

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 comanaging 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

Business Reauthorization Act. I was never consulted as to what additional measures were included. And, in many respects, it is even worse than he has described. As I said, there was a conference on which we worked hard with respect to small business legislation itself, but that conference is not even properly reflected in the small business bill that has been brought here because this is a changed small business bill. It is not completely the Reauthorization package that we had conferenced. It has been changed without the courtesy of involving those of us on this side of the aisle, obviously without the debate that would have had the impact the Senator from North Dakota cites.

I have here the letter from the President of the United States in which he promises this report will be vetoed. I know the leadership on the other side of the aisle has read this and notwithstanding that the President has promised that this will be vetoed and notwithstanding the fact that the President is making it very clear to the American people and to our colleagues why it will be vetoed, they, nevertheless, have seen fit to simply bring this to the floor and, so to speak, stuff it through the Senate. Why? To create a political issue or perhaps simply to be stubborn and try to set up the President for some possible political gain.

This is precisely what George Bush himself has been talking about: partisanship, bickering, the very kind of thing that supposedly he says he could control here and on which he has been campaigning. He was asked to make one phone call to stop this and he will not even make that phone call. Here we are debating, and people are wondering why we are here. Why debate this measure just so it can be vetoed. Why not bring up the Patients' Bill of Rights, or provide a prescription drug benefit for seniors under Medicare instead of wasting time?

I will share what President Clinton said before this catchall package came to the floor, before we had to be put into this position of voting against it. I am reading from the President's letter of October 26. I ask unanimous consent that the entire letter be printed in the RECORD.

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

THE WHITE HOUSE,  
OFFICE OF THE PRESS SECRETARY,  
October 26, 2000.

DEAR MR. SPEAKER: (DEAR MR. LEADER:) Thank you for your letter yesterday responding to my proposed consensus tax package. As I said yesterday, I believe we all have a responsibility to make every possible effort to come together on a bipartisan agreement on tax relief and Medicare/Medicaid that will maintain fiscal discipline and serve the interests of all the American people. That is why I put forward a good faith offer yesterday that sought to reflect our differing priorities in a balanced manner. I was disappointed, however, that, without any consultation with me or Congressional Democrats, you chose to put forward a partisan legislative package that ignores our key con-

cerns on school construction, health care, and pensions policy. If this current tax and Medicare/Medicaid package is presented to me, I will have no choice but to veto it.

While we have already reached substantial agreement in important areas, such as replacement of the Foreign Sales Corporations regime, your legislation has substantial flaws in several key areas.

As I stated yesterday, I believe it is absolutely essential that we do as much as possible to meet America's need for safe and modern schools. It is estimated that there may be as much as a \$125 billion dollar financing gap in meeting the school construction and modernization needs of our children.

The bipartisan Rangel-Johnson proposal to finance \$25 billion in bonds to construct and modernize 6,000 schools is, quite frankly, the very least we should do, given the magnitude of this problem and its importance to America's future. Unfortunately, your proposal falls far short of the mark. We should not sacrifice thousands of modernized schools to pay for inefficient tax incentives that help only a few. For example, the arbitrage provision encourages delay in urgently needed school construction and would disproportionately help wealthy school districts.

On health care, my offer sought to lay a path to common ground by coupling both of our priorities on health and long-term care. Unfortunately, your health care proposal completely ignores our proposal to cover millions of uninsured, working Americans. Instead you put forward a series of tax cuts that, particularly when standing alone, would be inequitable, inefficient, and even potentially counterproductive health care policy. For example, while our FamilyCare proposal would expand coverage to 4 million uninsured parents at a cost of slightly over \$3,000 per person, your proposal would provide additional coverage to one-seventh the people at six times the cost per person. Moreover, your proposal would give the least assistance to moderate-income families that need help the most, while even raising concerns that those with employer-based coverage today could lose their insurance.

Similarly, on long-term care, I offered to embrace your proposed deduction for long-term care insurance in exchange for inclusion of my proposal to give families, who are burdened today by long-term care needs, a \$3,000 tax credit. Unfortunately, your legislation ignores the bipartisan package I suggested and instead would provide half the benefits of my proposal for financially pressed families trying to provide long-term care for elderly and sick family members. Surely we can agree on this bipartisan compromise that has already been endorsed by a broad array of members of Congress, advocates for seniors and people with disabilities, and insurers. Similarly, I am perplexed that we cannot agree to include the bipartisan credit for vaccine research and purchases that is essential to save lives and advance public health.

I also am disappointed that you have made virtually no attempt to address the concerns my Administration has expressed to you about the pension provisions of your bill. By dropping the progressive savings incentives from the Senate Finance Committee bill, you have failed to address the lack of pension coverage for over 70 million people. Moreover, employers may have new incentives to drop pension coverage for some of the low- and moderate-income workers lucky enough to have pension plans today.

Finally, I remain deeply concerned that your Medicare and Medicaid refinement proposal continues to fail to attach accountability provisions to excessive payment increases to health maintenance organizations

(HMOs) while rejecting critical investments in beneficiaries and vulnerable health care providers. Specifically, you insist on an unjustifiable spending increase for HMOs at the same time as you exclude bipartisan policies such as health insurance options for children with disabilities, legal immigrant pregnant women and children, and enrolling uninsured children in schools, as well as needed payment increases to hospitals, academic health centers, home health agencies, and other vulnerable providers. Congress should not go home without responding to the urgent health needs of our seniors, people with disabilities, and children and the health care providers who serve them.

A far better path than the current one is for Congressional Republicans, Democrats, and my Administration to come together in a bipartisan process to find common ground on both tax relief and Medicare/Medicaid refinements.

Sincerely,

WILLIAM J. CLINTON.

Mr. KERRY. Mr. President, the President said:

While we have already reached substantial agreement in important areas, such as replacement of the Foreign Sales Corporation regime, your legislation—

He is writing to the House and Senate Republican leaders—

your legislation has substantial flaws in key areas. As I stated yesterday—

This is the President of the United States saying this—

I believe it is absolutely essential that we do as much as possible to meet America's need for safe and modern schools. It is estimated that there may be as much as a \$125 billion financing gap in meeting the school construction and modernization needs of our children. The bipartisan Rangel-Johnson proposal to finance \$25 billion in bonds to construct and modernize 6,000 schools is, quite frankly, the very least we should do, given the magnitude of this problem and its importance to America's future. Unfortunately, your proposal falls far short of the mark.

So yesterday, and in prior discussions for weeks, the President made it very clear this falls short; this will not be sufficient; he will veto it. Nevertheless, we are here.

The President goes on to say:

We should not sacrifice thousands of modernized schools to pay for inefficient tax incentives that help only a few. For example, the arbitrage provision encourages delay in urgently needed school construction and would disproportionately help wealthy school districts.

Health care is perhaps one of the most important components of this bill. The Senator from Nebraska raised this same point—we are talking about the health care system of the country. It has been an enormously divisive and complicated issue within the Finance Committee. Suddenly, in the dead of night, it is just snatched out, a proposal is sent to the floor as part of the Small Business Reauthorization Act of 2000 and people are surprised that the President may decide he is going to veto it and that those of us on this side of the aisle might have objections to that piece of legislation coming to the floor in this manner.

Nobody should be surprised about our concerns under these unusual circumstances.

This is what the President says:

On health care, my offer sought to lay a path to common ground by coupling both of our priorities on health and long-term care.

In other words, the President sought to find the common ground. The President sought compromise. The President sought to try to address the needs of both Republicans and Democrats on health and long-term care.

He writes:

Unfortunately, your health care proposal completely ignores our proposal to cover millions of uninsured, working Americans. Instead, you put forward a series of tax cuts that, particularly, when standing alone, would be inequitable, inefficient, and even potentially counterproductive to health care policy.

The reason they would be counterproductive to health care policy is because the Republican proposal gives tax cuts to people who already have health care, who already have a high level of income, who are already covered by employers, and what you do by doing that is provide an incentive for employers to turn to them and say: We do not need to cover you anymore; you can go out and get your own health care because you are getting a tax cut—while it leaves millions of Americans who are uninsured without any insurance options whatsoever. That is so patently counterproductive, as well as patently unfair, that it begs our coming to the floor of the Senate to stand with the President and suggest this ought to be vetoed.

Mr. KERREY. Will the Senator from Massachusetts yield for another question?

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

Mr. KERREY. One of the Presidential debates was in Massachusetts. I know the distinguished Senator attended it. I suspect he watched the other Presidential debates. One of the most important dividing lines between the two candidates is that the Governor from Texas has been saying Washington, DC should not decide who gets a tax cut and who does not. The Vice President has been saying—not only for fiscal reasons but also for reasons of fairness—that is precisely what we should do. We should decide who is going to get a tax cut and target those tax cuts rather than having across-the-board tax cuts predominantly for the wealthiest Americans.

It seems to me what the Republican leadership in the House and the Senate are saying that the Vice President is right; we should target taxes and tax cuts. I wonder if the Senator from Massachusetts sees it that way.

