 7 years in office, he might have been able to develop a mandate to grant amnesty to millions of undocumented aliens, aliens who have broken our laws. But no such mandate exists.

The American people need to know that the INS, the FBI, and the Border Patrol are being brought to the brink of a shutdown because President Clinton wants Congress to grant amnesty for up to 4 million illegal aliens, people who haven't played by the rules.

When we fought the H-1B legislation on the floor, many on the other side pointed out the difficulties of legal immigrant families. They pointed out that children needed to be reunited with their parents, that spouses needed to be reunited with their husbands and wives. I said I would try to do something about that.

We realized there was a problem with the late amnesty class of 1982 who qualified for residency under the 1986 Act. We said we would try to do something about that, and the LIFE Act does. The American people are a fair people. The LIFE Act will take care of 1 million people who either don't have due process or who need to be reunited with their families. It takes care of them first rather than granting amnesty to up to 4 million illegal people who haven't played by the rules, which is what the President wants to do. Fairness dictates that we not grant amnesty to millions of illegal aliens when there are 3.5 million people who have played by the rules waiting to come to the United States. The President should remember this inequitable proposal and reconsider what he wants to do here.

Let me say a couple of other things. I have even let the White House know that to determine if there are further inequities we will hold hearings right after we come back at the first of the year, and we will find out what needs to be done to restructure INS, if necessary, to make sure they treat people with more respect. We will consider these people who President Clinton would like to help. But most of them are here illegally and without further information, we think they should not be jumped above or in front of these people who aren't here legally or who have been waiting in line to be reunited with their families.

We brought both sides together in this LIFE Act and brought a variety of

different people into this. But there are some people who don't want any immigration to our country. They may live in States that are overrun with illegal immigrants; at least some of them do. Others don't seem to care about any rules, and I suspect the President is in that category. But we have brought these people together in the LIFE Act to resolve the problems that were mentioned during the H-1B debate. By gosh, I think it is time for the President to sign this bill and get about doing the Nation's business. He should quit playing wedge politics with these issues that are highly inflammable and about which he can blame people in illegitimate and wrongful ways.

I have worked very hard, along with a number of others, to bring this about in a way that is equitable, fair, and takes care of those who first need to be taken care of, with promises to hold hearings to see if there are any others who need the help and fairness that we can grant. That is the best we can do this year. That is the best we can do at the end of this session. It is the best we can do in bringing people together.

I think we have done a good job getting it done, and I hope the President will go along with our proposal so we can continue funding the INS, the Border Patrol, the FBI, training and equipment research and development programs to combat domestic terrorism, the Federal prison system, and the Drug Enforcement Administration. We must enact the CJS Appropriations into law because it funds things that are absolutely critical to this country. Moreover, it makes it possible for 1 million people to get permanent residency, people who have been waiting in line, have paid the price, and played by the rules.

This is a front-page issue in the Hispanic media, but most Americans don't know what the President is trying to do because the mainstream media is not reporting this issue. The American people need to know what is going on here. I think it is a crass approach to play wedge politics at the end of this session, holding us hostage so we can't get home and campaign and do what we need to do. Right now, I would much rather be home in Utah than here in Washington. But as long as we have to be here, I am going to make these points to try to help all immigrants, including Hispanics to receive fair treatment by the INS and by our immigration policies.

I am a cochairman of the Republican Senatorial Hispanic Task Force. I started it a number of years ago to make sure Hispanics are treated fairly and that Hispanic issues are given the attention they deserve. We have done an awful lot in this area, and I think the LIFE Act is a very good piece of legislation that will take us far down the road. Additionally, we have made a promise to hold hearings next year to see if there are any other inequities that need to be remedied. We will be glad to do that.

We have 535 Members of Congress and a wide variety of viewpoints. I think we have brought them together in a way that will work and solve some of these problems.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I wonder if the Senator from Utah would stay on the floor for a moment. It is my understanding that, as chairman of the Senate Committee, the Senator from Utah has jurisdiction over immigration issues. I am trying to recall. In the last 2 years, the only major immigration bill that I can recall was the H-1B visa bill that we considered. Is my memory accurate on that?

Mr. HATCH. I don't think it is. We have held a number of hearings. The Subcommittee on Immigration holds hearings, which is chaired by Senator ABRAHAM and the ranking member, Senator KENNEDY. We have been trying to do an agricultural bill, H-1B, H-1A. There are a whole raft of things we have been trying to do. We have also worked consistently on the committee with the INS, the administration, and the Justice Department to resolve problems. I work on them all the time.

Mr. DURBIN. Was there a bill brought to the floor from the Subcommittee on Immigration that dealt with the larger issues that the Senator is now addressing other than H-1B during the last 2 years?

Mr. HATCH. The visa waiver bill was brought to the floor. As I understand, we have had 8 years of this administration and they haven't brought anything to the floor either, nor have they asked us to do anything here.

Mr. DURBIN. Senator HARRY REID of Nevada, Senator KENNEDY, and I have each introduced bills relative to the three elements the administration is urging and they have been pending for months now.

Frankly, I understand the good faith of the Senator from Utah, but when we literally have hundreds of thousands of people across America whose fate is hanging in the balance here on a decision to be made by the Senate and we have not seen on the Senate floor—other than the H-1B visa bill—frankly, some bills of smaller consequence, I think perhaps the Senator from Utah can understand the anxiety and concern of these families.

I deal with these families all the time, and I am sure the Senator does, too. Two out of three of my constituent cases coming into the Chicago office deal with immigration. I hear these heartbreaking stories about families that are torn apart because of some of the laws we have passed, the failure of this Congress to respond to this. And I, frankly, have urged the President to take the position he has taken—don't go home and leave these poor families out there, frankly, languishing because we failed to address three basic things. We failed to say we are going to give those refugees who

have come to this country and have faced the same kind of political persecution as refugees from Nicaragua and Cuba—we believe they should receive equal and fair treatment. I don't think that is a radical idea. Secondly, 245(i) says if you are going to get a chance to finally get your green card and become a naturalized citizen, go through the process, we think it is an unreasonable hardship to force you to go back to your country of origin and apply for a visa, which is an economic hardship and, in many cases, a danger that families should not go through.

I can't imagine why that is a radical idea. The idea of updating the registry in this country that we have used to affect immigrants has been updated regularly since 1929. We are not bringing a radical notion to the Senate. In fact, we are following the tradition of Democratic and Republican administrations, and we have not had a bill come to the floor.

We have hundreds of thousands of people whose lives hang in the balance. Frankly, I can understand the position of the President, and I agree with him. I am sorry we have not had hearings on this issue nor brought it to the floor; but to say that it is something we might look at next year is cold comfort to these people who, frankly, face the fear of being extradited or somehow removed from this country in a situation that could be a great hardship to their families.

I say to the Senator from Utah, there is another side to the story. I deal with it every day in my Chicago office and all across Illinois.

Mr. HATCH. If the Senator will allow me to respond, yes, there is another side of the story. I work on it all the time. A high percentage of people who come to my office have immigration problems. I work very hard to try to resolve them. But for 7½ years the administration has not raised this. We have had hearings on restructuring INS and straightening out some of the problems. But for 7½ years, the INS has fought against the 1982 people who we resolved in this bill called the LIFE Act that is in this bill.

The Clinton administration INS has fought the 1982 class' efforts to get due process every year since I have been here. It is one of the things that I wanted resolved, we have resolved it with the LIFE Act.

With regard to 245(i), I would like to do more, to be honest with you. But that is a minor problem compared to bringing in before them people who basically are illegal and who haven't played by the rules.

Mr. DURBIN. May I ask the Senator—

Mr. HATCH. If you would let me finish my thought.

Mr. DURBIN. I want to ask you a question specifically on that point.

Mr. HATCH. Here is the problem. This was never faced by the administration until the spring of last year.

Mr. DURBIN. I have to say to the Senator that I sent a letter along with

Senator KENNEDY and Senator REID asking, I think almost a year ago, for this matter to be considered.

Mr. HATCH. You may have done that. The administration has fought us on these issues, and frankly—

Mr. DURBIN. The administration supports our position.

Mr. HATCH. They do now and they didn't then. They support it now for crass political purposes.

Let me say one other thing. The Senator has been on the Judiciary Committee. He knows these are hot-button issues, and hot-button issues are very difficult issues to handle. He knows I want to solve these problems. But he also knows that there is a wide disparity of belief in both bodies, and it is almost impossible to bring everybody together and solve every problem, just like that. We have done our best.

Mr. DURBIN. We have not had a vote on this floor on this, have we?

Mr. HATCH. We have on the LIFE Act. It is part of the bill.

Mr. DURBIN. In terms of what we have proposed—the three bills we have proposed—I don't believe we have had a vote on the floor on them.

Mr. HATCH. I don't think we have.

Mr. DURBIN. There are a number of people who have criticized Congress because we can't act in a bipartisan fashion. Frankly, we don't get a chance to act, if we can't bring a bill to the floor—and if we can't have amendments and if we can't have debates and votes.

Mr. HATCH. One reason why it is difficult to do so is because of the wide disparity of different beliefs, and if one House or the other won't let it come to the floor.

Mr. DURBIN. If the only matters that we can consider are matter of consensus, what in the world has this Chamber turned into? Why are we afraid of debate and amendments?

Mr. HATCH. That is not my point. In this climate, any single Senator can stop anything. In the House of Representatives, any block of Members can stop anything. These are hot-button issues, and I think it is pretty amazing what we have been able to get done.

Mr. DURBIN. Let me reclaim my time.

Mr. HATCH. Can I make one last comment with the indulgence of my friend?

Mr. DURBIN. I am happy to yield.

Mr. HATCH. President Clinton properly signed the 1996 immigration bill. But now weeks before election day he seeks to turn the 1996 act on its head.

I, too, want to help constituents. But putting several million people who violated the immigration laws ahead of the line of the 3.5 million people who are legitimately waiting and have waited for years to come here legally, it seems to me, is wrong.

Mr. DURBIN. I was happy to yield to the Senator from Utah.

Mr. HATCH. Especially under these circumstances.

Mr. DURBIN. But I certainly want to add a few things.

Mr. HATCH. I yield the floor.

Mr. DURBIN. Mr. President, this image is being created under this immigration act that we are talking about people who managed to sneak into the United States illegally and who have lived their lives in violation of the law and are now trying to sneak into citizenship. There are people like that, I am sure, but they are an extremely small minority.

The vast majority of people we are concerned about are people such as Sarah. Sarah is a 19-year-old girl in southern California. She was born in Mexico and adopted at the age of 4. English is her primary language. She lives at home with her family. She is adored by her parents and her five older siblings. She is also an illegal immigrant. Why is she an illegal immigrant? It turns out that Sarah's parents made a crucial mistake at the time of adoption. They didn't apply for citizenship. The family wrongly assumed that she automatically became a citizen when they completed the formal adoption procedures in the California courtroom. No one told them they had to file separately for citizenship. It was only last year when they decided to take a trip to Mexico and asked for a passport that they realized Sarah is here illegally.

Is this someone who managed to sneak across the border and is living in violation of the law?

There are thousands of Sarahs who are, frankly, looking for relief in Congress and who can make a contribution to the United States.

But the fact that we have not brought a serious immigration bill—but for one H-1B visa bill—before Congress is the reason this President has put his foot down and said: Congress, don't go home until you address this problem.

There are people such as Sarah across America who deserve fair treatment. Frankly, they have been ignored.

I count the Senator from Utah as my friend. But I have to say that the Senate Judiciary Committee has not taken up this issue. They have ignored it. He identified the reason: It is controversial.

When you talk about immigrants, there are a lot of people who say I know how to exploit that issue. Let me tell you something. I know that is the case in my home State of Illinois. But I happen to be the son of an immigrant. I am very proud of the fact that I serve in this Senate as the son of immigrants. And many of us in this country look to our parents and grandparents as immigrants with great pride.

We should look at immigration fairly and honestly and in a legal way. You can't do it if you run away from a debate on immigration law the way we have in the Senate for the last two years.

President Clinton, hold your ground. For those across America who are waiting for us to do the fair and right and equitable thing for immigrants,

hold your ground. Insist that this Senate, before it goes home, and this Congress, before it leaves to go back to campaign, are fair to those across America who are looking to be treated equitably and justly under our immigration system.

I am responding, of course, to what the Senator from Utah raised as an issue. It wasn't the reason I came to the floor, but I feel passionately about it.

Senator KENNEDY, Senator REID, and myself are the three major sponsors of the measure on which President Clinton is insisting. They can add, I am sure, during the course of this debate their strong feelings as well.

CHOOSING A PRESIDENT

Mr. DURBIN. Mr. President, in just a few days the American people get to make one of the most important decisions that we are ever called on to make, and that is to choose a leader for our country. It appears from all of the polls that the American people just can't decide. The polls go up and down every single week. You see one candidate ahead one week and another candidate ahead the next. Frankly, the verdict of public opinion will be rendered on November 7, and we will decide the leader for the next 4 years.

Many of us believe this is a decision of importance way beyond 4 years. We think the next President is going to chart a course for many years to come.

We have to make a very basic decision.

Frankly, if you believe that the Presidency is an easy responsibility, and if you believe that America will run forward in a positive way on automatic pilot, then I think, frankly, you might be inclined to vote for Governor Bush because he has spoken in very general terms about what he thinks about America. He has made specific proposals, which are fairly radical departures from what we have been, and he says everything is going to be fine; in fact, it will be better.

Many of us, though, can remember something that perhaps Governor Bush never experienced. He was not a Governor in Texas during the period of time when we dealt with the worst deficits in the history of the United States in Washington. Under Presidents Reagan and Bush, we dealt with deficits that were crippling to this American economy. I saw it in my home State of Illinois with high unemployment and high inflation. People weren't building homes and weren't starting businesses. It was a very bad time. We were in a recession. We paid a bitter price for it—families and businesses across America. Thank goodness, in 1993, we turned a corner and started moving forward. Some of the things that have happened since are absolutely historic.

If you take a look, since March 1991—which goes back to the Bush Presidency for a few months—we have had

115 months of straight economic expansion, the longest in the history of the United States.

Governor Bush may not remember what it was like back in the old days when we would get 12 months or so of economic expansion. But that is what America truly was like.

Look at what happened to the inflation rate during that same period of time.

In 1980, the inflation rate was over 12 percent. Then it went down at the end of the administration of Jimmy Carter. Of course, it went down and it stayed down. But we have kept the inflation rate at the lowest sustained level since 1965.

These things don't happen easily or automatically. Those who think Governor Bush can come to it with little or no experience and keep it going have to answer some questions. Will he be able to do as we have done in the last 8 years—create 22 million new jobs? His father created 2½ million jobs during his 4 years; President Reagan, 16 million during his 8 years. Twenty-two million is a record, and it is a record of which we are proud. It means people have a chance.

But we can see Presidents who came on board such as former President Bush who really didn't have good luck when it came to job creation and getting people back to work.

Take a look at Federal spending.

The Republicans criticize Democrats as big spenders. Look what has happened to Federal spending as a percentage of our gross domestic product. It has gone to one of the lowest levels since 1966. We have seen Federal spending heading down and we are being criticized for being big spenders. The fact is, we have not been. Just the opposite is true: For the people often left behind, the lowest poverty rate in 20 years; African Americans and Hispanic Americans with the highest employment rates in modern memory; improvement in education scores, an indication that everybody gets a chance to improve in this country.

The overall surplus we have seen generated is the largest in our history: \$237 billion under the Clinton-Gore administration. Look at the red ink under Presidents Reagan and Bush in the early years of Clinton-Gore and how we turned the corner. There are those who think that will continue, but it isn't true. If we go the wrong way on critical decisions, we will pay the price.

The American Academy of Actuaries came out with their report last week. They took a look at Governor Bush's proposal for Social Security and they said we would return to Federal budget deficits around 2015 under George W. Bush's proposal. This group, which is nonpartisan, and is supposed to know basically more than most of us when it comes to accounting and actuary practice, concluded that Governor Bush's plan to cut taxes and divert Social Security payroll tax for individual accounts would make it all but impos-

sible to eliminate the publicly held national debt.

There is the choice, America. A choice for the next 4 years is whether we will continue to make sure that we invest in America, keep the economy moving forward, use fiscal discipline and fiscal conservatism, if you will, to make sure we pay down the national debt. I don't believe, nor does Vice President GORE, for that matter, that we should risk the Social Security system by taking \$1 trillion out of it, something that Governor Bush couldn't even explain in the last debate. How do you take \$1 trillion out of Social Security and then go ahead and spend the \$1 trillion, except at the expense of Social Security recipients? Are you going to cut the benefits? Are you going to increase their payroll taxes? Are you going to change the retirement age?

All of these things are options that none of us want to face. If you take an approach, and he suggested you may have no other alternative, you may find yourselves battling away at a stock market which looks a lot like the roller coaster at Coney Island in Senator MOYNIHAN's home State.

The PRESIDING OFFICER (Ms. COLLINS). The time of the Senator is expired.

The Senator from Nevada.

