

and Democrats. We all worked, and appropriations bills didn't suffer. Appropriations bills were never sent to conference without prior action by this body. Every Senator in this body on both sides of the aisle was allowed to call up his amendment, to offer amendments, as many as he wanted to. Nobody was shut off. We just simply took the time. We stayed here and did the work.

Nobody can say to me, well, we don't have the time to do these bills. Mr. President, we have squandered the time. We have squandered the time already. I used to have bed check votes on Monday mornings at 10 o'clock, bed check votes so that the Senators would be here at 10 o'clock. It didn't go over well with some of the Senators, even on my side. But one leads or he doesn't lead. When one leads, he sometimes runs into opposition from his own side of the aisle. I was not unused to that. But nobody can stand here and tell me that we have fully utilized our time and that we have to avoid bringing bills up in the Senate because Senators will offer amendments to them. I am ready to debate that anytime.

I thank the distinguished Senator. I will yield again if he wishes.

Mr. CRAIG. I have one last question because you have got your ledger there, which is very valuable, making sure that statements are accurate, because I focused on 1987, the year of your majority leadership.

We talked about the bills. I think we confirmed one thing. The Congressional Quarterly Almanac also goes on to say that foreign ops, Agriculture, and Defense were never voted on on the floor and never debated, that they were incorporated in the omnibus bill. So, in fact, the practice you and I are frustrated by was incorporated that year into that large 13-bill omnibus process; is that accurate?

Mr. BYRD. This is accurate. During Senate consideration of the continuing resolution for fiscal year 1987, which contained full year funding for all 13 appropriations bills, more than 100 amendments were offered, debated, and disposed of.

Mr. CRAIG. But my question is: The individual foreign ops, Agriculture, and Defense bills were in fact not individually debated on the floor and amended?

Mr. BYRD. They were in the CR and therefore subject to amendment.

Mr. CRAIG. I see. But not individually brought to the floor? I understand what you are saying. I am not disputing what you are saying about incorporating them into a CR.

Mr. BYRD. The Senator—my distinguished friend from Idaho—misses the point. There may be CRs this year. There have been CRs before.

Mr. CRAIG. Yes.

Mr. BYRD. I have never denied that. The point is that the CRs were called up on the floor, they were debated, and they were amended freely. That is what I am talking about. The Senate had the

opportunity to work its will even if those bills, two or three, were included in the CR. That is the point. The Senate was able to work its will on the CR and to offer amendments and debate and have votes.

Mr. CRAIG. No, that is not the point.

If the Senator will yield, we are not in disagreement. We are not yet to the CR point. If we get there, I have not yet heard any leader on either side suggest that we not amend it. We hope they could be clean. We hope they could go to the President clean, without amendments.

But if we are going to incorporate in them entire appropriations bills that have not yet been debated—and that was my point here with bringing that up; they were in CRs but they were not brought to the floor individually and debated. There was an opportunity—you are not suggesting, you are saying—and it is true—that there was an opportunity at some point in the process for them to be amended.

Mr. BYRD. Yes.

Mr. CRAIG. Yes. We are not in disagreement.

Mr. BYRD. Except this: The Senator says we hope they can go to the President clean. I don't hope that.

Mr. CRAIG. Oh.

Mr. BYRD. No, indeed. Never have I hoped that. I would like to have seen a time when Senators didn't want to call up amendments. Maybe I could have gone home earlier. But I have never thought that was a possibility. And I wouldn't hope they would go to the President clean because I think Senators ought to have the opportunity to clean up the bills, to improve them. Surely they are not perfect when they come over from the other body, and Senators ought to be at liberty to call up amendments and improve that legislation. That is the legislative process. Let's improve it.

I thank my colleague.

Mr. CRAIG. I thank the Senator for yielding. You see, we do agree on some things but we also disagree on others. There we have a point of disagreement.

Mr. BYRD. The Senator ought not disagree with me on saying that Senators ought to have an opportunity to call up amendments and that we don't necessarily wish to see clean bills sent to the President. I didn't want to see a clean trade bill sent to the President.

Mr. CRAIG. If the Senator will yield just one last time?

Mr. BYRD. Yes.

Mr. CRAIG. If we are attempting to complete our work on a bill-by-bill basis and we extend our time to do that with a clean CR, simply extending the processes of Government and the financing of Government for another week or two while we debate individual bills—that is what I am suggesting.

If we are going to incorporate other bills, appropriations bills, in the CR, I am not objecting to amendments. I am saying that if we are going to deal with them individually on the floor, as you and I would wish we could and should,

then the CR that extends us the time to do so, in my opinion, should be clean in going to the President so he will not argue or attempt to veto something because we would stick an amendment on it with which he might disagree.

