

and live in here community. No longer will she have to use all of her savings and half of her wages to pay for personal assistance and prescription drugs. No longer will she be left in poverty.

This bill is for Tammy in Indiana, who has cerebral palsy and uses a wheelchair and works part-time at Wal-Mart. No longer will she be forced to restrict her hours of work. Her goals of becoming a productive citizen will no longer be denied—because now she will have access to the health care she needs.

This bill is for Abby in Massachusetts, who is six years old and has mental retardation. Her parents are very concerned about her future. Already, she has been denied coverage by two health insurance firms because of the diagnosis is of mental retardation. Without Medicaid, her parents would be bankrupted by her current medical bills. Now when Abby enters the work force, she will not have to live in poverty or lose her Medicaid coverage. All that will change, and she will have a fair opportunity to work and prosper.

This bill is for many other citizens whose stories are told in this diary, called "A Day in the Life of a Person with a Disability."

Disabled people are not unable. Our goal in this legislation is to banish the stereotypes, to reform and improve existing disability programs, so that they genuinely encourage and support every disabled person's dream to work and live independently, and be a productive and contributing member of their community. That goal should be the birth-right of all Americans—and with this legislation, we are taking a giant step toward that goal.

A story from the debate on the Americans with Disabilities Act illustrates the point. A postmaster in a town was told that he must make his post office accessible. The building had 20 steep steps leading up to a revolving door at the only entrance. The postmaster questioned the need to make such costly repairs. He said, "I've been here for thirty-five years, and in all that time, I've yet to see a single customer come in here in a wheelchair." As the Americans with Disabilities Act has proved so well, if you build the ramp, they will come, and they will find their field of dreams. This bill builds new ramps, and vast numbers of the disabled will now come—to work.

The road to economic prosperity and the right to a decent wage must be more accessible to all Americans—no matter how many steps stand in the way. That is our goal in this legislation. It is the right thing to do, and it is the cost effective thing to do. And now we are finally doing it.

Eliminating these barriers to work will help disabled Americans to achieve self-sufficiency. We are a better and stronger and fairer country when we open the door of opportunity to all Americans, and enable them to be equal partners in the American dream.

For millions of Americans with disabilities, this bill is a declaration of independence that can make the American dream come true. Now, when we say "equal opportunity for all," it will be clear that we mean all.

No one in America should lose their medical coverage—which can mean the difference between life and death—if they go to work. No one in this country should have to choose between buying a decent meal and buying the medication they need.

Nearly a year ago, President Clinton signed an executive order to increase employment and health care coverage for people with disabilities. Today, with strong bipartisan support, Congress is demonstrating its commitment to our fellow disabled citizens. But our work is far from done.

This bill is only the first step in the major reform of the Social Security disability programs that will enable individuals with disabilities to have the rights and privileges that all other Americans enjoy; 54 million Americans with disabilities are waiting for our action. We will not stop today, we will not stop tomorrow, we will not ever stop until America works for all Americans.

Mr. President, in these final moments, I especially commend President Clinton, Vice President Gore, and Secretary Shalala. President Clinton made this one of his top priorities over this year and during these final negotiations. He understands the importance of this legislation, and this was a matter of central importance to him and his Presidency.

I also thank John Podesta and Chris Jennings who saw this through to the very end.

I commend the many Senate staff members whose skilled assistance contributed so much to the achievement: Jennifer Baxendale, Alec Vachon, and Frank Polk of Senator ROTH's staff; Kristin Testa, John Resnick, Edwin Park, and David Podoff of Senator MOYNIHAN's staff; Pat Morrissey, Lu Zeph, Chris Crowley, Jim Downing, and Mark Powden of Senator JEFFORDS' staff; Connie Garner—a special thanks to Connie Garner—Jim Manley, Jonathan Press, Jeffrey Teitz, and Michael Myers of my own staff; and the many other staff members of the Health Committee and the Finance Committee.

