Senate has done nothing to move this treaty forward and debate it.

The Foreign Relations Committee has taken no action with respect to the treaty and is preventing the Senate from debating and voting in this most critical issue to the future of world peace. By his actions, the chairman of the committee is preventing the Senate from carrying out its constitutional duties and obligations to give advice and consent regarding the CTBT.

Mr. President, I support the call to hold hearings and bring this treaty to the floor for a debate and a vote. The American people strongly support this treaty and deserve to have that view represented and debated in the Halls of Congress.

Will the treaty be an effective means to prevent the spread of nuclear weapons? Let's debate the point.

Will the treaty be verifiable? Let's hear from the experts on that crucial issue.

Will the CTBT serve America's national security interest? Let's examine that from every angle.

As I mentioned at the outset of my remarks today, Mr. President, I believe the Nation and the world stand at a historic crossroads with respect to the spread of nuclear weapons. I believe it is our duty and obligation to the American people to choose the proper road to take. The key word, Mr. President, is ''Choose.'' The Senate is currently being prevented from making a choice—and in so doing, a choice is being made for us—by a few individuals seeking to advance an unrelated political agenda.

I'm certain I share an abiding faith in our democratic system with the Members of this body. If that's so, a debate, discussion, and vote on perhaps the most critical security issue facing our Nation today should be placed before the Senate as soon as possible. Failure to permit such a debate and vote suggests to me either a lack of faith in the democratic process or a disdain for its importance or validity.

Mr. President, I strongly urge my colleagues to support efforts to bring the CTBT to the floor.

Mr. HARKIN. Mr. President, I would like to add a few thoughts for today's debate regarding consideration of the Comprehensive Nuclear Test Ban Treaty.

I strongly believe that the Comprehensive Test Ban Treaty—or C-T-B-T—is in our Nation's national security interests. But before I discuss my reasons for supporting the treaty, let me first say why the Senate—even those who are unsure of the treaty-should support its consideration by the Senate.

The Senate should hold hearings and consider and debate the treaty. The Senate should vote on the treaty by March of next year.

Let me now mention some history of this issue and mention some of the major milestone along the road to ending nuclear weapons testing. In fact, next month, the month of October, is the anniversary of many important events.

On October 11, 1963, the Limited Test Ban Treaty entered into force after being ratified by the Senate in an overwhelming, bipartisan vote of 80–14 just a few weeks earlier. This treaty paved the way for future nuclear weapons testing agreements by prohibiting tests in the atmosphere, in outer space, and underwater. It was signed by 108 countries.

Our nation's agreement to the Limited Test Ban Treaty marked the end of our above ground testing of nuclear weapons, including those at the U.S. test site in Nevada. We now know, all too well, the terrible impact of exploding nuclear weapons over the Nevada desert. Among other consequences, these tests in the 1950's exposed millions of Americans to large amounts of radioactive Iodine-131, which accumulates in the thyroid gland and has been linked to thyroid cancer. ''Hot Sports,'' where the Iodine-131 fallout was the greatest, were identified by a National Cancer Institute report as receiving 5–16 rads of Iodine-131. The ''Hot Spots'' included many areas far away from Nevada, including New York, Massachusetts and Iowa. Outside reviewers have shown that the 5–16 rad level is only an average, with many people having been exposed to much higher levels, especially those who were children at the time.

To put that in perspective Federal standards for nuclear power plants require that protective action be taken for 15 rads. To further understand the enormity of the potential exposure, consider this: 150 million curies of Iodine-131 were released by the above ground nuclear weapons testing in the United States, above three times more than from the Chernobyl nuclear power plants disaster in the former Soviet Union.

Mr. President, it is all too clear that outlawing above-ground tests were in the interest of our nation. I strongly believe that banning all nuclear test is also in our interests.

October also marked some key steps for the Comprehensive Test Ban Treaty. On October 2, 1992, President Bush signed into law the U.S. moratorium on all nuclear tests. The moratorium was internationalized when, just a few years later, on September 24, 1996, a second step was taken—the CTBT, was opened for signature. The United States was the first to sign this landmark treaty.

President Clinton took a third important step in abolishing nuclear weapons tests by transmitting the CTBT to the Senate for ratification. Unfortunately, the Senate has yet to take the additional step of ratifying the CTBT. I am hopeful that we in the Senate will debate and vote on ratification of the Treaty, and continue the momentum toward the important goals of a worldwide ban on nuclear weapons testing.

Many believed we had conquered the dangerous specter of nuclear was after the Cold War came to an end and many former Soviet states became our allies Unfortunately, recent developments in South Asia remind us that we need to be vigilant in our cooperative international efforts to reduce the dangers of nuclear weapons.

The CTBT is a major milestone in the effort to prevent the proliferation of nuclear weapons. It would establish a permanent ban on all nuclear explosions in all environments for any purpose. Its ''zero—yield'' prohibition on nuclear tests would help to halt the development amd development of new nuclear weapons. The treaty would also establish a far reaching verification regime that includes a global network of sophisticated seismic, hydro-acoustic and radionuclide monitoring stations, as well as on-site inspection of test sites to deter and detect violations.

It is vital to our national security for the nuclear arms race to come to an end, and the American people recognize this. In a recent poll, more than 80% percent of voters supported the CTBT.

It is heartening to know that the American people understand the risks of a world with nuclear weapons. It is now time for policymakers to recognize this as well. There is no better way to honor the hard work and dedication of those who developed the LTBT and the CTBT than for the Senate to immediately ratify the CTBT.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000 —Continued

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the distinguished manager, Senator HARKIN, and I had talked yesterday about a time limit on sending of amendments. I believe that has been worked out now.

On behalf of Senator LOTT, the majority leader, I ask unanimous consent that all first-degree amendments in order to the Labor-HHS-Education appropriations bill must be filed at the desk by 2 p.m. on Thursday, today, and all second-degree amendments must be relevant to the first-degree amendments they propose, and in addition thereto, each leader may offer one first-degree amendment.

Mr. REID. Mr. President, reserving the right to object, I am not objecting other than to add to the unanimous consent request that in addition to the two leaders, each manager will also have the right to offer an amendment.

Mr. SPECTER. I accept that addendum.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SPECTER. I understand the distinguished Senator from Nevada, Mr. REID, has an amendment which he wishes to submit. I have discussed a

time limit with Senator REID, and I ask unanimous consent the time limit be 30 minutes equally divided.

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

Mr. REID. I ask the pending amendment be set aside since it is my amendment.

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

AMENDMENT NO. 1820

(Purpose: To increase the appropriations for the Corporation for Public Broadcasting)

Mr. REID. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1820.

On page 66, line 16, strike $350 million and replace with $475 million.

Mr. REID. Mr. President, ''Prairie Home Companion'': My wife and I have enjoyed many Sunday afternoons listening to this great program on public radio. It lasts 2 hours; there is music, comedy, drama. It is a great program. It comes on public radio.

On public television, we all watched the series on the Civil War. I don't know if there was a more dramatic, a more effective presentation of history ever made on public broadcasting than of the Civil War.

It was tremendous.

Then several years later, the same person who produced the Civil War series produced a magnificent series on baseball, the history of baseball. It had pictures we had never seen, stories we had never heard, all on public broadcasting, all without any type of commercial interruption of any kind.

I watched on public broadcasting, public television, a presentation about the city of New York. I have been to the city of New York numerous times. Never did I see New York as it was shown in that program. I saw parts of New York I would never, ever be able to see. I understand New York better than I would have ever been able to understand New York as a result of that program on public television.

I am a fan of public broadcasting. I think America is a fan of public broadcasting. We can look back to the mid-1990s when Newt Gingrich took control of the House of Representatives and publicly proposed cutting all public broadcasting funds.

There has been an effort by public broadcasters to do all kinds of things to be able to meet the demands of their viewers. One of the things they have done—there is report language in this bill that I think is important, and that is to stand up and say what they have done as far as selling lists of their subscribers is wrong. We have public broadcasting selling lists to Democratic organizations; we have public broadcasting selling lists to Republican organizations. They were put up to bid, in effect, and that is wrong. The report that accompanies this bill says, in very strong terms, that was wrong.

It was wrong. I acknowledge that without any question. But we have to decide whether we want to have a public broadcasting system or not have a public broadcasting system. Either we fund the Corporation for Public Broadcasting so they can exist or we decide to end it. I prefer the former. I prefer that we fund the Corporation for Public Broadcasting. I suggest we increase funding as indicated in this amendment, this year, by $125 million.

I think it is important we talk about public broadcasting, what it does for this Nation. As long as the Corporation for Public Broadcasting is leery of Congress cutting their funds—and certainly they should be—I suspect they will begin to sound more and more like private broadcasting stations.

There was one article in the Washington Post, written by a man named Frank Ahrens, in which there was substantial research about what has happened to public broadcasting. We find there has been a 700-percent increase in corporate funding over just the past few years, since Congressman Gingrich got involved in this. It is not just listeners who are noticing the change. Private stations, which are not tax exempt as are these public broadcasters, are voicing their concern about an increasingly uneven playing field—as well they should.

Why do they do that? They do it because corporate support has shifted radically in the past several years. In fact, at WAMU, which is a station here in Washington, the broadcasts of which we hear all over the country, the station president said it has gone up significantly. That is an understatement.

Bob Edwards, for those of us who listen to public broadcasting—and I listen to it in the morning more than any other time; I listen to the morning edition—he is even more blunt. Bob Edwards says:

Underwriting has kept us alive.

It has cut into our air time. If you have to read a 30-second underwriter credit, that's less news you can do.

That is an understatement. There is much less news that is done. Underwriting spots sound like commercials, a trend that troubles listeners, and recent surveys show this.

As this article indicates, the public is getting upset about this. In Boston, a radio station called WBUR has aggressively pursued corporate underwriting, as many stations around America have—in fact, they have all done this. It lists 315 corporate sponsors on its web site—1 radio station.

The corporations love to advertise on public radio. They believe demographically they have an audience that listens to their messages, understands their messages; many times they are well-educated, upper-middle-class listeners who have expensive tastes and, some say, the money to indulge them. Moreover, they trust public radio much more than listeners trust, perhaps, commercial radio.

We know on WAMU and other public radio stations, the Nuclear Energy Institute, the lobbying arm for the atomic power industry, has done a lot of advertising. This comes not from the Senator from Nevada but from this article from the Washington Post. With its ads, the Nuclear Energy Institute says, by using their slogan, ''Nuclear technology contributes to life in many ways you probably never thought of.''

This upset listeners. There was a lot of complaining. As Bob Edwards, the host of the program indicated, there was an e-mail campaign suggesting NPR was in the pocket of the nuclear industry. I personally do not think they are. But when this advertising takes place, people do not have to stretch really far to come to that conclusion.

The same radio station, WAMU, decided several years ago they were going to do a show sponsored by the National Agricultural Chemical Association which advertised its products as safe. People complained because some people do not like these chemicals that are put on crops. Calls came in suggesting the radio station was in the pocket of this chemical company. That is really not true, but people can draw that conclusion because of the advertising that takes place on public radio.

Still, public radio managers are concerned and they are inventing all kinds of ways to get around FCC rules. They are creating promotions with adjectives and lengthy explanations: ''the blue-chip company,'' ''18 million customers worldwide,'' and ''converting natural gas to sulfur-free synthetic fuels.'' These are some of the catchwords they are using to try to get around some of the FCC rules.

In this Congress, earlier this year, Congressman MARKEY from Massachusetts and Congressman TAUZIN from Louisiana drafted a bill that would tighten the FCC rules and also increase spending by as much as 60 percent for the Corporation for Public Broadcasting. They were—I should not say forced; they decided on their own, I am sure, but as a result of all the publicity that was engendered as a result of learning these public broadcasting organizations were selling their subscribers' lists, they backed off this legislation. They said they were going to go forward with it soon. There is a sentiment all over America that we have to have either public broadcasting or commercial broadcasting. This mix is not working because the mix is coming out as commercial broadcasting.

It is not just lawmakers and listeners who are concerned and taking note of this advertising policy, but commercial radio stations are concerned. Public broadcasting is tax free. Commercial broadcasters believe it is unfair that public stations can air essentially the same advertising they do and not have to pay the same taxes. They are competing in a way that is unfair to commercial broadcasters. ''It's not an even playing field,'' says Jim Farley, the vice president for news at WTOP here in Washington.

I listen to WTOP. It is a great news station. I think if we are going to have public broadcasting, it should be public broadcasting. People should not have to guess whether or not it is a commercial station or it is public broadcasting. I agree with Jim Farley. It is not an even playing field.

The increased presence of corporate underwriters has led some listeners and even those within public radio to fear underwriters might influence the news coverage in segments they sponsor. There are not many other conclusions you can reach if, in fact, you are advertising some commercial product.

The reason people can come to that conclusion without a lot of stretch is, for example, ''Marketplace,'' which is a public radio program, aired stories about General Electric being indicted for price fixing but ignored a 1990 boycott of the company by the people who objected to its participation in the nuclear weapons industry.

Why did some people come to that conclusion? Because General Electric provides more than 25 percent of the funding for this program. There was no other conclusion one could reach. The show's general manager now calls the fact they did not run stories about this boycott a lapse, a mistake. I submit, we should not have these problems with public broadcasting.

My amendment simply says if we are going to have public broadcasting, we should have public broadcasting. Even though this money I am suggesting we vote for is not enough to solve all the problems, it is a step in the right direction and will take some of the pressure off public broadcasting.

This is money well spent. It is important we in America feel good about our public broadcasting. I submit that programs such as ''Prairie Home Companion,'' the series on the Civil War and baseball and New York and a multitude of other programs we have all enjoyed should continue without commercial interruption.

I believe we should adequately fund this organization. Whether it is adequate funding or not is something we can all debate, but it is at least a step in the direction of giving public broadcasting a shot in the arm, funding which has been taken from them as a result of the activities of Congress since 1995.

Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The distinguished Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I ask unanimous consent that no second-degree amendment be in order prior to the vote on or in relation to the pending amendment.

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

Mr. SPECTER. Mr. President, I oppose the amendment offered and argued by the Senator from Nevada because the subcommittee worked out a very carefully crafted set of priorities, joined in by the Senator from Iowa, Mr. HARKIN, my distinguished ranking member. In structuring a bill of $91.7 billion, we had to take into account many programs, some 300 programs. There is difficulty in having this bill accepted with 51 votes considering the expenditures involved.

We have given priority to items such as education where the bill is $500 million in excess of the President's request. We have given priority to programs for the National Institutes of Health and raised $2 billion. We have had to cut some programs which I, frankly, did not like to see cut. But we have established the priorities.

With respect to the Corporation for Public Broadcasting, we have increased their funding by $10 million, from $340 million to $350 million. This year's allocation of $340 million was an increase from $300 million the year before and an increase from $250 million the year before that. It is true that back in 1992, the Corporation for Public Broadcasting had an allocation of $327 million and it has gradually been built up. I have been supportive of public broadcasting. The question is on priorities, and it is my judgment that in a tight fiscal year with tight budget constraints that we have been reasonably generous with the Corporation for Public Broadcasting.

On another matter I think ought to be commented upon, although it is not the reason for opposing the amendment by the Senator from Nevada, is the finding by the inspector general of the Corporation for Public Broadcasting that 53 of the 591 public broadcasting grantees exchanged donor lists with or rented them to political organizations, which is a matter of some consequence. Earlier this year, the Boston Globe reported that the local public television station in Boston, WGBH, exchanged its donor list with the Democratic Party. There were other media reports about exchanges involving public broadcasting with WNET in New York, WETA in Washington, DC, and WHYY in Philadelphia.

Steps have been taken by the Corporation for Public Broadcasting to stop that practice, but I do think it is a factor which ought to be in the public record and ought to be commented upon at this time.

It would be a curious reward if, in the face of a problem this year of this magnitude, we had a proportionately large increase in the Corporation for Public Broadcasting. These factors were considered very carefully when our bill was crafted. I do listen to public broadcasting myself, and I do concur with Senator REID that it is a very useful instrumentality, given the considerations on commercial broadcasting. But we have gone about as far as we can go in allocating a $10 million increase which brings the corporation up to $350 million.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, the manager of this bill and the Senator from Iowa have done a good job in constructing this $91.7 billion bill, and they have included things regarding health and education. There is nothing more educational for the American public than to do a good job for public broadcasting.

As I said earlier, the sales of the donor lists were brought about because of the financial pressure on these institutions. I do not condone that, and I agree with the language of the report which does not condone that.

I suggest this is money well spent out of $91.7 billion. This money is a mere pittance and it would be very important to spend to help the American public.

I ask unanimous consent that the actual vote on this amendment not take place until there is an agreement between the two leaders as to when it should take place.

Mr. SPECTER. I thank the Senator from Nevada for that observation. It is my hope we can stack the votes until late this afternoon. We find that the votes set for 15 minutes with a 5-minute leeway go much longer. We have an amendment lined up by the Senator from Arkansas, Mr. HUTCHINSON, to start in 10 minutes, and behind that—in sequencing we have had two amendments from that side of the aisle, so we are looking for another Republican amendment behind Senator HUTCHINSON. Then we will have Senator GRAHAM of Florida.

We wish to move this bill expeditiously giving ample time with time agreements. So we will be looking to stack the votes very late this afternoon. Then we have lined up an amendment on ergonomics to come late this afternoon. It is anticipated there will be considerable debate on that. But we want to move through the ''meat'' of the day, so to speak, getting as much done as we can. So I concur with what Senator REID has had to say about stacking the votes later.

The PRESIDING OFFICER. Is there objection to the Senator's request?

Without objection, it is so ordered.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I also say, while we are waiting for Senator HUTCHINSON to come to the floor, that we have the 2 o'clock cutoff for the submission of amendments. We hope Members will come forward with amendments as quickly as possible, recognizing we are trying to move this bill along as quickly as we can. So we hope everyone, especially the staffs who are listening, will take that into consideration, as I am sure they are—that consideration will be given to the submission of amendments, working under the time constraints we have.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. SPECTER. 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. SPECTER. Mr. President, while not an enormous matter, while we are waiting for the next amendment to be offered, the issue has arisen as to whether the lists were made available to which political parties. I have been furnished, by staff, with a response by the inspector general of the Corporation for Public Broadcasting to Congressman DINGELL's questions in the House of Representatives.

This is one question:

When stations made donor lists available to Democratic organizations either directly or through list brokers/managers, were the lists made available to Republican organizations as well?

Answer by the inspector general, as represented to me here:

Although, none of the identified exchanges or rentals of donor names from public broadcasting stations involved Republican organizations, we could not conclude that such names were not available to them. In this regard, we found no indications or evidence that Republican organizations had ever sought or been turned down for names requested from public broadcasting stations. In addition in visiting two stations, we were advised that when they learned that names were being exchanged with or rented to Democratic organizations, they had proposed exchanges with Republican organizations to their direct mail consultant or list broker. These stations were later advised that such exchanges were turned down.

I think it advisable, having read from part of these responses, that the full text of the responses to Congressman DINGELL's questions be printed in the RECORD. I ask unanimous consent that the full text of the responses be printed in the RECORD.

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

CORPORATION FOR PUBLIC BROADCASTING,
Washington, DC, September 24, 1999.

Hon. JOHN D. DINGELL,
Ranking Minority Member, Committee on Commerce, Room 2125, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN DINGELL: The Office of Inspector General appreciates the opportunity to clarify any questions Congress has resulting from our recent report on Public Broadcasting Stations exchange or rental of membership/donor names with political organizations. We have accordingly prepared Attachment 1 which contains the office's conclusions regarding the questions raised in your September 20, 1999 letter.

If your staff wishes to discuss these matters further, please have them contact me at (202) 879–9660.

Sincerely

KENNETH A. KONZ,
Inspector General.

ATTACHMENT 1

RESPONSES TO CONGRESSMAN DINGELL'S QUESTIONS

1. Is there any evidence to suggest that any donor list transactions between stations and Democratic organizations were politically motivated?

No. Stations across the country universally denied that any decisions to exchange donor lists or rent names to any outside organization were politically motivated. Additionally, top management officials were not aware that such exchanges were being made. Instead, such exchanges seem to grow from the need to utilize direct mail solicitation as a basis for raising membership revenue for the station. Because dealing with political organizations was such a minor part of their direct mail solicitation process, we concluded that political motivations were not considered.

2. When stations made donor lists available to Democratic organizations either directly or through list brokers/managers, were the lists made available to Republican organizations as well?

Although none of the identified exchanges or rentals of donor names from public broadcasting stations involved Republican organizations, we could not conclude that such names were not available to them. In this regard, we found no indications or evidence that Republican organizations had ever sought or been turned down for names requested from public broadcasting stations. In addition in visiting two stations, we were advised that when they learned that names were being exchanged with or rented to Democratic organizations, they had proposed exchanges with Republican organizations to their direct mail consultant or list broker. These stations were later advised that such exchanges were turned down.

3. Were any contacts with political organizations initiated directly by station representatives? What role did list brokers/managers play in these transactions?

Based on the responses we got to the survey and our visits to stations, we found that all arrangements with political organizations were made by direct mail consultants or list brokers. Generally, such consultants developed plans for direct mail campaigns. Given the number of solicitations planned, the consultant proposed various lists from which names could be exchanged or acquired based on the demographics of the target audience and success in using, such lists in previous direct mail solicitations. The stations simply saw the names of the proposed lists and were given the opportunity to eliminate those organizations they did not want to exchange with. Therefore, they usually went along with the lists recommended. In cases where political organizations desired exchanges, they would go to the list broker who (in some cases) had authority to exchange names or who, if they did not have authority, would get back to the stations to obtain authorization or rejection.

4. Is there any evidence of a station, or list broker/manager acting on behalf of a station, refusing a request for a list exchange or rental from either a Republican organization or a list broker/manager known to be acting on behalf of a Republican organization?

We saw no indication that exchanges or rentals from Republican organizations were turned down. On the other hand, we saw some exchanges with Democratic organizations were turned down because the stations had a policy of not exchanging with political organizations.

As a general rule, we saw stations looking for names for use in direct mail solicitations. In this regard, in reviewing acquisition of names, stations obtained names not only from apparent Democratic organizations, but also from apparent Republican organizations. For the stations we visited, more than one third of the stations got significant portions (20 percent or more) of such names from apparent Republican organizations. Thus, we have no basis to conclude that exchanges sought by Republican organizations would have received any different consideration from those sought by Democratic ones.

5. In your judgment, did any station violate any Federal of State law or regulation in conducting these donor list transactions?

Our office did not find clear evidence of any violation of Federal or State laws or regulations. CPB has the authority for making grants to public broadcasters under section 396 of the Communications Act of 1934, as amended. In examining the provisions of the Act, as well as CPB grant terms and conditions in affect at the time of grant award, we noted that no specific restrictions existed related to direct mail solicitations and the exchange of membership/donor lists with other organizations. Since we were unable to find evidence showing political motivation to support particular parties or candidates, we did not identify any violations of existing CPB statutes or regulations.

Our office is not an expert in all the Federal or State laws or regulations which might govern the exchange of rental of membership/donor lists. we have in this instance heard that questions have been raised regarding the possibility that stations may have violated provisions of the Internal Revenue Service (IRS) requirements concerning non profit organizations. We understand the IRS was looking into the situation. They would be the appropriate organization to indicate whether there were any violations to that law.

6. How did stations benefit from list exchanges or rentals with political organizations?

In our opinion, stations did not obtain any extraordinary benefit from exchanges or rentals with political organizations. While on one hand the stations did get names from such organizations, they paid for them just like other exchanges with or rentals from non profit organizations or even commercial entities. In both cases, the cost of direct mail solicitations was reduced when names were acquired through exchanges, rather than rentals.

In evaluating benefits to the station, we noted that successful lists only averaged one contribution or membership for every 100 direct mail solicitations (1 percent). Furthermore, only a small proportion of the names used in direct mail solicitations were derived from political organizations. For the stations we visited names from apparently political organizations, ranged from only .3 percent to 6.4 percent of the names acquired for direct mail solicitations. Thus, we concluded that involvement with political organizations in this process did not provide material benefits to public broadcasting stations.

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

Mr. REID. Mr. President, if the Senator would withhold.

Mr. SPECTER. I do.

Mr. REID. Mr. President, I did not want to get into a ''who did this; who did not do that.'' I acknowledge, selling the lists was wrong. The fact is, though, that PBS stations made these lists available to both parties. Without getting too partisan, we know the Bush family has made their lists available to groups, also. These groups include the

Citizens for a Sound Economy and the Heritage Foundation. These are certainly if not Republican organizations, I would clearly say, Republican-leaning organizations.

I also think it is important to note we are talking about the Corporation for Public Broadcasting. And the Corporation for Public Broadcasting has a policy——

The PRESIDING OFFICER. The time requested by the Senator has expired.

Mr. REID. Yes. We are not on the Senator's time now. We are waiting for Senator HUTCHINSON to come. I got the floor on my own.

The PRESIDING OFFICER. We have a time agreement on the amendment. There is a current time agreement. If the Senator wishes to——

Mr. SPECTER. I yield time from my side to the Senator from Nevada.

I ask the Senator, how much time would you like?

Mr. REID. Just a few minutes, a couple minutes.

Mr. SPECTER. Two minutes. We only have about 4 minutes left. If you take 2 minutes, I will have 2 minutes.

The PRESIDING OFFICER. The Senator from Pennsylvania has 6 minutes 20 seconds remaining.

Mr. SPECTER. Take 3.

The PRESIDING OFFICER. The distinguished Senator from Nevada is recognized for 3 minutes.

Mr. REID. Mr. President, the Corporation for Public Broadcasting now has a policy. We do not need to talk about what has gone on before. We all recognize it was wrong and is wrong.

I again state I approve wholeheartedly with the language in the report that was submitted by the manager and the ranking member of this bill and which I understand had the full committee chairman's undying support; that is, the Senator from Alaska was also upset about the trading of lists, which we all agree is wrong.

I support the present policy. If you want to sell your list to a political party, you are not going to get any funding from the Corporation for Public Broadcasting.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, on the Senate floor we do not frequently have the quality of evidence which assures authenticity, unlike a courtroom where you have to have witnesses who saw, observed, or documentation which is authenticated.

I have marveled, from time to time, during my tenure in the Senate how many representations of fact are made which have no authentication. We had a little time left over from the debate, so the Senator from Nevada and I have talked a little bit about these lists being made available to political parties.

You have the inspector general's report which will be made a part of the RECORD which says what it says. I have already stated that. I am not going to repeat it. But what we say on this Senate floor is viewed by a lot of people. I am sure the Corporation for Public Broadcasting will be looking very closely at what Senator REID and I have had to say. And other public institutions will be on notice, as well, that when there is public money involved, it is a public trust and not to be partisan for either Democrats or Republicans, and that we will take a look at it.

Again, I repeat that, notwithstanding this concern, we did not seek to have that influence our determination as to what the funding should be. We added $10 million. We know the problem has been rectified, but we want the Corporation for Public Broadcasting, and everyone else, to be on notice that the Congress will not tolerate partisanship or political activity of either party with public money, which is a Federal trust.

Mr. President, I move to table the pending 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.

The PRESIDING OFFICER. The vote will be postponed.

Mr. SPECTER. Mr. President, the hour of 12:30 has arrived. We expect the offerer of the next amendment to be here within a very short period of time. In the interim, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. COVERDELL. 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. COVERDELL. Mr. President, in a moment, the next amendment will be offered in the queue by the Senator from Arkansas. I ask unanimous consent that the amendment be awarded one hour of debate, equally divided, with no second-degree amendments.

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

The Senator from Iowa.

PRIVILEGE OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Tom Hlavacek, a fellow in my office, be granted the privilege of the floor during consideration of this appropriations bill.

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

The PRESIDING OFFICER. The distinguished Senator from Arkansas is recognized.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, parliamentary inquiry. A unanimous consent was asked. Was there approval that there be a time limit on this amendment?

The PRESIDING OFFICER. That is correct.

Mr. HARKIN. The time limit is what?

The PRESIDING OFFICER. One hour of debate equally divided with no second-degree amendments.

Mr. HARKIN. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 1812

(Purpose: To transfer amounts appropriated.)

Mr. HUTCHINSON. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Arkansas (Mr. HUTCHINSON), for himself, Mr. DEWINE, Mr. ALLARD, Mr. THOMAS, Mr. CRAPO, and Mr. HELMS, proposes an amendment numbered 1812.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of title I, add the following:

TRANSFER OF FUNDS FOR THE CONSOLIDATED HEALTH CENTERS

SEC. . Notwithstanding any other provision of this Act, $25,472,000 of the amounts appropriated for the National Labor Relations Board under this Act shall be transferred and utilized to carry out projects for the consolidated health centers under section 330 of the Public Health Service Act (42 U.S.C. 254b).

Mr. HUTCHINSON. Mr. President, I ask unanimous consent to add Senators DEWINE, ALLARD, THOMAS, CRAPO, and HELMS as cosponsors of the amendment.

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

Mr. HUTCHINSON. Mr. President, I am pleased to offer this amendment to the appropriations bill on Labor-HHS. I think it is one that should be easy for Members to support. Let me very basically explain it, and then I will go into more detail.

This would shift $25.472 million from the National Labor Relations Board to the Consolidated Health Centers Program. The $25.472 million is the increase in spending that has been added to the budget of the NLRB. I will explain this in further detail, but this would take that expense and shift it to what is a critical program for underserved areas in health care in this country.

The NLRB requested an increase of $25.472 million in funding for the fiscal year 2000. Their argument is they need that increase in funding to reduce their backlog in cases. However, when one looks at the situation at the NLRB and looks at their own statistics provided by the National Labor Relations Board, justification for an increase is simply not there.

In its annual report, the NLRB stated the number of cases that were pending before the NLRB declined from 37,249 in fiscal year 1997 to 34,664 in fiscal year

1998. The NLRB further reported the number of cases the NLRB is receiving declined from 39,618 in fiscal year 1997 to 36,657 in fiscal year 1998.

From their own statistics, it is clear that the National Labor Relations Board can fulfill its statutory mandate to administer the National Labor Relations Acts without the better than $25 million increase in funding. In fact, the NLRB did not receive an increase last year and was not only able to fulfill their mandate but achieved these results which I have cited in seeing a decrease in the number of cases.

