Civil Division to carry out this task. While I regret that the committee was unable to provide the new funds, it is my understanding that if the Justice Department deems this activity to be a high priority, base funding, including funds from the Fees and Expenses of Witnesses account, can be used for this purpose.

I ask the chairman and ranking member of the subcommittee if my understanding of the bill and the report language is correct?

Mr. GREGG. I agree with the Senator from Iowa. While the committee was unable to provide new funding as the administration requested, nothing in the bill or the report language prohibits the Department from using generally appropriated funds, including funds from the Fees and Expenses of Witnesses Account, to pursue this litigation if the Department concludes such litigation has merit under existing law.

Mr. HOLLINGS. I also agree with Senator HARKIN.

Mr. GRAHAM: I would like to address the chairman of the subcommittee. Does the chairman also agree to strike the language or page 15 and or page 25 of Senate Report 106–76 relating to funding for tobacco litigation.

Mr. GREGG. That is correct.

Mr. President, I yield to my colleague and cosponsor of the amendment, the Senator from Illinois.

Mr. DURBIN. Mr. President, I thank the Senator from Florida, and also Senator GREGG, Senator HOLLINGS, Senator HARKIN, and others who have been party to the establishment of this colloquy. I think the RECORD is eminently clear that the Department of Justice has the authority to move forward on tobacco litigation without any limitation whatsoever from this legislation.

I am glad we achieved that and did it in a bipartisan fashion. I thank Senator GRAHAM for his leadership. I was happy to join him on the amendment and to be part of this colloquy.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. KERRY. Mr. President, I ask unanimous consent that I be permitted to proceed as in morning business.

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

Mr. GREGG. Will the Senator yield? Is there a time limit?

Mr. KERRY. Ten minutes.

Mr. GREGG. I thank the Senator.

Mr. KERRY. I thank the Chair.

(The remarks of Mr. KERRY pertaining to the introduction of S. 1420 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. KERRY. Mr. President, I suggest the absence of a quorum. I withhold that request.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS CONSENT REQUEST—H.R. 1501

Mr. LOTT. Mr. President, I have a unanimous consent request with regard to the appointment of conferees on the juvenile justice bill.

I ask unanimous consent that the Senate proceed to the consideration of H.R. 1501, the House juvenile justice bill, and all after the enacting clause be stricken, the text of S. 254, as passed by the Senate, except for the Feinstein amendment No. 343, as modified, be inserted in lieu thereof, the bill be advanced to third reading and passage occur, without any intervening action or debate.

I further ask unanimous consent that the Senate insist on its amendment, request a conference with the House, the conferees be instructed to include the above described amendment No. 343 in the conference report, and the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. SMITH of New Hampshire. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, I regret the objection. I understand, though, the Senator's feeling on this. As a result of the objection, I have no other alternative than to move to proceed to H.R. 1501 and file a cloture motion on that motion to proceed. Having said that, this will be the first of many steps necessary to send this important juvenile justice bill to conference.

JUVENILE JUSTICE REFORM ACT OF 1999—MOTION TO PROCEED

Mr. LOTT. With that, I move to proceed to H.R. 1501 and send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 165, H.R. 1501, the juvenile justice bill.

Trent Lott, Frank Murkowski, Chuck Hagel, Bill Frist, Jeff Sessions, Thad Cochran, Rick Santorum, Ben Nighthorse Campbell, Orrin Hatch, John Ashcroft, Robert F. Bennett, Pat Roberts, Jim Jeffords, Arlen Specter, Judd Gregg, and Christopher Bond.

CALL OF THE ROLL

Mr. LOTT. Mr. President, I remind Members that the vote will occur then on Monday, and I now ask unanimous consent that the mandatory quorum under rule XXII be waived and the vote occur at 5 p.m. on Monday.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. I now withdraw the motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

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

The PRESIDING OFFICER. The clerk will call the roll.

Mr. LOTT. Mr. President, I withhold on that. I see there are Senators ready to speak.

Ms. COLLINS addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY AND RELATED AGENCIES APPROPRIATIONS ACT, 2000—Continued

AMENDMENT NO. 1296

(Purpose: Relating to telephone area codes)

Ms. COLLINS. Mr. President, I ask unanimous consent that the pending amendment be set aside, and I send to the desk a sense-of-the-Senate amendment on behalf of myself and Senators GREGG, HOLLINGS, TORRICELLI, FEINGOLD, SMITH of New Hampshire, and LIEBERMAN.

The PRESIDING OFFICER. Is there objection?

Without objection, the pending amendment is set aside, and the clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS], for herself, Mr. GREGG, Mr. HOLLINGS, Mr. TORRICELLI, Mr. FEINGOLD, Mr. SMITH of New Hampshire, and Mr. LIEBERMAN proposes an amendment numbered 1296.

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

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

The amendment is as follows:

On page 111, between lines 7 and 8, insert the following:

SEC. 620 (a) FINDINGS.—The Senate makes the following findings:

(1) When telephone area codes were first introduced in 1947, 86 area codes covered all of North America. There are now more than 215 area codes, and an additional 70 area codes may be required in the next 2 years.

(2) The current system for allocating numbers to telecommunications carriers is woefully inefficient, leading to the exhaustion of a telephone area code long before all the telephone numbers covered by the area code are actually in use.

(3) The proliferation of new telephone area codes causes economic dislocation for businesses and unnecessary cost, confusion, and inconvenience for households.

(4) Principles and approaches exist that would increase the efficiency with which telecommunications carriers use telephone numbering resources.

(5) The May 27, 1999, rulemaking proceeding of the Federal Communications Commission

relating to numbering resource optimization seeks to address the growing problem of the exhaustion of telephone area codes.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the Federal Communications Commission shall release its report and order on numbering resource optimization not later than December 31, 1999;

(2) such report and order should minimize any disruptions and costs to consumers and businesses associated with the implementation of such report and order; and

(3) such report and order should apply not only to large metropolitan areas but to all areas of the United States that are facing the problem of exhaustion of telephone numbers.

Ms. COLLINS. Mr. President, I am pleased to offer a sense-of-the-Senate amendment to address a growing problem in this country, and that is the needless proliferation of area codes.

As many of my colleagues have witnessed in their own States, new area codes are being imposed upon consumers and businesses at a dizzying pace. While the modern technology of faxes, cell phones, pagers, and computer modems has played a role in creating this problem, area code exhaustion stems largely from the woefully inefficient system for allocating numbers to local telephone companies. This leads to the exhaustion of an area code long before all of the telephone numbers covered by that code actually have been used.

My own home State of Maine dramatically illustrates this problem. We have a population in Maine of approximately 1.2 million people. Within our ''207'' area code, there are roughly 8 million usable numbers and some 5.7 million of these numbers are still unused. Incredibly enough, however, Maine has been notified that it will be forced to add a new area code by the year 2001.

This paradigm of inefficiency in the midst of America's telecommunications revolution might almost be amusing were it not for the fact that it causes real hardships for many small businesses, particularly small businesses in the tourism industry. Businesspeople throughout my State, particularly in the coastal communities, have contacted me to express their concern. I have heard from a gallery owner in Rockport, an innkeeper in Bar Harbor, and a schooner captain in Rockland, who have expressed to me their concern about the costs involved in updating brochures, business cards, and other promotional literature, all of which will be necessitated by the creation of a new area code—the needless creation of a new area code. As one innkeeper told me, it takes as long as 2 years to revise certain guidebooks, which are the principal means by which he communicates with potential customers.

Changing the area code could lead to a significant loss in business for many small tourism businesses as well as unneeded expense for these small companies. Moreover, along with the economic costs, a new area code creates tremendous disruption and confusion for consumers.

The Federal Communications Commission has initiated a rulemaking procedure to address this growing problem. But since time is of the essence in ensuring that Maine and many other States not be forced to add another unnecessary area code, my amendment requires that the FCC release its final report and order no later than March 31 of next year.

It also specifies that the order shall minimize costs and disruptions to consumers and businesses located in all areas of the country, not just in major cities. The FCC right now appears to be focusing mainly on the larger markets and ignoring the implications for rural areas.

It is my understanding that this amendment is acceptable to the distinguished chairman of the subcommittee as well as the distinguished ranking minority member. I thank them very much for their cooperation and assistance in drafting this amendment, as well as for their cosponsorship of it.

Mr. HOLLINGS. Mr. President, I thank the distinguished Senator from Maine. It is very important. We agree with it. We appreciate her leadership on this.

Mr. GREGG. I also commend the Senator from Maine. This is a serious problem, not only in Maine but across the border in New Hampshire where we have the same concern about area codes. So I congratulate her on this sense-of-the-Senate amendment and strongly support it. I believe we can accept it.

I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 1296) was agreed to.

Ms. COLLINS. I thank both Senators for their cooperation and assistance in this matter.

Mr. TORRICELLI. Mr. President, I rise today with my colleague from Maine, Senator COLLINS, to introduce an amendment regarding the issue of area code conservation. The rapid proliferation of area codes is a problem facing the citizens of New Jersey, as well as the rest of the nation.

The extraordinary growth of the telecommunications industry in recent years has created a unique new problem. In just the last four years, the number of area codes in the United States has increased almost 60 percent. Continued growth will require that even the newest area codes be split and replaced again in the near future.

This problem has been particularly acute in New Jersey. Prior to 1991, the state went almost thirty years without a new area code. But in the last eight years, four new area codes have been added in the state and more are on the way.

While this is not the most pressing problem this country faces; it is a serious one. The costs and inconvenience of introducing new area codes are real. Small businesses must pay to reprint stationery, advertising, and signs, and to inform customers of new numbers. Communities throughout New Jersey, such as Willingboro, Medford, and Monroe, have faced the possibility of being split between two area codes, requiring many residents to dial an area code just to call a neighbor across the street. These costs get even higher when new area codes are introduced repeatedly in the same area after only a few years, forcing residents and businesses to make the same adjustments all over again.

Many people blame the demand for new phone numbers as the sole cause of so many new area codes. But there is another cause. Each area code has 7.9 million potential phone numbers. Today, less than half of the potential phone numbers in existing area codes are being used, leaving a total of 1.3 billion unused phone numbers in the United States. The real problem is that new area codes are being created before old ones are exhausted.

The inefficient use of available phone numbers is a product of the outdated system by which numbers are distributed within each area code. Phone numbers are allotted to telecommunications companies in blocks of 10,000, regardless of whether those companies have the capacity to use every number. Undoubtedly, this system made sense when there was only one telephone company because it would, eventually, use every number available.

But, as we all know, the new era of telecommunications competition has introduced dozens of smaller companies. Today, there are over 100 such companies in New Jersey alone. Under the current allocation system, these companies still receive phone numbers in blocks of 10,000. Even if a company does not use its full allocation, unused numbers remain dormant while new area codes are being created.

This unnecessary nuisance can be alleviated relatively easily. All it requires is a little planning and foresight. Given the enormous demand for new phone numbers and the growth of smaller phone companies, we should overhaul the system for allocating phone numbers. The Federal Communication Commission is currently reviewing ways to do just that. But, while their efforts are encouraging, the process may not work fast enough to prevent the next round of needless new area codes in New Jersey.

The Amendment I have introduced with Senator COLLINS expresses the sense of the Senate that the Federal Communications Commission should complete its ongoing rulemaking regarding number resource optimization by March 31, 2000. This action will help ensure that the FCC rapidly implements practical number conservation measures.