Mr. KERRY. I say to my colleague from Nebraska, he is again perceptive in seeing the extraordinary contradiction in the actions taken by the majority party, the Republicans in Congress, compared to what their own nominee for President is suggesting is the appropriate way to proceed. Indeed, the very criticism leveled by George Bush against AL GORE that he is, in fact,

trying to target appropriately—appropriately, I underline “appropriately”—is really critical because what the Republicans are doing here is targeting, which is precisely what their candidate has criticized, but they are targeting inappropriately. They are targeting, once again, to reward those already most rewarded. They are targeting to reward those who already have health care. They are targeting in a way that ignores the concern of the President and most of us here, which is: How do you provide coverage to those people who are without coverage or having the greatest difficulty in providing for their health care with HMOs that are cutting them out.

Mr. KERREY. Will the Senator yield for a further question?

Mr. KERRY. I would be glad to yield.

Mr. KERREY. Essentially, the argument is over. Our colleagues on the other side of the aisle are agreeing with us; their Presidential candidate is wrong; we should target tax cuts.

Then you move on to the next question, which is, Who is going to get the tax cut? What standards do we apply to make that decision? Would the Senator from Massachusetts agree that it seems one of the missing questions that was not asked was—it doesn't seem to me it was asked. None of our colleagues from the other side of the aisle are here. I look forward to asking them. I don't know who was in the room when this was written. But whoever was in the room from the other side of the aisle, there were no Democrats there. Does it appear to the Senator that anybody in that room asked the question: Is this fair, given the needs of this country? Is this package fair? Did they seem to apply a standard or a test of fairness as they made their decision?

Mr. KERRY. Let me answer the Senator from Nebraska by saying, in the 16 years I have been in the Senate—in the debates we had in 1986 on tax simplification—in almost every single tax proposal we have worked on in those years, I have never heard the word “fairness” come from that side of the aisle. I have never heard them suggest that the plan they are offering America is based on a fundamental notion of what is fair for all Americans.

Mr. KERREY. I wonder if the Senator—

Mr. KERRY. I will say this to my colleague. If you look at the distribution here to the HMOs, and if you look at what happens to community hospitals, to home health care delivery, to the nursing homes, to those people who are part of a community and stay in a community, and who are not there for profit, versus what they have done to provide the lion's share of funding to those who work for profit but at the same time have cut off 400,000 senior citizens from getting health care, it is an extraordinary imbalance on its face.

Mr. KERREY. Will the Senator yield for one additional question?

Mr. KERRY. I will yield.

Mr. KERREY. And then I will wait to speak further after the Senator finishes his opening remarks.

In this morning's New York Times, there is an article describing the Texas Governor's speech in Pennsylvania yesterday. He does know how to turn a phrase. It is very good language. But I wonder if the Senator from Massachusetts sees a conflict in what the Governor of Texas is saying that he wants to do and what is in this bill.

Let me read what he said:

In my administration, we will ask not only what is legal but also what is right, not just what the lawyers allow but what the public deserves.

He went on and said:

In my administration, we will make it clear there is the controlling legal authority of conscience.

Does my friend from Massachusetts think this process and this proposal meets the test that the Governor of Texas set yesterday in Pennsylvania?

Mr. KERRY. Mr. President, let me say to my colleague, the question he raises should not be treated by my colleagues as simply political posturing or somehow a statement that suggests that there is simply a point to be scored here.

In the years I have been here, I have never seen the distinguished Senator from West Virginia, Mr. BYRD—who I think most people in the Senate would agree is really the custodian of the institution—he is the Senator who has written the most, thought the most, and perhaps stood the strongest for the rights and prerogatives of Senators, and the rights and prerogatives of this institution.

What the Senator from Nebraska is raising in his question really goes to the core of the conscience, if you will, of the Senate, of what is right, of what is the controlling legal authority for the Senate.

Is it appropriate to have a process that excludes and distorts and diminishes the institution in the way this process has?

The distinguished minority leader is on the floor of the Senate. I saw him as angry yesterday and as visibly upset as I think any of us in our caucus have ever seen him because of his sense of this violation of process, of the ways in which the rights of individual Senators are being denied.

Now, people may not like a particular vote around here, and people may not want to vote because they don't like the fact they have to stand by that vote, but the fact is, this legislation that comes to the floor of the Senate today is a violation of our rights, of the sort of conscience, if you will, that the Senator is talking about, about doing what is right.

I will go on, if I may, to underscore—

Mrs. BOXER. Before the Senator moves on any further, I ask him if he will yield for a question?

Mr. KERRY. I am delighted to yield to the Senator.

(Mr. BROWNBACK assumed the chair.)

Mrs. BOXER. I thank my friend from Massachusetts for coming down here and putting into words what so many of us are feeling—just this sense of unfairness, not only about the process, which he described so well, taking what is supposed to be a Small Business bill, hollowing it out and stuffing it full of other issues, leaving out the people who are supposed to be involved, but also the substance of what is actually in this bill.

I want to probe him on one question. Is the Senator aware that tens of billions of dollars in this bill are going to the HMOs, and there is not one string attached that the HMOs have to serve the senior citizens who they kicked out of Medicare?

We are giving bags of money to one of the most unpopular businesses in America today because they do not treat people fairly, without one requirement that they take these seniors home again and give them health care again.

I say to the Senator, you have seen it in your State and I have seen it in my State, where seniors were told: Join this HMO through Medicare. You won't have any copayments. You will be fine, only to wake up in the morning and be kicked out.

Could my colleague talk about the fairness or unfairness of that?

Mr. KERRY. May I say to my friend from California, she is one of the champions in the Senate for that kind of fairness and for her sensitivity to the notion of what happens to our seniors. Obviously in California it is vital to have that kind of sensitivity.

Let me underscore what she just said, because not only do the tens of billions of dollars go to the HMOs in a disproportionate share—one-third in the first 5 years, 50 percent in the second 5 years—the Senator from South Dakota, the distinguished minority leader, led an effort in the Senate to try to secure \$80 billion as the appropriate balanced budget fix here, with a recognition that we would do away with the 15-percent cut which has been mandated inappropriately by almost everybody's agreement.

What we are winding up with is \$30 billion, which has now been divided by the majority party completely inappropriately to one of the greatest sources of the problem in the delivery of health care in the country.

What is absolutely extraordinary in this situation is that, as the Senator from California mentions, there is only one sort of minor requirement here about what kind of behavior the HMOs might be held to.

All of us in the Senate have been fighting for months to try to get a Patients' Bill of Rights and establish a real set of principles and standards by which people in the United States will know what they are going to get from HMOs, what they can expect from HMOs, and how they will be treated by

HMOs. But here we are with a great big grab bag giveaway to the HMOs, without any of those standards being embraced here.

If you want to talk about the conscience, and doing what is right, which is what the Senator from Nebraska talked about, here is an incredible example of the way in which they have sort of flagrantly chosen how to satisfy their constituencies, their sense of who ought to get something, and have left out completely the rights we have been fighting for that would have accrued—the basic rights, a woman's right to know she can keep her own OB/GYN she has had for a number of years, a person's right to go to an emergency room of their choice, a right to a second opinion. Think about that, to get a second opinion and not to have some HMO bureaucrat in a State that isn't even associated with your particular health care problem not make the decision but have your doctor make a decision. We can't even come to the floor of the Senate and do that here. We have to give away money to the folks who already have health care rather than taking care of the people who are uninsured which could be done cheaper.

In fact, what the President says in his letter is really interesting. I will share this completely with my colleagues as we put it into the RECORD.

The President said, before this came to the floor, before we were put in the predicament of having to vote against something that has a lot of good in it, many of us like components of what is in this bill. Many of us worked hard to get components of this bill. We are going to be forced to vote against it because of the fundamental unfairness. The President of the United States makes that very clear in his letter. I will continue to read what the President says to both leaders:

Instead you put forward a series of tax cuts that, particularly when standing alone, would be inequitable, inefficient, and even potentially counterproductive to health care policy. For example, while our FamilyCare proposal would expand coverage to 4 million uninsured parents at a cost of slightly over \$3,000 per person, your proposal would provide additional coverage to one-seventh the people at six times the cost per person. Moreover, your proposal would give the least assistance to moderate income families that need the help the most, while even raising concerns that those with employer-based coverage today could lose their insurance.

Similarly, on long-term care, I offered to embrace your proposed deduction for long-term care insurance in exchange for inclusion of my proposal to give families, who are burdened today by long-term care needs, a \$3,000 tax credit.

That sounds pretty bipartisan to me. The President said: I offered to embrace your proposed deduction if you would embrace my effort to give families who have long-term care problems a \$3,000 tax credit.

What happens? Rebuffed.

The President says:

Unfortunately, your legislation ignores the bipartisan package I suggested and instead would provide half the benefits of my pro-

posal for financially pressed families trying to provide long-term care for elderly and sick family members. Surely we can agree on this bipartisan compromise that has already been endorsed by a broad array of members of Congress, advocates for seniors and people with disabilities and insurers. Similarly, I am perplexed that we cannot agree to include the bipartisan credit for vaccine research and purchases that is essential to save lives and advance public health.