Mr. REID. I ask unanimous consent that the Senator from Massachusetts, Mr. KENNEDY, be recognized for 30 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts.

WORK OF THE SENATE

Mr. KENNEDY. Madam President, I thank the Senator from Nevada. I commend my friend and colleague, the Senator from Illinois, in raising these issues. I commend him because he has presented the facts to the Senate.

We never had an opportunity to vote on the 1996 Immigration Act. To represent that we did is not stating clearly the facts. That was wrapped into a conference report on an entirely different appropriation, which was a take-it-or-leave-it, after the legislation passed, I believe, 97-3, with strong bipartisan support, and it was after days of hearing in the Senate that the Republicans took that and added these provisions, some provisions which the Senator has mentioned.

This figure of 4 million is a traditional way of distorting and misrepresenting a position, and then disagreeing with it. That is poppycock. It is red herring. The Senator from Utah ought to know better than that because that is completely inaccurate.

I can understand the frustration that many feel about this issue, and I commend the President for attempting to try and deal with it.

When we had this Latino Fairness Act, two prominent Republicans, the Senator from Florida and the chairman of the immigration committee, made

statements in favor of the position outlined by the Senator from Illinois. They were prepared. They understood that there may have been differences here, but they spoke to it.

The President is in a commendable position. I thank him for his leadership in this. I again thank the Senator from Illinois for bringing this matter to the attention of the Senate. I am very hopeful that we will stay the course on this until we get some action on this, another proposal that has a moratorium on the deportation of individuals, which has been passed through the House on the suspension calendar which addresses one of the regrettable aspects of the 1996 act. That has the bipartisan support of Chairman HYDE of the Judiciary Committee, and LAMAR SMITH from the immigration committee, which virtually passed unanimously in the House. I am hopeful we will pass that, as well.

Halloween is here. I am watching the clock that is over the Senate right now. It has not been corrected. I don't know whether the goblins are out here, as well, but Halloween is here. While the Nation observes this occasion only once a year, for this Republican Congress, every day is Halloween. This is the Halloween Congress: lavishing treats on the wealthy and cruel tricks on average families.

If he is elected, Governor Bush will borrow the idea and have a year-round Halloween White House in which powerful special interests hold sway and working families are left out and left behind. He said no to working families in Texas and he wants to say no to average Americans for 4 more years this time from 1600 Pennsylvania Avenue. He wants to say no to Social Security, no to Medicare, no to a fair prescription drug benefit for senior citizens, no to the Patients' Bill of Rights, no to improving the public schools, no to health care for uninsured children, no to fair tax cuts for average families, no to fighting hate crimes, no to fairness for lawful immigrants, no to gun safety laws.

There is no clearer example of how our Republican friends have kowtowed to powerful special interests than the tax bill before the Senate. Rather than meet the urgent priorities of the American people, Republicans have spent the past 2 weeks huddled behind closed doors to produce a quarter-trillion-dollar tax package tilted overwhelmingly toward the powerful and not toward the average families.

In fact, the top 5 percent of taxpayers will receive a greater share of the tax breaks under this Republican tax scheme than the bottom 80 percent of all taxpayers combined. There is little to distinguish this plan from the previous discredited proposals by the Republican leadership in Congress and by George W. Bush. In many ways the items in this package are even more cynical.

The Republicans know that millions of Americans are deeply concerned

about the lack of health insurance for low- and middle-income families. So this bill lowers the cost of health insurance for wealthier people who are already insured. Madam President, 95 percent of the people who will benefit under this bill in terms of the health insurance benefits are individuals who are already insured, not any expansion for those who have no health insurance today.

Republicans know that millions of Americans are concerned about saving enough for retirement, so this bill fattens the pension opportunities available to the highest level corporate executives. Republicans know that millions of children and working families are having trouble feeding their families even in this time of prosperity. So this bill increases the tax breaks that corporations can claim for three-martini lunches, dinners, and other entertainment.

Republicans know that millions of families struggle to care for elderly or disabled family members at home, so their tax bill lowers the cost of luxury nursing facilities for wealthy families.

Millions of low-wage workers are depending on Congress to raise the minimum wage this year before we adjourn. But Republicans seem to care so little about the minimum wage that they have repealed it for 6 months of next year in their tax bill. It was, apparently, an inadvertent mistake, or perhaps a Freudian slip. But if they had worked with Democrats and shown us the provision, we could have prevented such an embarrassing mistake. An increase in the minimum wage may be an afterthought for the Republican leadership, but it means food on the table and clothes for the children for the 12 million workers who benefit. To eliminate the minimum wage, even for 6 months, would be a disaster for these families.

Here we are in the final hours of this Congress and still we have been denied the opportunity to even vote whether this body thinks we should vote for a 50-cent increase in the minimum wage today—which is now \$5.15 an hour—and 50 cents next year, at the time we have the greatest economic expansion in the history of this country.

On the other hand, under Republican leadership the Congress raised its salary by \$4,800 last year and again by \$3,600 this year. Congress made sure nothing got in the way. Congressional pay was not eliminated for 6 months. Congress did not say Congressional salaries would be increased only if accompanied by \$100 billion in tax breaks. Isn't that interesting? Our Republican leaders have told us yes, you can have raises, rather than the people who are going to be affected by an increase in the minimum wage if we have \$73 billion in tax breaks. We did not have that kind of requirement when we increased our own benefits, but evidently for the hardest working families, many of those who have two or three jobs to try to make ends meet, that is the block that is put in front of them.

Madam President, 535 Senators and Representatives received a raise without a hitch. The 12 million Americans who would receive a raise in the minimum wage deserve the same. It is a children's issue, a families issue, a civil rights issue.

I hope this Republican Congress will act to pass the minimum wage before adjourning this year.

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

Mr. KENNEDY. Yes, I will be happy to.

Mr. REID. Isn't it true, all over this country there are State and minimum wage laws that are much higher than \$5.15 an hour? It is not as if Congress is breaking some new ground. The fact is, in several States they have a higher minimum wage than we are trying to advocate; is that not true?

Mr. KENNEDY. The Senator is correct. In a number of communities we have living wage regions, in many of the major cities of this country, which have been successful. But there are those, including Governor Bush, whose position is to say the States ought to be able to opt out on the minimum wage. When you realize the minimum wage in the State of Texas is \$3.35 an hour, when we have seen the prosperity which is across this country, that raises serious questions about the real interest in any working families.

I want to take the time remaining to talk about two public policy areas, first on education and then on health care. If Governor Bush's record in Texas is any indication, average Americans, who work day after day to make ends meet, will be an afterthought in a Bush administration.

The Republican Congress says he has the answers to education. He calls his record in Texas an education miracle. But if you look at the record, it is more of an education mirage than an education miracle. Under Governor Bush, in 1998, according to the National Center for Education Statistics, Texas ranks 45th in the Nation in high school completion rates; 71 percent of high school dropouts in Texas are minorities; Hispanic students in Texas drop out at more than twice the rate of white students in the State. So if education is the biggest civil rights issue in America, as Governor Bush proclaimed at the Presidential debates, he flunked the test in Texas.

Last August, the College Boards reported that nationally, from 1997 to the year 2000, SAT scores have increased. But in Texas, they have decreased. In 1997, Texas was 21 points below the SAT national average. By 2000, the gap had grown by 26 points.

Then, last Thursday, Governor Bush heard more bad news. The Rand Corporation released an education bombshell that raises serious questions about the validity of gains in student achievements in Texas claimed by the Governor. The Rand bombshell was all the more embarrassing because in August Governor Bush said:

Our State has done the best, not measured by us, but measured by the Rand Corporation who take an objective look at how States are doing when it comes to education.

Those are the Governor's words. Clearly, at that time Governor Bush trusted the conclusions made by the Rand Corporation because he was referring to a Rand report that looks at scores in Texas from 1990 to 1996. In fact, Senator HUTCHISON cited those findings on the floor of the Senate on Thursday.

But most of the years covered by the earlier Rand report were before Bush became Governor. The new Rand report released earlier this week analyzes the scores from 1994 to 1998, when George W. Bush was the Governor. The achievement gap in Texas is not closing, it is widening. What is the Governor's solution? Test, test, tests and more tests.

In August, Governor Bush said:

Without comprehensive regular testing, without knowing if children are really learning, accountability is a myth and standards are just slogans.

We all know tests are an important indication of student achievement, but the Rand study questions the validity of the Texas State test because Governor Bush's education program was teaching to the test instead of genuinely helping children to learn.

These are the results. We find out the objective standards, whether we take it from the Rand Corporation or the National Center for Education Statistics. When it was favorable to Texas, it was quoted ad infinitum by strong supporters of the Governor. But, those successes applied to the education policies that were developed prior to the time the Governor became Governor.

If we want a true solution to improving education, we should look at the success of States such as North Carolina, which is improving education the right way: Investing in schools, improving teacher quality, expanding afterschool programs—all in order to produce better results for students. The Bush plan mandates more tests for children, but it does nothing to ensure that schools actually improve and children actually learn.

We know immediate help for low-performing schools is essential. We know we can turn around failing schools when the Federal Government, States, parents, and local schools work together as partners to provide the needed investments.

In North Carolina, low-performing schools are given technical assistance from special State teams who provide targeted support to turn around low-performing schools. In the 1997-1998 school year, 15 North Carolina schools received intensive help from these State-assisted teams. In August 1998, the State reported most of these schools achieved exemplary growth and not one school remained in the low-performing category. Last year, 11 North Carolina schools received similar help; 9 met or exceeded their targets.

That is the kind of aid to education that works—not just tests, but realistic action to bring about realistic change for students' education. And, correspondingly, the test scores for the students in North Carolina have risen 10 points above the national average during this period.

The Democratic proposal to reauthorize the Elementary and Secondary Education Act incorporate the proven approaches that have demonstrated better results for children. But the Republican leadership has blocked any opportunity to debate education. The Elementary and Secondary Education Act, for the first time in 35 years, will not be acted on by Congress.

The Vice President, AL GORE, supports programs to improve public schools which have been proven effective. The best example we have is North Carolina. Those programs are tried and tested and demonstrated to be successful. That is what we believe ought to be done in the future for public education in this country. Yet those programs that have been tried and tested in the State of Texas are not improving education for children. Education is a prime issue for families, and we ought to look at the results. When you look at them carefully, you have to realize that what has been outlined as an educational miracle by the Governor just does not measure up—it's just an education mirage.

Instead of taking steps that will work, Governor Bush abandons the low-performing schools. He proposes a private school voucher plan that drains needed resources from troubled schools and traps low-income children in them. In the Vietnam war, it was said we had to destroy some villages in order to save them. That is what Governor Bush has in store for failing schools: a Vietnam war strategy that will destroy them instead of save them.

Parents want smaller class sizes where teachers can maintain order and give one-to-one attention students need to learn. Parents want a qualified teacher in every classroom in America. Parents want modern schools that are safe learning environments for their children. GAO found that \$112 billion was necessary for our schools to meet health and safety standards and environmental standards, to make critical repairs, and to ensure they are wired for modern technologies. That is why we want strong support for our school modernization and construction program that the Republican leadership has consistently opposed.

Here we are 4 weeks into the next fiscal year. Republicans have said that education is their top priority, but instead, they have made education their last priority.

Parents and students alike want an increase in Pell grants to help young people afford the college education they need to compete in the new economy.

The vast majority of Americans want us to address these challenges, and AL

GORE and the Democrats in Congress will do just that. We will continue to fight hard for education priorities that parents and local schools are demanding.

There is much good news about education across the nation. More students are taking the SATs so they can gain entrance into college. We see these numbers going up every year.

More and more students are taking advanced math and science classes in precalculus, calculus, and physics. We know there are schools in some parts of the country where the children cannot even read and write an essay. We ought to be doing something about it. The Republicans condemn those schools, but they have no plan to improve them.

Finally, the SAT math scores are the highest in 30 years. The SATs are taken by young people who want to go on to college. Those who are taking math now—many of the children who are taking the advanced courses are going to do better. That is what we want, isn't it? We want all these indicators to go in the right direction—better results for children.

As we come into these final weeks, parents ought to look at the Members of Congress, the Members of the Senate, and the Presidential candidates and where they stand on education. Democrats and AL GORE stand for an investment in children that will produce better results: smaller class sizes, a qualified teacher in every classroom in America in 4 years, a strong downpayment on meeting the nation's school modernization and construction needs, more afterschool programs to keep children safe and out of trouble and give them extra time for learning, too.

We should support these policies to improve public schools, and we should oppose policies by the Republican leadership and Governor Bush to abandon public schools. The nation's children deserve no less.

HEALTH CARE

Mr. KENNEDY. Madam President, few issues are of greater concern to American families than quality, affordable health care. Americans want an end to HMO abuses. They want good health insurance coverage. They want a prescription drug benefit for senior citizens under Medicare. They want to preserve and strengthen Medicare, so that Medicare will be there for both today's senior citizens and tomorrow's senior citizens. And they want these priorities not only for themselves and their loved ones but for every American, because they know that good health care should be a basic right for all.

The choice in this election is clear on health care—and it is not just a choice between different programs. It is also a choice based on who can be trusted to do the right thing for the American people. AL GORE's record and his pro-

posals are clear. He has been deeply involved in health care throughout his career. The current administration has made significant progress in improving health care in a variety of ways—from expanding health insurance for children to protecting Medicare for seniors. He has consistently stood for patients and against powerful special interests.

AL GORE has laid out a constructive program that is consistent with his solid record. He is for expanding insurance coverage to all Americans, starting with children and their parents. He is for a strong Patients' Bill of Rights to end abuses by HMOs. He has a sensible plan for adding prescription drug coverage to Medicare. He will fight to preserve Medicare, without unacceptable changes designed to undermine Medicare and force senior citizens into HMOs and private insurance plans.

George W. Bush's approach is very different. His proposals are deeply flawed. But even worse than the specifics of his proposals is his failure to come clean with the American people about his record in Texas or about his own proposals.

On health care, George Bush doesn't just have a credibility gap. He has a credibility chasm.

He has consistently stood with the powerful against the people. He refuses to take on the drug companies—or the insurance companies—or the HMOs. His budget plan puts tax cuts for the wealthy ahead of every other priority, and leaves no room for needed investments in American families. On health care, his values are not the values of the American people.

On the issue of the Patients' Bill of Rights, George Bush said in the third debate that he supports a national Patients' Bill of Rights. He said he wanted all people covered. He said that he was in favor of a patient's right to sue, as provided under Texas law. He said he brought Republicans and Democrats together in the State of Texas to pass a Patients' Bill of Rights.

That's what he said, but it is not true. Governor Bush knows his record on health care can't stand the light of day. So on national TV, he patently deceived the American people about his record, hoping no one would notice, or else hoping people would give him a pass because he didn't know any better and simply spouted what his spin doctors had given him.

But the truth has a way of coming to the surface. Here is what he did on the Patients' Bill of Rights.

He vetoed the first Patients' Bill of Rights passed in Texas. He fought to make the second bill as narrow and limited as possible. He was so opposed to the provision allowing patients to sue their HMOs that he refused to sign the final bill, allowing it to become law without his signature. That is not a record that recommends him for national office to any citizen concerned about a strong, effective Patients' Bill

of Rights. It is the record of a candidate who stands with powerful insurance companies and HMOs, not with American families, and he isn't honest about his record.

On Thursday, Senator HUTCHISON stated that the only reason Governor Bush vetoed the first bill and let the right to sue under the second bill become law without his signature was because there was disagreement on how high the caps on pain and suffering would be. I regret that my colleague has been misled. The fact is that there was no provision for lawsuits in the first Patients' Bill of Rights bill vetoed by the Governor. Let me reiterate—there was no provision for lawsuits at all in the first bill. Yet the Governor vetoed it.

In the second bill, there was also no issue about the caps on pain and suffering. Texas already had caps on pain and suffering under its general tort law, and everyone assumed that those caps would apply to lawsuits against HMOs. There was never any discussion of this issue. The fact is that Governor Bush, despite what he says today, simply does not believe that health plans should be held accountable. That is why he refused to sign the law allowing suits against HMOs. Once again, he has distorted his record in Texas—and both the record and the distortions call into serious question where he would stand as President.

Governor Bush is quick to challenge the integrity of others. But on this issue, his integrity is on the line as well. "Distort, dissemble, and deny" on an issue as important as this is not a qualification for the next President of the United States.

On health insurance, the record is equally clear—and equally bleak. Governor Bush claims he wants insurance for all Americans. He blames Vice President GORE for the growth in the number of the uninsured. But Governor Bush's record in Texas is one of the worst in the country. Texas has the second highest proportion of uninsured Americans in the country. It has the second highest proportion of uninsured children in the country. Yet, Governor Bush has not only done nothing to address this problem, he has actually fought against solutions. In Texas, he placed a higher priority on large new tax breaks for the oil industry, instead of good health care for children and their families.

