

We are talking here not about an appropriations bill; we are not talking about a simple authorization bill; we are talking about something that affects the checks and balances, the separation of powers that constitutes the cornerstone of our constitutional system in this Republic. This is one of those checks and balances; this involves the separation of powers. The Senate, under the Constitution, has a voice in the approval of treaties. The President makes the treaty, by and with the consent of the United States Senate.

I was here when we considered the Test Ban Treaty of 1963. I was on the Armed Services Committee at that time. I listened to Dr. Edward Teller, an eminent scientist who opposed that treaty. I voted against that treaty in 1963. I opposed it largely on the basis of the testimony of Dr. Edward Teller.

We need to listen to the scientists. We need to listen to others in order that we might make an appropriate judgment. Who knows how this will affect the security interests of the United States in the future. This is a permanent treaty. It is in perpetuity, so it is not similar to a bill. As I say, we can repeal a law. But not this treaty. This treaty is in perpetuity—permanent. Maybe that is all right, but we need more time to study and consider it.

We are told that the polls show the people of the Nation are overwhelmingly in favor of this treaty. I can trust the judgment of the people generally, but the people have not had the opportunity to study the fine print in this treaty. Most Senators have not. This is not a responsibility of the House of Representatives. This is the responsibility solely of the Senate under the Constitution of the United States. It is a great burden, a great responsibility, a very high duty, and we must know what we are doing.

I have heard dire warnings as to what a rejection of the treaty might mean. One way to have it rejected fast, I am afraid, is to go through with this vote. But then how can we make up for it if we find we have made a mistake? If we find that we are wrong, it may be too late then. We had better stop, look, and listen and understand where we are going. We need more hearings.

I hope we will put politics aside in this instance and seek a consensus position on considering a comprehensive test ban treaty that upholds the dignity of the United States Senate. I am an institutionalist. I have an institutional memory. I have been in this body for 41 years, and I have taken its rules seriously. I believe the framers knew what they were doing when they vested the responsibility in the Senate to approve or to reject treaties. We ought not take that responsibility lightly. The very idea of the unanimous-consent request says Senators cannot offer reservations; they cannot offer conditions; they cannot offer amendments; they cannot offer understandings.

Let us so act that we reflect the importance of the treaty. Reject it if you will or approve it if you will, but let's do it with our eyes open. Let's not put on blinders. Let's not bind our hands and feet and mouths and ears and minds with a unanimous-consent agreement that will not allow unfettered debate or amendments.

Let the Senate be the institution the framers intended it to be.

I have not said how I shall vote on the treaty. I want to understand more about it. But I want other Senators to have an opportunity to understand it as well.

Mr. President, I thank Senators for listening, and for their patience in indulging these remarks.

I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER (Mr. AL-LARD). The Senator from Pennsylvania. Mr. SPECTER. Mr. President, first let me commend the distinguished Senator from West Virginia for those very thoughtful remarks on the Comprehensive Test Ban Treaty.

I share his concern about the timing of the vote. I think the Senate is not yet ready to vote. My view is that there should have been hearings a long time ago. I attended part of the hearings—closed-door hearings—in S-407 on Tuesday of this week. They lasted about 5 hours.

I concur with the Senator from West Virginia that it is a very complex subject. I had studied the matter and had decided to support it. But I do think more time is necessary for the Senate as a whole—not just to have a day of debate on Friday and a day of debate on Tuesday and to vote on it. I think the Senate ought to ratify, but only after adequate consideration has been given to it. While the United States has been criticized for not taking up the treaty, if we were to reject it out of hand on what appears to be a partisan vote, it would be very disastrous for our foreign policy.

So I thank the Senator from West Virginia for his customary very erudite remarks on the Senate floor.

Mr. BYRD. I thank the distinguished Senator for his enlightened remarks. And, as always, he approaches a matter with an open mind, devoid of politics, and with only the interest of doing good, not harm; and that is his response in this instance.

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

Mr. SPECTER. Mr. President, we are now prepared to move on to our next amendment. I ask unanimous consent that there be 30 minutes equally divided prior to a motion to table on the amendment to be offered by the distinguished Senator from New Hampshire, Mr. SMITH, relative to Davis-Bacon, and no amendments be in order prior to a vote in relation to the amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SMITH of New Hampshire addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENT NO. 1844

(Purpose: To limit the applicability of the Davis-Bacon Act in areas designated as disaster areas)

Mr. SMITH of New Hampshire. Mr. President, I call up my amendment No. 1844 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire (Mr. SMITH) proposes an amendment numbered 1844.

Mr. SMITH of New Hampshire. Mr. President, 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:

At the appropriate place, insert the following:

SEC. . No funds appropriated under this Act may be used to enforce the provisions of the Act of March 3, 1931 (commonly known as the Davis-Bacon Act (40 U.S.C. 276a et seq.)) in any area that has been declared a disaster area by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

Mr. SMITH of New Hampshire. Mr. President, this is a very simple, straightforward amendment that would prohibit enforcing Davis-Bacon prevailing wage requirements in areas designated by the President as natural disaster areas. Section 6 of the Federal Davis-Bacon Act allows the President to suspend this act in the event of a national emergency.

I think all of us would agree, especially those Senators in North Carolina and in Virginia as well, that we did have a national emergency with Hurricane Floyd.

Pursuant to this authority, President Bush suspended Davis-Bacon in 1992 to help speed up and lower the cost of rebuilding the communities ravaged by Hurricanes Andrew and Iniki.

So Hurricane Floyd has dealt this tremendous blow to the residents of the eastern seaboard, from Florida to North Carolina, even as far as New York. FEMA has called this one of the biggest multistate disasters in U.S. history. Many States believe cleanup costs from Hurricane Floyd will far exceed the costs of either Hurricanes Fran or Hugo. So relaxing the Davis-Bacon provisions in these hard-hit States will lower tremendously the cost of rebuilding these communities and help create job opportunities for those in need of work.

Many people come to these communities and volunteer their time to help their friends and relatives and neighbors in need, and others cut their costs of services to help these unfortunate

victims of the hurricanes. Davis-Bacon's prevailing wage requirements will increase the cost of construction, forcing the taxpayers to pay more and receive less in return. Not only that, it will cost the victims more. So that is why there is a provision, a waiver provision, the President may exercise to bring these costs down in times of disasters.

Government estimates, economic studies, and those involved in the construction industry believe Davis-Bacon actually inflates the cost of a construction project by an estimated 5 to 38 percent. For people who are the victims of these hurricanes—where there is Federal help—to have to pay more in these construction projects and for it to cost the taxpayers that much more money is outrageous. CBO estimates that Davis-Bacon adds \$9.6 billion over 10 years to the cost of all Federal construction projects.