How is that possible? When adjusted for inflation, from 1980 to 1998, while the NLRB budget declined by 21 percent, the number of charges received and processed has declined by 31 percent. While the NLRB can rightly say they have had a declining budget, if you look at the number of charges they have received and processed, it has had an even more dramatic decline.

In his statement before the House Subcommittee on Labor-HHS, on March 25, the NLRB general counsel, Fred Feinstein, stated that the NLRB has adopted a program called Impact Analysis through which the NLRB has moved beyond the first-in-first-out approach in an effort to assure that the cases it gets to first are those that are central to its core mission.

He further stated that the Impact Analysis Program has allowed the NLRB to assure that its backlog consists of lower priority cases. Not only has the backlog decreased but the cases that are in their own system are not of a lower priority.

The NLRB estimates that of the 35,000 total charges filed each year, only approximately one-third—or 10,500—are found to have merit. The NLRB further estimates that of the 10,500 charges each year that are found to be meritorious, 86 percent—or 9,030—are settled.

Therefore, the NLRB adjudicates only approximately 4 percent—or 1,470—of the charges it receives each year. So over 35,000 total charges, less than 4 percent, or about 4 percent, are ever adjudicated. So from the NLRB's own numbers, only 10,500 of the 35,000 charges have merit and 65 percent of all unfair labor practice charges are dismissed or withdrawn.

Let me reiterate. Sixty-five percent of all unfair labor charges are dismissed or withdrawn because they are found to be without merit.

Where does that leave us as a body? How do we justify funding their request at better than a $25 million increase at a time that the number of cases is decreasing and the number of adjudications is down 40 percent? How do we justify that?

I know. I simply can't justify that. I think many of my colleagues will agree.

If a society can be judged by how it treats its less fortunate, if a society is judged by how it treats its most vulnerable members, then we must and the NLRB must make better use of resources and decide that we will tip the scales this time in favor of individuals, particularly children, who need health care.

That is why my amendment will shift $25.472 million from the NLRB to the Consolidated Health Centers. It is not a cut in NLRB funding but a shifting of what would have been an increase in their funding to a critically urgent program, the Consolidated Health Centers.

The Consolidated Health Centers Program is a Federal grant program funded under section 330 of the Public Health Service Act to provide for primary care health services in medically underserved areas throughout the United States.

I suspect that the occupant of the chair, the Senator from Kansas, knows well about these kinds of underserved areas. In my home State of Arkansas—we have many in the Mississippi Delta region—they are desperately in need of these kinds of community health clinics. Specifically, this program makes grants to public and nonprofit private entities for the development and operation of community, migrant, and homeless health centers.

Key to the mission of the Consolidated Health Centers Program is its recognition of the contours of our country and its diverse geography. Health care is needed in areas where economic, geographic, and cultural barriers limit access to primary health care for a substantial portion of the population. It might surprise a lot of folks, but today one-fifth of Americans live in rural areas. And many are in desperate need of health care.

I grew up in a little town of 894. It is now up to 1,300. It is in a rural part of Arkansas. I wouldn't trade that place for growing up for any place in the world. But I know that while we have serenity, we have low crime—we had wide open spaces to run on the farm, and it was a wonderful place to grow up—there are also a lot of amenities most people take for granted which we didn't have. Whether it is in Kansas or Arkansas or Iowa, people living in those rural areas may be willing for the benefits they receive not to have the metro system, not to have a nice theater, not have the grand malls, and some of the things we enjoy so much in the Nation's Capital.

However, the tragedy is not only do they give up those amenities but too often in Iowa, Kansas, Arkansas, across the Mississippi Delta and other rural areas, they also give up opportunities because of the economic deprivation of some of the areas that have good quality health care. Indeed, some don't have adequate health care facilities at all, while we take for granted such areas as the Pentagon City Mall, Tysons Corner, full service hospitals, dental centers, podiatrists, chiropractors, virtually a doctor for every part of your body.

But that does not happen in the Mississippi Delta, rural Kansas, or Iowa. These health centers provide access to basic yet essential health services, including preventive health and dental services, acute and chronic care services, appropriate hospitalization, and specialty referrals. These centers are the safety net providers for those who fall through the cracks in our current health insurance marketplace. We may fight and we may argue on the floor of this Senate as to what we should do about managed care reform, what we should do about providing health care for those uninsured, but we don't need to argue about the need to increase funding for these vital community health centers. They are the ultimate safety net in our society.

Health centers provide health care to people regardless of their ability to pay. By law they serve anyone who walks in through their doors—rich or poor, insured or not. Of the clients received by community health centers, 44 percent are children, 66 percent have incomes below poverty level. That is the issue before the Senate in this amendment: Are we going to fund more bureaucracy at the NLRB at a time they have a declining number of cases or are we going to shift the increase for small rural communities desperately in need of greater health care? In Arkansas alone, 41 health centers currently serve 80,000 Arkansans. Once again, 44 percent are children and two-thirds have incomes below the poverty level.

Last month, during our August recess, I had the opportunity to visit 13 counties in the delta region. They are the poorest of the poor. They don't need a handout, but they need a helping hand, especially in the area of health care. I recently visited a new health clinic in Parkin, AR, made possible through a grant in this program, Consolidated Health Centers Program. I commend all the dedicated public servants and health care professionals at the Parkin Medical Clinic and all of the health centers in Arkansas for the invaluable contributions they make to their communities and commitment to improving public health.

At a time when the number of uninsured in our country is over 40 million and growing, the community health centers play a pivotal role in providing care to those who need it most, the uninsured. By spending $25 million more for the health centers, we will enable them to serve 83,000 more people. That won't cover the expected need, but it is a step in the right direction. They say they need $264 million more to maintain current levels of coverage and care. Last year, we increased funding by $100 million for the health centers. Senator SPECTER—and I applaud his efforts in this appropriations bill—increases funding for the health centers by $99 million in addition. That is a good start, but they say in order to maintain current service they need $264 million.

I believe this is a good investment and it is an easy choice. The choice is funding more bureaucracy at the NLRB

at a time caseload is falling or shifting that increase to the communities, to the deprived and neglected communities of this country in which there is a high percentage of uninsured and a high percentage of children who don't have access to health care. We can help that situation and provide tens of thousands of people health care by the simple passage of this amendment.

How much time remains?

The PRESIDING OFFICER. The Senator from Arkansas has 17 minutes 51 seconds.

Mr. HUTCHINSON. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time in opposition to the amendment?

Mr. ENZI. Mr. President, I ask unanimous consent to make a unanimous-consent request.

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

Mr. HARKIN. Reserving the right to object, I didn't hear.

Mr. ENZI. I ask unanimous consent, without it being taken off of the Senator's time.

Mr. HARKIN. I object. If the Senator wants to speak, why not have the Senator yield time?

Mr. HUTCHINSON. Mr. President, I am happy to yield to the Senator from Wyoming whatever time he desires.

Mr. ENZI. Mr. President, I rise in support of the amendment by the Senator from Arkansas. I am Chair of the Senate Subcommittee on Employment, Safety and Training. I have worked closely with Senator HUTCHINSON to assure small businesses are treated fairly by the NLRB. I have numbers as well that show there is difficulty with that.

I held a hearing in July that clearly illustrated how small business owners that win against the NLRB on an action against the employer get left with thousands of dollars of legal bills. Aggressive actions continue to be brought against the small business owners with no relief in sight. That has to be solved.

Regarding this movement for community health centers, regardless of how much it takes to take care of the present situation, Wyoming doesn't have a community health center. We have a need for it equally. I hope that is included in the suggestions for where this money will be going. I understand the need to raise enough funds to be able to support the current efforts.

I ask people to take a look at the record of the hearings we held on this subject of the National Labor Relations Board and the unfairness with which they have treated some of the employers, the huge bills employers have been left with, in spite of some of them representing themselves before the committee. Such practices are wrong and need to be stopped.

We shouldn't have additional funds for a function that is actually decreasing the load. We also find there is a decrease in cases going before those people.

Earlier this year at a field hearing about the National Labor Relation Board's treatment of small businesses by the safety subcommittee, a small business employer named Randall Truckenbrodt testifies that in one year alone, over 36 unfair labor practice charges were filed against his company. After a prolonged legal battle, Randall won all 36 charges. The cost of defending himself, however, totaled a whopping $80,000, a sum which he testified, ''could have been triple had I not represented myself.'' As a former small business owner, I shudder to think that such a practice could ever occur—much less to a small business—and I am dumbstruck by reports that what happened to Randall happens all the time. Such practices are more than wrong, they should be stopped. I support this amendment, which would allow NLRB to focus on their existing responsibilities and not allow additional funds for random, meritless claims brought against small businesses by the NLRB—an intimidating bureaucracy that can sometimes strong-arm the little guy who doesn't have the resources to defend himself.

I have great concerns over the actions of the NLRB against small businesses, and before we give it 25 million additional dollars, I think we need to get to the bottom of NLRB's treatment of these smallest of businesses. I support Senator HUTCHINSON's amendment which would transfer the $25.7 million increase for the National Labor Relations Board to Consolidated Health Centers under the Public Health Service Act.

Community health centers play a vital role in providing primary care services to underserved areas. The Labor HHS bill provides a $99 million increase for CHCs—Consolidated Community Health Centers Program—for poor, rural areas. HRSA, however, testified and requested $264 million just to maintain levels of coverage and care.

Health centers serve over 10 million people nationwide, over 4 million of which are uninsured. By spending $25 million more for health centers, health centers estimate that they will be able to serve over 83,000 more people.

Bottom line, this amendment will bring better health care to millions of Americans, rather than harming more small businesses by allowing the NLRB to run wild in filing meritless claims against them, and therefore I rise to strongly support it.

I yield the floor.

Mr. SPECTER. Mr. President, when this bill was crafted with some 300 items, great care was exercised on the establishment of priorities. That is always a difficult matter. Where is the $1.800 trillion in Federal money to be spent? We have a bill of $91.7 billion. We have had a series of amendments to change the allocations and assessments of priorities which the ranking member and I came to initially with staff, and then the subcommittee and then the full committee.

I am inclined to agree with my colleague from Arkansas about the desirability of having more money in the consolidated health centers. He came from a small town, as he recited, of several hundred that has grown to more than 1,000. The town where I went to high school was a big city by comparison. It had several thousand people. Russell, KS, has now 4,998 people. It used to have 5,000 until Dole and I left town.

I appreciate what the Senator from Arkansas has had to say about the virtues of living in a small town. I have appreciated the virtues of living in a small town even more since I moved to a big city. I knew Russell, KS, was a great place to live, but after I moved to Philadelphia I concluded Russell, KS, was a greater place to live.

When the Senator from Arkansas talks about smalltown life and the need for health centers, he is right. They are needed not only in Arkansas but in Pennsylvania, in Kansas, and everywhere.

When we made the allocations, as has already been noted by the Senator from Arkansas, we paid a very substantial increase to consolidated health centers. Consolidated health centers were a little over $900 million and we added $99.3 million to bring them to $1.24 billion. That is, I am advised, $79 million over the President's request.

But, even so, when the Senator from Arkansas says he would like to have more money, I would not disagree with him. But then it is a question of establishing priorities, as to what we do. I listened closely to the statistics which were cited by the Senator from Arkansas on the decrease in the backlog. But even after the backlog has decreased—and I am searching for those exact statistics myself—there still is an enormous backlog which is pending before the National Labor Relations Board.

When the Senator from Arkansas makes a comment about the board establishing priorities, I think that is to the board's credit. They are not going to be able to take all the cases, so they ought to establish priorities. I hope their priorities are not subject to as much challenge as mine are on the floor. I am not really too serious about that, there haven't been too many challenges. But then the day is not over yet, either. We are waiting for all the amendments to be filed by 2 o'clock this afternoon.

But I compliment the National Labor Relations Board for establishing priorities, to take up the most important cases first. The fact that there are a great many unmeritorious claims filed is not surprising. There are sometimes unmeritorious amendments filed—not this one. But there are lots of cases filed in court or any adjudicatory process where there are unmeritorious matters. But I do not think that can be the basis of judgment. My analysis of the caseload of the National Labor Relations Board, and I am going to put these figures into shape during the

course of this debate, to be specific and put them into the CONGRESSIONAL RECORD, is that this funding is needed.

The National Labor Relations Board, by word of just a little explanation for those who may be watching on C–SPAN2, is a board created to take into consideration complaints, either by labor or by management, as to what is happening in a labor practice and to identify unfair labor practices and to produce labor peace by having an administrative remedy which would stop people from going into court.

I know there are others who wish to speak who are waiting now, but I think a careful analysis of the backlog, of the procedures of the National Labor Relations Board, and the entire picture, will show that this kind of increase is warranted and certainly in consideration of the significant increase accorded to the consolidated health centers, which I have already noted.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. How much time would my colleague from Iowa like?

Mr. WELLSTONE. Might I ask my colleague from Iowa a question?

Mr. HARKIN. I do not have the floor yet.

Mr. SPECTER. There is a question pending of the Senator from Iowa, how much time does he want?

Mr. HARKIN. Just 5 minutes.

Mr. WELLSTONE. Mr. President, before I leave the floor, might I ask my colleagues from Iowa and Pennsylvania a question? I want to know the parliamentary situation. Do we have an agreement for no second-degree amendments and this would only be debated for an hour? Could I get some information about this?

Mr. SPECTER. If I may respond to the question, I was off the floor for a moment, actually, in the lunchroom. I came back to the floor. A unanimous consent request had been propounded for an hour time agreement, equally divided, with no second-degree amendments. It was later determined that was not really acceptable to the Democratic side of the aisle. I said to the Senator from Iowa, when I came back in: If it causes you heartburn, we will eliminate it.

I now ask unanimous consent that the part as to ''no second-degree amendments'' be rescinded, but the time as to 1 hour equally divided remain in effect.

Mr. HUTCHINSON. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. WELLSTONE. Mr. President, if I could make it clear to the Senator from Iowa, if there is an objection—I thank the Senator from Pennsylvania. I think his unanimous consent request is very much in the spirit of fairness.

I say to my colleagues on the other side of the aisle, if that is not acceptable, kind of sneaking a unanimous consent request in—this is a very important amendment. There ought to be second-degree amendments on every single amendment introduced to this bill forthwith with no time agreement if we are going to play that way. That is just not acceptable. We need much more time and we certainly should have the right to second-degree amendments.

The PRESIDING OFFICER. The Senator from Iowa is recognized. I think he was yielded time.

Mr. HARKIN. I assume I have some of my 5 minutes left—I hope?

The PRESIDING OFFICER. The Senator has 5 minutes.

Mr. HARKIN. Mr. President, first, I say I thank the Senator from Pennsylvania. He is a true gentleman, I think, in the spirit of comity on the Senate floor, to recognize the unanimous consent request that was proffered earlier was not acceptable to this side. I bear some responsibility for that. I was engaged in a conversation with my staff and did not even hear the unanimous consent request propounded, so I bear some responsibility for that.

As I said, in the spirit of comity and the smooth functioning of the Senate, my friend from Pennsylvania, the chairman of the appropriations subcommittee, came back on the floor and said he would move to vitiate that unanimous consent agreement, which he did, I think, again, in the true spirit of comity and smooth functioning of the Senate. That then was objected to, I guess, by the Senator from Arkansas?

Mr. SPECTER. Will the Senator yield?

Mr. HARKIN. I will yield the floor back to the Senator.

Mr. SPECTER. Mr. President, when I heard there was a problem—we work together on too many matters over too long a period of time. If it was inadvertently entered into, we are prepared not to hold anybody to it. We have a lot of work to do. If we did not have a lot of work to do, we still would not hold them to it if it was inadvertently entered into.

I have just discussed that with my colleague from Arkansas. I think we can work this out in the course of the next few minutes, if the Senator from Iowa will take his 5 minutes to argue on the merits.

Mr. HARKIN. If I can have another 5 minutes to talk about the amendment itself?

Mr. SPECTER. I allocate 10 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, the amendment propounded by the distinguished Senator from Arkansas really would harm the NLRB drastically. The Senator from Arkansas said the caseload had gone down. That is true, the caseload did go down, I assume because we increased some of the funding and they were able to, then, hire some more staff and decrease the caseload.

If now, however, we cut the funding, they are going to have to release those people and fire people who were hired; therefore we will be right back where we started from.

We keep hearing about the backlog. What is the backlog? The NLRB, at the end of last fiscal year, had 6,198 cases pending at the end of the last fiscal year. I understand some of those were reduced last year, but we are still in the neighborhood of about a 5,500-case backlog. So I do not know how the Senator from Arkansas can argue we are making great progress. We are making a little bit of progress. But to take the $25 million out of the NLRB would put us right back where we were before, and you would see the backlog start going back up again. That may not be his intention, but that is exactly what would happen.

At this funding level, the staffing, I am told, would have to be reduced by at least 100 people below the current level. That would be about a 5-percent reduction. Again, that would mean the backlogs would continue to go up. The time to process the claims would grow significantly, and that would hurt not just the employees but also the employers. Both sides are harmed when they get this kind of backlog at the NLRB. Again, they are most effective when they can get at this in a hurry. Workers who are fired for union organizing must sometimes wait weeks or months for cases to be processed. Then when the remedy does come through it is too late. People have to move on with their lives. They have found other jobs, they get the remedy, but it is too late to make any kind of difference at all.

Employers are hurt because a delay causes back pay to add up until the case is resolved. This creates uncertainty. It destabilizes the workplace. I have had employers who have contacted my office and said: Can't you do something about NLRB? There is a case pending. It is causing us a lot of headaches. So it is not just labor, but it is also management that is hurt when you have this kind of backlog.

If this amendment goes through the funding level right now would put us, as I understand it, below the 1993 inflation-adjusted level for the NLRB. During that period of time, the number of cases has gone up. So you can see the number of cases has gone up. We took a little bit out last year because of some additional staffing we gave them. This budget cut would put us back where we were in 1993.

Of course, not only would the present backlog of cases take more time, we could see actually more cases piling up behind the ones that are there.

Again, there is some thought that the NLRB is a kind of a prolabor organization. The NLRB is effective because it is a nonmanagement, nonlabor, independent board. It promotes stable and productive labor relations. If they are not able to do their job, our whole society breaks down.

Let me get to the point. The Senator from Arkansas wants to take $25 million out of this and put it into community health centers. I take a back seat to no one in supporting community

health centers—consolidated health centers I guess they are now called—and have worked over the years with Senator SPECTER, as a matter of fact, to increase funding for our community health centers. They do a great job. In many cases, they are really the only source for a lot of low-income people who have no health care insurance.

We worked very hard—Senator SPECTER, I, and our staffs—to get a $100 million increase. We are up to slightly over $1 billion now for community health centers, and they need the money. But I do not think they need the money at the expense of taking it out of the NLRB. We gave them a $100 million increase. I believe this will be more than sufficient to help get new community health centers started next year and to adequately fund the ones in existence.

While I support community health centers, this is not the way to get money for them, by taking it out of the NLRB and taking it out of the more rapid resolution of the backlog of cases. Many times, the workers who are waiting to get a case heard are the same ones who are low income and need to have their cases resolved so they can get on with their jobs and their lives.

I yield back whatever remaining time I have.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. BUNNING). Who yields time?

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I yield such time as he may consume to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

PRIVILEGE OF THE FLOOR

Mr. ENZI. Mr. President, I ask unanimous consent that Patrick Thompson from the HELP Committee staff and Mark Battaglini, who is a fellow, be granted the privilege of the floor during the debate on S. 1650, the Labor, Health and Human Services, and Education Appropriations Act.

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

Mr. ENZI. Mr. President, I want to respond to some of the numbers used a minute ago in talking about the number of cases filed and the number of cases disposed of in this seemingly inverted pyramid of backlog of cases. It did not happen that way.

In 1997, there were 37,000 cases pending. In 1998, there were 34,000 cases pending. That is a decrease in the number of cases pending. That is not the same as the number of cases filed. There were 39,000 cases filed in 1997; there were 36,000 cases filed in 1998. Both of those numbers show a decrease in cases—a decrease in the number that were pending and a decrease in the number that were filed. The Senator from Iowa mentioned there was a decrease in the backlog, that they were working that down.

Let me tell you how part of that backlog happens. In my previous life, before I came to the Senate, I was an accountant. One of the people I did accounting for received one of these notices of audit from the National Labor Relations Board. They came in—it was about 10 days work for me—and they looked over all of the accounts and decided at the conclusion of that time verbally, not in writing, that there was no violation. We said: Great; we will wait for your letter. It is my understanding they are still waiting for that letter.

As far as they know, that is still a case pending. All of the work was done, a decision was rendered verbally, and that ought to dispose of it. I know for that year it was still a case pending. For an employer, sometimes this gray cloud hangs over, even after they have been assured there is no problem. That shows up in these statistics of the backlog.

The other number presented, the number they worked, actually increased; the number pending evidently was not pending in the next year. So they were working a full 37,000 cases in 1997, plus a few more to work that backlog down.

This agency has been working the cases. They have been eliminating extra cases, some of which I do not think should have been part of the backlog anyway. Now we are talking about significantly increasing the amount of dollars. There would be an appropriate time to do that.

One of the things we talked about in a hearing in the subcommittee was the legal fees these businesses have to put up when cases are brought, and the cases, in some instances, are frivolous. At any rate, the decision ought to be on whether the small business wins or not, and if they win, they ought to get back the costs they have expended on this.

Part of the testimony in that hearing was from some other employers who would never take a case to the NLRB because they know it is going to be more expensive to fight it than to pay it. That is not the way the American Government is supposed to work. Businesses are not supposed to live in fear of expensive litigation by their Federal Government with their tax money.

Perhaps an increase ought to accompany making a change where there is some reimbursement for these small business employers who win—only when they win. But there could be a degree of fairness built in this at the same time there is an increase. Until that happens, the community health centers are the place to put the money.

I yield the floor and reserve the remainder of the time.

The PRESIDING OFFICER. Who yields time?

The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, first I will speak to procedure and then to substance.

I apologize to my friend from Arkansas, for whom I have a lot of respect even though we do not agree on all issues. I used the words ''sneak through,'' and I should not have said that. He is above board, and I know that. However, I do want to make it clear, my very good friend, Senator HARKIN, was talking to someone when that happened and therefore was not fully aware of this agreement.

The fact is, on our side we believe this goes against our understanding of the way we operate. There was no intention of going forward with a unanimous consent agreement that would limit this to 1 hour with no second-degree amendments.

I say one more time, I certainly hope my colleague from Arkansas will understand that. I hope he will understand this is above and beyond the debate. We can always debate issues. This is generating a lot of anger and indignation.

For my own part, I am committed to doing a second-degree amendment on every amendment that comes to the floor forthwith, with no time limit at all, because I believe this should not have gone this way as a unanimous consent agreement.

The reason I feel strongly about the procedure is because of the substance of what this is about. To me, it is a matter of justice delayed is justice denied. I tell you, what is real important in our country is that people have the right to organize and bargain collectively, to earn a decent living, to give their children the care they know they need and deserve.

Frankly, we ought to be doing much more by way of labor law reform. But when you cut into the NLRB's budget, and you are going to reduce staff by an additional 100 women and men, the only thing you are doing is you are making it impossible for many working people to have justice.

I do not even know the figures because I came rushing to the floor when I heard about this, but there are well over 10,000 people who are illegally fired. And quite often——

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

Mr. WELLSTONE. I am pleased to yield for a question.

Mr. HUTCHINSON. Is the Senator aware that the amendment does not cut the budget for the NLRB, that it only flat-lines, it only eliminates the increase in funding at a time when only 4 percent are being adjudicated and the number of cases is falling?

Mr. WELLSTONE. I say to my colleague from Arkansas, I am well aware that it flat-lines, but it is similar to what we talk about with the veterans' health care budget. When you flat-line, and you do not take into account additional inflation, then basically the effect of it is a reduction.

My understanding is that you have a reduction of about 5 percent. If that is the effect, and if we cut into the man and woman power requirements of the

National Labor Relations Board, I am unalterably opposed to this because working people in this country have a right to be able to make an appeal. It should not be profitable for companies to illegally fire people. It should not be easy for companies to break the law. When we try to go after the NLRB, what we are doing is going after the rights of working people.

So I say to my colleagues, an awful lot is at stake here. The National Labor Relations Board is all about a framework of laws we have set up in our country. It is all about making sure working people have certain rights. I think this amendment guts some of those rights by basically stripping away some of our enforcement power.

So I say to my colleague on the other side of the aisle that I do not accept this choice he presents to us. I think my colleague from Iowa probably will be talking about what he has heard from the community health care clinics. But to pit one group of low-income citizens against another group of low- and moderate-income people, working-income people, I think is simply outrageous.

Knowing the people I have met who work at the community health care clinics, I doubt the people who work at our community health care clinics are interested in some additional funding for them if that means taking away from the rights of working people. We are basically talking about the same group of citizens—hard working, not necessarily making a lot of money, hoping that they will get a fair shake, hoping that they will get decent health care, or hoping that their rights will be respected.

I again say to my colleagues that when you flat-line the budget, you effectively cut the budget. You cut into the NLRB's capacity and ability to represent working people. There will be more and more and more delay. As my colleague from Pennsylvania said, justice delayed is justice denied. That is what this amendment is—it is a justice delayed/justice denied amendment as it affects working people in this country.

Therefore, I would like to have the opportunity—we would like to have the opportunity to offer a second-degree amendment. I hope my colleague from Arkansas will reconsider, given the fact that there is, at best, confusion about what happened; and we are hoping we can go on together in good faith. If not, I say, one more time, that for my own part, I will just offer second-degree amendments to every single amendment offered on the other side of the aisle, with no time limit whatsoever.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. How much time does the Senator from Pennsylvania have left?

The PRESIDING OFFICER. Eight minutes 40 seconds.

Mr. HARKIN. If I could have 3 minutes.

Mr. SPECTER. I yield 3 minutes to Senator HARKIN.

Mr. HARKIN. I appreciate the Senator yielding.

I hope I can have the attention of Senators and the Senator from Arkansas, the proponent of the amendment.

I just spoke with the National Association of Community Health Centers on the phone. They said to me that I could say the following things publicly:

No. 1, they did not ask for nor seek this amendment.

No. 2, they are quite happy with the Specter-Harkin increases that came in the appropriations bill and hope that we can keep it in conference—which I publicly assure them and others that we will do everything we can to keep the $100 million increase.

And, No. 3, while they appreciate the intention of the Senator from Arkansas to get more funding for community health centers, they do not want it to happen at the expense of the NLRB.

So I just spoke with the National Association of Community Health Centers. I wanted to make that point; that they would not want this to happen at the expense of the NLRB.

I yield back my time, I guess.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. If I might just respond to the Senator from Iowa.

I do not know who he spoke to at the health centers. I suppose whoever it was is a spokesman for all of them. But the ones I would like to speak for are the 83,000 people who could be served if this amendment were adopted. The $25 million, it is estimated, would allow these health centers to be able to serve 83,000 more people. Those are the ones I am concerned about. I am not so much concerned about whoever in Washington, DC, decided that the NLRB needed a big increase.

The fact is, the NLRB has said with this increased funding they will hire 122 more people, and they will buy an $11 million computer system. So I would say to the Senator from Minnesota, that is the issue. Do you want an $11 million computer system for the NLRB and 122 more employees or do you want to help 83,000 more people to get health care in the delta and the poor areas of this country who are currently not receiving it?

It is a pretty simple issue. We can try to cloud it with parliamentary questions. We can try to cloud it with questions about a UC that was adopted. But there is a very fundamental question in which I believe very strongly.

I oftentimes hear the Senator from Minnesota speak with great passion and the Senator from Iowa speak with great passion as to how they are prepared to create a problem in the Senate in order to further their goals. I admire them. I respect them for their commitment.

I just say, I have a deep belief about those who are being served by these community health centers. I have visited them. I see the good work they do. I see the fact that poor people can walk in and not have to worry about presenting an insurance policy in order to get help. I know the value of helping those little children in the delta when they get preventive health care services now and what that is going to save us down the line, not only in terms of our budget but in terms of the quality of life that they are going to be able to live.

Once again, I reiterate the numbers concerning the NLRB. We have seen, over the last 25 years, their budget cut by 21 percent, while the caseloads have dropped 31 percent. This isn't a new thing. Last year, we flat-lined their budget, and the result was they had fewer cases filed and a smaller backlog with a flat-line budget.

I think anybody who will listen to the arguments and look at the numbers will have a difficult time accepting the logic that they need to hire 122 more people and buy an $11 million computer system, having a $25 million increase in their budget at a time we could be helping poor people get health care around this country.

So it is a very clear question. I think clouding it is not the answer as to how we resolve it.

I reserve the remainder of my time.

Mr. SPECTER. 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. SPECTER. 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. SPECTER. I think we have just reached an agreement informally, which I would like to propound now as a unanimous consent request.

The earlier unanimous consent request prohibiting a second-degree amendment is vitiated. We will now proceed to have the Senator from Arkansas offer a second-degree amendment to his first-degree amendment. We will have 30 minutes of debate.

It has now been reduced to writing. I will begin again. I ask unanimous consent that the previous consent agreement relating to the pending Hutchinson amendment be vitiated. I ask consent that prior to a motion to table the second-degree amendment to be presented forthwith by the Senator from Arkansas, the time be limited to 30 minutes equally divided, and following the disposition of the Hutchinson second-degree amendment, Senator WELLSTONE will be recognized to offer a second-degree amendment.

Mr. HUTCHINSON. Reserving the right to object—and I don't intend to object—should the motion on my second degree be a motion to table and the

tabling motion failed, would my second degree still be the pending business? I need an up-or-down vote.

Mr. SPECTER. If it fails, then Senator WELLSTONE will be recognized for offering a second degree.

Mr. HUTCHINSON. Should the motion to table fail, I would assume by voice vote my second-degree amendment would be adopted, and then at that point Senator WELLSTONE would be recognized to offer a second degree. Is that the understanding?

Mr. HARKIN. I could not hear all of this.

Mr. HUTCHINSON. My question is, at the end of the 30 minutes of debate on my second-degree amendment, should there be a motion to table my second degree, and if the motion to table were to fail, my assumption is that we would at that point adopt my second degree by voice vote, at which point Senator WELLSTONE would be recognized to offer his second degree. I just wanted that clarified.

Mr. HARKIN. That is right.

The PRESIDING OFFICER. Is there objection?