No longer will disabled Americans be left out and left behind. The Ticket to Work and the Work Incentives Improvement Act of 1999 is an act of courage, an act of community, and, above all, an act of hope for the future. I urge its passage, and I reserve the remainder of the time of the Senator from New York.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Delaware.

Mr. ROTH. Mr. President, I yield 10 minutes to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 10 minutes.

Mr. DOMENICI. Thank you very much, I say to Senator ROTH.

I might say, on the bill that we are speaking to, the Ticket to Work and Work Incentives Improvement Act, I do not know how many Senators have ever had a disabled person who is holding a job and getting a paycheck. Come and see them. A disabled person who is holding a job and just got a paycheck—and you get to visit with them—they are glowing. They are filled with pride that they are able to work. Actually, it is the best therapy in the world for a disabled person to have a job.

I happen to know that from personal experience in my own family. But I have seen it in scores of faces of people who come and tell me as disabled people that they are working and they are getting a paycheck.

The U.S. Government, probably because it did not understand what it was doing, decided that we would help disabled people who were not working with health insurance, either under Medicare or Medicaid. Then what a cruel hoax, as soon as they started working and making sufficient money, as low as \$700 a month, they started losing their health care coverage, and they began to wonder and their parents began to wonder, why did they ever take a job?

For some, they did not even make any net profit out of getting a job. Because if they are cut off from health care, some of them have to pay their entire paycheck to take care of their illness. That is just not right. Frankly, it was a hard issue in terms of drafting something that could work, and I compliment everybody that worked on this bill. I think it is a very important day today.

In fact, I am sorry it is getting passed along with a great deal of other legislation because the importance of it might very well get lost. Sometimes a long debate on a bill is meritorious, for the country finds out what we are doing. They are not necessarily going to find out about this bill because we did not use a lot of time today. But I asked the distinguished chairman if I could use a few moments and he gave it to me. Now, if the Senate would bear with me, I just want to take the remaining time I have, and how much is that?

The PRESIDING OFFICER. The Senator has 7 minutes remaining.

#### THE BUDGET

Mr. DOMENICI. I am going to take a few moments to thank a few people and summarize the budget bill that we are going to pass this evening, hopefully.

I want to thank the White House for their cooperation in coming to an agreement with reference to the appropriations bill and all of those things that are in the so-called omnibus package.

In particular, I want to thank the director of the Office of Management and Budget, Mr. Lew. The last evening

when we were about to depart and part company and say we will go our own ways, they asked me if I would meet with Mr. Lew, and if we could see if we could work something out. We are here today with a bipartisan bill because we did work something out.

I thought it was the very best thing we could do. Frankly, I am proud of it. I wish it could have been done sooner. I am hoping that next year we will get the appropriations bills done perhaps 6 to 7 or 8 weeks sooner than we did this year. But I want to start by quoting from the New York Times, not necessarily a newspaper that thinks what Republicans do is necessarily good, as I do, but they said in their editorial, on their editorial page, the following thing about this budget bill that we are going to have before us:

There are modest spending increases in some of the President's priority areas like education but over all the Republican approach of spending restraint has shaped this budget."

I am very proud of that. I think that is true because what we have done is we have kept the faith with those who want a balanced budget. This budget proposal ensures a balanced budget without using Social Security trust fund money.

I ask parenthetically for those who still doubt that because they do not have a Congressional Budget Office letter that says it, if the President of the United States would be asking Democrats to vote for this measure if he and his OMB Director thought it was using Social Security trust fund money? I think the answer is no. They know it does not. I know it does not. And I can promise the Senate, come February or March, when you reestimate everything, it will not be using the Social Security trust fund money.

I think that is the new discipline that has been imposed on our economy and our fiscal policy. It is a brand new event to say we are not going to spend Social Security money, and it is the best thing we can do for the American economy because, Senator MOYNIHAN, to the extent we do not spend it, we reduce the public debt. So for those who are wondering about the public debt, the public debt is reduced dollar for dollar when you leave Social Security surpluses alone year by year as they accumulate and do not spend them.