The historic floodwaters of Floyd have resulted in hundreds of millions of dollars in property damage and created a huge swath of human misery that will last for months. The Davis-Bacon Act should be suspended to aid disaster relief in the areas designated as natural disasters. It is reasonable. That is why there is a provision for a waiver. It is unfortunate President Clinton has decided not to waive it, or at least has not waived it to this point.

On September 21, 1999, the Wall Street Journal, in an editorial entitled "Hurricane Davis-Bacon," stated:

Folks whose electricity shorted out when floodwaters hit their circuit box or shopkeepers sweeping the mud and debris out from once-vibrant businesses need no reminders about the costs imposed by Hurricane Floyd. But as they go about their repairs they may find that the destructive powers of Mother Nature are nothing compared with those of Washington.

Continuing to quote:

Start with the Davis-Bacon Act, which effectively requires that workers on federally subsidized construction projects receive union wages—even though only about a quarter of the construction industry is unionized. Davis-Bacon looms large in the wake of Floyd because so much disaster relief comes from the federal government. It was for precisely this reason in 1992 that President George Bush ordered the relaxation of Davis-Bacon rules to hasten repairs in Florida, Louisiana and Hawaii after hurricanes devastated those states.

Continuing to quote from the Wall Street Journal:

The happy result was twofold: Not only did the work get done faster, between 5,000 and 11,000 new construction jobs, mostly to semi-skilled minority workers, were created. Alas, the jobs didn't last long. Within days of becoming President in 1993, Bill Clinton revoked the Bush waivers on Davis-Bacon as a payback for organized labor's support. Mr. Clinton's continued defense is particularly galling to many minority workers, conscious of the law's origins in the Jim Crow attitudes of the 1930s. "People can't see the jobs and buildings that aren't created because of Davis-Bacon, but it is a major factor in the low-income housing crisis," says Elzie Higginbottom, a low-income housing builder from Chicago's South Side.

Clearly the priority after any natural disaster must be getting help to the people who need it. But as we help the victims of Floyd pump water out of their basements and get their lives back on track, let's be careful not to contribute to the structural damage with . . . Davis-Bacon that only raise costs and make it that much harder to do the work that needs to be done.

I think that editorial sums it up about as well as it can be summed up. The bottom line is, this act, which, ironically, discriminated against minorities—and that was the purpose of the act when it was first originated—will cost taxpayers millions of dollars and take advantage of an unfortunate situation where people have suffered through a disaster.

I ask, what would be the problem of the President granting a waiver of Davis-Bacon? As I said before—and I think the Wall Street Journal said it better than I—the answer is, because the President owes a lot to organized labor, he is not about to do it. I think it is outrageous because the intent was clear.

I will read from a letter from 80 organizations in support of my amendment. The list includes a number of outstanding national organizations. It also includes several State organizations representing some of the States that have been hit hardest by Hurricane Floyd and other disasters. It is the Coalition to Repeal the Davis-Bacon Act.

It is unfair to further burden the local communities devastated by Hurricane Floyd and other disasters with the inflated costs of Davis-Bacon.

Mr. President, I think Senators will recognize some of the organizations—I will not read them all; there are 80—the American Society of Civil Engineers, the American Trucking Association, Associated Builders and Contractors, Citizens Against Government Waste, Citizens for a Sound Economy, Free Enterprise Institute, National Association of Home Builders, National Association of Manufacturers, National Center for Neighborhood Enterprise, National Federation of Independent Business, National League of Cities, National School Boards Association, National Tax Limitation Committee, National Taxpayers Union, U.S. Chamber of Commerce, to name a few of the 80.

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

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

COALITION TO REPEAL THE
DAVIS-BACON ACT,
October 5, 1999.

Hon. ROBERT C. SMITH,
U.S. Senate,
Washington, DC.

DEAR SENATOR SMITH: The Coalition to Repeal the Davis-Bacon Act urges you to support the amendment by Senator Bob Smith (R-NH) to relax the 1931 Davis-Bacon Act for disaster stricken areas across the country, during the debate on the Fiscal Year 2000 Labor/Health and Human Services and Education Appropriations legislation.

Hurricane Floyd has devastated states along the eastern seaboard, from Florida to

North Carolina to New York, which now face major reconstruction demands. It is clearly one of the largest multi-state disasters in U.S. history. Relaxing Davis-Bacon in these hard hit states will lower the cost of rebuilding these communities and will help create job opportunities for those in need of work.

Section 6 of the Davis-Bacon Act [40 U.S.C. 276a-5], allows the suspension of the Act in the event of a "national emergency." Pursuant to this, President George Bush relaxed Davis-Bacon rules in 1992 to hasten repairs in Florida, Louisiana and Hawaii and lower the cost of rebuilding the communities ravaged by Hurricanes Andrew and Iniki. As a result, the work was completed faster and between 5,000 and 11,000 new construction jobs were created, mostly to semi-skilled minority workers.

It is unfair to further burden the local communities devastated by Hurricane Floyd and other disasters with the inflated costs of Davis-Bacon. The Davis-Bacon Act has been demonstrated to inflate construction costs by 5 to 38 percent above what the project would have cost in the private sector. Lifting Davis-Bacon restrictions would reduce unnecessary federal spending and guarantee more construction for the dollar as communities try to rebuild in the wake of devastating disasters. Forcing disaster stricken communities to be saddled with Davis-Bacon will just raise their costs and make it harder to do the work that needs to be done.

The September 21, 1999, editorial in The Wall Street Journal, "Hurricane Davis-Bacon" summarized, "Clearly the priority after any natural disaster must be getting help to the people who need it. But as we help the victims of Floyd pump the water out of their basements and get their lives back on track, let's be careful not to contribute to the structural damage with . . . Davis-Bacon that only raise costs and make it that much harder to do the work that needs to be done."

We strongly urge you to waive Davis-Bacon and truly help communities that are trying to reconstruct their public infrastructure after a disaster.

