

There must be a more sophisticated way to approach this problem that won't threaten legitimate pharmacies with unnecessary regulatory hassles. I believe Congress needs to take a stand on this issue to force FDA to reconsider their proposal.

Mr. COCHRAN. I thank the Senator for his thoughts, and pledge to work with him and others during deliberations of the conference committee on this bill to address this problem.

Mr. BOND. I thank the Senator.

AMENDMENT NO. 702

(Purpose: To amend the Public Health Services Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage)

Mr. DORGAN. Madam President, I am asked to send an amendment to the desk for Senator DASCHLE. I do so at this point and ask for its immediate consideration.

The PRESIDING OFFICER (Ms. COLLINS). The clerk will report.

The legislative assistant read as follows:

The Senator from North Dakota [Mr. DORGAN], for Mr. DASCHLE, proposes an amendment numbered 702.

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

The PRESIDING OFFICER. Is there objection?

Mr. COCHRAN. I object.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will read the amendment.

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

Mr. KENNEDY. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will read the amendment.

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

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

(The text of the amendment (No. 702) is printed in today's RECORD under "Amendments Submitted.")

AMENDMENT NO. 703 TO AMENDMENT NO. 702

(Purpose: To improve the access and choice of patients to quality, affordable health care)

Mr. LOTT. I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 703 to amendment No. 702.

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

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

(The text of the amendment (No. 703) is printed in today's RECORD under "Amendments Submitted.")

Mr. LOTT. Madam President, I find our Democratic colleagues have put the Senate in an unfortunate position by offering this bill at this time. The pending bill is the agriculture appropriations bill, certainly a very important appropriations bill. I think you could probably argue they all are. But even more so than usual, the agriculture appropriations bill this year is very significant because we are still dealing with an agriculture economy that has been shaken by prices and by the loss of some markets around the world. We need to move this bill forward.

American farmers are in dire need of many of the provisions in this bill that has been developed in a bipartisan way, with Chairman COCHRAN leading the way. These farmers rely on the legislation and appropriations every year. For some reason, the Democrats have decided to ignore the needs of the American farmer and instead turn this bill into the health care reform bill.

I have in the past, and as recently as last Friday, offered our colleagues on the other side of the aisle an opportunity to debate this issue in the form of a separate bill under a time agreement. However, they have always indicated a request for dozens and dozens of amendments. In fact, the latest discussion, sort of indirectly, but the latest number would call for a minimum of 40 amendments.

Now, I thought they had a bill that basically represented the position they wanted to take on the Patients' Bill of Rights, as developed by Senator KENNEDY and Senator DASCHLE. We have our approach, which is quite different, developed by Senator NICKLES, the Senator in the Chair, Ms. COLLINS, Senator FRIST, who certainly is one who could be very helpful in devising health-related legislation. So we have our two alternative bills, which I thought we could get a direct vote on and have some reasonable number of amendments and then go on to a final conclusion.

However, it seems to me that colleagues on the other side of the aisle are interested in having an issue rather than bringing this Patients' Bill of Rights issue to a conclusion.

I think clearly there are some things we need to do in this area. I assume there are some areas of agreement. There are some fundamental disagreements. For instance, I believe very strongly, in dealing with patients' rights and needs, where there is a dispute, there should be a process for resolving that dispute within a managed care organization or through an expedited outside procedure to get a result and not just look for more opportunities to file more lawsuits.

However, I will continue, as I did last year, to work with the Democratic leader to propound a time agreement which will allow for votes on these important issues, the two approaches, as well as a reasonable number of amendments.

In the meantime, I call for regular order with respect to the State Department authorization bill.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2000 AND 2001

The PRESIDING OFFICER. The clerk will report the State Department bill.

The legislative clerk read as follows:

A bill (S. 886) to authorize appropriations for the Department of State for fiscal years 2000 and 2001; to provide for enhanced security at United States diplomatic facilities; to provide for certain arms control, non-proliferation, and other national security measures; to provide for reform of the United Nations; and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Sarbanes amendment No. 689, to revise the deadlines with respect to the retention of records of disciplinary actions and the filing of grievances within the Foreign Service.

UNANIMOUS CONSENT AGREEMENT

Mr. LOTT. Madam President, I ask unanimous consent that following the modification of the pending Sarbanes amendment, the Senate proceed to a vote on the amendment at 5:30 this evening.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. Madam President, I believe we will be waiting for the managers of the State Department authorization bill to come back to the floor. We had a time agreement on the State Department authorization, and we had hoped to complete that bill last Friday, but for a variety of reasons we weren't able to do so. We did get a list of amendments. I believe we have some pretty tight time agreements on those amendments.