When Congress passed the Child Health Insurance Program in 1997, we put affordable health insurance for children within reach of every moderate- and low-income working family in America. Yet George Bush's Texas was one of the last States in the country to fully implement the law. Despite the serious health problems faced by children in Texas, Governor Bush actually fought to keep eligibility as narrow as possible.

The PRESIDING OFFICER. The Senator's 30 minutes have expired.

Mr. KENNEDY. Madam President, I yield the floor.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, I ask unanimous consent to be able to speak for 15 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator has that right.

ORDER OF BUSINESS

Mr. SESSIONS. I also note, on behalf of the majority leader, that it appears that the House of Representatives will not send the continuing resolution over until 7:30 p.m. or later, so we will continue, I suppose, in morning business.

SETTING THE RECORD STRAIGHT

Mr. SESSIONS. Madam President, I would like to say a number of things. First of all, there is no reason for us to be here today on Sunday. It is not necessary. No good purpose is occurring. We had weeks of debate on the Patients' Bill of Rights. The Senator from Massachusetts is repeating those arguments. We had weeks of debate on education, of which I was a part.

Now we come back, at the very end, and we are going to have a rehash of all of that. The President is going to hold up this legislation needed to operate this Government. He asks that the Congress come back on a daily basis—even on Sunday—to debate it. Somehow he thinks maybe through this political mechanism he can change a dynamic that is taking place in the American public. They are beginning to make a decision that, in my view, the White House is not happy about, and they are desperate to try to change that dynamic, to change that trend, and to try to create a disturbance on the floor of this Congress about matters we have been talking about all year, that should not be coming up now.

There is no need for us to be here today. But we are here. I will be here every day that we need to be here. I will be here until Christmas. I will be here, Lord willing, after this President leaves office. And we will be talking about these issues.

It is important that we do the right thing, that we not just be stampeded and pushed around and be worried about elections so we are afraid to vote because the President is out here saying ugly things about us if we don't do what he says. It is our duty to do the right thing. We have been considering these issues for months. We have been debating them for months. That is all we are about here today, to do the right thing.

I hope the leaders on this side of the aisle do not do things just to get out of here. I am willing to stay, and other people I know are willing to stay, if need be, to debate and work toward a reasonable compromise, or to stand firm, if need be, on the issues that are important to America.

I know the Senator from Massachusetts discussed the patients' bill of rights that Governor Bush allowed to become law in Texas. That bill did have the right to sue in it. It was a big part of our debate in the HELP Committee—the Health, Education, Labor, and Pensions Committee—of which I am a member and of which the Senator from Massachusetts is a member.

As I recall, several months ago, the Democrats were all touting this Texas bill because it has the right to sue in it, beyond what I think ought to be made a part of a health care reform bill.

The Patients' Bill of Rights that came out of this Senate was debated. Amendments were offered on this floor. And they lost. The bill that came out of this Senate—and that is in debate in conference today—what does it do?

When we talk about the right to sue, we are not talking about a doctor who might cut off the wrong leg and that you can't sue that doctor. It simply is, if an insurance company says this procedure—for example, maybe it is a cosmetic procedure and is not covered in your insurance policy, so they cannot pay for it; and the patient says: Yes. I think you should pay for it. So they want to have suits for punitive damages that go for years.

So what was created in this legislation was a mechanism for every patient to have certain rights to get a prompt and full determination of what is just, and get their coverage if they are entitled to it.

The way it would work would be that a physician could call and talk to an insurance company physician, an expert. If they do not agree that this was covered, they then could appeal to an out-of-the-insurance company expert or arbitrator approved by HCFA, the Health Care Financing Administration—the Federal Government—President Clinton's HCFA. They could then appeal and get an objective ruling on whether or not this was covered. Then there are certain litigation rights that continue to exist, in any case.

But what I am hearing is, business companies that are providing insurance to their employees are saying: This costs us a lot of money. We are doing it for our employees. But if you are going to have us sued, Congress, we will just get out of the business of insuring our employees. We will just give our employees a certain amount of money and they can buy insurance or not buy insurance. It will not be our problem if they do not buy it. Tough luck. We have been doing this, but we are not going to be in the position that we are going to be sued.

That was a big deal in this very Congress. And the law in Texas is more generous on lawsuits than the one we approved in this Senate.

Senator KENNEDY wanted wide-open lawsuits. He supported that aggressively, but he lost. He did not win that issue. It is not the will of this Senate. We ought not to be worrying about this

at this point in time, this late in the day, when we need to approve legislation to fund this Government.

The Senator from Massachusetts also came to the floor to talk about education. Yes, it is a top priority. We are increasing funding for education. I am on the education committee. We discussed that. In the last 2 years this Congress has spent more money on education than President Clinton asked for. We increased his request for education money. We spent more than he asked for.

But what was the debate? It went on an extended period of time right here. The debate was: Who is going to direct how it all gets spent? Were we going to trust the men and women who run our schools, the men and women who have been elected in each one of our communities to be on the school board? Are we going to trust them to spend more of this Federal money or are we going to continue to micromanage education dollars from Washington?

I have been in 20 schools this year. I have met with principals, teachers, and students in each of these schools. I always set a time to meet with the principals and teachers, and usually school board members drop in, and I ask them what their problems are.

I say: The Federal Government gives about 7 percent of the cost of education in America; 93 percent comes from State and local governments. I ask: Based on the regulations and paperwork, the interruption in your ability to discipline in the schools caused by Federal regulation, which would you prefer—the Federal Government take its 7 percent and leave, take away the paperwork and the rules and regulations, or get the 7 percent?

The answer: Take your money and go.

These are teachers who have given their lives to education. They are passionate about this. They don't want a Federal bureaucracy in Washington running their schools. What they would like is as much money as we can get to them. And we are increasing funding for State education well above the inflation rate, two or three times the inflation rate above what President Clinton has asked for. We tried to pass a new Elementary and Secondary Education Act, which is up for reauthorization this year. We had to stop considering it basically because of a filibuster from the other side. We voted. We had amendments. We went on for over 2 weeks debating the issue.

The other side was losing that debate. They were losing the votes. But if you don't have over 60 votes here, you can't shut off debate. The majority leader urged them to agree to a time limit. He said we can have many more amendments, and let's vote on them and bring this bill to conclusion. But they would not because, in fact, they had a filibuster going on. They did not want to change this old educational system that is run by bureaucracies 10 feet deep, people who have lost sight of

what education is all about. All they want to do is make sure their accounting is right in every school system in America.

There are over 700 Federal education programs in this country. The other side keeps arguing that we can't get rid of them. No, we can't consolidate them. No, we can't trust the people in our communities we elect to run our schools. No, they are not to be trusted. We have to tell them what to do. One Senator on this floor said: They may spend the money on swimming pools. Who knows best how to educate children—professional educators, teachers who have given their lives to it, principals who are dedicated to it, or some Senator here who has thousands of issues that come before them, everything from Medicare, Social Security, the attack on the U.S.S. *Cole*, all those issues? We don't know education. Neither does AL GORE know education.

I will tell you who has been wrestling with education for six years, and that is the Governor of Texas. Governors are involved in education. When he talks about education, he talks about it with a deep and abiding passion because he understands it. He has been in schools all over Texas. He is hearing the same things I have heard in the 20 schools I have been in around Alabama this year: that the Federal Government is not an aid, is not helping us, it is hurting us.

We have Federal regulations that keep children in classrooms who are a threat to the teacher and the students, and they cannot be removed because of Federal rules. We have paperwork that is driving them crazy. They can't spend the money on what they need to spend it on. They have to spend it only on what this Government and its 700 education programs say to spend it on.

So we tried to fix that. We couldn't do it because of the President and the filibuster that went on here. If we elect the Governor of Texas, who has managed education, as Governors do, who ran on education, got elected on education, and was elected with a 69-percent vote for reelection on education, we are going to get some changes.

The bureaucrats in Washington, the special interest crowd in Washington, the group that tries to turn out votes in elections, those people are not going to be happy. But teachers, principals, parents, and school board members are going to be happy because it is time for a change. It is time to break this Washington stranglehold on education. We give less than 10 percent of the money for education, but we micromanage how it is all spent. It is not acceptable, and we must stop it.

EXTENSION OF MORNING BUSINESS

Mr. SESSIONS. Madam President, I ask unanimous consent that morning business be extended with Senators permitted to speak for up to 10 minutes each until 7:30 p.m.

Mr. REID. Reserving the right to object, will the time from now until 7:30 be equally divided? I think the Republicans may have extra minutes remaining from the earlier hour. Could the Chair tell us how much time the Republicans have used?

The PRESIDING OFFICER. On the Republican side, there is approximately 10 minutes remaining; on the Democratic side, there is 1 minute remaining.

Mr. REID. I ask that the Chair take that into consideration in dividing up the next approximately 55 minutes.

The PRESIDING OFFICER. Is there objection to the time being equally divided between the parties?

Mrs. HUTCHISON. I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. HUTCHISON. The time that has been allocated, the 10 minutes to the majority and 1 minute to the minority, should go forward, after which it would be equally divided.

Mr. REID. That is what I said.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SESSIONS. Madam President, to conclude on this education matter, this Congress has been responsible. It has increased funding for education well above the inflation rate. It has increased funding for education the last 2 years that I have been on the education committee, I know for a fact, above what the President asked for.

We believe that money ought to be sent down to the States. It ought to be sent to them, and they ought to be challenged to develop, as Texas did, a plan of excellence. That ought to be ultimately determined by good, sound testing that that State adopts so it can tell whether learning is occurring.

There are schools in this country, unfortunately, where learning is not occurring. They are dysfunctional schools. We do not need to keep putting money in those kinds of circumstances. Good quality testing can tell whether learning is occurring. We ought to allow the men and women whom you and I elect in our hometowns all over America to decide how to run that fundamentally.

Yes, we will want to have controls on it, certain rules and regulations, but fundamentally we need to have a different mindset. We need to have a mindset that says to the educators, the people who are in our classroom, that we trust you, we are trying to help you, not make your life more troublesome, not giving you more headaches and paperwork; we want to help you teach our children, to help create more magic moments in that classroom where learning occurs.

There are good schools in Alabama and all over America. I have been in those schools. I had the honor to acknowledge a few days ago Mr. Terry Beasley, the principal of the year for the State of Alabama. He taught my children in public schools in Alabama.

He is a magnificent person with an unbelievable degree of dedication to learning. He has gone from one of the greatest teachers I have known to one of the best principals one would know.

There are people like that all over the system. We are not helping them. This governmental regulation and bureaucracy is making it worse and making their lives more difficult. We can improve that, but not the way we are going. We are going to need some changes.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

STANDING UP FOR TEXAS

Mrs. HUTCHISON. Madam President, I see the distinguished senior Senator from Massachusetts has been at it again, trying to bring the Presidential campaign to the Senate floor and misrepresenting the record in Texas. Once again, as promised, I am here to stand up for the record of the Governor of Texas and to stand up for the State of Texas.

I ask my distinguished colleague, the Senator from Massachusetts, if he would consider in the future not misrepresenting Texas for two reasons:

One is, I don't think it is persuasive to anyone in America to continue to hear the downgrading of a State in our country, and I certainly don't think it affects the Presidential race. Secondly, I just don't think that it is necessary or proper to downgrade a great State such as Texas or any other State in America.

Of course, I am from Texas; of course, I love my State. But I think, objectively speaking, a lot of other people do because we have just surpassed New York to become the second largest State in America. People are not moving there because they think we have a terrible education system. They are not moving there because they think we don't treat our children well. They are not moving there because we don't have health insurance for our children. They are not moving there because we have a bad environment. They are moving there because it is a wonderful place in which to live, and it has gotten better since George W. Bush became Governor.

So let me just set the record straight. We have a patients' bill of rights in Texas. It is the model upon which other States are now basing the laws that they are beginning to pass or look at passing. We have a very good patients' bill of rights because it has an independent review mechanism. You have an internal review and you have an external review so that the bottom line that we all want will occur, and that is that a patient will get the care the patient and the doctor believe is in the best interest of the patient. That is what a patients' bill of rights is. We also have caps on limits for lawsuits which are allowed after the exhaustion

of the internal and external reviews. There are caps on pain and suffering and noneconomic damages. That makes sure that we don't have a plethora of lawsuits, and it would keep the patient and the doctor making the decisions for health care in the forefront of our interest. So it is a model law. It is a good law. Whatever misrepresentations have been made about it, the Governor allowed it to become law. It happened on his watch.

Secondly, we are very proud of the improvements we are making in our public education system. Most States are not satisfied with where they are in public education. Texas is working very hard to improve our public education system, and under the leadership of Governor George W. Bush we are winning. Test scores are going up and, most especially, the test scores are going up in the minority communities. That is one of the focuses that Governor Bush has made in my home State of Texas because we all looked at the high school dropout rate. We were all unsatisfied with that number. We said, what can we do, especially in our Hispanic community, where the high school dropout rate is the highest per capita? We said, we have to go back to the basics.

That is what Governor Bush did. He went back to the basics and he put the resources into it. That is about \$8 million more than had been spent before. He said, we are going to go to the third grade level and that is going to be the firewall. We are going to test children in preschool; we are going to test them in the first grade and in the second grade. But if they can't read at grade level in the third grade, they will not be promoted to the fourth grade because we know that if children can't read at the early stages, they will never be able to reach their full potential in the public education system. That was the initiative of Governor Bush and, I might add, along with a great house speaker, Pete Leahy, a Democrat, and a Lieutenant Governor—at the time it was Bob Bullock, a Democrat; today, it is Rick Perry, a Republican. But we do work in a bipartisan way in the legislature. We always have in Texas. That is something that we have done since the days I served in the Texas legislature. We worked together, Democrats and Republicans. It is why I was so surprised when I came to the Senate and it didn't work that way here. We are not used to doing business that way.

With all due respect, I think Texas has it right because after the elections in Texas, we come together—the Governor and the legislature—to do what is best for the children and the people of Texas. Wouldn't it be refreshing if that were the case in Washington, DC? Wouldn't it be refreshing if the leadership that Governor Bush has shown, along with Pete Leahy and Bob Bullock, could be transferred to Washington, DC, with President Bush and TOM DASCHLE and RICHARD GEPHARDT?

Wouldn't that be refreshing? That is what Governor Bush would like to do because we think it works. We know it works because the test scores show that it works.

Madam President, we are making a huge leap in the right direction for improving public education, and we are going to the heart of the matter. We are making sure our children in the third grade can read, and we are focusing on the basics. We are focusing on reading, writing, arithmetic, history.

All of us have seen these polls of young people in our country where the television person walks up to the young person and says: What is the only State in America that is totally surrounded by water?

The young person can't answer the question. We know Hawaii is the answer, but I think we should focus on the basics—geography and history. That is what we are trying to do in Texas, and that is the kind of leadership we need for this country.

So I hope that we will examine the record in Texas in a positive way—or even in a neutral way, for Heaven's sake—because if you are neutral, you would see that Texas is a great place in which to live; that we have a great quality of life. Do we have problems? Sure. Are we working on those problems? Yes. We are doing it under the leadership of our Governor, George W. Bush.

Let me say, too, that we are also making great strides on the environment. We have a particular problem, particularly in Houston, TX, where 50 percent of the chemical refining plants in the world are located—the petrochemical refining plants. Fifty percent of the petrochemicals in the world are located on the gulf coast between Houston and Victoria.

I see that my time is up. I will step back and allow others to speak, but I will not step back if the record of Texas is misrepresented. I am here to stand for the facts and the good record of our Governor and our great State.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. KENNEDY. Parliamentary inquiry. Will the Senator yield?

Mr. SMITH of Oregon. Of course.

Mr. KENNEDY. I understand we will have some time. The House has not concluded with the continuing resolution. I understand it is agreeable with the leaders that the time remaining will be divided equally. Is the time remaining equally divided between the two sides?

The PRESIDING OFFICER. The previous order provided that the remaining time until 7:30 would be equally divided.

The Senator from Oregon.

GORE-CHERNOMYRDIN AGREEMENT

Mr. SMITH of Oregon. Madam President, I rise as one Senator in this body

and as a member of the Foreign Relations Committee to express the hope that by noon tomorrow the State Department will provide for the Senate Foreign Relations Committee the document that it has rightfully requested so that it might know the truth with respect to the Gore-Chernomyrdin agreement.

Since I have been a Senator these last 4 years, I have had occasion to meet with the Vice President and Mr. Chernomyrdin when they came to Capitol Hill to trumpet what was represented to us as the great successes of their relationship and our outreach to Russia and to help Russia in its transition to democracy. In every way possible, we have hoped to conduct our business with Russia on better terms than we have in the past.

I think it is appropriate for this Republican to say that, without question, no one should question the motives of Vice President GORE with respect to what he has tried to accomplish in this relationship. However, there is reason to believe that some of what has gone on with the best of motives may, in fact—I emphasize “may”—have violated a law and a statute of this country, if not a constitutional requirement in article II of the Constitution that agreements be reviewed by appropriate congressional committees.

I am told that with respect to the Gore-Chernomyrdin relationship a House committee was informed. Congressman Hamilton said he received some information to that effect. DICK LUGAR, the Senator from Indiana, has said he knew in general terms what they were trying to achieve.

