

that sentence was carried out with inadequate defense and representation.

For example, I think the decision by Governor Bush of Texas to at least suspend the execution of an individual for 30 days while DNA testing is underway is a thoughtful decision. I commend him for that. The State of Texas, I believe, leads the Nation in the number of executions, and the State of Texas has no public defender system. So in the State of Texas, if you are a criminal defendant facing a capital crime which could result in execution, it is literally a gamble, a crapshoot as to the person who will represent you to defend your life.

In cases that have been cited by Senator FEINGOLD, some of the most incompetent attorneys in America have been assigned this responsibility. In our State of Illinois, we found these attorneys to be not well versed in law; we found them to be lazy; we found them to be derelict in their duty, and in some cases, a person's life was at stake.

Again, I commend my colleague from the State of Wisconsin for his statement. It is a reminder to all, whether we support the death penalty—as I do—or we oppose it, that we in this country believe in a system that is based on fairness and justice.

I have introduced legislation to give to all Federal prisoners who were subjected to capital punishment the same right for DNA testing that exists in my State of Illinois. There are similar bills introduced by my colleagues. I hope that all, conservative and liberals alike, Democrats and Republicans, will at least adhere to the basic standard of justice when it comes to cases of this seriousness and this magnitude.

Mr. FEINGOLD. Will the Senator yield?

Mr. DURBIN. I am happy to yield to the Senator.

Mr. FEINGOLD. I thank the Senator and take my hat off to him and to our neighbor to the south, the State of Illinois. Without the leadership of Illinois, which had the courage to admit that it had a problem, this entire issue would not be receiving the kind of examination occurring across the country. That is to the Senator's credit, to that of the Governor, and to all the people of your State.

The bill I have introduced is modeled exactly after the pattern followed in Illinois; that is, the calling of a moratorium by a Governor who is, or at least has been, a death penalty supporter, and then the appointing of a very distinguished blue-ribbon commission, including our former wonderful colleague, Paul Simon, and including both pro- and anti-death penalty people.

Under Illinois' leadership, there will be this kind of pause and examination that is open to people of any view on the death penalty, to simply make sure that system is fixed.

As the Senator pointed out, Illinois could not possibly be the only State that has this problem. In fact, I predict

it will not turn out to be the one with the worst problem in this area.

The other States need to join in on this, the Federal Government needs to join, and I compliment your State, as I did in my earlier remarks, as being one of the only two States to recognize the right to have guaranteed DNA testing.

#### LEGISLATIVE AGENDA

Mr. DURBIN. Mr. President, in the time that remains in morning business, which I will share with my colleague from California, we will address several of the issues which still remain before this session of Congress. Many of us are just returning from a Memorial Day break which we spent with our families back in our States, trying to acquaint ourselves with the concerns of people and the concerns about issues we face here in Washington.

One of the concerns in the State of Illinois and in the city of Chicago continues to be gun violence. This is still a phenomenon which is almost uniquely American and which is tragic in its proportion. To think we lose 12 or 13 children every day to gun violence, that is a sad reminder of what happened at Columbine High School in Littleton, CO, a little over a year ago, when some 13 students were killed at that school. It is merely one instance of a situation which repeats itself every single day.

It has been more than a year since that tragedy, but still this Congress refuses to act on sensible gun safety legislation. I remind those who are following this debate, the proposal for this gun safety legislation is hardly radical. If people are going to buy a gun from a gun dealer in America, they are subjected to a background check. We want to know if they are criminals. We want to know if they have a history of violent crime or violent mental illness or if they are too young to buy a gun—basic questions. I understand that, as of last year, over 250,000 would-be purchasers of guns were denied that opportunity as a result of a simple background check.

Did they turn around and buy a gun on the street? It is possible. But we should not make it easy for them. It should not be automatic. In fact, I hope in many instances, having been denied at a gun dealer, they could not find a gun nor should they have been able to. We believe applying the same standard of gun safety legislation to gun shows just makes common sense.

So that is part of the gun safety legislation we passed in the Senate by a vote of 49-49, and a tie-breaking vote was cast by Vice President AL GORE. That bill left the Senate over 8 months ago, went over to the House of Representatives where it was emasculated by the gun lobby, where the National Rifle Association would not accept the basic idea that we should check on the backgrounds of people who buy guns at gun shows.

The National Rifle Association believes those who go into gun shows

should be able to buy a gun with no questions asked. That is just fundamentally unfair and ignorant. That position prevailed in the House of Representatives. The matter went to a conference committee where it has languished ever since.