We need to move forward with getting to a conclusion early this week on final passage of the State Department authorization. That will be helpful in dealing with other issues pending before the Foreign Relations Committee, including possibly some nominations that have been pending there, because of the very serious nature and the need to get the State Department reauthorization done. So we will go back to that and the managers will be coming to the floor shortly, I am sure, and then we will have a vote, as agreed to, at 5:30 this afternoon on the pending Sarbanes amendment. With that, I am glad to yield to the Senator from Massachusetts.

Mr. KENNEDY. Madam President, it is my understanding, therefore, with the majority leader's action, we have effectively moved off discussion of the Patients' Bill of Rights, which we had before us for a very brief period of time this afternoon, and that is the result of the majority leader's action.

Mr. LOTT. That is correct, but it is temporary. We basically now are dealing with three different issues—the

State Department authorization, which began last Friday, the agriculture appropriations bill, and the managers of that appropriations bill were able to get, I believe, a couple hours of time on that, and now the Patients' Bill of Rights issue. We will go back to the State Department authorization and, hopefully, we can complete that, and then all of the interested Senators who would like to be heard in a reasonable period of time on the Patients' Bill of Rights, we will work that out for tomorrow. Senators NICKLES, COLLINS, FRIST, SANTORUM, and others will probably want to be heard on that, and I know a number of Senators on your side. We want to work with Senator KENNEDY and Senator DASCHLE to see how we set that up.

Mr. KENNEDY. Well, I thank the leader. He is giving the assurance that there is a possibility, hopefully, or an inevitability, that we will consider this legislation. There ought to be negotiations between the leaders. But would it be fair to say that it is the intention of the leadership at this time that we would have an opportunity to debate the Republican proposal and the Democratic proposal on the Patients' Bill of Rights?

Mr. LOTT. I intend to do that, but I have to say, within reason. That would be in the eye of the beholder. I know there are Senators on both sides of the aisle who want to speak about this issue and want to talk about the alternative proposals. We will line up a time to do that. I can't say right now, without talking to the managers of the two other bills and with Senator DASCHLE, exactly when that will be or how long it will be. We will work that out this afternoon or tomorrow morning.

Mr. KENNEDY. I thank the Senator for at least the assurance that some progress will be made. There is at least a very strong sense among many of those most concerned about this legislation that this is a priority for families in this country, and that we have dealt with other legislation, such as the juvenile justice bill. We worked that process through without limitations and restrictions, in a responsible way. It is certainly the intention of Senator DASCHLE, and others who are cosponsoring this legislation, to do it in a likewise manner. There is the determination that we will have an opportunity to do so, and we will do that. We want to be able to work that out. I know the leader does. I know that is the way it should be worked out. I am hopeful we will have an opportunity to address this in the Senate.

Mr. LOTT. Regarding the juvenile justice bill, you will recall I made a commitment we would bring that up and debate and amendments would not be shut off. But it was with some assurances that we would finish it by Thursday night of the week it came up—I think on Monday. As a matter of fact, it was the following week before we were able to finish it. That is why I think we need to get some clear under-

standing of exactly what time would be involved and when the votes would occur. I will make sure we get that clarified before we go forward.

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

Mr. LOTT. Yes.

Mr. DORGAN. I wanted to ask a question about the characterization that the Senator made with respect to the action that was taken to send the amendment to the desk. It is not an amendment of the agricultural interests here. I know the offering of the amendment—I sent the amendment at the request of Senator DASCHLE. I know that was not a surprise. Senator DASCHLE announced last Thursday it was going to happen if there was not some sort of understanding reached with the majority leader.

I wanted to say this. The underlying bill is very important, the agriculture appropriations bill. It does not, however, contain the emergency response to the farm crisis that we must add to it at some point here. I hope we will do it in a bipartisan way. But the interest that Senator DASCHLE has in trying to move forward with debate on the Patients' Bill of Rights doesn't in any way diminish the interest and importance of the agriculture appropriations bill.

Mr. LOTT. Madam President, if I may respond. Frankly, I was surprised that this Patients' Bill of Rights amendment was offered to this bill. All that had been indicated was that it would be offered this week if some agreement was not worked out.

