

Bob's Opinsky's kindness is legendary. His knowledge of the Postal Service is absolutely incredible. His gentleness has earned him the special respect of coworkers, neighbors, and friends. His unassuming demeanor masks a true competitor—a man who works to make sure that he and his people are at the top.

Retirement may mean that Bob's golf game may get a little better, and that he and Edie may have a chance to seek some sunshine during the winter months.

Best of all for me, Mr. President, Bob is my friend. Retirement won't change that.

On behalf of all Alaskans, whose lives have been enriched through the great postal services Bob has ensured for them through the years, I commend Bob Opinsky for a job well done, and wish him well as he explores new horizons.

I thank the Chair and yield back any time I might have.

#### BALANCED BUDGET ACT OF 1997

The PRESIDING OFFICER (Mr. ENZI). The Senate will now resume consideration of S. 947, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 947) to provide for reconciliation pursuant to section 104(a) of the concurrent resolution on the budget for the fiscal year 1998.

The Senate resumed the consideration of the bill.

Pending:

Harkin amendment No. 428, to reduce health care fraud, waste, and abuse

Gramm amendment No. 444, to provide waiver authority for penalties relating to failure to satisfy minimum participation rate.

Reed amendment No. 445, in the nature of a substitute.

Hutchison amendment No. 447, to modify the reductions for disproportionate share hospital payments.

Chafee/Rockefeller/Jeffords amendment No. 448, to clarify the standard benefits package and the cost-sharing requirements for the children's health initiative.

Durbin/Wellstone amendment No. 450, to provide food stamp benefits to child immigrants.

D'Amato/Harkin amendment No. 451, to improve health care quality and reduce health care costs by establishing a National Fund for Health Research.

Domenici (for Murkowski) amendment No. 455, to confirm Title IV, Energy Title, to the provisions of the bill, with respect to the use of underutilized Strategic Petroleum Reserve facilities.

Domenici (for Abraham/Levin) amendment No. 456, to extend the moratorium regarding HealthSource Saginaw until December 31, 2002.

Domenici (for Helms) amendment No. 458, to provide for inclusion of Stanly County, North Carolina in a large urban area under the Medicare program.

Domenici (for Helms) amendment No. 459, to provide for inclusion of Stanly County, North Carolina in a large urban area under the Medicare program.

Domenici (for McCain/Wyden) amendment No. 460, to provide for the continuation of certain State-wide medicaid waivers.

Domenici (for McCain) amendment No. 461, to provide for the treatment of certain Amerasian immigrants as refugees.

Domenici (for Jeffords) amendment No. 462, to require the Secretary of Health and Human Services to provide medicare beneficiaries with notice of the medicare cost-sharing assistance available under the medicaid program for specified low-income medicare beneficiaries.

Domenici (for Jeffords) amendment No. 463, to provide for the evaluation and quality assurance of the children's health insurance initiative.

Domenici (for Brownback) amendment No. 464, to establish procedures to ensure a balanced Federal budget by fiscal year 2002.

Domenici (for Allard) amendment No. 465, to expand medical savings accounts to families with uninsured children.

Domenici (for Chafee) amendment No. 466, to extend the authority of the Nuclear Regulatory Commission to collect fees through September 30, 2002.

Domenici (for Grassley) amendment No. 467, to preserve religious choice in long-term care.

Domenici (for Kyl) amendment No. 468, to allow medicare beneficiaries to enter into private contracts for services.

Domenici (for Specter) amendment No. 469, to extend premium protection for low-income medicare beneficiaries under the medicaid program.

Domenici (for Specter) amendment No. 470, to strike the limitations on DSH payments to institutions for mental diseases under the medicaid program.

Domenici (for Specter) amendment No. 471, to strike the limitations on Indirect Graduate Medical Education payments to teaching hospitals.

Domenici (for Burns) amendment No. 472, to provide that information contained in the National Directory of New Hires be deleted after 6 months.

Domenici (for Hutchinson) amendment No. 473, to clarify the number of individuals that may be treated as engaged in work for purposes of the mandatory work requirement for TANF block grants.

Domenici (for McCain) amendment No. 474, to provide for the extension and expansion of spectrum auction authority and to provide for the flexible use of electromagnetic spectrum.

Lautenberg amendment No. 475, to ensure that certain legal immigrants who become disabled are eligible for disability benefits.

Lautenberg (for Kerrey) amendment No. 476, to enhance taxpayer value in auctions conducted by the Federal Communications Commission.

Lautenberg (for Durbin) amendment No. 477, to provide food stamp benefits to child immigrants.

Lautenberg (for Rockefeller) amendment No. 478, to require balance billing protections for individuals enrolled in fee-for-service plans under the Medicare Choice program under part C of title XVIII of the Social Security Act.

Lautenberg (for Dodd) amendment No. 479, to provide for medicaid eligibility of disabled children who lose SSI benefits.

Lautenberg (for Murray) amendment No. 480, to clarify the family violence option under the temporary assistance to needy families program.

Lautenberg (for Dodd) amendment No. 481, to amend the provision with regard to transfer cases.

Lautenberg (for Levin) amendment No. 482, to allow vocational educational training to be counted as a work activity under the temporary assistance for needy families program for 24 months.

Lautenberg (for Wyden) amendment No. 483, to provide for the continuation of certain State-wide medicaid waivers.

Lautenberg (for Harkin) amendment No. 484, to make community action agencies, community development corporations and other non-profit organization eligible for welfare-to-work grants.

Lautenberg (for Feinstein) amendment No. 485, to provide that the hospital length of stay with respect to an individual shall be determined by the attending physician.

Lautenberg (for Feinstein) amendment No. 486, to provide additional funding for State emergency health services furnished to undocumented aliens.

Lautenberg (for Feinstein) amendment No. 487, to provide for the application of disproportionate share hospital-specific payment adjustments with respect to California.

Lautenberg (for Wellstone) amendment No. 488, to provide for actuarially sufficient reimbursement rates for providers.

Lautenberg (for Mikulski) amendment No. 489, to reinstate the requirements for provider payment rates.

Lautenberg (for Kennedy) amendment No. 490, to improve the provisions relating to the Higher Education Act of 1965.

Lautenberg (for Baucus) amendment No. 491, to prohibit cost-sharing for children in families with incomes that are less than 150 percent of the poverty line.

Lautenberg (for Kennedy) amendment No. 492, to ensure the provision of appropriate benefits for uninsured children with special needs.

Lautenberg (for Kennedy) amendment No. 493, to exempt severely disabled aliens from the ban on receipt of supplemental security income.

Lautenberg (for Conrad) amendment No. 494, to provide for medicaid eligibility of disabled children who lose SSI benefits.

Lautenberg (for Conrad) amendment No. 495, to establish a process to permit a nurse aide petition to have his or her name removed from the nurse aide registry under certain circumstances.

Lautenberg (for Kerrey) amendment No. 496, to strike the limitation on the coverage of abortions.

Lautenberg (for Kohl) amendment No. 497, to clarify that risk solvency standards established for managed care entities under the medicaid program shall not preempt any State standards that are more stringent.

Lautenberg (for Harkin) amendment No. 498, to allow funds provided under the welfare-to-work grant program to be used for the microloan demonstration program under the Small Business Act.

Domenici amendment No. 499, to provide SSI eligibility for disabled legal aliens.

Domenici (for Chafee/Rockefeller) amendment No. 500, to require that any benefits package offered under the block grant option for the children's health initiative includes hearing and vision services.

Domenici (for Chafee/Rockefeller) amendment No. 501, to require that any benefits package offered under the block grant option for the children's health initiative includes hearing and vision services.

