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Senate

(Legislative day of Friday, September 22, 2000)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, ultimate judge of our lives, in this moment of quiet reflection, we hold up our motives for Your review. We want to be totally honest with You and with ourselves about what really motivates our decisions, words, and actions. Sometimes we want You to approve of our motives that we have not reviewed in light of Your righteousness, justice, and love. There are times when we are driven by self-serving motives that contradict our better nature. Most serious of all, we confess that sometimes our motives are dominated by secondary loyalties:

Party prejudice blurs our vision; combative competition prompts manipulative methods; negative attitudes foster strained relationships. Together we ask You to purify our motives and refine them until they are in congruity with Your will and Your vision for this Senate in these pressured pre-election days. When we put You first in our lives, You bring us together with a miracle of unity we could not achieve by human methods alone. We thank You in advance for performing this miracle. Dear God, You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JAMES M. INHOFE, a Senator from the State of Oklahoma, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Repub-

lic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

SCHEDULE

Mr. INHOFE. Mr. President, today the Senate will resume debate on the tax legislation. Debate will take place throughout the morning with a vote expected in the early afternoon. The Senate is also expected to have a vote on the motion to proceed to the conference report to accompany the D.C.

NOTICE—OCTOBER 23, 2000

A final issue of the Congressional Record for the 106th Congress, 2d Session, will be published on November 29, 2000, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT-60 or S-123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through November 28. The final issue will be dated November 29, 2000, and will be delivered on Friday, December 1, 2000.

None of the material printed in the final issue of the Congressional Record may contain subject matter, or relate to any event that occurred after the sine die date.

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By order of the Joint Committee on Printing.

WILLIAM M. THOMAS, *Chairman*.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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appropriations bill, which contains the Commerce-Justice-State appropriations language. A short time agreement on the conference report is anticipated with a vote on adoption to occur today.

A vote on the continuing resolution will also be necessary prior to today's adjournment. Therefore, Senators can expect up to four votes during this afternoon's session of the Senate.

I thank my colleagues for their attention.

The PRESIDENT pro tempore. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I say through the Chair to my friend from Oklahoma, it would seem, based upon the complexity of the tax bill and the difficult problems that we have with the Commerce-State-Justice bill, that this debate is not going to take place in a couple of hours. I think it is going to take a long time. I have to give some assurance to the people on our side of the aisle that I would say it is going to be a long day. I very seriously doubt there will be votes early this day.

I suggest to my friends on the minority side, and I think it should have some resonance on the majority side, it is very likely we will be doing things here tomorrow. Remember, we have, among other things, a 24-hour CR and we have some of the most important measures we have had to deal with this entire Congress; that is, this \$250 billion tax bill, plus Commerce-State-Justice, which is about \$40 billion. A vast majority of the issues have not been debated on the Senate floor. These are "first impression" for most of us. So I think we are going to have to talk about them to some degree.

ENACTMENT OF CERTAIN SMALL BUSINESS, HEALTH, TAX, AND MINIMUM WAGE PROVISIONS—CONFERENCE REPORT

The PRESIDING OFFICER (Mr. INHOFE). The Senator from Massachusetts.

Mr. KERRY. Mr. President, we are beginning debate this morning on what is ostensibly the conference report of the Small Business Committee of which I have the pleasure to serve as the ranking member. Obviously, nobody has any illusions that what the debate on the floor of the Senate today is about is small business issues. This is the so-called tax bill that has been attached to the Small Business conference report. But let me say a word, if I may, about the process by which how this package was made a part of the Small Business Reauthorization Act of 2000.

Despite being named a conferee, and despite the inclusion of provisions that are important to small business, and despite the fact that this conference report contains the work of the Small Business Committee and which I devoted a considerable amount of time effort and energy to negotiating, I will

be voting against the overall conference report before us today.

Mr. KERREY. Mr. President, I wonder if the Senator from Massachusetts will yield for a question at the beginning?

Mr. KERRY. I am happy to yield.