First of all, I want to make it clear that I am willing and very anxious to make a reasonable agreement. No. 2, this is not the only bill that was going to be up this week. There would have been—or there will be other opportunities. That is what surprised me, the fact that the agriculture appropriations bill was the bill to which the Patients' Bill of Rights issue was added. That was a surprise because I thought there would be a real strong feeling that we should move forward on the agriculture appropriations bill without it being delayed or deferred or impacted by other issues. That does not diminish at all the importance of patients' rights, but I thought there would have been another bill or another way that it could have been offered. So I, frankly, was surprised—I am not saying it was sort of a surprise attack; I don't mean that at all. I am just surprised the decision was made to offer it to the agriculture appropriations bill when we could have offered it or it could have been offered by others on other bills this week.

Mr. DORGAN. One additional question. I will not belabor the point, except I was with Senator DASCHLE, along with my colleagues, last Thursday. He made it clear to everybody here in the Capitol what his intention was for this week. There would not have been a need to submit this amendment today on any bill had there been an agreement last week.

But let me also say when we get to the agriculture appropriations bill, at some point there is going to be lengthy debate about the emergency response that we need to do with respect to this farm crisis.

Let me finally make this point. We will, I assume, at some point have a full debate on the Patients' Bill of Rights. It will be a debate with amendments offered by both sides—not amendments cleared by anyone, not amendments in which someone is being a gatekeeper and which people have an opportunity to say here is how we feel about this issue. That is going to happen sooner or later.

Mr. LOTT. Madam President, if I could reclaim my time, I am glad to try to enter an agreement as to how this issue would be handled. We are ready to go. But the comment about gatekeeper—we have a lot of important work to do here. Agriculture, obviously, is a very important issue, and State Department authorization is very important, and intelligence authorization is very important. We have appropriations bills we need to move through. We have a limited amount of time in which to do that. We have this week and next week before the Fourth of July recess. Therefore, there must be some reasonable understanding, some reasonable agreement about how much time or what amendments will be offered. We do that all the time. Every Senator knows we enter into agreements to limit amendments or limit time. If we can get that worked out, then we will go forward. The alternative is that we can have debate on this tomorrow, and we can have a couple of votes and sort of see where we are and then decide how to proceed after that.

But I believe we have broad support outside of this Chamber and in the Senate for the alternative that we have. Great work has been done by Dr. FRIST and Senator COLLINS and Senator JEFFORDS, a broad group within our conference working with Senators from all regions of the country who understand this problem. We are ready to do it. As soon as you can decide you are ready to have a vote on the merits of the two packages pending, with a reasonable number of amendments, we will do that.

We are going to have to get some order as to how that is done, and we will do that or we will just vote on the packages as they are and let that happen. I think we can keep wrangling back and forth. I invite others to join in the opportunity to discuss exactly the substance of the two bills and also how we will handle them.

I see the chairman is here, and Senator SPECTER from Pennsylvania is here, and others. I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

STEEL IMPORT LIMITATIONS

Mr. SPECTER. Madam President, I have sought recognition to speak relatively briefly on the steel import limitation bill; a cloture vote on the motion to proceed is scheduled tomorrow at 12:15. I will be engaged in committee hearings at that time, so I have sought a few minutes this afternoon to express my support to impose cloture on the steel import limitation bill.

Similar legislation passed the House of Representatives by a vote of 289-141. While this is a strong measure, a so-called quota bill, I believe it reflects the necessity that strong action be taken to enforce U.S. trade laws to stop an avalanche of dumping by foreign countries.

We have seen the disintegration of the American steel industry, the decimation of the American steel industry by unfair foreign imports. Twenty years ago, in 1979, approximately 453,000 steelworkers were employed. Today that figure is about 160,000. Some \$50 billion has been invested by the American steel industry to modernize, but there is no way that the American steel industry can compete with dumped goods. When I say "dumped goods" I mean goods which come into the United States from a number of countries—from Russia, from Brazil, from Ukraine, from South Africa, from China—where they are sold for less than they are sold for in the exporting country; that is, sold for less than the United States and sold for less than Russia, which is sending them to the United States, and sold for less than the cost of production.

The situation requires a change. I will quote extensively from a letter sent by 12 executives from American steel companies to the Secretary of Commerce, responding to a comment by the Secretary of Commerce last week that the steel crisis is over—so said Secretary Daley. This letter, dated June 18, 1999, from the executives of 12 American steel companies, says, in pertinent part, the following:

The steel crisis is still very much with us. Imports volumes are down from the disastrous levels of 1998 but are still very high by historic standards. The surge of imports in 1998 caused inventories to balloon to extremely high levels. These inventories have seriously depressed prices up until the present and will continue to do so until these stocks have been worked down. Moreover, cold-rolled imports are up dramatically

through April of this year, 24% above the level of the first four months of last year. Imports of cut-to-length plate are up dramatically—25% year-to-year for this period.