Roth (for D'Amato) amendment No. 502, to establish a Medicare anti-duplication provision.

Lautenberg (for Rockefeller) modified amendment No. 503, to extend premium protection for low-income medicare beneficiaries under the medicaid program.

Lautenberg (for Kennedy) amendment No. 504, to immediately transfer to part B certain home health benefits.

Roth (for Lott) amendment No. 505 (to amendment No. 448), to improve the children's health initiative.

Roth amendment No. 506, to make technical corrections and revisions.

Roth (for Lott) amendment No. 507 (to amendment No. 501), in the nature of a substitute.

Roth (for Lott) amendment No. 508 (to amendment No. 500), in the nature of a substitute.

Roth (for Lott) amendment No. 509 (to amendment No. 492), in the nature of a substitute.

Lautenberg (for Rockefeller) amendment No. 510, to require that any benefits package offered under the block grant option for the children's health initiative includes hearing and vision services.

Roth amendment No. 511, to provide a substitute for the children's health insurance initiatives.

Chafee amendment No. 512 (to amendment No. 511), to clarify the standard benefits package and the cost-sharing requirement for the children's health initiative.

Roth (for Lott) amendment No. 513 (to amendment No. 510), in the nature of a substitute.

Roth (for DeWine) amendment No. 427, to continue full-time-equivalent resident reimbursement for an additional one year under medicare for direct graduate medical education for residents enrolled in combined approved primary care medical residency training programs.

Motion to waive a point of order that Section 5822 of the bill violates section 313(b)(1)(A) of the Congressional Budget Act.

Motion to waive section 310(d) of the Congressional Budget Act with respect to consideration of Reed amendment No. 445, listed above.

Motion to waive section 305(b)(2) of the Congressional Budget Act with respect to consideration of D'Amato amendment No. 451, listed above.

The PRESIDING OFFICER. There will now be a series of votes on or in relation to the amendments not yet disposed of, in the order they were offered but alternating between parties.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum until the floor leader arrives.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. STEVENS. What is the pending business, Mr. President?

#### AMENDMENT NO. 428

The PRESIDING OFFICER. The question is on agreeing to the Harkin amendment No. 428.

The amendment (No. 428) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 444

Mr. STEVENS. Now what is the pending business, Mr. President?

The PRESIDING OFFICER. The Gramm amendment No. 444.

Mr. STEVENS. It is my understanding there is 1 minute on each side before it is voted upon.

The PRESIDING OFFICER. That is correct, 2 minutes equally divided.

Mr. STEVENS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

Mr. GRAMM. We don't need the yeas and nays.

Mr. STEVENS. I withdraw that.

Mr. GRAMM. Mr. President, I will be brief. I don't think this amendment is controversial anymore. We had a technical drafting error in the welfare bill last year where, after the conference had concluded, the staff added words that, in essence, made the work requirement discretionary with the Secretary. We were going to correct it in the welfare bill. However, Senator BOB GRAHAM raised some legitimate concerns about giving flexibility for regional recessions and for natural disasters. We have corrected that in this technical amendment. I submit it to my colleagues, and I thank the Chair.

The PRESIDING OFFICER. One minute in opposition?

Mr. GRAMM. There is no opposition that we know of.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. STEVENS. Mr. President, I am authorized to yield back the remainder of the time on the other side and ask for adoption on the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 444.

The amendment (No. 444) was agreed to.

Mr. GRAMM. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 445

The PRESIDING OFFICER. The question is on the Reed amendment No. 445. There is a motion to waive the Budget Act, and there is a request for the yeas and nays. There will be 1 minute for debate to a side.

Mr. STEVENS. Mr. President, Senator DOMINICI raised a budget point of order that the Reed amendment violated the Budget Act. This Reed substitute proposes to strike the Medicare age increase, means testing, copayment and adds balanced billing provisions and eliminates the medical savings accounts. The vote will occur on that point of order, is that correct?

The PRESIDING OFFICER. On the motion to waive, that is correct.

Mr. STEVENS. Is there 1 minute on the other side?

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The Senator has 1 minute.

Mr. REED. Thank you, Mr. President. My amendment is simply the Finance Committee amendment with the correction of several factors: removal of the Medicare eligibility age, striking the home health care copayment, adds provisions for balanced billing, eliminates the means-testing provisions and also eliminates the medical savings accounts. This is a vote for solvency of the system, restoring those cuts necessary to maintain the system is solvent but rejecting those issues—

Mr. DOMENICI. May we have order in the Senate?

The PRESIDING OFFICER. Can we please have conversations cease so the Senator can be heard?

Mr. DOMENICI. Mr. President, I ask his 1 minute start over again. Nobody could hear because there wasn't order.

Mr. REED. I thank the Senator for his graciousness. Mr. President, my amendment would take the Finance Committee bill with its cuts to Medicare of about \$115 billion and simply remove several provisions which I think jeopardize the long-term well-being and health of the Medicare system.

These provisions are: raising the age limit to 67; striking the home health care payment; it would add my amendment, the Medicare balanced billing protection; my amendment would also eliminate the provisions that means tests Medicare; and finally, it would eliminate the medical savings account.

This amendment would allow the Senate to vote for solvency of the Medicare system but not engage in some of these experiments that are in the Finance Committee bill, experiments which I think will weaken the overall system by driving healthy seniors away from Medicare and leaving the Medicare system to deal with very sick seniors, which is not a way to run a proper insurance program.

This measure, I believe, will restore solvency and allow a more comprehensive review of the Medicare system.

The PRESIDING OFFICER. All time has expired.

Mr. DOMENICI. Mr. President, I say to my fellow Senators, I raised a budget point of order that the Reed amendment violates the Budget Act. The Reed substitute proposes to undo everything we did yesterday. It proposes to strike the Medicare age increase, means testing, copayment, adds balanced billing provisions and eliminates medical savings accounts.

I ask for the yeas and nays, and I yield back whatever time I have remaining.

#### VOTE ON MOTION TO WAIVE THE BUDGET ACT

The PRESIDING OFFICER. The yeas and nays have been ordered.

The question is on agreeing to the motion to waive the Budget Act with

respect to amendment No. 445. The clerk will call the roll.

The assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 25, nays 75, as follows:

[Rollcall Vote No. 115 Leg.]

#### YEAS—25

Akaka	Ford	Mikulski
Biden	Harkin	Murray
Boxer	Hollings	Reed
Byrd	Inouye	Reid
Cleland	Johnson	Rockefeller
Daschle	Kennedy	Sarbanes
Dorgan	Lautenberg	Wellstone
Durbin	Leahy	
Feingold	Levin	

#### NAYS—75

Abraham	Faircloth	Lugar
Allard	Feinstein	Mack
Ashcroft	Frist	McCain
Baucus	Glenn	McConnell
Bennett	Gorton	Moseley-Braun
Bingaman	Graham	Moynihan
Bond	Gramm	Murkowski
Breaux	Grams	Nickles
Brownback	Grassley	Robb
Bryan	Gregg	Roberts
Bumpers	Hagel	Roth
Burns	Hatch	Santorum
Campbell	Helms	Sessions
Chafee	Hutchinson	Shelby
Coats	Hutchison	Smith (NH)
Cochran	Inhofe	Smith (OR)
Collins	Jeffords	Snowe
Conrad	Kempthorne	Specter
Coverdell	Kerrey	Stevens
Craig	Kerry	Thomas
D'Amato	Kohl	Thompson
DeWine	Kyl	Thurmond
Dodd	Landrieu	Torricelli
Domenici	Lieberman	Warner
Enzi	Lott	Wyden

The PRESIDING OFFICER (Mr. ALLARD). On this question, the yeas are 25, the nays are 75. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected, the point of order is sustained and the amendment falls.