Mr. BYRD. I think we are ships going past one another in the dark, the Senator and I, on this. I am for having full debate, having Senators offer their amendments. Whether or not bills sent to the President are clean, to me, I think, is not a matter of great import. I think the framers contemplated that each House, the House in the beginning on revenue bills and then the Senate on revenue bills by amendment and the House and Senate on other bills, sometimes one House would go first, sometimes the other House would go first except on revenue bills, by practice, appropriations bills.

To me, in the legislative process, the people are getting their just rights, the people are getting what they are entitled to, and the Republic will flourish and the liberties of the people will endure if Senators have an opportunity to debate fully—disagree, agree, offer amendments, have them tabled, have them voted up or down. This Republic will be in a much safer position and in a much better condition if the Senate is allowed to be what the Senate was intended to be by the framers.

I hope the Senator will join with me in protecting this Senate and in doing so will protect the liberties of the people. Protect the Senate. Forget about party once in a while. George Washington warned us against factions and about parties. I have never been such a great party man myself, and the Senator will not find me criticizing the "other side" very often, or the "Republicans" very often. I can do that and have been known to do it, but there are other things more important, and the Senate is one of the other things that is more important. We are talking about the Senate. We are talking about the cornerstone of the Republic. As long as we have freedom to debate in the Senate and freedom to amend, the people's liberties will be secured. I thank the Senator.

Mr. CRAIG. I thank the Senator for yielding.

Mr. BYRD. I yield the floor.

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NATIONAL ENERGY SECURITY ACT—MOTION TO PROCEED—Resumed

The PRESIDING OFFICER. The question now pending is the motion to proceed to S. 2557.

The Senator from North Dakota.

SENATE SCHEDULE

Mr. DORGAN. Mr. President, I was listening to the discussion among my colleagues, Senator CRAIG, Senator BYRD, and Senator DASCHLE was here earlier. I thought it would be useful to discuss the concept that has been discussed. In the end, it does not matter

what is said one way or the other about who is at fault for this or for delaying that. The question people ask at the end of a legislative session is, Are things a little better in this country because those folks met and discussed things in the United States, what works, what does not, what we can do and cannot do?

If the answer to that is yes, none of this matters much. But the Senator from West Virginia, in responding to some discussions earlier by the Senator from Idaho, makes a very interesting point. I have not been here nearly as long as the Senator from West Virginia has been.

This is a calendar which shows this year, the year 2000. The red days on this calendar are the days the Senate was not in session. We will see the Senate was not in session a fair part of the year. In fact, another chart will show the number of days we have been in session. It is now the end of September, and we have been in session 115 days out of all of this year. Of those 115 days we were in session, on 34 of them, there were no votes at all. So we have been in session 115 days, but on 34 of those days, there have been no votes.

There have been only two Mondays in this entire year in which the Senate has voted, and if I may continue with this chart presentation, there have been only six Fridays in all of this year on which the Senate has voted. Out of 13 appropriations bills, only two have been signed into law by the President. In the month of September, when we must try to finish the remaining 11 appropriations bills, we have not had any votes on Mondays, except for possibly today if we have a vote later today. And there have been no votes on Fridays in the month of September.

I thought it would be useful to describe what is going on here. Let me read this statement from my friend and colleague, the Senate majority leader, earlier in the year. He said:

We were out of town two months and our approval rating went up 11 points. I think I've got this thing figured out.

I know Senator LOTT wants this place to work and work well. I mentioned the other day to Senator LOTT that there is a television commercial about these grizzled, leather-faced cowboys on horseback herding cats. It is actually a funny commercial because they even get those cats in a river and try to move them across the river. These big cowboys with these leather coats, the big dusters they wear for storms, are holding these little stray cats.

I said to the Senate majority leader: That reminds me a little perhaps of the job you and others have of keeping things moving around here.

The Senator from West Virginia makes a very important point, and I want to outline it. We have had plenty of time to get to work to pass this legislation. We just have not been in session in the Senate much of the year. Frankly, most people run for the privi-

lege of serving in the Senate because they have an agenda, too, and they want to offer amendments. They want to offer ideas that come from their constituencies that say: Here is what we think should be done to improve life in this country; here is what we think should be done to deal with education, health care, crime, and a whole range of issues.

When there are circumstances like we have seen this year where legislation does not even, in some cases, come to the floor of the Senate, but instead goes right to conference, it says to Senators: You have no right to offer any amendments. That does not make sense.

The reason I came over, I say to the Senator from West Virginia, is that I heard the discussion by my colleague from Idaho saying Senator DASCHLE is to blame for all of this. Nonsense. Winston Churchill used to say the greatest thrill in the world is to be shot at and missed. The Senator from Idaho has just given all of us a thrill. But Senator DASCHLE is at fault?

Senator DASCHLE does not schedule this Senate. We are not in charge. I wish we were, but we are not in charge. We are the minority party, not the majority party. I hope that will change very soon.