Since Columbine High School, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will, each day, read the names of some, just some, who lost their lives to gun violence in the past year and will continue to do so every day the Senate is in session.

In the names of those who died, we will continue this fight, and in the names of their families who still grieve their losses, we will continue to remember these victims of gun violence.

Following are the names of some of the people who were killed by gunfire 1 year ago today, on June 6, 1999, at a time after the Senate passed gun safety legislation:

Earnest Barnes, 38, Atlanta, GA; Quentin A. Brown, 29, Chicago, IL; Dexter J. Caruthers, 46, Gary, IN; George Cook, 19, Minneapolis, MN; Don Ferguson, 80, Oakland, CA; Juan J. Gonzales, 28, Oklahoma City, OK; Mark S. Hansher, 33, Madison, WI; Joseph Jainski, 34, Philadelphia, PA; Maurice Lewis, 29, Philadelphia, PA; Donald Norrod, 67, Akron, OH; Allen Ringgold, 23, Baltimore, MD; Lawanza Robertson, 18, Detroit, MI; Agapito Rodriguez, 32, Dallas, TX; Jonathan Shields, 31, Washington, DC; Clarence Veasley, 44, St. Louis, MO; Kirk Watkins, Detroit, MI.

In addition, since the Senate was not in session this year from May 26 to June 5, I ask unanimous consent the names be printed in the RECORD of some of those who were killed by gunfire last year on the days from May 26 through June 5:

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

MAY 26, 1999

Demarcus Clark, 22, Atlanta, GA.  
Delmar Guyton, 23, Detroit, MI.  
Shawn Timothy Hamilton, 35, Washington, DC.

James Johnson, 24, Denver, CO.  
William Partlow, 26, Charlotte, NC.  
Shayne Worcester, San Francisco, CA.

MAY 27, 1999

Steve T. Fleming, 27, New Orleans, LA.  
Bruce Harvard, 19, Pittsburgh, PA.  
Kewan McKinnie, 19, Detroit, MI.  
Victoria Moore, 41, San Antonio, TX.  
Bobby Piggle, 39, Kansas City, MO.  
Ramona Richins, 47, Salt Lake City, UT.  
Kevin Sellers, 25, Baltimore, MD.  
Termell Wollen, 31, Detroit, MI.  
Unidentified male, 24, Norfolk, VA.  
Unidentified male, 25, Norfolk, VA.

MAY 28, 1999

Raymond Adams, 30, Philadelphia, PA.  
Carrillo Ambrocio, 32, Houston, TX.  
Luz Balbona, 59, Miami-Dade County, FL.  
Jimmy Cottingham, 30, Washington, DC.  
Armando Garcia, 16, San Bernardino, CA.  
Ignacio Gonzalez, Sr., 42, Chicago, IL.  
Terrell Hatfield, 21, Seattle, WA.  
Donnell Holmes, 25, Miami-Dade County, FL.

Jose Reyes, 18, Hempstead, NY.  
Angela Yglesias, 18, Detroit, MI.

MAY 29, 1999

David D. Adams, 36, New Orleans, LA.  
Michael Cal Andretti, 29, St. Paul, MN.  
William Berry, 56, Philadelphia, PA.  
Vincent Dominguez, 42, Louisville, KY.  
Alayito Finney, 30, Detroit, MI.  
Bruce Goldberg, 39, Philadelphia, PA.  
Joseph Jenkins, 22, Charleston, SC.  
Dil Kahn, 57, Houston, TX.  
Roberto Lauret, 30, Miami-Dade County, FL.  
Craig Nelson, 34, Philadelphia, PA.  
Gregory Ramseth, 33, Seattle, WA.  
James Thurston, III, 19, Miami-Dade County, FL.  
Roger Vincent, 44, Mesquite, TX.  
Unidentified male, 35, Long Beach, CA.

MAY 30, 1999

Lawrence Albeniaic, 45, New Orleans, LA.  
Ryan Bailey, 19, Baltimore, MD.  
Maxine Bedell, 82, Rochester, NY.  
Melco Botache, 33, Miami-Dade County, FL.  
Henry Carter, 48, Detroit, MI.  
Savatore Damico, 33, Baltimore, MD.  
Lovell Daniely, 27, Philadelphia, PA.  
David Davidson, 38, St. Louis, MO.  
Frank Evans, 18, Chicago, IL.  
Rico Montgomery, 24, Detroit, MI.  
Antonio Munoz, 17, Providence, RI.  
Phyllis Robinson, 38, Chicago, IL.  
Brandy Smith, 18, Houston, TX.