Mr. COVERDELL. Reserving the right to object, a question to the manager: Wasn't there a time limit agreed to, if there is a Wellstone second degree. I thought we were at 30 or 45 minutes equally divided.

Mr. SPECTER. Will the Senator from Minnesota be willing to stipulate now to a time agreement, if he is to offer a second-degree amendment, say, to 30 minutes equally divided?

Mr. WELLSTONE. Mr. President, let me say, in good faith, that I am not going to make it open-ended. I am now waiting word from other offices as to who will be down here, so I can't agree to a time limit, although I don't intend to extend it for hours. I have to wait and see how many people want to speak. For right now, I think we should leave it as it was and hope my colleagues will trust me that I am not trying to drag it on and on. I can't agree to that right now.

Mr. COVERDELL. Mr. President, a question to the Senator from Minnesota, it is your anticipation that it would be relevant to the first degree?

Mr. WELLSTONE. That is correct.

The PRESIDING OFFICER. Is there an objection to the request of the Senator from Pennsylvania? Without objection, it is so ordered.

Mr. SPECTER. No objection to the unanimous-consent agreement which we have propounded with modifications.

The PRESIDING OFFICER. Yes. The request is agreed to.

The Senator from Arkansas.

AMENDMENT NO. 1834 TO AMENDMENT NO. 1812

(Purpose: To transfer amounts appropriated)

Mr. HUTCHINSON. Mr. President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Arkansas [Mr. HUTCHINSON] proposes an amendment numbered 1834 to amendment No. 1812.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

Strike all after the first word and insert the following:

''OF FUNDS FOR THE CONSOLIDATED HEALTH CENTERS

''SEC. . Notwithstanding any other provision of this Act, $25,471,000 of the amounts appropriated for the National Labor Relations Board under this Act shall be transferred and utilized to carry out projects for the consolidated health centers under section 330 of the Public Health Service Act (42 U.S.C. 254b).''

Mr. HUTCHINSON. Mr. President, under the UC, it is my understanding that there is no time limit currently on the second-degree amendment.

The PRESIDING OFFICER. There are 30 minutes under the unanimous consent, equally divided on the Senator's second-degree amendment.

Mr. HUTCHINSON. That is fine.

I yield to the Senator from Iowa.

Mr. HARKIN. Mr. President, will the Senator yield me a couple minutes?

Mr. SPECTER. I do.

Mr. HARKIN. I don't mean to take any more time of the Senator from Arkansas. I can't help poking a little bit at him before the vote.

It is interesting that the Senator from Arkansas is trying to take $25 million out of the NLRB for the community health centers. Why didn't the Senator from Arkansas try to take $25 million out of the defense appropriations to help the community health centers? Why didn't he try to take $25 million out of energy and water or all the other 12 appropriations bills that came down here? Why go after the NLRB?

As I pointed out, I just spoke with the Association of Community Health Centers. They said that while they appreciate his intentions of giving them more money, they don't want to do it at the expense of the NLRB. I hope the amendment will be defeated.

Mr. HUTCHINSON. Mr. President, my staff talked to the community health centers, and they clarified that they do not oppose this amendment. In fact, while they may have concerns about how they are getting involved in a political fight before the Senate that may affect their relationship with the appropriators, in fact I think they would very much welcome the additional $25 million for health care in rural areas. That is where their heart is. They want to help people. They are not going to turn away $25 million to help.

The Senator from Iowa is concerned about why I didn't take this from the Department of Defense bill or shift it from something else, and why we chose the NLRB. I think I made that case very convincingly. They have done an excellent job. They ought to be commended for their priorities and their impact analysis system by which the most critical cases are taken first.

They have seen a decrease in the backlog. They have seen a decrease in the number of cases being filed—all the time not seeing an increase in their budget. To increase it by $25 million so they can buy an $11 million computer and hire 122 more people at a time when there are tens of thousands of people in the poor areas of this country being left uninsured and without access to basic health care, I think, is a pretty easy call.

While I think I can make a strong case for why we need to increase defense spending, when we have treatment goals failing in virtually every branch of the military, with the exception of the Marines, and when we see tens of thousands of our men and women in uniform on food stamps, I can tell you why I didn't take it from defense. But the more important question is why NLRB? Because it is a Washington bureaucracy that is going to get bigger under that plan to buy a computer and hire 122 more people at a time when they have seen a decrease in the workload. That is why. It is very simple.

I know there is a need in the community health centers, and I want to help them. This is a little bit of help. It is enough help to provide health care for an additional 83,000 people nationwide. And some of those folks are going to be in the delta of Arkansas.

This is not a difficult amendment to vote for. It is a pretty easy case. I have had to come down and defend a lot of amendments on this floor, but I don't think I have ever had one that I felt more strongly about personally or for which it was easier to make the case.

The budget for the NLRB has been cut over the years. From 1980 to 1998—over that 18-year period—their budget declined 21 percent. That sounds pretty bad until you realize the number of charges received and processed declined 10 percent more than that—31 percent.

To stand on the floor of the Senate and say we are disenfranchising, that we are denying justice by not increasing by $25 million the budget for a Washington bureaucracy, I am sorry; I don't think that sells. And I don't think it is too convincing to those who are going to be denied health care by the defeat of this amendment.

They have done a good job in reducing the backlog. They have done a good job in seeing a fewer number of charges. And they have done so with lower budgets over the last 18 years. It doesn't make any sense now to increase it dramatically by $25 million so they can hire 122 more people and buy an $11 million computer system.

I suggest that money would be better used by people in the poor communities, in the rural areas of this country, to ensure that they can walk in—44 percent of them are children—and not have to worry about presenting insurance documentation when they go

into these health centers; that they can get treatment. Eighty-three thousand more people would be served. I ask my colleagues to support this amendment.

I reserve the remainder of my time.

Mr. SPECTER. Mr. President, I commented earlier that I would defer to the statistics. I am about to put a detailed chart into the RECORD. It is true that the backlog went down from about 6,200 to about 5,500 because we added $10 million to the budget. We are now proposing to add approximately $24 million to the budget, which will buy a computer, which is not inexpensive. Computers are expensive. That will enable the NLRB to move part way into the latter part of the 20th century, if not the 21st century.

The projection is that the backlog would then be reduced to about 1,960 cases. If this is not done, there are many employees who are now at the NLRB who would be lost. I think it is plain that for the NLRB to keep up with the backlog and do its job, they need these additional employees.

I ask unanimous consent that this chart be printed in the RECORD.

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

MAJOR WORKLOAD AND OUTPUT DATA

	FY 1998 actual	FY 1999 estimate	FY 2000 request
(1) Regional Offices:			
Unfair Labor Practice (ULP) Cases:			
Situations Pending Preliminary Investigation at Start of Year	7,434	6,198	5,487
Case Intake During Year	[1] 30,422	30,200	32,000
Consolidation of Dispositions	[1] 2,327	2,880	2,880
Total ULP Proceedings	29,331	29,831	32,647
Situations Pending Preliminary Investigation at End of Year	6,198	5,487	1,960
Representation Cases:			
Case Intake During Year	[1] 6,215	6,179	6,179
Dispositions	3,091	3,012	3,218
Regional Directors Decisions	769	704	722
(2) Administrative Law Judges:			
Hearings Pending at Start of Year	1,210	1,106	1,046
Hearings Closed	444	521	573
Hearings Pending at End of Year	1,106	1,046	958
Adjustments After Hearings Closed	0	1	1
Decisions Pending at Start of Year	216	134	120
Decisions Issued	528	538	590
Decisions Pending at End of Year	134	120	107
(3) Board Adjudication:			
Contested Board Decisions Issued	426	532	556
Representation Election Cases:			
Decisions Issued	275	237	248
Objection Rulings	214	171	187
(4) General Counsel—Washington:			
Advice Pending at Start of Year	58	129	172
Advice Cases Received During Year	762	716	760
Advice Disposed	691	673	785
Advice Pending at End of Year	129	172	147
Appeals Pending at Start of Year	980	910	1,077
Appeals Received During Year	3,316	3,313	3,401
Appeals Disposed	3,386	3,146	3,828
Appeals Pending at End of Year	910	1,077	650
Enforcement Cases Received During Year	271	287	304
Enforcement Briefs Filed	145	152	161
Enforcement Cases Dropped or Settled	63	64	68

[1] Actual figures for FY 1998 are preliminary and still being reconciled.

Mr. SPECTER. Mr. President, I had announced earlier my hope to stack the votes. But in light of the procedural context that we are in now, I am advised that there will not be an agreement to set this amendment aside. It is my hope that we can vote as promptly as possible.

I move to table the Hutchinson second-degree amendment, and 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.

Mr. HATCH. Mr. President, I commend the Senator from Arkansas for his amendment.

I have followed the activities of the NLRB for many years—since I came to the Senate, in fact. It is certainly not clear to me that this agency needs a $25 million increase over last year's level—particularly when the subcommittee was forced to be so frugal with a number of other high priority programs.

I support the reallocation of these funds to the Consolidated Health Services account for the Community Health Centers. We have long worried about access to primary health care for low-income families. This amendment is a way that we can provide such care for 83,000 more Americans.

The Senator from Iowa said that he was told the association representing community health centers did not request this amendment. I cam appreciate the rationale of the association. They, of course, recognize the hard work done by the subcommittee in putting together this bill and wish to support that by taking a neutral position on the Hutchinson amendment.

However, let's put the amendment in perspective. The NLRB is getting a $25 million increase—an unprecedented increase—over 10 percent. There has been no justification offered for this increase. The caseload has consistently declined over the decade.

Now, the appropriations committee has provided an increase for the community health centers of $99.3 million. This is badly needed, comparison with the NLRB notwithstanding.

The additional funds provided by the Hutchinson amendment would permit health centers to serve 83,000 more people. That is the most important point, to me.

Mr. President, let's compare: $25 million for 122 more federal employees and new computers versus health care for 83,000 Americans. This is a no brainer for me.

I hope it is for my colleagues as well. I urge Senators to support the Hutchinson amendment.

The PRESIDING OFFICER. Who yields time on the amendment?

The Senator from Illinois.

Mr. DURBIN. Mr. President, is there still time remaining on the Hutchinson amendment?

The PRESIDING OFFICER. There is.

Mr. DURBIN. If that time is allocated to each side, if I might yield to the chairman of the subcommittee at this point, I don't want to delay the proceedings, if he wants to move to a vote. It is my understanding there is time remaining on the debate.

Mr. SPECTER. Mr. President, as manager of the bill, I do wish to move to a vote. I would be delighted to hear how much time the Senator from Illinois wants, to hear his closing argument, and then to proceed to a vote on the tabling motion.

How much time would he like?

Mr. DURBIN. Ten minutes would be more than enough.

Mr. SPECTER. I agree. There is another unanimous consent agreement on top of that. I ask unanimous consent that after the Senator from Illinois speaks for up to 10 minutes, we move to a vote on the tabling motion.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. With 2 minutes for Senator HUTCHINSON to close.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Illinois.

Mr. DURBIN. Thank you, Mr. President. I thank the chairman of the subcommittee, the Senator from Pennsylvania.

This is a difficult choice which is offered to us by the Senator from Arkansas in terms of transferring money because hardly any Member of the Senate will argue that community health centers should have more resources. We opened a new one in my hometown. It is very important in many rural areas. In smalltown America, these community health centers provide health care that is not otherwise available. So in that regard I applaud his effort. I only take exception to his source.

The National Labor Relations Board has been a pain in the side of big business for over 60 years because it is a mechanism for dealing with disputes between employers and employees and employees and labor unions.

There has been an effort by those who cannot repeal the law creating this agency to reduce the resources of the agency and make the delays in the backlog so insufferable that the agency virtually was stopped in its tracks. Not that many years ago there was a hard freeze on this agency which resulted in slowing down the process for years.

As I travel around the State of Illinois, and I listen to my colleagues from other parts of the Nation, I find that if you are trying to organize a plant, for example, to bring in a labor union, and there is some dispute about whether both sides are following the law, it is almost impossible to turn to the NLRB and expect a timely decision on violations of the law. As a consequence, the whole effort of collective bargaining, which has been a recognized legal right in this country for decades, is jeopardized because of efforts to strangle this agency.

This is not a voluntary reduction in NLRB funds. This is an effort to stop its mission. Frankly, I think that is a serious mistake because we understand as well that some of the rights that are protected by the National Labor Relations Board were rights that were fought for over the years by many people who gave their blood and their lives to make certain that the concept principle of collective bargaining would be recognized.

Listen to this about the agency backlog currently facing the NLRB. Despite

the agency's success in screening out tens of thousands of public inquiries and voluntarily resolving the vast majority of its representation in unfair labor practice, backlogs continue to grow with no concomitant increases in staffing.

I salute the chairman of the subcommittee, the Senator from Pennsylvania, and his counterpart on the Democratic side, the Senator from Iowa. They have recognized it and put $25 million into the NLRB.

When you look to where this money is being spent, it is for things that are absolutely essential—training the people who work there, the attorneys, the hearing officers, and the like to make sure people get a fair chance and their day in court.

The Senator from Arkansas closes out that possibility. He takes the $25 million away.

Some of the funds here are used to modernize computer equipment to deal with the Y2K problem. The Senator from Arkansas, by cutting $25 million, makes that more difficult to achieve. A lot of the money is used for basic administration of the agency, relocating people where they are needed, where the workload is growing. The Senator from Arkansas steps in the path of that. I suggest to those listening to the debate on this amendment, don't just dwell on where the money is going. Look to the source of the money.

The Senator from Pennsylvania very eloquently has presented the fact that the backlogs are still a problem and, if we adopt the approach of the Senator from Arkansas, we are going to be, if not turning out the lights, dimming the lights in a very important agency where justice is part of the agenda; in fact, it is the reason for the existence of the agency.

Looking at what the NLRB has accomplished in a very short period of time, one understands why they need to be in business and fully staffed. Last year, the National Labor Relations Board cases resulted in reinstatement offers to 4,500 American employees who alleged unlawful firing or layoff. They also had cases that resulted in back pay and other monetary recovery to more than 24,000 American workers totaling more than $92 million. They also held nearly 3,800 representation elections affecting a quarter million American workers.

What the Senator from Arkansas does with his amendment is restrict the power of this agency to do its job, to say to America's workers from one coast to the other, they are not going to be able to call this agency and expect it to be there and be responsive.

If you decide in a democratic election by majority vote at your business to bargain collectively and to seek representation of a union, the Senator from Arkansas makes sure your telephone call goes unanswered at NLRB when you need a helping hand to resolve a dispute between employer and employee. If you are someone fired and fired illegally or unlawfully, who turns to the Federal legal network, the National Labor Relations Board, and says, I was discriminated against, I was unlawfully fired, the Senator from Arkansas makes certain your telephone call is not likely to be answered.

Mr. President, $25 million is taken out of the agency, including money for computer modernization. On the whole question of whether or not you are going to have union representation in a free and democratic process and whether you have the National Labor Relations Board to make sure both sides follow the rules, the Senator from Arkansas, with his amendment, takes the $25 million out of this agency which is necessary for them to keep up with their workload.

I say those who oppose the National Labor Relations Board and want to close it down should do it in a clean vote. Put your amendment on the floor to close it down, have it up or down, and decide whether American workers will have this forum for protection or not. But to bleed off from this agency $25 million they need to protect workers across the United States in the name of helping community health centers is a tactic that should be exposed for what it is. It is an effort to take away from a very important agency the resources they need to respond to the requests of American workers across the Nation.

I might add for those who think this is another labor amendment or antilabor amendment, those who dispute the treatment under their labor agreements, employees who believe labor organizations are not treating them fairly, have the National Labor Relations Board to turn to as well; it is not just the private sector companies.

American workers' rights are at stake here. This is not just a question of health care in rural areas, which I support; it is a question of whether or not we will protect the hard-fought-for rights of American workers across the Nation.

I urge my colleagues to support the efforts of the Senator from Pennsylvania, Mr. SPECTER, to table this motion, to stand by this subcommittee, and make sure the National Labor Relations Board has the resources it needs to do the job that is very important to American workers.

I yield the floor.

Mr. HUTCHINSON. Mr. President, I regret that the Senator from Illinois implies that I deny the employees of this country their right under the National Labor Relations Act. I certainly would not imply by his position that he supports denying 83,000 Americans health care served under the $25 million added to the budget of the health centers. I wouldn't make such a suggestion. I regret he made such a suggestion before the Senate.

If we were denying justice for employees, I would not offer this amendment. The reality is, we are not cutting a dime from the NLRB. We are only eliminating the $25 million increase so they can hire 122 more employees and a computer system at a time when the caseload is decreasing. Mr. President, a 31-percent decrease in caseload I don't think justifies a $25 million increase in funding.

It is not hard to understand. Make that case to the American people. I will go out and say this is what we should do, flat-line their budget at a time they have decreasing workload and put more money into community health centers. That is what this amendment does.

If Members want to vote against community health centers and vote for more bureaucracy, Members have their opportunity. I want to serve those 83,000 people who will receive health care because of this $25 million infusion into this very worthwhile program. It is bureaucrats at the NLRB—122 more employees—or serving people who need health care, primarily children.

I ask my colleagues to support the children of this country, not the bureaucrats in Washington.

The PRESIDING OFFICER. All time has expired.

Under a previous order, the question is on agreeing to the motion to table amendment No. 1834. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN), is necessarily absent.

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

The result was announced—yeas 50, nays 49, as follows:

[Rollcall Vote No. 300 Leg.]

YEAS—50

Akaka	Feingold	Lieberman
Baucus	Feinstein	Lincoln
Bayh	Fitzgerald	Mikulski
Biden	Graham	Moynihan
Bingaman	Harkin	Murray
Boxer	Hollings	Reed
Breaux	Inouye	Reid
Bryan	Jeffords	Robb
Byrd	Johnson	Rockefeller
Chafee	Kennedy	Sarbanes
Cleland	Kerrey	Schumer
Conrad	Kerry	Specter
Daschle	Kohl	Stevens
Dodd	Landrieu	Torricelli
Dorgan	Lautenberg	Wellstone
Durbin	Leahy	Wyden
Edwards	Levin	

NAYS—49

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

NOT VOTING—1

McCain

The motion was agreed to.

Mr. HARKIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 1812

The PRESIDING OFFICER. The question is on agreeing to the underlying first-degree amendment.

The amendment (No. 1812) was rejected.

Mr. HARKIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, under our sequencing arrangement, Mr. ENZI, the Senator from Wyoming, is next on the list. We are then going to move to the Senator from Florida, Mr. GRAHAM. We are trying to get time agreements here to move the bill along. We have a long list of proposed amendments which were filed as of 2 o'clock which we are going to try to window here.

Mr. WELLSTONE. Could we have order in the Chamber, please.

The PRESIDING OFFICER. The Senate will please come to order.

Mr. SPECTER. May I yield to the Senator from Wyoming for a brief statement as to his amendment? He has already stated a willingness to have 30 minutes equally divided. Let's see if we can get a time agreement.

Mr. REID. We object. We have objections on our side. There is no chance for a time agreement. This deals with OSHA? Objection.

Mr. ENZI. If I could briefly comment, this is a change in the OSHA budget. But what it does is allocate a portion of the ——

Mr. HARKIN. Regular order, please.

The PRESIDING OFFICER. Please, the Senate will come to order.

Mr. HARKIN. Mr. President, the Senate is not in order. I also ask for the regular order.

The PRESIDING OFFICER. The Senator from Pennsylvania was last recognized.

Mr. SPECTER. May I just suggest then that the Senator from Wyoming send his amendment to the desk and proceed since we have had an indication of the unwillingness to have a time agreement.

AMENDMENT NO. 1846

(Purpose: To clarify provisions relating to expenditures by the Occupational Safety and Health Administration by authorizing 50 percent of the amount appropriated that is in excess of the amount appropriated for such purpose for fiscal year 1999 to be used for compliance assistance and 50 percent of such amount for enforcement and other purposes)

Mr. ENZI. Mr. President, I call up amendment No. 1846.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. ENZI] proposes an amendment numbered 1846.

Mr. ENZI. I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 13, line 14, insert after ''1970;'' the following: ''*Provided,* That of the amount appropriated under this heading that is in excess of the amount appropriated for such purposes for fiscal year 1999, $16,883,500 shall be used to carry out the activities described in paragraph (1) and $16,883,500 shall be used to carry out paragraphs (2) through (6);''.

Mr. ENZI. I ask unanimous consent to have a technical correction from what the legislative service drafters had, to change ''line 18'' to ''line 14.''

Mr. WELLSTONE. Mr. President, reserving the right to object.

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. I would like to object until I look at the change in the language.

The wrong page number. I do not object.

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

Mr. ENZI. Mr. President, today as Americans head off to work, 17 of them will die and 18,600 of them will be injured on the job. All of us on the Labor Committee have worked very hard to make sure those numbers come down—not go up. We do not want an increase; we want a dramatic decrease in deaths. We want a dramatic decrease in the number who are injured. I repeat: 17 working Americans will not be returning home tonight because they will die on the job.

As chairman of the Worker Safety Subcommittee, I feel responsible to those families for making sure we are doing all we can to prevent those horrible accidents from occurring in the first place. I feel responsible for finding solutions that will help protect more workers from harm.

The Occupational Safety and Health Administration, OSHA, is the Government agency responsible for regulating safety laws in America. The way OSHA is supposed to work is that it should be providing helpful assistance to the overwhelming number of employers who are actively pursuing safer workplaces. And I can tell you that according to OSHA:

. . . 95 percent of the employers do their level best to try to voluntarily comply with OSHA.

''Voluntarily comply with OSHA''—that was stated by Frank Strasheim, the Deputy Assistant Secretary of OSHA.

Simultaneously, OSHA should be effectively targeting those employers who are willfully disregarding safety laws. They should be inspecting them. They should be fining them. And they should follow up to ensure the bad practices are stopped before accidents occur.

But everyone knows that is not what is actually happening. What is happening is that OSHA lumps all employers together—both the good and the bad—treats them the same, and tries to inspect and fine them all, no matter how small or ridiculous the violation. Meanwhile, serious and potentially deadly practices go uninspected and unstopped. The result is disastrous and, unfortunately, often fatal.

I am not trying to decrease any funding for OSHA. What this amendment does is shift the emphasis so that there is some money being spent on consultation. We have had a lot of hearings. We have had a lot of discussion. We have said that prevention is where we want to be, prevention of an accident, not persecution after a death. That is not how this is supposed to work.

As reported in the Associated Press, three-quarters of the worksites in the United States that had serious accidents in 1994 and 1995 had never been inspected by OSHA during this decade. The report also showed that even OSHA officials acknowledge that their inspectors do not get to a lion's share of lethal sites until after accidents occur because it takes OSHA, according to the AFL–CIO, over 167 years to reach every worksite in this country. We want them to be able to serve everyone, but 167 years? That means the budget would have to be increased 167 times to do that. The fact is that OSHA neither helps those good-faith employers who want to achieve compliance with the safety laws, nor effectively deters bad employers from breaking the law.

How long does it take to get an inspection? That varies quite a bit by State. Those that are State plan States get a little bit more frequent visits than those that are not State plan States. So the Federal ones, some of them, it will be more than 200 years that they have the odds of not getting an inspection.

This point is so important, I will say again, because it takes OSHA over 167 years to reach every worksite in this country. The fact is that OSHA neither helps those good-faith employers who want to achieve compliance with safety laws, nor effectively deters bad employers from breaking the law. OSHA's response has been to ask Congress for more and more enforcement dollars. I say that response is no response. I say that response only begs the question. Using OSHA's framework, the scenario would be as follows: Since it takes 167 years for OSHA to investigate every worksite in the country, we would need to increase OSHA's enforcement budget 167 times in order for OSHA to inspect every worksite every year. It doesn't take as long when they are doing consultation, and it reduces accidents.

Increasing it 167 times would be a reckless, unrealistic suggestion that doesn't even get to the heart of the problem. That is not even the worst part. The worst part is what OSHA's response for more enforcement dollars

says to those 95 percent of employers who are doing their level best to comply. It says: Hey, Mr. Good-Faith Employer, we know you are trying to comply, but you are out of luck because even if you are trying to be safe, if you don't know what you are doing, or if you make a wrong interpretation of the statute, we are going to fine you. We are going to fine you big.

Here are the facts: Employers have to read through, try to understand and interpret, and implement over 1,200 pages of highly technical safety regulations—1,200 pages. That is what I have right here. Do you know how big numbers like that are in Washington? I want to make this clear as possible so I brought a little show and tell.

Before I do that, I yield to the Senator from Georgia.

AMENDMENT NO. 1885 TO AMENDMENT NO. 1846

(Purpose: To clarify provisions relating to expenditures by the Occupational Safety and Health Administration by authorizing 50 percent of the amount appropriated that is in excess of the amount appropriated for such purpose for fiscal year 1999 to be used for compliance assistance and 50 percent of such amount for enforcement and other purposes)

Mr. COVERDELL. Mr. President, I offer a second-degree amendment and send it to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. COVERDELL] proposes an amendment numbered 1885 to amendment No. 1846.

Mr. COVERDELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

Strike all after the first word and insert the following: ''That of the amount appropriated under this heading that is in excess of the amount appropriated for such purposes for fiscal year 1999, $16,883,000 shall be used to carry out the activities described in paragraph (1) and $16,883,000 shall be used to carry out paragraphs (2) through (6);''.

Mr. COVERDELL. I yield the floor.

Mr. ENZI. Mr. President, I was mentioning these regulations, these 1,200 pages of regulations. That is what we expect the businessman to know, understand, and implement. Just imagine, Dodd's Bootery in Laramie or Corral West Ranchware in Cheyenne or Bubba's Barbeque in Jackson. They are supposed to have understood all five of these huge volumes. There are more pages in these OSHA regulations than ''Gone with the Wind'' or ''The Canterbury Tales'' or even the Old Testament and the New Testament combined. Adding insult to injury, in many cases OSHA's regulations are so complicated and so complex that even if you read through it all, deciding one correct interpretation of a rule is nearly impossible.

Take OSHA's draft safety and health rule, for example. This is the draft one. This is one I have a lot of concern about. What this draft rule would require is for almost all employers, regardless of their size or type, to put in place a written safety plan. Now, I am in favor of safety plans. I know that safety plans make a difference in safety in the workplace. I have watched that. But this is a draft rule. It sounds right. This is not only mandatory, but the elements of the rule are completely subjective to human nature.

For example, the rule requires the program, and I quote, to be ''appropriate'' to conditions in the workplace and an employer to evaluate the effectiveness of the program. He is supposed to evaluate the effectiveness as often as necessary, and where appropriate, to initiate corrective action. So I throw out this question to the Senate: How often is as often as necessary? Is it once a month? Once a week? Every day? I can envision 1,000 different responses from 1,000 different angles. So how on Earth do we expect small businesses to cope, not only with reading these five volumes but also to understand what is meant by them, how OSHA would interpret them, and then to draw up a safety plan?

That, however, is exactly what the draft rule expects every small business in this country to do. The safety subcommittee, which I chair, has had two hearings examining the effects of OSHA. The first was a hearing to highlight how so many good-faith employers want safe workplaces but are drowning in these 1,200 pages of highly technical safety regulations. Every single one of the employers who came to the hearing agreed that they were left to their own to comply with every one of the thousands of rules without helpful assistance from OSHA.

The second hearing we held was about the flip side of that coin, how OSHA is not deterring the bad employers from willfully violating safety laws either. The subcommittee heard from family members who lost loved ones in workplace accidents and how OSHA neither helped prevent those accidents from occurring nor adequately responded after the accidents took place.

To those people who have told me that the new OSHA is on the right track and that ''if it ain't broke, don't fix it,'' I ask them to read through our hearing transcript and see if it will change their minds. Since I don't have much time, I would like to tell my colleagues about one of the witnesses who testified before our subcommittee whose name is Ron Hayes.

In 1993, Ron and his family didn't know much about OSHA and were not all that active in the worker safety scene. But in 1993, Ron's 19-year-old son, Patrick, was killed at his job in a grain elevator in Florida after being pulled under the grain and suffocated. Losing his son changed Ron's entire life. Since that time, Ron has worked day in and day out to get answers about how to make employees safer and healthier.

Ron and his wife, Dot, struggled to understand why more hadn't been done on behalf of their son and what could be done in the future to change the tide of workers' injuries and deaths.

Ron and Dot founded Families In Grief Holding Together, called FIGHT. It is a project to help other families enact changes in the arena of workplace safety and to work through grief. Ron Hayes is one of the most courageous and honest people I have ever met in my life, not to mention the fact that he has become one of the most proficient OSHA experts in the country. His story continues to inspire me and push me forward.

Reading an excerpt from Ron's testimony:

Each year over 10,000 people are killed on the job. In 1993, one of those who died was our beloved son, Patrick Hayes. I did not come here today to rebuke or chastise anyone. I am simply here to plead—no, to beg you great statesmen to work together to come up with positive solutions for a better agency. No one wants to get rid of OSHA, we just want the agency to do its job, protect workers, help train and support business. I ask you great statesmen to lay down your party affiliations and work toward a common goal.

I often wonder why the good businesses in our country continue to stay safe. Sometimes they are at a disadvantage by their own good deeds. These good businesses build into their product or bids safety measures and are sometimes undercut or underbid by other uncaring business owners, so under our present OSHA system, where is their benefit? The bad companies know OSHA is ineffective and because of the length of time it will take OSHA to inspect every work site or get around to inspecting them, the odds are on their side and even if caught, they know OSHA will not do much.

OSHA's reactive enforcement methodology has not and is not working. Letting OSHA continue in this manner and giving them more and more money each year for enforcement and getting less and less each year is just crazy. Someone has to take a stand and make some hard decisions for our very future.

Ron's strong, unwavering stand is that OSHA consultation, rather than reactive ''find and fine'' enforcement, is the answer that will save workers like Patrick from being killed on the job.

I agree with Ron. That is why I am here today with this amendment.

The amendment isn't to decrease the enforcement of OSHA. The amendment is to make sure there is an increase in consultation, an increase in the people who go to the places to look for the problem, interpret the problem, suggest the solution, and also make it a bigger penalty if they come back later and it hasn't been solved.

My amendment is simple. It puts half of the $33 million increase into OSHA's budget, into a consultation group program that helps employers know how to comply. The other half is still an increase directed towards OSHA enforcement.