What Senator DASCHLE said is clear. In fact, he said it again last week: If I had been majority leader, and I am not, today would be a day in which we take up an appropriations bill and we would be in session until we finish that bill and everybody has a chance to offer amendments. If it takes 24 hours, then we will not get a lot of sleep, but we will finish that bill.

Senator DASCHLE said: My preference is to take these bills up individually. I would be willing to do an appropriations bill a day—long days, sure; tough days, absolutely. But he said let's do them. Bring them to the floor. Open them up for amendment. Let's have debates, offer amendments, and then let's vote. Democracy, after all, is about voting. It is not always convenient.

The Senator from West Virginia had a reputation for not always making it very convenient for people because he has insisted that appropriations bills be brought to the Senate floor and that they be debated fully and that everybody have the opportunity to bring their amendments to the floor of the Senate, have a debate, and then have a vote.

Again, sometimes that is difficult. People want to be here and there and everywhere else on Fridays and Mondays and parts of the week. But the fact is, we are now in September, towards the end of the month, and 11 of the 13 appropriations bills are not yet signed. I am a conferee on at least two of them for which no conference has been held.

I might mention to the Senator from West Virginia, I think perhaps you were referring earlier to the Agriculture appropriations bill. The House

passed it July 11. The Senate passed it July 20. I am a conferee. There has been no conference. The House has not even appointed its conferees. In today's edition of the CQ Daily Monitor, one of my colleagues is quoted as saying that "aides" have worked out a compromise in the Agriculture spending conference report, and it will come to the floor on Wednesday.

Now, that is a surprise to those of us who are supposed to be conferees. This is a bill on which there has been no conference, and someone in the majority party is saying aides have worked this all out, and it is going to come to the floor of the Senate on Wednesday. Boy, I tell you, this system is flat out broken. That is not the way this system ought to work. Aides do the work without a conference?

Mr. BYRD. Will the Senator yield?

Mr. DORGAN. I am happy to yield.

Mr. BYRD. The Senator is precisely correct. The system is not operating as it was intended to operate. We are improving it as we go along. We are changing it all the time. The Senate is changing. And I regret to say that.

I simply want to thank the Senator for using the charts. They are very persuasive. They tell the story. They tell it concisely.

I also thank the Senator for standing up for the Senate and the true system. The Appropriations Committee was created in 1867. So for 133 years we have had this system. The Appropriations Committee was very small in the beginning. I think it was made up of only five members.

The system is being changed by Senators who have come here, most of them, from the other body. They don't know how the Senate is supposed to work. They never saw it operate under the rules. It is being run mostly by unanimous consent now, not by the rules. For example, we never have calendar Mondays here anymore. We ought to try that just once in a while to keep the system—the real system—alive.

I thank the Senator for his timely comments.

Mr. DORGAN. I appreciate the comments of the Senator from West Virginia as well. It should never, ever be considered old-fashioned to have the Senate work in a manner in which it was intended to work; that is, to have debates and to have votes. That is not old-fashioned. That is a timeless truth about how democracy ought to work.

A timeless truth here is that we will get the best for the American people by soliciting all of the best ideas that come from every corner of this Chamber. Those ideas come from every corner of our country. People come here not for their own sake; they come to represent the people of West Virginia and Maine and California and my State of North Dakota. The development of all of those ideas—through debate, through the offering of amendments, and so on—represents what I think can contribute best to America's well-being.

There are so many things that I wanted to do this year that we are not doing. There is so little time left. We have a farm program that does not work. Families out on the land—family farmers are the best in America—are just struggling mightily. The farm program does not work. It ought to be repealed and replaced with one that does. That is not rocket science. Europe does it. We can do it.

A Patients' Bill of Rights: We debated that forever. We ought to pass that. A prescription drug benefit in the Medicare program: We know we should do that and do it soon. Fixing the education system: Again, we know what needs to be done there. There is a whole series of things we ought to be doing that have not been done this year, let alone most of the appropriations bills, which we should pass.

Mr. BYRD. Mr. President, would the Senator yield?

Mr. DORGAN. Of course, I yield.

Mr. BYRD. Mr. President, I am constrained to say, as I have said before, that the fault is not all on one side. And I have complained about this to my own caucus. Too many times, on this side of the aisle, we have called up the same old amendment over and over and over again. I have said this in my own caucus, and I have said this before to my colleagues. So we are at fault to an extent in that regard. That is not to say a Senator does not have the right to call up an amendment. He has the right to call up his amendment as many times as he wishes. But I see no point in beating a dead horse over and over and over. That is something I think we, on our own side, should talk about and try to avoid.

Now, there are occasions when, for one reason or another, perhaps a Senator is absent or a supporter of a given amendment may be away for a funeral or something else, and the amendment may be called up, and it loses. Then I think there is real justification for calling up that amendment again on a future date.