MAY 31, 1999

Elizabeth K. Burlan, 55, New Orleans, LA.  
Anthony Clay, 40, Atlanta, GA.  
Gregory Clay, 40, Atlanta, GA.  
Edward Meno, 26, Oakland, CA.  
Daron D. Mitchell, 18, Akron, OH.  
Miriam Moses, 78, Miami-Dade County, FL.  
Shane Newton, 26, Detroit, MI.  
Curtis Smith, 26, Cincinnati, OH.  
Anthony Wilson, 40, Philadelphia, PA.  
Unidentified male, 18, Newark, NJ.

JUNE 1, 1999

Jouvito Bravo, 19, Houston, TX.  
Allen R. Darrington, 17, Kansas City, MO.  
Martha Enriches, 21, Dallas, TX.  
Antoine Fowler, 21, Charlotte, NC.  
Bruce Green, 36, Baltimore, MD.  
Jewel Harvey, 49, Dallas, TX.  
Johnny Howard, 26, Atlanta, GA.  
Stephen Karawan, 53, Miami-Dade County, FL.  
Michael Kitchins, 36, Dallas, TX.  
Eric Lewis, 21, Detroit, MI.  
Jamont Simmons, 22, Rochester, NY.  
Jerona Stewart, 15, Washington, DC.  
D'Andre Tizeno, San Francisco, CA.  
Irene Zaragoza, 47, Houston, TX.  
Unidentified male, 39, Honolulu, HI.  
Unidentified male, 26, Nashville, TN.

JUNE 2, 1999

Corey Ball, 28, San Antonio, TX.  
Clarence A. Bellinger, 30, Chicago, IL.  
Barbara Clark, 35, Chicago, IL.  
Carlton Copeland, 23, Atlanta, GA.  
Felipe Cruz, 26, Dallas, TX.  
William Floyd, 18, Washington, DC.  
Raymond Gonzales, 33, San Bernardino, CA.  
Fairway Huntington, 41, Memphis, TN.  
Craig Kallevig, 41, Minneapolis, MN.  
Seven Lomax, 30, Philadelphia, PA.  
Brian Meridith, 36, Mesquite, TX.  
James Nelson, 23, Baltimore, MD.  
Cecilia Pagaduan, 44, Daly City, CA.  
Edwin Pagaduan, 44, Daly City, CA.  
Mario Anthony Phillips, 26, St. Paul, MN.  
Ricky Salizar, 12, Roswell, NM.  
Kahlil J. Smith, 19, Memphis, TN.

JUNE 3, 1999

Alberto Acosta, 36, Miami-Dade County, FL.

Scott Hughes, 24, Dallas, TX.  
Samuel C. Johnson, 51, Seattle, WA.  
Chang Dae Kim, Detroit, MI.  
Rodney Nelson, 17, Detroit, MI.  
Sammy Tate, 35, Chicago, IL.  
Mario Wright, 19, Philadelphia, PA.

JUNE 4, 1999

Recardo Aguilar, 23, Pittsburgh, PA.  
Donald Carver, 43, Toledo, OH.  
Carlos Casaway, 23, Detroit, MI.  
Christopher Earl, 26, Knoxville, TN.  
Fitzroy Farguharson, 35, Miami-Dade County, FL.  
Al Jenkins, 28, Oakland, CA.  
Derek D. Miller, 24, Memphis, TN.  
Cesar Quevedo, 24, Pittsburgh, PA.  
Juan D. Rodriguez, 48, Houston, TX.  
Earl Roos, 25, Oakland, CA.  
Jose J. Santoyo, 20, Chicago, IL.  
Abimbola Whitlock, 20, Oakland, CA.

JUNE 5, 1999

Nancy Linda Akers, 45, Washington, DC.  
Jeffrey Blash, 24, Miami-Dade County, FL.  
Mary Kathleen Brady, 35, Cincinnati, OH.  
Franco D. Davis, 22, Chicago, IL.  
Patrick Dewar, 35, Philadelphia, PA.  
Anthony Fletcher, 45, Macon, GA.  
Walter Hill, 38, Detroit, MI.  
Alice Hough, 54, Miami-Dade County, FL.  
Maurice Jiles, 18, Gary, IN.  
Fernando Perez, 29, Houston, TX.  
Joseph Swinnie, 18, Washington, DC.  
Victor Temores-Martinez, 30, Chicago, IL.  
Shaun Tilghman, 24, Boston, MA.