What is OSHA consultation? OSHA consultation is the effective alternative to OSHA enforcement. It is what is currently working well and is highly praised by employees and employers. It is praised by the agency,

and it has been praised by this Congress.

It allows employers to call OSHA and ask them to come in and help them read through the five volumes of OSHA regulations to see what applies to them and how to turn the regulations into tangible safety solutions. It allows employers to ask questions, to get help from the inside, and partner with the agency, all without threat of fines or citations. It makes it a little safer for them to ask OSHA questions. That can be as intimidating as it would be for a person to ask the IRS questions. But the consultation function gives them that opportunity. They are expected to fix what is found.

Consultation works. The fact is that you cannot force an employer to comply with regulations he doesn't understand or does not know how to implement. It doesn't do any good to threaten employers to comply when they do not know how. If an employer isn't getting the help he needs, an inspection won't make the difference. The key is helping employers to understand what the regulations mean and how they work.

Consultation is the answer because it puts the emphasis on partnership, cooperation, and information sharing. And if, as OSHA estimates, 95 percent of American employers are trying to do the right thing, spending money on consultation is money well spent because the vast majority of employers will take OSHA's suggestions to heart and become safer without the threat of fines and coercion.

That allows OSHA to concentrate on the bad employers, to put some special emphasis there, to go after the people who don't make the correction, the people who aren't interested in safety and are relying on getting away on that 167-year inspection schedule.

You don't have to take my word for it. Look at what Vice President GORE has said about the virtues of consultation:

> No army of federal auditors descends upon American businesses to audit their books; the Government forces them to have the job done themselves. In the same way, no army of OSHA inspectors need descend upon corporate America.

In his Report on Reinventing Government, the Vice President concluded that employers should be encouraged by OSHA to use private safety professionals as a way to vastly improve the health and safety of American workers ''without bankrupting the federal treasury.'' Such an approach would ''ensure that all workplaces are regularly inspected, without hiring thousands of new employees.'' By establishing incentives designed to encourage workplaces to comply, ''[w]orksites with good health, safety, and compliance records would be allowed to report less frequently to the Labor Department, to undergo fewer audits, and to submit to less paperwork.'' He concluded by saying that ''No army of federal auditors descends upon American businesses to audit their books; the government forces them to have the job done themselves. In the same way, no army of OSHA inspectors need descend upon corporate America.''

I agree with the Vice President's praise for consultation. This amendment simply puts the money where our mouths are.

A few final remarks to remind everyone what a balanced approach this amendment really is. Does this amendment tie OSHA's hands on the enforcement front? No. It gives OSHA a 50 percent increase over its 1999 budget to use for enforcement. That is a lot of additional people to hire and train. Does this amendment strip OSHA's ability to go after that thin layer of bad work sites? No. They have more money to go after those work sites than they did last year. What it does do is help those 95 percent of employers who OSHA estimates are doing their best to comply with OSHA and to find safety solutions that work.

It helps them out, too.

This amendment is more of a statement than it is an actual change within the department. Oversight capability of seeing where the money really winds up is pretty limited, but our ability to assign it there in the first place is not.

I am pleased that there is an increase in the budget for OSHA. I am disappointed they didn't designate part of that for consultation as well. Beefing up OSHA's proactive consultation approach empowers both OSHA and the employer to achieve safer worksites.

I have seen these consultation programs work. I have seen people clamoring to have the consultation, and I have seen them get in long waiting lines for it. These are the people who want to comply, who understand that there are 1,200 pages, and who want to do the right thing. But there isn't enough consultation money out there to help them get the consultation in a timely fashion. All we are doing is saying, please earmark some of that money for consultation; don't put all of it into enforcement and persecution.

By voting in favor of this amendment, OSHA's own consultation programs will be extended to even more employers who are seeking safety and health solutions. The result will mean vastly improved safety for America's worksites.

This is something I have been talking about to all of the Members on the committee since I came to Washington. This is an approach that needs to be stated in our appropriations as well. Again, it is not an elimination of safety and not an elimination of inspection but a 50-percent increase in the money going to enforcement. That is what we need to have. But we also need to be sure the consultation programs are improving and increasing and are more accessible in a timely manner. If people have to wait a year for a consultation, accidents can happen. They are interested in doing it. They are ready to budget the money to fix it because if they don't, it doesn't do them any good.

This is an amendment that just places some priority. It doesn't say all we are going to do is enforce and that all we are going to do is find and beat you up and fine you. It says if you will ask the questions, if you are serious about safety, if you want to help, we are going to help.

I hope you will support me on this allocation of money to consultation as well as an increase in enforcement.

I yield the floor. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair.

Mr. President, first of all, let me point out to all of my colleagues that I think the approach we want to take here if we want to have more funding for consultation is to just simply advance that by the $9 million. But the last thing in the world I want to do is take resources away from enforcement, which is the backbone of worker safety. That is really a flaw of this amendment introduced by my colleague from Wyoming.

As a matter of fact, at our March 4 hearing, a majority of witnesses were asked why more small businesses do not take advantage of free consultation services available in all 50 States. The majority of the witnesses said—this is not a direct quote, but I will paraphrase—that many small businesses don't think they will get inspected, so it is not economical for them to take advantage of these consultations. They feel no need to. The two are interrelated. When businesses really worry about this and know that in fact there are some enforcement laws we can implement, then they are more likely to go to a consultative service.

Again, I really do not understand. It is a little bit similar to the amendment we just had where, on the one hand, you say you have more money for the community health centers and you will take it out of NLRB, which has everything to do with workers' rights to organize, and making sure equally that people who are fired are going to be able to have their day in court and make their appeal, and there isn't going to be a long delay. In that case, justice delayed is justice denied.

In this case we have an amendment introduced by my colleague from Wyoming that basically takes resources away from enforcement. Standards and regulations are no more than suggestions. They don't mean anything for working people in this country if there is not sufficient enforcement to back them up. Let me repeat that we can have standards and regulations but it is empty, it doesn't mean anything to someone if they can't be backed up through enforcement.

Even with the additions to the President's budget request, OSHA's Federal enforcement funding will fall $3 million below the level it was in 1995. By contrast, during the same period, 1995 to

2000, OSHA's State consultation program has grown from $31.5 million to $40.9 million, an increase of 30 percent.

So I question the priorities of this amendment. The very area where we have not kept up and have not made adequate investment in inspection is the very area from which my colleague from Wyoming takes funds and puts them into the consultation program where we have been making the investment.

Of the 12,500 most dangerous workplaces in the Nation, OSHA is able to inspect only about 3,000 a year. The other 9,500 will go uninspected unless there is a fatality or catastrophic accident. We need more enforcement resources, not less. I will repeat, we need more enforcement resources, not less.

If my colleagues think about the number of people who are killed at the workplace because of an unsafe workplace and the number of people who work with carcinogenic substances which take years off their life or the number of workers who go deaf or suffer other disabling injuries because of an unsafe workplace, I find it almost impossible to believe they are going to take funding away from enforcement.

I hope I don't get myself in trouble for saying this, but this is in some ways a class issue. This is in many ways a class issue. Actually, we are not talking about us and we are probably not talking about most of our sons and daughters. But we are talking about blue-collar workers. We are talking about working-class people. The whole idea of OSHA and the whole idea of NIOSH was to make sure that we followed through on our commitment for a safe workplace. The way to make sure that happens is to make sure we have the enforcement resources—not to have less.

Let me point out that in 1995 and 1996, when OSHA's inspection activity declined dramatically, so did requests for consultation services. Business for private safety consultants also fell and even vendor sales of safety and health equipment declined as well.

I go back again to our hearing that we had March 4. My colleague from Wyoming conducted that hearing where the majority of witnesses said one of the reasons small businesses don't take advantage of the free consultation services is because small businesses don't think they will get inspected.

As I hear my colleague speak about inspection, I hear him making the argument that it takes too long. In fact, I agree with him. But if my colleagues are worried about the delay in inspection, the last thing they want to do is cut the budget that deals with inspection. That is illogical. If colleagues are worried about the delay, the last thing in the world they want to do is reduce enforcement resources.

I point out to my colleagues this is an important vote. Think about the people you represent in your States: 55 percent of all OSHA inspections are in construction, which continues to be extremely dangerous. In 1998, 1,171 construction workers died on the job. Construction workers are about 6 percent of the workforce, but they comprise about 19 percent of workplace deaths. If we think that is too many workers dying on the job, and if the evidence is overwhelming there are still too many unsafe workplaces, and if Members are concerned about workplace safety, then I do not believe Senators can vote to reduce the resources for OSHA inspectors.

Again, I say to both of my colleagues, including my colleague from Arkansas, I don't know why we make this a zero sum game. Why don't we say, yes, let's do even better for consultation.

The second-degree amendment I will introduce will say we don't cut enforcement. I don't think we should. I think that just means we will have fewer inspectors, less inspections, and more workers will die. I don't think we should do that. What we could do is maintain the funding for the inspection, which is so key to worker safety, and add the additional money, forward fund the additional money or advance fund the additional money, it is only $9 million, for consultation. Why continue to play off one good idea versus another or help some business or some workers over here but end up hurting other workers over here?

I don't understand the premise of this amendment. I think it is flawed. I think enforcement is the backbone of worker safety, and this amendment which takes resources away from enforcement also means there will be less safety for workers. That is why I am opposed to this amendment. That is why I hope this amendment will be defeated.

I yield the floor.

Mr. SPECTER. Parliamentary inquiry as to how many more speakers the Senator anticipates on his side.

Mr. WELLSTONE. Mr. President, I think Senator KENNEDY may want to speak. I am not sure that we will have anyone else. I don't know that we will need to spend a lot more time. I think the Senator will be back soon. I have not heard from other Senators.

Mr. SPECTER. Mr. President, would it be in order to entertain a request for a consent agreement? Talk to your colleagues to see if we could fix a time. We have a great number of other amendments pending. We want to move to the Graham of Florida amendment, Senator DODD has an amendment, and we have amendments here. If we could make an agreement to 30 more minutes.

Mr. WELLSTONE. I am pleased to do so; I will let the Senator know.

Mr. HUTCHINSON. Mr. President, I rise to support the Enzi amendment. I compliment the Senator. He has been a tireless worker and leader in the area of OSHA reform. I think on both sides of the aisle no one would dispute Senator ENZI has been the foremost student of OSHA, the way it works, where its failings are. The legislation he has brought forward and his efforts to reform this agency deserve the praise and the appreciation of the American people. I appreciate very much his willingness to offer this amendment.

I think a few things need to be clarified. It does not cut enforcement. The Senator from Minnesota said this cuts enforcement. No, it doesn't. It takes the $33 million increased spending and says half of that will be used for compliance. Over last year's level, there is no cut in what will be available for enforcement. In fact, half of the $33 million increase will continue to go into the enforcement area.

The Senator from Minnesota said the amendment was flawed. It is not this amendment that is flawed. It is the ''find and fine'' approach of OSHA that is flawed and that needs reform. This is a small step, but a significant step that the Senator from Wyoming has offered that will help move away from the ''find and fine'' approach, the enforcement-only approach, the punitive approach to a program and a system that will assist small businesspeople who want to do the right thing, who want to have a healthy workplace, who want a safe workplace and want to comply with OSHA but they need help. Anybody who has ever worked with OSHA, anyone who has ever looked at the OSHA regulation book, knows a small businessman, if he is to comply, needs assistance. So I think this is a very well thought out and a very important amendment.

The Senator from Minnesota, as so many others do, likes to put everything in terms of class warfare. This is not a class issue. It is not in any way an inference that blue-collar workers should not have protection and should not be assured they are going to work in a healthy workplace and a safe workplace. It is a difference on what is the best approach, on how we best achieve that common goal. It is not a class issue. It is not a class warfare issue, as some would like to make it.

OSHA itself has estimated that 95 percent of small businesses—95 percent of the workplace, employers—want to comply, that they are good actors who want to be in compliance. It is among those 95 percent so many accidents are happening and that is where this kind of amendment increasing employer assistance is going to help. It is going to assist that small businessperson who wants to comply with OSHA but needs help in doing so. It is going to assure them that they are going to have the resources to be good actors and to have a safe workplace.

I do not know what the experience of the Senator from Minnesota has been, or that of others who may be voting on this, but I do know my experience. I was a small businessperson. I know it is unconstitutional, but I almost wish it were a requirement, before serving in the Senate, to be an employer; that you had to deal with Federal agencies

and you had to deal with this Tax Code and you had to deal with the regulatory agencies like OSHA. My brother and I owned a radio station and we did just that.

From my experience, let me tell you, we wanted to comply with every OSHA rule, all 1,275 pages. We wanted to comply. But we were a small business that had just a handful of employees, less than a dozen. Frankly, we did not understand. We understood radio, but we did not understand every minute, highly technical safety regulation that OSHA put forward. That is where this amendment would help. It doesn't cut OSHA's funding; it just says let's put half of the increase into compliance, into consultation service for small businesspeople.

It is hard for me to imagine why anybody would oppose this. The Senator from Wyoming has hit upon something. It is very logical. It is very much common sense. The American people out there understand this amendment. Those who may have the opportunity to see this debate and hear this debate, they will understand the difficulty that good actors, people who want to be in compliance, law-abiding businesspeople have in complying with an OSHA regulation book over 1,200 pages long.

We are not saying decrease enforcement. But I will tell you this: OSHA could send an army, we could quadruple the enforcement budget, let OSHA send an army of inspectors out across this country; they still could not get into every workplace in the country. That is simply the wrong approach if we want a safe workplace. The right approach is to put more into consultation services, work with the 95 percent of businesspeople who want to have a good workplace, assist them in ensuring they have it, and we will do more to save lives than under the ''find and fine,'' punitive, enforcement-oriented approach that OSHA has had in the past.

Again, I commend Senator ENZI for remarkable leadership, leadership that has been praised on both sides of the aisle in his tireless efforts to improve the way OSHA operates. I commend him and am glad to be supportive of his amendment today.

I have a chart I will just point to briefly. It shows 61.5 percent of the current budget is going to enforcement; less than a quarter of their budget going to compliance assistance. Senator ENZI has taken the approach that at least half of what we are putting into OSHA's budget ought to go into assistance, not taking a hammer and beating up on the small businessperson who is trying to comply with OSHA's thousands of regulations.

Once again, I am glad to be a supporter of this amendment and ask my colleagues to support Senator ENZI and his continued efforts to make OSHA a better agency and to make the workplace in this country a safer place for American workers.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I, first of all, acknowledge the strong interest that my friend and colleague from Wyoming has in the whole area of OSHA. He spends a great deal of time on this issue. Although I have areas of difference with him, he is someone who has involved himself in this issue to a very significant extent. We certainly take note of his longstanding and continuing and ongoing interest in trying to make the workplace safer.

Having said that, I do hope his position will not be sustained on this particular issue this afternoon. I hope eventually we will have the opportunity to support the Wellstone amendment that, instead of taking the money from inspections for consultation, would just add additional funding for consultations rather than denying the money for inspections.

The way that would ordinarily be done is Senator ENZI would have offered his amendment to transfer, and then Senator WELLSTONE would have come on and offered a second-degree amendment and said: All right, let us have the increased money from forward funding for the $9 million for compliance. We would have gone to the Senate, I think, with the support of the Senator from Wyoming. I think we would have resolved this issue and we would be further down the road in moving ahead on the whole question of the appropriation.

But we will go through, I guess, the vote on Coverdell, which is basically a repeat of the Enzi amendment. The Senator is entitled to offer that, to effectively cut off, at least at this time, the Wellstone amendment. Then we will have to come back in on top of that, after the Senate makes a resolution of that particular question.

Just to put the facts straight, there are very few of us—I do not know any of us—who do not believe there should be an expansion of both: Consultation, and I think there has to be a very extensive inspection program. They go hand in hand. Why do we say they go hand in hand? We have some very direct and powerful evidence. In 1995 and 1996, when the Congress cut dramatically the funding for inspections, then the number of consultations went down correspondingly, dramatically. The reason for that has been very clear from the record. If there is a reduction in inspections, and there is a sense the companies are not going to be inspected, there is less of an incentive to move ahead with consultations.

So these have gone hand in hand. What the Senator from Wyoming wants to do is put a greater emphasis on consultation and reduce the number of inspections. I do not think that is wise, given the fact that we have seen the dramatic increase in the workforce. We have 15 million more people working now than we had 6 years ago, as we saw, as Mr. Ralph Nader, interestingly, reminded us last Labor Day, indicating that and indicting the OSHA department for not having enough inspections in order to provide the kinds of protections for an expanded workforce.

Under the amendment of the Senator from Wyoming, he wants to reduce them further. It will be about a 10-percent reduction in the number of inspections. We have about 88,000 or so inspections. This would amount to about a 10-percent reduction in the total number of inspections, which is not insignificant.

It is particularly important in the areas of the construction trades, as my friend and colleague has pointed out, the Senator from Minnesota. Even though those in construction are only about 6 percent of the workforce, we find close to 20 percent of all the deaths in the workplace are in construction. This is a dangerous, dangerous industry to work in. We are fortunate in this country to have dramatic escalations of construction projects. We have them in our own city of Boston, and we have them all over this country, dramatic escalation in construction. We find these attendant accidents which happen, and also deaths which occur as well.

So if we look at the history, we find very important and powerful evidence.

We can represent what we think will happen. We can say what we would like to happen. But the fact is, in this particular situation, we know on the basis of evidence what does happen, and that is, reduction in inspections is reduction in consultations.

With all respect to my friend from Wyoming, if we want to see an expansion of the consultations, we ought to increase the number of inspections instead of reducing them. But that is not where we are this afternoon.

Finally, the administration and the Congress have seen a significant increase in consultations over the last 4 years, about a 30-percent increase. There has been important work done in the area of consultation. We certainly support—I do—that program and think it is very important.

It is interesting that the association which represents those who are involved in consultation is resisting this amendment, and the reason they are resisting this amendment is for the reason I have identified. They understand with the reduction of inspections, there is going to be a reduction in consultations.

One would think they would say: Wow, amen, let's get behind them; they are going to put more money into consultations and, therefore, we are going to get more of it.

But no, they do not. That ought to say something to us because they understand as well.

As I mentioned, I have great respect and affection for my friend and colleague from Wyoming, particularly in this area of OSHA, but in this very important area where we are talking about people's lives, what is the real purpose of this? The real purpose is the protection of workers' lives.

We have seen since the time OSHA has gone into effect a dramatic reduction—50-, 60-percent reduction—in the loss of lives on the construction site. OSHA is faced with additional problems of occupational health. It is faced with additional issues with these new toxic substances and a wide range of challenges for the new workplace they are trying to deal with and that also pose a significant and serious threat to workers. What we are basically saying with OSHA is that we in the United States want to make sure we are going to have as safe a workplace as possible for working men and women.

We believe with the increased funding provided for OSHA in this appropriations, as compared to the undermining of OSHA, as we saw in the House Appropriations Committee, we will meet that responsibility and OSHA can meet it.

Let us not put at risk what is tried and tested policy conclusions: We have strong inspections and strong consultations. That works. That is the position Senator WELLSTONE and I and others support.

I hope as a result of these votes that is where we will come out; that we will come out so there will be a modest increase which the good Senator has mentioned in terms of consultation; that we will come out and add those additional funds for the outyears but not take away from the extremely important inspection.

Finally, we can pass various pieces of legislation, but unless we are going to have enforcement, a right without a remedy does not go very far. That is true in just about every area of public policy. We learn that every single day. What we need to have is accountability. We hear a great deal of talk about accountability. This is accountability. The question of inspections is a part of accountability to protect workers. If we cut off and reduce inspections, we are denying the important accountability that is necessary to protect workers in this country, and that is an important and serious mistake.

Mr. ENZI addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I appreciate the kind remarks of my colleagues. I appreciate the comments they have made. We all have a tremendous interest in seeing there are safer workplaces, and there is a long way to go on that yet. But what we are having a little trouble agreeing on is the mechanism for getting there. There are some philosophical differences on how to go about safety.

I do not think they are across that big of a chasm, but if we had the opportunity to spend some time to sit down and talk about them, we could come up with some things that will help the safety of the workplace in this country. We can throw out all the misconceptions and previous solutions and work from there. That is not what is happening. What is happening is this appropriations bill.

We mentioned a record of safety and how it has been increasing. I have been very curious about that record of safety because a lot of people said when OSHA went into effect, there was a huge jump in safety in this country and it has been continuing; since OSHA went into effect, there has been a decrease in the number of deaths and accidents in this country.

I went back another 20 years beyond that and looked at the number of accidents in this country. Business had been bringing that down before OSHA went into effect. They were doing that because they knew if they were going to have a good business, they had to take care of the employee. There has been an ever-increasing awareness of that, and there has been an ever-increasing improvement in that.

My colleagues from across the aisle say consultation and enforcement have to go hand in hand. Yes, they do have to go hand in hand, and I am not suggesting any other thing. I am saying that half the money we are putting in increases ought to go for the other hand of the hand in hand. We ought to do 50 percent for each. We are already doing a whole lot more enforcement than we are consultation. I am not trying to even that up. I am trying to take part of what we are doing this year and putting it in there.

They say: Whoa, rather than do that, take another $33 million and stick it in there and that will show a real commitment to safety. Let me tell you what that would show. It would show my stupidity on management. We are doing a drastic increase on that budget. We are expecting them to take a huge increase of funds, find the people, train the people and put them out there doing enforcement.

I have faith in the people who are in that Department, and I believe they can do that, but they have a better chance not only of being able to train the people but also to get effective use out of them by putting half the money into consultation so half the people being trained are going to go out there and answer questions.

They are going to be the good guys. They are going to be the ones who say: I know you do not understand these 1,200 pages, but just let me go through your business, show you what is wrong and, by golly, you fix it. If you fix it, you have no problem. If you don't fix it, my buddy over here is going to be on your tail; this other 50 percent of the money is going to be on you.

There is a limit to how much increase you can do in a given year.

There is room for training improvement. We have looked at what kind of training there is. I have also looked at the number of inspections that are being done by the people who are there. I am not sure there is enough management over the inspections that are being done.

My colleague from Minnesota mentioned that out of those very bad employers, they were only able to inspect 3,000. That is terrible. That is rotten. That is not the way it is supposed to happen.

We have 2,500 Federal inspectors. They are not doing the State-plan States. They are only doing the Federal inspections. If they did one more inspection a year, they would double the number of inspections on those bad businesses. But we are not going to have that if we just throw a whole bunch more people into the mix. They are not going to be capable of going out and looking at the bad employers and finding those bad problems.

It takes more than a few months to train the people, and you cannot do it if you have thousands coming into the workforce at one time.

There have to be some limits. This is a reasonable approach to being sure there is an increase in enforcement, and it is accompanied by an increase in consultation.

If you look at the numbers of people who are waiting out there in non-State plan States—the State-plan States are doing pretty good with this, the ones that have said they will do the work themselves. They are doing pretty good. The non-State-plan States are having a terrible time getting to the backlog on consultations. So we need some consultation money.

I have a bill that may be the wrong approach to doing safety. I put a lot of hours into it. I sat down with everybody individually, and I talked to them about it. It is the SAFE Act, and it calls for hiring some private consultation. I have run into opposition on that. What I have heard in the way of opposition is: You cannot let the businesses hire people to do inspections. Even though those inspections would result in things being found, things stopped, things improved, you cannot do it that way. It has to be done federally or that there be some kind of a mechanism for the Federal Government to have the inspectors involved.

So I have listened. I have said OK. Under this program, the Federal Government hires the inspectors, the Federal Government hires the consultation people; it is the Federal Government that is coming in to do these consultations—totally independent, totally under the direction of OSHA.

I have been trying to listen to what is being said on all of this. This is one of the solutions that can be provided. I hope you will support increasing the funds to OSHA. I know that is a tough stand for a lot of people over here, but I want you to do that. I want you to increase the amount of money that is going to the enforcement of OSHA, but at the same time what I want you to do is take half of that money and assure that it is going to consultation.

As I said before, there is no way we can assure that it is going to consultation. Once it gets in that department budget, even though it is under a line item, there is not much of a way, even with oversight, to see if those people

who are supposed to be under consultation are doing any enforcement, and vice versa.

So it is a statement that we are making that, yes, consultation ought to go hand in hand with enforcement. It is a statement. How they use that budget, we will never know. Maybe we will know through increased enforcement. Maybe we will know with a decrease in the amount of waiting time people have to have for these inspections.

But we have a chance to do the right thing and to do it in a responsible manner that can be handled, giving the increases and making sure that to the small businessman out there who wants to understand those 1,275 pages as they apply to his business—and it isn't optional for him to do that; it is mandatory he do that—we are saying we are going to reach out and give you a little bit of a hand. We are going to come into your business. We are going to show you what is wrong, and you have to clean it up because we are hiring more enforcement people who are going to be here to check on you if you do not.

That is all we are asking. I think it is a reasonable amendment. I was hoping that it would be accepted. I am still hoping it will be accepted.

I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER (Mr. FITZGERALD). The Senator from Minnesota.

Mr. WELLSTONE. My understanding is that the Senator from Pennsylvania is going to try to propound a unanimous consent request.

Let me, in 2 minutes, summarize. I appreciate the amendment by my colleagues in Wyoming and Georgia. I think this is an unfortunate tradeoff. I think it is a profound mistake. I think enforcement is the backbone of worker safety.

The second-degree amendment we will offer later on would essentially say: We can do better for consultative services, and we can advance some funds there, but we are certainly not going to take it out of enforcement.

My colleague from Massachusetts has spoken about this at great length; I have as well. I will not recite the statistics again as to the number of unsafe workplaces and the need for strong inspection. I simply say that the promise of OSHA—not yet realized—is we are going to make a commitment to working people, and we are going to make a commitment that people have a safe workplace.

We are not doing as well as we should. We should do much better. But I think it would be a serious mistake for Democrats or Republicans to vote to reduce enforcement. That is a huge mistake. For all who care about worker safety, do not vote to reduce enforcement, to reduce inspection. The laws and the rules and regulations do not mean a thing unless we have the enforcement. That is why I think this amendment is flawed. That is why I hope it will be voted down.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Just a few comments about the merits of the pending amendment; then I will move on to a unanimous-consent request.

I believe that in the bill, as it is currently drafted, there is an appropriate balance between consultation and enforcement. I agree with the Senator from Wyoming that this consultation is very important, and there are many places where consultation will work. I think there are some areas where enforcement is necessary.

I saw in my line of work as district attorney of Philadelphia, under somewhat different circumstances, what enforcement does and what deterrence does and what the prospects of penalties may do.

We have crafted this bill as carefully as we can. I think it has about the right mix, although I welcome the suggestions from the Senator from Wyoming and the spirited debate which we have had.

As I take a look at the figures, in the period from 1995 to 1999, the enforcement funding falls $3 million this year below the 1995 level; $145 million to $142 million.

By contrast, in the same period, fiscal year 1995 to fiscal year 2000, OSHA's consultation program has grown from $31.5 million to almost $41 million; an increase of about 30 percent.

Even at the level that we have here, there are 7 million workplaces in the United States but only about 2,300 OSHA inspectors. Of the 12,500 most dangerous workplaces in the Nation, OSHA is able to inspect only about 3,000 a year; so 9,500 will not be inspected. The enforcement shows that there is an average decline of some 22 percent in the 3 years following inspections.

So when I take a look at the entire picture, I think we have it about right in the current bill.

Therefore, I move to table the second-degree amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Mr. SPECTER. Mr. President, I am now going to propound a unanimous-consent agreement on the pending matter.

I have been asked to pause for a minute so that other Senators may consider the unanimous-consent agreement.

What we propose to do by way of schedule today to move ahead is to set the vote aside, then move to an amendment by Senator GRAHAM of Florida. I hope we can work out a time agreement on that which is not yet agreed to. Then we would go to an amendment by Senator DODD for 30 minutes, equally divided, and then come back, perhaps, to Senator GREGG, and then move to an amendment which may be contentious on ergonomics, to be offered by Senators BOND and NICKLES. We would plan to have the votes before the ergonomics amendment, which may take some considerable time and move into the evening.

We are still working as fast as we can through a long list of amendments to try to see when we can bring this bill to a conclusion at the earliest moment.

May I inquire of the Senator from Minnesota if he is prepared for me to propound the unanimous consent request?

Mr. WELLSTONE. I say to my colleague from Pennsylvania, we are looking at it right now. If we can have another moment, we will be ready to respond.

Mr. SPECTER. Mr. President, I ask consent that a vote occur on or in relation to the pending second-degree amendment after 15 minutes of debate to be equally divided in the usual form, and if a motion to table is made and defeated, then the Senate immediately proceed to a vote on the pending second-degree amendment.

I further ask consent that following the disposition of the second-degree amendment, only if agreed to, Senator WELLSTONE be recognized to offer a second-degree amendment under the same terms as outlined above.

Finally, I ask consent that following the disposition of the first second-degree amendment, if tabled, the first-degree amendment be withdrawn.

I further ask consent that if the second second-degree amendment is offered, following its disposition, the Senate proceed to vote on the first-degree amendment, as amended, if amended, without any intervening action, motion, or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SPECTER. I think that is miraculous. I hardly understand much of what I just read, although it was carefully drafted and I am sure will provide a roadmap to the future.

I ask unanimous consent that we now proceed to the amendment offered by the Senator from Florida, Mr. GRAHAM. I inquire of Senator GRAHAM if he will be prepared to enter into a time agreement.

Mr. GRAHAM. Mr. President, I appreciate the courtesy of moving forward. This amendment is going to raise some very fundamental issues not only for a major social program but also for the relationship between the Federal Government and the States and the relationship between the appropriations process and the committees that have jurisdiction for authorization and the administration of the mandatory spending program.

I do not believe at this time I can indicate how long it will take to fully articulate those issues to have the kind of debate which this amendment clearly justifies.

Mr. SPECTER. Might I suggest an hour for the Senator's position and a

half hour for this side or perhaps even an hour and a half for the Senator's position and a half hour for this side. I am anxious to try to get some parameters so we know what to do with the remainder of the amendments and voting.

Mr. GRAHAM. I suggest, in deference to the effective use of time, it would be preferable if we got started with this amendment and then saw, as we were into it, what might be a reasonable time.

Mr. SPECTER. Mr. President, I ask consent to yield back the time on the Enzi amendment and ask that the amendment be laid aside.