New area codes are inevitable as the population and electronic communications continue to grow. But there are

reasonable, practical ways to soften the impact of these changes. Ensuring that new area codes are implemented only when current ones have been exhausted will save time, energy, and money for countless residents and businesses, in New Jersey and around the country.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent to set aside the pending amendment to offer two amendments that will be accepted.

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

AMENDMENT NO. 1297

Mrs. HUTCHISON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for herself, Mr. KYL, and Mr. ABRAHAM, proposes an amendment numbered 1297.

Mrs. HUTCHISON. 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:

On page 19, line 23, after the colon, insert the following: ''*Provided further,* That any Border Patrol agent classified in a GS–1896 position who completes a 1-year period of service at a GS–9 grade and whose current rating of record is fully successful or higher shall be classified at a GS–11 grade and receive pay at the minimum rate of basic pay for a GS–11 position.''

Mrs. HUTCHISON. Mr. President, this is an amendment which would mandate to the Immigration and Naturalization Service that Border Patrol agents who are in the field, who have experience, not be capped at a GS–9 pay level, as they currently are but go to a GS–11 level after they pass the test that the INS, of course, would have in their rating system.

I appreciate very much Senator GREGG's and Senator HOLLINGS' support for the efforts to increase the number of Border Patrol agents. But the problem is that recruitment has not been successful. One of the reasons the recruitment has not been successful is that we have capped the pay of Border Patrol agents at a lower level than Customs agents who are working side by side with our Border Patrol agents on the border. So it is no wonder people are going to Customs and DEA and other very good Government agencies and not coming to the Border Patrol.

This amendment will require that we go to the GS–11 level so that we can recruit and retain our best people for the Border Patrol and we can get on about the business of making sure the borders of our country are secure.

So, Mr. President, I urge that this amendment be accepted. Both sides of the aisle have looked at it. I ask unanimous consent that the amendment be agreed to.

Mr. HOLLINGS. Mr. President, it is acceptable on both sides, and we urge its adoption.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 1297) was agreed to.

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

Mrs. HUTCHISON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. HUTCHISON. I thank the Chair, and I thank the distinguished Senator from South Carolina. This will do more than anything we can possibly do to increase the retention and the recruitment of Border Patrol agents.

AMENDMENT NO. 1300

Mrs. HUTCHISON. Mr. President, I send an amendment to the desk on behalf of myself, Senator KYL, Senator ABRAHAM, Senator HATCH, and Senator LEAHY and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. BENNETT). The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for herself, Mr. KYL, Mr. ABRAHAM, Mr. HATCH, and Mr. LEAHY, proposes an amendment numbered 1300.

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

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

The amendment is as follows:

On page 19, line 23, after the colon, insert the following: ''Provided further, That the Commissioner shall within 90 days develop a plan for coordinating and linking all relevant Immigration and Naturalization on Service databases with those of the Justice Department and other federal law enforcement agencies, to determine criminal history, fingerprint identification and record of prior deportation and, upon the approval of the Committees on the Judiciary and the Commerce-Justice-State Appropriations Subcommittees, shall implement the plan within FY 2000:''

Mrs. HUTCHISON. Mr. President, this is an amendment that is meant to close a gaping loophole we found in INS's sharing of information that allowed the serial killer, Rafael Resendez-Ramirez, whose real name is Angel Maturino Resendiz, to get through our borders, even though he already had a criminal record, because there was not enough communication in the identification system between the INS and the other Justice Department agencies. So we didn't catch this serial killer.

This is an amendment I have worked on with Senators KYL, ABRAHAM, HATCH, and LEAHY that would require the Commissioner of the INS, within 90 days, to develop a plan for coordinating and linking all relevant INS databases with those of the Justice Department and other Federal law enforcement agencies to determine the criminal history and the record of prior deportation and, upon the approval of the Judiciary Committee and Commerce, State, Justice Appropriations Subcommittee, will implement a plan by fiscal year 2000.

I am counting on the committees to come through on this because if we can get the plan in 90 days, we need to implement a plan that will identify criminal aliens in our country so when they try to enter again, they will be stopped.

I ask that the amendment be accepted and that we move forward to try to close this loophole that allowed this serial killer to fall through the cracks or slip through our fingers, however one wants to say it, and cause havoc in our country for about a month.

Mr. GREGG. Mr. President, was that a unanimous consent request?

Mrs. HUTCHISON. It was.

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

The amendment (No. 1300) was agreed to.

Mrs. HUTCHISON. I thank the Chair.

Mr. President, if it is in order, I will speak on the bill.

Mr. GREGG. If the Senator from Texas wouldn't mind suspending, I believe the majority leader has some points he wishes to raise.

The PRESIDING OFFICER. The majority leader.

Mr. GREGG. Mr. President, I am sorry. It would be fine if the Senator from Texas wanted to speak on the bill.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. I thank the Chair. If there comes a time when the Senator from New Hampshire needs to break in, I will be happy to yield.

I rise in support of the bill that is before us. It has been a tough bill. It is more than $888 million less than the appropriations bill that we enacted in last year, but it does provide sufficient resources. I believe Senator GREGG and Senator HOLLINGS and their staffs have worked very hard to make sure we address the priorities for the Commerce, State, and Justice Departments and the very important issues with which they are dealing.

I have passed two amendments to the bill tonight. There will be another amendment that has already been accepted that will allow the INS Commissioner to provide a language proficiency bonus for people who are proficient in Spanish to be hired in the Border Patrol. Of course, if people are already proficient in Spanish, it will save the money it will take to train them in the second language. That amendment has been cleared on both sides. I appreciate it because I am looking for every way I can to increase the capability to recruit new Border Patrol agents who will be able to hit the ground running and help stop the influx of drugs and illegal immigration into our country.

I cannot imagine that we have continued to tell the INS that we want these Border Patrol agents to come on board, and we have not had the cooperation of the administration in either recruitment or retention. Certainly, I hope with this bill, which is

much more narrow in its requirements, the Border Patrol will do what the Congress has mandated they do, and that is recruit and retain more Border Patrol agents so we can stop the influx of drugs into this country. As a matter of fact, $10 billion in marijuana, heroin, cocaine, and methamphetamines crossed our border last year. How in the world can we say that we have a handle on the sovereignty of our borders when we have $10 billion of illegal drugs flowing in in 1 year?

I am very pleased that the chairman of the Appropriations Committee, Senator STEVENS, went to the Arizona border with Mexico during the Memorial Day recess. He was stunned at what he saw. I hope more Senators will go to the border so they will see the problem we are facing.

During the markup of the bill that is before us today, Senator STEVENS said: God forbid that the day comes when we have to have fences and walls between the United States and Mexico.

I share his view. Mexico is our neighbor. They are strong cultural and historic ties between our two nations. I seek a border that is as open as possible, allowing people, goods, and services to move across the 2,000-mile-shared border quickly and efficiently. I am committed to putting in place the infrastructure, the bridges, the facilities, and the inspection personnel necessary for this to happen. I wish the President and this administration would work with us.

The realities are otherwise, however. In Texas and along the border, we are witnessing a lawlessness that we have never seen since the days of the frontier. It is important to put the drug threat in its proper context and to understand its full dimensions.

On March 24, 1999, Administrator Thomas Constantine of the Drug Enforcement Administration testified before our subcommittee. He said:

> Most Americans are unaware of the vast damage that has been caused to their communities by international drug trafficking syndicates, most recently by organized crime groups headquartered in Mexico. At the current time, these traffickers pose the greatest threat to communities around the United States. Their impact is no longer limited to cities and towns on the border. Traffickers from Mexico are now routinely operating in the Midwest, the Southeast, the Northwest, and increasingly in the Northeastern portion of the United States.

Make no mistake: Drugs coming across the border are ending up on the streets of Manchester, NH; Columbia, SC; Baltimore, MD; and Denver, CO, and they are coming across in record numbers. In fiscal year 1998, there were 6,359 drug seizures along the Southwest border. The total value of these drug seizures was $1.28 billion, nearly $150 million more than last year. Nearly $1 billion of the drugs seized last year were on the Texas border, in the Border Patrol sectors there.

Drug-related violence along the Texas border continues to increase. Ranchers in Maverick County, 150 miles southwest of San Antonio, reported that armed traffickers in black, wearing camouflage clothing, passed through their properties after walking across the Rio Grande River. The situation is no better on the immigration side. More than 1.5 million illegal immigrants were apprehended along the Southwest border just last year.

Conservative estimates suggest that only one in four illegal aliens is apprehended. But the numbers hide the dark, evil side of this issue of alien smuggling, violent assault against migrating women, and other suffering.

I commend to my colleagues an article that appeared recently in the New York Times. Rick Lyman reported on a disturbing development where infants and young children, some possibly kidnapped and others who are rented, are used to trick border agents. INS has no facilities to house families, especially babies. So illegal aliens are simply released and asked to report for a later court date. The borrowed children are then shuffled back and forth across the border to be placed in the hands of others to make yet another treacherous, illegal crossing.

These examples highlight conditions along the border. They underscore that we have a moral obligation to provide the necessary resources to secure our border. That is why I find it incomprehensible that this administration has requested no new Border Patrol agents, Drug Enforcement Administration agents, or Customs agents in its budget recommendation to Congress this year. The 8,000 men and women serving in our Border Patrol are our Nation's first line of defense in the war on drugs and illegal immigration. Understanding this, Congress required, under the Illegal Immigration Act of 1996, that the Attorney General in each of the fiscal years 1997, 1998, 1999, 2000, and 2001, shall increase the Border Patrol by not less than 1,000 full-time active duty Border Patrol agents within the INS. Unfortunately, our Nation's top law enforcement officer, Janet Reno, and the President opted not to abide by the law and put these agents in their budget.

This is not the first time the administration has not complied with this law. In 1997, the administration only requested 500 new agents instead of a thousand. Thank heavens, Senator GREGG and Senator HOLLINGS have kept their commitment to secure our Nation's borders and provide $83 million in this year's budget to hire 1,000 agents.

Mr. President, this is so very important to fund these agencies. Again, Senator GREGG and Senator HOLLINGS have gone a long way to pushing INS toward getting the 1,000 new Border Patrol agents. I have heard from every Border Patrol chief along the Southwest border, and all have told me that, yes, they can use better equipment. Better equipment helps them and it gives them a range much longer than one of them can cover. But what they need most, first and foremost, is manpower. They cannot operate the equipment, they cannot get to the places they need to be if they don't have enough Border Patrol agents, and they are woefully short.

So after talking to our drug czar, General McCaffrey, it is clear that we need more Border Patrol agents. He has said we need 20,000 Border Patrol agents in order to stop the flow of drugs across our Southwest border.

A University of Texas study done last year indicates that 16,000 agents are needed to do this job, and we only have 8,000.

With only 200 to 400 likely to be hired this year, we are not even making progress in the right correction.

I call on this administration to stop the excuses on why they can't recruit more Border Patrol agents, to stop refusing to even put them in their budget, and to come forward and say our border is a priority.

That is what I am asking this administration to do—to say that our border has to stop letting in illegal drugs that are preying on our children in Seattle, WA, in Chicago, IL, and in Augusta, ME. We have to stop this. The only way we are going to do it is to make it a priority.

I appreciate the leadership of Senator GREGG and Senator HOLLINGS. They are making this a priority. The administration must come through and help us stop the sieve on our borders that is allowing drugs to come in.

I want to say in closing that Senator KYL has worked very closely with me on these issue. Senator KYL and I cosponsored the bill that would raise the pay of the Border Patrol agents so we could be in the recruitment game. He cosponsored my amendment on the floor today that would make this happen. He has been an important voice for effective law enforcement along the Southwest Border.