Now, let me tell you a dramatic statement about our current fiscal policy. Who would think a budget chairman could stand on the floor and say to the Senators who are listening, we will pay down the publicly-held debt by \$130 billion? Think of that—\$130 billion. If that does not mean that as soon as we saw surplus we did not run out and spend it, then I do not know what it means.

Frankly, I think my good friend, Senator GRAMM from Texas, is correct; in about 30 or 40 years, when they look back on this period in time, they are going to say: Incredible. With the kind of surpluses that existed, not a single

new entitlement program of major proportion was started, and not a single new American spending program was started because the accumulations went into the Social Security trust fund instead of being used to pay for more Government.

I am proud of that. I think it is the best medicine for growth and prosperity in the future.

It holds Government spending, as we calculate it overall, to about 3.3 percent this year over last year—that includes entitlements and appropriations—a very interesting number.

In the 1970's, it was 11 percent growth.

In the 1980's, it was 8 percent growth.

For those who in editorial comments across this land call this a bloated budget, let me suggest, the fiscal policy of the United States which has the Government growing less than the economy is growing is not bad fiscal policy. That is about where we are now under the culmination of this budget process for this year.

In the meantime, when we passed the budget resolution in April of this past year, we said we wanted to do some very important things.

First, we wanted to increase the flexibility in education programs. It does not matter how much the President or others claim that the President won the education battle. The truth of the matter is, Republicans put more money in education than the President asked for.

For the first time we have flexibility. Twenty percent of the money that was going to go to teachers directly, and targeted and for nothing else, can be flexibly used by school districts. And the philosophical battle of the future will be flexibility of education funds with accountability versus the targeting and direct aid in very numerous and numbers of targeted mandates that Government says one size fits all. You all use it this way, or you cannot use it at all.

We suggested in our budget resolution that we should put more money into research on the dread diseases that affect our people and mankind. We increased NIH \$2.3 billion, which is \$2 billion more than the President asked for, for dreaded diseases like cancer, Alzheimer's, and the whole list.

Mr. MOYNIHAN. Food allergies.

Mr. DOMENICI. Allergies—all kinds of things.

We believe the breakthroughs will come in the next the millennium from this kind of investment. We are proud of it. We increased national defense—if you take out emergencies—by \$13.5 billion, and increased the pay for the military at a very significant rate, which was long overdue and much needed.

In addition, also in this bill, we have taken care of the shortcomings in Medicare that came from the Balanced Budget Act. And \$16 billion goes into that in the next 5 years, including \$2.1 billion to replenish skilled nursing

home payments. Also, the therapy caps have changed. There are slower reductions in payments for teaching hospitals, and a long list of changes.

I ask unanimous consent that the list be printed in the RECORD.

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

#### MEDICARE AND MEDICAID PROVISIONS SUMMARY

[Nov. 18, 1999, CBO estimates, in billions of dollars]

	2000	2000–2004	2000–2009
Increase Skilled Nursing Facilities Payments .....	0.3	2.1	2.1
2 Year Moratorium on Therapy Caps .....	0.2	0.6	0.6
Slow Reductions for Teaching Hospitals .....	0.2	0.6	0.6
Hospital Outpatient Department Payments .....	0.3	5.3	11.1
Rural Hospital Provisions .....	0.0	0.8	1.7
Delay 15% Home Health Reduction .....	0.0	1.3	1.3
Medicare+Choice Payments .....	0.0	1.9	2.5
Miscellaneous Medicaid and S-CHIP .....	0.1	0.9	1.6
Other .....	0.1	2.5	5.5
Total .....	1.2	16.0	27.0

#### 1. Nursing homes

Increases payment rates for medically complex cases by 20% from April 2000 to September 2000.

Increases all payments by 4% in 2001 and 2002.

Allows use of higher of federal or current rate at each facility.

#### 2. Therapy caps

Provides a 2 year moratorium on further implementation of the \$1,500 therapy caps.