Sincerely,

APAC, Inc.
APAC Alabama, Inc.
APAC Arkansas, Inc.
APAC Carolina, Inc.
APAC Florida, Inc.
APAC Georgia, Inc.
APAC Mississippi, Inc.
APAC Tennessee, Inc.
APAC Virginia, Inc.
American Concrete Pipe Association
American Legislative Exchange Council
American Society of Civil Engineers
American Trucking Associations
Americans for Responsible Privatization
Ashburn & Gray Construction
Associated Builders & Contractors
Associated General Contractors of the Carolinas
BE & K, Inc.
Barrus Construction Company
Brick Institute
Business Leadership Council
Cajun Contractors, Inc.
Capital City Asphalt Company
Citizens Against Government Waste
Citizens for a Sound Economy
Complete Building Services—A division of the Donahoe Co.
Construction Industry Manufacturers Association
Contract Services Association
Council of 100
Council of State Community Development Agencies
Finley Construction
Fluor Corporation
Free Enterprise Institute

Harmony Corporation
 Hays Mechanical Contractors
 Hodges Construction
 Independent Bakers Association
 Independent Electrical Contractors, Inc.
 Institute for Justice
 ITT
 Joule, Inc.
 KCI Constructors, Inc.
 Labor Policy Association
 Land Improvement Contractors of America
 Lauren Constructors, Inc.
 Louisiana Association of Business and Industry
 MacGougald Construction
 McClinton Anchor Construction
 M.W. Kellogg Company
 N.C. Monroe Construction Company
 National Aggregates Association
 National Association of Home Builders
 National Association of Manufacturers
 National Association of the Remodeling Industry
 National Center for Neighborhood Enterprise
 National Federation of Independent Business
 National Frame Builders Association
 National Industrial Sand Association
 National League of Cities
 National Ready Mixed Concrete Association
 National School Boards Association
 National Slag Association
 National Society of Professional Engineers
 National Stone Association
 National Tax Limitation Committee
 National Taxpayers Union
 Niagara County Business Association
 Printing Industries of America
 Public Service Research Council
 Reno Construction Company
 Repcon, Inc.
 Small Business Survival Committee
 Southern Roadbuilders
 Southern Roadbuilders Concrete Paving
 Texas Bitulithic Construction Company
 Thompson-Arther Construction
 Thompson & Thompson
 TIC/The Industrial Company
 Trotti & Thomson Construction Co.
 U.S. Business and Industrial Council
 U.S. Chamber of Commerce
 Wilkerson Maxwell Construction

Mr. SMITH of New Hampshire. Mr. President, I am going to reserve the remainder of my time. It is my understanding that each side has 15 minutes on this debate; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. SMITH of New Hampshire. How much do I have remaining?

The PRESIDING OFFICER. The Senator has 6½ minutes.

Mr. SMITH of New Hampshire. I will yield the floor at the moment.

The PRESIDING OFFICER. Who seeks recognition? The Senator from Massachusetts.

Mr. KENNEDY. How much time do we have, Mr. President?

The PRESIDING OFFICER. Fifteen minutes.

Mr. SPECTER. How much time does the Senator from Massachusetts want?

Mr. KENNEDY. I will take 6 minutes.

Mr. SPECTER. Fine.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as we get started with this debate on the question of Davis-Bacon, it is kind of interesting. Over the course of recent days, we see a series of actions that have been directed at working families.

The problem that most working families in our Nation face is that they have not participated in the great economic surge we have seen over recent times. Nonetheless, there is a continued effort to undermine their wages.

Let's start with the continuing denial by the majority to permit us a vote on the minimum wage. Then everyone in the country saw the actions of the Republican leadership recently, diverting the earned-income tax credit in order to be used for balancing the budget. We have had recent debates on the floor of the Senate about undermining the National Labor Relations Board, which tries to work out legitimate disputes on the basis of laws that have been in effect for years. There was also action taken on the floor of the Senate which cut back on the total number of OSHA inspections to protect workers in their workplaces in this country.

Beyond that, there have been the efforts to pass what is called comp time, which would have eliminated the 40-hour workweek and abolished overtime. All of that has been happening over the last 2 years.

I don't know why the other side has it in for, in this instance, construction workers. But the attacks seem to be fairly uniform, if we look over the facts of the record in terms of working families. That is true with regard to pensions as well. We will have another time to debate and discuss this. But those are the facts.

Rather than speculate on what is in an editorial or what is in a particular report, the best way to look at this is, first, the average wage of a construction worker in this country is \$28,000 a year. Maybe that is too much for some Members of this body, but that is the average in terms of a construction worker. Yet the Senator from New Hampshire, in this amendment, says, in some parts of this country that isn't necessary for a worker to be able to bring up a family. It seems to me that \$28,000, which is the average construction wage, is not an excessive wage in this country.

Secondly, if you read the Davis-Bacon Act you will see that the President already has discretion to suspend the Davis-Bacon Act if he believes there is a national emergency and its in the national interest. Presidents have in fact exercised this authority: President Bush waived the Davis-Bacon Act in 1992 after Hurricanes Andrew and Iniki. So the President has some flexibility if there are particular emergencies, but that is effectively being denied with the amendment of the Senator from New Hampshire.

Thirdly, if you look at various studies on Davis Bacon, including one by the University of Utah looking at 9 States that have repealed State Davis-Bacon laws, you see two very important facts: No. 1, there is a dramatic reduction in terms of training programs for construction workers; and, No. 2, the quality of the work by con-

struction workers deteriorates, so the cost of doing business, rather than going down, actually goes up. Isn't that interesting? Now, with the amendment, we are trying to effectively undermine the wages construction workers would receive in these circumstances.

And what do we find in the States that have actually repealed State Davis-Bacon? They may get a little bump in the first few months in terms of some bidding, but what happens is, with the dramatic reduction in training programs and dramatic reduction in skill, the costs of various contracts go up. We will have a chance to go through that.

That is the issue: Whether at this time we are going to say men and women who are earning \$28,000 a year are to see their wages cut. Many of them lost their homes, too; many of the workers who would be affected by this amendment live in areas where there has been devastation; many of these people have been wiped out completely and now, not only are they trying to get back on their feet, but as a result of this amendment, they will be denied at least the reasonable compensation which they had received at other times. Of course, this has implications in terms of the payment of taxes. This has important implications in terms of health care costs because in most of these contracts where you have Davis-Bacon, they have health care insurance.

You are going to find additional kinds of burdens on local communities. This hasn't been talked about. Workers will see insufficient payments into their pension funds, which is going to mean that retirement programs for these various workers are going to be compromised, all under the guise that somehow we are helping the areas where many of our fellow citizens have suffered and suffered extensively as a result of these extraordinary acts of nature.

I am all set to support whatever is necessary to help those families in any of these areas—and no one can watch what has happened to people in North Carolina and along those flood zones and not be moved—but let us do it right. Let us do it correctly, and let us not take it out on construction workers who, in many instances, have been devastated. Let us make sure they are going to get a reasonable day's pay for a reasonable day's work.

If I may have 30 more seconds, I want to include in the RECORD that after Hurricane Andrew, in 1992, the GAO tried to assess the savings from suspending Davis-Bacon, but the GAO report was unable to conclude there were any savings.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition? Who yields time?