Mr. President, we cannot wait any longer. We must have action from this administration to beef up the Border Patrol, to beef up the Customs agents, to beef up the Drug Enforcement Agency, so that we can stop the influx of drugs into our country. We must get serious about it. That is what this bill does. But we must have the cooperation of this administration to do it.

Thank you, Mr. President.

I yield the floor.

UNANIMOUS CONSENT AGREEMENT

Mr. LOTT. Mr. President, I ask unanimous consent that the following amendments be the only first-degree amendments in order to the pending appropriations bill, and that they be subject to relevant second-degree amendments, and no motion to commit or recommit be in order. I submit the list of amendments to the desk. It includes the Democratic list of amendments and the Republican list of amendments as of 6:10.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, I ask the majority

leader has this been circulated in the last 10 minutes or so?

Mr. LOTT. Over the past hour or so.

Mr. REID. We just got six more is the reason.

Mr. LOTT. Are they on the list?

Mr. WELLSTONE. Is there a copy we can look at?

Mr. LOTT. I have the list here. I believe the Senator from Minnesota is on here for four amendments—not one, not two, not three but four. We have the list.

Mr. WELLSTONE. I am an active legislator. I ask the majority leader or Senator GREGG, I assume these are in addition to the amendment that has been laid aside.

Mr. GREGG. The Senator's amendment is already in the queue.

Mr. WELLSTONE. I thank the Senator.

Mr. REID. If the majority leader would wait for just a brief minute, we are seeing what we can do here.

Mr. LOTT. Mr. President, the managers of this legislation have been working diligently throughout the day and have made a lot of progress in dealing with a number of amendments, accommodating those amendments. Senator DASCHLE and I have been working with Senators to find ways for Senators to perhaps have their legislation considered on other bills. We are trying to get a list of amendments outstanding so they will know exactly what they are dealing with.

Mr. REID. If the leader will yield, I have just spoken to the manager of the bill, Senator HOLLINGS. I want to make sure the list that has been submitted includes Senator TORRICELLI's FTC on marketing scams; a relevant Feinstein; a relevant one for Bob KERREY; a relevant by BOB GRAHAM dealing with NOAA; an additional one for Senator DURBIN, another relevant one; one for Senator LEAHY on the Sentencing Commission; another for Senator TORRICELLI; Senator LANDRIEU has three relevants.

Mr. LOTT. I repeat my unanimous consent request and ask that the amendments identified by Senator REID be included on the list.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The list of amendments is as follows:

DEMOCRAT AMENDMENTS

Harkin: Burn grants.
Harkin: Relevant.
Harkin: Relevant.
Kerry (MA): Relevant.
Kennedy/Wyden: Hate crimes.
Dorgan: Relevant.
Durbin: INS.
Durbin: Elder abuse.
Graham: Public aviation.
Graham: Elderly crimes study.
Graham: Relevant.
Reed (RI): Relevant.
Johnson: Bureau of Export Administration.
Bryan: Travel and tourism.
Bingaman: E-Commerce extension.
Bingaman: Relevant.
Murray: Tribal funding.
Wellstone: Prison litigation.
Wellstone: Sex trafficking.
Wellstone: Judicial training.
Wellstone: Relevant.
Dodd: Relevant.
Boxer: Tuna Commission.
Boxer: No gun sales to intoxicated persons.
Boxer: Criminal alien deportation.
Lautenberg: Anti-youth drinking.
Lautenberg: Women's health clinic protection.
Durbin: Elder abuse.
Durbin: INS.
Daschle: Relevant.
Hollings: Relevant.
Kerrey (NE): Relevant.
Schumer: State prison grants.
Torricelli: FTC marketing scams.
Torricelli: Trucks.
Torricelli: Police.
Torricelli: Relevant.
Landrieu: War crimes tribunal funding.
Landrieu: Abused women immigration status.
Landrieu: Relevant.
Landrieu: Relevant.
Landrieu: Relevant.
Feinstein: Relevant.
Leahy: Sentencing Commission.
Sarbanes: Diplomatic and consular funds.
Byrd: Consolidation of office in W.VA.
Levin/DeWine: Great Lakes Y2K compliance.

REPUBLICAN AMENDMENTS

Gorton: Salmon recovery.
Ashcroft: 2nd degree (object to any limit on 2nd degrees).
Nickles: Death penalty.
Nickles: Travel.
Nickles: Independent Counsel.
Snowe: Fisheries.
Snowe: Ground fish.
McCain: Patent/trade mark.
Brownback: FCC.
Brownback: Police funding.
Enzi: GAAT & FCC.
Enzi: BXA initiative/Cox report.
Warner: Relevant.
Domenici: Albuquerque Federal Building.
Coverdell: DEA.
Coverdell: Drug-free workplace.
Stevens: Pacific salmon treaty.
Stevens: Maritime Adm./Amer. Fisheries Act.
Lott: Funding for Advisory Commission.
Gregg Hollings: Managers amendment.

POSSIBLE AMENDMENTS FOR THE FLOOR

Abraham—$1 million for helicopter.
Abraham—Drug dealers powdered cocaine.
Abraham—Faith based drug treatment, Federal funding.
Biden—Jerusalem (MP2).
Bingaman—E–Commerce at NIST.
Bingaman—Guadalupe-Hidalgo land grant.
Boxer, Kennedy—Abortion clinic violence security, $4.5 million.
Burns—Bull trout (MP2).
Breaux—Lafayette Lab, authority to become a NOAA lab (MP2).
Brownback—Elimination of caps on spectrum.
Boxer—INS.
Boxer—NOAA.
Chafee—Narragansett Bay (MP2).
Cochran—Sense of the Senate.
Cochran—$2 million for NIJ.
Coverdell, John Kerry—Drug free workplace, $4 million.
Daschle—911 system (MP2).
Daschle—Change soft earmark for hard for Indian courts (no construction) (MP2).
DeWine—CITA name.
Durbin/Fitzgerald—INS constituent services.
Rod Grams—UN arrears $107 million, want legal authority to waive debt (MP2).
Graham—Report on abuse against the elderly.
Graham—BIO medical earmark to NOAA for sea turtles.
Gregg—Extension of internet moratorium.
Gregg—UN taxing the internet.
Gregg, Hollings—DOJ land border inspection fees.
Gregg, Hollings—Supreme Court.
Gregg, Hollings—SBA—Tech.
Gregg, Hollings—SBA—Tech.
Gregg, Hollings—SBA—Tech.
Harkin—Increase Byrne grant.
Hollings—State Department cannot sell property.
Hollings—OJP $500 K.
Hutchison—Border Patrol training.
Hutchison—Border Patrol pay raise.
Hutchison—Border Patrol serial killers identification.
Inouye—Coral reefs.
Kennedy—GTE waiver of Telecom Act.
Kennedy—Hate crimes—S. 622.
Kerrey—Teammates of Nebraska, $1 million via OJP.
Kerrey—Lincoln.
Kyl/Ashcroft—$100 million fenced for Jerusalem Embassy.
Ashcroft—Sense of Senate on Iran.
Lautenberg—Abortion clinics, law enforcement.
Levin—$390,000 upgrade water gauge stations.
Lott, Daschle, Conrad—J–1 visas for doctors.
McCain—50 percent funding cut for PTO building.
McCain—Internet filtering.
Mikulski, Sarbanes—NOAA research vessel, $1.5 million.
Hatch—Hate crimes.
Sessions—Civil rights and cops.
Murray—Salmon funding for tribes, $18 million for each state, $6 million for tribes.
Reed—Making Liberian language permanent.
Schumer—SEC report.
Schumer—State prison grant to go to local counties.
Schumer, Kohl—Project exile.
Sessions—Cops quota system.
Smith—Add vessel to AFA.
Snowe—Increase council membership.
Snowe—SEC.
Specter—Private right of action.
Specter—Reauthorize drug court program.
Stevens—Strike salmon authorization.
Stevens—Continue no year funds.
Thurmond, Thompson, Hatch—IG to use .02% of VCTF for audits.
Torricelli—Heavy trucks, cops technology $660,000.
Torricelli—FTC, marketing scams.
Coverdell—DEA.
Sessions—Audit review.
Lott—2M for Internet Commission.
Torriccelli—$190K for block grant.
Bryan—Sense of Senate.
Hatch/Leahy—Holding court in New York, West Virginia and Utah.
Lautenberg—Alcohol add campaign.
Leahy—Sentencing Commission.
Wellstone—International trafficking.
Wellstone—Prison litigation reform.
Hatch/Leahy/Hollings—Court in New York.

Mr. LOTT. With this agreement in place, it is my hope that the bill can be completed yet this evening. I believe we have amendments that are in order, and Senator LAUTENBERG has one he may be able to go forward with.

Work is still being done on the rule XVI issue. Additional votes will occur during this evening's session of the Senate. We usually can expect to go late into the evenings on Thursday. It looks as if that will be the case.

If we can work with the managers and get this work done, this would be a

very important achievement. And that, coupled with the fact that we know there is a memorial service tomorrow, we would not have to be in session tomorrow.

I urge the managers to keep working and my colleagues to please work with them.

The PRESIDING OFFICER. The Senator from New Hampshire.

UNANIMOUS CONSENT AGREEMENT

Mr. GREGG. Mr. President, I am going to propound two unanimous consent requests. One deals with Senator LAUTENBERG's amendment and one with Senator ENZI's amendment. The plan is as follows:

I ask unanimous consent that it be in order for Senator LAUTENBERG to offer an amendment regarding alcohol and there be 30 minutes of debate equally divided prior to the vote on or in relation to the amendment.

I further ask unanimous consent that no amendments be in order to the amendment prior to the vote.

I further ask unanimous consent that the previous consent relating to the pending GREGG amendment remain status quo to recur immediately following the LAUTENBERG vote.

I further ask unanimous consent that it be in order for Senator ENZI to offer an amendment regarding the FCC accounting principles and there be 30 minutes of debate equally divided prior to the vote on or in relation to the amendment.

I further ask unanimous consent that no amendments be in order prior to the vote.

I further ask unanimous consent that the previous consent relating to the pending GREGG amendment remain status quo to reoccur immediately following the vote on the ENZI amendment.

I further ask unanimous consent that the ENZI amendment and the LAUTENBERG amendment be voted on en bloc at the end of the ENZI debate time.

Mr. REID. Reserving the right to object, I apologize to the Republican manager of the bill. I was not listening when the consent request was first issued. Would the Senator tell us what it is.

Mr. GREGG. It actually means that Senator LAUTENBERG has 30 minutes on his amendment equally divided, Senator ENZI has 30 minutes on his amendment equally divided, and we go to a vote on those two amendments.

Mr. HARKIN. Reserving the right to object, what happens, I ask the chairman, after that?

Mr. GREGG. At that point we are back to the regular order, which is that Senator HOLLINGS is recognized for 10 minutes and I am recognized for 10 minutes. Then we have a vote on the majority leader's point of order. However, I expect that there will be further action on the bill at that point and we will get into an amendment process.

Mr. HARKIN. I have an amendment that is on the list. If I may, I would like to get a time line on that.

Mr. GREGG. I would like to talk to the Senator about his amendment. I am hopeful that we can work it out and that we won't have to have a vote on it. Maybe we can talk about it while this debate is going on and work something out.

Mr. HARKIN. All right. I will be back.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Under the order, the Senator from New Jersey is recognized.