But there are times here when it seems to me my own side is only interested in sending a "message." We want to send "messages." This is alright up to a point. I have kind of grown tired of just sending "messages."

For example, nobody has supported campaign financing longer than I have in this Senate. As a matter of fact, I offered a campaign financing bill with former Senator David Boren in this Senate in the 100th Congress. Now, I offered cloture on that bill eight times. No other majority leader has ever offered cloture on the same bill eight times. But I was disappointed eight times because only four or five Members of the Republican Party ever joined the Democrats in supporting that campaign financing bill. So we tried and we tried again.

I think we send too many "messages" on this side of the aisle. I can understand the majority leader, in trying to avoid this repetition of having

to vote on the same old amendment—and they are political amendments—has attempted to bypass the Senate by not calling up bills.

Many authorization bills—if one will take a look at this calendar, look at the bills on this calendar. If the Senator will look at the bills on this calendar, we have a calendar that is 71 pages in length. Some of those probably are authorization bills. They are not called up. So, Senators all too often only have appropriations bills to use as vehicles for amendments which they otherwise would call up if the authorization bills were on the calendar and were called up.

The authorizing committees need to do their work. They need to get the bills out on the calendars. And then, when the bills are on the calendar, if they are not called up, Senators are going to resort to calling up amendments on appropriations bills. So there is enough fault and enough blame here to go around.

But I think the greatest danger of all is for the Senate to be relegated to a position in which it cannot be effective in carrying out the intentions of the framers. And that can best be done by not calling up appropriations bills, sending them directly to conference, and preventing Senators from carrying out the wishes of their constituents, by not allowing Senators to debate and call up amendments.

I thank the distinguished Senator. He has taken the floor on several occasions to mention this and to call our attention to it. I thank him.

(Ms. COLLINS assumed the chair.)

Mr. DORGAN. Madam President, the Senator from West Virginia will recall that he told me a story some long while ago about this desk that I occupy in the Senate. This desk, as do all of these desks, has an interesting history. This desk was the desk of former Senator Robert La Follette from Wisconsin. It was Senator BYRD who informed me of something that happened 91 years ago, I believe, in late May in the year 1909.

Senator La Follette was standing at this desk—this desk may not have been in this exact spot, but it was this desk—involved in a filibuster.

During those days, this Senate had a lot of aggressive, robust debates. Senator La Follette was a very forceful man with strong feelings, and he stood at this desk engaged in a filibuster. As the story goes, apparently someone sent up a glass of eggnog for him to sip on during the filibuster. He brought that glass of eggnog to his lips and drank then spat and began to scream that he had been poisoned. He thought he had tasted poison in this glass of eggnog. The glass was sent away—I believe this was in 1909—to have it evaluated. They discovered someone had, in fact, put poison in his drink. They never found the culprit.

I think of stories such as this one about this Chamber, what a wonderful tradition in the Senate of people who

feel so strongly. We should not diminish the role of the Senate as the place of great debates.

I served in the House. It is a wonderful institution. There are 435 Members. There they package their debates through the Rules Committee. They say: You get 1 minute, you get 2 minutes, you get 5 minutes. We will entertain these 10 amendments, and that is all. And if you are not on the list, you are not there. That is the way the House works because that is the only way it could work with 435 Members. But the Senate was never designed to work that way. It was never intended to work that way. The Senate was to be the center of the great debates, debates that are unfettered by time, unfettered by restriction. Is that in some ways inefficient? Yes. Is it cumbersome, sometimes inconvenient? Sure. It is all of that. But it is also the hallmark of the center of democracy. We ought not ever dilute that, nor should we ever dilute the opportunity of every single person who comes to sit and at times stand in the Senate to represent his or her constituents to make the strongest case they can make on whatever the issue is that day.

Mr. BYRD. Madam President, will the Senator yield?

Mr. DORGAN. I am happy to yield.

Mr. BYRD. Speaking of the old days, I sat in that presiding chair up there on one occasion 22 hours. I sat there 22 hours, through a night of debate on civil rights legislation, when I first came here. It fell to my lot to have that as a chore, as it falls to the lot of newer Senators. I sat there 22 hours.

I can remember the civil rights debate of 1964. I hope my memory is not playing tricks on me. One hundred sixteen days elapsed between the day that Mr. Mansfield motioned up that bill and the day that we cast the final vote on that bill, 116 days. We were on the motion to proceed for 2 weeks. I believe the Senate spent 58 days, including 6 Saturdays and, it seems to me, 1 Sunday—the Parliamentarian will remember this—but 6 Saturdays, get me now, in debating the Civil Rights Act of 1964.