#### 3. Teaching hospitals

Freezes the indirect medical education (IME) add-on rate at 6.5% in 2000 (same as 1999).

Phases-in further reductions more slowly than the Balanced Budget Act schedule.

#### 4. Hospital outpatient departments

Clarifies that the outpatient department prospective payment system should not include an initial 5.7% cut.

Provides temporary protection to hospitals so that payment rates can fall no more than defined percentages from their 1996 levels.

#### 5. Rural hospitals

Provides a five year extension of the Medicare dependent hospital program, and several miscellaneous expansions to the critical access hospital program.

#### 6. Home health

Delays implementation of the 15% cut until October 1, 2001.

#### 7. Medicare+Choice

Phases-in risk adjustment slowly over the period 2000 to 2003 and increases the update by 0.2 percentage point in 2002.

#### 8. Medicaid Disproportionate Share Hospitals (DSH)

Permanently increases the allotment for New Mexico by \$4 million per year beginning in 2000.

Many people in the Senate deserve to be thanked for putting this entire appropriations package and budget together. To name a few, I thank the distinguished senior Senator from Alaska, Mr. TED STEVENS, who chairs the overall Appropriations Committee. What a job he had, and what a job he did. And Senator ROBERT BYRD, ranking member, what a difficult job he had. We are here with a bipartisan budget agreement this afternoon because he and other Democrats worked with Republicans to get it done.

Last but not least, I thank the majority leader, who tried very hard to

understand what we were doing, and worked with us. He now is a budget expert. That is good. From time to time, I am very glad we can take matters into his office and he understands it thoroughly.

With that, I yield the floor.

**TICKET TO WORK AND WORK INCENTIVES IMPROVEMENT ACT OF 1999—CONFERENCE REPORT—Continued**

**PRIVILEGE OF THE FLOOR**

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that Kyle Kinner, a presidential management intern with the Finance Committee minority staff, be granted the privilege of the floor during the consideration of this conference report.

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

Mr. MOYNIHAN. I have the great pleasure to yield 5 minutes to my friend from Illinois, Senator DURBIN.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 5 minutes.

Mr. DURBIN. I salute Senator ROTH, Senator MOYNIHAN, Senator KENNEDY, Senator JEFFORDS, Senator HARKIN, and others who worked so hard on this Work Incentives Improvement Act.

A close friend of my family had a son who was mentally ill. This young man wanted more than anything to go to work. He knew if he did so, he would lose the protection of health insurance. So he was held back from that opportunity. I don't believe he was better for that. I don't believe America was better for that.

This bill addresses that challenge and says that as the disabled go to work, they will still be able to use Medicaid and Medicare to protect themselves with health insurance even as they earn some income. That is only just. It opens up an opportunity that currently is not there. I am happy to be a supporter of this legislation. I look forward to voting for it when it comes to the floor.

There is some reservation in my mind about the bill that is before us, not because of the provision I just mentioned, nor because of the extension of certain tax credits and benefits, but, rather, because of the language in this bill relating to organ donation.

This is the challenge we face in America. If you are an American grievously ill, in need of an organ transplant, your chances of survival depend more than anything on your address and how much money you have. You could be the most seriously ill person in some State in this Union and be overlooked and bypassed in favor of another patient in another State who is not as seriously ill and might be able to wait. That needs to change. That is certainly not a fair or American way.

The rules we are trying to promulgate to make that change have been the source of great controversy on Capitol Hill. It is sad when it comes to a

point where Members of the House and Senate are deeply involved in a debate over the availability of organs for donation to those who need a transplant to live.

In my State of Illinois, over the last 3 years, 97 people have died waiting for organ transplants at the University of Chicago. I see my colleague from the State of Pennsylvania, Senator SANTORUM, where 187 people died waiting at the University of Pittsburgh. My colleagues, Senator MOYNIHAN and Senator SCHUMER, know that 99 people died waiting at Mount Sinai in New York. In the last week alone, two people have died at one of the Chicago transplant centers because an organ did not become available.