Mr. LOTT. I move to reconsider the vote.

Mr. STEVENS. I move to table the motion.

The motion to lay on the table was agreed to.

Mr. LOTT. Mr. President, I ask unanimous consent the remainder of the votes in the stacked sequence including final passage be limited to 10 minutes in length.

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

Mr. DOMENICI. Mr. President, I want the Senators to know, and I am not sure they will all come up, we have 55 amendments that have been filed with numerous second degrees. We have a list here if anybody is interested. We have a few extra copies if Senators want to know what the agenda is.

What I would like to do, I say to Senator LAUTENBERG, Senator CHAFEE is negotiating and working on amendment No. 448. I would like to set it aside temporarily and move to the Durbin food stamps benefiting immigrant children.

Mr. LAUTENBERG. We have no problem with that.

The PRESIDING OFFICER. Without objection, the amendment will be laid aside.

The Senator from New Mexico.

The PRESIDING OFFICER. Without objection, the Hutchison amendment is laid aside.

AMENDMENT NO. 450

The PRESIDING OFFICER. The question now is on amendment No. 450. Mr. DOMENICI. Mr. President, I make a point of order that the Durbin amendment is not germane.

Mr. BREAUX. I have a unanimous consent. I ask unanimous consent Michelle Prejean, a member of my staff, be allowed floor privileges today.

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

Mr. DOMENICI. I make a point of order that the Durbin amendment No. 450 is out of order, is not germane.

Mr. DURBIN. Mr. President, I object to that.

First, I make a unanimous-consent request.

Mr. President, I ask unanimous consent that Anne Marie Murphy be allowed privileges of the floor during the debate.

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

Is the Senator from Illinois moving to waive?

Mr. DURBIN. Mr. President, I am moving to waive the provisions of the Budget Act for consideration of this amendment, and I ask for the yeas and nays after the debate on this amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

There are 2 minutes equally divided. The Senator from Illinois.

Mr. DURBIN. Mr. President, I might say to my colleagues in the Senate this amendment seeks to right a wrong. It seeks to provide food stamp coverage for the children of legal immigrants to the United States. The welfare reform bill cut off food stamp protection for children—deserving qualified children—and really relegated over 200,000 children across the United States into a position where they do not have adequate nutrition.

It does not do our Nation a bit of good to deny these children food at a moment in their lives when it is important to their development. These kids are likely to become American citizens. They are likely to be our neighbors. They are likely to be our future workers.

Let us resolve that although we are trying to eradicate welfare as we know it, we will not take it out on the kids. The money that is used to pay for the food stamps for the children of these legal immigrants is an offset that comes from the administrative costs sent to the States. This is money that should be dedicated for the better purpose of feeding hungry, deserving children.

I ask my friends, regardless of your position on welfare reform, to make sure that we are dedicated in America to healthy children, not hungry chil-

dren. I hope you will consider voting to waive the provisions of the Budget Act and approval of this amendment.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, the agreement that was put together with the President contains some food stamp changes. They have been adopted by the committees. We have never agreed on this one. In fact, it was not even brought up by the administration.

This amendment amends the welfare reform bill of last year by requiring food stamp benefits to child immigrants, paid for with State administrative moneys.

I yield remaining time on our side.

VOTE ON MOTION TO WAIVE THE BUDGET ACT

The PRESIDING OFFICER. The question is on agreeing to the motion of Senator DURBIN to waive the Budget Act for the consideration of amendment No. 450.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

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

The yeas and nays resulted—yeas 48, nays 52, as follows:

[Rollcall Vote No. 116 Leg.]

#### YEAS—48

Akaka	Durbin	Leahy
Baucus	Feingold	Levin
Biden	Feinstein	Lieberman
Bingaman	Ford	Mikulski
Boxer	Glenn	Moseley-Braun
Breaux	Graham	Murray
Bryan	Harkin	Reed
Bumpers	Hollings	Reid
Chafee	Inouye	Robb
Cleland	Johnson	Rockefeller
Collins	Kennedy	Sarbanes
Conrad	Kerrey	Snowe
D'Amato	Kerry	Specter
Daschle	Kohl	Torricelli
Dodd	Landrieu	Wellstone
Dorgan	Lautenberg	Wyden

#### NAYS—52

Abraham	Gorton	McConnell
Allard	Gramm	Moynihan
Ashcroft	Grams	Murkowski
Bennett	Grassley	Nickles
Bond	Gregg	Roberts
Brownback	Hagel	Roth
Burns	Hatch	Santorum
Byrd	Helms	Sessions
Campbell	Hutchinson	Shelby
Coats	Hutchison	Smith (NH)
Cochran	Inhofe	Smith (OR)
Coverdell	Jeffords	Stevens
Craig	Kempthorne	Thomas
DeWine	Kyl	Thompson
Domenici	Lott	Thurmond
Enzi	Lugar	Warner
Faircloth	Mack	
Frist	McCain	

The PRESIDING OFFICER. On this vote the yeas are 48, the nays are 52.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained and the amendment falls.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The question before us now is the D'Amato-Harkin amendment. There will be 2 minutes of debate, equally divided.

Mr. DOMENICI. Mr. President, will Senator D'AMATO yield for a moment?

Mr. D'AMATO. Yes.

## AMENDMENT NO. 476, AS MODIFIED

Mr. DOMENICI. We would like to move to amendment No. 476, the Kerrey amendment, because we are going to accept that. We like to do that from time to time.

I yield the floor.

The PRESIDING OFFICER. Without objection, we will move to the Kerrey amendment.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. This amendment deals with FCC auctions of spectrum. They had an action about a month ago where they auctioned off spectrum for about a dollar. Some of these spectrums went for that. This amendment establishes that the FCC shall have a floor, and the suggestion was that we modify it.

I ask unanimous consent that this amendment be modified to allow the FCC to establish a floor, unless it is in the national interest not to.

The PRESIDING OFFICER. Is there any objection?

Without objection, the amendment is so modified.

The amendment (No. 476), as modified, is as follows:

At the appropriate place in the bill insert the following:

**SEC. . RESERVE PRICE.**

In any auction conducted or supervised by the Federal Communications Commission (hereinafter the Commission) for any license, permit or right which has value, a reasonable reserve price shall be set by the Commission for each unit in the auction, unless the Commission determines it not to be in the public interest. The reserve price shall establish a minimum bid for the unit to be auctioned. If no bid is received above the reserve price for a unit, the unit shall be retained. The Commission shall re-assess the reserve price for that unit and place the unit in the next scheduled or next appropriate auction.

Mr. DOMENICI. We have no objection. It is cleared by the Commerce Committee on both sides.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 476), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

## AMENDMENT NO. 451

Mr. DOMENICI. Now we can return to the D'Amato amendment.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. D'AMATO. Mr. President on behalf of Senator HARKIN, myself, Senators MACK, JEFFORDS, SPECTER, and ROCKEFELLER, we offer an amendment that will fulfill this Chamber's commitment, a commitment that it made on January 21 when it voted 89-0 to double the amount of funding for the National Institutes of Health to provide medical research. Everybody says we need more money for cancer research, heart research, and for Alz-

heimer's and diabetes. We say we are going to do it and we never do it.

This amendment says that any excessive funds that are saved, over and above that anticipated by this budget resolution, by Medicare and Medicaid, certified by the CBO, will then be utilized to meet these functions. Only after CBO has certified that there are excess savings will those savings be placed in this account.

Mr. President, that is keeping our commitment.

Mr. HARKIN. Mr. President, are there 10 seconds left?

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Could we have order, please?