I voted against the act. I was the only Northern Democrat who voted against it. I was the only northern Democrat who voted against cloture. And the only other Democrats who voted against cloture were Alan Bible of Nevada—and I am talking about Senators outside the South—and perhaps Senator Hayden of Arizona. We spent six Saturdays. We didn't go home on Saturdays. We stayed here and we voted. I forget how many rollcall votes we cast. Even following the cloture, we were on that bill, I believe, 10 days or so, on the bill even after cloture was invoked but we stayed here and did the work.

Had Everett Dirksen, the Republican leader, not voted for cloture and led some of the Senators on the other side to vote for cloture, had that Republican leader not worked with Mr. Mansfield and Hubert Humphrey in those

days to pass an important act, that act would not have passed. Cloture would never have been invoked on that act, if Everett Dirksen, the leader on the other side, and some of the Senators who went with him, had they not decided to vote for cloture and vote for the bill. That was teamwork. That was cooperation. That was stick-to-it-iveness. That was the Senate at its best.

I spoke against that bill. I spoke 14 hours 13 minutes against that bill. If I had it to do over again, I would vote for it. But I was just out of law school. I thought I knew a lot about constitutional law. And there were some great constitutional lawyers here then. Sam Ervin was here, Lister Hill, John Sparkman, Richard Russell, Russell Long; these were men who had been in this chamber for a long time. They didn't come to the Senate in order to use it as a stepping stone in a lateral move to the Presidency. They came here to be Senators. But the Senate argued. It debated. It amended. It took whatever time was necessary, and the Senate spoke its will. That is what we don't have these days. We don't have that these days.

I thank the Senator for the service he is performing.

Mr. DORGAN. Madam President, let me try to summarize what brought me to the floor.

A colleague arrived on the Senate floor and said the reason we are in the circumstance in which, at nearly the end of a legislative session and only 2 of 13 appropriations bills have been completed by the Congress, and not much of the major legislation we had hopes for in the 106th Congress has been passed, is that Senator DASCHLE is stalling, causing problems, is just not going to wash.

It is sheer nonsense to suggest somehow that the minority leader of the Senate is determining the schedule of the Senate. There are times when one has to be repetitious in the Senate.

Let me give an example: increasing the minimum wage. When it comes time for increasing the tax benefits for the highest income groups in America, we have people rushing to the floor, standing up and talking about tax cuts. Good for them. If you happen to be in the top one-tenth of 1 percent of the income earners, there are people here coming to the floor of the Senate saying: Let's give you a big tax cut. They won't call it that. They will say it is for the little guy. But just unwrap the package and see what is there.

If you are in the top one-tenth of 1 percent of the income earners, good for you. You have great representation in the Senate. At least on a half dozen occasions this year, you had people coming over to vote for big tax cuts for you.

But what if you are at the bottom of the economic ladder? What if you are a single mother, working the midnight shift for the minimum wage, trying to make ends meet, trying to pay the

rent, trying to buy food and see if there is any way you can scratch out money to have health insurance for your children? What about you? Who is rushing to the Senate floor to say perhaps we ought to provide a small increase in the minimum wage?

An increase in the minimum wage doesn't happen very often. Time and time again, we have tried to address the needs by increasing the minimum wage. It hasn't gotten done. We are near the end of the session. Is it repetitious to bring it back up? You bet it is. But some of us intend to be repetitious when it means standing up for the rights of the people at the bottom of the economic ladder who are working hard but who are losing ground because the cost of living is going up and their wages are not.

How about the issue of trying to keep guns out of the hands of criminals? Let me describe that problem in this session of the Congress. Most everybody agrees—certainly the law requires—that we prevent criminals from having access to guns. If you have been convicted of a felony, you don't have a right to own a gun. The second amendment doesn't apply to you, but it applies to law-abiding citizens. Criminals have no right to have a gun.

The NRA and virtually everybody else has agreed that we ought to have an instant check system where, if somebody wants to buy a gun, there name will be run through a computer check to see if this person is a convicted felon. If in running this check you discover the person has previously been convicted of a felony, that person has no right to a gun. At every gun store in this country, when you go in to buy a gun, that happens.

Everybody supports that—the National Rifle Association, Republicans, and Democrats; everybody supports that. But there is a loophole. If you don't go to a gun store but instead go to a Saturday gun show, there is no requirement when you purchase a gun at that Saturday gun show that they run your name through an instant check.

A fair number of guns are passing from one hand to another on Saturdays and Sundays at gun shows with no determination of whether the person buying the gun is a felon. So we in the Congress pass a provision that closes that gun show loophole. Is it erratic? Not at all. It is very simple, common sense. It says no matter where you buy a gun, a gun store or a gun show, your name has to be run through an instant check to determine whether you are a convicted felon. If you are not, you can buy the gun. If you are a convicted criminal, you can't because you don't have a right to a gun. That bill passed the Senate by one vote. It went into a piece of legislation and went to conference and never came back out.