Mr. SPECTER. How much time does the Senator from Minnesota want?

Mr. WELLSTONE. Five minutes.

Mr. SPECTER. We only have 15 minutes. How much time remains, Mr. President?

The PRESIDING OFFICER. Eight minutes 26 seconds remain.

Mr. WELLSTONE. I will use 3 minutes.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I find this amendment to be very troubling, and I hope colleagues will support our effort to table it. This amendment plays off hard-working people who are trying to make a decent wage against people in communities that are faced with disaster.

In 1999, so far, there have been 72 disaster declarations in 36 States, including Minnesota. The Smith amendment would suspend the Davis-Bacon application to all contracts in these areas for the entire year.

I think what people in Minnesota and in our country are saying to us is, when there is a disaster in our community and we need the help, please help us. I think what people in Minnesota and in the country are saying to us is that the prevailing wage is important, a living wage is important, a family wage is important, so please don't go cutting our wages.

There is absolutely no reason in the world to play off construction workers and the need to make a decent wage and support your family with whether or not we are going to be able to provide disaster relief to communities. This is a false choice. It is, in many ways, an outrageous choice. This amendment should be defeated.

The PRESIDING OFFICER. Who yields time?

Mr. SMITH of New Hampshire. Mr. President, I find some of the remarks of my colleagues very interesting. To say this is a partisan attack against working people is so outrageous and so untrue that it barely deserves a response. People who don't belong to unions also have families. They also need to feed those families. Let's understand what is happening, if we can tone down the rhetoric a little bit. Nonunion workers who want to stand side by side with the volunteers, who perhaps are putting sandbags up to stop the floodwaters from coming into somebody's home, are asking to work at a lesser wage than the union worker to help these people out. And they can't do it under the Davis-Bacon provision.

That is what we are talking about. There is no concern expressed on the other side about the nonunion worker's family; it is only the union worker's family. We have people who are volunteering for no money, no pay, to stand and help these victims of floods and other disasters, and then we have non-union people who are saying, look, maybe I am off from school, or maybe I am taking off a few days from my own job to help my friends, and I am willing to work for \$5, \$6, or \$7 an hour, something less than the prevailing

union wage. They can't do it. That is what we are talking about. This is the issue.

This is nothing more than a payback for the huge contributions that come in from the labor unions, pure and simple. That is all it is. There is no excuse for this. The provisions in the law are very clear. The President could easily waive Davis-Bacon under the law, if he wished, but he doesn't want to do that. That is what we are hearing from the other side—lack of concern for the working man, unless he is a union man. If he is a union man, we have to protect him. If he is a nonunion man, who cares, we don't care about his family.

Mr. President, I will submit for the RECORD a September 30 letter to President Clinton, interestingly, signed by 20 Members of Congress, including 7 from flood-damaged North Carolina. I ask unanimous consent that it be printed in the RECORD, along with an editorial from the Washington Times.

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

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 30, 1999.

Hon. WILLIAM JEFFERSON CLINTON,
*President of the United States of America,
The White House, Washington, DC.*

DEAR MR. PRESIDENT: We are writing to urge you to relax Davis-Bacon prevailing wage requirements to facilitate repairs in states hardest hit by Hurricane Floyd. As you know, Hurricane Floyd has dealt a devastating blow to residents along the eastern seaboard from Florida to North Carolina to New York. The Federal Emergency Management Agency (FEMA) has called this one the biggest multi-state disasters in U.S. history. Many states believe that clean-up costs from Hurricane Floyd will far exceed the cost of either Hurricane Fran or Hugo.

In North Carolina some 1,000 roads and 40 bridges remain closed, as are sixteen school systems. Thousands remain without electricity and an estimated 30,000 homes were damaged or destroyed by the storm and flooding with 1,600 beyond repair. Agricultural impacts are estimated at more than \$1 billion in North Carolina with more than 110,000 hogs and 1,000,000 chickens and turkeys killed by the storms. Water systems in nine counties are contaminated and many wastewater treatment plants are wholly or partly out of operation. FEMA estimates that nearly 7,100 homes are reported to be either destroyed or heavily damaged in South Carolina, Virginia, Pennsylvania, and other states. And while nearly a week has gone by since Floyd's arrival, it is anticipated that even more damage will be uncovered as the flood waters retreat.

As you may recall, President George Bush suspended to the Davis-Bacon Act in 1992 to help speed up and lower the cost of rebuilding the communities ravaged by Hurricanes Andrew and Iniki. President Bush took this action pursuant to Section 6 of the Act [40 U.S.C. 276a-5] which allows the President to suspend the Act in the event of a "national emergency."

The economic effects of this hurricane are significant. Many businesses have been damaged or destroyed. Thousands of individuals have either lost their livelihoods or can not make it to work because of impassable roads. It may be months or years before these communities are rebuilt and a record amount of federal assistance will be needed to do so.

Relaxing Davis-Bacon in these hard hit states will lower the cost of rebuilding these communities and will help create job opportunities for those in need of work. Davis-Bacon prevailing wage requirements increase the cost of construction—forcing taxpayers to pay more and receive less in return. Government estimates, economic studies, and those involved in the construction industry believe that the Davis-Bacon Act inflates the cost of a construction project by an estimated 5 to 38 percent. The Congressional Budget Office estimates that Davis-Bacon adds about \$9.6 billion (over 10 years) to the cost of all federal construction projects.

The historic floodwaters of Floyd has resulted in hundreds of millions of dollars in property damage and created a huge swath of human misery that will last for months. We urge you to suspend the application of Davis-Bacon for disaster relief in the areas affected by Hurricane Floyd.

Sincerely,

Bill Goodling, Bill Barrett, Vernon J. Ellers, Sue Myrick, Charles H. Taylor, ———, Matt Salmon, ———, Tillie K. Fowler, Pete Hoekstra, Cass Ballenger, Richard Burr, Walter B. Jones, Howard Coble, Joe Knollenberg, Ron Paul, Tom Tancredo, Bob Schaffer, Robin Hayes, Nathan Deal.

[From the Washington Times, October 1999]

FLOOD RELIEF FOR UNIONS

Bailing out after Hurricane Floyd was bad enough. What the Federal Emergency Management Agency called one of the biggest disasters in history destroyed or damaged more than 30,000 homes and closed some 1,000 roads, 40 bridges and 16 school systems in North Carolina alone. But now the victims of Hurricane Floyd must also deal with a man-made problem: North Carolina residents and those of other states may have to endure union attempts to gouge them out of their flood relief. The Davis-Bacon Act dictates that persons working on federally subsidized projects receive the so-called prevailing wage. In practice, of course, that means the prevailing union wage, which is invariably higher than whatever wage employer and employee might agree to without government interference. Big Labor's friends in Congress passed Davis-Bacon to price out of the market low-wage competition and thereby protect the union cartel on federal projects.