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, this amendment, I regret to say, should be defeated. It creates a new overbudget trust fund for medical research. It is based on estimates. The biggest argument against it is if we save more money in Medicare than we expect under the budget agreement, it ought to go to Medicare. It ought not go to be used in an appropriated account.

Essentially, this says, if we save more money than was agreed upon by the White House and the Congress in Medicare, the extra money goes to a trust fund for NIH. I believe it ought to stay right where it is and be used by the Finance Committee for Medicare and other purposes.

I make a point of order that the amendment is not germane.

Mr. D'AMATO. I move to waive.

The PRESIDING OFFICER. The point of order has already been made.

## VOTE ON MOTION TO WAIVE THE BUDGET ACT

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act in relation to the D'Amato amendment No. 451. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislation clerk proceeded to call the roll.

The yeas and nays resulted—yeas 46, nays 54, as follows:

[Rollcall Vote No. 117 Leg.]

## YEAS—46

Akaka	Harkin	Murkowski
Biden	Hollings	Murray
Boxer	Inouye	Reed
Breaux	Jeffords	Reid
Cleland	Johnson	Robb
Conrad	Kennedy	Rockefeller
D'Amato	Kerry	Sarbanes
Daschle	Kohl	Specter
DeWine	Landrieu	Stevens
Dorgan	Lautenberg	Thurmond
Durbin	Leahy	Torricelli
Faircloth	Levin	Warner
Feinstein	Lieberman	Wellstone
Ford	Mack	Wyden
Graham	Moseley-Braun	
Grassley	Moynihan	

## NAYS—54

Abraham	Brownback	Coats
Allard	Bryan	Cochran
Ashcroft	Bumpers	Collins
Baucus	Burns	Coverdell
Bennett	Byrd	Craig
Bingaman	Campbell	Dodd
Bond	Chafee	Domenici

Enzi	Hutchinson	Nickles
Feingold	Hutchison	Roberts
Frist	Inhofe	Roth
Glenn	Kempthorne	Santorum
Gorton	Kerrey	Sessions
Gramm	Kyl	Shelby
Grams	Lott	Smith (NH)
Gregg	Lugar	Smith (OR)
Hagel	McCain	Snowe
Hatch	McConnell	Thomas
Helms	Mikulski	Thompson

The PRESIDING OFFICER. On this vote, the yeas are 46, the nays are 54. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to. The point of order is sustained and the amendment falls.

The question is on agreeing to the Murkowski amendment No. 455.

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I would ask on behalf of Senator AKAKA, who wants to discuss it with us, that the Murkowski amendment be set aside and we proceed to the Abraham-Levin amendment, which will be a voice vote.

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

## AMENDMENT NO. 456

The PRESIDING OFFICER. The question before the Senate now is on agreeing to the Abraham-Levin amendment No. 456.

The amendment (No. 456) was agreed to.

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

The PRESIDING OFFICER. The question now is on agreeing to the Helms amendment No. 459, 1 minute equally divided.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

The Senate will please come to order.

The Chair now recognizes the Senator from New Mexico.

Mr. DOMINICI. Could I have a quorum for just 2 minutes.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

## AMENDMENT NO. 455

Mr. DOMINICI. Mr. President, I believe we are ready to go to the Murkowski amendment No. 455, which will be accepted.

The PRESIDING OFFICER. Without objection.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. With reluctance, I ask support of this amendment, and obviously it has been done. But I want to make the point that the provision in the current bill is one that we have all committed to, and that is of having the strategic petroleum reserve and the reality that we are addressing it with the crisis on the budget. That is not the purpose. The Akaka amendment provided a purchase mechanism after 2002.

I think it is the right policy for this Nation, and we are only talking about \$13 million a year. I think that is a small price to pay for energy security, but nevertheless recognizing the circumstances, why, I reluctantly ask support.

Mr. DOMENICI. We have no objection to the amendment.

Mr. MURKOWSKI. I thank Senator AKAKA for his role in encouraging the support of the strategic petroleum reserve.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

The Senate will please come to order. The Senator from Hawaii.

Mr. AKAKA. According to the Energy Committee, in the reconciliation proposal, this was supposed to be for 5 years. The committee is now recommending that it be extended to 10 years. My reason for keeping it at 5 years would be to have the other 5 years to be used for purchasing excess oil, and for that reason I am opposing this. But I am not objecting to it because Chairman MURKOWSKI is supporting this.

The PRESIDING OFFICER. The question is on agreeing to the amendment. Without objection, the amendment is agreed to.

The amendment (No. 455) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 459 WITHDRAWN

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I, in behalf of Senator HELMS, withdraw amendment No. 459.

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

The amendment (No. 459) was withdrawn.

Mr. DOMINICI. Now, I believe, according to the regular order, the Lautenberg amendment No. 475 on legal immigrants is next.

The PRESIDING OFFICER. The Senator is correct. The question before the Senate is on agreeing to the Lautenberg amendment No. 475. Time is evenly divided.

The Senator from New Mexico.

AMENDMENT NO. 458

Mr. DOMENICI. Mr. President, I made a mistake. If Senator LAUTENBERG would permit me to correct it. In withdrawing the Helms amendment, I failed to then proceed to take up the amendment that he has that remains, and that is No. 458.

Could we make that in order right now?

The PRESIDING OFFICER. Without objection, amendment No. 458 is in order.

The question before the Senate is on agreeing to Helms amendment No. 458.

Mr. HELMS. Mr. President, in 1993, Stanly Memorial Hospital in

Albermarle, NC, was reclassified as a rural instead of an urban hospital, resulting in a loss of \$1.3 million each year in Medicare reimbursement.

Stanly County is the only county in North Carolina, and, I believe, in the Nation, that is touched by four different urban counties and two different Metropolitan Statistical Areas. SMH's primary competitors are in the adjacent large urban MSA's which include Davidson, Rowan, Cabarrus, and Union Counties.

By a purely bureaucratic decision, Stanley Memorial has been put in a position of having to compete with all of the Charlotte hospitals in recruitment of employees, managed care contracts, and doctors.

But since Stanly Memorial is not included in the Charlotte MSA, it receives 20 percent less for the very same Medicare services as delivered by competing hospitals in surrounding areas.

This amendment will correct this inequity by deeming Stanly County as part of the large urban area of Charlotte-Gastonia-Rock Hill, NC/SC.

Mr. DOMENICI. This amendment has been worked out on both sides, and it is acceptable.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 458) was agreed to.

Mr. DOMENICI. Now, under the regular order, would we return to Lautenberg 475?

The PRESIDING OFFICER. The question now before the Senate is on agreeing to the Lautenberg amendment No. 475.

Mr. DOMENICI. I need 2 minutes for a quorum to discuss this. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

The Senator will suspend. The Senate will please come to order. Senators will please carry their conversations to the cloakrooms.

The Senator from New Mexico.

AMENDMENT NO. 499 WITHDRAWN

Mr. DOMENICI. Mr. President, I withdraw my amendment No. 49 regarding the subject matter of the Lautenberg amendment. It is amendment 499, excuse me. It is 49 on our list. No. 499.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

The amendment (No. 499) was withdrawn.

AMENDMENT NO. 475

Mr. DOMENICI. We have agreed to accept the Lautenberg amendment and taking it to conference. We think it is the best way to resolve this issue which is between the two Houses and the White House. We all have different

versions. And we agree to accept the amendment. I yield to him now for his minute.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I thank the Chair. I thank the chairman of the committee for accepting this.

The purpose of the amendment is very simple. It is to provide fairness for people who come to this country legally, who paid their taxes in good faith and played by the rules, and then perhaps suffer from a serious disability caused by an accident or a serious illness.