Let me say a word about that, if I may, because I wrote that legislation. We have been struggling in the Congress to get this considered. I wrote it with Senator BILL FRIST. This is an effort to try to guarantee that the great AIDS crisis will be properly addressed. Millions of people are dying in Africa, countless hundreds of thousands are affected here in our own country by this ravaging disease. Unfortunately, the pharmaceutical companies have no incentive because people in those countries cannot afford to buy the drugs. It is much more profitable to produce Viagra or any number of other drugs that are advertised now—Claritin, whatever. There are a whole set of drugs that have quick return and that make money. But poor countries cannot afford to buy these drugs.

We have already passed into legislation funding of some \$500 million for AIDS vaccine distribution across the world. The problem is that there is no vaccine today, and there won't be a vaccine unless the companies have an incentive and a capacity to be able to develop it. It is not only AIDS, incidentally, it is also for tuberculosis, for malaria. There are infectious diseases for which we could have further research in terms of vaccine development.

What we want to do is provide the companies with a tax credit and the capacity to do that. It has broad bipartisan support. It is only \$1.5 billion over 10 years. But that is not even in here. That is ignored in here. The President of the United States is suggesting it ought to be in here. They are perfectly prepared to take a huge percentage of the \$30 billion and give it to the HMOs, but they are not prepared to provide the \$1.5 billion in an effort to provide incentives for AIDS vaccine research.

The President also says:

I also am disappointed that you have made virtually no attempt to address the concerns my Administration has expressed to you about the pension provisions of your bill. By dropping the progressive savings incentives from the Senate Finance Committee bill, you have failed to address the lack of pension coverage for over 70 million people. Moreover, employers may have new incentives to drop pension coverage for some of the low- and moderate-income workers lucky enough to have pension plans today.

Finally, I remain deeply concerned that your Medicare and Medicaid refinement proposal continues to fail to attach accountability provisions to excessive payment increases to health maintenance organizations (HMOs) while rejecting critical investments in beneficiaries and vulnerable health care providers. Specifically, you insist on an unjustified spending increase for HMOs at the same time as you exclude bipartisan policies

such as health insurance options for children with disabilities, legal immigrant pregnant women and children, and enrolling uninsured children in schools, as well as needed payment increases to hospitals, academic health centers, home health agencies, and other vulnerable providers. Congress should not go home without responding to the urgent health needs of our seniors, people with disabilities, and children and the health care providers who serve them.

I read the newspapers today, and I saw a fairly typical sort of Washington response from someone on the other side of the aisle suggesting that the President's veto of this bill was somehow going to provide them with an upper hand in the last weeks of this election cycle. This is not about the last week of the election. This is about fundamental policy, which the President has described in this letter, which goes directly to the question of how this country is going to provide for health care for our citizens. There are 44 million or so Americans who have no health care whatsoever. What about them?

Mr. DASCHLE. Will the Senator from Massachusetts yield for a moment?

Mr. KERRY. I am happy to yield to the distinguished leader.

Mr. DASCHLE. I thank him and commend him for his powerful statement and the eloquence with which he has described our current circumstance.

I appreciate especially his interest in reading into the RECORD many of the concerns the President expressed in his letter to all of us yesterday. I also appreciate his contribution to the caucus as we have attempted to work through how we ought to respond to this very unusual set of circumstances. He is our ranking member on the Committee on Small Business. He indicated to me yesterday that there was no consultation prior to the time this conference report was brought to the Senate. I ask the Senator from Massachusetts if he could elaborate first on what consultation, what degree of communication there was in coming to the floor and in talking about this bill. To what extent was his signature sought prior to the time we came to the floor?

Mr. KERRY. Mr. President, I will gladly respond to the distinguished leader's question. I went into this a little bit before he came. Let me repeat: The distinguished Senator from Missouri and I worked hard on the small business components of this. But there was no consultation whatsoever, no phone call, no request for signature, no meeting, no discussion even about this bill being used, at least with this Senator, as the vehicle for these components being put in it. We were not in the room. We didn't know where the room was. We weren't even asked whether or not this was something we might or might not object to or what the impact might be on the bipartisan efforts that had taken place to have a complete small business reauthorization bill.

Moreover, the bill that comes to the floor today is not even the same small

business reauthorization that we worked on. It has been changed, again, we had no consultation and no part.

Mr. DASCHLE. I ask the Senator from Massachusetts this: Obviously, there are many times when we are called upon to vote. But I have never heard of a time when the ranking member of a conference was denied even access to the text of whatever it was he was conferencing on.

Let me ask the Senator from Massachusetts, has he now seen a copy of the conference report?

Mr. KERRY. I have it right here, Mr. President. I tell the leader I do now have a copy of it.

Mr. DASCHLE. Is it the Senator's understanding that the entire conference report is what we have in our hands—two pages?

Mr. KERRY. It is two pages with two signature pages, and the joint explanatory statement of the committee—about five pages. I will show it to my colleague. I had no input on this explanatory statement and it is hard to explain, but it is just a small paragraph to describe the hundreds of pages mentioned on by reference in this report.

Mr. DASCHLE. Mr. President, I am really amazed and somewhat amused. As you look at this so-called conference report, one could almost read it in less than a couple of minutes. I won't do that. But I find it interesting, and I ask the Senator from Massachusetts if he could share his observations with regard to the way this conference report was written. This is no conference report. This is nothing more than a list of references to other bills proclaiming it to be a conference report. This says:

The provisions of the bills of the 106th Congress are hereby enacted into law: H.R. 5538, H.R. 5542, H.R. 5543, H.R. 5544, H.R. 5545.

So ends the conference report. That is the most remarkable thing. I just can't imagine that anybody would be willing to put their signature to a conference report which does nothing more than reference other bills. This is the conference report—or a representation of the conference report. This is what it should look like. What I hold in my hands is how thick the conference report should be. Yet as thick as this is, they could not even get it right. We actually terminate the minimum wage in this conference report. I wonder whether the Senator from Massachusetts is aware of that and could respond to how that could have happened.

Mr. KERRY. Mr. President, let me say to the distinguished leader, I only learned that this morning having had limited time to review it. Well, it either happened purposefully or by accident. Either way, that is not the intent of the Congress with respect to the minimum wage. I understand that it is a 6-month termination of the minimum wage, which I hope is by accident. But if it is, it represents the craziness and the sloppiness of the way in which this has come to the floor.

Mr. DASCHLE. Well, as I say, I note in amusement, the Senator spent some

time talking about the President's veto letter, and I am amused in part because the Speaker has already addressed the veto letter and was asked yesterday if Republicans would be willing to rework the tax cut bill after a veto. He responded—I hope colleagues will listen—that any new legislation would have to go through committee, and anything else would amount to half—I will call it “half-baked” legislation. He has another term, but I don't think I want to dignify it this morning.

Anything other than a committee process is half-baked, according to the Speaker. Maybe that is how we leave out minimum wage reauthorization. Maybe that is how we leave out Democratic proposals, as the Senator from Nebraska had offered in the committee, along with others, to make this more fair. Maybe that is how it happens. Maybe you don't produce a bill this thick because you don't care about fairness; you don't care about getting it right.

I ask the Senator from Massachusetts whether he would care to observe whether he has had, in his experience as ranking member, a time when he has ever seen legislation coming to the floor in this form, leaving out provisions that literally nullify a law that has been standing now for almost 70 years?

Mr. KERRY. Mr. President, I voiced my concern about this to the leader yesterday and a number of times previously—that this is not the way to legislate. I think most of us understand that. I think it really calls to question the sort of good-faith, bipartisan efforts our friends often talk about. There is a simple matter of courtesy with which this institution and any institution essentially needs to run. I don't like to say this, but I have to say that it just sort of runs roughshod over anybody's notions of decency that there isn't even a phone call, there isn't even a discussion. Is there a way to work this out? Can we sit down? Can we have a meeting? What is possible here? None of those questions were asked—just an assumption that this is the way we are going to do it and we are going to proceed forward. I just think it is destructive and unfortunate.

Mr. DASCHLE. I ask the Senator from Massachusetts whether he shares my observation that it comes down to a question, as he said, of fairness. We are talking about whether or not this process is fair, whether or not, with all of the talk of bipartisanship in the Presidential campaign, there is any element of fairness or bipartisanship in the way this process has unfolded; whether or not there is fairness in a school construction proposal that leaves out over 90 percent of the school construction opportunity and need we have in this country; whether or not it is fair to provide more benefits to the top 5 percent of all taxpayers than the bottom 80 percent as represented in this bill; whether or not it is fair to give a third of all the benefits we are

providing in BBA back to the HMOs as ransom payments to stay in States that they have already proclaimed they will not do. I ask the Senator from Massachusetts whether he doesn't agree that really the essence of this argument, the essence of this debate is a question of fairness.

Mr. KERRY. Mr. President, I believe the eloquent questions asked by the Senator from South Dakota make their own answers. I think any American dispassionately making a judgment about this process and looking at this legislation and measuring its impact would come to the conclusion that the fundamental sense of fairness, that the distinguished leader is talking about, is absent.