But then all of us were taken aback a couple of weeks ago by an article in the New York Times in which this agreement was specifically quoted. I do not know of any Congressman or Senator who has yet to say they have seen the particulars of this arrangement. That is the point of the Foreign Relations Committee's inquiry of the State Department.

Let me read briefly a sentence from that New York Times story that quotes what the Vice President pledges to do. He pledges to “avoid any penalties to Russia that might otherwise arise under domestic law.”

There is nothing in the Gore-McCain law of 1992 that allows the executive branch to unilaterally waive the law. Their duty under that law is to impose sanctions, and then to waive them if that is the judgment of the executive but not to do it in a way that keeps Congress in the dark and violates specific terms of American law.

Why should we care? Many of our friends on the Democratic side said this is all just about politics. You shouldn't be raising that now.

I point out to them that the Vice President, the executive, and the State Department have had 5 years to take this out of politics and to simply disclose, as is rightfully our right to know, those documents and those particulars as to agreements.

Some of my colleagues have said these aren't agreements; that these are understandings. If it quacks like a duck and waddles like a duck, to me it is a duck.

In my opinion, when you see specific responsibilities and considerations on both sides and end dates, folks, that is an agreement, and the Congress has a right—and particularly the Senate—to see this document, and in confidence if necessary. But we have a right to documents that have been requested of the State Department.

I hope that it exonerates the Vice President. But let me tell you why I am concerned that it may not.

The Washington Times, a week ago, ran a story in which a letter was leaked from the State Department—not by the Republican Party but by the State Department somehow to a reporter of the Washington Times—a letter from the Secretary of State, Madeleine Albright, to the Russian Foreign Minister, Igor Ivanov. You have to read these words to, frankly, understand it and really believe it. I don't know how words can be any clearer that the administration is admitting to a violation of law.

This is what the Secretary wrote to the Russian Foreign Minister:

We have also upheld our commitment not to impose sanctions for these transfers disclosed in the Annex to the Aide Memoire. The Annex is very specific in its terms, and we have followed it strictly. . . . Without the Aide Memoire, Russia's conventional arms sales to Iran would have been subject to sanctions based on various provisions of our laws. This possibility still exists in the event the continued Russian transfers after the December 31 termination date.

Madam President, the Secretary of State has said here that they have violated the law.

What the Senate Foreign Relations Committee and the majority in this party are asking for is to have the proof of the State Department's assurances to us that they haven't violated the law. That is all we are asking for. If they haven't, we will be glad to say that to the whole world. But what we have received so far is their assurances that they haven't violated the law.

Guess what. I want to believe them. But I am entitled as a Senator to see the document so I might know that they have not violated the law as the Secretary of State has said.

Should we know that? I think we should.

Does that mean the Gore-Chernomyrdin agreement isn't a good deal? I don't know that. It may be a great deal.

But it is not a deal where the means justify the ends to violate American law and treat the Senate with disrespect. It does not warrant that. We are a country of laws, and we need to obey them.

We are simply asking, as a signatory to this letter, that the administration comply with the law authored by the Vice President himself.

In addition to SAM BROWNBACK and myself, the signatories to this letter

are the majority leader, TRENT LOTT, the majority leader whip, DON NICKLES, the chairman of the Foreign Relations Committee, JESSE HELMS, JOHN MCCAIN, FRED THOMPSON, the chairman of Governmental Affairs, RICHARD SHELBY, chairman of the Intelligence Committee, JOHN WARNER, chairman of the Armed Services Committee, and RICHARD LUGAR, who, by the way, wouldn't mind knowing the truth of what has been represented to him, too. He is curious about indeed what the facts are.

I regret that this is close to an election. I don't believe politics should be international. I think they should stop at the water's edge. But I think the responsibility lies with the administration to foster a bipartisan foreign policy. That is clearly not happening here.

We are entitled to know the truth. If the law has been complied with, this is over with. If it has not, then, frankly, that ought to be known by the American people as well.

Whether or not a Kilo-class submarine is a dangerous weapon, frankly, is a judgment the administration is entitled to make. But there may be other weapons on that, as the Secretary suggests, that were subject to sanctions.

We have a right to know whether or not we have been treated as mushroom farmers—keep them in the dark and shovel the manure on them.

That is not how it is supposed to work—not according to our Constitution, not according to our statutory law and various provisions.

We are entitled to know the truth. As one Senator, I plead with the State Department to show us the documents and this goes away. But you have to show us the documents. We are owed it. We deserve it. We are entitled to it. It ought to happen.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Madam President, I ask to be able to proceed for 8 minutes in morning business.

THE PRESIDING OFFICER. The Senator has that right. We are operating under a time agreement until 7:30.

AIDE MEMOIRE

Mr. BIDEN. Madam President, I have great respect for my friend from Oregon. I know he knows I think he is dead wrong on this issue. For two reasons I think he is dead wrong: On the facts and I think he is dead wrong on the approach he has taken.

The fact of the matter is, the administration at the time this aide memoire—a fancy phrase for saying this agreement—was signed by GORE and Chernomyrdin, a follow-on to a verbal agreement made by Clinton and by Yeltsin in 1994—that agreement was made known to the public; it was publicly stated, and that was actually offered. The House of Representatives was briefed at the time.

Here we are less than 10 days before an election and it has become a cause

celebre. I don't have the time, and I am sure my friend from Oregon doesn't have the inclination, to listen to why this is a violation of the separation of powers doctrine. And this is not a binding obligation. There are distinctions between binding obligations and agreements. One requires disclosure; the other does not. The fact is, this was a good deal and it was disclosed and made available to be disclosed.

Let me cut to the chase. The fact of the matter is we did have a closed meeting with members of the State Department. I was present, my friend from Oregon was present, our colleague from Kansas was present, Senator BROWNBACK, and maybe someone else; I can't recall. I indicated at the time that although the White House and the State Department were not required to share these documents, in my view they were making a tactical political mistake not doing it.

I am here to tell my friend from Oregon what I told Senator LUGAR and what I told Senator HAGEL, and I understand it is being communicated to the majority leader. The State Department is going to make available to the leadership of the House and the Senate—which is the way we do these things—the so-called annexes. If there is any violation of law—which there is not, but if there is any—the only violation could flow from there being a weapons system that was transferred on the annex, that falls within the purview of the law, that covered certain weapons systems and destabilizing systems under the McCain-Gore legislation. So if there is nothing in that annex that was transferred, there can be no question there was no law broken here.

This will be the test to know whether this is politics or not. This will be the test. If the administration makes that available to the majority leader, minority leader, Speaker of the House, and the minority leader of the House, the leadership of the House, then, in fact, we will find out. They will bring the document up, and they can see it.

If they really want to know the answer, if they really believe a law was broken, then it is really clear; they can sit down and look at it and find out. But if the offer is made and it is refused—I will say and challenge anyone to give me a good reason why I am wrong—that is pure politics.

I really mean this; I have an inordinately high regard for my friend from Oregon. That probably hurts him back home, but I like him a lot. The fact of the matter is, we have worked closely together on a whole number of items. I have never misled him and he has never misled me. I got off the phone with Strobe Talbott. The Secretary of State is intending to call the majority leader, going to make the offer tomorrow to come up and show the documents.

It is interesting that the letter requesting documents says they basically want these annexes. I know we need

more time to explain this to someone listening because this is kind of confusing. My friend from Oregon knows what I am talking about because he knows the area well. The annex lists all those weapons systems that would be sanctionable if transferred by the Russians to the Iranians, if that were to occur.

We will find out whether anything was transferred. By the way, unlike in any other administration, it has been pointed out that 10 times as many weapons were transferred to the Iranians when Bush was President than since Clinton has been President. But we will find out whether anything was violated.

I want to make it clear, the offer will be made. If the offer is rejected, I want everyone to know—and the press who may be listening—that a big neon light should go on, "Politics, politics, politics." If the offer is accepted, then, in fact—and my colleagues look at it, the majority leader of the Senate, the Speaker of the House of Representatives, if they look at it and they say this looks like a duck, to use my friend's phrase, that is a different story. That is debatable; that is something that warrants concern.

To reiterate:

The Senators' letter says that "the Vice President pledges to 'avoid any penalties to Russia that might otherwise arise under domestic law.'"

The letter omits the words immediately preceding that quote from the leaked understanding: "take appropriate steps" to avoid penalties. That meant that the United States would not circumvent U.S. law. Rather, if necessary, we would sanction Russia, but waive the penalties, pursuant to the law.

But in fact, there was no need to waive penalties at all, because Russia was not proposing any conventional arms transfers that would trigger sanctions under U.S. law—and the Vice President was assured of this by the Department of Defense before he signed the understanding.

One relevant law was the Iran-Iraq Arms Non-Proliferation Act of 1992, the so-called "McCain-Gore Act." That law requires sanctions against governments that transfer "destabilizing numbers and types" of "advanced conventional weapons" to Iran or Iraq. Thus, you must find both the sale of advanced conventional weapons to Iran, and that these are a number and type so as to tip the balance of power in the region.

We have been assured—by experienced, career officials—that the Annex listing planned Russian arms transfers to Iran contains nothing that would meet all those tests.

But we don't have to trust the Government on this. Anthony Cordesman, who was JOHN MCCAIN's national security assistant in 1992, working on the McCain-Gore bill, wrote recently: "Iran . . . has not . . . received destabilizing transfers of advanced conventional weapons."

The third Kilo-class submarine to be sent to Iran was specifically considered by the Pentagon, which decided that it would not be destabilizing.

In any case, submarines are not listed in the 1992 law's definition of advanced conventional weapons; and even President Bush made no move to add them to the list, even though the law permits such additions.

The Senators' letter quotes Secretary Albright's letter to Russian Foreign Minister Ivanov, in which she says we "upheld our commitment not to impose sanctions" and that "without the Aide Memoire, Russia's conventional arms sales to Iran would have been subject to sanctions based on various provisions of our laws." As you said yesterday:

One reasonable interpretation is that Secretary Albright is saying, "if you hadn't obeyed the Aide Memoire, you would have gotten in trouble." And that's true. If Russia had signed new deals to sell "lethal military equipment" to Iran, or if it had sold lots of "advanced conventional weapons" to Iran, it would have forced us to invoke sanctions under our law. But they basically did obey the Aide Memoire, and stayed out of trouble in this regard.

Another reasonable interpretation is that the Secretary was overstating her case, using U.S. law as a club with which to beat the Russians. If so, more power to her.

A third reasonable interpretation is that Secretary Albright was thinking of those sanctions, based on other U.S. laws, that do not require any trigger other than a Presidential determination that the national security warrants them.

The Albright letter does not show any violation or circumvention of the 1992 Iran-Iraq law, and there is no evidence of any such action.

The Senators' letter rejects Vice President GORE's point that Russia's arms transfers were pursuant to previously-signed contracts, because the McCain-Gore law does not exempt such transfers.

That misses the point. There are other laws that would require sanctions for any transfer of "lethal military equipment" to Iran. Those laws exempt transfers under pre-1996 contracts.

The administration never claimed that it was cutting off all Russian arms transfers to Iran. But it did put a cap on those transfers, limiting them essentially to ones contracted for during the Bush administration.

The Senators' letter says that the Congress must review all the relevant documents, renews a demand for all the previously requested documents, and threatens a subpoena if these are not produced by noon Monday.

The fact is, however, that only the Annex to the Aide Memoire is cited as a really necessary document.

I think the executive branch ought to find a way to let appropriate senators review the Annex and the Secretary's

letter to the Russian Foreign Minister, while maintaining the confidentiality of those documents.

Once that is done, I believe that there will be no good reason to seek further documents.

Tony Cordesman, the expert in Middle Eastern military affairs who was Senator MCCAIN's national security assistant, summed up this case admirably a couple of weeks ago:

Political campaigns are a poor time to debate complex military issues, particularly when the debate is based on press reports that are skewed to stress the importance of the story at the expense of objective perspective and the facts.

I ask unanimous consent the pertinent letters be printed in the RECORD.

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

U.S. SENATE,

Washington, DC, October 26, 2000.

Hon. MADELEINE ALBRIGHT,

Secretary of State, U.S. Department of State,
Washington, DC.

DEAR SECRETARY ALBRIGHT: We were extremely disappointed that the Department of State continues to refuse to give the Committee access to critical documents relating to the Gore-Chernomyrdin agreement.

Madame Secretary, this is simply unacceptable. All of the evidence in the public domain leads us to the conclusion that Vice President Gore signed a secret deal with Russian Premier Viktor Chernomyrdin, in which he agreed to ignore U.S. non-proliferation laws governing weapons transfers to Iran.

The text of the agreement signed by Mr. Gore and Mr. Chernomyrdin (as published in the New York Times), the Vice President pledges to "avoid any penalties to Russia that might otherwise arise under domestic law."

And, in your letter to Russian Foreign Minister Igor Ivanov earlier this year (published in the Washington Times), you state: "We have also upheld our commitment not to impose sanctions for these transfers disclosed in the Annex to the Aide Memoire, Russia's conventional arms sales to Iran would have been subject to sanctions based on various provisions of our laws. This possibility still exists in the event of continued Russian transfers after the December 31 termination date."

The administration's defense—repeated by the Vice President this morning on "Good Morning America"—that the Russian transfers to Iran he agreed to were under "pre-existing contracts" simply does not wash. The date the contracts were signed is irrelevant. The Gore-McCain law covers the transfer of weapons after 1992. There is no "contract sanctity" exception in the law—it does not matter whether the transfers took place under new or pre-existing contracts. What matters, under law, is when the transfer took place.

The Administration's other defense—that the weapons transferred are not covered by the Gore-McCain law—is belied by the Administration's stubborn refusal to share with the Committee the Annex that lists the weapons.

In essence, you are saying to Congress and the American people: "Trust us." Considering the fact that almost everything we have learned about this secret deal has come from the news media and not the Administration, we respectfully decline.

Congress has a right and responsibility to review all the relevant documents, and to

judge for itself whether the transfers the Vice President signed off on were covered by U.S. non-proliferation laws.

We expect the Administration to share all of the requested documents with the Committee no later than noon on Monday, October 20.

If the Administration continues to stone-wall, and withhold these documents from Congress, then the Foreign relations Committee will have no choice but to issue a subpoena to obtain them.

Sincerely,

Gordon Smith, John McCain, Jesse Helms, Trent Lott, John Warner, Sam Brownback, Don Nickles, Fred Thompson, Richard Shelby, Richard G. Lugar.

U.S. SENATE,

Washington, DC, October 25, 2000

Hon. GEORGE P. SCHULTZ,

Thomas W. and Susan B. Ford Distinguished Fellow, Hoover Institution, Stanford University, Stanford, CA.

DEAR MR. SECRETARY: I read with interest your election-eve condemnation of an understanding that Vice President Gore and Russian Prime Minister Chernomyrdin reached some five years ago. I was surprised—and saddened—to see that you and other men who have served our nation with dignity and distinction would sign a letter that was promptly used in an effort to exploit a national security issue for partisan gain.

It is time to set the record straight. First, the June 1995 U.S.-Russia understanding prevented new Russian arms sales to Iran and thus enhanced the security of the United States and its allies. Second, the understanding did not circumvent, violate or undermine any U.S. law. Indeed, it appears to have led Russia to stay within the bounds of U.S. law regarding conventional arms transfers to Iran. Third, although the executive branch was under no legal obligation to submit the June 1995 understanding to the Congress as an international agreement, it did make public the broad outlines of the understanding and provide classified oral briefings at least to one committee.

One highly respected expert in this field is Mr. Anthony H. Cordesman, who was national security assistant to Senator John McCain when his employer and then-Senator Al Gore wrote the Iran-Iraq Arms Non-Proliferation Act of 1992. Mr. Cordesman now holds the Arleigh Burke Chair at the Center for Strategic and International Studies. Earlier this month, he wrote an analysis of Russia's conventional arms transfer to Iran. The opening of that study strikes me as especially worthy of your consideration: "Political campaigns are a poor time to debate complex military issues, particularly when the debate is based on press reports that are skewed to stress the importance of the story at the expense of objective perspective and the facts. Iran does represent a potential threat to US interests, but it has not had a major conventional arms build-up or received destabilizing transfers of advanced conventional weapons."

If you remain uncertain regarding any of the points I have made, I invite you to consult such sources as Mr. Cordesman's CSIS study, Iranian Arms Transfers: The Facts, the public testimony this morning of Deputy Assistant Secretaries of State John P. Barker and Joseph M. DeThomas before the Senate Committee on Foreign Relations, and even my own opening statement at this morning's hearing.

Sincerely,

JOSEPH R. BIDEN, JR.,

U.S. Senator.

Mr. BIDEN. Madam President, I don't know a lot about matters over which I

don't have jurisdiction as a Senator. So I don't expect all Senators to know as much about sanctions as the Senator from Oregon and I because we spend probably 20 percent of our time working on that in the Foreign Relations Committee. My friend from Massachusetts forgot more about HCFA than I will ever know. It took me a while to know what HCFA was. They set the rates for everything, and it affects the American people a heck of a lot more than sanctions policy.