A week or so ago, an appropriations subcommittee was considering legislation that would have allowed the introduction of an amendment to close that loophole once again because that provi-

sion is on a bill that apparently is not going to move in this session. This would have provided an opportunity to offer an amendment to close the gun show loophole. Instead of allowing that, guess what? They took that appropriations subcommittee bill and moved it directly to conference. It never came to the floor of the Senate. Those who would have offered the amendment to close the loophole were never offered the opportunity to do that. That is not the regular process in the Senate, not the way things ought to be done.

So there are reasons to insist on some of these issues from time to time. We wish, for example, that on many of these days when we weren't in session, we would have been in session. Perhaps we would have finished most of the appropriations bills. Perhaps we would have been able to reach agreement on issues such as education.

We have had a fairly significant debate, over many months in the 106th Congress, on the issue of education. We know that smaller class size means better instruction and better education. We know that 1 teacher with 30 students is less able to teach those students than 1 teacher with 15 students. So we have a proposal to help in that regard by helping school districts and States have the resources to hire more teachers. Yet we are not able to get that completed because there is controversy in this Congress about that issue.

There are also schools in this country that are crumbling. Anybody who visits any number of schools will recognize that there are a lot of schools in this country that were built after the Second World War when the folks came back from that war and got married and had families. They built schools in a prodigious quantity all across the country. School after school was built in the fifties, and now many of those schools are 50 years old and in desperate need of repair.

Every Republican and Democrat, man or woman, ought to understand that when we send a kid through a schoolroom door, as I have described Rosie Two Bears going through a third grade door the day I was visiting her school, we ought to have some pride in that school, some understanding that every young "Rosie" who is walking through the school doors is walking into a classroom that is the best we can provide, that will offer that child the best opportunity for an education we can offer that child.

But I have been to schools where 150 kids have 1 water fountain and 2 toilets. I have been to schools where kids are sitting at desks 1 inch apart, and there is no opportunity to plug in computers and get to the Internet because the school is partially condemned and they don't have access to that technology; they don't have a football field, a track, or physical education facilities. I have been to those schools. We can do better than that. There are

ways for us to help school districts modernize, rehabilitate, and rebuild some of those schools, and proposals to do that have largely fallen on deaf ears in this Congress.

Prescription drugs: We know what we should do on that issue. We know lifesaving drugs only save lives if you can afford to access those drugs. The current Medicare program doesn't provide a prescription drug benefit. 12 percent of our population are senior citizens and they consume one-third of all the prescription drugs. The cost of prescription drugs increased 16 percent last year alone. It is hard when you go to the homes of older Americans or go to meetings and have them come talk to you about the price of prescription drugs and see their eyes fill with tears and their chins begin to quiver as they talk about having diabetes, heart troubles, and other problems. They say they have been to the doctor and the doctor prescribed drugs, but they can't afford them. They ask, "What shall we do?" It happens all across the country all the time. We know we should add a prescription drug benefit to the Medicare program.

The Patients' Bill of Rights: If any issue ought to be just a slam dunk, it is this issue. Yet we are at the end of this session and can't pass a real Patients' Bill of Rights. The House passed one; it was bipartisan. And then the Senate passed a "patients' bill of goods"—well, they don't call it that, but that is what it is. It is just an empty vessel to say they have done something.

We should pass the Patients' Bill of Rights and make sure that in doctors' offices and in hospital rooms across this country, medical care is administered by the doctors and by skilled medical personnel.

I won't recite all the stories. One is sufficient to make the point.

A woman fell off a cliff in the Shenandoah mountains and was in a coma. She had multiple broken bones. She was taken to an emergency room on a gurney and unconscious. She was treated and eventually recovered. Her managed care organization said it would not pay for her emergency care because she didn't have prior approval to visit the emergency room. This is a person hauled in on a gurney, unconscious, and she was told she needed prior approval in order to have the emergency room treatment covered by her managed care organization. Examples of that sort of treatment go on and on and on.

Patients should have a right to know all of their medical options, not just the cheapest. Patients ought to have a right to get emergency room treatment during emergencies. A patient ought to be able to continue treatment with the same oncologist. If a woman is being treated for breast cancer and her spouse has an employer who changes health care plans, she ought to be able to continue treatment with the same cancer specialist she had been working

with for 3 or 5 years. Those are basic rights, in my judgment, which are embodied in the Patients' Bill of Rights. It is so simple and so straightforward and so compelling. Yet this Congress has not been able to get it done.

The list goes on. Agriculture sanctions: We have sanctions prohibiting food shipments to so many countries—about a half dozen around the world. We have economic sanctions against them, and those sanctions include a sanction on the shipment of food. President Clinton has relaxed that some; he is the first President to do so, and good for him. But he can't relax it, for example, with respect to Cuba. That is a legislative sanction, and we have to repeal it.