Mr. LAUTENBERG. Thank you, Mr. President.

AMENDMENT NO. 1302

(Purpose: To fund a media campaign, from increases in the Department of Justice budget, to prevent underage drinking.)

Mr. LAUTENBERG. Mr. President, I assume that the pending GREGG amendment has been laid aside.

I send my amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Jersey (Mr. LAUTENBERG), for himself, Mr. HARKIN, and Mr. DORGAN, proposes an amendment numbered 1302.

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

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

The amendment is as follows:

On page 2, between lines 3 and 4, insert the following:

For carrying out a media campaign to prevent alcohol consumption by individuals in the United States who have not attained the age of 21, $25,000,000 which shall become available on October 1, 2000 and remain available through September 30, 2001

Mr. LAUTENBERG. Mr. President, I rise to offer an amendment to provide the Justice Department $25 million in fiscal year 2001 to develop and begin to implement a media campaign to discourage children from engaging in underage alcohol consumption.

We already have an ad campaign on national television that espouses the evils of drug use. But that campaign does not include alcohol. And when I tried to amend that ad campaign in the Treasury-Postal bill last month to include alcohol, some Senators said that they did not want to dilute the anti-drug message. But they did say that they would support a separate anti-underage drinking campaign.

I offer this amendment on behalf of myself and Senators HARKIN and DORGAN, who the last time I offered a similar amendment voted against it, but now has agreed that it is the right thing to do.

Right now, by running anti-drugs ads without also running anti-underage drinking ads, we are sending the wrong message to Ameria's children. It is the equivalent of telling kids: ''say 'no' to drugs. But this Bud's for you!''

Mr. President, consuming alcohol is illegal in all 50 States if you are under the age of 21, and among America's youth, underage alcohol consumption is just as big a problem as drug use.

The facts are daunting. If we look at this chart, we see that alcohol kills six times more children ages 12 to 20 than all the other ilegal drugs combined. It was a surprise to me, as I suspect it is a surprise to millions of other Americans as well.

Let me point out some more facts. According to the Department of Health and Human Services, the average age at which children start drinking is 13.

What's even worse, Mr. President, is that research shows that children who drink at age 13 have a 47-percent chance of becoming alcohol-dependent.

But if they waited until they were 21 to drink, they would have only a 10-percent chance of becoming dependent.

In all, Mr. President, there are nearly 4 million young people in this country who suffer from alcohol dependence, and they account for one-fifth of all alcohol-dependent Americans.

Not only is alcohol consumption widespread among children under the age of 21, but it is a ''gateway drug.'' And too often, it leads to the use of marijuana, cocaine, and heroin.

The drug czar, Geneal McCaffrey, had some things to say about this. He said, ''The most dangerous drug in America today is still alcohol.''

But for one reason or another, we don't get that message through.

He goes on to say that alcohol is ''the biggest drug abuse problem for adolescents, and it's linked to the use of other, illegal drugs.''

Mr. President, statistics support what General McCaffrey has been saying. According to the Center on Addiction and Substance Abuse at Columbia University, youth who drink alcohol are 7.5 times more likely to use any illegal drug and 50 times more likely to use cocaine, than young people who never drink alcohol.

General McCaffrey is not alone in his belief that attacking underage drinking is a key component of the war on drugs. Surgeon General Davis Satcher recently wrote a letter to General McCaffrey expressing his support for ''a powerful media campaign that will effectively deglamourize underage drinking.''

Surgeon General Satcher went on to say that he has established a Staff Working Group ''to create an effective campaign to curtail the incidence of underage and binge drinking.''

Finally, the Surgeon General

It is time to more effectively address the drug that children and teens tell us is their great concern and the drug we know is most likely to result in their injury or death.

If experts like General McCaffrey and Surgeon General Satcher agree that alcohol is a ''gateway drug,'' then it is clear that a well-planned ad campaign that targets underage drinking would increase the effectiveness of our war against drugs.

My amendment provides the Justice Department with $25 million in fiscal year 2001 to develop and begin to implement a media campaign to discourage

children under the age of 21 from drinking. The amendment allows plenty of time to conduct the necessary research and develop and test sample radio and television ads in order to launch an effective media campaign. Ad messages would be consistent with the antidrug messages in the drug czar's media campaign. There would also be funds to begin buying media time.

The Justice Department will coordinate the campaign with representatives of the Centers for Disease Control, the Surgeon General's office, and the National Institute on Alcohol Abuse and Alcoholism. With the help of these health institutions, the Justice Department also would put together a detailed 5-year funding plan for the campaign and its media ''buys'' to help Congress in the appropriations process.

Editorials have been written across this country supporting the need for an anti-underage drinking media campaign. Editorials have appeared in the Washington Post, New York Times, Christian Science Monitor, and Los Angeles Times. The concept of an anti-underage drinking media campaign is further supported by more than 80 organizations, including Mothers Against Drunk Driving, the American Medical Association, the American Academy of Pediatrics, the American Public Health Association, and the Center for Science in the Public Interest.

I am proud to have been the author some years ago, in 1984, that made 21 the drinking age in all 50 States. With the help of the National Transportation Safety Board, we have saved the lives of approximately 15,000 young people in the 15 years since the law has been in place. It was a real boon to those families who worried about their children drinking and the problems that result.

In 1995, Senator BYRD led the charge on zero tolerance for underage alcohol consumption by writing a law that says if you are under age 21, .02 blood alcohol level is legally drunk. So, as in the past, we need to continue to send a strong message to America's youth that neither underage alcohol consumption nor drug use is acceptable. And the only successful path to winning the war on drugs is the one paved by preventing underage drinking.

We must not accept underage drinking as a so-called rite of passage. It often is. It is a passage directly to illegal drugs such as marijuana, cocaine, and heroin. It is a passage to a life of alcohol dependency.

The bottom line is this: This is a simple up-or-down vote on whether you want to do something to prevent teen alcohol addiction. I urge my colleagues to support this amendment so that we can get a handle on that drug which is acknowledged to be the most dangerous among all drugs. And the fact that alcohol kills six times more children ages 12 to 20 than all other illegal drugs combined proves that.

I hope we get a positive vote on this. I understand this vote will be stacked with a vote of the Senator from Wyoming, is that correct?

Mr. GREGG. That is correct. We will have a vote on the amendment of the Senator from New Jersey and then the Senator from Wyoming.

I rise in opposition to this amendment for a number of reasons. With forward funding of an initiative, the $25 million for advanced appropriations next year, it makes it extremely difficult for the committee to function.

When the President presented his budget, he had included a large amount of funding which this committee did not accept because we did not want to put ourselves in that sort of a bind.

Independent of the equities of the argument relative to the initiative which was voted on once before in a form not exactly like this but similar to this on the Treasury-Postal bill, I believe very strongly this would set a very poor precedent if we began appropriating in the future on bills for this year.

It would avoid the entire budgetary process, which requires offsets. That is our fiscal discipline. Without offsets, we will have no fiscal discipline. Arguably, we could appropriate all of next year's budget on almost any subject that Members wish and create significant problems.

I don't support the amendment. I believe the amendment is inappropriate.

Mr. LAUTENBERG. Mr. President, I thank the chairman and the ranking member for permitting me to offer this amendment.

But this is not a precedent-setting amendment. We have done substantial forward funding in those programs that need it. And it will take a year to organize this program.

This is the time to get this program started by making certain that the message is clear, that it is out there. It says: Listen, kids, don't start drinking. It could lead you down a terrible path. It could create more dependence on alcohol, more introduction to other drugs. That is a poor way to give a child a sendoff.

The Senator from New Hampshire talks about appropriating next year's money at this time as being somewhat unusual. Fortunately, or unfortunately, it is not unusual. I have a list of accounts that have been forward funded. I ask unanimous consent to have these accounts printed in the RECORD.

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

DISCRETIONARY ADVANCE APPROPRIATIONS

[Budget authority by fiscal year, in millions of dollars]

	1998	1999	2000
Military pay and retirement	0	0	1,838
Denali Commission	0	0	8
Patent and Trademark Office	0	71	167
Legal activities & U.S. Marshals	0	31	0
SBA business loan program account	4	4	0
Federal Trade Commission	0	14	0
Securities & Exchange Commission	27	0	0
Employment and Training Administration	0	290	0
NIH, buildings and facilities	0	0	40
Low income home energy assistance program	1,000	1,100	1,100
Child care development block grant	937	1,000	1,183
Elementary & Secondary Ed (reading excellence)	0	210	0
Education for the disadvantaged	1,298	1,448	6,204
Corporation for Public Broadcasting	250	250	317
Payment to Postal Service	0	0	71
Defense vessel transfer program	0	0	31
NASA	365	0	0
Veterans, construction, major	32	0	0
Hazardous substance superfund	0	650	650
Total	3,913	5,068	11,609

Source: CBO, Scorekeeping Unit.

Mr. GREGG. If the Senator is willing to yield back, I am willing to yield back.

Mr. LAUTENBERG. I yield back my time.

Mr. GREGG. I yield back my time.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Wyoming.

AMENDMENT NO. 1301

(Purpose: To prohibit the Federal Communications Commission from requiring persons to use any accounting method that does not conform to Generally Accepted Accounting Principles)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. ENZI], for himself, Mr. BURNS, and Mr. FITZGERALD, proposes an amendment numbered 1301.

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

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

The amendment is as follows:

At the appropriate place, insert:

SEC. —. PROHIBITION ON REQUIREMENT FOR USE OF ACCOUNTING METHOD NOT CONFORMING TO GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.

(a) PROHIBITION.—No part of any appropriations contained in this Act shall be used by the Federal Communciations Commission to require any person subject to its jurisdiction under the Communications Act of 1934, as amended (47 U.S.C. 151 et seq) to utilize for any purpose any form or method of accounting that does not conform to Generally Accepted Accounting Principles established by the Financial Accounting Standards Board.

Mr. ENZI. Mr. President, I rise to offer an amendment to remove an unnecessary burdensome recordkeeping requirement on local telephone companies.

In 1935, the Federal Communications Commission developed an accounting system known as a uniform system of accounts to ensure the Commission had access to financial data used by AT&T to set local phone rates. This system of accounting requires that companies maintain detailed records and appreciate every asset they purchase, from paper clips to trucks. According to depreciation schedules that each company negotiates with the FCC, no other entity in the Nation has to do that.

I have seen some of these schedules. They require companies to depreciate assets over longer periods of time than either the Internal Revenue Service or the Securities and Exchange Commission. They require them to depreciate things that no other business has to depreciate. Many of these assets are high-technology items such as digital switches or fiber-optic cable that are often obsolete in a very short period of time. However, the FCC requires them to be depreciated over a much longer period of time.

This is not limited to depreciation. As an accountant, I happen to know a bit about generally accepted accounting principles. Yet even small businesses under the IRS have a dollar threshold over which they amortize assets—usually $25,000. For purchases under $25,000, the company would simply expense the item, meaning that they could charge the cost of the asset against the current year's revenues.

Under the FCC system, local telephone companies are required to amortize every asset they buy, from office supplies to digital switching equipment. There is no dollar value threshold for local companies. They have to keep detailed records and record assets in accounts specified by the FCC; negotiated individually with the FCC. These companies already maintain their records according to generally accepted accounting principles. Their standard is required by the IRS and FCC. Why should a third agency require companies to keep their books in a manner inconsistent with generally accepted accounting principles?

Now that AT&T has been broken up and competition is being allowed to take place, it is time to remove regulatory burdens that do nothing more than impose a requirement on one set of companies that their competitors do not have to comply with, information that is available to the competitors, information in detail available to the competitors, derived at great expense to the local telephone company?