There are discretionary sanctions available to the President of the United States. I emphasize "discretionary." The comment made by the Secretary of State refers to those discretionary policies.

The PRESIDING OFFICER. The distinguished Senator has utilized the 8 minutes he requested.

The Senator from Massachusetts is recognized.

THE TEXAS RECORD

Mr. KENNEDY. Madam President, I want to address the concerns of my friend, the Senator from Texas, in her comments earlier. I want to make very clear I have no complaint against the State of Texas. It has an outstanding history and has produced some great leaders, including Sam Houston, Sam Rayburn, President Johnson. My complaint is not against Texas at all, it is against the clear misstatements of Governor Bush about his Texas record. The facts are there. I am not attacking the State of Texas. I am sure many citizens of Texas share my concerns about the United States.

It is proper and necessary to talk about these issues. They are important. They are important in the national Presidential debate because they aren't being addressed by this Congress. The Republican leadership has blocked responsible action on education. For the first time in 35 years, Congress has failed to reauthorize ESEA. We are now 4 weeks late in passing an education funding bill. Since the majority has stifled any debate on education in this Congress, it is appropriate and necessary to speak on the Senate floor about how education will be treated in the next Congress under the next administration. The American people deserve a Congress that will act on education, not ignore it.

When we think about what will happen to education next year, we must look at the Presidential candidates and how they will address education. It is essential to look at the record of Governor Bush, the Republican candidate for President. That is what I have done.

On the children's health issue, when the Congress passed the CHIP program in 1997, we put affordable health insurance for children within reach of every moderate- and low-income working family in America. Yet George W. Bush's Texas was one of the last States in the country to fully implement the

law. Despite the serious health problems faced by children in Texas, Governor Bush fought to keep eligibility as narrow as possible.

In fact, the Bush campaign's defense of this unacceptable record is almost as telling as the record itself. According to the New York Times, the Bush campaign acknowledged that Governor Bush fought to keep eligibility narrow, but that he did so because he was concerned about costs and the spillover effect on Medicaid. This so-called spillover effect is the increase in enrollment of children in Medicaid that occurs when the Children's Health Insurance Program is put into effect. Vigorous outreach efforts are made by state governments to identify children who qualify for the new program—but the same outreach identifies many other children who should have already been enrolled in Medicaid.

In other words, Governor Bush not only opposed expanding eligibility for the new CHIP program—he was also worried that the very poorest children—those already eligible for Medicaid—might actually receive the coverage to which they were clearly entitled. That is not just what I am saying. That is also the conclusion of the New York Times when it reviewed the facts. It's no wonder that Governor Bush's Texas Administration was cited by a federal judge for its failure to live up to a consent order to let families of poor children know about their eligibility for Medicaid and about the health services to which they were entitled.

An article in Time magazine says it all. It is titled, "Tax Cuts Before Tots. Candidate Bush is pushing his compassion, but poor kids in Texas have not seen much of it." And under a box entitled "Lost Opportunity? Bush and Poor Kids," the article makes four key points:

[Bush] helped to secure tax cuts by underfunding Medicaid, causing a \$400 million shortfall in the program. He delayed the state law to expand Medicaid coverage for 303,000 new kids. They went five years without health insurance. He fought efforts to require automatic coverage for families forced off welfare rolls.

Now, my Senate colleagues from Texas offered all sorts of explanations for Governor Bush's miserable record on health care for children. They said that the court case I referred to was begun before Governor Bush took office. That is true. But the consent decree settling the case was agreed to by Governor Bush's administration in February of 1996. And the latest action by the federal judge was based on the Bush's administration failure to live up to the consent decree that it had agreed to. The Bush administration did not keep its word. Children were not its priority.

Defenders of the Governor say that Texas could not implement the CHIP program promptly because its legislature only meets every two years. But other states have legislatures that

meet only two years, and they were able to get their programs going more promptly. In fact, Texas was the next to last state in the entire country to approve a CHIP plan—the next to last state.

Governor Bush's misstatements on his Texas record do not end with uninsured children. In the debates, Vice President GORE pressed Governor Bush on the Texas record on the uninsured. Governor Bush said that Texas was spending \$4.7 billion a year for uninsured people. But it turns out that actually only one-quarter of that amount was being spent by the State of Texas. The vast majority of the spending was by hospitals and doctors for charity care, and by county governments, not by the state.

On the Texas record on the uninsured, Governor Bush claimed that the percentage of the uninsured in Texas had gone down, while the percentage of the uninsured in America had gone up. In 1998, the overall percentage of the uninsured dropped by identical amounts both nationally and in Texas—4.9 percent in Texas and 4.9 percent nationally. But, because of Governor Bush's inaction on children, the percentage of children in Texas who were uninsured dropped only half as much as the drop nationally—10 percent nationally and only 5.2 percent in Texas. When Governor Bush took office, Texas ranked second from the bottom of all 50 States in covering children and citizens of all ages. Today, after six years under his watch as Governor, Texas still ranks second from the bottom.

There is still time for the truth to be told. I am hopefully that every American will examine the records of the two candidates carefully. On health care, there should be no question at all as to which candidate stands with the powerful special interests and which candidate stands with the American people. The choice is clear. Governor Bush stands with the powerful, and AL GORE stands with the people.

I reserve the remember of my time.

The PRESIDING OFFICER. The distinguished Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, once again I would like to make the record clear. Since the distinguished senior Senator from Massachusetts focused on health care and children's health care, I would like to talk about the Texas record. I would like to talk about Governor Bush's leadership on health care for our children.

Under Governor Bush, the percentage of Texans without health insurance has gone down while the number of Americans without health insurance has gone up.

I also think it is worth mentioning that the Governor, along with the bipartisan legislature, took all of Texas' tobacco money, \$17.4 billion in tobacco money, and allocated almost every single penny—in fact, every single penny that was not put aside for education

programs to try to encourage young people not to smoke has gone for health care, health care for children, health care for indigents. The money, wisely, was put into trust, and every county in Texas reaps the benefit of that trust fund because the interest on the trust fund is spent in each county for indigent health care.

So I think Governor Bush and the Texas Legislature are to be commended for focusing on health coverage for the people of Texas and for the children of Texas. In fact, under the leadership of Governor Bush, Texas spent \$1.8 billion in new funding for health care for the uninsured. He also increased funding for childhood immunizations by \$330 million, resulting in an increase in the percentage of immunized children from 45 percent to 75 percent.

Mr. President, although I have to say, once again, I do not think it gets anyone anywhere to talk about the record in Texas, and misrepresent that record, I think it is very clear that Texas is one of the leading States in our Nation in taking care of children, in improving its public education system, and it has been a focus of Governor Bush and our Democratic speaker and our former Democratic Lieutenant Governor; We now have a Republican Lieutenant Governor. We have improved health care and education.

Mr. KENNEDY. May we have order, Mr. President? The Senator is entitled to be heard.

The PRESIDING OFFICER. The Senator from Massachusetts is absolutely correct. The Senate will be in order so the distinguished Senator from Texas can be heard.

The Senator from Texas.

Mrs. HUTCHISON. So I think Governor Bush's record is clear. I think the great speaker, Pete Leahy, working with the Governor, Bob Bullock, and Rick Perry, working with the Governor, have done very well in health care for the children and for the uninsured in Texas. Just as we are proud of the improvements in our public education system—and certainly we recognize every State has problems. I do not think it does much good to talk about the records of different States. But I do think if you look at the record of Governor Bush in Texas on these issues, you will be impressed that it was a priority and that we have been successful in improving public education, in covering our children under the SCHIP program, making more people eligible for these programs, and immunizing our children so they would be protected from the normal childhood diseases.

I stand by my Governor and by my State. Once again, I do hope we can stop the misrepresentation of the record.

Mr. SESSIONS. Mr. President, will the Senator yield for a question? Does the Senator from Texas yield for a question?

Mrs. HUTCHISON. I will be happy to yield to the distinguished Senator from Alabama.

The PRESIDING OFFICER. My question is, is the Governor given an important role in education under State laws of Texas? And does he play a big role in education?

Mrs. HUTCHISON. In Texas, actually—

The PRESIDING OFFICER. The time allocated to the distinguished Senator has expired.

Mrs. HUTCHISON. Let me just say, our Governor has made it a role for the Governor. He has been a leader. He had a program; he worked with the legislature to enact it; and it is successful.

I thank the Senator for the question.

BANKRUPTCY

Mr. KENNEDY. Mr. President, there are two additional important issues that I would like to discuss tonight. There are few clearer examples of this Republican Congress siding with powerful special interests against average people than the pending bankruptcy bill.

The bankruptcy conference report targets working men and women who comprise the vast number of Americans in bankruptcy. Two out of every three bankruptcy filers are workers who have lost their jobs because of layoffs or downsizing. One out of every five has huge debts because of health care expenses. Divorced or separated people are three times more likely than married couples to file for bankruptcy.

Working men and women in economic free fall often have no choice except bankruptcy. Yet, under pressure from the credit card industry, this Republican Congress is bent on denying all these innocent victims of financial hardship the safety net that the bankruptcy laws have provided for a century.

This legislation unfairly targets middle class and poor families, and it leaves flagrant abuses in place.

Time and time again, President Clinton has told the Republican leadership that the final bankruptcy bill must include two important additions—a homestead provision without loopholes for the wealthy, and a provision that requires accountability and responsibility from those who unlawfully—and often violently—bar access to legal health services for women. The current bill includes neither of these provisions.

The bill does include a half-hearted, loop-hole filled homestead provision. It will do virtually nothing to eliminate fraud. With a little planning—or in some cases, no planning at all—wealthy debtors will still be able to hide millions of dollars in assets from their creditors. For example, Allen Smith of Delaware—a state with no homestead exemption—and James Villa of Florida—a state with an unlimited homestead exemption—are treated differently by the bankruptcy system today. One man eventually lost his home. The other was able to hide

\$1.4 million from his creditors by purchasing a luxury mansion in Florida.

The Senate passed a worthwhile amendment to eliminate this inequity—but that provision was stripped from the conference report. Surely, a bill designed to end bankruptcy fraud and abuse should include a loop-hole-free homestead provision. The President thinks so. As an October 12 letter from White House Chief of Staff John Podesta says:

The inclusion of a provision limiting to some degree a wealthy debtor's capacity to shift assets before bankruptcy into a home in a state with an unlimited homestead exemption does not ameliorate the glaring omission of a real homestead cap.

Yet there is no outcry from our Republican colleagues about the injustice, fraud, and abuse in these cases. In fact, Governor Bush led the fight in Texas to see that rich cheats trying to escape their creditors can hide their assets under Texas' unlimited homestead law.

In 1999, the Texas legislature adopted a measure to opt-out of any homestead restrictions passed by Congress. The legislature also expanded the urban homestead protection to 10 acres. It allowed the homestead to be rented out and still qualify as a homestead. It even said that a homestead could be a place of business. This provision gives the phrase "home, sweet home" new meaning.

The homestead loop-hole should be closed permanently. It should not be left open just for the wealthy. I wish this misguided bill's supporters would fight for that provision with the same intensity they are fighting for the credit card industry's wish list, and fighting against women, against the sick, against laid-off workers, and against other average individuals and families who will have no safety net if this unjust bill passes.

The hypocrisy of this bill is obvious. We hear a lot of pious Republican talk about the need for responsibility when average families are in financial trouble—but we hear no such talk of responsibility when the wealthy and their lobbyists are the focus of attention.

The facts are clear. The bankruptcy bill before us is designed to increase the profits of the credit card industry at the expense of working families. If it becomes law, its effective will be devastating. It eminently deserves the veto it will receive if it ever reaches the White House.

IMMIGRATION

Mr. KENNEDY. Mr. President, another issue in which this Republican Congress is ignoring working families is immigration.

Action on the Latino and Immigrant Fairness Act is long overdue. The issues in this legislation are not new to Congress. The immigrant community—particularly the Latino community—has waited far too long for the funda-

mental fairness this legislation will provide.

The Latino and Immigrant Fairness Act keeps families together. It rewards immigrants who work hard and pay taxes, and it makes our immigration policies simpler and fairer.

Our proposal is based on the fundamental principle that immigrants in similar situations should be treated equally. The Latino and Immigrant Fairness Act includes parity for all Central Americans, and for Haitians and Liberians. In 1997, Congress enacted legislation granting permanent residence to Nicaraguans and Cubans who had fled their repressive governments. But Congress did not grant the same protection to other Central Americans and Haitians. The Latino and Immigrant Fairness Act will eliminate these disparities and create fair, uniform procedures for all of these immigrants.

The Latino and Immigrant Fairness Act will also change the registry cutoff date, so that long-time immigrants who have been residing in this country since before 1986 will qualify to remain in the United States permanently, and it will restore a provision to the immigration laws that was unfairly allowed to expire in 1997.

These proposals are pro-family, pro-business, fiscally prudent, and a matter of common sense. But that hasn't stopped the Republican leadership from opposing them and offering a blatantly inadequate substitute that pays lip service to fairness for Latinos and immigrants in our communities but denies them real help.

Under even the most generous interpretation, the Republican proposal ignores the vast majority of immigrants and families. It will perpetuate the current patchwork of contradictory and discriminatory provisions enacted by the Republican Congress in recent years.

Republicans propose two things. First, a new temporary "V" visa would be created that allows certain spouses and minor children of lawful permanent residents to enter or stay in the U.S. and be granted work authorization while waiting for their green card. To qualify for the visa, applicants must have had applications for entry pending for over three years.

On the surface, this may sound like a good idea. But it unfairly picks and chooses among family members, granting relief to some, but not to others. The GOP proposal perpetuates the piecemeal and discriminatory immigration policies we are seeking to end.

Second, the Republican plan would provide an opportunity for individuals to apply for green cards—but only if they were part of two particular class action lawsuits against the INS for improper handling of the 1986 amnesty program. This selective proposal is grossly inadequate. It provides relief only for individuals who sought counsel from a specific lawyer and joined a specific lawsuit, even though countless

other individuals affected by the INS ruling are left out. Also, of those people who are actually covered by this plan, less than 40 percent are expected to prevail.

Republicans acknowledge that the 1986 law was implemented unfairly. It is wrong and inconsistent to deny a remedy to all who were affected. It is wrong to help only those who were able to hire the right attorney, and who filled out the right forms. All eligible individuals should receive relief.

Governor Bush praises his trillion dollar tax break for the wealthy, and criticizes Democrats for supporting targeted tax relief that helps some individuals, but not others. It's obvious that Republicans don't care about uniformity when the issue is immigration. It's unfair and unjust to pick and choose among immigrants who will receive this well-deserved and long-overdue relief.

We have welcomed these individuals to the United States. They are part of our communities. We have come to know them as neighbors, friends, and colleagues. We should support those who have come here in their search for freedom, equality, and a better life. These are the same dreams our ancestors came here to find in the past.

It is essential to pass the real Latino and Immigrant Fairness Act and treat immigrants fairly. Hard-working immigrant families deserve this long-overdue relief, and they deserve it now.

The PRESIDING OFFICER. The minority controls the remainder of the time.

Mr. REID. I yield that time to Senator DORGAN.

The PRESIDING OFFICER. The Senator from North Dakota is recognized for 9 minutes 17 seconds.

THEY HAD THEIR CHANCE

Mr. DORGAN. Mr. President, I am not going to talk about Texas. There has been plenty of discussion about that tonight. I am going to talk about this country. I saw this morning an interview in which Governor Bush said: "They had their chance," talking about Vice President GORE, of course. "They had their chance." I want to talk about what has happened in the last 8 years.

It is important to remember exactly what the Clinton-Gore administration inherited and where we are. They had their chance. Let's talk about President Clinton and Vice President GORE.

In 1993, when they took office, we had a \$290 billion deficit that year, and it was rising. That deficit was exploding. Our economy was in trouble. Economists predicted slow anemic growth for an entire decade ahead. That is what the Clinton-Gore administration inherited.

Now, instead of the largest deficit in history, we have the largest surplus in history. Is that an accident? I don't think so. We had a vote in this Senate and they had a vote in the House on a

new plan to take this country to a new direction, and it passed by one vote—one vote in the House and one vote in the Senate. Not one member of the majority party voted for that in either the House or the Senate. We moved this country to a new direction. Now instead of the largest deficits in history, we have the largest surpluses in history.

This is a chart which shows what these deficits and surpluses were when Governor Bush said: They had their chance. This is what we inherited from President George Bush in 1992 and 1993: red ink that was growing every year. This country was choking on deficits, and every year, when we changed direction and created a new economic plan to give people hope that we would make the tough decisions to turn this country around, we have seen lower and lower deficits and finally surpluses. That is not an accident.

They had their chance, Governor Bush said. They turned the biggest deficits into the biggest surpluses. How about economic growth? In the 12 years prior to the Clinton-Gore administration taking office, average economic growth was 2.8 percent. Since then, economic growth has been on average 3.9 percent.