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

The Senator from Florida.

AMENDMENT NO. 1821

(Purpose: To restore funding for social services block grants)

Mr. GRAHAM. Mr. President, I ask that amendment No. 1821 be called up.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Florida [Mr. GRAHAM], for himself, Mr. WELLSTONE, and Mr. ROCKEFELLER, proposes an amendment numbered 1821.

Mr. GRAHAM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of title II, add the following:

SOCIAL SERVICES BLOCK GRANT

SEC. . Notwithstanding any other provision of this title, the amount appropriated under this title for making grants pursuant to section 2002 of the Social Security Act (42 U.S.C. 1397a) shall be increased to $2,380,000,000: *Provided,* That (1) $1,330,000,000 of which shall become available on October 1, 2000, and (2) notwithstanding any other provision of this title, the amount specified for allocation under section 2003(c) of such Act for fiscal year 2000 shall be $2,380,000,000.

Mr. GRAHAM. Mr. President, this amendment, in which I am joined by Senators WELLSTONE, ROCKEFELLER, and DODD, will have the effect of reversing a decision made by the appropriations subcommittee to cut by more than 50 percent the funding in title 20 of the Social Security Act for social services block grants.

This amendment will restore the program to the level that was authorized by the Finance Committee, which is $2.38 billion. This program, title 20 of Social Security, allocates funds to the States in block grant form, allowing them to provide services to vulnerable, low-income children and elderly, disabled people. The purpose of this program is to assist in maintaining the well-being of those Americans who, but for these types of services, might become direct, individual recipients of Social Security funds, whether they fell into such because of a disability, because of their circumstances in terms of losing the support of an adult, or because of the aging process.

I can tell the Senate, as a former Governor of Florida, the State which has the highest percentage of persons over 65 in the Nation, and now, as a member of the Finance Committee, which has responsibility for the authorization of this program, I am aware of the positive contribution this program has made to the well-being of millions of Americans and to the fiscal well-being of the Social Security program. I am particularly concerned about the draconian cuts that have been made and the fact that they have been made with almost no discussion or attention to the very serious policy implications.

My Finance Committee colleagues and I, joined by colleagues from the House Ways and Means Committee, have agreed that this program should be funded at the level of $2.38 billion for the fiscal year 2000. In fact, the two committees of responsibility, the Senate Finance Committee and the House Ways and Means Committee, made a commitment to the States that the social services block grant would be guaranteed at the level of $2.38 billion until welfare reform is reauthorized in the year 2002.

However, the Senate appropriators, rather than simply appropriating the statutory funding level for the fiscal year 2000 at $2.38 billion, have slashed the social services block grant to $1.05 billion for the fiscal year 2000. This harsh, unauthorized reduction would be on top of a 15-percent reduction made to title 20 in the 1996 welfare law.

These enormous reductions will have adverse consequences for substantial numbers of frail elderly persons, disabled individuals, and children and their families. In my State of Florida, critical programs will be at serious risk if these cuts are made.

For example, these reductions will affect services that protect children from child abuse and that enable poor elderly and disabled persons to remain in their homes rather than being placed prematurely in nursing homes or other institutions.

Our State was one of the first to start a program called Community Care for the elderly, begun over 20 years ago. It had as its objective to allow older Americans to live the life they wanted to live, a life of maximum independence in their homes, in their communities, not to be forced prematurely into an institution. That program was funded both by State funds and by the use of some of these social service block grant programs. That program has had not only enormous positive benefits in terms of the quality of life of the beneficiaries—and, I might say, has now become a program that has been identified for substantial expansion by our current Governor, Governor Bush—but it also has been a program that has saved both Medicare and Medicaid substantial funds by maintaining the best possible state of health for many frail elderly and avoiding the extreme costs that are entailed when an individual has to be placed in a nursing home.

We heard at a luncheon earlier today from a program that has shown great promise in terms of providing a successful educational environment for our youngest students. One of the primary keystones of that success is appropriate early intervention with children before they become public school students, while they are still in the infant and toddler ages, if they have physical or other disabilities, to begin to deal with them at the earliest stages, to give them an appropriate learning environment in preschool.

Again, those are precisely the programs that are funded through title 20 of the Social Security Act. Those are precisely the programs that are going to be eviscerated if we adopt this budget with this over 50-percent cut.

To add to all of that, I direct the attention of the Senate to page 212 of the conference report which has been issued on the Labor-HHS appropriations bill. In that conference report, there is an explanation of why this cut is being recommended. The report states:

The committee recommends an appropriations of $1.50 billion for the Social Services Block Grant. The recommendation is $1.330 billion below the budget request (read the recommendation of the House Ways and Means Committee and the Senate Finance Committee) and $859 million below the 1999 enacted level. The committee has reduced funding for the block grant because of extremely tight budget constraints.

I would like for the Presiding Officer and my colleagues to listen to this particular part.

The committee believes that the States can supplement the block grant account with funds received through the recent settlements with the tobacco companies.

So the subcommittee's rationale for this particular reduction is that the States can now be directed to use their tobacco settlement money in order to fund what previously had been a partnership of Federal-State funds for the frail elderly, for the disabled, and for children and their families.

Mr. President, I fervently object to this outrageous, irresponsible and, I would say, nonsensical rationale.

As you will recall, this spring we had a fervent debate about the question of whether the Federal Government should reach in and mandate how all or a portion of the States' tobacco settlements should be spent. We fought that out for weeks in the Senate.

I thought after a series of rejections of exactly this proposition that the States could now with some comfort step back and say the Federal Government has decided, properly so, that we were the entities which secured these tobacco settlements; that the Federal Government would be saying we have the respect of the States that they have the good judgment to decide what is in the best interests of their citizens in the methods of spending these tobacco settlement funds; that the States could breathe easy; that they no longer

were faced with the threat that the Federal Government would want to play big father and tell them how to spend their money.

It was only in March of this year that the Senate overwhelmingly by a margin of approximately 71 to 29 defeated an amendment that would have required the States to spend part of their tobacco settlement according to a Federal list of priorities. In June, the entire Congress voted for the Federal Government to stand back, to keep its hands off the tobacco settlement, which the States had with such effort and commitment achieved; that the Federal Government was saying to the State: We respect you, and we put our confidence in your decisions as to how to spend this money.

Now we have a few months later this language saying that it is one of the most important social programs we in Washington are going to effectively, by withdrawing Federal funds, direct how the States are going to spend their tobacco settlement.

It is outrageous.

The commitment that we made for hands off was a binding commitment, just as our commitment to fund the title XX program that we made to the States to fund it at its current level to the year 2002 in order to play a role in the successful completion of the welfare-to-work law was also a binding commitment, commitments that we are now about to breach.

Today, many of the same individuals who voted to allow the States to use these funds as they saw most appropriate for their citizens are about to tell the States that they need to reallocate tobacco settlement dollars in order to pick up the Federal social services block grant which we are going to slash by over 50 percent. That is blatant hypocrisy.

The argument that the tobacco funds should be used to fill a $1.33 billion cut in title XX is quite simply—no pun intended—a smoke-and-mirrors tactic that does not address the issue at hand. Senate appropriators have no valid argument in defense of their drastic cuts in this critical program.

Have no doubt that the ultimate loser in this exercise is the child—the child who is currently receiving child care in a title XX funded center. The loser is that other American who has sought refuge from abuse through adult protective services, the disabled woman who receives treatment through a title XX funded center. Perhaps the reason our appropriators believe that they can get away with this raid on the social services block grant is that the American people are unclear about the services that this program provides.

So I would like to take this opportunity to enlighten my Senate colleagues and the American people on what are the programs funded under title XX of the Social Security Act.

The social services block grant was established in 1975. So it is now about to celebrate its 25th year of an important part of the safety net that helps those persons who might otherwise have to rely on expanded Social Security funds.

It provides States with funds to address the social service needs as the States determine to be of the greatest priority. States have broad flexibility in determining which services to provide, who should deliver services, and which families and individuals to serve.

I know our Presiding Officer had a distinguished career of service in his State before being elected to the Senate. So he has no doubt dealt with some of the programs that are funded under title XX of the Social Security Act.

Adoption, case management, congregate meals, counseling services, adult day care, day care for children, education and training services, employment services, foster care services, health-related services, home-based services, home-delivered meals, housing services, independent living services for youth, legal services, child and adult protective services, recreation services, residential treatment, special services for youth at risk, and the disabled—these are some of the services that are provided under title XX.

As you can see, many of the SSBG-funded services focus on children and youth.

In fiscal year 1996, some 15 percent of the SSBG funds supported programs providing child care for low-income children. An additional 21 percent was spent on services to protect children from abuse and provide foster care for children.

SSBG funds programs for nearly half a million people with mental retardation and other physical and mental disability, including transportation, adult day care, early intervention, crisis intervention, respite care, employment, and independent living services. These services help such individuals remain at home and out of expensive and often inappropriate institutions. These services also help people with disabilities to work, to the extent it is possible for them to do so.

These programs drew the support of the House Ways and Means Committee and the Senate Finance Committee, the two committees with responsibility for Social Security, to support the level of funding which is in the amendment currently pending.

For those who have suggested this more than 50-percent slash in this program, what is it they know about this program that the House Ways and Means Committee and the Senate Finance Committee did not know or did not take into proper account? What we should be doing is not slashing this program but, if anything, we should be increasing this funding in order to assist particularly in this important time of transition from welfare to work.

It should be noted that the Senate Labor-HHS-Education appropriations bill appears to reduce the percentage of a State's Federal TANF block grant, another of the programs that will be critical to the transfer from welfare to work, will reduce the percentage of a State's Federal TANF block grant that can be transferred to the social services block grant from 10 percent to 4.25 percent for fiscal year 2000. Not only are the States facing a draconian reduction in the social services block grant but also a limit in the flexibility of those funds. The 4.25-percent ceiling further limits States' abilities to compensate for the impact of the overall social services block grant funding.

One might ask, should the States also use tobacco money to fill the hole for this further cut, as well? Should the States perhaps be called upon to use tobacco funds to supplement all Federal funds for social programs?

It is critical we keep the national commitments to the most vulnerable members of our society. That commitment cannot be fulfilled by slashing title 20 funds by over 50 percent. The President has said he would veto this bill in its current form. He cited the deep cuts in title 20 as a key reason for doing so. I applaud the President if it were to be necessary—and I hope desperately it will not be necessary—to exercise that veto because of these unwise cuts in title 20 and the attempt to direct the manner in which the States will spend their tobacco settlement funds.

There has been a cascade of opposition to this recommendation. The National Governors' Association, the National Council of State Legislatures, and the National Association of Counties have spoken out against this cut. They are joined by over 600 Federal, State, and local groups that understand the importance of these title 20 programs.

I ask immediately after my remarks a series of letters from groups across America be printed in the RECORD expressing their objection to this proposal.

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

(See exhibit 1.)

Mr. GRAHAM. Mr. President, the social services block grant cut of the magnitude reflected in this bill would substantially reduce a State's ability to provide services to vulnerable children, elderly, and disabled people. Because of the dimensions of such a cut, as well as the fact that most 1999 State legislative sessions have already adjourned, most States would not be able to offset this loss with additional State funds, tobacco or otherwise. That is the real point of this debate. This debate is not about tobacco money nor is it about what States do with their dollars. This debate is about the cutting of a program that was designed to help the most vulnerable Americans to live better lives and the devastating impact such a cut will have on their lives and our communities.

As I come to a close, a word of caution: The raiding of title 20 programs

could serve as an example of what will happen when a program is block granted. In the eleventh hour of last year's budget debate, a budget bind had developed and the means of escaping from that bind was to use title XX funds, if you will believe it, to fund road and highway spending. Today we are again sacrificing the same social services block grant on the altar of budgetary expediency.

This year it is not highway funds but let's tell the States how to spend their tobacco settlement. These experiences should serve as a big red flag as we structure our social services funding. Thus far, we seem willing to use Meals on Wheels' funds to continue the illusion we are not breaking the budget caps. Will we ever fund the census from moneys from our children's educational future? If the answer to this question is yes, can similar cuts to Social Security and Medicare and other social programs critical to the well-being of millions of Americans be far behind?

The implications of this action this afternoon are ominous. They are odious. We have the opportunity to avoid them.

EXHIBIT 1

INTERGOVERNMENTAL RELATIONS,
Milwaukee, WI, September 30, 1999.

Hon. BOB GRAHAM,
Washington, DC.

DEAR SENATOR GRAHAM: I am writing to you on behalf of Milwaukee County to express our strong support for your amendment to the Labor-HHS Appropriations bill to restore funding to the Social Services Block Grant (Title XX). Funding the Title XX program at its authorized level of $2.38 billion is critically important to Milwaukee County.

In addition, Milwaukee County urges you to retain current law provisions that allow states to transfer up to 10 percent of their TANF block grants into Title XX.

As you know, the SSBG program has been cut three times in the past three years, totaling a half a billion dollars in funding. With current funding down to $1.9 billion for FY 1999, Wisconsin has experienced a decrease in funding of over $7.6 million for this year, with the state's counties bearing the brunt of these significant cuts.

In Wisconsin, it is the state's counties that provide critical social services to vulnerable populations such as supportive home care and community living and support services for elderly and disabled adults and children. Milwaukee County also utilizes SSBG dollars to provide a wide range of other services, including drug and alcohol abuse treatment, temporary shelter service for homeless families, and outpatient treatment for individuals with mental health issues.

In addition, Wisconsin is currently transferring the full 10 percent of its TANF block grant, nearly $32 million, to fund Title XX services. If the current 10 percent transferability level is reduced to the proposed 4.25 percent, Wisconsin would lose the ability to transfer over $18 million in TANF funds.

Again, Milwaukee County strongly supports your efforts to restore full funding for the SSBG. Thank you in advance for your active support of Title XX.

Sincerely,

JOE KRAHN,
Milwaukee County Washington Representative.

WISCONSIN COUNTIES ASSOCIATION,
Monona, WI, September 30, 1999.

Hon. BOB GRAHAM,
Washington, DC.

DEAR SENATOR GRAHAM: I am writing to you on behalf of the Wisconsin Counties Association (WCA) to express our strong support for your amendment to the Labor-HHS Appropriations bill to restore funding to the Social Services Block Grant (Title XX). Funding the Title XX program at its authorized level of $2.38 billion is critically important to Wisconsin's counties.

In addition, WCA urges you to retain current law provisions that allow states to transfer up to 10 percent of their TANF block grants into Title XX.

As you know, the SSBG program has been cut three times in the past three years, totaling a half a billion dollars in funding. With current funding down to $1.9 billion for FY 1999, Wisconsin has experienced a decrease in funding of over $7.6 million for this year, with the state's counties bearing the brunt of these significant cuts.

In Wisconsin, it is the state's counties that provide critical social services to vulnerable populations such as supportive home care and community living and support services for elderly and disabled adults and children. Wisconsin's counties also utilize SSBG dollars to provide a wide range of other services, including drug and alcohol abuse treatment, temporary shelter service for homeless families, and child abuse prevention and intervention services.

In addition, Wisconsin is currently transferring the full 10 percent of its TANF block grant, nearly $32 million, to fund Title XX services. If the current 10 percent transferability level is reduced to the proposed 4.25 percent, Wisconsin would lose the ability to transfer over $18 million in TANF funds.

Again, WCA strongly supports your efforts to restore full funding for the SSBG. Thank you in advance for your active support of Title XX.

Sincerely,

JOE KRAHN,
WCA Washington Representative.

JULY 13, 1999.

Hon. TED STEVENS,
Senate Appropriations Committee, Washington, DC.

DEAR SENATOR STEVENS: The Board of Directors of Generations United urge you to fund Title XX, the Social Services Block Grant (SSBG) at its present entitlement level of $2.38 billion included in the Personal Responsibility and Work Opportunity Act of 1996.

We are pleased that the Clinton Administration has requested restoration of this program to the fully authorized level for the next fiscal year. We believe that this proposed funding level is a formal recognition by the administration of the importance of this block grant and we hope you will endorse this recommendation. We do however continue to have concerns about reducing the states ability to transfer funds from TANF into Title XX to no more than 4.25 percent. We would like to ensure that state flexibility remains.

SSBG is an important source of intergenerational support providing flexible federal dollars that helps states respond to their most pressing human service needs. SSBG has a proven record of addressing dependent care needs across the generations. Essential programs supported by SSBG include:

FOR CHILDREN

Services that support the success of the Adoption and Safe Families Act. For example, in 1997, States reported using 2.2 percent of SSBG funds for adoption foster care and child protection services.

SSBG is also an important source of support for Child Care.

OLDER ADULTS

SSBG are essential for keeping older adults independent and out of institutions.

In 1997, an estimated 318 million was used for adult day care and home-based services.

Forty-five states reported using the funds to provide home-based services to the elderly, 38 for elderly case management and 46 for child protection.

Generations United is the only national organization that promotes intergenerational policies, programs, and strategies. We represent more than 100 national organizations and millions of individuals who support reciprocity between the generations and the social compact that calls for using the strengths of one generation to meet the needs of the other. We believe a health society should not have to choose between its most vulnerable members—children, youth and the elderly—but instead should support the basic needs of each generation.

We urge you to fund Title XX, the Social Service Block Grant at its fully authorized level of 2.38 billion.

Sincerely,

THE BOARD OF GENERATIONS UNITED.

NATIONAL NETWORK FOR YOUTH,
Washington, DC, September 30, 1999.

DEAR SENATOR: The National Network for Youth is a 24 year-old non-profit membership-based organization committed to advancing its mission to ensure that young people can be safe and grow up to lead healthy and productive lives. Representing hundreds of non-profit, community-based youth-serving organizations, youth workers and young people from around the nation, the National Network for Youth urges Congress to support the amendment offered by Senators Graham, Wellstone, and Rockfeller to restore funding for the Social Services Block Grant so states can continue to provide children and youth in high-risk situations and their families the services they need.

Established under Title XX of the Social Security Act, the Social Services Block Grant provides funding critical to states' ability to offer services to vulnerable children, youth and families. In 1997, 5% of the funding available was designated for vulnerable youth. Over 200,000 youth received SSBG services including temporary housing, residential treatment, counseling, therapy, support and training to live independently, vocational training, and case management. Without the support of state and local services, vulnerable youth have a high risk of homelessness, teen pregnancy, poverty, and entering the criminal justice system.

The homeless youth population is estimated to be approximately 300,000 young people each year. Physical and sexual abuse and neglect are among the key causal factors for runaway behavior. States and local governments have the primary responsibility for protecting children from abuse and neglect, and preventing youth at high risk from entering the criminal justice system. In Fiscal Year 1997 more than 2.3 million children were protected from abuse and neglect through services funded by the Social Security Block Grant, supplementing other federal programs offering aid to state and local programs protecting children and youth.

Funding for the Social Security Block Grant was reduced from $2.8 billion in 1995 to $2.38 billion in 1996. The Social Security Block Grant has since faced repeated cuts and is currently funded at $1.9 billion. Additional funding cuts to the Social Services

Block Grant could weaken those services critical to the aid of vulnerable youth and other at-risk populations. The National Network for Youth urges Congress to support the amendment offered by Sens. Graham, Wellstone, and Rockefeller to restore funding for the Social Security Block Grant in FY2000.

Sincerely,

DELLA M. HUGHES,
Executive Director.
MIRIAM A. ROLLIN,
Director of Public Policy.

CALIFORNIA STATE
ASSOCIATION OF COUNTIES,
Sacramento, CA, September 30, 1999.

Hon. BOB GRAHAM,
Washington, DC.

DEAR SENATOR GRAHAM: I am writing to you on behalf of the California State Association of Counties (CSAC) to express our strong support for your amendment to the Labor-HHS Appropriations bill to restore funding to the Social Services Block Grant (Title XX). Funding the Title XX program at its authorized level of $2.38 billion is critically important to California's counties.

In addition, CSAC urges you to retain current law provisions that allow states to transfer up to 10 percent of their TANF block grants into Title XX.

The SSBG is a major source of human service funding for California, and repeated federal cuts will impair services for vulnerable populations. Our state is one of the largest recipients of SSBG funds, and due to last year's $471 million reduction in the block grant, California lost over $56 million in funding. Two of the major services California funds with SSBG are In-Home Supportive Services (IHSS) at $116.2 million, and Development Disability Services for kids in CWS at $111 million.

The SSBG is a cost-effective program that has been slashed by close to one billion dollars over the past five years. The SSBG funds services that allow people to remain in their homes, a much more desirable solution than the costly alternative of institutionalization. According to HHS data, in FY 1997 the SSBG funded home-based services that allowed over 60,000 elderly Californians to remain in the community. Overall, the SSBG funded services for 1,665,349 Californians, including 191,000 disabled and 87,195 elderly that same year. In addition, in 1998, California transferred $183 million from TANF to the SSBG to fund child care services.

Again, CSAC strong supports your efforts to restore full funding for the SSBG. Thank you in advance for your active support to Title XX.

Sincerely,

JOE KRAHN,
CSAC Washington Representative.

AMERICAN HUMANE ASSOCIATION,
Washington, DC.

Hon. BOB GRAHAM,
Washington, DC, September 28, 1999.

DEAR SENATOR GRAHAM: I am contacting you to commend your amendment to fund Title XX, the Social Service Block Grant at its present entitlement level of $2.38 billion for the FY 2000 budget. Title XX is one of the few programs available to support lower-income working families. This block grant has also been a significant funding source for programs that protect abused and neglected children.

Founded in 1877, the American Humane Association (AHA) is a nationwide association of child welfare professionals, public and private social services, medical and mental health professional, as well as educators, researchers, judicial and law enforcement professionals and child advocates. AHA's Children's Division continues to be a voice dedicated to the protection of children.

AHA strongly believes that Title XX deserves to be placed high on the list of priorities. This block grant allows states the flexibility to provide much needed services for vulnerable children and families in near crisis situations and has helped support reforms in state foster care systems.

AHA is pleased that the Clinton administration has requested restoration of this vital program to the full entitlement level for the next fiscal year. We believe that this proposed funding level is a formal recognition by the Administration of the vital importance of this block grant and we hope you will endorse this recommendation. We do, however, continue to hold great concerns with regard to the administration's proposal to reduce the states' ability to transfer funds from TANF into Title XX to no more than 4.25 percent. We would like to work closely with you, as well as the Administration, to ensure that state flexibility is retained.

By helping to keep people in the community, the Social Services Block Grant actually saves the federal government and the nation's taxpayers the cost of expensive institutional care. Therefore, we strongly urge you to fund the Social Services block Grant at its fully authorized level of $2.38 billion.

Thank you for your hard work and attention to this issue. If you have any questions or concerns, please do not hesitate to contact us at (202) 543–7780.

Sincerely,

ADELE DOUGLASS,
Director, Washington DC Office.

AMENDMENT NO. 1886 TO AMENDMENT NO. 1821

(Purpose: To restore funding for social services block grants)

Mr. GRAHAM. I send to the desk a second-degree amendment to the amendment currently pending.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Florida [Mr. GRAHAM], for himself, Mr. WELLSTONE, Mr. ROCKEFELLER, Mr. DODD, and Mr. KENNEDY, proposes an amendment numbered 1886 to amendment No. 1821.

Mr. GRAHAM. I ask unanimous consent reading of the amendment be dispensed with.

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

Strike all after the first word and insert the following:

''Notwithstanding any other provision of this title, the amount appropriated under this title for making grants pursuant to section 2002 of the Social Security Act (42 U.S.C. 1397a) shall be increased to $2,380,000,000: *Provided*, That (1) $1,330,000,000 of which shall become available on October 1, 2000, and (2) notwithstanding any other provision of this title, the amount specified for allocation under section 2003(c) of such Act for fiscal year 2001 shall be $3,030,000,000.''

Mr. WELLSTONE. Mr. President, I ask unanimous consent I be able to follow the Senator from Pennsylvania.

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

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, in listening to the arguments by the Senator from Florida I can understand his interest in adding funds to what the committee mark is. I have no disagreement with the importance of the funds which are at issue.

I am constrained to oppose the amendment because in constructing this overall bill for $91.7 billion, in collaboration with the ranking Democrat on the subcommittee, we have juggled some 300 programs. If we are going to add a very substantial amount of additional funding to education, which we have some $2.3 billion over last year, and if we are to add $2 billion for the National Institutes of Health, and to have an initiative against juvenile violence, it is a matter of the allocation of priorities.

The comment has been made about the use of the tobacco funds. Those are very substantial sums of money, some $203 billion over a number of years.

I fought on the Senate floor to try to bring some of those tobacco funds to the Federal Government so we would have more moneys available. It is an obvious suggestion, when the States are the recipients of so much of that funding, that some of it be used where other Federal funds had been made available. This is another illustration, along with the request for additional funds for after school, $200 million more, or for class size, for the Corporation for Public Broadcasting—all of those are items which, under normal circumstances, I would say are very good programs, they are very good approaches, we would like to see them. But when it comes to assessing priorities, it is my sense, after working through very carefully with staff and then with the Democratic staff, the full subcommittee and the full committee, that this is an appropriate assessment of priorities.

Therefore, even though I have sympathy for what the Senator from Florida has had to say and think these are good programs, on a priority basis I have to oppose this amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I am pleased to join with the Senator from Florida, Mr. GRAHAM, on his amendment.

I want to respond to my colleague from Pennsylvania. I will start out with Minnesota, and then I will go to the country at large. Actually, in Minnesota, for reasons I will explain, these social service programs and funding are passed directly to counties. The State cannot replace the money with tobacco money or anything else, and certainly not for next year, which is a bonding legislature. But above and beyond that, in any case, the tobacco money has already been spent for other programs.

The point is, we do not know what will happen. This is what my colleague concluded. We do not know what will happen with these programs that are so important to poor people, to vulnerable people, elderly people, people with disabilities. To cut the social service programs by 50 percent and then say

States have tobacco money so we will count on them to do it is an abandonment of our commitment. It is an abandonment of our commitment.

What we have done is cut the social services block grant program by more than half. What my colleague from Florida has done—and I am pleased to join him in this amendment—is to restore the funding to the full formula amount of $2.38 billion. We are talking about programs that are so important to the lives of the most vulnerable citizens in our country: The elderly, the very young, the poor, and the disabled.

The question is, What is this SSBG fund? Are we talking about something important?

Yes, we are talking about something important, if you think adoption services, congregate meals, counseling services, child abuse and neglect services, day care, education and training services, employment services, family planning services, foster care services, home-delivered meals, housing services, independent and transitional living services, legal services, pregnancy and parenting services, residential treatment services, services for at-risk youth, and special services for families for the disabled and transportation services are important. If we think these services are important, then how in the world can we cut this funding by 50 percent?

I respect my colleague from Pennsylvania. He has done the very best, given the budget caps under which he has worked. But I do not believe a good argument against the amendment we have introduced is: Well, there is tobacco money out there and the States can use that money.

Some States do not have that money to use. Some States can't use that money. In any case, whatever happened to our commitment at the Federal level to try to fund some services that would help the most vulnerable citizens in our country? That is my question.

Let me talk a little about some of these programs and then go further with the argument I want to make. Let me take Meals on Wheels. Why do we not think about this in personal terms? I think, I say to Senator GRAHAM, we are going to get support for this amendment. I believe we can pass this amendment. Are Senators going to vote to cut funding for the Meals on Wheels program? That is a program for people, many of them elderly, many of them disabled. Both my parents, for example, had Parkinson's disease. They might not even be able to get to congregate dining, which is a great program. They might not even be able to get into town; they cannot drive. Quite often there is not the transportation. In Minnesota it is cold; it is wintry weather. Maybe during the winter they cannot get out and freely move around. So you have the Meals on Wheels program where you deliver a hot lunch, a nutritious meal, to elderly citizens. And we are going to cut this program?

Let me repeat that. We are going to cut this program? We can do better. We can do much better.

Talk about independent and transitional living services; here we have some services—I will talk about this in some detail—that would enable an elderly person or someone with a disability to live at home in as near normal circumstances as possible, with dignity. It is a range of support services. It might be nursing services, community health outreach services, making sure those people are able, with a little help, to stay at home. We are going to cut this program, potentially by half? We are going to cut services that enable people to live at home with dignity as opposed to being put into a nursing home? We cannot do that. We cannot do that.

According to the Title XX Coalition, in fiscal year 1997 more than 1.1 million elderly people and over 740,000 people with disabilities benefited from the social services program. State and local prevention and treatment services reached over 2.3 million children and their families. I thought we cared so much about the elderly. I thought we cared so much about the children. I thought we cared so much about making sure at least there is an investment in some resources that will enable people with disabilities to live lives with independence and dignity. That is what the disabilities movement is all about. We cannot say that if we cut these services, if we cut these programs by over 50 percent.

In my home State of Minnesota, SSBG funds are used, in some counties, to augment child care for single women and their families. We talk about the importance of moving from welfare to work, but if a mother works and cannot find child care or cannot afford child care, how is she going to do it? Or if you have working poor people and they work 52 weeks a year and they work 40 hours a week and one of them is working or both of them are working, affordable child care is a hugely important issue for them. There are not Senators in this Chamber who would not want to make sure their children were able to get good child care. And we are cutting into services for child care?

Many Minnesota counties use SSBG money for home care services for the elderly. We are talking about funds to pay for a care giver to go to a vulnerable elderly person's home and help them with ''home chore services,'' such as taking their medicine on time and in the right doses, keeping their homes clean and safe, helping people take a bath, making sure there is food in the refrigerator.

I am sorry, I am not going to get worked up, but I do not understand how in the world we can justify cutting those services for elderly people. I do not understand that. That is exactly what we went through with my mother and father in Northfield, MN. That is exactly the struggle we had in trying to help them stay at home. We did all we could among Sheila, myself, and our children.

Sometimes one needs some help. At the county level, if there is a public health outreach program, somebody can help elderly people to make sure they take their drugs, to make sure they take the right dosage, to help someone like my dad who had Parkinson's disease and his body shook and my mother was not able to help him take a bath, to help people live at home, help people keep their independence. This is mean-spirited to cut these programs.

We cannot say: Well, but there is the tobacco money and States can use tobacco money. We do not know whether all States can. We do not know whether all States will and, in any case, this is a commitment that we have made in the Senate. We are a national community. Can we not as a national community, represented by the Senate, Democrats and Republicans alike, at least make a commitment to fund these services that are so important for vulnerable people?