The amendment I am proposing would prohibit the FCC from requiring any accounting system other than generally accepted accounting principles for 1 year. This would give companies time to transition to the generally accepted accounting principles—one set of books—and make provisions to take obsolete equipment out of service and change their internal accounting policies to conform with generally accepted accounting principles. This would also save the Government money, since the FCC would not have to maintain as big an Accounting Policy Division to negotiate and enforce these antiquated, detailed depreciation and expense rules.

According to the accounting firm of Arthur Anderson, this would save the small local telephone exchange companies—we are talking about the small companies in every State in this Nation—between $200,000 and $1 million a year. This is money that could be spent on bringing advanced services and technology to rural areas or reducing rates. I understand how expensive it is to maintain one set of business records, and anybody in business out there understands that. That is one set of business records according to the generally accepted accounting principles. Just imagine what it costs for two sets of books, and the second set of books has to be negotiated in detail, has to have far more accounts than the other. My amendment would eliminate this expensive requirement on local telephone companies and level the playing field between competitors, particularly with the huge long distance competitors.

My amendment is being supported by the United States Telephone Association and its members. The United States Telephone Association represents small rural telephone companies. They believe, as I do, that competition in the local phone market starts when all participants are bound by the same rules.

I ask unanimous consent to have printed in the RECORD a letter from the United States Telephone Association that goes into a bit more detail than I have time, in my allotted 15 minutes, to go into. Commissioner Harold Furchtgott-Roth, who serves on the Federal Communications Commission, made a statement on docket 99–253 that mentions:

In today's increasingly competitive telecommunications marketplace, the Commission should be focusing its efforts on transitioning to a more competitive environment. The amount of detailed information and regulatory scrutiny required under our accounting and ARMIS rules is inordinate and should be reduced.

I ask that entire letter be printed in the RECORD.

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

UNITED STATES
TELEPHONE ASSOCIATION,
July 19, 1999.

Hon. MICHAEL ENZI,
U.S. Senate, Russell State Office Building, Washington, DC.

DEAR SENATOR ENZI: I am writing to commend you and thank you for your efforts to streamline the FCC's accounting requirements for local telephone companies. These requirements are vestiges of past regulatory schemes. They are burdensome, costly, and discriminatory, and they serve no useful purpose in today's telecommunications market. The 1,200 local telephone companies that comprise the United States Telephone Association appreciate your leadership on this issue.

As you know, these accounting rules, also known as the Uniform System of Accounts, were adopted more than a decade ago, when the local telephone market was for the most part closed, and local carriers were subject to cost-based, rate of return regulations. Since that time, the large incumbent local exchange companies have changed to price cap regulations, and the local telephone market has opened to competition. In short, the marketplace has changed, but these accounting rules have not.

Arthur Anderson estimates that these regulations cost the local phone industry up to $270 million every year. Ultimately, consumers suffer from these wasted resources. The capital the local phone companies spend meeting these requirements could be redeployed in ways that benefit consumers with lower prices, better services, more advanced technologies and more robust competition. Further, in today's telecommunications market, rapid advances in technology drive the introduction of new products and services at a breakneck pace. Costly and unnecessary regulations slow that pace and skew the competitive balance toward companies that are not subject to them.

Taxpayers suffer, as well. More than 70 people at the Federal Communications Commission are needed to maintain and audit these reports. These slots or their funding could be saved, or put to better use either elsewhere at the Commission, or elsewhere in government.

Senator Enzi, thank you again for your leadership on this issue. If we may be of assistance in any way, please let us know.

Sincerely,

ROY NOEL,
President and CEO,

STATEMENT OF COMMISSIONER HAROLD FURCHTGOTT-ROTH

Re: Comprehensive Review of the Accounting Requirements and ARMIS Reporting Requirements for Incumbent Local Exchange Carriers (CC Docket No. 99–253)

I support today's Order initiating ''Phase 1'' of a comprehensive review of the Commissioner's accounting and reporting requirements. While I believe that today's Order is a step in the right direction, it is, to my regret, a very small step down a very long road. I write separately because I continue to be concerned about the Commission's micro-management of all telecommunications carriers, including LECs.

In today's increasingly competitive telecommunications marketplace, the Commissioner should be focusing its efforts on transitioning to this more competitive environment. The amount of detailed information and regulatory scrutiny required under our current accounting and ARMIS rules is inordinate and should be reduced. I am becoming increasingly convinced that the current regulatory mechanisms—and certainly the level of detail—are no longer necessary in today's increasingly competitive marketplace. I believe the Commission must consider even further deregulation as these cumbersome regulations become unnecessary.

I wait anxiously for the commencement of Phase 2 of this review, which I hope follows today's small step with huge strides toward true regulatory reform.

Mr. ENZI. Mr. President, what we have is an issue where we have a lot of local, small, rural telephone companies who are coming under inordinate additional accounting requirements, additional accounting besides what is required by the other Federal agencies. This information has to be released to the competitors as well. Competitors, the big phone companies, do not have to give the same information to the little companies. So it is time we made this kind of change.

I ask for support on the amendment. I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I have the greatest respect for the distinguished Senator and realize he is far more steeped in this particular discipline of accounting, of certified public accounting, than I am.

Yet having worked in the field and heard for the first time here in the last half hour of this particular amendment, it goes right to the heart of what has been going on. Specifically, we want to change an accounting system that has been on the books, agreed to, conformed with, never objected to, during the entire 4-year deliberation of the rewrite of the Telecommunications Act. I never heard anything about this need for a different system of accounting. Now, having adopted it, I am asking immediately: Wait a minute, what is going on here? We never heard of this or anything else like it. Then the giveaway is when my distinguished colleague says the United States Telephone Association, and so forth, little, little, little—little my eye. This is the Bell crowd.

I find out by telephone call they have had a recent audit and the auditors found billions of dollars of unaccounted-for equipment. They just had it on the books. They put it into the rate structure. And then they redeem those amounts into the rate-paying system. This, of course, affects the rates, it affects the amounts that go back to universal service, and everything else of that kind. So all of a sudden we really, rather than helping the little ones, are going to harm the little folks on a so-called accounting system change.

If anybody is intimately familiar with the rural telephone companies and the co-ops and everything else, this particular Senator is. The finest rural system there is is in the State of South Carolina. In fact, they have put in the Internet connections and everything else at all the public schools and what have you. Really, it is one of the finest rural groups. They never saw me about this or anything of this kind. This amendment definitely ought to be tabled.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Montana.

Mr. ENZI. Mr. President, I yield 3 minutes to the Senator from Montana.

Mr. BURNS. Mr. President, I thank my friend from Wyoming. I doubt I need 3 minutes.

When this accounting system was adopted in the telecommunications industry way back in 1935, and it evolved through the years, we did not foresee the advances of technology and the need to change equipment would happen in that area as fast as it is happening now. New technology is coming on line. If there is a holdup in the buildout of this technology, of maybe some of our locally owned companies—and some of our cooperatives as cooperatives, I doubt, will be affected by this —it is so we can get rid of some of this old equipment we carry on the books because it is not all depreciated out. It has not kept pace with the technology.

There was, a couple of years ago—it was more than that, 5 or 6 years ago, with then-Senator Brown from Colorado—offered an amendment to standardize accounting clear through the Government. We did not get that done. But nonetheless here is an old accounting system that is very important to the high-tech area when it comes to buildout in the rural area, so broadband technologies can be deployed and get rid of some of the old equipment still on the books.

This amendment needs passing. I yield the floor and thank my friend from Wyoming.

The PRESIDING OFFICER. Who yields time?

Mr. HOLLINGS. The distinguished Senator from Montana, the chairman of our Subcommittee on Communications, ought to be asking for a hearing on this one. Another phrase caught my attention, when they say ''historic cost.'' They could go all the way back to 1934, which they have already been rewarded for over the many years, 60 or 70 years. Otherwise that is exactly what they have earned as a monopoly. Yes, we are moving. Don't say they did not foresee it.

I have just been through a vigorous campaign and visited rural folks. I admire the new equipment they have. They are changing over. They know what it is. They know what competition is. The small ones, more or less, have been bringing about the competition.

It is the Bell companies that told this Senator and the committee time and again at hearings: We want to compete; we want to compete; we want to compete.

Please, my gracious, all they have done is combine. Southwest Bell has taken over Pacific Telesis. Now they want to take over Ameritech. Bell Atlantic has taken over NYNEX. Another one, we heard just the other day, is taking over U.S. West. They are all moving to combine and form more monopolies, and before long we will have Ma Bell all over again.

Then they have the audacity and unmitigated gall to come to the floor of the Senate and say let's just change the little accounting system so we can take care of all of these costs, when they have been caught short of unaccounted equipment that has been carried on the books over many years and they have long since been compensated for in their rates.

I can say the universal service to the small business in Wyoming and Montana when the Bell company puts this one over on the United Telephone Association—if they put this over, they are going to have to pay through the nose, I can tell you that right now. It is all going in. It is the big gobbling up the little ones.

There ought not to be any misunderstanding to all of a sudden changing their accounting systems because they have found unaccounted equipment on the books that have been kept over many years, for which they have long since been compensated, and for which they continue to charge over and over. That is what is at issue here; without a hearing and putting it on the commerce bill which has jurisdiction over the FCC and saying it is just a small thing, they just want to look out for people and want the same kind of report.

They want to get rid of the report that says you can carry all these expenses ad infinitum, back to 1934, and continue to charge the ratepayers for it. If that occurs, then universal service, the rates, and everything else with respect to the agreed-upon long distance and local rates is going totally out of kilter. The little boys are really going to suffer.

I am prepared, when all time has expired, to make a motion to table this amendment. It definitely ought to be tabled in behalf of all communications and, more particularly, on account of procedures in the Senate. We have a committee. The distinguished Senator is chairman of the subcommittee. The subject has never been mentioned, and, Heaven knows, I hear every day I am in the Senate: Please, call the Commission. We don't. Please write a letter to the Commission. All the downtown lawyers again and again want to try their cases politically when they cannot prevail administratively.

I know if it were a real problem, I would have long since heard about it. My rural people would have told me about it long ago. But bam, at 7 o'clock at night, they want to change the entire accounting system. It is the wrong procedure, if nothing else.

I reserve the remainder of my time.

Mr. ENZI. Mr. President, what we are trying to do is harmonize and unify the accounting system, not eliminate and drastically change it. We are talking about generally accepted accounting principles. This is what the accountants across the United States use day in and day out. We are trying to unify it within the telecommunications industry.

One reason you have not heard about this a lot is that we are talking about the small local exchange carriers. We are not talking about the big corporations that have all the lawyers in Washington. We are talking about the little guy out there who is trying to run a business and does not have as much time or expertise to run to Washington or know specifically to whom to take his case. We are talking about small businesses. And we are not talking about small money here. We are talking about them imposing extra regulations which cost them $200,000 to $1 million a year. That is money that could be put into new phone systems or reducing rates. These are the small rural carriers.

As far as whether enough data is available, of course, it is available. Corporations, big and small, across this Nation run and report under generally accepted accounting principles. This is not a new system. It is newer than the system we are talking about operating under which was instituted in 1935.

In 1935, when it was controlled by a monopoly, there needed to be more detailed accounting. Anything that needs to be accounted can still be accounted. It just has to follow generally accepted accounting principles instead of a multiple process of going to the FCC, negotiating into some new accounts which already number in the neighborhood of 500, and coming in with the output that is needed to make the decision, rather than a myriad of information.