Prices remain extremely depressed. The producer price index for all steel mill products is down 9% (1999:Q2/1998:Q2). This is the largest decline in nearly 20 years. Prices for hot-rolled sheet, cold-rolled sheet and plate are down 11% and 15% respectively.

Operating rates have plunged from 93% to 80% between January and December 1998 and have remained at that depressed level through the first half of 1999. The decline in operating rates equates to about \$2 billion in lost revenue in the second half of last year. On an annualized basis, a 10% change in operating rate equals about \$5 billion in revenue.

The depressed prices and operating rates caused most American steel companies to post losses in the most recent quarter. Several steel companies have been forced into bankruptcy. Thousands of those who were laid off due to unfairly traded imports are still out of work. Many thousands have seen their workweeks shortened and are still not back to full time.

For our industry, therefore, this crisis is very real.

The steel industry started some seven actions for antidumping, and six of those were subjected to suspension agreements by the Department of Commerce, to the detriment of the steel companies.

I ask unanimous consent this chart on steel imports and suspension agreements be printed at the conclusion of my statement.

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

(See Exhibit 1.)

Mr. SPECTER. The result of steel import limitations, so-called quotas, is a drastic remedy. We have seen not only steel but other industries in the United States victimized by the failure to enforce U.S. trade laws.

For the past 15 years, this Senator has proposed legislation which would authorize equitable relief to provide for enforcement of the U.S. trade laws. At the present time, if complaints are filed with the International Trade Commission, it takes up to a year or longer to have those matters resolved. An equitable action, a court of equity, would result in having these matters resolved in the course of a few weeks. Until that is done, it seems to me we need to take some very decisive action.

That is why I have cosponsored the steel import limitation bill. I urge cloture on the motion to proceed be in-

voked when this matter comes up for a vote tomorrow at 12:15.

Mr. DORGAN. Will the Senator yield?

Mr. SPECTER. I yield.

Mr. DORGAN. I intend to support the legislation the Senator just described. The Senator from Pennsylvania described a condition with the steel industry that relates to, among other things, the lack of enforcement of trade laws.

In North Dakota, we don't produce steel. We don't have a foundry that produces a substantial amount of steel. We don't have steelworkers. However, we have farmers in almost exactly the same set of circumstances. At least part of that reason is because of bad trade agreements, or trade agreements that have not been enforced.

A number of Senators, I am sure, will support the initiative tomorrow. I think tomorrow is actually a vote on the motion to proceed. I believe it is important to stand up for our economic interests.

It is not about protectionism; it is about standing up for our country's economic interests and making sure we enforce trade laws. If someone is dumping in our country—whether it is steel or wheat—we ought to expect, as a steel industry or as family farmers, that our Federal Government will take action to enforce our trade laws.

I agree with the statement of the Senator from Pennsylvania. I think a number of Senators, tomorrow, will be in agreement on that basic premise.

I thank the Senator for yielding.

Mr. SPECTER. If I may respond briefly, I thank my colleague from North Dakota for that statement.

I had presented legislation on equitable relief before the Finance Committee. The Senate's colleague, Senator CONRAD, is a member, and he made the same statement about the similarity in wheat.

At lunch today, CONRAD BURNS was talking about similar problems in Montana. I will send a copy of the equitable legislation which I think would cover many products. We will have an overwhelming response in this body so that our trade laws are enforced, consistent with GATT, but put teeth in an enforcement mechanism which is not present today.

I yield the floor.

EXHIBIT 1.—STEEL IMPORTS AND SUSPENSION AGREEMENTS—SUMMARY OF FLAT-ROLLED SUSPENSION AGREEMENTS

Year of filing and product	Country	Final adjusted margins (percent)	By metric tons—		Dollar amount per metric tons—		
			Suspension agreement volumes	Estimated volumes w/ orders	Agreement minimum price	Estimated fair price	Current import value
1996—Plate CTL	China	17 to 129	141,000	0	\$308	\$505	\$397
1996—Plate CTL	Russia	54 to 185	94,000	6,466	\$275 to \$330	505	352
1996—Plate CTL	S. Africa	26 to 51	NA	3,150	NA	505	331
1996—Plate CTL	Ukraine	81 to 238	148,520	32,151	\$314 to \$466	505	516
1998—Hot-Rolled	Russia	71 to 218	750,000	28,933	\$255	397	236
1998—Hot-Rolled	Brazil	51 to 71	295,000	310	NA	397	227