Mr. DURBIN. Mr. President, at the National Rifle Association convention, when it was brought up as an issue that so many young people are killed every single day by gunfire in America, in addition to those who are not so young, the people at the National Rifle Association dismissed it and said these are teenage gang bangers and drug criminals and you just have to expect, in the culture in which they live, they are going to kill one another.

As I read this list of people ranging in age from 80 years to 18, it is clear that the victims of gun violence are not just those who were involved in crime in the inner city. Frankly, it involved Americans across the board; Americans—black, white, and brown—of virtually every age group. To dismiss this, as the National Rifle Association did, as something we should not care about I think is evidence of their insensitivity to this issue of gun violence.

Mrs. BOXER. Will the Senator yield for a couple questions?

Mr. DURBIN. I am happy to yield to the Senator from California.

Mrs. BOXER. I thank the Senator from Illinois for reading these names into the RECORD, for putting a human face on what is a national tragedy. He experienced this at home, and I did as well in California.

People are wondering just exactly what we are doing. Since Columbine, we agreed to five sensible gun amendments, one of them to close the gun show loophole, which would make it very difficult, if not impossible, for criminals and children and people who are mentally unbalanced to buy guns at gun shows; also, for example, to make sure that all handguns are sold with safety locks, so if kids get hold of a gun, there is no discharge of a bullet.

I want to engage my friend in a little colloquy. While we were gone last week, there were two horrific stories, just two that made the national news. God knows there were more.

One of them involved a student who was acting out on the last day of school. He was throwing water balloons. And the teacher said: Listen, you are just going to have to leave school. You don't belong here. We don't have tolerance for this kind of behavior.

The child left school, went home; he told someone he was going to get a gun. The child who was told this didn't believe it. Sure enough, he went to his grandfather's stash of guns and got one. It had no safety lock on it. He returned, and he killed a very wonderful, kind family man, a teacher at the prime of his life, in his thirties.

Then we had the incident in Queens where a disgruntled employee essentially executed people who worked at a Wendy's.

What do we do here? Nothing. We do nothing. I am listening for the majority leader. We already passed these amendments in the Senate, and the amendments are languishing in the committee. I say to my friend, what are the American people to think about this inaction? I would like him to comment on that. Then I have another question about the NRA convention.

If my friend could comment, because he feels so strongly about this, what are the American people thinking about the Senate and Congress, controlled by Republicans, who do nothing about the issue of the killing of our people at a far greater rate than our soldiers died in Vietnam? We have a war in our streets. What do you think they should do about it?

Mr. DURBIN. I can say to the Senator from California, as people across the Nation refuse to vote in elections and lose respect for those who are elected to public office, it is a clear indication, as far as I am concerned, that they do not believe we are responsive. They do not believe we are listening. They do not believe the problems that families face across America are problems we share. They think we are some sort of political elite that really is out of touch with the world.

They understand in the cities and the suburbs across Illinois that gun violence is an issue that affects so many lives. They wonder how people can be elected to the Senate and not try to do something about it.

I know the Senator from California agrees with me that even passing this gun safety legislation will not eliminate gun violence, but we hope it will reduce it.

It is a commonsense approach to reducing the ownership of guns by people who should not own them. I believe—and I am sure the Senator from California does, too—those who use guns legally and safely, such as sportsmen and hunters, should be allowed to do so, but I do not agree with the National

Rifle Association of basically giving guns to everyone, no questions asked, and hope for the best, and wants to see concealed weapons in every place. Governor Bush decided he wanted concealed weapons to be carried in churches and synagogues in the State of Texas. That strikes me as a ridiculous situation.

Mrs. BOXER. Amusement parks as well.

Mr. DURBIN. Amusement parks. Think about the situation and wonder how in the world can we have a safer America if we have this proliferation of guns that is, obviously, supported by Governor Bush, as well as the National Rifle Association. Democrats and Republicans should be listening to families across this country.

To think gun violence has become so commonplace that we have accepted it is a sad testament on this great Nation. If one looks at gun violence statistics and says "that is life," no, it is not. That is life in America. That is not life in any other country in the world. Virtually every civilized country in the world has basic gun safety laws and gun control laws to keep guns out of the hands of those who would misuse them and out of the hands of children. We live in a country where a disgruntled 13- or 14-year-old goes home and finds grandpa's gun, goes back to school, and kills a teacher. That is not commonplace anyplace in the world but for the United States, which I do not think we should accept, and our failure to do anything about it feeds into the cynicism of America's voters and citizenry who think we are elected to solve problems in this country. When we do not respond, it is no wonder they lose faith in the process.