We ought not to use food as a weapon in the world. There should be no more sanctions on food shipments anywhere. The same ought to be true with medicine. The Senate has spoken on that by 70 votes. We said let's stop it. We are too big and too good a country to use food as a weapon. We try to hit Saddam Hussein and Fidel Castro and we end up hitting poor, sick, hungry people. It ought to stop. Yet we are near the end of this session and we don't seem to be able to do that.

It does not wash for anyone to come to this Chamber and say the problem is the minority party. That is nonsense. The problem is we haven't been in session a majority of this year. These red dates are the dates in which we have not been in session. The problem is we have people who do not want to schedule debate on the floor of the Senate on amendments because they do not want to cast votes on those amendments. We ought to change that. Let's decide whatever the amendments are and whatever the policy is and debate it and vote and whoever has the votes wins. In a democracy, you don't weigh votes. You count votes. Whoever ends up with the most votes at the end wins. That, again, is not rocket science. But that is the way democracy ought to work.

We have not been in session most of the year, and now we have people coming out suggesting that somehow the minority leader is responsible for the problems of scheduling in this session. It just does not wash. It is just not so.

I hope perhaps in the coming 2 weeks that remain in this 106th Congress that we will have some burst of energy, some burst of creativity, and perhaps some industrial strength vitamin B-12 administered to the entire Congress as a whole that would make us decide to do the things we know need doing.

As I indicated when I started, at the end of the day, the American people do not care much about who offered amendments and who didn't, and who brought legislation to the floor trying to shut debate off and who didn't. They are interested at the end of the day in whether this 106th Congress met and made much of a difference in their lives and in their families' lives. What people care about is the things they

talk about around the supper table: Are my kids going to a good school? If not, what can I do about that? Do I have a good job that has some job security? Do I have a decent income? Am I able to believe that my parents and grandparents will have access to good health care? Do I live in a neighborhood that is safe?

All of these are issues that affect American families. All of these are issues that we are working on. And, regrettably, in the 106th Congress we are not working on them in a very effective way because we have not been meeting most of the year.

On those critical issues—health care, education, economic security, and a range of other issues—the things that will most affect working families in this country are things that this Congress is not inclined to want to work on, or are not inclined to want to pass. It would be one thing if we couldn't pass legislation addressing these issues because we had votes on these matters and we lost. But often we discover there are other ways to kill something by denying the opportunity to bring up the amendment for a vote.

It is interesting. In this Congress, we have had something pretty unusual. We have actually had legislation brought to the floor of the Senate and then cloture motions are filed to shut debate off before the debate even begins. We have had legislation brought to the floor of the Senate with cloture motions designed to shut amendments off before the first amendment was offered.

You wonder: How does that work? How does that comport with what the tradition of the Senate should be as a great debating society on which we take on all of the issues and hear all of the viewpoints and then have a vote about the direction in which we think this country should be moving?

When I came to the Congress some years ago, one of the older Members of Congress was Claude Pepper, who was then in his eighties—a wonderful Congressman from Florida. He used to talk about the miracle in the U.S. Constitution—the miracle that says every even-numbered year the American people grab the steering wheel and decide which way they want to nudge this country. That is how he described the process of voting. That is the power that the American people have. The American people choose who comes to this Chamber. The rules of this Chamber provide that we do the same as the American people. We take their hopes and we take their aspirations and their thoughts for a better life and we offer them here in terms of public policy. Then we are supposed to vote. That is the bedrock notion of how you conduct democracy.

Yet we are all too often getting in this rut of deciding that we don't have time; we don't want to have a vote on this; we want to sidetrack that; we want to hijack this.

That is not the way the Senate ought to work.

Again, I didn't intend to come to the floor this afternoon, but nor did I want to sit and listen to debate which suggests that the minority leader, or the Democratic caucus, or anybody else for that matter, is at fault for what is taking place.

As the Senator from West Virginia indicated, there is perhaps sufficient blame to go around. I don't disagree with that. But I also know that we didn't win the election. I wish we had. We don't control the Senate. I wish we did.

But between now and the date we finish in this session of Congress, let me encourage those who make schedules around here to heed the words of the minority leader, Senator DASCHLE. If we have a fair number of appropriations bills remaining and people are worrying about whether we are going to get them done, then what Senator DASCHLE suggests, and I firmly support, is to do one appropriations bill a day. Bring up a bill today. It is Monday. It is 3:30. Let's bring a bill up and debate it and stay here until it is done. That is a sure way of getting the bills done. It is a sure way of providing everybody with an opportunity to be heard. It is also a way perhaps to get the votes on the issues I described that I think this Congress ought to be doing.