So effective has this union-only requirement been that by some government estimates Davis-Bacon arbitrarily boosts the price of construction projects as much as 38 percent. Since taxpayers rather than lawmakers must absorb the cost of this shake-down, Congress has seen little need for reform.

But applying Davis-Bacon to flood-relief work necessarily means shifting flood relief from persons in desperate need of help to paychecks for organized labor. Some lawmakers have now written to President Clinton asking him to relax Davis-Bacon for flood relief so hurricane victims, not unions, are its beneficiaries. "The economic benefits of this hurricane are significant," said lawmakers in their Sept. 30 letter. "Many businesses have been damaged or destroyed. Thousands of individuals have either lost their livelihoods or cannot make it to work because of impassable roads. It may be months or years before these communities are rebuilt and a record amount of federal assistance will be needed to do so. Relaxing Davis-Bacon in these hard-hit states will lower the cost of rebuilding these communities and will help create job opportunities for those in need of work." Among the signatories are North Carolina lawmakers Sue

Myrick, Charles Taylor, Cass Ballenger, Walter Jones, Howard Coble, Robin Hayes and Richard Burr.

There is a precedent for relaxing Davis-Bacon. President George Bush suspended the law in 1992 to speed relief work in communities rebuilding after hurricanes Andrew and Iniki. The statute provides that the president may suspend the law in the event of a national emergency.

On the off chance that Mr. Clinton may be more sensitive to the pleas of campaign supporters in organized labor than he is to those of persons in need of flood aid, Sen. Bob Smith has said he would offer an amendment to the Department of Labor appropriations bill forbidding the department from using federal funds to enforce Davis-Bacon in places the president has designated as natural disaster areas, including North Carolina and other hard-hit states. A vote could come as early as today. Says Mr. Smith, "The historic floodwaters of Floyd have resulted in hundreds of millions of dollars in property damage and created a huge swath of human misery that will last for months," says Mr. Smith. "The Davis-Bacon Act should be suspended to aid disaster relief.

It should not be a difficult vote, nor should it be a difficult decision for Mr. Clinton, to agree to protect flood victims from union gouging. With the national spotlight focused on the anguish of those in North Carolina and elsewhere, do the Clinton administration and its supporters want to argue that Big Labor's bottom line is the only line that matters? It's time to show some compassion. It's time to suspend Davis-Bacon.

Mr. SMITH of New Hampshire. Mr. President, I yield the floor.

Mr. SPECTER. Mr. President, I am opposed to the amendment offered by the distinguished Senator from New Hampshire.

The Davis-Bacon Act was passed in 1931, and it was enacted in order to see to it that the Federal projects would not pay lower than the prevailing wage rate in a given area. That is not necessarily a union rate, but may be a nonunion rate as well. The Federal Government has moved in this direction in order to assure the quality of the work that would be done. In order to have quality work done and to see to it that people in a local area receive the work, the Federal Government has established this standard.

Federal contracts are awarded on a low bid proposition, to who makes the lowest bid. If an out-of-area contractor were to come forward and make a lower bid, that would deprive people in the area of that employment and would not provide the kind of quality work that would be assured.

Robert Reischauer, head of the CBO, testified a few years ago that the payment of the prevailing wage rate is designed to help the Federal Government get the kind of quality necessary. This was the quote of the Director of the Congressional Budget Office, Robert Reischauer, when he testified before Congress on May 4, 1993.

Higher rates do not necessarily increase costs. If these differences in wages were offset by hiring more skilled and productive workers, no additional construction costs would be involved.

It is also important to note that Davis-Bacon creates a financial incen-

tive for contractors to fund and support apprenticeship training by allowing them to pay employees in registered apprenticeship programs less than the prevailing wage rate otherwise required.

When we have had votes on this matter—and I have looked for a contested vote—as recently as 1996, there was bipartisan support to uphold Davis-Bacon. There is also a concern that if this exception were to be enacted on disaster areas, there would be a problem in finding skilled workers to come into the disaster areas and do the work. Thirty-seven States are involved in disaster areas, including my State of Pennsylvania; and if the prevailing wage rate were to be disrupted for the purposes of their Federal contracts, it would not be possible to get the same skilled laborers from the immediate area to come in and perform the necessary services.

As I say, Davis-Bacon has been enacted since 1931. It has a very important purpose—for the Federal Government to get quality work, including the considerations advanced by others on paying a fair wage. It has been challenged from time to time, and while I respect the arguments made by Senator SMITH, it seems to me that this amendment ought to be rejected.

Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 3 minutes 10 seconds.

Mr. SPECTER. Mr. President, I thank the Senator.

The PRESIDING OFFICER. The Senator from New Hampshire has 3 minutes 21 seconds.

Mr. SPECTER. Mr. President, I yield 1 minute to Senator REID of Nevada.

Mr. REID. Mr. President, what this amendment would do is a number of things that are not good for working men and women. It would be an automatic suspension of the Davis-Bacon enforcement in areas where there have been disasters. It would mean hundreds of thousands of construction workers who typically go to these areas to work would lose the wage protections currently afforded them under the law. The President of the United States already has the authority to waive Davis-Bacon in the event of a national emergency.

So far this year disasters have been declared in 36 States, including Nevada.

This amendment is ill timed, ill advised, especially in light of the disasters that we had to deal with throughout the country.

Mr. SMITH of New Hampshire. Mr. President, it is interesting that in those 36 disasters that the Senator from Nevada spoke of, the President has not decided to waive Davis-Bacon.

The history on it is remarkable. We have had bipartisan votes on this floor on Davis-Bacon in the past in terms of some disasters. Presidents Roosevelt and Nixon also suspended Davis-Bacon to alleviate administrative confusion and delay, and to control inflation.

There is a long—as I mentioned earlier, President Bush—history of bipartisan waivers and relaxation of the Davis-Bacon provisions.

There is also an interesting editorial in the Detroit News. I ask unanimous consent to have it printed in the RECORD after my remarks.

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

(See Exhibit 1.)

Mr. SMITH of New Hampshire. Mr. President, I will read a brief excerpt from that editorial, called "End of Payoff." It says:

Here in Michigan, former deputy state treasurer and Hillsdale College economics professor Gary Wolfram has estimated that the prevailing wage law costs State taxpayers \$70 million to \$100 million more than they would necessarily have to pay each year for State and local public works projects.