Mrs. BOXER. I say to my friend, what is extremely frustrating is the talk we hear: Gee, it does not make any difference who gets elected. I want to make a point straight from the shoulder, and I am known for that. The fact is, every single Democrat voted for these sensible gun measures, except one, and we had just a few on the other side join us.

There is a difference. I ask my friend if he happened to hear the NRA convention speeches that were made or if he read them, and, if so, what he thought. I was, frankly, stunned at the all-out personal attack on AL GORE that I heard. I have no objection to people having differences. If they want everyone to carry a concealed weapon, that is their choice to make that decision. I do not think we want to see an America that is a shootout at the OK Corral. I do not think that is going to make our country great. But if somebody thinks that we all ought to pack a weapon, that is their right, but to personally attack the Vice President because he supports sensible gun control laws—which, by the way, are supported by 80 percent of the people—to make this a personal, vicious attack on AL GORE—and I read Wayne LaPierre's speech and I read Charlton Heston's

speech. They named AL GORE in the most vicious way and attacked him in the most personal way.

I ask my friend if he would like to see this debate elevated above these personalities. It is dangerous to start attacking people in such a way, and I hope we can keep our disagreements over the issues rather than attack a Vice President who is simply reflecting the views of 80 percent of the people.

When we hear the NRA executive say: When George Bush is elected, we are going to operate out of the White House—that sends chills up and down my spine. No group should operate out of the White House, whether it is Sarah and Jim Brady's gun control group or the NRA. For them to say when George Bush is elected they are going to work out of the White House is a frightening thought to me.

I hope the American people will tune in to this and not say all the candidates are alike and not say all of us are alike. They are not going to find us perfect, that is for sure. No one is perfect. Doesn't my friend believe this is an issue where there are serious differences between the two parties?

Mr. DURBIN. I say to the Senator from California that she has answered her own question: Why is the National Rifle Association attacking the Democratic candidate for President? They made it clear. The chairman of their organization, a gentleman from Iowa whose name I do not have handy, made this announcement—in fact, it has been videotaped and replayed—where he said: Listen, the choice for the National Rifle Association in this Presidential race is clear. If George Bush is elected President of the United States, the National Rifle Association will have its man in the White House.

The Senator from California does not exaggerate. That is exactly what he said.

What does it mean to have your person in the White House next to the President? It means gun safety legislation does not have a chance. Not a single thing is going to be passed by Congress that will not be vetoed by George W. Bush.

Secondly, I hope the Senator from California will also reflect on this, and that is, it is likely in the next Presidency two or three Supreme Court Justices will be nominated. The National Rifle Association is going to have its voice in that process if George Bush is elected President. They will decide whether or not the Supreme Court Justice nominee passes their litmus test, which basically says we should sell guns in this country with no questions asked.

That is not a decision for 4 years; it is a decision for decades because if the Supreme Court has a majority of that point of view, that is going to affect the laws that are approved virtually across the board at the State and Federal level.

When the National Rifle Association at their convention starts ranting and

raving about their choice for President, it is because they are sick and tired of President Clinton, who has stood up for gun safety as long as he has been in the White House. They are frightened by the prospect of Vice President GORE becoming President and continuing that tradition of supporting sensible gun safety legislation. They want George W. Bush. They want their man in the White House. They want to help pick the Supreme Court. You can bet as an American, I am concerned that will increase the incidence of gun violence in our country.

Mrs. BOXER. I thank my friend for raising the issue of the Supreme Court. I should have raised it myself. He is so right on that point. The Supreme Court up to now has, in fact, said it is OK for Congress to work on gun laws that keep guns out of the hands of criminals and children, and that it is not, in fact, a violation of the second amendment because we say: Sure, if you are responsible and you need to have a gun and you have a reason to have it—for recreation or to defend your family—and you are a responsible gun owner, that is one situation. But if you are a criminal, you are mentally unbalanced, if you walk in and buy a gun, by the way, when you are high on drugs or alcohol, this is not going to be good for this Nation. The Supreme Court up to now has upheld our ability to regulate.

There is no question that with the NRA operating out of the George Bush White House, we are going to see in the Congress not only a lack of future progress on controlling these guns and who has these guns, but we are going to see the Supreme Court tilt and say: Congress, you have no business dealing with this issue.

I ask my friend this: If we have no other role to play, shouldn't it be that we protect the health and the safety of the people of this country? I know we are trying to get a Patients' Bill of Rights. This is another issue for which we are fighting hard because that is our sacred obligation, if nothing else.