Mr. KERREY. There are an awful lot of people wondering where is the chairman of the Finance Committee, the ranking member of the Finance Committee. We are going to be taking up a tax bill and a Medicare/Medicaid bill. Why don't we see Chairman ROTH and ranking member MOYNIHAN down here managing this bill? Why is it a Small Business Committee that has the responsibility for a piece of legislation dealing with targeted tax credits and Medicare relief?

Mr. KERRY. My good friend from Nebraska asked a very important question. Let me, in defense of the Senator from New York, say that Senator MOYNIHAN will be here soon. By agreement, he is going to be co-managing this report because of the tax provisions in this bill.

Mr. KERREY. This is a Small Business piece of legislation. This bill references small business. This is not a Finance Committee bill. The answer is, it is not a Finance Committee bill.

Didn't the majority do the legislative equivalent of stealth molasses here? Didn't they take another piece of legislation, hollow it out, and stuff in it targeted tax cuts that their Presidential candidate has been opposing for the last 90 days, criticizing the Vice President, saying Washington, DC, should not decide, we should not be deciding in Washington, DC, who gets a tax cut? That is what I have been hearing over and over.

I ask my friend from Massachusetts, first of all, is it correct that they stuffed a tax bill and they have stuffed a health care bill inside of some other bill that they hollowed out, that has not gone through the normal process, and that the tax provision itself seems to violate what their Presidential candidate wants to do? Basically, it seems to me what our friends on the other side of the aisle are saying is Vice President GORE is right; Governor Bush is wrong.

Mr. KERRY. Let me say to my colleague from Nebraska, he is absolutely correct. That is exactly what has happened. That is exactly the state of affairs. In point of fact, let me say as a matter of courtesy, in terms of the process of the Senate, as ranking member of the Small Business Committee, I was never called, never asked, never even presented this conference report for signature, never even told as a matter of courtesy what would go into this package and happen to the hard work of the Small Business Committee. It was simply done in the dead of night and presented to us, *fait accompli*, to the Congress.

I think all of us have the right to ask, as Senators, what kind of courtesy is this we are being afforded as a mat-

ter of just collegial relations within the Senate. I think this process shows a fundamental disrespect for this institution, for the constitutional process and members of the Senate.

But, let me say to my colleague from Nebraska, here is what has been stuffed in this bill, to use the term by which he has appropriately described it. This is a small business bill. But, without any hearings, without any appropriate bipartisan decision, this bill is brought to the floor of the Senate today with H.R. 5538, as it was introduced, the Minimum Wage Act; H.R. 5542, as it was introduced, the Taxpayer Relief Act, which goes to the issue of the tax cuts; H.R. 5543, the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act, entirely outside the purview of the Small Business Committee; it comes with H.R. 5544, the Pain Relief Promotion Act, an entirely controversial and, as we will discuss through the course of this day, potentially very dangerous and damaging measure with respect to the delivery of quality medical care in this country; and, H.R. 5545, the Small Business Reauthorization Act, which was already mentioned.

The Senator from Nebraska is absolutely correct about the impact, the substance, and the process here.

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

Mr. KERRY. I will be delighted to yield to my colleague.

Mr. DORGAN. Mr. President, it is interesting to hear the discussion of the process. Apparently there was no conference; there were no conferees. This was a small business authorization bill that was laying dormant, which they used as a large carcass to stuff a whole range of bills in the middle of and throw it then on the floor of the Senate.

I am curious; if the Senator from Massachusetts had been accorded the opportunity, as would normally have been the case, of being a conferee and being a part of deliberations, I assume first we would not have most of these provisions in a small business bill, but if we had, for example, would a conferee coming from Massachusetts been concerned about the massive quantity of money that would go to HMOs in response to this balanced budget fix? Would there not have been an aggressive debate saying you cannot do that in the dead of night, take bags of money and give it to HMOs that are not deserving, when, in fact, small hospitals, inner-city hospitals, and others who are desperately in need of these resources do not get it? Would there not have been aggressive debate on that, and probably the disinfectant of sunlight would have given us the opportunity to dump many of these provisions?

Mr. KERRY. I say to my colleague from the State of North Dakota, he is again absolutely correct, in that the only portion of this bill discussed amongst the conferees was the Small