How would you like to depreciate paper clips? It has gotten ridiculous. Those things have to be taken into consideration. There is no threshold of expenses.

There have been a lot of changes in the communications industry. One of them is divestiture of AT&T. There is a whole list of things that have happened. A big one is the passage in 1996 of the Telecommunications Act, of which the Senator was speaking, and the issuance of the resulting FCC orders implementing various sections of the act, including proceedings to implement local competition and interconnection, as well as universal service, access charge, and price cap reform.

There is not anything under generally accepted accounting principles that will not get the data that is needed to handle any of those issues. All of the service providers, with the exception of incumbent local exchange companies, have flexibility. The others already have the flexibility. AT&T has the flexibility to provide services priced on a competitive basis at rates dictated by the marketplace.

These service providers are not subject to the accounting and recordkeeping rules contained in part 32—the big companies are not subject to that—and associated monitoring and enforcement activities but are simply required to follow GAAP in producing their external reports. Prices no longer bear a direct relationship to cost.

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

Mr. ENZI. Yes.

Mr. ASHCROFT. I find this to be rather confounding. I just want to make sure I understand this clearly. These companies are required to maintain two sets of books?

Mr. ENZI. Yes.

Mr. ASHCROFT. Accounted different ways; is that correct?

Mr. ENZI. The Senator from Missouri is absolutely correct. They are required to carry multiple books.

Mr. ASHCROFT. And this adds as much as $20 million to $30 million to the cost of doing business?

Mr. ENZI. For the local companies, it would be $25 million to $30 million. We are talking about at least $300 million across the United States per year.

Mr. ASHCROFT. Some of these companies try to be competitive, not only nationally but internationally.

Mr. ENZI. They are, and we want them to be competitive without having to do all the mergers that were spoken of earlier.

Mr. ASHCROFT. Is it true these additional charges are eventually paid by consumers?

Mr. ENZI. Absolutely, they have to be paid by consumers.

Mr. ASHCROFT. What we are imposing is almost like a tax that the people of America are paying, $25 million or $30 million extra, that is really unnecessary in these companies now.

Mr. ENZI. The Senator from Missouri is absolutely correct. It is like a tax, and it is money that the rural telephone folks are having to pay.

Mr. ASHCROFT. And that is a substantial impairment on their capacity to do business?

Mr. ENZI. It is a substantial impairment on their ability to be competitive with the big national phone companies.

Mr. ASHCROFT. This one unique, idiosyncratic accounting method is a 1930s accounting system.

Mr. ENZI. That is correct.

Mr. ASHCROFT. That is still mandated in spite of the fact that for other purposes, to be competitive and to be successful in offering their stock and other things, they maintain a set of books that is generally accepted for accounting purposes.

Mr. ENZI. That is correct. We want the small companies able to do the same kind of accounting as the big companies.

Mr. ASHCROFT. The Senator's amendment is to basically say we want to relieve them of this duplicitous, inefficient demand which results in their consumers having to pay a lot more and reducing the competitiveness of these companies.

Mr. ENZI. The Senator is absolutely correct. We want to increase their competitiveness. We want the people in the rural areas to have the same accounting system, so they have lower costs, so they can pass that on to the consumer.

Mr. ASHCROFT. I thank the Senator for his amendment. I think it is good policy. It is the direction in which we should be going to be competitive. We need to move into the next century, not try to reinvent the last century.

I thank the Senator for his excellent work and for allowing me to interrupt his remarks to clarify this to make sure I understand clearly what the Senator from Wyoming said. He has made an outstanding contribution to the understanding of other Senators and to the people of the United States about an archaic system imposed by Government which costs us all resources and which makes competition difficult for our own companies.

Mr. ENZI. I thank the Senator from Missouri for his comments.

We have an opportunity to fix the system so it works the same for big companies and small companies so they all operate under generally accepted accounting principles, so the small rural guy is not doing all of the extra accounting that the big guys are not required to do.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator's time has expired.

Mr. HOLLINGS addressed the Chair.

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

The PRESIDING OFFICER. The Senator from South Carolina has 7 minutes 55 seconds.

Mr. HOLLINGS. I will use just a minute or two, Mr. President.

The word ''competitive'' intrigued this particular Senator. As they congratulate each other over there with respect to this particular attempted fix, let me remind the Senate that we are talking about monopolies. Monopolies do not have general accounting principles because they are not in the field of competition. They are monopolies. They are guaranteed a return. And extra accounting principles have been long since established for these companies and for small ones in that the independent, local exchange carriers—there are many small ones—they are monopolies, too. So these accounting methods and principles have been in force for a long time.

And here without a hearing, and just, bam, and to start talking about small—and there is a $30 million tax, and so forth, that is just spurious reasoning and fanciful notions, if I have ever heard them.

The opposite is true. We are trying, with respect to a monopoly, to make sure that it does not go to the ratepayer because the monopoly is guaranteed a return. So if any true costs are there, they are going to have to be reflected in their guaranteed rate of return.

So this amendment is totally out of order in the sense of procedures here in the Senate where we have a committee and we can have hearings on it and we can find out if there is any infringement with respect to the concern of the Senator from Wyoming. Because he knows all about accounting.

But I can tell you now, general accounting principles do not apply to monopolies—and should not apply to monopolies—because there is no competition. They are guaranteed that return, and that is why they have the special accounting system.

I thank the Chair. At the end of this, if my distinguished chairman would permit, I think we ought to move to table this one.

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

Mr. HOLLINGS. Yes, sir.

Mr. ENZI. Would you be willing to go with an amendment that would require AT&T and other companies to meet the same requirements as little companies?

Mr. HOLLINGS. Oh, yes. I think whatever accounting system they have, I do not find a difference in it. I would go with having a hearing and give you a definite return. We are not trying to delay or anything like that, but I would have a hearing before the subcommittee of the Senator from Montana, and the full committee, and we would be glad to report something out. But we never have had hearings, and you just say ''little and small.''

The United States Telephone Association, that is big. I know from hard experience that is big. That is a ''Big Bell'' company. In relation to the chairman of this so-called company that has the accounting system, and so forth, do you know what they reported in USA Today the other day? The chairman of Bell South made last year $55.9 million—either $56 or $57 million. Can you imagine the head of a monopoly guaranteed a return, with no competition, making $55 million? Come on. And you are talking about little things? Don't give me that. They are not little. In just agreeing to little and big, we have a different idea basically of what is big and what is little in this particular debate.

Mr. ENZI. You would agree they all ought to be on the same accounting system?

Mr. HOLLINGS. I don't know of a reason for a separate accounting system. If there is less of an accounting system for the smaller one, I tend in that direction.

I agree with the sentiment that you have to look out for the small so they are not gobbled up by the big. So I would almost agree to less of an accounting system for the small rather than the same required for the big. I am trying to go in your direction.

Mr. ENZI. I would love to work with you on that, but right now the big ones have the easier accounting system.

Mr. HOLLINGS. We can have hearings and find that out.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second on the amendment.

They yeas and nays were ordered.

Mr. HOLLINGS. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second on the motion to table?

No, there is not a sufficient second on the motion to table.

There is a sufficient second on the motion to table.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the motion to table. The clerk will call the roll.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I ask unanimous consent that the first vote be on the Lautenberg amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The yeas and nays have been ordered on the Lautenberg amendment. The clerk will call the roll.

Mr. HOLLINGS. I suggest the absence of a quorum for a second.

The PRESIDING OFFICER. The clerk will call the roll to ascertain the absence or the presence of a quorum.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded and that we have the regular order.

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

VOTE ON AMENDMENT NO. 1302

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1302 by the Senator from New Jersey. The yeas and nays have been ordered. The clerk will call the roll.

The legislative assistant called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) and the Senator from Alabama (Mr. SHELBY) are necessarily absent.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

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

The result was announced—yeas 43, nays 54, as follows:

[Rollcall Vote No. 217 Leg.]

YEAS—43

Baucus	Graham	Lincoln
Biden	Grassley	Mikulski
Bingaman	Harkin	Moynihan
Boxer	Hollings	Murray
Breaux	Hutchison	Reed
Bryan	Inouye	Reid
Byrd	Jeffords	Rockefeller
Cleland	Johnson	Roth
Conrad	Kerrey	Sarbanes
Daschle	Kerry	Schumer
Dodd	Landrieu	Specter
Dorgan	Lautenberg	Wellstone
Durbin	Leahy	Wyden
Edwards	Levin	
Feinstein	Lieberman	

NAYS—54

Abraham	Domenici	Mack
Akaka	Enzi	McConnell
Allard	Feingold	Murkowski
Ashcroft	Fitzgerald	Nickles
Bayh	Frist	Robb
Bennett	Gorton	Roberts
Bond	Gramm	Santorum
Brownback	Grams	Sessions
Bunning	Gregg	Smith (NH)
Burns	Hagel	Smith (OR)
Campbell	Hatch	Snowe
Chafee	Helms	Stevens
Cochran	Hutchinson	Thomas
Collins	Inhofe	Thompson
Coverdell	Kohl	Thurmond
Craig	Kyl	Torricelli
Crapo	Lott	Voinovich
DeWine	Lugar	Warner

NOT VOTING—3

Kennedy	McCain	Shelby

The amendment (No. 1302) was rejected.

VOTE ON AMENDMENT NO. 1301

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from Wyoming. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) and the Senator from Alabama (Mr. SHELBY) are necessarily absent.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The result was announced—yeas 45, nays 52, as follows:

[Rollcall Vote No. 218 Leg.]

YEAS—45

Akaka	Edwards	Levin
Baucus	Feingold	Lincoln
Bayh	Feinstein	Mack
Biden	Graham	Mikulski
Bingaman	Hagel	Murray
Boxer	Harkin	Reid
Breaux	Hollings	Robb
Bryan	Inouye	Rockefeller
Byrd	Johnson	Sarbanes
Campbell	Kerrey	Schumer
Cleland	Kerry	Snowe
Conrad	Kohl	Stevens
Daschle	Landrieu	Torricelli
DeWine	Lautenberg	Wellstone
Dorgan	Leahy	Wyden

NAYS—52

Abraham	Fitzgerald	Moynihan
Allard	Frist	Murkowski
Ashcroft	Gorton	Nickles
Bennett	Gramm	Reed
Bond	Grams	Roberts
Brownback	Grassley	Roth
Bunning	Gregg	Santorum
Burns	Hatch	Sessions
Chafee	Helms	Smith (NH)
Cochran	Hutchinson	Smith (OR)
Collins	Hutchison	Specter
Coverdell	Inhofe	Thomas
Craig	Jeffords	Thompson
Crapo	Kyl	Thurmond
Dodd	Lieberman	Voinovich
Domenici	Lott	Warner
Durbin	Lugar	
Enzi	McConnell	

NOT VOTING—3

Kennedy	McCain	Shelby

The motion was rejected.

Several Senators addressed the Chair.

Mr. NICKLES. 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.

Several Senators addressed the Chair.

Mr. ENZI. Mr. President, in light of the last vote, I ask unanimous consent the yeas and nays be vitiated on the amendment.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I could not hear the request.

The PRESIDING OFFICER. The Senator will repeat his request.

Mr. ENZI. In light of the last vote, I ask unanimous consent the yeas and nays be vitiated on the amendment.

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

Several Senators addressed the Chair.

THE PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1301) was agreed to.

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

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

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I have an amendment.