Whatever the cause, they are here at our invitation, left unable to work and unable to support themselves. And so, Mr. President, the budget agreement includes a very specific provision to ensure that these people get help. Unfortunately, the bill before us provides funding for only 1 year of these benefits. I hope we will be able to hold this amendment. It is very important. I think it establishes our attitude about those who have come here at our invitation, and we say, pay your taxes, do your work, and then we want to take them out of the protection stream.

So I hope that this amendment, which will restore them personally, will take care of it.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 475) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 460

The PRESIDING OFFICER. The question is on agreeing to the McCain amendment No. 460.

Mr. DOMENICI. Could we have order?

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, this amendment allows several States to go forward with some of the most innovative work being done in health care in America—in Senator MCCAIN's State and my own, several others. This amendment is budget neutral, but in our home State of Oregon, through the Oregon Health Plan, we have been able to serve upwards of 100,000 low-income families with an innovative approach. The administration supports these efforts. It is a chance to go forward in innovative health care, a critically important issue at this time.

I hope my colleagues will support this budget-neutral measure. I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Let me talk with Senator WYDEN for a minute about this. I understand from the distinguished chairman of the Finance Committee that the McCain-Wyden amendment, with reference to statewide Medicaid waivers, is in the chairman's, the

managers' amendment which will be offered and accepted. And based on that, we would ask the Senator if he would withdraw the amendment. He can leave it on the list pending the adoption of that, if he would like.

Mr. WYDEN. Mr. President, with that assurance of the chairman of the full committee, Mr. ROTH, and the chairman of the Budget Committee, Mr. DOMENICI, who have been very helpful to Mr. SMITH and myself on behalf of our State, we are very pleased with this, and with that assurance, I am pleased to withdraw the amendment at this time and look forward to voting for the managers' amendment. I yield the floor.

Mr. DOMENICI. I thank the Senator.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

The amendment (No. 460) was withdrawn.

#### AMENDMENT NO. 478

The PRESIDING OFFICER. The question now before the Senate is the Rockefeller amendment No. 478. Time is equally divided.

The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, pursuant to section 313 of the Congressional Budget Act, I make a point of order that section 5001, creating section 1852(a)(5)(B), section 5001 creating section 1852(k)(2), and section 5001 creating section 1854(e)(3) of the pending bill are extraneous under section 313(b)(1)(A).

The PRESIDING OFFICER. Does the Senator yield the floor? The Senator from New Mexico.

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

The PRESIDING OFFICER (Mr. HUTCHINSON). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DOMENICI. Mr. President, I don't really understand where we are. We thought the Senator was calling up an amendment, No. 478, requiring balanced billing protection for individuals enrolled in fee-for-service plans. Did the Senator call that amendment up? That is the order, the regular order.

Mr. ROCKEFELLER. I am making a point of order against the bill.

The PRESIDING OFFICER. The Senator from West Virginia made two points of order. Those points cannot be made while an amendment is pending.

Mr. DOMENICI. Which amendment is pending, No. 478?

The PRESIDING OFFICER. The amendment is No. 478, Senator ROCKEFELLER's amendment.

Mr. DOMENICI. Will the Chair state the ruling again, please? It is hard to hear.

The PRESIDING OFFICER. Those points of order cannot be made while this amendment is pending.

Mr. ROCKEFELLER. I say to the distinguished Senator from New Mexico, in lieu, then, of a point of order I would like to make a point of order against the balanced billing portion of the FFS section of the bill.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I understand. Is what you are suggesting that you want to withdraw your amendment and in lieu thereof make a point of order?

Mr. ROCKEFELLER. The Senator is correct.

Mr. DOMENICI. Will the Senator call that to the attention of the Chair that that is what he would like to do?

On behalf of Senator ROCKEFELLER, I ask his amendment be withdrawn and it be in order for him to make a point of order.

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

The amendment (No. 478) was withdrawn.

Mr. DOMENICI. Now we need a clarification of what the point of order is.

The PRESIDING OFFICER. Would the Senator from West Virginia send the point of order to the desk?

Mr. ROCKEFELLER. It is on its way.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. DOMENICI. Mr. President, I ask unanimous consent, and ask the distinguished Senator if he would accommodate us, that we set aside his point of order for just a moment and go to the next amendment while we work on it. The next amendment is going to be accepted.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

#### AMENDMENT NO. 461

Mr. DOMENICI. The amendment we are going to is amendment No. 461, the McCain amendment.

Might we proceed to amendment 461? We have just received a unanimous consent to set this aside.

The PRESIDING OFFICER. Who yields time on the McCain amendment?

Mr. DOMENICI. I do.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, this is going to be accepted. This amendment will reclassify certain Amerasian immigrants as refugees to exempt them from the restrictions on receiving benefits under the welfare reform bill. It costs about \$1 million and has been accepted on both sides.

Mr. LAUTENBERG. We have no objection.

Mr. BYRD. Mr. President, we cannot hear the explanation by the distinguished manager.

The PRESIDING OFFICER. The Senator is correct. The Senate be in order. The Senator from New Jersey?

Mr. LAUTENBERG. Mr. President, I was saying we have no objection. We ought to move on, move this along.

Mr. DOMENICI. We yield any time we have.

Mr. BYRD. Mr. President, will the distinguished Senator repeat the statement? There is so much noise and confusion that I for one could not understand what Senator DOMENICI was saying.

Mr. DOMENICI. This McCain amendment would reclassify certain Amerasian immigrants as refugees. Thus, they would be entitled to benefits of people similarly situated. The amendment costs about \$1 million per year, and those on our side who handle these matters have indicated they are willing to accept it. I understand the minority is willing to accept it.

Mr. LAUTENBERG. We have no objection.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 461) was agreed to.

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

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

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 479

The PRESIDING OFFICER. The question occurs on the Dodd amendment, No. 479. The Senator from Connecticut.

Mr. DODD. Mr. President, I hope this amendment will be agreed to. This is an amendment I think all of our colleagues can support. I am offering it on behalf of myself and the Senator from North Dakota, Senator CONRAD. It will preserve the Medicaid coverage for some 30,000 children who, if we do nothing else, are going to lose it. These are the most severe disabled children in the country. This was a slip, more than anything else, I think, when we passed the welfare reform law last year. We learned these children might lose their Medicaid coverage as a consequence of losing their SSI. Since then there has been a broad agreement we should step in and try to preserve health care for the most needy of all children. In fact, the bipartisan budget agreement called for continued Medicaid coverage for these children. So, this amendment merely plugs that gap that we had all agreed on. It simply honors the agreement. Its cost is modest. It is about \$100 million over 5 years.

I can argue if we can find \$16 billion to provide insurance for kids who lack it, surely we could set aside a fraction of that to provide insurance for children who stand to lose it. That is what we are faced with. If we do not do this, these 30,000 severely disabled children would be cut off.

Mr. LAUTENBERG. Mr. President, I rise in support of this amendment to

restore Medicaid coverage for children who were removed from the SSI rolls in last year's welfare bill.

Mr. President, last year's welfare bill significantly restricted the types of disabilities that enable a child to qualify for the Supplemental Security Income Program. In some cases, the same disability that will qualify an adult for SSI now will be insufficient to qualify a child. Among the children most likely to lose benefits are those who suffer from multiple problems, no one of which is severe enough to meet the more restrictive legal criteria, but the combined effect of which is substantial.

The Social Security Administration estimates that 135,000 low-income disabled children will be removed from the SSI as a result of the new law. Others put the number much higher.

In any case, since SSI eligibility is linked to Medicaid eligibility, many of these children will be terminated from the Medicaid Program, unless they qualify on other grounds. The administration believes that, in the end, about 30,000 disabled children from low income families will lose Medicaid coverage.