I am sure the distinguished majority leader, who is standing here, will have his response, and I understand that. He is going to suggest, wait a minute, fairness is fairness. But here is a letter from the President of the United States. The President of the United States says if we do this, he is going to veto this. He has proven previously he is prepared to veto bills when he says he will.

It seems to me that if we are not looking for a political issue, if we really want to legislate, we would sit down with the President of the United States and say, OK, Mr. President, we are prepared to offer this; let's have an agreement. But the President says that even his offer—I want to reemphasize this—even his offer was refused. The President says on long-term care:

I offered to embrace your proposed deduction for long-term care in exchange for inclusion of my proposal to give families who are burdened today by long-term care needs a \$3,000 tax credit.

Let me ask my colleagues this: Long-term care, I have become particularly familiar with that over the course of the last year and a half. My father passed away last July and he had considerable care, as my mother does today. It is expensive. We are fortunate that we can pay for it. But it taught me firsthand what happens to those families who can't and how extraordinarily expensive and difficult it is. We have driven families out of hospital care and we have driven them out of nursing home care. We have increasingly, through the creation of the drugs we have in this country, made it easier for people to be treated at home and be kept out of the hospital. But here we are denying people the capacity to have a \$3,000 tax credit for long-term care. Why? So you can give more money back to the HMOs. Where is the fundamental sense of fairness? The President of the United States offered to the majority party the chance to say let's compromise. And what happens? We get legislation coming to the floor that seeks to just stuff it to the President of the United States and stuff it to the rest of us here and stuff it to the American people.

Mrs. BOXER. Will my friend yield for a question, Mr. President?

Mr. KERRY. I will be happy to yield for a question.

Mrs. BOXER. I am sitting here listening carefully to the Senator from Massachusetts, to my Democratic leader, and others. I realize why the Senator started out with the word "fairness" and why this bill is so unfair. I wish to just ask one question. I wonder if my friend has seen the Washington Post analysis of this particular tax bill entitled "Businesses Poised To Benefit From Bills."

I wanted to point out an irony and see if my friend doesn't agree, the irony of calling this a small business bill; in other words, they have hollowed out the small business bill. But let's look at what they have done. And I will be very brief, but I think it is important. It says, "From the National Association of Broadcasters and defense contractors to the racetrack industry, to tobacco companies, business interests are poised to reap large benefits from the small print of Republican-backed bills that were moving through Congress yesterday."

Looking at several of the bills, it goes on to say—and again I will be brief—"But those benefits pale"—those benefits pale—"in comparison with the ones lavished on medical care providers," the HMOs. Those pale. So they gave to the tobacco industry; they gave to the defense contractors; they gave to the broadcasters. We know how they are all suffering. And those benefits pale in comparison with what they gave to the HMOs. So when the Vice President is out there talking about fairness and talking about fighting for people, this proves his point. When Democrats are locked out of the room—and we know they were—who walks away with the sacks of money but the HMOs that have been hurting our people.

So I think my friend has really laid out the case. And by the way, the Post points out there are many other special interests hanging around these corridors. They are unhappy they were left out of the mix, and they are listed here—the lobbyists in their pinstripe suits standing around here waiting to get in, waiting to get some of the benefits.

So I just wonder at the irony of the situation. I notice my friend is not wearing a pinstripe suit himself today. But the bottom line here is giveaways to those who have, asking nothing in return, giveaways to those who are hurting the senior citizens, kicking them out of the HMOs because they say Medicare doesn't pay enough. They get billions of dollars back. Nothing is really asked of them to walk away with those sacks of money. And all they are doing with the so-called small business bill is giving breaks to big business. I say to my friend, he is right to be upset on this point.

Mr. KERRY. Well, I may say to the Senator from California—and I know the majority leader is going to point this out to us—we have a rule here,

rule XXVIII, and I am confident he is going to talk about that and he is going to say, well, the Senate created a situation whereby this rule was replaced by a precedent allowing an unfortunate process whereby a piece of legislation like this "can happen." That goes to what the Senator from Nebraska was talking about—the legal authority versus the sense of conscience and the question of what is right and what is wrong.

It also goes to the question of how one gets things done. I will readily acknowledge that there is a "precedent" that allows last minute things to happen in the context of a conference. But the precedent and the rectitude with which it might be legitimately used does nothing to wipe away the question of the sort of moral or political legitimacy within the context of this institution or our own politics. When the President of the United States sends a letter and says: Don't do this; I will veto it because it is fundamentally unfair, but nevertheless people go ahead and proceed to do it anyway, that really calls into question motive, purpose, outcome, and why we are here today in this situation.

So I am going to readily acknowledge, sure, you can use some technicality of legitimacy to say it, but it is not legitimate in the larger context of what we are trying to get done. It is not legitimate when measured against the judgment of most Americans about what is fair and right.

It is clear that we have a health care delivery system problem. We have millions of Americans who have no insurance whatsoever. The President offered a way, a far less expensive way than that which has been exploited by the majority party, to provide care to those citizens. In his letter—and I want to emphasize this—the President says very clearly, "Our family care proposal would expand coverage to 4 million uninsured parents at a cost of slightly over \$3,000 per person. Your proposal"—this is the proposal of the majority side—"would provide additional coverage to one-seventh the people at six times the cost." One-seventh of the people at six times the cost.

That is what this fight is about. It is about uninsured people versus people who are insured. It is about unintended consequences, or maybe vague results. If you give a health care tax credit to people who already have coverage, you are giving an incentive to corporations that provide that coverage to turn to them and say we don't need to provide you with coverage anymore; you now have a handsome health care tax credit from the Federal Government; go buy your own. And you wind up reducing the number of those who are covered, not in fact encouraging further coverage. So there is a complete reversal of policy in a sense here, and I think it goes to the core of what this particular legislation is about.

Now, I said earlier—and I want to complete the part of my statement

about what is going in this bill and why I think we could find a common ground. It seems to me there is a common ground that could be found. First of all, the small business provisions are good. We worked at them, hard. I might also emphasize that the hard work is one of the reasons that they are good—and I congratulate the Senator from Missouri, Mr. BOND, and his staff for this—we worked together in order to try to accommodate people. We accommodated the Senator from Minnesota, Mr. WELLSTONE, on one component, which was a very important part of expanding the reach of programs into low-income communities, and that was how we came to a consensus agreement of bipartisanship within our committee.

But, again, without my knowledge, without one Senate Democrat being there, that entire provision was thrown and traded away in the middle of the night, in a room that I still do not know where it was, with those people who met without even inviting us. The consensus that had been built for the small business bill was traded away in exchange for other items that are in this legislation. I say to my colleagues, respectfully, that is not the way to build consensus. That is not the way to encourage the capacity to have agreement in the final results here.

There are important provisions in this bill. Provisions which I worked to include and worked with other members to get included. There is a reauthorization of the National Women's Business Council at \$1 million a year. That is important. We should be doing that together. It enhances the procurement opportunities for women-owned businesses. We built an important consensus on that. We should be doing that together. It reauthorizes the very small business concerns program. We worked hard for that. We should be doing that. It reauthorizes the Socially and Economically Disadvantaged Business Program, it extends the SBA's co-sponsorship authority, and it has important provisions to increase veteran owned businesses. There were important changes to the Microloan Program, which I included, specifically provisions that increased the maximum loan amount from \$25,000 to \$35,000, and increasing the average loan size to \$15,000. These are important provisions that we worked on together. Its not a perfect document, but it has the support of nearly all members, because we all had a stake in it and were a part of the process.

There are good things in this bill. I regret the fact that I am put in the unfortunate position of having this sort of nonlegislative process crowd in on the legislative process and take away our ability to promptly pass important legislation for small businesses in this country. I regret that the Wellstone provision that would have created a 3-year \$9 million pilot project to build the capacity of community development venture capital firms through re-

search and training and management assistance was stripped out without our knowledge or consent. Again, without sort of our consent or participation whatsoever.

But let me focus finally, if I may, on underscoring a couple of aspects about the bipartisanship here. I introduced legislation earlier this year, with my distinguished colleague from Maine, Senator COLLINS, to try to address the lack of adequate funding for one specific service on which seniors depend, and that is home health care. We both shared a belief—shared by almost all of our colleagues in the Senate—that the crisis in home health care is becoming so glaring that we ought to be able to build a bipartisan consensus here to do something about it. And we laid out a sense of how the Senate could do that.

Unfortunately, in this legislation, we see a reluctance to try to properly address that home health care component, coupled with the nursing home care component—again, in favor of the HMOs themselves which have cut some 400,000 seniors from coverage in the course of the year.

We laid out the picture for the Senate: Funding for home health care has plummeted since enactment of the BBA of 1997. The original cuts in home health care payments included in the BBA totaled \$16 billion, but estimates now show that the industry will sustain a cut in Medicare reimbursement of more than 4 times that—\$69 billion. According to CBO, Medicare spending on home health care dropped 45 percent in the last two fiscal years—from \$17.5 billion in 1998 to \$9.7 billion in 1999—far beyond the original amount of savings sought by the BBA. The draconian cuts in home health care services mirror the cuts in funding for hospitals and nursing homes. These cuts have created a crisis in our country.