I am having a hard time understanding how it helps working men and women to increase their taxes to pay to clean up disaster areas. If somebody could explain that to me, I might exchange my position.

For the life of me, I don't understand how it makes sense to charge the taxpayers more money to clean up in unfortunate situations where we have disasters. It makes no sense to me.

I conclude by saying that the Davis-Bacon Act is a Depression-era wage subsidy law. Its intent was demonstrated in the CONGRESSIONAL RECORD, which was to preserve northern construction jobs for white union men, and to prevent them from being taken by less expensive southern black labor.

That was the original intent of that law, and its impact on taxpayers wastes valuable Federal tax dollars. It is a discriminatory law that limits equal access to work opportunities.

Finally, no one should take unfair advantage of people who are the victims of disasters.

As I said to you earlier, volunteers give their time, and nonunion people would like to come and help. They are going to be denied the right. They are not going to be able to work for the taxpayers or the Federal Government at a wage less than the prevailing union wage. It is going to cost the taxpayers.

Those people who would like to help and who also have families to feed are going to be denied work. They are going to be told: Go home. You can't work because we have to pay a wage higher than for which you are willing to work.

That is un-American. In America, it is an agreement between the employer and the employee. If an employee wants to work for less, then the employee has the right to do it.

I urge support of my amendment and oppose the motion to table.

EXHIBIT 1

END THE PAYOFF

For close to 35 years, Michigan taxpayers have been paying more than they should for public works projects because of a political

payoff known as Public Act 166 of 1965, commonly called the "prevailing wage" law. State Rep. Wayne Kuipers has proposed an elegant solution to this problem. Rep. Kuipers has a bill that simply states that Public Act 166 of 1965 "is repealed."

Rep. Kuipers' bill, HB 4193, should be promptly enacted. The prevailing wage law requires that all state and local governments pay union wages on their public works projects, regardless of whether they can get the work done using less costly nonunion labor. It is an act of pure economic protectionism for one special interest.

In fact, it is a clone of the federal Davis-Bacon Act, adopted by Congress in the 1930s for the odious purpose of freezing lower-wage minority bidders out of federal public works contracts. The U.S. General Accounting Office has long advocated the repeal of the Davis-Bacon Act.

Here in Michigan, former deputy state treasurer and Hillsdale College economics professor Gary Wolfram has estimated that the prevailing wage law costs state taxpayers \$70 million to \$100 million more than they would necessarily have to pay each year for state and local public works projects.

The law was held in abeyance between 1994 and 1997. A federal judge in Midland threw out the prevailing wage act, but in 1997 a federal appellate court panel reinstated it. During the interregnum, several school districts sold construction bonds. When the law was upheld, they were left with shortages because their bonds did not account for the prevailing wage requirement.

The Legislature, instead of repealing the act, voted to make up the difference for the affected school districts at a cost of \$20 million over 10 years. As we noted at the time, this amounted to a \$20 million bribe to organized labor interests.

The Michigan Supreme Court, in a particularly benighted and anti-taxpayer ruling last year, extended the prevailing wage law to the construction of a student activity center, funded by student fees and other nonstate appropriations, at Western Michigan University. The court's majority acknowledged that it was overturning a trial judge and two rulings by the state Court of Appeals as well as a longstanding state Labor Department interpretation, to reach this ruling.

Unions contend that the premium pay supported by the prevailing wage is the result of their better-trained workers and the superior quality of their work. Rep. Kuipers, R-Holland, a former contractor has a different opinion: Let the unions prove their case by competing for public construction dollars without the artificial support of the prevailing wage act.

The bill is in the House Employment Relations Committee. Surely, this measure is one of the reasons for a Republican-controlled Legislature.

OUR VIEW

The prevailing wage act imposes unnecessary costs on taxpayers and should be repealed.

OPPOSING VIEW

The act guarantees high-quality workmanship on public works projects.

Mr. SPECTER. Mr. President, by way of a very brief reply, I think that Davis-Bacon is American. It has been American since 1931, almost as long as I have been in America; right about the same time. It has worked very well.

There is merit to what the Senator from New Hampshire has argued in some respects. But to say that it is not American, this has been the Federal law for a very long time.

How much time remains, Mr. President?

The PRESIDING OFFICER. Forty-five seconds.

Mr. SPECTER. I yield the remainder of time to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, prevailing wage means just that. That is in a given area. The fact is that the average, as I mentioned, construction worker who will be affected by this earns \$28,000 a year. That is what it comes down to.

I refer to that University of Utah study which showed that injuries went up and the cost of the buildings went up because there was a deterioration in productivity and the skills that were necessary for completion.

It doesn't make any sense to bring this up as an amendment on this particular bill.

Let's bring it back to committee. If the Senator has an argument to make, let's follow the regular legislative process. Let us table this amendment.

Mr. SPECTER. Mr. President, I move to table the amendment, and 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.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 1844. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative assistant called the roll.

Mr. REID. I announce that the Senator from Connecticut (Mr. DODD) is absent because of family illness.

The result was announced—yeas 59, nays 40, as follows:

[Rollcall Vote No. 320 Leg.]

YEAS—59

Abraham	Feinstein	Moynihan
Akaka	Fitzgerald	Murkowski
Baucus	Gorton	Murray
Bayh	Graham	Reed
Biden	Harkin	Reid
Bingaman	Hollings	Robb
Boxer	Inouye	Rockefeller
Breaux	Jeffords	Santorum
Bryan	Johnson	Sarbanes
Byrd	Kennedy	Schumer
Campbell	Kerrey	Shelby
Cleland	Kerry	Smith (OR)
Conrad	Kohl	Snowe
Daschle	Landrieu	Specter
DeWine	Lautenberg	Stevens
Domenici	Leahy	Torricelli
Dorgan	Levin	Voinovich
Durbin	Lieberman	Wellstone
Edwards	Lincoln	Wyden
Feingold	Mikulski	

NAYS—40

Allard	Crapo	Inhofe
Ashcroft	Enzi	Kyl
Bennett	Frist	Lott
Bond	Gramm	Lugar
Brownback	Grams	Mack
Bunning	Grassley	McCain
Burns	Gregg	McConnell
Chafee	Hagel	Nickles
Cochran	Hatch	Roberts
Collins	Helms	Roth
Coverdell	Hutchinson	
Craig	Hutchison	

Sessions
Smith (NH)

Thomas
Thompson

Thurmond
Warner

NOT VOTING—1

Dodd

Mr. KENNEDY. 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.