We can have the greatest economy in the world, the best economy in the world, people can be working and thriving, but if some child goes home and gets his grandpa's gun and shoots a beautiful teacher in the head, if some disgruntled employee who has a criminal record can get a gun at a gun show, what good does it do if you have the best job and the best future in the world?

My friend has read the names of people shot down in the prime of their lives. We are supposed to live to our seventies, and a lot of these people are shot down in their teens, in their twenties, or in their thirties.

My friend is so right to raise this issue of the Supreme Court. I thank him so much for engaging in this colloquy.

I know this talk is hard talk. By the way, it certainly raises our names to the NRA; and that is not easy for us,

either. But the fact is, I believe in my heart that the NRA gives a lot of money to people in Government but there has to be some of us who stand up. I am proud to say every single Democrat, many of whom absolutely believe, as we do, in the right to gun ownership, have stood strong and said we must keep guns out of the hands of children, the mentally unbalanced, and people with criminal records.

I say this to my friend: This is a fight we are going to wage on this floor. We are not going to let George Bush hide behind the fact that he says nice things. I am amazed that the polls don't reflect that people know what he stands for, making it possible to carry a concealed weapon into a church—we had a horrible massacre in a Texas church—or into hospitals. Why do you need a gun in a hospital—explain that to me—a place of healing, a place of peaceful recuperation?

Why do you need a gun in a church? Why do you need a gun in a hospital? What about an amusement park where there are so many kids around? This makes no sense. He did it because the NRA wanted it done. We have to speak the truth here if we are worth anything.

I thank my friend for speaking the truth, for reading the names of those who died, and for bringing this issue day after day to the floor of the Senate. I will be by his side.

Mr. DURBIN. I thank the Senator from California. She has made a point, too, that I would like to follow up on. We have addressed this issue of the safety of American families, to make sure that we try to do everything that is reasonable to reduce gun violence.

There is also an issue of health not only related to gun violence but in a larger context. We have several measures that are pending on Capitol Hill that have been languishing for months: prescription drug benefits, which we support. We believe that under Medicare the elderly and the disabled should have a prescription drug benefit. To accomplish that, it is certainly going to involve bipartisan cooperation. But we have seen no leadership, none whatsoever, in this Congress.

What are they waiting for? We are now in the month of June. We are talking about resolving a lot of the major issues before our August recess for the conventions. In this short period of time, can we find the political will to address a prescription drug benefit?

Let me add another that has been languishing for months: the Patients' Bill of Rights, which basically says that each one of us, as individuals and members of a family, should be able to walk into a doctor's office and listen carefully to that medical professional, receive their diagnosis and their recommendation, and follow it and not be second-guessed by some insurance company.

I think that is so fundamental and so basic—that a woman who has an obstetrician following her pregnancy, who

wants to stay with the person in whom she has confidence, will not lose that right because her company decides to change its health insurance carrier; that someone who wants to be involved in a clinical trial of a new experimental drug for cancer, for example, that might save their life, cannot be denied that opportunity by a health insurance company; that our access to emergency rooms will not be denied because of the decisions of health insurance company clerks.

We had a vote on the floor of the Senate. Overwhelmingly, the American people support what I have said. We lost the vote but not because we did not have support for our position. Three hundred organizations supported the Democratic position on the Patients' Bill of Rights, every major medical group in America. The nurses supported our position. The doctors supported our position. Hospitals supported our position. Yet we lost because one special interest group on the other side prevailed—the insurance companies. They are the ones that are making the profit out of these decisions that take quality care away from families, which exalt the bottom line of profits, and ignore basic health care needs.

This miserable bill that passed out of the Senate is headed over to the House of Representatives. I am happy to report to you that a substantial number of House Republicans said they were not going to scrape and bow to the insurance industry; that they would stand with American families and medical professionals so we have rights, a Patients' Bill of Rights for America.

They passed a good bill, the Dingell-Norwood bill. JOHN DINGELL of Michigan is legendary here on Capitol Hill. Congressman CHARLIE NORWOOD is relatively new but is a Republican who has had the courage to stand up and say: I think it is only right to say no to the insurance companies and yes to American families on a Patients' Bill of Rights.

Let me read to you what Congressman NORWOOD said a few days ago about the situation that has occurred where the Senate passed the insurance industry bill and the House passed one that will help American families; and nothing has happened since. This is what he said on May 25:

I'm here today to say time's up on the conference committee. We've waited eight months for this committee to approve a compromise bill. Senate Republicans—

This is a Congressman who is a Republican who is saying this about his colleagues in the Senate:

Senate Republicans have yet to even offer a compromise liability proposal—they have only demanded that the House Conferees abandon their position.