And many of us worked across the aisles to do something about it. But we didn't have a seat at the table when the BBRA was put together.

And I ask you, has the Majority responded adequately to this crisis? Have they provided, in the BBRA, sufficient funds to strengthen our local hospitals, nursing homes and home health agencies. No, they have not.

What, then, in spite of the obvious needs for remedies, what do the Republicans, do with the \$30 billion in funding that they provide in the BBRA? Who benefits from this restoration of funding? Would you believe that the primary recipients of the increased Medicare funds are HMOs? That's right, the same HMOs who have dropped, this year alone, 400,000 seniors from their health plans because they could not turn a profit caring for the aged. The same HMOs that fight tooth-and-nail against adopting a Patient Bill of Rights which would ensure Americans have basic rights to quality health care.

The \$30 billion in Medicare this add-back package is too heavily targeted at HMOs. Over the first 5 years, one-third

of all of the relief in this bill goes to HMOs; over the second 5 years one-half of the relief goes to HMOs.

It is unconscionable to bolster Medicare funds for HMOs at the expense of our community hospitals, nursing homes, and home health agencies—providers that do not pick-up and leave a community just because they are not making a profit. HMOs' treatment of seniors has been deplorable—having dropped 400,000 from their plans this year—and should not be rewarded.

Yet that's all this bill does—and my hope is that after this bill is vetoed, when Congress returns, that we'll be able to do in home health care relief what we should have been doing all along—providing a meaningful lifeline to these home health care agencies which make such difference in the lives of our seniors.

Vaccines for the New Millennium Act—Omitted from Final Tax Package.

I want to also talk about an issue that I have worked on for 2 years, in one of the best bipartisan efforts I have been a part of in my 16 years here.

Democrats and Republicans have negotiated together for the past 2 years to create a strong bipartisan bill to provide assistance with the development and purchase of vaccines for AIDS, tuberculosis, and malaria.

I sat down with BILL FRIST, with the distinguished Chairman of the Foreign Relations Committee, JESSE HELMS, and with numerous colleagues on the Democratic side who wanted to address a global crisis having an extraordinary impact particularly on sub-Saharan Africa.

The Administration was strongly supportive of our efforts—as were our colleagues in the House.

And yet the Vaccines for the New Millennium Act was dropped from this conference report.

Let me just share with you what our legislation would have done—legislation dropped in favor of poison pill measures opposed by many members on both sides of the aisle:

We aimed to provide a 30 percent tax credit on R&D into vaccines against malaria, TB, AIDS and any other disease which kills more than one million people per year. This provision expanded and targeted the existing R&E tax credit.

It would also provide a tax credit on the sales of vaccines against malaria, TB and AIDS. Vaccine manufacturers would receive a 100 percent credit on the value of their sale of vaccine to qualified international health organizations, like UNICEF, for distribution to developing countries.

Let me emphasize again why we believed it was so critical to act now. There is great need for further vaccine research. Every year, malaria, TB and AIDS kill more than 7 million people. Preventive vaccines are our best hope to bring these destructive worldwide epidemics under control. The NIH is conducting vital research at the basic science level, but private sector pharmaceutical companies have the lion's

share of expertise in bringing vaccines to the market place. But the market fails in the case of vaccines against diseases which strike primarily the developing world. This measure would have addressed this market failure by reducing the high cost of R&D as well as by creating a market for the vaccines once they are developed. The American Public Health Association, the Global Health Council, AIDS Action, the Elizabeth Glaser Pediatric AIDS Foundation, the AIDS Vaccine Advocacy Coalition, the Alliance for Microbicide Development and the President's Advisory on HIV/AIDS all support the measure.

And yet it is nowhere to be found in a tax package that found room for all sorts of complicated tax cuts for those who need them the least in our society—while ignoring the needs of an entire continent teetering on the brink of being entirely wiped out.

Our politics can be better than this. We can address the real needs of a country in Medicare, in the health care crisis of our nation, in the global pandemic of AIDS, tuberculosis, and malaria—or we can play politics.

This bill is headed for a veto. And it deserves it.

The American people deserve better than this.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, first, for the interest of all Senators, I know they are wondering when a vote or votes will occur. It is anticipated that there will be at least a couple, maybe three or four votes, within the next 2 or 3 hours. We are not certain exactly what time that will occur, but I will try to get it started shortly so we can get to the votes that are needed.

For instance, once again we are going to need to set up a process so we can get a vote on the very important bankruptcy legislation. As a result of trying to get on the tax bill yesterday, I had to set aside an action that had been taken earlier on the bankruptcy reform, and it is my intention still to try to file cloture on that to try to get that very important legislation addressed before the Senate completes its work.

Also, we would need to vote on the continuing resolution that would take us over into tomorrow.

Also, we would possibly need to move to proceed to the D.C. appropriations conference report and the Commerce-State-Justice conference report. Within a few minutes we will try to get those started.

Mr. President, as to what has been said last night and this morning, it has been interesting. You know, the American people understand this is a political season and that tempers get a little short, people get a little desperate in their actions, and I think that begins at the White House with the President. I have tried to communicate with the President, but it is not always easy. He was in New York City the

night before last. He was playing golf yesterday afternoon. He did return the call I made to him yesterday afternoon, even though I placed the call the day before to talk about some of this. But he has written this letter threatening a veto.

So much of this is complaints about procedure, complaints about "inside baseball," complaints about what may not be in the bill. Let me say to the American people some very important things they need to hear. Let's not get into all the brush of the way we do business around here. Let's talk about the result.

First of all, some people may be surprised to learn—some people may not even like it—but 80 percent to 90 percent of this bill has been requested by the President of the United States. He wants these things, and they have been negotiated with the administration. There have been negotiations between the House and Senate. Once again, that is procedure. But let me assure the American people there are a lot of things in here that he wanted that I don't particularly like. Let me also say there are some things that were taken out at his specific request.

When you get down and analyze his complaints, it is because he doesn't think we did quite enough to suit him on this school bond construction tax credit. There are a lot of people over here who do not think that what we have done should be in this bill. But there was an effort made to accommodate a lot of different thinking. But he is not opposed to what is in here necessarily; he just wants more.

On the Medicare adjustments, lots of people have had input on that. The House of Representatives had an overwhelmingly bipartisan vote on that subject. I don't know exactly what it was, but probably 300 or more for the Medicare adjustments. The Finance Committee reported it out, I believe it was 19-0. I will clarify for the record these exact votes. So there has been an awful lot of bipartisanship.

But let's not get all wrapped up in that. Let's look at what is in the bill. Let's look at what is in the bill that is overwhelmingly good, that everybody is for, and we are reduced to complaining about how it got here.

Once again, it's the old saying we are going to defeat the good—no, we are going to defeat the excellent because we do not like the procedure or because it is not perfect or everything that the President wants. We are a coequal branch. He should not expect, and he will not get, 100 percent of what he wants. No President will—none. But we worked with him. When you get 80 or 90 percent of what you want, then most people say that is pretty good. He sits over there or in California or New York and says: Give me everything.

Let me talk to the American people about what is good about this bill. Let's not get into the politics and the procedure and all that is happening. Let us just go down the list and let's talk a little bit about what is included.

Who among us is opposed to the IRA and pension reform provisions in this bill? Who thinks we should not raise IRA contributions up to \$5,000 per year?

Who thinks we should not increase contribution limits for 401(k)s, 403(b)s and 457 plans from \$10,000 to \$15,000? And, by the way, with a lot of bipartisan requests, another \$5,000 I believe is available for people over 50 for these 401(k) and other plans. There are some 50 modifications in this bill with regard to IRAs and pensions. We want to encourage people to save, don't we? Who is opposed to this?

By the way, unfortunately, it has limits. This is really targeted at middle-income and low-income people to encourage savings. The chairman of the Finance Committee has become the hero of the IRA proposals, the Roth IRA. Here again, we take one more small step to give people a little opportunity to save for their needs, for their children, without the Government saying: Oh, we will tell you how you may do that and we will limit it. So I think there are pretty good provisions in there.

There is small business tax relief for the one group left in America that may save us, the small business men and women, those young entrepreneurs, men and women and minorities who take a chance, people who start the little restaurant, as the Senator from Nebraska did. He went out there; he found out about the restaurant business—it is tough. You have to get people hired. You have insurance costs. You have crime. You have management problems. You have food spoilage. It is endless. Bless their hearts.

So we do a little something for small business men and women. I do not apologize for that. My only complaint is we do not do enough. The ridiculousness of the request from the administration that we take out a provision that would have eliminated the .02 percent Federal unemployment tax surtax—it doesn't take out the FUTA tax, just the so-called surtax that was temporary, just stuck it on the small business men and women to boost this fund which I understand now has \$22 billion in it.