Mr. SPECTER. Mr. President, I believe we are near the conclusion of this bill. We are about to move to the Wellstone amendment. We are very close to completion of this bill. We are now going to move to the Wellstone amendment, and there are no further amendments on the Republican side.

Mr. REID. I say to the manager of the bill, on this side, we have the Wellstone amendment we need to complete and the manager of the bill has an amendment. I say to the manager, we also have Bingaman-Domenici which needs to be worked out or offered.

Mr. SPECTER. We are very close, Mr. President. I ask unanimous consent that there be 1 hour of debate equally divided in relation to the Wellstone amendment on mental health prior to a motion to table.

Mr. REID. Reserving the right to object. I ask the Senator be allowed to offer his amendment before we enter into the time agreement. We will do that as soon as he offers the amendment.

Mr. WELLSTONE. If I may offer the second-degree amendment—

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Pennsylvania has the floor.

Mr. SPECTER. Mr. President, I yield so the Senator may offer his amendment, and then I will repropound the unanimous consent request.

AMENDMENT NO. 1880

(Purpose: to increase funding for the mental health services block grant)

Mr. WELLSTONE. Mr. President, I call up my amendment No. 1880.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 1880.

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

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

The amendment is as follows:

On page 31, line 9, strike "\$2,750,700,000" and insert "\$2,799,516,000, of which \$70,000,000 shall be made available to carry out the mental health services block grant under subpart I of part B of title XIX of the Public Health Service Act, and".

AMENDMENT NO. 2271 TO AMENDMENT NO. 1880

(Purpose: To increase funding for the mental health services block grant)

Mr. WELLSTONE. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative assistant read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 2271 to amendment No. 1880.

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

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

The amendment is as follows:

Beginning on page 1 of the amendment, strike "\$70,000,000" and all that follows and insert the following: "\$358,816,000 shall be made available to carry out the mental health services block grant under subpart I of part B of title XIX of the Public Health Service Act (\$48,816,000 of which shall become available on October 1, 2000 and remain available through September 30, 2001), and".

Mr. SPECTER. Mr. President, I ask unanimous consent that there be 1 hour of debate equally divided in relation to the Wellstone amendment on mental health prior to a motion to table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SPECTER. Mr. President, for the information of all Senators, it is not anticipated that this side of the aisle will use very much time. So Senators should be prepared to vote perhaps even in advance of 5 o'clock.

Mr. WELLSTONE. I say to my colleague, I will be pleased to use his additional time if he wants me to.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I will shortly outline my amendment, which is a very important amendment dealing with community block grant mental health services. I want to start out, however, in a very personal way.

Mr. President, the Governor of Minnesota, Governor Ventura, in an interview with Playboy magazine said that he did not read books by Ernest Hemingway because the writer killed himself. And he went on to say:

I've seen too many people fight for their lives. I have no respect for anyone who would kill himself. If you're a feeble, weak-minded person to begin with, I don't have time for you.

At Harvard University yesterday Governor Ventura was asked about his remarks, that suicide was for the feeble, weak-minded. And he said:

I do upwards of 25 interviews a week . . . over 1,000 interviews a year. I'm human. You got good days; you got bad days.

He continued:

I don't have sympathy, is what my feelings are on suicide. . . . To me it's something that doesn't have to happen if people take a positive attitude on life like I do.

Today the Surgeon General, David Satcher, gave a very eloquent speech. Today is the ninth annual National Depression Screening Day. He pointed out that suicide is the ninth leading cause of mortality in the United States, responsible for 31,000 deaths.

Mr. President, 85 Americans die every day having taken their lives. Suicide is the fourth leading cause of death for children ages 10 to 14.

I want to respond to these remarks by Governor Ventura because I have devoted so much of my work as a Senator in the mental health area, with Senator DOMENICI, my colleague from New Mexico, who is a Republican, and Senator REID from Nevada.

First of all, let me acknowledge the work of Al and Mary Kluesner. The Kluesners are wonderful people. Al and Mary Kluesner started an organization 10 years ago called SA/VE. This is an organization made up of family members. Many of them are parents who have lost their children. Al and Mary Kluesner have lost two children to suicide.

The Governor of Minnesota and all Americans need to understand that suicide is directly linked to mental illness. The form of mental illness we are talking about is severe depression. When people struggle with severe depression, they lose hope.

I want the Governor of Minnesota to understand that this mental illness is not a moral failing. I want Governor Ventura to understand that all these families that have gone through so much pain need support. They do not need ridicule.

Today is the ninth annual National Depression Screening Day. This is when communities set up free confidential screening opportunities for people to talk privately with mental health professionals, receive educational material about the symptoms and treatment for depression and, when appropriate obtain referrals for care.

Clinical depression is one of the most common illnesses. It affects more than 19 million Americans a year. These educational programs are to be commended. But if we do not have the resources to fund proper treatment for mental health illnesses, then all of this research and all of this education and all of this information may be for nothing.

The clinical care that is needed may never reach those who need it the most.

Why? Because they cannot afford it.

Why? Because we do not have fairness—parity—in mental health coverage.

Why? Because we drastically underfund public programs for mental health care, such as the mental health block grant program.

Why? Because of problems with mental health services provided through the Medicaid programs, which represent 19 percent of nationwide mental health care.

Why? Because it seems we would rather incarcerate children with mental illness than to provide community treatment programs that are so desperately needed.

Why? Because we do not provide coverage for medication in so many health care programs.

Untreated mental illness so often leads to tragedy such as suicide. We know from today's congressional briefing on depression and the elderly an outstanding fact: The highest suicide rate—often the result of undiagnosed and untreated depression—is for white men over 85 years old—65.3 per 100,000 persons.

Suicide is the third leading cause of death among young people ages 15 to 24.

We need to increase funding for mental health services, not decrease it.

This amendment, which I will summarize in a moment—

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

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

Mr. REID. I have heard with—I do not know if the word is "horror" but certainly with disgust the statements made by the Governor of Minnesota. The Senator knows—because we have spoken—that 31,000 people each year kill themselves. The Senator knows that; isn't that true?

Mr. WELLSTONE. That is true.

Mr. REID. Isn't it true that during the time we are going to be debating this very important matter, there will be four people in our country during this hour's period of time who will kill themselves?

Mr. WELLSTONE. That is correct.

Mr. REID. And for the Governor of the State of Minnesota to say—I am sorry to report—that these people in effect deserve to die because they have problems, is not understandable. The Senator understands. We have held hearings in the Senate dealing with suicide. We have heard from academics, we have heard from people from the entertainment industry, we have heard from people from all walks of life because suicide does not discriminate among people; it does not affect only one age group; it does not affect one economic group more than others; it affects everyone.