I assume we will have an interesting debate in the coming days. I hope Congress will be able to finish its work in the next 2 or 3 weeks. I hope that when we finish our work Democrats and Republicans can together say at the conclusion of the 106th Congress that we have done something good for America. But that will not happen unless things change, and unless we take a different tact in the next 3 weeks. There is a list of about 8 or 10 pieces that we ought to do. Bring them to the floor. Let's get them done, and then let's adjourn sine die feeling we have done something good for our country.

I yield the floor.

The PRESIDING OFFICER. In my capacity as a Senator from Maine, I suggest the absence of a quorum, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SMITH of New Hampshire. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

WATER RESOURCES DEVELOPMENT ACT OF 2000

Mr. SMITH of New Hampshire. Madam President, what is the pending business before the Senate?

The PRESIDING OFFICER. Under the previous order, the hour of 3:50 p.m. having arrived, the Senate will resume consideration of S. 2796, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2796) to provide for the conservation and development of water and related

resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and other purposes.

The PRESIDING OFFICER. There will now be 1 hour for closing remarks.

Mr. SMITH of New Hampshire. Madam President, I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Madam President, this is the first major piece of environmental legislation debated on the floor since I assumed the chairmanship of this committee nearly 1 year ago. I am proud to bring the Water Resources Development Act before the Senate, of which a major portion is the Everglades which I will talk about in a moment.

This is a good bill. I am very proud of it. It is fiscally responsible. At the same time, it recognizes our obligation to preserve one of the most important and endangered ecosystems in the Nation, if not the world—America's Everglades.

This bill gets us back on track toward regular biennial Water Resources Development Act bills. The committee produced a so-called WRDA bill last year, but that bill was 1 year late.

I am proud of the WRDA portion of this bill. This is not a bill that includes numerous unnecessary projects. The committee established some tough criteria on which we worked very closely. We evaluated the old criteria and put in new criteria. We scrupulously followed this criteria in an effort to not let projects make their way into this bill that did not belong there.

As I noted in my opening statement a few days ago, the committee received requests to authorize more than 300 new projects. By holding firm on our criteria in this WRDA bill, we only authorized 23 new projects. We authorize 40 feasibility studies, and the bill contains 65 project-related provisions or modifications that affect existing projects.

I remain very concerned about clearing the backlog of previously authorized projects that will not or should not be constructed. Along with Senator VOINOVICH, we are working very hard to clear that backlog. Called the deauthorization process, this will be an element of the committee's efforts to reform the Corps and to get those projects deauthorized that should not be there.

This bill tightens that process by shortening the length of time that an authorized project can stay on the books without actual funding. It is not the full answer, but it is a good answer, and it is a good beginning.

During floor consideration of the bill last week, we accepted an amendment that requires the National Academy of Sciences to perform two studies relating to independent peer review of the analyses performed by the Corps of Engineers.

I would like to make a few points about that amendment because it was

a very important amendment. We certainly have read a lot about Corps reform in the local newspapers, specifically the Washington Post, over the last few months. The stories raised very legitimate issues about the economic modeling used to justify some of these water resources projects.

However, it is important to understand that a series of articles in a newspaper is no substitute for careful consideration of the facts and of the issues by the Congress. We have the oversight responsibility for the Army Corps, not the Washington Post.

Some Senators, such as Senator FEINGOLD, have proposed reforms that focus on one element in the Corps reform—whether or not to impose a requirement that the feasibility reports for certain water resources projects be subject to peer review. Others, such as Senator DASCHLE, introduced more comprehensive bills that would examine a number of the Corps reform issues, including peer review.

The committee needs more information before we can proceed with any bill that would impose peer review on the lengthy project development process that is already in place. We need to know the benefits of peer review and its impacts before starting down that road.

Senator BAUCUS and I are committed to examining this issue and other issues related to the operation and management of the Corps of Engineers next year. This will include hearings on Corps reform.

The hearings will take comments on the NAS study—the National Academy of Sciences study—the bills that have been introduced, as well as the issue in general.

I was very encouraged that the nominee to be the next Chief of Engineers, General Flowers, is receptive to working with the Congress on a wide range of reform-related issues.

I want to speak specifically about one major element in this legislation, the Everglades. There is an important element that separates this WRDA bill from all others, something that makes this WRDA truly historic. This WRDA bill includes our landmark Everglades bill, S. 2797, the Restoring of the Everglades, an American Legacy Act, very carefully named because it is an American legacy. We do have to restore it. That is what we have done. We have begun the process.

So many have asked—especially some of my conservative friends—why should the Federal Government, why should this Congress take on this long-term expensive effort? The answers really are not that difficult, if you look at them.

First, the Everglades is in real trouble, deep trouble. We could lose what is left of the Everglades in this very generation.

Secondly, the Federal Government, despite the best of intentions, is largely responsible for the damage that was done to the Everglades. The Congress