So we had a proposal to take off that little .02. That is something that will actually help the small business man and woman who is working on the margins, barely making it, a little extra they can keep that is not needed in this \$22 billion trust fund.

Then the tip credit. The President threatened to veto this bill over the tip credit issue. He is wrong. The Senator from Nebraska knows that was a mistake. These are people who never had another job, couldn't get another job. This is a little help for the people who are working on tips. My Lord, we are taxing tips. If you work hard and you get a bonus, you pay extra. If you work hard, you do a really good job, and you get a little extra tip, you pay a little extra. The whole concept is ridiculous.

But in an effort to accommodate that, in a conversation I had with the President himself, we took out the FUTA and the tip credit. I apologize to small business men and women. I apologize to the workers out there busing those tables. That was unfortunate, but it was taken out at the specific request of the President of the United States.

I wanted those taxes taken out, but he would not let us do it. So in this spirit of cooperation—there is so much rain and so many dark clouds here about how we do not have more cooperation. Next year, thank goodness, we are going to have a different President. Hopefully, we will have a better atmosphere around here. Maybe we can work together. I believe George W. Bush means that, believes it, and will reach out and try to bring us together. This is a classic case of where we tried to accommodate the President of the United States, and he writes this letter threatening his veto. He may veto it, but the American people are going to know who did what needed to be done and who vetoed it.

We do have this package of small business tax relief that has been negotiated by Chairman ROTH, Chairman ARCHER, a lot of input from Democrats in the House and Senate, and the administration. It also includes above-the-line deductions for health insurance for employees in small businesses. This is bad?

What about that restaurant owner who provides insurance for his supervisory personnel, but he or she cannot provide it for all of their workers because it would just eat up all the margin of profit he has? Here you can allow the employees to deduct the cost of their health insurance. This is a good idea. This would help entry-level workers, minority workers, people who are carrying the load in this country get a little break on health insurance. But, oh, no, "We don't really like that idea because it is above-the-line deductions"—once again, explain that to the man and woman down there working in the trenches—"We ought to have a credit or something." This is good, and it would help people in that low-income area. By the way, we have been hearing all year long that we have to have a minimum wage increase. A minimum wage increase is in here: \$1 over 2 years, raising it to \$6.15. It is in there. Is the President against that?

Then also there is a provision in here called community renewal. This would allow rural areas, poor areas to have a chance for economic development, to have a chance to recruit a little business. The Mississippi Delta pops into my mind: poor people struggling to get a little infrastructure, improve their education, get a few jobs in the area.

Enterprise zones: There are 40 of those, 40 of the new community renewals. This is a deal, by the way, asked for by the President and the Speaker. I had reservations about a lot of the provisions, but we worked through that. This was negotiated with the adminis-

tration interminably for weeks and months. It is in here. Some people on my side think this is not a good idea, but I supported it.

The President made a deal with the Speaker; that is, President Clinton, in case you do not quite understand, and Speaker Denny Hastert made a deal they wanted to do it and, by the way, supported by J.C. Watts passionately. This is a way we can help rural and poor communities. Let's do this; let's do this. I have been in meetings when there was an effort to kill this until J.C. Watts spoke up and everybody went silent. It is in here. Are you against that?

I have tried on this floor for weeks to move the foreign sales credit fix for WTO compliance. It came out of the Finance Committee unanimously. I have asked unanimous consent to move it. For some strange reason, it has been objected to by the Democrats in the Senate. When you are in the leadership, you have to do some of these things, and Senator REID had to object on behalf of somebody; he would not object. It has been objected to.

What are we going to do here? On November 1, we will have a problem with our European allies. I do not think they are doing very good, frankly, complying with WTO, and they are not reacting to sanctions. I am not going to cry alligator tears over the Europeans and WTO, but that provision is in this bill. Is the President going to veto that? Those are four broad categories and a lot of subcompartments about which I have talked.

The Senator from Louisiana, Ms. LANDRIEU, has been very supportive of this concept of encouraging adoption. We should encourage more adoption for people who are not only wealthy but people in the lower and middle-income area. This bill doubles the tax credit for adoption to \$10,000, I believe is the number. Is that not good? No, no, that is good.

Mrs. BOXER. Will the Senator yield for a question on that?

Mr. LOTT. On that?

Mrs. BOXER. Just on that provision.

Mr. LOTT. I did not ask anybody to yield on your side. You all talked for about an hour. I will be glad to respond later because I know you care about that and you want to make sure it is available to others.

Mrs. BOXER. Yes.

Mr. LOTT. I wanted to work on that. I told the President the other day: Mr. President, if there is something in here you don't particularly like, we can change that maybe in the next bill. Mr. President, if there is something more you want, let's add it in the next bill. This is not the be all to end all. This is not the end of the world. This is a giant step for mankind though. And he is going to veto it because he does not get every last dot and tittle that he wants? I do not think that is defensible.

Let me go on down the list. For years, I have been an advocate under pressure from the Senator from Iowa,

Mr. GRASSLEY, for farm savings accounts. The chairman of the Ways and Means Committee does not like this sort of thing. He says it will never end. We have savings accounts for education, for medical expenses, now for farms. My attitude is, why not? I never met an incentive to encourage people to save for their own needs I did not like, and to encourage farmers to save a little for the bad times because, more than anybody else, they know the good times when the crops are abundant, weather is good, prices are fine; they do fine. And then rain, sleet, snow, drought, locusts—they have to deal with all of it. Allow them to save a little for the bad times. Is that a bad idea? No, that is a good idea.

Deduction for computer donations to schools and libraries: Businesses and industries, big and small, are willing to give their 2- and 3-year-old computers to schools and libraries to help with programs such as Power Up. Let's power up these kids. Let's use these used computers to teach them to read and to become computer literate. The Senator from Michigan, Mr. ABRAHAM, has been relentless in pushing for that. The amazing thing to me is, why would anybody not be for that? This is good. That is in this bill.

Deduction for long-term health insurance and long-term health expenses: This is an interesting category. We have been worried legitimately about the people who are worried about the long-term needs they have with their health. We want to do something about it. We do it in this bill, but when I talked to the President: Gee, I really prefer a credit as opposed to a deduction, but if you make the deduction high enough, maybe it will be OK.

When I talked to him yesterday, he said: Yes, you did go up higher. We are going to nitpick a gnat to death. Should we have long-term health insurance deductions or not? We have an opportunity here. The President is going to veto it, flitter it away. I do not understand that.

I have taken a lot of unkind commentary from my colleagues on this side of the aisle about the Amtrak bonds credit. The Senator from Massachusetts knows I have tried to be helpful to Amtrak. I believe in America, if we are going to be a modern nation and lead the world, we need a national rail passenger system. I think we need it, I think we can have it, and I think it can be self-supportive. Maybe not. I think it can.

I supported Amtrak reform. I stood on this floor—the Senator remembers—and helped make that happen with some opposition. There were people ready to pull the plug and say: Good-bye, adios, Amtrak. I do not think that is wise.

I made a commitment, and I will keep it some day: If we have done everything we can to get Amtrak in the position of providing the service, making ends meet and paying for themselves, if we can get that done, great. If

we cannot, at some point, we have to say Americans do not support a national rail passenger system and we pull the plug.

I do not like tax credits, particularly. I prefer deductions. You can argue this is not good, and I have heard that argument from the Senator from Texas and others.

Again, Senator ROTH from Delaware has made this one of his highest priorities and so has, by the way—once again, proving the bipartisanship of this legislation—the Senator from New York, Mr. MOYNIHAN, the ranking member on the Finance Committee. People come to me and say: How in the world could you let that in there?

First of all, I am not a dictator. And secondly, how can anybody, any leadership person, tell the chairman of the Finance Committee and the ranking member of the Finance Committee that they cannot have in this bill one of their highest priorities, the Amtrak issue? So it is in here. Is that bad? No. I think it is pretty good.

We repealed the diesel barge tax. We have modes of transportation other than Amtrak that are kind of having a hard time—rail and barge. We have here a 4.3-cent tax we dumped on them. We ought to take it off. We ought to take it off of the automobile gasoline also.

We expanded the qualified zone academy bonds for school construction. The President says he wants this. I think we are starting down a track that is not going to be very healthy where we eventually build all schools in America with Federal funds. That is where we are headed. That is where a lot of people want us to be. I do not think that is good. I think that ought to be done at the local level.

I am willing to give them an incentive through bonds, where they have to pay the principal, and they get some consideration on the interest. I am willing to do that. But what some people want, once again, is they want everything in school, in education, run from Washington. That is what really is at stake.

Once we start building schools, local schools, from Federal funds, let me tell you, Mississippi will have the nicest, newest schools in all of America—all of America—because we have more poor people and greater needs probably than anybody. But I do not think we should just totally take over education.

I still trust parents, teachers, administrators, and students at the local level. I do not trust bureaucrats in Washington at the Department of Education or the IRS or anywhere else. So that is some of the good stuff in this bill.

Let me also point out—and I did not even get very much into the Medicare add-backs. Everything says we need them. What about hospitals? What about rural hospitals? What about home health care? What about hospice? What about managed care? What about the nursing homes? They need some help. This bill provides that.