Mr. GREGG. Mr. President, regular order.

The PRESIDING OFFICER. The Senator from Iowa has the floor.

Mr. GREGG. Regular order.

Mr. HARKIN. I have an amendment on behalf of myself, Senator HATCH, Senator GRASSLEY, Senator BROWNBACK, Senator BINGAMAN, Senator BIDEN, Senator JOHNSON, Senator ROCKEFELLER, Senator MURRAY, Senator AKAKA, Senator FEINGOLD, Senator LAUTENBERG, and Senator BRYAN.

I ask for its immediate consideration.

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

The PRESIDING OFFICER. It will take unanimous consent to set aside the amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

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

Mr. GREGG. Mr. President, I ask unanimous consent at this time Senator WELLSTONE be recognized to offer an amendment, and the time on that amendment be 30 minutes with the Senator from Minnesota controlling 20 minutes of that time and the Senator in opposition controlling 10.

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

The Senator from Minnesota is recognized.

AMENDMENT NO. 1303

(Purpose: To clarify the treatment of juveniles and the mentally ill by the Prison Litigation Reform Act of 1995)

Mr. WELLSTONE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 1303.

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 45, after line 9, insert the following:

SEC. . INAPPLICABILITY OF AMENDMENTS.

Section 3626 of title 18, United States Code, is amended by adding at the end the following:

''(h) INAPPLICABILITY OF AMENDMENTS.—A civil action that seeks to remedy conditions that pose a threat to the health of individuals who are juveniles or mentally ill shall be governed by the terms of this section, as in effect on the day before the date of enactment of the Prison Litigation Reform Act of 1995 and the amendments made by that Act (18 U.S.C. 3601 note).''.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. I thank the Chair.

Mr. President, I have had the opportunity to visit some detention facilities across our country and meet with correctional officers and also the incarcerated children and their parents. I am struck again and again by one fact: The mentally ill and the juveniles—the children, the kids—are particularly vulnerable to abuse and neglect in jails and prisons in our country. That is why I am offering this amendment that will give back to the Federal courts full authority to remedy abusive conditions but only under which the mentally ill and juveniles are being held.

Just 2 weeks ago, the Department of Justice released a report on the prevalence of mental illness among adult inmates in our jails and prisons. The Justice Department report merely confirms what many of us already know. The criminalization of mental illness is a national crisis.

Of particular concern to me have been the extraordinary problems children with mental illness and emotional disorders encounter in juvenile jails. That is why I introduced the Mental Health Juvenile Justice Act earlier this year. Of the 100,000 children who are arrested and incarcerated each year, as many as 50 percent suffer from a mental or emotional disturbance.

Jails and detention centers often find they are unprepared to deal with these kids. For instance, medication which should be given is not given; medication that should be properly monitored is not properly monitored; and guards may not even know how to respond to some of these kids.

Why do so many youth with mental illness end up in the juvenile justice system? The truth of the matter is, we ought to, on the front end, do a much better job of assessing the problems of these kids and, for those who should not be incarcerated—some should—but for those who should not be incarcerated, look to alternatives.

We have not invested as a country—you can talk to anybody down in the trenches doing this work—adequately in the service programs and community prevention programs that will reduce the need for incarceration. Therefore, many of these kids wind up in these facilities. They are incredibly vulnerable. They do not get the care they absolutely have to get, and the consequences are tragic.

Last year, as an example, I went with the National Mental Health Association to the Tallulah Correctional Center for Youth, a privately owned facility for over 600 youth in northeast Louisiana. I saw shocking civil rights violations which were cited by the U.S. Department of Justice. Basically what I am saying is, there were kids who were diagnosed with mental problems getting absolutely no treatment whatsoever.

The Justice Department has also exposed gross abuses in Georgia, Kentucky, and the juvenile facilities in Louisiana. Other States also experience similar problems. Investigators found cases of physical abuse and neglect of mental health needs, including unwarranted and prolonged isolation of suicidal children, hog-tie and chemical restraints used on youth with serious emotional disturbances, forced medication, and even denial of medication.

Children with extensive psychiatric histories who are prone to self-mutilation—cutting themselves with glass—never even saw a psychiatrist.

In some cases, abusive treatment of these children results directly from their being emotionally disturbed. Staff in the juvenile facilities fail to recognize the problem and, in fact, punish these children for the symptoms of their disorders. Children have been punished for requesting treatment or put in isolation when they refuse to accept treatment. One child in a boot camp was punished for making involuntary noises that were symptoms of Tourette's syndrome. Mental disorders are being handled almost solely through discipline, isolation, and restraints, according to investigations by the U.S. Department of Justice and human rights groups.

Nobody likes litigation, but sometimes lawsuits are necessary to protect the constitutional rights of our people, especially vulnerable, voiceless persons such as incarcerated children who suffer from mental illness. That is what this amendment is about.

Because juveniles and mentally ill persons are particularly vulnerable to abuse and neglect in State institutions, I am offering tonight an amendment which will give back to Federal courts the authority to remedy abusive conditions under which juveniles with mental illness are being held. Regrettably, the Congress has taken steps in recent years to limit the circumstances under which lawsuits challenging the constitutionality of prison conditions can be brought.

Three years ago, this Congress passed the Prison Litigation Reform Act. Its sponsors claimed that the bill would merely end frivolous lawsuits by prisoners, and we all agree with that goal. I certainly do. But the terms of the PLRA were much more sweeping. It deprived Federal courts of important legal tools to remedy brutal, unconstitutional conditions in juvenile detention facilities throughout our country.

For example, the PLRA limited the power of Federal courts to impose and retain injunctive relief to improve conditions in juvenile facilities. This means that parties can no longer settle these lawsuits by means of a consent decree—a court-enforceable injunction entered into with agreement by the parties without admission of liability by a defendant. That is very important. Also, any relief order must be terminated by the courts 2 years after it is issued unless the court holds another trial.

One of the most important judicial powers that the PLRA curtailed was the appointment of special masters. Quite often judges will appoint special masters who will come in, do the mediation, do the negotiation, but we have

so limited the compensation that we are not able to do that. The act limited the powers of special masters so they can no longer perform this task of mediating disputes and assisting the parties in reaching some compliance with court orders.

While the PLRA has made it much more difficult for courts to improve inhumane conditions in prisons generally, it has had a devastating impact on the conditions in which mentally ill and juvenile defenders are held. They are particularly vulnerable to abuse and neglect at State institutions, and precisely because of that fact, we must not be indifferent to their plight or ignore their need for protection.

Let me give some examples. Just consider some of these horrific conditions involving mentally ill juveniles that PLRA has made more difficult to remedy:

In Philadelphia, children with mental illness in a juvenile detention facility operating at 160 percent of capacity were regularly beaten by staff with chains and other objects. Santiago v. Philadelphia.

In Delaware, juveniles with mental illness were housed in living units the court found posed a serious fire hazard. Their food and clothing were inadequate. Children were routinely beaten, maced, and shackled. The medical and education programs they received were below minimally accepted standards. These are facts. This is what is going on. John A v. Castle.

In a Pennsylvania-run juvenile facility, children were routinely beaten by faculty staff, staff trafficking in illegal drugs was rampant, and sexual relations between staff and confined youth were commonplace. DB v. Commonwealth.

A severely depressed 17-year-old in an adult prison in Texas was raped and sodomized. His request to be placed in protective custody was denied. For the next several months, he was repeatedly beaten by older prisoners, forced to perform oral sex, robbed, and beaten again. Each time, his requests for protection were denied by the warden. He attempted suicide by hanging himself in his cell after a guard had ignored the warning letter he wrote. He was in a coma for 4 months, after which he died.

The purpose of the Prison Litigation Reform Act was to reduce or eliminate frivolous lawsuits by inmates. I am all for that, but as these examples make clear—and I have many other examples—the inmates I seek to protect with this amendment are not filing frivolous lawsuits. Or I should say, what is happening to them is not the stuff of a frivolous lawsuit. They are young; they are uneducated; they are suffering from mental illness that prevent them from functioning at the necessary level to file a lawsuit on their own. This is a population of uniquely vulnerable inmates who need representation in the legal system and are not receiving that representation, who need the protection that the Federal courts have historically provided.

Unfortunately, this Congress seems to be moving, at least on the House side—and I pray we do not do the same thing—in the opposite direction. Just last month, the House adopted an amendment offered by Congressman DELAY to the juvenile justice bill that would actually terminate all consent decrees entered into prior to the passage of the Prison Litigation Reform Act.

The DeLay amendment would say that even when prison conditions were horrible enough to warrant the continuation of the consent decree, that decree is going to be terminated by an act of Congress. No matter how many children will suffer, the Federal judge's hands will be tied.

I think it is unconstitutional. Let me give a couple of examples and conclude, because if this amendment is agreed to tonight, this will negate the DeLay amendment in the House of Representatives.

In Ironton, OH, a 15-year-old girl ran away from home over night, then returned to her parents but was put in the county jail by the juvenile court judge to ''teach her a lesson.'' On the fourth night of her confinement, she was sexually assaulted by a deputy jailer. More than 500 children had been incarcerated in the jail over the past 3 years, many for truancy and other status offenses. Under the consent decree, no children may be held in the jail. But with what is happening in the House of Representatives, that consent degree would not even apply.

In Portland, ME, a lawsuit was filed after a young boy held in the county jail was sexually assaulted by an older adolescent. In 1987, county officials agreed to stop holding children in the jail because of another decree.

In Clovis, NM, children were held in the county jail in unsanitary conditions, without adequate fire safety procedures, recreation or programming, or adequate separation from adult inmates. In 1983, local officials agreed to stop using the jail as a detention facility for children.

The DeLay amendment would automatically terminate these decrees even if judges disagreed. This amendment would deal with this problem.

In Tucson, AZ, children in the juvenile detention center were held in leather restraints, mail was censored, there were inadequate treatment programs, and the facility was overcrowded. Another consent decree provided for the protection of these children.

In Oklahoma, there was pervasive brutality in the operation of the State juvenile correctional institutions. Children were often handcuffed and hogtied, and institutional staff relied on physical force and intimidation to keep order. The ''punishment unit'' was dark and dungeonlike. Another consent decree took care of that.

Again, this amendment I offer tonight is an effort to make sure what was done in the House will essentially be negated.

Mr. President, I will conclude. My amendment would not repeal, I say to my colleagues, the Prison Litigation Reform Act or adversely affect the crackdown on frivolous lawsuits. It would say that in the case of the mentally ill and juveniles, we should try to protect them. My amendment would merely carve a narrow exception to the PLRA restrictions in limited circumstances involving children and those who struggle with mental illness.

Elie Wiesel once said: ''More than anything—more than hatred and torture—more than pain—do I fear indifference.'' We must be vigilant and we must not allow ourselves to be indifferent to children's misery, particularly those children who may be sick, difficult, and test our patience and our understanding. In that spirit, I ask my colleagues to support this modest and humane exception.

This amendment has the support of the Bazelon Center for Mental Health Law, the Children's Defense Fund, the Justice Policy Institute, the National Education Association, the National Network for Youth, The National Prison Project of the ACLU Foundation, The Shiloh Baptist Church, the Youth Law Center, and other organizations as well.

I yield the floor.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I have 10 minutes on this amendment available and note that what we hope to do is stack the vote on this amendment with a couple other votes later in the evening. I reserve the 10 minutes because Senator HATCH has asked to speak to this amendment, and I will allocate him that time.

I make a point of order that a quorum is not present.

Mr. LEAHY. Would the Senator withhold for a moment?