Jobs: 1988 to 1992 was one of the worst 4-year periods in history for the creation of jobs. In fact, I have a chart that I think will be useful to show in terms of the creation of jobs: In the Bush administration, 1988 to 1992, 2.5 million new jobs in 4 years. In 8 years, the Clinton-Gore administration had an economy that rebounded, and we had 22 million new jobs created in this country. They had their chance.

How about the unemployment rate? In 1981-1982, Reagan-Bush averaged 7.1-percent unemployment. Currently, there is 4.1-percent unemployment, the lowest level in 30 years.

Home ownership: From 1982 to 1992, home ownership fell in this country. Now it is the highest in history.

Welfare rolls increased 22 percent from 1981 to 1992. Now they have decreased by 53 percent.

The Dow Jones was 3,300. Now it is over 10,000.

Mr. TORRICELLI. Will the Senator yield?

Mr. DORGAN. I will be happy to yield.

Mr. TORRICELLI. I think the Senator is making an important point, but I would like him to supplement it because I, too, have been startled in hearing Governor Bush explain they had their chance to enact a Patients' Bill of Rights. Indeed, it is my memory that on more occasions than I can remember the Clinton-Gore administration, with support of Democrats in this House, attempted to have a Patients' Bill of Rights.

I heard Governor Bush say on prescription drugs that we promised it and had not delivered it; we had our chance. Indeed, the Clinton-Gore administration supported prescription

drugs and Democrats supported it in the Congress but failed.

Is my recollection of this correct, that we had our chance, we have attempted to do it but, ironically, the people who have stopped it are now the same people who constitute the Bush campaign?

Mr. DORGAN. The Senator is absolutely correct. They had their chance. What about the issue of the Patients' Bill of Rights? We were blocked by the majority party.

What about campaign finance reform? We have tried, tried, and tried and were blocked by the majority party.

What about a prescription drug benefit for the Medicare program? We have tried and tried and were blocked by the majority party.

How about the issue of education and providing some help to reconstruct and renovate and provide for better schools and better classrooms?

Mr. TORRICELLI. If the Senator will yield, can we focus on that one as well because I heard in debates Governor Bush said on education Clinton-Gore had their chance. Indeed, the President proposed 100,000 new teachers repeatedly and has been fighting for it every year—got it enacted at one point—including right up to tonight on school reconstruction, which has not been supported, to my knowledge, by Governor Bush, certainly not supported by his party in Congress. So indeed they had their chance on education, and the Clinton-Gore administration led on education as they led on health care.

Mr. DORGAN. The Senator is absolutely correct. We have had the longest economic expansion in American history. That did not happen by accident. Governor Bush says: Well, gosh, that's due to the American people. The American people worked hard in 1981, 1982, 1983, and 1984. The American people had as much ingenuity, as much tenacity to work hard then. But you need public policies in place that help them as well.

The public policies that the Clinton-Gore administration and the Democrats in Congress put in place in 1993 said we were going to stop these Federal deficits. We had a new fiscal policy. We turned this country around.

The American people understand that when they have hope for the future, they do things that reflect that hope. They buy cars; they buy homes; and they take vacations. They do the things that represent their hope for the future.

There was not much hope for a long while because every year the deficit was getting worse and no one wanted to do much about it, but the Clinton-Gore administration came in and said: We have a new plan and it will be a little tough. It was hard to vote for—in fact, so hard that not one member of the majority party voted for it.

I see on the floor my friend from Texas, Mr. GRAMM, whom we have quoted many times. He said: If you

pass this plan, this country is going to go into a tailspin. Those are not his exact words, but it is exactly what he meant.

Of course, he was wrong. This country passed a new economic plan and gave the American people confidence about the future. Guess what happened. The largest deficits in history turned into the largest surpluses in history. We have had the longest economic expansion on record—welfare rolls are down, home ownership is up, inflation is down. Almost every basic index in this country is better.

Mr. DURBIN. Will the Senator yield?

Mr. DORGAN. Yes, I will yield.

Mr. DURBIN. When the Senator from Texas—Governor Bush's home State—voted against the Clinton-Gore plan in 1993, he said: "This program is going to make the economy weaker, hundreds of thousands of people are going to lose their jobs as a result of this program."

Was the Senator from Texas correct as a result of the Clinton-Gore plan? Did hundreds of thousands of people lose their jobs?

Mr. DORGAN. Mr. President, the Senator from Illinois asked a question about job creation. This administration, during these 8 years, has seen 22 million new jobs created in this country. In the 4 years prior under President George Bush, 2.5 million new jobs were created. You will see this is one of the most robust periods of economic expansion in this country's history. Is it an accident? No. This administration had a new economic plan that said let's move away from growing and choking deficits and give the American people some confidence about the future. The result of it was that confidence manifested a growing economy that created new jobs and new opportunities. Every single feature of this economy has become better in the last 8 years, every single one. Unemployment, inflation, welfare, home ownership—in every single instance, things are better in this country.

This morning, when I heard the Governor say, "Well, you have had your chance," I would say, yes, this administration had its chance and it inherited a weak and troubled economy and turned it into a strong, vibrant, growing economy, and good for them.

It did not happen because they took the easy road. This was not the easy thing to do. In 1993, when they had the vote on the new plan, it passed by only one vote in the House and the Senate. We did not get even one vote on the majority side. We took our licks for voting for it, but history shows that what we created was the strongest economy in this world, and I think Vice President GORE and President Clinton and those who voted for that new plan in this Congress can take some pride in what the result of that plan has been.

Mr. LOTT. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The time allotted to the distinguished Senator has expired.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2001

Mr. LOTT. Mr. President, I understand the Senate has received the continuing resolution. I ask that the previous order now commence, and the clerk report the joint resolution.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 119) making further continuing appropriations for the fiscal year 2001, and other purposes.

The Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. The joint resolution having been considered read the third time, the question is, Shall the joint resolution pass?

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Missouri (Mr. ASHCROFT), the Senator from Missouri (Mr. BOND), the Senator from Kansas (Mr. BROWNBACK), the Senator from Montana (Mr. BURNS), the Senator from Colorado (Mr. CAMPBELL), the Senator from Idaho (Mr. CRAPO), the Senator from Wyoming (Mr. ENZI), the Senator from Tennessee (Mr. FRIST), the Senator from Washington (Mr. GORTON), the Senator from Minnesota (Mr. GRAMS), the Senator from North Carolina (Mr. HELMS), the Senator from Oklahoma (Mr. INHOFE), the Senator from Vermont (Mr. JEFFORDS), the Senator from Arizona (Mr. KYL), the Senator from Indiana (Mr. LUGAR), the Senator from Florida (Mr. MACK), the Senator from Arizona (Mr. MCCAIN), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Delaware (Mr. ROTH), the Senator from Wyoming (Mr. THOMAS) and the Senator from Tennessee (Mr. THOMPSON), are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) and the Senator from Montana (Mr. BURNS) would each vote "yea."

Mr. REID. I announce that the Senator from California (Mrs. BOXER), the Senator from Georgia (Mr. CLELAND), the Senator from North Dakota (Mr. CONRAD), the Senator from California (Mrs. FEINSTEIN), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Wisconsin (Mr. KOHL), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Vermont (Mr. LEAHY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Minnesota (Mr. WELLSTONE) are necessarily absent.

The result was announced—yeas 67, nays 1, as follows:

[Rollcall Vote No. 292 Leg.]

YEAS—67

Abraham	Feingold	Murray
Akaka	Fitzgerald	Nickles
Allard	Graham	Reed
Baucus	Gramm	Reid
Bayh	Grassley	Robb
Bennett	Gregg	Roberts
Biden	Hagel	Rockefeller
Bingaman	Harkin	Santorum
Breaux	Hatch	Sarbanes
Bryan	Hutchinson	Schumer
Bunning	Hutchison	Sessions
Byrd	Inouye	Shelby
Chafee, L.	Johnson	Smith (NH)
Cochran	Kennedy	Smith (OR)
Collins	Kerrey	Snowe
Craig	Kerry	Specter
Daschle	Landrieu	Thurmond
DeWine	Levin	Torricelli
Dodd	Lincoln	Voinovich
Domenici	Lott	Warner
Dorgan	Mikulski	Wyden
Durbin	Miller	
Edwards	Moynihan	

NAYS—1

Stevens

NOT VOTING—32

Ashcroft	Frist	Lieberman
Bond	Gorton	Lugar
Boxer	Grams	Mack
Brownbak	Helms	McCain
Burns	Hollings	McConnell
Campbell	Inhofe	Murkowski
Cleland	Jeffords	Roth
Conrad	Kohl	Thomas
Crapo	Kyl	Thompson
Enzi	Lautenberg	Wellstone
Feinstein	Leahy	

The joint resolution (H.J. Res. 119) was passed.

Mr. DEWINE. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EUROPEAN SECURITY AND DEFENSE POLICY

Mr. WARNER. Mr. President, on October 10, 2000, the Center for Strategic & International Studies (CSIS) hosted an important luncheon discussion on the European Union's evolving European Security and Defense Policy (ESDP). The guest speakers at that luncheon were Ambassador Christopher Meyer of Great Britain, Ambassador Juergen Chrobog of Germany, and Ambassador Francois Bujon de l'Estang of France. Senator LEVIN and I were privileged to sponsor this luncheon on Capitol Hill, in the Senate Armed Services Committee hearing room. Attendees at this luncheon included a prestigious group of former ambassadors and administration officials, representatives from industry, policy and research organizations, and senior congressional staff from both the House and Senate.

Since December 1999, when the European Union (EU) Heads of State announced at a summit meeting in Helsinki their "determination to develop an autonomous capacity to take decisions and, where NATO as a whole is not engaged, to launch and conduct EU-led military operations in response to international crises," there has been a great deal of discussion and debate about the development of a common European defense identity. While I commend our European allies for their

willingness to do more militarily, I have been concerned about the impact of an ESDP on the NATO Alliance.

My views on the development of the European Security and Defense Policy start with the basic premise that NATO has been the most successful military alliance in history. NATO won the cold war; it is now plying an instrumental role in keeping the peace in Europe. Whatever is done in the context of an ESDP, it must not weaken NATO.

There are a number of questions concerning the content of an ESDP—questions I, Senator LEVIN, and others raised at the October 10 luncheon. For example, Europeans are discussing increasing their military capabilities at a time of declining defense budgets, in a number of NATO partners. How is an added military capability possible with less money? Will ESDP developments—particularly the establishment of EU military structures—take valuable and scarce resources away from NATO military capabilities? How will the EU military force interact with NATO? Will NATO have the right of first refusal—or veto power—over an EU-led military operation?

These are important questions that should be answered. During the meeting on October 10, the Ambassadors provided valuable insight into the development of an ESDP. I commend their participation in today's forum. I ask unanimous consent that the opening statements of the three Ambassadors be printed in the RECORD.

I will continue to monitor these developments and keep the Senate informed.

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

SPEECH BY AMBASSADOR CHRISTOPHER MEYER
EUROPEAN SECURITY AND DEFENSE POLICY
(ESDP) AND ITS IMPLICATIONS FOR THE UNITED STATES AND NATO

In October 1998 Tony Blair launched an initiative on European defense in a speech at Pörschach.

He had been dismayed by the inadequacy of European diplomatic and military performance in the Balkans. It undermined the credibility of the EU's common foreign and security policy. It corroded the Atlantic alliance by giving comfort to those in the U.S. who argue that the Europeans refuse to assume their share of the burden.

He saw that the Europeans lack military transportation over long distances; logistical support to sustain fighting forces for long periods away from home; and enough capabilities such as airborne surveillance, precision-guided munitions and command, control and communications. The Kosovo campaign in particular showed up these deficiencies.

Blair's aim was, and remains, three-fold: To strengthen the AEU's capacity to act internationally in a more effective manner; to deliver a step-change in Europe's ability to manage crises; and to strengthen the European Contribution to the Atlantic alliance, in particular through more robust European military capabilities.

In the British view this is overwhelmingly in the interests of the U.S., the alliance and of Europe.

Since Blair's speech, he and president Chirac have been the main drivers of this ini-

tiative. The British-French St. Malo declaration was the first land-mark. But, of course, over the last two years, the full memberships of the EU and NATO have become increasingly involved, notably Germany.

My colleagues will speak to you about the implications of this initiative for the U.S. and NATO; about the current state of play; and about next steps.

I want to make only two observations.

The first is that the initiative has made extraordinary progress in less than 2 years:

Last December, at Helsinki, the EU set itself a headline goal: to be able by 2003 to deploy 60,000 troops at 60 days' notice for operations lasting at least a year. By the end of this year we should have identified who will need to do what to make this goal reality; and we ought to have in place key element of EU/NATO arrangements, as well as necessary internal EU structures. My colleagues will say more about this.

My second observation is that behind the official statements of welcome for this initiative, there has been chronic suspicion and skepticism on this side of the Atlantic, especially on Capitol Hill. Why?

First, there is a long-standing schizophrenia at work. For decades you have been telling the Europeans to get their act together: one emergency phone number, please. But whenever we show signs of doing what you ask, you become suspicious and anxious that we are doing things behind your back. European defense initiative has been much afflicted by this schizophrenia. Damned if we do, damned if we don't.

Second, some of you don't actually believe we will ever put our money where our mouth is and increase European military effectiveness. But, Britain and, I'm sure, France and Germany are determined to make a reality of this initiative. Britain has just increased its military budget accordingly. The capabilities commitment conference will be held precisely to pin member-states down to concrete commitments. The UK has already made clear that it will offer a pool of land forces adding up to about 20,000, of whom a maximum of 12,000 would be deployed in any one scenario. The pool would allow deployment of one a group of armored, mechanized or air assault brigades, with probably two additional brigades in support (e.g. Artillery, air defense, attack helicopters, HA and signals).

The UK defense budget is rising in real terms. Procurement plans announced this year include four C-17 strategic lift aircraft with more to follow; maverick precision guided munitions and new air-to-air missiles for the Eurofighter; two new aircraft carriers and six new type-45 destroyers; new command, control and intelligence systems.

Third, you sometimes exaggerate the share of the burden the U.S. have to assume. Its true you flew most of the sorties in the Kosovo campaign. That is something we Europeans have to rectify. But don't forget that today in Kosovo, 85% of the NATO-led force comes from Europe. So does most of the civil aid. That's how it should be.

Fourth, the question is asked why it is necessary to introduce the EU into the equation, when there is already a security body called NATO, of which 13 out of 15 members are European. Isn't, the skeptics ask, the European defense initiative really about replacing NATO as the basis for collective European defense and cutting transatlantic security ties? This is perhaps the most deep-seated of U.S. concerns.

The answer to this last question is an emphatic "no", as my colleagues will confirm. NATO will remain the bedrock of our defense and that of European allies. This initiative is not about replacing NATO or undermining its role in collective defence and other de-

manding crisis management missions. No-one in Europe is suggesting an EU role in collective defence. European allies have made perfectly clear, in actions as well as in declarations, our preference to act alongside the U.S. wherever possible, particularly in high intensity operations.

Instead, this initiative is about other cases, where the U.S. does not want to be involved, "putting out fires in our backyard", as French defence minister Alain Richard has put it. With the U.S. where you want to be present, otherwise on our own. "Separable, but not separate".

Bear in mind that we are not writing on a blank piece of paper. Rather than creating a new security body, we are replacing an existing body that has not proven effective enough—the western European union—by one with far greater political, financial and organizational muscle—the European union. We are trading up for a more useful instrument. But our aims have not changed: a more effective European defence, organically linked to NATO and its structures.

Submerging Western European Union (WEU) functions into the European Union (EU), we simplify not multiply European security structures. We end an artificial separation between hard defence in NATO and WEU, from foreign and security policy in the EU. EU policies should become less declaratory, more hard-headed. That will be good for us all.

Finally, let me underline one point that Tony Blair has made clear, repeatedly, right back to his first speech in October 1998: this initiative should be judged, and we ourselves will measure its success, by whether there is a real improvement in military capabilities. We are under no illusions about the difficulty. But it has been and remains the central aim of the initiative.

SPEECH BY AMBASSADOR JURGEN CHROBOG
EUROPEAN SECURITY AND DEFENSE POLICY
(ESDP) AND ITS IMPLICATIONS FOR THE UNITED STATES AND NATO

Now that Sir Christopher has outlined how ESDP came into being and what it is all about, I would like to concentrate on the contribution ESDP will make to NATO and the transatlantic partnership. In doing so, I'll try to address some of the questions that have been raised in this country about ESDP. I'll certainly be happy to discuss them in more detail later on. Christopher Meyer's remarks have pointed out why ESDP is vital to further European integration. With ESDP, the European Union has committed itself to making essential progress towards a political union which is underpinned by credible political and military action. But ESDP is of equal importance to NATO, the U.S., and the transatlantic relationship—and not just because a strong Europe is very much in the interest of the United States.