There has been a lot of bipartisan input on that. If I had my druthers, I would mix it a little differently. I would put in more for hospitals and rural hospitals, a little less for probably some other categories, but it is not just about Mississippi hospitals; it is about Massachusetts hospitals; it is about managed care facilities in New Mexico; it is about nursing homes in Kentucky. You have to try to find a blend. You also have to try to keep it from exploding totally out of control because it could be \$50 billion, \$60 billion, \$70 billion. I think this bill is between \$28 and \$30 billion. It is enough to do what is needed. And it has the endorsement of many organizations. I have a list.

Mr. President, I ask unanimous consent that this list be printed in the RECORD, along with a letter to Congressman THOMAS, signed by the executive vice president of the American Hospital Association, Rick Pollack.

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

MEDICARE, MEDICAID & SCHIP IMPROVEMENTS ACT OF 2000—LETTERS OF SUPPORT

Federation of American Hospitals.  
National Association of Community Health Centers.

American Medical Rehabilitation Providers Association.  
HealthSouth.

National Association of Long Term Hospitals.  
Acute Long Term Hospital Association.

National Association of Children's Hospitals.  
Kennedy Krieger Institute.

National Association of Rural Health Clinics.  
National Association of Urban Critical Access Hospitals.

American Medical Group Associates.  
Mississippi Hospital Association.

Tennessee Hospital Association.  
The University of Texas System.

National Association of Psychiatric Health Systems.  
Healthcare Leadership Council.

National Association for Home Care.  
American Association for Homecare.

American Federation of HomeCare Providers.  
Alliance for Quality Nursing Home Care.

American Association of Homes and Services for the Aging.  
Visiting Nurses Associations of America.

National Hospice and Palliative Care Organization.  
National PACE Association.

Association of Ohio Philanthropic Homes, Housing and Services for the Aging.  
John Hopkins Home Care Group.

Patient Access to Transplantation Coalition.  
LifeCare Management Services.

American Cancer Society.  
Alliance to Save Cancer Care Access.

Intercultural Cancer Center.  
The Susan G. Komen Breast Cancer Foundation.

National Kidney Foundation.  
The Glaucoma Foundation

Juvenile Diabetes Foundation.  
National Multiple Sclerosis Society.

American College of Gastroenterology.  
American Academy of Ophthalmology.

American Optometric Association.  
American Dietetic Association.

American Association of Blood Banks/  
America's Blood Centers/American Red Cross.

Association of Surgical Technologists.  
AdvaMed.  
GE Medical Systems.  
Landrieu Public Relations.  
National Orthotics Manufacturers Association.  
American Orthotic and Prosthetics Association.  
UBS Warburg.

ADVANCING HEALTH IN AMERICA,  
Washington, DC, October 26, 2000.

Hon. BILL THOMAS,  
Chairman, Subcommittee on Health, House Ways and Means Committee, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE THOMAS: On behalf of the 5,000 members of the American Hospital Association (AHA), I am writing to express our views regarding the "Beneficiary Improvement and Protection Act of 2000" (BIPA). We believe this legislation will take another step forward in addressing the unintended consequences of the Balanced Budget Act of 1997 (BBA). Consequently, as we approach the remaining hours of the congressional session, we are urging Members to vote in favor of this legislation, and have recommended that the President not veto the legislation.

As we understand the provisions of the legislation, it includes a number of provisions that provide much needed relief to hospitals and health systems throughout the country. Such provisions include: a full market basket inflationary update in FY2001, and elimination of half of the reduction in FY2002; temporary elimination of the reductions in Medicaid DSH state allocations in FY2001 and 2002, and allow the program to grow with inflation in those years; increase the adjustment for Indirect Medical Education to 6.5% in 2001 and 6.375% in FY2002, and establish an 85% national floor for Direct Graduate Medical Education payments; equalize payments to rural hospitals under Medicare DSH; increased flexibility for critical access, sole community, and Medicare dependent hospitals; increased bad debt payments from 55% to 70% for all beneficiaries; and a full market basket update for outpatient hospital services.

The bill will also provide relief to home health agencies and skilled nursing facilities. As our members operate approximately one-third of the home health agencies and one fourth of the skilled nursing facilities, relief in this area is also vitally necessary, and is an important feature in the bill. In addition, the bill includes important beneficiary protections, particularly the excruciating reduction in beneficiary coinsurance for hospital outpatient services.

At the same time, we are disappointed that certain provisions we have advocated, such as a full market basket increase in FY2002 for both inpatient and outpatient hospital services, complete elimination of the impact of the BBA's reductions in Medicaid DSH, and maintaining the IME adjustment of 6.5% beyond FY2001, were not included. We are also concerned that additional reductions in the hospital inpatient market basket in 2003 were included in the bill. We look forward to working with you in the next Congress to achieve these additional changes.

Again, we appreciate your efforts to achieve additional BBA relief this year.

Sincerely,

RICK POLLACK,  
Executive Vice President.

Mr. LOTT. The list includes the Federation of American Hospitals, the National Association of Community Health Centers, the National Association of Long Term Hospitals, the National Association of Children's Hospitals, the National Association of

Rural Health Clinics, the Mississippi Hospital Association—very important—the National Association for Home Care, the Alliance for Quality Nursing Home Care, the American Cancer Society, the Susan G. Komen Breast Cancer Foundation, the National Kidney Foundation, the Juvenile Diabetes Foundation, the National Multiple Sclerosis Society, the American Association of Blood Banks, and so on down the line.

Mr. KERRY. Will the Senator yield for a question on that?

Is the Senator saying that every one of those groups were presented with and have read the conference report and are supporting the conference report?

Mr. LOTT. I understand those associations are familiar with how this Medicare add-back provision would affect them, and they are supporting this conference report.

Mr. KERRY. Just for clarification.

Mr. LOTT. I have a letter from the American Hospital Association—I believe that is correct; yes, here it is—

On behalf of 5,000 members of the American Hospital Association, I am writing to express our views regarding the "Beneficiary Improvement and Protection Act of 2000." We believe this legislation will take another step forward in addressing the unintended consequences of the Balanced Budget Act of 1997. Consequently, as we approach the remaining hours of the congressional session, we are urging Members to vote in favor of this legislation, and have recommended that the President not veto the legislation.

That is dated October 26, 2000, signed by Rick Pollack, executive vice president of the American Hospital Association.

So you do not like the mix. You think maybe there is too much going to managed care. But when you help hospitals and rural hospitals, there is a passthrough provision that adds to the managed care provision.

You do have people in the Senate and from all over the country who believe the Medicare+Choice is a very important provision. They worked very hard in advancing their provisions—Democrats and Republicans.

So while it is not perfect—if we took that same \$30 billion and gave it to a Senator from Wyoming, and then a Senator from Pennsylvania, they would come up with a different mix—after a lot of work, this is close to being fair to everybody. And again, it is not the end of the road. There will be another opportunity to work on it further.

I know the Senator from Idaho had wanted me to yield, perhaps on the adoption credit, or any comments he would like to make.

Mr. CRAIG. Yes, I do appreciate the majority leader speaking to that.

I saw the Senator from California wishing to make a comment on it. I co-chair the Adoption Caucus with Senator LANDRIEU. We worked together this year to change the character of the adoption tax credit.

We did not get all we wanted—and I know the Senator has been out on the

floor speaking of concern about it—but we got a great deal. We went from a \$5,000 to a \$10,000 tax credit for a normal adoption. But most importantly, we focused our efforts this year on children of special needs, I say to our majority leader. And there we went from a \$6,000 to a \$12,000 tax credit, and we phased it in more rapidly than we did the normal adoption.

But what is important here is the character of the adoptions. For children with special needs, oftentimes their costs up to adoption are less than normal children because the Government fronts a lot of that cost. To parents adopting children of special needs, it comes after the adoption. We tried to characterize this provision a little differently. And we will do that in the coming year.

No, we did not get all we wanted. But for any Senator to say it is not good to double the adoption credit on children with special needs, and to phase it in faster than we are doing for the children of normal adoptions, somehow is really not understanding what we are accomplishing.

This Senate, in the last 5 years, has taken a quantum leap to allow Americans to form families through adoption and to render tax credits. We did not even recognize it a few years ago. People forming families the normal way could write off the expenses of their pregnancy and the birthing of children, but people spending \$10,000, \$15,000, \$20,000 to adopt a child were on their own. We have said no to that.

Truly, for these children of special need, who are oftentimes almost unwanted, we have now said to loving and caring people, we are going to give you a \$12,000 tax credit, and we are going to accelerate it.

Come on, folks. We ought to be cheering about this for the formation of families through adoption. This is a major step in a loving and caring direction.

No, MARY LANDRIEU and LARRY CRAIG did not get everything they wanted, but there is not a Senator on this floor who got everything they wanted this year. But let me tell you, I am voting for this bill on that alone because it shows that this Senate cares about children and about families who want to form through adoption.

Mrs. BOXER. Will the Senator yield for a question?