It is true, is it not, I say to my friend, that the vast majority of suicides could be avoided if that person had some counseling and many times a little bit of medication? Isn't that true?

Mr. WELLSTONE. My colleague from Nevada is absolutely correct. That is why I had to respond to these comments by Governor Ventura from Minnesota. This is an illness. This is an illness that affects many Americans. This is an illness that has led to such pain for so many families.

I mentioned Al and Mary Kluesner from Minnesota who started an organization. Sheila and I have been to their gatherings, I say to my colleague, for the last 3 years. Hundreds of people come, including parents who have lost their children to suicide. They do not need ridicule. We need to understand this is not a moral failing. This is an illness. Suicide is the result of this illness. With treatment, we can prevent these deaths.

Mr. REID. I will make one last statement, if I could.

The illness that leads people to commit suicide, it is no different than someone that has tuberculosis, someone who has cancer; isn't that true?

Mr. WELLSTONE. Mr. President, I say to my colleague from Nevada, he is absolutely correct. The research over especially this last decade—which has focused on brain diseases—over and over and over again points out that these diseases are comparable to physical illnesses. They are diagnosable and they are treatable, but the big challenge for us is to overcome the stigma, to overcome the discrimination. That is why I am so outraged by these remarks by Governor Ventura.

Mr. REID. Mr. President, I very much appreciate, admire, and respect the Senator from Minnesota, who is on the floor now talking about these issues. We need to talk more about them.

We don't know why people kill themselves. We have some understanding, but we need to study this. Thank goodness the Centers for Disease Control is now studying suicide. The Federal Government, for the first time, has directed research to determine why 31,000 Americans, young and old, kill themselves every year.

Again, I appreciate very much the Senator from Minnesota having the courage to talk about an issue some people refuse to acknowledge.

Mr. WELLSTONE. I thank my colleague.

I point out to the Senator from Nevada, this is the fourth leading cause of death among children, ages 10 to 14, suicide, among white males. There are other populations as well. The rate of suicide among African American males, ages 15 to 19, has increased 105 percent between 1980 and 1996.

Senator SPECTER and Senator HARKIN have done a yeoman's job of getting more support for these mental health services. What I am trying to do is take this mental health performance partnership block grant program, which supports comprehensive community-based treatment for adults with serious mental illnesses and children with serious emotional disturbances, back to the level of funding the President requested. This is administered through the Substance Abuse and Mental Health Services Administration, SAMHSA.

I say to my colleague from Pennsylvania, if I could have 5 more minutes to summarize this, we want to go to a voice vote, and this amendment will be accepted. I will be honored.

Let me simply talk about the services that are so important. This is funding for communities for programs that include treatment, rehabilitation, case management, outreach for homeless individuals, children's mental health services, and community-based treatment services that have everything in the world to do with providing treatment to people and enabling peo-

ple to live lives with as much independence and dignity as possible.

Right now the mental health block grant is funded at \$310 million. That is a small amount compared to the tremendous need. This amendment would add \$50 million. With this amendment, we could provide support for some important community services that would make a tremendous amount of difference.

I went over some of the gaps earlier. My colleague from Pennsylvania, who is managing this bill on the Republican side, said there is an indication to accept this amendment. I will be very pleased. I know colleagues want to move this along.

I say to my Republican colleagues and Democratic colleagues, I appreciate the support for this. I know Senator SPECTER is committed to this. I know Senator HARKIN is as well. I would like to have this amendment approved. I would like to see the additional resources. This is an extremely important program. We have to do a lot better in this area. We can do it at the community level, but for those adults—and we are, in particular, talking about adults with serious mental illnesses and children with serious emotional disturbances—all too often, they wind up out on the streets or they wind up in prison or they wind up not receiving the care. So much of this illness is diagnosable. So much of it is treatable. There are so many ways we can help people.

I think accepting this amendment and making sure we can keep this level of funding as we go to the conference committee would be extremely important.

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

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. Mr. President, we have been reviewing this amendment for additional funding for the mental health block grant. It is obviously a good program, beyond any question. The key issue is how far we can stretch in this bill. I have talked to the Senator from Minnesota and told him that after consulting with some of my colleagues on this side of the aisle, we would be prepared to accept it on a voice vote.

The PRESIDING OFFICER. Is all time yielded back?

Mr. SPECTER. I yield back my time.

Mr. WELLSTONE. I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the second-degree amendment No. 2271.

The amendment (No. 2271) was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the first-degree amendment No. 1880.

The amendment (No. 1880) was agreed to.

Mr. WELLSTONE. Mr. President, 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.

The PRESIDING OFFICER. The Senator from Utah.

APPOINTING JUDICIAL NOMINEES

Mr. HATCH. Mr. President, the Constitution provides that the President "shall nominate, and by and with the Advice and Consent of the Senate, shall appoint * * * Judges of the Supreme Court, and all other Officers of the United States * * *". Thus, the President has the power to nominate persons to serve as federal judges and the Senate has the power to render advice and consent on these nominations. And the Constitution requires that the President's power to nominate be exercised "with" the Senate's power to advise and consent in order for a final appointment to be made. To the extent such cooperation occurs, the appointment process will be fair, orderly, and timely. To the extent such cooperation does not occur, the appointment process will break down.

When I assumed the Chair of the Judiciary Committee, I inherited a process rocked by public strife and private in-fighting. I was determined to lower the temperatures on both sides of the Committee and to preside over a process that did not allow personal attacks on a nominee's character. To accomplish this I turned to the Constitution itself and its requirement that the President and the Senate work "with" each other in the appointment process and the Constitution's limits on the power of federal judges.

And it has worked. When the President has consulted with the Committee and with home-state Senators, a nominee has moved through the process smoothly. Under my Chairmanship, the Committee has focused its review on each nominee's, integrity, temperament, competence, and respect for the rule of law. To date Republicans have confirmed 325 of President Clinton's nominees to the federal bench.

When there have been problems with a nominee, or a potential nominee, the President's consultation with the Committee has enabled us to address those problems privately. For example, a senator on the Committee recently asked me to examine a potential nominee, and when there were problems with that nominee, that Senator and I were able to deal with the problem privately and I expect another candidate will be forthcoming soon. Thus, the process has worked without damaging a candidate's reputation or his family.

When the President works with the Senate the process will adequately staff the federal Judiciary. Indeed, after last year's extraordinary number of confirmations, the vacancy rate in the federal Judiciary was reduced to a very low 5.9%. The Chief Justice in his most recent report on the state of the federal Judiciary congratulated the President and the Senate, stating "I am pleased to report on the progress