To underpin this, I would like to make four brief points:

First: ESDP will enable Europeans to engage in crisis management, principally on the European continent. ESDP is an historic step towards strengthening the military capabilities of the Europe NATO partners. In this respect, it is a product of the lessons learned from Bosnia and Kosovo. ESDP enhances the ability of the EU to make decisions in crisis management. With ESDP, Europe will be able to perform a broad spectrum of missions ranging from civilian conflict prevention to military crisis management. These include humanitarian assistance, evacuation measures during crisis situations in third countries, and military peace-keeping and peace-enforcing—all of which we refer to as the "Petersberg Task." I would

like to mention here the efforts to enhance European capabilities predates the St. Malo agreement of 1998 by a few years. In June 1992, on German initiative, a WEU Ministerial meeting near Bonn first outlined the "Petersberg tasks" which later became the basis for ESDP objectives. Within the framework of ESDP, the EU will develop tools for civilian crisis management, including a task force of police officers ready to deploy on short notice. This will make the EU the only multilateral organization that can offer the full range of conflict management measures.

Second: By developing European capabilities in key military areas, ESDP will make a substantial contribution to transatlantic burden-sharing. These new capabilities include command and control, strategic intelligence, and strategic airlift—just to name the most important ones. These priorities will also play an important role in the reform of the German armed forces which has recently begun. This reform will triple the number of troops that Germany will be able to rapidly deploy from 50,000 to 150,000. This increase in the readiness forces will enable the Bundeswehr to participate in one major operation with up to 50,000 soldiers for a period of up to one year or two medium sized operations, each with up to 10,000 soldiers for several years, a significant improvement over current capabilities as demonstrated by the 7,500 men presently deployed in the Balkans. Germany will thus be in a better position to meet its responsibilities within NATO and the European framework. Germany's defense budget will increase by 3.2% in 2001. As you know, a German-French initiative is already underway on establishing a European air transport command—a way to combine financial resources to achieve the required capability quality and quantity. The modernization of European forces will be harmonized with NATO's Defense Capabilities Initiative and thus simultaneously contribute to both the European and NATO force goals. Senator Chuck Hagel of Nebraska said it very plainly in his recent article for "Defense News" (3.7.2000), and I quote "Greater European military capabilities will make the alliance stronger, lift some of the burden the United States now carries in having to act in every crisis, and make the U.S.-European relationship a more equal one." End of quote. I could not agree more. A strong Europe is good for the United States. For this very good reason, not only Senator Hagel but also a whole generation of American politicians before him have been calling for exactly the same steps which we are now taking with ESDP.

Third: Within NATO, ESDP will strengthen the transatlantic link. The European Union will use its crisis management capability to complement and reinforce NATO. There may be occasions when the U.S. is not inclined or, for other reasons, is unable to dispatch American troops to deal with a conflict in Europe which needs to be addressed. This is precisely the type of scenario in which ESDP can play a role. Let me be clear: The EU is not competing with NATO. The Europeans will take care of business "where NATO as a whole is not engaged" (European Council Helsinki, Dec. 1998). There will be no separate European army. There will be no unnecessary duplication of assets or capabilities between NATO and the European Union. In fact, the EU might require NATO assets to conduct EU-led military operations. ESDP reflects the EU's willingness to shoulder more of the burden of safeguarding peace and democracy. As the New Strategic Concept of the Alliance, which was endorsed at NATO's Washington summit in April 1999, states: "The increase in the responsibilities and capacities of the European allies with respect to security and defense enhances the security environment of the alliance."

And finally, my forth point. The EU will include other European countries in ESDP. Procedures are being put in place to allow the six European NATO members which are not EU member states and possibly other contributing states to fully participate in European-led operations. That includes the Eastern and Southeastern countries that are candidates for EU membership. ESDP thus reinforces and broadens the security umbrella of NATO.

To sum up: EU and NATO have very different backgrounds, histories and structures. They will not detract from each other, but grow closer in values, convictions, and actions. For the European Union, and Germany in particular, the transatlantic partnership and the U.S. political and military presence in Europe remain the key to peace and security on the European continent. And one thing is absolutely certain: NATO remains responsible for the collective defense of Europe. NATO will not lose any of its importance, and ESDP will strengthen the European Union and NATO.

SPEECH BY AMBASSADOR FRANCOIS BUJON DE L'ESTANG

EUROPEAN SECURITY AND DEFENSE POLICY (ESDP) AND ITS IMPLICATIONS FOR THE UNITED STATES AND NATO

I would like to thank Dr. Hamre and Simon Serfaty for this excellent initiative taken by the CSIS.

From St. Malo to today, some apprehension has been expressed on Capitol Hill regarding European security and defense policy. This apprehension has been largely due, I believe, to misconceptions and lack of understanding of our intentions and our objectives. Perhaps terminology has not helped either, with the European predilection for ominous acronyms

After the excellent presentations of my British and German colleagues, there is little left to add. However, there is only one thing worse than a European conspiracy: a French-inspired European conspiracy. According to a rather popular theory in Washington, ESDP is a dark and dangerous plot organized by France to finally break up the Atlantic Alliance with the unknowing complicity of its blind European partners. Therefore, people are undoubtedly paying close attention to the current French Presidency of the EU. Let me spend a few minutes to shed some light on our plans until December 31, and briefly go over the goals—and achievements—of our current presidency in order to dispel and doubt that might still be lingering in your minds.

1. To quote Lord Robertson, ESDP is about three things: capabilities, capabilities and capabilities. I wholeheartedly subscribe to this assertion, for at least two reasons: first of all, France has always prided itself, on a national level, with a strong commitment to robust defense capabilities, and our present forces are there to show it—it is only natural that we attempt to pursue our European endeavor with the same priority. Second, because capabilities are the key to the success of ESDP, in terms of political credibility of course but also in terms of our military objectives.

Let me tell you what our projects are in terms of capabilities:

As you all know by now, at Helsinki, last December, the fifteen heads of State or Government set themselves two series of targets in terms of military capabilities.

On the one hand, the quantitative so called "head-line goals" (60,000 troops rapidly deployable, self-sufficient for a whole year with the necessary air and naval support);

On the other hand, qualitative targets regarding collective capabilities in areas such

as command and control, intelligence and strategic transport. What we are doing today is to transform these political objectives into concrete goals, in a very detailed manner. In political objectives into concrete goals, in a very detailed manner. In other words, the dozen or so lines in the Helsinki conclusions on capabilities have, thanks to an alchemy performed by EU military planners with input from their NATO colleagues, turned into some 50 pages of specific requirements.

This allows us to match up what we need to what we currently have, and of course measure the gaps, which we will aim to close at the Capabilities Commitment Conference, to be held in Brussels next November 20 by Defense Ministers of the 15. This event will allow each member State to make pledges toward meeting these requirements. We also aim to decide, before the end of our Presidency, on a European review mechanism that will allow us to continue narrowing the gap until 2003, and more generally to review the nature and composition of European military forces.

Just to give you a flavor of this work, which suddenly makes all of these debates very real: the Defense Ministers of the 15 agreed, two weeks ago, that in order to fulfill the Helsinki objectives the EU needed: 80,000 troops in order to allow for a simultaneous contingency and still be able to project 60,000 as agreed (allowing for rotations, this means of course 200,000 to 230,000 troops); 300 to 350 fighter planes; some 80 combat ships . . . these are just some of the elements in this catalogue of forces that have been agreed. I could also mention strategic lift, UAVs, amphibious landing ships . . .

I would like to mention in passing that, as you can see, we are not just aiming at operations on the low end of the peace-keeping spectrum as I have sometimes heard. Does this mean that we would be able, in 2003, to carry out an operation such as "Allied Force" entirely by ourselves? Of course not—and it would be dangerous to create such expectations. But the imbalance between U.S. and European forces which we witnessed last year would be substantially reduced—and 2003 will be an important stepping stone on the path to such a capability, which we need to keep as a longer-term goal in order to be prepared for all non-article 5 contingencies.

3. I often hear people complaining about the fact that the EU is not working to improve its capabilities, but just creating new institutions. This is inaccurate on both counts: as I have just pointed out, we are actively working on reinforcing our capabilities. As for institutions, I would agree with Sir Christopher that we are re-organizing, not multiplying European institutions. As we have reiterated at the last European Councils, our goal is to develop an autonomous capacity to take decisions and, where NATO as a whole is not engaged, to launch and conduct EU-led military operations in response to international crises". The capacity to take decisions and to conduct EU-led military operations requires the adequate political-military decision-making structures, procedures and expertise. During our Presidency, we are working hard in order to allow these new EU structures (the Political and Security Committee, the Military Committee and the Military Staff) to get up and running in their permanent configuration, taking over from their interim one. These bodies are analogous to those that existed in the past in the WEU, and which will be disbanded.

I might add that those new institutions that are being created are those which fulfill the objective of allowing consultation and cooperation with NATO and with non-EU

countries, two goals that I know are very dear to many of those here today, as they are indeed to us. Under our Presidency, we have already held a joint meeting between the North Atlantic Council and the Interim Political and Security Committee (and there will be more to come), as well as several meetings of the newly set up joint working groups between the EU and NATO. These are needed to address, in a pragmatic and solution-oriented way, the issues that the two organizations need to work out together (access to NATO assets, information security, etc.) and to work out the elements of the long-term EU-NATO relationship. We have also set up an inclusive forum for the 15 European non-EU partners and, within this forum, for the 6 non-EU NATO allies. Several meetings have also already been held in the two months that have gone by since we took up our presidency. These countries will, of course, be closely associated to the November Capabilities Commitment Conference.

One final word: after having gone into such detail into our current projects, just to give you a taste of how complex this whole endeavor is and how seriously we are taking our task, I wouldn't want the trees to hide the forest.

The crucial element to bear in mind is that we are at a turning point in the history of the European Union, of the Atlantic Alliance and of transatlantic relations. There is much at stake, both for the future of the EU's foreign and security policy, and therefore for our ability as Europeans to play our role on the world stage, and for the transatlantic link as well. We have taken the full measure of what is at stake and are pleased to see that quarreling and suspicion have given largely given way, on this side of the Atlantic, to a better understanding of our common interests and our shared objective.

BRIAN BENCZKOWSKI

Mr. DOMENICI. Mr. President, at the end of this session of the 106th Congress Brian Benczkowski will be leaving my staff. Brian has worked on the Hill since his third year in law school. He started as an intern while still in law school, served as the senior analyst for judiciary issues for the Senate Budget Committee, and worked closely with my general counsel to develop, and enact, over the President's veto, the Securities Litigation Reform Act of 1995.

Brian was my counsel for the second round of Whitewater hearings and was part of the team for the historic impeachment trial of President Clinton. Brian worked on Juvenile Justice legislation, and helped me take on the Mexican drug lords.

He learned the highway, airport and other infrastructure needs of New Mexico as well as any Highway and Transportation Secretary in any Governor's cabinet. He was knowledgeable on immigration issues and helped my case-workers with the really tough, but worthy immigration problems that are a daily fact of life in a border state. Just to prove that Brian had a soft side, he was my staff person for Character Counts during the 106th Congress.

Brian was instrumental in drafting the claims process legislation for the victims of the Cerro Grande fire. From the date that the fire first started to the day that the President signed the bill, complete with the \$640 million to pay the claims, was fifty days. It is a good legislative product, and it proved that the delegation and the Congress could be bipartisan and act expeditiously in an emergency.

Brian is a talented lawyer, a caring and hard working member of my staff.

For a young man raised in Virginia, taught the law in Missouri with parents now living in Connecticut, he has made many New Mexico friends, developed a taste for green chile and amassed an understanding of the border. At one point I remarked that his Spanish was as good as any other staff member in my office.

So what is it that such a talented young man would choose to do when leaving Capitol Hill?

Banking legislative assistants and counsels with backgrounds in securities often end up at the Securities and Exchange Commission, the Commodities Futures Trading Commission or at one of the Wall Street firms. However, the typical career path wouldn't do for this untypically talented young lawyer. He is going to New York to work for the first, real sports stock market.

This new sports stock market will list the baseball and other trading cards of today's marquee athletes and major league sports rising stars. Just like any major stock exchange, the exchange is a market maker. Just like E-trade or Ameritrade people will have sports brokerage accounts.

Brian is a baseball fan, former baseball player and a font of knowledge when it comes to sports. As a former minor league baseball player myself, I know baseball and am a fan of most other sports. ESPN was a great invention that adds to most men's enjoyment of life, sports and the pursuit of happiness. Hopefully, this new sports stock exchange will add another dimension to the way we all follow sports.

Many of us share a passion for sports, but very few of us get to take that passion, and merge it with the law, get an impressive title like assistant general counsel, receive a pay check and stock options. However, Brian is going to do just that at thePit.com. I wish him and his new company every success.

MESSAGE FROM THE HOUSE

At 7:30 p.m., a message from the House of Representatives, delivered by Ms. Kellaher, one of its reading clerks, announced that the House has passed the following joint resolution, in which

it requests the concurrence of the Senate:

H.J. Res. 119. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

ENROLLED BILLS SIGNED

A message from the House of Representatives, delivered by Ms. Kellaher, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 119. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

ORDERS FOR MONDAY, OCTOBER 30, 2000

Mr. DEWINE. Mr. President, on behalf of the distinguished majority leader of the Senate, I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 5 p.m. on Monday, October 30, 2000. I further ask consent that on Monday, immediately following the prayer, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to a period of morning business until 7 p.m., with Senators speaking for up to 10 minutes each, with the following exceptions: Senator REID, or his designee, from 5 to 6 p.m.; Senator DOMENICI, or his designee, from 6 to 7 p.m.

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

PROGRAM

Mr. DEWINE. Mr. President, for the information of all Senators, the Senate will convene tomorrow at 5 p.m., with up to 2 hours for morning business, with Senators REID and DOMENICI in control of the time.

Under the previous order, there will be a vote on a continuing resolution at 7 p.m. That will be the first vote of the day. However, other votes may be necessary during tomorrow evening's session. Good-faith negotiations are ongoing, and it is hoped that an agreement can be finalized this week.

RECESS UNTIL 5 P.M. TOMORROW

Mr. DEWINE. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 7:58 p.m., recessed until Monday, October 30, 2000, at 5 p.m.

EXTENSIONS OF REMARKS

CONGRATULATIONS TO SEIU ON 25 YEARS OF SERVICE

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Sunday, October 29, 2000

Mr. PAYNE. Mr. Speaker, on Saturday, October 28th, I had the privilege of attending the 25th anniversary celebration of an organization which has led the way in offering improved opportunities and a better quality of life for working men and women, the Service Employees International Union. Honored at the event were President and Co-founder John "JJ" Johnson and all the Charter members of Local 617. The program featured union members, friends and supporters, including Newark Mayor Sharpe James; former President Curtis Grimsley; Patricia Ford, SEIU International Executive Vice President; Carol Graves, Essex County Registrar; and Thomas Giblin, Essex County Democratic Chairman.

Three decades ago, when public sector employees in my home city of Newark, New Jersey, and throughout the nation had not yet begun to organize, Service Employees International Union took the historic initiative of chartering Local 617. In February of 1976, Local 617 began to negotiate with the Newark Board of Education for its first contract. When no satisfactory results were reached, the members voted to strike. With strong support from the Newark community, members remained on strike for 12 days. SEIU President Curtis Grimsley and Executive Vice President John Johnson met with Governor Brendan Byrne and requested his intervention to reach a settlement of the dispute. The strike ended with an understanding that both parties return to the table and bargain in good faith and agree to binding mediation.

Since 1976, Local 617 and Local 3 jointly negotiated contracts with the Newark Board of Education. After the contract was settled in 1976, President Curtis Grimsley and Executive Vice President John Johnson were subpoenaed to appear in court, and a fine was imposed on Local 617. Personal fines were imposed on President Grimsley and Executive Vice President Johnson and they were placed on two years probation because of the strike. In 1977, Local 617 organized the City of Newark Crossing Guards, who went on strike after there was no progress during negotiations. A contract was eventually reached after Mayor Kenneth Gibson met with the Union leadership. That same year, Local 617 established a Community Service Plaque Award for Community involvement to be presented to a student from each of the Newark High Schools.

The Local also successfully petitioned to represent the Bus Attendants of the Newark Board of Education. In 1978, there was a 3-day strike which led to approval of a benefit package for the membership consisting of prescription drugs coverage, dental care, vision care and temporary disability, benefits which members still enjoy today.

In 1990, Local 617 organized the Newark Pre-school Employees. That year, 250 workers went on strike with the support of the parents and the community. This strike, lasting 7 weeks, was the longest in the history of Local 617. Since that time, SEIU has been certified to represent additional units, which include Community Day Nursery, Christ Church Day Care Center, Mary E. Wheeler Willis Educational Center, Irvington Housing Authority, HOPES, Irvington Crossing Guards, City of Newark Department of Public Works, City of Newark 911 Communication Operators and the Jersey City Head Start Program. The Union also obtained an affiliation agreement with the International Union, which merged Local 305 of the Newark Housing Authority into Local 617. The Local has also affiliated with Joint Council 33, the Eastern Conference of Service Employees, the New Jersey AFL-CIO, Essex West Hudson Labor Council, the Industrial Union Council, the Council of Union Employees, and the A. Randolph Institute.