Mr. CRAIG. I cannot yield. This is the time of the majority leader.

But I think it is important, Mr. Leader, to clarify that. Let's be proud of what we have done. It is a major and positive step for caring and loving families who want children through adoption.

Mr. LOTT. Mr. President, I know a lot of Senators would like to speak. I also know we need to again have some votes here in a reasonable period of time. So I will try to get an agreement on how we can get some further comments and then move to a vote. I know the Senator from California had wanted me to yield on that particular point.

Mrs. BOXER. Senator LANDRIEU and Senator CRAIG have worked so closely together. I am not an expert on that. I just saw Senator LANDRIEU deeply disturbed and upset in her view that rather than helping the people who adopt the most difficult situations, in other words, children who are disabled, children in foster care, we are going in the other direction.

I only want to say, in good will, that it looks as if the President will veto this bill for the many reasons we talked about. I am not going to, believe me, go into that. But when he does that, maybe we can go back and fix this problem so we can really celebrate passage.

I am only reflecting Senator LANDRIEU's distress that she feels that the toughest cases here are not being helped. That is all I wanted to say.

Mr. LOTT. Mr. President, I appreciate the Senator's comments on that. It is something we should work on. We have made progress. It is a shame we won't have it for the next 3 or 4 months. If the President insists on vetoing this bill, then I guess we will come back next year and have a chance to rework this whole area. I presume the tax bill next year, no matter who is elected President, will look different than this one. Maybe it would be better from my perspective, fairer overall, but provisions such as that could be worked on next year. I just hate that there are going to be adoptions that won't occur if the President vetoes this bill, that would occur if they had this additional credit.

Mr. President, I ask unanimous consent that following my remarks, the following Senators be recognized for times allotted, and that I be recognized immediately following those Senators: Senator GRAMM of Texas for up to 15 minutes and Senator WYDEN of Oregon for up to 15 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. KERRY. Reserving the right to object, Mr. President.

Mr. WYDEN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, all I am trying to do is to make sure that Senators who have been waiting to speak will have an opportunity, but also we have a vote that we need to begin pretty soon. I would rather not do that until Senators have had an opportunity.

I yield to the Senator from Oregon.

Mr. WYDEN. I thank the distinguished majority leader. I am happy to allow Senator GRAMM to speak before me. I would have to have unanimous consent that at the conclusion of Senator GRAMM's remarks, I be recognized next to speak, and that I be allowed to address several issues before there are any votes that go forward. I am concerned about a number of issues. As the majority leader knows, I have dedicated my service here to bipartisanship. I happen to agree with the distinguished majority leader that no one

ever gets everything they want in a package. Senator KERRY showed that Democrats are willing to bend over backward to be bipartisan in areas such as small business. But on a number of issues that concern this Senator, there has not been that level of bipartisanship. I am compelled to object and will need to speak at some length this morning on the several issues that are important to me.

Mr. LOTT. If the Senator will withhold a second, I think the way I had asked for that consent is that he would be recognized immediately following Senator GRAMM. I was trying to ascertain how much time he might need.

Mr. WYDEN. If the majority leader will yield further, I am going to need the time that I intend to consume because one of the issues I am going to talk about is one of the most sensitive bioethical decisions of our time. It was stuffed into this legislation a little before midnight, when a handful of conferees were meeting, and has never been considered on the floor of the Senate.

Mr. LOTT. Mr. President, I appreciate the Senator's explanation. I yield to the Senator from Massachusetts for a question.

Mr. KERRY. Mr. President, with respect to the request, we would be happy to try to cooperate in terms of order and allowing people to speak. I am constrained on behalf of the minority leader not to agree at this point to some kind of limitation on time for our colleagues. If we could perhaps agree to this: I did want a couple of moments as manager to respond to the majority leader's comments. I will not take a long time at all. I know the Senator from Texas has been here and wants to speak. I think it would be fair to perhaps establish an order. If the Senator from Texas wants to live with the time, fine; I know the Senator from Oregon is not prepared to at this moment in time. We can at least establish an order.

Mr. LOTT. I wonder if we could do this: Maybe if the Senator from Massachusetts would like a couple minutes to respond, I think that is fair because he has some comments to respond to what I had to offer. Then we could go ahead and have a vote on an issue on which we need to proceed. Then when that is over or during that vote, we can work on an order to make sure everybody has a chance to be heard, the time that they need to speak, and we can continue on, having had one vote disposed of.

Mr. KERRY. Mr. President, again, on behalf of the minority leader, I would be constrained to object.

Mr. WYDEN. Mr. President, I object.

HIGH SPEED RAIL INVESTMENT

• Mr. HELMS. I commend the able Senator from Delaware (Mr. ROTH) for including the High Speed Rail Investment Act in this tax package. I'm glad he agrees that we need to develop a national intercity passenger rail system.

Mr. ROTH. I thank the Senator from North Carolina (Mr. HELMS) for his sup-

port for these provisions. Intercity passenger rail service is a key element of our Nation's multi-model transportation system.

Mr. HELMS. As the Senator from Delaware knows, the Southeast High Speed Rail Corridor, designated in title 23 U.S.C., Section 104(d)(2), is a vital part of the national transportation system. Within the corridor the Charlotte-Greensboro-Raleigh segment plays a crucial and essential role in linking the Northeast Corridor with other corridors.

New modern world class stations in Raleigh and Charlotte as well as rail infrastructure investments linked to the Greensboro station will enhance the safety and efficiency of the system. It is my understanding that station investments are directly eligible projects under the proposed legislation.

Mr. ROTH. You are correct. Station projects such as those you described on the Charlotte-Greensboro-Raleigh line are important examples of critical investments envisioned in this legislation.

Mr. HELMS. I thank the Chairman and commend him for his leadership. •

Mr. LOTT. Mr. President, I now withdraw the motion to proceed to S. 2557.

The PRESIDING OFFICER (Mr. L. CHAFEE). The motion is withdrawn.

BANKRUPTCY REFORM ACT OF 2000—MOTION TO PROCEED

Mr. LOTT. Mr. President, I move to proceed to the conference report to accompany H.R. 2415 regarding the Bankruptcy Reform Act, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FITZGERALD (when his name was called). Present.

Mr. NICKLES. I announce that the Senator from Missouri (Mr. ASHCROFT), the Senator from Montana (Mr. BURNS), the Senator from Minnesota (Mr. GRAMS), the Senator from North Carolina (Mr. HELMS), the Senator from Arizona (Mr. MCCAIN), and the Senator from Pennsylvania (Mr. SANTORUM) are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote "yea."

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Illinois (Mr. DURBIN), the Senator from California (Mrs. FEINSTEIN), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Delaware (Mr. BIDEN) and the Senator from Illinois (Mr. DURBIN) would each vote "yea."

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

The result was announced—yeas 87, nays 1, as follows:

[Rollcall Vote No. 288 Leg.]

YEAS—87

Abraham	Feingold	McConnell
Akaka	Frist	Mikulski
Allard	Gorton	Miller
Baucus	Graham	Moynihan
Bayh	Gramm	Murkowski
Bennett	Grassley	Murray
Bingaman	Gregg	Nickles
Bond	Hagel	Reed
Boxer	Harkin	Reid
Breaux	Hatch	Robb
Brownback	Hollings	Roberts
Bryan	Hutchinson	Roth
Bunning	Hutchison	Sarbanes
Byrd	Inhofe	Schumer
Campbell	Inouye	Sessions
Chafee, L.	Jeffords	Shelby
Cleland	Johnson	Smith (NH)
Cochran	Kennedy	Smith (OR)
Collins	Kerrey	Snowe
Conrad	Kerry	Specter
Craig	Kyl	Stevens
Crapo	Landrieu	Thomas
Daschle	Lautenberg	Thompson
DeWine	Leahy	Thurmond
Dodd	Levin	Torricelli
Domenici	Lincoln	Voinovich
Dorgan	Lott	Warner
Edwards	Lugar	Wellstone
Enzi	Mack	Wyden

NAYS—1

Kohl

ANSWERED "PRESENT"—1

Fitzgerald

NOT VOTING—11

Ashcroft	Feinstein	McCain
Biden	Grams	Rockefeller
Burns	Helms	Santorum
Durbin	Lieberman	

The motion was agreed to.

BANKRUPTCY REFORM ACT OF 2000—CONFERENCE REPORT

The PRESIDING OFFICER. The clerk will report. The assistant legislative clerk read as follows:

The Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate on the bill H.R. 2415, an Act to enhance security of United States missions and personnel overseas, to authorize appropriations for the Department of State for fiscal year 2000, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The report was printed in the House proceedings of the RECORD of October 11, 2000.)

Mr. LOTT. Mr. President, I ask the minority, and I am sure Senator KERRY is prepared to respond to this, if they are in a position to set a vote on the pending bankruptcy conference report after an hour or two of debate. I yield the floor for a response to that question from the Senator from Massachusetts on behalf of the leadership.

Mr. KERRY. Mr. President, on behalf of the leader, at this time I have to object.