He goes on to say:

If we don't get a bill, or at least a tentative agreement in writing by the week we come back from Memorial Day, we must move past the conference.

Congressman NORWOOD said:

Starting today, I am working as if that will be the case. I am willing to pass this measure through any means necessary.

I say congratulations to this Republican Congressman who is standing up to the Republican majority in the Senate, who is standing up to the insurance industry, who is standing with the Democrats and with American families. As on gun safety legislation, this health legislation, important to families across America, has been stalled and blockaded by the Senate Republican leadership. They do not want to even address the issues that families across America care about.

You step back and say: Why in the world do men and women run to be Members of this Senate if they are not willing to at least debate the major issues, if not pass legislation to help families? But time and time and time again, the Senate majority has blockaded, stopped, and stalled every effort to deal with issues of health and safety.

And those are not the only ones. As to an increase in the minimum wage, this is one of the most disgraceful things that has happened to Congress in the last 10 or 12 years. It used to be when it came time for an increase in the minimum wage—under President Reagan, for example, it was done with little fanfare and little debate. It was done on a bipartisan basis. We all believed that the men and women who got up and went to work every day in America for a basic minimum wage deserved an increase periodically to reflect the cost of living.

But the Republican-dominated Congress refuses to allow us to increase this minimum wage. And 350,000 people in my State of Illinois got up this morning and went to work for a minimum wage—\$5.15 an hour—with virtually no benefit protection.

I agree with Senator KENNEDY, Senator DASCHLE, and so many others, that we should increase this minimum wage as a matter of basic decency a dollar an hour—50 cents a year for 2 years—so people who are trying to keep their families together, trying to maintain their own standard of living, have a chance to do it with an increased minimum wage. Again, the Republican leadership in Congress refuses to let us bring up this issue of the minimum wage.

Time and time again—gun safety legislation, a prescription drug benefit under Medicare, a Patients' Bill of Rights to protect families when they have the most basic and fundamental concerns about their health, and a minimum wage—these issues have been stalled because the Republican leadership refuses to bring them up for a vote. They know the American people support it but there are special interest groups that oppose each and every one of them.

The National Rifle Association has told them: Put the bar on the door. We don't want any gun safety legislation. The insurance companies have told

them: We don't want a Patients' Bill of Rights. We are making a lot of money under the current system. We don't want the doctors and the nurses to make medical decisions. We want businesspeople to make them based on profits. The pharmaceutical industry has told them they don't want a prescription drug benefit to help the elderly and the disabled pay for drugs they need to survive. When it comes to the minimum wage, some people in the business community have said: We don't want to pay anything more than \$5.15 an hour. And we don't care what impact it has on the employees.

That is the state of play that reflects the values and reflects the choice the American people will have in this coming election as to whether they want to see the Republican majority continue in Congress and stop this basic legislation so important to every American family.

Mrs. BOXER. Will my friend yield on that point?

Mr. DURBIN. I am happy to yield.

Mrs. BOXER. Again, I thank my friend for connecting the dots. To those Americans who say there is no difference between the parties, there are no issues in this election, that it is a matter of who has the best smile, I say that is not what it is about.

It is about issues that impact millions and millions of Americans; 30,000 Americans die every year of gunshots. My friend pointed out that about 13 a day of those are children—children. The Democrats are saying we need sensible gun laws, and our Republican friends are saying we don't need anything, just hang it up in the conference committee and say a few words here and let's move on. We will not let that issue die, if you will, nor the Patients' Bill of Rights and prescription drugs. Again, it is about millions of people.

What always fascinates me is my friends on the Republican side—oh, they are tough on law and order. And I agree with them. I am as tough as they come. I will support the death penalty for heinous crimes. But when an HMO kills a patient because they won't approve the appropriate test—and I have seen it time and time again in my State, where tests for cancer were denied because they were expensive diagnostic tests, and HMOs wind up essentially killing a patient because they got treatment too late—they let them off the hook: We don't want the right to sue. Let these people just walk away with maybe a slap on their wrists.

Where is the outrage? Where is the outrage when people die because of medical malpractice or an HMO not willing to invest in our people?

Take the issue of minimum wage, where people are actually living in poverty. For goodness' sake, some in our military are on food stamps. Yet our friends on the other side will vote for luxury jets to ferry around the generals. I don't know where the shame is. I don't know where the outrage is. I can only say that this is where it is

today. It is reflected in the Presidential race, and it is reflected in the Senate races and in the congressional races.