Mr. GREGG. I withhold for the Senator from Vermont.

Mr. LEAHY. For some of us who have been here—I know, through no fault of the distinguished chairman, we have had 5 hours of quorum calls today, approximately. This evening I know some of us would like to be with our families. I know it is a family-friendly Senate. But for those of us who have families and wish to be with our families—I know the Senator from New Hampshire feels the same way—can we get some idea when we might vote, so we can do that? If we had not had so many quorum calls, we would be done by now.

Mr. GREGG. You are absolutely right. We are working on an extensive list of amendments. We have it down to very few. My hope is that within the next hour we can get an agreement on which amendments still have to go forward. Hopefully, there will be virtually none, and then we can go to final passage. That is the game plan.

Mr. LEAHY. I was wondering if the distinguished manager would consider

going ahead with the vote on this amendment only because I know a lot of times you get everybody on the floor for a vote.

Mr. GREGG. I would like to do that, but I believe Senator HATCH wishes to speak on it. It is represented he is headed in this direction. This is his jurisdiction and your jurisdiction.

Mr. LEAHY. I understand. I do not object to that.

Mr. GREGG. As soon as Senator HATCH comes and speaks, maybe we can move to vote.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, first of all, I reserve the final 4 minutes of my time. I ask my colleague, I assume there are no second-degree amendments in order to this amendment; is that correct?

Mr. GREGG. That is correct.

Mr. WELLSTONE. I reserve the final 4 minutes of my time.

Mr. GREGG. I reserve our 10 minutes and ask unanimous consent that no time be credited against this amendment.

Mr. LEAHY. Reserving the right to object, I want to accommodate the distinguished chairman, but I have been sitting here having rearranged other things waiting for this vote. If I object, as a practical matter, the time on the amendment will run out under the unanimous consent, and we will have to have a vote.

Mr. GREGG. That is correct.

Mr. LEAHY. The distinguished Senator from New Hampshire says the distinguished Senator from Utah is on his way here.

Mr. GREGG. It has been represented by staff that they are in the process of asking him to appear, and it was represented he would be coming.

Mr. LEAHY. I also realize the distinguished Senator from New Hampshire could put in a quorum call, even though the time will run if the quorum call is not called off. We could take a long time doing that, but we would be right back to what happened earlier because that will protect him in that sense. I will object to the time not running. I say to the distinguished Senator from New Hampshire, the distinguished Senator from Utah is on the floor.

Mr. GREGG. This is good news for all of us.

Mr. LEAHY. Why don't we let him do that and go that way so we could have a vote in the next few minutes, I say to my distinguished friend from Utah.

Mr. GREGG. I think if we could go to a quorum call briefly, the Senator from Utah will be back and will be speaking in a brief period of time.

Mr. REID addressed the Chair.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Nevada.

Mr. REID. I say to the managers of the bill, I have been working with my friend from South Carolina. We are doing——

Mr. GREGG. Mr. President, I ask unanimous consent that these colloquies not be debited to the amendment of the Senator from Minnesota.

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

Mr. REID. Mr. President, the Senator from Utah is on the floor. We have been working with our Members and have cleared most everything with the Senator from South Carolina. We only have a few more amendments——

Mr. GREGG. As do we.

Mr. REID. Requiring a very short period of time. I think if we can get past this, we would be in a position to give the Senator a finite number of amendments that still need to be debated and voted on.

Mr. GREGG. That is excellent news, obviously. We are also making good progress on our side. Hopefully, we can go to a vote and maybe make some more progress.

I yield to the Senator from Utah whatever remains of my 10 minutes.

Mr. HATCH. Mr. President, I won't take long. The amendment exempts juveniles and the mentally ill from the reforms accomplished by the Prison Litigation Reform Act, which was passed in 1996. This was my bill. This amendment would subject State prison systems to micromanagement by the Federal courts. Keep in mind, I am also the author of Civil Rights for Institutionalized Persons, which is to take care of a lot of these difficulties. I cast the deciding vote back in the late 1970s passing that bill.

Currently everyone whose Federal or constitutional rights have been violated retains the ability to bring suit and to have any violation of their rights remedied by a Federal court. All this Congress did in 1996 was to say courts could not go beyond remedying people's Federal rights to micromanage prison systems.

I am opposed to this amendment because of that. I know the distinguished Senator from Minnesota is trying to do something right, but basically it flies in the face of what the reform basically says. If true constitutional rights are being violated, they have a right to go to court under current legislation, both in the Civil Rights Act for Institutionalized Persons and the Prison Litigation Reform Act, which we passed in 1996.

I reluctantly have to oppose this amendment because I believe that basically the current law takes care of it. His amendment would allow micromanagement of the Federal courts.

I am happy to yield the floor. I hope my colleagues will vote with me on this, and I believe there will be a motion to table. I hope they will vote to table.

The PRESIDING OFFICER. Who yields time?

Mr. WELLSTONE. Mr. President, so Senator LEAHY can vote—I am very proud to have his support—I will add as an organization that supports this the National Alliance for the Mentally Ill, and I yield back the remainder of my time.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. GREGG. Mr. President, I move to table the Wellstone 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. 1303. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN), the Senator from Alabama (Mr. SHELBY), and the Senator from Texas (Mr. GRAMM) are necessarily absent.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

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

The result was announced—yeas 56, nays 40, as follows:

[Rollcall Vote No. 219 Leg.]

YEAS—56

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

NAYS—40

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

NOT VOTING—4

Gramm	McCain
Kennedy	Shelby

The motion was agreed to.

Mr. LOTT. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

UNANIMOUS-CONSENT AGREEMENT—RULE XVI

Mr. LOTT. Mr. President, I have consulted with the Democratic leader on the unanimous-consent request I am fixing to propound. I think it is a reasonable solution to deal with a couple of very important issues.

I ask unanimous consent when the Senate convenes on Monday, July 26, it proceed to an original resolution, to be placed on the calendar by the majority leader immediately following the acceptance of this agreement, and the resolution be considered under the following restraints:

That the resolution be limited to 3 hours for each leader or his designee; that there be one amendment in order for the Democratic leader regarding restoring the point of order on exceeding the scope of conference, which debate time shall come out of the resolution time; and that final adoption of the resolution must occur prior to close of business of the Senate on Monday, July 26; Provided further that when the Senate considers the agricultural disaster relief amendment to be offered by Senator DASCHLE, or his designee, to the agriculture appropriations bill, no rule XVI point of order lie against the amendment.

Mr. HARKIN. Reserving the right to object, I tried to listen to all of the verbiage. I understand that Senator DASCHLE or his designee would be allowed to offer the emergency agriculture package without any rule XVI, but to what bill? To what measure would the Democratic leader be permitted to offer that?

Mr. LOTT. To the agricultural appropriations bill.

Mr. HARKIN. Agricultural appropriations. And that will come up before we leave in August?

Mr. LOTT. Right.

Mr. FEINGOLD. Reserving the right to object, I ask the leader a question. I assume a second-degree amendment to the first-degree concerning agriculture would be out of order under rule XVI?

Mr. LOTT. Amendments thereto would have to be protected in the same way in order for that to go forward. We can't have one amendment in order and not have amendments thereto be in order also.

Mr. FEINGOLD. Mr. President, I will have to object.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. LOTT. Mr. President, now I understand the reservation that the Senator from Wisconsin has, and we can clarify that.

Let me read the last paragraph again. I think it will make it clear:

Provided that when the Senate considers the agricultural disaster relief amendment to be offered by Senator DASCHLE, or his designee, to the agricultural appropriations bill, no rule XVI point of order lie against the amendment or amendments thereto relating to the same subject.

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

Mr. LOTT. Mr. President, if I could, this just provides for a fair opportunity for debate on the restoration of the rule XVI issue that we talked about earlier today which would allow Members to have a debate on that and a vote. If rule XVI is put back into place, of course, legislation on appropriations bills will be limited, unless there is a rule by the Chair and it gets 51 votes.

We also have to debate and vote on the question of scope issues coming back out of conference.

When we do bring up agriculture appropriations before the August recess, there will be one amendment relating to disaster relief by Senator DASCHLE or his designee, and we will have an opportunity to have our amendment on the same subject. It will not relate to dairy, I make that clear.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY AND RELATED AGENCIES APPROPRIATIONS ACT, 2000—Continued

Mr. LOTT. Mr. President, with regard to tonight, we need to just keep going forward. Senator REID, as usual, is doing good work. The managers, Senator JUDD GREGG and Senator HOLLINGS, have been working. I think if we will be serious—and I don't think a lot of Senators are on either side—in trying to get this completed, we still have a raft of amendments that either need to be accepted or withdrawn.

I tried to see if we could do the work in the daylight, and I tried to see if we could do it on Mondays or Fridays. None of that seems to suit the Senate. I think we ought to keep going as late as it takes to finish this legislation. That way, we can get it completed. So it is at your pleasure. I live on Capitol Hill, so I will be at home watching you all on TV and wishing you the best. When the votes are ready, I will come back and vote. It is up to the Senators. Do we get rid of this long list of amendments that Senator REID and Senator GREGG have been working on and keep going on into the night, or we can come in tomorrow. I am flexible either way. We have to get this bill done. I think we ought to keep going.

I hope Senators will get serious about getting rid of some of these amendments. There is no reason we shouldn't have another vote or two and final passage. I hope we can get that done. This is not aimed at one side or the other. It is on both sides. Let's get serious and complete this bill.

I yield the floor.

Mr. DASCHLE. Mr. President, I take a moment to thank the majority leader for his willingness to work with us and cooperate to the point that he has tonight to reach the agreement we have for Monday. I believe this is a fair compromise. We will have an opportunity to debate it, offer an amendment, and have the vote. We will also have the opportunity to have a good discussion about how we might proceed with agriculture disasters. I think this accommodates many of the concerns we have raised.

I also must share his hope that we can finish this bill at a reasonable hour. It is 9 o'clock. There is no reason within the next hour we couldn't finish this bill. I appreciate especially the deputy minority leader for all of the work he has done to get us to this point. We are down to a couple of amendments on our side. I am hopeful we can finish. There is no reason we can't do it reasonably soon.

I yield the floor.

Mr. HARKIN. Mr. President, first of all, what is the parliamentary situation right now on the floor?

The PRESIDING OFFICER. The pending amendment is the Gregg amendment, No. 1272.

Mr. HARKIN. I ask unanimous consent to set that amendment aside and call up an amendment.

Mr. REID. Reserving the right to object, the Senator from Iowa wants to discuss an amendment that has been agreed to for 6 minutes, is that so?

Mr. HARKIN. About 6 minutes. I want to call it up first.

Mr. GREGG. Is it necessary to call it up?

Mr. HARKIN. I would like to call up my amendment.

Mr. REID. We are going to put it in the managers' amendment.

The PRESIDING OFFICER. The Chair cannot hear. We have quite a lot of racket here in left field. If we could take those conversations to the Cloakroom, it would sure help us proceed with the business at hand.

The Senator from Iowa.

Mr. HARKIN. I was under the understanding I was going to bring up my amendment, I would talk for 5 minutes, they would accept it, and that would be the end of it.

Mr. GREGG. No objection.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

AMENDMENT NO. 1304

(Purpose: To provide $100,000,000 in Byrne grant funding offset by reducing funds for travel, supplies, and printing expenses in the bill by 5.8 percent and cutting funds for preliminary work on possible Supreme Court improvements)

Mr. HARKIN. I ask consent to set aside the pending amendment. I have