Mr. President, the loss of Medicaid coverage is likely to create serious problems for these families. Private insurance will be very difficult to find. And even if it's available, the costs will reflect the conditions that these children have.

Compounding matters, these families also will be suffering large income losses because of the loss of their children's SSI benefits.

Mr. President, these families had low incomes even before these benefits were withdrawn. And now they are facing severe financial hardships. Allowing these to keep Medicaid coverage is the right thing to do. Otherwise, we are likely to see even more children become uninsured.

Mr. President, one of the core principles of the bipartisan budget agreement was to provide health care coverage for as many as 5 million uninsured children. And it was my understanding that the budget negotiators agreed to restore Medicaid for these roughly 30,000 SSI kids. Not as part of the \$16 billion child health initiative, but as a separate, binding commitment. That is clearly the understanding of the administration, as well.

Unfortunately, Mr. President, Senator DOMENICI has a different recollection of what was agreed to, and I know he holds that view in good faith. So we have an honest disagreement.

But regardless of whose recollection is more accurate, Mr. President, I would urge my colleagues to protect these vulnerable children and their families.

Mr. President, I know that Senators on both sides of the aisle share a commitment to covering all of America's children. And so I hope that this amendment will win broad support.

Keep in mind that these children don't just come from low-income

families. They are disabled, even though they don't meet the new eligibility standards for SSI. And many of them will be become completely uninsured if we do not correct this problem.

I also want to make sure that Senators understand that this amendment would not restore any SSI benefits. All it would do is restore Medicaid coverage for these children. But that would greatly ease the hardships facing many of these families, and reduce the number of children who otherwise would join the ranks of the uninsured.

So, Mr. President, I hope my colleagues will stand with these 30,000 disabled children and their families, and will support this amendment.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, first of all let me say it is the position of the committee of jurisdiction that these children are covered under the \$16 billion child care provisions of the bill. Since that is the case, I first would ask the Senator if he would like to withdraw the amendment and confirm that. If not, I would make a point of order against the amendment and he would have to get 60 votes to pass it.

Mr. DODD. I realize we are running out of time. Let me, on the Senator's time—I raised this earlier, I say to the distinguished chairman of the Budget Committee. We are not convinced that is the case. I understood that was the argument made to me and that has not been confirmed. So we are running the risk here, if it is not the case. I would rather adopt the amendment. If it turns out it is OK, then we protected these children. If you do not do it, it's not part of the \$16 billion, 30,000 disabled children lose their Medicaid benefits. We have to do it by law, and I would rather err on that side than err on the other side.

Mr. DOMENICI. I do greatly respect the Senator. I respect all Senators. But we really are operating on a 1-minute rule for each side. I think if we are going to speak longer we ought to get consent of the Senate to do that, and I do not address that just to Senator DODD.

We contend they are covered. I make a point of order under section 310 of the Budget Act.

Mr. DODD. I move to waive that.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

VOTE ON MOTION TO WAIVE THE BUDGET ACT

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act, section 310. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

The yeas and nays resulted—yeas 49, nays 51, as follows:

[Rollcall Vote No. 118 Leg.]

#### YEAS—49

Akaka	Feingold	Levin
Baucus	Feinstein	Lieberman
Biden	Ford	Mikulski
Bingaman	Glenn	Moseley-Braun
Boxer	Graham	Moynihan
Breaux	Harkin	Murray
Bryan	Hollings	Reed
Bumpers	Inouye	Reid
Campbell	Jeffords	Robb
Chafee	Johnson	Rockefeller
Cleland	Kennedy	Sarbanes
Conrad	Kerrey	Specter
D'Amato	Kerry	Torricelli
Daschle	Kohl	Wellstone
Dodd	Landrieu	Wyden
Dorgan	Lautenberg	
Durbin	Leahy	

#### NAYS—51

Abraham	Frist	McCain
Allard	Gorton	McConnell
Ashcroft	Gramm	Murkowski
Bennett	Grams	Nickles
Bond	Grassley	Roberts
Brownback	Gregg	Roth
Burns	Hagel	Santorum
Byrd	Hatch	Sessions
Coats	Helms	Shelby
Cochran	Hutchinson	Smith (NH)
Collins	Hutchison	Smith (OR)
Coverdell	Inhofe	Snowe
Craig	Kempthorne	Stevens
DeWine	Kyl	Thomas
Domenici	Lott	Thompson
Enzi	Lugar	Thurmond
Faircloth	Mack	Warner

The PRESIDING OFFICER. On this vote, the yeas are 49, the nays are 51. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. May I have the attention of the Senate for just a moment?

The PRESIDING OFFICER. The Senate will be in order.

The Senator from New Mexico.

Mr. DOMENICI. Could I ask the clerk, how long have we been taking in terms of time on the rollcalls on the amendments?

The PRESIDING OFFICER. Votes are taking approximately 15 minutes.

Mr. DOMENICI. We are on 10-minute rollcall votes, I say to the Senators. The longer we take for these, the longer we go into the evening tonight. I really urge you to do your best to get here quickly so we can wrap them up in 10 minutes. I understand 10 to 11 is sufficient. I thank the Senate.

AMENDMENTS NOS. 462, 465, AND 466, WITHDRAWN

Mr. President, we can dispose of a number of amendments now. I ask unanimous consent, on behalf of Senator CHAFEE, that amendment No. 466 be withdrawn; on behalf of Senator JEFFORDS that amendment No. 462 be withdrawn.

On behalf of Senator ALLARD, are you going to withdraw your amendment, I ask the Senator?

Mr. ALLARD. Is the chairman going to make a point of order on my amendment?

Mr. DOMENICI. I have to, yes.

Mr. ALLARD. OK. I appreciate the chairman, Mr. President, giving me an



opportunity just to speak a minute or two about this amendment.

Mr. President, I would like to take this time to discuss this amendment that would give families with uninsured children the opportunity to obtain proper health coverage.

My amendment would allow families with uninsured children to deposit money in a medical savings account to use for health care services. I believe it is critical to provide lower income families with the option to establish medical savings accounts. MSA's allow consumers to pay for medical expenses through affordable tax-deductible plans that are most suited to their needs.

Americans want choice in health care. It is time for the Federal Government to listen to the American people and make medical savings accounts an available option. Medical savings accounts are a viable free-market approach to ensuring greater access to affordable health care coverage for the uninsured.

I believe our efforts need to be focused on providing uninsured children with accessible health care services. My amendment would give these families the opportunity of setting aside MSA funds, especially benefiting those who are self-employed, between jobs, or employed where health coverage is not available.

I am hopeful that in the 105th Congress, we will be able to expand the availability of medical savings accounts.

My amendment is one step to achieving the goal of decreasing the number of uninsured children by providing families with the option to receive much needed health care coverage. By making more MSA's available, we can make it easier for parents to finance their children's health care; after all, the health of our Nation's children is at stake.

I understand the position of the chairman having to raise this point of order. I just hope that the Finance Committee takes a closer look at medical savings accounts and the problem we have with uninsured children.

With that, I will go ahead and withdraw my amendment.

Mr. DOMENICI. I thank the Senator. Have they been withdrawn?

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

Mr. DOMENICI. We are prepared to—

The PRESIDING OFFICER. If the Senator will suspend, is amendment No. 465, included in the package of amendments to be withdrawn?

Mr. DOMENICI. It is; 466, 462, and 465.

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

The amendments (Nos. 462, 465 and 466) were withdrawn.

AMENDMENTS NOS. 463, 480, AND 481, EN BLOC

Mr. DOMENICI. Now we are prepared to accept, en bloc—the Senators will use a minimum of time—amendment No. 480, Senator MURRAY's amendment; amendment No. 463, Senator JEFFORDS

on child health; and 481, Senator DODD's amendment regarding transfers.