I was speaking with Marien Brandt, the human services director in Sibley County, MN, a rural county, who told me her county spends SSBG funds primarily to serve vulnerable populations who are not eligible for assistance under other funding programs. She suggested that many of the people her agency serves would be forced into institutionalized care without SSBG funds.

She gave me the example of the child who might have to go into an out-of-home placement if her agency becomes unable to provide counseling services that help the child's parent learn to adequately care for and protect that child.

The vulnerable adults they help with SSBG money tend to be elderly people, seniors, disabled people who get home health care services, people they help stay at home, the very people about whom I talked.

If we are talking also about counseling services for parents and for children at risk, what in the world are we doing cutting those services? Marien told me that in Sibley County, SSBG money is used especially in the rural areas to fund transportation for the elderly and the disabled so they can go to the doctor, so they can buy groceries, so they are simply not isolated.

Let me point out what we are doing. All too often we say SSBG and people do not know what we are talking about. And we throw the money around: increase $1.2 billion, subtract $1.3 billion. I will translate it into personal services. Here is an example of one of many counties—I could take hours on this—where we use this money to provide transportation. Sometimes it is not the big buses. Sometimes it is smaller, a dial-a-bus so an elderly person can go to the doctor, people can go to the grocery store, they can go to congregate dining, they

can go places and they are not isolated. What in the world are we doing cutting this funding by 50 percent?

This SSBG money, I say to my colleague from Florida, is used to fund services for people who otherwise would fall through the cracks. This money is used to provide services for the most vulnerable citizens in our country.

I do not understand exactly—I understand what my colleague from Pennsylvania said. He cares a lot about these budgets as they affect people. But I really do not know how we got to the point where we cut these social service programs by 50 percent. I do not understand that. I am afraid one of the things I think happens is that quite often, when we work under these caps—I do not know if my colleague from Florida will be angry with me for saying this, so therefore maybe I will not, now that I think about it.

We put ourselves into fictional politics. These caps do not work, and everybody seems to be locked in with these caps. We are engaged in mutual deception. Nobody wants to talk about breaking the caps. That is not what this amendment does, although advance funding, whatever, we all know we need to spend more.

In my opinion, this amendment goes to the heart of what this debate is all about. We ought not, I say to the Presiding Officer—a good Senator—to be cutting these kinds of programs. These programs are for the most vulnerable citizens in our country. We ought not to be cutting programs that enable someone to get Meals on Wheels, that enable someone to go to congregate dining, that provide home health care services so people can stay at home rather than being institutionalized, that provide child care, help for families so they can afford child care. We ought not to be cutting these kinds of services by 50 percent. I fear one of the reasons we end up doing it is that these are the citizens who do not have the clout. It is just too easy to make cuts based upon the path of least political resistance. It is just too easy to cut services for the very poor and the most vulnerable. This is wrong.

This amendment goes to the heart and soul, I hope, of the Senate.

I will not go over reports from many counties, but I want to talk briefly about how my own State is going to be impacted.

Minnesota communities currently receive $41.6 million annually. If these proposed cuts are enacted, Minnesota is going to lose $23.2 million in funding. We will receive only $18.3 million in fiscal year 2000.

We are unique, I will concede that point, because by law the SSBG funds bypass the Governor and flow directly to the local level. The State cannot touch the money. We cannot add or subtract funds from the block grant.

Minnesota law further requires local level programs to run balanced books, which means they cannot carry any budget surplus from one year to the next. What this means, if these cuts to the SSBG go through, the State will not be able to offset any of the lost funds with funds from other sources. The local level programs will have no budget surpluses to fall back on, and these Federal level program cuts will be reflected immediately in local level cuts; in other words, right there in the counties where the people live. It would mean substantial reductions or perhaps even the elimination of local Minnesota programs.

So when I come to the floor and speak about this with some sense of urgency, it is because we could lose senior congregate dining. We could lose Meals on Wheels. We could lose a host of other local community-based programs that are so important to our citizens.

It would also mean cuts in health and substance abuse programs. Minnesota is one of only seven States in the country that relies more heavily on title XX grants than its SAMHSA grant to fund mental health services. We are going to see draconian cuts in mental health services as well.

Furthermore, next year, in my State it will be a ''bonding legislature,'' one in which they will not be able to consider policy issues. So the Minnesota Legislature is not going to be able—I think my colleague from Florida was alluding to this in other States—to take up any legislation to change the law governing the flow of SSBG funds in 2001.

I will tell you, I give the example of Minnesota because this is one hugely important issue in my State. But I also want to say to my colleagues that Senator GRAHAM has done a good job of talking about how this is going to affect all of the States. In a report that was put out yesterday, the Center on Budget and Policy Priorities explained that if the Senate Labor-HHS appropriations bill becomes law, SSBG funding will have been cut 87 percent since 1977 in inflation-adjusted terms—87 percent. An SSBG cut of the magnitude proposed in this bill will substantially reduce our State's ability to provide services to vulnerable children, to elderly, and disabled people.

This amendment, that I am proud to cosponsor with Senator GRAHAM, is an effort to say to the Senate that we have to do the right thing and that we must restore full funding for the title XX social services block grant program.

I will wait to hear if there is debate on the other side. I have many more examples to present from many counties in my State, both rural and urban. But I will repeat it one more time. As far as I am concerned, the fundamental core question for us to address, the issue for us to debate, is whether or not we in the Senate want to cut the social services programs that are so important to the most vulnerable citizens in our States—important to elderly people so they can have transportation and not be so isolated; important to people like my parents, who are no longer alive, so someone can come to their apartment and help them live at home when they have a disabling disease; important to a family where the single parent is working and she wants to make sure there is affordable child care; important to the person with disabilities so he or she can live at home with dignity; important for people who are not well enough and cannot even physically be able to go to congregate dining, who need Meals on Wheels, so someone can come and deliver them a nutritious meal.

By the way, the Meals on Wheels program is inadequately funded right now. We cannot cut these critically important programs and services that make life better for vulnerable citizens in our country. We cannot do this.

The States have a tremendous amount of leeway in how they use their SSBG funds, and this is one program in which they are able to try to develop innovative and creative programs to help the poor and needy (people with incomes up to 200 percent of the poverty line are eligible for SSBG funds). Title XX only specifies that the money be used to help people achieve and maintain economic self-support and self-sufficiency to prevent, reduce, or eliminate dependency. The law also allows the money to be used for services that prevent or remedy neglect and abuse, and to prevent or reduce unnecessary institutional care by providing community-based or home-based noninstitutional care. States use this money to care for people who would otherwise slip through the cracks; these funds are critical for the well-being of the most vulnerable people among us—the elderly and the very young, the poor, and the disabled. These are people who most need our help, and we should not be slashing the very money that is most likely to serve them.

Title XX of the Social Security Act specifies that $2.38 billion is to be provided to the States for fiscal year 2000. The Senate Labor-HHS appropriations bill, though, slashes funding for this block grant to only $1.05 billion. This cut comes on top of a 15 percent cut to the block grant made as part of the 1996 welfare reform law, a cut that the states reluctantly accepted only with a commitment from Congress that we would provide stable funding for the block grant in the future. I am pretty sure that a 50-percent cut doesn't qualify as stable funding by anyone's definition.

And what kind of a message do we send to the States when we talk about cutting block grant funds? Congress sold welfare reform to the states on the promise that they would have the flexibility to administer their own social service programs. But as the National Conference of State Legislatures point out, ''these cuts [to the SSBG] would set the precedent that the federal government is reticent to stand by its decision to grant flexibility to states in

administering social programs.'' SSBG funds are used by the states to provide services for needy individuals and families not eligible for TANF, and to reduce federal Medicaid payments by helping vulnerable elderly and disabled live in their homes rather than in institutions. States also use SSBG funds for child care services and other supports for families moving from welfare to work. When Congress proposes slashing these funds, we send a clear, and I believe extremely damaging, message to the States. I think we are telling them not to invest in these kinds of social support programs, because they just can't count on the money being there.

But let's just say for a minute that we do go back on our word and break our commitment to the States—so what? What exactly does SSBG fund? Anything important?

Only if you think adoption services, congregate meals, counseling services, child abuse and neglect services, day care, education and training services, employment services, family planning services, foster care services, home delivered meals, housing services, independent and transitional living services, legal services, pregnancy and parenting services, residential treatment services, services for at-risk youth and families, special services for the disabled, and transportation services are important. All of these programs are funded, in part at least, through the SSBG.

According to the Title XX Coalition, in fiscal year 1997, more than 1.1 million elderly people and over 740,000 people with disabilities benefited from SSBG. State and local prevention and treatment services reached over 2.3 million children and their families. The SSBG also reached 1.5 million individuals and families by supporting their physical and mental well-being, and by helping them overcome barriers to employment and economic self-sufficiency. And child care-related services were provided to over 2.3 million children through SSBG.

In my home State of Minnesota, SSBG funds are used in some counties to augment child care for low-income single women and families. Even with these additional funds, there are currently huge waiting lists for subsidized day care in most counties. If we further cut the title XX funds, these county level programs are going to have to reduce or eliminate services that they provide. And when a single mom who has just gotten off welfare and is trying to make ends meet while she starts working at her new job, loses the subsidized day care that she counts on, what do you think is going to happen? Which do you think is more likely—that she'll be able to afford to pay for day care herself, or that she'll be forced to go back onto welfare?

Many Minnesota counties use SSBG money for home care services for the elderly. These counties use SSBG funds to pay for a care giver to go into a vulnerable elderly person's home and help them with basic ''home chore'' services like taking their medicine on time and in the right doses, keeping their home clean and safe, taking a bath, or making sure there is food in the refrigerator. These are simple, basic services, but they often mean the difference between allowing someone to stay in their own home or being forced into an institution. If SSBG funds are cut, vulnerable elderly are likely to lose home care services like a visiting nurse or case management person, which might then force them into a nursing home or an assisted living situation that would, in the end, cost much more money.

I was speaking with Marien Brandt, the Human Services Director in Sibley County, Minnesota who told me that her county spends SSBG funds primarily to serve vulnerable populations who aren't eligible for assistance under other funding programs, and she suggested that many of the people her agency serves would be forced into institutionalized care without SSBG funds. Marien gave me the example of the child who might have to go into an out-of-home placement if her agency becomes unable to provide counseling services that help the child's parent learn to adequately care for and protect that child. The vulnerable adults they help with SSBG money tend to be elderly people, seniors or disabled people, who get home care services—someone to come in to help them clean their home and maintain a safe environment, bathe, have food to eat, to see that they take the right amount of medicine when they are supposed to. Oftentimes these people are not eligible for medical assistance, so there is not another source of funding available to them when they are living in the community. What will happen if SSBG funds are cut is that they will wind up having to go into a nursing home in order to qualify for funds to pay for their care.

Marien told me that in Sibley County, SSBG money is also used, especially in rural areas, to fund transportation for elderly and disabled, so they can access services like doctors, getting groceries, and just simply so they are not so isolated in their home (a ride to the senior center, perhaps). There is no other funding source that will pay for this. For disabled people who are just over eligibility guidelines for medical assistance, SSBG money is used to help meet their needs—managing medication, transportation, and community based services like training and counseling.

The way Marien explained it to me, her county basically counts on SSBG money to pay for services for people who otherwise fall through the cracks. They count on this money to provide simple, basic services that keep the most vulnerable among us in their homes and out of much more costly institutions.

Sue Beck, the Director of Human Services in Crow Wing County, Minnesota told me a similar story. She explained that her county also counts on SSBG funds to make sure that vulnerable populations, the elderly, the disabled, children, and poor people, have the services they need to live economically secure, self-sufficient lives. Over the past several years, due to SSBG cuts that have already been imposed, her county has had to cut back services in transportation and ''chore services''—for disabled and elderly people who need just a little bit of help—things like help shoveling snow or grocery shopping. They use SSBG money currently to augment their employability budget—to provide supported employment, and community based employment for people who other wise might not be able to compete successfully in the job market. All of this is at risk when we talk about cutting SSBG in half.

Dave Haley, from the Ramsey County Department of Human Services also told me about his county spends SSBG money. The first example he gave me was that of a typical family of a single-mother who has three young children. The oldest child, a 7-year-old boy, has missed a significant number of school days. The mother is experiencing problems with chemical dependency and involved in a violent relationship with her boyfriend. The mother cannot make sure that the child gets up every day on time, and is promptly fed and dressed for school. The family does not have a car or other personal means of transportation. Through programs partially funded with SSBG money, the County is able to provide support to the mother to resolve her chemical dependency problems and domestic abuse. Services ensure that the seven-year-old is attending school on a regular basis and the boy is beginning to make academic progress.

There are over 2,000 young children in Ramsey County currently in this situation. Ramsey County and local school districts have been able to develop a very active program to address these educational neglect issues and insure that children attend school on a consistent basis. They will be forced to scale back this effort, though, if SSBG funds are cut by more than 50 percent.

Another example that Dave gave me is that of a 30 year-old woman that is living in her own apartment in her home community. Thirty years ago, a similar individual with moderate mental health needs would have been placed in a state hospital miles from their family home. Over the last three decades, needed supports have been developed, including programs to monitor and assist individuals in managing their medications, checking on their money management and assisting when necessary with proper budgeting, teaching needed independent living skills, and employment support to maintain their current job. Without periodic weekly checks, the individual would have great difficulty managing their daily life, and might be forced

into an institutionalized living situation.

The system that has developed over the last three decades has not only improved the lives of hundreds of people in Ramsey County, it has also enabled the state and federal government to save hundreds of thousands of dollars on more expensive institutional care.

Currently, Ramsey County receives $5 million in SSBG funding. If this were reduced by half, it would affect far more than what I have briefly mentioned. SSBG money also supports chemical dependency prevention efforts, homemaker and other support services for seniors to prevent nursing home placement, and support efforts for families with a child with developmental disabilities to enable the family to stay together and avoid or delay out of home placement, to name only a few. If these funds are not restored, all of these programs, and all of the people they serve, will suffer.

So you tell me, which of these programs deserves to go, because something is going to have to if this provision passes. Who do you think we should turn away? Maybe low-income families with children? Or perhaps the elderly or disabled? What difference does it make if someone goes to bed hungry, or homeless, or just plain afraid that they won't make it through tomorrow? We have a budget cap to maintain, after all. And that is what this Congress has defined as really important here, right? Not helping our constituents, or keeping our commitments to the States, because I certainly don't see how anyone in Congress could argue differently when I see an effort like this to eliminate one-half of the SSBG funding.

In my own State of Minnesota, these cuts will have an immediate and deeply felt effect. Minnesota communities currently receive $41.6 million annually. If the proposed cuts are enacted, Minnesota will lose $23.2 million in funding, receiving only $18.3 million in FY 2000.

Minnesota is unique among all the states, though, because, by law, SSBG funds by-pass the governor and flow directly to the local level. The state cannot touch the money—they can neither add nor subtract funds from the block grant. Minnesota law further requires local levels programs to run balanced books. Which means that they cannot carry any budget surplus from one year to the next. So what that means is that if these cuts to the SSBG go through, the state will not be able to help offset any of the lost funds with funds from other sources, the local level programs will have no budget surpluses to fall back on, and these federal level cuts will be reflected immediately at the local level in program cuts. It would mean substantial reductions, or perhaps even the elimination of local Minnesota programs like senior congregate dining, Meals on Wheels, and a host of other local community based programs. It would also mean cuts in health and substance abuse programs, as Minnesota is one of only seven states in the country that relies more heavily on its Title XX grant than its SAMHSA grant to fund mental health services. Furthermore, because next year will be a ''bonding legislature,'' one in which they will not be considering policy issues, the Minnesota legislature will not be able to take up legislation to change the law governing the flow of SSBG funds until 2001.

So some of my colleagues may be saying to themselves, well that's unfortunate for Minnesota, but in my home state we'll be able to supplement the cuts with other money—maybe the money we got from the tobacco settlement, or perhaps we will just transfer money from our TANF surplus. First, let's talk about the tobacco settlements: in some states, anti-smoking and other health needs will receive first priority for use of the settlement funds, not unanticipated reductions in SSBG funds. Also, some states have already enacted legislation committing the tobacco funds for other purposes. Okay, well, then if not the tobacco settlement funds, then maybe the TANF surplus funds. But right now, seven states—Delaware, Illinois, Indiana, Massachusetts, Missouri, Nevada, Oregon—currently have no unobligated TANF funds. And if the House gets its way, 3 billion dollars in TANF surpluses will be rescinded from the states. This will leave another 12 states—Alabama, Connecticut, Kansas, Kentucky, Maine, Michigan, Nebraska, New Hampshire, North Carolina, North Dakota, Utah, and Vermont—who if they used every single cent of their remaining TANF surplus still won't have enough money to cover the lost SSBG funds. That's a total of 19 States, more than a third of all states, that won't have the social service funds available to offset the SSBG funding cuts proposed in this bill.

I have here a letter from a group called ''Fight Crime, Invest in Kids,'' which is an organization made up of over 500 police chiefs, sheriffs, prosecutors, victims of violence, and violence prevention scholars, written in support of this amendment. They write to explain that recent cuts in SSBG have short changed child care, child abuse prevention, removal and placement of abused children, drug treatment, and other critical crime prevention investments.

As they point out in this letter, one of the Government's most fundamental responsibilities is to protect the public safety. To meet that responsibility, Congress must close the crime-prevention gap—the gaping shortfall we ought to be making to help our Nation's children get the right start.

The Graham-Wellstone amendment to restore funding to the SSBG would provide over $591 million to protect children from abuse and neglect. Since abused and neglected children are almost twice as likely to become chronic offenders, it is clear that these services can have an important crime prevention impact. The amendment would also provide $300 million to support child care in 47 states. A study by the High Scope Foundation showed that quality child care can dramatically reduce the chances of children becoming criminals. It is clear that we must continue to provide the funds for these programs, and we can only do that by restoring the title XX grant to its full formula amount.

In a report they put out yesterday, the Center on Budget and Policy Priorities explained that if the Senate Labor-HHS appropriations bill becomes law, SSBG funding will have been cut by 87 percent since 1977 in inflation-adjusted terms. An SSBG cut of the magnitude proposed in this Senate bill will substantially reduce the States' ability to provide services to vulnerable children, elderly, and disabled people. Please, do the right thing and restore the SSBG money by supporting the Graham-Wellstone amendment to restore full funding for the Title XX Social Services Block Grant.

If the Senate does not support this Graham amendment, then, in my view, the Senate does not have a soul. If the Senate does not support this Graham amendment, then, in my honest to God opinion, the Senate does not have a soul.

I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. I am ready to make a motion, if the other side does not wish to use the remainder of their time. If there is something further they have to say, I do not want to cut that off.

Mr. GRAHAM. Mr. President, it is my understanding we are not operating under a time agreement, so there is not a clock ticking on this issue.

I see one of the cosponsors of the amendment, the Senator from Connecticut, is on the floor. I do not know if he desires to speak on this issue or not.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I appreciate that. I am very impressed with the level of my colleagues' debate. I commend my colleague from Florida, Senator GRAHAM, and my colleague from Minnesota, Senator WELLSTONE, for articulating what I think the rationale and support for this amendment means to make a huge difference in our States and localities and to underserved Americans.

I have an amendment that I will be offering shortly on behalf of Senator JEFFORDS and myself, Senator SNOWE, and others, on child care. I am prepared to offer that, but I do not want to in any way cut into the debate of my colleague from Florida or others who may want to continue with regard to his particular amendment.

Again, I commend him for it. I am delighted to be a cosponsor of it. I

think it makes a significant contribution. I point out, in my State alone—I represent the most affluent State in America, something of which I am proud. I also tell you I am not so proud of the fact that the largest increase in child poverty in the country occurred in my State over the last several years—a 60-percent increase in child poverty.

So here is a small State, Connecticut, with 3.5 million people, enjoying unprecedented prosperity. Yet in the midst of this small State, we are also finding an unprecedented hardship on the part of a lot of people, particularly young people. One out of every five children in my State is growing up in poverty.

What the Senator from Florida and the Senator from Minnesota have offered is some relief for people in that category, to see to it that they might also enjoy the prosperity of our country.

Meals on Wheels, adult day care, foster care—there is a wide variety of other issues. But as my colleagues know, I have tried to focus my attention, over the years, particularly on children and their needs; and hence the amendment I will offer with Senator JEFFORDS in a moment on child care and afterschool care.

But I realize this amendment being offered by the Senator from Florida covers more than just children. For example, it covers adult day care. Three generations living under the same roof—we find that a more frequent occurrence in our society. The wonderful advances in medicine allow people to live longer, more fruitful lives, but it also creates generational burdens in many ways.

So this is not an unreasonable request for a nation of almost 280 million people to see to it that those who are the least well off—carrying some of the most significant burdens—can also share in the prosperity we are enjoying. That is what I think we would all like to think of when we talk about America: a nation where there is equal opportunity.

What this amendment does is create opportunity. It does not guarantee success, but it gives people a chance to maximize their potential. For those reasons, I strongly urge the adoption of the amendment, and again I am pleased to be a cosponsor.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. I would like to reserve time to close. If there are any speakers in opposition to the amendment, I would defer to them and then I would like to close.

Mr. COVERDELL. Mr. President, we are prepared to move to the close on behalf of the distinguished Senator from Florida.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. The arguments in favor of this amendment are numerous. The Federal Government made a commitment to the States as part of the welfare-to-work legislation that it would maintain funding for this program at the level of $2.38 billion each year. That commitment was made out of a recognition of the importance of the programs funded through title XX of the Social Security Act toward achieving the results, the goals of welfare to work. We are about to breach that commitment—not just to breach it, we are about to obliterate that commitment.

Second, the proposal directs the States to spend a portion of their tobacco settlement to replace these Federal funds, the funds we have committed to make available to the States.

We have voted in this Senate on numerous occasions, by margins of 70 to 30 or more, against that specific proposition, against the attempt of the Federal Government to play big father and direct the States as to how they should use their tobacco settlement money. Now, having beaten back the efforts at the front door, we see this effort coming in through the back door saying: Well, we are not going to tell you that you have to spend your money. We are just going to cut over half of a critical Federal partnership program with the States, a program we committed to as part of the States entering into the Welfare-to-Work Program. We are just going to suggest. And, by the way, you ought to spend your tobacco money to fund it. Outrageous.

Third, this is not just a matter of what is in our heart; this is also what is in our mind. The reason Congress adopted this program in 1975—which, if I recall, was under the administration of President Ford—was the recognition that expenditure of Federal funds on programs that kept older Americans out of nursing homes, expenditure of Federal funds on programs that alleviated the suffering and the potential for further suffering of the disabled, saved the Federal Government money, programs that kept families together, that helped children in need, saved the Federal Government money. With almost no consideration, we are about to turn the clock back on this accomplishment of President Ford and 25 years of demonstrated success of this program in both helping people and saving the Federal Government money.

Most important, we are about to pick out the most vulnerable people among us and say: It is upon your back that we are going to attempt to reduce the imbalance in our budget accounts. We are going to turn to the weakest to say: You should carry the fullest load.

I don't want to just speak these closing remarks in my words. I will use the words of a few of the many organizations across America which, in the short period of time since the alert went out that this ridiculous action was even being considered by the most deliberative body in the world, have responded with their assessment of what this would mean. Let me mention a few of them.

The National Governors' Association had this to say:

> Over the past few years, the [social services block grant] has taken more than its share of cuts in federal funding. As part of the 1996 welfare reform deal, Congress made a commitment to Governors that the SSBG would be level funded at $2.38 billion each year.

Congress made a commitment to the States that this funding would be maintained. Now we are about to cut that funding by more than 50 percent, according to the National Governors' Association.

The Fight Crime Invest in Kids Coalition, an organization that represents over 500 police chiefs, sheriffs, prosecutors, victims of violence, leaders of police organizations and violence prevention scholars, had this to say about this proposal:

> The GRAHAM-WELLSTONE amendment to restore funding of $2.38 billion for the Title XX Social Services Block Grant would:
>
> Provide over $591 million to protect children from abuse and neglect. Since abused and neglected children are almost twice as likely to become chronic offenders, it is clear these services can have an important crime prevention impact.
>
> Provide $300 million to support child care in 47 States. The High/Scope Foundation study showed that quality child care can dramatically reduce the chances of children becoming criminals.

That is what 500 chiefs of police and sheriffs and other leaders in the criminal justice community have said about the importance of this amendment.

Catholic Charities USA said this in its letter:

> Cutting funds to services that keep people independent and in their communities is short sighted and will lead to unnecessary suffering and increases in other federal programs.

This is what the Girl Scouts said about this proposal:

> The further cuts to this program which have been proposed by the Senate will no doubt negatively impact our communities, most of which are already struggling with limited resources for much needed services.

Finally, the National Conference of State Legislatures in their letter stated:

> The current proposal in the Senate Labor, Health and Human Services and Education appropriations legislation will jeopardize services to the elderly, disabled and children and families. It also represents a retreat from Federal commitments made during the enactment of welfare reform legislation.

For all of those reasons, as well as the fact that Senators KENNEDY and CLELAND have asked to be added as additional cosponsors to this amendment, I urge my colleagues to step back from the precipice of irresponsibility and repudiation of commitment, to step back from the cliff that would have us, through the back door of this ill-considered proposal, breach our commitments to the States to keep our hands off their State-won tobacco settlement, and particularly so we can look in the eyes of the American people who would

be most affected by this—the children, the disabled, and the frail elderly—and say: You are not the forgotten Americans.

I urge the adoption of this amendment.

Mr. MOYNIHAN. Mr. President, I rise to voice my displeasure at the severe reduction this year's Labor-Health and Human Services appropriations bill includes for the Social Services Block Grant. This program was established under Title XX of the Social Security Act to help people who are least able to help themselves; the elderly, the disabled, and children of low income families. The money is put to good use in some two dozen areas such as foster care services, day care, intervention and prevention for at-risk families, and special services for the disabled. The Labor-HHS Subcommittee has produced a bill that cuts SSBG funds from $1.9 billion to $1 billion. Just short of cutting it in half. The committee report cites tight budget constraints and suggests that states can make up the difference with proceeds from the tobacco settlement. Mr. President, money from the tobacco settlement should be used for anti-smoking programs and other health programs. The basis of that litigation was that smoking caused health problems which the states had paid for. So health care programs that were deprived of funds in the past should be the beneficiaries of the tobacco money, as should anti-smoking programs. We should not tell the states that we're pulling the rug out from under the SSBG and it is up to them to make up the difference if they choose to. Some states have already passed legislation that allocates the tobacco money.

The Social Services Block Grant program is an entirely egalitarian program. The formula could scarcely be simpler. The proportion of the money each state gets is the proportion of the national population it has. New York has seven percent of the population. It gets seven percent of the funds. So this draconian cut affects states evenly. Everyone should be concerned about it.

One further point. This is a block grant. It allows the states to decide how best to spend money on a range of similar needs. The alternative would be a handful of categorical programs to which the states would apply individually. From time to time Senate debate centers on the merits of block grants versus categorical programs. Education comes to mind, for example. The opponents of block grants frequently say that once you block grant a group of existing programs, it becomes significantly easier to cut their funding. If this $900 million reduction is allowed to stand, the opponents of block grants will have a shining new example of the damage that can be done to a block grant and the proponents of block grants will have a more difficult time gaining their objectives in the future.

Mr. ROCKEFELLER. Mr. President, I am proud to be a cosponsor of the Graham amendment to restore funding for Title XX, the Social Services Block Grant. This program is critical to the ability of our states to meet the needs of our most vulnerable citizens—children, the elderly and the disabled.

The present Senate Labor-HHS-Education appropriations bill contains a provision to cut funding for the Social Services Block Grant by more than half, from $2.38 billion to $1.05 billion. This program has been under attack for years. In 1996, Title XX was cut by 15%. In 1998, the highway bill used cuts in Title XX to pay for the out years of highway spending in 2001. While I understand the importance of roads for economic development, should we pay for it by cutting basic funding for needy children, disabled Americans, or senior citizens?

In the last few years this Congress has sent a message to the states. We have said, ''We trust you to know how to take care of your own people. We want to support you, and help you, and at the same time, give you the flexibility to design your own programs.'' This was one of the clear messages of welfare reform.

As one of the members on this side of the aisle who voted for the 1996 welfare law, I have to say that I truly believe that these Title XX cuts will weaken welfare efforts in our states. The Social Services Block Grant is used to provide many important support services that help complement the efforts of welfare reform in helping individuals go to work and continue working—education and training services, employment services, transportation, and child care are all among the important programs supported by this block grant. Indeed, as part of the welfare reform package that I agreed to, we promised the states that we would maintain funding for Title XX at the $2.38 billion level until reauthorization in 2002. How can we take back that promise now?

You know, one of the greatest features of the Social Services Block Grant is its flexibility. States, and even communities, can determine how to best serve their poor, their elderly, their children and their disabled citizens. My state provides an excellent example of this. While nationally states used an average of 14% of the Title XX block grant for foster care program for abused and neglected children, in West Virginia we use over 30% of our block grant for foster care and 34% for protective services for abused and neglected children. West Virginia cannot afford such a drastic cut in Title XX. It will undermine our State's commitment to abused and neglected children just when tough, new federal time lines are being enforced to move more children from foster care into safe, permanent homes faster.

If we cut this funding by more than half, my state will face enormous challenges in its efforts to keep children safe and stable in their homes and communities. This is intolerable.

Nationally, 12% of the Title XX block grant is spent on services for the elderly, including protective services for seniors who are victims of abuse and neglect. In West Virginia, 10% of our block grant—a little over $1.6 million—is spent on these services for seniors. This not only provides them with support and protection, it helps them remain in their own homes, rather than being placed in nursing homes or other institutions.

What message are we sending to our poor, elderly neighbors, if we cut these services in half?

As a former Governor, I understand why Governors want the flexibility of block grants. But the history of Congress is to push for block grants in the name of ''flexibility'' but then to slowly but surely cut the funding of block grants, leaving states and families in the lurch. As a member who cares deeply about poor children, disabled Americans and needy families, I am worried about how such cuts will effect the small communities and our most vulnerable families.

We should not cut these vital funds. There is a unique and strong coalition fighting to protect this vital investment ranging from government groups like the National Governors Association and National Association of Counties, to dedicated service providers like Catholic Charities and the United Way. If we believe in community programs and the importance of non-profit charities, how can we justify cuts to Title XX which will hinder their partnership projects?