I only ask the American people to wake up, regardless of what party they are in, because that doesn't matter to me. These are not partisan issues. These are issues of right and wrong. These are issues of fairness.

I really think my friend has connected the dots on several of these issues—the gun issue, the Patients' Bill of Rights, prescription drugs, minimum wage. What do these have in common? They are all issues that matter to America's families, the way we live, and the kind of life we have. They are crucial issues. No matter what happens in the Senate when the majority leader brings legislation forward—or doesn't—whether we do nothing or we do something, we are going to come home with these issues and talk about them, and we are going to organize around these issues. Otherwise, I don't think we deserve to be here if we are silent in the face of inaction.

I thank my friend again for taking this time and for engaging in this colloquy.

(Mr. ENZI assumed the chair.)

Mr. DURBIN. We have not only addressed the major legislative issues bottled up and stalled in this Republican Congress—gun safety legislation, Patients' Bill of Rights, prescription drug benefits, increasing the minimum wage. We should listen as well to the rhetoric coming from the Republican candidate for President, George W. Bush, who is suggesting a massive tax cut of over \$2 trillion over 9 years. He is also now suggesting a change in Social Security that will cost over \$800 billion over 9 years—\$2.8 trillion that he has suggested we spend over the next 9 years, when we are told by experts in Washington that the surplus we have to deal with is about \$800 billion. What the Presidential candidate on the Republican side is suggesting is that he wants to return to the era of deficit spending, where we will, over 9 years, go \$2 trillion more in debt.

We can all recall that when President Reagan was elected in 1980, we started on this course of action which led to increasing our national debt to over \$6 trillion. We had more debt accumulated during the Reagan-George Herbert Walker Bush years than we had in the entire previous history of the United States. Now to carry on this fine tradition, Gov. George W. Bush is suggesting we go back to deficit spending, \$2 trillion more in debt, to give tax breaks to wealthy people, to change Social Security in a risky way.

I think that is another fundamental issue. If we are going to deal with America's economy to keep it moving forward, if we are going to bring about the changes we need to make America a better place to live, we certainly don't need to return to deficit spending. I think that is a critical issue that affects everything we do on Capitol Hill.

Mrs. BOXER. Again, my friend raises a very crucial issue. I have the paperwork here, and my friend is right on target. George W. Bush's tax cut proposal is \$1.7 trillion from 2002 to 2010, and going to his privatized plan for Social Security will cost \$1 trillion. My friend said \$800 billion; it is \$1 trillion. The projected on-budget surplus, if the economy continues to do well—and you never can count on that, but we certainly hope so—is \$877 billion, which leaves a \$2.7 trillion deficit. We are going to go back into the bad days.

So not only are George W. Bush and the Republican Party not wanting to act and make life better by moving forward on the issues about which we talked—the gun issue, prescription drugs, the Patients' Bill of Rights, and the minimum wage. So not only won't they change for the good, they want to go back, and we are going to be facing these horrific deficits, a national debt that will start to soar again, the markets will react with high interest rates, and we will be back into the deepest trouble. We will be bailing ourselves out.

I have to say again that by looking at this entire choice we have in this election, it is very interesting. As I listen to my friend, I realize what we face. We face a situation where either we are going to go forward on certain issues but keep fiscal responsibility, or not move on crucial issues that are really life-and-death issues and go back to the days of horrible economic times.

We all remember when President Bush went to Japan and threw up his hands and said: What are we going to do? We are in deep trouble. Help us.

That was not a high point in American life. Now, with the Clinton-Gore team, we are leading the world, but we will only continue if we don't go back to those bad old days of deficits.

I thank my friend.

THE PRESIDING OFFICER. The Senator's time has expired. The next hour is under the control of the Senator from Wyoming.

The Senator from Wyoming is recognized.

#### THE SENATE'S AGENDA

Mr. THOMAS. Mr. President, we will go to the Senator from Minnesota shortly and then the Senator from Texas and then the Senator from Idaho. In the meantime, while they are coming, let me say I have briefly listened to my friends on the other side of the aisle, interestingly enough, complaining about not getting anywhere. Let me talk a little bit about that.

We have been here on the floor now for some time talking about the kinds of things people want to do in this country; for instance, education—elementary and secondary education. We had to pull that after a whole week of discussion and debate because our friends on the other side of the aisle didn't want to move forward. They wanted to bring up the same things