The PRESIDING OFFICER. Is there objection to agreeing to the amendments en bloc?

Mr. DODD. Do you want to explain them or not?

Mr. DOMENICI. I would feel very good if you did not explain them. But if you want to, it would be great. We can keep the three of you to 1 minute combined.

Mr. JEFFORDS. Mr. President, I waive explanation.

Mr. DOMENICI. I ask the Senator, will you waive explanation?

Mr. BYRD. Could we have an explanation?

Mr. DOMENICI. The first amendment is amendment No. 480 offered by the Senator from Washington [Mrs. MURRAY].

Mr. BYRD. Could we have an explanation?

Mr. DOMENICI. She is going to do that right now.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Thank you, Mr. President.

Mr. President, the amendment that I am offering simply clarifies that they can waive victims of domestic violence from the Welfare Act. This was an amendment that was unanimously accepted in the fiscal year 1998 budget resolution and in the welfare reform bill.

I thank my colleague from New Mexico, Senator DOMENICI, for his work on this issue and appreciate the acceptance by the Senate.

Mr. DOMENICI. Thank you, Mr. President.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, my amendment tells Governors that they should report how well their child health development grant that we gave them—the block grant—how well it is working. That is basically what it does.

Mr. DOMENICI. And Senator DODD.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, this amendment is very important to the hospitals across the country. Under the law, the first hospital that cannot provide care would have its fees reduced if the patient is sent to a second hospital that can provide acute care. That is a good idea. What happens, however, is that patients that are moved from the first hospital to a home setting, no longer needing acute care, the fees of the first hospital are also reduced. We did not intend that to be the case. This amendment corrects that mistake. This is broadly supported by every hospital across the country.

My colleague from New York, Senator D'AMATO, is my cosponsor on this,

along with Senator LEAHY. We hope it will be accepted.

The PRESIDING OFFICER. Is there objection to considering the amendments en bloc?

Without objection, it is so ordered.

The question occurs on amendments 463, 480, and 481 en bloc.

Mr. BYRD. Mr. President, may we have an explanation of the other two amendments?

Mr. DOMENICI. We have had all three explained.

Mr. BYRD. All three have been explained?

The PRESIDING OFFICER. All three amendments were explained.

Mr. DOMENICI. Senator MURRAY has a freestanding amendment. She explained it. Senator JEFFORDS' is freestanding; and Senator DODD.

The amendments (Nos. 463, 480, and 481) were agreed to en bloc.

Mr. LAUTENBERG. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 483, WITHDRAWN

Mr. DOMENICI. I have another amendment to withdraw, Senator WYDEN's, No. 483.

Mr. WYDEN. Mr. President, because of its inclusion in the managers' package, that is appropriate at this time.

The PRESIDING OFFICER. Is there objection to withdrawing the amendment?

Mr. LAUTENBERG. No objection.

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

The amendment (No. 483) was withdrawn.

Mr. DOMENICI. I wonder if we could try one other one to see if we could dispose of it before we have a debate on the Levin amendment.

Senator GRASSLEY has an amendment that I would ask, is it acceptable on the other side, long-term care? It has to do with religious choice.

Mr. LAUTENBERG. We are looking at that, Mr. President. If we can just defer for a few minutes, if it is all right with Senator GRASSLEY, and go on to some other business and come back to it.

Mr. DOMENICI. All right.

Regular order.

AMENDMENT NO. 482

The PRESIDING OFFICER. The question occurs on the Levin amendment No. 482.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, the National Governors' Association strongly supports allowing vocational education training to count toward meeting the work requirement under the welfare law. The current law allows a 12-month limit. The old requirement was 24 months. The Governors argue and the community colleges argue—and I think it is very persuasive—that being in vocational education should count toward that work requirement. There is no cost to the Treasury.



It will help people to complete a community college education and to count that toward the work requirement under the welfare bill.

Mr. JEFFORDS. Will the Senator yield?

Mr. LEVIN. I am happy to yield to the Senator from Vermont. He is a cosponsor of this amendment.

Mr. JEFFORDS. I support the amendment and have no problems with it being in our jurisdiction. Senator CHAFEE also supports it. He asked me to inform the Senate.

The PRESIDING OFFICER. Who wishes to speak in opposition to the amendment?

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DOMENICI. I yield the time in opposition to the distinguished Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, we had this debate during the welfare reform bill in the last session of Congress. We said we wanted people who are on welfare to work, not to go into more education and training. There is a time for that. We allow for education and training, but at a certain point in time we are going to require people to go to work.

Now, what this amendment says is, no, you do not have to go to work; continue education and training. This is a weakening of the work requirement. This is not going to get people into the workplace to learn the skills necessary to be competitive and to get good jobs and to improve their future.

This is more of the same what we have been doing here in Washington prior to the welfare reform bill. The President did not request this change. It is not in the budget agreement. It was not anything that anyone advocated. It should be defeated.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I make a point of order that the amendment violates section 313(b)(1)(A) of the Budget Act.

Mr. LEVIN. I move to waive the Budget Act for this amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

VOTE ON MOTION TO WAIVE THE BUDGET ACT

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

The legislative clerk called the roll.

The yeas and nays resulted—yeas 55, nays 45, as follows:

[Rollcall Vote No. 119 Leg.]

#### YEAS—55

Abraham	Feingold	Lugar
Akaka	Feinstein	Mikulski
Baucus	Ford	Moseley-Braun
Biden	Glenn	Moynihan
Bingaman	Graham	Murray
Boxer	Harkin	Reed
Breaux	Hollings	Reid
Bryan	Inouye	Robb
Bumpers	Jeffords	Rockefeller
Byrd	Johnson	Sarbanes
Chafee	Kennedy	Smith (OR)
Cleland	Kerrey	Snowe
Collins	Kerry	Specter
Conrad	Kohl	Stevens
D'Amato	Landrieu	Torricelli
Daschle	Lautenberg	Wellstone
Dodd	Leahy	Wyden
Dorgan	Levin	
Durbin	Lieberman	

#### NAYS—45

Allard	Frist	Mack
Ashcroft	Gorton	McCain
Bennett	Gramm	McConnell
Bond	Grams	Murkowski
Brownback	Grassley	Nickles
Burns	Gregg	Roberts
Campbell	Hagel	Roth
Coats	Hatch	Santorum
Cochran	Helms	Sessions
Coverdell	Hutchinson	Shelby
Craig	Hutchison	Smith (NH)
DeWine	Inhofe	Thomas
Domenici	Kempthorne	Thompson
Enzi	Kyl	Thurmond
Faircloth	Lott	Warner

The PRESIDING OFFICER. On this question, the yeas are 55, the nays are 45. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained. The amendment falls.

Mr. DOMENICI. I move to reconsider the vote.

Mr. GRAMM. I move to lay it on the table.

The motion to lay on the table was agreed to.

AMENDMENT NOS. 485, 486, AND 487 WITHDRAWN

Mr. DOMENICI. Mr. President, on behalf of Senator FEINSTEIN, I withdraw amendments numbered 485, 486, and 487.

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

The amendments (Nos. 485, 486, and 487) were withdrawn.

AMENDMENT NO. 484

Mr. DOMENICI. There is a Harkin amendment numbered 484 which we are prepared to accept, and then we will proceed to Senator KYL's amendment, and we will have a vote.

The PRESIDING OFFICER. Is there debate on the Harkin amendment No. 484?

Mr. DOMENICI. We yield back any time remaining.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the Harkin amendment numbered 484.