The Social Services Block Grant is not just good for people, it is also good policy. It gives the states flexibility. It helps communities to be innovative in taking care of their own by supporting local partnerships. It makes sense.

These funding cuts undermine many of our priorities. We cannot say we want to invest in children and families, then cut the Title XX Social Services Block Grant. This is worse than many of the budget gimmicks in this legislation because cutting Title XX hurts vulnerable families in communities across America. We should not cut this program.

Mrs. HUTCHISON. I would like to briefly discuss with my colleague, Senator GRAHAM, some language that appeared in the Appropriations Committee Report for the fiscal year 2000 Labor, HHS, and Education Appropriations bill. Senator GRAHAM, I understand that the Report states, with regard to the funding reduction in Social Services Block Grant program, that ''the States can supplement the block grant amount funds received through the recent settlements with tobacco companies.'' Senator GRAHAM, I understand you have seen this language?

Mr. GRAHAM. Yes I have, and I thank my colleague from Texas. I must say I was very surprised by this report language, particularly considering the fact that the Senate only this year voted several times and decisively to prevent the federal government from seizing the money the States earned as

part of their tobacco settlements. Legislation that you and I offered in the Senate passed overwhelmingly, and amendments to that language to force the states to spend their settlement funds according to a specified formula were soundly rejected.

Mrs. HUTCHISON. That is an excellent point. In fact, I think it should be pointed out for the RECORD that, on March 18 of this year, the Senate voted 71 to 29 to protect our States' settlement funds by defeating an amendment that would have directed that states spend at least half of their settlements according to whatever specific list of programs the Secretary of Health and Human Services designated during any given year. Thus, the Senate rejected the notion that the federal government should have an annual veto over more than $140 billion of state funds. I think it is also worth noting that the Hutchison/Graham legislation we introduced this year to protect these state funds from federal seizure had 47 cosponsors, including substantial bipartisan support. The legislation was signed into law by the President on May 21, 1999.

Mr. GRAHAM. I thank the Senator for that clarification. Our effort certainly struck an unmistakable blow for states' rights, and I am pleased and proud that our states and others are now free to use their funds for children's health, health research, smoking control, and the many other health, education, and public welfare programs that they are pursuing.

Mrs. HUTCHISON. In fact, I would like to point out that, of the roughly $1.8 billion that Texas is spending during the present budget biennium, virtually every dollar is going toward health care. For example, the state is allocating over $200 million for a permanent endowment for children's cancer research; $200 million for smoking control and research activities; $100 million for emergency and trauma care; $180 million to expand health insurance for low income children; and over $1 billion in various permanent endowments for many of our state's public and teaching hospitals. I am proud of what Texas is doing, and I am proud that you and I and so many of our colleagues had the courage to stand-up for the right of our states to pursue those priorities and programs that best meet the needs of their residents.

Mr. GRAHAM. I thank my colleague for her statement, and for her leadership in this important area.

Mrs. HUTCHISON. I thank the gentleman for his leadership as well, and I am glad we had the opportunity to clarify the intent and the will of the Senate in this regard. I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, on behalf of the manager, I move to table the amendment by the Senator from Florida, Mr. GRAHAM, and the Senator from Minnesota, Mr. WELLSTONE, and I ask for the yeas and nays.

The PRESIDING OFFICER. To which amendment is the Senator referring?

Mr. COVERDELL. I am referring to the amendment by Senator GRAHAM of Florida.

The PRESIDING OFFICER. The second-degree amendment or the first-degree amendment?

Mr. COVERDELL. 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. COVERDELL. 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. COVERDELL. To clarify the motion, I apologize, I did not realize it was a second degree. The motion I have just made would be to the first-degree amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. COVERDELL. Mr. President, I am about to propound a unanimous consent that will explain what the remainder of the evening will be. We are waiting for the other side to sign off.

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. COVERDELL. 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. COVERDELL. Mr. President, I ask unanimous consent that the pending amendment be laid aside in order for Senator DODD of Connecticut to offer his amendment and that no second-degree amendments be in order to the Dodd amendment prior to a vote on a motion to table.

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

Mr. COVERDELL. If the Senator will pause for one moment, I think what we are close to doing is having about four votes that would occur at around 5:15. So Senators can be on notice. We need to get one more sign off on that matter before we officially announce it. But that is the intent of the managers of the bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 1813

(Purpose: To increase funding for activities carried out under the Child Care and Development Block Grant Act of 1990)

Mr. DODD. Mr. President, I thank the manager of the bill.

I call up amendment No. 1813

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself, Mr. JEFFORDS, Ms. SNOWE, Mr. KENNEDY, Mr. LEVIN, and Mrs. MURRAY, proposes an amendment numbered 1813.

Mr. DODD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

In the matter under the heading ''PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT'' in the matter under the heading ''ADMINISTRATION FOR CHILDREN AND FAMILIES'' in title II, strike ''$1,182,672,000'' and insert ''$2,000,000,000''.

Mr. DODD. Mr. President, I offer this amendment on behalf of myself, Senator JEFFORDS, Senator SNOWE, Senator KENNEDY, Senator MURRAY, Senator LEVIN, and others.

Let me begin these remarks by apologizing to my colleagues who, once again, are being asked to vote on a child care amendment. The obvious question raised is, Why am I voting on this for the third or fourth time? The simple reason is—and I appreciate the votes. We have had good votes in the Senate, and strong bipartisan votes on this issue. But for a variety of reasons, which I will not take the time of this body to go into, the matter has been dropped in conference, or bills have died, or for other reasons. So despite the good and strong and positive efforts on behalf of Members of the Senate, we have not been able to adopt the language on child care that my colleagues, by overwhelming votes, have adopted already in these past 10 months.

Again, Senator JEFFORDS, myself, and Senator SNOWE are proposing this amendment. It is somewhat different than the other ones in this regard only. Earlier, amendments dealing with the child care proposal actually had mandatory spending in them. This is discretionary spending. In fact, the amendment I am offering—properly the credit goes to Senator CHAFEE of Rhode Island, who has been a champion on child care issues. This amendment is basically the Chafee amendment on child care that we think is deserving of our support on a bipartisan basis.

By increasing margins, as I have indicated, this body has supported additional funding for the child care block grant. The first vote we had was 57–43, the second vote was 60–33, and by the third vote it was unanimously adopted.

I apologize again at the outset for asking my colleagues, once again, to cast a child care vote since you think you have done so, and already you have. But basically our opportunity to provide some additional funding is still the same. The arguments have not changed. The bill hasn't changed, except this is discretionary and not mandatory, and obviously the need across our country has not changed over the last number of months.

I will take a few minutes. We have a very short time agreement on this amendment. We have debated it extensively over the past year. I don't want

to take any more of this Chamber's time than is necessary on this amendment.

But the amendment would increase child care assistance to working families by doubling the discretionary fund in the child care development block grant from $1 billion to $2 billion.

I continue to believe the best place for a child to be is with their parents. That is the best place—no question about it. But when both parents are working—as many do in this country, trying to put food on the table, a roof over their children's heads—that is difficult. When there is only one parent—regretfully, that happens too often in our society—you can imagine the burdens on a single parent who has to work and also has young children and trying to provide for child care needs.

So the reality is that good, affordable child care is a necessity. In the absence of parental care, we try to do the best we can to approximate the kind of care that parents would give.

That is what this amendment is all about.

The child care block grant is almost a decade old. My good friend and colleague from Utah, Senator HATCH, and I authored the child care block grant almost a decade ago. It won support and the signature of President Bush who signed the legislation into law, and it has provided a lot of decent assistance to people over the years.

It provides direct financial assistance to help families pay for child care and does not dictate where that care must be provided. Parents across this country can choose a child care center as the child care provider. They can choose a home-based provider, a neighbor, a church, a relative, or whatever they think is best for that child. We leave that entirely up to the parents to make that decision.

This block grant is also the largest source of Federal funding for critical afterschool programs.

Again, we all appreciate, I think, the growing need for afterschool care.

I point out to my colleagues that 30 percent of the child care block grant is used by parents to pay for care to school-age children. That translates into almost $1 billion a year.

That is a major, major source of assistance to parents who worry about who is watching their children after school in State after State across our country.

The only downside to this now almost decade-old program is that it has been underfunded because of the lack of resources. The Child Care and Development Block Grant Act is available only to 1 in 10 eligible families in America today.

Despite all the efforts over the years—and I appreciate the votes and the support we have received—still only one 1 in 10 eligible families get any assistance under this program.

Because of a lack of resources States have been getting under the block grant—it goes to the States—States have had to severely ration child care assistance to families in need.

So what States have done is they create a threshold, a dollar threshold, an income threshold. They say that anybody above that threshold cannot get the child care development block grant assistance. They have lowered the threshold—that is all the time—because the scarce dollars mean that they can only provide it to some families.

Let me explain what I mean.

Two-thirds of all of the States in the United States have cut this child care assistance to families earning under $25,000 a year—two-thirds of all the States. Fourteen of those States have cut off all assistance to families earning over $20,000 a year, and eight States even ration the funds more stringently.

In the States of Wyoming, Alabama, Missouri, Kentucky, Iowa South Carolina, and West Virginia, if you are a family earning in excess of $17,000, you get no child care assistance.

I don't know how a family making $17,000 a year trying to work—this is a working family; I am not talking about somebody getting welfare. These are working people. If you are a working mother, and you have a $17,000-a-year income, you have two children, you do not have child care. I am sorry. You don't. You may be lucky and have a grandmother, aunt, or next-door neighbor, and probably juggling it every day. But if you are in those eight States, even in one of those 22 States, and make $20,000 or less, I don't know how people do it.

That is because we have underfunded for the block grant. I am not going to be able to take care of everybody. Senator JEFFORDS, Senator SNOWE, I, and others who have supported these amendments know we are not going to make a difference for every family. But if we can get a little more money by doubling this amendment from $1 billion to $2 billion in this discretionary program, maybe these States—we think they will—will raise those threshold levels, and as a result, more families in these States will get that kind of good child care assistance that they need.

Let me tell you how bad this problem is. Even with these stringent income eligibility requirements that I have just enumerated, consider the waiting list that exists across America. I will not recite all 50 States.

Let me tell you for almost every State that we have, the numbers are high.

In California, there are 200,000 children waiting for a child care slot, even with the income levels as low as they are.

So even when you have an income level of $17,000 or lower to get child care, or $20,000 or lower, there are 200,000 children in those States whose parents qualify financially. They are earning less than $20,000. But because there are so few funds, 200,000 are on a waiting list.

Texas, 34,000; Massachusetts, 15,000; Pennsylvania, almost 13,000; Alabama, 19,000; Georgia, in excess of 12,000.

The list goes on.

These are families that are meeting those income criteria. But even with the income criteria, there are not enough dollars to go around to provide child care to these families.

There is a waiting list even with these low-income levels.

Other States ration their limited child care dollars by paying child care providers poverty level wages.

That is hardly the way to ensure good, quality child care. Again, the lowest paid teachers in America are child care providers.

What a great irony. I don't think anyone argues we probably ought to have the best prepared teachers for the most vulnerable of our society—kids. A case could be made, I suppose, that someone in a higher education institution needed less care. But imagine a 6-month-old baby and the person who watches that 6-month-old, 1-year-old child is one of the lowest paid workers.

I am urging my colleagues to adopt this amendment so we can raise some of the income levels, we can get a few more dollars to the child care providers who are so necessary, and we can also see if we cannot help our Governors raise some of the income levels.

We have voted on this now three times. I am deeply apologetic to my colleagues. I have had unanimous support for this amendment as recently as a few months ago. Because of bills dying or being dropped in conference, we are back at it again. I apologize for taking the time of my colleagues on this amendment that Senator JEFFORDS and I have offered. We cannot let this issue go away. It is too important to too many families.

I thank publicly Senator ABRAHAM of Michigan, Senator CAMPBELL of Colorado, Senator CHAFEE, Senator COLLINS, Senator DEWINE, Senator FRIST, Senator HATCH, Senator JEFFORDS, Senator ROBERTS, Senator SNOWE, Senator SPECTER, Senator WARNER, and more. I will not read the entire list of Republican colleagues who have been supportive of this amendment. The Senators have made a difference voting for this. I thank the Senators for their support.

The votes I had then were for the mandatory program. This is discretionary funding. It is substantially different. Some in the past may have said vote for this, it is mandatory; this is a discretionary program. Obviously, we are dealing with Senator SPECTER's bill. It is different in that regard, probably less of a problem politically for some.

I am deeply grateful for the strong bipartisan support and I am confident we will have support again this afternoon on this issue which has developed strong bipartisan interest in this body.

My principal cosponsor from Vermont is here. I want to make sure he has some time to talk about this.

Mr. SPECTER. Mr. President, I ask unanimous consent a time agreement be entered into, with 10 additional minutes for the proponents of the amendment, and 15 minutes for myself and whomever I designate.

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

The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I join my good friend from Connecticut. We have been working for years to draw the attention of the public to the essential need that we pay more attention and provide help in the child care area. Each year we get the support of our Members. Each year we have successfully gotten agreements for billions of dollars of the budget, but the time is now to do something real. That is why we are here, to make sure we make a commitment, not only make a commitment but provide the funds to enable our society to be able to take advantage of all that can be done to make sure our children have an opportunity to participate in the best possible way in our society.

This amendment will almost double the funds that provide low-income working families with the help they need. The amendment increases funding for the child care and development block grant from about $1.83 billion to $2 billion. This block grant has always been forward funded so no offset will be required. States are struggling to meet the escalating child care needs of low-income families, and they are transitioning off of welfare. States have already transferred $1.2 billion in TANF funds into the child development block grant; other States use TANF dollars directly to pay for child care costs; while still others have spent all of their TANF funds and have nothing left to transfer.

Still this is not enough. States have waiting lists for child care subsidies provided under the CCDBG. In addition, many States provide subsidies so low-income families are forced into the cheapest and in many cases the poorest quality child care.

There are more than 12 million children under the age of 5, including half of all infants under 1 year of age, who spend at least part of the day being cared for by someone other than their parents. There are millions more school-age children under the age of 12 who are in some form of child care at the beginning or end of the school day as well as during school holidays and vacation. More 6-to-12-year-olds who are latchkey kids return home from school to no supervision because parents are working and there are few, if any, alternatives.

While the supply of child care has increased over the past 10 years, there are still significant shortages for parents in rural areas with school-age children or infants and for lower income families. The cost of child care for lower middle-income families can rival the cost of housing and the cost of food. The most critical growth spurt is between birth and 10 years of age, precisely the time when nonparental child care is most frequently utilized.

A Time magazine special report on ''How a Child Brain Develops'' from February 3, 1997, said it best:

> Good, affordable day care is not a luxury or a fringe benefit for welfare mothers and working parents but essential brain food for the next generation.

The Senate has voted on and passed similar amendments three times this year. There were two votes on the budget resolution, and a modified version of the amendments was included in the conference report. Again, in July, Senator DODD and I introduced a similar amendment through the tax bill which was subsequently dropped in conference. Hopefully, this fourth time will be the charm and the Senate will pass this amendment and retain it in conference.

I ask my colleagues to vote for this amendment which is so critical for low-income working families and their children.

I yield to my colleague from Connecticut.

Mr. DODD. Mr. President, I thank my colleague and I thank so many of our Republican friends who worked with us on a bipartisan basis. I thank the manager, my good friend from Pennsylvania. We have been together many years. We both first arrived in this Chamber and we worked so closely together back 20 years ago, in 1981, on a caucus for children. It seems like a long time ago. Senator SPECTER, on numerous occasions, has been a real stalwart battler and fighter on behalf of the Child Care Block Grant Program. I am deeply grateful to him for his support on that.

Senator JOHNSON desires to be added as a cosponsor.

I know my colleague from Pennsylvania wants to be heard on this. I thank my colleague from Vermont and I thank my colleague from Maine. I thank Senator CHAFEE who has been a champion on this issue.

The mandatory bill is gone and we are down to the discretionary bill. I apologize, I say to the manager. I know Members think we vote on this issue every other day, but each time we have been dropped in conference despite unanimous votes in the Senate on this issue. I hope, as the Senator from Vermont has said, the fourth time may be a charm and we will be able to provide some additional funds on a very worthwhile and needed program.

I, again, thank my colleague for yielding. I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, before proceeding to the discussion of the amendment on the merits, I would like to announce to my colleagues we will shortly begin voting on four stacked votes: the Reid amendment, Graham amendment, Dodd amendment, and the Coverdell second-degree amendment to the Enzi amendment.

I ask unanimous consent we begin voting on these matters at 5:10.

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I say to my friend, the manager of the bill, it is my understanding there will be 1 minute on each side to explain the amendments.

Mr. SPECTER. Fine.

Mr. REID. Two minutes, equally divided.

Mr. SPECTER. I incorporate that into the unanimous consent request.

Mr. REID. And the Reid amendment will be the first amendment we will vote on?

Mr. SPECTER. Yes.

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

Mr. SPECTER. Has all time elapsed for Senator DODD?

The PRESIDING OFFICER. The Senator from Connecticut has 10 minutes remaining.

Mr. SPECTER. The Senator from Connecticut has 10 minutes remaining?

The PRESIDING OFFICER. That is correct.

Mr. SPECTER. The unanimous consent agreement gave him 10 minutes total. Since that time, Senator JEFFORDS has spoken and Senator DODD has spoken.

Mr. DODD. If my colleague yields, we will yield back whatever time we have. I realize he is trying to move things along.

Mr. SPECTER. I am trying to find out what is happening with the time.

The PRESIDING OFFICER. The time of the Senator from Vermont was charged to him, and he yielded back his time to the Senator from Connecticut.

Mr. SPECTER. Is the remaining time between now and 5:10 on my side?

The PRESIDING OFFICER. There are presently 8 minutes 35 seconds remaining for the Senator from Pennsylvania.

Mr. SPECTER. And the other time has been yielded back?

The PRESIDING OFFICER. And 10 minutes remaining——

Mr. DODD. I yield back all time except 1 minute to sum up.

Mr. SPECTER. Mr. President, I find it extremely difficult to speak to and vote on this amendment because I have supported this amendment on so many occasions. Senator DODD accurately relates, when we were elected in 1980, we cochaired the Children's Caucus. Then, in 1987, after we were reelected, we were cosponsors of the first parental leave program which had just begun. We have been soldiers in the field. I have voted for this amendment again and again and again. But I am deeply concerned if we agree to this amendment at this time and add another $900 million to the current bill of $91.7 billion, we are not going to have any bill at all. We are not going to get 51 votes in this Chamber to pass this bill and to go to conference. I say that because of the deep-seated concerns which have

been expressed by so many Senators about where we are.

We have a bill at $91.7 billion which is within the budget caps. We have to go to conference with the House. We have to present a bill which the President will sign. I do not believe we will be able to do that if we add $900 million more.

I can count the number of cosponsors which the persuasive Senator DODD has. It may be he will have enough sponsors to defeat a tabling motion. I think next Tuesday, when Republican Senators return, on the vote on the underlying merits it may be different, although I very much would like to support him. We have been very concerned about children in this bill. We increased the child care block grant $182 million for fiscal year 2000, which brings it to $1.182 billion. Senator DODD would like to have it added to $2 billion, and so would I, if I thought we could get that bill passed. This $1.182 billion is in addition to the child care entitlement which was increased $200 million, to $2.367 billion next year. So we have on child care more than $3.5 billion.

In addition, States can transfer up to 30 percent, or $4.8 billion, of their temporary assistance to needy families, the so-called TANF block grants, to the child care block grant. At the end of the first quarter of fiscal year 1999, States had $4.220 billion in unobligated TANF balances.

So there have been very substantial allocations for children. I might say, this is an especially tough vote for me because earlier today, my daughter-in-law, Tracey Specter, took the lead in establishing a child care center in Philadelphia where she and her husband, my son, Shanin Specter, have made a very generous contribution for child care. I know of the importance of child care so working mothers can provide needed assistance for their families in an era of two-wage-earner families and in an era of single mothers. I know how vital child care is. But this is going to be the log that breaks the camel's back. I think the camel now is burdened so that a straw would break the camel's back, but this is not a straw, this is a log.

I do not know quite where we are going to be when final passage comes on this bill and we do not have 51 votes. So it is a longstanding partnership I have with the Senator from Connecticut, elected on the same day to this body, worked hand in glove, almost as longstanding a relationship as with Senator JEFFORDS. Usually Senator JEFFORDS says, ''Jump,'' and I say, ''How high?'' on matters which he has in mind. But it is with the greatest reluctance that I say I cannot support this amendment, much as I would like to, for the reasons I have given.

Mr. President, how much time remains?

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator has 3 minutes 20 seconds.

Mr. SPECTER. Let me yield a minute or so to Senator DODD.

Mr. DODD. I appreciate my colleague's very gracious comments on this, and I appreciate the burden he is under. It is not easy to be the chairman of a committee. You have responsibilities to meet and you have a lot of good requests that come your way.

I would make the case to my colleagues, I think there has been a strong indication this is a matter in which we have been able to come together. We were so divided on so many issues, but on child care we found common ground three times already in the last 7 or 8 months, the three votes that have been cast on this issue. In fact, the previous ones were on mandatory spending. This one is discretionary, so it ought to be somewhat more palatable for people.

I appreciate the comments of the Senator from Pennsylvania on how much is already committed. But, of course, I still make the case it still only serves 1 in 10 families—I know he knows—and there are a lot of people on waiting lists, thousands in each State, even with the income levels down. As I said, in 8 States it is $17,000 less; in 14 States, it is $20,000 less. I don't know how a family earning $20,000 a year with all the other financial burdens they have also can meet a child care expense they may have.

So while I am deeply appreciative of the quandary he is in, I make a case this strengthens the likelihood we might get 51 votes for the bill. It is the kind of bipartisan proposal that has enjoyed so much support. It was unanimously adopted only a few weeks ago, so that it might, in fact, bring some people who would feel otherwise disinclined to support the legislation, but doing something, as he properly points out, for working families—it is all working folks now—trying to make ends meet, hold their families together. I know he knows this. I know he cares about it deeply.

I hope in the coming minutes before the vote occurs on this, while people may have voted one way on a variety of different bills, on this one, this amendment, they might say: On this one, we ought to, with forward funding, find that extra $900 million so we can make a difference for these families.

I am deeply appreciative of his kind words and his continuing efforts and fight. I was going to facetiously suggest, since his wonderful daughter-in-law and son went into the business, maybe the chairman might have to recuse himself on the vote since he may be compelled to vote to table. I say that only facetiously.

I am delighted his daughter-in-law and son have felt the need to be involved in the issue, and I am not surprised, knowing the Senator and his spouse, that their children would want to carry on this terrific tradition they have started.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I thank my colleague from Connecticut for those generous comments. He is almost pervasive enough to get me to change my mind, but passage of this bill is more important.

Mr. President, I ask unanimous consent that after the first rollcall vote, which is 15 minutes in accordance with our practice, with a 5-minute leeway, that the subsequent votes be 10 minutes in duration.

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

Mr. SPECTER. Mr. President, with great reluctance, I move to table the Dodd amendment.

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.

AMENDMENT NO. 1820

The PRESIDING OFFICER. There are now 2 minutes equally divided on the motion to table the Reid amendment.

The Senator from Nevada.

Mr. REID. Mr. President, if Members of the Senate have enjoyed and appreciated ''Prairie Home Companion,'' the great work of Ken Burns' ''Civil War,'' ''Baseball''—and now he is doing a new one on Susan B. Anthony and Liz Stanton dealing with the women's movement—and if they have enjoyed with their children ''Sesame Street,'' which is Big Bird and Elmo, then every person in the Senate should support my amendment.

We want to keep public broadcasting public and not commercial broadcasting. We do not want it, like most everything else in America, to be commercialized. Our children and the rest of America at least deserve this much from their Congress.

This amendment cries out for support. This is an education and labor bill, and I underline education. There is nothing more important as it relates to education than having a sound public broadcasting function of our Government.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, it is with reluctance, again, that I am compelled to oppose the Reid amendment. I like public broadcasting, but this bill has been crafted with some 300 programs. Public broadcasting is getting a $10 million increase. This is in the face of some very substantial problems which were raised with public broadcasting on the sale of lists to political organizations. Public broadcasting is very important, and with tight budget constraints, I think $350 million is an adequate allocation.

I must say, as the Senator from Nevada mentioned ''Sesame Street,'' again, it is a family matter. My three granddaughters are mad about ''Sesame Street.'' On goes the television, and their behavior is a model.

This budget can only stretch so far. It is crafted for more than 300 programs. The better course is to take the

$10 million increase, and $350 million is sufficient.

Parliamentary inquiry: Is there a tabling motion pending?

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 1820. The yeas and nays have been ordered. The clerk will call the roll.

The legislative assistant called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN), the Senator from Florida (Mr. MACK), the Senator from Rhodes Island (Mr. CHAFEE), the Senator from Ohio (Mr. DEWINE), and the Senator from Wyoming (Mr. THOMAS) are necessarily absent.

The result was announced—yeas 51, nays 44, as follows:

{Rollcall Vote No. 301 Leg.}

YEAS—51

Abraham	Feingold	McConnell
Allard	Fitzgerald	Murkowski
Ashcroft	Frist	Nickles
Bennett	Gorton	Roberts
Bond	Gramm	Roth
Brownback	Grams	Santorum
Bunning	Grassley	Sessions
Burns	Gregg	Shelby
Campbell	Hagel	Smith (NH)
Cleland	Hatch	Smith (OR)
Cochran	Helms	Snowe
Collins	Hutchinson	Specter
Coverdell	Hutchison	Stevens
Craig	Inhofe	Thompson
Crapo	Kyl	Thurmond
Domenici	Lott	Voinovich
Enzi	Lugar	Warner

NAYS—44

Akaka	Feinstein	Lieberman
Baucus	Graham	Lincoln
Bayh	Harkin	Mikulski
Biden	Hollings	Moynihan
Bingaman	Inouye	Murray
Boxer	Jeffords	Reed
Breaux	Johnson	Reid
Bryan	Kennedy	Robb
Byrd	Kerrey	Rockefeller
Conrad	Kerry	Sarbanes
Daschle	Kohl	Schumer
Dodd	Landrieu	Torricelli
Dorgan	Lautenberg	Wellstone
Durbin	Leahy	Wyden
Edwards	Levin	

NOT VOTING—5

Chafee	Mack	Thomas
DeWine	McCain	

The motion was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. There are now 2 minutes equally divided on the motion to table the Graham amendment.

Who seeks recognition?

The Senator from Alaska.

Mr. STEVENS. Mr. President, our staff tells me that we now have 62 amendments pending to this bill. That means we are going to be here an awful long time on this bill. I think I am going to request that the leader initiate a weekend session if we are going to get this bill passed.

We had this bill out of committee with the hopes that we could get it passed today at the end of the fiscal year so we could once again get back to the habit of passing all the bills in the Senate that come from the Appropriations Committee by the end of the fiscal year at least.

I hope Senators will tell us seriously how many of these amendments they intend to call up. There are 41 on that side of the aisle and 21 on this side of the aisle. Most of them are riders, and if you put them on the bill, we will drop them in conference anyway. Beyond that, those amendments that take money, you have to take money from some other Senator to get them passed.

Let's not play games with this bill. It is the last bill. It is the biggest bill. This is the largest bill. Two-thirds of this bill is not even subject to our control. Two-thirds of the bill is entitlements. I hope we will start watching those entitlement bills and understand it is a very hard bill to put together.

I congratulate the Senator from Pennsylvania and the Senator from Iowa for their handling of the bill. But I plead with you to tell us which of these amendments you really want to call up.

I see my good friend from Nevada. He doesn't have on the right tie today. But he is a man who believes, as I do, that bills should move forward as rapidly as we can move them. I hope I have his help in urging Senators to tell us which of these amendments you really want considered by the Senate and give us a time agreement on them so we know how long it will take before we finish this bill.

Does the Senator wish the floor?

Mr. REID. Mr. President, I say to my friend from Alaska that the managers of the bill on our side have suggested maybe we should drop your amendments and our amendments. Would the Senator be willing to do that?

Mr. STEVENS. I would be happy to move to table them all and go to conference tonight.

Mr. REID. That is something we were talking about over here.

I say to the chairman of the full committee that we have already looked at these amendments. A number of Members on this side are waiting to see what amendments are being offered on the other side. There are a couple of amendments that are going to cause this bill a really slow ride through these Halls. One is on ergonomics, which is a real problem; we have a dozen or so Senators who want to speak in relation to that amendment.

So I think a lot depends on what amendments are offered on the majority side to see how we can weed out some of these amendments over here.

Mr. STEVENS. Mr. President, I ask the Parliamentarian to look at all of the amendments and see which of them are subject to rule XVI. I intend to raise rule XVI against any amendment I can raise it against.

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

Mr. GRAHAM. Mr. President, I suggest the Senate is not in order.

The PRESIDING OFFICER. The Senator is correct.

The Senate will be in order.

The Senator from Florida.

AMENDMENT NO. 1821

Mr. GRAHAM. Mr. President, we are talking about one of those entitlement issues Senator STEVENS just described.

The Finance Committee of the Senate and the Ways and Means Committee of the House established the funding level for title XX of the SSBG of their bill at $2.38 billion. The appropriators have reduced that amount to $1.50 billion, a cut of over 50 percent. This violates a commitment the Congress made with the Governors in 1996 as part of the welfare-to-work legislation. Therefore, the Governors are opposing the position the committee has taken.

This is a backdoor violation of the commitment that 71 Senators made when we voted against having the Federal Government direct how the States' tobacco settlement was spent.

Why is this? Because the way in which the subcommittee recommends we make up this difference is to direct the States to use their tobacco money to fill this gap. Seventy-one Members of the Senate—48 Republicans and 23 Democrats—voted in March of this year to do exactly the opposite of what we are now being asked to do.

Mr. President, this is a matter of honor of the Senate and our commitment to our partners in the Federal system, the States.

I urge that this motion to table be defeated.

Mr. SPECTER. Mr. President, as much as I have always favored the social services block grant program, the funding level in this bill is established as a matter of priority.