Mr. Speaker, I know my colleagues here in Congress join me in congratulating Local 617 of the SEIU, an organization which has grown from 25 members in 1969 to over 3000 today, as they continue to champion the rights of working men and women.

PERSONAL EXPLANATION

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Sunday, October 29, 2000

Mr. EHLERS. Mr. Speaker, on rollcall No. 572, I was unavoidably detained. Had I been present, I would have voted "yea."

HONORING JIM MOUER OF SACRAMENTO, CALIFORNIA

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Sunday, October 29, 2000

Mr. MATSUI. Mr. Speaker, I pay tribute to a truly outstanding citizen of Sacramento, Jim Mouer. He will be retiring after over 45 years of service in the baking industry and 21 years of working for BCTGM Local 85. As his friends and family gather to celebrate on Saturday, October 28, I ask all of my colleagues to join with me in saluting his remarkable career.

Jim Mouer was born on September 27, 1935 at County Hospital on Stockton Boulevard in Sacramento. He graduated from Sacramento High School in June 1954. After attending Sacramento City College, Jim went on to work as a bakery apprentice at Hearts Bakery. His career continued as a baker with several employers, including his own bakery with his father. He eventually joined Continental Bakery (Wonder Bread) in 1960.

After 19 years with Wonder Bread, Jim went on to become Secretary/Treasurer of the

Bakers Union, Local 85. Since then, he has guided the Union in contract negotiations and related matters.

In addition to his work with BCTGM Local 85, Jim Mouer was instrumental in the rebirth of the Coalition of Organized Labor, an organization dedicated to the sharing of ideas and uniting the labor community. In 1984, Jim and fellow labor leaders Chuck Brooks, Obie Brandon, and Tom Lawson recognized the need to organize various local unions with the intent of creating a better working relationship among the various labor groups. The Coalition was able to achieve numerous goals including promoting Union Solidarity, establishing coordinated boycott actions, and educating members.

In retirement, Jim will have the opportunity to spend more time with his strong, growing family. He and his wife Audrey have six children, ten grandchildren, and four great-grandchildren.

Mr. Speaker, as Jim Mouer's friends and family gather to celebrate his retirement, I am honored to pay tribute to a truly remarkable citizen of Sacramento. His contributions to our area have indeed been commendable. I ask all of my colleagues to join with me in wishing him and his family continued success in all their future endeavors.

IN MEMORY OF RONALD RONNY FINGER AS THE COMMUNITIES IN SCHOOL 2000 BACK TO SCHOOL GALA HONOREE

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Sunday, October 29, 2000

Mr. BENTSEN. Mr. Speaker, today I honor the memory of an extraordinary man, Ronald Jack "Ronny" Finger of Houston, whom is being honored posthumously at the Communities in School Back To School Gala in Houston, Texas on November 4, 2000. His passing was a tremendous loss for his family, including his wife Linda and their three children, Scott, Jan, and Cristina, and his friends. But, we are all richer in spirit and community for the time he was with us.

A distinguished businessman and dedicated community advocate, Ronny Finger contributed in countless ways to building a better future for Houston, especially the city's Jewish community, the arts, and education.

Born in Houston to Hyman and Bessie Finger, he graduated in 1960 from the University of Texas and served as a lieutenant in the Navy. Two years later, he joined his brothers Marvy and Jerry in the Finger Cos., a major developer of real estate and multifamily housing. During the 1970s he was the president of the Houston and Texas Apartment Associations and Vice President of the National Apartment Association.

Ronny became fervently involved with Communities in School (CIS) after visiting the CIS

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

program at Austin High School in 1992. He was so impressed by the effectiveness of this program he joined the CIS Board of Directors in 1994, and he and his wife, Linda, underwrote the CIS program at Key Middle School from 1997 to 2000. The CIS Dropout Prevention Program provides children with needed school supplies, tutoring, family counseling or assistance, or a safe haven during the after-school hours. During the 1999–2000 school year, 74 Houston area schools participated in the CIS program and served nearly 29,000 at-risk children. These students had a 98 percent graduation rate, a 98 percent stay in school rate, and 80 percent saw a marked improvement in academics, behavior, and/or attendance.

Ronny Finger was also a dedicated and valuable member of the Museum of Natural Science Society, Houston Symphony Society, Anti-Defamation League, Houston Women's Area Center, and the Salvation Army. And, he was a dear friend to my family and me. Mr. Speaker, I honor the memory of Ronny Finger. He is missed, but his commitment to our youth and community live on as a tribute to his life.

REVEREND HOWARD'S HISTORIC
ROLE AT BETHANY BAPTIST
CHURCH

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Sunday, October 29, 2000

Mr. PAYNE. Mr. Speaker, today—Sunday October 29th—marks a very special occasion at the historic Bethany Baptist Church in Newark, New Jersey, with the conclusion of a three-day installation celebration for the new pastor, The Reverend Dr. M. William Howard, Jr. I was pleased to be among the many well-wishers who attended the solemn morning worship service to officially welcome Reverend Howard, under whose dynamic leadership Bethany Baptist will continue to flourish and to reach even greater heights.

Bethany Baptist, the oldest African American Baptist Church in Newark, was founded in 1871. Underscoring the church's strong emphasis on community involvement and cultural commitment, the building itself was designed to resemble an African hut. Ministries of the church include a senior citizen center, AIDS ministry, hospice program, computer literacy program, prison ministry, race track ministry for jockeys, a farmer's market, support for foster children, and missionaries in Africa, Asia, and the Caribbean.

Reverend Howard served as President of New York Theological Seminary, a graduate school of theology committed to increasing the capacity of church workers as they strive to make a positive difference in their congregations and their communities, from 1992 to 2000. In recognition of his work, the Arthur Vining Davis Foundations named NYTS the recipient of its Award for Excellence for the year 2000. Prior to assuming the presidency at NYTS, Rev. Howard was for 20 years a member of the national staff of America's oldest Protestant denomination—The Reformed Church in America. He also served as moderator of the World Council of Churches/Programme to Combat Racism, President of the National Council of Churches, and President

of the American Committee on Africa. An activist for social justice at home and abroad, Reverend Howard was a leading participant in the movement against apartheid in South Africa for two decades. His strong moral stand prompted the former apartheid government to deny him a visa to visit South Africa. When Nelson Mandela made his first visit to the U.S., Reverend Howard chaired the committee which organized the interfaith worship service at the Riverside Church at which Mr. Mandela was welcomed to New York. In 1979, during the hostage crisis in Iran, Dr. Howard conducted Christmas worship for Americans being held captive at the U.S. embassy, and in 1984, he chaired the delegation which along with the Reverend Jesse Jackson succeeded in obtaining release of a U.S. Navy pilot being held prisoner in Syria after having been shot down during a bombing mission over Lebanon. His work has taken him to Cuba, the former Soviet Union, the People's Republic of China, Central America and the Middle East.

Reverend Howard, a native of Americus, Georgia, is a graduate of Morehouse College and Princeton Theological Seminary. He holds several honorary degrees, keys to cities and awards from many organizations. A member of Sigma Pi Phi Fraternity and the Council of Foreign Relations, he has served as Secretary of the Association of Theological Schools, a member of the New York City Board of the Enterprise Foundation, and a commissioner of the Schomburg Center for Research in Black Culture.

Mr. Speaker, I know my colleagues in Congress join me in congratulating Reverend Howard and his wife Barbara Jean, who are the parents of three children, as he officially assumes this new leadership role at the historic Bethany Baptist Church.

PERSONAL EXPLANATION

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Sunday, October 29, 2000

Mr. EHLERS. Mr. Speaker, on rollcall No. 573, I was unavoidably detained. Had I been present, I would have voted "nay".

THE 50TH ANNIVERSARY OF THE
BELARUSAN-AMERICAN ASSOCIATION

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Sunday, October 29, 2000

Mr. PALLONE. Mr. Speaker, I would like to congratulate the Belarusan-American Foundation on the auspicious occasion of its 50th anniversary. I am very proud of the fact that Central New Jersey is home to a significant Belarusan-American community. I happen to be very close to one particular member of the Belarusan-American community in this area: my wife, Sarah.

While we are here to celebrate, we must also recognize that Belarus has not made the successful transition to democracy like Poland, Slovakia, and as recently as this month, Serbia. Over nearly a decade of independence,

the promise of democracy, freedom of expression and association, and the flowering of a national identity have not come to pass for the Belarusan people. The fault for this sad state of affairs rests, as all of us know, with President Aleksandr Lukashenka. The President has illegally extended his term of office beyond the legally mandated expiration date. Throughout his tenure, President Lukashenka has monopolized the mass media, undermined the constitutional foundation for the separation of powers, used intimidation and strong-arm tactics against the political opposition, suppressed freedom of the press and expression, defamed the national culture, maligned the national language and eroded Belarus's rightful position as a sovereign nation.

Worse, just two days before the Parliamentary elections held on October 15, President Lukashenka issued a fresh denunciation of market reforms. And, I am disappointed and disturbed that the Parliamentary elections almost exclusively involved candidates who back Lukashenka. Clearly, not a single OSCE condition for free and fair elections was met. This past week, Representatives GEJDENSON and SMITH introduced a Resolution condemning the October 15 elections. I will try to ensure that this bill reaches the House floor in the remaining days of this Congress. And today, I again express my strong condemnation of these "sham" elections.

For at least four years, I and other Members of Congress have been working to address Lukashenka's abuses of power. In 1996, I introduced a Resolution expressing concern over the Lukashenka regime's violations of human and civil rights in direct violation of the Helsinki Accords and the constitution of Belarus, and expressing concern about the union between Russia and Belarus. That Resolution also recognized March 25 as the anniversary of the declaration of an independent Belarusan state. A year later, I worked with leaders of the International Relations Committee to include language in the State Department Authorization bill, which passed the House, calling for our President to press the Government of President Lukashenka on defending the sovereignty of Belarus and guaranteeing basic freedoms and human rights.

For years now, the Belarusan-American community has been trying to inform the American people about the truth in Belarus, that President Lukashenka's actions do not have widespread support and his regime has lost any sense of legitimacy it once may have had. I want to thank the Belarusan-American community in New Jersey and throughout the nation for continuing to speak the truth about events in the land of their ancestors.

Earlier this year, I joined Congressman GEJDENSON and others in introducing yet another Resolution that condemns the continued egregious violations of human rights in the Republic of Belarus, and the lack of progress toward the establishment of democracy and the rule of law in Belarus to continue to put pressure on Lukashenka. The Resolution also calls on President Alyaksandr Lukashenka's regime to engage in negotiations with the representatives of the opposition and to restore the constitutional rights of the Belarusan people, and

calls on the Russian Federation to respect the sovereignty of Belarus.

Obviously, President Lukashenka has not been moved by these expressions of concern by the United States and the international community. But we must not give up. We must

continue to go on record condemning the abuses that have taken place and that continue to take place in Belarus. We must urge our President and State Department to keep the pressure on President Lukashenka—and also on Russian President Vladimir Putin.

I congratulate you for this occasion and for all of your efforts. I look forward to continuing to work together to pursue real democracy, and truly free and fair elections that comply with OSCE principles and the Helsinki Accords.

Daily Digest

HIGHLIGHTS

Senate passed Continuing Resolution.

The House passed H.J. Res. 119, Making Further Continuing Appropriations.

Senate

Chamber Action

Routine Proceedings, pages S11317–S11347

Measures Passed:

Continuing Resolution: By 67 yeas to 1 nay (Vote No. 292), Senate passed H.J. Res. 119, making further continuing appropriations for the fiscal year 2001, clearing the measure for the President.

Page S11344

Messages From the House:

Page S11347

Record Votes: One record vote was taken today. (Total—292) Page S11344

Recess: Senate convened at 4 p.m., and recessed at 7:58 p.m., until 5 p.m., on Monday, October 30, 2000. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S11347.)

Committee Meetings

No committee meetings were held.

House of Representatives

Chamber Action

Bills Introduced: 1 public bill, H.R. 5600; and 4 resolutions, H.J. Res. 121–124, were introduced.

Page H11526

Reports Filed: Reports were filed today as follows:

H. Res. 662, providing for consideration of certain joint resolutions making further continuing appropriations for the fiscal year 2001 (H. Rept. 106–1015); and

H. Res. 663, providing for consideration of S. 2485, to direct the Secretary of the Interior to provide assistance in planning and constructing a regional heritage center in Calais, Maine providing for consideration of the bill (S. 2485) to direct the Secretary of the Interior to provide assistance in planning and constructing a regional heritage center in Calais, Maine, and providing for the adoption of a concurrent resolution directing the Clerk of the House of Representatives to make certain corrections in the enrollment of the bill (H.R. 2614) to amend the Small Business Investment Act to make im-

provements to the certified development company (H. Rept. 106–1016). Page H11526

Journal: Agreed to the Speaker's approval of the Journal of Saturday, Oct. 28 by a yeas and nays vote of 286 yeas to 42 nays, Roll No. 574.

Pages H11491–92

Motions to Instruct Conferees: Representatives Holt and Wu notified the House of their intention to offer motions to instruct conferees on H.R. 4577, Labor, HHS, and Education Appropriations on Monday, Oct. 30. Page H11492

Further Continuing Appropriations Resolutions: The House passed H.J. Res. 119, making further continuing appropriations for the fiscal year 2001 by a yeas and nays vote of 342 yeas to 7 nays, Roll No. 575. Pages H11492–95

H. Res. 646, the rule that provided for consideration of the joint resolution was agreed to on Oct. 25, 2000.

Motion to Instruct Conferees—Labor, HHS, Education Appropriations: Rejected the Pallone motion to instruct conferees on H.R. 4577, Labor, HHS, Education Appropriations to insist, in resolving the differences between the two Houses on the funding level for program management in carrying out titles XI, XVIII, XIX, and XXI of the Social Security Act, to choose a level that reflects a requirement on Medicare+Choice organizations to offer Medicare+Choice plans under part C of such title XVIII for a minimum contract period of three years, and to maintain the benefits specified under the contract for the three years by a recorded vote of 170 ayes to 183 noes, Roll No. 576. **Pages H11495–H11504**

Meeting Hour—Monday, Oct. 30: Agreed that when the House adjourns today, it adjourn to meet at 9 a.m. on Monday, Oct. 30. **Page H11504**

Quorum Calls—Votes: Two yea-and-nay votes and one recorded vote developed during the proceedings of the House today and appear on pages H11492, H11494–95, and H11503–04. There were no quorum calls.

Adjournment: The House met at 6 p.m. and adjourned at 11:58 p.m.

Committee Meetings

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR ENDING SEPTEMBER 30, 2001

Committee on Rules: Granted, by voice vote, a rule providing for consideration of joint resolutions H.J.

Res. 121, H.J. Res. 122, H.J. Res. 123, and H.J. Res. 124, under separate closed rules. The rule waives all points of order against consideration of each joint resolution. The rule provides one hour of debate in the House on each joint resolution equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. Finally, the rule provides one motion to recommit with or without instructions.

SAINT CROIX ISLAND HERITAGE ACT

Committee on Rules: Granted, by voice vote, a closed rule providing one hour of debate in the House on S. 2485, to direct the Secretary of the Interior to provide assistance in planning and constructing a regional heritage center in Calais, Maine, to be equally divided between the chairman and ranking minority member of the Committee on Resources. The rule waives all points of order against consideration of the bill. The rule provides one motion to recommit, with or without instructions. Finally, the rule provides that a concurrent resolution directing the Clerk to make certain corrections to the enrollment of H.R. 2614 is adopted.

COMMITTEE MEETINGS FOR MONDAY, OCTOBER 30, 2000

Senate

No Committee meetings were held.

House

No Committee meetings are scheduled.

Next Meeting of the SENATE

5 p.m., Monday, October 30

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Monday, October 30

Senate Chamber

Program for Monday: After the recognition of two Senators for speeches and the transaction of any morning business (not to extend beyond 7 p.m.), Senate will consider a continuing resolution making further continuing appropriations for the fiscal year 2001, with a vote to occur thereon. Also, Senate may consider any other cleared legislative and executive business.

House Chamber

Program for Monday: Consideration of H.J. Res. 120, Making Further Continuing Appropriations (closed rule, one hour of debate);

Consideration of motions to instruct conferees on H.R. 4577, Labor, HHS, and Education Appropriations;

Consideration of H. Res. 662, rule providing for consideration of joint resolutions making continuing appropriations for FY 2001; and

Consideration of H. Res. 663, rule providing for consideration of S. 2485, Saint Croix Island Heritage Act.

Extensions of Remarks, as inserted in this issue

HOUSE

Bentsen, Ken, Tex., E2017
 Ehlers, Vernon J., Mich., E2017, E2018
 Matsui, Robert T., Calif., E2017
 Pallone, Frank, Jr., N.J., E2018
 Payne, Donald M., N.J., E2017, E2018



Congressional Record

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