If you are an American who needs a liver transplant to survive and you live in the following States, you have much less chance of receiving the transplant: Arizona, California, Colorado, Connecticut, Illinois, Massachusetts, Maryland, Michigan, New York, or Pennsylvania.

This is not a fair system. It is a system which cries out for justice and one that cries out for the politicians to step aside. Let the medical community find the best and most efficient way organs can move to the people who need them to live, instead of getting caught up in some special interest tangle here or political dogfight. It is sad that we are now in a situation on this bill where we have not resolved this contentious issue. I sincerely hope all parties will come together, and soon, to make certain that changes are made to make the system fairer. We know, by the people we represent, that this is literally a life-or-death argument.

Kathryn Krivit lives in Chicago. She runs the wellness clinic at the Northwestern Memorial Hospital. She is desperately in need of a new liver. She has developed primary biliary cirrhosis, a very rare autoimmune disease that is incurable. She has been on the transplant list in Chicago for over 2 years, but currently, because of the delay, she has decided to sign up at the Mayo Clinic in Minnesota because it is much more likely she can receive a transplant in a shorter period of time. She has the knowledge and the resources to make that decision, but many of the poorer people in America waiting for an organ transplant do not have that luxury.

We should not reach the point in America where something as basic as the gift of life, an organ donation, depends on your home address. That is exactly what has occurred. An estimated 66,000 potential organ recipients are waiting their turn. Only 20,000 will see an organ transplant this year. Nearly, 5,000 Americans will die each year, at least 13 every day, while awaiting organ transplants. Of those, it is estimated that 300 to 1,000 Americans, maybe up to 3 a day, might be spared if this system were fairer and were revised. Unfortunately, that is not the case.

Though this is an excellent bill which I support, I believe it is a sad commentary that we have reached this state of affairs. I hope in the next session of Congress we can bring justice to organ donation.

I yield the floor.

Mr. ASHCROFT. Mr. President, today the United States Senate completes its business for calendar year 1999 by passing two important bills: H.R. 3194—the final spending bill, and H.R. 1180—the Work Incentives Act, which provides new opportunities for disabled individuals to enter the work force and includes \$18 billion dollars in tax cuts. I am pleased to announce my support for both these bills.

The Chairman of the Senate Budget Committee has eloquently explained how this budget agreement keeps faith with the Republican pledge that no Social Security trust fund monies be used to pay for other government programs.

Last year, for the first since 1960—during the Eisenhower Administration—we balanced the budget without counting the Social Security surplus. Mr. President, for the first time in 39 years the government did not divert money from the Social Security Trust Fund to pay for other programs.

As a result of the spending plan pursued by this Republican Congress, which called for protection of Social Security, increased spending on education and defense, and reduction of the national debt, we have begun to put our fiscal House in order.

When I was elected to this body in 1994, the incoming 104th Congress inherited a projected four-year budget deficit of \$906 billion. Now, through the hard work and discipline of this Congress, the tables have turned. That actual four-year period produced a net budget surplus of \$63 billion—a turnaround of \$969 billion, just a shade under a trillion dollars. With the passage of the final FY 2000 appropriations bill, we will continue on that path, reducing our national debt by \$140 billion dollars in the current fiscal year.

Unlike last year's omnibus appropriations package that increased spending by almost \$14 billion, this Congress successfully obtained offsets for all of the President's new spending, including an across-the-board cut that will help eliminate government waste and excess. In addition, despite President Clinton's best efforts, the offsets do not include a tax increase.

At the beginning of this year, I said that the Congress' primary responsibility was to protect the Social Security surplus. With the passage of this budget, we have accomplished that goal. In addition, not only have we avoided a tax hike, but we have also given the American people an \$18 billion tax cut through the provisions contained in H.R. 1180—the Work Incentives Act.

I am pleased that the final bill includes over \$2 billion in additional education spending over last year and gives local school districts more flexibility in how they spend that federal