If we want to add to education $2.3 billion, significant additions to the National Institutes of Health, and crafting some 300 programs, this is the level which is appropriate. The States can transfer up to 5 percent of their temporary assistance to needy families in this program through these block grants, which amounts to $16.5 billion. Mr. President, $825 million are available there.

At the close of the first quarter of fiscal year 1999 States had $4.22 billion, so it can be made up. People may not want to consider the tobacco funds, but the States have about $203 billion which has been given to them, where the argument was it should have come to the Federal Government to support these block grant programs.

If we are to pass this bill, if we are to get 51 votes, $91.7 billion, we can't add additional funds with this amendment.

The PRESIDING OFFICER (Mr. BENNETT). All time has expired. The question is on agreeing to table the amendment No. 1821. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN),

the Senator from Florida (Mr. MACK), the Senator from Rhode Island (Mr. CHAFEE), and the Senator from Wyoming (Mr. THOMAS) are necessarily absent.

The result was announced—yeas 39, nays 57, as follows:

[Rollcall Vote No. 302 Leg.]

YEAS—39

Allard	Feingold	McConnell
Ashcroft	Fitzgerald	Murkowski
Bond	Frist	Nickles
Brownback	Gorton	Roberts
Bunning	Gramm	Sessions
Burns	Grams	Shelby
Campbell	Gregg	Smith (NH)
Cochran	Hagel	Specter
Coverdell	Helms	Stevens
Craig	Inhofe	Thompson
Crapo	Kyl	Thurmond
Domenici	Lott	Voinovich
Enzi	Lugar	Warner

NAYS—57

Abraham	Edwards	Levin
Akaka	Feinstein	Lieberman
Baucus	Graham	Lincoln
Bayh	Grassley	Mikulski
Bennett	Harkin	Moynihan
Biden	Hatch	Murray
Bingaman	Hollings	Reed
Boxer	Hutchinson	Reid
Breaux	Hutchison	Robb
Bryan	Inouye	Rockefeller
Byrd	Jeffords	Roth
Cleland	Johnson	Santorum
Collins	Kennedy	Sarbanes
Conrad	Kerrey	Schumer
Daschle	Kerry	Smith (OR)
DeWine	Kohl	Snowe
Dodd	Landrieu	Torricelli
Dorgan	Lautenberg	Wellstone
Durbin	Leahy	Wyden

NOT VOTING—4

Chafee	McCain
Mack	Thomas

The motion was rejected.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. 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.

Mr. GRAHAM. Mr. President, I ask that the underlying amendment, as amended, be voice voted.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. I object.

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

The PRESIDING OFFICER. Is there a sufficient second?

Mr. GRAHAM. I would like to dispose of this matter now.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The regular order is 2 minutes equally divided on the Dodd amendment.

Mr. GRAHAM. Mr. President, I think I had asked for the yeas and nays on the underlying amendment, as amended.

The PRESIDING OFFICER. A sufficient second has not been obtained. Is there a sufficient second?

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

Mr. NICKLES. Mr. President, regular order.

AMENDMENT NO. 1813

The PRESIDING OFFICER. The regular order is there are now 2 minutes equally divided on the Dodd amendment.

The Senator from Alaska.

Mr. STEVENS. Mr. President, I make a point of order that this amendment violates the Budget Act in that it exceeds the 302(b) allocations of the subcommittee.

The PRESIDING OFFICER. The point of order is against the Dodd amendment?

Mr. STEVENS. The Dodd amendment would increase the amount under this child care development block grant. This bill is at its ceiling now. There is no additional money. I was told at first that it was written so it would apply to 2001. That is not the case.

The amendment is not subject to amendment, as I understand it, under the procedure we are under right now and cannot be cured, and I make the point of order that it violates the Budget Act.

The PRESIDING OFFICER. Under the rule, the point of order is not in order until the time is expired—the motion to table has been made—and been disposed of. The regular order calls for 2 minutes equally divided.

Mr. STEVENS. Parliamentary inquiry. When I came in, I understood one of the sponsors had urged the adoption of this amendment; isn't that so?

The PRESIDING OFFICER. The question is on the motion to table and that takes priority over the point of order. The point of order will be in order when the debate on the motion to table has expired and the vote has taken place.

Who yields time? The Senator from Connecticut.

Mr. DODD. Mr. President, briefly, this is an amendment we have voted on—this is the fourth time in the last 7 months. I thank my colleagues for the bipartisan support that the Dodd-Jeffords-Snowe and others amendment has been given. Unfortunately, it has been dropped in conference in the past so it has not been adopted.

It was adopted unanimously by this body only a few weeks ago. Prior to that, it was a 66–33 vote. Unlike the previous votes, this is discretionary funding, not mandatory funding. It tries to deal with the issue of child care, something about which we all care.

We now know today that 1 in 10 families is struggling to make ends meet. They are the poorest families in America and are working every day and not on public assistance. Today, in 25 States, if you earn more than $20,000, you do not qualify for child care assistance.

I don't know how a family of four, earning $20,000 a year, with young children—where the parents are working, where they need to place these children in a safe place during the day—can afford that without some help.

For 10 years now, since Senator HATCH and I sponsored the child care development block grant that was adopted, this Congress has supported a child care program.

Today, we want to serve more than just the 1 in 10 that is being served. This amendment does that. My colleagues have voted for it in the past. I urge my colleagues to do so again.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, in order to save time, I ask unanimous consent to withdraw the motion to table.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. I object.

Mr. DODD. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. GRAMM. Would the Senator yield?

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor, under the regular order, for 1 minute.

Mr. GRAMM. Would the Senator from Pennsylvania yield?

Mr. SPECTER. Yes.

Mr. GRAMM. We will be voting on the motion to table. At that point, the point of order will lie. All we are going to do is cost every Senator 15 or 20 minutes. It will not change anything.

Mr. DODD. I say to my colleague, there is obviously a different vote count on the tabling motion than there is on a point of order. I would argue the point of order, but I am hoping——

The PRESIDING OFFICER. The Senator from Pennsylvania has the time.

Mr. SPECTER. Mr. President, reluctantly, I am opposed to the amendment, which would add some $900 million to this bill. There have been substantial increases on child care and on child care entitlement. If we have $900 million added to this bill—which is now at $91.7 billion—it is the log that breaks the camel's back. I think it is a very good program, but in establishing priorities, we have already allocated very substantial funds to this line. Therefore, I am opposed to the amendment and I move to table.

The PRESIDING OFFICER. The question is on the motion to table. The yeas and nays have been ordered.

Mr. STEVENS. I ask unanimous consent that I be allowed just 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Alaska is recognized for 30 seconds.

Mr. STEVENS. I wish to correct my statement. This does amend a section in this bill, which is advance funding, and it is, therefore, not subject to the point of order I would have made.

The PRESIDING OFFICER. The regular order is on agreeing to the motion

to table amendment No. 1813. The yeas and nays have been ordered. The clerk will call the roll.

The legislative assistant called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN), the Senator from Florida (Mr. MACK), the Senator from Wyoming (Mr. THOMAS), the Senator from Rhode Island (Mr. CHAFEE), and the Senator from Missouri (Mr. BOND) are necessarily absent.

The result was announced—yeas 41, nays 54, as follows:

[Rollcall Vote No. 303 Leg.]

YEAS—41

Allard	Frist	McConnell
Ashcroft	Gorton	Murkowski
Brownback	Gramm	Nickles
Bunning	Grams	Roberts
Burns	Grassley	Santorum
Byrd	Gregg	Sessions
Cochran	Hagel	Shelby
Coverdell	Helms	Smith (NH)
Craig	Hutchinson	Specter
Crapo	Hutchison	Stevens
Domenici	Inhofe	Thompson
Enzi	Kyl	Thurmond
Feingold	Lott	Voinovich
Fitzgerald	Lugar	

NAYS—54

Abraham	Durbin	Lieberman
Akaka	Edwards	Lincoln
Baucus	Feinstein	Mikulski
Bayh	Graham	Moynihan
Bennett	Harkin	Murray
Biden	Hatch	Reed
Bingaman	Hollings	Reid
Boxer	Inouye	Robb
Breaux	Jeffords	Rockefeller
Bryan	Johnson	Roth
Campbell	Kennedy	Sarbanes
Cleland	Kerrey	Schumer
Collins	Kerry	Smith (OR)
Conrad	Kohl	Snowe
Daschle	Landrieu	Torricelli
DeWine	Lautenberg	Warner
Dodd	Leahy	Wellstone
Dorgan	Levin	Wyden

NOT VOTING—5

Bond	Mack	Thomas
Chafee	McCain	

The motion was rejected.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1886

Mr. GRAHAM. Mr. President, I ask unanimous consent to return to my second amendment for purposes of a voice vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GRAHAM. I ask for a voice vote on the amendment.

The PRESIDING OFFICER. The question is on agreeing to the second-degree Graham amendment.

The amendment (No. 1886) was agreed to.

Mr. DODD. Mr. President, point of order: Is the question now on the Dodd amendment?

AMENDMENT NO. 1821

The PRESIDING OFFICER. The question now is on agreeing to the first-degree Graham amendment, as amended.

The amendment (No. 1821), as amended, was agreed to.

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

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1813

Mr. DODD. Mr. President, may I inquire, do we move now to the Dodd amendment?

The PRESIDING OFFICER. The Dodd amendment has not been agreed to. The motion to table failed. The Dodd amendment has not been agreed to.

Mr. DODD. Regular order. I ask unanimous consent to have a voice vote on the Dodd amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Without objection, the amendment is agreed to.

The amendment (No. 1813) was agreed to.

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

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1885

The PRESIDING OFFICER. The Senate will be in order.

The regular order is now on the motion to table the Coverdell amendment. Two minutes are equally divided. The yeas and nays have been ordered.

Who yields time?

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, may I inquire. I asked the Parliamentarian for a list of those amendments that violated rule XVI that have been offered by various tenders. May I inquire, when will it be in order for me to make my points of order against those amendments that violate rule XVI?

The PRESIDING OFFICER. The amendments would have to be pending before the point of order would be in order.

Mr. STEVENS. Mr. President, I will leave on the desk a list of the amendments that have been found to violate rule XVI.

May I make a further parliamentary inquiry. Under the new rule XVI, the Parliamentarian's rule cannot be waived; is that correct?

The PRESIDING OFFICER. There is no provision to waive rule XVI.

Mr. STEVENS. I would like to leave this on my desk and ask Members to see if their amendments are within this category. If they wish to withdraw them, of course, I will not make a motion to table them. I think that would be the easiest way to dispose of them—to have Members withdraw their amendments. But I do intend to make a point of order under rule XVI against some 23 amendments before the evening is over.

The PRESIDING OFFICER. The regular order is 2 minutes equally divided. Who yields time?

The Senator from Wyoming.

Mr. ENZI. Mr. President, on this amendment on which we are about to vote, we have given an increase to OSHA for the work they do. What I am asking is that we continue to recognize there are parts of those that go in hand in hand. One of the parts is enforcement. The other is consultation.

There are 1,275 pages of OSHA that every business has to follow. They need the consultation to be able to wade through that. They need somebody they can ask to be able to get answers.

I have taken the increase in OSHA and given some recognition that consultation ought to be a part of that. Consultation will help. I don't know that they will spend it that way. We don't have any really good oversight to see that. But it is the trend we have to follow. Sixty-six percent of their money goes to enforcement and 30 percent goes to consultation. I am asking you to split this money in recognition between the two so that kind of an emphasis will continue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I think the bill in its present form has the appropriate balance between conciliation and enforcement. In the last 5 years, enforcement has declined $3 million, from $145 million to $142 million; conciliation has grown from $31.5 million to almost $41 million, an increase of 30 percent.

I think the bill as written is proper. I might add that it does not unduly prejudice the case on the merits, and if the Enzi amendment is not tabled under the unanimous consent agreement, Senator WELLSTONE has leave to file a second-degree amendment with 15 minutes to argue it, to be followed by another rollcall vote.

The PRESIDING OFFICER (Mr. SESSIONS). The question is on agreeing to the motion to table amendment No. 1885. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Florida (Mr. MACK), and the Senator from Wyoming (Mr. THOMAS) are necessarily absent.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The result was announced—yeas 44, nays 51, as follows:

[Rollcall Vote No. 304 Leg.]

YEAS—44

Akaka	Conrad	Hollings
Baucus	Daschle	Inouye
Bayh	Dodd	Johnson
Biden	Dorgan	Kerrey
Bingaman	Durbin	Kerry
Boxer	Edwards	Kohl
Bryan	Feingold	Lautenberg
Byrd	Feinstein	Leahy
Campbell	Graham	Levin
Cleland	Harkin	Lieberman

Lincoln	Reid	Specter
Mikulski	Robb	Torricelli
Moynihan	Rockefeller	Wellstone
Murray	Sarbanes	Wyden
Reed	Schumer	

NAYS—51

Abraham	Fitzgerald	Lugar
Allard	Frist	McConnell
Ashcroft	Gorton	Murkowski
Bennett	Gramm	Nickles
Bond	Grams	Roberts
Breaux	Grassley	Roth
Brownback	Gregg	Santorum
Bunning	Hagel	Sessions
Burns	Hatch	Shelby
Cochran	Helms	Smith (NH)
Collins	Hutchinson	Smith (OR)
Coverdell	Hutchison	Snowe
Craig	Inhofe	Stevens
Crapo	Jeffords	Thompson
DeWine	Kyl	Thurmond
Domenici	Landrieu	Voinovich
Enzi	Lott	Warner

NOT VOTING—5

Chafee	Mack	Thomas
Kennedy	McCain	

The motion to table was rejected.

The PRESIDING OFFICER. The question is on agreeing to the second-degree amendment.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, on the desk of the clerk and on the desk of the two managers of the bill is a list of the amendments that, in the opinion of the Parliamentarian, violate rule XVI.

I ask I be notified by the Chair at any time any one of those amendments is called up. I ask unanimous consent I be notified if any of those amendments on the list at the desk are called up.

Mr. REID. Reserving the right to object, Mr. President, would the chairman mind if somebody else initiated the point of order? He would not have to be here if somebody else did it.

Mr. STEVENS. I assure the distinguished whip that I will be here. But in the event I am not here, I have not asked that I be the one to have the exclusive right to make a point of order. I only asked I be notified if it is called up. In effect, I am serving notice if you call up that amendment, I will make the point of order.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Reserving the right to object, what is the unanimous consent request?

The PRESIDING OFFICER. The request is the Senator be notified if any of those amendments are called up that violate rule XVI.

Mr. HARKIN. I don't mind that.

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

The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I move to reconsider the vote on the Enzi amendment.

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

The motion to lay on the table was agreed to.

Mr. NICKLES. Regular order.

The PRESIDING OFFICER. The question is on agreeing to the second-degree amendment.

The amendment (No. 1885) was agreed to.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, for the information of my colleague, I was so overwhelmed with this past vote, I was so moved by this past vote to give me an opportunity to speak even more on the floor of the Senate, that I am now going to vitiate that part of the unanimous consent agreement to have a vote on this second-degree amendment so colleagues could leave.

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

THE PRESIDING OFFICER. The question is on agreeing to the first-degree amendment.

The amendment (No. 1846) was agreed to.

● Mr. MCCAIN. Mr. President, I commend both Senator SPECTER and Senator HARKIN for their dedicated work on this legislation which provides federal funding for the Departments of Labor, Health and Human Services (HHS), and Education. This appropriations bill provides funding for many critical programs directly helping American families and providing important assistance to our most important resource, our children.

One of the most important components in this bill is its vital support for education. We owe it to each and every child to ensure that they have access to a high quality education. This is why I am pleased that this bill increases funding for Department of Education to almost $38 billion, including nearly $6 billion for educating children with special needs and $5.2 billion for the Head Start program.

I am also pleased to note that this bill prohibits federally funded national education standards. It continues to be my strong belief that our nation must have higher learning expectations for our children but academic standards must be controlled by state and local authorities, not the bureaucrats in Washington.

This bill contains important resources for helping make college and continuing education more affordable for all Americans. Under this bill, the maximum loan amount for post-secondary education would be the highest level in the program's history—$3,325 per student. In addition, this legislation provides $1.4 billion for higher education opportunities, including $180 million for GEAR UP which assists under-privileged children and $5 million to provide access to affordable child care for parents struggling to complete their college education while raising their children.

I am particularly pleased that this bill provides significant funding for medical research at the National Institutes of Health, NIH, $17.6 billion, which is an increase of $2 billion from last year. I am sure that my colleagues share my support for this 13 percent increase in funding for vital research which could lead to important scientific breakthroughs which will improve the health of our citizens. Finally, I am encouraged to note that this bill took an important step towards meeting the needs of over 7,000 children and families whose lives have been devastated by hemophilia-related AIDS, by beginning to fund the Ricky Ray Act as authorized by Congress last year.

Furthermore, I was pleased to learn that the sections allocating funding for Labor, HHS and Education were free of direct earmarks, set asides or unauthorized appropriations. However, my initial enthusiasm was dampened somewhat upon reviewing the report language. While the Committee made a concerted effort to not include any specific earmarking in those Departments' budgets, the report contains an exorbitant amount of directive language that is clearly intended to have the same effect as an earmark. By this, I mean the use of words like ''encourage'', ''urge'', and ''recommend'' in connection with references to particular institutions, projects, or proposals that the Committee would obviously like the relevant agencies to fund.

These are not direct earmarks, but I am sure the programs which the Committee ''encourages'' or ''urges'' the agencies to support will receive special consideration. While the Committee avoided providing a line item for funding specific projects, it stated its strong preference for the funding or continued funding of many specific projects which would clearly bypass the competitive funding process.

I will highlight a few examples of report language that contain a multitude of expressions of support, short of earmarks, for particular projects. These include:

The Committee urges the Department of Labor to give full and fair consideration to funding requests submitted by the Commonwealth of Pennsylvania to retrain incumbent workers.

The Committee encourages the Department of Labor to support agricultural training for dislocated sugarcane workers in Hawaii.

The Committee recommends continued support by the Department of Labor for the Alaska Federation of Natives Foundation to develop and train Alaska native workers for year-round employment within the petroleum industry.

The Committee encourages the agency to contribute technical assistance to the University of Nevada at Reno and Las Vegas toward the establishment of educational channels for a school of pharmacy.

The Committee stated its awareness of the San Bernardino County Medical Center proposal to create a ''hospital without walls.'' In addition, the Committee notes that the Santa Rosa Memorial Hospital is proposing the creation and implementation of a Northern California Telemedicine Network.

The Committee is aware of a proposal by the Montana State University-Billings to develop in collaboration with

medical facilities in the area a telemedicine program to provide preventive medicine and support services to the large elderly population in Billings and eastern Montana.

The Committee continues to be supportive of the work being conducted by the Low Country Health Care Systems.

The Committee encourages priority be given to the University of Hawaii at Hilo Native Language College when allocating funds for native Hawaiian education.

The Committee is concerned about the absence of technology integration in the north central communities of Pennsylvania. The committee notes the efforts of the Lock Haven University of Pennsylvania for its development of two regional networks to link these rural communities.

Mr. President, I could continue listing the specific projects, which the report highlights and for which the Committee provides encouragement for continued or new funding, but I will not waste the Senate's valuable time. Due to its length, the list I compiled of objectionable provisions included in the Senate report cannot be printed in the RECORD. This list will be available on my Senate website.

It is simply inappropriate that the committee is attempting to influence the open, competitive funding process, thereby limiting the funds available to workers, schools, hospitals, and communities around the country which are not fortunate enough to live in a State with a Senator on the Appropriations Committee.●

Mr. ASHCROFT. Mr. President, I rise to speak on a very important subject. I am referring to teen smoking.

Currently, teen smoking rates are far too high and they continue to rise. Since I left the Missouri Governor's office, teen smoking in Missouri has increased from 32.6% to 40.3%—almost a 24% increase! In fact, today, Missouri ranks sixth in the nation in teen smoking.

While there is disagreement in this body on where teen smoking policies should be set—at the federal or state level—we all agree that it must be addressed.

Seven years ago, in an attempt to tackle this problem, the United States Congress passed what is now known as the Synar Amendment. This amendment required the states to meet specified targets in reducing teen access to cigarettes. It did not tell the States how to meet the targets but just that they had to meet them.

I believe, as I argued during the debate on the Federal tobacco tax legislation, that States are in the best position to tackle the serious problem of teen smoking. Governors, state legislatures, mayors, and city councils know how to target their programs. They know how to tailor educational programs for the local schools and communities. They have better access to convenience store owners and other retail establishments where teens buy cigarettes.

With that in mind, I am deeply troubled about our current situation.

Mr. President. Today, there are seven states and the District of Columbia who failed to meet their targets to reduce teen access to cigarettes. They have failed the state's teens and their parents. In addition, since their failure triggered a cut in federal block grant funds of 40%, they have failed those who need treatment for drug abuse and addiction under the Substance Abuse and Mental Health Services Administration (SAMHSA).

I guess we could be optimists and focus on the fact that 43 states did meet their targets. Forty-three states that made it a priority to cut teen smoking have succeeded. Forty-three states worked with local communities and found a way to reduce teen smoking. Therefore, 86% of the states met their goals—shouldn't we be pleased by that?

Unfortunately I cannot be an optimist today. For one of those seven states who failed to meet the target was the State of Missouri. This is an important issue to me. As Governor of the State of Missouri, I signed the law that now makes it illegal to sell minors tobacco.

Under the federal law, the State of Missouri had to make sure that no more than 28% of teens who attempted to purchase cigarettes were successful. That seems reasonable—however, the actual success rate was 33%. That means that in one out of every three minors attempting to buy cigarettes was successful. One out of Three!

Due to this failure, the State of Missouri is set to lose $9.6 million to be used for drug addiction treatment. That is $9.6 million to be used to help drug addicted pregnant women, to reduce teen drug use, and to provide treatment to those whose lives have been destroyed by a lifetime of drug use.

In this discussion, it is important to recognize that we have given the states the tools they need to fight teen smoking. We rejected the mammoth—bureaucracy and tax laden—tobacco bill. I led the fight against that bill. By defeating that bill, we made sure the tobacco money went to the states for tobacco prevention programs—and was not wasted on federal bureaucracy—on the 17 new boards, commissions, and agencies established in the bill.

By defeating that bill, the states got the money rather than Washington. In fact, by killing that bill the State of Missouri received $6.7 billion from the tobacco settlement. That money is more than a third more resources than they would have received under the federal legislation. In addition to money, the states won clear limits from the tobacco companies on marketing techniques aimed at young people.

With this Settlement in mind, it is even more disappointing that today we are left with this tough choice. We either respect the federal law and penalize those who are in need of drug treatment programs—or we bail out these states who have failed our nation's teens.

In trying to determine the best course of action, we listened to the experts. Barry McCaffrey, the President's Drug Czar, stated that by withholding these funds ''. . . some heroin addicts might be forced back on the streets to return to a criminal life.'' He says: ''[w]e agree that the carrot-and-stick approach of the law can serve a purpose of pushing compliance, but we must not throw the baby out with the bathwater by increasing drug addiction and crime.'' It is a tough choice, but we must protect Americans from the scourge of drug use.

In addition, I can't let those in the State of Missouri suffer due to the State's ineffective enforcement program. I am pleased to have worked with Senator BOND, the Senior Senator from Missouri, and other members whose states did not meet their targets in finding a solution to this problem.

There is no question that the agreement does not contain everything I believe it should—such as creating penalties for teens who purchase, use and possess cigarettes. I continue to believe that if we really want to reduce youth smoking, we must place some responsibility on teens.

However, I am relieved we have found a solution. These states will be forced to devote new money to anti-teen smoking programs. Based on that commitment, they will receive their SAMHSA money.

I hope we do not find ourselves in this same position next year. This should be a wake up call to these states to step up their enforcement and pass tough teen smoking laws. The increase in teen smoking rates is unacceptable.

Mr. LOTT. Mr. President, we will be doing wrapup momentarily.

The PRESIDING OFFICER. The majority leader will withhold.

The majority leader.

Mr. LOTT. I would like to notify the Members that there will be some more time taken on the bill itself, but that will be the final recorded vote for tonight, the last vote for tonight. There will be at least one vote tomorrow. I am still working on both sides to make a final determination on Monday. It is anticipated we will have at least one vote, maybe more, on Monday. But we have not locked that in yet. We will notify you of that officially tomorrow.

I ask unanimous consent Senator COLLINS be recognized at 9 a.m. on Friday to call up her amendment, No. 1824, there be 30 minutes of debate equally divided in the usual form, and a vote to occur immediately on conclusion or yielding back of time and no second-degree amendments in order. That would mean the vote tomorrow would be at 9:30.

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

Mr. LOTT. The next vote will occur at 9:30 in the morning.

UNANIMOUS-CONSENT AGREEMENT—S. 82

Mr. LOTT. Mr. President, I congratulate all who have been involved in this next unanimous consent. A lot of effort has gone into it. I will not name them individually, but I know several Senators have been following very closely.

I ask unanimous consent on Monday, October 14, it be in order for the majority leader to proceed to the consideration of S. 82, the FAA reauthorization bill, that the majority and minority managers of the bill be recognized to modify the committee amendments, and further that only aviation-related amendments be in order to the bill, that relevant second-degree amendments will be in order.

The PRESIDING OFFICER. Is there objection?

Mr. WYDEN. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator is recognized.

Mr. WYDEN. Mr. President, I do not intend to object. But I have been trying now for almost 2 years on this very important legislation to deal with a very serious problem my constituents have brought to my attention dealing with the loophole-ridden Death On The High Seas Act.

We had families at home in Oregon lose loved ones in international waters as a result of a situation where a Korean freighter ran them over. I have been repeatedly assured in the Senate Commerce Committee that we would have an opportunity on the floor of the Senate to remedy this great injustice. In fact, Chairman MCCAIN had agreed with me previously to work to reform the Death On The High Seas Act to ensure that victims of maritime accidents would have the same rights as those provided to victims of aviation accidents under the FAA bill.

I have been extremely patient with respect to this matter. I have indicated on at least two occasions that I would not offer the amendment. I do not intend to do it now because the FAA legislation is of such extraordinary importance. But I want to make it clear to the Senate that at the next available opportunity, I am going to do everything I can to ensure that these victims of these maritime tragedies—tragedies in international waters where very often they are run over by foreign freighters and left at sea languishing for hours and hours—actually have a remedy. They do not today. It is a grave injustice.

We have discussed this at considerable length in the Senate Commerce Committee. In fact, we even made changes in the Death on the High Seas Act in the past without addressing this particular issue.

I do not intend to hold up the consideration of the FAA legislation because it is so important, but I want to make it very clear to the Senate that at the next available opportunity, we are going to debate this on the floor of the Senate. We are going to have an up-or-down vote on it. My colleagues are now aware of that.

Mr. President, I withdraw my reservation.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, may I address the distinguished majority leader who has been very helpful to the interests of my State given that National Airport and Dulles Airport are undergoing extensive modernization. In the present form of the bill that the leader has designated, is that issue taken care of? If not, is the opportunity open for the Senator from Virginia and others to address that issue?

Mr. LOTT. Mr. President, if the Senator will yield under his reservation, first, I thank Senator WYDEN for his comments and for the record he has made and for not objecting. I know this is an important issue to him. He could object and bring additional pressure on the chairman and the committee. He is on the committee. I know he will continue to work on it. I know he and Senator MCCAIN will be talking about it on Monday. I thank him for not objecting.

With regard to the question of the Senator from Virginia, I believe the issue that is so important to him is addressed in the bill the way he understands it to be. But if it is not or if there is any problem, under this unanimous consent request, relevant amendments on aviation would be in order and any amendment that he or the other Senator from Virginia wishes to offer with regard to this matter would be in order and would be protected.

Mr. WARNER. Mr. President, I thank my distinguished leader. Likewise, the issue of the number of slots has been a moving target. May I inquire as to the current specification in the bill and whether or not that could be changed by the proponents of the bill under this UC between now and the date it is brought up?

Mr. LOTT. Mr. President, in answer to the Senator's question, I have in my mind the number of slots that are available based on the discussions he and I have had over about 2 years. I am assuming that is what is in the bill. I have to check and make sure of the exact number, but whatever it is, if the Senator is not satisfied with that, an amendment and a debate to change that number would certainly be in order.

Mr. WARNER. Mr. President, I thank our leader for the assistance he has given throughout the years to the Commonwealth of Virginia and other interested parties with regard to these two airports.

Mr. LOTT. Mr. President, I thank the Senator from Virginia.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, reserving the right to object and I shall not—I do not think I will—as I understand this unanimous consent agreement, this will be the FAA bill with relevant amendments. Does the majority leader intend to bring up the nuclear waste bill?

Mr. LOTT. I would like to bring up the nuclear waste bill. I think this is a major environmental issue. It is very important to a number of States, I believe, including the Senator's State of Minnesota.

There has been an indication there may be a desire for a filibuster and perhaps the Democrat leadership would not support cloture on this very important issue. If that is the case, then I would not be inclined to file cloture on it on Friday, giving us additional time to see if we can work out an agreement or accommodation as to how to bring up that very important issue.

I do not know how many States have nuclear waste sitting in open cooling pools or how many people have looked at the need to address this problem. I believe a large number of Senators probably as many as two-thirds or more, believe we need to move this legislation. I want to find a way to do that.

Mr. WELLSTONE. If I can do a quick followup, the reason I asked the majority leader was actually less because of the subject matter of that bill but the question whether or not he also plans on restricting it to relevant amendments. What I am asking is, when will I have an opportunity as a Senator from Minnesota to bring legislation to the floor of the Senate which will alleviate the economic pain and suffering of family farmers? That is what I want to know. Are we going to have an opportunity for debate on agriculture policy?

Mr. LOTT. We certainly know the Senator from Minnesota has views on that or amendments he wants to offer. One of the things we are planning on doing, I say to the Senator—and Senator DASCHLE may want to talk about it—is to bring up the sanctions bill. I do not know whether or not the Senator's amendments will be in order to that. It does relate to food and agriculture. He may have something to say or some amendment he wants to offer on that.

We have not agreed on a time. You may wind up objecting to it, but I think it is high time we have some debate around here and some thought about how we deal with these unilateral sanctions of countries, how we use food and medicine in that area. We had a vote on it in Agriculture. It is still very controversial. I have indicated it is my intent and it is my hope, if we can find a way, to bring that bill to the floor.

Mr. WELLSTONE. With an opportunity for other amendments dealing with agriculture.