The amendment (No. 484) was agreed to.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 468

Mr. KYL. Mr. President, if I could have my colleagues' attention, this is

amendment No. 468, designed to correct a technical corrections problem which ironically arose out of the Medicare Technical Act of 1994.

To describe it, you have been going to your doctor for 50 years. He says you need something done.

You say, "OK, do it."

He says, "Wait a minute, aren't you 65 years old now?"

You say, "Yes."

And he says, "I am sorry, I cannot treat you anymore."

"Why not?"

"Well, I don't treat Medicare patients."

"You do not have to submit the bill to Medicare. I will not submit the bill to Medicare. Let me pay you like I always have."

Sorry, HCFA says we cannot do that.

Mr. President, this is very simple. It allows for those 9 percent of the physicians who do not treat Medicare patients to continue to treat their patients as they always have. Those parties do not make a claim to Medicare, Medicare does not pay it, they simply go ahead and pay the doctor like they always have. This is not what was intended in the 1994 act, but because of the way HCFA's regulations have interpreted it, we need to make this technical correction.

I urge my colleagues to support the change.

Mr. LAUTENBERG. Mr. President, the Kyl amendment would allow something that is similar to balanced billing. It is, frankly, quite controversial. It does not belong, in my view, on a fast-track reconciliation bill. I hope we will oppose the amendment.

Mr. President, it is my view that the amendment is not germane. Therefore, I raise a point of order that the amendment violates section 305(b)(2) of the Congressional Budget Act of 1974.

Mr. KYL. Mr. President, I am going to move to waive the point of order. I wanted to indicate that this amendment has the support of sponsors, such as Senator LOTT, Senator DOMENICI, Senator ROTH, and others on our side. I hope we can do it.

Mr. DOMENICI. Does the Senator have any time remaining?

The PRESIDING OFFICER. All time has expired.

Does the Senator wish to make a motion?

Mr. KYL. I move to waive the point of order.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

VOTE ON MOTION TO WAIVE THE BUDGET ACT

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act on the amendment offered by the Senator from Arizona.

The clerk will call the roll.

The legislative clerk called the roll.

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

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUE] is necessarily absent.

The yeas and nays resulted—yeas 64, nays 35, as follows:

[Rollcall Vote No. 120 Leg.]

#### YEAS—64

Abraham	Feinstein	Mack
Allard	Frist	McCain
Ashcroft	Glenn	McConnell
Bennett	Gorton	Murkowski
Biden	Gramm	Nickles
Bond	Grams	Robb
Breaux	Grassley	Roberts
Brownback	Gregg	Roth
Burns	Hagel	Santorum
Campbell	Hatch	Sessions
Chafee	Helms	Shelby
Coats	Hollings	Smith (NH)
Cochran	Hutchinson	Smith (OR)
Collins	Hutchison	Snowe
Coverdell	Inhofe	Specter
Craig	Jeffords	Stevens
D'Amato	Kempthorne	Thomas
DeWine	Kyl	Thompson
Dodd	Landrieu	Thurmond
Domenici	Lieberman	Warner
Enzi	Lott	
Faircloth	Lugar	

#### NAYS—35

Akaka	Feingold	Mikulski
Baucus	Ford	Moseley-Braun
Bingaman	Graham	Moynihan
Boxer	Harkin	Murray
Bryan	Johnson	Reed
Bumpers	Kennedy	Reid
Byrd	Kerrey	Rockefeller
Cleland	Kerry	Sarbanes
Conrad	Kohl	Torricelli
Daschle	Lautenberg	Wellstone
Dorgan	Leahy	Wyden
Durbin	Levin	

#### NOT VOTING—1

Inouye

The PRESIDING OFFICER. On this vote, the yeas are 64, the nays are 35. Three-fifths of the Senators duly chosen and having voted in the affirmative, the motion is agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 468

The PRESIDING OFFICER. The question now occurs on the amendment of the Senator from Arizona.

The amendment (No. 468) was agreed to.

Mr. LOTT. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

The PRESIDING OFFICER. Without objection, the motion to lay on the table is agreed to.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Mr. President, I think we have been making good progress. Unfortunately, we have had far too many amendments that were carried over from last night.

I hope that at some point in the future we can come together with the leadership on both sides and come to an agreement on a better system of

doing business than having these votes on important matters of 10 minutes. But for now we have been making good progress.

The managers on both sides and the staff have been working very hard to understand what these amendments are and to see if agreements can be worked out on them and to see if they can be accepted or whether or not they should be passed or defeated. But they need a little time now.

#### MORNING BUSINESS

Mr. LOTT. Mr. President, I ask that there now be a period for the transaction of morning business until the hour of 12:45 with Senators permitted to speak for up to 5 minutes each.

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

Mr. LOTT. Mr. President, when the Senate resumes, the voting sequence will start at approximately 12:45. I urge all Senators to please be back in the Chamber in order to make the process as orderly as possible. This will give us a chance to get a bite to eat and for the staff to assess which one of these amendments we can accept or reject.

I yield the floor.

The PRESIDING OFFICER. Who seeks time?

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. ABRAHAM. Thank you, Mr. President.

#### MFN STATUS FOR CHINA

Mr. ABRAHAM. Mr. President, I take this opportunity in morning business to talk briefly about an issue that I know a number of Members on both sides of the aisle care very much about.

Yesterday in the House of Representatives a resolution which would have opposed or ended America's most-favored-nation status relationship with the People's Republic of China was defeated. But in the wake of that defeat, I think we still have an obligation to examine closely the policies of the Chinese Government and to not simply criticize those policies in word but also act with respect to those policies indeed. To that end, I urge my colleagues to begin the examination process of what, separate from acting in the context of most-favored-nation status, we might do as a matter of American policy.

The concerns that many of us have with respect to human rights abuses in China, ranging from coercive family planning practices to religious persecution, to the events that occurred in Tiananmen Square just a few years ago, combined with a variety of other things, such as the activities in this country of certain Chinese companies that operate under the auspices of the People's Liberation Army—most recently the incidence in which AK-47 assault rifles were on their way to street gangs in Los Angeles, and happily that

was prevented from occurring—but a variety of actions that I think demand a response from this country that goes beyond rhetoric.

To that end, I recently introduced legislation here in the Senate, the China Sanctions and Human Rights Advancement Act. I ask my colleagues to take a look at that legislation. Now that it is clear that the most-favored-nation status debate is over for this year, I think we should be looking at other options.

I believe this legislation embodies a variety of very targeted responses to the things that have gone on in the People's Republic of China that Americans are concerned about. It would, among other things, deny visas to those high-ranking Government officials who have engaged in some of the policies and practices that we deplore. It would upon the United States to vote "no" with respect to votes on loans to China by international multilateral development banks so that we will not have American taxpayers subsidizing the Chinese Government.

It would identify those Chinese companies who are operating in this country and take specific sanctions against those who have been identified as having engaged in inappropriate and illegal activities.

It would attempt to deal in a very specific way with the issues of the proliferation of weapons technologies that has gone on between the Government of China and nations such as Iran.

It has a wide array of components to it.

I ask that all Members who are concerned about the actions of the Chinese Government look at this legislation. This Senator is anxious to look at other ideas, because I think a response is warranted beyond the MFN debate itself.

Mr. President, with that I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### WELFARE REFORM

Mr. SANTORUM. Mr. President, after listening to some of the debate on amendments that are being offered and having the opportunity to come to the floor and defend what we did last year on the welfare reform bill, you would think by all of the amendments that are being discussed and by all of the gnashing of teeth that is going on here in the U.S. Senate today, that we have a welfare reform bill—the bill that passed this Congress last session and implemented by the States' 50 Governors—that we are having an abject failure; that horrible things are happening out there in the area of welfare